

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**June 7, 2012**



**AGENDA & MINUTES**

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1) <b>Matthew Castellano – Wetlands/Watercourse Public Hearing</b>	24 – 27	Public hearing opened and closed. Wetlands Permit approval granted.
2) <b>Ice Pond Estates Subdivision – Public Hearing</b>	1 – 24	Public hearing opened and closed. Discussions with residents and applicant.
3) <b>Ray Merlotto – Fill Permit Application</b>	27	Site Walk to be schedules
4) <b>NYSEG/Dressler Lot Line Adjustment</b>	27 – 29	Discussion of application and proposed improvements.
5) <b>NYSEG Site Plan Application</b>	27 – 29	Discussion of application and proposed improvements.
6) <b>Roman Sypko – Wetlands/Watercourse Permit Application</b>	30 – 37	Public Hearing Scheduled 7.5.12 Discussion of application and site walk to be scheduled.
7) <b>Dunkin Donuts Site Plan</b>	37, 45 – 55	Discussion of roofing, shingles, colors, signage, bollards, roof design.
8) <b>M&amp;S Iron Works – Site Plan</b>	37 – 39	Site Plan Approval granted.
9) <b>Northeast Mesa – Site Plan</b>	39 – 43	Site Plan Waiver granted with conditions.
10) <b>JPL Glass – Sign Application</b>	43 – 44	Negative Determination of SEQRA granted. Sign Approved with conditions
11) <b>Other Business</b>		
a. <b>Town Code Amendment – Code Violations</b>	32	Recommendation to Town Board for approval.
12) <b>Minutes</b>	55 – 56	April 26 <sup>th</sup> and May 3 <sup>rd</sup> Approved.
<b>Fence Code Discussion</b>	57 – 61	Discussion of height limitations and type of fencing.

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

**ZONING BOARD OF APPEALS**  
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Shawn Rogan, Chairman  
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**Planning Board**  
**June 7, 2012 Meeting Minutes**

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

**APPROVED**

Present were: Chairman Rogan, Board Member McNulty, Board Member Taylor Board Member Brady, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspection, Andrew Fetherston of the Town Engineer's office Maser Consulting and Mr. Michael Liguori, of the Town Attorney's office Hogan & Rossi.

Chairman Rogan called the meeting to order.

There were approximately 23 members of the audience

Chairman Rogan led the Salute to the Flag.

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

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan stated thank you folks. Mr. Castellano, you would mind if we flip flopped the agenda one item...

Mr. Castellano stated that's fine.

Chairman Rogan stated because Ted Kozlowski, our wetlands inspection, is expected tonight and I know he, I know we need his input for your application. All right, thank you so much, I appreciate that. We have a public hearing for Ice Pond Estates Subdivision, Michelle would you please read the public notice.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, June 7, 2012 at 7:00 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 for final subdivision approval entitled **"Ice Pond Estates"**. The Applicant is proposing to subdivide approximately 151 acres into 25 residential lots, and 3 lots that will remain as open space. The property is located on the east side of

Ice Pond Road, north of Tommy Thurber Lane, Patterson, New York. The property is presently owned by Mr. Freeze, LLC and the Putnam County Land Trust. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated good evening.

The Secretary stated yeah I did.

Mr. Fisher stated hi good evening Chairman and Members of the Board, Chris Fisher with the firm Cuddy and Feder, here on behalf of the applicants. Chairman, I just have a few prepared remarks, if I could get us started for the evening for purposes of the public hearing, I thought if I could, I could give us all a background, it would probably be a helpful refresher. The project was initially conceived dates back actually to 2005, so I will try to give you some of that outline, give you some of the procedural history and then we can talk about the plat that is the subject of the public hearing for final review and approval. With me this evening are Joe Buschynski, Rich Lamontagne from Bibbo Associates, my clients Mr. Wise and Ringler are en route but we will get started. As was mentioned in the hearing notice, this is a request for final subdivision approval involving over 150 acres of land, 25 single-family residential lots are being proposed, the property is in an open development overlay district and as I mentioned, as originally conceived this project actually dates back to 2005 for my clients purposes. Currently, I'll use this aerial, currently there are three lots that exist that in the aggregate total 150 acres, there are two parcels owned and controlled by my client, the applicant, 65 acres here, 71.9 acres here and then the Putnam County Land Trust owns just over 14 acres located here, all of the lots have frontage on Ice Pond Road currently. The proposal at least that dates back as I mentioned, started with conversations with the Land Trust itself, as you can imagine these parcels while they could certainly be subdivided, there would be more intrusion deeper in and this for topographic purposes, this is a ridgeline, Ice Pond is located here and the train on this side of the lots comes down towards Ice Pond Road. While there could have been a subdivision proposal for either of these lots independent, what had been discussed with the Land Trust was aggregating land and actually coming up with a different approach for purposes of development of the overall assemblage of lots, principally the Land Trust owns several adjoining parcels that are on the down gradient backside of the ridge and go down toward Ice Pond itself, they maintain and control those and there are representatives from the Land Trust here tonight, they'll be able to discuss their interest in this particular project as well. Ultimately a contract was entered into between my clients and the Land Trust, the proposal is to essentially swap land, take this 14 point acres, re-configure it and actually the Lane Trust will end up with just over 78 acres, that they'll be able to add to their land holdings in the area, those principally, excuse my hand across the existing aerial, is the, all of the ridge line, all of the backside heading down to Ice Pond and some areas as well on this side of the ridge itself, on the Ice Pond Road side of the parcels. What will be left and remaining, actually this one will be perfect, so on this map, the area I was just describing, shown in green, yellow and orange, are all of the areas of land that the Land Trust would acquire for purposes of their land holdings the, I'm sorry just the green, the yellow and orange areas are areas where there will be some private contractual restrictions dealing with structures, architectural constraints, the objective there for the Land Trust, these are areas where they will be part of the overall subdivision, they come closer to the Land Trust parcels and they wanted to ensure that there wouldn't be intrusions into the ridgeline area itself. What will remain is essentially the developable areas of the aggregated parcels, approximately 72 acres, that's where you'll have a more cluster development of 25 homes. We'll show you the plat in just a second, just further context for this proposal, as you know, the Town Board adopted with the Planning Board's certain involvement of the overlay district itself, that was actually adopted just a couple of years before this project was conceived by my clients. The intent in developing that open space overlay district that is set forth in the subdivision regulations is really to allow for a development where you can achieve substantial preservation of open space, allow some development to occur, try to preserve environmentally sensitive features of any particular areas on a lot and otherwise sensibly plan for development in way where

you don't end up with some kind of cookie cutter, clear cut area. This particular project was the subject of a sketch plan submission in 2007, it was submitted to the Planning Board in accordance with the open space overlay district I just mentioned, the zoning would allow on the aggregated parcels 30 single family units to be developed. Over the course of the next three and a half years the applicant worked with the Board, obviously staff, your planners, engineers and others and other agencies in order to refine a preliminary plat, as part of that process, several site visits were conducted, numerous environmental studies have been, archeology reports, wetlands reports, habitat reports, traffic studies and the like. What we ended up with as you'll recall was a preliminary plat that was the subject of a hearing a little over a year ago, the Board as part of that process adopted a SEQRA determination and issued what is known as a negative declaration, additionally the preliminary plat was approved, the preliminary plat incorporated 25 single-family units that I mentioned and has been refined to the point as you see it here. As is typical with the process, there are a number of other agencies that have jurisdiction over aspects of the project, including Putnam County Health and in this case also New York City DEP and New York City DEC, for the last plus or minus a year the applicant and Bibbo Associates have been working with those agencies to refine all of their comments from a broad based view, all of these lots have been analyzed, they all test out for purposes of subsurface disposal, water and are generally in accordance with all of the other agencies requirements and determinations and that has been incorporated into much of what we submitted as part of the final plat. Key components of the project, I'll just refer to the plat that's located, one lot developed over here, single family residential, when you look at this plan, as the public, these blue areas and then these shaded areas are wetlands and watercourses and buffer areas, areas that in grey are more steep slopes and as you can see the project plans call for one road coming in off Ice Pond [Road] it splits off into two cul-de-sacs and as I mentioned earlier, a clustering of homes around those cul-de-sacs and these green areas are actually the subsurface disposal areas and if you look at each individual lot we've identified in accordance with your regulations house footprints, pool areas, for the extent that those would be part of any project and essentially we've shown a full build plan scenario as part of the subdivision plat itself. Some of the other aspects that the Board will recall but for the public's purposes, we've taken into consideration numerous comments including the wetlands and the buffer areas there have been some controls incorporated, specifically if you look on this plat, lots 23, 19 through 23, there are some areas that are within the controlled buffer and we've identified some physical barriers and other means to ensure that there wouldn't be encroachment in those particular areas in the future. What you end up with, at a broad scale is a cluster set of homes in a very nicely designed community, a very large portion of open, private open space that will be Land Trust controlled and aggregated with their other holdings and just a few remarks about the project in and of itself before we get to the public. Our clients have clearly understood the need as this project progressed to work with all the various stakeholders, the Land Trust has a significant interest of course, the Board acting on behalf of the community and adjacent property owners we've, from that perspective, if you look at where this development is occurring is central to the aggregated parcels themselves, any of the adjacent properties that are single family residential are significantly removed from the actual areas that would be developed on this parcel, much of the property is going to remain wooded so the subdivision that you would be left with, would have this very well thought out community oriented 25 lots but also very secluded in the woods and we think is a very fine product in order to be able to attract buyers. We believe it's been developed in an environmentally conscience manner and completely consistent with your open space overlay district. One last comment, while this project was obviously conceived well before our current economic downturn, I think it's a testament actually that this the right project for this parcel because it actually has persevered, we've all be working hard as a project team, your Board has as well, time and costs can kill a lot of projects and this one hasn't the Land Trust has been a very willing and patient partner and my clients would certainly like to see this developed, so we are at the point the process where we think we're very close to the end, of course the Board elected to hold one last hearing on the final plat so we can answer questions and obviously our representatives from Bibbo can try to address any technical questions.

Chairman Rogan stated do we have any questions or comments from the audience, just please come up, use the microphone, state your name for the record, so we can clearly capture what you have to say.

**Juergen Tempel** stated yes, my name is Juergen Tempel, I am together with my family the owner of 252 Ice Pond Road which is the second lot to the south of the development on the left side, coming from the...

Chairman Rogan stated can you point to it on this map, is it...

**Juergen Tempel** stated it would be, I guess roughly here.

Chairman Rogan stated okay.

**Juergen Tempel** stated there is another map underneath where my property is actually...

Chairman Rogan stated okay, in other words you're near the entrance to the Ice Pond unique area.

**Juergen Tempel** stated okay, this is 252 Ice Pond Road, right here.

Chairman Rogan stated okay.

**Juergen Tempel** stated okay, I have a few remarks and also a few points of concern to address, first remarks, I understand the, that the ecological concerns are mostly sufficiently addressed. I have had conversations with representatives of the Putnam County Land Trust way prior to this and I think on that end, I am quite convinced that there is an arrangement that is reasonable and will protect the environment so I don't have any concern here however, for me as a homeowner, we have been homeowners for approximately six years, have gone through the economic downturn, we are upside down homeowners mortgage wise, I really question given the downfall of our property values that such, raising up such a new development really makes sense, our property values are already down and now adding an additional supply of 25 houses into the neighborhood for I don't even know whether there is a market for such houses, who would be the buyers and so on, my first concern that it will further deteriorate that values of everybody's property around, if there is in the end an empty development, I notice that another development in the neighborhood called Victorian Heights, sold off very, very slowly and had many empty properties for a long time, so this over supply of one family residential homes in the community really concerns me with regards to the values. Also, the other thing is of course who is the clientele who will buy into it, who is the intended clientele and the third concern is can Ice Pond Road actually handle the additional traffic, the road is curvy, it's not even paved properly in the areas, I think it cannot even be paved due to the swamp lands around it and on a very rainy day or during winter melt, we all know that especially at the intersection of Ice Pond [Road] and Tommy Thurber [Lane], the whole road can get swept away so I don't whether Ice Pond Road is really fit to handle so many new developments infrastructure wise, so these are basically the concerns I have to bring up.

Chairman Rogan stated thank you sir. Please, you'll all get a turn.

**Laurie Cameron** stated we're all in this together.

Chairman Rogan stated don't fight over it.

**Laurie Cameron** stated no, no, we're all in this together. Thank you, I'm Laurie Cameron, I live at 410 Ice Pond Road and full disclosure, I am the daughter of a home builder, I grew up in Pound Ridge, I have a healthy respect for smart community development, I think it's important that Town's prosper and that new

families are encouraged and invited to come into the neighborhood and that we are open and in fact my husband and I have moved here almost a year ago, we moved in after that last hearing so we're new to this but we are caught up on it, we submitted a letter with our concerns and we will be submitting another letter after this meeting and I'm sorry that we've, I haven't met our neighbors on Ice Pond Road but we share the same concerns. Number one is has a feasibility study been conducted, I think it's a really fair question in terms of who, you, and you'll help educate us, who you anticipate will be the buyers of these homes and also, are these homes going to be built on spec, are they custom homes, are they going to be homes on demand and if they are spec homes, do you have a square footage in mind, do you have a blueprint, you mentioned and I appreciate that it won't have that cookie cutter feel and we appreciate that. We appreciate that respect that you give you the open space, the respect that you're giving to the Putnam Land Trust, we are in the woods and walking back there frequently and we have wildlife that come to visit us, including a bear on a regular basis, so we are deeply concerned about the impact that it will have on the wildlife and the birds and understand that it's a sensitive issue but there is again a question about the feasibility study, you know there are a couple of subdivisions that have been proposed, there is one on [Route] 292, there are 9 homes that have been approved for building and there is, let's see, where is this, it looks like there is some building that is going to happen on [Route] 164 across from Couch [Road], some custom homes and then, and you'll correct me if I'm misinformed but on [Route] 164 there looks like there is some development, there is something going on.

Chairman Rogan stated Couch Road, I think.

Rich Williams stated six lots on Couch Road.

**Laurie Cameron** stated it's on Couch Road, okay because across the street is where they seem to be parking their vehicles and they hang a sign.

The Secretary stated Rich, Harvey Barnes.

Rich Williams stated that's a single lot.

The Secretary stated that's what she's talking about.

Chairman Rogan stated I was confused because there was a subdivision that we had approved across from Couch Road on [Route] 164 but someone bought it and they dissolved the subdivision.

**Laurie Cameron** stated oh I see, okay so that...

Chairman Rogan stated that was the other one.

**Laurie Cameron** stated okay, so we look at, we saw that...

Rich Williams stated there is a single lot over there, Harvey Barnes.

The Secretary stated yeah, Route 164, it's a single lot.

Chairman Rogan stated I'm sorry, please continue.

