

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**July 3, 2008**

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13) **Minutes**

86 May 29, 2008 Approved.

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Planning Board  
July 3, 2008 Meeting Minutes**

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

**ZONING BOARD OF APPEALS**

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

**PLANNING BOARD**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Gene Richards with the Town Engineer's office, Stantec Consulting Services Inc, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector and Anthony Molé from the Town Attorneys Office, Curtiss, Leibell, Herodes & Molé P.C.

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

Michelle Russo was the secretary and transcribed the following minutes.

There were approximately 25 audience members.

Chairman Rogan led the salute to the flag.

Chairman Rogan stated thank you everyone please be seated.

Board Member Montesano stated I thought it was (inaudible).

Chairman Rogan stated I want to put out a special thank you to our secretary for keeping us on schedule tonight. We were all thinking that on the eve of a holiday we would pick another day but she wanted us to push forward and do Town business, so here we are.

The Secretary stated you're welcome.

Chairman Rogan stated stand up and take a bow.

The Secretary stated no that's okay.

Board Member Montesano stated now you take the front.

Chairman Rogan stated since you've done such a wonderful job, can you please read the first public hearing notice.

**1 a.) GREEN CHIMNEYS SITE PLAN – Public Hearing**

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

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, July 3, 2008 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Green Chimneys Site Plan/Wetlands/Watercourse Permit Application to allow the construction of three (3) new dormitory buildings and the alteration of an existing stormwater basin. The property is located at 400 Doansburg Road, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Mrs. Ryan stated good evening.

Chairman Rogan stated good evening Theresa.

Board Member Pierro stated good evening.

Mrs. Ryan stated my name is Theresa Ryan, is this [the microphone] on, Theresa Ryan from Insite Engineering, Surveying and Landscape Architecture P.C., I am representing Green Chimneys on the application for new dormitory buildings. Green Chimneys owns a forty-seven acre piece of property on Doansburg Road, on the north end of Doansburg Road, they are proposing to relocate dormitories, which are already existing on the site. This is the extent of the entire piece of property, the new dormitories will go in this location and what they are going to do is, eliminate, actually demolish one of the existing dormitories and then re-use the other dormitory buildings for office use. We are proposing to have three new buildings and two of them will be two story and one will be partly two story and partly one story, there will be a total of eighty-eight [new] bedrooms to replace the existing bedrooms on the site. There is not going to be an increase in employees or students as a result of this relocation but they are going to also add some sidewalks, lighting, parking, basketball courts and play areas and there will also be some stormwater, sewer and water improvements to accommodate the new dormitories. Some of the disturbance in the buffer is associated with an increase in the size of the existing stormwater basin, this is the existing stormwater basin right now, and it has to more than double in size to meet the current Town, City and State regulations. The wetland disturbance or buffer disturbance associated with the expansion of that existing stormwater basin only.

Chairman Rogan stated do I have any questions or comments from the audience, if so please come up, please state your name for the record and use the microphone.

**Vivian Nacerino** stated hi.

Chairman Rogan stated hi.

**Vivian Nacerino** stated my name is Vivian Nacerino, I have lived across the street from Green Chimneys for nineteen years, I have also worked for them for eighteen years and anything and everything that they have ever done, has only improved everything. They are wonderful and I have nothing but good things to say about them.

Chairman Rogan stated thank you very much.

**Vivian Nacerino** stated you're welcome.

Chairman Rogan stated any questions or comments from the audience. Seeing no other questions or comments, can I have a motion to close the public hearing.

Board Member Pierro stated I make a motion that we close the public hearing relative to Green Chimneys.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated okay Theresa.

#### **1 b.) GREEN CHMNEYS HEALTH CENTER SITE PLAN**

Mrs. Ryan stated I see that the health center is on, do you want to address that now.

Chairman Rogan stated let's address it now.

Mrs. Ryan stated okay.

Chairman Rogan stated sure.

Board Member Montesano stated can I ask you one question; there are no additional students at the present time going to be added to that.

Mrs. Ryan stated correct.

