

APPROVED

TOWN OF PATTERSON

**PLANNING BOARD MEETING
June 24, 2010 *Work Session***

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Planning Board
June 24, 2010 Work Session Meeting Minutes

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

APPROVED

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member McNulty, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:33 p.m.

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

Chairman Rogan stated so close, if everybody doesn't mind because we like to deal with the people that are here, Rob Cameron is for Lea Rome Amended Site Plan Discussion.

4) LEA ROME AMENDED SITE PLAN – Discussion

Mr. Rob Cameron of Putnam Engineering and Mr. Steve Leardi of Patterson Machinery were present.

Chairman Rogan stated well actually Rich, why don't we start; I know you provided a memo to the Board, thank you for that. Why don't we start with a discussion from your end to bring us up to speed, there are some people who weren't even involved in the initial review a few years back.

Rich Williams stated this really goes back 3 or 4 years where we were notified that fill was coming in onto the site, Ted went out there and found that it was being placed within the buffer of the wetland, issued a notice of violation. Subsequent to that, the Planning Board did a site walk to the site and found additional areas of concern, including an expanded use of the site in addition to the fill. They had a number of different discussions going into 2007 with the applicant about amending the site plan and putting up some sort of barrier to protect against further intrusions into the wetland and to make sure that you know stormwater runoff was not going into the wetland. Asked us to do an amended site plan, gave him a list of the things that they were looking for on the site plan and that's kind of where it fell apart. The new submission was never made so there was never any further action taken on that. Neither Ted nor the Building Department has pursued anything.

Board Member McNulty stated that's 2007, was kind of the last time any action was made on it.

Rich Williams stated yes I believe.

Board Member McNulty stated all right.

Rich Williams stated 2008.

Chairman Rogan stated I remember aside from some of the comments that the Fire and Building Inspector had in terms of some of the hazardous materials on site, the Board and again we'll get out there so you can see it first hand but the Board had talked about one of two scenarios, either limiting use by following what was previously approved...

Board Member McNulty stated they were putting a fence, I believe that I saw.

Chairman Rogan stated yea, putting up a fence that would limit disturbance in areas that were closer to the steep slopes and the wetlands and areas that weren't approved for use because the access is kind of difficult or coming back for an amended site plan to be able to ask for basically what they want to use which the Board was amendable to opening the discussion on that. Just having a review on that, showing what the constraints were, how access would be handled, turning radii et cetera, storage of equipment because when we went out there the site was, storage was everywhere, there were things just all over the place, so we wanted to take a look at that. We met with the applicant at one time, I believe, we was away for awhile and then came back and Mr. Cameron and now we're back 2 years later, so Rob...

Rich Williams stated and there was an amended site plan, is that what you have there.

Mr. Cameron stated yes, can I put this on the table.

Rich Williams stated what is the date you have on yours.

Mr. Cameron stated six seventeen two thousand and eight I believe.

Rich Williams stated yup.

Mr. Cameron stated and just for the record, I'm here with the applicant Steve Leardi.

Chairman Rogan stated hello Steve, how are you this evening.

Mr. Leardi stated I'm quite fine, thank you.

Chairman Rogan stated and for our other member of the audience, this is a commercial site off of Commerce Drive in Patterson, like a contractor's yard. Come on in, you get to sit in the comfortable chair it looks like. Okay, so Rob...

Mr. Cameron stated the issue was, this area indicated over here by the dark lines was an area that was filled in and that was the cause of the violation. In the plan as we have proposed here, we were proposing either a berm, we have showed a berm with some landscaping on it, the other alternative that Ted Kozlowski had suggested was possibly a fence and that was one of the discussions that we last had with the Planning Board, now do we want a fence, do we want a berm. Now essentially the applicant desires to use this area

over here I don't think, yes it is shown on here, this site had a septic system installed, in about 2001 or 2002 or something like that...

Mr. Leardi stated it was a long time ago.

Mr. Cameron stated initially when this site was approved there was no septic system and it was determined that he needed the septic system but the only place to get the tanks and stuff was behind the building and I think that was initial cause of the activity was we had to go behind that building and grade that out, for the tanks and stuff in there. That's why this was leveled, the initial plan had, didn't have an area behind the building and it became a necessity for the applicant to use that area behind the building and...

Rich Williams stated if I could just jump in there, the amended site plan that showed the septic, had the driveway getting to the septic on the other side of the building...

Chairman Rogan stated on the south side.

Rich Williams stated on the, try to get my orientation on the east side.

The Secretary stated the plan is upside down on the table.

Chairman Rogan stated no, I'm just looking at the north arrow over here, this is north.

Board Member McNulty stated is that for that other map.

Mr. Cameron stated the fields are on the top but the tanks have to be down here...

Rich Williams stated I understand that but I'm just saying I could pull the amended site plan and there was a way back there, I think this was and I don't want to get into splitting hairs because I don't think anybody thinks this is not appropriate but there was alternate access getting back there. So we don't really need this for an alternate access what we need, what I think Steve needs is the additional storage area.

Mr. Cameron stated yes and it's also convenient to gain access to the tanks by going back there as well.

Chairman Rogan stated and I think, the reason that Ted, if I remember correctly, was concerned about having a fence as opposed to a berm, the plantings are a great idea, was to limit things from ending up down in because this is a very steep bank and this is like large rock. If I remember correctly, it goes down hill, as kind of a barrier protection for things like garbage and litter and debris lying around because once it's down over that bank you'd have to send somebody to get it. Again, I think for the Members of the Board, Charlie and Tommy, you haven't been out there, we'll have to get out there and take a quick look, it won't take long...

Board Member Montesano stated that's the Fair Street side.

Chairman Rogan stated right.

Board Member Montesano stated over here.

Chairman Rogan stated kind of wet and swampy down here.

Mr. Cameron stated actually this is almost [Interstate] 84, Fair Street is down on that side.

Chairman Rogan stated yea, it kind of cuts.

Mr. Cameron stated yea.

Mr. Leardi stated you really can't see us from Commerce Drive.

Board Member Montesano stated here's [Interstate] 84.

Chairman Rogan stated but that was basically, we just wanted to make sure that items that were stored on site that they had some bulk storage issues correct with, what was it diesel fuel or something that needed to be dealt with.

Rich Williams stated there were some issues about containers, 55 gallon drums, Dave Raines had issued a memo that says all of those fire and building code issues have been resolved.

Chairman Rogan stated oh good.

Mr. Cameron stated I was out there today and I didn't see any drums or anything outside.

Chairman Rogan stated great.

Mr. Leardi stated no, we you know, when Dave came out initially we took all that out, you know there are probably several reasons why we haven't been back, one of them might be the recession because you know, the last couple of years have been tough.

Board Member McNulty stated all your equipment is sitting there, I take it you're a heavy equipment operator.

Mr. Leardi stated now we're out, we've got probably 30 pieces of equipment, they don't fit on my 4 acre industrial site, so they are out, they've always been out on job sites but in the last couple years like when we were starting this thing everything was jammed back in there, now things are back out again, thank god.

Chairman Rogan stated yea.

Board Member McNulty stated good.

Chairman Rogan stated I think also Mr. Leardi when we were out there, there was a lot of equipment that was probably not in use month to month, there were a lot things that were just accumulating.

Mr. Leardi stated I saw comments because I went back and read through some of the stuff.

Chairman Rogan stated oh you did.

Mr. Leardi stated rusty you know, containers and storing boxes, they are trench shielding boxes, they get used, they are not there now because they are out being used in Southeast, they are trench shields and they are ugly and they are rusty...

Chairman Rogan stated I don't remember anybody commenting about those, I remember it was more the dilapidated vehicles...

Mr. Leardi stated I saw something...

Rich Williams stated there were comments; I remember that, the rusty equipment...

Board Member McNulty stated I saw unregistered cars up there...

Mr. Leardi stated there are 3 trucks that are unregistered because I took them off the road because I couldn't afford the insurance.

Chairman Rogan stated oh I understand, okay.

Mr. Cameron stated there was some stuff that used to be up front, I think it was by the stone embankment I didn't see that there, so apparently some of that stuff is gone.

Chairman Rogan stated we may be able to, depending on everyone's schedule, get out to this before Thursday night's meeting at least because we can do an after work deal and it's close by and if that works for anyone to get out there sometime next week, you know maybe Wednesday night, whatever, Monday night whatever anybody...

Board Member Cook stated what's convenient for you.

Chairman Rogan stated I have no idea, it seems like every night is bad but I'll make whatever I can.

Board Member Cook stated is it easier to say Monday night and get it over with...

Chairman Rogan stated for some reason I feel like Monday's not good, but let's set it for whatever everybody can do, we'll e-mail around quick, I don't have my calendar in front of me. Anyway, we'll get out there before Thursday meeting and at least we can get some good comments based on this. Is this plan, did you say Rob this is what you're looking for, for the amended plan or is this an old plan.

Mr. Cameron stated well that's from 2008 but it basically reflects the area that we have right there with the berm and all like that, to take this out and put the fence in, we don't have a problem with that.

Chairman Rogan stated 6 of one and 1/2 dozen of the other.

Rich Williams stated I think there's, yea 2 questions, one is do you want the berm and is the berm acceptable or do you want a fence because the berm is small, short, its only 6 inches to a foot high.

Chairman Rogan stated right.

Mr. Cameron stated we don't have a problem with the fence and I understand your comment about the fence...

Board Member Montesano stated but you can put planting on the berm.

Rich Williams stated but also...

Mr. Cameron stated there's lots of trees, when you get out there, you'll see the trees, I don't think we need more plants.

Board Member Montesano stated no but the object would be if you had something on that berm then there is less chance for the paper and everything to roll through.

Chairman Rogan stated well even if you put a post and rail fence with wire behind it, something that's visually not, it's not even serving the purpose other than stopping, if you had small diameter fence...

Mr. Cameron stated chain link.

Chairman Rogan stated yea, so nothing blows through it, black even...

Mr. Cameron stated honestly you can't see anything, even from Commerce Drive.

Chairman Rogan stated well I'm not even saying it for that reason just I'm thinking of the most cost-effective fence that will establish a line that you really can go over and hold in debris, you're right you can see it from Commerce [Drive].

Mr. Leardi stated I'll put a chain link fence, I'll put a little berm and a chain link fence on top of it.

Chairman Rogan stated I mean I don't think you need both but let's go take a look and we'll talk about it on site.

Board Member Cook stated is the berm there now.

Mr. Cameron stated no.

Chairman Rogan stated no.

Rich Williams stated you do have a memo also in your materials tonight from Ted Kozlowski which basically says he is still looking for a fence.

Chairman Rogan stated oh okay but I think you know the reason for that, do you remember if Ted was worried about things blowing down into the wetlands.

Rich Williams stated Ted was worried about future intrusions into the wetlands.

Chairman Rogan stated so a fence is a little more in line and what was the second thing you were thinking, you said 2 questions, that was one of them...

Rich Williams stated I did.

Chairman Rogan stated yea.

Rich Williams stated well that was one.

Chairman Rogan stated sorry I got you off track.

Board Member McNulty stated there's no 1a or 1b.

Chairman Rogan stated the second one will be revealed on the site walk.

Board Member Cook stated could it be Rich that where you say the additional outdoor storage area to the south of the building is reasonable.

Chairman Rogan stated which would be this area back in here.

Mr. Cameron stated this is what we talked, that's really the area we are looking to use.

Board Member McNulty stated it's already filled in.

Chairman Rogan stated yea.

Board Member Montesano stated that's been (inaudible).

Rich Williams stated it's question of whether you're okay with the berm, whether the berm is alright or whether you want a fence.

Chairman Rogan stated okay.

Rich Williams stated those are the 2, whether the berm is okay or if you want a fence, those are the 2 issues.

Chairman Rogan stated yea, I mean I'm fine with a fence without a berm but...

Board Member McNulty stated and you had an issue about stormwater improvements.

Rich Williams stated well we want to confirm that the stormwater runoff is still going to where it needs to be going, so Rob needs to take a look at that as well.

Mr. Cameron stated I did.

Board Member McNulty stated is it good.

Mr. Cameron stated its getting down there, if you want to hack your way through the weeds...

Chairman Rogan stated do we have any issue on this...

Mr. Cameron stated that drain line is there, goes into that drain line, the oil/water separator and goes down to the pond or the basin...

Rich Williams stated you're saying we have to hack our way down through the weeds, maybe its time for some maintenance, know anybody with some equipment.

Mr. Leardi stated oh you want me to go down in the wetlands.

Rich Williams stated you do have to maintain that pond every so often.

Mr. Leardi stated it's, it's, you know what in the fall, its full of weeds, it looks like it's a wetland, inside a wetland, I think its functioning probably quite well but you know...

Rich Williams stated I will tell you this, under the new MS-4 program, we are going to be coming out to the site to take a look at it and make sure its you know not filled in or anything else, DEC is making us do this.

Mr. Leardi stated that's okay, I don't have an issue with it.

Mr. Cameron stated that was done in the days before the markers.

Rich Williams stated it should what.

Mr. Cameron stated that was done in the days before the markers.

Mr. Leardi stated we really don't have a lot of run off.

Rich Williams stated not that matters, we've got one up the street that was done in the days after the markers and I don't have a marker there either.

Board Member Montesano stated we're easy going.

Chairman Rogan stated okay, we're going to move along because we have a lot things to go through tonight.

Board Member Cook stated well do we need to let them know when we are going to go.

Chairman Rogan stated absolutely, through Rich, once we figure out, it's going to be a week night if we can get out there before Thursday it will be a week night, it will probably be 4:30, 4:45...

Board Member Cook stated Tuesday or Wednesday.

Chairman Rogan stated in the afternoon, something like that.

Mr. Leardi stated hopefully I can meet you there, if I can't, there is a gate with a lock, the lock is really not attached to that gate, just push it open.

Chairman Rogan stated well we have no reason to drive in there, we just would walk along the edge but thank you.

Mr. Leardi stated I'm just saying if you want, my mechanic is on vacation for 2 weeks so.

Chairman Rogan stated it doesn't seem like anything that you know is going to be that great to overcome, we're glad you're back in.

Mr. Leardi stated thank you.

Chairman Rogan stated thank you.

Mr. Cameron stated thanks a lot.

Chairman Rogan stated all right, with everyone's permission, we have a gentleman here for the last item, I'm sorry, the second to last item on the agenda, Brewster Plastics Site Plan, we can also get him out of here.

9) OTHER BUSINESS

f. Brewster Plastics Site Plan

Mr. John Lepler was present

Chairman Rogan stated good evening, how are you.

Board Member Montesano stated how's everything little thing in the world of make believe.