**Laurie Cameron** stated no, no, no, thank you I appreciate it. As I said we're new comers to Patterson and we're very happy to be here, we feel the hospitality of the Town has been overwhelmingly wonderful so thank you. There is also a development on Fields Corner Road, there is a proposal of eight homes that are

going in over there, two have been sold and they are about to build two, they are 2800 square feet, I had occasion, my husband and I were over there and we had occasion to talk to the builder and he said are you sure you don't want to buy one because it's beautiful property that hasn't been developed, they are about to build two lots and he's concerned about how he will complete the development of the project. I think that what our neighbor on Ice Pond Road, at 252 raised, is very reasonable, it's on the heels of the feasibility question, it's on the heels of who is going to be moving into these proposed homes, can the Town, are there families who are looking to come in, I understand why people would want to live there because it's beautiful but the economy is what it is, sadly to say for many of us who are struggling and challenged to live, frankly, so we are concerned about that. So, I really would love, I would appreciate an answer on whether you plan them to be spec homes, I'm at 410 Ice Pond Road and I have the dubious distinction of having the lot that is right next the one piece of property, the parcel that is not part of the cluster, so we're, in fact my driveway, we saw when you guys were coming in to do your tests because we can see where these was some erosion. My other great concern is exactly as my neighbor from 252 expressed, the condition of Ice Pond Road itself, separate from when there is inclement weather, two do not pass at the same time, you must slow down and wait, so I have a real concern about how what you're proposal is to make the road passable so that should the building go forth, those of us who live there and go back and forth to work, can go about our daily business of living, that I happen to have a son with special needs, and we have a bus that transports him back and for, it is a great concern to my husband and me, my husband would be here except he's home with our son, it's of great concern to us of how the construction vehicles will be accommodated and the bus has to safely pick up my son and let him off and there is also a Carmel bus, a big, we're on the short bus but there is a big bus who also comes up and down Ice Pond [Road] to drop off kids.

Chairman Rogan stated it does the three-point turn at Tommy Thurber every day I know because I've seen him, I travel that road every day.

**Laurie Cameron** stated which is pretty impressive because that bus is long, so yeah.

Chairman Rogan stated yeah and I don't want to one by one as you bring things up, I think it would make sense to get everybody's comments out so that we can kind of speak to all the issues.

**Laurie Cameron** stated yup, yup, but that is, that is, I think that complete, we did make a list because we are deeply concerned about this and I appreciate your time and the other question I would have also for the Board and then I will conclude is what do you see the benefits for the Town should this development go through. Thank you.

Chairman Rogan stated thanks, I think you had one in front of you first.

**Rosanna Tempel** stated sorry, good afternoon, I have cold so kind bear with me a little bit, Mrs. Tempel, 252 Ice Pond Road. I came about a couple of years ago, when we move here, I can remember driving down Ice Pond Road and what caught our eyes and my kids were about three years old, what caught my eyes and my husband eyes are the quietness, the birds flying around, some, just driving down that peacefulness and that green scenery, it caught our eyes because we came from the city and we didn't want that for our kids, we didn't want that busy road, that noise and the sense of not being safe, not that we lived in a bad neighborhood, we lived really in a safe neighborhood in the city but that busy atmosphere and aspect of the city, that's why we move here, we move here because we want safety, we want good schools, we want quietness for our kids, we want a town that we could take a family walk down Ice Pond Road and look at it both sides and see woods and say oh my god, this is what life is all about. I work in the city, my husband work in the city as probably many of you guys work in the city but when you leave that city and you come to Ice Pond [Road] and you come to Brewster, I talk about it all the time, it is heaven away from

the city, it's a whole heaven and I meet a lot of people who appreciate it as well, and really nice, good people, and this is what I want to expose my kids to and not a construction that is very busy, very noisy and when I decide on a Sunday evening to take my girls for a walk in true nature and teach them something, something science that is not, no longer existing or because the people down that block are so noisy and so loud that we can't take a quiet walk and this is one of the reason I cherish Ice Pond Road and also Brewster as a whole because it is such a beautiful place to live. My concern is I want quietness, we purchased this house on the whole aspect of Ice Pond Road because this is what sold us, the quietness, the nature, I mean I came from Trinidad and Caribbean too, it is just similar to Ice Pond except didn't have no snow of course but I don't want to see something built up and then it kind of fall apart or it's too noisy because we could stand here say well oh the tenants that we going to sell to, they're going to be quiet, sure they will be, when you back to [*inaudible*] renting a house will they really be quiet after twelve or one o'clock or they have young family or older kids or teenager kids who are going to have like the rock music at night, can they guarantee us all this, I have two young kids, two young girls I want them to be safe and most of you guys may have families too, you can't guarantee me that, if you could stand here right now, watching me and guarantee me that I'm not going to hear no rock music or stones throwing or drinking or driving up Ice Pond [Road], you know those teenagers are twelve, one o'clock in the morning, you know you can't guarantee me that.

Chairman Rogan stated of course not.

**Rosanna Tempel** stated so for me, of course not.

Chairman Rogan stated no.

**Rosanna Tempel** stated so for me, I'll totally reject it, totally because I have two young ones there and I work really, really hard to keep them safe and they have excellent schools, excellent teachers, excellent people around them, let us stay the same, okay, thank you.

Chairman Rogan stated it's so funny that the comment that you make is what we say every day is that we can't make laws to make people responsible, you know we try to make all these rules but at the end of the day people need to be good neighbors and need to respect other people.

**Rosanna Tempel** stated right and we have rule books for that but unfortunately you guys can create your rule book and you can't have people follow your rule books, so I would recommend and this is part for my family and I think I talk for a lot of you guys, leave Ice Pond [Road] alone and move away, that's my view. Thank you so much.

Board Member McNulty stated you're welcome.

Chairman Rogan stated sir, come on up please.

**Dusty Rothacker** stated my name is Dusty Rothacker, I live on, at 146 Tommy Thurber Lane, it's the corner of Ice Pond Road and Tommy Thurber Lane, excuse the prepared statement but a public speaker I'm not...

Chairman Rogan stated keep you on track, that's fine.

**Dusty Rothacker** stated but to quote Winston Churchill, I'll be direct, I'll be concise and I'll be seated.

*Laughter*

**Dusty Rothacker** stated anyway, I've been a resident on the corner of Ice Pond [Road] and Tommy Thurber [Lane] since 2000, I built the house, and I've been a Patterson resident since 1986. The view from my living room will change from rocks and trees to this proposed cluster development, I moved to Patterson not for access to shopping malls or cluster zone developments. I attended a hearing in January 2011, heard many passionate and emotional pleas to restrict this project but my concerns are more practical and technical in nature. I listened to many in regard to the increased traffic on a small, windy road which we're hearing now. This road cannot just merely be paved but many improvements must be made prior to paving, paving immediately increases speeds and Mr. Chairman, I've seen you spinning out going down the dirt road...

Chairman Rogan stated spinning out, okay...

**Dusty Rothacker** stated I'm only joking because I know you go down there quite often. This road obviously has become a popular short cut from Bullet Hole Road down to [Route] 312, [Interstate] 84 and the Southeast Train Station, years ago Tammany Hall Road which adjoins Tommy Thurber Road, was paved with no improvements, it's filled with obstacles, blind corners and really rivals the Audubon, residents of Patterson must be assured that proper improvements are made prior to any paving with absolutely no cost to the taxpayers. Cost of this must fall squarely on the shoulders of the developer, at the hearing of January 2011, a question was asked if a project of this type would be self-supporting in generating tax revenue with increased services that would be required, the Town Planner stated that quite often it's not, well this is a gross understatement. I think all of us know that these projects never carry themselves, look, all we have to do is look to neighbors to the north in Dutchess County as they have experienced rampant residential growth before the economic downturn and have seen some of the highest growth in property taxes in the state of New York. So it was presented to us by the developer that this cluster zone, this was the January 2011 meeting, would somehow target empty nesters, folks who would like to move to the country perhaps from Westchester, maybe escape the high taxes they are currently paying, I really question this business plan, listen to the news, hear the number of people fleeing the state of New York because of cost high, the cost of high, the high cost of living, in particular property taxes, people of retirement age are leaving the state of New York, I ask who wants to move to a remote area and live in a cluster zone development. Correct me if I'm wrong but I believe the property is four acre zoned and if nicely designed homes were built in a private setting, wouldn't that be in more keeping with the surrounding area and likewise more marketable for the developer. I understand all the benefits to cluster zoning but does it really make sense in this setting, here is an example and you don't have to go very far, we have a cluster zoned development on top of Tommy Thurber Lane called Victorian Heights, it's been referenced already, it's about a quarter of a mile from this proposed project, construction started on this project in 1999 and it's still not finished. There are many vacant lots, there are empty homes that have sat for sale for years, the current residents are all young families, burdening the services of Putnam County. Along with any development that can't seem to be completed, come a host of problems, there are materials being stored up there, there is constant mischief in the area, the residents are calling the police every Friday and Saturday night and it's become an illegal dumping ground. I myself had to report partially filled, open oil tanks that had been stored at the development to the DEC as I witnessed my own cat coming home at night covered in oil. Some of the things, these are some the things that happen in a failed development. I understand that if zoning laws are met that one should certainly be able to develop their property, as the neighbor who will be probably impacted the greatest, of course I'm not happy with something like this but if all Town rules are met, then so be it, if special permission is needed then this Board, I believe needs to look closely, I want this project to be successful, there is nothing worse for a community than a failed development. So I ask this Board to look at the viability of this project look at the potential success of this cluster zoning project, most importantly I ask that we don't have a repeat of Victorian Heights that you and perhaps the Building Department can implement very strict bonds and timelines that will require this

project to be constructed to protect the neighbors, I'm not sure how this can be done, can you in some way require that the roads be completed prior to any construction, can you insist that a certain leg of the development be built, completed, sold prior to constructing the next leg of the development. I don't know how to structure these requirements, this is certainly up to and we will certainly look to your Board to safeguard our neighborhood, is this high density project really in keeping with the surrounding area, I look forward to your comments, thanks.

Chairman Rogan stated thank you very much. Do I have anyone else, we mentioned earlier someone from the Land Trust, Judy did you have anything you wanted to say tonight...

**Judy Terlizzi** stated yes.

Chairman Rogan stated just please use the microphone.

**Judy Terlizzi** stated good evening.

Chairman Rogan stated good evening.

**Judy Terlizzi** stated I'll try and remember to speak into the microphone, good evening...

Chairman Rogan stated good evening.

**Judy Terlizzi** stated I'm Judy Terlizzi, I'm president, honored to be president right now of the Putnam County Land Trust and have been for the past six or seven years. When I first joined the Land Trust Board, also we have several Board Members with us here tonight, we have Bill Buck, he is a retired Board Member, we have Robert Maddock, who has been on the Board since, when this project was first conceived, Bob Lund, Linda Lund and Michael Cunningham. When I first got involved with the Putnam County Land Trust it was the mid '90's and Mike Ciaiola who many of you will remember was our president and this was something that was very dear to his heart, this whole Ice Pond project and other people I think, in the community are aware of that and there was great potential seen by Michael for this as a huge, not a huge but as a very valuable, natural, recreational and wildlife resource area and we, the Land Trust acquired a grant in I believe '98 or '99 which allowed it to purchase the Ice Pond, along with the strip and the other properties, the strip was not a purchase as part of that, the strip was a donation, an unrestricted donation which made it, thank you, this strip here was unrestricted which meant that we could use it as a trade land because what we really wanted to protect was the whole Ice Pond basin, with its natural resources, there is, at the last public hearing people spoke about how this is a rich wildlife area, how it's a biotic corridor and the mammals such as the bear that Mrs. Cameron spoke about, need these biotic corridors, they need large swaths of open land to move from one place to another, we have a huge knoll here, we know there is wildlife that live there, we know there was a mountain lion down in there. And we really, the Land Trust, Michael Ciaiola and the succeeding Boards always wanted to protect that, we didn't want to see a McMansion on top of that knoll, we wanted to protect the flyway that Ice Pond is, it's a basin, the migrating ducks fly down it, they've been tracked at night, if there were houses on this hillside, they would distract them and maybe, you know, cause irreparable harm to those flyways. So the whole goal of the Land Trust here was to protect the natural resources of the basin, Michael died in 1999, Christmas Day actually and we still continued to hope that something would happen with this project where we would gain, we would gain the ability to protect the knoll, to protect the slope that goes down to Ice Pond and we continue to ask around, Board Members met with representatives from the Open Space Institute from other conservation organizations and the money just wasn't forthcoming, one of the advices we've received was to find a developer to work with to help you protect what you feel is important and develop the areas that could be developed. I became president and by happenstance I happen to meet a gentlemen who right here

in this Town Hall, downstairs, who heard that I was with the Land Trust and he was interested in green development and maybe we could work together on some properties, he was the, what's the, ancestor, the predecessor to the company Roco that we've worked with. We met with the gentlemen and his staff, they bought the property from Billingsley, who owned these two parcels, okay and he was willing to work with us and after a short period of time, he decided he was the one who liked to do something, get it and have really quick results and I guess the gentlemen from Roco knew him and so they arranged between them because the Land Trust had no, that Roco would then become the developer for this project. We could not have asked in our wildest imaginations and I think I speak for the Board when I say this, we could not have asked for people who are more willing to help us protect what we wanted and felt was important to protect, they asked us where we wanted to draw the line, where was the ridge line that we wanted to protect, they, and we've been very fortunate to be working with them and very grateful. The Land Trust again, what was conceived in 19, in the '90's by Michael Ciaiola and the then Board, is something that's just in very baby stages, there is great potential for all kinds of recreation in this area, we already know that there are boulder fields that the boulders, it's a well-known bouldering site, people come here to boulder because it's so well, it's very famous for that.

The Secretary stated I think it's the way she's holding the mic, just hold up further on the mic because where you're holding it's, yeah, there you go.

**Judy Terlizzi** stated thank you, I'm not practiced in this.

The Secretary stated that's okay.

Chairman Rogan stated we can have you back every week if you'd like.