Board Member Montesano stated is there any future plans to add additional students to that complex.

Mrs. Ryan stated no because the number of bedrooms with be eighty-eight in those building.

Chairman Rogan stated I think Mike's question is though, is there a plan for an increase in the number of bed in the future, in other words, correct me if I'm wrong Mike but I think that is what your question is.

Board Member Montesano stated yeah I want to know.

Chairman Rogan stated is Green Chimneys, do they have a master plan and an idea that they may change it from their current number of bedrooms or number of children are to an additional for residency, not daycare but for residency.

Mrs. Ryan stated not as far as I know.

Board Member Montesano stated thank you.

Chairman Rogan stated okay, thank you.

Mrs. Ryan stated as the Board is aware, we got final site plan approval on the health center addition in January of '07 and we submitted a plan to the Planning Board for amendments to the site plan. The amendments include the addition of sidewalks, a patio and improvements to the parking area. Right now there is an existing access that allows traffic to come in, drop children off to the nursery school and then come out the same way. The original site plan did not include any improvements to this area, right now there is some existing parking here on the other side of an existing gate. They would like to transfer all of that parking to the west side of the gate so that traffic won't have to go through the gate to get over to the nursery school. So what we were proposing is to put the parking on the west side of the health center addition, it will include one handicap spot, which is all they need and we would like to have this area enlarged so that traffic, so cars can do a circular turn around and go right out again.

Chairman Rogan stated okay.

Mrs. Ryan stated in connection with that, what we are going to do is also eliminate a lot of imperviousness already there that they don't need anymore and part of it is part of the dormitory site plan applications, so this existing dormitory structure will be removed and there is also a paved road and some pathways in here that will be removed, they are going to close off this existing entrance also, in between the existing dormitory and the health center, they will close that off and top soil, seed it and mulch it. There will actually be a decrease in imperviousness when all is said and done. We had also show five future parking spaces, they don't intent to put those in now but even if they do put those in, there will still be an increase in lawn and landscaping and a decrease in imperviousness from the whole health center addition. So we submitted an amended site plan and Rich said that is was really up to the Board, whether or not that was segmentation, we really wanted to keep that separate because they either are in the application process or they have already received a building permit for the approved site plan health center addition. So they would like to start work on that as soon as possible and in connection with that they would like to keep the construction process going so if there is anyway that we can separate this from the dormitory addition, we would like to, that way we can help them move it along.

Chairman Rogan stated so in essence if we don't separate it out, we are now working on an amendment to the original approval then that approval is not valid, is that the way I'm understanding this.

Rich Williams stated no, the original approval will remain valid.

Chairman Rogan stated okay, thank you.

The Secretary stated thank you.

Rich Williams stated the original approval would remain valid, it would be an amendment to that, so they could still go forward with construction of the health center as it was originally approved while you are considering the amended site plan which would incorporate additional changes, you can do that.

Chairman Rogan stated okay, so how would have slow down their construction, if we did it that way Theresa.

Mrs. Ryan stated they could but once they finish that if the dormitory approval process is still continuing they wouldn't be able to do any of this that would hold that up.

Chairman Rogan stated so you are saying segmentation because of the dormitory review.

Rich Williams stated I am saying segmentation under SEQRA but also, I discussed with the Board the issue about stormwater on the site and you know. Theresa is saying that they are decreasing the amount of impervious surface, I haven't calculated it out, I don't know that for certain but they constantly add more buildings, they constantly add more parking lots and they are constantly decreasing the amount of imperviousness out on the site, I am not sure how that is occurring.

Chairman Rogan stated okay, right, okay.

Rich Williams stated so, certainly if they are increasing anything, if they are making any changes, even if they are disturbing it, you know it falls under the SPDES general permit and they need to address that within their stormwater pollution prevention plan.

Chairman Rogan stated okay.

Rich Williams stated how you are going to do that as two separate projects, I don't know and you certainly are not going to get away with saying well we are under the threshold for this project so we don't have to worry about it, that's not going to fly.

Chairman Rogan stated I understand, yeah, especially when we've got so many actions going on at one time right now out there.

