

TOWN OF PATTERSON
PLANNING BOARD MEETING
June 5, 2008

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
June 5, 2008 Meeting Minutes**

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

ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
Marianne Burdick
Lars Olenius
Martin Posner

PLANNING BOARD

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

Present were: Chairman Rogan, Board Member Pierro (arrived at 7:42 p.m.), Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Gene Richards with the Town Engineer's office, Stantec Consulting Services Inc

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

Michelle Russo was the secretary and transcribed the following minutes.

There were approximately 11 audience members.

Chairman Rogan led the salute to the flag.

1) WALLACE W/W/ APPLICATION – Public Hearing

Mr. John Karell was present to represent the applicant.

Chairman Rogan stated thank you, please be seated. Good evening everyone, I will please ask the secretary to read the first public hearing notice.

The Secretary read the following public 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 5, 2008 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 **“Douglas Wallace Wetlands/Watercourse Permit Application. Applicant is requesting permission to construct a single family residence. The property is located at 17 Carolyn Way,”** Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated good evening Jack.

Mr. Karell stated good evening.

Chairman Rogan stated please state your name for the record.

Mr. Karell stated John Karell, engineer for Doug Wallace.

Chairman Rogan stated Jack if you could just please give the audience a brief over view of this application, why you are before us.

Mr. Karell stated this lot is one of the last lots in an old subdivision and we are looking to construct a single family house in accordance with the subdivision approval. It has been before the Board for several years and we have modified, we are providing a two bedroom house tucked into the bank and we are looking to construct a septic system and install a curtain drain for the septic system. We can't get Health Department approval until we install this curtain drain so that we can show we can drop the ground water table a sufficient depth to provide a septic system, that is the nature of the beast.

Chairman Rogan stated do I have any questions from anyone in the audience, if you do please come up and use the microphone, state your name for the record. No questions from the audience on this application, can I have a motion to close the public hearing.

Board Member DiSalvo stated make a motion to close the public hearing.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 4 to 0.

Chairman Rogan asks for any opposed.

Chairman Rogan stated okay, so Jack, there are a few comments that, if you don't have copies of, we'll make sure have them before you leave from Ted Kozlowski in terms of the wetlands application, minor details that he wants you to look at. But we've you know, it is what it is, the house doesn't have much room for where it goes and we are looking for the completion of this process and see if you can get your approvals from Health Department.

Mr. Karell stated the, there are comments from Rich which are relatively minor, I agree, one of Ted's comments is that he wants the house moved to the southeast to give us more distance and we acknowledge and the Board acknowledged in the past that the rear, the wetland buffer line comes around to the back of the house. We are fighting grade going down the hill and we kind of have the house pretty much at the front yard setback and no matter how. If we move this house five feet forward the top soil stock pile and the leaching pits and the septic tank are still going to be within the wetland buffer but previously with the septic system the Board had agreed that a fifty foot wetland buffer was sufficient for that, for the septic system.

Chairman Rogan stated correct.

Mr. Karell stated well if it's sufficient for the septic system then it should be sufficient for these other facilities, I mean.

Chairman Rogan stated well the thing is of course the septic system is a necessary function, putting a shed or a pool is not critical.

Mr. Karell stated there is no pool, there is no shed either.

Chairman Rogan stated the point is that they are going to want one and I think is what Ted is bringing up, is that they will be back before us a year after they build the house. What I think I had said at the last meeting was that I would be open to proposal of a retaining wall on the back of the property so that we could utilize some back yard area. I don't know what the finished grade is going to be there but you know, obviously these people are going to want to use this property, it is very steep. It's a very difficult lot, most of the flat area is where you are putting the septic system down below but again I've said many time on the record that this is a unique lot because it is previously approved, had this been a individual lot or a current proposal for a subdivision, we probably wouldn't be looking at this lot in the same way.

Mr. Karell stated I agree absolutely, I can't move these things.

Chairman Rogan stated yup.

Mr. Karell stated I mean, like you said if you move the house forward.

Chairman Rogan stated no I'm in favor of leaving the house right where it is, the leaching pits, those are for, what, roof drains, the five leaching pits.

Mr. Karell stated yes, the roof drains and the driveway and the level spreader is for the overflow, the potential overflow of the leaching pits. The top soil stock pile is a temporary situation, I mean I can move the top soil stock pile up possibly and get it out of the, that's not big.

Chairman Rogan stated I don't think that's, that is not as much of an issue.

Rich Williams stated yeah, you aren't gaining anything.

Chairman Rogan stated that is not a big deal because its temporary and that's disturbed area.

Mr. Karell stated so can we agree to leave everything where it is and address Rich's comments and the application comments.

Chairman Rogan stated honestly, I'm fine with that, I just, where the leaching pits are shown, I would not be opposed to having some kind of a retaining wall down gradient of those few feet, that would give you some level area in the backyard is all. I don't know how feasible that is from an engineering standpoint but just knowing that the people that want to use this house are going to want something close by for the children for recreation.

Board Member DiSalvo stated for recreation.

Chairman Rogan stated so.

Mr. Karell stated an above ground retaining to, how about a split rail fence on the wetland buffer, the area disturbance line.

Chairman Rogan stated the.

Rich Williams stated we are not looking to protect the buffer as much as they are to give future property owner usable area.

Chairman Rogan stated I didn't mean a stone wall for a barrier, I mean a retaining wall to level things off a bit.

Rich Williams stated which is (inaudible – not using microphone).

Mr. Karell stated I will look at that.

Chairman Rogan stated okay but other than that I mean like I said, the application is what it is, it is a difficult lot we acknowledge that, for the Board's, the Board's, for the audience's edification this started out as a four bedroom dwelling. We have reduced it to a maximum two bedroom and the square footage has been reduced to a maximum square footage as well to minimize the impacts to this wetland buffer and again having said that, it's a previously approved lot, 1988, Burdick Glen, was that '88, roughly.

Rich Williams stated it was about that.

Chairman Rogan stated yeah, the laws that we have now on wetlands were obviously not in effect at that time, so I certainly don't blame the Board of 1988 for creating this lot. So, yes, my feeling is wrap up the minor comments and let's proceed.

Mr. Karell stated okay, thank you.

Chairman Rogan stated thanks. Does anyone from the Board have any other questions on this or comments.

Board Member DiSalvo stated no.

Board Member Montesano stated no.

Chairman Rogan stated okay, thanks Jack.

2) Paddock View Estates – Public Hearing

Mr. Mark Porcelli, the applicant was present.

Chairman Rogan stated please read the public hearing for Paddock View Estates.

The Secretary read the following public hearing 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 5, 2008 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 **“Paddock View Estates Preliminary Plat for a proposed 10 lot subdivision. The property is located along Route 292,”** Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated Mark before you start, again for the audiences edification, this application was just approved in exactly the same format that it is exists right now, a little over a year ago and the conditions of the approval were not met within that time frame so the permit, the approval expired, so this gentleman is back going through the process in essence. But it is, since the application hasn't change it is just a bit of going through the process, making sure that we do what we need to for the SEQRA determination and you know for the planning process. So Mark, can you just please state your name for the record.

Mr. Porcelli stated I'm Mark Porcelli, I am one of the owners of Paddock View Estates.

Chairman Rogan stated and just a brief description of the subdivision.

Mr. Porcelli stated it's a ten lot subdivision that was previously approved by the Board, nothing has changed on the site, the lot sizes, the locations, the engineering part has been done, there are a few comments that we had to address that took a little longer then expected. So basically what you saw, I guess a year ago is the same thing that is here now.

Chairman Rogan stated and we also have fire protection that was put on this lot.

Mr. Porcelli stated yes.

Chairman Rogan stated and we've worked with the Historical Society, there is some historical significance on this lot and the owner has worked with the Historical Society to investigate and do some inventorying of. Does anyone from the audience have any questions specific to this application, no questions, no hands up, can I have a motion to close the public hearing.

Board Member DiSalvo stated motion to close the public hearing.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 4 to 0.

Chairman Rogan asks for any opposed.

Mr. Porcelli stated thank you.

(Audience member's cell phone rings.)

Chairman Rogan stated what a great ring for that, that was like with authority.

Board Members and audience members laugh.

Chairman Rogan stated as Mark, as you said, we have minor things that you are addressing, Rich, Gene do you have anything on this that you want to address.

Gene Richards stated I didn't do a memo on this.

Rich Williams stated you have a preliminary resolution.

Chairman Rogan stated we have a preliminary subdivision approval resolution, would anybody like to entertain that.

Board Member Cook stated whereas the Planning Board pursuant to Chapter 138 of the Town Code and sections 276 and 277 of the Town law, consider the application of 292 Development Corporation and Patterson Development Corporation for approval of a preliminary subdivision plat entitled Paddock View Estates, prepared by Daniel J. Donahue Consulting Engineers dated March 13, 2006 and last revised on January 25, 2008. Now therefore be it resolved that in the application of 292 Development Corp and Patterson Development Corp for preliminary subdivision approval pursuant to chapter 183 of the Town Code, the Planning Board finds that the subject application and preliminary subdivision plan has modified in accordance with any applicable conditions set forth in this resolution, there are four general conditions complies with all requirements of the Town law and Chapter 138 of the Town Code and hereby grants preliminary subdivision approval.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 4 to 0.

Chairman Rogan stated any opposed, motion carries, thanks.

Mr. Porcelli stated thank you.

Chairman Rogan stated thank you, have a good evening.

3) **BARJAC REALTY SITE PLAN – Public Hearing**

Mrs. Theresa Ryan of Insite Engineering was present to represent the application.

Chairman Rogan stated Michelle, can you please read the public hearing for Barjac Realty.

The Secretary read the following public hearing 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 5, 2008 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 **Barjac Realty Site Plan and Wetland/Watercourse Permit Application to construct an equestrian center. The property is located at 70 Maple Avenue, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated good evening Theresa.

Mrs. Ryan stated hi.

Chairman Rogan stated how are you.

Mrs. Ryan stated good, how are you doing.

Chairman Rogan stated good, could you please state your name for the record.

Mrs. Ryan stated Theresa Ryan from Insite Engineering, Surveying and Landscape Architecture P.C. I am representing Barjac Realty Corporation, they own a 43 acre plus or minus piece of property that has frontage on Route 311 and Maple Avenue. Part of the property contains portions of an adjoining mine and existing ball fields that access off of Maple Avenue. What we are proposing is an equestrian use for the property on the southern portion of the property with one access that will have to cross over the wetlands but we are proposing a bridge to cross the wetlands so there will be no wetland disturbance. There is going to be an indoor riding ring and a horse barn and a one bedroom apartment in the center of the development, there are going to be some stormwater management facilities in the eastern portion of the property and at the entrance on either side of the entrance, the rest of it will be paddock and out door ring. We are here for the public hearing, the public hearing is for a wetland permit and site plan approval. We have about twenty-six hundred square feet of, square yards of disturbance in the buffer of the wetland and that is for stormwater improvements and to gain access to the property.

Chairman Rogan stated Theresa could you also, please point out to the audience where we had proposed or spoken about a planting buffer, it looks like along the western side of the property.

Mrs. Ryan stated okay, also there is going to be a conservation easement.

Chairman Rogan stated gentlemen please, thank you.

Mrs. Ryan stated a conservation easement twenty feet wide along the western property boundary where it is adjacent to Maple Avenue Cemetery and there won't be any tree clearing or shrub clearing allowed in that twenty foot conservation easement. The paddock for the horses will be set at that twenty foot line so

nothing will be in between the horse paddocks and the fence line for the cemetery. The project received a special use permit from the Zoning Board of Appeals last October for the equestrian use.

Chairman Rogan stated okay, do I have any questions or comments from the audience, please remember that you will need to come up and state your name for the record. Sure, just come on up. You can use the microphone up there, Theresa doesn't bite.

Mrs. Ryan laughs.

Maria Paulus stated hello, I'm Maria Paulus, I live over on Maple Avenue, off Maple, 2 Lisa Court.

Chairman Rogan stated can you point on the map to about where your house would be.

Maria Paulus stated this is the first time I'm seeing the map, so if you can help me out.

Chairman Rogan stated okay.

Mrs. Ryan stated I can show you where Maple Avenue is, this is Maple Avenue [points to plan].

Maria Paulus stated okay.

Rich Williams stated the box is Lisa Court.

Mrs. Ryan stated this is the ball fields, this is the parking lot for that ball fields.

Maria Paulus stated Lisa Court would be.

Rich Williams stated the box.

Maria Paulus stated the box, this box is Lisa Court.

Rich Williams stated that is Lisa Court.

Chairman Rogan stated yeah.

Maria Paulus stated okay, so I guess my concern is that really we haven't seen any of the data associated with it, this is the first time we are really seeing this, obviously personally I came for the environment, I invested in the property based on the characteristics of the environment, you know the nature of the area. So what I'm concerned with is I really want to get a sense, I want the opportunity to look at the plans, look at the impact studies, understand what kind of impact am I to be to fair market value, are there any detrimental foreseen or unforeseen type of issues that could come up, what type impacts really. We have seen a lot of different movement of water as there has been construction, there is the flooding concern, there are all these different things, so you know, my reservation, my serious reservation is I don't understand the facts because I haven't been presented with them.

Chairman Rogan stated understood, that seems reasonable, thank you.

Maria Paulus stated sure.

Chairman Rogan stated please sir.

Walter Horn stated hi, Walter Horn, it said on my.

Chairman Rogan stated what is your address sir.

Walter Horn stated 4 Lisa Court.

Chairman Rogan stated thank you.

Walter Horn stated it said on the application on the notice that I got in the mail, 70 Maple Avenue, I just want to know where that address is because I looked at all the street numbers today and I didn't find 70 Maple Avenue. So I wanted to see exactly where 70 Maple Avenue was.

Mrs. Ryan stated that was the address, I think that was the 911 address of the parcel, what happened was this actually consisted of three separate tax lots there were two small tax lots, one was here, you can see the old line and one was right here, these are the new address on Route 311, the rest of this property because it only had this fifty foot strip of property to access the 911 address was off of Maple Avenue but basically the only thing that is off of Maple Avenue is the parking lot and ball fields.

Walter Horn stated I am just concerned that they are not going to come in through here or here.

Chairman Rogan stated its all wetlands.

Mrs. Ryan stated this is the access, the green area.

Walter Horn stated that is going to be the only access.

Mrs. Ryan stated the green area, I shaded the green area and this is the area where all of the improvements are going to take place, there is nothing to be done north of this.

Chairman Rogan stated and Theresa it would makes sense that when this project, if this project is completed that we speak to the people at the Bureau of Emergency Services for a 911 address, for this project, be where the access is.

Mrs. Ryan stated well, Rich already gave it one.

Rich Williams stated Shawn, we assigned that internally out of the Planning Department.

Chairman Rogan stated okay great.

Mrs. Ryan stated its actually on this plan, I think before those lots were merged we had to use the other address but now we have a route 311 address.

Rich Williams stated there is another issue but I haven't worked it out yet, is that we still have the ball fields with access off of Maple Avenue, so I'm still trying to figure that out.

Mrs. Ryan stated okay.

Walter Horn stated okay and is this just going to be for private use or is it going to be for public use, this equestrian center.

Mrs. Ryan stated well the person who is going to run the facility will be boarding horses there.

Walter Horn stated so it will be public.

Mrs. Ryan stated yes, anybody can bring their horse and board it there.

Chairman Rogan stated excuse gentlemen in the back of the room, we don't mind you having a conversation but could you take it outside please, its distracting, thank you very much.

Walter Horn stated thank you.

Mrs. Ryan stated okay.

Chairman Rogan stated anyone else from the audience have any questions, comment or concerns. Please.

John Taylor stated my name is John Taylor, I'm chairman of the Park Advisory Board that oversees the operations of the Patterson Veterans Memorial Park, I am responding to a notice of public hearing that some attorney spent over five dollars sending to me, so I am here to ask if there is going to be any impact on Maple Avenue what so ever with this project.

Chairman Rogan stated as you can see.

Mrs. Ryan stated no.

