

**APPROVED**

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**June 2, 2011**

**AGENDA & MINUTES**

- |  | <b>Page #</b> |  |
|--|---------------|--|
| <b>1) Robert Hope – Request for Driveway Waiver</b>                    | 2 – 6         | Driveway Waiver Approved.<br>Negative SEQRA Determination Granted.   |
| <b>2) Patterson Library – Wetlands/Watercourse Permit Application</b>  | 6 – 10        | Requirement for Public Hearing waived.<br>Negative SEQRA Determination Granted.<br>Wetlands/Watercourse Permit Granted.            |
| <b>3) Matthew Castellano – Wetlands/Watercourse Permit Application</b> | 10 – 11       | Applicant did not appear.<br>E.C.I. to meeting Applicant on Site.  |
| <b>4) Centrum Properties – Wetlands/Watercourse Permit Application</b> | 11 – 16       | Public Hearing Scheduled for July 7, 2011.<br>Discussion of pipe in stream, potential site violations.                             |
| <b>5) Other Business</b>   |               |  |
| <b>a. Levine Fill Permit</b>   | 16 – 20       | Recommendation to Send Appearance Ticket to Neighboring Property Owner.<br>Discussion of Town Planner’s Site Walk with PCHD & DEC. |
| <b>b. Local Law – Bonds</b>  | 20 – 21       | Bonds not drafted for review.  |
| <b>c. Stilwell Wetlands/Watercourse Application</b>                    | 21 – 23       | Discussion of the need for a DEC dam permit and work to be done.   |
| <b>d. Alpine Site Plan</b>   | 23 – 27       | Motion for Vinyl Siding Granted.   |
| <b>6) Minutes</b>  | 29 – 30       | April 28 <sup>th</sup> and May 5 <sup>th</sup> Approved.   |
| <b>Discussion of J. Reilly Farm to Market Site</b>                     | 27 – 29       | Discussion of Submission and Submission Requirements.  |
| <b>Thunder Ridge Discussion</b>  | 30 – 37       | Discussion of project with 4 members of the public.  |

**PLANNING DEPARTMENT**

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

Michelle Russo  
Sarah Wagar  
*Secretary*

Richard Williams  
*Town Planner*

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



**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Planning Board  
June 2, 2011 Meeting Minutes**

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

**ZONING BOARD OF APPEALS**

Lars Olenius, Chairman  
Howard Buzzutto, Vice Chairman  
Mary Bodor  
Marianne Burdick  
Gerald Herbst

**PLANNING BOARD**

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

**APPROVED**

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

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

The meeting was called to order at 7:03 p.m.

There were approximately 4 members of the audience.

Michelle Russo was the Secretary and transcribed the following minutes.

Chairman Rogan stated wow that was well said, thank you folks.

Board Member McNulty stated we could make HUD.

Chairman Rogan stated that was probably the best we've had.

Board Member McNulty stated you ever hear that.

Board Member Montesano stated we get to be on the radio next.

Chairman Rogan stated we have our agenda but before we get into the agenda if I can just embarrass someone for a moment, I wanted to take this opportunity, I was notified in the last few days that Tim Curtiss will no longer be our counsel as of next month and I just wanted to thank Tim for his guidance and all of the hard work you have helped the Board with over the last few years, it has been a pleasure...

Tim Curtiss stated well thank you, it has been a pleasure for me as well.

Chairman Rogan stated and wanted to ask for you to join in a round of applause for Tim Curtiss.

Applause ensues.

Board Member McNulty stated well done Shawn.

Chairman Rogan stated okay, thank you Tim, we really appreciate your help.

Tim Curtiss stated well it has been a pleasure to serve with you guys.

Chairman Rogan stated appreciate it and we hope to see you in the near future.

Tim Curtiss stated you may, you may.

Andrew Fetherston stated on the other side.

Chairman Rogan stated on the other side.

Board Member Montesano stated that could never happen.

Chairman Rogan stated okay first up we have...

Tim Curtiss stated no, never happen.

**1) ROBERT HOPE – Request for Driveway Waiver  
11 Gordon Road**

Mr. Robert Hope was present.

Chairman Rogan stated first up we have Robert Hope, request for a driveway waiver, is Mr. Hope here.

Mr. Hope stated yes.

Chairman Rogan stated sir could you please come up to the microphone, we won't embarrass you like we did Mr. Curtiss.

Mr. Hope stated all right, no problem.

Chairman Rogan stated can you state your name for the record please.

Mr. Hope stated Robert Hope.

Chairman Rogan stated okay Mr. Hope you have an application for a driveway waiver, I understand you have a Unilock type product on your, is it Unilock...

Mr. Hope stated no, I've got a Unilock wall but right now my driveway is item four.

Chairman Rogan stated so you would like to use Unilock...

Mr. Hope stated and I would like to Unilock.

Chairman Rogan stated okay.

Mr. Hope stated my wife wanted to put blacktop down years ago but it would be a mistake because the property is, I've got three neighbors, above my driveway and the property is considerably higher, it starts at about three feet higher and goes to about eight foot higher and the water pours down on to my driveway and I lose half of my driveway, I put actually a speed bump across the driveway to divert it right now but to put blacktop down it would just undermine and crack up and break up within no time at all, so I would like to put Unilock down.

Chairman Rogan stated the Unilock though is still a pervious surface, correct Rich...

Mr. Hope stated yes.

Chairman Rogan stated it doesn't allow the water to infiltrate down through it.

Mr. Hope stated not really no.

Rich Williams stated it is not a true permeable paver, it is not like a grass paver where you have the grass growing up in between but you know generally you're putting it down on a bed of sand and you have the cracks in between, certainly more pervious than say blacktop or concrete would be.

Chairman Rogan stated I have a Unilock walkway that installed and I know the bonding, I'm not sure what they call that special sand but its binder type sand, once that's in its like concrete, you don't get any infiltration through that that I can tell.

Mr. Hope stated yes, well even if it does wash out, which I anticipate it may do, I can just lift it up, put more stone dust down and replace it and have no problem.

Chairman Rogan stated right, understood and Rich you had mentioned that the only concern, we maybe not the only concern but the concern we spoke about at the work session was that sometimes or Unilock or brick type surfaces can be a concern when slopes are an issue, correct...

Rich Williams stated correct.

Chairman Rogan stated and have you been out to this site.

Rich Williams stated I have been out there, I did take pictures, I was out there earlier...

Mr. Hope stated I've got a picture here too.

Rich Williams stated great, put it up on the Board.

Chairman Rogan stated great, since you took the time to bring it, let's see what you have.

Rich Williams stated the driveway is probably about an eight percent slope, so you know you're getting up to that edge, what I think for the most part the driveway is still fine for the Unilock surface, the only concern I had right at the driveway entrance on the west side of the driveway, they have a compound curb that comes down...

Mr. Hope stated yes.

Rich Williams stated and I don't know how you're going to lay the Unilock brick into that surface, it might a better idea to at least put a blacktop cap on the front so you have a safe, stable surface but you get a little bit up the driveway and then go Unilock the rest of the way.

Mr. Hope stated I planned on putting concrete to hold it in.

Rich Williams stated okay, as a wall or...

Board Member Montesano stated as a binder.

Mr. Hope stated up to the level of the Unilock, to hold it.

Andrew Fetherston stated I think he's speaking about putting like a drop curb, you know anchor that, bed it in, as the wheels start going up it will resist...

Chairman Rogan stated yeah, it has resistance.

Andrew Fetherston stated the blocks sliding.

Rich Williams stated yeah, that will be fine.

Chairman Rogan stated oh, that sounds great, wonderful, spread this around, we have pictures between what Mr. Williams took and they look very similar to what you took.

Mr. Hope stated two are from the top and two are from the bottom.

Chairman Rogan stated I'm sorry.

Mr. Hope stated two are from the top, two are from the bottom.

Chairman Rogan stated very nice. Rich, do we have everything on this application-wise, in order to act on it tonight.

Rich Williams stated you do.

Chairman Rogan stated okay. Give these back, any questions, comments, or concerns from the Board Members.

Board Member Montesano stated just watch out for the ants, the ants have a tendency to take all the sand out and everything drops.

Chairman Rogan stated that is what I have been noticing lately.

Board Member Montesano stated that is the voice of experience, every time, I have to get out there and take them out and fill them in.

Chairman Rogan stated yeah.

Mr. Hope stated that I don't mind, I mean it can't break up like blacktop can...

Board Member Montesano stated no.

Mr. Hope stated and if it does wash out or ants do get under it, it is easy to take it up.

Chairman Rogan stated sure, do SEQRA.