Mrs. Ryan stated one thing that our clients brought up was that when they go to the dormitory authority for funding, they have to do an artificial tax split, so this is actually on a different tax map number because of that artificial split for the funding.

Rich Williams stated its an artificial split, its not a separate piece of property, that would be an illegal subdivision.

Chairman Rogan stated okay.

Board Member DiSalvo stated they split.

Chairman Rogan stated it works for them, it has no bearing on us, is what I'm hearing.

Mrs. Ryan stated correct.

Chairman Rogan stated procedurally Rich, other than the stormwater review, most of the changes from our perspective seem fairly minor but we would still need to schedule a public hearing and have that, would you anticipate knowing whether or not or what the implications for stormwater would be for next meeting.

Rich Williams stated I'm sure that we could roll it in, that wouldn't be a problem and if you are going to do that, if you are not going to break them apart, have we already closed the public hearing.

Board Member Pierro stated we had, we discussed at the work session not closing the public hearing now that I recall.

Rich Williams stated yes we did.

Board Member Pierro stated right.

Chairman Rogan stated well.

Board Member Pierro stated we can re-open it can't we.

Anthony Molé stated if you all vote unanimously.

Board Member Pierro stated okay.

Chairman Rogan stated well let's talk through the.

Board Member Pierro stated let's talk about it first.

Chairman Rogan stated what the procedure would be. If we re-open the public hearing, you are saying that we can roll this in.

Rich Williams stated you could roll this in, she would have to re-notice it for the next meeting or.

Mrs. Ryan stated see what you did.

Rich Williams stated see what I did.

Board Member Pierro stated don't get him nervous, don't get her nervous.

Mrs. Ryan stated yes.

Rich Williams stated I got you did I.

Mrs. Ryan stated yeah.

Rich Williams stated yeah or plan B is you keep it as a separate application, they are still going to have to address it in the over all SWPPP and as I pointed out to the Board, they are talking about construction three new dormitory buildings and taking one down and when they take it down, part of the parking in this site plan is incorporated into the building that they are incorporating into the other site plan so it goes round and round here.

Chairman Rogan stated I am not as concerned.

Anthony Molé stated (inaudible – not using microphone).

Rich Williams stated I'm just saying to keep it open and re-notice it and then re-affirm the SEQRA determination and then they are both tracked together at the same time.

Chairman Rogan stated and I'm with that because either way I think the outcome is going to be the same whether or not we keep this public hearing closed and have another one next month, either way I don't see how that part of it slows down the process in anyway. As long as we are covering our bases in terms of making sure that stormwater is resolved and site plan issues are handled appropriately I don't really, to me it doesn't really matter which way we go on this, the end result I see is the same, it is what works better for the Town and you know.

Rich Williams stated just administratively though if we roll this in, its now one application rather than us having two applications running at the same time.

Chairman Rogan stated okay, which would you prefer.

Rich Williams stated I would rather see it all rolled in together.

Board Member Pierro stated in that regard I would like to re-open the public hearing and then combine this later one.

Chairman Rogan stated want to make that a motion.

Board Member Pierro stated sure, in the matter of Green Chimneys, Doansburg Road, Patterson, I make a motion that the Town of Patterson Planning Board re-opens the public hearing that we just closed in the last ten or fifteen minutes.

Board Member DiSalvo stated I will second that.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries.

Rich Williams stated you want to keep it open for the next meeting, you are going to have to re-notice for the site plan, it has no bearing on the wetlands at this point because that has already been taken care of and then next meeting we can re-affirm the SEQRA determination assuming that you aren't going to see any significant changes. We can get everything back on track and honestly this could be wrapped up by September.

Chairman Rogan stated great.

Mrs. Ryan stated we can wrap it up by September because we have the outside agencies, we have DEC and DEP, so we know that is going to take time.

Chairman Rogan stated right.

Mrs. Ryan stated I'm going to give this one more shot, is there anyway this could fall under site plan waiver.