**Judy Terlizzi** stated I can get lost of practice, okay, Mike had grand plans for Ice Pond, it's not, it probably is not going to happen in my lifetime but this is just something where the potential for the whole neighborhood for all the area residents of Putnam County, Patterson, can come together and make something happen. There were visions of having a boardwalk and have a bird viewing platform out in the middle at the end of the pond, there were all kinds of possibilities, all we can do right now is to protect the land, we can't do anything 20 years from now unless we protect the land now and that's what this project is all about. We're not here and we're not able, your job is to decide where it's value, the project meets the criteria of the Town, we can only talk about what this project will mean to both the wildlife and to the future possibilities for recreation in the Town of Patterson. Another Mr. Buck, Dr. Buck, is a botanist with the systemic, systematic botanist with the New York Botanical Gardens and he arranged for a flora study of the whole Ice Pond basin and he found very little value in the plants that are next to road but tremendous value of the plants that exist both all around the basin and in Ice Pond and it's one of the most richest and diverse areas in Putnam County and he's written it up, we have a link to it on our website, so when someone talked about what was being protected here, that's what is being protected, the biotic corridors, the wildlife, the vistas. So you're not going to see a McMansion on top of that knoll, that knoll has, they need to be protected, very special plants that you don't find any place else in this area and we've worked, as we've said to protect what we really felt were the important areas, there is going to be development, we would love to see Putnam County not be developed at all but we could not, we are very proud of the people that we've worked with and they've helped make Mike Ciaiola's, hopefully make his wishes come to fruition, thank you.

Chairman Rogan stated thank you Judy. Anyone else from the audience have any additional questions or comments before we open things back up to some answers and some more further discussion, anyone, okay. Would you like to start?

Mr. Fisher stated sure.

Chairman Rogan stated because I know there are some things that you were jotting down and you probably have some answers to some of the questions that were raised and I'm sure we can answer some of them as well.

Mr. Fisher stated okay, that one would probably be the best. Let me just, let me try to weave these together...

Chairman Rogan stated sure.

Mr. Fisher stated in some cohesive fashion and answer some overall questions. Starting off with one fundamental question, a property owner has a right to subdivide their property in conformity with local regulations so there really is no no-build alternative here, there is no legally available option even for the Board to say this, these properties can't be developed and as I think you just heard from the Land Trust, apparently dating back to 1999, a number of different options to look at, how to preserve the most important parts of what are essentially by and large, privately held parcels that are available for development has been their goal and objective and I think it's safe to say over the last, apparently 13 years, the only real way to do that given...

Chairman Rogan stated is to purchase...

Mr. Fisher stated is to either purchase all of these parcels outright or to partner with someone who is willing to give the Land Trust substantial parcels, portions of these parcels of property that they want to see protected in exchange for the ability to develop other areas. When you look at the aggregate amount of land we're talking about though, keep in mind the Land Trust, the Land Trust only owns 14 acres here, so of the 150 acres we're talking about, the by and large of the majority of this is already privately held and developable and I think while it's certainly not a threat my client has ever even close to looking at, there is a, kind of fundamental threat if you will, that the Land Trust was reacting to, that you could develop up that ridge and deal with much larger homes all the way up that ridgeline on either side of the parcels that they, that the Land Trust does own. So the Land Trust, very forward looking and very practical in my judgment and trying to partner with someone like my client who and we appreciate obviously the partnership but I think it is safe to say that my client has been very patient, very methodic in terms of trying to address any number of issues and come up with a viable subdivision, so I just want to give that overview. From some of the very specific questions that were raised, let me start with the road itself and traffic, there was a traffic study done, it was reviewed by the Board and staff, it concluded that Ice Pond Road in its current state for purposes of traffic volumes, can actually accommodate these 25 homes and the traffic that would be produced by them, so and that was part of the SEQRA determination that the Board rendered last year, so from a traffic analysis standpoint, there is no overburdening that would occur on Ice Pond Road from the volumes, now from an improvement standpoint, our client, similarly in conjunction with the vision they have for this particular community is to try to the greatest extent possible, keep Ice Pond Road the way it is, it has the rural character, that rural feel and what was identified by the Town Engineer and others was that there were improvements to Ice Pond Road that could be made to accomplish that, whether or not this road ultimately is paved or not, that is ultimately going to be a Town decision, that is not something the applicants control but what we did agree to do and to one of the comments that was raised, at our cost, is make some improvements because that road does wind, there is slope involved and deal with some shoulders that are there, so I can't be set necessary, refer back to Bibbo's office but there is grading, some realignment that is going to occur and that was overseen over about a year period of time where we were consulting with the Town staff and Town Engineers to come up with a design that would meet that, the other important concept is that, the work that went into that, if the Town chose to pave this road ever, it

would be in a sufficient state to receive that if you will, from a paving standpoint so from a traffic standpoint, the volumes work, realignment and other improvements along the frontage of these lots and beyond has been proposed and that would be at the cost of the applicant. A few other comments, just some of the other ones to address up front, it was mentioned about the four acre lot underlying zoning, I guess this goes back to kind of what I was saying before, if you applied four acres to 150 acres, just rough math, not accounting for slopes, environmental conditions, roads and other areas, I think you would probably come up with more lots than are proposed here, we don't believe that this is a dense subdivision and I think the thing that's important for the community to understand at least with respect to this layout, this layout is actually required by your regulations from the open space overlay district. The entire purpose is to actually preserve these large areas and come up with a development that is more a neighborhood, if you will, instead of spread out with large parcels with greater areas that would be dedicated solely to single family use. I'm not sure what's going on with the other development, it's really not relevant or germane at all to this application, to extent those are issues that the Town can follow-up on but they are really not within the control or at all relevant to this application. Property values were mentioned, can I just, I'm going to take the aerial and just use that, so from the comments this evening, I believe on either side of the parcels were from some of the property owners who own parcels abutting or very close proximity along Ice Pond Road, if you look at this aerial, you can see how wooded the parcel is on, the Board Members have obviously done site visits and then if you actually look at the topography in the area with the slope here, Ice Pond Road down here, as you come around and you actually come up to the property, this is extremely wooded, there are not a lot of sight lines into this property from adjacent parcels or out of, when you look at the development that's, sorry can you just go back, I'm going back the other way, you look at the developed areas, on this map these are all existing wetlands areas and the wooded areas I was talking about before here and here and around to here, so essentially there is a condensed envelope that's the developable area, so if you're a property owner who lives in this particular part of Town, even in close proximity to the site, there really aren't going to be views in, it's not going to be something where you had a farm field if you will and you know developed a whole number of homes and it was little bit more of a flat environment or necessarily trees or terrain intervening. So there really won't be a lot of views in, it's very well buffered from adjacent properties, so there wouldn't necessarily be from a land planning standpoint an impact if you will, some of the other comments that were raised, they really are beyond both the Board and the applicant's area when it comes to a subdivision plan, obviously sympathetic to the extent that anybody is underwater on their home but those aren't issues that can really be addressed through a subdivision application in any way.

Board Member Taylor stated can you speak to your intended clientele.

Mr. Fisher stated yes and Mr. Wise is here, I am going to have him do that, just on the footprint, seed that up for him, on the footprints, the footprints of the homes are in the neighborhood of 2,000 square feet, the square footage up to about 3,500 square feet. So I think it's safe to say you would have some single families, you may have empty nesters but ultimately the objective would be to attract buyers who are interested in living in a community that has a real conservation minded approach. You've got all of this open space and as it's mentioned there is passive recreation and other opportunities so that would be the expected buyer, Steve do you want to...

Mr. Wise stated good evening, for the record Steve Wise of SW Patterson LLC, I've taken some notes; you want me to hit on that first or does it really...

Chairman Rogan stated go ahead.

Mr. Wise stated okay, you know, generally speaking, I appreciate Chris what you were saying about you know the legality of everything here but we're, we bought this property about six years ago, this has been a

long road for us and we bought it, we didn't option it, not under contract, we're owners, we did that six years ago. And this Board and the Town has a professional staff that all have reviewed this application, have seen the changes in the application that has come from input given from people like you over the course of these years and there is responsible development that is planned here, you may not like all the aspects of it but this was very responsibly planned and responded to existing zoning and it responded to the fact that we were able to come to an agreement with the Putnam County Land Trust, not a partnership, okay you can sort of view it that way in many respects but it was a mutual understanding where there would be public benefit that could come of this kind of development, where it is clustered, it's sensitive to the terrain and all the different natural habitat and other aspects of it and would accomplish the public good by being overly sensitive or perhaps appropriately sensitive to areas that the Putnam County Land Trust is concerned with. So from a zoning point of view, from a planning point of view and from a protectionist point of view, this plan has evolved over the six years to what it is today, which really has a lot of the concerns that were expressed by the public and appropriately so and we never expressed our inquisition or our views on this community because we don't live here, you know when Judy Terlizzi said that you know, the line was drawn, we never attempted to draw that line because frankly we're not capable. They are the pros, they knew exactly what the sensitive areas were and they drew it and we worked together and we have a line of what we think is a responsible development. In terms of what is feasible, I mean we have a business plan and we have a reasonably good track record, nobody is perfect, we hope that values will rise, we've already made a significant investment in the community, no differently than you all have with the homes that you've purchased and the land that you purchased and we hope that one day that the market will tell us exactly, you know, what the answers to some of the questions that you have are, we don't have all the answers, one of the comments was whose going to live there, well we don't know exactly whose going to live there but we've tried to develop a model for a home that is represented in the footprints that are shown on this particular plan and in one respect, it was very deliberate on our part, we wanted to make sure that if empty nesters wanted to live here, that we had for example the ability to have a master bedroom on the first floor. I have been coming to these meetings for six years, I've only missed one and it could have been at that meeting where it was stated that we're appealing to empty nesters okay, we intend to appeal to empty nesters, they are not our only market, we've developed this footprint so we can appeal to all people, all homeowners, not just empty nesters, so I hope that clarifies that it's not just targeted toward an empty nester, it's targeted to families, empty nesters, people who think that a 2,000 to 3,500 square foot home would be suitable for them. We hear your concerns, you have passion, whether you want it to happen or don't want it to happen, we respect that, okay, we have the rights that Chris has outlined, we're not antagonistic people, you know, we're always happy to sit down and talk to whomever would like to talk to us about what's happening, no differently than we've done with people for the past six years. I haven't come to this room and ever heard anything antagonistic, maybe once, okay but...

Chairman Rogan stated I apologize for that.

Mr. Wise stated no, I but, you know, it's been six years, we haven't heard, I haven't heard the concerns raised by you all in the six years I've been doing this. I have heard concerns from your professional Board, professional staff and others whose responsibility it is to review this application, as to traffic and runoff and drainage and all these sensitivities that have been outlined and we believe that they've been adequately addressed and that we've done things that we should do, required or otherwise as a developer, as an applicant, that would help mitigate against those kinds of things. We think we're doing our part, again nobody's perfect, we can't guarantee who is going to be living in these homes again, we can't guarantee that they're not going to play music and that the Town Hall won't get a call but no differently than the sellers of your homes were able to guarantee that you'd be the good citizens and residents that you all are. All I can tell you is that we do care, you don't read our names in the paper, we're not flashy people, we're not, you know, we're not trying to do anything to ruin anybody's lives, we respect that generally people don't like change, so the best that I can do is to really, you know, other than just presenting a legal

discussion and trying to answer technical questions but you know we're, as much as we're not building today we're open for business, you know you can talk to us if you want our numbers and have a specific concern, you're more than welcome but generally speaking and we will listen, we may not agree on everything but we're not you know, walking away saying boy this person really shouldn't feel that way, these are your feelings and you're entitled to it, we will be open minded today, we'll be open minded tomorrow. We want to develop the property, we think the town plan provides for this kind of development, we think it's going to be a good development, there's the buffers, there's the sensitivities, there are the mutual relationship that we think is going to be fantastic in terms of the public good that will result in having worked with the Putnam County Land Trust, we hope that in time you'll realize that but as of right now, this is all that we really can do and again call, we'll be happy to talk to you. I don't know if there is anything I've missed but I...

Board Member Taylor stated can you address the issue of phasing construction.

Mr. Wise stated I can address it but again, you know, I've been in this business now for over 25 years, okay and I started my career you know, in an office where I had a computer and we would forecast what would happen ten years out and I mean, how silly and I took my job very seriously, I can't tell you what's going to happen, you know, six months from now, let alone 3 years, what I can tell you is that we're not looking to you know, have a bankrupt facility here, we bought this, we have no debt on the property, we're not about to go under, you've heard this all before, okay I suppose anything possible but when it comes to phasing and things like that, we have to let the market tell us exactly what to do and we believe that it's our, we hope that you'll think that we'll respond appropriately, that we'll be capitalized properly, that we won't leave houses up, you know, build 10 at time when the market only suggests that you can absorb much less. We're not looking to ruin neighborhoods and we're not looking lose money, this is a for profit venture to us, we are thrilled to be able to bring this project to you, this way with the relationship that we have with the Putnam County Land Trust and hopefully with you all but there are no guarantees in life, we can only do what we've been doing for a long time, we have a very good track record, I can't tell you that we're going to start with one or two or three, okay...

Board Member Taylor stated do you have plans of clearing all of the site initially.

Mr. Buschynski stated Steve, I can address that.

Chairman Rogan stated yeah, there's limits on that.

Mr. Buschynski stated by regulation the project will proceed in five acre increments, in terms of area of disturbance, not a five acres of lots, our plans, our stormwater report proposes a sequence in which item one is to get the primary stormwater basins in, build a staging area for equipment and then begin road B as essentially the first phase of construction for homes, the road has to be completed before homes can start, there has to be pavement, that came up earlier, there would be a finished road before building permits are issued. The second phase would be after building the road begin houses on road B and do improvements on Ice Pond Road. The third phase would be to begin construction of the sediment, of the sediment basin for road A and then begin construction of road A, get it paved, completed, swales stabilized and then home construction as demand allows begun.

Mr. Wise stated I knew there was a technical answer to the question.

Chairman Rogan stated that's why you have a lawyer and an engineer.

Mr. Wise stated thank god I'm surrounded by professionals but the reality is and the reason I didn't want to address the technical aspect of it, is the market ultimately tells us how much to do at one time and we tend not to bite off more than we chew, the fact that there are technical or legal requirements for phasing, you know that helps but ultimately you want to know is this going to be a construction site for 20 years, is it going to be half finished, are we going to have holes in the ground and trees cleared and all, we're, you know, it sounds cliché and I'm not trying to win approval here tonight, you know, we're just trying to be good neighbors and the reality is that we're proud of what we're able to try to do, we think there's a public good, we think you're going to find that that's the case and we're going to absorb these units and build to what we think the market is and I think we're going to be pretty close because we tend to be relatively conservative.

