



TOWN OF PATTERSON
PLANNING BOARD MEETING
June 3, 2010

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

Planning Board
June 3, 2010 Meeting Minutes

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

APPROVED

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

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

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

Michelle Russo was the Secretary and transcribed the following minutes.

There were approximately 20 members of the audience.

Chairman Rogan stated thank you, please be seated.

Chairman Rogan stated Michelle, did we lose a plant or something in the corner.

The Secretary stated yes, I believe they did remove it, yes.

Board Member DiSalvo stated tree.

Chairman Rogan stated tree.

The Secretary stated when I don't know.

Chairman Rogan stated we cut trees in Patterson.

1) PATTERSON AUTO BODY – Public Hearing

Mr. Jim Byron was present.

Chairman Rogan stated Michelle can you please read the public hearing notice for Patterson Auto Body.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, June 3, 2010 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Patterson Auto Body Site Plan to construct a 1,822 square feet addition to a commercial building and convert a portion of the premises to retail.** The property is located at 2597 Route 22, Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated okay, good evening Mr. Byron.

Mr. Byron stated yup, good evening.

Chairman Rogan stated please state your name of the record and give the audience an overview.

Mr. Byron stated Jim Byron, owner/operator Patterson Auto Body.

Chairman Rogan stated can you please tell the audience a little bit about your application and what you're looking to do.

Mr. Byron stated yes, good evening, what we're proposing is to, if you'll look on the map, and I'll just show you this, the front of the back building, right in this cavity right here, right now we operate 2 small offices and we're going to put the addition on, on the same floor and that is going to enable us to put the 2 offices together for the collision repair facility and the automotive repair facility. The remaining portion, this small rectangular area right here, that's going to add on to the existing square footage of the current office that's in place and its going to enable us to increase the footage to the point that more additional retail sales will be done there.

Chairman Rogan stated can you give the audience an idea of some of the retail sales that you anticipate.

Mr. Byron stated well typically, right now for the last 27 years we've been operating as a full service station where you rode over the hose and ring the bell and a gas attendant would come out and pump your gas and then if you wanted to go into the facility, we would have very limited stuff in there that is typically found in a gasoline store today. By increasing the size of the store to 800 square feet, we are going to be able to have a cooler system in place and the various items that people need while travelling on the road.

Chairman Rogan stated okay, thank you. Are there any questions, comments or concerns from anyone in the audience, anybody.

Board Member Montesano stated motion to close the public hearing.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty - aye

Board Member DiSalvo	-	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 Jim, we have the plans that you submitted.

Mr. Byron stated yes.

Chairman Rogan stated we have a comment from Mr. Williams who was nice enough to do this today, any items that Rich, you want to discuss with the Board tonight or it's pretty well contained within the memo.

Rich Williams stated no, I think it's pretty well laid out, you know what the remaining issues are and we've talked a little bit about how they can be addressed, either through the resolution or through amendments to the site plan, however the Board is comfortable.

Chairman Rogan stated Mr. Byron I know you just this resolution or the memo and probably the resolution this evening. Have you had a chance to read through it...

Mr. Byron stated yes, just briefly doing that now.

Chairman Rogan stated would you like to have a chance to read through it, you want to table it until you've had a chance to go through it.

Mr. Byron stated no.

Chairman Rogan stated much of it is standard but it's taking care of any outstanding issues which is typical with a resolution that the Board will approve.

Mr. Byron stated okay.

Chairman Rogan stated anything from anyone on the Board.

Board Member Cook stated no.

Board Member Montesano stated no.

Chairman Rogan stated does anyone want to...

Board Member McNulty stated I had a quick chance to go through the plan that was submitted yesterday, I know there was a little change to it but it looked like most of the items were updated from Rich's original note except for the few outstanding items.

Chairman Rogan stated okay.

Mr. Byron stated great.

Chairman Rogan stated Charles.

Board Member Montesano stated it's all yours.

Board Member DiSalvo stated the reso man.

Chairman Rogan stated people are known for worse.

Board Member Cook stated whereas the Planning Board has considered the application of James Byron for Amended Site Plan approval pursuant to Chapter 154 of the Town Code and the final site plan entitled Patterson Auto Body amended site plan and whereas the Planning Board opened a duly noticed public hearing on the subject application and final site plan at its meeting on June 3, 2010 and closed the public hearing on that same night after receiving some comments, no comments from the public, now therefore be it resolved in the application of James Byron for final site plan approval, pursuant to Chapter 154 of the Town Code, the Planning Board finds that the subject application of final site plan as modified in accordance with any applicable conditions set forth in this resolution complies with all requirements of Town Law and Chapter 154 of the Town Code and hereby grants final site plan approval subject to the applicant's compliance with the following 5 general and 4 specific conditions within 62 days of the date of this resolution. Go through them Jim, you know those. Further be it resolved that this final site plan approval shall be deemed null and void if the applicant fails to comply with all conditions stated above within the time period set forth above for such compliance unless such time period is extended by resolution of the Planning Board for good cause shown and further be it resolved that in any event this site plan approval shall expire pursuant to Section 154-87 of the Town Code one year from the date that the plat is signed by the designated representatives of the Planning Board unless a building permit has been obtained in complete compliance with the terms and conditions of the final site plan approval.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, thank you Mr. Byron.

Mr. Bryon stated thank you, have a good evening.

Chairman Rogan stated have a great evening, do you want to take your plan with you.

Rich Williams stated that's Charlie's.

Mr. Byron stated it goes back to...

Chairman Rogan stated Jim, do you need extra copies of that, I don't really have a, since we are going to file one, I'm sure you might have these two, sure.

Rich Williams stated we'll talk tomorrow.

Chairman Rogan stated okay, next up we have the public hearing for Wireless Edge at Quail Ridge, Michelle please...

2) **WIRELESS EDGE AT QUAIL RIDGE – Public Hearing**

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

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, June 3, 2010 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Wireless Edge Site Plan to construct a telecommunications monopole facility with enclosed utility structure and access road**. The property is located between Phillard Road and Garland Road on property owned by the Quail Ridge Homeowner's Association. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Mr. Alexander stated good evening Chairman.

Chairman Rogan stated good evening, how are you.

Mr. Alexander stated and Members of the Board, my name is Neil Alexander, I'm a partner in the law firm of Cuddy & Feder and along with me here tonight is John Arthur, as a principal in Wireless Edge. As you know it's been quite a long time that the wireless industry has been trying for almost a decade now to provide wireless to the Putnam Lake area, there was an application denied by the Town in 2002 for a monocross and subsequently carriers looked around and tried to figure out a way to provide service and back in 2007 Wireless Edge proposed a location on South Lakeshore Drive and...

Chairman Rogan stated one second...

Mr. Alexander stated yea, go ahead.

Chairman Rogan stated can the audience hear the presentation, it's picking up, sometimes...

Mr. Alexander stated I can speak a little louder.

Chairman Rogan stated okay.

Rich Williams stated you can take it right out.

Mr. Alexander stated take it out, okay and during the course of that process we were asked to evaluate lots and lots of alternatives probably close to 2 dozen and we undertook that responsibility and engaged with the Town in good faith on that analysis and what we were able to identify was the Quail Ridge

Homeowner's Association property off at the end of Garland Road, which is this site as a potential location at that point we brought that forward to the Town, both the Planning Board and the Zoning Board on that project required similarly to the original proposed location, a use variance, site plan approval and area variances. The application is pending in front of the Zoning Board of Appeals for the use and area variances, we were most recently there on May 19th and before is the site plan application and also pursuant to circulation of Notice of Intent to be lead agency, you are the lead agency from a SEQRA standpoint particular since the Zoning Board on the 19th acquiesced to you acting as the lead agency. It is primarily in that role that we are in front of you tonight at least in our estimation. So this is the, Garland Road, sort of to give context to the public, I know your Board after 3 years of seeing this is pretty familiar with it, this is the Quail Ridge site, it is at the north end of the lake, Garland [Road] basically ends here and this is our proposed access route up to our facility compound. This, click, power point, this slide so to speak is a contextual against the tax map of the end of Garland Road, this 59 ± acre property and then our equipment compound being located approximately 570 feet from our rear yard, 900 feet from our front yard and almost 262 feet on one side and another 900 feet on the other side, so it is set in the woods, all of you have walked it many times as has the Zoning Board, as have your consultants. So what actually we are proposing to do beyond that access road, we are proposing to have an approximately 8,880 fence, 8,800 square foot fenced compound, within in that compound would be a monopole, the monopole itself would be 145 feet tall, it would be designed to have 6 carriers on it, we have commitments from 2 carriers already, T-Mobile and Clearwire and they've committed already and they will take those 2 slots, the top of the tower is 145 feet, the top of proposed antennas for municipal services is about 154 feet and we did that second balloon test that day we had the extra height floated, it was a little windy at first and we let out even more rope that day and we got it up well over 150 feet during the course of that float, also in there from a compound perspective, would be room for different carriers to layout their facilities and a double gate for access and this is scaled back a little bit from the original 10,000 square feet that we had originally done just based on the topography of the area and that is really the essence of our proposed facility and our presentation.

Board Member Cook stated can you just describe a little bit the support facility, ground level.

Mr. Alexander stated okay, at grade inside the fence compound...

Board Member Cook stated yea.

Mr. Alexander stated okay, each equipment cabinet is essentially like a refrigerator cabinet, about, a little bit smaller but more like your standard refrigerator then sort of the modern, narrower taller ones, its about 6 feet tall, a little broader than I am and there are 3 or 4 of them that site on a concrete pad, usually about 10 foot by 20 [foot] depending on the exact carrier, some carriers do actual equipment shelters which can be about 10 by 20 and up to 8 feet tall and one of the things we have proposed and on recommendation from the ZBA was the fence variance up to 8 feet, that way our fence was level with the top height of any anticipated compound, I mean equipment shelter rather.

Chairman Rogan stated you've done a lot of additional research at the request of this Board and the Board's consultants and I think for purposes of the public hearing, it is probably important to go over some of the work that you've done and some of your conclusions that you've presented, regardless of whether we've agreed with them or not, it's the point...

Mr. Alexander stated sure, no, sure, sure...

Chairman Rogan stated but I think that's good information to bring us to where we are today.

Mr. Alexander stated sure, we've, and I think we have the boards over there and I can grab them, not only did we float balloons on 2 occasions, one of which was publicly noticed and the balloon stayed up for the better part of a day, we also created photo simulations that were part of a package for you, which I can run through quickly.

Chairman Rogan stated sure, what do you think of that...

Board Member McNulty stated that's the gate...

Chairman Rogan stated that's after your recommendation.

Mr. Alexander stated I'm going to put this one up in front...

Chairman Rogan stated that's fine.

Mr. Alexander stated because this is the key map, essentially so I can't sort of...

Chairman Rogan stated no, that's fine.

Mr. Alexander stated this is the key map so that way when I'm talking up here, people know what the views are that I'm discussing, do you want to clip it on the...

Board Member DiSalvo stated how many other pictures we have.

Mr. Alexander stated what this does is, for those of you who are not familiar with photo simulations is you take the photo and here you key is to where the balloon that we actually floated on that day is that this is a telephoto to help us locate it and then what we are able to do and to clarify, this is view 1, which is a third of a mile on Jordan Drive, through the trees, and most of these trees as you can see are not deciduous, they are coniferous so they are evergreen, this one we didn't simulate actually because it wasn't visible.

The Secretary stated Neil, can you just please use the microphone.

Mr. Alexander stated yea, sorry.

The Secretary stated thank you.

Mr. Alexander stated yea, that would be great John, so the second view, as you can see is from about the mid-third of the lake, looking across the lake, you can see, those of you in the back row probably can't see but this is over three-quarters of a mile from the site what you can see is that the balloon will crest the top of the tree line. There is a photo sim showing that on the other side and again what this shows is how it will crest, this gives you more of a representation from a human eye and this obviously gives you a close up to get to it. The Board did ask us to consider alternatives styles for this monopole as they had done with regard the MalDunn property where is at the MalDunn property many of you are aware that there is a flag pole there and you see it in that context. One of the things that happens when you use a flag pole is the antennas, by putting the antennas inside you're left with a situation where you can only fit so many antennas inside the girth so need to get extra height in order to maximize the collocation by all the carriers and the situation going higher and higher was deemed less desirable and what we thought was the most efficient since we knew every carrier had a need to service the lake and there are 6 carriers in the

marketplace right now in this area that are very active, was to do a traditional monopole, especially given how remote it is. This is quote, unquote, the most exposed view, this is across the entire lake but you are a mile and a half, if we hadn't pointed out exactly where the balloon is, I don't think any of you would have found it and so that's also, you also have to remember we had a picture perfect day. So from a human eye view point, there is no way you're picking that up especially since we proposing a brown pole so you won't have a glint from a galvanized steel and here is an up close to give you a sense, only the very, very tops is cresting as well, which is important to note. We also provided radio frequency plots from T-Mobile which substantiate the need for the height we are proposing, at the beginning of the process, in addition we gave you an analysis assuming 6 carriers were operating on this pole in order to prove compliance with the health and safety requirements set out by the FCC, I believe we've given you a structural and then your standard site plan and review items, there has been a lot of alternatives discussed, not only from the standpoint of locations but also location on this site, heights and then access was a major alternative that was discussed quite vigorously by both Board and I think...

Chairman Rogan stated that warrants a little bit of discussion as well.

Mr. Alexander stated okay, you received a letter from me on May 18th, which I think summarized where we've been, that was at least my attempt to do that was to sort of give that clarity and I think Rich's June 1st memo, relative to his conversations with Verizon landline and fiber was I think a key point, essentially my read of it and Rich, feel free to jump in here, his conversations with Verizon about providing fiber to this property were identical with the conversations we've been having and historically been having and the most important key point for the public is that there is no plan to bring fiber, which is the quote unquote the backhaul, which is the way we service our carriers and the way essentially our antennas reach the landline telephone network. Ultimately your wireless network has to reach a landline and that's how it does it, is at the actually cell site and we need to have fiber and telco to do that and we get through Verizon and Verizon has no plans to do, to bring those services to the Phillard [Road] neighborhood, they have the ability to bring it on overhead wires to the Garland [Road] neighborhood and what that meant was, essentially we had to do out utility run through Garland Road, your standard utility run was 8 feet and to do an access road is only about 12 feet so when you start comparing the amount of disturbance, if once you have to automatically do the utilities from Garland Road, it starts basically stacking up as, in our opinion, not a viable alternative by that what we mean is this, is that if you run our proposed access road from Garland Road for utilities and for vehicular access, we'll total approximately .47 acres of total disturbance, the compound itself is about .2 acres, just to give you a sense, it's also a much more gentle sloped uphill run, taking advantage of an existing woods path. Coming in from Phillard [Road] involves approximately .6 acres of disturbance because of the switchbacks and the topography, do you have that other plan just to help make it easier to give you a visual here, so we went to the trouble of analyzing what it would take given especially as you saw earlier, the distance is actually shorter from here to here as a lineal foot, but because of the topography it entails substantially more disturbance, about .6 acres as I had said, coming from here to here even though it's a longer run because the slopes are better there is a lot less grading involved and work almost no grading involved and as a result it's only .47 acres. Where you wind up with is when you compare a Garland [Road] only scenario to one that has to involved Phillard [Road] and Garland [Road] because utilities have to come through here and you take out the compound which is a static for both scenarios you have .47 acres of disturbance this way and you have about .92 acres of disturbance this way, so you have twice as much environmental disturbance going this way as this way, what is also really salient about that .92 when you add back in the compound of .2, you go over an acre, over an acre of disturbance since we live in the Town of Patterson, is a phosphorus basin, it triggers a whole new host of additional regulatory measures with regard to stormwater, which means we probably would have additional disturbance to do in order to comply with NYC DEP and DEC state wide regulations on stormwater, then there is the additional cost which we estimated depending on how you want to cut it between a low of a

third more, to as much as 48% more and then we took a look at the zoning and the zoning in this area is RPTL, which is a half acre and the zoning here, if I remember correctly is R-4, which is 4 acres, so even the land use is sort of saying as far as your patterns of usage one area is designed for low intensity residential and on area is designed for more, higher intensity residential.

Board Member McNulty stated Rich, in regard to your letter yesterday, June 1st, it said that Verizon can bring fiber in overhead...

Rich Williams stated correct.

Board Member McNulty stated and where is the demarcation point then, is it at the entrance so it still goes underground under Garland Road or either road or do they have to take it right to the compound...

Rich Williams stated they have some fiber optic already strung in the Putnam Lake area, along Lake Shore, so it would be a continuation that way. They didn't have any fiber optics strung along Haviland Drive, so that would be a new cost but the problem is that Phillard Road because all the utilities are already placed underground, it is considered an underground utility service and they were adamant they are not running any new utilities underground and they would not be running the utilities through Phillard Road overhead because the pole structure is not there, so we can get it to the entrance of Phillard Road but they are not going to install it in the Phillard Road area at this time.

Board Member McNulty stated okay and from Garland [Road], at the end of Garland Road to the compound...

Mr. Arthur stated that is going to be underground, so...

Board Member McNulty stated you're going to break, so your service will start at the entrance where their pole ends.

Mr. Arthur stated well slightly before that, wherever the last pole is, I believe it is going to be one pole, a number of feet back from the property line and then from there it will be underground all the way up and generally it goes right up the access, the center of the access road.

Mr. Alexander stated during the process we've received letters from the Bloss Family who lives up here, right here on Phillard [Road], I know you've also received public testimony from people who live much farther down on Garland [Road] and you know, essentially we understand that neither neighborhood is going to be ultimately you know, thrilled about which solution comes out there. Ultimately though I think its important to remember a couple things, even with 6 carriers and the emergency response and someone reading the electric utility, reading, you're talking about 8 trips a months, compare that to your average single family home of 4 trips a day, so its, the magnitude of order here is important. The other aspect here is that this is piece of property that is owned by the Town, it is a substandard lot, its about 7,800 square feet and in a zone that requires 19,500, so the ability to develop it is really not foreseeable, so we thought that was important as opposed to the views that because of the down slope here, we feel that the Bloss family would have greater views of this road by comparison to, I just forget her name, the Burns household would have here. In addition to try and mitigate to the fullest extent, we did a few things and I think I want to grab a different plan, so in order to prevent staging with regard to construction or maintenance of the facility entailing any kind of parking on Garland [Road] we pushed our gate far enough back that several vehicles would be able to park and on the HOA property as opposed to Garland Road so people didn't have

that issue, in addition we proposed a really high end gate, not your standard chain and ball, even with a quail motif, which you may say is a little too tongue in cheek but we were...

Chairman Rogan stated when you say park, you don't really mean park, you mean staging for in the purposes of opening the gate.

Mr. Alexander stated exactly.

Chairman Rogan stated (inaudible – Mr. Alexander spoke over Chairman Rogan).

Mr. Alexander stated no, yes, exactly, you're talking about a few moments essentially where they park their car, they open up the gate and then they go, so that was in order to eliminate the potential of people arriving, more than one service vehicle arriving at the same time by doing that we tried to dress up the gate to make it as soft as possible, tie in with the rural character of the area and those are most of the things that I can recall over the past 3 years that we've done.

Ron Taylor stated can you use show view 5 since it also a close view.

Mr. Alexander stated if I have it, I will definitely show it, if that's okay with Chairman.

Chairman Rogan stated please, please absolutely, that's why we're here.

Mr. Alexander stated go straight to the photo simulation. Now this is .38 acres from Brandon Road, I will say, anecdotally having driven the area during the balloon test, you really had to stop your car, get out of the car and know where you were looking in order to see it and I think other Board Members would support my saying that.

Chairman Rogan stated we carrier binoculars and we looked at every place we drove around and we only found it all the way at the old location down by the dam and that was one of the Board Members looking all the way up through the lake with binoculars, other than that we couldn't find where the darn thing was except when we were standing directly under it. So we didn't feel that the location necessarily was the biggest issue, the Board has been centered around the discussions of access and that probably has been 60% of our discussion lately. I think at this time why don't we open this up for public comment, discussion, input, rules of the day are that if you want to come up just please come use the microphone state your name for the record and please ask your question or make your comment, we will do the best, we'll see what we can do, come on up sir.

Jimmy Capone stated how you doing, my name is Jimmy Capone, I live on 10 Garland Road, I'm on the corner of Garland and Hanover, I'm at the bottom of the hill, now my first concern is, I mean is just like anything else, I mean we're not, we're not getting anything out of it and they're getting all the money, I can understand it's a lot of aggravation for them but again its going to be a lot of aggravation for us and we're not getting anything out of it that's number one. Number two which is my concern is the water that is going to come, now you're opening a 4 acre lot, if I understand this correctly, plus a road, so I'm concerned that what kind of grade that is going to be coming down off of that, now you said you all walked that site, okay now you know that's a steep hill, I am at the very bottom of that hill, so now you're opening another 900 feet plus whatever size that they are going to have up there. My concern is and I don't see any drainage on this thing and the Town doesn't have much drainage, I got a little drop inlet that goes into my thing but once it gets past that, it goes into a pipe and that pipe dumps into my property, the way the roads pitched, half the water is going to go into my lot or into my house. Now, I had problems before, I had the

Town out and they raised my driveway a little bit, I personally put in a drain myself in front of my garage door but again if you, if this goes past, my concern is what's going to be the, how far are you go to looking into stop the drainage problem, I mean the site I can't do anything about whether I see it or I don't see it, if you pass it, that's my problem but the biggest problem that I want to see from you people if you do go past it, is where that waters going to go. Also, my concern at the bottom of that road, you've only got a 48 inch pipe and you got a stream going into it, when that rain get going that stream gets going okay, that water right now, if you get a roughly about a 2 inch rain storm a little bit better, if it comes down heavy, the road floods out and now you're almost doubling the size and water flow to that road. What kind of basis do they, sometimes they make a study on a 25-year rainfall, do you do anything like that...