John Taylor stated that's it, no.

Chairman Rogan stated good question.

Mrs. Ryan stated no.

Chairman Rogan stated no, there is no impact on Maple [Avenue]. Any other questions from the audience. Ma'am please come up.

Unknown Speaker stated is this.

Chairman Rogan stated you need to come up and use the microphone, I'm sorry.

Unknown Speaker stated this is about Paddock View right.

Chairman Rogan stated no.

Board Member DiSalvo stated no.

Chairman Rogan stated ma'am the Paddock View was already done, its over.

Unknown Speaker stated oh okay.

Chairman Rogan stated okay.

Board Member Montesano stated make a motion to close the public hearing.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated okay.

Mrs. Ryan stated thank you.

Chairman Rogan stated thanks Theresa.

4) PONDVIEW ESTATES – Wetland/watercourse Permit Application

Mr. Neil Alexander of Cuddy & Feder, Mr. Joe Buschynski of Bibbo Associates and Mr. Ron Gautreau of Evans Associates were present.

Chairman Rogan stated next up we have Pondview Estates, wetland/watercourse permit application. Good evening

Mr. Alexander stated good evening, Chairman and members of the Board, again my apologies for the chatter that we were engaging in back there. For the record it's Neil Alexander, Cuddy & Feder, here on behalf of the applicant Bayswater Group. You last saw this, I mean you've seen this many, many, many, many times, I know you have a broad agenda tonight so I will try to sisynced. We were here in November, essential it is the on going saga of toggling between Army Corps compliance, DEP, DEC and a Town wetlands permit while at the same time, every time you turn around the regulations get a little more stringent and it requires another tweaking yet again of the project but when we submitted out November 16th letter to you, it sort of quantified all the changes in the project since the filed map status to today as a result of coordinating with out sister agencies to get those permits. Nothing on there has really changed since that letter as far as the quantification, what has happened is even further wetland disturbance has been removed from the project. When the project was first approved there was one, almost one acre of the disturbance proposed, we now had gotten it from one acre all the way down to a tenth of an acre or a little bit less then that. There is approximately 3/10 of an acre of disturbance that is going to be associated with repairing the dam that did fail, so that is really where the project has primarily gone, there is a lot more detail in the May 22nd submission we made to the Army Corp which you were cc'd on and one of the things that the Army Corp required us to do was remove the wood chip walking trail to the pond so that even eliminated further disturbance that was occurring.

Chairman Rogan stated that was our idea.

Mr. Alexander stated well we'll see.

Chairman Rogan stated that was the Board's recommendation, we wanted that for a walking trail for the residents.

Mr. Alexander stated I guess, isn't there a Kipling, the world will beat a path to your door.

Chairman Rogan stated I guess so.

Mr. Alexander stated poem, so maybe it will just become a [inaudible] after the fact as far as people's interest in passive recreation but.

Chairman Rogan stated if you will hold for one second, Rich, what do you think the Army Corps objection would be to a wood chip path, it seems pretty.

Rich Williams stated [inaudible] about you know, they view things as zero disturbance.

Chairman Rogan stated okay.

Rich Williams stated don't care what the disturbance is.

Mr. Alexander stated they have been particularly hard in the sense that they even have been interrupting in some cases that temporary impacts are now, even though the regulations expressly say that temporary impacts are not part of the calculations for a tenth of an acre for our nation wide permit, they've been taking that position lately so. Our permanent and temporary impacts together are less than a tenth of an acre on this project.

Board Member DiSalvo stated what do we have to do then, put a fence around the pond, people are going to go down there anyway.

Rich Williams stated the last plan that I saw, there was still an access road going down because you are going to need to get access to the dam. I think that is going to ultimately be a walking trail that is not going to be removed is it.

Chairman Rogan stated yeah.

Mr. Alexander stated not, the whole team is here by the way from Evans and Bibbo and Hahn, as well as the developer of Bayswater.

Mr. Joe Buschynski stated the plan showing the location.

Chairman Rogan stated okay.

Mr. Alexander stated do you want to, I'm out my bally wick at this point.

Mr. Buschynski stated okay.

Chairman Rogan stated but please if you are going to speak, use the microphone.

Mr. Buschynski stated sure.

Mr. Gautreau stated for the record I'm Ron Gautreau, Evans Associates, we are responsible for the wetlands delineation and mitigation and impacts for the permitting part of the project. There was a walking trail proposed per the Town recommendations through the mitigation area as well as through the wetland, which would have been a wood chip walking trail. We didn't think that would be considered fill or objectionable but the Army Corp took the position and they are counting the wood chips as fill, so that trail which was in this area on, I forget the date, a previous submission to the Army Corp, has been removed on this plan which was May 22nd submission to the Corp. There certainly can be a trail along the top of the dam, that is not within the wetland and the Corp doesn't regulate a buffer.

Chairman Rogan stated actually that was more of the area that you were referring to, was the dam area, so that is okay.

Mr. Gautreau stated okay.

Rich Williams stated which is why its not going to cause any real issue [inaudible].

Chairman Rogan stated okay, so we are fine then.

Mr. Gautreau stated okay so, that just to straighten out any confusion on that.

Chairman Rogan stated great.

Mr. Alexander stated and then the other issue is that we coordinated with David Raines on the water tank.

Chairman Rogan stated on the fire suppression tanks.

Mr. Alexander stated exactly.

Chairman Rogan stated four twenty thousand gallon tanks show on the plan I believe.

Rich Williams stated there is, there is one issue with one of the tanks that we have to get back to them on.

Chairman Rogan stated okay.

Rich Williams stated one of the tanks on the loop road, there is a force main on the original plans that goes down through that tank, I talked to Dave [inaudible – not using microphone] wherever you want but right now it looks like the tank is in the same area where that force main was.

Chairman Rogan stated okay, great.

Mr. Alexander stated so I guess that, we have Rich's comment memo, some of it we just sort of very quickly addressed and noticed that someone was cross eyed when they were counting numbers of bushes and things of that sort.

Chairman Rogan stated it was late at night.

Mr. Alexander stated they've been spanked harshly but no more seriously we'll fix it.

Chairman Rogan stated wonderful.

Mr. Alexander stated I guess where I'm heading is if we could, we would like to see us get a public hearing for the next meeting, if possible.

Chairman Rogan stated sure, that is reasonable, do you have any problem with us setting a public hearing on this.

Rich Williams stated I did talk to Ted Kozlowski earlier and he also did not have a problem with setting the public hearing.

Board Member Pierro stated on the motion Mr. Chairman.

Chairman Rogan stated okay, one second, at the work session, we discussed obviously the Army Corp of Engineer permits being in place prior to any start of construction.

Mr. Alexander stated yeah well actually I was told tonight as we were coming that we are basically where we believe we are in and we cc'd all the sister agencies.

Chairman Rogan stated okay.

Mr. Alexander stated to talk to you because we believe that once either a supplemental findings statement or some kind of SEQR determination is made by you, everyone else is ready to issue their permits, they have been waiting on that.

Chairman Rogan stated great, on the motion David.

Board Member Pierro stated in the matter of Pondview Townhouse development I make a motion that we set a public hearing for.

Chairman Rogan stated July.

Board Member Pierro stated July 3rd is that too soon Rich.

Chairman Rogan stated I don't have a calendar in front of me. No, its not too soon, I just don't know what the date is.

Board Member Pierro stated it July 3rd, is the next meeting.

Board Member Montesano stated July 3rd is the next meeting.

Chairman Rogan stated thank you, can I have a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated okay.

Mr. Alexander stated the only thing I ask is that I don't know if we need authorization (inaudible – not using microphone).

Chairman Rogan stated no you don't need authorization.

Rich Williams stated give me a call because I (inaudible – not using microphone).

Mr. Alexander stated yeah, (inaudible – not using microphone).

Chairman Rogan stated and you also know about the notification requirements, if not please speak to Michelle.

Mr. Alexander stated we will get adversed again.

Chairman Rogan stated wonderful, okay thank you gentlemen.

Mr. Alexander stated thank you.

5) PAPIITTO SITE PLAN – Extension of Site Plan Approval

Chairman Rogan stated so that the audience knows, we approved at the work session, an extension of site plan approval for Papitto Site Plan, a week ago at the work session.

6) KENT SUPPLY CO. – Consideration of Final Approval

Mr. Robert Cameron of Putnam Engineering and Mr. Joseph Futterman were present.

Chairman Rogan stated next up is Kent Supply, we have a resolution on this.

Board Member Pierro stated excuse me.

Chairman Rogan stated we have a resolution on this.

Board Member Pierro stated just gave them to us tonight.

Chairman Rogan stated yes.

Board Member Pierro stated I need to go in a grab it.

Chairman Rogan stated its okay. Good evening Rob.

Mr. Cameron stated good evening, Robert Cameron from Putnam Engineering, representing the applicant Kent Supply Company.

Chairman Rogan stated Rob you have copies of Gene and, Gene's memo anyway.

Rich Williams stated I did not do a memo.

Chairman Rogan stated you did not, correct. It looks like we've got the bond estimates, have you looked at those.

Mr. Cameron stated yes, we are okay with the bond estimates.

Chairman Rogan stated you're okay with that.

Mr. Cameron stated yeah, we would like it if it were lower.

Chairman Rogan stated great, so would we, I think the numbers just get higher and higher every month.

Board Member Montesano stated (inaudible – not using microphone).

Chairman Rogan stated any additional questions or comments from either of your gentleman that you would like to talk about, while we have Mr. Cameron here hostage.

Gene Richards stated our memo just discusses a couple of very minor comments on details, Rob had mentioned something on pavement, prior to the meeting that he would like to change. He just wants, their pavement detail was a little bit heavier then what Town Code requires, he would like to revise that, which we have no problem with.

Chairman Rogan stated great.

Gene Richards stated and you have our bond recommendation.

Chairman Rogan stated great, any questions or comments from the Board.

Rich Williams stated Mr. Chairman if I might, you do have a resolution tonight in front of you.

Chairman Rogan stated make that one.

Rich Williams stated within that, yeah, within that resolution, those two conditions, Gene's memo and the issue with the black top are not in it.

Chairman Rogan stated correct, so the resolution would need to be amended to include Gene's memo and the change in the black top to Town Code specifications, in essence.

Board Member Montesano stated that number two special conditions.

Board Member DiSalvo stated number two.

Chairman Rogan stated there you go.

Rich Williams stated (inaudible).

Chairman Rogan stated basically meet the conditions of Gene's memo or Stantec's memo.

Board Member DiSalvo stated does Gene's memo include the change in the black top.

Chairman Rogan stated no it wouldn't because it was just brought up tonight, okay we are graciously showing an extra inch of black top which is not required so its an added expense that is not necessary. Do you want to do it Maria.

Board Member DiSalvo stated okay.

Chairman Rogan stated oh, Charlie is biting at the bit down there.

Board Member DiSalvo stated Charlie is on a roll.

Chairman Rogan stated ok Charlie, thank you sir.

Board Member Pierro stated he kicked me so, to stop me from doing it.

Chairman Rogan stated go ahead Charlie.

Board Member Cook stated whereas the Planning Board has considered the application of Joseph Futterman aka JPF Realty for site plan approval pursuant to Chapter 154 of the Town Code and a final site plan entitle Kent Supply Company Site Plan, prepared by Putnam Engineering, dated February 18, 2008 and last revised on May 20, 2008. Now therefore be it resolved in the application of Joseph Futterman aka JPF Realty, for final site plan approval pursuant to Chapter 154 of the Town Code, the Planning Board finds that the subject application and final site plan as modified in accordance with any applicable conditions set forth in this resolution complies with all requires of Town law and Chapter 154 of the Town Code and hereby grants final site plan approval subject to the applicants compliance with six general conditions and two special conditions within 62 days of the date of this resolution.

Board Member Montesano seconded the motion.

Chairman Rogan stated hold on a second, we need to amend that resolution to include.

Board Member Pierro stated it has to include the Stantec memo.

Board Member Cook stated oh, sorry.

Board Member Pierro stated change the black top to Town specification.

Board Member Cook stated under the special conditions, includes the Stantec memo dated June 5, 2008 and a recommendation to.

Board Member Pierro stated change the black top.

Board Member Montesano stated reduce.

Chairman Rogan stated yeah.

Board Member Cook stated what.

Chairman Rogan stated to reduce the black top to Town specification.

Board Member Pierro stated reduce the black top to Town Code.

Chairman Rogan stated so moved.

Board Member Pierro stated so move.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated motion carries. Thank you Mr. Cameron.

Mr. Cameron stated thank you.

Chairman Rogan stated thank you very much, we appreciate you being in Town, we really do.

Board Member Pierro stated do we have to vote on a performance bond on that.

Chairman Rogan stated that is not rolled into this.

Board Member Cook stated its on Stantec's memo.

Chairman Rogan stated so you want to.

Board Member Montesano stated correction.

Board Member Pierro stated you have to do a separate, for the bond.

Board Member DiSalvo stated resolution.

Board Member Pierro stated we are going to do a separate bond.

Chairman Rogan stated have it.

Board Member DiSalvo stated do we.

Board Member Cook stated make a motion that.

Board Member Pierro stated he's got it.

Gene Richards stated no, no, no, you have to look at our memo.

Board Member Cook stated thirty-five hundred right Gene.

Board Member DiSalvo stated seventy thousand.

Gene Richards stated the bond amount is seventy thousand and the inspection fees are thirty-five hundred.

Board Member Pierro stated that was new memo that came in today.

Gene Richards stated six five.

Board Member DiSalvo stated yeah, do you have it.

Board Member Pierro stated okay.

Board Member Cook stated make a motion that based on the performance bond information provided by Stantec on June 5, 2008, the applicant will be required to post inspection fees which represent five percent of the performance bond in the amount of 3,500 dollars, a recommendation is sent to the Town Board requesting that the required performance bond inspection fees for this project be set at the respective amounts noted above.

Chairman Rogan stated well said, can I have a second.

Board Members DiSalvo and Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated motion carries, thank you gentlemen.

7) MARTINS SUBDIVISION – Revised Submission/Site Walk

Mr. Steve Miller of Badey & Watson was present to represent the applicant.

Chairman Rogan stated okay, Martins Subdivision, good evening Steve.

Mr. Miller stated good evening.

Board Member Montesano stated (inaudible).

Chairman Rogan stated okay, seven.

Mr. Miller stated good evening I'm Steve Miller from Badey & Watson representing Mr. and Mrs. Martins. Since the last meeting I believe that the Planning Board has had an opportunity to walk the site and there are some comments.

Chairman Rogan stated you got a copy of the site walk comments.

Mr. Miller stated yes we did, thank you.

Chairman Rogan stated okay, generally speaking, the Board thought that the site would layout but there were some minor modifications that were suggested in terms of the layout of the house.

Mr. Miller stated yes.

Chairman Rogan stated and you've been on the site.

Mr. Miller stated I've been on the site.

Chairman Rogan stated okay, in each of the locations it seemed that there was a way to change the layout of the house to take advantage of the views, the solar gain, recommendations and the proposal for where the road lays out, just in terms of taking advantage of the grading to reduce impacts. I know moving the septic system for lot one over away from the property line would help also for visual buffer because the neighboring house is right up on top of the hill there and its not shown on your plan, its just off of the plan but the house is.

Mr. Miller stated its about 300 feet away.

Chairman Rogan stated no from the septic system.

Mr. Miller stated well you can't see the septic system once its built though.

Chairman Rogan stated no but its like an, it an open field and so between the house and septic you don't.

Board Member DiSalvo stated yeah.

Mr. Miller stated this is the house next door here.

Chairman Rogan stated you don't have much room here for any kind of plantings between the septic system and the property line.

Mr. Miller stated well I mean if we can meet the Health Departments requirements as far as the septic and the house facing go, we will do that, I mean there are, the Health Department does have some new requirements about spacing between septic systems up hill from houses, so we will look at that.

Chairman Rogan stated okay.

Mr. Miller stated if we can address them we will.