Chairman Rogan stated well I think and I'll get to you in one second sir, throughout the process as you've mentioned six years, the Board has been diligent with our professionals in working with your professionals and we always encourage public, not only comment but involvement in the process and I know sometimes it's frustrating to come to an initial public hearing which was back in January and feel like maybe you've missed out on a lot of that and to that end, something really good that came out of this process was the implementation of a new process whereby when we get an application for an initial subdivision, we now are sending letters out to the neighbors rather than waiting for that public comment period, we're trying to let people know early on that says hey, come out to the meetings, listen, be part of the process, so that there really aren't any surprises because it can be kind of disheartening sometimes when questions are brought up and it seems like it's all the way through the process and we've been going back and forth with the applicants and with our own engineers and Town Planners for, for literally years but having said that through the years, I would only hope that applicants for these large projects are as willing to be, to listen to what the Board is telling them, as this applicant has been. You know, Joe Buschynski for the engineering is a gentleman and every time we talk about a modification, maybe reducing road length, changing lot layouts, it's been really well received, I mean I certainly never expect to get everything that we ask for, this is about compromise and anyone whose going through a process like this, will certainly agree that developers start wanting to build much larger than maybe what they are going to get and this has been a reduction over time, not only again in lot but in road length. In us asking for road improvements which you've been very nice to meet with the Town staff, meet with the Highway Department and come up with common sense improvements that we don't want to make this I-84, you know that's not the intent, I like the windy road but we want to make it safe, we want to make sure that we don't have anybody spinning out at the intersection of Tommy Thurber [Lane] but and as a longtime resident and my family being an incredibly longtime resident, being the Burdick's, having the Burdick Dairy Farm and being in this immediate vicinity for four and five generations, we're very sensitive to the community and to the feel of the Ice Pond Road and every time a new house goes up there is a certain angst that says oh, there goes the rural community that we love so much. What we have to say is that that it's a balance between individual property owners rights to build and applying the Town Codes and if the process fails or if we believe things aren't going the way we would hope, that's the time to go back to our Code and to say maybe we need to look at our Codes and revamp the way we look at things so that when a project comes forward we're applying the Codes that are on the books and they are being done in a common sense manner and I think in many areas this has been a common sense approach to you know, the usable land, the different aspects that the Land Trust has been sensitive to and it's been a back and forth exchange and I really do value everyone's input in this and I expect that the gentlemen said he was going to send written comments as well, I expect, oh I'm sorry ma'am...

**Laurie Cameron** stated and I did.

Chairman Rogan stated and you did, I apologize.

**Laurie Cameron** stated that's okay.

Chairman Rogan stated and so, sir I know you have another question to ask and I will certainly invite you back up...

**Juergen Tempel** stated yes.

Chairman Rogan stated just please, you need to use the microphone.

**Juergen Tempel** stated yeah and can we turn the map one more time around because my question is the question...

Board Member McNulty stated I think he wants to see the other side.

Chairman Rogan stated you mean turn it over.

**Juergen Tempel** stated yeah, the other side. My question would be, sorry for that, given that it seems to be kind of inevitable that something will be built there, instead of having that 25 house cluster, why wouldn't it be possible just maybe to create another maybe ten lots in this area of four or four plus acre size, like our lots here and just have only ten new houses instead of a 25 house cluster. Has this alternative ever been for discussion on the table, also since given the fact that it is more consistent with the way the surrounding development of this area is right now.

Chairman Rogan stated with any large piece of land, some of the things that we look at are different ways of setting up the subdivision, how the lots relate to the road way but certainly when you take a look at a large piece of property, you have to apply the codes that are in place, and the codes as you said four acre zone for instance, in this case using the cluster overlay which is part of our code certainly requires a look to see can we protect sensitive areas, can we keep more space open because one of the concerns that was expressed when we re-did the Master Plan which was twelve years ago Rich, twelve or thirteen years ago, was that we were starting to fragment all of our areas...

Rich Williams stated yes.

Chairman Rogan stated and it was a, it came back from the community time and time again that we're creating a community of sprawl because everyone wants a four, five, six acre lot and we're breaking up all of these components and one of the changes that was made to the Code was to require that we look at these cluster overlays to create these large open space parcels because we were really fragmenting our wildlife corridors and so, you know, this plan is the result of a lot of back and forth of starting out much bigger and looking at a lot of different ideas. So, I would say that those options were considered and that we've spoken about them and that again applying the Codes that are on the books, that we have a certain obligation as I think a few people said, the gentlemen sitting behind you, I'm sorry I don't remember your last name...

**Dusty Rothacker** stated Dusty Rothacker.

Chairman Rogan stated about you know, at the end of the everyone realizes that we have laws on the books that we have to, if it fits and if you can, you know, if it works, we have limited power and certainly I would not want to overstep that power. So, there are a lot of things that are considered when we go through this type of a process and it isn't easy and it's not about what I want as an individual person, I'm up here as a Board Member representing the Town, I think it would be great if we could buy this parcel but I know that

as you had just said, I don't think that's financially possibly, you know we can't buy up every piece of vacant property that exists out there and unfortunately we tend to look at these things when they are up for a subdivision, I think the better approach would be to look at the properties that are vacant right now that are not proposed for subdivision and to assess you know whether or not those properties maybe should be considered for purchase before there is all this investment and time and energy because I think as a Town that would make a lot of sense. You know, we all too often say these sorts of things when we have a project that's, you know being worked on for years and years. Ron you had quite a number of notes and things, is there anything you wanted to...

Board Member Taylor stated yeah, can you put that one that's showing, back up so people can see, just an answer to the last question, if look at the blues and greens, the light greens. Those are protected areas, you couldn't put lots running along the road without damaging those protected areas, that's one of the reasons it's laid out the way it is. The calculation, if you do the calculation, 150 acres at 4 acre zoning works out to be 37 lots, they are building 25...

**Pam Rothacker** stated you could never get 37 seven lots in there, sorry.

Board Member Taylor stated so they've already, pardon.

**Pam Rothacker** stated I don't think you could get 37 lots in there with the wetlands and the slope, there's no way.

Board Member Taylor stated no, you're right, you're right, you couldn't get 37 but...

**Pam Rothacker** stated maybe not ever 25...

Board Member Taylor stated well you can clearly get 25 in there.

**Pam Rothacker** stated see them clustered, clustering, clustering you can get 25.

Board Member Taylor stated well let's look at this, what's happening, what we have to deal with, is we have to balance their private interests with the public interest, that's what we've, that's why it's taken six years. We have DEC and DEP and other codes to protect wetlands...

Chairman Rogan stated don't forget our wonderful Wetlands Inspector.

Board Member Taylor stated yes but I mean, but we have these laws that we have to deal with and it's a balancing act of these things and it, in terms of what is coming out of this, there is a large protected area that is going to result that the Land Trust will have and I think in the future you will see your property values increase because of that protected area. It's permanently protected and you, those of you who are living on the side where you have a corridor into that, you have that in your backyard and that is something that is coming out of this and it's an enormous protected area if the Land Trust gets their dream, that is the whole Ice Pond corridor on up through and that is going to increase property values. As they say, there is no, we have no control over who is going to buy these properties, we have no control over when your daughters grow up, are they going to be driving fast up and down the road except to enforce the Town rules. The developer is putting money into improving the road, we can only require so much, the Town a few years ago went from one acre zoning to four acre zoning and you can imagine developers and people who owned land who thought they could develop it were screaming because that's taking away 300% of the their value, in that, how much can the Town do is the question there, to balance that, to balance the

public interests, protecting the environment and private interests and it's I think the Town has probably done as much as they can on that.

Chairman Rogan stated ma'am, if you just want to come up please and use the microphone...

**Debbie Gallen** stated yeah well...

Chairman Rogan stated no, I need you to use the microphone ma'am. Thank you.

**Debbie Gallen** stated hi I'm Debbie Gallen, I live at 189 Ice Pond Road, I'm not clear about which part of the road, along Ice Pond [Road] is going to be improved.

Chairman Rogan stated sure.

**Debbie Gallen** stated are you talking about right in front of the development or the lower or up towards...

Chairman Rogan stated I'll let the gentleman behind you point out the areas of improvement.

**Debbie Gallen** stated okay.

Mr. Buschynski stated the improvements are taking place on the curb at Tommy Thurber [Lane], there are some vertical curb issues.

The Secretary stated Joe, the microphone please.

Mr. Buschynski stated oh, sorry.

Chairman Rogan stated I'm sorry, I apologize.

The Secretary stated thank you.

Mr. Buschynski stated there are some vertical curb improvements proposed along the road where we can improve sight distance where you can see over the hump, there are some widening areas where we're trying to gain a consistent 22 feet gravel road where swale improvements are necessary along the road, they are to be made as well as some piping improvements but it turns up beyond the property no, no improvements are proposed beyond the property limits.

**Debbie Gallen** stated so what is the plan for the lower parts of the road that are already so stressed and problematic...

Chairman Rogan stated when you say the lower parts of the road...

**Debbie Gallen** stated I mean I can't drive up the road when the FedEx guy comes along without pulling over or the school...

Chairman Rogan stated when you say the lower parts of the road, ma'am you mean basically off the site, you mean closer to Brewster.

**Debbie Gallen** stated yeah closer to Brewster, down on [Route] 312, so what's...

Chairman Rogan stated yeah, there are no improvements planned from the developer.

**Debbie Gallen** stated well what's the Town's perspective, how are we practically going to get all of these large trucks up and down the road.

Chairman Rogan stated the traffic and the assessment of the road that was done by the applicant's and then reviewed by the Town and having the Highway Department out there, they have determined the number of improvements that were deemed justified by this kind of an impact, there are no doubt as we all know today there are concerns with Ice Pond Road, it is a road that needs to be taken carefully. It's not a road that you know, you want to be doing 40 mile an hour up and down, it's not designed for that...

**Debbie Gallen** stated but if passing, I could not pass the FedEx truck, how am I going to pass large trucks going up and down the road on a regular basis, that's what I'm concerned about.

**Pam Rothacker** stated plus the feasibility of the traffic study is that...

The Secretary stated ma'am can you please come up and use the microphone.

Chairman Rogan stated can you just use...

**Pam Rothacker** stated I'm sorry, I just want to, it just goes with it.

**Debbie Gallen** stated well could you answer my question.

Chairman Rogan stated it's not that we're being rude but it's just that Michelle, what...

**Pam Rothacker** stated I know, I...

**Debbie Gallen** stated how will we deal with that.

Chairman Rogan stated well you'll deal with it the same way that you're dealing with it now, I, you're saying that a FedEx truck...

**Debbie Gallen** stated no, you have to pull over in order to let the truck...

Chairman Rogan stated on what specific part because I've passed FedEx trucks up and down that road all the time.

**Pam Rothacker** stated no, you do.

**Debbie Gallen** stated oh, no...

Chairman Rogan stated no and I'm not doubting, I'm asking if there is a specific point or if it's anywhere on the road.

**Debbie Gallen** stated all along the road, some parts are worse than others.

Chairman Rogan stated because I travel this road as much as anyone of you, maybe even you know.

**Debbie Gallen** stated sometimes it's hard to pull over because there's no room.

Chairman Rogan stated and Ice Pond Road by no means is the perfect road I mean there are and that's why there are improvements that we can make with any project and we try to make what's reasonable, it is not, I don't think the ability of this Board or the Town for one project to improve all of Ice Pond Road, it is more than just this one particular project. So we have other vacant parcels along the road, as improvements are, you know, proposed we can address different sections but it was not deemed to, you know, fall on the back of, it's just not possible to improve the entire road for the likes of one development, I don't think anybody would say that that was fair.

**Debbie Gallen** stated can you speak to the specifics at all of the traffic viability study, how that was done.

Chairman Rogan stated I would speak off of my, off the cuff, no.

**Debbie Gallen** stated is that available for the public or...

Chairman Rogan stated feasibility is public record, absolutely, yeah.

Rich Williams stated sure.

Chairman Rogan stated if you'd like any information like that, you just I believe have to do a FOIL request, right.

The Secretary stated if you want copies, you can come in and view anything, any time you want.

Chairman Rogan stated sure, absolutely but I wouldn't speak off the cuff about something like that, that's a very technical document.

**Debbie Gallen** stated and that's done by the developer and does our Town have, do they do any kind of study when a development like this is done.

Chairman Rogan stated I'll defer this to Rich so that he can answer in a better way than I can.

Rich Williams stated generally we'll let the developer incur the cost to do the study and then we'll review the study for you know basic standards.

Chairman Rogan stated just like when we have environmental impact work done, we create the scoping document that the developer will pay for the studies that are done but we help to create the standards and the areas that we want to look at, special unique areas before Ron was on the Board, of course he was very involved with from a historical standpoint because there are significant areas on this property. So we try to pull in all of those sensitive areas and make sure that we deliberate in the way that we review these sorts of things and you know again, that's why I really recommend that people stay involved in process from day one and it's nice to see the, you know and so moving forward that's what we're trying to promote.

**Debbie Gallen** stated I can accept you know, the many things that you said about it but from the traffic standpoint I have living there and I know otherwise it's very hard to understand how the road can support any, you know large development like this, it will be problematic...

Chairman Rogan stated sir, as long as the ma'am, she's done.

**Juergen Tempel** stated I am now actually curious...

Chairman Rogan stated I need you to come up and use the microphone.

**Pam Rothacker** stated can I just, can I just, it was just brief right to the traffic...

Chairman Rogan stated oh yeah, I'm sorry.

**Pam Rothacker** stated statement, I'm assuming the...

The Secretary stated your name please.

**Pam Rothacker** stated Pam Rothacker that the traffic feasibility is after the development is built, it's about the...

Chairman Rogan stated both its current standards and...

**Pam Rothacker** stated it's both, because I think you know, 25 single family cars, yeah it will be a pain in the neck but is it dangerous, I'm not sure that is but the construction vehicles on that road and I know you can't stop the development because of that but it is something to really think about, a full size pick-up truck cannot pass another full size pick-up truck, the whole middle section of the road, which is Brewster by the way, not Patterson but it is going to be extremely dangerous and I have witnessed numerous head-on collisions on that road, that one rock being...

Chairman Rogan stated yup.

**Pam Rothacker** stated and you know, you cannot get out of the way there and you know when guys are driving construction vehicles up and down a road, a million times day, my husband is in construction, these guys are not always your most careful, they don't have children in the car, they're not parents, these are usually young men that are driving for work in their, not their own vehicles and they are usually a little careless and I think it's going to be dangerous. I don't know what you can do to alleviate that but it's going to be dangerous, there is no question it's going to be dangerous and there will be head-on collisions, there will be, there will be, there is no question. And I just wanted to point out too, Ron that, if just, it's a little misleading to say that this property is x amount acres, divided by four, that's how many houses could have been put there because...

Chairman Rogan stated no, we agree that's not, yeah...

**Pam Rothacker** stated yeah, this property; there would never have been houses...

Chairman Rogan stated there is no property in Patterson...

