

TOWN OF PATTERSON**PLANNING BOARD MEETING****June 30, 2011***Work Session***AGENDA & MINUTES**

	Page #
1) Centrum Properties – Wetlands/Watercourse Permit Application – Public Hearing	6 – 16
2) Thunder Ridge WWTP Upgrade – Continued Review	52 – 64
3) RCA Asphalt Plant Site Plan – Initial Application	17 – 18
4) Putnam Lake Fire Department – Initial Application – Site Plan Waiver	18 – 24
5) Putnam Lake Fire Department – Amended Site Plan – Telecommunications Tower	24 – 30
6) County Line Getty – Continued Review	30 – 31
7) Other Business	
a. 2 Cushman Road - Fehr	31 – 32
b. Stilwell Wetlands/Watercourse Permit Application	32 – 33
c. Levine Fill Permit – Site Walk	33
d. Local Law - Bonds	34
e. M & S Iron Works	35
f. Commerce Drive	35 – 52
g. Matthew Castellano – Wetlands/Watercourse Permit Application	1 – 6
8) Minutes	

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Planning Board
June 30, 2011 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, Board Member Taylor, Rich Williams, Town Planner, and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:01 p.m.

Michelle Russo was the Secretary and transcribed the following minutes.

Chairman Rogan stated okay unless there is any objection, I want to skip down to Mr. Castellano wetlands/watercourse application 7g, so we can get this gentleman out of here quickly. We can't do the same thing for next Thursday night for the meeting, we are going to follow this agenda, so you're aware.

7) OTHER BUSINESS

g. Matthew Castellano – Wetlands/Watercourse Permit Application

Mr. Matthew Castellano was present.

Mr. Castellano stated no, that's fine, that's fine.

Chairman Rogan stated Teddy.

Ted Kozlowski stated I went, I had met Matt out there, we went over the site the pond is kind of a man-made pond, it is natural seeps coming from the hillside, it is quite amazing because it is at the top of a hill and I don't know where he gets the water from but he's got a little bit of, when I was there, there was water entering the pond so the previous owner apparently dug the pond out, the wetland area and made a man-made pond, its not very big, my concerns were the, not so much the pond itself but the overflow downhill to the neighbor, I am quite satisfied that is really not an issue, Matt showed me the drainage, I know the Board had concerns about that hydrant that was put in, the dry hydrant, it does not conform with the Town's Fire Department Code and Matt agreed to neuter it. So he plans on building a house there and I really don't have, its not a big issue from an environmental standpoint, he is going to re-vegetate some the

areas around the pond, we talked about the geese, we talked about the fish but those are more aesthetic things and (inaudible) things as opposed to impacts and you know the best interest of the Town of Patterson, so I think this is a minor wetlands issue, its a minor permit and I would recommend that the Board approve, unless Rich has any other comments about erosion controls or any of the other things that he looked at but oh yeah there is, Matt did you revise...

Mr. Castellano stated no, you told me not to, you were going to try and do it.

Ted Kozlowski stated okay, he's got a driveway issue off of [Route] 311, Matt, why don't you explain it to the Board.

Mr. Castellano stated the base of the driveway is joining with the neighbor's driveway so I guess the apron coming in, is about 20 feet wide, I believe there was an issue with the previous owner, not a big issue with the driveway but someone actually put rocks on top of the blacktop, separating the two driveways, I foresee a problem, not that I want to have problems with the neighbors, I was going to request to move the base of the driveway over 10 feet but maybe, not take the whole apron out but almost separate the two driveways at the beginning by about four or five feet, so there are no snow shoveling issues and just for the future, the bottom acre, entrance is actually established wetlands, it is, as you go up the driveway, I guess 50 feet, 75 feet in, it encroaches closer to the driveway, not right on the driveway, I guess its 20, 30 feet...

Ted Kozlowski stated he's within the buffer, it's a grassy area, he's really not in the wetland, the way he wants to skew this driveway is within the buffer of a large wetlands system, again I don't feel its an issue, I feel what his reasoning is, is justifiable, its not part of this permit and I told him let's do everything at once this is not, it shouldn't be a piecemeal thing, if there is a wetland issue at the bottom, and there is a wetland issue, let's make it all one so he doesn't have to come back.

Board Member McNulty stated the driveway on a state road, isn't it on [Route] 311.

Rich Williams stated it is on a state road.

Board Member McNulty stated so there is a state application that has to be filed.

Rich Williams stated yes procedurally he is going to have to approach the Department of Transportation, their Ludingtonville office and get them to make a determination whether a driveway opening permit would be required, similarly if he's doing any sort of additional incursion into the buffer of the wetlands, he may need a DEC wetlands permit, in addition to a Town wetlands permit.

Board Member McNulty stated how does that get determined.

Rich Williams stated by DEC, he would need to call New Paltz, get one of their staff down to flag the wetlands and make a determination whether a permit would be needed for what he is proposing to do.

Board Member McNulty stated so does the DEC overrule us in this situation, the state, we're the governing...

Rich Williams stated no.

Ted Kozlowski stated no, we have jurisdiction over the wetland, DEC is not going to have an issue with this, if they don't have an issue with some bigger issues that we are concerned about they are certainly not going to (inaudible)...

Board Member McNulty stated I would hope not.

Ted Kozlowski stated but I can't, I'm speaking my opinion, I can't speak to DEC.

Rich Williams stated we hold concurrent jurisdiction so they don't overrule us and we don't overrule them.

Board Member McNulty stated but all processes are necessary.

Rich Williams stated certainly, the third agency that is going to be involved in this is the DEP, if he is within the limiting distance of a state regulated wetland which the driveway is, there may be some issues paving it with the DEP, I'd have to check their regulations, I know they just changed them at the end of 2010 but the old regulations did not allow impervious surface within a hundred feet of the wetland, I think there were some modifications to that with regard to residential driveways.

Board Member McNulty stated sure you don't want to leave the rocks.

Mr. Castellano stated I would go with the gravel on that spot, that's not an issue for me, it's a straight run, it's not really going up a hill, whatever they request, whatever they say I'm not going to go and fight that.

Rich Williams stated the Board would have to grant a request for a waiver of pavement for that section of the driveway.

Chairman Rogan stated its funny we have to do a waiver when it's not allowed, when the man doesn't have any alternative, you know.

Board Member McNulty stated you understand what you have to do.

Mr. Castellano stated pretty much, yes.

Board Member McNulty stated okay.

Ted Kozlowski stated this is a case in my opinion, this is a case where its really, this is very minor stuff, technicalities, rules and regulations but I don't have an issue (inaudible – too far from microphone).

Board Member Cook stated do we have a wetlands application.

Rich Williams stated you do have a wetlands application, at the last meeting Ted decided it was incomplete pending his meeting with the applicant and resolving some of the issues.

Ted Kozlowski stated right.

Rich Williams stated I believe that has been taken care of at this point.

Ted Kozlowski stated well we have to amend it to add the driveway, if Matt wants to pursue that.

Chairman Rogan stated it makes sense to pursue it.

Ted Kozlowski stated you would have to amend it Matt.

Mr. Castellano stated yeah.

Ted Kozlowski stated I don't know how the Board feels or Rich more with the erosion controls, I don't have a problem with this holding up building his house and other issues.

Rich Williams stated there are very sandy soils out there, infiltration rates are excellent and there are more than adequate erosion controls up considering, I've been out there right after the last, you know a couple of the last really heavy rainfalls and there is no runoff.

Ted Kozlowski stated there's no runoff and there's...

Rich Williams stated it just goes right in.

Ted Kozlowski stated no, the pond itself, there are no issues, he's got grass seed down that's germinated, you know, whatever he's going to do there now is landscaping. I really, this is not something I think is necessary for commenting much more on...

Chairman Rogan stated what do we have for contiguous parcels, are they developed, no, does the Board want to set a, considering you have most everything you need for the application, just a little bit of an amendment from tonight's conversation, you want to set a public hearing for next meeting so we can wrap this up and get the ball rolling, not next week but it obviously has to be next, August 1st or whatever it is.

The Secretary stated 4th.

Chairman Rogan stated 4th, thank you. Everybody, anybody, sound good, any problems.

Board Member McNulty stated I don't have a problem with that.

Board Member Taylor stated do we have to do Lead Agency and all that stuff too.

Chairman Rogan stated not on a, because this application is just us.

Board Member Taylor stated well he's got to get approval...

Rich Williams stated you can if you so desire...

Ted Kozlowski stated Matt, come in and amend your application (inaudible)...

Rich Williams stated but typically on an application like this, the Board is just going to do an uncoordinated review, everybody going is going to have to because there is some uncertainty what permits and approvals are really needed.

Chairman Rogan stated and at least we can approve both the issues and if Mr. Castellano decides he doesn't want to proceed with the driveway approval because it's too complicated, whatever, or even at this time at least he can do that at a later date, he has the Town's approval. Anything else, any questions, no...

Board Member Montesano stated I know but it's the only one I got.

Chairman Rogan stated so I don't think there is a reason for you to come to the meeting in a week from now...

Mr. Castellano stated okay.

Chairman Rogan stated what we'll do is we're going to make a motion to set a public hearing for the August meeting for the Castellano wetlands/watercourse application, so moved.

Board Member Montesano seconded the motion.

Ted Kozlowski stated the only thing Matt has to do is just amend that application and get the nine copies...

Chairman Rogan stated right.

Ted Kozlowski stated nine or eleven Rich...

Rich Williams stated nine.

Ted Kozlowski stated okay Matt.

Mr. Castellano stated okay, maybe I'll do it tomorrow afternoon.

The Secretary stated we're only here until 3.

Mr. Castellano stated it's a holiday weekend for everyone so...

Rich Williams stated I don't mind you coming in but we're closing at 3.

Chairman Rogan stated you'll be here.

Mr. Castellano stated either way, I'm actually off tomorrow.

The Secretary stated we'll be back Tuesday morning at 9.

Chairman Rogan stated nice, Michelle will help you and Rich get you through the process in terms of notifying the neighbors, making sure you notify the proper people and with the right format.

Mr. Castellano stated yeah.

Chairman Rogan stated and Ted will certainly make sure you document your wetlands application properly, as long as nothing comes out between now and the next meeting, we'll proceed...

Ted Kozlowski stated Matt, let me see it before you submit it to Rich, so I make sure it's complete, so we don't have to go back and forth on things.

Mr. Castellano stated should I just take the original or just start over.

Rich Williams stated you don't trust me.

Mr. Castellano stated no, it's just...

Rich Williams stated no, it's just.

Ted Kozlowski stated I trust you implicitly.

Rich Williams stated unless you two know each other and have a relationship...

Ted Kozlowski stated we have a wonderful relationship.

Rich Williams stated no but I'm saying it is usually easier for them to come in here and then I just scan it and e-mail it down to you.

Ted Kozlowski stated whatever you find easier.

Board Member McNulty stated you seconded and then we all...

Chairman Rogan stated I got it, not yet.

Ted Kozlowski stated I really, Matt this is, I said this to you in the field this is really minor stuff.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, thank you sir.

Mr. Castellano stated thank you very much.

Chairman Rogan stated okay, public hearing next meeting.

Rich Williams stated understand what I was saying. It's really easy, I just scan it down to you.

Ted Kozlowski stated Rich, if it was two months ago, I'd say no.

Chairman Rogan stated okay.

Board Member McNulty stated I'm glad to hear that.

1) CENTRUM PROPERTIES – Wetlands/Watercourse Permit Public Hearing

Chairman Rogan stated Centrum Properties, public hearing. What is going on with Centrum Properties.

Rich Williams stated besides you owe me and I'll tell you later.

Board Member Taylor stated we got a stack of stuff from the Building Inspector.

Chairman Rogan stated it looks like we have...

Rich Williams stated I flagged the wetlands at Burdick Farms...

Board Member Taylor the key sentence is the last sentence of the third paragraph.

Rich Williams stated I cut 2 channels in, it took me an hour and a half.

Ted Kozlowski stated where are we.

Chairman Rogan stated we're on number one, Centrum Properties.

Ted Kozlowski stated I called my friend up there and let, I did not get a call back, I was wondering how he made out with his public notice.

The Secretary stated he came in the next day, he picked up his public notice, it got noticed in the paper, from there I can not tell you.

Ted Kozlowski stated right, so I, he didn't call me back.

Rich Williams stated there is no new information submitted on behalf of the applicant for this application, you do have a memo from the Building Department.

Board Member Cook stated which indicates that he has an open violation, appearance ticket, am I correct.

The Secretary stated the first packet of stuff that you have is a packet of everything that has been satisfied and completed. The second packet of stuff is stuff that is still pending in the Building Department.

Board Member McNulty stated is that where it says active on here.

The Secretary stated no, that is just on the I-Mate description.

Board Member McNulty stated because I have three packages.

The Secretary stated well you should have a letter from Cheryl with papers attached and then there is another packet and at the top it says packet 1 and its highlighted and there is a second packet that says packet 2 and that is highlighted and no Ted, you did not get a copy.

Board Member McNulty stated oh, I see.

Rich Williams stated I'll scan it and e-mail it to you in the morning.

The Secretary stated if you'd like to know why, I didn't think to give it to you.

Ted Kozlowski stated I love your honesty Michelle, I hope you maintain that after you get married.

Board Member Taylor stated so would you say that again.

The Secretary stated I'll work on it.

Board Member Montesano stated to who.

Board Member Taylor stated which one is outstanding.

Board Member Cook stated I do not see packet 2.

The Secretary stated packet 2.