Chairman Rogan stated well not based on the fact that Rich has to do some work with the stormwater, I think we need to know what the impacts are.

Mrs. Ryan stated if we can demonstrate to Rich that there is no increase in imperviousness and that we are under the square footage of disturbance for this particular.

Rich Williams stated but I go back to, the general permit looks at the overall project and the overall site and its disturbance that is going on along with other disturbance at the site and you know common plan of development, this is one development, this is one project, I don't see how you are not going to run a foul of the DEC regulations if you try to split it.

Mrs. Ryan stated okay I had to ask.

Rich Williams stated do you not agree.

Mrs. Ryan stated one other thing too.

Rich Williams stated I guess not.

Mrs. Ryan stated no.

(Board Members laugh.)

Mrs. Ryan stated we also submitted, late I know, but because it was already on the agenda, the applicant has also requested that in the event that this does have to get rolled in to the application. They are going to need temporary access to the nursery school during construction of the health center addition and this was submitted to Rich, I think earlier this.

Rich Williams stated I believe the Board got it also.

Mrs. Ryan stated yeah, so all they are looking for is and this would be part of this, realizing that this would ultimately be paved, this would be located in there only fifteen feet wide. Just so that they can, you know have a comfortable work zone and still allow traffic to get in and out of the nursery school, including emergency vehicles which they have to have occasionally.

Board Member Pierro stated would that require a waiver.

Rich Williams stated I think it is just a matter of the Board acknowledging that it is part of the original approval for the health center, that you are going to need some temporary access in for construction purposes.

Chairman Rogan stated yeah, they have to provide.

Rich Williams stated as long as the Board is okay with it.

Board Member Pierro stated I'm okay with that.

Rich Williams stated we'll just do it as a field change.

Mrs. Ryan stated okay.

Chairman Rogan stated so you can do it as a field change, you don't need a motion on it or anything, great. Okay Theresa.

Mrs. Ryan stated the architects are here, I don't know if the Board wanted to see the presentation of the new dormitory buildings since you re-opened the public hearing.

Chairman Rogan stated since they came in, we have the packet from the architects, that is what you are referring to.

Mrs. Ryan stated Stuart Locks from Perkins Eastman Architects is here.

Chairman Rogan stated sure sir.

Board Member Pierro stated you're here.

Chairman Rogan stated you came in, we'll give you a couple of minutes and in fairness to everyone else who is here who might be interested in this project as well and then we will move along.

Mr. Locks stated I will just sort of hold this up for a moment, it is just one of our materials. I will try and make this quick.

Chairman Rogan stated they did a nice job on this packet.

Board Member Pierro stated yeah nice presentation.

Chairman Rogan stated I would like to see what Tractor Supply does.

Mr. Locks stated this is a computer rendering of the proposed dorms, the view generally from about here, the existing dormitory location looking back towards the court yard of three. Each of the red components are living quarters and then the sort of grayish central sections are the service wings, bathrooms and support space.

Chairman Rogan stated Michelle, did he state his name for the record.

The Secretary stated Theresa said it.

Chairman Rogan stated okay.

Mr. Locks stated this is building C, the buildings are substantially similar but slightly different in their floor plan, two of the buildings are sort of bar shaped, these two and one is sort of an L-shape. This is the L-shape building, which is in the southwest corner, again the red is the living wings and the center section here, this portion happens to be red the support space, we are using a barn red siding, a standing seam metal roof, similar to the existing school roof, simulated stone trim at the base and then around the stair tower, this material like this, then some aluminum windows. Let's quickly look, the elevation of the B building, one of the other bar buildings, this one, which is closest to the existing, this wing is a single story, you see that here on the edge of the rendering on the right, that helps the transition from lower campus buildings to these two story buildings. And in the last building, two story and a bar shape, the main entrance by the way is here in the center and then there are service doors in the back and then exit doors from the stair towers at each end.

Chairman Rogan stated we appreciate the amount of detail that went into the packet that you provided us that has all of these pictures present.

Mr. Locks stated yes.

Chairman Rogan stated it helps, obviously us, visualize what you are proposing out there. Since the, oh finish up, I'm sorry, I apologize.