Board Member Cook stated I will make the motion that the Planning Board approve the driveway waiver application of Mr. Robert Hope as submitted on May 5, 2011.

Board Member Montesano seconded the motion.

Chairman Rogan stated I was thinking we were going to do SEQRA first...

Rich Williams stated its fine.

Chairman Rogan stated we'll do it reverse.

Board Member Montesano stated we can do it in reverse.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated and a motion on SEQRA.

Board Member Cook stated I make a motion relative to the driveway waiver application that the Planning Board finds that there will be no negative impact with this application.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, thank you sir.

Mr. Hope stated thank you.

Chairman Rogan stated if you run into any questions, you're unsure how to proceed, please contact our office, contact Mr. Williams.

Mr. Hope stated okay.

Chairman Rogan stated but it sounds like you have everything you need.

Mr. Hope stated thank you very much.

**2) PATTERSON LIBRARY – Wetlands/Watercourse Permit Application  
1167 Route 311**

Mr. Donald Ferraro, Vice President of the Patterson Library Board, was present.

Chairman Rogan stated okay the Patterson Library.

Mr. Ferraro stated good evening my name is Donald Ferraro, I live at 54 Sunset Drive in Patterson and I am vice president of the Patterson Library Board.

Chairman Rogan stated good evening, can you tell the Board a little bit about what you're intending on doing out here, I know we got some revised sketches but...

Mr. Ferraro stated right, what we intend do is to place a 12 by 24 foot gazebo in the back of our property, we currently have a garden there but we run a lot of programs children and adults also but in addition to that we want to put a gazebo on the property for additional programming and I think it will benefit the community really well.

Chairman Rogan stated okay and you also proposed to do a post and rail fence.

Mr. Ferraro stated we, yes, I revised that, I think I sent that, I think you have that revised, it's going to be a split rail fence, two rails about three feet high and we're setting it back about five feet off the driveway, the back of the driveway and it is going to run 136 feet with two four foot openings and a handicap accessible path going to the gazebo and also to our gardens.

Chairman Rogan stated the four foot openings will have gates, swing gates.

Mr. Ferraro stated no, they are just going to be openings.

Board Member McNulty stated will that result in the loss of any parking spaces.

Mr. Ferraro stated no, we are setting it, no, it doesn't, we don't lose any parking, we set it back five feet off the parking lots.

Chairman Rogan stated there is no curb, there is no change in elevation right on that.

Mr. Ferraro stated yes.

Chairman Rogan stated so if you said you're setting them at forty-eight inches for I think you said handicap accessibility...

Mr. Ferraro stated correct.

Chairman Rogan stated so if there are, I know that the lot isn't usually filled to capacity but if those spots were taken in front of those access, you probably wouldn't have handicap accessibility in that area. You'd have to go around and on the grass.

Mr. Ferraro stated yeah we are going to have go around or we will block off that space if necessary if we knew we're having a big program.

Chairman Rogan stated it says proposed ADA compliance path, so that means you're using a compacted surface of some type.

Mr. Ferraro stated I've checked with Rich Williams on it, we are going to, we haven't determined what surface but we will comply with that.

Chairman Rogan stated and there is also an electric surface that runs.

Mr. Ferraro stated it is underground, right, it will run up to the gazebo and to the garden so we will have access to electric, power outlets.

Chairman Rogan stated okay, so Rich this is a wetlands/watercourse permit, is this also not a waiver of site plan, is this a site plan issue also.

Rich Williams stated it could be but I think we did that, two months ago.

Chairman Rogan stated I don't remember what we did last week, forget two months ago, guilty as charged.

Board Member McNulty stated we waived it, we said we were going to waive it.

Board Member Cook stated we did, we did.

Chairman Rogan stated that's probably why I thought it was a site plan issue. Ted, you have said, where is Ted...

Ted Kozlowski stated hi.

Chairman Rogan stated there he is, Ted is over there, he's moving on us.

Ted Kozlowski stated Andrew took my seat tonight.

Chairman Rogan stated he's working with the ladies in the audience.

Board Member McNulty stated Andrew is in his regular seat.

Chairman Rogan stated wetland issues.

Ted Kozlowski stated no, I don't have any issue, I didn't have any from the beginning, I just wanted to make sure that whatever they do there is documented on the plans so it's been approved and the only thing I would add is that when you know what surface you're going to use for the path, let's just make sure we document that on the plans as well, I don't know if it going to be paved or, it has to be some sort of surface where a wheelchair...

Rich Williams stated it has to be a slip-free surface.

Ted Kozlowski stated right, so whatever it is, let's just make sure that that is documented and you're good to go as far as I'm concerned.

Chairman Rogan stated okay...

Board Member Cook stated you need SEQRA on this one.

Chairman Rogan stated we do but what I wondering was, public hearing, we have to waive that.

Rich Williams stated yeah, upon recommendation of the ECI you would need to waive the public hearing, if you're okay with that.

Ted Kozlowski stated yeah, I have no problem with that, there are no next door neighbors really and it's a gazebo and landscaping, so...

Board Member Montesano stated in the matter of the Patterson...

Ted Kozlowski stated I can't imagine objections to that being put on a lawn.

Chairman Rogan stated exactly.

Board Member Montesano stated right, in the matter of the Patterson Public Library Wetlands/Watercourse permit application I move that we waive, whatever else we're going to waive...

Chairman Rogan stated public hearing.

Board Montesano stated public hearing, thank you, I wanted to make sure, I'm getting as good as he is.

Board Member McNulty stated I'll second.

Chairman Rogan stated upon recommendation of the ECI and (inaudible).

Board member Montesano stated you got all that in there.

Chairman Rogan stated sure.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Board Member Montesano stated I told you, it's that night.

Chairman Rogan stated and a SEQRA Determination.

Board Member Cook stated I'll make the motion that with regard to the Patterson Library wetlands/watercourse permit application that the Planning Board deem this a negative determination, no adverse impact.

Chairman Rogan stated can I have a second.

Board Member Taylor seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated and on the wetlands permit application.

Board Member Cook stated I'll make the motion of the wetlands/watercourse permit application for the Patterson Library, that the Planning Board approve application dated 5/12/2011.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, so all we're looking for then is for you to communicate with the Planning office about the ADA compliant surface and we had looked at the sketches for the gazebo at the last work session, right, okay.

Mr. Ferraro stated okay, so we can proceed I assume.

Chairman Rogan stated yes sir.

Mr. Ferraro stated we can proceed.

Board Member Cook stated yes.

Chairman Rogan stated for the gazebo they have to deal with Nick for the building permit on that, correct.

Rich Williams stated yes.

Chairman Rogan stated yeah, okay, all right, do we have anyone here for Castellano watercourse...

**3) MATTHEW CASTELLANO – Wetlands/Watercourse Permit Application  
740 Route 311**

The Applicant was not present.

Ted Kozlowski stated no but I will...

Chairman Rogan stated okay.

Ted Kozlowski stated fill you in on that. Mr. Castellano is in the National Guard and he is on duty right now, he will be available next week, I am going to be meeting with him on Tuesday and to fill you in he says that that is a manmade pond, he has an old survey from the previous owner that indicates when the pond was going to be constructed. I don't know if that pre-dates the wetlands law in the Town but he has purchased the property with a manmade pond, he has agreed to meet with me and discuss what the final landscape is going to be around that pond he wants to use it as an aesthetic asset to the property and for his kids to use the paddle boat in the pond, it is a big paddle boat in a very small pond, so they're not going to go very far in that paddle boat...

Chairman Rogan stated okay, they won't get into trouble.

Ted Kozlowski stated it is about the size of Denis' pool, it's not very big. So I think we are just going to have to wait until the next meeting to resolve everything. There is not much I think to resolve, this is not a, from a wetlands standpoint it is not a big issue.

Chairman Rogan stated if I...

Board Member Cook stated we mentioned last week that the owner has to prepare the short EAF...

Ted Kozlowski stated yes.

Board Member Cook stated and that the hydrant needs to be reviewed and give the okay by the Fire Inspector.

Ted Kozlowski stated I will bring that up with him when I see him on Tuesday.

Chairman Rogan stated great, okay.

Ted Kozlowski stated okay.

**4) CENTRUM PROPERTIES – Wetlands/watercourse Permit Application  
2684 Route 22**

Mr. Denis Rocchio was present.

Chairman Rogan stated and do we have anyone here for Centrum Properties.

Mr. Rocchio stated good evening.

Chairman Rogan stated good evening.

Mr. Rocchio stated and who are you guys, I don't know anybody here, you know who I am...

Chairman Rogan stated I don't know who you are, I have no clue.

Mr. Rocchio stated Denis Rocchio, from my application.