Chairman Rogan stated we have 3 changes that we discussed at the site walk the other night, changes to the approved the site plan, one revolving around the hydrant to the pond, change of location there that effectually eliminated 2 parking spaces by its location, the approved location would have not done that so that is something we want to talk about and I am going to ask the gentleman whose here tonight, Mr. Lepler, what's your first name I'm sorry.

Mr. Lepler stated John.

Chairman Rogan stated Jhon Lepler to comment on these items, second was a change in the layout of the turning radius on the back corner of the building, what was the third...

Rich Williams stated there was the propane tank, there was the change from the white spruce down at the base of the hill...

Chairman Rogan stated the grading issue with the rip rap.

Rich Williams stated they have submitted plans showing that they would like to change those out to crab apples.

Chairman Rogan stated crab apple, okay, those items, like the plantings have not been done yet so at least we are not talking, that at least we are doing on the table rather than them already being installed so I appreciate that. The propane tanks, it didn't seem like anybody had any issue with they were buried and it actually reduced the volume of propane needed on site because they are buried.

Rich Williams stated not from what was shown on the plans but what ultimately would have been needed.

Chairman Rogan stated from ultimately would have been required. The turning radius issue for the change in the layout to the parking lot comes down to whether or not it provide safe you know access to the building for fire trucks et cetera and I know Rich has been communicated with the Engineer, the Planner...

Rich Williams stated yea, if I may...

Chairman Rogan stated sure.

Rich Williams stated we did get plans in showing the new turning radius to scale, Andrew's reviewed them, the Town Engineer and he does not see an issue with the changes to the site plan, I took a look at it, you know I concur that it appears that a reasonable size fire truck could navigate the turn back there and that was a concern.

Chairman Rogan stated so our issues I think are, we gave a waiver for the number of parking spaces on this site with the idea that they showed future delineated spaces should the need arise, should the Planning Board or should any Town official deem that there's not enough parking, we can build them in the future and I think that that's an acceptable reason for giving a waiver. In this case we now lost 2 additional spots and I think the Board just has to determine if the existing parking minus the 2 spaces will be adequate, what I would say is that they should delineate 2 additional spots out for the proposed future parking, this way we have that opportunity and it doesn't you know, other than delineating them on paper, it doesn't cost anything else. The change in the actual location of the hydrant didn't seem to effect, assuming that the parking spaces aren't there, didn't seem to effect the ability for the fire department to utilize that hydrant, so in essence it sounds like most of the changes you made everybody seems pretty comfortable with...

Mr. Lepler stated okay.

Chairman Rogan stated the one comment that I heard expressed that I want to talk to you about real quick is we really appreciate when we approve a plan, when changes, when drastic changes are going to be made that they come before the Board in some manner, whether it's a phone call to Rich, so that we are all on the same page. I know that things happen and field changes occur all the time and I'm not taking that away but I think the Board wants to know what necessitated those changes without notification or going through the Board.

Mr. Lepler stated the changes that were made we notified Maser Consulting...

Chairman Rogan stated okay.

Mr. Lepler stated and Andrew Fetherston actually for the slope, the change that we had made, the slope was unstable and causing a big problem when Rich came out from the site walk, we basically had a river coming out of the side of that hill and our concern was the neighbors property and we needed to stabilize it. They said just do what you have to do, money's not an object, just get it done, it was that, the conditions were that bad, it was like a blob of mud coming down the hill and there is no way we could contain it, everything we try to do it wouldn't hold.

Board Member McNulty stated is this off to the south of the new addition.

Chairman Rogan stated the [Route] 22 side.

Mr. Lepler stated the west.

Chairman Rogan stated the side closest to the...

Mr. Lepler stated not the [Route] 22 side but the hillside going into the rest of the corporate park, the west side.

Chairman Rogan stated with all the rock on side.

Mr. Lepler stated yup.

Rich Williams stated they put that rock there.

Chairman Rogan stated oh okay.

Mr. Lepler stated we had to in order to stabilize that slope we had to do that. You have a question about the Route 22 side.

Chairman Rogan stated well the [Route] 22 side wasn't that the side that was supposed to be rip rap.

Rich Williams stated it was supposed to rip rap, there was a much deeper cut there and a greater area of the building was shown and they found a way to grade it...

Chairman Rogan stated which I think looks great.

Rich Williams stated they minimized the area of the building that was shown and yet kept the slope which was at a grade suitable for grass rather than rip rap so it came out much better than what was proposed.

Chairman Rogan stated it looks nice.

Mr. Lepler stated as a site contractor we asked the owner if we could change the grading over there if we could make it lawn verse...

Chairman Rogan stated yea, no it looks good.

Board Member McNulty stated it looks nice.

Mr. Lepler stated we figured, we live here as well and that is what we would like to see. The fire hydrant, when we excavated to do a wet tap to tie into the service, the power running into the building was 5 feet away, actually 7 feet away and that line and in order to do a wet tap to go in there you have to drop the machine in there. We couldn't physically put a machine in there to run it and we also had many conduits and we talked to the engineers and LADA and LADA is actually supposed forward on to Maser Consulting, I'm not sure if they got it or not and to the Town the changes we were going to make, so I do apologize...

Chairman Rogan stated no, that's okay.

Mr. Lepler stated I actually asked and I found out that wasn't forwarded when it should have been, so.

Rich Williams stated I just wanted to jump in here that you know for me, I think this is as much an internal problem as it is the responsibility of the applicant. The applicant is just out there trying to get his job done and get the site built and we're internally need to coordinate our efforts better and recognize when things need to come back to the Planning Board. Now in February we had done a memo and we put it out there

for everybody, so that everybody understood when things we were supposed to come back to the Planning Board obviously it has not been taken to heart so Charlie has asked me to actually revise that memo, make it specific to individuals, you would have had it tonight if it, a draft copy for your review if we hadn't lost power today so you'll have that by the next meeting.

Board Member Cook stated Shawn back to the 2 parking spaces, so on the revised plan can they just show 2 more in the future area, so that's a balance and that's not a problem and the, going from the evergreens to the flowering trees...

Chairman Rogan stated crab apple.

Board Member Cook stated right, along [Route] 22, come winter time, the evergreens would protect you all year long okay and then come winter though with the flowering, there...

Chairman Rogan stated well you know they were initially required to soften the building though because of the grade, there was more of the building showing, so they were more a visual block, with the grade higher, correct me if I'm wrong, you're seeing much less of the building and I think some of what they were proposed to do is being taken care of by the change in grading.

Board Member McNulty stated original was, mask off the foundation...

Chairman Rogan stated right and now the foundation is underground...

Board Member McNulty stated they raised the grade so...

Mr. Lepler stated the foundation at that point, that corner of the building is 8 feet down, that foundation would have been largely exposed, we brought the grade up...

Board Member McNulty stated the grade is where you're right below the stucco line now.

Mr. Lepler stated we're at 10 inches below, I think that is where finished grade is.

Chairman Rogan stated I'm kind of in favor of the crab apple because we go so many of the evergreens on the, everybody wants to use white pines and it just seems like after time it's the go to for every screening and to have a little color out there and something unique.

Board Member McNulty stated come spring time they'll look nice.

Mr. Lepler stated the owner of Brewster Plastics is looking to make the place look a lot nicer than it was, before we went into there, a lot better maintenance...

Chairman Rogan stated some nice landscaping to soften that building.

Mr. Lepler stated and his son is in the landscaping business and he wants to take care of it and make it nice and we actually, we are going to ask you guys if we could, ask the Planning Board if it's okay if they plant in the fall so these trees can survive, if you want them now...

Chairman Rogan stated I will refer to our planting experts.

Mr. Lepler stated if you'd like it now, we'll put it in now.

Rich Williams stated well...

Mr. Lepler stated it's up to you.

Rich Williams stated we are getting to that point where it's really not appropriate to be planting, its better off in the fall actually, you want to do it in the early spring or the fall.

Board Member McNulty stated smart.

Rich Williams stated that's better we just...

Chairman Rogan stated if they take care of the outside of the building and grounds, the way they run the inside, I have no doubt because that place was like a surgical room when we viewed it, it's really a neat...

Mr. Lepler stated well its food grade.

Chairman Rogan stated it's amazing the way...

Mr. Lepler stated it's food grade but you can not eat inside the building, if you walked into a food distributor it's the same rules, it's all food grade products.

Chairman Rogan sated wow, well yea, they are making products that are going to contact food, so it makes sense.

Board Member McNulty stated Shawn, one quick question, you said the parking spots were proposed, where is the proposed future area.

Rich Williams stated there are 2 areas that are proposed, one is right here the other is, well actually I think there's 3, 1, 2, 3...

Board Member McNulty stated okay but this is, would they expand this parking you mean.

Rich Williams stated we're going to have to take...

Board Member McNulty stated there's parking there now, isn't there.

Rich Williams stated no.

Board Member McNulty stated oh its just a drive.

Rich Williams stated we're going to have to take a look at it, we're going to have to figure out where they can put that.

Board Member McNulty stated there seems to be plenty of room up there.

Rich Williams stated what we'll do if it, from what I'm surmising that the Board is okay with the changes so I'll contact LADA, as I'm sure Jon will and you know we will let them know that they need to come

back with a plan showing 2 additional spaces, we'll see what their ideas are, we'll take a look at it, maybe add some suggestions and then we'll get a resolution for you for the next meeting to accept all the changes about...

Board Member McNulty stated and that change would also reflect a no parking area in front of that hydrant.

Rich Williams stated yea.

Board Member McNulty stated okay.

Chairman Rogan stated Rich, procedurally, these changes are small enough that we can waive a public hearing.

Rich Williams stated yea, all you're doing is accepting the changes, it's not like you're going to be approving a brand new site plan, so you're not going to go through the whole...

Chairman Rogan stated its not changing the use of the site any so, okay, it sounds like we're all set.

Mr. Lepler stated okay, as one of the site contractors, are we working towards a temporary C.O.

Rich Williams stated I don't know that we issue temporary C.O.'s...

Mr. Lepler stated because it's just, we have to go through the rest of the process and then it will be the C.O. the reason why as the site contractor I'm asking, is that the bank is not releasing...

Rich Williams stated I know that...

Mr. Lepler stated oh you've heard that.

Rich Williams stated no, I know the story, I know how it works and I know what's going with the money and everything else.

Mr. Lepler stated right so a lot of us contractors are having a very tough time because they wouldn't pay the previous month, so I am just basically asking for everyone's knowledge.

Rich Williams stated but I think, I don't know what your timing is for getting a C.O. but I think by next Thursday the whole planning process will be done and that will not be an obstacle for getting the C.O.

Mr. Lepler stated okay, great, thank you.

Chairman Rogan stated okay.

Board Member McNulty stated which is issued by the Building Department right.

Chairman Rogan stated right.

Rich Williams stated right but they can't do it until the Planning Board acknowledges that the plan has been completed.

Board Member McNulty stated final site plan.

Mr. Lepler stated wonderful, thank you, I appreciate you moving up, thank you.

Chairman Rogan stated sure no problem, you wouldn't have wanted to wait until the end, not on this agenda.

1) N.R.A. REALTY W/W APPLICATION – Public Hearing

Chairman Rogan stated okay, so now we can start the beginning, first item on the agenda we have N.R.A. Realty the wetlands/watercourse permit application, we are going to have a public hearing. We do have a memo from Ted, some of his concerns for the wetlands permit, I do believe Ted said he will be late for the meeting and this is the first item. So when they show up, we may ask them to see if they are willing to wait a little bit, to bump them down a little bit, if it means waiting a half an hour, that just means going through a couple of, I have feeling we can jump to some of the other items. Anything Rich you want to bring up on N.R.A...

Rich Williams stated no, I have not had a chance to look at it, at this point.

Chairman Rogan stated okay.

Board Member Cook stated but you would be able to give us a memo Rich.

Rich Williams stated oh yea.

Board Member Cook stated at the meeting.

Board Member McNulty stated (inaudible) that's what it is.

2) MEADOWBROOK FARMS – Discussion

Chairman Rogan stated okay, Meadowbrook Farms, if everyone remembers we have been talking...

Board Member Montesano stated I am going to abstain from Meadowbrook Farms.

Chairman Rogan stated okay.

Rich Williams stated no, you're going to recuse yourself.

Chairman Rogan stated recuse.

Board Member Montesano stated all right, I'll recuse myself along with abstaining from making any comments as I told to do.

Chairman Rogan stated everyone recalls we are in the process wrapping up the wetlands/watercourse permit application and we had some decisions to make in terms of what areas would be dedicated, what

areas would not be dedicated for the road, public roads in essence. I think last time we kind of nailed it down that some of these turn out areas were not going to easily meet the specs for being dedicated roads but I think we've come a long way from when we started this in terms of creating areas that the Town can take over. The people have been very adamant about trying to get them off their own property for maintenance issues, for issues with garbage pick up especially, so what Rich is left for us to do at this point.

Rich Williams stated there are a couple of decisions that you still need to make, one being whether this is going to be a through road and at what point...

Chairman Rogan stated oh yea.

Board Member McNulty stated oh yea, I remember that conversation.

Chairman Rogan stated that's a big issue.

Rich Williams stated that's a big one. We need a new bond calculation...

Chairman Rogan stated okay but the bond calc can't be done until we make that decision on what is being done with the road, correct.

Rich Williams stated not necessarily, I mean, yea, part and parcel with that is if you're not going to have a through-road, what kind of a turn around are you going to have at the end, whether its going to be a hammerhead, cul-de-sac, what you're going to do there. Then we would need plans for that...

Chairman Rogan stated any discussion from my other 2 Board Members here, with the idea of the through road.

Board Member Cook stated it was originally approved as a through-road, I mean how do you go back and change that.

Chairman Rogan stated I guess only if you can figure out that the information has changed and there is no necessity for it, no desire from the Town's perspective, nor need from the Fire Department nor desire from the people I would say but I don't know any answers to any of those.

Rich Williams stated you know my opinion on street connectivity, I mean, we had this out with Burdick Farms.

Chairman Rogan stated yea.

Rich Williams stated you know I think we should be making through roads for traffic flow, for emergency services, for issues of delivery, you know you've got trucks going in there, if it's a dead end, they get in, they have to turn around and come back out.

Board Member Cook stated is Sonnet Lane a Town road.

Rich Williams stated yes, Sonnet Lane was also designed to be a through road.

Board Member McNulty stated so both roads were designed to be through-roads...

Chairman Rogan stated to connect.

Rich Williams stated be connected.

Board Member McNulty stated and why weren't they connected because phase II was never...

Rich Williams stated we just haven't gotten that far in Meadowbrook Farms.