Chairman Rogan stated I am going to defer on some of that, what I want to do is try to clarify some of the points that you made and please don't misunderstand my clarification as a support for a particular entrance, I want that to be clear. When we walked this site, first of all a lot of the drainage issues that you're referring to are existing conditions, from what you're saying...

James Capone stated right.

Chairman Rogan stated the proposed access that they are talking about from Garland [Road], the grade from the end of Garland [Road] up into the site is actually very gradual, it's not steep at all, compared...

James Capone stated okay, that was one of the questions I was...

Chairman Rogan stated it actually follows, if that were the only access, I would be in full support of it because it's a very gentle, you okay [to Board Member Cook], very gentle, almost like an old laneway had gone up through there, you can see there's even not a lot of trees in the area they are looking to go, from that standpoint I applaud that perspective...

James Capone stated because that was one of the questions I wanted to know because I, by looking at that, it looks like it's going straight up.

Chairman Rogan stated right and it's not a 4 acre opening, really the site itself is like a quarter of an acre and the roadway itself from Garland [Road] would be about another, certainly less than a half acre, I think its about a half acre in total. In terms of drainage, any runoff from construction activities or the roadway that has to be put in and Rich please correct me if I'm wrong, has to be dealt with by the applicant, has to be dealt with either on site or...

James Capone stated okay because that is the other thing is, my concern is if I do start to have problems, whose going to responsible for it.

Chairman Rogan stated I think your point about there being existing conditions needs to be looked at because certainly from their standpoint I wouldn't want to be in a position of having a resident who has drainage issues whose articulated those drainage issues at a public meeting and a year after the place is built we have a rain and now a lawsuit...

James Capone stated that's what I'm saying; I would like to see a study where sometimes you make a study on a 25 year rain or whatever...

Chairman Rogan stated but you are really referring to the existing conditions of the roadway in terms of the study.

James Capone stated I, I'm just, it's going to be increasing that's what I'm concerned is, what it is, if you are going to do a study, I would like to see if it goes to a hundred year study. See I'm a New York State DOT supervisor for 32 years, I've been building roads for a long, long time, I seen a piece of rip rap moved with a 2 inch rain storm downpour, I seen it and believe me now, you're going to have it, I understand its going to be a gravel road...

Chairman Rogan stated that is what the proposal is saying.

James Capone stated what's going to happen when the gravel washes out, anybody had a gravel road, number one you're getting, now we're going to get all the stuff, they are going to have the power companies coming in, we are going to have all the tractor trailers coming, how are they going to come in, are they going to back up, are they driving up, are they going to have a staging site up there that they can turn around or are they backing straight up.

Chairman Rogan stated no, they have to be able to drive in and turn around on site, it's absolutely, and we've already discussed that.

James Capone stated okay because I said.

Chairman Rogan stated slow down for a minute so we can kind of cover some of your questions one at a time.

James Capone stated okay.

Chairman Rogan stated if I could ask Rich or Andrew to weigh in on some of the stormwater issues and how they will be dealt with through this process.

Rich Williams stated let me kick it off my saying we've been talking about that for the last month trying to come up with a plan and we are most focused right now on after construction, during construction we have of course all the standard erosion controls to make sure while its under construction that we are not going to have (inaudible).

James Capone stated I'm more concerned with after, when its done.

Rich Williams stated and we have been taking a look at that, we're talking about a gravel road, we're talking about maintaining the leaf litter and the forest cover on either side of the road and we are talking about maintaining the tree canopy because we are talking about a narrow road. So really the amount of runoff that you're going to see after the site is stable and constructed is not a tremendous increase at all, it's very, very minor and with that I am going to turn it over to our Town Engineer who will tell you, you know the alternatives we've come up with.

Andrew Fetherston stated we did have the Town look at, we did have the applicant look at alternate accesses coming in, compare both, amount of disturbance, disturbance afterwards, as the applicant was speaking having, we had him look at the map that is right behind you was having one for, one way in for access and another way for pulling wires and the like, certainly didn't want to have them open up or do more disturbance than necessary, we looked at drainage on Garland [Road] we've just been going back and forth this month prior to this meeting.

James Capone stated there really is no drainage.

Andrew Fetherston stated no, proposed.

James Capone stated oh okay.

Andrew Fetherston stated before this application we had been going back and forth just this last month, really its not required to have permanent drainage structures given the amount of disturbance by the regulations...

James Capone stated I hope so, I know my regulation.

Andrew Fetherston stated so what we were looking at was, regardless of the regulations is it a better idea to put it or not and what have is we have this gravel road is going to be cross pitched, there will be no crown, all the drainage that is coming from the wooded area will go right across the driveway and into a stonewall. My concern was, is the stonewall going to act as a damn, concentrate the water and send it right at Garland [Road], we went back out in the woods, we had number of site walks on the property, went back out in the woods, Town staff, to take a look at that wall to see if there were a number of breaks in it, if there were a number of gaps in that wall when the rain, when it did collect it would dissipate, as it does today. That is the case and we really don't think that there is going to be any great impact after, I was out there, at least twice and then the Town staff had been out there a number of times and I just don't think there is going to be that (inaudible), we did look at it, yea.

James Capone stated like I said my main concern again and also my concern is once this road gets torn up, you can obviously see its falling apart already, is the Town going to do anything with the road, once it's all torn up.

Andrew Fetherston stated you're speaking about Garland [Road].

James Capone stated Garland [Road].

Andrew Fetherston stated well if Garland [Road] is adversely effected by the contractor's operations, he will be responsible.

James Capone stated the contractor or the Town.

Andrew Fetherston stated well the person who would, if somebody...

James Capone stated that is what I want to know, who is going to responsible for...

Andrew Fetherston stated well if somebody damages Town property they are responsible for that.

James Capone stated okay.

Andrew Fetherston stated we can take photos prior to...

James Capone stated that road is falling apart and you start putting all these extra wear and tear on there...

Rich Williams stated to do this they are going to have to get a driveway opening permit from the Highway Department, typically when they do that, depending on the activity we are going to look at whether any sort of bonding needs to put in place to ensure that if anything does happen, the road is going to be repaired by the applicant.

James Capone stated okay, alright, thank you for your time.

Chairman Rogan stated thank you for your comments.

Board Member McNulty stated a question for Neil, what is your length of time for construction for the site, do you anticipate.

Mr. Arthur stated its about 2 months, generally speaking what happens is there might be a week of initial preparation, the big events are putting the foundation in which is depending on the type of foundation is typically 1 or 2 days and then there is really a period of time when the concrete is curing and there's really no heavy activity until the tower shows up and the tower itself goes up in a day and the rest is just cleaning up the compound and utilities and things like that so, overall we think in terms of about 2 months from breaking ground to having a tower up and usually we're waiting for utilities at that point

Board Member McNulty stated okay.

Chairman Rogan stated next up from the audience, don't be bashful, come on up.

Michael Price stated good evening.

Chairman Rogan stated good evening, state your name for the record.

Michael Price stated my name is Michael Price, I live on Homer Drive which is pretty close to I think spot number 1 and for 5 years I've lived there and living there is a pleasure, I love the area, I love the neighborhood and the people but my cell phone, 90% no good, I use it for my in case of emergencies, in case my electric goes down, in case my landline goes down. I have to walk up to the top of the hill in order to get any type of reception from my cell phone, I have cell phones, my wife has cell phones and I find it very difficult to use them, if someone calls me, the phone, the line will drop out, there's no service and I am looking forward to the service and I appreciate the opportunity to speak, thank you.

Chairman Rogan stated thanks for your time.

Board Member McNulty stated thanks for your input.

Board Member Cook stated Neil, Neil...

Mr. Alexander stated yes.

Board Member Cook stated could I ask you, could you show on the map what you anticipate the coverage to be.

Board Member McNulty stated so (inaudible).

Mr. Alexander stated I don't know if we have a big block with us, I know we gave it in your packet, I know I have a small one with me.

Chairman Rogan stated Neil, is what your saying is it will extend off that map, it covers an area much great than that map.

Mr. Alexander stated yea.

Board Member Cook stated well show, using that map, just show the general area that if a carrier and again, the carriers have to come to them to get hooked on, okay, what the coverage would be.

Mr. Arthur stated I don't know if these plots are in your current application package but I can pass this around this is from the ZBA application and this shows Omnipoint, T-Mobile anticipated coverage area, pass that around.

Board Member Cook stated but can you indicate that on that map.

Mr. Arthur stated sure.

Mr. Alexander stated it's off the map.

Mr. Arthur stated from, because of the hill, where Haviland Hollow [Road] is, it doesn't really get much past there but it will go all the way up around here, it will go over through into Connecticut and on the west it will cover really all of the residential areas around the lake, up through Ball Pond Road, just about up to there and on the south side it will cover kind of past Lost Lake, maybe another mile down to the west. It will cover all these areas over on the west side of the lake, there is a bit of a terrain dip in there so at the bottom of that dip, there might be a few problems and really that's about it and then you've got hills off to the west here kind of blocking [Route] 22. It is going to be dependent on the particular wireless carriers, someone like T-Mobile which is represented here would actually be more of a worse case scenario, someone like AT&T or Verizon who are operating at 800 megahertz, they are going to have a lot better coverage and this would all be filled in practically.

Chairman Rogan stated anyone else from the audience, questions, comments, please come up, we'll stay on this as long as you guys have questions.

Jon Lerner stated hi I'm Jon Lerner I live on 11 Garland Road, right across the street from Jim, I have a couple of questions, first of all you said its going to be about 8 trips a month up Garland Road, that's with as the carriers increase...

Chairman Rogan stated you realize that's post construction, that's not during construction.

Jon Lerner stated no I understand but even post construction at the carriers increase from 2 to possibly 6, first of all that's going to increase, am I correct.

Chairman Rogan stated no, the 8 was a total build out.

Jon Lerner stated the 8 was the total no matter how many carriers.

Chairman Rogan stated well they are talking about 6 carriers and I think they figure about a trip a month per carrier and they threw in a little bit of conservativeness into that factor if I'm correct.

Mr. Alexander stated we assumed that each carrier would have a trip a month for maintenance, that is their standard in the industry and then we assume the that emergency response people if they were to go on the tower, would also come up once a month to take a look at their equipment and then the utility company is going to run up there once a month to read the meter so they can bill everybody appropriately for their electric use.

Jon Lerner stated whenever there is a proposed cell tower, there is talk of financial benefits, I'm sure you know where I'm going with this.

Chairman Rogan stated number 1 on my list from the last gentleman's comment.

Jon Lerner stated everything is coming up through Garland Road, I don't know the exact numbers that Quail Ridge is benefitting financially...

Chairman Rogan stated no do we.

Jon Lerner stated okay, I do know the exact numbers from what I hear that Garland Road is benefitting as far as revenue and that's, everything is coming up through us.

Chairman Rogan stated if we could stop on this point for a minute...

Jon Lerner stated sure.

Chairman Rogan stated if I could ask counsel, I know this is somewhat of a touchy issue and probably not within the purview of this Board to consider or we are certainly not in a position to negotiate anything, if you can speak to that regard.

Carl Lodes stated I believe it is an appropriate issue for the Board to consider and I don't think the Board should be involved in anything negotiating anything to do with finances.

Chairman Rogan stated well on to your next issue.

Jon Lerner stated well that's really all I got, I mean, you say its not appropriate.

Chairman Rogan stated please come on up, you can take that right out of there ma'am.

Ivis Fevis Sampayo stated good evening I'm Ivis Fevis Sampayo and I'm at 19 Garland Road and we are actually the last house on the right and I not only have questions, I have comments, I think you have to take into consideration that your responding, yes, exactly...

Chairman Rogan stated okay.

Ivis Fevis Sampayo stated and that we are the people that are going to be living and still continue to live at Garland Road, we are the ones that are going to be inconvenienced, we are the ones that are going to have to face with what you are taking as estimates and let's be realistic, in most cases people estimate and then find out later on, they estimated incorrectly and unfortunately that is what happens in many cases. I've

been here before I have spoke, I'm a 17 year breast cancer survivor and also a 3 year melanoma cancer survivor and I have really true concerns, again they keep saying about the health issues, no one knows and not until someone proves to me and proves to us the citizens of the United States of America that having a cell tower in close proximity does not cause cancer and until that is not proven, then I am not sold on it. I have my son who is sitting here who is 19 years old, who has grown up in this street, one of the reasons, the first priority of mine moving to Putnam Lake was I wanted to live on a dead end street, why, I wanted to see kids being able to play, my son has played with Jon's and Jimmy's, they play out in the street, they play baseball, we didn't have to worry that someone was going to come flying down the road. Now we have concerns about constructions about wiring about flooding, my house is at the very top, on the right hand side of our home the land there show moisture, it always has no matter what my husband does to try to fix the problem, now we have the creek that runs along, that comes all the way down, what's going to happen with that, how is that going to affect my property, how is that going to affect my driveway, we've put in drainages, we've added everything that we can, how is that going to affect me.

Chairman Rogan stated can I also slow you down, so we can cover things a little bit at a time...

Ivis Fevis Sampayo stated sure please.

Chairman Rogan stated I know you have a lot of things you want to talk about, I would like to be able to try and address some of them. I'm actually going to put Ted a little bit on the spot on that last comment to talk to the wetland issues, relating to the site and what the proposal would potentially impact on those, if you could, because we do have our wetlands consultant here...

Ivis Fevis Sampayo stated thank you.

Chairman Rogan stated so I think that is good person to be able to talk to that.

Ted Kozlowski stated well the only wetlands that I saw was the wetlands coming from the Phillard [Road] section, the wetlands that are very close to the I guess the other alternate entrance to the center of that property, now this creek you're talking about I don't know anything about.

Chairman Rogan stated well isn't that, if you walk up form the proposed entrance, the entrance from Garland [Road] it would be on the right hand downhill side, it kind of comes down along and goes behind...

Ivis Fevis Sampayo stated and it curves, it curves around the back of the house and comes all the way down Garland Road, it's very narrow and when it rains a lot, it does get filled and yes the property, the side of our property does become moist, my other concern that I would like you to cover is...

Chairman Rogan stated okay but can we still stick on this one.

Ivis Fevis Sampayo stated oh okay.

Rich Williams stated I think the creek that she's referring to is that there is a fairly good flowing creek running behind her house that comes up, it kind of hooks over toward the east over northeast into Connecticut.

Chairman Rogan stated so when we go up towards the hill, its actually going out off to the far side of that hill.

Rich Williams stated so we actually didn't see when we were out there.

Ivis Fevis Sampayo stated but it is there and I am concerned about that.

Chairman Rogan stated it sounds like this project by the very nature of the headwaters of that creek don't have any impact because its not associated with it, it comes from a different place, its not coming from any place that would be impacted by anything proposed regardless of which alterative we look at.

Ivis Fevis Sampayo stated and that wall that you were describing about the fact that this gentleman here was describing, that would not then effect it on my property because I sit at the very top of that hill.

Andrew Fetherston stated (inaudible).

Chairman Rogan stated yea, please, probably, that map probably isn't going to.

Ivis Fevis Sampayo stated 19 Garland Road.

Andrew Fetherston stated you are, she is here on this map, the road is proposed to come up on the side, on the high side of the topography here, this ditch and stream that's she speaking about is this right here, you have the driveway that's proposed and you have the wall and it keeps dropping off lower and lower, that is where that drainage going, that is what I think she's speaking about.

Rich Williams stated we are looking at a femoral stream, that drainage channel that goes down there, the flowing stream that actually comes down that is causing problems on Garland Road down at the base, actually hooks up toward the east...

Chairman Rogan stated towards Connecticut.

Rich Williams stated that drainage channel does eventually get into it.

Chairman Rogan stated oh okay.

Ivis Fevis Sampayo stated so it would not effect, can you guarantee that it would not effect my property, that is what I want to know.

Rich Williams stated the method that we are proposing for the stormwater is one that is going to keep the stormwater very diffuse in an overland flow not concentrated, when you have concentrated stormwater, that is where you really start running into concerns and problems, so what we've been talking about is keeping it very distributed and diffuse, as it is now.

Ivis Fevis Sampayo stated but we still have problems as Jimmy was stating before and the issue is that you are guesstimating a lot, you're estimating that it is not going to be an issue, that its not going to be a problem but if we have a really bad winter, we have a really rainy spring, then way, you know again, these are things that can occur to us and one of the other questions I am really concerned about is all this work that's going to get done. What's going to happen with any of the disturbance of the property there, maybe the chemicals, things that you're using, the drilling, how will that effect my well, my well is right there at the top and not just mine but that of my neighbors.

Chairman Rogan stated ma'am what drilling are you referring to.

Ivis Fevis Sampayo stated when they are going to be building and putting up the actual cell tower and all of that work, you were talking about disturbances.

Chairman Rogan stated oh yea, I'm just, when you said drilling I thought maybe we should clarify so that we don't have a misconception, because we are not drilling other than setting footings into the ground for a cell tower which is concrete much like you have in your house and wouldn't impact...

Ivis Fevis Sampayo stated okay, so none of that would have impact on my well water.

Chairman Rogan stated concrete from a footing, no ma'am; I think common sense would dictate...

Ivis Fevis Sampayo stated I work with women with breast and ovarian cancer, so I have no idea.

Chairman Rogan stated but I think that your own foundation, if we were to follow through on that logic, your own foundation would be a greater concern for your safety than one that's a 1,000 feet away...

Ivis Fevis Sampayo stated okay that's good to know.

Chairman Rogan stated or one across the street from you for instance or even one down gradient, so that I think we can safely say in fairness to you would not be a concern for impact of your well.

Ivis Fevis Sampayo stated okay.

Chairman Rogan stated you mentioned earlier you concern for cancer and that also, again I can defer to legal counsel but I may not disagree with you on the concerns but I also know that is not something within our purview...

Ivis Fevis Sampayo stated right.

Chairman Rogan stated it's something that the federal government has weighed in on at this point in time and it is not something that we as a Board can say we're not sure about the health impacts...

Ivis Fevis Sampayo stated oh I didn't expect you to...

Chairman Rogan stated good.

Ivis Fevis Sampayo stated I don't expect an answer from you, I just want it posted on there...

The Secretary stated hang on one second please.

Chairman Rogan stated we have to switch the tape.

(Tape 1, Side 1 Ended – 8:25 p.m.)

Ivis Fevis Sampayo stated I just want to make sure that its on record about my concerns because as I said our children are living there and we want to make sure, my neighbor is expecting, my son is there and you know we already have a family history so there was a concern there and most important again the usage of

Garland Road. We are receiving nothing from this, I don't understand, I do to a certain degree, you did mention how it would be a higher cost for you and I understand but I don't understand why I have to be inconvenienced, why does my family have to be inconvenienced, why do my neighbors have to be inconvenienced because it is going to be more expensive for you. I think its something as a business, you need to keep that cost in mind, I know its going to be easier if you do it this way but it will be easier for you as a corporation and not for us as the people that are living at Garland Road and I think that needs to be addressed.

Chairman Rogan stated I can't speak to part of what you said but when we walked this site, we somewhat agreed with the applicant that the Garland [Road] access was an easier alternative to build but we also demanded, well requested and they were very nice to do this, to do a full blown engineering evaluation of an access coming off of Phillard [Road] because we walked up to that area and saw it as a potential and still see it as a potential, even though we haven't worked out all the finer details of it. With some of the same comments and concerns that you've just raised that you know, we see that a slightly increased cost doesn't mean it shouldn't be looked at doesn't mean that it shouldn't be considered.

Ivis Fevis Sampayo stated absolutely because the fact of the matter is if I wanted to have something built for my convenience, I am not going to turn around and build it on my neighbor's property and ask him to accept it and that is just how I feel is happening right now with the people that are here, whether it is the use of the a cell phone or not and there are landlines too. Thank you.

Chairman Rogan stated thank you, anyone else, come up, come on up please, you can take the microphone out, please.

Tracy Lamorte stated my name is Tracy Lamorte I live at 15 Garland, I have more comments about it like Ivis was just saying about the health issues. I'm having a baby in a few months and I don't want to my child growing up around this because whose to say in 10 or 20 years they are not going to change their mind and its not going to cause cancer.

Chairman Rogan stated are you saying now regardless of where the access is, you're against the cell tower, in general.

Tracy Lamorte stated regardless, I'm just saying have this near my house, in general, right I don't know, would you want your kids or your grandchildren growing up around a cell tower, without having any real idea of what's going to happen or what could happen, I don't want that, my child's life is way to important than a cell tower. I could care less if my cell phone works, I have a house phone, I can make calls, it doesn't matter to me but that's my, one of my main concerns, another concern is having a place for teenagers to go and hang out, oh let's go hang out at the cell tower, now I have to worry about my property and all my stuff, that's not fair.