Ted Kozlowski stated Denis, they know your chicken.

Mr. Curtiss stated that's right, they know the chicken.

Board Member Montesano stated that's why we can't come to visit.

Chairman Rogan stated oh I've heard, yes, we've heard a rumor, that's right, yes.

The Secretary stated please state your name for the record.

Mr. Rocchio stated Denis A. Rocchio.

Chairman Rogan stated oh this is the pipe in the middle of the woods, right.

Mr. Rocchio stated yup, pipe in the woods.

Chairman Rogan stated so you must have gotten a good deal on a big length of pipe.

Mr. Rocchio stated I did, I did.

Chairman Rogan stated that's a good use and I understand from Ted that he met with you on site and took a look at some of the impacts...

Mr. Rocchio stated yes, yes he has.

Chairman Rogan stated and what is the reason for wanting for this pipe.

Mr. Rocchio stated to get to the other side of the property basically, across the stream, cheaper than building a bridge I think.

Chairman Rogan stated okay.

Board Member Montesano stated who knows how the chicken got across the road.

Chairman Rogan stated Ted, you want to jump in.

Board Member McNulty stated Ted how big is this stream, its just like a brook.

Ted Kozlowski stated it's a class C stream...

Mr. Rocchio stated D.

Ted Kozlowski stated no, C, C from DEC, I doubled checked, it does eventually wind up in the Great Swamp but I think its seasonal in nature, the pipe itself is already installed and secured, I think the pipe is very large for the size of the stream which is better than a smaller pipe, I've asked Denis just to secure the area until he acquired a permit. I think, I don't have a problem with the stream crossing as long as its done properly and there are no erosion issues, there are no erosion issues as of the last time I saw it, pulling it out would probably cause a greater disturbance than just securing it up at this point. I wanted Denis to get the proper permit and do the proper thing for the property.

Board Member Cook stated and last, I guess it was at the work session, we talked about the need for a site plan, an updated site plan.

Ted Kozlowski stated well that's not the wetlands issue, that's the other issue.

Rich Williams stated that's a zoning issue that you know the Building Department has been wrestling with for a number of years, I don't know the status, Nick didn't give us an update on that but there is a lot of construction equipment up there, so they would either need a site plan for a contractors yard or a junk yard one or the other for maintaining that equipment on that site.

Chairman Rogan stated okay.

Board Member Cook stated Ted also last week; I think you commented that it was an incomplete application.

Ted Kozlowski stated it's now complete; Denis filed the paperwork with Michelle tonight.

Board Member McNulty stated we don't have that yet right.

Ted Kozlowski stated its nearby and adjacent property owners.

The Secretary stated and (inaudible).

Rich Williams stated we really need that just so that we know the list of property owners to do that public hearing.

Ted Kozlowski stated and I don't see the need for a functional analysis, this is not similar to what is going on at Stephen's Brook or anything else, so...

Chairman Rogan stated does anyone on the Board feel we need to do a site walk on this.

Board Member McNulty stated I don't...

Chairman Rogan stated no...

Board Member McNulty stated I'll take Ted's word on it.

Chairman Rogan stated usually I'm very happy when we can get a report back from Ted or from someone else.

Ted Kozlowski stated I think you're just afraid of the chicken.

Chairman Rogan stated I am afraid of the chicken. As much as I hate to admit that, being the way you came back, as scared as you were, terrible.

Ted Kozlowski stated the damn thing attacked me.

Mr. Rocchio stated and it's a little chicken, a little baby chicken.

Ted Kozlowski stated now I carry mace.

Board Member Montesano stated chicken mace.

Ted Kozlowski stated chicken mace.

Chairman Rogan stated whole I understand that the...

Board Member Montesano stated do you also baste him before you mace them...

Chairman Rogan stated Town Board was having a presentation from the Sherriff's Department about safety and maybe we need to extend that too...

The Secretary stated Ted.

Chairman Rogan stated Ted and to the rest of the Board for farm animals, I'll tell you.

(Inaudible – too many speaking at one time)

Tim Curtiss stated dangerous stuff, much too dangerous to be on this Board, chickens attacking...

Chairman Rogan stated I tell ya, did you ever think you'd see the day Tim.

Tim Curtiss stated I know, I never thought it would come to this.

Chairman Rogan stated okay, so procedurally then we need to get some additional information, set a public hearing...

Rich Williams stated well according to Ted, he's got the additional information so we now have a complete application, the next step in the process would be to schedule a public hearing.

Chairman Rogan stated okay and the other question I have, you mentioned the site plan issues with Nick, with the Building Department, Denis are there any existing violations on the property.

Mr. Rocchio stated not that I know of.

Chairman Rogan stated okay, we need to clarify that because if there are, since Tim is still here, Tim if there are any existing violations on the property, would that preclude us from taking an action on this application.

Tim Curtiss stated it could, depending on the nature and severity of the actual violation.

Chairman Rogan stated so we can set a public hearing but...

Tim Curtiss stated yes.

Chairman Rogan stated in the interim find out from Nick and get some correspondence from him.

Tim Curtiss stated as to what might be outstanding.

Chairman Rogan stated all right.

Board Member Cook stated so the only reason that we are not waiving the public hearing is because of these other issues, I'm just wondering because we waived the public hearing on the previous application...

Chairman Rogan stated right.

Board Member Cook stated but we are not doing it on this one because we need to have input from the Building Department.

Chairman Rogan stated no, I think as you had said it, I think it depends on what Ted's feeling is on the impacts, we waived the other public hearings because of the lack of any impact, so I think it goes back to being able to articulate why we're either having a public hearing or not having one.

Ted Kozlowski stated well the thing with, generally with public hearings you know, with the library, it's a no impact, we probably should have the public hearing on this just because it is a stream crossing, we've made other folks do it...

Chairman Rogan stated sure.

Ted Kozlowski stated and I think its consistent, it is not going to, I don't think there are any issues but I think in fairness to the neighbors they should be aware of it, its I don't think there is going to be a turn out but I think we should, I think we should have to do that just because its sets a precedent on all the other permits.

Chairman Rogan stated okay.

Board Member Cook stated I'll make a motion that the Planning Board schedule the public hearing on the Centrum Properties wetlands/watercourse permit application for July 7<sup>th</sup>.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, so...

Rich Williams stated so to be clear about the procedures now, the applicant, at least 14 days, if not more before the public hearing which will be...

Tim Curtiss stated July 7<sup>th</sup>.

Rich Williams stated July 7<sup>th</sup>, needs to send out to that list certified mailing, notifying everybody on that list of the public hearing.

Chairman Rogan stated and that is a form letter that we have available, that is not something the gentleman has to create on his own.

Rich Williams stated well they can either write it up or they can get a copy of our public hearing notice, we'll be happy to provide that...

Mr. Rocchio stated yeah, let me have a copy of that and I'll send it to all these folks.

Rich Williams stated and before the next meeting, before the public hearing we need the green return/receipts back in.

Mr. Rocchio sated yup.

Chairman Rogan stated and we'll have correspondence from Nick's office, can you request that.

Rich Williams stated I will make the request.

Chairman Rogan stated okay, we should not make a decision on this until we have something from him, so it would help us if we could...

Tim Curtiss stated you can close the public hearing but you can't take any action until (inaudible).

Chairman Rogan stated okay, thank you sir.

Mr. Rocchio stated thank you.

Chairman Rogan stated have a great evening.

Mr. Rocchio stated thank you.

## 5) OTHER BUSINESS

### a. Levine Site Walk

Chairman Rogan stated under Other Business, we have the Levine Site Walk, how did we make out.

Rich Williams stated so yesterday morning I met with Anne Bittner from the Putnam County Health Department and Rob Morris and Steve Parisio from the DEC and we met at the front of the site in the driveway and Mr. Parisio from the DEC, who I believe is with the Solid Waste Division, started explaining to all of us how typically residential properties are not regulated, you know they don't bring a lot of material and even if you know, they are regulated because of some you know trigger that they've met, a lot of times they are not really at issue you know because they just don't have the enforcement capability, they don't have the manpower to do every one of these little individual sites and then we walked behind the building.

Board Member McNulty stated and it qualified.

Rich Williams stated and it became regulated and I spent the next...

Chairman Rogan stated I don't think we should be laughing in fairness; this is a big issue to Mr. Levine...

Board Member Taylor stated DEC...