Board Member Taylor stated 2 is outstanding.

The Secretary stated yes.

Chairman Rogan stated all right the gentleman, the property owner seems to indicate that he was pointing towards other properties that have similar uses but the property he mentioned was one we did site approval, DEW Construction so that's the difference, we've considered that, if he wants to go through that process, that you know...

Rich Williams stated well at the time it was permitted by zoning.

Chairman Rogan stated oh I see.

Board Member Montesano stated says too, it has a picture of the house on it.

Board Member Cook stated according to Nick's cover letter he still has an outstanding ticket.

Chairman Rogan stated yeah.

Board Member Cook stated if I read that correctly and one of my notes from the last meeting, talked about that he has no site plan approval.

Chairman Rogan stated right. So if he had had site plan approval for this years ago, then it would be now a pre-existing non-conforming use because of the change in zoning...

Rich Williams stated correct.

Chairman Rogan stated but because he never got approval and because the Town Code changed prior to him owning the property and there is no...

Board Member McNulty stated pre-existing...

Chairman Rogan stated implied approval just because he never got caught, we are in a position where we have a property with issues and we are trying to approve a wetlands [permit], so are our hands tied, we'll have to ask our new attorney.

Rich Williams stated correct.

Chairman Rogan stated right.

Board Member Cook stated well let me ask Ted a quick question, is this now a complete application, I'm not sure.

Ted Kozlowski stated yes, now that he fixed some of the things on it that I asked him to, the challenge here is you know, I don't know what kind of leverage we're going to have, I didn't want to make him pull that culvert out of that stream because that is going to be a greater issue and then he doesn't comply with this, I think our only alternative is to go to court.

Board Member Cook stated I mean I do not want him to pull out the pipe or remove the fill, even though it is in, what he's coming in for is an after-the-fact approval, I guess the concern is that is this really now a complete application, the issue of the violation and the fact that it has no site plan approval.

Ted Kozlowski stated well a site plan for a contractor's yard or whatever it is.

Rich Williams stated correct.

Ted Kozlowski stated so you're got, yeah you've got the wetland issue, which is pretty resolved in that but then you've got the other issue that's been outstanding for a long time.

Chairman Rogan stated so then let me play devil's advocate, we have something that our E.C.I. is saying as it exists is not posing a...

Ted Kozlowski stated no...

Chairman Rogan stated health risk or a concern or an erosion concern and our legal counsel may very well tell us this is an action we can't take because of another existing issue, so we back off and we let the other, if it's a Building Department issue then they can proceed on that end if they don't, I mean we're, it's not before us right now...

Board Member Cook stated but weren't we advised a while back about can, can we not...

Chairman Rogan stated last meeting...

Board Member Cook stated no but before that, approve or disapprove an application before you on one this because something else is outstanding.

Chairman Rogan stated I asked Tim Curtiss at the last meeting, that question...

Board Member Cook stated okay.

Chairman Rogan stated and he said you can't, right, he said that if this existing violation has not been resolved, then we can not because I was trying to keep them separate in my brain...

Rich Williams stated if I recall what he said...

Chairman Rogan stated by approving one, you're approving the other.

Rich Williams stated right, a stopple essentially attaches meaning you can not enforce your code on the separate action because the Town has taken an affirmative action and acknowledgment of an existing condition.

Chairman Rogan stated so by Ted's comment about this not being an active problem, the pipe issue, that is the smaller issue of the site and so therefore the issue that we have been given is a smaller issue...

Ted Kozlowski stated that is a smaller issue.

Chairman Rogan stated and so I think who has the bigger hand in this right now is the Building Department and where they want to go with it in terms of an existing violation for a contractor's yard.

Board Member Cook stated okay.

Ted Kozlowski stated is there discussion going between the Building Department and this gentleman, Rich, do you know.

Chairman Rogan stated it sounds like just what we have.

Rich Williams stated probably not.

Board Member McNulty stated to me, it sounds like it makes sense to table this application until the issues are handled.

Ted Kozlowski stated isn't, wasn't there somewhere down the line, we were told by somebody that we couldn't hold up an application because of an unrelated existing violation.

Rich Williams stated the key word there is unrelated...

Ted Kozlowski stated right.

Rich Williams stated the other issue is if you have an existing violation and the violation is you put a culvert in the stream and he makes an application, you know there has been case law, not the attorney here but there has been case law, there have been Board's that have said we're not going to approve your culvert in the stream because you have a violation which is that culvert in the stream but the only remedy is to approve the...

Chairman Rogan stated they're chasing their tail.

Rich Williams stated yeah, so essentially what they want to do is they want the applicant to tear the culvert out, restore everything and then they'll consider the application to put it back in...

Chairman Rogan stated that's crazy.

Board Member McNulty stated yeah, I don't think we want to do that.

Rich Williams stated you can't do that.

Ted Kozlowski stated Rich, is there way this guy can keep his equipment there...

Chairman Rogan stated let's get a legal opinion on it.

Rich Williams stated right now he has two avenues, he can get the zoning changed which is unlikely or he can get a use variance from the Zoning Board of Appeals, other than that, no.

Ted Kozlowski stated so his best bet then...

Chairman Rogan stated is go for a use variance.

Ted Kozlowski stated is...

Rich Williams stated he can't go for a use...

Chairman Rogan stated didn't you just say that...

Rich Williams stated yeah...

Ted Kozlowski stated my understanding is and let's not forget he is an interesting individual, my understanding is that he was a fairly large contractor in the New York City area years ago, went out of business and the stuff that's up there is his equipment from the business, the equipment is too far used and along where I don't think it is economically feasible for him to sell it as used equipment and I do believe he uses some of this equipment for some of the interesting things he does up there, so I think he wants to keep that equipment, so his only alternative based on what I just heard from Rich is that he needs to go to the ZBA to get a zoning variance to keep it there, is that true.

Rich Williams stated understand there is a three prong test for a use variance, one of the tests for a use variance is that you have to show that under the existing zoning you can have no other economic use of the property, he's already got it, it's a single-family home, he's using it as a single-family home, there are other uses that he can pursue which are permitted under the zoning code, legally permissible that he can use the property for, he's not pursuing them, so its an impossible threshold and it's a very, very high threshold because the courts and the legislator, the State legislator in creating this variance, didn't want the Zoning Board being substituted for the legislative bodies, in other words, you know the Town sets the zoning and the ZBA comes along and changes it all over the place, so it is a very high threshold.

Board Member McNulty stated he's in a residential zoned area right now.

Rich Williams stated he's in a C-1 zoning area with a pre-existing, non-conforming residential use of the property.

Chairman Rogan stated I can understand the guy feeling, if he's right along side approved contractor's yards, you know...

Board Member McNulty stated yup.

Board Member Montesano stated what I'm looking at is...

Ted Kozlowski stated plus he's right next door to a nursery...

Board Member McNulty stated yup, so he can't live there basically if he wants to make it a yard...

Board Member Montesano stated A. he can't...

Ted Kozlowski stated the Lopane's, if you guys go on to their property, if you look just to the north, the Lopane's have tons of equipment and stuff there.

Rich Williams stated but let's really define what we're talking about here, he's not looking to run a contractor's yard, he's not acting as contractor anymore from what you've said...

Ted Kozlowski stated right.

Rich Williams stated he's just got all this excess equipment that he doesn't want to sell off...

Chairman Rogan stated he's a homeowner with a lot of toys.

Rich Williams stated it's okay...

Ted Kozlowski stated he's using some of it, he cleared an area for a cornfield, so...

Rich Williams stated well listen, if he had a backhoe on his site or a couple of backhoes, probably nobody would say anything but I know what the site looks like and you know what the site looks like and it doesn't look like...

Ted Kozlowski stated well the trailers that are there Rich, are now chicken coups, I'm not kidding, my friend Charlie is one of them.

Board Member McNulty stated is it a true contractor's yard if he doesn't have a business any more.

Chairman Rogan stated that would imply day to day use, right, a contractor's yard...

Board Member McNulty stated there would have to be a business established.

Rich Williams stated its one of two things and neither are permitted by zoning, it's either a contractor's yard or a junk yard, neither one is permitted by zoning, so...

Board Member Montesano stated all right, what if...

Board Member McNulty stated when you say it's a pre-existing, non-conforming residential property in a C-1 zone...

Rich Williams stated correct.

Board Member McNulty stated so is the residence legal, to live there as a primary residence.

Rich Williams stated yes, as long as you continue it as it is, yes.

Board Member McNulty stated so he would have to, I don't, if he's C-1 and he's got a residence on the property how does that fall, does he have to get a zoning requirement to become a residence in a C-1...

Rich Williams stated no, no...

Board Member Taylor stated it's pre-existing.

Rich Williams stated it was pre-existing, it was there before zoning changed.

Ted Kozlowski stated (inaudible – too many speaking at one time).

Board Member McNulty stated so if he no longer has a business and he just has all of this equipment, that's his own, if he can prove that it's registered in his private name and not a or titled in a private name, not a company name, it's not truly a contractor's yard.

Rich Williams stated but its not, he's got way too much equipment for a residential occupation of the property.

Board Member McNulty stated is there a written limit.

Rich Williams stated yes.

Board Member McNulty stated what is, do you know it off hand, I don't...

Rich Williams stated one commercial vehicle, not greater than one ton.

Board Member McNulty stated per acre.

Rich Williams stated no.

Board Member McNulty stated per site.

Rich Williams stated per residence.

Board Member McNulty stated per residence.

Chairman Rogan stated we need American Pickers to come to this place.

Board Member Montesano stated does he have...

Ted Kozlowski stated he lines it all up nice and neat.

Rich Williams stated yeah but if he's got a bunch of old equipment there from an old business that is sitting there and rusting, how long is it before the oil starts leaking in the ground, how long before the gas starts

leaking into the ground, how long do you want to leave this equipment sitting there before it's not a, you know, it creates an environmental problem.

Board Member Montesano stated what if he just likes to collect these things, if he were to proceed and I am just saying hypothetically, to register all these vehicles and insure them, I'm just saying, he collects things, this is old equipment he has, if he drained the oil out of them and took the gasoline out of them and just parked them in a nice neat row, he's in, he's not in a residential area, he's in a commercial area, so where is there a leniency in this law that says they are not being utilized, can anybody see them unless you go up onto the property.

Chairman Rogan stated behind Nolletti's...

Rich Williams stated see as this conversation seems to be going in a very inane direction, I will tell you there are two basic tenants of zoning, one is it doesn't pass the stupid laugh test and then other if it walks like a duck and quacks like a duck, Michael it's a duck, don't try to tell me that this guy has all sorts of junk on his property and that is somehow okay for a residential use.

Board Member Montesano stated they call them hoarders.

Board Member Taylor stated but they are not allowed.

Chairman Rogan stated all I really want is, if our new counsel can give us a legal opinion on this as to whether we should be taking any action on the wetlands permit and it sounds...

Rich Williams stated and that is appropriate.

Chairman Rogan stated and that is what I think we need to guide us and that's it, that's the end of it, as far as I'm concerned.

Board Member McNulty stated let the Building Department handle the rest.

Ted Kozlowski stated Rich is the issue of what he's got out there, a Planning Board issue.

Chairman Rogan stated we take no action, the pipe is in the ground and we're done either way.

Board Member McNulty stated we're not taking it out.

Rich Williams stated in what regard.

Ted Kozlowski stated jurisdiction.

Chairman Rogan stated you know...

Board Member Cook stated sorry.

Chairman Rogan stated it goes back to because they've been citing the guy with violations since 2006 or earlier, so...

Board Member McNulty stated scrap metal has to be worth something...

Rich Williams stated if he's doing something that is commercial, not; our code says that all non-residential uses need site plan approval.

Ted Kozlowski stated so it is a Planning Board issue.

Rich Williams stated yeah.

Chairman Rogan stated we have to break in our new legal counsel anyway, right.

Rich Williams stated absolutely.

Board Member Montesano stated it's just that if you were in a residential area, you are definitely, but its in a commercial area that was approved as residential, it drives you crazy.

(Inaudible – too many speaking at one time).

The Secretary stated one conversation at a time please.

Board Member Taylor stated yeah but it's...

Board Member Montesano stated right now its probably worth a lot more as junk anyway, the steel content on that thing has to be worth quite a few dollars.

Ted Kozlowski stated I would say most of the equipment works from what I saw. I don't think its...

Chairman Rogan stated okay.

Board Member Montesano stated junk, it's movable elderly equipment like certain things I know.

Chairman Rogan stated okay, we're going to get a legal opinion and let's move on.

Board Member Montesano stated and over there, all right.

Board Member Cook stated Nick is also looking for guidance...

Chairman Rogan stated yeah.

Board Member Cook stated and so that goes into this outstanding ticket, is this...

Board Member Montesano stated thank you.

Board Member Cook stated and how that should be handled too, so we need our new counsel to be fully aware of that.

Chairman Rogan stated I think counsel should get a copy of what we have in front of us, practice their due diligence and get some of the information, give us an opinion relevant to this wetlands application we have before us and how the Board may or may not proceed.

Rich Williams stated I don't know if it's really something your interested in, the way the process is now you're going to have legal counsel for the Planning Board, the Zoning Board, Town Board, that counsel is not the one that will be over in court prosecuting the violations so...

Board Member McNulty stated how is that going to work.

Rich Williams stated the attorneys are aware of it and they are going to work out how they need to communicate between the two of them.

Board Member McNulty stated so how will prosecution work.

Rich Williams stated there is a separate attorney hired just to do the prosecution.