**Pam Rothacker** stated put up on this ledge, that would not, anybody that's walked this property knows from a construction, from an economic standpoint, sure if you're putting a million dollar mansion up there in Bedford, can you build anywhere, yes. Would a developer choose the difficulty of putting spec, two thousand square foot spec houses up here, impossible to recoup your investment. So basically, they are limited to this area anyway, so I'm not so sure how many house at four acre zoning they could and I do support the idea of cluster zoning, I've read the studies, wildlife corridors are important and this has nothing do with you know, can we stop it or not but I'm just asking the developer to really think about your clientele, as Victoria Heights has it's wonderful to think that you're going to get ecologically minded people that want to come live in a cluster development and have open space around them but the reality is

people move up here and everybody wants my piece of the pie, my four acres, my five acres and that's what happened to Victoria Heights. There was no market for people to live in large beautiful and very well constructed homes I should add, in very small spaces with a lot of open space around them. I think it's going to be a real difficult sell and I appreciate Judy that this is something that we should be looking at and that it would be better but I don't think people are ready to buy into that, not in Putnam County, not in Putnam County.

**Juergen Tempel** stated yeah, I was just curious with regards to traffic, since access to these, to this area comes from Route 312, Town of Southeast, have any concerns been raised by the Southeast residents of Ice Pond Road of the whole development.

Chairman Rogan stated the notifications are based on distance, not municipality boundaries so that the notifications for this public, like you received, the notice, it goes based on how close you live to the project, regardless of town boundary.

**Juergen Tempel** stated okay.

Chairman Rogan stated like I know that gentlemen, Tom Bisogno...

Board Member McNulty stated Bisogno, yeah it's...

Chairman Rogan stated I probably butchered his last name...

Rich Williams stated Tom Bisogno.

Chairman Rogan stated and he's right on that border and there were people from that area that came to the last public hearing. There were comments similar to tonight that were raised, could I tell you who was from Brewster and who was from Patterson, not off the top of my head, no but the, you're right these issues do not stop a boundary line, there is something that we need to take into consideration. Sir, you had, your hand up.

**Dusty Rothacker** stated yeah, just briefly, Dusty Rothacker again, again, you guys didn't really address one of my questions, or actually two of my questions, I mean it's quite clear, I think he'll agree that any development is a burden on the tax payers of Patterson, I think you'll agree unless you tell me otherwise.

Chairman Rogan stated well I think every building and every even single family home...

**Dusty Rothacker** stated correct, correct.

Chairman Rogan stated such as your own is a burden to the community but I don't know that that burden is something that's not worthwhile, it's part of, I mean, as like I said your house being built was new to the road...

**Dusty Rothacker** stated correct, correct.

Chairman Rogan stated ten years or however many years ago but I welcome you as a neighbor.

**Dusty Rothacker** stated second question, okay, second question maybe you can address a little bit, is what can the Board or the Building Department put in place in some resolution if this is agreed upon to very strictly control how this is built, whether it's bonds...

Chairman Rogan stated you mean the phasing and such.

**Dusty Rothacker** stated yeah whether its bonds, heavy bonds, whatever this Board can do or what can they do is my question, thanks.

Chairman Rogan stated Rich, do you want to speak to performance bonds and construction phasing.

Rich Williams stated sure, the Town requires performance bonds, performance bonds for the full value of the improvements that are being made. On top of that we have inspectors that go out, consistently the new state requirements have really ramped up the amount of inspections that we're going to have do out there. As well as the developer is going to have his own inspectors on site watching the development, making sure it's done in accordance with a phasing and sequencing plan which Joe [Buschynski] touched some of the highlights earlier, we finish one section, as Joe [Buschynski] said, we finish one section, we move on to the next and you can come in and we can go through that phasing plan with you, if you'd like to look at it.

Chairman Rogan stated unless there are any new or different comments for tonight, I would like to move on to the next public hearing in fairness to other twelve items on the agenda. Well, Mr. Castellano is probably wishing, Ted, we moved Mr. Castellano ahead...

Mr. Castellano stated its fine.

Chairman Rogan stated but he's been very patient but I want to say thank you to the public comment, the people that were brave enough to speak and for those who weren't brave enough, you can always submit your comments in writing, we encourage that and we will continue to review this project and I just encourage you to stay involved in, not only in this application because it's easy for people to be involved when it's close to them but in Town affairs, in what's going on within our community as a whole because I think that's where the real good changes occur and we always encourage input into again, other projects and things as we move forward. Seeing no other comment, can I have a motion to close the public hearing for tonight?

Board Member Taylor stated motion close the public hearing.

Chairman Rogan stated a second.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated okay, thank you gentlemen.

Mr. Buschynski stated thank you.

Mr. Fisher stated thank you and should we expect to be on the next agenda for further discussion, thank you.

Chairman Rogan stated thanks, thanks for your time. Mr. Castellano, you get the patience award for tonight.

**1) MATTHEW CASTELLANO – Wetlands/Watercourse Permit Public Hearing**

Mr. Matthew Castellano was present.

Chairman Rogan stated good evening.

Mr. Castellano stated good evening.

Chairman Rogan stated we're just going to let them clear out for a second.

The Secretary stated you're lucky you've got your safety goggles on okay.

Board Member McNulty stated Maser pen.

Board Member Taylor stated open it up.

The Secretary stated is the highlighter dried out.

Board Member Taylor stated no, no, open up the pen.

Board Member McNulty stated I'll spill it all over myself.

Andrew Fetherston stated you like that one, this a brand new model.

Board Member McNulty stated oh, look it, I've got lots of ink.

Andrew Fetherston stated see, he talks nice.

The Secretary stated again you're talking about her, do you ever not talk about her.

Rich Williams stated you know, you move over, you get real close to me and then you say something like that, everybody talks. No, we weren't talking about her, she gets upset.

Mr. Liguori stated it's the furthest thing from our discussion, that's why I brought it up.

The Secretary stated he makes me sound so dramatic.

Rich Williams stated was she upset about it.

Mr. Liguori stated yeah.

Rich Williams stated yeah.

Ted Kozlowski stated I know, I know.

Chairman Rogan stated Michelle, can you please read the next public hearing notice. Oh, that does make a difference, sorry.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday June 7, 2012 at 7:00 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 “**Matthew Castellano Wetlands/Watercourse Permit Application to allow for creation and construction of a drainage trench into the wetland. The property is located at 740 Route 311, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated okay, good evening Mr. Castellano.

Mr. Castellano stated good evening.

Chairman Rogan stated okay so we know that there was some drainage work that was done to alleviate a water concern, Ted has been out there I believe, twice now, at least...

Ted Kozlowski stated and Rich.

Chairman Rogan stated and Rich, Ted do you want to give us an update of where we stand.

Ted Kozlowski stated I think he’s done a good job, I think he’s done a very good job, is this on and I spoke with Matt earlier in the week, as you know at the work session, we discussed some photographs that Rich took of the site and there are some bends and the curves that would like to have further armored with stone, I relayed that to you the other day, I have no doubt that you followed through on that, I like the way, it’s got nice flow going...

Chairman Rogan stated no, go ahead.

Ted Kozlowski stated it’s got a nice flow going and I think he’s making good steady progress, so I have no issues.

Chairman Rogan stated questions or comments from anyone from the public about this application. Want me to bring all those people back in. Can I have a motion to close the public hearing.

Board Member McNulty stated motion to close the public hearing.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated thank you.

Mr. Castellano stated thank you very much.

Chairman Rogan stated okay, so...

Ted Kozlowski stated yeah don't move.

Chairman Rogan stated we have to approve it right, that's just the public hearing.

Mr. Castellano stated oh.

Chairman Rogan stated I'm assuming you want an approval right.

Mr. Castellano stated oh yes.

Chairman Rogan stated yeah. Okay, so with the recommendation of our Town Planner and Town ECI, let's move to grant a negative determination of SEQRA, can I have a second?

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated and to approve the freshwater wetlands/watercourse permit to allow the completion of the ditch and the associated work per the application and per the comments of both Ted and Rich and contained in the application.

Board Member McNulty stated seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated okay, thank you for your patience.

Mr. Castellano stated thank you very much.

Chairman Rogan stated and I appreciate you just keeping in contact with Ted and just finishing this through and then...

Mr. Castellano stated I will.

Chairman Rogan stated I guess in the future, you're going to have Ted on speed dial.

Mr. Castellano stated hopefully I won't have to deal with Ted in the future.

Board Member McNulty stated nothing personal right.

Ted Kozlowski stated he said that lovingly.

Mr. Castellano stated no, actually Ted's been very supportive.

Chairman Rogan stated and Mr. Castellano for the second time, we do appreciate your service to the country, our country that is fantastic...

Mr. Castellano stated thank you very, very much.

Chairman Rogan stated and keep up the good work and keep him in your...

Mr. Castellano stated thank you, speed dial.

Chairman Rogan stated speedy dial, thank you sir.

Mr. Castellano stated thanks.

### **3) RAY MERLOTTO – Fill Permit Application**

The Applicant did not appear.

Chairman Rogan stated okay, we have Mr. Merlotto's fill permit, he's not here tonight, right, we were going to do a site walk on Merlotto that's a for a fill permit on 6 Caldwell Road. Do we have representatives here from NYSEG, Dressler, okay.

### **4 & 5) NYSEG/DRESSLER LOT LINE ADJUSTMENT/SITE PLAN**

Mr. Lewis Fitzgerald of NYSEG was present.

Mr. Fitzgerald stated well I'm going hold this, I appreciate it, thank you.

Chairman Rogan stated Ron, do you need water.

Board Member McNulty stated no, I'm okay, thanks.

Chairman Rogan stated why don't you start. Ron, do you need or want any water.

Board Member McNulty stated you can go ahead and start, just state your name.

Mr. Fitzgerald stated my name is Lewis Fitzgerald, I am the local real estate representative in the Brewster office of NYSEG, good evening. So we were actually before this Board, I believe it was in November, end of November because we have a substation project at eleven different substations in the Brewster division that we are looking to put in these twelve by eighteen control houses which will have a communicative equipment in there that will communicate transmission line status back to our control center in Binghamton New York, so the advantage of it really is, we'll see faults on the line quicker, we'll see lines that may be overloading and they can switch them remotely to keep the power on for the folks that are served on that, coming out of this particular substation, so that is the scope of the whole project. This substation here is the parcel on 520 Mooney Hill Road, it is pretty much at the intersection of Mooney Hill [Road] and Route 292 and I know we have a couple different issues with the site, it's very small, very small parcel, carved out of a much large parcel at one point, so in order to put the control house in, we have actually approached our neighbor behind us about purchasing, it's approximately 100 by 35 feet or 100 by 36, depending on what side you're on, strip of land. So really we're here and we have stream back here so we're looking to be doing some grading within a hundred feet of it, in the buffer, so we have the wetlands issue, we have the lot line adjustment and the site plan, I know there are some zoning issues as well, you know being that this is such a small parcel, so I am here to answer any of the Board's concerns, any questions.

Chairman Rogan stated we're obviously intending on going out and doing a site walk, we just want to see how it lays out but...

Mr. Fitzgerald stated sure.

Board Member McNulty stated we had a question...

Mr. Fitzgerald stated yes.

Board Member McNulty stated about to the right of the existing, I guess fenced in or existing transformer...

Mr. Fitzgerald stated okay, yes.

Board Member McNulty stated right before it drops off, that land is not usable for the extension of the building without doing the lot line adjustment.

Mr. Fitzgerald stated well the issue with the side here is we need to be able to stage a vehicle or two in here, so that they can put their bucket up and get some of this equipment that's not reachable by ground. So we, after the engineers had looked at it, it's not feasible to squeeze it in here without blocking some of the other equipment.

Chairman Rogan stated I think it would be valuable, we're going to go take a look, if you could stake out the proposal...

Mr. Fitzgerald stated okay.

Chairman Rogan stated the proposed lot line adjustment, so we can see as it relates certainly to the stream and I'm sure that once we see the lot in person it will make a lot more sense.

Mr. Fitzgerald stated sure, certainly and I'll check with our surveyor because I know that she did stake the area and we'll get that double checked before you folks head out.

Chairman Rogan stated okay.

Board Member McNulty stated is the additional area staked as well, the new area.

Mr. Fitzgerald stated I believe she did but I will double check that certainly.

Chairman Rogan stated okay, that would be helpful and if we could coordinate with Rich, so we'll set up a time and we can all get out there.

Mr. Fitzgerald stated certainly.

Chairman Rogan stated and...

Board Member McNulty stated and without seeing a lot, one question, to the left of the existing transformers, is that not buildable to...

Mr. Fitzgerald stated it's very, very narrow; it's kind of a dead area...

Board Member McNulty stated no room to expand on that side.

Mr. Fitzgerald stated very heavily screened, the next door neighbor, very, very heavily screened, so we would have to approach that neighbor about purchasing the land and the really just, you know, deforest this whole area, which we're not really looking to do either.

Board Member McNulty stated I just looked at it as aspect to be away from the stream and the wetland.

Mr. Fitzgerald stated yes.

Chairman Rogan stated yeah, anything from anyone else, any questions before going and taking a site walk, no, okay. So if you could just communicate with Rich on when you confirm that it's staked, the way we would like it, so it would all make sense, so we're not guessing...

Mr. Fitzgerald stated absolutely.

Chairman Rogan stated we'll get out there and we'll see you back next month and we hopefully, unless anything comes up, hopefully we can have some recommendations and move forward.

Mr. Fitzgerald stated okay, great, thank you.

Chairman Rogan stated okay, so in essence that's four and five on the agenda are the same, the lot line adjustment and the substation that's...

Rich Williams stated right.

Chairman Rogan stated two items but the same, okay.

**6) ROMAN SYPKO – Wetlands/Watercourse Permit Application**

Mr. Harry Nichols and Mr. Roman Sypko were present.

Chairman Rogan stated okay Mr. Nichols are you here with Mr. Sypko.

Mr. Nichols stated yes.

Chairman Rogan stated haven't seen you in a number of years, sir.

Mr. Sypko stated not since I was here last time.

Chairman Rogan stated how many years ago was that, come on up. Good evening.

Mr. Nichols stated good evening.

Chairman Rogan stated I was trying to bring the Board up to speed, I think I'm the, certainly the only one who was on the Board when we approved this last time, so we're going to go and do a site walk...

Mr. Nichols stated you're the senior member here.

Chairman Rogan stated scary...

Board Member McNulty stated he's the senior member.

Chairman Rogan stated but I'm the youngest one on the Board, I'll put for the record.

*Laughter*

Mr. Nichols stated essentially this plan has not changed since, except for a few minor adjustments on the overall architecturally, the crossing is in the same location, the method of making the crossing is exactly the same, talking pre-cast concrete box culvert sections make the driveway, we would be pumping the stream around the construction site during the actual disturbance of the stream bed and all of this will take place during the drier part of the year, it will not be attempted during the wet time of the year. And we have, we previously received the blessing of the DEC, the DEP, the Town of Patterson, we had all of these approvals in hand and it just wasn't an...

Chairman Rogan stated viable.

Mr. Nichols stated economical, viable adventure at the time and as you know the economy hasn't been the best as of late but now we're looking to get these approvals back and see this project through.