Chairman Rogan stated we were amazed at the deep test holes out there, they looked they had been dug in a children's play sand box, I have never seen anything like it. It looked like piles of sand from a.

Mr. Miller stated sometimes we are lucky.

Chairman Rogan stated it was very, well we are wondering if you are too lucky, if its going to be too quick.

Mr. Miller stated well we've done the perc tests for the septic systems and they seem to be alright, so.

Chairman Rogan stated the main issues really on this, if I remember the Board's comments was the common drive and how that is going to layout.

Mr. Miller stated right.

Chairman Rogan stated you know, I personally am comfortable with it, I have said that but there are some issues that we have to over come but that site distance, when you come out on to the main road, on to Cornwall [Hill Road], is it Cornwall.

Mr. Miller stated right.

Chairman Rogan stated I get that and Cushman [Road] confused all the time, obviously the bank needs to be put back.

Mr. Miller stated sure, that is something that needs to be engineered.

Chairman Rogan stated do you have any thoughts on the house locations that we mentioned.

Mr. Miller stated the house location for lot two, I don't think we have any issue with, we understand the Board's comment about the solar gain and you know, its this give and take between driving up a driveway and seeing the side of somebody's house and driving up a driveway and seeing the front of somebody's house, so I mean.

Chairman Rogan stated its just a.

Mr. Miller stated on lot two certainly, we can propose whatever is satisfactory neutrally satisfactory. When somebody comes in and builds it, get a building permit, things change.

Chairman Rogan stated sure.

Mr. Miller stated they have to come back to the Planning Board to make some minor modifications.

Rich Williams stated no they don't, that is why we do a site plan.

Chairman Rogan stated we run into problems like that.

Mr. Miller stated well it, perhaps the Board needs to be a little bit more lenient or flexible with that, we can certainly change this to satisfy the Planning Board.

Rich Williams laughs.

Chairman Rogan stated in this case with lot two the back of the house would be facing directly at the neighbor who is built on the opposite end of the property.

Mr. Miller stated so there is.

Chairman Rogan stated when you don't have to have that, by turning the lot, you've now got a private back yard versus looking right at a basketball court from the neighbor.

Board Member DiSalvo stated right, right.

Chairman Rogan stated again recommendations.

Mr. Miller stated any way you turn it, somebody is going to be offended.

Chairman Rogan stated I don't agree with you, I don't agree.

Mr. Miller stated well in any.

Chairman Rogan stated that is why we are a Planning Board.

Mr. Miller stated correct.

Chairman Rogan stated our intent is to plan for the future of these homeowners who are going to have a house and not want to put a pool someplace because they don't have privacy because its almost in somebody else's back yard.

Board Member DiSalvo stated then they are going to put up a fence.

Mr. Miller stated okay, but there is.

Chairman Rogan stated so my feeling is turn the house 90 degrees, in fairness, and I think it will layout much nicer for the lot the way it lays out.

Mr. Miller stated we can certainly do that.

Chairman Rogan stated okay.

Board Member DiSalvo stated the views.

Mr. Miller stated I am not suggesting that.

Chairman Rogan stated understood.

Mr. Miller stated okay, its.

Chairman Rogan stated sure.

Mr. Miller stated there are other considerations and we have had some other considerations, obviously they weren't the same as the Planning Board's. As far as lot one goes, it is a similar thing, if we can rotate it and make it more accommodating to the Planning Board and still meet the requirements of the, Health Department requirements for the septic separation from the dwelling, we will do that.

Chairman Rogan stated very good.

Mr. Miller stated I don't think we have any, this is and that is a minor issue.

Chairman Rogan stated do you have anything else that you would like to discuss with us at this point.

Mr. Miller stated where are we at this point.

Chairman Rogan stated we are at where you need to get us a plan that we are comfortable with, at that point we will set a public hearing.

Mr. Miller stated well these, I think at some point we need to address a couple of issues, one is we need some Planning Board motion determining whether the subdivision is major or minor, we need some direction about going to the Town Board for some open development.

Rich Williams stated correct.

Chairman Rogan stated yeah.

Rich Williams stated and at some point we need through SEQR in there and do a lead agency notice.

Chairman Rogan stated yup, we should probably start lead agency and get that circulated.

Rich Williams stated do you want to go with this plan or do you want to go with a modified plan.

Chairman Rogan stated I would like to see the modified plan.

Mr. Miller stated with all due respect.

Chairman Rogan stated being the.

Board Member DiSalvo stated make sure it works that way.

Mr. Miller stated there is nothing in any of the comments that the Planning Board has that we have a problem with and we will make these adjustments to the extent that we can make them and still satisfy. I am more concerned about lot one and the lay out of the septic system and the house.

Chairman Rogan stated understood.

Mr. Miller stated provided that we can satisfy the Health Department requirements, I don't think that we have any problem with modifying the house location on lot one and certainly not the house location on lot two.

Chairman Rogan stated sure and in fairness the area that we had suggested had deep test holes dug in it and they looked almost identical to the ones that were in the area that you've shown. There were deep test holes all over those lots.

Mr. Miller stated okay.

Chairman Rogan stated dozens of deep test holes out on that, none of them, of which none of them were back filled, which we made as a comment also.

Mr. Miller stated and we have that and as soon as we were made aware of that, we took steps to correct those.

Chairman Rogan stated so I don't have a problem with setting lead agency and you circulating the modified plan if you are saying you can get that to us to circulate within a timely manner.

Mr. Miller stated okay.

Chairman Rogan stated that's fine.

Mr. Miller stated again, are we, is it, given that, is it premature to go to the Town Board looking for an open development, knowing.

Rich Williams stated no, I wouldn't say its premature and certainly you can do them both together.

Mr. Miller stated okay.

Rich Williams stated certainly if the Town Board does not challenge for lead agency and the Planning Board becomes lead agency, Town Board really can't make a determination but they can at least start a review of it.

Mr. Miller stated okay.

Rich Williams stated you can make the application, they can start going through asking any questions that they might have.

Mr. Miller stated do I need.

Chairman Rogan stated we will do a lead agency and we will do a recommendation for you to go to Town Board for a 280 A.

Mr. Miller stated okay.

Chairman Rogan stated does anybody want to make those motions, intent to be lead agent.

Board Member Pierro stated in the matter of Martins Subdivision, I make a motion that we declare our Town of Patterson Planning Board declares its intent to be lead agency.

Chairman Rogan stated and do a coordinate review, right.

Board Member Pierro stated and do a coordinated review.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan asks for any opposed.

Chairman Rogan stated recommendation for Town Board.

Board Member Pierro stated in the matter of Celeste and Francisco Martins, I make a motion that we make a recommendation to the Town of Patterson Town Board to review the 280 A, the possible 280 A application in regards to this project.

Chairman Rogan stated Rich, does the Town Board usually look for a recommendation from the Planning Board.

Rich Williams stated whether they view it favorable or not.

Chairman Rogan stated want to make that recommendation for a favorable review.

Board Member Pierro stated do I have to ask for a favorable review.

Chairman Rogan stated well no, they usually look for a recommendation from the Town Board, the Planning Board, I'm sorry.

Board Member Pierro stated in the matter, I take that back Michelle.

Chairman Rogan stated you can just amend the motion.

Board Member Pierro stated amend that recommendation to ask the Town Board for a favorable review for a 280 A application on Martins, 25 Cassandra Court.

Chairman Rogan seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries. Does anyone on the Board want to ask any questions or discuss anything at this time.

Board Member DiSalvo stated I would really like to see that lot, that house, that lot number two, change the way that we recommended.

Mr. Miller stated I think we concluded that, if I gave you any impression that we weren't.

Board Member DiSalvo stated okay.

Chairman Rogan stated Mike, anything.

Board Member Montesano stated no.

Chairman Rogan stated Charlie.

Board Member Cook stated the subdivision, major, minor.

Chairman Rogan stated it meets minor doesn't it, we are not doing a Town road or anything on this.

Mr. Miller stated no, under the Town's definition it's a major subdivision.

Board Member Montesano stated I would like to ask a question.

Chairman Rogan stated sure.

Board Member Montesano stated since we don't have legal council, it's a little problematic, this particular parcel has been chopped up into little pieces for quite awhile, now we are still, this is the second thing coming in so you've got approximately three parcels on there now plus we are going to make an additional two, is that still considered minor.

Chairman Rogan stated no, he's saying its.

Rich Williams stated no we are in agreement that it's a major subdivision.

Chairman Rogan stated okay.

Rich Williams stated by definition of our Code.

Board Member Montesano stated alright, that is all I wanted to worry about.

Mr. Miller stated the way the Code is written, as soon as there is not frontage it kicks it into a major subdivision.

Chairman Rogan stated okay.

Mr. Miller stated everything else being equal.

Chairman Rogan stated a motion on the major.

Board Member Cook stated make a recommendation that the Planning Board declare the Martins Subdivision a major subdivision.

Board Members DiSalvo and Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated any opposed, okay. Anything else Mr. Miller.

Mr. Miller stated thank you all very much.

Chairman Rogan stated have a nice evening, thank you sir.

Gene Richards stated Shawn, Shawn.

Chairman Rogan stated yes.

Gene Richards stated one thing, Steve just for the record if you will, the plat when it is filed will have a note on it that says that house locations and driveway locations can not be changed without prior Planning Board approval.

Mr. Miller stated I understand.

Gene Richards stated so if the builders do want to change something, they do have to come back to the Planning Board for that, just so we are clear.

Mr. Miller stated I understand that, I understand that.

Chairman Rogan stated thank you Gene.

Rich William stated just to clarify that, there have been some Code modifications, we are doing site plan approval now for these individual lots and they come back to my office first, if there is not significant issues we can change, and there is some flexibility within that.

Board Member Pierro stated okay.

Chairman Rogan stated okay, thanks Steve.

Mr. Miller stated thank you.

9) BURDICK FARMS SUBDIVISION – Performance Bond Recommendation

Chairman Rogan stated is anyone here for Burdick Farms Subdivision. We have a bond recommendation.

Gene Richards stated I spoke to Kristina Burbank today from Kellards office and she said that she would not be able to come tonight.

Chairman Rogan stated okay.

Gene Richards stated they do agree with our numbers.

Chairman Rogan stated great.

Gene Richards stated so there is no dispute there.

Chairman Rogan stated we need a recommendation for the Town Board to set a bond amount in the two million eight hundred thousand with one hundred forty thousand inspection fees. How about I say so moved.

Board Member Pierro stated so moved.

Board Member Montesano stated that is what I going to say.

Chairman Rogan stated do I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Chairman Rogan - aye

Motion carried by a vote of 5 to 0.

Chairman Rogan stated any opposed.

10) PFISTER SITE PLAN – Site Walk Comments

Chairman Rogan stated so the audience knows, item number ten Pfister Site Plan, has been removed from the agenda this evening.

11) TRACTOR SUPPLY SITE PLAN – Revised Submission

Mrs. Theresa Ryan of Insite Engineering and Mrs. Thomas Raveson of Tojant Corp. were present.

Chairman Rogan stated we have Tractor Supply site plan.

Mrs. Ryan stated do you want me to put the plans up.

Chairman Rogan stated please.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated yes, right here.

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

Gene Richards stated Shawn, was Frantell taken care of at the work session.

Chairman Rogan stated oh yes it was, I'm sorry. Frantell Development Corporation we did a six month extension, item number eight at the work session.

Mrs. Ryan stated thank you for that.

Chairman Rogan stated you are very welcome

11/12) TRACTOR SUPPLY SITE PLAN/TOJANT SUBDIVISION – Revised Submission

Mrs. Ryan stated we received the comments from the Town Engineer on this, they look fairly minor in nature. I'm not trying to minimize your comments Gene, but what we would like to do is Tom, I would like to turn it over to Tom because he has some ideas on potential architecture, which I know was one item that the Board was most concerned about.

Chairman Rogan stated okay.

Mrs. Ryan stated the, it seems that some ideas were given to us by Rich and Mike Griffin, went around took some photographs and gave us some ideas on what to come up with.

Chairman Rogan stated great.

Mrs. Ryan stated and what Tom was going to suggest is the Tractor Supply in New Milford, that has like a reverse gambrel roof, like barn façade.

Chairman Rogan stated okay.

Mrs. Ryan stated that is the type of architecture that, yeah that is it.

Board Member DiSalvo stated we were there.

Mrs. Ryan stated you guys have it.

Board Member Montesano stated we were there thank you.

Mrs. Ryan stated okay.

Chairman Rogan stated Mike and Maria went around and took some pictures a couple months ago which we had shared with the gentleman who was representing Tractor Supply.

Mrs. Ryan stated okay.

Chairman Rogan stated Mr. Raveson, do you want to.

Mrs. Raveson stated yup, thank you. I just want to.

Chairman Rogan stated please state your name for the record.

Mr. Raveson stated Thomas Raveson.

Chairman Rogan stated thank you sir.

Mr. Raveson stated from Tojant Corporation. I just want to reiterate what Theresa has just said, that we are proposing formally from an architectural vantage point the Tractor Supply store, which is almost a carbon copy of what you will find in New Milford and I have pictures of them here, at a public hearing we hoped to schedule, we will have more details and so forth and different sight elevations et cetera.

Chairman Rogan stated would you pass those down, right down the line this way everybody can see them.

Mr. Raveson stated oh sorry.

Chairman Rogan stated it looks just like it.

Board Member Montesano stated the right elevation.

Mr. Raveson stated you have the interior shots.

Board Member DiSalvo stated I guess (inaudible).

Chairman Rogan stated yeah, so he doesn't have to reach, we'll get one for the record here, I don't need it.

Mrs. Ryan stated just for the Board, just to bring the Board up to date too, Mike Nowicky, Tom's wetland consultant has been doing a bog turtle assessment on the site, he has one more visit to make this month.

Chairman Rogan stated okay.

Mrs. Ryan stated if he hasn't already done it and that will be complete, so what we would like to do is ask the Board if they would be willing to schedule a public hearing for the July meeting, at that point we will have all the information on the bog turtle assessment.

Board Member Cook stated Theresa as well as the responses to the various memos that you have received from DEC, DEP and the Town.

Mrs. Ryan stated we are in the process, we already have an application to the DEC, so that will be on going, we probably won't have responses from them by then. The DEP and the Health Department we have witnessed testing scheduled for next week, if we made an application to them before the testing was done, we would get an incomplete application notice, so we would like to hold off on submitting to them until we get the witnessed testing done for the stormwater practices and the septic system. So those applications probably won't be made until the end of next week or sometime after, so we don't have any comments from then at this point.

Chairman Rogan stated Theresa, I believe in your memo, you had said something to that effect, that the stormwater basins will be designed once you know what your working with.

Mrs. Ryan stated right.

Chairman Rogan stated my only concern is that historically we have had applications where the Board has been comfortable with the distance to a wetland and everything is out of the buffer, we go forward with a project, then we find out that the stormwater basins are going to be much larger and they need to go into the wetland buffer, I am just going to say that if that occurs, we are going to be reducing the size of the building to pull those stormwater basins closer to the building rather than it going into the buffer, I just want to make that clear. I don't want to set what we have here and have a public hearing and then have basins be much larger than what we had anticipated or shown.

Mrs. Ryan stated okay.

Chairman Rogan stated and just so we are on the same page on that, the picture that you're showing and from time to time we have had pictures, what was the gentleman's name that represented.

Mr. Raveson stated David Ede.

Chairman Rogan stated Dave had given us that nice booklet initially of Tractor Supply and we have unfortunately pointed out a lot of concerns just from the pictures he showed us of them say providing sidewalks and then putting tractors in the middle of what was a pedestrian area.

Mr. Raveson stated that is correct.

Chairman Rogan stated even this picture here, I'm concerned that the area directly behind the handicap spaces, it doesn't look anyway like there is sufficient room for pedestrians, for handicap, to walk along that sidewalk to the building. There may be but the picture doesn't show it, so my concern is that again, that we don't have sidewalks jammed with tractors and log splitters and equipment that is intended for pedestrian traffic or handicap spaces. So let's just make sure that we, again it might be the picture but it doesn't look like there is any room.