Chairman Rogan stated that's their internal communication plan you know that's...

Board Member McNulty stated (inaudible).

Chairman Rogan stated yeah but I appreciate that so the people who are hearing the information directly will not be the people, that doesn't sound like a very good plan...

Rich Williams stated I think there is enough good communication between everybody that it will be fine.

Chairman Rogan stated okay.

Board Member McNulty stated who are the new attorneys for the Planning Board and the Town Board.

Rich Williams stated Hogans & Rossi, Mike Liguori and Don Rossi are going to be taking the Planning Board; Joe Charbonneau is going to be taking the ZBA.

Board Member McNulty stated who is going to do the prosecution.

Rich Williams stated Laura Roberts who is on her own, not with Hogans & Rossi.

The Secretary stated no S, Hogan & Rossi.

Board Member McNulty stated okay.

Board Member Montesano stated this is sounding more like a Manhattan law firm, 75 partners and we give it to the junior man.

Ted Kozlowski stated Rossi is no longer there, right.

Rich Williams stated no, he is, that's what I thought.

Chairman Rogan stated oaky, let's move along, we're dragging our heels. Item 2 we're going to carry over until the end. RCA Asphalt Plant, Burdick Road, wetlands/watercourse what are they looking to do out there Rich...

3) RCA ASPHALT PLANT SITE PLAN – Initial Application

Rich Williams stated this is a new application and it was initially brought to the Town's attention when a new individual leased the blacktop plant and started to build a building on the site, pre-existing, non-conforming in an R-1 zoning district, so here we have a commercial site that is in a residential district and really can't expand and he was stopped and he was told he has to get an amended site plan to do it, as well as get permission from the Zoning Board. As this all came up, the residents on Burdick Road who are always very upset with the commercial traffic going through their residential neighborhood, again approached the Town and said listen, are there any other options, there was an option considered a number of years ago to bring the driveway out on to the driveway directly behind me on Peckham's driveway, they hired Insite Engineering to further evaluate it, they came up with a design for a driveway, flag the wetlands, met with Ted out there to take a look at the wetlands and they have now submitted the application for an amended site plan to construct a driveway to divert the commercial traffic off of Burdick Road and on to Peckham's driveway.

Ted Kozlowski stated I'll add my comments, I went out there, the actual path of the proposed driveway is a long and existing berm that was established there a number of years ago, the entire area that this is going through has been greatly disturbed over the years, yes there are wetlands, you know its within the buffer, they are not filling in any wetlands but given the fact that its going through, their application is complete and given the fact that they are going through a wetland that has been disturbed, they are not going through a wetland proper, they are going through buffer and it is a public, I wouldn't say, it is a public safety issue but it's a...

Chairman Rogan stated a quality of life.

Ted Kozlowski stated a quality of life issue, I really have no problems with this proposal and my recommendation to the Board would be to approve this.

Rich Williams stated its going to come out way down there, way past the pond, past the bend.

Ted Kozlowski stated there isn't going to be that much clearing and if you walk that berm, its all fill, again this is not a major wetland issue. Are you paying attention to me...

Chairman Rogan stated of course, I heard every word of it, you said approve it, no I heard you.

Ted Kozlowski stated and the flagging is fine and I...

Chairman Rogan stated sounds like a win-win.

Ted Kozlowski stated I think it's good for the Town.

Board Member McNulty stated any reason why in the past it didn't follow through, you said this was talked about years ago.

Rich Williams stated it crosses the Patterson Fire Department property and there discussions about the grant of an easement across the Patterson Fire Department property and those negotiations were not successful.

Board Member McNulty stated and they are now.

Rich Williams stated yes, apparently, I haven't seen the easement, one of my comments is we've got to get the easement.

Board Member Cook stated should we go take a look at this.

Ted Kozlowski stated have fun boys, the mosquitoes are as big...

Board Member McNulty stated can look out the window.

Chairman Rogan stated you can probably walk up the roadway and look in from one side.

Rich Williams stated see I don't have a problem with the mosquitoes, they only like the sweet guys.

Ted Kozlowski stated they only like guys that take showers.

Chairman Rogan stated okay, moving right along to Put Lake Fire Department...

4) PUTNAM LAKE FIRE DEPARTMENT – Initial Application – Site Plan Waiver

Chairman Rogan stated training deck and tower.

Rich Williams stated there are currently two applications that have been submitted to the Board, one is a very minor action, it is to add a deck on to the back of the existing fire department, and the deck will encroach into the zoning setback so they will also need an area variance for that application. The purpose of the deck is for training firefighters in descent from second stories; they want to use it as a training tool.

Board Member McNulty stated when you say deck; I have a wood deck picture, is that.

The Secretary stated yes.

Rich Williams stated it is a wood deck that is coming off the second floor and it's going to have a false façade on it so that it mirrors a second story building, they can stand on the deck and train and jump off of the second story and descend.

Board Member Cook stated on the drawing there are two little boxes that says phase II construction not in contract and phase III construction not in contract, will there be additional requests coming to us.

Rich Williams stated no.

Board Member Cook stated so all we have to do is deal with this new one story addition, phase I.

Rich Williams stated well what they are proposing to do is really the whole thing.

Board Member Cook stated what does that mean.

Rich Williams stated well its, they are looking at maybe building it in phases but the application is for the whole deck with the whole façade and not individual phases.

Board Member Taylor stated he's talking about this map, the phases are different buildings, not the deck...

Board Member McNulty stated it looks like a parking lot area...

Board Member Taylor stated the deck is listed as phase I, new memorial and parking lot area and...

Board Member McNulty stated I take it this is Haviland Road here...

Rich Williams stated that's Fairfield [Drive] and Haviland [Drive] goes off to the side.

Board Member McNulty stated Fairfield [Drive], this way here, right.

Rich Williams stated right.

Board Member McNulty stated so is this parking lot existing behind the fire department now or this part of the phase II...

Rich Williams stated partially.

Board Member McNulty stated because that's all pretty much a hill right behind there, correct.

Rich Williams stated very much so, that what you're looking at is the amended site plan, a portion of the amended site plan that was done in 1999 and the fire department build some of it, they actually didn't build everything on the approved site plan.

Board Member Taylor stated okay, so they are amending the site plan again or this deck conforms with part of what's on the site plan.

Rich Williams stated they are looking for a waiver of the Planning Board requiring them to do a site plan for the deck that they want to put on the building. This is a waiver request.

Board Member Cook stated I don't think it says that anywhere on the application.

Rich Williams stated question 6 on the application, they checked the waiver box.

Board Member Cook stated oh excuse me.

Board Member Taylor stated so this deck is going where this new one story addition would have gone.

Rich Williams stated no, no, no, it's going in the L...

Board Member Taylor stated in the L...

Rich Williams stated it is going here.

Board Member Taylor stated it's going over there, oh.

Board Member McNulty stated so this is a '99 plan, is this addition built.

Rich Williams stated yes.

Board Member McNulty stated so this is complete, this is partially complete...

Rich Williams stated that is partially complete, this is partially complete, they did this, I'm not sure its in this location, they did not do this, they did not limit access out on to Haviland Drive, the intersection is about right here.

Board Member McNulty stated so this plan that we see here, that's been finalized and signed off on as complete.

Rich Williams stated no.

Board Member McNulty stated so they just want to amend this open site plan.

Rich Williams stated but they do have a C.O.

Board Member McNulty stated okay.

Board Member Cook stated beautiful.

Board Member McNulty stated I got a story on that for you, it's another issue but they want to amend this current plan just to show this deck here.

Rich Williams stated right, they are going to put and this is the way they explained it to me, they going to put the deck up on then after the deck is up, they are going to work on the front façade.

Board Member McNulty stated it faces the rear of the building, so we're really not going to see it.

Rich Williams stated which is why it's kind of hand drawn in there.

Board Member Taylor stated and this waste water disposal stays underneath the deck.

Rich Williams stated yes.

Chairman Rogan stated the tower, the other application...

Board Member Taylor stated and this stair runs down and meets this stair.

Rich Williams stated it runs down in this general location. This deck comes out to about here.

Board Member Taylor stated okay, it's not...

Rich Williams stated here let me do it this way.

Chairman Rogan stated (inaudible).

Rich Williams stated pretty much.

Chairman Rogan stated play by play.

Board Member Cook stated so what they have, they want to put this deck over here.

Chairman Rogan stated no, oh yes you're correct, right here.

Rich Williams stated that's where it goes.

Board Member Taylor stated all right, that's better, trying to fit it in here, okay yeah so it just sticks out a little bit and aligns with the other stair.

Chairman Rogan stated and that is why it's an issue for a waiver because its such a minimal, it's like putting a gazebo over at the library, it's not much different and its already in place and it looks fine.

Board Member McNulty stated yeah it looks great over there.

Board Member Taylor stated okay.

Board Member Cook stated does this need a public hearing.

Rich Williams stated not if you're doing a waiver.

Chairman Rogan stated perfect timing.

Board Member McNulty stated wow that was good.

Chairman Rogan stated since the thing is off, we do SEQRA on a waiver.

The Secretary stated it's not off.

Rich Williams stated no.

(Side1 Ended – 7:43 p.m.)

The Secretary stated it does what it wants.

Rich Williams stated what you do need to do with this one for SEQRA is acknowledge why this is a separate and independent action because Putnam Lake Fire Department has also submitted an application to amend their existing site plan to construct a cell tower on the site, so you essentially have two separate and independent actions and you need to acknowledge, if you agree that they are environmentally independence of each other.

Chairman Rogan stated through the second application though, we would ask for a site plan that shows current conditions, not phase II, not, just current conditions, with those current conditions capture assuming the deck is built before the process is finished, the deck, even though we might consider a site plan waiver for the first action, the action can be shown on the site plan as an existing condition.

Rich Williams stated there is a question with regard to the application for the cell tower with regards to what has actually been constructed on the site and the amount of impervious surface on the site and also the lot area, so in the memo that you're going to get from me, I've asked them to actually do an existing conditions plan which would capture the existing conditions, identify the lot area, just by way of a little background, the site plan approved in 1999 shows that the lot was .82 acres, I measured it out as .82 acres but our Assessment Department and the Putnam Lake Fire Department believe they have 1.37 acres and I don't know what the difference is, that's why, so...

Board Member McNulty stated .5 acres.

Chairman Rogan stated different rulers.

Rich Williams stated huh?

Board Member McNulty stated about a half acre.

Chairman Rogan stated what the difference is.

Rich Williams stated thank you I deserve that tonight. So, I've asked for an actual existing showing all the impervious surface and drawing the deck on it.

Chairman Rogan stated and it may be appropriate to have one plan drawn up showing those other phases because they're approvals from a prior a site plan.

Rich Williams stated well I...

Chairman Rogan stated or are they.

Rich Williams stated you said three phases, the only phasing I remember on that plan had to do with a number of parking spaces that we were putting off construction of, so I would have to go back and take a look at...

Board Member McNulty stated well they say three phases on there.

Board Member Taylor stated they've got the one story addition as the first phase and they have the parking in the back as the second phase and then the parking on the side with the monument as the third phase.

Chairman Rogan stated right, we should at least take a look at that and see.

Rich Williams stated I would imagine you're going to want to take a look at the cell tower, do a site walk out there, balloon test and...

Chairman Rogan stated yeah.

Rich Williams stated I think you're going to be fairly interested when you get out there.

Chairman Rogan stated this cell tower is not too far away from the beach area where we were originally looking in the Put Lake area, a quarter mile.

Rich Williams stated no, it's much more than that.

Chairman Rogan stated is it, it seems like it would cover this same low area.

Board Member Montesano stated is the parking going to be interfered with by the cell tower.

Rich Williams stated because of the cell tower they are proposing to have 12 parking spaces on the site which is about what they have right now, they are claiming they have 12, the site plan shows that they had 18 or were proposing 18 parking spaces, again, in the memo that you're going to be getting I've got that, they need based on the functions and activities at the fire department, they need to give us a demonstration of what the active parking demand is because you know they have their meetings, there's got to be more than 18 people showing up...

Chairman Rogan stated they're having a pig roast soon; you'll be able to tell.

Board Member Montesano stated and then you've got...

Board Member McNulty stated no, that's at the VFW.

Board Member Montesano stated then you've got to see how many...

Rich Williams stated right.

Board Member Montesano stated how much equipment do they have and how many men per piece of equipment and if they call them all out...

Chairman Rogan stated what is the safe occupancy of building, the main hall, take whatever the main occupancy is, that is the potential they have to use the fire house.

Board Member Montesano stated yeah but that's not parking because if I...

Chairman Rogan stated no I mean you can back calculate that, one car per two people...

Rich Williams stated that's a good way to do it.

Board Member Montesano stated yeah but what I'm looking at is if we have 6 pieces of equipment and minimum that they are supposed to roll with, with each piece of equipment is 3 men, all right...

Chairman Rogan stated yeah.

Board Member Montesano stated gives you 18...

Chairman Rogan stated I think your higher number certainly is going to be the...

Board Member Montesano stated yeah well the occupancy of the building is going to be in there...

Chairman Rogan stated it's probably 100, it has to be at least that.

Board Member Montesano stated yeah.

Chairman Rogan stated so you figure whatever that occupancy is or whatever that normal rate that you figure for parking per you know, for a banquet hall let's say.

Rich Williams stated its going to be somewhere between two and three.