Rich Williams stated it is a big issue because Mr. Parisio then you know spent the next hour taking samples, taking photographs, GPS'ing the perimeter of the site, he was going to write up a report, he didn't know if anybody was going to act on the report but he felt that it was a substantial site, he did inquire as to whether it was in the New York City Watershed because that would trigger additional requirements. Throughout the day I expressed to both the Health Department and to Mr. Parisio that this has been going on more than a year, it is way overdue to resolved and they need to act on this in a timely fashion, I told him that I would be contacting him if I had not heard from him before the next Planning Board meeting because we want an update, end of story. So I will be doing that, I have all of his contact information and we are going to push on this with the DEC to resolve it one way or the other.

Chairman Rogan stated I appreciate you...

Rich Williams stated and you know if we don't get any response, then my recommendation is to the Board, is to make a decision on it, you know move it forward, send that decision up to the DEC, give them 30 days to you know object to the decision and if they don't well then they have been given more than ample legal notice both from the Town Attorney about the situation and the Board and Ted.

Ted Kozlowski stated we have a lot of documentation...

Board Member McNulty stated Rich, did you speak to Mr. Levine at all, has he put forward his action plan yet, and we talked about having him, maybe to get in motion.

Rich Williams stated I've talked to him, again without knowing what the Health Department and the DEC are going to do, it's kind of hard for him or us to move.

Chairman Rogan stated he would be just spinning his wheels to come up with a plan that the DEC maybe say we want you to do something different.

Rich Williams stated right.

Board Member McNulty stated so we just talked about maybe he should get something going, I didn't know if he had, and any word back from the neighboring property, has a violation been placed on that property.

Rich Williams stated a violation has been placed on the property, we received a phone call in my office from the daughter of the property owner who said she was unaware, you know, they were going to come in, they were going to review the file, they were going to get copies of the necessary documents, that was three weeks ago and we haven't seen them yet.

Chairman Rogan stated okay.

Rich Williams stated so one other interesting fact in talking with the Health Department out on the site, I pointed out the fact that well was about seven feet below the top of the grade and he had wanted to fill right up to the top and wanted to know what the Health Department requirements were going to be for you know him to do that, whether he was going to have to extend the well head and the response I got was they regulate the initial well installation, they do not regulate anything after that, if he wanted to bury his well, that was fine with them.

Chairman Rogan stated but it would make sense to meet what the...

Rich Williams stated so I said well that point, we are probably going to require him to either extend the well head or you know put it in, put in some sort of, so future property owners can find it.

Chairman Rogan stated yeah, okay, that is an odd...

Rich Williams stated no, I was surprised with what they...

Board Member Taylor stated so what the process of the enforcement of the neighbor, if they don't respond within a certain amount of time, then...

Rich Williams stated we'll go to court.

Board Member Taylor stated what is that timeline.

Rich Williams stated you know we've made every effort to get the property owner involved in this process to let them know they've got a problem with fill on their property, we've been looking not to proceed with an enforcement action because they didn't cause the problem but rather just to get them talking to Mr. Levine so that everybody can work it out, if ultimately they are just going to you know ignore everything, I imagine by the next meeting if we haven't heard anything, there will be an appearance issued, an appearance ticket issued.

Board Member Cook stated maybe we can help Ron with his question, we got a copy of the Director of Code Enforcement on this subject and just basically that he's been out there and that the property owner should submit an application to the Patterson Planning Board for a permit for placement of fill or submit an application to Patterson Planning Board for an erosion control permit to remove material from the site and that the corrective measure should be taken no later than May 31, 2011. So May 31<sup>st</sup> has come and gone...

Rich Williams stated right.

Board Member Cook stated so...

Rich Williams stated at this point Nick is, you know within his authority to issue an appearance ticket and bring them into court.

Board Member Taylor stated do we want to recommend he do that so we have a response from them before the next meeting, rather than waiting until the next meeting to then ask him to do it.

Rich Williams stated you can certainly make that recommendation or it is probably just going to happen.

Board Member Taylor stated if we want to move it along, it seems like we need to move it on, instead of waiting from meeting to meeting to take steps.

Chairman Rogan stated this is going to, we need to get these people involved in the solution...

Board Member Taylor stated they have to sign off on...

Chairman Rogan stated if they issue the appearance ticket and the people come in and are working in the process, they can always you know rescind or, I don't know what the right language is...

Rich Williams stated I don't know how they would handle things because there are interesting things going on...

Chairman Rogan stated considering we sent certified mail to the owner eight months ago, its at least eight months ago...

Rich Williams stated oh yeah, over that.

Chairman Rogan stated this like you said is over a year, I'll make that recommendation that we recommend that Building Inspection issue an appearance ticket.

Board Member Cook seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated any opposed, okay. Rich, thank you for your diligence on Levine because we really, I agree with you, this has gone on too long, we do need to get and in fairness to Mr. Levine, the guy has been wanting to act on this for the last six months and has been precluded from doing so because need some direction from the DEC.

Board Member Cook stated a question...

Chairman Rogan stated yup.

Board Member Cook stated now Rich the action is to be taken by DEC, I mean you know, coming up with this letter that says this is what you need to do...

Rich Williams stated Steve Parisio is going to generate a report, he took soil samples, pictures, he is going to generate a report to his bosses and ENCONN, Meg Filmier whose a lieutenant with the enforcement division about his findings, whether he thinks its regulated, whether they are in violation and perhaps some recommendations, he passes that on and then his boss and ENCONN decide how they want to proceed with an enforcement, he also talked about the Watershed Inspector General because it was in New York City's watershed.

Board Member Cook stated now is there anything that the Department of Health is going to be doing or are we relying on DEC to come with this report.

Rich Williams stated I was not clear on that point because Steve Parisio kept saying he was going to generate a report, you know DEC is going to run it through the Health Department but the Health Department gave me no indication that they had any enforcement authority over what was going on out there.

Chairman Rogan stated they are probably thinking more groundwater protection and the drinking water supply of those neighboring wells so, but you're right they probably don't have a net in this area for C & D landfill. I think the best that can come out of this is that we get some clear direction from the DEC that says this is the way these people are to proceed with either capping and you know land filling this or complete removal or some combination of the two.

Ted Kozlowski stated Rich, did the DEC guy ask for the receipts and the documentation that we got from the...

Rich Williams stated from the trucking company.

Ted Kozlowski stated from the trucking.

Rich Williams stated he did say that DEC's policy is generally to go after the truckers rather than the property owner...

Ted Kozlowski stated I know.

Rich Williams stated and he was interested in if we knew all of the people who brought fill onto the site and I explained that Mr. Levine had given us limited knowledge about one individual who had brought some material on the site and said that there are indeed others that we have no documentation on. I ask the DEC official if he wanted me to pursue that, he never really responded but I think as this thing progresses that is going to be an issue.

Ted Kozlowski stated just as a reminder, when I sent my initial letter about a year ago, I included two receipts, copies of two receipts from the two trucking companies from the Rye Country Day School, that's where this material came from, so I don't know what to say about DEC.

Rich Williams stated well understand I sent our whole file to you know, the people at DEC, Meg Filmier and such, that included the receipts and everything so they have it.

Chairman Rogan stated yeah, somebody has it but that doesn't mean that the people making the decisions are going to have all the right, we might have to give them some of that information a second time.

Rich Williams stated well my concern was Adam Levine indicated that he got the receipts from these trucking companies but there were others that refused to respond to him and it is probably the others that were bringing in the lesser quality fill.

Ted Kozlowski stated one of the issues that happens and I know this first hand is that trucking companies are trucking companies and if Ron is taking apart a building and he hires me to bring the material to the site, I may have material in my yard, I may have material from another job that I now will co-mingle with the stuff coming from Ron's you know and that is one the risks that everybody takes when they do stuff like this, you know, I know Rich performed some tests out there but we really don't know what's buried out there and you know...

Chairman Rogan stated just the sampling.

Ted Kozlowski stated you don't know and the amazing thing is again, I've gone through this with Westchester County, we're digging up everything, far less than what is at this site, I mean its just amazing how DEC has just not paid much attention to this.

**b. Local Law - Bonds**

Chairman Rogan stated okay, you mentioned at the work session that we will be reviewing the local law...

Rich Williams stated there are two local laws that are being proposed, one having to do with bonds and the other having to do with a change of use. I didn't have a chance to draft either one of them because of all the other issues that are sitting on my plate right now...

Chairman Rogan stated I'd rather have Levine wrapped up right now than another law.

Board Member McNulty stated yeah.

Rich Williams stated well that was one of them and I didn't expect to be out there for an hour and a half, almost two hours.

Chairman Rogan stated sure but time well spent, Stilwell we have the conversation about this dam, Teddy you want to jump in...

**c. Stilwell Wetlands/Watercourse Application**

Ted Kozlowski stated Michelle do I need the mic or can you hear me, am I all right.