Chairman Rogan stated and just for the record, I think we had discussed this for the work session, the rules and regulations that would affect this project have not changed from our perspective, from wetlands from DEP, you know...

Rich Williams stated in regards to the wetlands rules, not changed.

Chairman Rogan stated okay.

Board Member McNulty stated have any of the pervious approvals been expired.

Mr. Nichols stated yes.

Rich Williams stated that's why they're here.

Chairman Rogan stated that's why they're here.

Mr. Sypko stated that's why we're here.

Board Member McNulty stated okay.

Mr. Nichols stated they've all expired.

Chairman Rogan stated in essence...

Board Member McNulty stated I guess it was a good question.

Chairman Rogan stated yeah, it's real valid, absolutely. Yeah, so we're just basically looking to reapprove what we had previously taken a hard look at...

Mr. Nichols stated what was previously approved.

Chairman Rogan stated and, oh you know what, Mike, Mike was on the Board also, Mike's just not here tonight but he was on the Board when we did this as well.

Mr. Nichols stated yes.

Chairman Rogan stated so you got two out of five, now we just need to bring everybody else up to speed with the way the...

Mr. Nichols stated well maybe it's not such a good idea to bring Mike back.

Chairman Rogan stated I don't remember him being opposed to this, do you, okay.

Board Member Taylor stated just a question, a question for the engineer really or Rich, either one, if there is a blockage, can the stream flow over this...

Mr. Nichols stated yes.

Board Member Taylor stated so that's been taken into consideration.

Mr. Nichols stated that's been considered, yeah, it's been designed for a hundred year plus storm capacity, there is a drainage study that was done in conjunction with the prior approval, copies were resubmitted to the Town. If you can have any questions on those, Andrew just give me a call...

Rich Williams stated just so you know I didn't...

Andrew Fetherston stated I didn't review it.

Mr. Nichols stated oh you didn't...

Rich Williams stated I didn't give it to the Town Engineer, it's already been reviewed, it's already been approved.

Mr. Nichols stated okay.

Rich Williams stated so.

Chairman Rogan stated there's not much changing on this one.

Rich Williams stated nothing has changed so unless the Board wants to revisit everything...

Chairman Rogan stated I don't want to do the work all over again when we had it all approved before, it wouldn't seem, if nothing's changed there is no you know, if there was something significant, then I would say yes but at this point, I think it's really get the Board out there so they have a comfort level...

Board Member Taylor stated I'm addressing my comfort level I think, since what we went through, which you missed, which I still resent, downstream...

Chairman Rogan stated oh...

Board Member Taylor stated I think the issues we raised downstream, need to be raised in, they may have been addressed but for the three of us that weren't part of that...

Chairman Rogan stated right.

Board Member Taylor stated I think we need to see that in fact so that we are consistent, I mean this clearly is not the same kind of structure we were talking about downstream...

Ted Kozlowski stated it's also not going through a pretty undisturbed forest either, it's a lot different.

Board Member Taylor stated yeah, well that's what I think we need to know, that's why I'm raising the question.

Chairman Rogan stated and I think the site walk helps obviously with the understanding of how everything lays out.

Board Member Taylor stated do you have that study digital or is it only in paper, the stream study, is it digital.

Rich Williams stated it's easy enough for us for to scan in, the drainage analysis.

Board Member Taylor stated okay, yes.

Rich Williams stated it's easy enough for us to scan in.

Board Member Taylor stated can you do that and send it, does anybody else want it.

The Secretary stated I think it's already scanned and...

Board Member McNulty stated I'll take a look at it but I don't know if I know what I'm looking at.

The Secretary stated I thought they received copies of it in their packet.

Andrew Fetherston stated what was your concern Ron, that a flood blocks the opening, how large of an opening is it.

Mr. Nichols stated it's a six foot high by eight foot wide...

Andrew Fetherston stated that's considerable...

Mr. Nichols stated that certainly surpasses anything else on that watercourse.

Andrew Fetherston stated that's considerable, I don't even know where it is but that's a considerable opening, wing walls on it...

Mr. Nichols stated yes.

Andrew Fetherston stated you know...

Rich Williams stated and it's similar to the bridge just downstream down from this.

Mr. Nichols stated we're actually replacing, we're taking the bottom gravel and saving it, we're going to put a foot of it inside the culvert to try to duplicate that material that's in the streambed itself.

Andrew Fetherston stated this is for a single family home, forgive me I was not, I do not...

Mr. Nichols stated yes, single family home.

Andrew Fetherston stated it would be in the owners best interest to make sure that that very expensive structure doesn't get damaged by a blockage in a flood flow though. I would think they'd want to make sure that they kept it open when they knew something was coming, some big flow was coming, you know hurricanes happen but that's a big opening...

Board Member Taylor stated but if a big flow comes and brings the blockage.

Andrew Fetherston stated that's a big opening though, you know, it really is, it's a pretty big opening, you're driving through it, you know that's big.

Board Member McNulty stated is there any other access to this lot now.

Chairman Rogan stated no.

Mr. Nichols stated right now, isn't there a pipe that's in there now...

Mr. Sypko stated there's a pipe that's in there now...

Mr. Nichols stated 48 inch, 42 [inch] or something like that.

Mr. Sypko stated no, it's 48 [inches] or more that's in there now...

Mr. Nichols stated it's pretty well rusted out.

Mr. Sypko stated well actually, [*inaudible*]...

Mr. Nichols stated is it rusted.

Mr. Sypko stated yes I have, absolutely.

Andrew Fetherston stated you know Ron when you walk it, you can see if there is evidence that it overtopped or that it was ever damaged, was there an impact to the pipe at any time.

Board Member Taylor stated if it's designed so it can over top, then that answers the whole question.

Andrew Fetherston stated if it's designed to pass the hundred year, it's unlikely to over top, you know in, really in your lifetime, that's an extreme storm.

Mr. Nichols stated we're more than doubling, we're more than doubling the size of the opening in there, so if we haven't had, if we had a hundred year storm since time...

Board Member Taylor stated we've had several recently.

Mr. Nichols stated I'm sure we've have several.

Board Member Taylor stated yes, in the last 20 years we've had three or four hundred year storms.

Andrew Fetherston stated conversely is it letting too much through that the person downstream and I'm sure that was looked at before but conversely if you're making the opening that much larger and allowing most flow through, was it looked at to see what would be the impacts downstream. I didn't review it, I don't whether and there are two sides to that coin, which we looked at on the fellow that had the bridge wash out, his property...

Board Member McNulty stated [Route] 292.

Andrew Fetherston stated [Route] 292...

Rich Williams stated sure...

Andrew Fetherston stated I was more concerned that he, he wanted it larger for a very good reason, he didn't want it to clog and I said there was evidence in the FEMA maps that showed that [Route] 292 will overtop in a given storm event.

Chairman Rogan stated okay, does, there's nothing we need staked on this, is there.

Rich Williams stated I don't think so, we've been out there, we know where the house is, the driveway is, everything, so...

Chairman Rogan stated it's pretty straight forward.

Rich Williams stated it's been cut in.

Chairman Rogan stated yeah, that's what I thought, so we're just going to get out there, we'll put it back on for next month, I'm sure we'll get out there between now and, we wanted to get out there this past week but it just, the stars didn't align, we had one very important site walk that we got to for tonight but we'll get out there between now and the next meeting, that way, you know...

Mr. Nichols stated okay.

Chairman Rogan stated presumably should be able to roll...

Rich Williams stated can I just...

Chairman Rogan stated procedurally, that's what I was going to ask.

Rich Williams stated procedurally, are just looking to get the permit back in place and then hopefully you're going to continue to market the lot.

Mr. Sypko stated yes.

Rich Williams stated okay, so there's no urgency, there's no seller in the wings...

Mr. Sypko stated there is.

Rich Williams stated oh there is.

Mr. Sypko stated yes.

Chairman Rogan stated how does that change our process.

Rich Williams stated I mean, you know, we're going month by month by month, there are things we can condense, we could do the public hearing next month.

Chairman Rogan stated oh yeah, absolutely.

Board Member McNulty stated do we have to SEQRA on this too.

Rich Williams stated yes.

Board Member McNulty stated so it's a full run through of the approval.

Chairman Rogan stated but if we set public hearing for next month, then we can, if there is nothing stopping us from wrapping it up right after the public hearing on this.

Rich Williams stated if you're all comfortable with the design.

Chairman Rogan stated right, I'm comfortable because I approved it before and I know what we went through reviewing it and short of any extreme changes, I think it would be hard to...

Ted Kozlowski stated I'm not going to, I mean if it hasn't changed.

Mr. Sypko stated there are no changes whatsoever.

Ted Kozlowski stated I'm already made my comments, so.

Board Member Brady stated Michelle.

Chairman Rogan stated and I think he's referring also to no changes to the proposal, you're not changing other than what we did in the past.

Board Member Brady stated I don't have this.

The Secretary stated no way.

Board Member Brady stated I got everything else.

Board Member McNulty stated I make a motion to set a public hearing for the next monthly meeting, I don't know the date.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Rich Williams stated July 5<sup>th</sup>.

Mr. Nichols stated what's the date of that...

Board Member McNulty stated July 5<sup>th</sup>.

Mr. Nichols stated what's the date of that.

Chairman Rogan stated wow we have a meeting July 5<sup>th</sup>.

Board Member McNulty stated be a little red eye.

Board Member Taylor stated who allowed that to happen.

Chairman Rogan stated the person, you know we all work for her, right.

Board Member Taylor stated yes I know.

Mr. Liguori stated I thought the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> were the holiday.

Chairman Rogan stated it should be.

The Secretary stated we're only closed the 4<sup>th</sup> around here so business returns to as usual on the 5<sup>th</sup>.

Rich Williams stated oh boy.

Mr. Sypko stated thank you.

Mr. Nichols stated thank you, good night.

Chairman Rogan stated have a good evening.

Board Member McNulty stated good night.

Chairman Rogan stated Harry, glad to see you back in action.

Mr. Nichols stated thank you, it's nice to be back, it's good to see you.

Chairman Rogan stated it's good to see you as well. Yeah, I know, without even looking up I figured.

#### **7) DUNKIN DONUTS SITE PLAN**

The applicant did not appear.

Chairman Rogan stated okay, we have Dunkin Donuts site plan, we haven't gotten anything from them.

Rich Williams stated yes, we have the submission here, I expected them both to be here...

Chairman Rogan stated oh.

Rich Williams stated before you do that, do you want to just hang on to it and do it at the end.

Chairman Rogan stated yeah, absolutely.

Rich Williams stated Michelle was going to hand you everything up and its considerable.

Chairman Rogan stated oh okay...

#### **8) M&S IRON WORKS – Site Plan**

Mr. & Mrs. Peter Monteleone and Mr. Phil Spagnoli were present.

Chairman Rogan stated M&S Iron Works the, well we have site plan, an amended site plan, oh I'm sorry, I have two different projects and my head is spinning. M&S Iron Works we have a gentleman here for and we have a resolution on, because they are on the same property, I was thinking about the NYSEG, how they're combined and I got confused for a second.

Rich Williams stated oh okay.

Chairman Rogan stated we have a resolution for M&S, we have everything from you gentlemen, satisfactory, right we have a...

Rich Williams stated pending further changes by the DEP...

Chairman Rogan stated oh yeah.

Rich Williams stated but that's all been accounted for in the resolution.

Chairman Rogan stated okay, so in the matter of M&S Iron Works, I make a motion that the Planning Board grant final site plan approval resolution with the six general and three special conditions contained within, so moved.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated I know I reverted to the old way of doing those approvals.

Board Member McNulty stated you did just fine.

Chairman Rogan stated okay.

The Secretary stated I think it's fine too.

Chairman Rogan stated that's fine too.

The Secretary stated that's fine by me.

Chairman Rogan stated okay, all right.

Board Member McNulty stated good luck gentlemen.

Mr. Spagnoli stated thank you.

Chairman Rogan stated that was a long meeting to sit through for that.

Board Member McNulty stated thanks for working with us.

Rich Williams stated we still need Dan to get us these calculations for the bond, we still need to run that through the process. As long as DEP signs off, you're good.

Chairman Rogan stated okay 10 Commerce Drive.

Mr. Spagnoli stated thanks Rich.

Rich Williams stated okay.

**9) NORTHEAST MESA – Concept Review**

Mr. & Mrs. Caleb Smith were present.

Chairman Rogan stated okay, Northeast Mesa.

Mrs. Smith stated this was just the one piece in that EPA, I made five copies for you guys, that one page about a dry shop, I didn't bring everything because...

Board Member McNulty stated that's all right, I actually found it in pamphlet.

Mrs. Smith stated oh you did, it seemed like Rich did a great job, he spelled it all out and the reason that I brought it was...

Chairman Rogan stated he usually is pretty particular.

Board Member McNulty stated for the record, for the office, Michelle.

Mr. Smith stated it looks like the comments are pretty much word for word.

Mrs. Smith stated yeah, on that page, so.

Chairman Rogan stated yeah, Rich you get...

Mr. Smith stated he's on the ball.

Chairman Rogan stated kudos for...

Mrs. Smith stated kudos to Rich.

Chairman Rogan stated for the resolution...

Mrs. Smith stated although I tried to give Michelle the credit but she didn't take.

The Secretary stated no, can't, it wasn't me.

Chairman Rogan stated Ted obviously...

Ted Kozlowski stated I did go out there today, so...

Chairman Rogan stated okay.

Ted Kozlowski stated I just have one question.

Chairman Rogan stated sure.

Ted Kozlowski stated are you guys keeping that wall, that's, that I guess...

Board Member McNulty stated there's a little retaining wall to the side of the wall...

Ted Kozlowski stated retaining wall along the side that divides the wetland between the building and the roadway.

Mrs. Smith stated that is...

Mr. Smith stated I can't speak, I'm here as the, as one of the renters, that would be a question for the owner but I don't believe he is, you know he was looking to remove it.

Ted Kozlowski stated it's a good delineation point, you know and it would keep stuff...

Mrs. Smith stated and I think it's the Town that made him put it up.

Mr. Smith stated I believe it was a requirement by this Board.

Mrs. Smith stated you guys.

Chairman Rogan stated yeah.

Ted Kozlowski stated well I didn't know what the, what the game plan for that is but I'd like to see it stay.

Mrs. Smith stated yes, it will stay.

Mr. Smith stated it's definitely staying it has to, it came before this Board actually.

Board Member McNulty stated Ted, one thing we found is when we're in the building, that the concrete slab slopes to the center, rather than out of the building.

Chairman Rogan stated and away from the door.

Board Member McNulty stated so...

Chairman Rogan stated I think a leak would end up in the bathroom or somewhere thereabouts, you know.

Ted Kozlowski stated I don't really have an issue.