Chairman Rogan stated two to three, even it was three, let's say you have a banquet hall that has a capacity of 130 people, you know you're going to be looking at need 40 spots or whatever, you know 45 spots just to fit that need or you put a cell tower and you say now you've reduced your parking, you can't keep the same occupancy on that, that's a can of worms but somewhere there has to be a balance of things, they'll be parking up and down the road.

5) PUTNAM LAKE FIRE DEPARTMENT – Initial Application – Telecommunications Tower

Rich Williams stated this is going to be a very interesting application for the Town because they are proposing 140 foot monopole with a big flag on top on the northeast side of the fire department building in a very tight area...

Board Member Montesano stated ooooo, now they're squeezing things, how patriotic can you be.

Rich Williams stated but everybody wants to support the fire department...

Chairman Rogan stated of course.

Board Member Cook stated do we hold...

Board Member Montesano stated if I recall the church didn't get supported at one time when they were putting one up and they got crucified.

Board Member Cook stated do we hold off on the site plan waiver application...

Chairman Rogan stated no, no...

Board Member Cook stated no.

Chairman Rogan stated I don't think so.

Rich Williams stated not unless you feel somehow they are linked together, I would maintain that they are not...

Chairman Rogan stated one is a training module, you know one is training purposes, doesn't change occupancy, doesn't affect the site layout for...

Board Member Cook stated that is what I was leading up to.

Chairman Rogan stated and if it does, then they can't get the...

Board Member McNulty stated I think we should at least get an updated site plan for this training deck...

Board Member Montesano stated well you're going to put the training deck...

Board Member McNulty stated clarify what's there and what's now...

Rich Williams stated they are looking for very simple, we need to get the deck going, can you give the waiver so we can go build our deck.

Chairman Rogan stated if they identify the location...

Board Member McNulty stated then on the site walk we'll just clarify it.

Chairman Rogan stated and if they identify location.

The Secretary stated Tom, this is a state mandated training that they have to do and it was supposed to already be done so they were trying to get through the process.

Rich Williams stated and the problem is the available facilities are always tied up and they are having difficulty getting fire department members there, there isn't one very close.

Chairman Rogan stated what we've done in the past with site plan waivers is we've identified very specifically and articulate on the record, what we're approving, by size, not to exceed X, what we're doing, the location and then justify why it meets the criteria for a waiver, you know, it doesn't affect...

Board Member Montesano stated it's a unique situation, how many fire departments do we have.

Chairman Rogan stated and we do it that way.

Board Member McNulty stated okay.

Chairman Rogan stated and then we deal with this other one.

Board Member Cook stated right but we're not going to be approving this next week.

Chairman Rogan stated the waiver.

Board Member Cook stated yup.

Chairman Rogan stated that's up to your guys.

Board Member Cook stated you just said about all the information that we need.

Chairman Rogan stated no, that's about the cell tower.

Board Member Cook stated oh, you're referring to...

Chairman Rogan stated oh yeah, I think that's all cell tower I don't think this deck affects or impacts the use of the site in terms of safe parking based on the location all unless I missed something, I don't think that's it...

Board Member McNulty stated I don't think its taking any parking spaces away.

Chairman Rogan stated you know it's a component that you know...

Board Member Cook stated okay.

Rich Williams stated there are two procedural issues just to make you aware, the reason they made the application for the site plan to the Planning Board is that is the simplest way to get to the ZBA rather than going to the Building Department and getting denied, they have to make this application anyway and it starts to bring the Planning Board in and the other thing is the recent ruling by the FCC which says that municipalities have 150 days to review an application, you need to be aware of that incredibly tight time frame so everybody is going to have to move on this fairly quickly.

Board Member McNulty stated just go back, you though that we have to make a SEQRA determination on this waiver, or we don't.

Rich Williams stated you need to make a determination that it is not environmentally linked to the cell tower because you're segmenting the review of the two applications.

Board Member McNulty stated but that's not done through SEQRA that is just done through review.

Rich Williams stated that's just a statement on the record.

Board Member McNulty stated I got you, okay.

Board Member Montesano stated we want you to libel.

Board Member Taylor stated I don't see a problem with it, as long as we know, I would like to see what they gave us translated on to a plan rather than the three dimensional elevations, they are a little confusing.

Chairman Rogan stated yeah.

Board Member Taylor stated beyond that it's not a walk...

Chairman Rogan stated and even if it's Rich helping them out to scale, putting it on a plan for the record...

Rich Williams stated I can get you copies of what I've done.

Chairman Rogan stated exactly, I think that will suffice.

Board Member Taylor stated yeah, that's...

Board Member McNulty stated yeah that is what I mean by an updated plan as well, just to show exactly where this deck is going to go.

Chairman Rogan stated yeah, I think we'll be able to roll on that and they are going to the ZBA, I missed that in the beginning of when you spoke.

Rich Williams stated they do not meet the rear yard setback of 25 feet...

Chairman Rogan stated got it.

Rich Williams stated so they need an area variance for the rear yard setback.

Chairman Rogan stated so we can approve the waiver and that bumps them over to, our site plan waiver will be a conditional approval.

Rich Williams stated exactly.

Chairman Rogan stated it's conditioned on a favorable decision by the ZBA for the area variance, okay, so this cell tower, let's get them in, Rich just mentioned the time frames on this, we have to be tight on our reviews, be succinct and that time frame starts from the acceptance of a complete application or has it already started.

Rich Williams stated that's a good question, the FCC ruling is the Town has 150 days from the initial submission of the application, doesn't describe whether it's a complete application or not, that's one of the deficiencies.

Chairman Rogan stated so theoretically it started on the 20th, for that purpose...

Board Member Montesano stated that's what it says.

Board Member Taylor stated they're all lawyers, these people that write these laws are all lawyers.

Board Member McNulty stated that's our problem.

Rich Williams stated I would maintain that the application doesn't start until it gets to the ZBA or and understand, the 150 days is a presumption that that is the amount of time that you would need to do this but if they delay the process and you can show that they delay the process, you're not going to be penalized for going 160 or 180 days.

Chairman Rogan stated right.

Rich Williams stated I would maintain that because they did not make the submission to the ZBA even though the application was in to the Planning Board that the clock shouldn't start.

Chairman Rogan stated okay.

Board Member Taylor stated okay but what is going to delay us anyway.

Chairman Rogan stated well I was just going to say the good thing is we've gone through enough of these that the general punch list of concerns in terms of access to the site, which has already been established, alternate locations, I want to say visibility but that's not the right word...

Board Member Taylor stated aesthetics.

Chairman Rogan stated thank you, aesthetics, and balloon test in that regard.

Rich Williams stated most of what's going to delay the Town is going to be the application to the ZBA and what that entails, you know they are making an application to the ZBA initially they are saying all we need is a use variance because we're doing a flag pole and well flag poles really aren't covered by your height limitations. Well first it's a telecommunications tower I don't care that you're putting flag on it, you know, oh okay, we'll look at that and then I looked at impervious coverage and based on what they've got out there right now, now what they should have out but what they have out there, I calculated out they are at about 68% and the limit is 65%. They say they are just a little over 12%...

Chairman Rogan stated 12%...

Rich Williams stated yeah.

Chairman Rogan stated because they are counting on this other half acre.

Rich Williams stated even if they were counting on a half acre.

Board Member Montesano stated maybe it's just going to be a big long fire hose tester or something.

Chairman Rogan stated so...

Board Member Cook stated so do we refer them to the ZBA or they go on their own.

Chairman Rogan stated they have to make an application.

Rich Williams stated you don't have to make a referral, state law allows them to go straight to the ZBA based on an application for site plan approval...

Chairman Rogan stated I say we do the site walk both Boards...

Rich Williams stated I'm sure we can do that, we can work that out.

Chairman Rogan stated summertime, we have lots of daylight.

Rich Williams stated generally they want to see a balloon test; everybody wants to see the balloon test.

Chairman Rogan stated how does the 140 feet related to the one we approved at the Quail's, the north end of Putnam Lake.

The Secretary stated 5 feet shorter.

Chairman Rogan stated 5 feet shorter, okay.

Board Member Montesano stated and again at 5 feet shorter, you're sitting right there, as soon as you come in you're going to see the big flag floating.

The Secretary stated you're not going to be able to miss it.

Rich Williams stated yeah, it's going to be big and there is a house right behind it.

Chairman Rogan stated yeah.

Board Member Cook stated the interesting thing about this application is that it is a flag pole with all of the antennas inside which we tried to get up at the north end and were told they couldn't do it, yet these guys come in and it can be done with a flag on top.

Rich Williams stated that's one of two interesting things from me, yes they are showing 140 foot flag pole but they are showing one user and there is no real area for a second equipment shelter to be put there.

Chairman Rogan stated right.

Rich Williams stated all right, so I don't know, I'm sure that the Putnam Lake Fire Department wants co-location because there is a revenue stream from that but there is no place to put another you know, it's already tight, the other thing is they are saying there is a huge gap in coverage they've got to fill but the coverage maps that we received from Quail Ridge, Mal Dunn and the Brewster Parks show that there is no gap in coverage.

Chairman Rogan stated (inaudible) the equipment, the support network for the bottom.

Rich Williams stated so why is it every RF engineer that comes in for a cell tower says they are filling a huge gap in the coverage.

Chairman Rogan stated right.

Rich Williams stated no matter where it is.

Chairman Rogan stated sure.

Board Member Cook stated those are two or three very good questions to ask next week.

Rich Williams stated actually they are questions that need to be asked by the ZBA in consideration of the use variance, not really related to the site plan.

Chairman Rogan stated but that is a good recommendation for you to articulate when the ZBA is...

Board Member Cook stated guide them.

Chairman Rogan stated and keep them on, interesting question.

Rich Williams stated understand this and I am going to put this in the memo as well that because of the very tight time frames I'm reviewing this as though I was reviewing both for the Planning Board and the ZBA, not that the ZBA asked me to do anything but I want to bring up as many of the issues that I see with the overall application up front so that they can be addressed quickly.

Board Member Montesano stated can you stack buildings on top of each other.

Chairman Rogan stated equipment buildings.

Board Member Montesano stated yeah.

Board Member McNulty stated no, they just make the microchips smaller so they can get co-location in one shed.

Rich Williams stated I'm sure you can as long as the Board approves the architecture and it doesn't exceed the height requirements.

Board Member Montesano stated well I'm just saying, they have one person coming in to put it, the second person comes in and stacks up on top of the other one, that microchip is fine, that means instead of having to have a building that will hold 50,000 pounds, we're going to have a building that holds 15,000 pounds.

6) COUNTY LINE GETTY – Continued Review – Amended Site Plan

Chairman Rogan stated County Line Getty, this is the one right up [Route] 22.

Board Member Montesano stated yup.

Chairman Rogan stated we should be close to wrapping up, I would hope.

Rich Williams stated well they are, there has been some delay and it was truly my fault, well they submitted a site plan, they got a ZBA variance so that they didn't have to move the concrete pads for the kerosene and the propane and submitted a site plan where the concrete pads were moved and I brought it to their attention and said why are you doing this along with several other issues and they said oh that's not what we wanted, our engineering staff didn't do anything right, you know we have to send you the new plans, so they sent me the new plans and they didn't change anything.

Board Member McNulty stated the date maybe.

Rich Williams stated so at that point I said listen, I'm tired of this, if these guys aren't going to you know try to meet the minimum requirements because I mean we spent the whole summer with this guys, I'm just not, I've got better things to do than waste my time with this, let him go to court.

Chairman Rogan stated the summer again, right.

Rich Williams stated so at that point I stopped reviewing it, well I was asked to contact the guy and find out what's going on and at that point it was determined that he had sent me the wrong set of plans the second time, so he send me the right set of plans, I've taken a look at them, they've actually addressed most of the issues, there are still two or three really minor issues that they can't seem to get right, they change one plan and they don't change the other plan to meet the first plan but they are really minor at this point so I think at this point, my recommendation is wrap this thing up, I'll have a resolution for you for the next meeting, you know approve the site plan.

Chairman Rogan stated Tommy is going to do his first resolution.

Board Member McNulty stated okay.

Chairman Rogan stated Charlie, you're going to be there for moral support.

Board Member Cook stated absolutely.

Board Member McNulty stated I've been with County Line now since they started so (inaudible).

Chairman Rogan stated okay.

Board Member McNulty stated only took a year.

Board Member Cook stated expert.

7) OTHER BUSINESS

a. Fehr - Cushman Road

Chairman Rogan stated Teddy, what do you have on Cushman Road.

Ted Kozlowski stated oh, I just got a response from that couple that opened the daycare center or whatever that is and they promised to pave the driveway and clean up the debris by August/September but I am going to call them and say you know the debris can be cleaned up a little sooner than that, paving you know that is an expense and another issue but the debris, you know they're claiming that they you know, bought the property with debris, the thing is they did such a nice job...

Board Member McNulty stated they bought the debris.

Ted Kozlowski stated fixing up the entire property and then there is this little pile rubble, they should spend the time fixing that.

Chairman Rogan stated sure.

Board Member Cook stated Ted, this is the Fehr's.

Ted Kozlowski stated yes.

Board Member Cook stated that is their name right, Fehr, okay.

Ted Kozlowski stated but again this is not a big issue as far as I'm concerned...

Board Member McNulty stated real quick back to Getty, do we have that new plan that you said you'd...

Rich Williams stated I have it electronically if anybody wants it electronically...

Board Member McNulty stated if you can send it that would be great.

Rich Williams stated okay.

Board Member Taylor stated and the other issues that were brought up, they are not, they don't concern us.

Rich Williams stated with Getty.