Mrs. Ryan stated well our site plan shows, Shawn, just so you know, our site plan shows the width of the handicap, the sidewalks and the handicap access.

Chairman Rogan stated okay.

Mrs. Ryan stated and it probably because they are not that wide, it probably looks like there is no access but.

Chairman Rogan stated it probably does.

Mrs. Ryan stated we show the display areas here and then this is actually the sidewalk right here.

Chairman Rogan stated okay great, okay.

Mrs. Ryan stated so there is room for access for that.

Chairman Rogan stated and I think the way that you delineate those spaces is important, if you have outdoor storage, some kind of a, maybe a brick border into the concrete; something that defines that this is storage and this is pedestrian.

Mrs. Ryan stated yup.

Chairman Rogan stated I think is relevant and important.

Board Member Cook stated didn't we ask for.

Chairman Rogan stated can you pull your microphone a little closer.

Board Member Cook stated a sketch of parking to the left of the building.

Chairman Rogan stated its on the plans, the proposed future parking, yeah its on the second page of the plans.

Board Member Cook stated right.

Chairman Rogan stated both in the outdoor display area and to the eastern side of the building.

Mrs. Ryan stated by the barn.

Chairman Rogan stated by the barn and also Ted had made a request at the work session and I'm a little unclear Rich, maybe you can help me out. Ted has said that he would like to see a fence between the service road and the site and I didn't follow that and I couldn't figure it out from the plans.

Board Member Pierro stated the service road leading up to the barn, excuse me Rich.

Board Member DiSalvo stated the barn that is going to be coming down.

Board Member Pierro stated I don't know if that barn is coming down.

Mr. Raveson stated the barn is coming down.

Rich Williams stated you see where the landscaping is.

Mrs. Ryan stated this.

Rich Williams stated down, down, down.

Mrs. Ryan stated here.

Rich Williams stated yeah, that is all in the wetland buffer, he wanted the fence to go in the area of disturbance so that there wasn't further encroachment.

Chairman Rogan stated okay, on the Tractor Supply side of the plantings or on the opposite side.

Mrs. Ryan stated in this area.

Rich Williams stated on the edge of disturbance.

Chairman Rogan stated okay, all right.

Mrs. Ryan stated just in that area or everywhere.

Board Member DiSalvo stated I think he was concerned with the one area.

Rich Williams stated Ted's concern is wetlands so in that area.

Mrs. Ryan stated alright.

Chairman Rogan stated okay.

Rich Williams stated and just for the record, one of the other issues, Ted wasn't really clear as to why the plantings were there in the first place.

Chairman Rogan stated just as a visual buffer.

Board Member Pierro stated we had brought that up early on about the rear of this building being exposed from north bound [Route] 22.

Rich Williams stated those plants aren't going to do that.

Chairman Rogan stated no they are not.

Board Member Pierro stated some day they may.

Rich Williams stated not those plans.

Chairman Rogan stated and architecturally and we brought this up at the last meeting, this concept certainly helps the front of the building, the [Route] 22 side, I think is still going to be a block and I'm still a little concerned about this. I do like this better than a lot of what we've seen but I'm still a little bit concerned about how, because it is such a prominent site from [Route] 22, it isn't. In my opinion, I've looked at this site many times driving up [Route] 22, the existing barn does a lot to shield this site from [Route] 22, so you know I wouldn't be hurt if the barns, I know its not probably feasible but.

Mr. Raveson stated actually from [Route] 22 the existing barn, because we've had to push the site further south.

Chairman Rogan stated okay.

Mr. Raveson stated doesn't really provide any shelter.

Chairman Rogan stated okay.

Mr. Raveson stated the only reason we are removing the barn is because the cost of rehabbing it would be prohibitive and then the economic use of it is a question to begin with.

Chairman Rogan stated what I wonder Rich, is whether or not they could also show some type of facade or built up roof line on this building on the side.

Board Member DiSalvo stated on the side.

Chairman Rogan stated architecturally I don't know how to tie the elements together, right now all they are showing is a front, in essence on a block building.

Rich Williams stated and with that false gable proposed as well I don't know how you would pull that around the side.

Chairman Rogan stated I don't either, yeah.

Board Member Montesano stated along the side.

Board Member DiSalvo stated with an overhang along the side with that.

Chairman Rogan stated I don't know, that is why, I've been thinking but I'm not an architect.

Board Member Montesano stated what do you think, I'm thinking, if you see this design here.

Board Member DiSalvo stated yeah.

Board Member Montesano stated you've got this put in the side, so it would look as if that would be.

Board Member DiSalvo stated on the side.

Chairman Rogan stated so it ties in the elements.

Mrs. Ryan stated you mean just this material.

Board Member Montesano stated in other words something like that, where it would.

Board Member DiSalvo stated rather than the whole building being cement.

Mrs. Ryan stated so it will look like a roof line.

Board Member Montesano stated yeah.

Chairman Rogan stated I don't know.

Mrs. Ryan stated I would have to.

Mr. Raveson stated if you saw that you might change your mind.

Chairman Rogan stated I think you need to see it on elevation drawings.

Mr. Raveson stated because what you see now and what we can dress it up with, what we can show at the public hearing, is different type of block treatments you know so it actually looks like a very firm building and it wouldn't, for example on some of the other stores, they've changed the treatment from the lower tier to the upper tier and that has a nice visual impact.

Chairman Rogan stated I understand.

Mr. Raveson stated we can play with that.

Chairman Rogan stated are those windows operational or are they just false windows.

Mr. Raveson stated no, they are all false because every square inch of the interior of the building is planned for shelf space and operations.

Chairman Rogan stated so they are back draped, blocked.

Mr. Raveson stated even the ones here are entirely false.

Chairman Rogan stated yeah, even the little barn door up top, that helps to just break.

Board Member DiSalvo stated yeah the hayloft door.

Chairman Rogan stated yeah but those are definitely the elements that we want to think about with this because again this is a prominent location, the Hamlet of Patterson and none of us, including yourself, I'm sure what a block building as a gateway to Patterson.

Mrs. Ryan stated (inaudible).

Mr. Raveson stated we can play with that, the roof thing, in fact it might be do-able depending on the nature of the building to make the top part different in structure, therefore accomplish a visual impact that you are looking for, we can play with that.

Board Member Pierro stated Rich, could we ask the applicant to put some trees that will grow tall in the fifty foot set back, the rear set back so that it wouldn't be so exposed to [Route] 22.

Chairman Rogan stated we are talking about here.

Rich Williams stated trees can be planted on the site, yes.

Board Member Pierro stated but can we ask him to put it in the rear set back.

Mrs. Ryan stated (inaudible).

Board Member Pierro stated because if you.

Rich Williams stated the buffer set back.

Board Member Pierro stated yeah could we.

Rich Williams stated yeah.

Chairman Rogan stated you guys are talking two different things, he is talking about the fifty foot building envelope on the rear of the lot and you are talking about the fifty foot.

Rich Williams stated that is why I was clear, you know. Sure you can, that is the building set back line that is not a set back line for parking or vegetation.

Mrs. Ryan stated oh no, we can't that is the bog turtle.

Chairman Rogan stated it's in the wetland.

Board Member Pierro stated that's habitat.

Mrs. Ryan stated yeah.

Chairman Rogan stated you're view from the rear of the property is not.

Mrs. Ryan stated potential habitat.

Board Member Pierro stated (inaudible).

Chairman Rogan stated well there is nobody back here either, its all open and [Route] 22 is over here.

Rich Williams stated and why would you put them in that area.

Board Member DiSalvo stated on top of a hill.

Rich Williams stated you want to put them in the east side.

Chairman Rogan stated this is your route 22 with Daniel J's over here, so.

Board Member Pierro stated right.

Chairman Rogan stated just looking to shield this side.

Board Member Pierro stated as opposed to the.

Mr. Raveson stated I would like to make a recommendation before you actually decide to put trees there, why don't we provide you with one site elevations, so you can see what it looks like because actually the distance for the set back off of the road is considerable and if you do the back, you'll see what kind of visual impact its going to have, even without trees.

Board Member Pierro stated okay, ever well.

Chairman Rogan stated we've got your word that you are open to the idea.

Mr. Raveson stated oh absolutely.

Chairman Rogan stated there is no problem with that. I don't think that the architectural, this is an important part of this conversation but in terms of SEQR less so, in terms of the environmental impacts, this is an aesthetic and something that is important to the community. Perfect time to stop.

(Side 1 Ended – 8:27 p.m.)

Chairman Rogan stated okay but we need to do a SEQR determination, Rich do you have any problem with use doing a SEQR determination on this or are you.

Rich Williams stated the only outstanding real environmental issue is the bog turtle study.

Chairman Rogan stated but that will be self resolving if that comes back different.

Mr. Raveson stated I can comment on that actually because I had an opportunity to speak with the biologist who was there this past weekend, they have now, in they have elected to make a thorough search of the site, I requested that they not only investigate the area which sensitive to our building, which is right over here, but also and actually its off the property, but in addition to that I wanted to see what was going on, on the western side so they have campused.

Mrs. Ryan stated they did here.

Mr. Raveson stated oh I've got it backwards I'm sorry.

Mrs. Ryan stated Terry's map is different then ours a little bit.

Mr. Raveson stated turn it upside down but anyway, it was interesting because they've now made, you know, they schedule these investigations when the vegetation is low because once the vegetation gets high, that is why its dictated by Fish and Wildlife for the investigation to take place between April and June. We are already into June, in fact we are in the first week of June and so most of the exploratory effort of the study has been completed and the comments they made to me was, there are bog turtles in other areas of our region, for example Brewster and actually north of us, they are very confident based on the trappings they've done and everything else that they will not find bog turtles. So its not a guarantee of course, they still have one more visit.

Chairman Rogan stated of course.

Mr. Raveson stated but thus far they haven't found anything so that is a status report and we will have the final report in a week.

Chairman Rogan stated great, thank you. Does anyone want to do a SEQRA determination.

Board Member Cook stated I think that we should wait until we get that report.

Chairman Rogan stated okay.

Board Member Montesano stated I think it would be (inaudible).

Board Member Cook stated (inaudible) I see what you are saying.

Chairman Rogan stated yeah.

Board Member Cook stated I don't know what is going to come back.

Chairman Rogan stated Rich, what are your thoughts on that, I think that even if we made a SEQRA determination, if the bog turtles came back and they were all over the site, its not going to matter what our determination is, its going to be.

Rich Williams stated that's right, it would then change your decision from a negative declaration to a positive declaration.

Chairman Rogan stated would that even matter back the requirements by other agencies based on that habitat would rule that site out anyway, so it wouldn't really matter would it.

Mrs. Ryan stated it would change the application substantially.

Rich Williams stated and we.

Chairman Rogan stated right and in that regard I think that its fairly safe. Does anybody have any other thoughts on that or.

Board Member Montesano stated I have no problem with it because as you said.

Chairman Rogan stated its self limiting.

Board Member DiSalvo stated yeah.

Board Member Montesano stated that's it, if they find it.

Chairman Rogan stated yeah.

Mrs. Ryan stated right.

Board Member Pierro stated does having a SEQR determination now assist you in any other way with getting other permits from other organizations.

Mrs. Ryan stated well it allows us to submit a complete application to the DEC and the DEP and the Health Department.

Chairman Rogan stated okay.

Mrs. Ryan stated because those, that would also be an item that would deem it incomplete.

Board Member Pierro stated well in that regard I am for doing a SEQR determination tonight.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated I don't know, be my guest.

Board Member Pierro stated on the motion.

Board Member Montesano stated go ahead.

Board Member Pierro stated in the matter of Tojant or Tractor Supply. Tojant Subdivision I make a motion that.

Chairman Rogan stated both then.

Board Member Pierro stated yeah, both, we grant negative determination of SEQRA.

Board Member DiSalvo seconded the motion.

Chairman Rogan stated who go that one.

Board Member DiSalvo stated me.

Chairman Rogan stated Maria on the second.

Chairman Rogan asks for all in favor:

Board Member Cook - aye

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries. Anyone want to set a public hearing for the July 3rd meeting.

Board Member DiSalvo stated I make a motion in the matter of Tractor Supply that we set a public hearing for our next meeting of July 3rd.

Chairman Rogan stated and also Tojant.

Board Member DiSalvo stated and also Tojant Subdivision.

Board Member Montesano seconded the motion.

Rich Williams stated and if we could just get it clear on the record, there is also a pending wetlands application, you want to do that also, concurrently.

Chairman Rogan stated let's do the wetlands application concurrent.

Board Member DiSalvo stated pending wetlands application.

Board Member Pierro stated we need public, we need a public hearing for a wetlands.

Mrs. Ryan stated a public hearing on all three.

Board Member Pierro stated application, Rich, is that what you are saying.

Chairman Rogan stated correct.

Board Member Montesano stated everything would be covered by it.

Mrs. Ryan stated three things.

Board Member Montesano stated still got a second.

Chairman Rogan stated all in favor, I'm sorry, who seconded.

Board Member Montesano stated I did.

Chairman Rogan stated Michael seconded.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan asks for any opposed.

Mrs. Ryan stated thank you.

Chairman Rogan stated thank you.

Mr. Raveson stated thank you.

Chairman Rogan stated thanks Mr. Raveson.

13) GREEN CHIMNEYS SITE PLAN – Revised Submission

Mrs. Theresa Ryan of Insite Engineering was present to represent the applicant.

Chairman Rogan stated Green Chimneys, Theresa you are staying.

Board Member Pierro laughs.

Chairman Rogan stated did I give you a copy of this. Rich did you, can you take a quick look at that.

Rich Williams stated what.

Chairman Rogan stated where I circled, you'll see what I was looking at, because I don't want it back I don't really need it but it might be deceiving but it looks like maybe there is only three feet or so.

Rich Williams stated I would guess the width of that pavement to the building is about eight feet, she is showing probably twelve feet, those plans for Tractor Supply are probably four to five feet greater.

Mrs. Ryan stated what's that.

Rich Williams stated in looking at this picture, it looks like the distance between the building.

Chairman Rogan stated this is the same picture.

Mrs. Ryan stated and the parking.

Rich Williams stated and the parking, right.

Mrs. Ryan stated we have twenty-five feet on ours.

Rich Williams stated maybe ten feet maybe.

Mrs. Ryan stated we have twenty-five, not from that bump out but from the.

Board Member Montesano stated that this here, if you look at the space behind it, its continued black top there.

Board Member DiSalvo stated yeah, its concrete it looks like.

Board Member Montesano stated no, this is concrete.

Chairman Rogan stated I understand.

Board Member Montesano stated but you see this spot right here, that's blacktop.

Chairman Rogan stated because the posts are set, the handicap posts.

Board Member Montesano stated the posts right here, this is where its proposed, you still have a little bit of space here.

Board Member DiSalvo stated the post isn't above that.

Board Member Montesano stated its not in the buffer, its right behind it, so when you hit the bump you don't hit the post.

Chairman Rogan stated okay.

Board Member DiSalvo stated this goes back, I guess all this can go back in the file.

Chairman Rogan stated yes, here I have a little, Michelle, thank you. Okay Theresa.

Mrs. Ryan laughs.

Chairman Rogan stated Green Chimneys School, you got some modifications.

Mrs. Ryan stated we have Gene's comments on that as well.

Chairman Rogan stated okay.

Mrs. Ryan stated again they, there isn't anything that is going to (inaudible) our application.

Chairman Rogan stated you may want to amend that comment to they are wonderful comments, well thought out but you think you can handle them all. Right Gene.

Mrs. Ryan stated yeah what Shawn said.

Board Member Montesano laughs.

Chairman Rogan stated okay, where are we at in terms of.

Mrs. Ryan stated we revised the plans based on his last round of comments.

Chairman Rogan stated okay.

Mrs. Ryan stated we did not submit the stormwater management report, we still have to do the testing of that yet.