Chairman Rogan stated no, the main thing was we were thinking if we could put some kind of a curbing over the door, which Rich had, we had talked about specking out something that we can make sure that's sealed.

Ted Kozlowski stated to tell you the truth, I had more issues with the neighbor next door while I was there.

Chairman Rogan stated fair enough, okay.

Board Member Taylor stated I would just like to add one thing and that's...

Mrs. Smith stated that could keep the meeting going a long time I think...

Chairman Rogan stated go ahead Ron.

Board Member Taylor stated given the very close proximity of that drain that goes into the wetland and the wetland itself that one of the conditions be that all oil or chemicals that are stored inside the building be kept in some kind of a containment which you said you would do.

Mr. Smith stated absolutely.

Board Member Taylor stated and that there be absolutely no storage of any oil or chemicals outside the building.

Mr. Smith stated absolutely.

Board Member Taylor stated just especially seeing that wall and often it's been backed into or hit, all you need is a 55 gallon drum of something being hit.

Mrs. Smith stated yup.

Mr. Smith stated like I said yesterday when you gentlemen were out there everything will be, all 55 gallon drums or anything that has chemicals in it will be sitting on top of its own containment.

Chairman Rogan stated so we're going to add that as general condition 4 E to the resolution that storage, chemical storage be inside the building.

Rich Williams stated that's, yeah.

Chairman Rogan stated and contained per your...

Rich Williams stated the containment part is already there.

Chairman Rogan stated okay, all right, great. The question, or not the question but the one change we're going to do here is that initially this was an application for site plan approval, given the lack of change to the site, we're actually going to modify that to be a site plan waiver, so we'll document for the record tonight that instead of a site plan application this will be a site waiver and Rich with a site plan waiver do we still do SEQRA on this...

Rich Williams stated no, it's a Type II, it's all built into the resolution.

Chairman Rogan stated all right, that's kind of what I thought but I didn't want to make a mistake. Okay, so what we have is a final site plan approval but for a site plan waiver to allow the business to go into the space at 10 Commerce Drive, the auto repair space and we have a resolution. In the matter of, it's, it says Northeast Mesa but it's really Caleb Smith and Gulio Burra...

Rich Williams stated yup.

Chairman Rogan stated who is the owner, who we, is that who we met last night.

Board Member McNulty stated yes.

Mr. Smith stated yes.

Mrs. Smith stated yes.

Chairman Rogan stated okay, I'll make a motion that we approve the site plan waiver in that matter with the conditions contained within the memo and the added one that we documented earlier tonight about keeping chemicals inside. In essence this is a dry run facility, a dry run, is that the proper terminology.

Mr. Smith stated that's what the EPA calls, yeah.

Mrs. Smith stated yeah, it's right on...

Chairman Rogan stated okay, so moved, do I have a second.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated okay, the, I know you still have to go to Zoning.

Mrs. Smith stated and we put in that application today.

Chairman Rogan stated right, right and you know, we wish you luck and just I know you're going to do a good job but in terms of the vehicles and the parking and trying to keep that as tight to your side of the facility. Good luck to you.

Mrs. Smith stated and we will keep all of those concerns, you know...

Mr. Smith stated appreciate you coming out, we appreciate all of your time, thank you.

Chairman Rogan stated absolutely, thank you.

Board Member McNulty stated all right, good luck.

Chairman Rogan stated thanks for patience tonight too.

Board Member Brady stated good luck with your knee...

Mr. Smith stated hip.

Board Member Brady stated hip, oh okay, I'm sorry.

**10) JPL GLASS – Sign Application**

The applicant did not appear.

Chairman Rogan stated okay, we have JPL Glass, the sign application that we added to the agenda last. I don't recall there being any issue with this, it was a standard...

Board Member McNulty stated Rich's review, it looks like it all meets the area requirements.

Rich Williams stated it met the area requirements, my only question was the...

Board Member McNulty stated lighting.

Rich Williams stated interior lighting, I would be surprised if it was so extreme that it created a nuisance but we should just identify that...

Chairman Rogan stated okay.

Rich Williams stated and you know, you could do the resolution that the lighting is under 150 watts.

Chairman Rogan stated under 150 [watts] okay.

Board Member McNulty stated does it matter if it's fluorescent or incandescent if it's inside the box.

Rich Williams stated if it's inside, it's...

Board Member McNulty stated good night.

Chairman Rogan stated good evening.

Ted Kozlowski stated good night.

Mr. Smith stated good night.

Board Member McNulty stated what's that.

Rich Williams stated as long as it's inside, it will be filtered.

Chairman Rogan stated I thought he was going to say, okay, all right so we need a SEQRA determination of the JPL Glass...

Board Member McNulty stated I'll do that.

Chairman Rogan stated great.

Board Member McNulty stated in the matter of JPL Glass Incorporated, I'd like to move that the Board declare its intent to assume lead agency, oh wrong one. The Planning Board of the Town of Patterson finds

that the proposed action being a unlisted action and will not have significant impact on the environment and here by issues a negative declaration of significance.

Chairman Rogan stated can I have a second.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated and on the application, the sign application.

Board Member McNulty stated make a motion in the matter of JPL Glass to approve the sign application with the stipulation of the 150 watt limit on the in box lighting.

Chairman Rogan stated perfect, can I have a second.

Board Member Brady seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated great, okay, we got through, so we're back to Dunkin Donuts.

The Secretary stated did you get the public hearing for Sypko.

Chairman Rogan stated we did.

The Secretary stated okay, just wanted to make sure.

Chairman Rogan stated the motion was made by Tommy and seconded by Ron.

The Secretary stated I don't know where I was.

Chairman Rogan stated you were hazing off to the beach somewhere I thought, with a margarita in one hand.

*Laughter*

Rich Williams stated you want Dunkin Donuts.

Chairman Rogan stated yes, please.

Rich Williams stated shit, the weather changes, I'm done.

The Secretary stated god punishes everyone.

*Laughter*

Rich Williams stated yeah just remember that, some more than most, others.

The Secretary stated and you're a glutton for punishment.

### **Dunkin Donuts Discussion**

Chairman Rogan stated that's regular, that's what I have on my house.

Board Member McNulty stated desert tan.

Board Member Taylor stated yeah.

Chairman Rogan stated not that's not right.

Board Member Brady stated that's not close.

Chairman Rogan stated that's not even close to what...

Board Member Taylor stated that's as closest he could get, that's the problem. It's just not available they don't make shingles in colors...

Mr. Liguori stated I thought we were going to get schematics on a doughnut.

Rich Williams stated yeah.

Mr. Liguori stated the secret recipe.

Rich Williams stated they knew they had to be here.

Chairman Rogan stated know which...

Rich Williams stated where'd Tommy go, need Tommy here for this one.

Board Member Brady stated did he show the changes to the roofline.

Board Member Taylor stated yeah...

Board Member Brady stated is it much higher.

Chairman Rogan stated yes, here he did.

Rich Williams stated I don't remember when I wasn't tired.

Chairman Rogan stated here is what existing and there is what's proposed, you have the same...

Board Member Brady stated he did...

Chairman Rogan stated but that does make a difference on the.

Board Member Taylor stated yeah.

Andrew Fetherston stated how are you, see you, what's going.

Board Member Taylor stated the color is really the issue.

Chairman Rogan stated Tommy they did...

Board Member Brady stated they listened to you.

Chairman Rogan stated yeah but there is a piece in here that shows the details.

Rich Williams stated yeah the details that we can throw up there.

Board Member McNulty stated yeah.

Chairman Rogan stated Rich...

Board Member McNulty stated okay.

Chairman Rogan stated so that's the piece of molding...

Board Member McNulty stated oh that's nice.

Chairman Rogan stated the detail versus what's there, it does definitely make a difference.

Board Member McNulty stated yeah but that shingle has got to go.

Chairman Rogan stated that's not it, yeah. What did he say when he dropped it off, closest I could get.

Rich Williams stated closest I could get.

Chairman Rogan stated at Home Depot.

Rich Williams stated you know I heard an outstanding recommendation for this whole thing, a couple of days ago...

Chairman Rogan stated what was that.

Rich Williams stated tear the mansard roof that was never supposed to be put on the building in the first place, take it right off.

Board Member McNulty stated yeah...

Rich Williams stated stuck on the whole damn building.

Board Member McNulty stated I would go down...

Ted Kozlowski stated that's the shingles that are on my house, that's my house.

Board Member McNulty stated three first of all, is being phased out, has a limited warranty on it, the colors are limited, I don't know I kind of go back to his plan of stucco the whole building.

Chairman Rogan stated yup.

Board Member McNulty stated get rid of that roofline because the roofline is the eyesore.

Rich Williams stated and the mansard roof was the problem with driving through there and the trucks hitting it.

Board Member McNulty stated came up, this is an overhang here, he incorporates that coping at the top and just reframes that and stucco's it up.

Chairman Rogan stated so it would be straight rather than...

Board Member McNulty stated yeah.

Chairman Rogan stated rather than sloped.

Board Member McNulty stated according, looking at what he submitted here May 9, 2012, what we had for the work session...

Board Member Taylor stated he has the lights in the roof.

Board Member McNulty stated I don't see any lights here.

Board Member Taylor stated the soffit, they look like...

Board Member McNulty stated oh there may be.

Board Member Taylor stated there are circle lights in the soffit is what it looks like.

Board Member McNulty stated the other thing the applicant mentioned was that he was going to landscape and put flower in...

Chairman Rogan stated yeah.

Board Member McNulty stated a nice alternative to the bollards...

Chairman Rogan stated is a box.

Board Member McNulty stated well maybe a concrete structure that would be reinforced somehow and put flowers in, if it's 30 inches high, I don't know if there is a stipulation on the bollards on height.

Board Member Taylor stated we could leave the bollards and pour the concrete around them.

Board Member McNulty stated well that's a good point too, that would be your reinforcement, he could build right around them.

Ted Kozlowski stated the only thing with plant material you have to have drainage, you can't just make a box.

Chairman Rogan stated right.

Board Member McNulty stated put gravel in it.

Ted Kozlowski stated it's still got to drain.

Chairman Rogan stated well you need weep holes out of the...

Board Member McNulty stated it could weep hole to the parking lot, to the outer side no.

Ted Kozlowski stated it's got to drain.

Board Member Taylor stated it's...

Chairman Rogan stated you frame it, you put in a couple of weep holes.

Board Member McNulty stated do that, eliminate the roof because this shingle is not going to match, unless he's going to match the color of the building to the shingle but I don't think Dunkin Donuts wants that.

Board Member Taylor stated since he's not here and he wanted approval tonight, did he not.

Rich Williams stated he did, he did.

Chairman Rogan stated yeah, we said if he got us what he was portraying that would not be a problem but he hasn't given us what he said he was going to do.

Board Member McNulty stated well he gave us the coping detail, he did do that.

Board Member Taylor stated yes but that's...

Chairman Rogan stated yup, motion to approve the coping detail...

Board Member McNulty stated and he said we would get a matching shingle, do we have the sample of the stucco, did he leave that behind to match it with the shingle.

Board Member Taylor stated no, he took it with him.

Chairman Rogan stated no but...

Board Member McNulty stated so it's hard for us to match it up.

Chairman Rogan stated but it was more similar to this then that, it was a beige kind of a...

Board Member McNulty stated it would be visually better if we could match that shingle with the sample and we could tell.

Chairman Rogan stated yeah.

Board Member Taylor stated because this...

Board Member McNulty stated because that's what he did say he would do, he would match the shingle to the stucco, correct.

Chairman Rogan stated that's right.

Ted Kozlowski stated I think, considering in the past you know, it was clear you wanted a picture...

Chairman Rogan stated yup.

Ted Kozlowski stated that defined picture of what it was going to look like...

Board Member McNulty stated is this what he gave us tonight.

Chairman Rogan stated yeah.

Board Member Taylor stated that's what we got.

Chairman Rogan stated it's all...

Board Member Taylor stated unless he's going to spray paint those shingles.

Chairman Rogan stated I was going to ask that, is there...

Board Member McNulty stated is there any objection with the sign, I think the sign is a nice detail, I mean that's what they use so...

Board Member Taylor stated I have no objection to this, if he can do that.

Board Member McNulty stated yeah, I agree but I don't know if that's...

Board Member Taylor stated if he wants to take it all off, I mean again we're dealing with more things because there are clearly lights under here so we've got light issues that have to be dealt with...

Chairman Rogan stated are you sure they're not, those are existing, see them, they're high hats...

Board Member Taylor stated yeah, that's what I'm saying, if we take all this off...

Chairman Rogan stated oh, oh, I see.

Board Member Taylor stated if you take the soffit off, you've got, there are more details involved than just removing the soffit.

Chairman Rogan stated right, right.

Rich Williams stated so it loses the light, what does that lose.

Board Member Taylor stated well, that's, I don't know I...

Board Member McNulty stated well maybe he doesn't lose it, maybe he keeps that same footprint but changes the design of the mansard roof, this is over hang.

Chairman Rogan stated are you talking about, right now the front of the building is like this right, so it's like this, here's the front door and then it, this is just a fake area, it's really a flat roof, are you talking about now making that just like this.

Board Member McNulty stated put the, he came up with a good coping detail.

Board Member Taylor stated oh you're not talking about taking it off, I thought you were taking it off here.

Rich Williams stated I said taking it off, especially since that's the problem with driving through there with trucks and the trucks always hitting it, it never was designed to be a mansard roof in the first place.

Board Member McNulty stated oh okay.

Board Member Taylor stated so if you take it, I got, I've got no objection I'm just saying, there are lights there, there is more involved than just removing it, it's, he's got to figure it out.

Board Member McNulty stated well with the bollards, has anybody hit it since then.

Rich Williams stated they've hit the bollards.

Board Member McNulty stated yeah but has the roof been hit.

Rich Williams stated no because you're hitting the bollards first.

Chairman Rogan stated no, (inaudible) back.

Board Member McNulty stated okay, so maybe they can modify this roofline rather than remove it.

Chairman Rogan stated what, I guess what I'm concerned about is I'm having a hard time envisioning what this building would look like without the roofline, unless I'm misunderstanding you Rich, you're saying just a one floor...

Board Member Taylor stated no, no, no, keep the roofline...

Board Member McNulty stated no, no, see this line here...

Board Member Taylor stated just limit the overhang...

Board Member McNulty stated then you don't have that overhang.

Board Member Brady stated it just goes straight up, there's no...

Rich Williams stated and it would look just like that only it would be going straight up.

Chairman Rogan stated there you go, this way, so here's your...

Board Member Brady stated that means I get wet when I go in to get my coffee.

Board Member McNulty stated just remove this and go straight up.

Chairman Rogan stated oh, oh, oh, instead of having the overhang.

Board Member Taylor stated so the difference is, this would come here, you would lose this...

Chairman Rogan stated yeah, yeah.