Board Member Taylor stated no, with Cushman Road.

Rich Williams stated detail the issues.

Board Member Taylor stated driveway wasn't approved...

Ted Kozlowski stated I'm not making them going through a permit process because they are going to pave the driveway, there is a neighbor that complained and I responded to the complaint and they are fixing the issue. The driveway is already in, I don't see why they would need a wetlands permit just to pave the driveway since it's already there, if that's the way you feel they should go through the process...

Rich Williams stated not to pave it; I mean my issue is the driveway being put in, in the first place but...

Ted Kozlowski stated right which was (inaudible).

Rich Williams stated as long as they are complying with the Code, I'm fine with it.

Ted Kozlowski stated I don't, I just don't, you know, I just don't see this as a tremendous issue to deal with.

Board Member Taylor stated right.

Board Member Cook stated well we'll be asking how things are come October.

Ted Kozlowski stated yeah I know, I set myself up good this time, right, I've dealt with...

Board Member Cook stated not you, they did, they said they would have it done by October, so I am going to ask the question at the October meeting...

Ted Kozlowski stated no, I know, you know its these projects that can come back and bite you.

Chairman Rogan stated and they always do, its unfortunate. Okay and Stilwell, we have a letter from Putnam Engineering on...

b. Stilwell Wetlands/Watercourse Application

Ted Kozlowski stated when I did it, I'm not an engineer but when I did their calculations on the pond, I got over a million gallons, the engineers are saying it's over eight hundred and change gallons. I will defer to the engineers of the DEC to decide whether they need a wetlands, a dam permit or not.

Rich Williams stated I did send it up to Andrew to take a look at.

Ted Kozlowski stated you did.

Rich Williams stated yes.

Ted Kozlowski stated okay, I just want to make sure that again, it's a public safety thing, its not an environmental, well it is an environmental issue but its not a, its more of a, let's make sure they have this done right.

Board Member Cook stated so we wait on the permit application...

Ted Kozlowski stated yes, we need to know if DEC is in or not in this and then we'll go from there.

Chairman Rogan stated okay.

Ted Kozlowski stated because DEC may require things that go above beyond and what we're looking for.

c. Levine Site Walk

Chairman Rogan stated and Levine.

Rich Williams stated Levine, I am pressing the DEC to get a response, we were out there a month ago, he was going to do a report on his findings, I am pressing to get that.

Chairman Rogan stated great.

Rich Williams stated not just the responses but I'm working on it.

Ted Kozlowski stated whoa re you dealing with on this.

Rich Williams stated oh I don't remember, I can send you an e-mail.

Ted Kozlowski stated is that the new guy on the block.

Rich Williams stated it's not a wetlands issue...

Board Member McNulty stated so that is pending DEC too.

Rich Williams stated no, it's not a new guy, he's been around awhile.

Ted Kozlowski stated not wetland, this is the solid waste guy...

Rich Williams stated this guy has been around for awhile.

Ted Kozlowski stated oh he has, there is a new guy I was told that we should talk to and I don't remember his name because he's dealing with us in Westchester County and he's pretty responsive. I'll send you his name, I'll e-mail you his contact, (inaudible).

Rich Williams stated right.

d. Local Law – Bonds

Chairman Rogan stated and we have a local law on bonds...

Rich Williams stated yeah, some day, some day I may actually...

Chairman Rogan stated it doesn't sound very exciting.

Rich Williams stated well one thing after another, some day I may actually get to write that. There is a local law on changes to the zoning code regarding gas stations. Did I e-mail that to everybody...

Board Member McNulty stated no.

Board Member Taylor stated no, you talked to us about it.

Chairman Rogan stated just mentioned it.

Rich Williams stated I've got to e-mail that to you.

Board Member McNulty stated last meeting you mentioned...

Rich Williams stated it is up on our website under the announcement page.

Chairman Rogan stated okay.

Rich Williams stated essentially the local law is going to permit gas stations within 250 feet of the [Interstate] 84 interchange on [Route] 311 and along Fairfield Drive, in the Putnam Lake area in proximity of the monument.

Board Member McNulty stated 250 feet there as well.

Rich Williams stated twenty-five hundred feet over at [Interstate] 84, I'm not sure what it was over at the monument but essentially we were trying to create a zoning block that allowed the former gas station that was in Putnam Lake to rebuild if they wanted to rebuild a gas station there.

Board Member Cook stated so you're working on a local laws for bonds and a local law for...

Rich Williams stated gas station is up and it's done...

Board Member McNulty stated approved by the Zoning Board...

Rich Williams stated bonds, I'll write it one of these days.

Chairman Rogan stated it goes to...

Board Member McNulty stated Town Board...

Chairman Rogan stated Town Board but they look for a recommendation from the Planning Board on the code changes, so we need to review first and M&S Iron Works...

e. M&S Iron Works

Rich Williams stated just to let everybody know, we got the stormwater pollution prevention plan in for M&S Iron Works, we are currently reviewing that.

f. Commerce Drive

Chairman Rogan stated Commerce Drive...

Rich Williams stated just to let everybody know, I got four wetland delineation reports in, I think it was four, one, two, three, four, four wetland delineation reports for four properties over, Commerce Drive, I am working on putting them together, the delineations seem fairly good though I'm not done with the field work but he was very conservative in his estimations of wetlands and certainly more conservative than I would have been, certainly more conservative than others who have flagged them in the past have been, so, I've actually, some of the sites I've pulled out the old delineations and compared them to the current delineations and the boundaries are bigger...

Chairman Rogan stated and the goal, the ultimate goal of this is to start the process that we've been talking about, Ron has mentioned recently, looking at the totality of this site, so that we can move forward.

Rich Williams stated yes.

Board Member McNulty stated you're tying these new four locations you received with the whole complex around Commerce Drive.

Rich Williams stated yeah...

Board Member McNulty stated okay.

Rich Williams stated that being said, there is one site up there that has wetlands on it, we had an application many years ago from a Victor Liotta, I think God just commented on it...

Ted Kozlowski stated wow.

Rich Williams stated there are some wetlands on the site and there are people who are looking to build a, I think it was a contractor's yard on the site, they wanted to know how big of a building they could build and whether they would be allowed to build anything, I told them I would mention it to the Planning Board to see if your former opinion held as long as the wetlands could be mitigated on the site, that it's a commercial area and that something would normally be allowed to go on the site.

Chairman Rogan stated the entire site, the entire lot is wetlands.

Rich Williams stated we can pull the plans, you can take a look at it if you want.

Chairman Rogan stated yeah, let's do it.

Ted Kozlowski stated does Monteleone own this one too Rich.

Rich Williams stated yes, he owns everything.

Board Member Taylor stated is it one of the four or its in addition to the four.

Rich Williams stated it is one of the four.

Board Member McNulty stated oh okay I thought it was one.

Ted Kozlowski stated is this the one with the pond, the pond.

Rich Williams stated well it's the whole center is a wetland.

Ted Kozlowski stated well there's a pond there, isn't there, I thought there was a pond there.

Chairman Rogan stated that might be the lot to use for the mitigation for the other three.

Board Member Taylor stated yeah.

Chairman Rogan stated you know, right.

Ted Kozlowski stated I thought Liotta had a pond Rich, I'm pretty sure there's a pond there.

Rich Williams stated there's a wetland I wouldn't say it's a pond.

Chairman Rogan stated put the building on the dump site, we'll give you that one.

Board Member McNulty stated (inaudible)...

Board Member Taylor stated (inaudible – too many speaking at one time).

Board Member McNulty stated New Jersey where they've done that and they vent the methane right through the building.

Chairman Rogan stated yeah.

Board Member Montesano stated can we have a...

Ted Kozlowski stated before you recuse yourself...

Rich Williams stated I caught myself doing it after I washed my hands and I said ah, I think its time to clean the keys.

Board Member Taylor stated and then did he send us anything on the 20 acres...

Rich Williams stated the 20 acres...

Board Member Taylor stated the other piece he keeps talking about that is in behind that he needs an access road through Commerce Drive to access it, so he didn't send anything...

Board Member Montesano stated that old dump that he was talking about...

Board Member McNulty stated no I think you're talking about up on the hill, right...

Board Member Taylor stated (inaudible).

Rich Williams stated he's not doing anything up there, that plan all kind of fell apart.

Board Member Montesano stated yeah you have to go around it to get it.

Board Member Taylor stated he brought it up as part of the comprehensive discussion because he thinks he needs a driveway if he's going to access it through Commerce Drive so it would need to be bundled in to certain extent.

Chairman Rogan stated are you saying that's a dead issue.

Rich Williams stated I'm saying that at one point we were talking about using of the properties to put a driveway through it but that is pretty much a dead issue at this point.

Board Member Taylor stated okay, okay that's fine. So it's going to be landlocked then is that what happens to that...

Board Member Montesano stated more or less because we try to come in through Fox Run...

Board Member McNulty stated its out of the buffer.

Chairman Rogan stated its still out...

Board Member Taylor stated but the issue was that he said in order to access it, the only access he could have would be through the Commerce Drive area which then impacts our decisions about...

Board Member Montesano stated (inaudible).

Board Member McNulty stated conversations about trading off some property there, the dump I think...

Board Member Taylor stated yeah, so that's all, if he's not going to do it, he'd not going to do and that's fine, I just thought it would be, it would help sweeten the pot because it would give you another 20 acres...

Board Member McNulty stated to look at everything all together...

Board Member Taylor stated the last thing we want to do is come to us in another year after we've worked out these four parcels and say they want to do a driveway, that changes everything.

Board Member Montesano stated put a skylight.

Board Member McNulty stated maybe when we see the other parcels, we can then fold that in, makes sense.

Board Member Taylor stated makes sense, yeah.

Chairman Rogan stated lay it right over there.

Rich Williams stated here was the old lot, Commerce Drive is down there...

Chairman Rogan stated give us a point of reference to either side of it...

Rich Williams stated this is where he cleared the trees in the wetland...

Chairman Rogan stated got it.

Rich Williams stated this is Eurostyle Marble...

Chairman Rogan stated got it.

Rich Williams stated here this whole center area was delineated as wetlands.

Chairman Rogan stated I didn't ever realize there was a lot between the two.

Rich Williams stated yeah and...

Chairman Rogan stated I really didn't...

Board Member Montesano stated you have to be on Fair Street.

Rich Williams stated they are currently using it as just storage.

Chairman Rogan stated oh for all of the material, all the refuse and Eastern Jungle Gym stuff, oh yeah...

Rich Williams stated all right and this is what he came in with.

Board Member Taylor stated oh he was putting in a pond.

Rich Williams stated there may be a pond, that may be existing, Ted may be right, there may be a pond...

Ted Kozlowski stated yeah, Liotta, I'm pretty sure had a pond.

Rich Williams stated yeah, I haven't been to this site yet.

Board Member Taylor stated right in the middle of this...

Chairman Rogan stated this is all flat back in here.

Rich Williams stated yes, this is flat but it rises up very quickly into ledge...

Chairman Rogan stated right.

Rich Williams stated this pond would be right about here.

Board Member Taylor stated so its hidden...

Rich Williams stated I'm sorry, right about here.

Chairman Rogan stated its funny because its being used as a storage yard right now, even if it's a small building or something back in this area, it would be a better asset to the Town than just the open storage yard which isn't being taxed as anything more than vacant property, right but he is limited in what he's got back there because where are you going to put parking.

Rich Williams stated would you consider eliminating any of these wetlands.

Chairman Rogan stated well what is the quality of this area up through here, I guess is what we would consider.

Rich Williams stated well he was supposed to replant it but it was, I mean this all started because Vick Liotta went in there and clear cut the wetlands and then he brought in some environmental consultants from...

Board Member Montesano stated Timbuktu...

Ted Kozlowski stated I can comment on that because it wasn't Monteleone then, it was quite a crew.

Rich Williams stated he actually brought in Bill Duffery that worked with the USDA at one point to help him out but it was way beyond help at that point.

Chairman Rogan stated well let me ask this question, is this area something that could be enhanced to give credit for some of the other areas on site, something that would be benefitted by improvement as a functioning wetland.

Rich Williams stated I would say yes, I think it's a degraded low quality wetland at this point, its been clear cut and disturbed, they tried to re-grade it, I don't think they did a very comprehensive or well done job, I think we can change the wetland that's there to be more functional, create more periods of flooding, use it for stormwater and enhance it so that the site has a more appealing visual aspect as well as improve, you know, water filtration and you know, enhancing the vegetation to help the biology, the ecology, that's what I'm looking for.

Chairman Rogan stated would this area, would some of this area that's usable right now enhance the usability of this lot along side of it, considering this is vacant and you said Eurostyle...

Rich Williams stated he certainly...

Chairman Rogan stated would it make sense to merge the two lots and use this and this...

Rich Williams stated he certainly could tie them together and this would be his access in...

Chairman Rogan stated you know...

Rich Williams stated because right now, I pulled this other plan, this wetland is here goes all the way down through across his driveway...

Chairman Rogan stated right, right...

Rich Williams stated so where at one point it reached...

Chairman Rogan stated stormwater and...

Rich Williams stated felt that that wetland didn't cross that driveway area and that driveway was going through buffer, you know the latest plan shows it going through wetland.

Chairman Rogan stated this is why we're talking about looking at the whole, you know its hard when you're looking at one lot, we need to look at, you know that's the whole idea of the comprehensive plan and I think that is a great thing to consider.

Board Member McNulty stated is this uphill from this lot.

Rich Williams stated yes.