Chairman Rogan stated okay,

Mrs. Ryan stated and the architects modified their rendering to match our plan better, this is a view taken from here, so you are looking at, this is the low part of this building right here, that is this whole path over here, so you are looking at an angle in that direction. We show a basketball court on our layout here and its over here to match what they are showing now.

Chairman Rogan stated okay.

Mrs. Ryan stated I also have elevations of all the building here, I only brought these tonight just to show you that they did modify these to provide you know, north, south, east and west elevations for all of the buildings.

Chairman Rogan stated okay.

Mrs. Ryan stated we do intend to make a submission back on the 17th and we will submit these renderings to the Board at that time.

Chairman Rogan stated great.

Mrs. Ryan stated and we will also bring them to the next meeting and we were hoping that we could also get a public hearing scheduled for this as well.

Board Member DiSalvo stated when did we say the material was going to be of the buildings.

Chairman Rogan stated siding.

Mrs. Ryan stated they have that on here also.

Board Member DiSalvo stated hardy plank you said.

Mrs. Ryan stated its fiber cement, horizontal lat siding, which is the hardy plank type.

Board Member Pierro cell phone goes off – 8:37 p.m.

Board Member Pierro stated I shut it off, excuse me.

Mrs. Ryan stated its like hardy plank.

Board Member DiSalvo stated oh okay.

Mrs. Ryan stated cement fiber.

Chairman Rogan stated okay, anyone want to set a public hearing on this.

Board Member DiSalvo stated in the matter of Green Chimneys Site Plan I make a motion that we schedule a public hearing for our next meeting July 3rd.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Mrs. Ryan stated that will be for the site plan and wetland permit.

Chairman Rogan stated yes.

Board Member DiSalvo stated site plan and wetland.

Chairman Rogan stated thank you for correcting.

Board Member Montesano stated change it accordingly.

Board Member DiSalvo stated just get it there, is there anything else.

Chairman Rogan stated there is, just I mean, since its under Green Chimneys School, if you want to handle, talk about the letter that you submitted in reference to the Health Center, do you want to talk about that tonight.

Mrs. Ryan stated yes.

Chairman Rogan stated I think everyone has a copy of the letter, that there was a, well basically, do you want to bring us through it with the Health Center that we approved, they have to temporarily relocate out into a parking lot with a trailer, right.

Mrs. Ryan stated yes. The trailer will be located on an area that is already paved and it already has piers because there was a temporary trailer once before.

Board Member DiSalvo stated in a parking lot.

Mrs. Ryan stated its in a parking lot, correct.

Board Member DiSalvo stated right, right.

Mrs. Ryan stated so there won't be any impact, there was one there once before, we are going to put right back on the piers that were there.

Chairman Rogan stated okay.

Board Member DiSalvo stated how temporary is it going to be.

Mrs. Ryan stated it is during the construction, they do plan on starting construction on the Health Center, I think August 1st, they plan to put the first shovel in, they are going to have to relocate the facility so that they don't have to work under those conditions. As you are aware, they are tearing off part of the existing health center and adding on and when they are doing that construction, you know tearing off part of that building its going to be.

Board Member Montesano's cell phone rings.

Board Member Montesano stated my turn.

Chairman Rogan stated does everybody have their cell phones muted.

Board Member Montesano stated I thought it was off.

Chairman Rogan stated sorry ladies and gentlemen.

Board Member Pierro stated I sat on mine and turned it back on.

Board Member DiSalvo stated how temporary is temporary, until they receive a c.o. [certificate of occupancy].

Mrs. Ryan stated once the health center gets the c.o. then that will go away.

Board Member DiSalvo stated okay.

Chairman Rogan stated okay.

Mrs. Ryan stated and they are going to lease the trailer, they are not going to own it, so it will go back to where it came from.

Chairman Rogan stated Rich, would you like, should we do a motion on just the placement of the trailer or we don't need to on.

Rich Williams stated yeah I would do a motion to permit and set the duration.

Chairman Rogan stated why don't we do this based on the, we don't know what the anticipated length of time for construction for this health center, is what a year or less.

Mrs. Ryan stated probably.

Rich Williams stated you can set it until the c.o. is issued.

Board Member DiSalvo stated yeah, let's do that.

Chairman Rogan stated oh okay, so it's self limiting in that regard. In the matter of Green Chimneys School, you want to do it Charlie.

Board Member Pierro stated yeah let him.

Chairman Rogan stated go right ahead.

Board Member Cook stated in the matter of Green Chimneys School health center, demolition/addition, I make a motion that the Planning Board approve the request for a temporary trailer as attached to the Insite memo dated June 2, 2008, for a period of.

Chairman Rogan stated until the new building gets a c of o.

Board Member Cook stated until the new health center gets its certificate of occupancy.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated any opposed, thank you.

Mrs. Ryan stated thank you.

14) ICE POND SUBDIVISION – Preliminary Submission

Mr. Chris Fisher of Cuddy & Feder, Mr. Joseph Buschynski and Mrs. Rick LaMontagne of Bibbo Associates, Mr. Steve Wise were present.

Chairman Rogan stated Ice Pond Subdivision, you alright.

Board Member Pierro stated yeah.

Chairman Rogan stated this one is going to be tough.

Board Member Pierro stated yeah.

Chairman Rogan stated all the comments.

Board Member Montesano stated its alright, I won't charge (inaudible).

Chairman Rogan stated good evening.

Mr. Fisher stated good evening Chris Fischer with the law firm of Cuddy & Feder, I'm here on behalf of the applicants, also Rick LaMontagne from Bibbo, Joe Buschynski as you know, and also Steve Wise, you can't see him.

Chairman Rogan stated he was the first guy.

Mr. Fisher stated there he is.

Chairman Rogan stated what is his name, Steve.

Mr. Fisher stated Steve Wise, he is the principal of the project.

Board Member Montesano stated that is why he's sitting there because he is.

Mr. Fisher stated exactly. Although he is the one who has done a lot of work on this with the land trust and it is a project that he is obviously very proud of. We are here really tonight on the preliminary subdivision application that has been filed, I have been getting involved and up to speed along the way with others.

Chairman Rogan stated great.

Mr. Fisher stated and I am going to turn it over to them to go through the plan. Really tonight, we obviously are just getting some comments on this that we are going to have address, procedurally we are really only going to look for the first step of having you designate your intent to be the lead agency if we are going to do a coordinated review.

Chairman Rogan stated sure.

Mr. Fisher stated and talk about the comments and our ability to address some of those and then at some point obviously schedule for a hearing at some point in the future and I will turn it right over.

Chairman Rogan stated you're up, good evening Joe.

Mr. Buschynski stated hello, how are you.

Board Member Montesano stated could you state your name for the record please.

Mr. Buschynski stated Joe Buschynski and with me from my office is Rick LaMontagne, he is the project manager for Ice Pond Estates. Since we last saw you, took the comments given to us and made some adjustments to the plan and we did a fairly serious preliminary analysis of what would be required for drainage and what we are showing in blue would be the treatment basins necessary to accomplish quality and quantity control. One of the comments that we received tonight in Rich's memo was the concern for the location of the basins that they be located on their own parcel.

Rich Williams stated a utility lot, Joe.

Mr. Buschynski stated we were intending to place these basins on open space territory but not open space that is part of the land trust space. We can show you with a.

Mr. LaMontagne stated the land trust open space is in the green, these stormwater basins are outside, this area would be considered open space but not dedicated to, not given to the land trust.

Rich Williams stated who would it be donated to, what would be the.

Mr. LaMontagne stated it might be part of, if we go with a recreational area might be, if its used for the stormwater then of course it will be given to the Town for the stormwater maintenance area.

Mr. Buschynski stated depending on the disposition of who will be maintaining and owning, it will be either part of the homeowner's obligation or dedication to the Town.

Board Member Pierro stated does this play into our discussions relative to the stonewall issues.

Chairman Rogan stated we are talking about a different area.

Board Member Pierro stated I know that but what is going to happen with the area on the other side of the stone walls if we do the same thing.

Chairman Rogan stated if you don't mind, let's complete this part of the discussion.

Board Member DiSalvo stated show me where that land is on this map that we just talked about.

Mr. Buschynski stated the open space parcel is all of this.

Board Member DiSalvo stated yeah, that's, right.

Mr. LaMontagne stated all of this area, we are talking about this area, all the lots are group together here and 30 is over there but this middle space here and the space around this wetland here.

Chairman Rogan stated okay.

Board Member DiSalvo stated so we are talking.

Mr. LaMontagne stated I'm sorry what did you say.

Board Member Montesano stated all the blue is the basins.

Chairman Rogan stated the ponds.

Mr. Buschynski stated this is existing wetland.

Board Member Montesano stated right, I see that.

Mr. Buschynski stated the green is buffer.

Board Member Montesano stated alright.

Mr. LaMontagne stated this lighter bluish color is proposed.

Mr. Buschynski stated go ahead.

Rich Williams stated it is just a considerable amount of additional acreage not devoted to utilities that would be maintained as open space and then the question is whether the Town, either the Planning Board would recommend to the Town Board or the Town Board would consider excepting that much open space, the current policy has been working with the Putnam Land Trust to hold the open space, rather than the Town, you know acquire it and have to worry about maintenance.

Board Member Montesano stated and liability.

Rich Williams stated and posting it and such.

Mr. Buschynski stated then the alternative is to give that property to reside with the homeowners, they are responsible.

Rich Williams stated having met with the Big Elm Homeowners Association last night that is now defunct, that would not be my recommendation.

Mr. Wise stated for the record Steve Wise of Ice Pond, we are open to work with you, if there is a preference that you have we will entertain it and we will come up with the right structure as a needed utility and if there is a structure that you want us to work with we will do it.

Chairman Rogan stated understood, we appreciate that.

Mr. Wise stated no problem at all.

Chairman Rogan stated not the biggest stumbling block that is for sure, there are other ones we want to talk about.

Mr. LaMontagne stated no, you want them on them on their own lot, like your comments from the last meeting, so we did that with its own access.

Chairman Rogan stated okay.

Board Member DiSalvo stated why couldn't that be in addition to the Putnam Land Trust, because its not adjoining the other property.

Chairman Rogan stated no that can be done.

Rich Williams stated that would be, my recommendation is break the stormwater, break the utilities out from everything else, as long as we still have access to them and you know, all the rest of the open space, the Town is not at this point that I am aware of, looking to acquire and manage open space.

Chairman Rogan stated and I think what Maria was asking too, falls into that these other parcels are not contiguous to the larger parcel, so you've got potentially on this subdivision, you've got two open space or maybe three open space parcels that are not contiguous.

Mr. LaMontagne stated they are.

Chairman Rogan stated they are contiguous.

Mr. LaMontagne stated they (inaudible – too many speaking).

Chairman Rogan stated so they would wrap around the subdivision.

Board Member Montesano stated they wrap around the back.

Chairman Rogan stated okay, alright, I thought there was separation between these large wetland areas.

Board Member DiSalvo stated that is what I thought.

Chairman Rogan stated yeah, okay.

Mr. LaMontagne stated effectively you are talking about just splitting out the actual detention basins on their own parcel.

Chairman Rogan stated correct.

Mr. LaMontagne stated for purposes of access way and producing that amount of that actual parcel.

Chairman Rogan stated okay.

Board Member Montesano stated the back part.

Mr. LaMontagne stated this area up here is already marked out for the land trust, come down over here and across the front, it is all contiguous all the way around.

Chairman Rogan stated okay.

Mr. LaMontagne stated because there is this much of an area, if we carve this out for the stormwater parcels, it still will all be one parcel.

Chairman Rogan stated Joe, have you done any preliminary soil testing on any of these lots yet.

Mr. Buschynski stated yes, deep tests.

Chairman Rogan stated you have, witnessed or just preliminary.

Mr. Buschynski stated preliminary.

Chairman Rogan stated Dave, I know has, a couple of the Board of Members want to talk specifically about lots 23 through 27, there is a wetland issue there that our wetlands inspector actually spoke to us about at the work session. But I just want to say up front, I spent a lot of time on this plan yesterday and it seems like some pieces of the property work well for a cluster overlay and some don't. You've got I think 80,000 square feet lot area that you potentially can use but you haven't on most of the parcels, you are more like

50, 45 to 55,000 square foot and that's fine but I think that cluster overlay maybe works better when you have obviously community sewer. If you don't have that in this case, you've got huge septic systems that eat up a good bit of the lot, not that's not usable area but its not usable area for improvements of course for a pool or a shed and you've heard us, we sound like a broken record with the potential usability of what potentially will be a 700,000 dollar home or more. In saying that better then half the lots when I looked at them, I found problems, that I had problems with the way they laid out, either that the house was 20 feet in the back yard right to the septic systems so in my mind there is no use of that back yard for a pool or an additional patios or area because you are not going to go over the septic area. In one case there was a lot that the house was crammed right into the corner of the building envelope, again, not a very good use of that lot, it would almost seem to me that if you increased the lot size closer to what you are allowed, you may be looking at decreasing your lot count by a few lots but you would end with lots that were more usable to the homeowner because again you are talking about, how many acres is this whole parcel, in total, 150 acres, where you are going to be having slightly larger then acre lots, where the homeowners get these lots don't have to, my feeling, the usability that they should on these house and so I'm concerned, it is rugged lot, I understand but that is why we are talking about these things now rather then six months from now. I know you've invested a lot of time in this plan but I saw problems in and I listed them, I went through and lot 1, lot 2, lot 3, lots 4 and 5, lot 6, lot 11, lot 12, lot 13 and 16, lot 19 and 20, lot 22 and lots 24 through 27, that I picked out and wrote down comments on each one, where either it maybe shifting of things or but it just seemed like everything was crammed in because of the septic systems and I just want to put that out there.

Mr. LaMontagne stated let me just add one more thing, these septic systems, we did preliminary testing on them, these are oversized areas.

Chairman Rogan stated okay.

Mr. LaMontagne stated until we get the county out and we know exactly how big.

Chairman Rogan stated sure.

Mr. LaMontagne stated I can't start moving things around, shrinking them down because we might need that area. That is the only reason why we are showing them as they are, I would say that seventy-five percent of them are going to be smaller then what I show.

Chairman Rogan stated I would say trust in your preliminary, if you trust your findings you know and you feel comfortable in that, that's fine but please understand if six months from now you come back and say this is what we got, I'm not going to be in support of this application the way it lays out, I won't vote for it, I just think that there are too many lots with too many problems that can be resolved by spreading things out a little but, I mean, I just, that is my feeling, so I want to put that up there right up front.

Mr. Wise stated would you mind if I addressed two of the points that you had.

Chairman Rogan stated please, please do.

Mr. Wise stated okay, do I have to recognize myself again.

Board Member DiSalvo stated no.

Chairman Rogan stated I don't, Michelle will you be okay.

The Secretary stated no, its okay.

Mr. Wise stated last time I got caught so I don't want to do that again.

Board Members laugh.

Mr. Wise stated just sort of stepping back, addressing the conservation nature of the application, sort of dismissing certain criteria from a very technical point of view, it is interesting that this site is really set up for that by its natural elements and we have enhanced it where we could but by not entirely by accident we are left with the arrangement, where we had double loading of the roads and a ring around it as much as possible. We have done everything that we can and forced in some cases to create that kind of an environment, where there is one way in, double loading on both sides and natural boundaries all around and to me, however we write zoning codes, whether its in this Town and I would never dictate any town on how they write their own codes but what I see elsewhere, the natural terrain here just dictates to us that this being the most efficient layout and actually accomplishes a lot of the objective in creating conservation environments.

Chairman Rogan stated certainly though you can acknowledge that people who might be looking at critical or sensitive areas would say, the naysayers would say, you can't develop a lot of the lot because its either too steep or its got rock or its wetlands so some people would say, hey you can't use it anyway, I don't care what the requirements are, so I'm glad you are addressing that.