Chairman Rogan stated we have actually discussed at several meetings what kind of security lighting would be around the site because the site is pretty well fenced in, so that it's not an attractive nuisance but something like this in the middle of the woods you know I grew up in Putnam County also and there's not much to do here on weekend nights, so I understand that teenagers will find a place to hang out. Board Member McNulty has actually asked and mentioned things like security lighting that would turn on automatically for motion sensor around the perimeter because that kind of deters because when the lights kick on they can be seen for instance and I think that that detracts the attractive nuisance aspect of it. So we haven't ironed out any of these issues but there are things that we've discussed.

Tracy Lamorte stated and I bought my house 3 years ago and I bought it on a dead end road for a reason, I like the quietness, I like my neighbors, you know its quiet and it's a nice place to live and having yea, alright 8 cars whatever coming up and down the road, I don't care you know I don't, I just don't want it there. I think they need to find, I would like to see them find another less populated area to put it in, that's...

Chairman Rogan stated I don't want Neil to fall off his chair because where we started down at the other end of the lake was the opposite of what we have here, you know this is the most probably wooded distant site that they've come up with and they have looked at a lot of locations, I understand your concern about that but in fairness to them, for the sites that they've considered to cover this area, so far this is looking like one of the better ones but I'm just saying generally speaking, if, I don't have control over, that is not this Board's purview of whether or not they put up a cell tower, we only look at the, what they are going to put on the site, the Zoning Board is actually involved with location, so I understand those concerns that were raised as well.

Tracy Lamorte stated that's it, thank you.

Chairman Rogan stated thank you. Anyone else please, good evening.

Dominick Lamorte stated Dominick Lamorte, 15 Garland Road, that was my wife, just my question is can't you guys hire a private contractor to come in from the other entrance to get the fiber in and get the utilities in that way. Have that, have them pay for it rather than us be inconvenienced...

Chairman Rogan stated that's something that has yet to be fully investigated but I know that we wanted a hard look from our Engineer at the grading that would be involved, what it would take because believe me, we've had as recently as last month, this Board had discussed with the applicant you know bringing in access from Phillard [Road] but still bringing in utilities from Garland [Road] because if they are underground we were kind of looking at it as you left it kind of revert back to nature it's only conduit, you just pull from one end to the other and that is still something that we've been looking at...

Dominick Lamorte stated because I'm sure Verizon would, you know if they are willing to get out to Haviland [Drive] I'm sure they would meet them halfway.

Chairman Rogan stated and even if the Verizon came up Garland Road, you already have overhead service up to the lady's house, the white house that was just speaking, it goes right to that pole, we were there and it would need, I think we mentioned on site that it would go one more pole overhead to get to the property because underground would kill all the trees on that street there and we didn't like that idea either.

Dominick Lamorte stated right.

Chairman Rogan stated so for purposes of this public hearing its really to get all of your comments and concerns, we as a Board by no means have made up our mind on any of this, that is why we are getting all this input and they certainly expended some resources but those are things that we've asked for and we've asked our Engineer and our Town Planner to make sure that what they are showing us is an honest effort, not what's best for them in fairness...

Dominick Lamorte stated right.

Chairman Rogan stated and to this point I think that they've shown that, we haven't, like I said, I don't believe made any decisions on this Board as to what the best alternative is and so again I think tonight I think the main purpose is to be able to gather information, I mean to be honest if 1 person showed up from Garland [Road] that would show us that its not a big concern for the people on Garland [Road] but the support for tonight shows that there is a lot of concern, its something that this Board has to take into consideration.

Dominick Lamorte stated also like my neighbor said, we're not receiving any compensation whatsoever from this whole project and they're getting all the benefits, we're not getting anything, we're getting the extra traffic, the construction, cement trucks, everything else, the cranes, we're getting all that, they're getting nothing and they getting the profits from it and I don't think its right.

Chairman Rogan stated and you can appreciate why I asked counsel, that is something we can't weigh in on, what you people do on your own is up to you.

Dominick Lamorte stated well its needs to be said.

Chairman Rogan stated I understand.

Dominick Lamorte stated that's all I got, thank you.

Chairman Rogan stated thanks, next, anyone.

Ian Sampayo stated hi my name is Ian Sampayo, I'm on 19 Garland Road and I want to say is when we moved here, I grew up as a little kid, you know, it was a quiet area, it was a dead end street, that's what my parents brought me there, to be able to you know have the quiet life and not have to have construction and all of these trucks coming up and you know cement things, visit 8 times a month. This isn't fair for especially my neighbors having a kid and he has to grow up, he or she has to grow around all of this happening when really what you pay for is a house so that you can be on a dead street, so you don't have to worry about construction or having a cell tower near your house, I just don't think its fair that we have to go through this when first of all we're not getting any compensation and then second of all when we bought these houses so that we don't have to experience things like this and I really think it really makes no sense to all of a sudden have a cell tower, don't get me wrong the service is around the lake, not good, some of friends I can't reach but that's why we have our home phones, that's why we go out, that's why we talk to each other, what happens if we had no cell phones, how are we contacting each other then, we are meeting each other, we're going out, you know we're doing things, I mean before cell phones how, if you guys were kids and something like this came up, how would feel about that, that's what it really breaks down to, its not about what we have now, it about what if back then someone had to put above your property a cell phone tower or something like that and you still don't know the risk or what can happen down the line.

Chairman Rogan stated you're not looking for an answer on that are you, it's a question that is beyond this Board, you're asking a question of, that is much bigger than this Board I mean...

Ian Sampayo stated what is it amount to.

Chairman Rogan stated my point is that if the supply and demand, if the demand wasn't here for cell phones, these gentlemen wouldn't be here. We all probably everyone in this room has a cell phone, whether I agree or disagree with the idea of cell phone towers, it really is irrelevant for our...

Ian Sampayo stated supply and demand is there but we're the ones that...

Chairman Rogan stated you need to use the microphone.

Ian Sampayo stated we're the ones that are dealing with that supply and demand, there are people that need it that are further out of the lake but that's near their property.

Chairman Rogan stated no, I understand, I don't disagree with you...

Mr. Alexander stated I think we need some context here, if I can help.

Chairman Rogan stated sure.

Mr. Alexander stated we don't get to decide what we want to be luddites about...

Chairman Rogan stated want to be what.

Mr. Alexander stated luddites about, we don't get to decide whether houses should have indoor plumbing anymore, we don't get to decide whether there should be power lines or transmission and distribution lines, how utilities are sited. We are public utility and under the Telecommunications Act of 1996, we were granted and required and mandated, the carriers here, Clearwire and T-Mobile, were required to provide service to the public and under the Telecom action, section 704, they can't be prohibited from providing service, each carrier, they have to be allowed to do it in a timely fashion. We can talk about the Shot Clock ruling that just came out of the FCC about the time within which a decision on a tower, we are years past it, its 150 days as the presumption as a review period for a cell tower, we've undertaken a fair amount of time here well beyond that we're at probably 36 months, as opposed to you know 5 months and the bottom line here is that in the compromise between Federal and local what the Federal government says is that you can't prohibit it, you have to allow it in your community, you have some say over certain issues, you certainly don't have a say over any health issues, you can't be dilatory in your review process which I'm not accusing anyone here, I'm giving context for the Town. At some point the reality is that we've looked at 2 dozen sites and there are no better alternatives, this is the least intrusive alternative and that is the legal standard. You know they really, very clearly, just to give a really good context, there is the Ana Corta Case out, off it's an island off of Seattle and the whole island is a national preserve and there are people who live there and everyone said well we don't want this and the Federal Government and the Federal Court System said you have to have it and you can't keep making the carriers take a look at sites and phantom sites and alternatives and alternatives and alternatives and when they, the carriers out there had looked at many fewer alternatives than we've looked at here, the court said that's enough and I think it was only 8 or 10 sites and we've looked at way more than that and I think its an important context...

Board Member DiSalvo stated you looked at all these sites and I only know of one other one that we've been aware of...

Chairman Rogan stated that we've considered...

Mr. Alexander stated no, that's not true, let's go back to 2000...

Board Member DiSalvo stated I've never seen, I never got a (inaudible).

Mr. Alexander stated that is not accurate at all and in front of the Zoning Board Appeals, that is where it has happened because they have the use variance as a public necessity...

Chairman Rogan stated in fairness (inaudible).

Board Member DiSalvo stated (inaudible) to us.

Mr. Alexander stated no I understand that, I understand but the bottom...

Ted Kozlowski stated excuse me but this young man had the floor Chairman, he rudely cut it in front of him.

Chairman Rogan stated he did, in fairness, wait a second, let's not let this get out of hand, in fairness he said Mr. Chairman if I may and I said yes, so...

Ted Kozlowski stated I know but we are going beyond that.

Mr. Alexander stated well you know what, I mean I don't want to poison the well here but I think this is important context.

Chairman Rogan stated I appreciate contexts to the conversation, there are things that the public, whether they like it or not, they have to understand are outside of our purview and our purview being what we can decide on and what we can't, doesn't mean we don't agree or disagree with you it just means that there are certain things that we can not act on, so as this gentleman still has the floor, and when he's done, you are more than welcome. That is a hard act to follow now...

Ian Sampayo stated oh no, yea, I know Federal, plumbing, electrical these are all things that are you know now mandated, these aren't things that in the long run maybe cause cancer, maybe do something you know isn't exactly healthful for the community, don't get me wrong, plumbing and all that that's something that you know, this isn't the medieval ages, I'm not saying you know all of a sudden yea we should have a cell phone tower just because you know it will help you out but these are not things that give you cancer, these are not things that will down the line someone is going to whoops we messed up, sorry, you know. We thought this would be fine but its not...

Board Member DiSalvo stated but your main concern is the traffic.

Ian Sampayo stated yes, it's the traffic, I play baseball with my friends on this road.

Board Member DiSalvo stated I grew up on a dead end in New York City and it was pleasure growing up on a dead end...

Ian Sampayo stated there we go.

Board Member DiSalvo stated I had my basketball hoop there, we all hung out in front of our house, so I know what your feeling but tell us about the impact of traffic that would be on your quiet road, talk more about how that would impact you.

Ian Sampayo stated I'm just saying as someone whose played outside, someone whose had the experience of you know doing these things and growing up, these are things that are going to take away from the experience.

Board Member DiSalvo stated so you think we should consider more the alternate entrance on the other side of the property or do we...

Chairman Rogan stated let me hold up the conversation for a minute and defer to counsel and Rich, remind this Board what our responsibility is for approval and review and what the Zoning Board's responsibility is in terms of the aspects of the applications.

Carl Lodes stated the Zoning Board decided an appropriate site, you decide only the siting issues.

Chairman Rogan stated so in essence we are here tonight for site requirements and access and the actually site, whether or not this location is acceptable or not, is not within the purview of this Board, okay, just want to make sure because even sometimes I get a little confused. We tend to want to look at the whole process, that is the way this Board tends to be and we sometimes have to reminded of where, who has each part of the pie so to speak, okay. So then what Maria was saying was important, the issues that are impacting on you, that effect whether or not the site is accessed from Phillard [Road] or from Garland [Road] those are things that we should be listening to.

Ian Sampayo stated it's not just the impact of where the entrances are, it's the cell phone tower itself.

Chairman Rogan stated but just heard what legal counsel said.

Ian Sampayo stated I did hear that, I do like that, I appreciate that you guys looked into that but I'm just going to leave one closing comment, if this was your kid or if this was your grandkid, how would feel about that and that's all I need to say, thank you.

Chairman Rogan stated thank you, we appreciate your comments. Someone else had their hand up, sir...

George Sampayo stated my name is George Sampayo, I live at 19 Garland Road, I just want to say to the lawyer, he's making it look like we have no choice as American citizen, that this has to go up no matter what we say...

Mr. Alexander stated that is what I'm saying.

George Sampayo stated that's what he's saying, yea, that's what he's saying...

Mr. Alexander stated your chances are (inaudible).

George Sampayo stated guarding, can I talk, let me talk, what's wrong with you...

Chairman Rogan stated in fairness...

Mr. Alexander stated don't as a rhetorical question.

George Sampayo stated again, again...

Chairman Rogan stated what I will say, before this gets out of hand is...

George Sampayo stated it's him, it's him.

Chairman Rogan stated we will not from either side tolerate, it's not a court room but in this room, let's keep it as polite as we can.

George Sampayo stated I understand but its not me, he's interrupting me, I'm not interrupting him.

Chairman Rogan stated so continue please.

Board Member Cook stated proceed.

George Sampayo stated I'm just saying that its unfair like he's saying, we have to take it no matter what we say, you know it's the law, no matter what we say, we gotta do it...

Chairman Rogan stated that is why people are getting voted out of office for these things.

George Sampayo stated exactly, exactly and I don't think its fair that I buy a home and I have to pay taxes, they are not telling me you don't have to if you don't want, if I don't pay taxes I'm out of there, so this guy is saying you gotta put it up, this is ridiculous, come on.

Rich Williams stated Mr. Chairman...

George Sampayo stated but you understand what I'm saying.

Chairman Rogan stated I do.

Rich Williams stated if I could weigh in on this, it is incredibly unfair but it is the Federal Government, it is the Federal Communication Commission who sets specific guidelines about what communities can look at and can't look at and now have set time frames that say we have to review an application. We have to do it within 150 days or they can take us to court and get the application approve by default and its not this Board and its not this Town but it is the Federal Communication Commission who is several restricted what communities can look at and you're right it is incredibly unfair but it's the Federal Government that has set these standards.

George Sampayo stated the way I see it the people are going to benefit by this, what is the Connecticut, the other side they are putting the tower on.

Chairman Rogan stated no, it's Patterson.

Board Member DiSalvo stated Patterson.

George Sampayo stated no, the other side, not on Garland Road, then let them go there, if they are going to get the money let them go through that side, not through our road. How many trees you guys cut so far in the back, have you cut any trees down yet...

Mr. Alexander stated Mr. Chairman, I mean (inaudible).

Chairman Rogan stated we've been out there.

George Sampayo stated have you cut any trees down yet.

Chairman Rogan stated I think maybe there might be a handful of small trees just to do the balloon test from what I recall.

George Sampayo stated right, right.

Chairman Rogan stated because they needed, the balloon kept getting stuck in the branches so...

Board Member McNulty stated saplings, they were pretty small.

Chairman Rogan stated but I don't think, not so far sir.

George Sampayo stated okay.

Chairman Rogan stated and actually, well enough said.

George Sampayo stated I just feel that they (inaudible) you, it doesn't, you have to put it on, whether you like it or not, its going to be there.

Chairman Rogan stated regardless of what Neil said, this Board is very comfortable in their position of reviewing the site access and the site improvements and we've had a lot of great conversation that a lot of you people haven't been here for, this is just one meeting, we've been talking about this for a long time.

Board Member DiSalvo stated didn't we have a big public meeting that the Rec Center when it was going to be at Jackson Beach, wasn't there a lot of people in the audience there.

Chairman Rogan stated I don't remember that, that was with Zoning, wasn't it.

The Secretary stated yes.

Board Member DiSalvo stated yea.

Chairman Rogan stated I don't disagree with a lot of your comments.

George Sampayo stated to be honest I'm trying to be disrespectful towards you guys it's just...

Chairman Rogan stated letters in general to the FCC, voicing your opinion on this certainly you know would be appropriate, maybe not to this particular project but just in general that this maybe is not a fair system but I think they've come up with these rules based on having their own public comment and input.

George Sampayo stated you said that is why people get voted out and I agree with you, thank you.

Board Member McNulty stated you may want to contact Congressman Hall's office.

George Sampayo stated thank you, we have, we have spoken to him and sent letters to him, so thank you very much for your time.

Chairman Rogan stated thank you, yes ma'am, please come up, sir you're next.

Maureen Lerner stated my name is Maureen Lerner and I live on 11 Garland Road.

Chairman Rogan stated what was your first name.

Maureen Lerner stated Maureen.

Chairman Rogan stated Maureen, hi.

Maureen Lerner stated I moved up here 18 years ago, I have 2 kids now, they both learned how to ride their bicycles, no traffic, it was fine, a couple UPS trucks here and there, you know the mailman, oil trucks, whatever. The impact of you know these carriers coming up my road is just ridiculous, I came from a dead end road, when I lived in Yonkers and its so peaceful there you know, I don't like the fact that everybody's going to be going up and down, besides the fact that there, alright it's a gravel road, I know that they have to take out trees, there's foxes and deer, all sorts of flora and fauna up there that they are going to rip through Garland Road to get to and the Quail Ridge site is closer, they are benefitting from it, I don't want it to go through my road, I don't want my road to be an access road for anything.

Chairman Rogan stated okay thank you, sir, if it's...

Mr. Alexander stated I want to clarify something factually.

Chairman Rogan stated sure, please go ahead.

Mr. Alexander stated I just want to clarify that our maintenance vehicles are cars and SUV's, so I think that is important contextually and I just wanted to get that clarified on the record.

Chairman Rogan stated okay, thank you.

Maureen Lerner stated but its still another vehicle, I don't care how big it is, it's still going up and down.

Chairman Rogan stated did we lose the gentleman in the back of the room, did he leave.

Unknown Speaker stated he just stepped out, here he is.

Chairman Rogan stated he can, sir, you're up. Thank you Maureen.

Stuart Young stated hi I'm Stuart Young, I'm from Quail Ridge Homeowner's Associations, so we are the other side of the equation. I don't know if everyone has been following this as long as this has been going on but just a little history, we didn't approach anybody to get this wireless tower, we were approached because I think it was the PLCC had some problems with putting it on the lake et cetera, et cetera, so there's been other sites and they've all been, they've all had opposition. There is always going to be some opposition because it does impact people that's why we put up the ball to see whose impacted and whose not and you know we have people who are concerned with cancer cells and all of these you know cancer clusters and I don't think any of that has been proven or disproven but people you know have valid concerns. As we understood it, a cell tower is going up somewhere in our community, one way or the other, it will either be on the lake or on our property or someone else's property, so that's you know, where

we're coming from. You know, that property, people talk about compensation, well then they'd have to talk to Wireless Edge, we're using our property, so that whatever borders your property, that's the 65 acres that we own, that we pay taxes on, so I just want to just say that, we're not the enemy, our people voted and said we want wireless service, so that's why we accepted it. So that is just where we're at with that, compensation, I think you know, it, people who own the property get compensated, there will be people that get impacted and hopefully it will be at the minimum, we had concerns about that too, nobody wants to look at it, nobody wants to see it but everybody wants to talk on a phone, I know my family does, I don't use my cell phone but my family does, so there is always a give and take with everything. So that is all I wanted to say, we're not the enemy, we were approached, so we put it to a vote with our community and it passed, so that is why Wireless Edge is forging ahead. Now we may or may not get it I don't know if there are other sites being considered as well...

Chairman Rogan stated sir what are you thoughts about the access road coming off of Phillard [Road].

Stuart Young stated our discussions with Wireless Edge, that wasn't put to a vote with our people.

Chairman Rogan stated I understand that...

Stuart Young stated we never said to them that this was coming in through Phillard [Road], we were approached with the plan coming through Garland [Road] and that is what we took to our community and said as far as we understand it, it's coming through Garland [Road] and because of construction costs and whatever else.

Chairman Rogan stated no, I'm not asking you for the opinion of the whole Quail Ridge Homeowner's [Association] just your own personal feelings about how you feel if the access was off of Phillard [Road].

Stuart Young stated that access off of Phillard [Road] would go right between 2 or 3 homes, it would definitely impact the people that are up in that cul-de-sac, it's a rocky hilly access, it's not as open as the road, it's like a path through Garland [Road] to begin with. So I don't know, my personal access, I wouldn't see it either way where I'm located, so would it impact me and my house personally, no, would it impact my neighbors yes, it's impacting my neighbors now, I mean, you know we are neighbors in this larger community, so its not, I don't want to be one group pitted against another group, you want to put it by the lake, that's fine with us, wherever its decided but I know that a lot of people are going to see and they had a lot more problems, I think it was at the south side of the lake, then where it was with us, we were in the dark about this whole thing until we were approached, like I said by PLCC and said hey would you guys consider something like this because it's a viable site, so we considered it, we took a vote and as it was presented to us and it passed by more than 2/3, by almost 3/4 majority in our community now that is common property. Its about 65 acres of woods there, that the people on the dead end of Garland [Road] have had the benefit really of the solitude of our property which we have kept forever wild which we have not built anything, we are allowed to build as per our bylaws, we are allowed to use that property only for the benefit of the homeowners of Quail Ridge and we can lease that property, you know we would get the wireless service plus we would get any income from however many carriers. So and that money would be used for the common ground and whatever for the benefit, so therefore we satisfy our bylaws, so that is how we understood it. You know, it's not, we don't want to take and force this down anyone's throat but if this is the most remote location and it was viable and it was good with the people who live in Quail Ridge and pay taxes on that property, everybody gets assessed for 2 or 3 acres of property who lives in the Quail Ridge Community, we're all assessed as if we have 2 or 3 acres, to divide up that 80 acres that we own, so when people say why are we getting compensated, well gee not for nothing but that's not your property, you've gotten the benefit of that solitude for all of these years and we've kept it that way because we want

that solitude too, we don't want a big road and we don't want a big bustling tower in there to destroy over quiet and solitude as well. We all appreciate that, that's why I moved here.

Jon Lerner stated we don't want it either.