Board Member McNulty stated so the phase II that they are bringing in front of us, is the phase that would connect them.

Chairman Rogan stated no, its that they never finished the road, the original road to specs where it could become a Town road, it's still a private road.

Board Member McNulty stated still a private road.

Chairman Rogan stated so you can't connect.

Rich Williams stated back then it was a whole lot easier process, now a lot people are going to have to change their addresses.

Chairman Rogan stated that was before we had all these you know, fancy Town Planners and all these lawyers involved.

Board Member McNulty stated 911.

Board Member Cook stated yea but why can't they maintain their address...

Rich Williams stated because if you've got a through road, it's going to have one name, what E-911 did what, there is a reporter in the room, I'm trying to be nice, the wonderful people at Putnam County did, is not recognize that it was going to be a through-road so insisted and re-named one of the roads, so now we've got 2 roads out there with 2 street names.

Board Member McNulty stated is there not a point we can make an intersection, where it can delineate a through road with a stop sign, is that a possibility, I don't know how the topography of that area is...

Rich Williams stated we'd have to check.

Board Member Cook stated yea but how many streets have you been on when all of a sudden, I guess you have to cross a street and then all of a sudden it changes its name, right.

Board Member McNulty stated I've seen roads change at a T-intersection, where you go left its one way, you go right its another.

Rich Williams sated at a T-intersection yea, the only place I ever really see road names change is when you're going from one municipality to another, usually within the same municipality, you don't run into these situations.

Chairman Rogan stated how about making it, we make it a through road but we make a distinction where the old and, the two roads meet, you know when you go between, what is that subdivision us by your house, Country Hill, where you can now drive through to Windsor, where you drive through, you can still see the old, where the roads connected...

Rich Williams stated oh yea.

Chairman Rogan stated you make it a decorative feature, you change, you keep the roads the same name, so they have distinction between then but you can drive through.

Rich Williams stated we can work on that.

Chairman Rogan stated can we overcome, them is that a sticking issue for the people there, I think its more they don't want to connect, less than, more so than changing the name of their address.

Rich Williams stated everybody wants to live on a cul-de-sac.

Chairman Rogan stated right.

Board Member Cook stated if, to get the road dedicated now called Meadowbrook Farms Road, to get that dedicated, one we're not talking about dedicating the spin-off sections at all...

Chairman Rogan stated right, there's no need.

Board Member Cook stated they are considered driveways like anybody else, you take care of your own driveway and parking spaces and so forth, so to dedicate the road, the connecting piece has to be put in place.

Chairman Rogan stated have to allow them to make that.

Board Member McNulty stated do we have a site plan handy that I could look at, that would be great if I could understand how the layout is better.

Board Member Cook stated not to prejudice your thinking or anything, I think if we really want to dedicate this road then the through-road has to go in and we...

Chairman Rogan stated price of admission.

Board Member Cook stated yea.

Chairman Rogan stated so to speak, go ahead, don't hit any buttons.

Rich Williams stated [Route] 292, come in there is the new drive which is not built yet and it comes all the way back.

Board Member McNulty stated this is [Route] 292, where is the existing part of cluster homes.

Chairman Rogan stated up here.

Board Member Cook stated these are those, what do you call them again Rich.

Rich Williams stated loop driveways.

Board Member Cook stated loops, the loops.

Chairman Rogan stated so the 2 will not be, this one...

Board Member Cook stated and this one.

Chairman Rogan stated right, 1, 2. This will be...

Rich Williams stated not this probably but we probably will end up taking that.

Chairman Rogan stated and this to the cul-de-sac.

Rich Williams stated yup.

Board Member Cook stated and then this is where you'll get right for the through road.

Board Member McNulty stated Merle is currently all developed here.

Chairman Rogan stated no, this is all the proposal.

Board Member McNulty stated this is the only developed area.

Chairman Rogan stated right, all the light areas.

Board Member McNulty stated and they want to built this part with this now and this.

Chairman Rogan stated no, no, this is all built.

Rich Williams stated this is built, this is Phase II...

Chairman Rogan stated the road currently comes in.

Rich Williams stated and they are in, what happened was they built this, they waited a few years, the rules changed with DEP so they had to get all new approvals, that triggered new stormwater requirements so they are here now for a wetlands permit, that's all they're here for.

Board Member McNulty stated all right.

Board Member Cook stated and what, how would you call, the ancillary issue come up about time to dedicate that road.

Rich Williams stated several issue came up but that was one of them.

Board Member McNulty stated if I understand it right, we can't dedicate the road, we can't make it a through-road until it's dedicated.

Chairman Rogan stated absolutely.

Rich Williams stated we can't accept it for dedication until it becomes a through-road, unless the Town changes their opinion that they don't want it to be a through road.

Chairman Rogan stated but also, you can't say its going to be a through-road unless this becomes, unless we approve this to Town road specs and change it from a private road to a public road, it was always supposed to be right.

Rich Williams stated it's always supposed to be, the problem is, is that over years its been now 12 years, god I think a lot longer than that, probably 18 years it was put in and the condition is, the condition has deteriorated so they need to replace a lot of the curbing and a lot of surface.

Board Member McNulty stated so is that a condition of the wetlands permit.

Rich Williams stated no...

Board Member McNulty stated we're just looking at the wetlands.

Rich Williams stated you've got to issue a wetlands permit, I've got to issue an erosion control permit. There are some ancillary issues overall with the subdivision that its best if we address them now rather than waiting until this all gets built out, so we might as well get out in front of them.

Board Member Cook stated you don't want to be waiting another 12 years, even on the road dedication, we are recommending that the road be dedicated, right.

Chairman Rogan stated to the Town Board.

Board Member Cook stated and that go to a through-road. The Town Board makes the final call.

Chairman Rogan stated yes.

Board Member Cook stated okay.

Chairman Rogan stated okay, it is what it is, right.

Board Member Cook stated I mean I think that they want the road dedicated so it has to be improved to Town specs and...

Chairman Rogan stated its going to be a safer road.

Board Member Cook stated it has to be connected.

Board Member McNulty stated become a through-road and originally proposed.

Board Member Cook stated and approved.

Chairman Rogan stated right, I mean, I'm trying to think of the reasons why people would use this new connectivity for day to day activities more so than their old one and [Route] 292 doesn't lead some, it's not like it leads right to [Interstate] 84 where you would say the new people are going to cut through it as opposed to going around...

Board Member McNulty stated it takes out that traffic light off of [Routes] 292 and 311 though.

Chairman Rogan stated right.

Rich Williams stated but if they are coming down [Route] 292 and they want a short cut through, they are going to go up over Mooney Hill [Road] to Cushman [Road] or they are going to do Cross Road, that is the quicker cut through.

Chairman Rogan stated okay, all right. We just did Lea Rome, you know I was thinking about, Mike's back on the Board, we can make sure the record states that.

Board Member Montesano stated thank you.

Chairman Rogan stated is there any reason why anybody wouldn't want to do a breakfast Saturday morning, we haven't been doing a lot of them in the summer but do you work on Saturday...

Board Member McNulty stated this Saturday I'm busy.

Chairman Rogan stated all right, it's busy anyway the whole thing, I was just trying to think of alternatives, all right. Number 5, the driveway waiver for 6 Vista Lane, this is something that came up last month, oh I'm sorry, I jumped ahead.

Board Member Montesano stated you skipped Mr. Levine.

Chairman Rogan stated that's the fun one, thank you.

3) LEVINE FILL PERMIT – Tammany Hall Road

Chairman Rogan stated Levine Fill Permit, Tammany Hall Road, we did a site walk the other night, discussion.

Rich Williams stated read Ted's letter.

Chairman Rogan stated yea I haven't had a chance yet, okay, Rich how did this Tammany Hall Road fill permit come to light because obviously its been going on for several months, this fill.

Rich Williams stated the Building Department was notified that there was fill being dumped out there.

Chairman Rogan stated notified, do you know anonymously...

Rich Williams stated well let's leave it as anonymously on the record.

Chairman Rogan stated okay, fair enough.

Rich Williams stated and so Nick Lamberti took a ride out, saw the condition, took me out so he could show me...

Board Member McNulty stated and that was the end of that.

Rich Williams stated well that's when the stop work order got issued, yes sir.

Chairman Rogan stated so we have a private property owner who is bringing fill that is questionable at this point as to whether or not its safe and clean, even if it is safe and clean under the Patterson Code, normally we wouldn't allow brick and concrete and asphalt to be mixed...

Rich Williams stated mixed C & D material...

Chairman Rogan stated right.

Rich Williams stated because of the potential for cocktailing hazardous materials within.

Chairman Rogan stated I like that, cocktailing hazardous material, which we did see while we were out there, we have an issue now, well we saw...

Rich Williams stated no, no, you did not see any cocktailing of hazardous materials on the site, did you.

Chairman Rogan stated yea, you pointed them out.

Rich Williams stated did you, I apologize then, okay.

Board Member McNulty stated there was quite a mixture of material.

Chairman Rogan stated we had rusted paint cans with undisclosed, they were full and I pointed them and he said there's nothing in here other than this and I said what's that and I kicked it around and it was like $\frac{3}{4}$ full of some undisclosed hazardous material.

Rich Williams stated that's not what I meant by cocktailing, I mean you know when they are grinding up the material to process it, they are throwing either red bag hospital waste or what was going on a lot of times in the late 80's is they were mixing the chemicals they were using to process cocaine. You can't just dispose of that normally because you're not supposed to have it. So they would mix it with the C & D material and then dump the C & D material.

Chairman Rogan stated okay, so we have obviously items that were dumped here for the sake of the property owner, I hope that they are not contaminated and I hope that he can get proof that they come from a reputable source. There are some huge issues that exist out there, as everybody saw, I think aside from this, one of the biggest issues is the property line issue, you remember we had directed him to probably go seek, other than maybe legal you know support to seek a surveyor to be able to delineate that property line because it looks like he is several hundred feet off of his own property, which you know could be just a tremendous obstacle for him.

Board Member Cook stated the second point, the first point is just the mixture of materials okay and that how do we want to deal with Ted's recommendation about notifying DEC and...

Board Member Montesano stated is there any possibility that the neighbors, I'm sure they've noticed the trucks going in...

Chairman Rogan stated Mike, I drive that road everyday, I've never seen a truck going in and out.

Board Member Montesano stated let's put it this way, this poor man is sitting everyday and so is this guy, I'm sure during the course of a time and trip, they may have seen something going in here.

Rich Williams stated maybe but they never placed the call.

Board Member Montesano stated well I'm not saying that, what I'm wondering is, in this situation, do we notify them that this problematic or are we liable.

Rich Williams stated if it has no impact to them, unless somehow its discovered that there is hazardous materials contaminating the ground water but having said that, that's still a stretch.

Board Member Montesano stated until such time...

Board Member Cook stated could, if DEC came in, would they notify them.

Rich Williams stated probably not.

Chairman Rogan stated all right, well Ted's written comment to us is that his recommendation is that we contact DEC regional engineer, he didn't see DEC ENCONN. What would be the likelihood that we notify DEC, we can coordinate a site visit with a machine, to, do you have any sense of this Ken Bresnen, Bresner.

Rich Williams stated I have no idea what he is going to do, my concern always has been in the past when the DEC walks on the site, the State...

Chairman Rogan stated takes over.

Rich Williams stated any agency higher than the Town always feels that they have full jurisdiction and that everybody else's opinion doesn't necessarily matter. We see this a lot when people go straight to the DEC, rather than come to the Town to get an opinion and then go back and say well we didn't have to do it because the DEC said we didn't have to do it.

Chairman Rogan stated that's true.

Board Member McNulty stated looking at Ted's attachment and the definition of solid waste, I think we definitely saw some example that qualify as a solid waste, I mean as far as scrap metal, latex paints, we said we saw a can, we don't know that it was...

Rich Williams stated there was a rusty can that I saw.

Board Member McNulty stated discarded vehicles, there were 2 unregistered vehicles, one of them half buried, well surrounded, no buried...

Rich Williams stated soil pushed up against certainly.

Board Member McNulty stated and construction and demolition debris, I mean I saw faucets, handles, rebar, tile.

Chairman Rogan stated tile.

Rich Williams stated I've never suggested that Ted was wrong.

Chairman Rogan stated right.

Rich Williams stated my only suggestion was that you know we try to get out in front of this and in doing so we have the ability to kind of direct it the way we think its going to go and that we go out and have a few test pits done, take some pictures and see what's down in there. We may find out that it's a much bigger issue and...

Board Member McNulty stated or maybe there is just 1 or 2 loads of bad material.

Rich Williams stated right.

Board Member Montesano stated question, do we go over the property line where the fill is since that is the Town line before we get to it.

Chairman Rogan stated that's not the Town line, it's a property line.

Rich Williams stated we do the test pits...

Board Member Montesano stated I realize that but right now, this is the property line but this is the town line and that fill is still in the Town.

Chairman Rogan stated right but its somebody else's property, we can't go on that regardless.

Board Member Montesano stated all right.

Chairman Rogan stated I think right, we can't.

Rich Williams stated no, we can't and there is no reason to, we should be able to get a good enough sense of what was brought in just by staying on his property. My concern always is, that there is something buried out there and the DEC is going to come in, especially in today's climate when their resources are being cut, they take the quickest way out and they slap him with a heavy fine, tell him to cap it, cover it and that's the end of it.

Chairman Rogan stated right.

Board Member McNulty stated but what would we tell him to do if we found debris, remove it.

Rich Williams stated well if you dig down that, I mean that's a good question for the Board, right now...

Chairman Rogan stated exactly.

Rich William stated if you dig down in there and find that all this material was just stable material for the most part is also mixed in with a lot of wood which is going to decay and create sink holes over time in a residential property that he may not own 5 years from now, you know, are you going to make him take it out or are you just going to say well it's there, it's there.

Chairman Rogan stated and the problem is you would only, short of taking everything out, you don't know whether you'd ever resolve the problem because you might take out what you find but you don't find everything, short of removing the whole thing. So that becomes, I mean...

Board Member McNulty stated well that's what I'm...

Chairman Rogan stated let's just say for the sake of argument that he's got trees that he cut down and just buried right over the top of, based on the amount of clearing that was done and the lack of seeing trees and knowing that he didn't take it off site, I would say it's very, very likely. So, do we make the decisions right now, theoretically, that he's got to remove it all, assuming that its all under there, I think we have to be prepared to go that route, otherwise I think we should have a conversation with Ted, yourself, myself and maybe Charlie and with the DEC over the phone at least as a minimum, to start the conversation.

Board Member McNulty stated because what happens if, to mitigate the problem, we'd say well you have to move it or you don't have to move it, what liability do we have as a Town then if 5 years from now the water supply is contaminated.