Mr. Wise stated yes I acknowledge that, that is why I'm saying that, absolutely, its not entirely because of our design, we are defaulting into the terrain and other natural conditions and its just naturally coming out to be that kind of a development. In terms of the types of homes and usability of the property, again when we first addressed the Board, we tried to convey that we were flexible on the type of buyer here. We hope, first of all we've designed flexibility in being able to have first floor bedrooms, masters, so that we could appeal to an age spectrum that is not being served in a lot areas, within, as far as I'm aware probably a sixty mile radius, here, we don't have great options for this kind of living, if we can accomplish that by that by putting masters on the first floor and the amenities, the household amenities that go with that, then it effects roof lines which then correspond to the environment in positive ways in terms of sight lines and things like that, so we have been sensitive to that, not just because we are environmental conscience in that regard but because we recognize that there is something missing the market and so if we can provide that here, we would like to.

Chairman Rogan stated sure.

Mr. Wise stated and in that context, there is a maintenance free attitude that goes along with that particular buyer, so if we have some lots where the usability may be limited or perhaps in your mind even completely compromised, it may be perfect for a particular type of buyer. Again, its not an excuse for being, for maximizing units and dealing with the land that has dealt with us, to us, it is really both that together with a very deliberate marketing exercise, where we hope to accomplish a mix of buyers.

Chairman Rogan stated and appreciate what you said about that, my feeling would be though, if you had the area available to you but you only developed with that interest, saying we are going to keep it a small yard so there is not a lot of maintenance but the person that buys it has the ability to expand that yard, if they want to because they have the area for it, those are two separate issues, you can build for your client

but still design in the ability to increase on that use to let's say a family four or five might want, different then say a senior housing situation, so we can look at that from both perspectives.

Mr. Wise stated we can certainly do that.

Chairman Rogan stated but it just seems like there are times when this cluster overlay works beautifully, if this was a community sewer system, I think they would probably layout for these lots and we wouldn't be having this conversation. If you want to jump in on 23 through.

Rich Williams stated if I could just jump in so we are clear on that.

Chairman Rogan stated sure.

Rich Williams stated we've taken a look at this, we've used this cluster overlay provision for awhile, really the deficiency in the law is that it doesn't take into account lots that are really environmentally constrained and allows a density that is too great. So if we are looking to change that, then we are looking at reducing the potential density counts on some of these lots and that is what we need to talk about.

Chairman Rogan stated okay, I think we should because we have seen this in a few subdivisions, the properties are more challenged and we won't fault you for that, it just is what it is. If you were doing four acre zoning on this lot and just building, you might have ten lots that were twenty acres a piece or something whatever, I don't know how it would layout, I don't but.

Mr. Wise stated we also had input from the land trust, I mean the areas.

Chairman Rogan stated sure.

Mr. Wise stated its on the other map but at the top of the property here, they very deliberately carved this line, I should say this line into how we view property and then put these constraints that I hope you are familiar with on in terms of architectural and building restrictions so that in this orange area, we were not permitted to put any structure in and in the yellow areas it is architecturally guided between, contractual between the parties.

Chairman Rogan stated okay.

Mr. Wise stated and they were protective of their sight lines and views from various trails and things that you are probably more familiar with.

Chairman Rogan stated I am not actually familiar with those restrictions, that is actually the first thing I've heard about it.

Mr. Wise stated okay.

Rich Williams stated they've been there from day 1.

Chairman Rogan stated that is the first I've heard of it.

Mr. Wise stated I have said it before but its important to understand because this line here is anything but arbitrary, it really is guided by a very careful analysis that has been done by the land trust and if we were to

have this land back in, it would open up certain things, you know much better but we're juggling, I appreciate your comments.

Chairman Rogan stated fair enough.

Mr. Wise stated thank you for letting me address that.

Chairman Rogan stated and I appreciate that, I don't want to get into a situation where like I said, six months down the road you're saying, hey this is the best that we can do and this is where we are stuck because my opinion is going to be no we are not stuck, we are going to be looking to move things around and pull a couple of lots out, you know.

Mr. Wise stated understood.

Chairman Rogan stated certainly not objected to this subdivision at all, I just want to make sure that these lots work, that's all.

Mr. Wise stated I appreciate that and we have heard this comment from day one about accessory structure and I don't want you to think that we've ignored it all.

Chairman Rogan stated okay.

Board Member Pierro stated Steve, before you run away.

Mr. LaMontagne stated we've.

Board Member Pierro stated go ahead.

Mr. LaMontagne stated I was going to say the septic areas are shown.

Board Member Pierro stated rather large.

Mr. LaMontagne stated enlarged.

Chairman Rogan stated okay.

Mr. LaMontagne stated and not exact by any means, the house footprint is the same way, we are not saying we are going to build this house on every lot, depending on the lot count, depending on the septic area that is refined.

Chairman Rogan stated sure.

Mr. LaMontagne stated these homes might grow in foot print size, it might grow up like Steve was saying, if we can get the masters on the first floor, that's great but if we are constrained and we need to go up and put the bedrooms upstairs then the footprint will also change. I didn't want to present this like these are the exact footprints we are going to build.

Chairman Rogan stated also we had discussed at some point in the future, we may be looking for you to re-delineate where these house are because I think we are going to at some point looking to go back out there,

we did our initial site walk but there was so much to look at out there and it is such rugged property, we were very impressed by the large stone walls that you have right off your entrance, I know you are proposing to go through a section of one but then use the property line as a delineation. I am just very concerned that even though it will belong to two property owners that those walls stay intact because again there are probably every bit of twelve foot wide and they are just magnificent and I think very historical in nature, I would love to know who built those things. Oh David, I'm sorry go ahead.

Board Member Pierro stated on lots 27 through 23, 23 through 27, most of the rear of the property is in wetland along Ice Pond Road. You have to look at the individual lot map.

Chairman Rogan stated yup, there you go.

Board Member Pierro stated there is a stone wall that looks like a continuous stone wall, there is only one place, is a jog away but that looks like the delineation for the wetlands and our wetlands inspector had brought up a good point that maybe that should be the actual property boundary to alleviate the owner from owning wetlands, so they don't impact on it by dumping trees and.

Mr. Wise stated if there are controls, I'm sorry to interrupt, if there are controls that you would like us to implement we are happy to do that, we are not married to the property line except as it pertains to the zoning exercise.

Chairman Rogan stated sure.

Board Member Pierro stated right.

Mr. Wise stated so if there is a preference again, we will work with you on that.

Board Member Pierro stated we discussed that we didn't think that making these lots smaller would cause a great impact.

Chairman Rogan stated if they worked without that property anyway, then I would certainly support the modification of those lots, even if it meant a waiver.

Board Member Pierro stated just following the stonewall from where it intersects with the road out behind a portion of lot 27, all of lot 26, a good portion, all of lot 25 and.

Chairman Rogan stated and then it seems to taper down.

Board Member Pierro stated yeah, it tapers down; some of lot 24 may be in the wetland.

Mr. Wise stated there is no objection here, it's regulated anyway.

Chairman Rogan stated right, you can't go near it.

Mr. Wise stated and if it pleases the Board to do a control.

Chairman Rogan stated it helps us solve what we have seen as violations obviously, they look, they see a stone wall and they are right into the wetlands and before you know it they are off the property and into the wetland.

Mr. LaMontagne stated I understand 100% of what you're saying but if you are homeowner and you want to dump your brush, you walk out there and you are going to throw it over the stone wall anyway.

Chairman Rogan stated you're right, yeah.

Mr. LaMontagne stated but we have no problem moving it.

Chairman Rogan stated understood, we appreciate it.

Mr. Fisher stated yeah I was just going to add in, moving the lot and some other tools that we can obviously use that were used in other similar situations on subdivisions, whether they are recorded covenants and restrictions which are less addressing the practical but a combination of stonewall, property lines, declarations that deal with different ways, maybe three different ways that we can try to prohibit any kind of encroachment in that particular area.

Chairman Rogan stated okay, thank you.

Rich Williams stated if I can just, so we get some clarification here, doing that, moving the property lines, certainly a positive step but that is still going to leave a considerable area between the stonewall and the edge of the buffer line so that is going to be looking like to the property owners that is going to be their yard.

Chairman Rogan stated the difference is, it will be part of the open space parcel and that can be either posted or designated.

Rich Williams stated no it won't that is what I'm saying.

Chairman Rogan stated it won't.

Rich Williams stated there is going to be a considerable area of wetlands controlled area.

Mr. LaMontagne stated (inaudible).

Chairman Rogan stated right, okay.

Rich Williams stated that is going to be on the property that is going to look like to the property owner, that is their back yard, so.

Chairman Rogan stated wait, say that, it will be between the stone wall and the house.

Rich Williams stated yes.

Chairman Rogan stated okay but you would have more of that right now with the way it exists, so we are bettering the situation.

Rich Williams stated but the point I'm trying to bring up here, is its going to be looking to them like their rear yard, is the Board willing to at this point say we are willing to concede that, that is going to be part of their yard.

Chairman Rogan stated well I think that Ted thought that the stonewalls were a good natural insulator to the wetland itself, you're talking about buffer now and I think we should have go out and post the, we could always post the. Do we have wetland tags and buffer tags or are they the same.

Rich Williams stated no, we have just the wetland tags.

Chairman Rogan stated we should create some maybe buffer tags and we should post maybe.

Rich Williams stated well its just a wetland controlled area.

Chairman Rogan stated we could that along that 100 foot buffer.

Mr. Wise stated in fact I'm glad you brought that up because I think there is a big difference between the wall and buffer and the property owner is enjoyed knowing that they own the property and it is regulated and I completely appreciate and understand exactly what Rich is bringing up and in other applications we view signage. So when you say buffer tags, if there is some kind of aesthetic that we can help with verbiage that accomplished your goals, we are happy to place that on the properties as well and it give it an ambience, almost like a feeling of sanctuary, if you will.

Chairman Rogan stated sure.

Board Member Pierro stated sure.

Rich Williams stated so you don't want to go into the buffer area, is that what I'm hearing or you want to turn that buffer between the wall and the house into usable property for the property owner.

Chairman Rogan stated no, we are not saying that, buffer is buffer, no one is saying to use the buffer as.

Rich Williams stated okay.

Chairman Rogan stated as septic or anything.

Rich Williams stated I just want to clear.

Chairman Rogan stated just saying that moving the property line to the stone wall would create, would lessen the chance that the people are going to feel like they own the wetland and they can go in there. At least if they go into the wetland now, they are completely off their property so I think that Ted's idea was a valid one.

Board Member DiSalvo stated take a look at it again.

Chairman Rogan stated some of these septic areas, I know you said they are just proposed in their boxes but some of them are awfully funny in shape, I mean they've got jogs that are cut out, are those because of ledge, are they, because of off sets to wells, some of them are just so strange.

Mr. LaMontagne stated usable area.

Chairman Rogan stated I can't imagine them building a septic system in that area, we would have to survey locate every trench because you know they are not going to follow that.

Mr. LaMontagne stated lot eight.

Chairman Rogan stated no, no, I'm looking even up higher, some of these.

Mr. LaMontagne stated right, lot 13.

Board Member Montesano stated 13, thank you.

Chairman Rogan stated strange cut outs.

Mr. LaMontagne stated that cut out is due steep slope and.

Chairman Rogan stated and two above that one, I'm sorry.

Mr. LaMontagne stated this.

Chairman Rogan stated the L-shaped one.

Mr. LaMontagne stated yeah, this one will have the trenches, once you lay out the trenches you'll see how it will work better, the trenches will come all the way across, so this little corner can be used.

Chairman Rogan stated hopefully we don't have to use it.

Mr. LaMontagne stated right, again.

Board Member Montesano stated its there.

Mr. LaMontagne stated I don't know what the final perc result is going to be.

Chairman Rogan stated okay.

Mr. Fisher stated I think the fairest characterization of both the building foot prints and the septic areas that are shown is just maximizing it for all of our analytical studies.

Chairman Rogan stated understood.

Mr. Fisher stated as opposed to what practically and how much would get built out so we can say as the applicant conservatively that that is the most you'll be looking at.

Chairman Rogan stated sure.

Board Member Montesano stated you sound like a union delegate trying to get a raise.

Mr. LaMontagne stated and as far as the accessory structures and patios and all those shed, when we did the calculations for the stormwater I included those numbers.

Chairman Rogan stated okay.

Mr. LaMontagne stated I said x amount per lot.

Chairman Rogan stated so you were also concerned with.

Mr. LaMontagne stated over.

Chairman Rogan stated okay.

Mr. LaMontagne stated because I know they are coming, just like you know you are coming.

Chairman Rogan stated we do, we do. Gene, Ted, Gene and Rich.

Rich Williams stated Ted isn't here.

Chairman Rogan stated I was looking past you, it wasn't you don't worry. Either of you gentlemen having anything you would like to discuss with these gentlemen, while we have them here.

Gene Richard stated (inaudible).

Chairman Rogan stated anyone else on the Board.

Board Member Montesano stated no.

Chairman Rogan stated most of my comments on each other lots were redundant in terms of either spacing between the house and the septic, location of the house in one particular case, the house being like I said, pushed into the building envelope corner, so you will see, you look at a (inaudible) and see what I was talking about. I don't think I have to go through every lot with you, there were concerns and I just wanted to say that.

Mr. Wise stated you will have our commitment that as we refine the technical aspects, will we exercise ourselves diligently and if we come back and say that this is the best that we can do, I think it will certainly be just that.

Chairman Rogan stated thank you very much.

Mr. Wise stated thank you.

Chairman Rogan stated we appreciate your time.

Mr. Fisher stated just as a procedural matter, is it, would it be acceptable at this time, just to declare yourselves, the intent to act as a lead agency.

Chairman Rogan stated that's fine, does anybody have a problem with that, Board.

Board Member Pierro stated no.

Board Member Montesano stated not at all.

Mr. Fisher stated and if.

Rich Williams stated Shawn, I did hear tonight that you may want to go out and look at these house sites again.

Chairman Rogan stated I am reluctant to do that until we know, until we've got a better understanding of what the size of these septic are going to be so we can, you know, that is not going to be next month, I think that we are probably looking at several months down road on that.

Rich Williams stated so you are okay with this layout for the subdivision map.

Chairman Rogan stated I think, yeah.

Board Member Pierro stated yeah.

Chairman Rogan stated and especially having on the record our concerns with where this may progress and you commitment to being diligent and making sure that these lots are usable, I am comfortable with that. If we don't have your word, then I think we are going to shut the process down now, we are not going to brig time.

Mr. Fisher stated and we had a few things that we have outstanding in order to get, just in terms of work product done, so that with addressing these comments, I guess will come back at a later point in time and we will have another discussion.

Chairman Rogan stated great. Can I have a motion for intent for lead agent.

Board Member Pierro stated in the matter of Ice Pond Subdivision, I make a motion that the Patterson Planning Board declares its intent to be lead agency.

Board Members Montesano and Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, thank you very much gentlemen.

Mr. Wise stated thank you.

Chairman Rogan stated is everybody okay.

Board Member Pierro stated we can take turns.

Chairman Rogan stated you want like a two minute break.

Board Member Cook stated he's doing all the talking.

Chairman Rogan stated it's okay I'm fine.

Board Member Pierro stated he's got his water.

Chairman Rogan stated I'm alright.

Board Member Pierro stated you're not going to give it.

15) NRA SUBDIVISION – Revised Submission

Mr. Jon Walsh of Zarecki and Associates was present to represent the applicant.

Chairman Rogan stated NRA Subdivision.

Board Member Pierro stated NRA.

Chairman Rogan stated that is a difficult lot.

Board Member Pierro stated making them dinner.

Chairman Rogan stated you're alright.

Board Member DiSalvo stated no, I'm alright.

Chairman Rogan stated we don't get candy like we use to.

Board Member Pierro stated yeah right.

Chairman Rogan stated Michelle, we have to start giving you money for candy or something on your desk.

The Secretary stated you let me know what you want.

Chairman Rogan stated it doesn't matter, nobody is picky.

Board Member Montesano stated filet mignon, lobster.

Board Member DiSalvo stated (inaudible – not using microphone).

Chairman Rogan stated good evening.

Mr. Walsh stated good evening.

Chairman Rogan stated now with all the comments you just heard on this last subdivision, you can imagine that there are going to be a couple that we want you to talk about with this one. There are some very similar comments.