Stuart Young stated no and I understand that and we want to keep it to a minimum but somewhere on the lake, some time or other, a tower is going up and somebody is going to be impacted, if this is the least impact that's fine, if you can find a better place, find it, you know we don't have a problem with that.

Chairman Rogan stated we appreciate your comments.

Jon Lerner stated can I address this gentleman.

Chairman Rogan stated yes but you need to come up and use the microphone because Michelle here has to get all these minutes and...

Board Member McNulty stated she's got a long week ahead of her.

Jon Lerner stated first of all I don't consider, I don't know how anybody else feels, I don't consider you the enemy, it's just, it's a difference of opinion but let me ask you a question if you don't mind, I understand it on your property but do you understand where we're coming from.

Stuart Young stated absolutely.

Jon Lerner stated what are you, do you, it's just an opinion, I'm not, these people can't answer this questions, I'm asking you, are you the only here from Quail Ridge, you're here from, so I'll ask all of you, do you think it's fair and again its just a general question I'm going to ask, do you think it's fair...

Chairman Rogan stated you're really getting personal now.

Jon Lerner stated do you think its fair that you guys get all the revenue.

Chairman Rogan stated sir I, just for the context of, you guys can have these conversations outside of this, for building this record, I think that, I'm sorry, that is not really an appropriate question. We need to keep this within the context of what this Board's here for is for collecting information for us to be able to make a decision. The worst thing that this Board can do is allow that type of question and answer, we might as well just thrown and approval way, that is the way these things will happen, so please keep that in mind and we'll be happy to entertain any other questions that relate to site improvements, access, please come up ma'am and then in fairness to other 15 cases on tonight, unless there is anything else, we're going to move, you absolutely can, we'll get you right in.

Laverne Krulish stated hi, my name is Laverne Krulish, I live on 7 Freemont Road, so as you go up Garland [Road] before you get there, the road goes this way, my house faces the woods in the back plus I also, on the end of Freemont [Road] own 2 more lots, so I got 2 certified letters. I think its just about, I've lived there for 35 years, my children were 1 year old and 6 months old when I moved there and all the houses up of all these people that spoke, it was woods, it took us 30 years to get a street light, it took a lot of time, they don't pick up our garbage because the trucks can't get through and I think that everybody is just frustrated because we just feel that it's unfair health-wise, its not even about the money, its about what's right, its about why our little road that they don't even pick up our garbage when it snows because

the truck can't get up the hill and now we have to put with the trucks going in, all the construction. If we go to sell our houses, people are going to see the things up there, so the main thing is its not about oh Quail Ridge had a chance to make money and everything, of course they are all going to vote yes, they have a benefit from it plus they don't get to see it and its not even about seeing the cell tower or Verizon or what it is, my husband is a manager for them and it has nothing to do with that. It has to do with we bought our house, we moved there with our children, I've been there a long, long time, it's a small little road that the trucks don't even get up, UPS can't even get up and now we have to deal with all this construction on our road, all this, we are the last road to be plowed so in the winter time when the trucks come to do what you have to do. The plows can't even get up there because the snow is so high because we are always the last one so whoever you send in is going to have to 4 wheel drive, so if we can't get up our hill or even get to our houses, now we have to deal with the plows don't even come in, all these trucks coming up and all the children play in the street, it's where they play and that is why everyone is so upset and so taken out. Its' not about the money or who gets the money, and you're right, it has to go someplace, everybody wants to use their cell phone but why does it have to be a little street that if another car comes down you have to move to the side of the road because 2 cars can't get up and that's what frustrates everybody its not about you're getting more money than me because I could care less about the money, it's about what we bought our houses for and how we brought our children and the children that are growing up there now. So, I just wanted to say that I've lived there a long time and I just feel like there has to be an alternate way of coming in there, Quail Ridge, if they have all that property and they are so proud of it, there has to be way to come in there, after all they're the ones benefitting. Thank you.

Chairman Rogan stated thank you. There was someone else who raised their hand, yes sir, come on up.

Geoff Bloss stated Geoff Bloss, 18 Phillard Road, so my property I think is the closest out of everybody who has spoken tonight, I think I echo probably a lot of sentiments of people on Garland Road, I'd rather who wants a cell tower 500 feet away from their house, I certainly don't, I moved up from the Bronx, so I stopped here on express buses, passed by in the middle of night and got into some country seclusion. I moved away from a building ironically enough that sold its roof to a cell phone company, just to get up to the county and now voila, 500 feet in my backyard there is going to be a cell phone tower. I think everybody's kind of realized I think that we don't have a choice, something is going to happen in this community, somebody decided that the best place for everybody in the community was in my backyard. I certainly understand the photos that were taken and it is pretty representative of the views throughout the community of what you would see, however I would tell you that John and I from Wireless Edge were out in the property after leaf off conditions in the winter, I am probably the only person in the Putnam Lake Community who is going to see that tower for 6 months a year. I walked out there with John and correct me John if I'm wrong but I walked out there, you can see the back of my house, you can see my bedroom windows, you can see my kids bedroom windows, you can see my deck so for 6 months a year I am going to have, what is now a pristine setting interrupted by the presence of this tower. So, I'd ask when you consider, I certainly understand and respect a lot of the concerns that were raised by the people on Garland [Road] but when you consider access, I ask that you kind of consider the inconvenience that myself as well as the neighbors that are directly around me at the top of the cul-de-sac are going to have on our setting based on the presence of that and realize that its not that we are receiving some kind of financial windfall of financial benefit without some burden or impact on our properties, so.

Chairman Rogan stated okay, thank you.

Geoff Bloss stated thank you.

Chairman Rogan stated okay, anyone else, going once, going twice, well you can comment after the public hearing, so, no, okay.

Board Member DiSalvo stated motion to close the public hearing.

Board Member McNulty stated seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, so we still have a lot discussion to have on this but the point for having this tonight was really to get your input on this, please understand that this Board heard everything that was said, we'll go back and look at the minutes but we really do need that input, there are things that we do have some discretion over and those are the things that we have to struggle with and we appreciate your participation tonight in this process, so thank you folks.

Unknown Speaker stated when will the minutes be online.

Chairman Rogan stated they, do the minutes get posted online.

The Secretary stated they do get posted online once they are approved by the Board, they will be online.

Chairman Rogan stated so it probably be about a month, it takes a little bit of time to get all this typed up, they are verbatim minutes, so you can imagine that takes quite a bit of time.

Unknown Speaker stated can you just talk about what the next steps are in the process.

Chairman Rogan stated we have still, we've asked for a lot of information the Board still has a lot of discussion to have about alternative access, mean from Phillard [Road] to be honest with you and really coming to some resolution to that issue, the actual site itself. As you've heard tonight, the Zoning Board is the regulatory authority in terms of siting the cell tower, the site itself lays out pretty easy in my opinion I'm not speaking for the Board, the components have to go there, the site, the topography lays out very nicely for it, so that really doesn't change whether you come in one way or the other. So from my perspective it comes to how we maintain the site and how we access the site and really that's a discussion that we have to go through a little bit more information with input from our technical staff and so I would recommend it, if you have concerns about this, that you attend the meeting relevant to this process.

Unknown Speaker stated so the next decisions would be, the next hearings would be made at a public, not necessarily at a public hearing but a public meeting.

Chairman Rogan stated oh absolutely, every discussion happens at a public forum, absolutely, yea, I'm sure Neil wished we were making a decision about this tonight but...

Mr. Alexander stated I want to talk a little bit about SEQRA before we end, when you're ready.

Chairman Rogan stated sure and I'm not trying to push anybody out the door, I'm just trying to move along the process now, we've closed the public hearing so.

Mr. Alexander stated that is what I need you to do tonight, is I need you to make a determination of significance for SEQRA. We've gone as far as we can go with the ZBA, there is no point in us going to the ZBA hearing on the 14th that's been publicly noticed at all, to spend the money to show up or anything because without a determination of significance. The ZBA can't conclude and we really need that. To quantify what I heard tonight is that you had Phillard [Road] people speaking out that they don't want it and you had Garland [Road] people speaking that they don't want it and you had one other person who said we need cell service. So you have the complete mix up as you know, the cannons of law and code require that you engage in Zoning and Planning, not a public referendum, not at a planning and you know all those issues and I know you know that...

Chairman Rogan stated reminders are always appreciated, even if they are from the applicant's, we don't want to run a foul either way. Rich procedurally, the Board, SEQRA determination, regardless of which access we look at because we actually have considered both of them, each one has their struggle or challenge but neither one of them I think create environmental catastrophes that would prevent this Board from issuing an negative dec but procedurally what please...

Rich Williams stated procedurally and just as a little history, what we are talking about here with SEQRA is the Board is required to evaluate the potential environmental; impact from any proposed action and should it rise to a level of significance that would warrant a further environmental evaluation, the Board then is obligated to issue a positive SEQRA determination, if based on all evidence available it would not rise to an inordinate amount of environmental disturbance or concern, then you would issue a negative SEQR determination. I think based on this application, there are some still outstanding issues which need to be addressed by the Board, however regardless of again, as you said, whether you go from Phillard Road or you go from Garland Road, whether the antennas are on the inside or the outside or some of the other issues, from my way of thinking the environmental concerns are going to be the same, the magnitude of those concerns are going to be the same, so I think the Board is in a good position to at least make a SEQRA determination tonight to go one way or the other.

Chairman Rogan stated any concerns, environmental concerns relevant to the tower itself have already been, that's not even for, we are talking about actually the installation of the tower and the access and the site improvements.

Rich Williams stated and one of the big issues that always arises with these hearings is the potential health effects and as I said earlier, yes it is unfair but the FCC has said that this Board or any Municipal Board at the town level can not consider those environmental impacts in making any determination relative to a telecommunication facility, so that really is the big unknown with all this, we all recognize that but you are precluded from considering it.

Chairman Rogan stated okay and the other question I have procedurally with a SEQRA determination, what time frames, hearing what Neil said about the other time frames he mentioned from the new legal case, setting that aside because we are already into a process, with a SEQRA determination, what does that give us for making a determination on access, does that...

Rich Williams stated it doesn't lock you into any sort of time frames with making a determination on access.

Chairman Rogan stated okay, there is no default approval or anything...

Rich Williams stated no.

Chairman Rogan stated okay and if we are mutually looking towards answering, believe me Neil, you know I'm not looking to delay a process, what I'm trying ensure is that this Board can move forward and ask the questions and get the answers, without going outside the realm of reason.

Mr. Alexander stated I think our good faith, to be quite candid, we could have sued over a year ago for unreasonable delay if we really wanted to and we didn't and we've worked with you in good faith...

Chairman Rogan stated okay.

Mr. Alexander stated and the Shot Clock doesn't really effect your ability once you feel you're being unreasonably delayed, it creates a presumption for unreasonable, it gave more rights, it didn't take any rights away.

Chairman Rogan stated if I could though on that...

Mr. Alexander stated yea.

Chairman Rogan stated based on and Maria really brought it up, in fairness to this Board, you guys came back in with alternative just in the last 8 months or something, there was a time delay between the southern location which actually this Board didn't have issue so much with the site...

Mr. Alexander stated understood, it was much easier, there were no variance needed and there just turned out to be about 700 people who showed up.

Chairman Rogan stated outside of this board, it really was, right but in fairness to your statement in reference to this Board, there has been gap where you were doing your due diligence, so I respectfully disagree with that.

Mr. Alexander stated yea but I don't think, that's not the way the court is going to see it, I mean I've litigated enough of these case...

Chairman Rogan stated I'm a common sense person...

Mr. Alexander stated I understand that, the way the federal court is going to look at it, is they are going to say the Telecommunications [Act] was enacted in 1996, you've had 14 years to adopt a wireless law, you haven't. You turned down Sprint as a Town in 2002 to provide service to this area, after they looked about 6 to 8 different places, 5 years later another tower builder comes back with an anchor carrier, T-Mobile and says we would like to put it right there, there is like no disturbance, no DEP issues, no other issues and the public went crazy. We went and looked at Brown Mountain all over again, Lost Lake, the Caiola Property, the Merritt Property, I can go on and on and on about the litany...

Chairman Rogan stated those were all discussed with Zoning Board.

Mr. Alexander stated yes, they don't work, I mean that's just the bottom line and we went through all that and so the way the case will be framed in federal court, we will be starting with 1996 and stopping at each of those points and basically say, you know you can say our Board, this Board, that Board but the overall result is prohibition of service. There is no service for these carriers that is safe, adequate and reliable and that is the violation of the Telecom Act, you know and that is really where it rests...

Chairman Rogan stated the process doesn't exactly build community buy in for any of these stuff, to be honest with you.

Mr. Alexander stated understood but you have a national broadband plan and you also have to look at the fact is what the FCC said with the Shot Clock, they just came out with, was they are saying we've looked at, they've looked at the fact that towers are taking 3 plus years to get through for technology that has been determined to be the equivalent of a public utility. It's a public necessity, I am not trying to beat you over the head with it, I am just saying the presumption is completely taken away from you, that's the way and what's important to see, in terms of our frustration because I understand the public frustration, no one really ever cares about the companies frustration ever but our frustration is these are the rules of the game that we bought into and the carriers paid billions of dollars for licenses and auctions...

Chairman Rogan stated assume that you sites that work, they assume that...

Board Member DiSalvo stated right.

Chairman Rogan stated that is (inaudible).

Mr. Alexander stated no they don't, they don't actually.

Chairman Rogan stated so they assume you can just drop them in somebody's backyard then...

Mr. Alexander stated what they, no because honestly I could really argue with you, if you're a millennial baby, you grew up with towers, just like you grew up with transmission and distribution lines, how many historic districts are there in the United States of America that have overhead power lines. I don't think there were overhead power lines in 1776 when those communities existed, so you know, it really comes down to what age are you and what are your presumptions and at the end of the day that we actually, none of us. I could tell you I think every person here who is wearing gold or diamonds is a really horrible person because of the way gold and diamonds are procured in the world and how it effects the geopolitics of our world and the fact that if we are not driving electric cars that effect peak oil, we could go on a whole polemic but that's not the rules of the game. At the end of the day we can talk policy as much as we want to talk then we can talk about what legal rights are...

Board Member DiSalvo stated you're talking, the way you're describing it, you're saying that we've never approved a cell tower in Patterson...

Mr. Alexander stated you've never approved any tower in...

Board Member DiSalvo stated we've approved 2 since I've been on the Board.

Mr. Alexander stated the Putnam Lake area, but you have to, but Putnam Lake...

Board Member DiSalvo stated they were the right sites.

Board Member Montesano stated (inaudible).

Mr. Alexander stated but that's not the issue, that's not the authority you have, you can't pick, it's safe, adequate and reliable service throughout your community and you don't have that.

Board Member Montesano stated that is the problem that we had with a gentleman a few years ago in Europe that wanted to control the damn world because now the federal government of the United States is walking in here...

Rich Williams stated Shawn, Shawn, Shawn...

Chairman Rogan stated I think we are being cut here.

Board Member Montesano stated all right.

Chairman Rogan stated we are getting way off topic.

Board Member McNulty stated is there any carrier that has service in Put Lake right now.

Mr. Alexander stated that's actually not the standard and to my knowledge...

Board Member McNulty stated no it's not...

Mr. Alexander stated it's not the legal standard, each carrier has to be entitled to have their own service in order to create the competition so that we don't, so that we actually have it at a fair price instead of monopolies. To answer your question directly, we are not aware of any carrier that has service in there area.

Board Member McNulty stated okay.

Board Member Cook stated I have a question for Rich.

Chairman Rogan stated sure, go ahead.

Board Member Cook stated with regard to SEQRA and where...

The Secretary stated hold on Charlie.

(Tape 1, Side 2 Ended – 9:15 p.m.)

Board Member Cook stated the concern about the water runoff and the flowing creek and that type of thing, does that tie into SEQRA determination.

Rich Williams stated yes, yes it does.

Board Member Cook stated so...

Rich Williams stated when you're talking, that is certainly an environmental issue, stormwater, wetlands, stream characteristics, they are all environmental characteristics which tie into SEQRA, having said that though, I go back to what I said earlier in that in the design of this road, whether its coming off of Phillard [Road] whether its coming off Garland [Road], is such that the increase in stormwater is not significant.

Chairman Rogan stated okay.

Andrew Fetherston stated also, they fall under the state general permit that's what they are going to seek for this, they fall under the general permit and they are going to have to obtain that permit, there is a permit for that disturbance for the erosion control, between 5,000 and an acre and that's where they are falling in. They have to obtain a permit to allow that construction, if they go to both directions, then they have to apply for that permit also but it gets also a little more strenuous, then you add in the stormwater components to that as well. To address the environmental impact under SEQRA for stormwater, they are applying for a permit, done, if they don't obtain the permit, you know what I mean...

Rich Williams stated that's the state permit.

Board Member Cook stated what I'm asking is that, we have to make this determination okay and I guess what I'm asking is that, I think Rich might have answered saying that the impact is not there...

Chairman Rogan stated the impact has to be considered but is not saying the impacts are significant.

Board Member Cook stated correct, that's what I want to make sure.

Rich Williams stated exactly.

Andrew Fetherston stated right.

Board Member Cook stated okay.

Chairman Rogan stated yea, all the impacts have to be considered, I think that because it was new information that was brought up, the conversation about where the water originates, where the head waters are to that, I think that this site doesn't significantly impact nor change nor increase that water flow, I think that's important to get on the record. Okay, any other discussion from the Board about the SEQRA determination.

Board Member McNulty stated no.

Chairman Rogan stated no, anyone want to make that motion.

Board Member Cook stated I'll make the motion that with regard to the Wireless Edge application, that the Planning Board finds that there is no significant impact, environmental impact.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	aye

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated any opposed. Okay...

Mr. Alexander stated thank you, when we are finished with the ZBA or they are finished with us, we will presumptively be back to see you on the site plan issues and then later on we will coordinate with staff to address your concerns to the best of our ability.

Chairman Rogan stated okay, thank you.

Board Member Cook stated now is your meeting with ZBA a public hearing.

Mr. Alexander stated it is, on the 14th, it was publicly noticed, there is a sign up right now actually.

Board Member Montesano stated yea.

Board Member Cook stated so you already held the public hearing.

Mr. Alexander stated they actually, every single meeting of theirs, they consider it a public hearing but the sign was expressly posted for this meeting.

Rich Williams stated the ZBA runs their procedure a little bit differently in that when the application initially comes in to the ZBA, they set it for a public hearing as soon as it comes through the door and they generally won't close the public hearing until they are ready to make a decision.

Board Member Cook stated okay so when is the next meeting with the ZBA.

Rich Williams stated the 14th.

Board Member Cook stated June 14th.

Rich Williams stated June 14th.

Board Member Cook stated June 14th.

Rich Williams stated June 14th.

Mr. Alexander stated and there are signs on the property stating that.

Chairman Rogan stated okay.

Mr. Alexander stated thank you.

Chairman Rogan stated gentlemen, thanks for your time. For everyone who showed up from the audience, thank you for your time on this application. Okay, we're just going to take a 2 minute break, anybody who has to go to the rest room.

The Secretary stated you're back on.

3) HUDSON VALLEY TRUST – SEQRA

Chairman Rogan stated okay Hudson Valley Trust...

Ted Kozlowski stated Theresa is not going to be here tonight.

Chairman Rogan stated she's not, where's Rich.

Rich Williams stated I'm here.

Chairman Rogan stated Hudson Valley Trust.

Rich Williams stated Hudson Valley Trust, they were hoping for a determination of significance on SEQRA.

Chairman Rogan stated and you...

Board Member Cook stated I have a comment that the, Rich you correct me if I'm wrong but that Hudson Valley Trust appeared before the Town Board and asked for a waiver relative to the moratorium on clubs.

Rich Williams stated yes.

Board Member Cook stated and the Town Board responded by scheduling a public hearing on that.

Rich Williams stated correct, that is the process.

Chairman Rogan stated okay.

Board Member Cook stated I don't think we should do anything until the Town Board takes some type of action, maybe I shouldn't say this but for the life me I don't know why they would schedule a public hearing and even consider the waiver, I mean they are 3 months into the moratorium period and...

Board Member DiSalvo stated might go another few months.

Rich Williams stated if I might Charlie, they did that because that is the process...

Board Member Cook stated that's a good reason.

Rich Williams stated I mean its similar to this Board having an application which you don't favor, you are still obligated to put that applicant through the process fairly...

Chairman Rogan stated if the applicant is willing to go through the process, then that is there due process.

Rich Williams stated correct.

Board Member DiSalvo stated have we ever had a moratorium before in Patterson.

Rich Williams stated oh yes.

Chairman Rogan stated oh yea, we did the Master Plan.

Rich Williams stated the last moratorium that we did I think was back in 2004 and the Town Board probably granted about 9 waivers.

Board Member Cook stated so what does that mean then, that they can...

Board Member DiSalvo stated what are we having a moratorium for if you're granting waivers.

Board Member Cook stated not be stopped from going through the process.

Rich Williams stated no, no, no, but like any law you have to have a mechanism to grant relief to people who are unduly burdened by that law. With our zoning code, there is a mechanism established by state law, which allows somebody to go to the ZBA for a variance but in the case of a moratorium, there really is nothing laid out in stated law so most municipalities send it back to the legislative body because they are the ones who imposed the moratorium in the first place, there has to be that safety valve.