Chairman Rogan stated good point.

Rich Williams stated we also have the problem them, we are not going to be able to touch that and move it off the site without the DEC's authority, blessings to do that.

Board Member McNulty stated so they are involved either way.

Chairman Rogan stated I understand Rich's concern, not losing...

Rich Williams stated my concern is...

Board Member McNulty stated open up a huge can of...

Rich Williams stated gathering the data so we have a good and formed opinion before DEC comes in and takes jurisdiction and says nobody is looking at anything.

Chairman Rogan stated will the, but that's at a cost to the owner and then we have them bring a machine in, let's say we dig holes, let's say he spends a thousand dollars for the day to have the machine come in for sake of argument, now all of a sudden the DEC comes in and he's starting to get hit with all these costs and he's saying well you know I dug test holes already why am I digging them again, or what am I, you know. I'm concerned that we don't run afoul.

Board Member Cook stated if we have the results of the test holes, why would DEC ask us to do it again.

Chairman Rogan stated they wouldn't ask us, they might ask him.

Rich Williams stated and they might not even ask him, is document it well enough and we have an engineering report, photographs and even maybe some samples, depending on what we see.

Chairman Rogan stated I am also concerned Rich that we are talking about an application or an issue all on public record of course because that is the way we do everything and we are now being, we are now aware as a Board, that this is a bigger issue than potentially a bigger issue than the Town and I'm worried about not acting and saying well yeah but we want to get all the information first and not including people. Sometimes it's a Catch 22, we just had a gentleman here that did changes without coming to us and we're saying yea but if you notify us we are all part of the conversation from day one and that's working collectively to solve a problem and to do that opposite...

Rich Williams stated sure.

Chairman Rogan stated to work against that so...

Rich Williams stated just to be clear I'm not advocating that we take any course of action without involving the DEC, you know, the only thing I was advocating is data collection so we have an informed decision before we went to any other agency...

Chairman Rogan stated so you're defining an action as...

Board Member Cook stated how quickly can we...

Chairman Rogan stated I understand it, as not making any decisions but getting, having the bring in and do all this is still an action.

Board Member Cook stated but how quickly can we get that done.

Board Member McNulty stated it's up to the property owner.

Rich Williams stated we could have had a backhoe out there today if you wanted to have a backhoe out there.

Chairman Rogan stated if he was able to get it out there.

Rich Williams stated right, right.

Chairman Rogan stated the guy didn't seem to, he didn't sound like he was having day to day communications with this contractor. This contractor realizes that he's getting back into something that he doesn't know what the end result will be; you know he could be...

Board Member McNulty stated did the homeowner say he had tickets or he was getting tickets from where the fill...

Chairman Rogan stated he said he did not have anything, he assumed that the contractor did have them, the contractor told him it's all good clean fill, it comes from whatever, whatever and don't worry about it, is basically what he was saying.

Board Member Cook stated I would give this a month and then a phone call to DEC.

Chairman Rogan stated I don't even know if I would give it that long. I think if we say, you know, okay we're moving forward with getting a backhoe out there to determine the extent of, you know, contamination material whatever that its going to happen within a week.

Board Member McNulty stated get results by our next work session.

Rich Williams stated listen, I agree...

Chairman Rogan stated this next meeting...

Board Member Montesano stated get it done.

Chairman Rogan stated next week, you said it's a machine.

Rich Williams stated I would give him a week, then after a week, you can't really delay calling the DEC too long, you have to act.

Chairman Rogan stated right.

Board Member Cook stated so by the end of next week.

Chairman Rogan stated next Thursday, the meeting.

Rich Williams stated I can call him tomorrow and say listen if we can have this done, if not.

Board Member McNulty stated who analyzes the dig.

Rich Williams stated its all visual for the most part, we are going to go out and take samples.

Board Member McNulty stated okay, (inaudible).

Chairman Rogan stated soil testing.

Rich Williams stated and when I say taking samples, I'm just saying taking some vials or plastic baggies or something just so we...

Chairman Rogan stated and photos.

Rich Williams stated and photos and written reports.

Chairman Rogan stated I don't think that he has anything buried there, in that fill that's much different than what we saw. I think our biggest issue is he probably, he probably felled all those threes and just whacked

them up or just anything that was there that they could leave right where it fell, they probably just buried right over the top of.

Board Member McNulty stated some of it looked fairly clean but that last pile directly behind his house...

Chairman Rogan stated was horrible.

Board Member McNulty stated that was a pretty rough load of material.

Chairman Rogan stated has everybody seen, I mean, Mike, thoughts.

Board Member Montesano stated I think a week is more than sufficient.

Rich Williams stated a week to do some testing, have Andrew out on the site, myself out on the site, seeing what's going on down in there and...

Board Member Cook stated and discuss it next meeting.

Chairman Rogan stated the only thing I would be cautious is, we truly don't know where that property is, we have an estimation and I don't think its going to be possible to have that thing flagged. That would be great if he could have that flagged also, I would ask for it, it's not going to happen. Any surveyor if they are willing to do that work to get out there and confirm on property line in a day.

Board Member Montesano stated do you want Nick...

Board Member McNulty stated you're going to check with the Building Department to see if they had a survey.

Board Member Montesano stated do you want Nick as the Building Inspector and his records out there.

Rich Williams stated well I'd probably bring Nick also.

Board Member Montesano stated I'm just saying he's got everything he can pull up, you can pull it up and that gives us...

Rich Williams stated Nick doesn't have a lot.

Chairman Rogan stated okay, somewhere we should be able to track down a survey.

Rich Williams stated he may have a survey but other than that he doesn't...

Chairman Rogan stated I don't want, what I'm thinking is I don't want anybody to have the machine out there and say yea dig a hole here and now we are part of digging a hole through stuff on somebody else property and we're going to do the best we can to help this guy we don't want to end up a party to any litigation. Okay, so it sounds like everybody is basically agreeing that we get and then next meeting, regardless we are going to be authorizing Rich and/or Ted to reach out to the DEC and I would like to if we can, have a discussion if I can come at some point or at least just so we are all trying to coordinate our response as best we can between the agencies, which would be great and if not it will prove us that some agencies don't play as nice as we hope.

Rich Williams stated not even the agencies as much as the individuals sometimes.

Board Member Montesano stated it's my bat and it's my ball.

Chairman Rogan stated you're absolutely right.

5) 6 VISTA LANE – Driveway Waiver

Chairman Rogan stated the driveway waiver for Vista Lane, that came up last meeting but we didn't have enough information. I believe it was someone who had reached out to you, we didn't have all the specifics about what they wanted to do, just something other than asphalt for the apron I guess. So now what are they looking for...

Board Member Cook stated have they given us anything else.

Board Member McNulty stated just a cobblestone...

Rich Williams stated I've been calling, they're not responding.

Chairman Rogan stated well it says install cobblestone apron in driveway where it abuts roadway.

Board Member McNulty stated yea they just want to add a, I don't how big though by what I read.

Board Member Montesano stated can you see what it looks like. Do you have a picture, right now I have a bunch of words.

Board Member McNulty stated I happen to know that house, so it's just a...

Board Member Montesano stated that means we'd have to go on a field trip, if they gave me a picture of what they were going to do, a drawing is sufficient.

Chairman Rogan stated well, if they (inaudible) Unilock, cobblestone...

Rich Williams stated that was the problem. They couldn't exactly define the area that they were talking about and when I said are we talking about true cobblestone or Unilock, the response was I don't know.

Chairman Rogan stated to me they're...

Rich Williams stated they are almost identical.

Chairman Rogan stated the same thing.

Board Member McNulty stated is there a difference, if one material from the other, would that affect...

Rich Williams stated the other half of this is she's doing this, the problem is the plows are going by now, they are chipping up the front of the driveway because they didn't lay the driveway, my opinion, they

didn't lay the driveway in properly in the front, where it meets the road. It should feather down in and not rise up right at the road.

Board Member McNulty stated what if the stone got feathered into the road.

Chairman Rogan stated well that's the way it should be done, right.

Rich Williams stated that's the way it should be done and if they don't do that, then the plows are going to be tearing the cobblestones out.

Board Member Montesano stated that house that were at on Tammany Lane, it was a cobblestone edging right there and apparently with the plows going through and everything else, it didn't look like it was getting disturbed, if its done right but I would still like to see what they're doing with it or at least have something.

Board Member McNulty stated can I, I don't know if I can speak on the record, I know something about this job because I know the lady and I recommended the mason to her to do the work...

Chairman Rogan stated somebody reputable I hope.

Board Member McNulty stated yes it is.

Board Member Cook stated not the JT company there...

Board Member McNulty stated no it's not JT, it's not me, it's a subcontractor, not affiliated with it. I happen to know Mrs. Ziegelmeier and I've worked for her, if it doesn't get done right, you're going to know about it, she's not easy to work for. That said, a real sweet woman but I think she'll do nothing but the right job, if that saves a site walk or not...

Chairman Rogan stated I don't feel like I have to see it, if it's the full width of the driveway for the first, if it's a 13 foot wide driveway I'm assuming...

Rich Williams stated probably 12.

Chairman Rogan stated well it says 13 by 18, so 18 foot in, as long as its done properly, if it's a Unilock type product, I feel like I know what that is...

Board Member McNulty stated I think that's a double wide driveway so its 18 wide by 13...

Chairman Rogan stated they're only coming 13.

Board Member McNulty stated yea.

Board Member Montesano stated it says 13 by 18 on here.

Chairman Rogan stated yea it just doesn't which is the length and which is the width, so you know, maybe, do you think anyone is going to be coming to the meeting from this.

Rich Williams stated again I've been calling her, she's not responding.

Board Member McNulty stated I'll make a call.

Board Member Montesano stated just in time.

(Side 1 Ended – 8:27 p.m.)

Rich Williams stated if she could just give us an idea of the area, a sketch and the material just so we know that...

Chairman Rogan stated yea, we would need them.

Board Member McNulty stated I'll get details, I'm sure its, I don't think, I think what her plan is, will be a nice finish...

Rich Williams stated I'm sure it will be.

Board Member McNulty stated but to get something for everybody else to look at, I'll make a phone call.

Chairman Rogan stated okay, I don't personally, if Mike wants to see something, if they say oh it's a cobblestone Unilock product or something equivalent, I don't care what the design is.

Board Member Montesano stated well I...

Board Member McNulty stated what I remember is she has a true cobblestone border on her driveway now, so but I will find out for sure and have somebody here.

Board Member Montesano stated when I had mine done it was the biggest kick in the world because we had no plans, we couldn't get the information. I remember Ron trying to get it for a long time and I went down to Unilock and told them I'm bringing everything back and they gave me engineering reports, books, layouts, they came up drew pictures, they came with the camera, they put it on the website.

Board Member McNulty stated I'm not exactly positive but I believe their intent is to use natural stone but I'll find out.

Board Member Montesano stated all right, whoops.

Rich Williams stated are you going to take a ride up there, when you do, the driveway crowns down on the road it has a hump and every time the plow goes by it hits that hump and tears it up.

Board Member McNulty stated so.

Rich Williams stated you need to re-grade the driveway a little bit I think.

Chairman Rogan stated push it back a little it sounds like.

Rich Williams stated dip it down so the plow is going over the top of the beginning...

Board Member McNulty stated instead of catching the stone.

Chairman Rogan stated remove that asphalt and come back.

Rich Williams stated otherwise its going to tear it right out Tommy.

Chairman Rogan stated work, work, work, work.

Board Member Montesano stated oh what fun.

6) WIRELESS EDGE AT QUAIL RIDGE

Chairman Rogan stated okay we have Wireless Edge at Quail Ridge, site walk the other day for those that wanted to see it again. We have, we looked at the wetlands that were reported to us per the public hearing and there were some issues that Ted noted, some areas that haven't been shown on the plans and that they will have to and obviously have to apply for a wetlands permit as part of their application. I think I am going to recommend that the Board consider at the next meeting or at the very earliest if Carl will be there...

Rich Williams stated yes.

Chairman Rogan stated if we ask for an executive session, to discuss this project because I want to make sure that we are all, we have all the information that we need that, it's okay, that we can discuss some legal issues with this application.

Rich Williams stated there is another part to that too, Ted's flagged, Ted has identified that there are indeed wetlands on the site which come within a hundred feet of the driveway and as such the application will need to be amended showing the wetland boundary and filing a wetlands application. You know having said that, the Town Code you know allows some variations in the procedures that you follow for a wetlands permit. If you feel it is an insignificant action you can actually waiver the need for a public hearing and either waive the wetlands permit or issue the wetlands permit along with the site plan, which is probably the more appropriate way to go. So you need to think about what procedures you're going to follow to address the need for a wetlands permit, now if everybody's okay and agrees with Ted that there were wetlands out there and they are within a hundred feet and should be filing a permit, perhaps you would like me to reach out to him and get that process started.

Board Member Montesano stated the bottom end of it, the last paragraph of that memo he sent us based upon from what I understand of the project, I do not see a significant impact to these wetlands if proper erosion controls are employed...

Chairman Rogan stated so have them show them and we waive the need for a wetlands.

Board Member Montesano stated right.

Chairman Rogan stated you know based on the information I agree...

Board Member McNulty stated I agree with that too.

Chairman Rogan stated because Ted didn't feel very, he just basically said like anything else they are there, we need to identify them and we need to consider their impacts. Having said that he didn't see that if he did construction correctly there wouldn't be any negative impacts...

Board Member McNulty stated he felt they were far enough away from it.

Chairman Rogan stated so I think we would be okay issuing a waiver just having them show them on the plans, you know included on their plans.

Board Member Montesano stated and do proper control.

Chairman Rogan stated yea, which we would have them do anyway.

Rich Williams stated or would you want them shown on the plans and have them submit wetlands permit and then just issue the permit with a site plan waiver for the hearing.

Chairman Rogan stated the net result for us is the same, so whichever, it really doesn't, I mean issuing the permit it, you know we can waive the public hearing because we are doing that. We covered these topics already when we had the public hearing, there was nothing, nothing that would change, I don't think the requirement for that...

Rich Williams stated of course it gets a little bit more complicated at this point.

Chairman Rogan stated yea, it always does.

Rich Williams stated what he needs a wetlands permit for.

Chairman Rogan stated yea, that's true, he needs a wetlands permit for some impact whether it be utilities or road because either side has impacts, so, you can word that in a way at this point that is ambiguous enough to cover either alternative.

Board Member Montesano stated how close to the utility trench would that wetland be...

Chairman Rogan stated within a hundred feet.

Board Member Montesano stated would that trench cause diversion of water or anything of that nature.

Chairman Rogan stated not once its closed back up and they put that, you know...