The Secretary stated yeah, you're all right.

Ted Kozlowski stated again DEC, I spoke with, the reason I spoke with DEC is that they are reconstructing an old farm dam and my concern was not so much about the wetlands issue because it's a farm pond but the liability that the Town assumes here and the potential if there was a catastrophic failure of that dam, what it means for the downstream property owners. So I contacted DEC in Albany to find out whether they needed a dam safety permit because the engineer, Paul Lynch said no, they didn't. I did some rough calculations and based on DEC rules and regs, I thought they do need a dam safety permit, so I spoke with one of their guys in Albany, he called me back, one of the few that calls back, I nearly spent an hour on the phone with him and I'm not sure because he's not sure whether they need a dam safety permit, I then generated the letter which you have and I called Paul Lynch to ensure him that I was not trying to make it difficult for Mr. Stilwell or Paul Lynch but Paul needs to file an application with DEC to make a determination whether they need a dam safety permit and a mine reclamation permit which may coincide with that and again I am thinking of Town liability, I just want to make sure that we're dotting our I's and crossing out T's...

Board Member McNulty stated what is downstream from that dam, is there much development.

Ted Kozlowski stated well the Great Swamp, I'm not sure if there is a property owner down there but it's a 19...

Rich Williams stated it goes right to the river.

Ted Kozlowski stated it's a 19 foot high dam, now its not 19 feet on concrete but its holding back a significant amount of water and if they don't do the dam right and it gives way, there will be environmental damage, so we want to make sure its done right, he does have an engineer, so I'm going to need our engineer to look it over too but I want DEC to say yes or no, they need to make a decision on this and you know I don't know if they are going to give us the run around like they are doing with Levine, I don't know.

Andrew Fetherston stated I would like the opportunity, I have numerous relationships with DEC dam safety and I would like utilize those.

Chairman Rogan stated well I think we would need you to look at it any and correct me if I'm wrong, considering that this has been brought up as a safety concern that is looks like it may trigger the permit, we would be remiss if we acted on this without having that information from DEC, correct Tim, whether or not they are...

Tim Curtiss stated (inaudible).

Chairman Rogan stated right, if, it would not be appropriate for us to act on our own and put a contingency on the approval that they get, DEC approval if required because of the safety issue.

Andrew Fetherston stated I think in addition to the safety issue get the volume, its summer time, get out in a boat, drop some soundings, get the depth, let's get an accurate reading on how much water is there, that and the height determines if it's a dam not, their engineer after they have those readings can do a very accurate estimate of the volume of water back there and they will know definitively if it is or is not.

Chairman Rogan stated it makes sense that you can't know what kind of volume to have without knowing the depth and it's easy and it takes us longer to talk about it than it does to actually do it.

Ted Kozlowski stated and the engineer, you know Paul Lynch did not include average depth of this pond so...

Chairman Rogan stated he doesn't know, he hasn't probably been out there.

Ted Kozlowski stated so we're making estimations...

Rich Williams stated they dredged it.

Board Member McNulty stated right they dredged it, they should know how deep it is.

Andrew Fetherston stated its too easy to find out in all honesty.

Chairman Rogan stated yeah, well you get incomplete information you can't be expected to make a decision on some...

Rich Williams stated no and honestly it just came in last week and we didn't...

(Side 1 Ended 7:41 p.m.)

Chairman Rogan stated you hear beeps like that and you stop...

Board Member Montesano stated what did you say, you sound like Havelock...

Rich Williams stated we didn't send it right up to the engineer because it was incomplete, Ted was working on some things and I am constantly being reminded to be cost conscience.

Chairman Rogan stated sure.

Andrew Fetherston stated if he gets the depths, if he is told to get the depths of the next meeting and submit that, that would be really helpful.

Ted Kozlowski stated it is in writing and Paul Lynch is supposed to amend the application with that information.

Chairman Rogan stated okay, yeah, all right, let's get that information so we are clear because you had asked the question. Procedurally, let's say the DEC, let's play this out, the DEC says hands off, we don't think it meets our threshold, guys have a ball with it, we would still want our engineer to take a look at this, the specs on that dam so...

Andrew Fetherston stated like a large detention basin, like we were doing stormwater pond.

Chairman Rogan stated so do your best to do it in a cost effective manner, just keep that in mind.

Andrew Fetherston stated like everything else.

Chairman Rogan stated I appreciate, I know that you keep that in mind with all things, okay. And last on the agenda anyway, we had a discussion at the work session about the Alpine Inn, Dave you want to come on up...

**d. Alpine Site Plan**

Mr. Dave Pierro was present.

Mr. Pierro stated excuse me, I grabbed the wrong glasses when I was jumping out of the car.

Board Member Taylor stated just (inaudible), right.

Mr. Pierro stated if not, I'm blind. Good evening everyone.

Chairman Rogan stated I have good glasses and I can't see that plan from here Dave, I have a copy in my hand so don't worry.

Mr. Pierro stated well just for the audience, I wanted everybody to know what we're talking about.

Chairman Rogan stated sure.

Mr. Pierro stated I was at, I attended the work session a few weeks back...

Chairman Rogan stated Dave, come this way so the audience can see your...

Mr. Pierro stated do I need this.

The Secretary stated yeah.

Mr. Pierro stated do I really.

The Secretary stated yes.

Mr. Pierro stated with my big mouth.

The Secretary stated everybody needs it, you do too.

Mr. Pierro stated okay, a few weeks ago I attended the work session for the Planning Board to request a waiver for a small refrigerator box, truck back that is a compressor room for a cooler in the rear of the Alpine, I stated that you could hardly see it from the road, the metal boxes were outlawed a bunch of years ago by Town Code but after looking at it again you can see the side of this box from the back of the tattoo shop, I asked for a waiver from parging or putting concrete siding on the side of this metal box, in the early on when were working on this project in the past there was a request made that it be painted the same color as the building and that was done but the most recent inspection by the Building Department has written a directive that that be made the same texture as the building, you really couldn't see it, I offered up the possibility of putting a stockade fence here so you can't see the building or coating that metal box with a texture 111 type product and I bow to the experience of the Board and had them, Rich had them go and do a drive-by to look at it to see what the Board felt comfortable with. I would love to see a waiver from coating it because it is a refrigeration unit and the more insulation we put on it, the less refrigeration it's going to...

Chairman Rogan stated I think we had a pretty good compromise on this.

Mr. Pierro stated right.

Chairman Rogan stated Ron and some other folks looked at it, where the entire Board did not but I certainly trust their input.

Board Member McNulty stated I took a look at it.

Mr. Pierro stated right.

Chairman Rogan stated and we asked Ron tonight, he said that thought that simple vinyl siding that matches the building, he actually thought that that would be better than the stucco, in the terms of that way it would look and that is a thin enough product that for thermal insulation, you're not going to really gain a lot with that.

Board Member McNulty stated I agree with that.

Chairman Rogan stated so that seems like a compromise...

Board Member McNulty stated match it to the other portion of the rear of the building.

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

Board Member Taylor stated because when you look at it...

Chairman Rogan stated right.

Board Member Taylor stated what you see is the building behind it, not the restaurant on its side...

Mr. Pierro stated right, right...

Board Member Taylor stated and the building behind it is vinyl sided....

Mr. Pierro stated is vinyl sided...

Board Member Taylor stated so it would look ridiculous as this little tiny structure, it would like ridiculous with the stucco and the keystones and...

Mr. Pierro stated this has evolved, it went from just being painted the color the building to...

Chairman Rogan stated sure.

Mr. Pierro stated being parged concrete and that is why I came in for the waiver, we are trying to get things done and we have accomplished a few things already, we've cleaned up with the site, we are ready to pull the trigger on re-aligning, I don't know if the picture was big enough the last time I was here, this island is proposed, this current shape...

Board Member Taylor stated did you find out about the boundary line.

Mr. Pierro stated it is, we have not had a surveyor out there yet but we are going to rely on this current survey and say that that is the property line to the easement so we are not going to cut that because we don't believe its our property but we will cut this back at this angle, it is currently at 90° intersection, we are going to cut it back, we are going to gain the 5<sup>th</sup> space that we need in this section to bring it up to conformance with this document, this survey and we are going to start that tomorrow as well as removing the old dumpster pad that's in the back there and there is a whole group of things and again Mr. Renotulis had open heart surgery on Saturday, he was unable to be here, I hope to have him at the next meeting or so and we will address the issue at that time on whether or not they are going to seek a variance for the sign.

Chairman Rogan stated okay.

Mr. Pierro stated and if it's got to be vinyl, it is going to be vinyl, I'll direct the contractor to start working on it.