Board Member McNulty stated it all slopes down towards that landfill area.

Rich Williams stated yes.

Chairman Rogan stated this is something we can't answer off the cuff and we need, that is the whole reason for the comprehensive look.

Board Member Taylor stated well it looks like we could say yeah, it could be used but you might be better using it comprehensively...

Chairman Rogan stated yeah it would be better.

Board Member Taylor stated much better using it comprehensively...

Chairman Rogan stated good point.

Board Member Taylor stated it gives him access, especially access, if you have no access next door then yeah, what a difference between the two plans huh.

Board Member McNulty stated yeah right, like a colored picture.

Board Member Taylor stated and some detail, I mean this, this hatching, what's that impervious surface...

Board Member McNulty stated it says it aggregate...

Board Member Taylor stated so where is the pond.

Board Member McNulty stated its filled in with the aggregate...

Board Member Montesano stated it got covered over by the alligator.

Board Member McNulty stated this is the whole complex.

Board Member Taylor stated oh yeah, yeah, so that is exactly what it does.

Board Member McNulty stated where is the steep slope again, here...

Board Member Taylor stated right there.

Rich Williams stated well you've been out here, this rises up steeply here...

Chairman Rogan stated yeah.

Rich Williams stated this is exposed bedrock all through here and then it gets really crazy in through here.

Chairman Rogan stated it seems like an obvious, like you said to consider, you know...

Board Member Taylor stated it looks like one lot doesn't it.

Chairman Rogan stated I guess you have the potential here with the minimal but the connectivity of these it would have to be something that allows and there is benefit to having it, even if it is an impact, there is benefit to having that two access points.

Board Member McNulty stated and what has been asked to here, to build back here.

Rich Williams stated they wanted to build a building back there so they wanted to know how big of a building they could build back there.

Board Member McNulty stated and nothing, he didn't request anything for this.

Rich Williams stated well this is somebody who is looking to purchase this property, not Pete Monteleone...

Chairman Rogan stated who already owns it.

Board Member McNulty stated if an access road were to go from here and maybe connect the two properties, could there be a right of way and does it meet the limits and length...

Chairman Rogan stated like the gym place over on [Route] 22...

Rich Williams stated yes but what you're doing by having the driveway for both of them...

Board Member McNulty stated cutting the space...

Rich Williams stated you're really restricting the size of the building to almost nothing.

Chairman Rogan stated think about how much it takes to cut through here.

Board Member McNulty stated even if you took some of this wetlands because now you're including all this, I mean if you're going to...

Chairman Rogan stated maybe look at this whole area, try to make a plan that really enhances this to a viable functioning wetland, even if like you said, even if you're cutting some of this out...

Board Member McNulty stated because that has already been disturbed over there from what I'm told...

Rich Williams stated if you create two...

Chairman Rogan stated well you don't want them two separate areas...

Rich Williams stated that's the thing, if you create this driveway by easement, this property owner is always subject to the whims of this property owner who is maintaining the driveway...

Chairman Rogan stated right.

Rich Williams stated or vice versa however the easement works.

Chairman Rogan stated no I think but even if you allowed access here you...

Board Member McNulty stated oh that's going to be a process.

(Tape 1, Side 2 Ended – 8:21 p.m.)

Rich Williams stated just everybody is oriented where we are, M&S Iron Works is right over here...

Chairman Rogan stated across the street, which doesn't have any wetland issue, other than the vernal...

Rich Williams stated except the vernal pool...

Chairman Rogan stated but not on site but...

Board Member Taylor stated the dump is down there...

Chairman Rogan stated at the end, where Mike is, Mike you're sitting on the dump...

Board Member Montesano stated I'm sitting on the, I'm getting dumped on...

Board Member Taylor stated and this all flows that way.

Rich Williams stated no, actually...

Chairman Rogan stated it goes this way.

Rich Williams stated there's a break, yes exactly...

Board Member McNulty stated but isn't Eurostyle uphill from this...

Rich Williams stated yes.

Board Member McNulty stated this is a low spot between the two properties.

Chairman Rogan stated this about the front of Eurostyle, how it drops down right here, real steep.

Board Member Taylor stated they say the pipe is draining this way.

Rich Williams stated I have to go out there and confirm it but originally this was draining this way.

Board Member Taylor stated so that, okay, all right...

Rich Williams stated again, I haven't been on this site yet, I've been here, not there.

Board Member Taylor stated I still think it makes more sense to do it comprehensively than individually.

Board Member McNulty stated and you said he submitted four updated wetlands, are these...

Rich Williams stated these are two...

Board Member McNulty stated these are two of them...

Rich Williams stated these are two of them, the other two are White Birch Realty, White Birch where the...

Board Member McNulty stated before Eurostyle...

Rich Williams stated yeah, where the bus garage is and directly across the street.

Board Member Taylor stated this one in the curve...

Board Member McNulty stated these two.

Rich Williams stated yes...

Board Member McNulty stated and we're looking at this one right here, right.

Rich Williams stated I don't know that's, it might be this one.

Board Member Taylor stated and this is built then or this is another unbuildable.

Rich Williams stated it looks like there should be additional properties there split...

Board Member Taylor stated they didn't draw it right.

Chairman Rogan stated no.

Rich Williams stated here's the thing, I'm sitting here looking at the driveway and I'm not seeing where the masonry place is, Eurostyle, Jungle...

Board Member McNulty stated I think its in here, its just not delineated...

Rich Williams stated right, they didn't break the tax map parcels out correctly.

Board Member Cook stated so this one is here.

Rich Williams stated yes.

Board Member Taylor stated and now do these connect across the road, across Commerce Drive, is the drainage...

Rich Williams stated no.

Board Member Taylor stated so they all drain separately...

Board Member McNulty stated ones east, ones west.

Rich Williams stated this, if I remember how this worked, this drains this way...

Board Member Taylor stated yeah.

Rich Williams stated I'm not sure where you, I see there now, and this drains this way to this pipe, by the way the arrow on this pipe is showing that this drains this, it definitely does not drain this way, it drains that way...

Board Member Taylor stated oh so they have their arrows backwards.

Rich Williams stated maybe.

Board Member Taylor stated okay then where does this drain in Eurostyle.

Rich Williams stated this drained out, we picked up the drainage here, ran it down here, ran it through the stormwater ponds.

Board Member McNulty stated through the front of the property.

Rich Williams stated yeah.

Board Member McNulty stated down at the lower, down along the road here, they sit up way here and...

Board Member Taylor stated and there's no, where do those ponds then, where do they drain to.

Rich Williams stated those ponds drain out to the drainage the system and/or depending on the volume of water onto the White Birch site and then down into the stream.

Board Member Taylor stated and this one drains...

Rich Williams stated I'm trying to, which one is that.

Board Member Taylor stated the one you said you had...

Rich Williams stated those all drain backwards towards the west of the wetlands.

Board Member Taylor stated this way, so these are connected but these are not.

Rich Williams stated right.

Board Member Cook stated this is the one you were talking about before...

Board Member Taylor stated that's the dump right.

Board Member Cook stated yeah.

Board Member Taylor stated also he says he's got 20 acres, I don't know where the 20 acres is, somewhere over in here I think he was saying, is that...

The Secretary stated Teddy.

Board Member Taylor stated that 20 acres he was talking about, is over in here...

Rich Williams stated yes.

Board Member Taylor stated up on the hill or somewhere in that area, he was just saying if he was going to get to this, he would need to put a road somewhere through here, he can't go through the dump lot...

Rich Williams stated right, go back to where you are, where your finger was, that's the RC [Enterprises] property, that's Fox Run Phase II.

Board Member Taylor stated okay, so he must be up in here then.

Rich Williams stated well that was the original plan, that piece you just put your finger on, goes all the way and was part of a subdivision that was proposed by Clover Lake, they actually got a conditional approval, they met all the conditions all they had to do was file the plan, they never filed it...

Board Member Taylor stated okay.

Rich Williams stated so that subdivision went away, that property owner went away, we didn't end up having access to that lot anymore, combining it with RC, so the whole thing kind of fell apart.

Board Member Taylor stated so right now, there is no access to that lot.

Rich Williams stated no.

Board Member Taylor stated no, so that is what he was saying then but you can't run a road through here, right...

Rich Williams stated maybe, you might be able to skirt the landfill area.

Board Member McNulty stated I think that's what he was talking about, trying to get a trade off entrance in the cul-de-sac.

Board Member Taylor stated yeah exactly, whether it goes through here or here or somewhere off of there that's, so all right, if he's stopped it, he stopped it...

Board Member Cook stated who owns this one Rich, 53 here.

Rich Williams stated that's the landfill parcel, last I knew it was owned McGee and somebody...

Board Member Cook stated oh so it's a private owner.

Rich Williams stated private owner...

Board Member McNulty stated but Monteleone says he has an option on it I believe...

Rich Williams stated right.

Board Member McNulty stated he hasn't exercised.

Board Member Montesano stated do you want the responsibility and the liability...

Chairman Rogan stated so it sounds like the short answer is yes, the Planning Board thinks you can build something but we really think it would be in your best interest to look into the culmination of this site, get more out of it.

Board Member McNulty stated well said.

Chairman Rogan stated because it is so limited in what...

Ted Kozlowski stated I do have to (inaudible).

Board Member Montesano stated only in America.

Chairman Rogan stated all right, anything else before we move on to Thunder Ridge.

Ted Kozlowski stated I've got something for the Board, I've talked to Rich briefly about it, Tony Boniello, this is going back and forth, he wants to try to access that back piece behind his house, it's up on the flat, Mike we were there on a site walk many years ago on someone's ATV. I suggested that he come to the Board at a meeting about what he would like to do and what he would like to do is put a gravel driveway between the existing house and the pond, you guys know where the pond is that is behind the business, to get back there, he's going to have to go through the wetlands but it is an existing roadway going through the wetlands now with a culvert. I don't have a big issue with it but Tony Boniello has been before this Board on a number of occasions, there has been confusion with a lot of things and I really prefer that these conversation now be in front of the Board instead of just me going out there but I just want the Board to know that I am talking to him about it, there are wetlands issues, I think we can work that out but I would rather that it all be in front of the Board and I told him that I would mention this to you guys, I told him not

to go and get engineers and get, spend all sorts of money but just have a discussion, you know a conceptual thought process before he spent a dime...

Board Member McNulty stated what does he want to do with the property he wants to access.

Ted Kozlowski stated he wants...

Chairman Rogan stated it's residential.

Ted Kozlowski stated he's got two kids and wife in the existing house, he's right on Route 22 in that commercial area, I agree with him, it's not a great place to raise a family and he's looking at other properties that quite frankly scare me and he has this, I don't know four acres back there Rich, you know how many...

Rich Williams stated more than that (inaudible).

Ted Kozlowski stated it's a large piece.

Chairman Rogan stated I think we thought it was enough for 2 lots when first looked at it.

Ted Kozlowski stated it's a large piece and it's all upland and he's not looking to subdivide it, he's just looking to build a house, there subdivision issues in the past about this but again it's Tony Boniello and he's been in front of the Board many times, Michelle I did something to this, anyway, I broke this...

Chairman Rogan stated one of the main issues we put up when we talked about it last, one of the main issues and unfortunately you three gentlemen weren't on the Board was that access was being proposed through the commercial yard, you remember and...

Ted Kozlowski stated right.

Chairman Rogan stated we were like that just seems like that was a bad idea...

Ted Kozlowski stated right and that is a very bad idea.

Chairman Rogan stated you know when you sell the lot, you have somebody driving through a contractors commercial landscaping yard...

Ted Kozlowski stated right.

Chairman Rogan stated but it sounds like this idea would...

Ted Kozlowski stated this idea is a compromise, its not the best of the best but its better than a site he looking at right now and I would rather deal with this than deal with a more complicated site, so but I want this really in front of everybody and not just me.

Chairman Rogan stated and I think that's appropriate.

Ted Kozlowski stated we...

Chairman Rogan stated we walked through the property a long time ago and what we did was, we were working with the, who was the prior owner of the subdivision that we are working with Insite on Ballyhack [Road], what's that, what's the subdivision called...

Rich Williams stated Leonidas...

Chairman Rogan stated well who is currently.

Ted Kozlowski stated oh the one that got approved...

Board Member Taylor stated Taggart.

Chairman Rogan stated Taggart and before it was Leonidas...

Rich Williams stated yes.

Chairman Rogan stated and they were talking about the idea of just above, up gradient of the big wetland when you drive into that subdivision on the left there was some room there and the topography, to access this property that Boniello owns, it's right over the stonewall, its probably three hundred feet from the subdivision roadway, when Theresa from Insite Engineering came in under the new property owner, they showed it on the plan, I remember this well because it struck, either she or someone else from Insite said we put this on the plan because we thought your Board required it and we said specifically we didn't require it but it would be great if the two property owners can get together and we can plan for it because it would allow access to potentially two building lots that there really isn't good access to and I know that Mr. Boniello was trying to work out something but I think the new property owners really just didn't want to be bothered with that concept because space exists there and the other problem, Mike would recall, is that the between the residential property that they want to build on and the yard is a pretty steep slope...

Board Member Montesano stated yes.

Chairman Rogan stated very steep if I remember right, you had to hold on pretty good going down that hill.

Board Member Montesano stated yeah, we took a quad down that thing and you felt like you taking a flume ride.

Chairman Rogan stated it was steep so that will be something that we'll have to (inaudible).

Board Member McNulty stated let's do again.

Board Member Montesano stated I got (inaudible).