Mr. Locks stated yeah, no that's okay, lastly I just want to show you the finished, I don't know if this is in any, any form of this is in the packet.

Chairman Rogan stated I think the colors are in the packet.

Mr. Locks stated yeah, we've got material samples, these are for color not for texture but this is the material and color that we are planning for pre-finished cementitious board, a similar kind of standing seam metal roof, light fixtures and then the aluminum windows and doors make up the rest of the interior (inaudible).

Chairman Rogan stated do we have any questions or comments from the audience since the public hearing is still open on this project on the architectural portion of this project. No, thank you very much for your time.

Mrs. Ryan stated thank you.

Mr. Locks stated thank you.

Board Member Cook stated Shawn.

Chairman Rogan stated yeah, I'm sorry.

Board Member Cook stated could I just ask a question, on the other drawing of the dorm buildings, next to the door, is that like all glass then.

Mr. Locks stated um.

Board Member Cook stated you show it on the other one, its easier.

Chairman Rogan stated you are talking about the front entrance.

Board Member Cook stated the front entrance.

Mr. Locks stated yes, yeah, that is a glazed portion top and bottom.

Board Member Cook stated top and bottom.

Mr. Locks stated yes, is that what you are referring to.

Board Member Cook stated yeah.

Mr. Locks stated yup.

Board Member Cook stated thank you.

Mr. Locks stated (inaudible) to the central space.

Gene Richards stated Shawn, if I could ask a question, on the site plan there is an arrangement for sidewalks that doesn't provide direct access to all the building entrances. And I was just curious is that okay or does Building Code require that you have some hard surface to each and every entrance for fire protection for general access.

Mr. Locks stated we are required to have a hardscape outside the door at the fire exits themselves there is a connection.

Chairman Rogan stated Gene you are saying that has to be to all exits, fire exits included.

Gene Richards stated well I'm not sure what the Code requires but I question that only because the number of entrances appear to just go out into the lawn area.

Chairman Rogan stated yeah, can we put a quick memo to the Building Inspector and ask for a check on that and something in writing back on that issue because it seems like discussed this on Clover Lake when we were talking about that with some of the exits as well and handicap accessibility, when we did the ramps out there, okay.

Board Member Montesano stated question, I have to ask, Rich.

Rich Williams stated sir.

Board Member Montesano stated the metal roofs that they have, that doesn't effect the Town Code on a metal building or anything.

Rich Williams stated the Town Code allows metal roofs not metal sided buildings.

Board Member Montesano stated thank you.

Chairman Rogan stated anybody else, anything else, okay thank you.

Mr. Locks stated thank you.

**2) PONDVIEW ESTATES – Public Hearing**

Mr. Neil Alexander of Cuddy & Feder, Mrs. Beth Evans of Evans Associates, Mr. Joesph Buschynski of Bibbo Associates and Jim Hahn of Hahn Engineering were all present to represent the applicant.

Chairman Rogan stated Michelle, can you please read the public hearing for item number two.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, July 3, 2008 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Pondview Estates Wetlands/Watercourse Permit Application to allow repairs and remediation associated with the construction of a 50 unit townhouse development, as well as the construction of a road crossing. The property is located off of Fair Street,”** Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated good evening.

Mr. Alexander stated good evening, for the record Neil Alexander, Cuddy & Feder on behalf of the applicant, Bayswater, also to my right is Beth Evans from Evans Associates. I know that you know this project intimately well.

Chairman Rogan stated use the microphone.

**Unknown Audience Member** stated can he speak up.

Chairman Rogan stated I was just telling him to that ma'am.

**Mrs. Edie Keasbey** stated we can't hear you.

Chairman Rogan stated Edie, I was just telling to gentleman to please use the microphone and speak up.

**Mrs. Edie Keasbey** stated can't hear you either.

**Unknown Audience Member** stated can't hear you either, sorry.

Chairman Rogan stated okay, thank you.

Mr. Alexander stated here you go, this will work.