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

Mr. Walsh stated should I state my name for the record.

Chairman Rogan stated please.

Mr. Walsh stated Jon Walsh from Zarecki and Associates.

Chairman Rogan stated good evening Jon.

Mr. Walsh stated how are we doing.

Chairman Rogan stated good, how are you.

Mr. Walsh stated alright, well the main purpose for tonight and our submission was to address quite a few of the concerns and the first was the existing cabin that raised quite a few concerns that last time we were in front of the Board. Our client wanted me to express his sincere sorrows or whatever for proposing any aggravation to you; we did not want to request any waivers or anything. So as you can see, we've modified the site plan to end the roadway as we stated we would, so the cabin and its addition, does conform with the requirements. Now whatever modifications are needed when the subdivision actually gets completed or is going to be installed, that will have to be worked out, there can be notes on the plat or whatever is required to satisfy the Board but the, our client did want us to stress that this is not something that he plans on doing the say he gets his approval, this is more or less his retirement plan, so he continues to use this lot as a cabin, open space but somewhere down the road, he wants to at least have the approvals to move forward.

Board Member Pierro stated that is where we are running into a problem, go ahead Rich.

Rich Williams stated you want to do it.

Board Member Pierro stated no, go ahead.

Rich Williams stated we just want to make this very clear to everybody that we understand what you saying but you are in here seeking subdivision approval.

Mr. Walsh stated right.

Rich Williams stated and when you get subdivision approval, you are going to be expected to not only post bond but actually build the subdivision improvements out. Don't care if you don't dedicate the road and don't care if you don't build the houses but you are going to have to build all of the improvements out and you are going to have to maintain them in good condition.

Mr. Walsh stated okay.

Rich Williams stated so, you know, if he thinks he's, your client is going to come in and get a subdivision approval and not build the road and not do the improvements and not do the stormwater management, you

know for the next fifteen years and then come back in, that is not really something that we are going to entertain because we are not going to sit here and carry a bond and certainly it raises other issues that and everybody is aware of this, as time goes on, the regulations constantly change, they do not get easier, they do not get less.

Mr. Walsh stated right.

Rich Williams stated so where as today, he may have a twelve lot, fourteen lot subdivision, you know if the Town five years from now, decides that four acres is not sufficient and they want to go to a higher density, it may force all those lots back together.

Chairman Rogan stated or, we have been speaking about looking, not so much at the acre but the usable area around the house.

Rich Williams stated yes.

Chairman Rogan stated which, this case, with some of these lots, would certainly impact, you've got some difficult, again you have a very large parcel here with some very difficult terrain.

Mr. Walsh stated just so I can inform my client, to what aspect of what is proposed, would have to be build, everything except the residences and the septic systems or.

Board Member Pierro stated stormwater.

Rich Williams stated yeah, pretty much all of the public improvements, the stormwater, the road infrastructure, the bridge.

Mr. Walsh stated okay.

Rich Williams stated access in and you know that is going to trigger the need for lot five, being that it is already there to be a single family residence at that point, unless he can get additional variances from the ZBA, assuming that they grant the variances that are currently pending.

Mr. Walsh stated okay, that's understood. Secondly, some of the items that were raised or have been continuously raised, have been with the bulk regulations, so we submitted a preliminary bulk regulations table, which highlighted basically that lots ten and eleven are the only ones in the subdivision, as shown, would require any variances and the Board more or less, the last couple times we've been in front has agreed or accepted those. We would request that there be some sort of a motion or something to put that on record because tonight I am also looking for some sort of direction, we know there is a recommendation from Rich to classify this is as a major subdivision and we would also like to be referred or have the Board refer us to the Highway Superintendent, because I know this was a comment that was raised this last time and then also to the Town Board to start moving the process along.

Chairman Rogan stated what is your first name again, I'm sorry.

Mr. Walsh stated Jon.

Chairman Rogan stated Jon, I'm sorry, before we get to that, again talking about the way these lots lay out, I want you to help me understand something on this, because I am not an engineer or an architect and not in

your position. Why can't we make some of these septic areas longer and compress them to pull the houses say, closer to the road, for instance, even lot thirteen, where the back of the house goes right into a steep slope, even though I see your showing a retaining wall uphill of the house. You've got area between the proposed septic and the driveway, can you not compress that septic area, in other words, pull that septic area, pull the house as close as possible to it.

Mr. Walsh stated we can look into that, absolutely.

Chairman Rogan stated because any square footage you can gain off of that steep slope in the back of the house, to me is a good move.

Mr. Walsh stated okay, we can look into that.

Chairman Rogan stated the same thing on twelve, thirteen, you know you've separated your primary and expansion areas, maybe just make one longer box and pull that house, somehow I think you need to be thinking that way in terms of designing these, the lots are marginal at best because obviously the best area is used for the septic.

Board Member Pierro stated have these septic actually been tested.

Mr. Walsh stated there are sporadic preliminary deeps and every lot has had a perc.

Board Member Pierro stated so we are running into the same thing.

Chairman Rogan stated yeah.

Board Member Pierro stated we don't know.

Chairman Rogan stated if you look at the house on lot one, it is jammed, literally jammed right into the corner of.

Board Member Pierro stated jammed into the corner.

Chairman Rogan stated well I'm sorry, I was going to say its jammed in the corner of the lot but that is a tree line isn't it.

Mr. Walsh stated yes, that is the tree line.

Rich Williams stated and the limits of disturbance.

Chairman Rogan stated so its not actually into the corner, I was think that limit of disturbance was a property line, the property line is.

Mr. Walsh stated the property line goes all the way down to here.

Chairman Rogan stated that is a little better but there doesn't see to be any reason why that house couldn't be turned a little more parallel to the road, it seems like it is a funny kind of a layout for a house but you know. Lot, I'm trying to look at the number, lot nine, again can the septic area be pulled a little bit towards the driveway of lot six, towards that corner and pull the house down into some of that flatter area, again so

you get a little more usability, you are backing it right into, now I have a color map here, so I have the benefit of the darker areas.

Mr. Walsh stated yes.

Chairman Rogan stated but again you are basically putting it right into the steep slope, again those are the kinds of things that I want to see maximized.

Mr. Walsh stated yes, those we can look into it, sure.

Chairman Rogan stated and I can appreciate what your client is trying to do, I can certainly understand having a big piece of property and wanting to just protect what the future value is but not actually do something with it, I wish there was a way around that because I can see that as a reasonable thing but the way the laws are set up and the way things work, it is what it is.

Mr. Walsh stated okay.

Chairman Rogan stated so you were looking for a recommendation to the Highway Superintendent, do we usually do those or is that just an error in the application, yeah.

Rich Williams stated (inaudible – not using microphone).

Mr. Walsh stated okay that is just something that we can go ahead and do ourselves.

Rich Williams stated why are you going to the Highway Superintendent.

Chairman Rogan stated you don't need it.

Mr. Walsh stated for the road entrance.

Rich Williams stated that is why we have a Town Engineer.

Mr. Walsh stated okay.

Chairman Rogan stated okay.

Mr. Walsh stated okay, would that be a site visit or.

Chairman Rogan stated engineering issues.

Mr. Walsh stated engineering sight line profiles.

Gene Richards stated we look at it during a site walk, we'll review it during the process of the subdivision.

Rich Williams stated and this is just so you know. I'm in trouble already. This is probably prompted by the fact that I questioned the sight line distance.

Mr. Walsh stated yes.

Chairman Rogan stated ten feet.

Rich Williams stated its tight.

Gene Richards stated well you raised the issue of it, you have to look at it and see what you can do to improve it or (inaudible).

Mr. Walsh stated because when we, the analysis that we preformed, I looked at it before I came here tonight, was roughly 235 feet was clear, which I believe now the requirement is 300 [feet].

Gene Richards stated yeah I'm not sure, I don't know what the speed limit on the road is.

Board Member DiSalvo stated thirty.

Chairman Rogan stated I would hope so, that is a windy road right there.

Rich Williams stated its posted as thirty, it should be.

Mr. Walsh stated I believe its thirty.

Rich Williams stated is it thirty.

Mr. Walsh stated yeah, I think there is a sign, way down over there.

Rich Williams stated and even at thirty, its probably pushing three.

Gene Richards stated you have a grade issue as well (inaudible).

Mr. Walsh stated right.

Gene Richards stated (inaudible).

Mr. Walsh stated okay, we can probably shift it over a little bit because this side is okay, its just the trees would have to be cleared off for sight line.

Chairman Rogan stated we can certainly do the subdivision classification and lead agency.

Board Member Pierro stated in the matter of NRA Subdivision, make a motion that the Patterson Planning Board declares itself intent to be lead agent and that we declare this a major subdivision.

Board Members DiSalvo and Montesano seconded the motion.

Chairman Rogan stated it's a toss, whoever you figure.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye

Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carried by a vote of 5 to 0.

Chairman Rogan asks for any opposed.

Chairman Rogan stated motion carries, that was all your.

Mr. Walsh stated at this point would we.

Chairman Rogan stated oh Town Board.

Mr. Walsh stated would we be referred to Town Board at this point.

Chairman Rogan stated what do they need from the Town Board, Rich.

Rich Williams stated because this is, because this is coming in under the cluster subdivision provision of our Code.

Board Member Pierro stated 280-A.

Rich Williams stated and two of the lots do not meet the requirements, its not a 280-A, no, it's a variance request to the Town Board.

Chairman Rogan stated okay.

Board Member Pierro stated okay.

Chairman Rogan stated we need a recommendation to refer them over.

Board Member Pierro stated in the matter of fox, in the matter of NRA Subdivision, I make a motion that we refer NRA Subdivision to the Town Board for review for a variance on two lots.

Mr. Walsh stated thank you, for open space, right.

Chairman Rogan stated what lots.

Board Member DiSalvo stated what lots are they.

Board Member Pierro stated what numbers.

Mr. Walsh stated ten and eleven.

Board Member Pierro stated add lots ten and eleven Michelle.

Mr. Walsh stated wouldn't we have to go for the open space.

Chairman Rogan stated want to just finish this motion.

Rich Williams stated no.

Mr. Walsh stated okay.

Rich Williams stated the provision in our Code requires certain.

(Tape 1 ended 9:20 p.m.)

Rich Williams stated you are not meeting, the Code then goes on to say that when you don't meet the dimensional standards established by the Town Board for a cluster subdivision, you need to go back to them for a variance.

Mr. Walsh stated okay.

Rich Williams stated so, you don't need to go in for the cluster, that's, it's a mandatory provision within our Code at this point.

Mr. Walsh stated alright, so I am going in for the three items I need for these two lots.

Rich Williams stated yes. The other issue is.

Mr. Walsh stated common driveway and the off set to the property line.

Rich Williams stated yeah, no, do you want to make a recommendation on that.

Board Member Pierro stated on.

Rich Williams stated to the Town Board about what they should review, whether you like it or whether you don't like, whether they should consider anything.

Chairman Rogan stated you're talking about the.

Board Member Pierro stated ten and eleven, lots ten and eleven.

Rich Williams stated ten eleven.

Board Member Pierro stated I thought that we included that, that the Town Review it, didn't we want to make a favorable recommendation.

Chairman Rogan stated correct.

Rich Williams stated your recommendation, what you did was you made a motion to say go see the Town Board.

Chairman Rogan stated to go there.

Board Member Pierro stated okay.

Rich Williams stated you didn't say whether the Town Board should look at something or not or.

Chairman Rogan stated yeah.

Board Member Pierro stated can we add to that recommendation to the Town Board that we make a motion to approve the variances.

Board Member DiSalvo stated no.

Chairman Rogan stated the recommendation is that your.

(Board Member Pierro cell phone goes off).

Board Member Pierro stated sorry everyone.

Chairman Rogan stated that, how do we usually word it.

Rich Williams stated its favorable.

Chairman Rogan stated I'm having a brain moment here.

Board Member DiSalvo stated I don't know if its favorable or not.

Chairman Rogan stated well that's up to you.

Rich Williams stated you can make a recommendation to the Town Board that you view the subdivision.

Board Member Pierro stated in favor.

Rich Williams stated favorably or not favorably, or you are concerned about certain areas or, you know but I understand what Maria is saying, you don't want to make a recommendation to the Town Board to tell them to approve it.

Chairman Rogan stated right.

Board Member Pierro stated no.

Board Member DiSalvo stated let them review it.

Rich Williams stated but you can say that the Planning Board has reviewed it and we find the subdivision, while not meeting the statutory requirements, meets the intent of the open space that goes towards protecting the open space and the Planning Board does view the subdivision layout as it is currently shown favorably.

Board Member Pierro stated and we are only talking about lots ten and eleven, correct.

Rich Williams stated correct.

Mr. Walsh stated sure.

Board Member Pierro stated so moved.

Chairman Rogan stated can I have a second.

Board Member DiSalvo stated what are we doing about the existing house though.

Chairman Rogan stated well that is not for the Town Board, that is a separate.

Rich Williams stated the way it is currently going right now, you are familiar with the variances or do you want me to run through real quick.

Board Member DiSalvo stated yeah.

Rich Williams stated okay.

Board Member Pierro stated we've been through this.

Chairman Rogan stated can we first, because we are getting convoluted, can we finish this motion because its doesn't, we will finish the discussion on the house but that is not relevant to the Town Board.

Board Member DiSalvo stated okay.

Board Member Montesano stated okay.

Chairman Rogan stated there was a motion made, do I have a second on the motion.

Rich Williams stated I may stand corrected here because you are right, you may need an open development area.

Mr. Walsh stated that is what I thought but.

Rich Williams stated yeah, he is right because he is not getting his access from his frontage, so he needs to go to the Town Board for that also.

Chairman Rogan stated so we have a 280-A open space development.

Board Member Pierro stated I was right the first time.

Chairman Rogan stated and a common drive.

Rich Williams stated no, they are two separate issues.

Board Member Pierro stated oh, okay.

Chairman Rogan stated okay, currently we have a motion on the floor specific to the two lots, let's finish that.

Board Member Pierro stated the Planning Board looks upon the variances required favorable required because they are not major issues.

Chairman Rogan stated and we will talk about the 280-A separate because we are getting convoluted.

Chairman Rogan seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 3 to 2.

Chairman Rogan stated who is opposed.

Board Member Montesano stated no.

Board Member DiSalvo stated no.

Chairman Rogan stated Charlie, what did you say.

Board Member Montesano stated not at this time.

Chairman Rogan stated motion carries. And we need a motion for the referral for the 280-A.

Board Member Pierro stated in the matter of NRA Subdivision, I make a motion that we recommend the applicant to the Town Board for a 280-A review.

Chairman Rogan stated recommend to refer, you weren't listening, you just said recommend.

Board Member Pierro stated I'm sorry.

Chairman Rogan stated I'll second.

Board Member Pierro stated (inaudible).

Chairman Rogan stated open space.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 3 to 2.

Chairman Rogan stated who is opposed.

Board Member DiSalvo stated no.

Chairman Rogan stated Michael, no

Board Member Montesano stated not at this time, I want to see what's going here.

Chairman Rogan stated motion carries.

Rich Williams stated if I might, just procedurally, in the future if you want to do it this way, if there are people who are dissenting and they want to give specifically their reasons for dissenting on the record, we will certainly include that in any.

Chairman Rogan stated it is important for the Town Board.

Board Member Montesano stated I'm not satisfied with it at the present time, I want to see this.

Chairman Rogan stated specifically what Mike.

Board Member Montesano stated well we are going to get the house out of the way, when I see that done I will consider it, I want to know what that thing is.

Chairman Rogan stated you're talking about the existing.

Board Member Montesano stated the existing building.

Board Member Pierro stated they removed.

Board Member Montesano stated if I recalled, the existing building was expanded and, I appreciate the apology but it was still done.

Chairman Rogan stated they are in front of the ZBA currently for that.

Board Member Montesano stated that is getting the barn doors open, the horses are all gone and now we are going to come in and tell you that we are going to build something else. I like to have things done in a procedural way and at the present time, since we seem to be getting caught with our foot in our mouth every time we turn around and we are trying to.