Board Member Cook stated for the record, I mean I'm not anti Hudson Valley Trust, I just don't know if there is a moratorium, the moratorium can't play out and I mean we've hired a counsel to review clubs...

Rich Williams stated it can Charlie.

Chairman Rogan stated I think basically if they are kept under the moratorium, we can go through every bit of the process except the final approval, correct.

Rich Williams stated correct.

Chairman Rogan stated including a SEQRA determination.

Rich Williams stated yes.

Chairman Rogan stated maybe they are of the mindset that they feel they can get through the process faster than the moratorium will take to conclude and have their approvals that would be the only reason that I would see that they would ask for it, correct.

Rich Williams stated typically, yea.

Board Member Cook stated are you saying that if the process culminated with, culminated before the end of the moratorium, then we could approve it...

Chairman Rogan stated if Town Board, it goes through the public hearing and gives them the waiver...

Board Member Cook stated gives them the waiver.

Chairman Rogan stated to the moratorium, yes, then they are open to our Board making determinations to complete their application, that is the way I understand it.

Board Member Montesano stated with that thought in mind.

Board Member McNulty stated the moratorium in effect, basically they move along at their own risk, correct.

Rich Williams stated correct, if we change the local law to say disallow that type of use in that area then they wasted a lot of time and expense.

Board Member McNulty stated and SEQRA has no impact on that, the end result is the moratorium, the results of the moratorium.

Rich Williams stated correct.

Board Member Montesano stated okay, with that in mind, we're going to give them a determination of SEQRA, now we've got 3 months to go for arguments sake, they don't get they approval to void it but we've already given this, do we have the right to ask for a second review in case something comes up.

Chairman Rogan stated well regardless of a SEQRA determination, if something changes on the plan, my opinion is we always have the right to ask for supporting documentation, studies, anything that we need to support the change. We're looking at, we would be looking at SEQRA determination based on the current plan, what was contemplated which is just an expansion of the building, access not from Cann Lane, primary access but from their individual, their new access, I'll leave it up to this. So then we are not ready then, you know.

Board Member DiSalvo stated I agree with Charlie.

Board Member Cook stated I don't think we're ready because I think that based on the applicant being in at our last meeting, okay and brought up issues of night parking, emergency vehicles on Cann Lane, the street light at the entry way off of [Route] 311, that is just from a couple of my notes. We did not walk the complete site from [Route] 311 over to the, what is it the proposed parking lot in that grass area...

Chairman Rogan stated you mean the entrance, the proposed entrance which would have the grass parking lot...

Board Member Cook stated right.

Chairman Rogan stated we walked from Hudson Valley Trust, the Lawlor Building up to the barn.

Board Member DiSalvo stated over the bridge.

Chairman Rogan stated is that why you mentioned we might want to be there on our own or as a group do another site walk.

Board Member Cook stated yea, I mean...

Board Member McNulty stated if you go by the property now, you can see where they've staked it off...

Board Member Cook stated correct.

Board Member McNulty stated where the septic field runs across in there.

Board Member Montesano stated that's only a temporary thing that they used for last Thursday's...

Board Member McNulty stated to keep people off that.

Board Member Montesano stated well most of the cars are parked I guess east of that red line you see there, now I didn't notice them getting in there, that's where they had a couple of cars in there.

Board Member Cook stated have you and/or Andrew looked at this site relative to the environmental issues, I know we have one project review letter from you...

Rich Williams stated sure.

Board Member Cook stated but I don't think we have anything from Andrew yet.

Andrew Fetherston stated no, we did, yea we did review, we did review, they did a stormwater plan on that Charlie and they weren't required to by the State regulations they weren't required to a stormwater but they did provide some devices on that. We did a review of that plan, a full review.

Board Member Cook stated I must not have it with me, Tom has the memo, I apologize.

Andrew Fetherston stated okay, no problem.

Rich Williams stated yea, we can, if you want to sit here and have that discussion, we can have that discussion about what the potential environmental impacts may be in regards to the stream crossing, the additional driveway going in, which is proposed as gravel, talking about a grass parking lot so there's not a big impact there and the structure is existing.

Chairman Rogan stated I think the discussion should probably start Rich and maybe we can just do this tonight, around, sometimes we as a Board forget what's the intent of SEQRA is and sometimes we, I think, try to make a SEQRA determination a determination of the entire site and everything that is being proposed instead of what it was intended is to assess what are they proposing, what will the impacts be, not every unique aspect of how we are going to design site or you know. So I think just a little bit of discussion from that perspective would be helpful to the Board.

Rich Williams stated sure, generally, in regards to SEQRA, you're looking at vegetation, are you clearing large areas of vegetation or are you endangering it all, endangered species or rare or threatened species of plants or animals with the existing site, it's an old farm field, none of that is really occurring, the driveway going in, is minimal disturbance.

Board Member McNulty stated is old tree growth considered in that.

Rich Williams stated old tree growth is considered in that.

Board Member McNulty stated so that would be considered along Cann Lane then.

Rich Williams stated but the trees along Cann Lane in my opinion would not be considered old growth trees. Old growth trees...

Ted Kozlowski stated it is community character.

Rich Williams stated it is community character.

Ted Kozlowski stated and that's part of SEQRA.

Rich Williams stated sure but again you're talking about Cann Lane which is a residential street, it's nice to have the tree lined street but you know, does that rise to a significant adverse impact, view shed, what is the impact on the view shed. With this particular application, you're not going to have a huge impact on the view shed, they are not proposing any excessively high structures, they're not doing anything that is known within the community as important view shed areas, stream crossing. What is the impact going to be to the stream during the crossing, well the stream is already somewhat impacted by a culvert crossing and they are just extending that, they are going to be able to mitigate the disturbances within that stream as they go.

Board Member Cook stated so it sounds like there is not significant impact.

Rich Williams stated that would be my opinion.

Board Member Cook stated your determination.

Ted Kozlowski stated I think its going to impact those neighbors, you better be careful.

Chairman Rogan stated well but I think the current proposal, the way I understand it, we're not gaining main access from Cann Lane, we are not, the intent of Cann Lane at least for what we're all discussed is not for people to be using that except for that handicap spot and we have a lot of discussion to have to figure out how to make it work.

Ted Kozlowski stated I don't know how you're going to make that work, realistically.

Rich Williams stated let me turn it on it's head a little bit, does any Board Member feel that you have an impact to the site such that you need to further evaluate it through an environmental impact statement.

Chairman Rogan stated I wouldn't go that far, I think we just need to figure out how we are going to make the site work for the use that's intended.

Board Member DiSalvo stated if this is going to be the only use, is there going to be something else planned in the future, another type of use, I personally think enlarging the building like that makes it look like an eyesore, coming around the turn and seeing a gigantic structure like that, I mean, I wouldn't want to be living on that little block with those little houses there and looking at Taj Mahal.

Rich Williams stated then I would opine that that's a reason to deny the application, not the reason to have an environmental impact statement.

Chairman Rogan stated okay.

Board Member DiSalvo stated I don't know.

Chairman Rogan stated Ron, I haven't had a chance to read your document here but thank you for the...

Board Member DiSalvo stated that's what I've been going through.

Chairman Rogan stated thank you for the effort because it looks like a great read.

Rich Williams stated I have read the document, it's a great read.

Chairman Rogan stated awesome.

Board Member Montesano stated it's very interesting indeed.

Chairman Rogan stated I didn't realize the old town hall was a school, originally.

Board Member Montesano stated yea and then they revised that one too.

Chairman Rogan stated and your house is Miller's farm barn, wow, that is fantastic. All right, SEQRA determination wise on this case, are we not taking an action tonight.

Board Member DiSalvo stated we are going to postpone it and see what happens with the Town Board meeting.

Board Member Cook stated well wait a minute now, is there really a connection there between the...

Chairman Rogan stated my opinion is not but I'm willing to go with whatever the group wants to do. Flip side is, is there a reason why they want the SEQRA determination before the public hearing, before the Town Board to say hey, the Planning Board has already decided that there's...

Rich Williams stated a moratorium is a Type II action.

Chairman Rogan stated okay.

Rich Williams stated your determination is specific to this application, has nothing to do with a moratorium.

Chairman Rogan stated okay.

Board Member McNulty stated and there is no lead agency declared yet.

Rich Williams stated we did circulate.

Chairman Rogan stated we did.

The Secretary stated you did that last month.

Board Member McNulty stated I was here.

Chairman Rogan stated yea, lady and gentlemen...

Board Member McNulty stated from what has been presented so far, I don't know much about what's involved, I haven't been involved yet with the full report, if it was a positive...

Chairman Rogan stated you mean a full environmental impact statement.

Board Member McNulty stated yea.

Chairman Rogan stated oh you'll have that pleasure, don't worry.

Rich Williams stated soon.

Board Member McNulty stated but I haven't been involved with it, so I don't know if we declare a go for that, what does it do for the project.

Chairman Rogan stated you would have to have to reason to believe that there are impacts that are significant and not able to be mitigated or mitigated with the current plan that you would need to find out what the loss is, what you're going to do to minimize, you might have, think of other projects that we've had, even though you may not have been involved with, you heard discussion of where there's an impact here to a wetland, well maybe we can't fix that but maybe we can do something somewhere else and it goes through the process of identifying all the impacts and quantifying them and determining, some impacts are lost and some impacts can be mitigated.

Board Member McNulty stated is the road access from the state road part of that environmental impact everything that's...

Rich Williams stated traffic and access.

Board Member McNulty stated that is the biggest concern I see with the project at this point.

Chairman Rogan stated and there are times when you can do an impact statement specific to one, we've done them in terms of supplementals to add on to an impact statement, where we go through a full blown assessment and we find out that there is one area that's still sticking or comes up through the review from public comment that we hadn't contemplated before and we'll do a supplemental impact statement, specific and focused on that one goal.

Board Member McNulty stated on the property.

Chairman Rogan stated so let's say in this case we decide that coming in, that the access to this site, which everybody is kind of agreeing with, is a sticking point and has to be evaluated, it doesn't mean that we have to have them do an environmental impact statement, it could mean that we just need more information in that regard, correct.

Rich Williams stated correct.

Chairman Rogan stated okay, so it might be that in order to do a SEQRA determination everybody feels we really need to take a hard look at this access.

Board Member McNulty stated yea, the access is a big point here.

Chairman Rogan stated you know but I what I want to make sure is that our Board is focused in stating what our objective is, what we would want them to do to prove it, to say to somebody I don't like the access without giving them guidance, on what we would like to see to prove it out, you know we need to make sure we do that. I'm not as concerned with how we get into the site off of [Route] 311, I'm more concerned with where they park vehicles, how they get to the building and that they don't use Cann Lane on a day to day basis, that that is just for handicap.

Board Member Cook stated yea but that ties in with the access to the site.

Chairman Rogan stated no, what I'm saying is I'm not as concerned with there being like sight line issues or problems getting in and out of the site in terms of it being a danger in that regard.

Board Member McNulty stated well that's a tough turn there.

Board Member DiSalvo stated that's a tough turn.

Chairman Rogan stated absolutely, yea.

Board Member DiSalvo stated even coming off of Cushman Road, if you're sitting at that stop sign, you're like cars are like flying by.

Board Member McNulty stated we talked about at the work session, one of things I think that Rich commented on is that access will not line up with Cushman Road.

Board Member DiSalvo stated right.

Board Member McNulty stated so its not like you have a 4 corners there.

Chairman Rogan stated right.

Rich Williams stated and I don't want to discourage you from looking at that, I think it does need to have a hard look but I also want to remind you that it did get approvals, that access point did get approvals for a subdivision from the DOT, I'll be it, many years ago, so that is an approved access by the DOT.

Chairman Rogan stated good point.

Board Member Cook stated would you remind me at least, where you say that and define for me unlisted action.

Rich Williams stated an unlisted, alright, within SEQRA DEC adopted regulations and within those regulations, they made a list of actions that they felt were not going rise ever to a level of significance where you would need to do an environmental impact statement and they made all those Type II actions. So you have a list of Type II actions and then they also made a list of actions that they felt probably would rise to a level of an action or an adverse impact that would need an environmental impact statement and

those are on your Type I list and those would have to do with things like major zoning changes. Everything that is not on that Type I list, that may have an adverse impact or Type II which will not have an adverse impact, aren't simply listed anywhere, they are unlisted.

Board Member Cook stated so how does that help us.

Board Member McNulty stated it's a gray area.

Rich Williams stated how does that help you.

Board Member Cook stated yea.

Rich Williams stated well procedurally when you are talking about an unlisted action, you have some options that you don't have with a Type I action or a Type II, Type II action you don't have to do anything anymore. Type I action you have to have a long form environmental assessment and you have to circulate notice to all of the other involved agencies to coordinate your SEQRA determination, with an unlisted action you can use either the long form or the short form environmental assessment form and you do either a coordinated SEQRA determination where you circulate notice to all of the other agencies or you can do an uncoordinated action where you don't circulate to any other agency, you make your own determination. With an uncoordinated SEQRA determination though, you have the possibility of some other agency coming along and saying we think there may be an environmental impact to this action, we want to do a positive determination, we want to do an environmental impact statement and that overrules whatever neg. dec. you may have issued, if you issued a neg. dec.

Board Member Cook stated did you say we already declared ourselves lead agency.

Rich Williams stated you did.

Board Member Cook stated so once a SEQRA determination is made a public hearing may be scheduled.

Chairman Rogan stated may.

Rich Williams stated in my opinion it is a better procedure to do SEQRA which needs to be done early on in the process, according to the regulations and then schedule you public hearing because if you decide to do a positive determination, that starts a whole nother series of public hearings anyway when you're doing you, your DEIS, when you're doing your, it's after 8 o'clock, I'm done.

Board Member Cook stated all right, wait a minute, I think your points relative to the entry way...

Rich Williams stated scoping.

Board Member Cook stated off of [Route] 311, Rich, that it was approved at some point, okay we just have to deal with that, relative to this application.

Board Member DiSalvo stated that would have been approved with the paved road you know, lights at the center, coming out over there, you know, it could have been approved for a different kind of maybe a straighter road...

Chairman Rogan stated geometry or something.

Board Member DiSalvo stated geometry of the road.

Board Member Cook stated can't we bring that to bear during our review of the application, that says maybe something like you have to pave X amount feet or...

Rich Williams stated they are already proposing they have to pave coming in off the DOT right of way, there is no getting around that.

Board Member Cook stated okay could we then, Maria is asking about like a street light.

Rich Williams stated sure.

Chairman Rogan stated by Cann Lane...

Board Member DiSalvo stated that is another disadvantage then the people on Cann Lane don't want a glaring light, you know coming through their houses, it could work opposite.

Rich Williams stated that is why we generally do shoe box with full shielding so we direct the light down at the intersection and not have all the off-site glare.

Chairman Rogan stated yea, those open lights have a tremendous amount of glare, I'm thinking in terms of Bullet Hole Road, Marianne's family's house has an open light that they've had forever and that glares all over the place. You go down to Ice Pond Road where Nosh Kola Lane goes in, Shkreli, and you don't get any, it's very concentrated, it's actually very dark right around that area, just really focuses it right around that intersection. So there is quite a distinct difference between the 2, the other goes 400 feet.

Board Member DiSalvo stated I am just very concerned about that turn, I travel up and down there 3 and 4 times a day.

Chairman Rogan stated they would prefer to come in at the Lawlor Building and do that as the primary place and that's existing, park there and walk up, we found through our site walk that that is not the best, I have been pushing for, I think they need to put parking, whether its proposed future parking or whatever in that lawn area.

Board Member McNulty stated would that trigger though the DEIS, you know...

Chairman Rogan stated it only triggers it if we say doing it, what they are proposing would have irreversible and significant environmental impact. You know I think there is enough uncertainty with this Board tonight though, maybe it's the late hour, that we just table this and move on and get back to it next meeting. Let's move along, I think in fairness to everyone, that's enough question.

Board Member McNulty stated okay.

4) MEADOWBROOK FARMS – Discussion

Mr. Eric Sauter and Mr. Harry Nichols were present.

Chairman Rogan stated Meadowbrook Farms discussion, Harry Nichols was here and there is another very patient man in the back of the room.

Board Member DiSalvo stated another one the courts beat on up.

Board Member Montesano stated Michelle...

The Secretary stated yes, you're recusing yourself, thank you Mike.

Mr. Sauter stated good evening everybody.

Chairman Rogan stated good evening, how are you.

Mr. Sauter stated I'm doing well thanks, my name is Eric Sauter, I am counsel to JGZ Resources.

Chairman Rogan stated how are you.

Mr. Sauter stated I'm doing well, thank you. I think you all know Harry Nichols.

Chairman Rogan stated I think we've all met Harry a time or two.

Mr. Sauter stated that's good.

Chairman Rogan stated Mr. Nichols how are you this evening.

Mr. Nichols stated very good thank you, don't be so formal.

Chairman Rogan stated great, nice to see you, always nice to see you my friend.

Mr. Sauter stated this is my first time stopping in Patterson, I have to admit it was a very pleasant drive up, I didn't realize how pastoral it would be, I saw a lot of cows on the way, it was nice.

Chairman Rogan stated where'd you drive from.

Board Member DiSalvo stated where'd you drive up from.

Mr. Sauter stated I drove up from Armonk, my office is in Armonk.

Chairman Rogan stated okay.

Mr. Sauter stated I've driven to Carmel before but never stopped in Patterson, it was a pleasure.

Chairman Rogan stated well, welcome to Patterson.

Mr. Sauter stated we are here to discuss the watercourse application.

Chairman Rogan stated yes.

Mr. Sauter stated you are probably familiar with where we are right now, it's a 41 unit clustered subdivision, cluster 1 has been completed, it consists of 17 homes and we are attempting to complete our build out of the 24 units at the bottom. In 2003 my impression was that the law changed with regards to the water basin, the size of the water basin had to be expanded. JGZ Resources did whatever it could to maintain the open layout of the land with respect to where the drainage infrastructure is going to be located, here at the bottom of (inaudible) extended by Route 292 and the service road which services the subdivision. In order to expand the drainage infrastructure, it had to be expanded I believe into an existing watercourse, so that is the basis for this application. I have looked at the memo which was delivered to Mr. Curtiss, Town Attorney for Patterson by a Mr. Williams, this outlines the open issues that are existing currently. My review of this memo indicates that I think the crux of where we are right now really revolves around the dedication of the road and how that's going to be handled. I believe that we need some indication from the Town as to how the Town wants to proceed with this in order to successful complete our submission and get this thing finally settled so we can complete 24 lots.

Chairman Rogan stated great time for Rich to chime in.

Board Member Cook stated Rich could you please comment if you know the status of the lawsuit.

Rich Williams stated well the initial lawsuit that was filed was decided on by the Supreme Court Judge and the Planning Board was directed to and I'm not clear on this, my read was the Planning Board was directed to issue the permit, though I'm not sure that's the attorney's opinion, our Town Attorney's opinion, regardless, we are still moving forward with reasonable speed in trying to process this application and a second lawsuit has now I believe been filed and is pending before the court...

Mr. Sauter stated the second lawsuit your referring to is the HOA's lawsuit against my client.

Rich Williams stated yes I am.

Mr. Sauter stated not necessarily relevant to why we are here today, with respect...

Rich Williams stated I agree.

Mr. Sauter stated lawsuit, you mention that it was the courts direction to force the Planning Board to issue the permit, obviously that's not why I'm here today, we are here to work with the issues that are existing and to hopefully gain some closure to this so that we can work with the Town...

Chairman Rogan stated sure, my reason for directing to Mr. Williams wasn't for the lawsuit information, it was for the roadway dedication conversation.

Mr. Sauter stated okay.

Rich Williams stated correct.

Mr. Sauter stated all right.

Rich Williams stated just a little background, Harry and I, Mr. Nichols and I met to try to go through the issues and try to you know provide further clarification and resolve what we could and I think we got most of them taken care of but there are some which are still outstanding which need direction from the Board, one of them is the dedication of the road, certainly Meadowbrook Farm Road or Sonnet Lane, depending

on which plan you're looking at was to be offered for dedication to the Town upon its completion. Merle Lane was, in my opinion not, nor were the little loop driveways, when this application came back to the Board, the Board had indicated some desire to see Merle Lane accepted by the Town and also to accept the loop driveways. I think Merle Lane is an easy fix, the applicant can offer it for dedication that meets our Town standards, its within a 50 foot wide right of way, that's easy but the loop roads not so easy...

Chairman Rogan stated I remember that, yea.

Rich Williams stated yea, so whether we are just going to forget about the loop roads or you know we are going to talk about what process needs to occur in order for the Town to take those little loop roads.

Chairman Rogan stated and if I remember correctly, it was that the roads, the loop area weren't designed to Town road, built to Town road standards so they have difficulties with turning radii and such, wasn't that some of the...

Mr. Nichols stated (inaudible) 24 foot wide.

Chairman Rogan stated so can't we delineate that area and offer it.

Mr. Nichols stated well you have parking, well this is a little unusual for a Town road here, parking, coming on the road, this is the road we are talking about, to use this as a turn around in lieu of a cul-de-sac or a through road, we don't know if that is still a priority of the Town or not.

Rich Williams stated and that is one of the other issues, are we going to ultimately create a through road condition here are we going to terminate this in a cul-de-sac. Initially it was designed to be a through road.

Board Member Cook stated designed and approved.