Chairman Rogan stated I think cost wise too, the vinyl isn't going to be a significant...

Board Member McNulty stated no, it will be less than T-111 probably.

Mr. Pierro stated you're right.

Board Member McNulty stated that's pretty expensive right now.

Mr. Pierro stated I was looking at \$30 a sheet for that enamel coated T-111 product.

Board Member McNulty stated I bet you'll find it's more than that.

Mr. Pierro stated right, last time I purchased it.

Chairman Rogan stated okay, so procedurally we can take an action, this is really a difference from the, the Building Department was looking for stucco, we are doing basically a decision on what the surface will be, its not a waiver so much because we are siding it, it is just a statement of a change on what we would like to see on that and...

Rich Williams stated correct.

Chairman Rogan stated that will be acceptable to the Building...

Rich Williams stated yes by motion just you know, approve the change in the exterior surface of the refrigeration unit.

Chairman Rogan stated in the words of Mike, so moved, no, I make a motion that in the matter of Alpine Inn that we approve the change for the building to allow the refrigerator box, to allow vinyl siding and the color to match the existing building...

Board Member Montesano seconded the motion.

Board Member Taylor stated right behind it.

Board Member McNulty stated and on all sides, there are three sides exposed.

Chairman Rogan stated for the three exposed sides. Second.

Board Members Montesano and Taylor seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated and so we are going to hear back from you on some information, you're going to talk to Mr. Rentoulis and please by the way when you talk to Mr. Rentoulis offer our sincere hope that he has a speedy recovery.

Mr. Pierro stated I will.

Chairman Rogan stated thank you.

Board Member Cook stated don't drag him in here...

Mr. Pierro stated you want to hear Karma, his son called me and said the surgery was great, we got a great doctor, thank you for sending us to Westchester Medical, I said good, who was your surgeon, Rocco Lofero, I said I grew up in the same house with him, he's my father's first cousin, I couldn't believe it.

Chairman Rogan stated wow.

Board Member McNulty stated small world.

Mr. Pierro stated amazing he was on death's door, a lucky man.

Chairman Rogan stated wonderful, can I ask of the audience...

Mr. Pierro stated gentlemen, thank you.

Chairman Rogan stated thank you Dave. Appreciate seeing you this evening, oh okay, go ahead shoot.

Rich Williams stated oh we got a submission in on a wetlands application on the corner of Indian Hill Road, we got three plans in, what do you want to do with that.

Chairman Rogan stated oh Indian Hill Road, three plans, we need to get the appropriate number of plans for...

Rich Williams stated would you like a letter back reminding the engineer about the submission requirements.

Chairman Rogan stated well let's put it this way, let's turn it a little bit, if he wants the Board to consider what he's sending, we all would like to get copies and it certainly isn't the Town's responsibility to make those copies, they are not on the agenda right now, so at some point in order to get the information to get on an agenda, to make a decision on this...

Rich Williams stated he expected to be.

Chairman Rogan stated well...

Board Member Cook stated we need a complete application.

Rich Williams stated okay.

Board Member McNulty stated and the plans and everything.

Rich Williams stated you want a response back.

Chairman Rogan stated a very nicely written...

Board Member Taylor stated there is also no point in him giving us plans that are incomplete.

Chairman Rogan stated right, I can understand if he is giving Ted or you one set of plans because you guys are, it isn't coming to our, things like we always ask you guys to meet with the engineer and resolve things so that you can less time in front of the Board and more time getting things done. If that is the case then that is fine but if he wants the Board to review it, we have to have copies.

Ted Kozlowski stated the thing I'm concerned about this particular one is that I have repeatedly given them

comments of why the application is incomplete, this particular submission and typically when a delineation needs to be done its field delineated and then survey located on the plans, there were no flags in the field for that additional piece of that property which indicates to me, which is hand drawn on the plans as an estimate and then the other thing I specifically asked for was at the north side of that stream wetland be identified and Mr. Nichols responded that there was nothing on the north side, therefore we don't need it, its not up to the engineer or the applicant to decide what needs to delineated, the wetlands code is clear, they need to delineate the wetlands, we need to verify it and then we move forward. Also, there is something on the other side of the stream, which is the well, so this has been going on now for months and I'm trying to work with the applicant and I'm making very clear to them what they need to do to get a complete application but its coming in pieces and its not accurate and its going to be frustrating for the applicant but it is not the fault of the Town...

Chairman Rogan stated can we...

Ted Kozlowski stated we've made it clear since January what is needed.

Chairman Rogan stated this is case where we need to go back to pushing the issue of when we get a response back on an application that they also account for all the old comments, the additional comments that have not been addressed, even if its comment noted, will be addressed at a certain but that it doesn't get lost from the conversation because I know that you start dealing with only the most recent information and they forget about the memo you wrote four months [ago]...

Andrew Fetherston stated right.

Chairman Rogan stated so if we could articulate to the engineer that the next complete submission, address all the comments that have been sent to them, in one way shape or form but that it is now building the document that says here's what's on the table, they may say I disagree with this comment but we would like to talk to the Board about it but we need to at least get everything pulled together so that, because that is frustrating.

Ted Kozlowski stated you see the other issue is that there is additional wetland that needs to be identified and put on the plans which is going to affect the whole layout of the property and that is going to change the amount of disturbance, all the other things that come into play.

Chairman Rogan stated right.

Ted Kozlowski stated and you know, he's going to need to address that, that's not being addressed, none of that is really being addressed, its like the submittal comes in and it's...

Chairman Rogan stated glazed over.

Ted Kozlowski stated I don't know what he expects us to do with it other than to deny, not deny it but to say that it's not complete.

Board Member Taylor stated so can we say that we're not going to review it until you two agree it complete and he has all the information.

Ted Kozlowski stated I am saying that, that it's not going, I'm not...

Chairman Rogan stated that's why it's not on the agenda.

Board Member Taylor stated yeah, so...

Rich Williams stated I take a slightly different tact, I mean as long as it's a reasonable submission, the Planning Board is consistently reviewing applications that are not complete, because there are decisions that need to be made to get it to that point and you know we want the Board to be involved in the process so, you know, if an application comes in and even though its not fully complete, we still put it on the agenda. We still get it to the Planning Board for your review and comment even if to say hey geez you didn't do it right...

Ted Kozlowski stated right but there is a certain degree of it...

Rich Williams stated but that having been said, if I don't even have enough plans to give you, I mean I've got three copies, I can give one to Ted, we have to keep one for the file, who get the third one.

Board Member Taylor stated but in this case, you shouldn't give this to us anyway because Ted is saying there is important information that's not on the plan.

Rich Williams stated and I agree with you, absolutely and that is not a question but this is...

Board Member Taylor stated that is all I'm trying to say.

Rich Williams stated somewhat contentious lot with a contentious application, we're being more conservative by bringing it to your attention and discussing it with you, rather than us just taking action.

Board Member Montesano stated but we keep saying to him, please show on Thursday because we're not going to allow it on Wednesday and he keeps saying here it is Wednesday and then we review it again...

Chairman Rogan stated right.

Board Member Montesano stated why.

Rich Williams stated we don't do that but we got direction from the Board, now he's going to get a letter, he's going to get a detailed letter explaining the process and what he needs to make for a submission to be on the agenda and then we're going to go from there.

Board Member Montesano stated and he'll be back on Wednesday.

Board Member Taylor stated okay.

Chairman Rogan stated so I understand that there are some folks here tonight...

## **6) MINUTES**

Board Member McNulty stated want to take care of the minutes.

Chairman Rogan stated yeah, what do we have, April 28<sup>th</sup> and May 5<sup>th</sup>.

Board Member Montesano stated May 5<sup>th</sup>.

Board Member McNulty stated make a motion to approve the minutes from April 28<sup>th</sup> and May 5, 2011.

Board Member Montesano seconded the motion.

Chairman Rogan stated well said.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Board Member Taylor stated I appreciate that fact that they were very short minutes this time.

The Secretary stated me too, me too.

Board Member McNulty stated I was surprised it was as long as it was.

Chairman Rogan stated that's our fault, not hers.

Board Member McNulty stated the economy's fault.

Board Member Montesano stated as he just goes on.

### **Thunder Ridge Discussion**

Mrs. Edie Keasbey, Mrs. Susan Robbins, Mrs. Liz Cowan, and Mrs. Lori Lewis were present to ask about the application.

Chairman Rogan stated I understand you folks are here because you want to ask some questions or find out a little bit of an update about a particular application, Thunder Ridge correct.

**Mrs. Keasbey** stated yes.

Chairman Rogan stated okay, so in order to allow the Board to go forward with that, I will recuse myself from this conversation, I am going to leave the meeting and if that is the only conversation that has to happen, then if you would adjourn the meeting Charles, be so kind.