Chairman Rogan stated I don't agree with that, I don't agree with that at all.

Board Member Pierro stated Mike.

Board Member Montesano stated what I'm saying is that trying to cover all of things that may have been from the past that mistakes were made. I would like to see something more done and in this particular case, I will go along with this one here. The gentleman is not interested in getting this development done

immediately, so I feel that this project would be just good to set a precedent that we are going to do what we are here to do and then if you want to come to us, come to us with a clean slate and then we will work with you happily. The idea is every time we come in with someone that does something and we give up and say okay, now you can go get it okay'd and this is one of the projects that came in and did, why was it necessary to expand it, I don't know.

Chairman Rogan stated but in fairness that is not an issue that we have any authority over, that is the Zoning Board's purview.

Board Member Montesano stated well now we are coming in, the idea is do we not have the right to say why did you go do A or B before you came and did A.

Board Member Pierro stated we are not an enforcement agency Mike.

Board Member Montesano stated I know that.

Board Member Pierro stated the fact of that matter is the last, two meeting ago, two meetings ago, these gentlemen came in and did their mea culpa and they erased the lot line.

Board Member Montesano stated but they didn't erase the building.

Board Member Pierro stated they erased the lot line, which took away most of the violations, correct.

Rich Williams stated they moved it.

Board Member Pierro stated they moved the lot line.

Board Member Montesano stated alright.

Board Member Pierro stated did they lose a lot out of that deal.

Mr. Walsh stated no.

Board Member Pierro stated okay, that is what we were initially talking about and losing a lot.

Board Member Montesano stated this is my thing here.

Chairman Rogan stated I appreciate that and that is why I'm asking.

Board Member Montesano stated this is why I feel about it right now.

Board Member Pierro stated the violations are not there now, there are no side yard violations, correct, they still have the issues to get their C.O. in place, I thought that was being worked on.

Chairman Rogan stated Rich, as the lot exists right now, they don't need a zoning variance, they can have a or is that its too large to be considered a cabin, that is the main issue.

Rich Williams stated its too tall and its too large in area.

Chairman Rogan stated okay, so that is the issue.

Rich Williams stated so, you know, currently pending before the Zoning Board, they are either going to approve it, so the cabin can stay for the moment or they are going to deny it and in which case he has to turn it into a single family home.

Chairman Rogan stated right.

Rich Williams stated or take it down.

Chairman Rogan stated which means electric, utilities.

Mr. Walsh stated which are the same improvements that are needed to make it work.

Chairman Rogan stated correct.

Board Member Pierro stated to do this subdivision.

Rich Williams stated then the next step is, let's assume they approve the cabin, as soon as you approve the subdivision or get, you can't approve it without conditions in that case.

Board Member Pierro stated right.

Rich Williams stated as soon as you get close, it is going to trigger it again for more variances for the Zoning Board of Appeals to keep that as a cabin.

Chairman Rogan stated right, understood and actually as a cabin then it wouldn't fit into the subdivision nor would it, who would want a cabin in the middle of a twelve lot subdivision, I mean, let's face it.

Rich Williams stated this property owner.

Chairman Rogan stated I don't think so, we'll see.

Rich Williams stated yes.

Mr. Walsh stated well he did.

Chairman Rogan stated Maria for the record please.

Board Member DiSalvo stated for the record, like you said, we are still waiting on the decisions of the Zoning Board, I would rather have that finalized before we move this along. And we would just being some of those lots, you could redesign those septics and move the house in a different angle, I just think that we can do a lot better.

Chairman Rogan stated does, in fairness, does the layout of each individual lot, does the Town Board take that into account or do they more look at just we are approving accessing this parcel for a subdivision, what that is currently. Because if we are proposing twelve lots, I'm sorry they are proposing but ten get ultimately designed because they fit, does that impact the Town Board's decision, they are looking at an access into a parcel for subdivision.

Rich Williams stated it may, I can't what say the Town Board is going to consider.

Chairman Rogan stated okay.

Rich Williams stated important in their review.

Chairman Rogan stated okay and the Town Board can certainly say that we don't feel that we are in a position to approve this yet because the final lot layouts haven't been determined and that is their purview. So they have certainly a lot of discretion in this case, so okay, thank you. Do you have anything else sir.

Mr. Walsh stated no, not at this point, no.

Chairman Rogan stated thank you, thanks very much.

16) FOX RUN PHASE II SITE PLAN - Discussion

Mr. Jon Walsh of Zarecki and Associates was present to represent the application.

Chairman Rogan stated Fox Run, Phase II Site Plan, okay.

Board Member Pierro stated who is the applicant.

Chairman Rogan stated the same gentleman is up.

Board Member Pierro stated okay.

Chairman Rogan stated two difficult ones in one night.

Rich Williams stated yeah.

Chairman Rogan stated that is the way it goes.

Mr. Walsh stated I just have to say that the Town is going to have a lot more information on it then I do.

Chairman Rogan stated okay.

Mr. Walsh stated severely unprepared.

Chairman Rogan stated we appreciate your honesty.

Board Member Montesano stated it really (inaudible).

Rich Williams stated let me just get that.

Mr. Walsh stated again, Jon Walsh from Zarecki and Associates.

Chairman Rogan stated thank you Jon.

Mr. Walsh stated well, the memo that you have probably all read from Rich, more or less explains it in a nutshell. I had a chance to walk the site and read through the volumes of paperwork that we have on this project, it has been kicking around since 1976 I believe, where it is stated to be originally approved for I think 304 homes.

Rich Williams stated 303 I think.

Mr. Walsh stated 303, where 204 are basically already built in the first phase, the second phase was with a lot line/subdivision cut off and it has come back several times and as you can see, we showed the history of it and its been dropping steadily from 126, which was stated to be part of phase II's original approval to the current 48 lots as it stand right now. The wetlands that were shown on the plan were located in 2004 by Tim Miller and Associates, it does connect, or we plan to connect into the phase I section, which we do note from Rich's memo there are concerns and items to be addressed, we are basically in from of the Board right now, more or less to get referred to the Town Board to see if we will be able to get this re-zoned to be part of the multi-family and to more or less hear the comments from the Board, we are here purely for discussion and hopefully to set a site walk.

Chairman Rogan stated so they have reduced the size of what previously went to court as they felt was inherently able to be done under the original approvals, now we are back with a smaller plan, basically the idea is the Planning Board to see whether or not this application is suitable for the site and then if so, we can refer it over to the Town Board with a positive recommendation, if not we work towards something that either is approvable or its still single family residence.

Rich Williams stated correct, not only suitable for the site but also suitable for the area.

Chairman Rogan stated alright. I want to take a look at the site but I am not the familiar with the application, so does anybody have anything that they would like to bring up or discuss at this point.

Board Member Pierro stated I would like to discuss in Rich's memo, he alludes to the fact that a certain amount of length of time has passed and changes have occurred to the improvements. He agrees that the easements do exist to utilize the road and the septic but he says that because of the length of time these, the applicants ability to utilize the improvements as part of the project may need to be addressed. The easements don't go away, correct.

Rich Williams stated correct.

Board Member Pierro stated the easements are in perpetuity, unless both parties to the easements agree to destroy them.

Rich Williams stated sure.

Board Member Pierro stated if there is something wrong with the road access now, that doesn't meet Town Code, why aren't we trying to get that fixed now.

Rich Williams stated because for the existing phase I, it is a pre-existing non-conforming condition, we don't have the legal right to go in twenty years later on an approved subdivision or site plan and tell them they have to start bringing things up to Code.

Board Member Pierro stated up to standard.

Rich Williams stated right, you know unless that is specifically laid out in our Code, which it is not. But now we've got a new application coming in which is using, proposing to use that driveway, well if he's going to use that driveway.

Board Member Pierro stated he has to bring it up to today's standards.

Rich Williams stated he is going to impact it and well I don't know that is not, I am just raising that as one issue because there was also the issue with the water treatment plant, you know the original construction for the water treatment plant, which they had an easement to use, doesn't exist anymore. Similarly they are getting ready to build a brand new waste water treatment plant because the waste water treatment plant they had a right to use, an easement to use is being taken out of service. So there are some legal questions about whether they still have the right to tie into that waste water treatment plant.

Mr. Walsh stated which may have come out during, not to cut you off, may come during the negotiations between both parties but the proposed waste water treatment plant is still going to be designed to handle the additional flows, so.

Rich Williams stated correct.

Mr. Walsh stated whether the easements still exists but the flow and the size is still there.

Chairman Rogan stated true, can we get centerline of the proposed road and the center of each of these proposed buildings, do you think that we need all four corners on this, just centers of each of the proposed buildings flagged. The wetland is flagged, that's been, 2004 by Tim Miller.

Mr. Walsh stated yes.

Rich Williams stated the flags are all gone.

Mr. Walsh stated we have them survey located so we can re-stake them, they will be our stakes.

Chairman Rogan stated that would be fine, Ted is going to want to see it anyway.

Mr. Walsh stated so you want the wetlands.

Chairman Rogan stated and if he agrees with the delineation, you'll be okay, if not you'll have to re-delineate and we will, let Rich know when that is done and we schedule a site walk.

Rich Williams stated you want the center of the pond also.

Chairman Rogan stated yeah, stormwater basins please.

Mr. Walsh stated not a problem, even including the ones underneath the pavements or you just want the ones that are exposed.

Chairman Rogan stated I'm sorry.

Mr. Walsh stated there are hatched areas, also underneath, if you follow the area up.

Chairman Rogan stated okay, so in other words there will be some that will be under.

Mr. Walsh stated pavement.

Chairman Rogan stated pavement, I think, you know what, the one that is in the parking, you are going to have the three houses located so we are going to know its between those, so that one is okay.

Mr. Walsh stated okay.

Rich Williams stated remember the ones that are under the parking lot are going to be structural improvements whereas you might want to take a look at the ones out in the field.

Chairman Rogan stated right.

Rich Williams stated because we want to make sure that the soils are right.

Chairman Rogan stated so we have two of them that you have to locate that are proposed.

Mr. Walsh stated okay, now if the Board would be amendable to it, scheduling a date and I will make sure that everything is staked.

Chairman Rogan stated we will have to look at all of our calendars' and see what is, usually we do site walks like this, either on a Saturday morning or lately after work because we have a little more daylight.

Board Member Pierro stated I think that this one is going to take a little bit longer, you let us know when its done.

Chairman Rogan stated yeah.

Rich Williams stated (inaudible – not using microphone).

Mr. Walsh stated sorry, okay.

Chairman Rogan stated you let us know and we will get out there, we usually, once we are notified, usually we get out there within about a week.

Mr. Walsh stated I would assume that you would want me present.

Chairman Rogan stated no.

Mr. Walsh stated no, do you want me there.

Chairman Rogan stated we really don't need you there no.

Mr. Walsh stated okay.

Chairman Rogan stated if the property owner absolutely wants to be there, then that is certainly their purview but we generally.

Mr. Walsh stated he want me there, that is why I'm asking.

Chairman Rogan stated yeah, if he says you have to be there on my behalf, then we will let you know when we are going and you can meet up but we generally don't ask or require that because the Board just tends to do their site.

Mr. Walsh stated okay.

Chairman Rogan stated okay but certainly its his property, he has every right to be there.

Mr. Walsh stated okay, thank you very much.

Chairman Rogan stated thank you very much.

Chairman Rogan stated alright, other business.

17) OTHER BUSINESS

Board Member Cook stated can I just make one comment to all of this, this site was originally or one of the early dates on this things is in the early 70's was zoned and then in '76 it was re-zoned and then in 2003 it was re-zoned again.

Board Member DiSalvo stated from what to what.

Board Member Cook stated and to do this it would have to re-zoned one more time.

Chairman Rogan stated yeah.

Board Member DiSalvo stated it was zoned multi-family.

Rich Williams stated in 1975 the property was zoned residential but it also permitted multi-family housing, in 1976 the Town changed the zoning for this parcel to R-40, you needed 40,000 square foot per lot and it did not include the multi-family overlay.

Board Member DiSalvo stated right.

Rich Williams stated in 2003 the zoning was again changed to R-4, from R-40 to R-4, so now you needed four acres per lot on this site.

Board Member DiSalvo stated but single family homes again.

Rich Williams stated only single family homes, no multi-family overlay.

Board Member Montesano stated originally this was rental property, it was an apartment complex that was a rental property.

Chairman Rogan stated owned by one individual or one corporation.

Board Member Montesano stated one corporation and then it became a condominium and that is when they started some of the improvements that were alleged to take place and that was 2000, that was late.

Rich Williams stated he came in 1984 or 1986 and did the subdivision.

Board Member Montesano stated and then they.

Rich Williams stated one of the problems that we had was the Planning Board when they did the subdivision, didn't bother to look at where the phasing lines were so and then gave him credit.

Board Member Montesano stated they were looked at and then they were discarded and that is fact.

Rich Williams stated well yeah because on the lot that he then gave away where the rest of the units were that had already been constructed, some of the second phase units were supposed to be on that lot so essentially he then took credit for buildings that weren't going to be built on property that he owned anymore and the Planning Board gave him at that point, said okay we understand you have vested rights and legally he didn't and we ended up going to court over that and we prevailed.

Board Member Montesano stated yay.

Board Member DiSalvo stated that is the last I remember because we went out there once to look right.

Board Member Montesano stated yes.

Chairman Rogan stated for the.

Board Member DiSalvo stated and that is when it was going to single family.

Rich Williams stated no,

Chairman Rogan stated the time we went out there was for the treatment plant.

Board Member Montesano stated the treatment plant.

Board Member DiSalvo stated I remember going to the top of the hill and looking and there was talk about doing it.

Chairman Rogan stated are you sure that's not Pondview.

Board Member DiSalvo stated no.

Rich Williams stated every time we've walked this side, its been for a multi-family project.

Board Member Montesano stated right, the water treatment plant was done.

Board Member DiSalvo stated that was at the bottom.

Board Member Montesano stated that was at the bottom, that was when we went out, I think that was the last time that we went out.

Rich Williams stated yes.

Chairman Rogan stated yes.

Board Member DiSalvo stated we went around the fence.

Board Member Pierro stated did we do that.

Chairman Rogan stated we did that at the work session.

Board Member Pierro stated for the audiences edification.

Chairman Rogan stated sure.

Board Member Pierro stated for the edification of the audience, at our last work session we set a special meeting for June 12th for Patterson Crossing.

Chairman Rogan stated which is next Thursday.

Board Member Pierro stated right.

Chairman Rogan stated correct, 7:30 here.

Board Member Pierro stated special work session.

Chairman Rogan stated it's a special meeting.

Board Member Pierro stated its an actual.

Board Member Montesano stated other business.

The Secretary stated it got noticed as a special meeting.

Chairman Rogan stated say that again.

The Secretary stated it got noticed as a special meeting.

Chairman Rogan stated thank you.

Board Member Pierro stated very well and our.

Board Member Montesano stated (inaudible).

Board Member Pierro stated are we going to further discuss a recommendation for an attorney or a request for an attorney.

Chairman Rogan stated it went through, we have a notice on it, its your mail box.

Board Member Pierro stated oh okay.

Chairman Rogan stated to the Town Board to get us special council for that.

Board Member DiSalvo stated yeah, its in there.

Chairman Rogan stated anybody have anything else.

18) MINUTES

Board Member Cook stated I'll get the minutes.

Board Member DiSalvo stated minutes.

Chairman Rogan stated minutes, you'll do them, I don't have the dates though.

Board Member DiSalvo stated I don't have a date either.

Board Member Cook stated make a motion to accept the minutes of April 24 and May 1, 2008.

Board Member Pierro stated so moved.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated David seconded.

Board Member Pierro stated yeah.

Chairman Rogan stated anything else from anybody. Motion to adjourn.

Board Member Cook stated motion to adjourn.

Board Member DiSalvo seconded.

Chairman Rogan asks for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated thank you.

The meeting adjourned at 9:45 p.m.