Ted Kozlowski stated I told him I would get back to him so can we put him on the next agenda...

Chairman Rogan stated yeah, let's put him under...

Ted Kozlowski stated you don't want him at a work session you him at the...

Chairman Rogan stated I think a work session is good, next work session, a month from now.

Rich Williams stated to do what.

Ted Kozlowski stated to discuss his idea.

Rich Williams stated I mean if he wants to propose a plan I mean but...

Chairman Rogan stated well but yeah we do this with other people that come in Rich all the time and people come in, I mean Monteleone's done it a number of times where they don't have an application...

Rich Williams stated without a sketch.

Chairman Rogan stated even if we have a site plan that we can refer to and he can say hey this is the area and this is how I'm proposing access.

Board Member McNulty stated I don't see the harm for him to come discuss it with us so he can get some insight, some direction...

Chairman Rogan stated you know I don't think at least...

Board Member Cook stated I don't either but he should, come in with a plan, a site plan, a copy of his site plan...

Board Member McNulty stated I don't understand where it is right now.

Board Member Montesano stated he's got site plan...

Ted Kozlowski stated he can take the existing site plan and he can draw on it and show...

Board Member Montesano stated yeah he has a site plan that he's played with for years.

Ted Kozlowski stated this is where I want to go.

Rich Williams stated whatever he wants to do that's fine but I would strongly recommend that you at least have...

Chairman Rogan stated we're just having conversations about a concept for a, we don't even know for a lot that we just pulled plans out of a closet for, for somebody we've never met before.

Rich Williams stated that's true.

Chairman Rogan stated you know and we have somebody we've worked with over the years who is a taxpaying resident, business owner and residential who's asking a question to me that seems very reasonable.

Rich Williams stated and I'm not trying to slow it down but I just, you know I think there should be some sort of plans that you would look at to see where the driveway (inaudible)...

Ted Kozlowski stated I think though he Rich and as kind of compromise we can open up his old, his plan that has everything...

Rich Williams stated we can pull the subdivision plan and mark it up.

Ted Kozlowski stated yeah.

Board Member McNulty stated can you just let him know Ted to bring a copy in...

Board Member Montesano stated if we still have the original plan that they brought in, not Boniello, the one we were just discussing, Taggart with that, do we have a copy of that that came in with that roadway.

Chairman Rogan stated the problem is the roadway isn't something that, yeah...

Board Member Montesano stated I realize that but its something that we can utilize because with all due respect to Mr. Boniello that going up that hill is ridiculous.

Rich Williams stated that's the thing, he's not proposing to go up that hill anymore.

Chairman Rogan stated because he hit a stone wall on that...

Board Member Montesano stated that wasn't a stone wall that was a scary hill.

Chairman Rogan stated no, no, I mean reservation.

Board Member Montesano stated I'm saying the idea is we have plans for the original paperwork that he brought in I'm sure we have copies of that.

Chairman Rogan stated you know Mike, I don't think when they were showing access, I think it just hit the property line, I don't think it went any further.

Ted Kozlowski stated I think the better one is the existing site plan that he has because it has...

Rich Williams stated the original subdivision plat.

Chairman Rogan stated look at this from another standpoint, if the guy comes in with a set of plans or I mean a survey that shows his property and says I know that I have access, or I know that I have an area up here that I think I can put a house in its flat, whatever, what do you think is the best way to approach it, we're getting people's input instead of him saying this is where I want it to go to say hey you guys know what the concerns are, here is my wetland, here is where the house is, you don't want me going through my yard, you know, what is the alternative.

Board Member Taylor stated I think we all agree...

Chairman Rogan stated we take a crayon and...

Board Member Taylor stated I've got a question though, he's coming to us with another project and he hasn't finished his other project.

Chairman Rogan stated well one is residential and one is commercial, so, you know.

Board Member Taylor stated but still, I mean can't we say to him, don't spend money on an engineer for this new project, spend it on finishing your old one before you start discussing something else.

Board Member Montesano stated he figures if he puts the house up he'll save money in the long run because then he can sell the other piece of property.

Ted Kozlowski stated the other thing is I understand he owes the Town money, I, fees, which is not my jurisdiction but I understand he does owe some fees.

Chairman Rogan stated yeah.

Ted Kozlowski stated it might be, you know, I think all of this should be discussed, you know I think its fair game and you know, let's see where it goes.

Chairman Rogan stated so next work session is a good time to put plans out on the table and have an honest conversation.

Board Member Taylor stated allot a certain amount of time and that's it, give them a half hour or twenty minutes.

Chairman Rogan stated oh yeah, I can't imagine us talking about it for a half an hour.

Rich Williams stated now he's coming in with a concept, I'm not going to have anybody review that concept...

Chairman Rogan stated no, don't expend any effort at all.

Ted Kozlowski stated we're just going to talk.

Rich Williams stated we're not going to continue to accrue...

Chairman Rogan stated right, no.

Board Member Cook stated no.

Rich Williams stated no and you want any application fee with this.

Chairman Rogan stated well at this point he's just coming in with a set of plans, I don't think you need to do anything.

Board Member Montesano stated we're coming in to have an open discussion again.

Ted Kozlowski stated I'll make that clear to him.

Board Member Taylor stated we'll give him fifteen minutes of free time.

Chairman Rogan stated sure.

Board Member Taylor stated okay.

Ted Kozlowski stated as best I can.

Board Member Montesano stated just tell him this, he's limited, if not the charges will start.

Chairman Rogan stated all right, Thunder Ridge, I'm going to recuse myself, continue to recuse myself on this application, ask Charles to close the meeting and say good night to everyone.

Board Member Taylor stated have a good holiday.

Board Member McNulty stated Happy Fourth of July.

Chairman Rogan stated Happy Fourth of July to everyone, all right.

Rich Williams stated let me just walk out with you real quick.

Ted Kozlowski stated hey Shawn, have a good Fourth.

Chairman Rogan stated have a good Fourth, enjoy.

2) **THUNDER RIDGE WWTP UPGRADE – Continued Review**

Chairman Rogan has recused himself from this application.

Vice Chairman Cook stated we all have the June 21st letter from Insite which is doing a number of things, responding to various letters and comments at previous Board Meetings. All sorts of revised drawings and I will make a few comments and then open it up to the rest, the, it appears to me that we now have before us the third new bridge design, am I correct in that Rich...

Rich Williams stated the bridge design hasn't really changed, they've modified the site plan to incorporate water, stormwater related improvements...

Vice Chairman Cook stated but the Conspan bridge system, that's the one that we've been looking at.

Board Member Taylor stated that was the second one.

Vice Chairman Cook stated the second one, okay, I read somewhere that made me believe that this was a third but anyhow...

Rich Williams stated they've given us design details on the bridge, a little bit more of design details.

Vice Chairman Cook stated there are a number of comments in his memo, Insite's memo about the enclosed SWPPP which our understanding is that yourself Rich and Andrew will be reviewing...

Rich Williams stated yes.

Vice Chairman Cook stated and giving us comments on so we can tie back your comments to their comments. There is also a number of comments from Insite that talk about lands, drawings, that will be prepared and come before the Planning Board and the Town Planner, I guess and the Town Engineer. Do we ask for those within a certain time frame or how do we handle that where they say well a drawing will be prepared or is being prepared and...

Rich Williams stated within a certain time frame, I don't know that you had asked for a certain frame however they may be part and parcel about whether you have a complete application with sufficient information upon which to make a decision or simply something that needs to clarify some issues that the engineer needs to look at as a condition, for example if they give you reasonable drawings showing the bridge, how it's going to constructed, how it's going to be laid out but not the actual engineering design drawings for the bridge, that is probably something you can do a conditional approval on but you have no idea where the bridge is or what it's going to look like or the staging, which is one of the things that is not shown, those are the things that are going to be, you know, not make the application complete.

Vice Chairman Cook stated so in your review not only of the SWPPP but on these other comments, would you put in your response this is needed for a complete application so we know that, I mean let's say the permit being requested from the Army Corps of Engineers, I mean I'm not sure if that's needed for a complete application or not, just using that as an example, I mean if it is you would comment on that.

Rich Williams stated usually that is a condition of the permit...

Vice Chairman Cook stated okay.

Rich Williams stated however we would want to know that the application was made and reviewed so that we're not approving a plan that could be subject to change by the Army Corps of Engineers.

Vice Chairman Cook stated on page three of the Insite memo, under referrals, I just had this comment that number nine, it talks about based on a history of erosion problems on the site, a site visit is being scheduled through our office, the applicant Thunder Ridge and the Town of Patterson Planning and the ECI to discuss site stabilization for several areas on the Thunder Ridge site.

Rich Williams stated they've requested dates that I might be available in the next two weeks.

Ted Kozlowski stated they haven't called me.

Vice Chairman Cook stated okay, so, one you'll let Ted know if they keep talking to you and not him for some reason and second...

Rich Williams stated (inaudible) tomorrow...

Vice Chairman Cook stated you don't know at this point what areas they are talking about.

Ted Kozlowski stated we have a very good idea of what...

Vice Chairman Cook stated a general idea, okay.

Ted Kozlowski stated which has been a constant on-going problem.

Vice Chairman Cook stated okay.

Board Member McNulty stated what we don't know is if their idea of what they're addressing is the same as yours, are they the same areas or do they have a different area in mind...

Rich Williams stated no, they have the same area, I mean we've been up there and very clearly say bare soil bad and green grass good, stop...

Ted Kozlowski stated muddy water bad...

Rich Williams stated and we couldn't make it...

Ted Kozlowski stated clear water good.

Rich Williams stated couldn't make it any simpler and seriously did that.

Ted Kozlowski stated and again, you know what, this is unrelated to this project...

Vice Chairman Cook stated okay.

Board Member McNulty stated but they are addressing it in here...

Ted Kozlowski stated but this is not...

Board Member Montesano stated this is known as mumbo jumbo, they are addressing things that we don't have a need for.

Board Member McNulty stated no, we want them to.

Rich Williams stated (inaudible) to address something that we constantly (inaudible)...

Vice Chairman Cook stated yeah we do.

Ted Kozlowski stated Mike, this has come up in our discussions because I wanted to illustrate that Thunder Ridge has had a number of environmental problems up there that we have tried to straighten out and my point is I want to avoid another environmental problem that we are going to have with this project.

Vice Chairman Cook stated okay, let me finish off a couple of my notes here, Rich you and Andrew review the full Environmental Assessment Forms that have been submitted, parts one and two.

Rich Williams stated generally not, generally I just review the Environmental Assessment Form...

Vice Chairman Cook stated just you.

Rich Williams stated just me.

Vice Chairman Cook stated this just goes back to an earlier comment I made but it says like as part of the treatment plant review and approval process, O'Brien and Gere will demonstrate that the proposed treatment plant will meet DEC and DES permit the effluent limitations, so what, is that in the SWPPP or should that be, no, so that will come separately...

Rich Williams stated it is an unusual statement to put in because essentially they are saying that the waste water treatment plant will discharge haven't, DEC will establish effluent discharge for a variety of parameters, phosphorus, nitrogen, solids, turbidity and Gere O'Brien or O'Brien-Gere rather, will demonstrate that they are going to meet the DEC permit requirements...

Board Member Taylor stated they are saying their process is going to work, essentially all they are saying.

Rich Williams stated yes, that's what their saying.

Board Member McNulty stated its another stamp.

Vice Chairman Cook stated okay, another comment they have, number three, under, referring to the DEC letter of March 25th, the project, SWPPP has been completely completed in accordance with the most current state design standards, it is understood that the SWPPP must be reviewed and accepted by the local MS-4 to gain coverage under the general permit, MS-4, you...

Rich Williams stated the Town of Patterson.

Vice Chairman Cook stated Town of Patterson.

Rich Williams stated me.

Vice Chairman Cook stated you, okay...

Rich Williams stated and the Planning Board.

Vice Chairman Cook stated and the Planning Board, okay and my last one for right now, is in responding, they are saying in their response to the DEC letter of April 18th, the DEP is requesting a copy of the waiver letter from the Planning Board, what waiver letter are they asking for, I looked at the DEP letter and it said we are looking for this waiver letter...

Rich Williams stated right, what the Planning Board may have and I don't recall specifically, as you typically do, waiver certain requirements of our code with regards to what you have to show for a site plan, such as bedrock outcroppings, trees...

Board Member Taylor stated we waived the requirement that they do the whole site, the topography for the whole site...

Rich Williams stated yes.

Board Member Taylor stated because it wasn't applicable...

Vice Chairman Cook stated we did that.

Board Member Taylor stated they have 200 acres, we waived that, it made sense, they have 200 acres, why should they have to survey the 200 acres, that's what I remember us waiving.

Board Member Montesano stated yeah, there are times when you wonder.

Rich Williams stated and DEP wants to know what we've waived and it really is not germane to anything DEP is reviewing and you know, they are reviewing under their criteria, what do they care what we waive or don't look at, so, but we're working on it.

Vice Chairman Cook stated so you will send them a letter.

Rich Williams stated if I need to, I will generate a letter that says we have waived these requirements.

Vice Chairman Cook stated thank you, all right, all right, what do you want to say Thomas.

Board Member McNulty stated I was referring to the DEP but I haven't reviewed these documents yet, I just got them tonight, so I was wondering if they had a response to the DEP's response and they do.

Vice Chairman Cook stated yes.

Board Member McNulty stated okay.

Vice Chairman Cook stated well in a lot of cases Rich and Andrew's review will also be responding to that response.