Rich Williams stated yes.

Mr. Sauter stated yes.

Rich Williams stated as was Sonnet Lane on the other side, connecting this.

Chairman Rogan stated and there was resistance from the public for that to occur because no one really wanted that as a through road.

Rich Williams stated as you heard tonight, everybody loves a cul-de-sac.

Board Member DiSalvo stated dead end.

Chairman Rogan stated I wasn't as concerned with the through road idea except that we heard a lot of conversation from people about the lack of road maintenance when they are paying for it, people schlepping garbage cans down to the bottom of the hill and it seems. I remember you chiming in about this, Rich, I had said if we are going to have the Town plowing up in there what more is it to just go and do the loops and you said well we have driveways off of Town roads, people do their own driveways, it's not a while lot different. I can buy that also, people can either decide to shovel that area or pay somebody to come in and plow it out, just like they would for their own driveway.

Rich Williams stated right.

Chairman Rogan stated what does the rest of the Board feel on this.

Board Member Cook stated I think you have the complication of you know the Highway Department comes through and there is plowing and you have cars there...

Board Member DiSalvo stated right.

Board Member Cook stated you know there is that whole coordinate effort, move your cars and...

Chairman Rogan stated let me just, can't they plow through there even if the cars are there, aren't the car spots off of there.

Rich Williams stated sure they can plow through there but the real problem is that they are kind of on their own separate lot, with the driveway, with some open space area and we would either need to create a subdivision to break that out which couldn't be 50 foot wide because we are too close on one side to the houses or we have to take the whole thing.

Board Member McNulty stated Shawn, I would like to get more familiar with this project, it was a little before my time...

Chairman Rogan stated sure.

Board Member McNulty stated I haven't really seen the plan or anything.

Board Member DiSalvo stated he hasn't been out there.

Board Member McNulty stated well I've been out to Meadowbrook Complex...

Chairman Rogan stated you take a drive through and probably get the gist of it because the improvements that are on common HOA, its just stormwater ponds basically and we looked at that, there is really not a whole lot of to look at there.

Board Member McNulty stated as far as road dedication goes, I would like to get familiar with it.

Board Member DiSalvo stated right.

Chairman Rogan stated you should definitely take a drive out there, yea.

Mr. Nichols stated this loop road is it, as this one is also.

Board Member DiSalvo stated and the condition of the main road coming in too.

Chairman Rogan stated and that was supposed to be, that they're not contesting, I think that being brought up to the Town road specs, I think it needed a top course or something.

Mr. Nichols stated yes.

Board Member McNulty stated so currently that submittal road, is not a road, dedicated road.

Chairman Rogan stated it was supposed to be right, it was never accepted.

Rich Williams stated yes, it's never been completed, so it's never been accepted.

Board Member McNulty stated is there a list of deficiencies somewhere, why it's not accepted.

Rich Williams stated the last list I think was done, God, when Richie Tompkins was Highway Superintendent.

Chairman Rogan stated wow.

Board Member McNulty stated no wonder I'm not aware of this stuff. So I guess that would determined whether it can dedicated or...

Chairman Rogan stated yea.

Rich Williams stated well no, that's not really the issue, everybody recognizes there are deficiencies in the road currently that need to be repaired.

Board Member McNulty stated okay.

Rich Williams stated so as I said, Meadowbrook Lane, that's going to be offered for dedication, that at some point is going to be accepted, all right Merle Lane was never intended to be offered for dedication, it was intended to be kept as a private road. The Board at this point recognizes that there is an impact to the residents bordering that road, they are paying taxes and not receiving the same services everybody else is receiving so they felt it appropriate that the Town take Merle Lane as well and I think we are all in agreement with that and then the only outstanding issue really is the loop roads that are shown on the plan.

Chairman Rogan stated to come off the road.

Board Member McNulty stated to make them dedicated or not.

Rich Williams stated to make them dedicated or not and there are some complications with actually doing that.

Board Member McNulty stated as far as...

Rich Williams stated well you've got parking on them, we don't want to encourage parking on Town property, how you're going to do the maintenance on that and the fact that typically we want a road within a 50 foot wide right of way, centered...

Board Member McNulty stated to Town standards.

Rich Williams stated the driveways themselves are pretty much built to Town standards, so the pavement, the underlying base, drainage, all that is there but you don't have that set within a 50 foot wide right of way, where you have 12 and a half feet on either side for snow shelf and other maintenance purposes.

Board Member McNulty stated so if it cluster housing, we really aren't clear on parking and road, how parking and roads tie together, is it due to the cluster of the housing...

Rich Williams stated its due to the overall design and the fact they were never intended to be offered for dedication in the first place.

Board Member McNulty stated okay...

Chairman Rogan stated and we started talking about considering these...

Board Member McNulty stated somewhat like a condominium complex.

Chairman Rogan stated because of complaints from the people that live there it's a, from their perspective, it's a horrible system, you know.

Mr. Nichols stated in their part, when the snow plow comes through, he's going to push that snow right up against the vehicles that are in the parking spaces, so like I said, it creates the problem.

Chairman Rogan stated so...

Board Member McNulty stated because they could open, then what do we do for condominiums, do we make those dedicated roads because they are paying taxes too.

Rich Williams stated well again we run into the problem of, we've got a mix now of access ways plus parking creates conflicts, which is why private development, we generally don't take those areas. Not to mention the fact that they are private. Part and parcel with this whole discussion too, is Meadowbrook Lane going to be a through a road, if it is, then we need to talk about what improvements need to made on the road, if its not, then we need to talk about designing some sort of cul-de-sac at the end.

Board Member McNulty stated by myself but still (inaudible).

(Inaudible - Too many speaking).

Board Member DiSalvo stated Wireless Edge.

Board Member Cook stated so what road is to make a recommendation on (inaudible).

Chairman Rogan stated Rich, Charlie's question is, for dedication of the Town roads, ours is a recommendation to the Town Board to accept a dedication, we don't actually do the...

Rich Williams stated you generally set it up on the subdivision plat, in this case what would happen if we are going to do just Merle Lane which is easy, they are going to file some sort of legal documentation with the County and I am not the attorney here. So I am going to leave attorneys to work that out but they are going to file some sort of legal documentation, offering the road for dedication, make an irrevocable offer of dedication and then the Planning Board is going to make some sort of recommendation to the Town Board and then when it's time to take it, yea we want to take it or no we don't, like they would with any road. Simply because the offer is there, doesn't mean they are going to take, down in the Town of

Southeast, they've had many roads, Harry back me up on this, that were offered for years and Mr. Palmer as Highway Superintendent never took a road.

Board Member Cook stated all right so...

Mr. Nichols stated some of them were built not to Town standards.

Rich Williams stated true.

Mr. Nichols stated but the cost of upgrading them was just crazy.

Rich Williams stated but he wasn't going to take a Town road.

Board Member Cook stated there are three areas, there is Meadowbrook Road, Merle and the loops.

Rich Williams stated there is the main road, yes, yes.

Chairman Rogan stated sounds like we are all pretty clear on two of the three, it's the loops really that we're talking about. Tom had indicated a desire to get out there and familiarize himself with the site, so why don't we I mean, really that's what we are talking about is the loops, so why don't we get back on that and get back to what we're going to do and you know if its exhaustive or too or not really able to be done, that might be the end of it.

Rich Williams stated sure.

Mr. Sauter stated it is my understanding that Harry has taken the time to put together different design depending on what's going to be offered and what's not, is that correct, if you're ready to go.

Mr. Nichols stated yea, we had submitted a scenario for either Meadowbrook Drive or Sonnet Lane to be dedicated, whether this would be dedicated or not be dedicated, obviously this one can't be dedicated unless this one is dedicated, we went through this a few years and tied in with that is if the dedication takes place we are going to have to have all kinds of easement across the road for the Homeowner's Association so they can maintain the utilities serving them, we have water, we have storm drainage, sanitary, the storm drainage will probably be part of the overall system they may have drainage districts set up, that is another item that has to be discussed...

Rich Williams stated yea, typically what we do with drainage districts, if we take the roads for dedication, then you know the Highway Department is going to be maintaining the drainage system within the road right of way, everything outside of the right of way becomes an obligation of the drainage district, so similarly if Merle Lane was not take for dedication, that would, the drainage system would become part of the district rather than the highway obligation. What we are talking about right now, really is take Merle Lane, Sonnet Lane, Meadowbrook Lane, whichever way to want to call it and then to create a district to take care of the filter practice, right...

Mr. Sauter stated right.

Rich Williams stated the filter practice or the stormwater pond.

Board Member Cook stated does, by the Town taking dedication to Merle Lane and Meadowbrook, open up the issue about Sonnet [Lane].

Rich Williams stated no.

Board Member McNulty stated as long as we leave them as cul-de-sacs.

Rich Williams stated right but that's got to be decided before you know, we get that point, whether its going to be a through road a cul-de-sac. Harry, we had talked about a couple of other issues too, if I recall.

Mr. Nichols stated we didn't do all of them (inaudible – too many speaking) depends on which scenario is accepted.

Mr. Sauter stated as it stands now with the subdivision, with the roads staying as private roads, the HOA maintains easements over all of those roads for utilities, for water lines. In the event that they are dedicated to the Town and I think as we discussed additional reasons why we have to be prepared to give the Town to right to grant easements to utilities, et cetera but that is an issue that has to resolved by deciding whether or not these roads are going to be dedicated.

Chairman Rogan stated right.

Rich Williams stated yea, we are kind of at a log jam at this point, we can't move forward with this process until the Board decides what they are going to do with the roads.

Chairman Rogan stated all right, so why don't whoever wants to get out there and familiarize yourself with the layout, Maria you mentioned...

Board Member McNulty stated can I get a copy of that plan.

Chairman Rogan stated head out there between now and the next meeting.

Mr. Nichols stated you can have this copy.

Board Member McNulty stated okay.

Board Member DiSalvo stated it's really the loops.

Chairman Rogan stated I think you just drive out and look at the loops.

Board Member DiSalvo stated we talked about (inaudible) them...

Chairman Rogan stated yea.

Rich Williams stated at some point we need to get a copy for the Town Engineer too.

Mr. Nichols stated absolutely.

Board Member McNulty stated well let him take it first, that's probably better.

Rich Williams stated well he needs more than just that.

Chairman Rogan stated I think it was...

Mr. Nichols stated as a matter of fact, I have a second copy with me, so I can give each one.

Rich Williams stated full set.

Mr. Nichols stated I have a full set...

Board Member McNulty stated shoot me an e-mail when you want to do it, early afternoon is usually good, I'll try to get around.

Rich Williams stated you want me to try and coordinate something.

Andrew Fetherston stated thank you Charlie.

Board Member Cook stated are you talking about going out there.

Board Member McNulty stated yea Charlie (inaudible).

Chairman Rogan stated Rich, when we talked about the loops real quick, when we were looking at the layout for what the Town requires for the right of way, let's say 50 feet whatever it was and we were concerned because there was, it was going to be difficult to delineate that space because you had parking spaces, you had issue, that's really one of the big issues that revolved around this was how to delineate that space and then your going to have people parking on, right...

Rich Williams stated right.

Chairman Rogan stated so is there a way to reconcile that that sounds simple because it sounds like we are beating our heads against the wall on this one, that we might better just say that the loops are going to be privately owned and move forward.

Rich Williams stated I think so.

Chairman Rogan stated which was your original recommendation...

Rich Williams stated yea, I don't see how we are going to take those loops, I think its too complicated an issue and then we are talking about filing a subdivision plat.

Chairman Rogan stated right, should we just, I know you want to get familiar with this but in terms of loop and your understanding construction on what we are hearing, should we just move forward with that part of it.

Board Member McNulty stated I'll just abstain from this part.

Chairman Rogan stated I mean.

Board Member Cook stated so you mean recommendation...

Chairman Rogan stated that we, that they offer for dedication Merle and, the main roads but not the loops. I mean I was one of the people that pushed for the loops but I can clearly see that it's difficult, a difficult thing to do and those people as Maria just said, will certainly still be happy that 99% of what they were paying to plow is now going to be maintained by the Town, compared to what we were talking about earlier.

Mr. Nichols stated one thing I have to ask the Board is, can if this loop remain private, can this loop serve as the cul-de-sac, rather than creating another pavement area for vehicles that (inaudible) even though it's private, it will still serve that purpose.

Chairman Rogan stated did you hear that.

Rich Williams stated I think we were talking about something similar so I didn't hear that, we were talking about emergency services and a turn around at the end and whether we need to have a cul-de-sac up at the end and I think one of the original plans showed a cul-de-sac up at the top, I'm going to have to go pull it out, from years ago...

Mr. Sauter stated yea, this has been going on since '89...

Rich Williams stated when you were grade school...

Mr. Sauter stated I wasn't on this matter then.

Rich Williams stated unfortunately I wasn't...

Mr. Nichols stated my hair was brown then.

Rich Williams stated yea it could be and we had looked at doing that, so when you go out there...

Chairman Rogan stated it was either you use the loop road as a cul-de-sac but that is private property or you put in a cul-de-sac.

Rich Williams stated correct.

Mr. Nichols stated that can be done with an easement I would think.

Chairman Rogan stated what happens when the private part isn't plowed yet and they need to use that turn around and there are 2 feet of snow in it, where the cul-de-sac would have been plowed, that probably becomes the issue right...

Board Member DiSalvo stated and vice versa.

Board Member McNulty stated yea where does private and public end.

Mr. Nichols stated there needs to be some understanding with the Homeowner's Association (inaudible – not using microphone).

Board Member DiSalvo stated do they have to bring it to a vote.

Rich Williams stated Harry, to answer your question real quick, if we are going to have a cul-de-sac back there, we're going to do a lot line adjustment.

Mr. Nichols stated okay.

Board Member DiSalvo stated do the Homeowner's have to vote on this,

Mr. Nichols stated unless it's through road.

Chairman Rogan stated I don't think so.

Rich Williams stated not unless it's a through road.

Board Member DiSalvo stated keep them private.

Rich Williams stated we certainly make it a through road and I have to tell you it's not a popular choice...

Mr. Nichols stated well I think we're going to have both sides coming in...

Rich Williams stated you absolutely are but I have to tell you my recommendation always is to make through roads, to make continuity between...

Chairman Rogan stated connectivity.

Rich Williams stated yea, connectivity.

Mr. Nichols stated the last public hearing we had, these people all came in and they were really up in arms.

Rich Williams stated but they bought it that way, they bought it knowing it was supposed to be a through road.

Mr. Sauter stated okay so at the top, that is a dedicated road already.

Mr. Nichols stated on the other side, yes, that is, Sonnet Lane.

Rich Williams stated it is.

Mr. Sauter stated that was something I was actually confused about, it required approvals from the Town as well.

Mr. Nichols stated that's why this has a fire gate on it and all the street signs say Meadowbrook, how did that come about.

Rich Williams stated how did what come about.

Mr. Nichols stated Meadowbrook Road.

Rich Williams stated E-911, when E-911 came in, in 1996, I think you can't have 2 roads with the same name, they weren't connected so they had to rename that road until the connection is made which is going to create a whole nother world of issues when everybody have to change their address.

Chairman Rogan stated call the Town Planner.

Rich Williams stated I'm the one that does it.

Chairman Rogan stated well the fact of the matter is whether it's a through road or not, the people that living on this road are going to gaining the benefit of public improvement now to that road which they have been crying for, so the balance of things is they get the public improvement but now it's a through road.

Board Member McNulty stated it's the Sonnet Lane people that will...

Chairman Rogan stated school buses and, they are already on a public road.

Board Member Cook stated are you and Andrew, Richard, going out to look at this again, is that what you are discussing.

Rich Williams stated Andrew and I are going to go out there...

Board Member McNulty stated so would I, I've never been out there.

Board Member Cook stated and you're going out.

Chairman Rogan stated okay, so why don't we, we'll report, get back, it sounds like we are leaning towards not looking for the loops because it sounds like its not going to work but let's let you gentlemen get out there, Maria, certainly any time go out and take a look and report back next meeting and we will make a decision on all this stuff.

Rich Williams stated is anybody else coming when we do this...

Board Member Cook stated yea, I'll come.

Chairman Rogan stated Charlie and all your great judgment.

Rich Williams stated I saw that look in his eye.

Board Member Cook stated you're going to go out, right Maria.

Chairman Rogan stated Maria's going.

Board Member DiSalvo stated I'll just drive out.

Chairman Rogan stated it can be coordinated or uncoordinated.

Board Member Cook stated you can either have a coordinated or an uncoordinated review.

Board Member DiSalvo stated let me know when you get (inaudible).

Board Member McNulty stated thanks.

Mr. Nichols stated I'll more copies.

Chairman Rogan stated okay.

Board Member McNulty stated okay.

Mr. Sauter stated is the Board's decision at the next meeting that will decide ultimately on the situation.

Chairman Rogan stated and we'll put N.R.A. on the top of the agenda so it's not 2 hours in.

Mr. Sauter stated I'm sure they appreciate it.

Rich Williams stated you know if I could just interject too, there were a number of other outstanding issues that needed to be addressed on that plans...

Chairman Rogan stated they agreed to all those, they only wanted to discuss these.

Rich Williams stated yea I know that.

Mr. Nichols stated we're going to comply with those.

Rich Williams stated okay well we're going to comply with those since 2008, we're still waiting for you to do that and I'm putting the pressure on you Harry but it would be nice to get those plans back in so we could get at least all the other details wrapped up as well.

Mr. Nichols stated well we're affected by how the road is going to be handle on some of these items.

Rich Williams stated no, you're not.

Chairman Rogan stated oh boy.

Rich Williams stated whether the roads are going to public or private, that improvements still need to be designed and constructed in a certain manner and that's what a lot of those issues were, such as the encasement issues, such as site distance issues.

Mr. Nichols stated I just have to move the house.

Rich Williams stated right, so, that's what I'm saying, there was a whole list of issues that need to be addressed.

Mr. Nichols stated this is a complete list right you have here in this memo.

Rich Williams stated I hope so, I think so, I tried to be as comprehensive as I could, I know there were a couple of items that I identified in the back of that that were kind of open ended as far as I think the erosion control plan wasn't there...

Mr. Nichols stated that's alright, we'll take care of that.

Board Member Cook stated Harry, if you don't take care of that stuff, part of the dedication process, we are going to re-name that whole thing Harry Nichols Way.

Chairman Rogan stated you get your own way.

Mr. Nichols stated I've never had my own way.

Chairman Rogan stated thank you gentlemen.

Mr. Sauter stated thank you very much.

Chairman Rogan stated we have people behind you who are equally as patient.

5) N.R.A. REALTY & DEVELOPMENT – Wetlands/Watercourse Permit Application

Mr. Donald Moore of Zarecki & Associates was present.

Chairman Rogan stated N.R.A.

Rich Williams stated we're setting records here.

Chairman Rogan stated we're setting bad records, this is your first time to Patterson, we're usually done by now with twice the agenda but you had tons of time to go and get dinner.

Board Member McNulty stated this gentleman has been waiting forever.

Chairman Rogan stated good evening sir.

Board Member Montesano stated I'm back, excuse me.

Mr. Moore stated I'm Don Moore...

Chairman Rogan stated Don, can you use the microphone sir, I know you're...

Mr. Moore stated I'm Don Moore with Zarecki & Associates, representing N.R.A. on the application for a stream crossing permit or a wetlands and watercourse permit and we are also asking for relief on the paving of the driveway and the 15 percent grade on the driveway. We've made several changes in the submission that we submitted back in the middle of the month and I'll go over those, if you don't mind...

Chairman Rogan stated no, please.

Mr. Moore stated at that Board's suggestion, we've looked at re-grading the driveway, based on the profile and what we've come up with is a 16% grade at 2 different locations and that would basically run...

The Secretary stated hang on one minute Don.

Chairman Rogan stated hang on Don.

(Tape 2, Side 1 Ended – 10:17 p.m.)

Chairman Rogan stated oh, I understand.

Mr. Moore stated anyway, it would basically involve pushing some of the top part of each one of these sections down into the lower part cutting up on the upper end and filling in on the lower end, that would give us a 16% grade to go to 15% would require going deeper on one end and filling more on the other and would carry out the scope of the grading further along, so I think, you know we've tried to meet your requests, I mean we talked about 17% but we felt like we could get 16% so we went ahead and did that. As far as the paving goes, we want to keep it a rural type driveway, it only serves one dwelling and it will reduce the flow of water coming down that has to be dealt with. Some of the changes we've done is we've moved the culvert, I mean the drainage structure further up the hill where it has fallen apart or whatever as we saw when we were out there, further down the hill so that it can discharge out into the flat area there that we walked through and saw the good vegetative growth and what have you in there and some depressions, so basically both of the culverts, both of the drain pipes will discharge out into that flat area, overland flow over to the stream and through the existing vegetation that is there now, which will provide filtering et cetera...

Ted Kozlowski stated can I interrupt you for one second, just for the Board and for the wetlands application, you're talking about that discharge but I don't see how that relates to the stream. In other words, this is your, it looks like your depiction of the stream ends right there and I know it curves towards that discharge point, that discharge point is within 100 feet of the stream and that has to be recognized in your permit application, okay.

Mr. Moore stated okay.

Ted Kozlowski stated so please, you're going to have to revise that plan to show the stream in relation to whatever disturbances you're doing.