Rich Williams stated neither of them, both of them because of, whether its Garland Road or Phillard Road, either of them will likely trigger a need for a wetlands permit because they are going to be within a hundred feet of a wetlands, they are in the buffer. Neither of them will produce any sort of significant impact to the wetlands.

Board Member Montesano stated okay.

Board Member McNulty stated and that's basically what he states right there.

Board Member Montesano stated and that's what that says.

Rich Williams stated that's what it states.

Board Member Montesano stated no problem.

Rich Williams stated but the question is whether they are going to file an application for a wetlands permit for Garland Road or one for Garland Road and Phillard [Road].

Board Member McNulty stated oh you don't know if they'll apply for both.

Rich Williams stated I don't know which one they should apply for. See the dilemma.

Board Member McNulty stated but on either one we can waive...

Rich Williams stated yes.

Board Member McNulty stated because Ted recommends that there are wetlands but they are not in proximity of this.

Board Member Montesano stated if we decide for them to go, for arguments sake from point A to get to point B and they say no we're going from C to B, that's the dilemma that may be created.

Rich Williams stated moving right along.

Board Member Montesano stated so there we are, that Catch 22 strikes again, okay.

Board Member McNulty stated tonight we received the ZBA determination as well, I haven't had a chance to read through that.

Chairman Rogan stated no, I haven't either. So can you reach out to Carl and see if he will be at next Thursday's meeting and if he will, if he's not going to be then we want him there or we want some representation, how's that, reach out to legal counsel and ask that they provide proper attorney coverage for next meeting.

Rich Williams stated I like the way you just phrased that.

Chairman Rogan stated hey you know, always the diplomat and let him know that we would probably want to go into executive session to discuss this so they would want to have an idea of the history or what the alternatives are ahead of time would be nice so we don't have to spoon feed it. So, that would be great and yea I think if Carl can't be here, then let's request Tim, absolutely. I don't want someone who we haven't dealt with yet.

Board Member Cook stated agreed.

Chairman Rogan stated honestly and its not any disrespect to any new attorneys but okay, so Schoen number seven...

7) SCHOEN SITE PLAN – Discussion

Chairman Rogan stated that is the site at the intersection of [Routes] 22 and 164, you want to take us through the history of the site in a nutshell, we have the minutes by the way from which would make for some interesting reading.

Board Member Montesano stated yes it is.

Rich Williams stated um, many, many years ago there was an application made for the commercial building on the site which was going to be used basically for office space by Kevin Hanna who was initiating a business. He was an accountant but he was also initiating a business to do modular homes and he was going to, that is what he was principally going to do out at the site. Things didn't go so well for Kevin Hanna personally, it ended up overflowing into his professional life and as he got, you know he was going through the process, you know he ended up giving up the project, selling the project off to somebody else, well actually he was doing as contract vendee, the Schoen's owned the site. So Mr. Schoen picked up the project and took it the rest of the way through the process, in doing so they and it was always designed to be an office building but we were pushing him to have the access out on [Route] 164 which is more appropriate for a commercial site. Ultimately they wanted a larger building 7,200 square foot building on the site, that impacted the available area for septic and it turned out to keep a building that large on the site and get everything else on the site, the only access they could come up with was Old Route 22. So, the Board you know acknowledged that, the Board was concerned about the traffic and such and I could tell you that I was Chairman of the Board at that point, so we were very specific about it then be limited to an office building unless they wanted to change the design.

Board Member McNulty stated when you say change the design, you mean the site, the drive, the building design or the driveway design.

Rich Williams stated both the driveway, the overall site is set up for an office, the traffic flows through, the narrowness of the parking spaces, we gave waivers to the parking dimensions, there is no place to get a delivery truck on the site so they would need to make some modifications to make it suitable and really you don't want to be encouraging commercial traffic on a residential collector road which is where the driveway is, the only place they would allow it. Then it was bought by the Suozzi's, it was operated for a little while, when it was built it wasn't built exactly the way it was supposed to be built, there were store fronts put in the front to make it look more like a retail building because that is what Mr. Suozzi wanted and the Building Department allowed that change to the architecture. You know, after while the Suozzi's came back in and said listen you know, using this as an office space is not working for us, we want to have customary personal services and initially it started out as a beauty parlor and they were just going to have 2 seats but the problem that you run into is the way we've set things up in the Code is we've set them up in categories of uses and personal services and retail are one category of use that's permitted within the C-1 zoning district. Business office and professional office is another category, so having said that the Board took a look, they did a number of site walks out to the site, they recognized the difficulties in having the increased commercial traffic because with customary personal services and retail. Well let's back up, office space, generally you have everybody showing up in the morning, sitting in the office all day long, running out for lunch, you know but the vehicle trips are significantly less than when you have a consumer based activity on the site such as a personal service, whether it be a dog grooming, retail, a delicatessen, things like that where you constantly have the traffic coming in and out for the sales. They recognize that it didn't flow through the site easily because of the steepness of the driveway and you don't have anyway for delivery trucks to get on this site, as it is right now, if a delivery truck had to come on to the site, they are going to, a larger delivery truck, we are not talking UPS, they are going to end up coming south on Old

Route 22 through the residential areas and then backing on to the site because there is no real other way to get on that site...

Board Member McNulty stated well that's an assumption though, correct...

Rich Williams stated no that's not an assumption, well...

Board Member McNulty stated because [Route] 164 is another way in, I mean...

Rich Williams stated well they could come up but then they've got to almost make a U to get a tractor trailer on the site, it's a much more difficult challenge for somebody to back up on to the site going...

Board Member McNulty stated but how many tractor trailers do you expect to deliver there, you go into Sauro's and it's a small site and that's all retail pretty much. I've never seen a tractor trailer go in that parking lot.

Rich Williams stated really, I see them all the time.

Board Member McNulty stated tractor trailers.

Rich Williams stated large box trucks.

Board Member McNulty stated I've seen large box trucks...

Rich Williams stated large box trucks.

Board Member McNulty stated I've seen Frito-Lay, I've never seen a tractor trailer, again I'm only there in the morning.

Chairman Rogan stated I never would have expected them to go into Guiding Eyes for the Blind either but that was an eye opener...

Board Member McNulty stated I did see one backing to there one day, that's crazy.

Rich Williams stated yea and the one that surprised me...

Chairman Rogan stated that's for dog food.

Rich Williams stated was while we are going through this, I was going through the minutes, over in Putnam Lake I was stopped in traffic while the guy backed up by the liquor store over there in an area I never thought this guy could back into, one shot, backed in...

Board Member McNulty stated it depends on your driver.

Rich Williams stated yea, he stopped traffic, he was amazing.

Board Member McNulty stated where I do get stuck in traffic is at [Route] 311 and the railroad bridge.

Rich Williams stated oh yea.

Board Member McNulty stated that's a tough back-up. I understand, I haven't read all these minutes yet from previous meetings, my own feeling is I would rather see a business in place than a vacant store, a vacant building but in return, I haven't seen the space in the daylight, I drove through the parking lot at night the other night when it was empty, I didn't see it be extremely tight, I got in and out of there, I don't know if the building needs any maintenance or the site grounds need any maintenance, I would like to see if we...

Rich Williams stated the site is fine but, and I agree with you, I would rather see a business than an empty store front but people need to design the sites for the intended use and in this case the intended use was office, that's the way they should have designed this. Like I said the parking spaces are narrow, you have limited traffic flow in the back because you know you come in down a narrow drive aisle, the steepness of the grade to get into the back does not lend itself well to traffic you know when you're having commercial...

Board Member McNulty stated I didn't find it that awkward.

Chairman Rogan stated Rich are they looking to occupy a space that's up front.

Rich Williams stated no.

Board Member McNulty stated no, it's one of the store fronts, correct.

Rich Williams stated right.

Chairman Rogan stated because it would be nice for that kind of a use, which isn't as sporadic as people showing up to buy something which can be at anybody's whim, which is scheduled appointments which is what they talked about then you're bumping out where you don't have ten people coming at once unless they are dropping the dogs off for the whole day to get groomed, then you could have that. Up front cuts out a lot of those issues of parking, you know the up front spaces are probably better for retail than down back in terms of parking...

Rich Williams stated in terms of parking, site access, sure, not in terms of visibility which is you know and this is always going to a challenged site no matter you put there, it doesn't have a lot of visibility.

Chairman Rogan stated no.

Board Member Cook stated but yet am I right that says this approval original approval was for office space.

Rich Williams stated yes.

Chairman Rogan stated that wasn't the way it started out but that was the way they ended up because of the way they modified the site.

Board Member McNulty stated because of the septic and the access.

Chairman Rogan stated because of septic, right access.

Rich Williams stated it was mostly the driveway access, the parking spaces, the lack of loading...

Chairman Rogan stated Rich, wasn't it driven by the fact that the septic area had it ultimately had to be in a certain place and that knocked out their drive access that they were planning...

Rich Williams stated to [Route] 164.

Chairman Rogan stated to [Route] 164 so septic system to the building drove everything in terms of that layout...

Board Member McNulty stated drove, changed the entrance.

Chairman Rogan stated I remember that.

Rich Williams stated but if we had the drive on [Route] 164, we could have looped the road, then it makes everything so much easier because then you pull in, you drive all the way around, you drive back out.

Chairman Rogan stated yea, wasn't this originally when you talked about Hanna, I think it was...

Rich Williams stated Hanna, Kevin Hanna.

Chairman Rogan stated Hanna, was he a partner with Evan Kanouse, is that when they owned...

Rich Williams stated no...

Chairman Rogan stated it wasn't, separate...

Rich Williams stated Schoen was the partner with Evan Kanouse who ultimately finished it up.

Chairman Rogan stated okay because it would have been so nice if we could have had shared access for the 2 sites there, the parking lots almost touch each other except for grade of course.

Rich Williams stated right.

Board Member McNulty stated I didn't find the parking lot that difficult, (inaudible)...

Chairman Rogan stated we went down there with a couple us one time, between Mike's truck and my truck, we, it was a cluster trying to get in and out of there, but again they are trucks, it's understandable, there were issues with that curb sticking out on the corner of the building when I drove down there the other night, that was my first instinct was I going to run into the curb because it sticks out further than what it needs to because its like a planting island and I think at one time, we had talked when we were considering a change on the site of pushing that back and opening up that blacktop a little bit.

Rich Williams stated and yea, while we were going through this whole process, we had fairly close to modifications to the site while not perfect, certainly allowed for a truck to get on to the site for some delivery, you know opens the parking spaces up and then the Suozzi's decided just not to do it.

Chairman Rogan stated that's right.

Rich Williams stated one other thing I want to through out here is one of the difficult challenges in trying to find a use for that site, dog grooming, they are going to make appointments, you're not going to have a lot of traffic, that's fine but the way we, the way our Code is written if 2 weeks after they open they decide they don't want to be there and close up, you've now established a personal service or retail use in that site and the next day a delicatessen can open and you've got nothing to say about it.

Chairman Rogan stated can't pick and choose, that was something that frustrated us last time because I am more apt to approve what you're saying...

Board Member McNulty stated can you limit it though, that building only is retail friendly for the bottom level, I don't see it being...

Rich Williams stated actually its more retail friendly to the upper level...

Board Member McNulty stated well not the way the building was designed though, there are no store fronts on the upper level.

Rich Williams stated no there aren't but again there's limited access to the back, going down a steep driveway, there's not a great area to back in and out of the parking spaces and they are tight.

Board Member McNulty stated but my point is, if we opened that door to additional personal service business, it would pretty much be limited to that lower level, would it not, because of the style of the building.

Rich Williams stated it could be.

Board Member McNulty stated so and we could, if they wanted to modify the upper level that could be denied further down the line, correct.

Rich Williams stated well you could, say there's a thousand square feet on the bottom floor okay, you could say you can only have 500 square feet of retail space on the bottom floor and so they are limited that way but then you couldn't decide what the retail is going to be or what the personal service is going to be and you know we had great discussions way back when about you know they want to open a yoga studio in there...

Chairman Rogan stated by great he means long discussion, they're not that great.

Rich Williams stated long, yea...

Board Member McNulty stated my point is that, the lower level lends itself to retail the way they built the store so let's just say we allow one and now 3 additional come in, it's hard to stop that because we've okay'd one, correct. That really could happen to the upper level without a building change, design change...

Chairman Rogan stated you mean without changing, pulling out the windows and putting big store fronts.

Board Member McNulty stated putting in store fronts and that could be denied if we allowed downstairs to develop as retail, could we hold back the upper level.

Chairman Rogan stated it seems like these are the same conversations we had a couple of years ago with legal counsel about...

Rich Williams stated yea...

Board Member McNulty stated what was determined...

Chairman Rogan stated you know could we approve 30%, we were talking there are 10 store fronts, 5 up and 5 down, could approve 3 of those 10 to be retail and the others have to stay office, so you don't and we went around and around with this stuff...

Board Member McNulty stated is a dentists office personal service.

Rich Williams stated the answer was, excuse me...

Board Member McNulty stated is a dentist office personal service.

Rich Williams stated no.

Board Member McNulty stated would that qualify to go in that building.

Rich Williams stated that would be subject to some debate when it was set up, when it was originally set up it was set up as office space, all right, since then because of other things that have happened, we have redefined things in the Town, so it used to be office, that was a use, we have broken that into professional offices and business offices...

Board Member McNulty stated so that is the use for this building.

Rich Williams stated well we've got 2 office uses now that weren't in existence when the building got approved for office space so probably yes, is that a good thing, probably not.

Board Member McNulty stated so then it's a change since it was designed and built, the local code has changed. My point is the determination for me is if just the lower level became personal service, I could understand that but if the whole building became personal service, I could see where that parking lot would get just too busy.

Chairman Rogan stated absolutely, it's not meant for it.

Board Member Montesano stated the building itself, with all due respect to the approvals is...

Chairman Rogan stated you were on the Board too, right.

Board Member Montesano stated yea, is when you're sitting there looking at the actual building now, not just a piece of paper, it's really, just doesn't fit, period. It's, if you were to made it maybe smaller so you could get something around but every time you offered an option the applicant wanted as much as he could squeeze on it and this is what we ended up with because instead of being able to put the entrance way off of [Route] 164 which would have been the whole lollipop as it were...

Board Member McNulty stated sure.

Board Member Montesano stated no and they're not, they wouldn't sacrifice anything, both people involved in the original partnership wouldn't give in, one wanted to get rid of the other and the other wasn't going to give in on anything on his part and that's where the difficulty came in.

Chairman Rogan stated having 5 spaces there that would all be able to be personal services or retail with the property site plan, they would have all potentially been rented...