Board Member McNulty stated also they clearly outline, I think you touched on it before, the total areas of disturbance for the bridge construction, the overall construction...

Board Member Taylor stated they increased it.

Rich Williams stated yes.

Board Member McNulty stated and that was going to trigger something that they went over.

Rich Williams stated and it did.

Board Member Taylor stated it did, they went over.

Vice Chairman Cook stated it went to the, it went from point nine acres to one point one.

Board Member McNulty stated and that's for the staging of the crane and other things...

Rich Williams stated no, no...

Board Member McNulty stated this is for...

Board Member Taylor stated even before that they went over one point one.

Rich Williams stated yeah.

Board Member McNulty stated oh okay, so I (inaudible).

Rich Williams stated we're still waiting to see where the crane is going to be staged, I'm not done with the review either but I didn't see it...

Board Member Taylor stated no, they said they will do that, it's coming they are saying it's being done.

Rich Williams stated yeah.

Vice Chairman Cook stated right, their description of the staging area.

Board Member Taylor stated yes.

Vice Chairman Cook stated yes.

Board Member McNulty stated so the disturbance also includes now, the pipe line from lodge up to the plant, okay and what does the trigger again, I forget.

Rich Williams stated if you're under an acre you need to show a basic stormwater pollution prevention plan which is essentially erosion controls, if you go over an acre in this area, East of Hudson, you need to include stormwater quality and quantity controls within your stormwater pollution prevention plan, essentially you need to show how you're treating the increase in the volume of stormwater and there is a four prong test now that you have meet, you have to look at better site design, infiltrating it back into the ground, minimizing the increase in the hydraulic or hydrologic, minimizing the hydrologic changes...

Board Member McNulty stated it's a much more engineered report than just erosion controls.

Vice Chairman Cook stated Ted, you did not get a copy of this letter.

Ted Kozlowski stated I did.

Vice Chairman Cook stated oh you did.

Ted Kozlowski stated and I read it.

Vice Chairman Cook stated okay.

Ted Kozlowski stated and my opinion still stands.

Vice Chairman Cook stated all right, Ron, you want to comment.

Board Member Taylor stated oh I just, I thought it interesting that they didn't address DEC's comment about avoidance as opposed to mitigation, it was DEC that said that right, that they are moving towards avoidance rather than mitigation because...

Rich Williams stated that is part of the requirements of the SWPPP when you equate that trigger.

Board Member Taylor stated so then they will have to address it at that, that's...

Ted Kozlowski stated they also haven't addressed my last letter to you guys which was the justification or the case I make that this does not conform with Town, the intent of the Town wetland law, they did not address that because they don't have an argument for that.

Vice Chairman Cook stated okay.

Ted Kozlowski stated so I don't know.

Board Member Taylor stated I don't know if you saw, did you see the article in the paper or I guess it was a letter to editor about the need for a motel or a hotel to service the ski area, that may be why they need road frontage.

Ted Kozlowski stated I have heard a number of rumors and this is just rumors that yes, a road would be needed for a ski lodge up there, should somebody design a ski lodge or a hotel.

Board Member McNulty stated I hadn't seen anything on that.

Board Member Taylor stated it was just an interesting little thing.

Ted Kozlowski stated yes, it was in the papers, it was a published document.

Board Member Taylor stated yes and they still haven't addressed the issue about it being seasonal.

Rich Williams stated they have not.

Board Member Taylor stated they seem to have ignored that completely, so I think we need to bring that up again, it just seems so odd.

Rich Williams stated you can't have a full time catering facility like they are running the lodge and have a part time sewage treatment plant.

Board Member Taylor stated I guess they are going to pump it all or, yeah, so.

Board Member McNulty stated the whole thing is crazy.

Rich Williams stated it doesn't make any sense.

Board Member Montesano stated they are going to pump the brown...

Board Member Taylor stated beyond that I think they've moved on assumed that we've moved on with them and we are still waiting to hear from everybody, that's...

Rich Williams stated well no, we've got everything back.

Board Member Taylor stated did we get Army Corps back.

Rich Williams stated no, we have not gotten Army Corps back but those that are typically responding to us, Army Corps never response us, never responds to lead agency notice...

Board Member Taylor stated oh okay.

Rich Williams stated and generally will not respond to correspondence sent down asking them to respond.

Board Member Taylor stated so they are not going to weigh in on this then.

Rich Williams stated they will weigh in directly to the applicant as part of the permitting process but not to us, we won't get CC'd on that correspondence.

Board Member Taylor stated oh okay, but when does the permitting process kick in, before we make a decision.

Rich Williams stated yeah, hopefully it does so we know what the Army Corps is going to do...

Board Member Taylor stated okay.

Rich Williams stated generally we don't want to, again we don't want to approve a plan that is going to be subject to change...

Board Member Taylor stated right, sure, all right, but we will hear in that sense from the Army Corps then.

Rich Williams stated yes.

Board Member Taylor stated but we haven't yet.

Rich Williams stated yes.

Board Member Taylor stated okay.

Vice Chairman Cook stated so is fair to say to the applicant that we need the Army Corps response to be aware of Army Corps response, a copy of their letter or what...

Board Member McNulty stated I think that's another item that we can add to our request.

Board Member Taylor stated yes, before we make a decision on this...

Rich Williams stated you can ask, it'd be interesting to see what they said and corroborate on that...

Board Member Montesano stated the same response that they don't want to.

Vice Chairman Cook stated actually going back to your comment about the seasonal use and what not, I know I have it at home, there was some newspaper or magazine that distributed throughout the County and there was like an advertisement in there about Thunder Ridge about being open year round for events, banquets, wedding receptions, you know the like and so I think, that was there and then they haven't been back since, so I am going to bring that copy with me.

Board Member Taylor stated and then parking, I mean the discussion about the Alpine, its not Alpine but Daniel J's, we were told that the parking, that we thought Thunder Ridge had an agreement with them for

then in fact there wasn't an agreement, so parking is now more of an issue, it would seem, is that something that gets tied...

Board Member Montesano stated I don't know.

Board Member McNulty stated yes it would be.

Board Member Taylor stated in with what we're dealing with here because it applies to the wetlands issue and it certainly applies to some of the problems you guys have with trying to get them to get the mud out of the stream.

Ted Kozlowski stated the parking presents sedimentation issues comes spring, it depends on how they park and how they berm up...

Board Member McNulty stated we can ask them where they plan...

Rich Williams stated (inaudible) parking on Rentoulis' property and (inaudible) property that really creates all that sedimentation and to answer your question you have an application right now before you for an amended site plan to construct the waste water treatment plant, not to deal with the parking issues.

Board Member Taylor stated the environmental issues though is what I was asking, whether that.

Rich Williams stated you may ask them to amend their whole site plan for the ski area because you've found things, discrepancies with what has been going on out but that is not really relevant before you right now...

Board Member Taylor stated (inaudible) to this...

Rich Williams stated well its not what is before you right now, you would need to expand the scope...

Board Member Taylor stated okay.

Rich Williams stated and you're going to hear from the DEP well that's not something we're going to do.

Board Member Taylor stated okay.

Board Member McNulty stated it could be something we could address though because we've asked him to explore other lots and they say the other lots aren't available, they want to keep them for further development, now they are losing a big chunk of parking, where are they going to put that parking, all of a sudden these neighboring lots are available for them...

Rich Williams stated here is an interesting question for you, I mean they didn't, it was never part of their site, it was never part of their site plan, its not property they own and in essence there is no site plan to allow that property to be used for parking. So they were parking there illegally to begin with and nobody ever did anything about that and now you're going to say that we know you were parking there illegally but you were still parking there, so we need to show, we need you to amend the site plan to show...

Board Member McNulty stated I'm not asking them to amend the site plan, what I am saying is their argument has been they don't want to lend another site, a neighboring tax map so to speak, the one I'm

thinking of is next to the diner because their long term is to develop that or sell but now is that going to become their overflow parking, maybe, I'm saying maybe its back in the picture again, that site.

Board Member Taylor stated we didn't know it was illegal, I think they told us that they had an agreement that they could use the parking...

Rich Williams stated that's right.

Vice Chairman Cook stated yes they did.

Board Member Taylor stated and then we have subsequently been told that there was no agreement, that there is a disagreement about that parking so.

Rich Williams stated and just so you know the history here and my true feelings on all this, that property that we looked at putting the waste water treatment plant on the south side of the property, Bob Conklin when he first got this, went in there and started clearing that and all the mud ran out onto the road and I went out there with Bob Conklin after he was stopped from doing that and said Bob, you can't do what you're doing here, you're expanding the ski slope, you need to come in and show us a site plan to do what you're doing, well that is where Bob and I didn't hit it off right in the beginning because he felt he could do anything he wanted with the property. I never as Chairman of the Planning Board way back when, to the changes they did to that property, nor have a gotten a site plan all the materials they constructed up on top, the paintball, the new buildings, the modifications to the existing building, never a site plan for any of that. So I think Thunder Ridge should have a done a site plan a long time ago for the whole site being that they want to go and construct new buildings and other improvements, and used it differently...

Board Member McNulty stated let me ask...

Rich Williams stated and nobody has ever done that but what you have here is something that is being paid for by the DEP, it's a very limited scope and its going to be difficult to expand that out.

Vice Chairman Cook stated can you somehow weave into the discussion when you go out on this little site visit, between you guys, to bring up about the parking contributing to the...

Board Member Taylor stated runoff...

Vice Chairman Cook stated runoff problem, wait a minute and then and by the way what are you going to do...

Board Member McNulty stated with overflow...

Vice Chairman Cook stated that you don't have this parking anymore, so called agreement.

Rich Williams stated yes we can certainly ask the question but the first issue is the one parking lot where we asked him to put the berm up, remember, they put the berm up...

Vice Chairman Cook stated okay.

Board Member McNulty stated also I just want to bring this, you keep talking about that in past years they've never filed a site plan for the Thunder Ridge area, does this similarly tie into our earlier

conversation on Centrum Properties, now they have an application in front of us without standing issue, here we have an application again I don't know if there are any violations which the other site had many, so I don't know how that ties in but it's a similar situation again we have here...

Board Member Taylor stated that seems, currently there is no site plan whether a violation has been issued or not, there is not site plan...

Board Member McNulty stated I don't know if the...

Board Member Taylor stated can we require a site plan in order to fit this new facility on the site plan.

Rich Williams stated you can say as par of your review of this application and I kind of tried to push you that way when they put the aerial photo up and there were all sorts of things on the aerial photo that nobody, everybody admitted they didn't know about and then you just kind of let it go, so I let it go but yeah you can say hey listen, there are all these changes to the site, there are new ski trails, there are new structures, we want a comprehensive site plan of this site so we know what we've got you know and what needs to be done but that is something that the Ryder's are going to do independent of this current application.

Board Member Taylor stated but we would need it as part of the application process, we could say that.

Rich Williams stated yes, you could roll it all into one.

Board Member Taylor stated so why don't we ask for that.

Board Member McNulty stated to be a fair Board...

Board Member Taylor stated I mean we were so, at least I was so overwhelmed with the arguments they were presenting that it took months to sort through it, to think about anything else but now we are at the point where we can look at these other things and clearly there are wider issues we don't even have a context for because there is nothing on paper.

Board Member Montesano stated did they give us a copy of that photograph or do we have a copy of it...

Board Member Taylor stated they left it here.

Rich Williams stated yeah, I thought they did.

Board Member Taylor stated yeah they left it.

Board Member Montesano stated on further review, we suddenly realized that you don't have a site plan and with all these mushrooms keeping popping up out of the ground...

Board Member McNulty stated to be fair as a Board, we have a guy a mile down the road that we are looking to say listen, you don't have a site plan...

Board Member Montesano stated and we're going to hang you.

Board Member McNulty stated and we can't, we don't know if we can move forward on your application.

Board Member Montesano stated now we can talk quick hurry up...

The Secretary stated no you can't, its still going.

Rich Williams stated wait, leave it off...

(Tape 2, Side 2 Ended – 9:03 p.m.)

Vice Chairman Cook stated well let's, if we have it let's bring that aerial photo to the meeting next week and have it up on the Board, we'll put it up on the Board.

Board Member McNulty stated I just think it's fair that if we have a land owner, two miles down the road and we have a similar problem, we have to be fair.

Board Member Taylor stated yeah, I thin equity is important.

Board Member Montesano stated right, (inaudible – mumbling).

Board Member Taylor stated and we, they may argue they don't need it but at least we can ask and let them give us a response...

Board Member Montesano stated well it will be part of the record now...

Board Member Taylor stated yes.

Board Member Montesano stated that we are inquiring and it may hold some water, not to certain people but to the right people.

Vice Chairman Cook stated okay, all right, Tom do you have anything else for tonight on this.

Board Member McNulty stated no, I have to review all these documents before the meeting.

Vice Chairman Cook stated Ron...

Board Member Taylor stated no, again I skimmed them, I did not read them in full, so then yes, it looks to me like we covered everything.

Vice Chairman Cook stated Michael, nothing...

Board Member Montesano stated I'll survive.

Vice Chairman Cook stated okay. Can I have a motion to, anything else Richard...

Rich Williams stated no sir.

Vice Chairman Cook stated Theodore...

Ted Kozlowski stated move the waste water treatment plant.

Vice Chairman Cook stated thank you.

Board Member Montesano stated motion to adjourn.

Board Member Taylor seconded the motion.

Vice Chairman Cook stated on the motion, all in favor:

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

The motion carried by a vote of 4 to 0.

The meeting adjourned at 9:05 p.m.