Mr. Moore stated okay.

Ted Kozlowski stated its not, in this case its not just a stream crossing, this is the overall impact of what you're doing to that stream, so that discharge point like I said, is within 100 feet of that stream, we need to see the stream on that plan.

Andrew Fetherston stated I think you do have that, don't move that, I think you do have the hundred foot offset, so it gives some indication, it's all...

Ted Kozlowski stated right, I think we need to, we need to see where the stream is in relation...

Andrew Fetherston stated I don't dispute that but you do clearly see that the majority of the work is within.

Ted Kozlowski stated right but again I don't know how close that sediment and that stuff coming off of that road to that actual stream.

Mr. Moore stated okay, we can add that too, that's not a problem to do that.

Ted Kozlowski stated please.

Mr. Moore stated we have also re-graded this which we've talked about before, we have changed the sequence of construction for the installation of the bridge, basically we are going to building one side first, install a flume pipe, well we'll install a flume build the abutment on the near side and then after that, install, set up, what have you, back fill, we'll move the flume pipe over and then build the other side, so that should reduce the impact on the stream during construction, give us more room to work with and what have you. We are, we have changed the design of the bridge itself, we've gone with a thicker footing, we are at 22 inches now for the abutment, we've submitted stormwater calculations, we've submitted structural calculations and we've also submitted a stormwater pollution prevention plan. So, what we would like for you to do is I know there are some questions that are still out there, Rich had a few questions, I think we can address those without and problem but we really need to see whether are going to have to pave this thing and do more grading and what have you, also we are under a very tight constraint to get this thing built this summer because we have window that closes the end of September, so if we can, we would like very much to get some type of approval with conditions or whatever if we can do that. I mean, I think our client is doing beautiful job up there, developing that property, I don't think its going to be something that is going to be something that will be a burden to the Town.

Chairman Rogan stated we need to have a public hearing on this.

Rich Williams stated that was one of 2 things I wanted to say to the Board, if this is going to happen this year, you really need to have a public hearing at the next meeting.

Chairman Rogan stated right, that is kind of what I was thinking, yes. In the matter of N.R.A. Realty, I make a motion that we have a public hearing at the July meeting.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated I knew what you were talking about.

Rich Williams stated Mr. Chairman if I might, it's getting a little late for this kind of levity.

Chairman Rogan stated Andrew, did you want to square away with Don the calculations, the storm events.

Rich Williams stated if I could just jump in real quick, my understanding of design is that you're always looking at the hundred year storm which is why when anybody asks me about doing flood control or looking at structures within a stream, you know my take is always you know, you look at the hundred year storm, currently the applicant is looking at the 50 year storm, if there is you know, reason for that if there is

justification, I mean you know that is between the engineers, I don't want anybody to think that I am mandating the 100 year storm on this, its just that that's my experience, that's my background is what we look at and having said that I'm giving this away to Andrew and not taking it back.

Andrew Fetherston stated I had, once the 100 year storm was thrown out there, I did go, for this meeting I looked at the Code, I did not provide that in my memo but I searched in codes from other towns and I did find one that we had done a project with a culvert years back where what they did was by the size of the watershed, they determined what storm event you were going to build your culvert to withstand and when it got back to the larger watersheds approaching one square mile, where this is getting close to that, it was saying the hundred year storm. So I was really looking for some back up and I knew I had it somewhere in the past and I found that, so I don't think its uncommon, that code of course if for a town road, which this not but my concern, my concern is the emergency vehicles go out to sites in the worst weather, that's when they're called on and when you have the hundred year storm, so I still have the thought that the hundred year storm as we had originally discussed and as we discussed out in the field, should be the hundred year storm, we did reduce the requirement somewhat in saying that some minor overtopping would be acceptable during the event, to try and lessen the extent of the improvements required given that it is a driveway but we still want safe passage for a vehicle.

Chairman Rogan stated how does that design standard effect the runoff from the driveway, planning for that, do you change the design of that or do you alter based on, you're only talking about looking at the hundred flood...

Rich Williams stated not the bridge.

Andrew Fetherston stated the stream.

Chairman Rogan stated oh just for the stream crossing.

Rich Williams stated when you're talking about an area that is probably what, a quarter, maybe a half an acre of run off, compared to a watershed of 460 acres, you know, its not a big impact. So the runoff from the driveway, not a big issue with regards to the bridge design, water quality impact going into the stream and not even the 100 year storm, you're talking about the smaller storms, the one year storm is more of a concern, the water quality impacts.

Chairman Rogan stated so we have a public hearing next meeting, what do we need Don to do so that at the end of the next meeting, public hearing he has his plans done so we can approve a wetlands permit.

Rich Williams stated clean up some of the details that I think Andrew and I have identified and show additional stream area that Ted has asked for.

Andrew Fetherston stated I just thought there was one thing that was not in the memo that, I'm not sure if our wetlands consultant and I don't think that you saw it after our discussion, what's being proposed to construct the abutments is taking a pipe and putting it in the stream bed, that causes stream disturbance I believe, you're putting a foreign object in the stream, we are getting worried about sediments and overland flow getting into the stream, we are putting a pipe in the stream. I wondered if the applicant had considered possibly sandbagging the existing abutments to squeeze in that channel, there by allowing construction on both sides without putting that pipe in the stream, I didn't know if you thought that was feasible or not.

Mr. Moore stated well we only have 18 feet between here and here.

Andrew Fetherston stated in the proposed case, in the existing it's even narrower, so I didn't, that's why I didn't know if you thought it was feasible because the existing case is really tight.

Mr. Moore stated yea well I mean, we originally, well somewhere along the line we had proposed doing that but after looking at it, you're going to have a fairly deep excavation here to meet OSHA standards and what have you, we decided that you know go on either side with it, independently was the best approach to construct the thing. As far as the issue of the 100 year or the 50 year whatever, the reason I got into the 50 year is because we talked about it out there and I went with that but whether its 50 year or a 100 year, I don't think we have a problem with this bridge washing or anything like that, we are talking about approximately 100 tons of concrete in these abutments and wing walls, I think it's going to be very well anchored in there, yes sir.

Rich Williams stated how are you holding the wood planks onto the metal girders.

Mr. Moore stated that is with the clamps that you raised the issue about, that comes out of the U.S. Forest Service and U.S. Department of Transportation standard design for timber deck bridge on steel stringers.

Rich Williams stated do we have any information on what stress those clips will handle, again my concern is the 100 year storm coming down or big (inaudible) storm and lifting that wood decking right up off and now you can't get out the system is (inaudible).

Andrew Fetherston stated I do not work solely for you, I work with a 250 man firm and we have a structural department that builds bridges and I have my bridge engineer's review when the Town of Patterson has a bridge come in front of them. So, every application, the 2 applications that we've had with the bridge, a bridge engineer has reviewed the structure, so, we will certainly look at it, Rich picked up that the clips were, the detail of the clips weren't on there, we'll make sure that we look at it and the impact of the water coming down.

Rich Williams stated I agree, I wouldn't have it any other way, I'm raising issues I'm not answering them, I'm looking for information for Maser to have.

Mr. Moore stated the details on the clips are on there but like I said, that cam straight out of the DOT and Forest Service design standards for timber bridges.

Chairman Rogan stated okay Don, you're got your work cut out for you for next meeting, you can get it done, we'll get our work done, if not it will be a month later but we'll have a public hearing next time.

Board Member Montesano stated and just bring lunch.

Mr. Moore stated and dinner.

Chairman Rogan stated and dinner,

Mr. Moore stated let me ask you this, can you make a determination whether you will allow the gravel and the 16% grade because that does have some impacts.

Chairman Rogan stated have you reviewed the engineering behind them getting 16% and do you agree with it.

Andrew Fetherston stated yea, I think they went, they did better than they thought they were going to do when we had the field meeting, I think they improved on that, I think they looked at the suggestions they have made to possibly fill on the flatter and cut on the steeper, I think it was well executed, yea. The other thing is, just to the Board, of course, it is existing...

Chairman Rogan stated yea, that's a good point.

Andrew Fetherston stated big consideration.

Board Member Cook stated it's a driveway.

Chairman Rogan stated yea, any, Ted, I'm thinking about the gravel driveway, nobody really expressed any overwhelming concern about having that a gravel surface to a paved...

Ted Kozlowski stated my 2 big concerns with this whole thing and this is where it's up to the engineers, I like gravel driveways too but in a storm event that stuffs going to move, you just have to make sure it's not going right into the stream whether there are basins in there or however you do it. Now in Rich's memo, it looks like there is still unmitigated runoff coming off that driveway going directly into the stream.

Mr. Moore stated there is about 75 feet there from the last set of catch basins, I think we might be able to look at that and butt grade back the other way and pick it up through the catch basin but still go out through...

Ted Kozlowski stated those are the things that you need to engineer not to...

Rich Williams stated there was the other side of the bridge also...

Mr. Moore stated we can look at doing something.

Rich Williams stated that's an easy fix.

Mr. Moore stated I don't think that those issues are that big, the big concern is the gravel driveway, the grade and just the structural aspects of the bridge itself.

Chairman Rogan stated Rich, even if we allow the or give a waiver for the gravel driveway, do we want there to be a pave surface from the road, so many feet in.

Board Member McNulty stated that was a question I had too.

Rich Williams stated yea, typically we require a 25 foot apron and there were also some grading issues right there are the entrance which didn't meet code.

Mr. Moore stated right and we can handle both of those, that's not...

Rich Williams stated and I thought you would because that kind of plays into what Andrew was saying about maybe raising the grade through that area, so we want to keep a 25 foot apron coming in off of the road regardless, to meld in with the Town road.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated to the.

Board Member DiSalvo stated what about after the road.

Chairman Rogan stated you mean after the bridge.

Board Member DiSalvo stated yea, so people when they come down hill.

Chairman Rogan stated wait, what are you, if this is the road coming down and we are going to 25 foot in from the roadway, the paved...

Rich Williams stated from Birch Hill Road.

Chairman Rogan stated then you are going to have a section of gravel and then you're going to have a bridge and then gravel up the hill, right.

Board Member DiSalvo stated do you want to have paving after the bridge.

Chairman Rogan stated do you need pavement post the bridge.

Rich Williams stated not unless you're going to pave both sides.

Board Member DiSalvo stated you know coming down the hill.

Andrew Fetherston stated I mean on a highway you do, the approach and the bridge, that's not what we are talking about here.

Board Member McNulty stated do you plan on raising that area...

Chairman Rogan stated in the matter of N.R.A. Realty wetlands/watercourse permit application, I will move that the Planning Board grants a waiver to allow no more than 16% slope in the sections noted on the plan that can not achieve 15% and also allow a gravel surface with exception of the first 25 feet off of Birch Hill Road.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, see you next time.

Board Member DiSalvo stated get your addresses for the public hearing.

Mr. Moore stated okay.

Chairman Rogan stated you know about the whole public notice and the...

Mr. Moore stated thank you.

Board Member McNulty stated thanks for waiting.

6) ROUTE 22 GETTY – Continued Review

Mr. Jason Caza of Tyree was present.

Chairman Rogan stated Route 22 Getty, we don't have anybody here for that do we.

The Secretary stated yes you do.

Board Member McNulty stated last man standing.

Chairman Rogan stated poor guy, he's been here since a quarter to seven, patience is always a good thing.

Rich Williams stated and a short ride home.

Chairman Rogan stated yea, Albany, at least Andrew has his in-laws in Carmel, he can crash at their house. Who is it.

The Secretary stated Bob Marvin from Fox Run.

Chairman Rogan stated oh yea, I spoke to him, we'll cover that.

Board Member Montesano stated he was happy to get tabled.

Chairman Rogan stated we're going to table it.

Rich Williams stated Doug Wallace.

Chairman Rogan stated I talked to him also, we'll take care of that as well.

Rich Williams stated you going to give him the extension.

Chairman Rogan stated no.

Rich Williams stated why not.

Chairman Rogan stated because I don't want to, because of you memo.

Board Member Cook stated that's right.

Board Member Montesano stated that's right, we all agree.

Chairman Rogan stated otherwise we'd give him an extension but let's deal with what we have in front of us first.

Board Member McNulty stated Mr. Getty.

Rich Williams stated I didn't say (inaudible).

Board Member Montesano stated spending the night I hope.

Chairman Rogan stated good evening, just state your name for the record please sir.

Mr. Caza stated my name is Jason Caza, I am a compliance project manager for the Tyree Environmental Corporation, I am here on behalf of Getty Petroleum Marketing Inc. Just, this has been going on a long time, I know that, this kind of got dropped on my desk and said handle, so I'm kind of picking up the pieces and basically I just want to be in compliance with issues that have been going on here. I've visited the site a few times already, myself and the territory sales manager Kim Keil, the operator knows what he needs to do and he's already started...

Board Member DiSalvo stated which operator, the Getty station.

Mr. Caza stated the operator of the actually gas station.

Board Member DiSalvo stated not the repair, not the body shop.

Mr. Caza stated right, right but on that note I actually have talked to him too and he's aware of the issues regarding his half of the building.

Board Member McNulty stated is he a sublease of the gas station operator.

Mr. Caza stated yes.

Board Member McNulty stated okay.

Mr. Caza stated so, I guess what I'll start with is the scope of work that we are looking at here, the vehicles that are being stored in the southern and eastern corners of the property are to be removed, I spoke to him about that, the vehicles that are not actively being serviced, no scheduled for service are not permitted on site, he is aware of that. As well as the make shift little tarp garages that he has up too, those got to go, I told him that and also, just a generally housekeeping, he needs to clean up and make it look nice there. The dumpsters are to be enclosed per the specifications, that being said with the dumpsters, let's see here, yup, they are going to be enclosed with a chain link fence with the privacy slats and a swinging lockable gate. Also, there is also a housekeeping issue, they have garbage kind of hanging over it, the operator and the attendant of the garage, have been told that. Next, the trees that are behind the building to be trimmed, removed as necessary to allow for room for emergency vehicles to travel behind the building, Tyree is going to take care of that, I am going to set up the work and we are going to have the fence taken down, the trees are going to be moved and pretty much cleaned up, that way vehicles can get all the way around the

building. The gutters and the downspouts are to be repaired or replaced as necessary, that is something that we'll handle too, Tyree, the whole entire structure we want to be power washed and re-painted, I believe that has already been done once but I think we are going to go ahead and just do it again, modifications are to be made to gasoline fueling area, the propane filling area and the kerosene filling area as noted. That's one of our biggest issues, obviously is the actually island, we are going to install the gasoline filling area modifications are, we are going to put U-type pipe bollards to be installed at each interior set of the island and the 20 pound fire extinguishers are to be mounted to the light poles in front of the cabinet, that's already been done, he actually did it the day that I showed up because he had them there, he just didn't do it, so...

Chairman Rogan stated Jason, what do you think your time frame is for a lot of these improvements.

Mr. Caza stated I can get this done as soon as possible, basically I'm looking for a letter of compliance from the Town, saying listen, you guys need to be in compliance with this, here's a letter, that letter will go to Getty, it will go to me and then I will set up the work and I'll have Tyree show up there, you know as soon as possible and just get started. Some of the stuff has already been started...

Chairman Rogan stated and by doing all this we'll also have an approved site plan so they'll know what they can do with the site, we'll make sure everything is in compliance or there are variances issued for things that might not be in compliance like set backs and such.

Mr. Caza stated right.

Chairman Rogan stated to decide what we can do with that.

Mr. Caza stated since we are already on that subject, about the signs, I know that that was a big issue, the front sign we looked at it and, the engineer Aaron Amara, he was there with me, the sign we are going to fill a variance form for that sign, for the front one just because it doesn't cause an issue with a traffic going north or south bound, so I'll put a variance in for that, I actually have the forms, your office sent that you me. Also, we are going to variance the, there was an issue with a kerosene tank being over the property line, we are going to put a variance in for that too...

Chairman Rogan stated you're going to move it on to the property line but keep it.

Mr. Caza stated well this is the thing, like we can't really just move it, the operator has a relationship with the actual owner of the property, so I don't know if a letter or something that...

Chairman Rogan stated that would be an ease, Carl, if they have a kerosene tank at a service station that is off property can they get an easement from the neighboring, the adjoining property owner.

Carl Lodes stated an easement and license...

Chairman Rogan stated so that would be something that...

Rich Williams stated how does that work with our set back requirements...

Chairman Rogan stated well that would still require a variance wouldn't it.

Carl Lodes stated yes.

Mr. Caza stated yup.

Chairman Rogan stated but so, it's a 2 step process but before you even go for a variance, you have to make sure it's possible.

Mr. Caza stated okay and...

Chairman Rogan stated before...

Board Member McNulty stated why can't it be moved.

Mr. Caza stated its set on a concrete pad, I mean it would...

Board Member McNulty stated you couldn't build a new concrete pad.

Mr. Caza stated I mean it would just, I mean, it's really only over a couple of feet, if that, I mean you're talking about an expensive, for just a couple of feet.

Board Member DiSalvo stated what happens if you move it in...

Board Member McNulty stated yeah but you're talking about a complication for us later down the line if that adjoining property owner sells the property, how does that work.

Rich Williams stated he sells it with the easement.

Chairman Rogan stated with the easement, you would have to look at what the potential use of that property would be in that area, if its already built out, what is the use of the adjoining property.

Mr. Caza stated there is no, it's vacant.

Rich Williams stated it's vacant right now.

Chairman Rogan stated and set backs for any new structure would be X number of feet from the property line, which the new requirements are more stringent than probably when this place was built, so you have to take all the, Zoning would have to take all that into account, right.

Rich Williams stated yea and what I was going to ask Carl, just to complicate because I never really know how to handle these, if you've got a, something that is extended over the property line, do you need one set back variance or do you need 2 for both properties.

Board Member McNulty stated I'm just saying it might be cheaper to move it, by the time you get all the lawyers involved.

Carl Lodes stated one for each property.

Rich Williams stated yea, so you need 2 variances.

Board Member McNulty stated you may want to look at that.

Chairman Rogan stated it might be in other words, what Tom is saying is that it might be cheaper to be moving concrete than paying lawyers.

Board Member McNulty stated more cost effective, let's say it that way.

Chairman Rogan stated and in the long run, cleaner so that might be something you want to consider, especially considering that Zoning Board might say no, move it, so you might want to feel all that out...

Mr. Caza stated okay.

Board Member DiSalvo stated just figure out where they are because I'm in that gas station everyday, parking is bad, sometimes you're hanging out on [Route] 22 to get in there and then there are parked around where the propane tanks are, so if those propane tanks are moved in, you're really going to have a problem with cars hanging out there.

Board Member McNulty stated the propane are okay, I think it's the kerosene tank, just the kerosene tank, right.

Mr. Caza stated right, right, the kerosene tank is the issue...

Board Member DiSalvo stated they are both together, they are both next to each other aren't they...

Mr. Caza stated yes, they are very close together.

Board Member McNulty stated are they both over the property line.

Mr. Caza stated no, nope.

Board Member McNulty stated okay.

Mr. Caza stated just the kerosene...

Board Member Montesano stated the kerosene.

Mr. Caza stated because its this way, its horizontal to the property and the other tank is facing, it's going north and south.

Board Member McNulty stated you might want to explore your cost effective, I think it would be the (inaudible) on this property and then go for a variance.

Mr. Caza stated easy enough and just a couple, like a housekeeping thing, like the area light is to be repaired, that's already been done, so the area lights have been replaced. The propane, the propane filling area modifications, we are going to put some bollards to be installed around the perimeter of the AST, above ground storage tank and those bollards are to be placed at a maximum of 4 feet apart and they will be filled with concrete so you can't move those.

Chairman Rogan stated Jason, can I ask you the kerosene tank on the plan we're both looking at, doesn't look like it's off the property line, is it not a good survey, it says existing kerosene and it shows it clearly on the property, is it that it just doesn't have the separation distance to the property line.

Mr. Caza stated um, maybe not, I know that was an issue that we had...

Chairman Rogan stated yea, this survey shows, it looks like it's got...

Mr. Caza stated your office came to us and said that...

Rich Williams stated our office came to you and said it didn't mean our current set back requirements.

Chairman Rogan stated set back requirements.

Mr. Caza stated right.

Chairman Rogan stated maybe its on the property but in the proximity, you might be looking at a set back variance...

Mr. Caza stated yea.

Board Member DiSalvo stated yea.

Board Member McNulty stated that would be a lot easier.

Chairman Rogan stated that whole conversation about lawyers might have been a whole moot point.

Board Member Montesano stated yea because you're sitting here then that should be there.

Mr. Caza stated right.

Board Member Montesano stated so you're inside.

Chairman Rogan stated it looks like it 5 or 10 feet on.

Board Member Montesano stated but you may be too close this way, you may need the variance for that.

Mr. Caza stated right.

Board Member DiSalvo stated (inaudible).

(Inaudible – too many speaking).

Mr. Caza stated it goes this way actually.

Chairman Rogan stated you have one here.

Board Member Montesano stated this is this way...

Mr. Caza stated this tank should be this way, for the issue.

Board Member DiSalvo stated so this is in the wrong spot then.

Mr. Caza stated well yea, it should be facing this and should be facing this way, it's over by like 2 feet, I mean literally.

Board Member Cook stated the tank is drawn wrong.

Mr. Caza stated yes, the tank looks like it's drawn wrong, it should be facing, going this way.