Chairman Rogan stated can you just please give a brief over view of the project, why we are here and when this was originally approved.

Mr. Alexander stated right, okay, essentially this reached filed map status with County land records in 1992 for a cluster subdivision for an open development area for fifty town home units. The applicant choosing to use that form instead of single family but staying with the density as it if were single family. The project was a subject of a Full Environmental Impact Statement and was approved in roughly '88, subsequently received final in '91 and then immediately thereafter filed map status was achieved in '92. Subsequently the adoption of the watershed regulations and all of that, all the other associated changes coming out of, as well from Albany as far as identifying your watershed as a phosphorus basin, as far as a critical environmental area phase two and phase three stormwater regulations resulted in us needing to make modifications not to a single lot on the project but rather to how we were addressing stormwater detention both from a quality and quantity standpoint. Additionally the wetlands in the area were re-mapped and determined to be DEC wetlands as well as Army Corps wetlands and in fact there was a whole new delineation. Additionally your town adopted a local wetlands ordinance which was not in place when the project achieved filed map status and so that is really why we are here back in front of you, is to obtain that wetland permit. What I will note and sort of steal Beth's thunder before she explains the detail is that when the project was originally approved we were under a nationwide permit and have .99 acres of total wetland disturbance and now through the revisions we are .084, less than a tenth of an acre of total disturbance to the wetland and at that point, I'm sorry Beth, it was just more fun for me to be able to say that, for me.

Mrs. Evan stated we all know.

Mr. Alexander stated but here is Beth and she will explain the scope of what was involved and also the dam, the last point, I forgot to make was that in the ensuing years there was a dam out there for the pond that gives the project its name. That failed and we are repairing that and fixing that and there are some associated wetland obviously because it's a pond, there is some wetland disturbance associated with that, that it counts for less than four tenths of an acre.

Mrs. Evans stated can you clarify where the project is on Fair Street, there is some confusion.

Mr. Alexander stated sure, actually I would.

Mrs. Evans stated (inaudible).

Mr. Alexander stated actually I don't know the full number on Fair Street, the project is approximately 90 acres and it backs up off of Fair Street up towards the Town of Kent.

Chairman Rogan stated (inaudible).

Mr. Alexander stated I don't actually, I don't even think the property has a street address.

Chairman Rogan stated its halfway between Terry Hill Road and Bullet Hole Road on the bottom of the hill, on the left hand side.

Board Member DiSalvo stated where the gate is.

Chairman Rogan stated you can see the pond from the road in the winter time.

Mr. Alexander stated actually going, its just south of the intersection of Fair Street and Noonan Drive.

Chairman Rogan stated say that.

Mr. Alexander stated Fair Street and Noonan Drive, Noonan Drive, County Road 49. At that point I will let Beth.

Chairman Rogan stated thank you, Beth just please state your name for the record and use the microphone thank you, you can take it right out of there.

Mrs. Evans stated good because I'm not that tall. Good evening for the record my name is Beth Evans, president of Evans Associates, we have had the pleasure of being the environmental consultants on this project since it was first approved back in the 80's. I worked for Sanhunts Associates and was part of that project team and I am pleased to part of the project team in 2008. We did, as Neil said, re-delineate the wetlands on this property recently because of the change in status of the wetland regulation by New York State, this became part of the New York State wetland that runs through the property and it also now has regulation by the Town of Patterson for local wetlands regulations. The wetland permit is for the access road, which passes immediately adjacent to the pond, crosses a small area of wetland and goes through the wetland adjacent area which is 100 feet for a good portion of the pond edge in order to access the uplands up on the hill. The direct wetland impacts as Neil said are less than a tenth of an acre .08 acres for the access right here and also for the outlet to the stormwater basin, which is proposed down in this corner within the regulated adjacent area, the other wetland impact that we are applying for is repair of the dam which was breeched back in 2006 during a big storm, that dam gave way, the pond drained to a degree and part of our proposal is to restore that dam and the outlet control structure. Things that have changed since I was first before the Board, just to remind you, the fire water intake pipe has been removed from the pond and the area where that was proposed is now part of the mitigation area, we have proposed mitigation to compensate for the unavoidable impacts, there are two areas where that mitigation is proposed, one is immediately adjacent to the road, in an area that was previously disturbed and the other is on the far side of the dam in an area again. Where I think when the original dam was built there was some disturbance in there, we are going to have to get back in here anyway to be putting in the toe of the dam, it seemed like an logically area to do some wetland creation and expand the wetland in an area that looked like a previous disturbance just by its shape. Those areas compensate fully for the proposed impacts, the other feature is the stormwater quality basin which will pick up the runoff from the road, treat it prior to discharge back into the pond and that of course is part of the DEP requirements as well as standard practices for treating and capturing stormwater. There is an access road that comes down for vehicles to get to the dam to repair the dam and the other buffer area impacts are shown up here associated with the outfalls from the stormwater basins. That summarizes the wetland part of the permit and I would be happy to answer any questions.