Board Member McNulty stated sure.

Chairman Rogan stated now like, you're right you hate to see a building unoccupied, it looks you know very unfortunate and it was like that even before the recession, really, we haven't had any, unless those offices upstairs are rented and you just don't realize it because the shades, it looks like a little bit of a closed motel.

Board Member McNulty stated from his letter it sounds like he has only 1 tenant there now.

Chairman Rogan stated when I drove by, there looked like there were 4 active tenants, it looked like all 5 downstairs, one was MetLife or something but, it looked like 5 business downstairs, all with signs up.

Board Member Montesano stated I would say that there has been 10 or 15 people in that lower level.

Chairman Rogan stated oh different, yea, the eBay place...

Board Member Montesano stated you had the eBay, you had a guy that used to do shirts and banners and stuff like that...

Chairman Rogan stated the tax service.

Board Member Montesano stated there was the tax service for awhile and every time you turn around it was someone else, it's unfortunate.

Board Member McNulty stated review the minutes over the weekend.

Chairman Rogan stated let's read through the minutes, give everybody a little bit of reminder of the site, the site has constraints, you know, let's read back through because I think that will remind everybody or bring people up to speed on what we've already discussed.

8) BONIELLO SITE PLAN – Discussion

Chairman Rogan stated Mr. Boniello's site plan, the issue is at this point, basically the ramp or the handicapped access. The Board may recall we approved site plan to make some modifications to the site, one of which was to put a hot dog restaurant in the main existing building, on the original plan it showed handicap accessibility by virtue of a ramp, who picked to location next to the train depot for a Town Hall...

Board Member Montesano stated no comment.

Rich Williams stated it could have been worse, it could have been a court.

Board Member McNulty stated right next to it.

Board Member Montesano stated that's good, that's why they give that guy a little hammer.

Chairman Rogan stated so at some point after approving the site plan, Mr. Boniello put up stairs, substantial stairs, concrete and such that were put in the wrong place and we went back and forth with the Building Department, had a meeting here, I was present and talked about some resolutions to some of these issues and where we are at now is that room exists to put in a ramp but there is some discussion about whether or not it's even warranted between the Building Department and Mr. Boniello. Correct me if I'm wrong Rich, the Health Department approval for this hot dog stand was predicated on that fact that the septic system is marginal, not marginal but small in size so the Health Department said put in less than 20 seats which by Code doesn't require a public restroom, public restrooms add a lot of water usage to facilities. So the Building Department interpretation of this was that because its no public restroom and its less than 20 seats, it's a take-out facility, that is probably, I would argue an improper...

Board Member McNulty stated ratio of seats...

Chairman Rogan stated not only an improper ratio, definition or interpretation of what the Health Department did, so I think Nick was saying to the applicant that because your considered take out, in this case you wouldn't need handicap accessibility because people don't come into the place, so jump in there, I'm maybe a little fuzzy on that.

Rich Williams stated okay, he has never not said they don't need handicapped accessibility, he has maintained they don't need accessibility into the restaurant...

Chairman Rogan stated into the facility.

Rich Williams stated he is of the opinion that they can provide handicap accessibility by providing and for lack of a better term a dumbwaiter in which the food and or money could be exchanged through a window...

Chairman Rogan stated like the drive-in at a bank, with the vacuum thing in essence, that could be considered handicap accessibility.

Board Member McNulty stated kind of a food conveyor.

Rich Williams stated right and some sort of voice box.

Board Member Montesano stated the vacuum is going to give you your food.

Board Member McNulty stated I think it would be more mechanical than a vacuum.

Rich Williams stated and my concern is a we had a better way to do it I believe, it provided full accessibility into the building and for future uses and Nick's solution is really just seasonal.

Board Member Montesano stated okay I'm a handicap person, I want to go and get my hot dog, I don't want to use a vacuum cleaner or whatever or a dumbwaiter to have it because I don't know how clean this

thing is, I don't know what little critters have been involved in that but the object is are you going to tell me that because I'm handicapped I'm going to be denied...

Chairman Rogan stated can't go sit in the restaurant.

Board Member Montesano stated access to go in there, if he's going to have a table in there and I guarantee you he will...

Chairman Rogan stated he'll have more...

Board Member Montesano stated if he's going to have the tables in there, I want access to that table...

Board Member McNulty stated (inaudible).

Board Member Montesano stated I want to pick up my food and go to that table, you guys want to do that, let him put the ramp...

Chairman Rogan stated no, I'm not agreeing with him.

Board Member Montesano stated no I'm saying, to me he's got the room for it, put the ramp in, he doesn't like it, tell Nick that we can explain to him what our feelings are on it and I think the ramp should be put in.

Rich Williams stated sure.

Board Member Cook stated the ramp is a previously approved site plan...

Chairman Rogan stated per our site plan.

Rich Williams stated it was shown on the site plan that received site plan approval.

Board Member Cook stated Michael you are absolutely right.

Chairman Rogan stated now the only question was when we were on the site walks he mentioned some costs but I think they are probably for doing solid concrete and I don't think its required.

Board Member McNulty stated I would think it would be concrete, maybe we ought to, we have to talk to him and see why he doesn't want to do it, he hasn't given us a reason why he doesn't want to put ramp, has he.

Rich Williams stated no, the initial conversation, my understanding that I took away from the meeting was that it wasn't physically possible because of the patio that was put in.

Chairman Rogan stated but then that changed right.

Rich Williams stated well when I the, I got his plan and pulled out the original you know what received conditional approval, put them side by side, there's no problem here...

Chairman Rogan stated that might be why he seems so confused.

Rich Williams stated then I found out later on that one of the issues was somehow he was allowed to move the location of the door...

Chairman Rogan stated right, right.

Rich Williams stated so the door is now coming out of the front, now I don't know if the precludes him from putting a second door out to the ramp or not, I don't know.

Rich Williams stated you want to go take a look, I might drive by on my own time just to take a look. Drive out there if you get a chance and take a look...

Rich Williams stated thank you, he loves me so much, I will go.

Chairman Rogan stated go and say that Shawn asked that I come out here because we're trying to help you out and there's not a lot of people happy about this and we're trying to make the best of it.

Board Member Montesano stated why are we backing off because my problem is simply this, when you have a person that you hire to give you a plan, they come to us with the plan, we approve that plan now you want to change it for financial reasons, I'm not interested in your problems.

Board Member McNulty stated well I disagree because it's his property...

Chairman Rogan stated well you have a good diplomacy.

Board Member McNulty stated and I think that the owner should have the option to use his property to best advantage to him...

Board Member Montesano stated the law says you are going to have access for handicapped, you want a business, that's his business...

Board Member McNulty stated I understand that.

Board Member Montesano stated he's got the room to put it in...

Board Member McNulty stated but if he can meet handicap or ADA specifications now, I would like an explanation of what this food conveyor is, what exactly he plans to do, you drive up to a McDonalds, you go to the drive up window, do you not.

Board Member Montesano stated and the person hands you a bag through the window...

Chairman Rogan stated yea but (inaudible).

Board Member McNulty stated but that's what I'm saying...

Chairman Rogan stated yea, well that's what we said, you had that opportunity...

Board Member McNulty stated you don't know what device he wants to use...

Board Member Montesano stated yes we do, he said something like a dumbwaiter.

Rich Williams stated but you point...

Chairman Rogan stated but that doesn't preclude somebody from going inside, that's a convenience, that's not the sole source and Mike's point about going inside is well taken.

Board Member McNulty stated yes it is but there are ADA specifications and if he meets the minimum ADA specifications...

Chairman Rogan stated then we probably don't have much to say.

Board Member McNulty stated then that is going to be a place that you would object to, you may not go to but he still meets the ADA specifications, he's within his right...

Board Member Montesano stated does he.

Board Member McNulty stated well I don't know, I don't know what he's proposed exactly.

Board Member Montesano stated that's the whole, that's another problem.

Rich Williams stated the difficulty I'm having is there is really, when it comes down to whether he meets the ADA specifications really there is a lot of weight given to the Building Department...

Board Member McNulty stated I understand.

Rich Williams stated and Nick's made a determination that this dumbwaiter would do that, I don't agree with him because A it's seasonal, B it's weather dependent, C you made a great point about McDonalds but McDonalds you're sitting in your car, you drive up in your car you get it. With this you have to get out and the idea was to have this there so you could then get your food and go sit on the patio, well that's very weather dependent.

Board Member McNulty stated yes it is but there is a technicality of ADA specifications, now you have the right as not to use that business even though he meets his specifications but if he meets the minimum he's within his right too.

Board Member Montesano stated is he, is he meeting the minimum that we are willing to accept.

Board Member McNulty stated that's a different view.

Chairman Rogan stated I understand what Tommy is saying though.

Board Member McNulty stated I'm saying the black and white written specifications for ADA accessibility.

Board Member Montesano stated I think if he does it and we do it and we agree with him, I guarantee you that somebody will come up and we will end up with a lawsuit for allowing a minimum thing of that nature, I want access...

Board Member McNulty stated not if he meets the...

Board Member Montesano stated I want access to those tables, he's denying me that, I'll see you in court.

Board Member McNulty stated the interior tables.

Board Member Montesano stated yea.

Board Member McNulty stated not the exterior tables...

Board Member Montesano stated those tables yea.

Board Member McNulty stated and again its weather related but I don't know what the Federal guidelines or the local guidelines are for ADA, what I'm saying is if he meets the minimum standard, then he is within his right to do just like an egress window has to be a certain size and you make it to within that square inch, you're within the limit even though a 270 pound man can't fit through that window...

Board Member Montesano stated but let me put it...

Rich Williams stated I want to say this...

Board Member Montesano stated go ahead.

Rich Williams stated when it comes down to ADA and the Building Department they are required and everybody's required to meet the minimum standards, that does not prohibit the Planning Board. If there is a reasonable reason, a reasonable relationship from going beyond those standards but there's got to be justification...

Chairman Rogan stated right.

Board Member McNulty stated no and I would like to know why he doesn't want to do the ramp now and what the device is that he plans, there needs to be more information.

Board Member Montesano stated yea and he comes in with a plan and he's been through the process enough times, why doesn't he provide it without us having to twist arms to get it. You tell me you don't want to do something, show me, point and question, when this Town was going to be made the Putnam County Landfill, people showed up and didn't say we don't want it here, they said this is a better site because of this, this and this and that's what I would expect him to be able to do right now...

Board Member McNulty stated I agree with you there.

Board Member Montesano stated he has a business, he should be able to come in and tell us why, not just give us a piece of paper and here you are, that's what you're going to accept, we already gave him signed plans.

Board Member Cook stated of the approved plans Rich, has he done any of the work.

Board Member McNulty stated the patio's in.

Rich Williams stated no, well the patio and the wall in the front were not on the approved plans...

Chairman Rogan stated what I don't understand is what is the height difference between the finished stone patio and the front door, is it steps up, we had this conversation with him I thought...

Board Member McNulty stated it's several steps up.

Chairman Rogan stated it is, so there's no, so we can't people with a patio and then up, it's a shame it's not right...

Board Member McNulty stated it's not ADA accessible.

Chairman Rogan stated I think we should, some of should stop out there and see because if the ramp can be built, I don't know, it seems like it should be (inaudible)...

Board Member Montesano stated well he's changing the plans.

Rich Williams stated well let me throw this out, a conversation I did have with Anthony and Anthony says please explain to the Planning Board and I'm thinking about other things, please explain to the Planning Board, the reason that I can't build the ramp is that it makes the driveway too narrow.

Board Member McNulty stated but is that actual...

Rich Williams stated not according to the site plan and my opinion.

Board Member McNulty stated I know the little plan you showed me, I don't think its really on here but you showed me another plan, it didn't look that big...

Chairman Rogan stated the plan shows a bump out of the facility that would be wider than the ramp, there is a bump out on the structure, if they can put the ramp in where the stairs are existing or put an additional doorway in, I think it's, call it a day and you know we seem to always make things more difficult than they have to be but let's, I'm going to take a look, Rich is going to take a look...

Board Member McNulty stated even a wood ramp.

Chairman Rogan stated exactly pressure treated, build it out, you know...

Board Member Montesano stated I mean, let me put it this way, I realize it is not a commercial location that I am going to talk about but I've seen people put them ramps up in their homes, they are not 40 feet wide, they are maybe you've got a foot clearance on the wheelchair on either side but that's fine, I'm sure he can get the ramp up there. Why is he, once he approved it, this annoys me, when we approve something and then five minutes later now that we got this, I got this part, now I'm going to alter this part so that I can get what I really was going to put in for and this is what annoys and with all due respect to business people, myself included, when we had to do it, we do it and when we don't have to do it, we always figured out how.

Chairman Rogan stated but you're in the business, you get a building permit and you don't then all of a sudden say yea I know I got the permit for this but let's bump the house out and let's do this and let's do that...

Board Member McNulty stated no, I agree.

Chairman Rogan stated you go and you make sure you do things right and this and I like Anthony a lot and I think he's going to do a great job out there but we approve a plan that works and then all of a sudden it comes back because well I don't want to follow that I don't know what my architect was thinking, you know at some point. We just had this, I'll be it to a lesser extent with Brewster Plastics and it seems like every other application we fight with what we approve, never gets built and at some point, Mike has been a proponent of this for a long time, yelling and screaming, we have to somehow, we keep saying are we that difficult to deal with when people come and ask, I would say no because when people come and say hey these are the changes I would like to meet and this is why, great go for it.

Board Member McNulty stated if you explain it, sure.

Chairman Rogan stated yea, great.

Rich Williams stated the biggest issue that I have with this whole thing about changes being made and we've seen it with Field and Forest, we've seen it with Tractor Supply, we've seen it every project is that when it comes back to the Planning Board everybody takes a comprehensive look and says if we move that fire hydrant what's the impact...

Chairman Rogan stated right.

Rich Williams stated and how are we going to mitigate that impact, or we're going to lose 2 parking spaces, well we have out figure out where else to put them.

Chairman Rogan stated if they just do it...

Rich Williams stated if they just do it, now we are going to struggle to find where we are going to put 2 parking spaces.

Chairman Rogan stated true, it's easier to beg for forgiveness than ask permission.

Board Member McNulty stated and then we have a case though where Anthony spoke to the Building Inspector and you know as a contractor when I speak to the Building Inspector and he says well that's an acceptable way...

Chairman Rogan stated you figure it some official capacity.

Board Member McNulty stated to me then the...

Board Member Montesano stated a problem is...

Board Member McNulty stated is internally between that office and this office to get a better (inaudible).

Chairman Rogan stated yeah you're right.

Rich Williams stated and we tried to wrestle with that in February...

Board Member Montesano stated you tried to.