Chairman Rogan stated parallel to the road.

Mr. Caza stated right, parallel to the road, correct.

Andrew Fetherston stated hey, it's late.

Mr. Caza stated okay, moving along, we are going to put a NFPA compliant hazard alert sign on the fence of the propane tank, that has already been ordered, that should be up there any day. The gate on the fence is to be secured with a padlock and kept normally closed and locked the operator needs to do a better job of keeping that gate lock and obviously the gate is only to be opened or unlocked during filling operators. The kerosene filling area modifications, again, that tank is going to be moved and set atop a concrete pad per details, so I know we were just talking about that so, that is one of the modifications that we are looking do okay. The AST [Above ground Storage Tank] is to be labeled with work capacity and the AST is going to be, it already is being registered with the New York State DEC, which is something I will handle personally because I do that on a day to day basis and again we are going to install some bollards around the perimeter...

Chairman Rogan stated okay.

Mr. Caza stated and those will also be filled with concrete.

Chairman Rogan stated so the only items that really are up for any discussion would be whether or not you're getting variances or seeking variances for things like the sign and the distance of tanks to the property lines.

Rich Williams stated there are other issues that I indentified in the memo.

Chairman Rogan stated that need to be taken a look at.

Rich Williams stated yes.

Board Member DiSalvo stated isn't there something with some cinderblocks on the roof.

Rich Williams stated yea, I don't know if they are still there not, I hope they're not.

Board Member Montesano stated you look at (inaudible), through the window.

Mr. Caza stated alright, let's see here...

Rich Williams stated that's just coming straight out of the SEQRA regs, (inaudible).

Mr. Caza stated alright, the monument in the northwest corner, page 3, I think that's what we are looking at here.

Rich Williams stated Jason, rather than you know, sit here and go through item by item, let's talk real quick about process.

Mr. Caza stated alright, sounds good to me.

Rich Williams stated okay, where you need to address Fire Code issues or you need to address Building Department issues, you need to do those right away. Where you are talking about doing site plan issues, such as putting the bollards in, moving the tanks, you've got to get the plan approved before you start making improvements out there or start doing things like that, alright...

Mr. Caza stated okay.

Rich Williams stated one of the precursors to that is getting the area variances, our application should be up online, if you have trouble finding them, give me a call, you need to get to the ZBA or you need to decide what you are going to do about relocating those structures, alright. I identified a number of issues such as the lack of containment within the kerosene tank, not just when you are filling up, making sure that you don't get drips, generally you provide 110% containment storage when you have an outdoor uncovered facility like that, so you know if the tank leaks or ruptures or gets hit by a car, even though you've got the bollards, you know you've got that secondary containment to contain any spills. Generally you want to put a roof over them so you're not pumping water out all the time but there are other issues like that, there is identifying the manholes that are out there in the back because we have no idea what they are...

Mr. Caza stated I believe those are old sewage manhole covers.

Board Member McNulty stated that is the kind of stuff we need on the site plan.

Rich Williams stated where the septic system is, where you're going to have parking and showing sufficient parking on the site, these are issues that I identified for your company 2 years ago and they still haven't been addressed on the plan and actually I was kind of surprised to see this plan come back in because this was an earlier version, there were a couple of revisions since then to address some of the issues and then all of a sudden we seem to go back and start making revisions again, so...

Board Member McNulty stated I would ask, do you know if you have Rich's original letter or memo stating, requiring all these things, he said it was kind of dropped on his desk, maybe he doesn't...

Chairman Rogan stated they may have dropped some stuff on your desk.

Mr. Caza stated I have a letter from February 16, 2010, I have a letter April 27, 2009...

Rich Williams stated there has been more recent than that.

Mr. Caza stated I have no received any letters.

Rich Williams stated okay because I gave one to the Building Department, when this came into the Building Department I gave one to the Building Department, the Building Department was supposed to be forwarding that on to you and then we just did a review for tonight, which I'm assuming you got...

The Secretary stated yes, you got that fax to you this afternoon...

Mr. Caza stated right, right, right, I got that fax like 3 o'clock...

Rich Williams stated so and that pretty much parodied what I gave to the Building Department because the issues were the same.

Mr. Caza stated I remember we did talk about a letter that was supposed to be coming to me, I never got that.

Chairman Rogan stated Jason, why don't you when you get back to your office, spend a moment going through the memos from the Planning office, grabbing the dates and when they were sent out, call Michelle and Michelle if you could pull the file and cross reference them and any that you are missing, even if they are outdated, fax them over to him, so you'll have a complete list...

The Secretary stated I can e-mail them to you too.

Mr. Caza stated that would be great.

Chairman Rogan stated and this way you're working from a standpoint of having all the information.

Board Member McNulty stated you'll know exactly what we're looking for then too.

Mr. Caza stated right, yea.

Rich Williams stated and then what you should be doing is taking the memo that I did, going through, changing the plans to address that and providing the Board back a memo saying this is how we addressed and providing it for the design professionals so that we know exactly what you've done and if you run into something saying well you know, we can't address it, we can't address it for this reason, give us that as well.

Mr. Caza stated okay.

Chairman Rogan stated and you get revisions back in time enough for Rich to be able to review them, we don't have to go through item you've changed, we're going to get his thing saying okay, they've addressed everything except these one or two minor issues, we'll deal with it, get this approved and get you out of here. So there are some issues you obviously have to correct more timely because of your violations that you have and then there are the issues that are on the site that once we approve it then you go ahead and do it, do the improvements. So you don't have to do them all right now...

Mr. Caza stated okay.

Chairman Rogan stated so, okay, all right so you'll get the information through Michelle, anything your lacking, any questions don't hesitate to reach out to Rich and I'm sorry you have an Albany drive home.

Mr. Caza stated no, it's okay, it's okay.

Chairman Rogan stated please be careful because it's late.

Mr. Caza stated no, that's all right.

Chairman Rogan stated grab some coffee.

Mr. Caza stated yea, right.

Rich Williams stated any questions, call me.

Mr. Caza stated alright.

Chairman Rogan stated you're going back out to the highway, I don't know which way your going but there is a diner right down the road, grab something to eat.

Mr. Caza stated right down here right.

The Secretary stated there is a Dunkin' Donuts down there.

Chairman Rogan stated there is a Dunkin' Donuts out here on the corner on [Route] 22.

Mr. Caza stated so alright, I'll wait and get that information from you and then I'll look at it with my engineer and then we'll just revise it to the best that we can, alright, sounds easy enough but is it okay with the operator does some of the work, he's already done some small stuff like with the fire extinguishers and like fixing the lights...

Rich Williams stated fixing the lights, repairs, fire code issues, building code issues which you need to correct to address those codes, absolutely...

Mr. Caza stated okay.

Rich William stated when it comes to things like putting the bollards in or other site plan issues, you know relocating the pads, you know...

Chairman Rogan stated you better wait on that.

Board Member McNulty stated clearing the back of the building.

Mr. Caza stated okay.

Rich Williams stated no, no, clearing the back of the building is a fire code issue.

Board Member McNulty stated okay.

Mr. Caza stated I can't wait to do it so I can bill them.

Chairman Rogan stated do you need anyone to sign for time that you were until 11 o'clock at night.

Mr. Caza stated no, my boss knows I'm here, so, I bill them for my time so.

Chairman Rogan stated okay, fair enough.

Mr. Caza stated all right, easy enough, great, thank you, I appreciate it.

Chairman Rogan stated all right, thank you, thanks a lot.

Board Member McNulty stated you're welcome.

7) OTHER BUSINESS

a. Fox Run Phase II Zoning Change

Chairman Rogan stated okay Fox Run the gentleman that was here, he had just seen the table that you had prepared, hadn't had a chance to review it with his client, wanted time to do that, asked if we would table. So, Fox Run Phase II, I make a motion that we table the discussion.

Board Member Montesano seconded the motion.

Rich Williams stated that was faxed this afternoon.

Board Member McNulty stated did you give that to us too.

Rich Williams stated yes.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

b. Barjac Corp. Site Plan – Discussion

Chairman Rogan stated Barjac, Ted, I know you met with Theresa Ryan.

Ted Kozlowski stated yes I spoke to Theresa, I knew she wasn't coming tonight, I relayed the Board's...

Chairman Rogan stated oh.

Ted Kozlowski stated I relayed the Board's concerns regarding seeing something on paper as an alternative and also told her that you know, make the client aware that he will have to pay for this and this may or may not approved and she said she would pass that on to him and prepare something. In the mean time I have been out there again and looked it and I am going to give you guys a memo of my concerns.

Chairman Rogan stated okay, it seems like it comes down to either, they build what was approved, they come in with an alternative that Ted is willing to say hey, this isn't a big impact. Andrew had mentioned something about possibly using...

Board Member McNulty stated shorter spans.

Chairman Rogan stated short span by putting, you know, something into the ground to cut the span or they go to the other alternative entrance way and they bring in smaller vehicles. They have much less significant wetland area...

Rich Williams stated Shawn, I'm not to recommend that to the Board, as we've seen on sites like Guiding Eyes, you can put any standard that you want as far as putting up smaller vehicles and they will still what they want to do.

Chairman Rogan stated that's true, they back up, that's true, we saw Guiding Eyes, they back up 18 wheelers into the place.

Rich Williams stated off of [Route] 164.

Chairman Rogan stated yea, so, we are dealing with the main entry that we were looking at and whether or not they...

Ted Kozlowski stated yes Charlie...

Board Member Cook stated very happy to hear you say you're going to prepare a memo for us...

Ted Kozlowski stated yes.

Board Member Cook stated detailing especially with how you articulated at the last meeting when they were here, I mean I think that was really good, even though its on the record as far as the minutes, I think a memo incorporating that is very important.

Ted Kozlowski stated I think Theresa sees that too, you know there is another thing that I saw on Saturday and Maria, you run a horse farm and maybe you, you know its raw land there and they want to put a horse farm and generally at a house farm there is an office, there's building, there is some sort of structure where business is conducted and one of the things that kept, that was discussed was that this bridge is way to expensive and 500 hundred thousand dollars and its all this that and the other thing. Sitting at the alternate entrance is a building that is for sale and why can't that building be purchased which is far less then the 500 thousand dollars for a bridge, that building can be used as the office, the entrance, as something related to the and use some of that land for the turning radius for the vehicles. Do that and they've got direct access without going through a wetland into the property...

Board Member DiSalvo stated it's just that the entrance doesn't look as prestige as their original entrance.

Ted Kozlowski stated I know but you know unfortunately not everybody can have everything they want, you know and this as I said, this is the horse farm going in the Hamlet, it's not a horse farm going in a rural area or an area with a lot of open space, we're squeezing a horse farm in the Hamlet of Patterson.

Board Member DiSalvo stated I don't think we're squeezing the horse farm, I think you're squeezing the entrance.

Chairman Rogan stated right.

Ted Kozlowski stated right but it's you know, it's compromise.

Board Member DiSalvo stated I know.

Ted Kozlowski stated I'm looking for compromise to get away from destroying a wetland and the precedent that goes with that and the precedent of changing an agreed upon, hand shaken, wetlands permit that everybody agreed to and now because of economic reasons...

Board Member DiSalvo stated well maybe they...

Ted Kozlowski stated the same environmental concerns are still there that were there two years ago when this was approved.

Board Member DiSalvo stated in any business you phase your improvements, maybe they shouldn't build the indoor ring first, maybe they should build the barn and do the indoor ring later on, you know I mean I try to squeeze a nickel out of a penny all the time, you know, just like any business right now.

Ted Kozlowski stated and the thing is...

Board Member DiSalvo stated and maybe they should down size their structures to save money.

Ted Kozlowski stated the thing is there is an alternate entrance here, there is an alternate entrance without going through a wetland and that really should be fully explored.

Board Member DiSalvo stated that might be a little tough, bringing, turning and then again that house that's on the other side is going to have a big impact, everybody is going to have an impact.

Ted Kozlowski stated what we are talking about, we talked about 2 years ago...

Board Member DiSalvo stated right.

Ted Kozlowski stated and we came to a conclusion.

Board Member DiSalvo stated with the bridge.

Ted Kozlowski stated and now we are back, all over again, so...

Board Member Cook stated okay.

Chairman Rogan stated it's late.

c. Wallace, Doug – Carolyn Way – W/W permit extension

Chairman Rogan stated on the issue of Wallace, Doug Wallace Carolyn Way, we issued a 1 year extension back in September and Rich's take on it, based on his memo is that it appears we are only allowed to have one extension, does that seem to be correct.

Rich Williams stated that is correct.

Chairman Rogan stated okay, we dealt with this in other situations like the subdivision for Mark Porcelli, where we did, we basically go through the process again. Would it be appropriate to request a new, to go through the process to request a waiver of an fees associated with it, because there is no real review involved and go through that process again, I mean it doesn't seem...

Ted Kozlowski stated there is a review.

Chairman Rogan stated there is a review but you're, you know...

Rich Williams stated I don't recall if the Board has the authority of the Town Board.

Chairman Rogan stated yea, what I meant was make a recommendation to the Town Board.

Rich Williams stated you certainly could make a recommendation, now having said that, you know there is a shortened process within our wetlands code which says the Board can waive any and all of the requirements such as the public hearing, you know, so essentially he could submit an application and you could approve it.

Board Member McNulty stated quick question, on your memo, it says it was a one year permit extension was granted September 24, 2010...

Rich Williams stated a typo.

Board Member McNulty stated it's '09.

Rich Williams stated Michelle...

Chairman Rogan stated it will expire in 10.

Ted Kozlowski stated as hard as it is to believe, Richie Williams made a mistake...

The Secretary stated why are you blaming me.

Rich Williams stated jeez, I never make typos, I don't know.

Board Member McNulty stated I just want to make sure its in the record.

Board Member Cook stated goo catch Tom.

Board Member Montesano stated that Richie made a mistake.

Board Member Cook stated he's making frequent ones.

Ted Kozlowski stated (inaudible) only one, one year extension, as conditions change, rules change and somebody can conceivably keep delaying this on and on and on and Carolyn Way is a tough site.

Chairman Rogan stated it's the toughest one I think we've dealt with in a long time, to be honest.

Ted Kozlowski stated yes, that is a tough site.

Board Member McNulty stated where is Carolyn Way.

Chairman Rogan stated off of Bullet Hole Road, you go up around and make a left on it.

Board Member McNulty stated up top.

Chairman Rogan stated so this application was really just in furtherance of trying to get health department approval, it wasn't to build the site, it was try to put in a curtain drain...

Ted Kozlowski stated to see if he could get approval to get a septic in there.

Chairman Rogan stated this wasn't even like go ahead and build it...

Rich Williams stated ultimately he wants to build the site.

Chairman Rogan stated right, right but this was one that we spent a lot of time on and I don't think we are going to get it any better than what we did, we got that down to a 2 bedroom house out there, part of the requirement, 2 bedroom maximum, the lot stinks, I mean...

Ted Kozlowski stated well in today's world if they were coming in, it would never get approved.

Chairman Rogan stated never, no but I would be in favor of either having them submit an application and do some kind of a shortened process or make a recommendation to the Town Board that they waive any fees associated with it because other than looking and saying yes this is exactly what we looked at before, it just kind of is more procedural issue in my eyes. Nothing's changed on the site and no laws have changed since we gave the extension...

Ted Kozlowski stated did he ever get health department approval.

Chairman Rogan stated no, that's probably why he's waiting for the extension.

Ted Kozlowski stated because I never...

Rich Williams stated he hasn't done anything yet.

Chairman Rogan stated no, he hasn't done anything.

Ted Kozlowski stated never have, so it's conceivable this will never happen.

Chairman Rogan stated its conceivable.

Board Member Cook stated so let's do the short cut and hold off on waiving any fees.

Board Member DiSalvo stated the new application.

Chairman Rogan stated even with a shortened application there are still fees associated with that, right Rich, so even, we are just saying, the process from our perspective is shorter, we can waive the public hearing because we've already done it and...

Board Member Montesano stated question, why are we being so polite on a piece of property that really sucks.

Chairman Rogan stated well because its not the property...

Board Member Montesano stated the time.

Rich Williams stated (inaudible).

Board Member Montesano stated well if I recall...

Board Member DiSalvo stated in today's world it would not get approved.

Board Member Montesano stated we were really not for this situation and we went round and round with it and then all of a sudden, now we are bending over backwards to make sure it continues.

Chairman Rogan stated we're...

Rich Williams stated Mike, the bottom line in this is that he needs a wetlands permit to develop that property in any way, shape or form. If you think there is a better design then we should talk about that...

Chairman Rogan stated exactly.

Rich Williams stated otherwise to deny him a permit in its entirety is absolutely a regulatory taking and (inaudible).

Board Member Montesano stated I am not denying his permit what I am asking is we are trying to waive fees and shorten the process...

Chairman Rogan stated because I personally feel that the Town isn't...

The Secretary stated hang on.

(Tape 2, Side 2 Ended – 11:07 p.m.)

Chairman Rogan stated the Town isn't expending any additional resources, if he came in and said I need a renewal and I want to change the design, I would be right with you and say that they have to pay the fees because we have to review stuff but in this case...

Ted Kozlowski stated but you know, he does has to submit a new permit and we do have to review it because you don't know...

Chairman Rogan stated yeah but to the extent that you can look at it see where things are laid out.

Ted Kozlowski stated right but Shawn there have been cases where things have been submitted and...

Chairman Rogan stated I wouldn't ask you to rubber stamp it.

Ted Kozlowski stated the woman on Cushman Road for example...

Chairman Rogan stated yup.

Ted Kozlowski stated one day we got one plan, the next day we got another plan and so, let's make sure it's the right plan.

Chairman Rogan stated you'll have reviewed that application before the recommendation ever even goes to the Town Board, how's that...

Ted Kozlowski stated right, good.

Chairman Rogan stated so, we'll know.

d. Boniello Site Plan

Chairman Rogan stated Boniello Site Plan I think we talked about a little bit earlier in essence, we met with, I know Rich mentioned this at the work session, he's got issues he's got to clear up. He's built some steps where he shouldn't have built steps and it should have handicap accessibility ramp, it doesn't look like that can happen now and it looks like Mr. Lamberti came up with a solution potentially for him.

Rich Williams stated I got the plans in today, I've got to go through them with Nick because I didn't see a solution.

e. Project Updates

Chairman Rogan stated and we do have project updates.

f. Clubs

Chairman Rogan stated and Clubs, I know we are getting special counsel for Clubs.

Rich Williams stated for Clubs but let's just jump back real quick to project update, you have it there, the Board at the last meeting I think had asked me to pull together additional information to see if violations could any, could still be issued and I gave everybody the cover sheet but Carl has the full packet of all the information.

Carl Lodes stated I'll take a look.

Chairman Rogan stated fantastic, you mean you didn't read them in the last 4 hours and you're not prepared to...

Carl Lodes stated I was so enthused by the meeting, I couldn't.

Board Member Montesano stated you just wanted to make sure you stopped us.

Chairman Rogan stated you're good.

Rich Williams stated yea, why.

Chairman Rogan stated when do we anticipate having the, let's talk for a second about special counsel on the clubs issue, what's going on.

Rich Williams stated sure, the Town Board appoint Joe Charbonneau, as special counsel to deal with the clubs, not with the clubs, no we don't, I'm sorry, we have special, Town Board appointed Les Steinman special counsel to deal with the clubs issue, his charge is to review the local law that I drafted to see if it has merit and you know recommend any changes.

Chairman Rogan stated okay, when will we meet with this gentleman.

Rich Williams stated I don't know if you will, that was not part of his charge.

Chairman Rogan stated what does that do to help us, are we just going to get something in writing from him.

Rich Williams stated he was hired by the Town Board, to review it for the Town Board.

Chairman Rogan stated okay so will we get copies of...

Rich Williams stated I'm sure you are going to get copies of anything.

Board Member DiSalvo stated what firm is he with.

Rich Williams stated in the mean time the Town Board is talking about meeting with the Planning Board and the Zoning Board to talk about clubs.

Chairman Rogan stated alright, so we don't really have, I think we need to do that, I think meeting together and...

Rich Williams stated Charlie, did you think the attorney was going to meet with the Planning Board.

Board Member Cook stated I thought that's what you said.

Board Member McNulty stated I was under the impression we would meet with counsel too and get some input.

Board Member DiSalvo stated didn't Charlie know the attorney.

Board Member Cook stated provide him with some input.

Board Member McNulty stated meet or get something from him to help us decide, that was my understanding too.

Chairman Rogan stated well at least if we meet as a group, I think the 3 Boards meeting makes a lot of sense. That's moving forward and getting some ideas out, I think we'll have some good discussion. Along with good discussion I think we should make a motion to approve March 25th and April 1st, 2010 minutes, so moved.

8) MINUTES

Board Member McNulty seconded the motion.

Chairman Rogan stated I only have, I'm sorry and April 29th and May 6th including in those dates, so moved.

Board Member Montesano stated second.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated any opposed.

Board Member DiSalvo stated I wasn't here for May 6th.

Chairman Rogan stated oh okay, so you can just abstain.

Board Member DiSalvo stated I abstain from May 6th.

Chairman Rogan stated and I'll make a motion that unless we have anything else from everybody here, we adjourn.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye

Chairman Rogan - aye

The motion carried by a vote of 5 to 0.

The meeting adjourned at 11:13 p.m.