Board Member Cook stated does anybody else have anything else.

Chairman Rogan stated I'll wait around for you.

Andrew Fetherston stated do you need me to stick around, no, okay.

Board Member McNulty stated take care Andrew.

Board Member Taylor stated bye Andrew.

Vice Chairman Cook stated Shawn is recusing himself because he works for Westchester County...

Rich Williams stated Putnam County.

Vice Chairman Cook stated I keep seeing this guy and I keep thinking Westchester County, Putnam County excuse me and the applicant, part of the application, the owners or the people who run the place...

Board Member McNulty stated the Ryder's...

Vice Chairman Cook stated you know the County Legislator is involved in that, so he's recusing himself. The application and I will ask my Board Members to jump in here because I was not expecting you and I don't have the file so I will do the best I can, is that if you go up the hill there on the right hand side, there is a stake in the ground, like an orange flag, just before you get to...

Ted Kozlowski stated (inaudible).

Vice Chairman Cook stated what is that Panorama. On the right hand side, there's a stake that is the location where the applicant is proposing to put in a bridge over the stream and a driveway to go up to the ski area...

Board Member McNulty stated edge of the ski slope.

Vice Chairman Cook stated edge of the ski slope and build a waste water treatment plant, I couldn't even tell you the dimensions...

Board Member McNulty stated 40 by 60, 40 by 50 I think was the latest thing I saw today.

Vice Chairman Cook stated they've been in since about November/December and they were not in this month, so from then through May I guess, they weren't even in, in May, April, we have gone round and round for them to basically pick another location mainly because of the location and as presented and the disturbance that we feel to the stream.

Ted Kozlowski stated Stephen's Brook.

Board Member McNulty stated this is a waste water treatment plant that's been directed to be built by the DEP.

Ted Kozlowski stated and being paid by DEP, DEP is paying for the building.

**Mrs. Keasbey** stated I know, I know.

**Mrs. Cowan** stated it will be a pump up system.

Board Member Montesano stated yes.

Vice Chairman Cook stated yes, to run a line from the lodge up to the...

Board Member McNulty stated the site.

Vice Chairman Cook stated the proposed site and then back down again, the idea of the driveway is to go and provide maintenance to this building and the different types of removals that have to be done.

**Mrs. Keasbey** stated yeah (inaudible).

Vice Chairman Cook stated so we suggested various sites and we're gone back forth with them on that.

**Mrs. Robbins** stated are any of the site by the lodge or below the lodge.

Ted Kozlowski stated yes.

Vice Chairman Cook stated yes.

Board Member McNulty stated yes.

Board Member Montesano stated yes.

**Mrs. Robbins** stated because I am not clear why, I understand that they are not paying for it but then I don't really know about the mechanics of it all but is it more complicated to have to pump everything up, it's more expensive...

Ted Kozlowski stated yes.

Vice Chairman Cook stated yes.

**Mrs. Robbins** stated nobody cares because they're not paying for it.

Board Member McNulty stated they stated that its not...

**Mrs. Keasbey** stated so the City taxpayers are paying for it.

**Mrs. Cowan** stated there must be an ulterior motive.

**Mrs. Keasbey** stated yes.

Vice Chairman Cook stated here is, just let me say a few things...

Board Member Taylor stated go ahead.

Vice Chairman Cook stated the ironic thing as far as we're concerned is that the Department of Environmental Protection of New York City, is paying for this and they are agreeing to this...

**Mrs. Keasbey** stated yes, it's all part of the agreement with us and the City...

Board Member McNulty stated their agreement in the 90's...

**Mrs. Keasbey** stated and everybody else.

Board Member McNulty stated correct.

Vice Chairman Cook stated so we keep directing them and we have kept directing them to other sites and quite frankly one if now two of the sites that we've come down upon have been rejected because the owner doesn't want to put it there, he's saying if I'm forced to do this and somebody correct me here but if I'm forced to do this, they can put it up on the top, all right, so we've just gone round and round, they have not been back, we expect them back next month, okay, for the July 7<sup>th</sup> meeting, you're welcome to come and you will hear more to give us more of an update on where they're at, I would suspect that they are going to continue to present to us the site that is originally proposed.

Board Member McNulty stated yeah they've been.

**Mrs. Robbins** stated right they don't have any fiduciary responsibility to New York City.

Board Member McNulty stated they've been furnishing mitigating circumstances to mitigate the bridge and the crossing and disturbance to the stream and that is the direction that they've been heading.

**Mrs. Robbins** stated does New York City and even the Mayor understand that and I don't know what the cost differential will be have to put in enough equipment to pump up to the top of the...

Board Member McNulty stated the engineers would have to answer that question when a public hearing comes up.

Vice Chairman Cook stated let Ted comment, is that all right Ron.

**Mrs. Robbins** stated that's fine.

Board Member Taylor stated yeah that's fine.

Vice Chairman Cook stated or do you want to comment first.

Board Member Taylor stated its just I was going to answer, in terms of cost, cost is not the issue here, apparently they have to have a pump anyway just to run this system...

**Mrs. Robbins** stated right.

Board Member Taylor stated and an oversized pump and a backup pump...

**Mrs. Robbins** stated whether they go up or not...

Board Member Taylor stated whether they go up the hill or go anywhere else...

**Mrs. Robbins** stated okay.

Board Member Taylor stated so that is not the issue, the issue is that the, as I understand it the owner does not want to encumber commercial property in the front of the site, he prefers to stick it up, back out of the way on to what, to him is useless land. And that is why he's saying to us that he does not want to put it lower down, the economics is only involved on that level with his use of commercial property not in terms of the construction itself.

**Mrs. Robbins** stated I was just wondering if they had to pay for it, would they want to extra expense.

Board Member Taylor stated if they had to pay for it, they wouldn't do it to begin with.

Board Member Montesano stated the most pristine part of the stream, is that location, so now they are going to stick this thing and Mr. Ryder's opinion is he doesn't care about your opinion, this is where he wants it and that's where its going to go.

**Mrs. Keasbey** stated well it's obvious that they want to use it to develop...

Vice Chairman Cook stated let Ted speak.

Ted Kozlowski stated well there's a number of issues here and I'm going to try and be as brief as possible, the wetlands, the Town Wetlands Code is very clear that there must be no other alternative site, it needs to be necessary and it needs to conform with the intent of the law, this does not meet those criteria, there is a significant impact to Stephen's Brook which is a classified trout stream, there is an aesthetic impact to the residents on a local road, it is a steep slope, the big back trucks are going to go up and down that occasionally and then they are going to have to go up a steep driveway which is going through, as Mike said the most pristine part of Stephen's Brook, up a steep slope, taking out a 100 foot swath of forest that protects Stephen's Brook. Now there are clearly alternate sites which do not require pumping this up a hill which are easily accessible off of Route 22 and this is a relatively small space...

**Mrs. Robbins** stated what size...

Ted Kozlowski stated its 40 by 60, that is the, Tommy said it...

Board Member McNulty stated 40 by 50...

Ted Kozlowski stated 40 by 50.

**Mrs. Robbins** stated and its enclosed.

Ted Kozlowski stated it's the size of this room.

Board Member McNulty stated it's a brick building.

Ted Kozlowski stated it's a brick building. The other impacts, the skiers are now going to be seeing a sewage treatment plant as they come down the hill, none of this to me makes sense and I have made that very clear from day one, I also fear that it will be used and I think the other motive, it will be used by the people who maintain Thunder Ridge as a maintenance road, access up and down, I think that is the underlying reason for them to do this, that is just my opinion because I can't for the life of me think of why this, all this disturbance when there are clearly easier, more accessible sites...

**Mrs. Keasbey** stated and less expensive.

**Mrs. Cowan** stated are they aware that Stephen's Brook does not run all year.

Ted Kozlowski stated they are aware of all of this.

Board Member McNulty stated there are other agencies involved and the DEP itself responded with many of the same concerns that we had voiced so the DEP is promoting it yet another office within the DEP sees everything that we see.

Ted Kozlowski stated the DEP is so big and bureaucratic that there is one division that has sewage treatment plants and there is another division that is environmental this and that and the other thing and it's not fair to the applicant because the waste water treatment folks aren't really paying attention to the environmental impacts, they just need to get the treatment built, they are going to get it done and that's it. I spoke to the environmental people, they didn't even review it before this thing was planned, so the thing is planned, now they are reviewing it and they are sending comments to the applicant which are very similar to this Town's comments, what are you going to do about this, what are you going to do about, it wasn't even ironed out before it was presented to the Town...