Rich Williams stated and we are going to try to do it again I guess.

Board Member Montesano stated the object is this, we have 5 opinions, we can twist it around, we move it up and down, then we come to one conclusion. Unfortunately when you go into somebody else's bally wick, they have their way of doing things and never the twain shall meet.

Board Member McNulty stated maybe something with the Building Department is when it pertains to the site and not the buildings proper should be a red flag to Nick that some kind of kick back...

Chairman Rogan stated well that's what we've been talking about.

Board Member McNulty stated but I don't know the actual legal jurisdiction he has.

Board Member Montesano stated how many years have we asked that when a Building Inspector looks like he's going to do a change or something, can he run it by the Town Planner so that we can get the information.

Rich Williams stated because I don't do anything that I don't come back to you.

Board Member McNulty stated oh I understand that.

Board Member Montesano stated and the thing is we seem to have that wall in between the two offices.

Rich Williams stated well we're working on it.

Chairman Rogan stated we are working on it.

Board Member Montesano stated sooner or later there will be a doorway or a window.

Chairman Rogan stated in addition, we also have a really kind of a neat looking sign application here.

Rich Williams stated yea we do.

Chairman Rogan stated Michelle kept me a track here, Dog House of Gourmet Franks...

Board Member Montesano stated now if we approve this, is he going to change it by next week.

Chairman Rogan stated come on now.

Board Member McNulty stated my question is it's approximately 3 by 3 from what I can read, how big is that monument sign that's there...

Chairman Rogan stated bigger.

Rich Williams stated I've got to do some research...

Chairman Rogan stated I think that...

Board Member McNulty stated is that Matthew's Fence, is that 3 by 3, is that what he's intending to do, possibly put it in that.

Chairman Rogan stated possibly.

Rich Williams Matthew's Fence is still there.

Board Member McNulty sated oh.

The Secretary stated no, what she said was they were either going to put her sign below Mathew's Fence...

Chairman Rogan stated Matthew's going down.

The Secretary stated or Matthew's moving down and she's going in the space...

Chairman Rogan stated she's Anthony's...

Board Member McNulty stated that's the wife, right.

Chairman Rogan stated let's real...

Board Member Montesano stated actually she's going up where it says power equipment...

Chairman Rogan stated and they are all moving down.

Rich Williams stated I've got to do some research because that sign was put up, as I recall without any real permits and it's come up before where its too big...

Board Member McNulty stated how do you just the size of a monument sign.

Rich Williams stated 25 square feet max, if she's 3 feet, Matthew's is 3 feet...

Board Member McNulty stated 9 or 10 square feet...

Chairman Rogan stated 3 by 3 you said, she'd be 9 square feet, so if he's 9, 18, 20, if they each had 20, they'd be pretty close.

Board Member McNulty stated is that 25 square feet including both sides or is it 50 square feet total.

Chairman Rogan stated 1 panel.

Board Member McNulty stated so it's 50 square feet overall, both sides.

Chairman Rogan stated if you use both sides, yea. So you're right, if they can limit it to basically 3 by 3, we're close, considering it was, if it's a non-approved sign, so let's see. I don't think his upper sign though, if you take top part, Empire Plaza, it probably is. That's bigger than 3 foot wide isn't it...

Board Member McNulty stated yea it looks like its probably 4 feet.

Chairman Rogan stated a sheet of plywood.

Board Member Cook stated you know I think we need to take a look at also, that sign that we approved down Country House, did we approve any sign for their little outside truck...

Rich Williams stated no, he didn't need a sign remember.

Chairman Rogan stated he said the truck itself was sign enough but all the signs when you drove by tonight were like Thursday special and all this and eat at Joe's...

Board Member Cook stated okay, no, I'm bringing it up that I didn't want...

Chairman Rogan stated yea...

Board Member Montesano stated a lot of signs even in the Hamlet that suddenly appear...

Board Member Cook stated the Dog House sign or something down there...

Rich Williams stated you had brought that up, do you need an additional signage if you're going to park this there and his response was no I don't...

Board Member Cook stated thank you.

9) OTHER BUSINESS

a. Field and Forest Apartments – As-built Plan

Chairman Rogan stated Field and Forest Apartments, we have minutes that very succinctly articulate that the conversation was had between the Town Board and Mr. Hogan, representative for Joe Reilly about our recommendation to the Town Board to allow the bonding process to change if you remember a letter of credit was the alternative...

Board Member Cook stated yes.

Chairman Rogan stated and we, the Town Board referred to our minutes and our resolution and the, everybody was in agreement that they would have an as-built sketch ready for signing, showing all the changes and the improvements made by June 24th.

Board Member Cook stated correct.

Chairman Rogan stated what's today.

The Secretary stated June 24th.

Chairman Rogan stated you have that yet Rich.

Rich Williams stated no sir.

Chairman Rogan stated so I guess that's why that's on the agenda.

Rich Williams stated yea, I put it on the agenda automatically way back when we did this...

Chairman Rogan stated so we have to figure out what we're going to do, in other words we don't have the as-built which means he's in default of the decision, which allowed him to get a temporary C.O. if you will, we have a 206,000 letter of credit to cover the improvements, do we know, assume because we don't have the as-built, we don't know without going out there. Do you have any idea if any of those improvements have been made...

Rich Williams stated I know they are working on, I don't know where they are but I know they're working on it.

Chairman Rogan stated okay, so by the meeting maybe we can reach out to them and say look we realize you're beyond, it's coming up, we would like to know in writing exactly where we stand otherwise we have to start an action.

Rich Williams stated right.

Board Member Cook stated and the action would be to pull the C.O.

Chairman Rogan stated the action would be a and you know this time frame is associated with that but they have to get this thing in here in the next month I think, they've got to jump...

Board Member McNulty stated it was awhile back when he came in...

Chairman Rogan stated well yea, where does this, what is the date of this Town Board meeting.

Board Member McNulty stated February 19th was this letter.

Chairman Rogan stated March, April, May, June, they had about 4 months and that's all they really wanted...

Board Member McNulty stated he wanted a temporary C.O. so he could get a bank release of the money, right.

Chairman Rogan stated so they can get people in there, yea and they could also start renting, they have 12 units and said it was costing them twenty grand a month in lack of rent. So we figure out what we get, we figure out, ultimately if we can get it done it's easier process for the Town to wrap it and to seek to start to lean on that letter of credit but you know that's why people, we ask them, you can get it done in this time frame, we even said you don't need another month, June 24th will be plenty of time.

Board Member Cook stated they picked the date.

Chairman Rogan stated so, okay, see I don't understand, you guys seem very nice to me but you're not well regarded as a very nice, easy to work with Planning Board, tongue in cheek of course.

Board Member McNulty stated yea.

b. Project Updates

Chairman Rogan stated we have project updates that were last time, right, I think that was something.

Rich Williams stated what it was, was you had asked me to put together some information for the attorney to evaluate whether to proceed forward with potential violations on certain properties. He had indicated to me that he and Tim, Carl Lodes and Tim both wanted to sit down with me and go through the information that I provided to them...

Chairman Rogan stated okay.

Rich Williams stated they have no reached out to be to schedule that yet and you know...

Board Member Cook stated which you provided to them on May 22nd ...

Rich Williams stated yes, well whenever the last Planning Board was, no it wasn't May 22nd...

Board Member Cook stated we have your letter.

Rich Williams stated was it, okay.

Board Member Cook stated you the Planning Department.

Rich Williams stated yup.

Board Member Cook stated are they the Town Attorney.

Rich Williams stated yup.

Board Member Cook stated the subject is project status update, would that be your letter.

Rich Williams stated yea, that would be it.

Board Member McNulty stated I'm taking you lead on how to organize this stuff.

Board Member Montesano stated you gotta watch this guy.

Board Member McNulty stated it took me all night last night.

Rich Williams stated its tough.

Board Member Cook stated would you please call, Mr. Curtiss and Lodes and whoever else...

Chairman Rogan stated you're going to be talking to him anyway...

Rich Williams stated I had a lot things that I was going to knock off real quick this afternoon...

The Secretary stated then the power went out.

Rich Williams stated I lost everything.

Chairman Rogan stated power went out, it was an act of God, it can't be avoided.

Board Member Cook stated you have an extra day to do it.

Rich Williams stated I had to go home and take a nap, god forbid.

c. Local Law – Fox Run Phase II

Board Member Cook stated go ahead.

Chairman Rogan stated local law, Fox Run Phase II, we've had a lot of talk back and forth, the gentleman asked at the last meeting, us to table to discussions so he could review what Rich had prepared, which was the table of comparative impacts, if you will and we need to come to...

Board Member McNulty stated we talked about a traffic study...

Chairman Rogan stated using Burdick Farms.

Board Member McNulty stated so we could see where the road is now at its maximum use, verse where it might go, I think that's a pretty big determination.

Board Member Cook stated I agree.

Chairman Rogan stated oh man.

Board Member McNulty stated no coffee pot here.

Chairman Rogan stated we need some.

Board Member Cook stated if you look at Rich's little chart...

Rich Williams stated could you copy that for the Board tomorrow.

The Secretary stated tomorrow.

Board Member Cook stated and, Shawn and there's 28 units, there's condos...

Chairman Rogan stated yes.

Board Member Cook stated 48 units generate 281 vehicles trips daily...

Chairman Rogan stated daily for this, 281.

Board Member Cook stated I'm just reading from the chart, so is it fair if you say a 48 do 281 trips if you cut that by 25 percent, 48 units to 12, would you say that 12 would generate 70.

Chairman Rogan stated you mean, you said if you cut that 48 to 12, so if you cut it by 75 percent...

Board Member Cook stated yes, I'm sorry.

Chairman Rogan stated cut it by 75 percent, so that 75 percent off the daily trips of course, that would seem reasonable. That, you're just asking if that logic follows, right, yes...

Board Member Cook stated yes, I was just asking from a math point of view...

Chairman Rogan stated right, yea because obviously they figured out per unit, each particular, each bedroom would generate x number of people, which would equal x number of vehicle trips per day, right. So 115, so they are looking at 2 point something trips per bedroom per day in essence, right, is basically what it breaks down to. The main focus of what we've talked about seems to be that our Board has a difficult time accepting the information that the attorney presented that this senior housing or age qualifying housing will significantly change those trip generations and I think bedroom for bedroom, if you're talking, I don't see that it's that, I think our Board has a hard time accepting that...

Board Member Cook stated yea and I think the, the major concern is the traffic that's generated right...

Chairman Rogan stated I think that's one of the big ones.

Board Member Cook stated and the latest proposal says because its age related that there's going to be a whole lot less impact and quite frankly I don't see it.

Board Member Montesano stated I know personally that age related, I do more running around with that car now than I did when I had nice easy thing like a job.

Chairman Rogan stated you're out all the time.

Board Member Montesano stated where you went out in the morning and you came back, now you go out in the morning, you come back, an hour later then you gotta go out to this thing, you gotta go here and do this...

Chairman Rogan stated you're busier now, when did you all find the time when you were working full time to get all your stuff done.

Board Member Montesano stated I don't know, I seemed to have the time and then I even had time to go somewhere, now...

Chairman Rogan stated see that, you know my parents are the same way, you end up running with the grandkids, you're putting them on the bus and you 're taking care of them...

Board Member Cook stated I would put Mike to shame and to answer your question, as long as you had a good wife, that is how you survived when you had the job.

Board Member McNulty stated yea.

Board Member Montesano stated actually she tolerates it...

Board Member Cook stated so I mean it's still a lot of trips...

Board Member McNulty stated I agree, the senior housing I don't think reduces the amount of trips especially with the data that's coming out where families are moving in to stay together.

Chairman Rogan stated yea.

Board Member Montesano stated let me tell you, you go over to Danbury and their senior citizen center, wow...

Chairman Rogan stated is that an age qualifying center, you're not allowed to say senior citizen.

Board Member Montesano stated no I can but I'll tell you this, you sign up when you go there for the breakfast club, for the lunch club, the dinner club, the bingo club, I never saw people so active...

Chairman Rogan stated based on the figures Charlie, would it be fair to say that would be in support of age qualifying housing if the vehicle trip generation was the same as the single family home concept because now your down to what is per code, you look at something that says...that gives us time to collect our thoughts.

(Tape 1, Side 2 Ended 9:19p.m.)

Chairman Rogan stated I'm sorry, the chart that Rich prepared says that single family homes, based on the units that would be proposed by Zoning Code right, by allowable area on 4 acre zone, showed 36 bedrooms if you will. That is a little less than a third of the number of bedrooms under the condominium concept, so if you took a third, if you allowed the multi-family but allowed a third of the bedrooms of what they're proposing you would have in essence the same ratio of vehicle trips, basically.

Board Member McNulty stated reduce the units, reduce vehicles trips.

Chairman Rogan stated basically.

Board Member McNulty stated that is basically what happens.

Board Member Cook stated and hopefully if you reduce it to say 18 units, you get a 105 trips you know versus the 86, if there are 12 units, you get 70 trips, I mean...

Chairman Rogan stated so then I think that the Board's...

Board Member Cook stated can we really do that, I mean...

Chairman Rogan stated you can do it, you can say that there is a direct relationship between what would be allowed by the current zoning and what we feel is safe for the site and say that you know we're okay with going to multi-family if the, ultimately if the number of units and you'd have to relate that to bedrooms I think because that is ultimately how you relate population and tie that nexus to vehicle trips, number of bedrooms is directly proportional to vehicle trips.

Board Member Cook stated yea but we're asked to give a recommendation to a change in the Code...

Chairman Rogan stated yeah but we can specific to a density, correct, so that's where we're at.

Board Member Cook stated a particular parcel, I mean that is what we are really talking about right...

Chairman Rogan stated how does that work.

Board Member Cook stated there are other parcels on this road, what is this, Bullet Hole Road...

Board Member McNulty stated Bullet Hole Road.

Board Member Cook stated okay that, would that apply to them.

Chairman Rogan stated I have no idea.

Rich Williams stated it would only apply to those parcels in the multi-family overlay zone...

Board Member Cook stated which is up and Bullet Hole Road.

Rich Williams stated no, no, it is Fox Run right now and it is over on Fair Street, near the intersection of Fields Lane, it's a very limited area that is defined as multi-family housing.

Board Member Montesano stated what about Adam's property, that's multi-family.

Rich Williams stated what is.

Board Member Montesano stated Steibling's, yea the old...

Chairman Rogan stated not the old stuff pre-existing.

Rich Williams stated pre-existing, non-conforming is not in that multi-family overlay zone.

Chairman Rogan stated there is no future build out without a code change.