Andrew Fetherston stated not if it's not [*Inaudible*].

Board Member Taylor stated so the difference in look would be at the corners, otherwise you wouldn't really detect it.

Board Member McNulty stated yeah, see the big overhang here.

Chairman Rogan stated yeah but that overhang balanced on each side of the front.

Board Member McNulty stated and he probably needs to add on his drive-up to some degree.

Rich Williams stated all you need is an awning.

Board Member Taylor stated but since he's not here, I mean.

Chairman Rogan stated that's tough, yeah. The main thing is because we don't have the color that, you know...

Board Member McNulty stated we can't match that with the color of the stucco to see how it's going to look.

Board Member Taylor stated when we see...

Chairman Rogan stated I think we're back to, in fairness we're back to some semblance of square one of having them come in because we can simply say the color shingle was so drastically different than what you proposed...

Board Member McNulty stated not like this.

Chairman Rogan stated yeah, that...

Rich Williams stated so I'll send him a letter saying be at the work session if you want anything.

Chairman Rogan stated yeah, yeah well but I think it should, you know if think if we're going to wrap this up, everybody was fine with the idea of these plans but the problem is what they've presented tonight is not consistent with what's in the photo and given past concerns...

Ted Kozlowski stated it's too in defined.

Chairman Rogan stated you can't say yes we're going to be approve this tonight when they've given us samples which are so clearly different, I think that's the problem, right.

Board Member Taylor stated yup, yup.

Chairman Rogan stated everybody in agreement on that.

Board Member Brady stated yes.

Board Member McNulty stated yup and I brought up the planter idea because I thought of it after the fact of the work session and it clued in when he said about landscaping.

Ted Kozlowski stated where was he going to plant flowers anyway.

Board Member McNulty stated out on the road here, he said he was going to do some extensive landscaping here.

Chairman Rogan stated just on the island, you know.

Rich Williams stated so removing the mansard roof is not something you want to think about.

Chairman Rogan stated well regardless, we don't have a, even if we said that sounds like a great idea...

Board Member McNulty stated I would be open to modifying it to match this color scheme and make it look better rather, I think that would blend in better than that dark shingle roof that he has now, I don't know where that picture is.

Chairman Rogan stated so what you're saying is from the original, from the footprint of the building versus the roofline, the footprint is one and then the roofline sticks out off the front...

Rich Williams stated into the drive aisle.

Chairman Rogan stated does it extend the full length of the building.

Board Member Brady stated it's almost the same.

Rich Williams stated yes.

Chairman Rogan stated all right, so in essence you have something like this.

Board Member Taylor stated yes.

Chairman Rogan stated right.

Rich Williams stated right.

Chairman Rogan stated what you're saying is bring that back tight to the original footprint or only on that corner.

Rich Williams stated no...

Board Member Taylor stated all the way around.

Rich Williams stated all the way around, if you're going to stucco the whole building, you know take the mansard roof right off.

Chairman Rogan stated but is there, so but you're still making that false wall because the building doesn't go up to that height back, right.

Rich Williams stated no, it comes down lower.

Board Member McNulty stated and the entrance is out a little bit too, right.

Chairman Rogan stated yeah.

Board Member McNulty stated so you'd have to bump out in front.

Rich Williams stated he's going to do that anyway, yeah, you're going to have the entrance there.

Board Member McNulty stated removing it is one option; I would be open to that slope mansard, becoming straight.

Rich Williams stated see I think that's going to look...

Board Member Brady stated boxier.

Board Member McNulty stated but not with a roof shingle, with stucco.

Chairman Rogan stated how about we go back...

Board Member McNulty stated and that coping.

Chairman Rogan stated to him and say get us another building material, there's got to be something out there, I mean I think he went to local source so are you saying there's nothing you're going to get that that's color.

Board Member McNulty stated no, there's Hardie plank, there's...

Chairman Rogan stated well yeah Hardie plank is a great idea...

Board Member McNulty stated those vinyl shingles.

Rich Williams stated but we're not talking about shingles, asphalt shingles anymore, we're talking about a different material.

Chairman Rogan stated yeah.

Board Member McNulty stated yeah but you can use that material on that application.

Chairman Rogan stated right, so I mean go back to the original...

Rich Williams stated I agree.

Chairman Rogan stated the original intent was we've got an application or an idea here but he hasn't shown the proper material to use, if he can't do it with asphalt shingles, that's not our issue so and I know you're not in disagreement with us, I'm just trying to bring us to some conclusion.

Rich Williams stated right I'm just trying to get a sense of what you want, so that I can send him a letter saying...

Chairman Rogan stated I think, tell him he's going to come up with a different product, if he wants to go forward with what we agreed on at the work session and he's got to show us the product before we're going to approve it and that's not the product.

Board Member McNulty stated you can let him know that the coping that he proposed is fine at the top, it's just the roof shingle color is...

Rich Williams stated and I'm going to throw in the idea of hiding the bollards with a planter.

Board Member McNulty stated bollards with the planter and the option of maybe removing the mansard or altering it.

Chairman Rogan stated but, okay.

Board Member Taylor stated and I have no problem with any of the three options.

Chairman Rogan stated I guess, I probably don't either.

Board Member Taylor stated I mean, this is fine, straighten it out or remove it.

Chairman Rogan stated okay, all right, I would in fairness, the removal part I think I would have to have some assistance on because I can't picture it, in terms of, you know it's hard for me to envision what that would look like now step back in a...

Board Member McNulty stated maybe if it was even removed only on two sides, I think at the front you want some kind of coverage, more than an awning over a window.

Chairman Rogan stated well that's what I was wondering.

Board Member McNulty stated for entrance in and out.

Board Member Taylor stated and still, on the signs.

Ted Kozlowski stated Shawn, you made it very clear at the last, at the work session.

Chairman Rogan stated I thought so.

Ted Kozlowski stated you wanted a document that clearly showed what they were doing.

Board Member McNulty stated he showed us a document, it just doesn't match his material.

Chairman Rogan stated I agree.

Ted Kozlowski stated now you guys are going back and forth, you don't know what...

Chairman Rogan stated I would be fine to say okay, this is what we're approving but they're not showing us approvals that are allowing the build out of that...

Board Member Taylor stated I agree.

Chairman Rogan stated let's stick to what we've said at this point and say we need to see a better representation of the material because that's so clearly not something that's going to...

Board Member McNulty stated it doesn't match his rendering.

Chairman Rogan stated yeah, you want those back.

The Secretary stated thank you.

## 12) MINUTES

Chairman Rogan stated we have minutes from, do we have minutes.

Board Member McNulty stated yes, April 26<sup>th</sup> and May 3<sup>rd</sup>.

Chairman Rogan stated April 26<sup>th</sup> and May 3<sup>rd</sup>, motion to approve those minutes, any comment on those minutes, corrections or anything.

Board Member McNulty stated the only thing I saw was a comma missing.

Chairman Rogan stated at a hundred pages, that's pretty darn good.

Board Member McNulty stated great job Michelle.

The Secretary stated thank you.

Chairman Rogan stated can I have a second on that.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated anything from any of your gentlemen, new or otherwise, no...

Rich Williams stated you got anything.

The Secretary stated no.

Rich Williams stated what you're not going to say anything.

Chairman Rogan stated Mike, you didn't say anything on the record tonight.

The Secretary stated say anything about what.

Chairman Rogan stated perfect.

The Secretary stated about what.

Rich Williams stated Futterman.

The Secretary stated oh.

Board Member McNulty stated Rich, Prospero, did they move the sign.

The Secretary stated yeah, they did it today I saw them out there.

Rich Williams stated did they.

Mr. Liguori stated it's like being at the Town Board.

Chairman Rogan stated okay.

Board Member McNulty stated need to talk about fences at all...

Board Member Taylor stated you want to do that here or you just want to read the comments for fences.

Rich Williams stated whatever you want to do.

Board Member McNulty stated I really didn't look into it too far.

Board Member Taylor stated back to Dunkin Donuts just briefly, didn't he say he was going to take the drive-thru sign off.

Chairman Rogan stated yes, it's not part of the application.

Board Member McNulty stated yeah.

Rich Williams stated did he?

Board Member Taylor stated yeah.

The Secretary stated it's sitting right there.

Board Member McNulty stated I asked about it because the drive-thru is on the other side.

Board Member Taylor stated it shouldn't, he had agreed to take it off, it shouldn't be on the drawing.

The Secretary stated do you want me to bring it out.

Board Member Taylor stated I had one thought on fences or two thoughts, for those of us who are gardeners or have orchards; it would be nice if see-through fences, welded wire or vinyl mesh of some kind...

Chairman Rogan stated deer fencing and such.

Board Member Taylor stated or deer fencing could be approved, does that mean they have to be setback from the lot line...

Rich Williams stated when you say...

Board Member Taylor stated an eight foot.

Rich Williams stated you're concerned with the height.

Board Member Taylor stated yes, that you be allowed to put an eight foot fence if you can see through it, if you set it back from the lot line, would that be something to make it more acceptable.

Rich Williams stated you know certainly if you, if it was not in front of the house, it probably would be more acceptable.

Board Member Taylor stated not in front of the house, for my house it won't work anyway because my house sits on the road...

Rich Williams stated yeah you've got an issue but you know, when you're designing your codes and you know you're talking about the issue of fences and fences in the front yard...

Board Member Taylor stated right.

Rich Williams stated you're doing so to protect the appearance of the streetscape.

Board Member Taylor stated right, I understand that but you're also designing, in this Code, you're designing a suburban streetscape, not a country streetscape.

Rich Williams stated how do you, why.

Board Member Taylor stated well you, country fence can be higher than that and they're not even noticeable.

Rich Williams stated country fences are usually, country fence, if I'm thinking about a country fence, I'm thinking about a post and rail.

Board Member Taylor stated well but if you go upstate to some of the orchards...

Board Member McNulty stated no, could be a wire mesh...

Board Member Taylor stated they've got eight foot wire mesh fence running all around the orchard.

Rich Williams stated in the commercial orchard.

Board Member McNulty stated eight feet high.

Rich Williams stated in a commercial orchard you're absolutely right but not a residential home.

Board Member Taylor stated no.

Ted Kozlowski stated can I ask you something thought, there are people that have eight foot high game fence to keep deer out of their property, where does that fall.

Chairman Rogan stated that's what we're talking about.

Rich Williams stated that's what I'm talking about.

Chairman Rogan stated that's exactly the conversation.

Ted Kozlowski stated but you know they're really, somebody could argue they look like a concentration camp compound but you know, if you were really had a million dollar landscape and had a deer problem, that's really the only thing you can do, so.

Board Member Taylor stated that's what I'm asking about, I mean there's nothing in there, right now the Code prohibits that if they're on the lot line...

Rich Williams stated right now it prohibits any fence of six feet and any fence over four feet in the front yard.

Board Member Taylor stated so.

Chairman Rogan stated and those things are seven foot usually, those rolls, seven foot tall.

Rich Williams stated right.

Board Member Taylor stated so that's my comment, I think should be put in there to allow for that and my suggestion would be may you set them back from the lot line because then you get some screening...

Ted Kozlowski stated but the deer fencing is not like stockade fencing, you know it's an invisible...

Chairman Rogan stated that's Ron's point.

Board Member Taylor stated I understand but I am just saying that the Code would not allow for even that kind of a fence.

Ted Kozlowski stated right.

Chairman Rogan stated I think what Ron's saying is that maybe there should be an exception in the Code that style fencing because it is so...

Board Member McNulty stated an open fence.

Chairman Rogan stated you know, you see right through it.

Ted Kozlowski stated right, well...

Chairman Rogan stated I mean you look out, all you see are posts...

Ted Kozlowski stated the specific post is to protect your property from deer.

Chairman Rogan stated exactly.

Ted Kozlowski stated I mean I know a lot of people up on Birch, where was that...

Rich Williams stated North Birch Hill Road.

Ted Kozlowski stated yeah.

Rich Williams stated there's one that got a variance from the ZBA.

Ted Kozlowski stated they've got some deer fencing around that to me is a legitimate reason for the fence.

Chairman Rogan stated so at this point it would force you to go to ZBA to put up a deer fence.

Rich Williams stated correct.

Chairman Rogan stated okay.

Board Member Taylor stated I'm just saying, why not put it in the Code.

Rich Williams stated well we can and...

Board Member Taylor stated that's all I'm saying.

Rich Williams stated listen, I hate the idea of a four foot fence in the front yard because I don't want everybody and this is just my personal preference, I wouldn't want everybody to run around putting up a six foot stockade fence in the front yard because it's going to look terrible in this Town...

Board Member Taylor stated right, you're right.

Rich Williams stated but if you're putting up a nice, architectural style fence in the front yard what's the problem with having six feet, I don't know, other people have a problem with it. When it goes to the deer fence, I don't disagree that there are certain times, certain areas you want to have a deer fence taller than six feet, going to eight feet and the only thing I said to you was, you need, when we're crafting the Code, you also need to think about your streetscape when you're doing it.

Board Member Taylor stated I agree with you, that's why I was proposing maybe a ten foot setback or something.

Mr. Liguori stated you have to re-train those deer, they jump to high.

Chairman Rogan stated they get a running start, they could clear that eight foot.

Board Member McNulty stated well Shawn...

Board Member Brady stated well no, eight foot is a little tough but six foot, they'll go right over it.

Andrew Fetherston stated it's worse when they trip and they get hung up on it.

Ted Kozlowski stated the Lasdon fence is eight feet, they've never jumped it and we've had it up since '96.

(Inaudible – too many speaking at one time).

Andrew Fetherston stated I do have video on there.

Chairman Rogan stated anything from anyone else.

Mr. Liguori stated I think the Zoning Board in North Salem is where you go to, to put up some deer fence that eight feet tall, you don't need a variance, you go there for a special permit and they look at them on a case by case basis, there is a little, it could be arbitrary but what's happened is that there is so much deer fence in North Salem that there is no corridors for deer to travel, I'm not kidding, that's how, it's become an issue, they end up in the road because there is no other place for them to go, so now there are corridors along...

Andrew Fetherston stated and they're called roadways.

Board Member McNulty stated 121 and 116, yeah wow.

Mr. Liguori stated it's a real, it's become such an issue...

Board Member Brady stated so the guy in the middle, the last guy that wants a deer fence, he's out of luck because he's getting the deer.

Chairman Rogan stated he's getting them all.

Mr. Liguori stated the last guy, his property has the fifty foot swath.

Chairman Rogan stated that's something, it's you know, I'm glad we got that on the record, Mike spoke tonight.

Mr. Liguori stated where money grows on trees, that's where.

Andrew Fetherston stated now you spoke, you had like a no hitter going, you know.

Chairman Rogan stated motion to adjourn.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

The meeting adjourned at 9:22 p.m.