**Mrs. Keasbey** stated it sounds like they were in a hurry to get it going.

Board Member McNulty stated they are in somewhat of a hurry to get it completed.

Vice Chairman Cook stated where we're at it is that we're waiting for the applicant Thunder Ridge really and their co-partners, this one thing of DEP, one department of DEP, we are waiting for them to respond to the other department in DEP, their letter, DEC of New York State letter, Ted's letter which summarizes previous memos of his, we've also asked them to take a look at first the bog turtle report that we requested of Tractor Supply to see if they would be, its in the general area and we want to see how they'll respond before we ask them to do their own study so we are waiting on all of that. We made it very clear that we think an alternate location has to happen but they are pursuing what they put before us and you know, we will give them a due diligence, we'll do our due diligence and then we'll vote.

**Mrs. Cowan** stated can I just ask one simple question, as far as the way that that septic system works, it actually pumps, is there a pipe that goes to Stephen's Brook...

Vice Chairman Cook stated no, it's the...

Ted Kozlowski stated there is a discharge.

**Mrs. Cowan** stated a discharge.

Vice Chairman Cook stated at the end, however.

**Mrs. Cowan** stated so if the stream is dry then there will just be discharge from the septic system going down...

**Mrs. Keasbey** stated the sewage treatment plant.

**Mrs. Cowan** stated where the stream bed is.

Vice Chairman Cook stated I'll be honest, I didn't know that the stream dried up.

**Mrs. Cowan** stated well I've lived up there 42 years and this is one of my big concerns and it is a fabulous, fabulous area, it breaks my heart to think of what might happen but I can and I will vouch and I will swear that that stream runs dry, it was dry last year...

**Mrs. Keasbey** stated well a lot of streams where.

**Mrs. Cowan** stated every year it will be dry for part of the hot dry summer and I will swear to that, I've seen it many times.

Board Member McNulty stated can I ask, did you come in response to the letters, we sent a letter about this.

Vice Chairman Cook stated yeah.

**Mrs. Keasbey** stated we didn't get any, I didn't get any...

**Mrs. Robbins** stated we're here in response to Edie.

Board Member McNulty stated well we only sent it to the surrounding area.

Vice Chairman Cook stated the area.

Board Member McNulty stated not Town wide.

**Mrs. Keasbey** stated they live up on top.

Board Member McNulty stated you still might beyond that distance, we did send letters out, right Michelle on this project.

The Secretary stated it's 500 feet from each property line of each parcel that Thunder Ridge owns, or Patterson LLC owns, I'm not sure where anybody lives, I do have a list with people within 500 feet, I only had one person come in and one person call about it and that was it and that was back in April.

Board Member McNulty stated its because its something new we implemented to get the public involved.

**Mrs. Keasbey** stated I know it.

Board Member Taylor stated would you like to make a statement Edie.

**Mrs. Keasbey** stated yes, I, first of all, I just I have this, what is this little thing here in the middle of the woods.

Board Member Montesano stated its mushrooms.

Board Member Taylor stated we don't know.

**Mrs. Keasbey** stated is it legal.

Board Member Taylor stated we don't, it's not under our review.

Board Member McNulty stated they don't know.

**Mrs. Keasbey** stated who can I ask about this.

Board Member McNulty stated the Building Department.

Board Member Montesano stated Building Department and Tax Department, it should be on the tax rolls.

Board Member Taylor stated that's true, it should be on the tax rolls.

**Mrs. Keasbey** stated and if not, if it's a violation, can you continue on your way if this is a violation.

Board Member McNulty stated I think we can continue on review, I don't know...

Board Member Montesano stated we can't approve it...

**Mrs. Keasbey** stated you can't approve, okay.

Board Member Montesano stated we can review all day long.

Vice Chairman Cook stated we would be interested in your findings.

**Mrs. Keasbey** stated okay, well if there, what.

Vice Chairman Cook stated we would be interested in your findings.

**Mrs. Keasbey** stated oh okay, I'm not afraid. There have been a lot of discussions that I've heard over the years about problems with silt coming down from the top of the hill, have any of those issues been addressed...

Ted Kozlowski stated we brought up those issues...

**Mrs. Keasbey** stated a hundred times.

Ted Kozlowski stated at these meetings regarding Thunder Ridge because there is tremendous amount of material that comes off those ski areas into Stephen's Brook at the base of Route 22 and Dean Ryder has personally said that he'll fix it and I've heard that before.

**Mrs. Keasbey** stated and it's never been fixed. Have you ever issued a violation on it?

Ted Kozlowski stated I have never issued a violation; I have tried to work with them...

**Mrs. Keasbey** stated I know.

Ted Kozlowski stated because Thunder Ridge is an important part of this Town...

**Mrs. Keasbey** stated yes it is.

Ted Kozlowski stated its identity and commercial value...

**Mrs. Keasbey** stated that is important, it's just as important to economy of the County...

Ted Kozlowski stated I've tried to work with them, they have made small steps, small increments...

Board Member Montesano stated gestures.

Ted Kozlowski stated but no.

**Mrs. Robbins** stated (inaudible).

Board Member Montesano stated and it was also pointed out to them that there is a possibility that maybe they can clean that up and put the plant down in the lower, different location but we were told that the City isn't paying for the repairs, that's how they get around it, we're not asking for repairs, we're asking (inaudible)...

Ted Kozlowski stated this is a challenge...

**Mrs. Keasbey** stated this place has always been a challenge.

Ted Kozlowski stated but to me, this whole location is so contrary to the Town Wetlands Code, it really is, it flies in the face of what...

**Mrs. Keasbey** stated Ted and you all have had plenty of experience about our hills and the fact that we could never put a sewer treatment plant for Putnam Lake because they would, you can't afford to go through rock with all that, with all your piping and everything, aren't they going to run into rock going up there.

Ted Kozlowski stated well Edie the other thing which is just mind boggling to me, is everybody is so energy conscience they will be pumping this up that hill, up a ski area...

**Mrs. Keasbey** stated it is just stupid.

Ted Kozlowski stated when you have an alternate gravity fed, downhill, I just don't understand it.

**Mrs. Cowan** stated they also take water out of the stream during the winter to make snow.

**Mrs. Keasbey** stated yes, to make snow.

**Mrs. Cowan** stated I mean...

Ted Kozlowski stated well they have a permit to do that and that is not detrimental...

**Mrs. Cowan** stated I mean are you going to be able to drink that water when it comes out, I don't mean personally...

Board Member McNulty stated they say you can.

**Mrs. Cowan** stated I mean, could one drink the water.

Board Member Montesano stated theoretically.

Ted Kozlowski stated my guess.

**Mrs. Cowan** stated not me, I've heard better, I want to live another couple years.

Board Member Montesano stated go to Springfield and see what they think.

Vice Chairman Cook stated they will be back July 7<sup>th</sup>...

**Mrs. Cowan** stated I have no immediate impact, I live on Stagecoach Road, I don't live on Birch Hill Road, I live on Stagecoach [Road], I just wanted to...

Vice Chairman Cook stated right, that's fine, you're a concerned citizen and that's fine. Our agenda goes up on the website.

The Secretary stated yes, it goes up on the website.

**Mrs. Keasbey** stated by when.

The Secretary stated Rich is the one who posts the agenda, so usually it's the Thursday after the work session so the work session is the...

**Mrs. Keasbey** stated the last Thursday...

The Secretary stated 30<sup>th</sup> I believe but I could be mistaken because I don't remember off the top of my head...

Ted Kozlowski stated I think you're right Michelle.

The Secretary stated yeah and then on the 1<sup>st</sup> the agenda will be posted up on the website and the meeting is the 7<sup>th</sup>.

Vice Chairman Cook stated just double check that but we have received an e-mail that they are looking to submit some updates by the end of the month, whether they make it or not, if they make it, they'll be on the agenda, by the agenda cut off date, they'll be on the agenda, if not they won't be on or you can call into Michelle or call into Rich just to double check but you know, they could be in on July 7<sup>th</sup> and we'll, the things I told you, we're waiting for the responses, those various letter.

**Mrs. Keasbey** stated those will be very interesting to read.

Vice Chairman Cook stated correct, so that's all I can tell you at this point.

**Mrs. Robbins** stated thank you.

Vice Chairman Cook stated you're welcome, all right.

Board Member Taylor stated and thank you for coming.

Vice Chairman Cook stated yes.

Board Member McNulty stated make a motion to adjourn the meeting tonight.

Board Member Taylor stated what, second.

Vice Chairman Cook asked for all in favor:

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

The motion carried by a vote of 4 to 0.

The meeting adjourned at 8:15 p.m.