Board Member Montesano stated one flaw I'm finding here in his statement about senior bedrooms being less but the idea is when you hit a certain point in time, you want less bedrooms. So, is that what he's basing this on, the fact that people would prefer to have a 2 bedroom, one floor apartment, rather than a 3 bedroom multi-floor building...

Board Member McNulty stated that's true that is part of the design...

Chairman Rogan stated that's part of what he's saying.

Board Member McNulty stated of the over 55 housing...

Chairman Rogan stated which is why I think you have to look at your bedroom count rather than your units just look at your bedroom count.

Rich Williams stated I do want to throw something out and caution you, be careful on making a recommendation that says multi-family is suitable for that site but only at a limited number of units where

the number of units is not economically viable because that might open the door to a legal challenge if the Town Board were to adopt that recommendation.

Chairman Rogan stated well that recommendation, that density recommendation can be based on all of the record that we've built on the limits of the site that even the houses we had concern about, that is what's legally allowed out there but you know, let's face it just because you have 40 acres in the woods and its 4 acre zoning, doesn't mean you're guaranteed 10 houses.

Rich Williams stated right.

Chairman Rogan stated there are no guarantees like that.

Board Member McNulty stated I think we really need to look at that traffic study to see where Bullet Hole Road is, if it says we're maxed out then I think it's hard to make the okay to go to multi-family...

Rich Williams stated it didn't say you were maxed out.

Chairman Rogan stated it said there were concerns in the geometry of the road...

Board Member McNulty stated I'm just (inaudible)...

Chairman Rogan stated that would with impacts we were able to substantiate maybe not at 30 house on Burdick Farms but with a greater density there was an increase in traffic that necessitated and I'm not sure if the study says this per se but that is what the end result was...

Rich Williams stated the end result was we said to the study, we don't agree with it and we think that there is a greater impact on the road and that these road improvements should be done.

Chairman Rogan stated right, because of the impact.

Board Member McNulty stated another question I have is with this in front of us, do we have to consider other projects on Bullet Hole Road with this in consideration as an overall or do you have to look at each application individually...

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

Chairman Rogan stated that would be segmentation.

Board Member Cook stated that Rich, I think asked if that, there's only the 2 sites.

Rich Williams stated for multi-family housing you may want to expand, if you concern is Bullet Hole Road and geometry, you may want to expand your scope of looking at the project, looking at the...

Board Member McNulty stated impact.

Rich Williams stated impact to, thank you, to other sites because you know if you have a hundred acre site right across the street, well you may have a hundred homes on that hundred acre site based on zoning, that is going to produce a demonstrable impact to Bullet Hole Road as well, so now you've got a cumulative impact.

Chairman Rogan stated we had a...

Board Member McNulty stated we have 2 directions I know you have to consider that...

Chairman Rogan stated we had a property that was a paycheck or a payment away from an approval for 32 or 33 homes, we would be hard pressed, correct me I'm wrong if the owner came back with the same layout right now today, we would be hard pressed to deny that correct...

Rich Williams stated yes we would.

Chairman Rogan stated so in essence we're a submission away from a 33 lot subdivision, right on the same road and a 5 or a 4 lot subdivision that was being contemplated for across the street for the other hundred and something acres. I just don't know about road frontage but they went in there and dug out and thought they could get but my point is plus you have Ice Pond which is going to feed into this road with another 30 or 40 homes.

Board Member Montesano stated think about...

Chairman Rogan stated so we've got some impact.

Board Member Montesano stated thank about the people that are going to run through Tammany [Hall Road]...

Chairman Rogan stated yea I see it everyday, we saw it the other day.

Board Member Montesano stated going out and you can sit there and try to count them, you used to be able to, you're not going to do it any more.

Chairman Rogan stated and in this case we have the site which already has all that multi-family traffic going up and down this road...

Board Member McNulty stated Fox Run...

Chairman Rogan stated Fox Run with the, now we have the mixing of age qualifying people driving with teenagers and all different people driving together and its on roads that are difficult. So we have difficulties with this...

Board Member McNulty stated yea it's a tough one.

Board Member Montesano stated do they have, they have property that adjoins Bullet Hole Road, its extremely difficult, if I remember right, is a parcel and part of the property does, you can get access to it, it's...

Rich Williams stated it's bedrock and its steep and its...

Chairman Rogan stated Rich, let me ask you this as much as I've heard from the Board, I don't see the Board making any distinction between multi-family and age qualifying at this point, I haven't heard anything that the Board is leaning, that one is really different in impact than the other...

Rich Williams stated I agree with that also.

Chairman Rogan stated and we denied the multi-family, I mean it seems like that is a pretty substantial...

Rich Williams stated it sounds like that's your recommendation is that we see no difference between what he's proposing and what was proposed in the past and we, you know we...

Board Member McNulty stated where we see the difference is in the bedroom count.

Chairman Rogan stated is in density, regardless of whether its multi-family or age qualifying, would be the density so I mean that, if we stick back to the basics of it it's kind of where I stand.

Board Member Cook stated me too.

Board Member Montesano stated I'll go along with that.

Board Member Cook stated alright...

d. Local Law – Clubs

Chairman Rogan stated Clubs.

Rich Williams stated Clubs.

Chairman Rogan stated Rich is starting to really yawn, our reporter hasn't quite fallen off her chair yet.

Board Member Montesano stated this is very interesting, we haven't had a joke all night.

Chairman Rogan stated see you've kept them under very good behavior, I appreciate that, you're coming to the next meeting right.

Board Member McNulty stated as long as they pay her overtime.

Chairman Rogan stated right, no overtime, we're on a strict budget. Okay, Local Laws Clubs...

Rich Williams stated Clubs.

Board Member McNulty stated all right.

Chairman Rogan stated we have special counsel and Rich has spoken with special counsel, they've done some review.

Rich Williams stated we had a great meeting, first off let me give you this.

Chairman Rogan stated thank you.

Rich Williams stated second of all...

Board Member Montesano stated more paper.

Chairman Rogan stated oh this is what I already have here, it was in my mailbox.

Rich Williams stated oh, I didn't know if you all got it.

The Secretary stated I'll take one.

Chairman Rogan stated take 2.

Board Member McNulty stated you can take 3.

Board Member Montesano stated 3 or 4.

The Secretary stated no, one's good, thanks guys.

Board Member McNulty stated go ahead start.

Board Member Montesano stated put these back in and use them for recycling.

Board Member Cook stated so you met with Les.

Rich Williams stated I met with Les, a number of people on the Town Board have expressed to me, their desire to get this all wrapped up before the moratorium expires.

Chairman Rogan stated only use the time if we need it.

Rich Williams stated right and we seem to floundering a little bit, so I put together a schedule which they received last night and they seem to find that the schedule was okay so we've got kind of a template for how this needs to work and get it done before the moratorium expires because they didn't want to expand it. Tommy is going to miss all the good stuff.

Chairman Rogan stated so why don't we wait a minute.

Rich Williams stated all right.

Board Member Montesano stated so is Michelle but that's all right.

Chairman Rogan stated does anybody want any water.

Board Member Montesano stated I'll take a drink if you don't mind.

Chairman Rogan stated Charlie, you have something.

Board Member Cook stated I'm okay, thank you.

Board Member Montesano stated what don't you trust the Town water, oh that's right, we can't drink it.

Rich Williams stated that was bizarre.

The Secretary stated did you shut it off.

Rich Williams stated when I came here the lights were on, they just went on and I hit the power off button.

Board Member McNulty stated isn't the building on a generator.

Rich Williams stated no, it's not.

The Secretary stated only the heat so we don't freeze in the winter.

Rich Williams stated that was a fight I lost but we're talking about...

Board Member McNulty stated I would think this building would have emergency power for just one office.

The Secretary stated what office would you give emergency power to, how do you choose.

Board Member Montesano stated oh thank you very much.

Board Member McNulty stated the Supervisor's.

Rich Williams stated the reality is, all the records for site development are here, all the records for buildings are in there, if we have an emergency would you want to have everything functioning.

Board Member McNulty stated at least a couple outlets to turn on the computer.

Rich Williams stated now today he comes to me and says maybe we should try to look for a grant.

Chairman Rogan stated that's what we're using...

Board Member McNulty stated the power was out a long time, what was the problem.

Rich Williams stated I have no idea, I know there was a tree down on [Route] 311 and a tree down on [Route] 22.

Chairman Rogan stated Rich, we're putting a 160 Kw in, powering the whole Health Department, the entire building, over a hundred thousand in grant money.

Rich Williams stated what grant.

Chairman Rogan stated H1N1.

Board Member Montesano stated (inaudible) tree down.

Chairman Rogan stated emergency preparedness.

Rich Williams stated yea see.

Chairman Rogan stated so you were getting to the good stuff.

Rich Williams stated I was getting the good stuff, I gave it to the Town Board last night but just a little piece of news, something else that happened last night, Mr. Michael Zarin was at the Town Board meeting last night and made a very interesting speech about unfairly he's been treated how terrible this Town is but they are not going to go away but having said all that they have dropped the lawsuit and have withdrawn their application.

Chairman Rogan stated wow.

Rich Williams stated so.

Board Member McNulty stated so what do you think their next step is, they own the land now, correct.

Rich Williams stated yup.

Chairman Rogan stated wow, they dropped the application.

Rich Williams stated don't know but...

Chairman Rogan stated breaking news.

Miss Panny stated we did that today.

Chairman Rogan stated you did.

Miss Panny stated yea.

Chairman Rogan stated I didn't read the courier.

Board Member Montesano stated that's because he breaks down (inaudible).

Chairman Rogan stated when does the Courier come out...

Miss Panny stated Thursdays.

Chairman Rogan stated so you made the deadline.

Miss Panny stated yea.

Chairman Rogan stated wow you guys are good.

Miss Panny stated I was all over that.

Chairman Rogan stated see that, she got the good story and now she's like there's got to be other stuff going on, I'm going tonight, I'll sit through a 4 hour meeting.

Board Member McNulty stated what story are you talking about.

Chairman Rogan stated what he just said, I didn't hear until just now.

Board Member Montesano stated Winding Glades.

Rich Williams stated but I don't think that was the lead story on today's on paper was it...

Miss Panny stated it was one of them.

Rich Williams stated was it.

Miss Panny stated it was.

Chairman Rogan stated oh when I read the article I can say that girl last night.

Board Member Cook stated anyway...

Rich Williams stated okay.

Board Member Cook stated that doesn't preclude working on...

Rich Williams stated we still have to get all this done, we have to get it done because they don't want to extend the moratorium for a variety of reasons. Having said that, the one thing they did bury, they did set a meeting for all the Boards to get together for July 20th at 7:00...

Board Member Cook stated 7:30.

Board Member Montesano stated it says 7:30 on here.

Rich Williams stated Mike changed it to seven o'clock today.

Chairman Rogan stated all Boards, 7 p.m.

Rich Williams stated they didn't set a time last night, I made an assumption.

Board Member Montesano stated you made a good guess, almost

Rich Williams stated I met with Tim Curtiss, Mike Griffin and Les Steinman yesterday and we went through actually the 2 local laws that I prepared 1 for local laws that I prepared, one for clubs, one for research and development, you should have both of them. If you don't I have a copy here and I, wrong one and I put a memo together which kind of memorialized Les has not commented on it, so I've listed it draft, what's we talked about.

Chairman Rogan stated thank you.

Board Member Cook stated the meeting on July 20th, will Les be at that meeting.

Rich Williams stated great.

Chairman Rogan stated great, Lester Steinman.

Board Member McNulty stated can I have another one.

The Secretary stated there were 2 there.

Board Member McNulty stated oh, good eye.

The Secretary stated I'm watching.

Board Member Cook stated we ought to save some of this stuff for Maria.

Rich Williams stated so this kind of gives you some questions that need to be answered and worked on, as well as anything else you have, Les is going to, I sent him down the 2 local laws that I did, he is going to be working on some revisions and he's going to be looking for some additional information from me to make some additional revisions, we are going to work on them and get them done. That having been said, again we are now, we're working on a short time frame, where we are going to be coming back with draft local laws for everybody's review by the 14th of July, 2 weeks, not a lot of time so if you've got any comments on the 2 local laws...

Chairman Rogan stated make them now.

Board Member Cook stated I would also like the Planning Board that you know the package that Mike gave, the package that Mike and I gave to everybody, to review that too.

Chairman Rogan stated sure.

Board Member McNulty stated this June 14th, is this a copy of that.

Rich Williams stated no.

Board Member McNulty stated proposed limitations, things like that.

Rich Williams stated that is the basic layout for the research and development.

Board Member McNulty stated okay.

Rich Williams stated all right, that, this, yea, that is the proposed layout for the research and development law, this, summarizes all the issues...

Board Member McNulty stated a draft local law.

Rich Williams stated no, this summarizes all the issues we talked about related to clubs and research and development. One of the things in particular that Les had felt strongly about was anything we don't want to see as a club or anything we don't want to see as a research and development facility, should be very specific and we list it. You don't want to see a motorcycle club, say it.

Chairman Rogan stated in your law do you have to provide the reasoning or do you provide that in your...

Rich Williams stated he also suggested that we do a strong policy statement...

Board Member McNulty stated that could tie back to your research on the overall plan of the Town, Town Plan, basically keep rural areas, can't we refer back to that.

Rich Williams stated you have to make sure that your local laws are still in conformance with your master plan.

Chairman Rogan stated support the goals of the master plan, right.

Rich Williams stated you have to do that, the policy statement we were talking about will do that to some degree but will go a little father.

Chairman Rogan stated okay. Yea Charlie, I'm still going to look back to you and Mike as the leaders of some of this discussion so you're going to make us all proud at the all Board's meeting.

Board Member Cook stated just read what we gave you.

Board Member Montesano stated for a change.

Chairman Rogan stated for a change.

Rich Williams stated wow.

Board Member McNulty stated I have it right here.

Board Member Montesano stated that's what it is right, our recommendation.

Board Member McNulty stated this is it.

Board Member Montesano stated he did all the work, all I had to do is give out the orders.

Chairman Rogan stated that came from you, he didn't say that, he said you worked very diligently on it.

Board Member Montesano stated its all in my imagination.

Chairman Rogan stated okay, so we got some work to do, we're going to meet with Boards, I think the time frame idea is great because I don't think we should take an extra time on this either. Hey, look at that clubs and research facilities and Brewster Plastics we did, we have minutes to review, open discussion, anything anybody want to bring up, I mean it's only 9:40, it's early.

Board Member Cook stated I make a motion to adjourn.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member McNulty	-	aye
Board Member DiSalvo	-	absent
Board Member Montesano	-	aye

Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carries on a vote of 4 to 0.

The meeting adjourned at 9:37 p.m.