Board Member Pierro stated Beth, any, is any fire suppression techniques going to be within the wetlands or the buffers now.

Mrs. Evans stated no, now there is I believe a ten thousand gallon tank.

Mr. Buschynski stated twenty.

Mrs. Evans stated twenty thousand gallon tank, that is why I'm not the engineer, that will be upslope and away from the wetlands, itself.

Board Member Pierro stated thank you.

Chairman Rogan stated any questions or comments from the audience on this project, if so please come up, state your name for the record and use the microphone.

**Edie Keasbey** stated Edie Keasbey, Patterson, Ted do you have any comments on this and what is the status of the wetland permit. We couldn't hear it at all when you first, you may have mentioned it but we couldn't hear you.

Ted Kozlowski stated Rich, Edie I have been involved with Beth's crew since last fall, we've gone back and forth and what they are proposing is legitimate and necessary actually the dam is.

**Edie Keasbey** stated I knew the dam broke.

Ted Kozlowski stated yeah, its got to be repaired the impacts are minimal.

**Edie Keasbey** stated what about in here.

Ted Kozlowski stated that is an existing roadway the beginning.

**Edie Keasbey** stated how many houses or is it condos, it was originally condos.

Board Member Pierro stated fifty units.

**Edie Keasbey** stated how many.

Board Member Pierro stated fifty.

Mrs. Evans stated fifty.

**Edie Keasbey** stated with a septic.

Mrs. Evans stated the septic is all up on the upland portion, well away from the wetlands.

**Edie Keasbey** stated a septic, I mean a sewage treatment plant for fifty houses or.

Rich Williams stated it is standard subsurface system, the original approvals were for tri-galleys, as you are well aware, tri-galleys are no longer permitted in the area so one of the things that they have had to do over the past few years is redesign a whole septic system for a conventional system.

**Edie Keasbey** stated so its all in one place.

Rich Williams stated no, its two or three places.

Mr. Alexander stated it in is both Kent and Patterson.

**Edie Keasbey** stated another one. Okay and there is room for expansion and all that.

Rich Williams stated there is hundred percent expansion shown on the plans.

**Edie Keasbey** stated thank you.

Chairman Rogan stated thank you Edie, any other questions or comments.

Mrs. Evans stated just to.

Chairman Rogan stated I'm sorry Beth, go ahead.

Mrs. Evans stated I was just going to further clarify in terms of the wetland permits, we as you know, have application in to New York DEC, with these plans and also with the Army Corps of Engineers, we have gotten verbal comments back from them and expect that that will move forward quickly.

Chairman Rogan stated thank you.

Mr. Hahn stated it is also approved, basically by the Putnam County Health Department.

Board Member Pierro stated state your name for the record sir.

Mr. Hahn stated Jim Hahn, Hahn Engineering, we have a verbal approval from the Putnam County Department of Health on the septic.

Chairman Rogan stated you do have a good booming voice but if Michelle doesn't pick you up on the record, we are going to be in trouble.

Mr. Hahn stated hi, Jim Hahn, Hahn Engineering, we have a verbal approval on the septic and the water system from the Putnam County Department of Health.

Chairman Rogan stated thank you.

**Paul Francis** stated Paul Francis, I'm at 483 Fair Street, I am the first house past the access road heading into Carmel. My questions are two, the repair to the dam, what is the access going to be, is it up this road and then down over the berm.

Mrs. Evans stated yes.

**Paul Francis** stated okay and the other question was I know that we were notified about well testing that the site was using a series of several wells to draw water for the fifty units and I know that is not covered under here but we never heard what the results of those well testings were.

Chairman Rogan stated I don't know anything about it.

Mr. Neil Alexander stated it is a central water system.

Chairman Rogan stated thank you, don't steal his thunder, you've had your chance.

Mr. Hahn stated okay, three wells were dug and drilled and tested in the 1980's and early 1990's, the New York State DEC made us re-test those three wells and everything is the same and your well will not be impacted.

Board Member Pierro stated when did New York State make you re-test those wells sir.

Mr. Hahn stated within the last two years.

Board Member Pierro stated okay.

Mr. Hahn stated and a water report has been written and you can certainly get a copy of it.

Chairman Rogan stated sir did they do analysis and well yield.

Mr. Hahn stated and they monitored local wells as well.

Board Member Pierro stated so some houses were monitored during this time frame and that report will be furnished to you sir.

Mr. Hahn stated that report was done by LBG and it has been submitted informally to the Health Department and they have approved it.

**Paul Francis** stated I got a notice last summer and we have seen nothing, so it was done last summer and the only notice I had was that a couple of my neighbors said that their wells ran dry, so I am concerned so I didn't hear anything further then that.

Mr. Hahn stated I haven't heard anything negative about that report. It was reviewed informally by the DEC and formally by the Putnam County Department of Heath and they have approved it.

Chairman Rogan stated sir, please come up and.

**Eric Silidjian** stated my name is Eric Silidjian.

Chairman Rogan stated you need to come up sir.

Board Member Pierro stated you need to come up sir.

Chairman Rogan stated come up or we won't be able to capture you for the record, thank you.

**Eric Silidjian** stated yes my name is Eric Silidjian, I live at 490 Fair Street, I talked to John the one at LBG or that and we weren't included in the well research but he told me it was straight but we did have problems. Not so much with the water level but the water quality, our water was very murky and sandy and from that my well went, so I don't know if that was related.

Chairman Rogan stated you are saying the well pump.

**Eric Silidjian** stated the well pump wore out from it.

Chairman Rogan stated from the particles.

**Eric Silidjian** stated so we checked the water level, it wasn't a water level condition but it was.

Chairman Rogan stated the turbidity.

**Eric Silidjian** stated the turbidity of the water, right.

Board Member Pierro stated this was last summer, sir.

**Eric Silidjian** stated last summer.

Board Member Pierro stated we had a very historically dry time last summer, in certain parts of the State of New York.

**Eric Silidjian** stated well not at that time of year.

Board Member Pierro stated in August.

**Eric Silidjian** stated it wasn't August.

**Sonya Silidjian** stated it was in June.

**Eric Silidjian** stated it was in June.

**Sonya Silidjian** stated we had a water problem, I'm his wife by the way.

**Eric Silidjian** stated and we live right across from the pond and our well is shallow at 70 feet but I don't know if was from the drawing but I think it was from dumping the water because I think they pretty much dumped it back into the pond, from what I understand.

Chairman Rogan stated Mr. Hahn could you comment on whether or not a pump yield test like that, I'm thinking that when you draw that much water out of the well, you are trying to create a worse case scenario and I'm wondering if something like will create these kinds of problems but in realty you are never going to draw that much at once.

Mr. Hahn stated no, impossible.

Chairman Rogan stated okay.

Mr. Hahn stated there is probably absolutely no correlation between our pump tests and our wells.

Board Member Pierro stated can you provide a copy of that report to Rich's office.

Mr. Hahn stated absolutely, sure.

Mr. Alexander stated that is also, as you know that is part, all part of our WSA, as you know, our water taking permit from the DEC and through, and we will provide it, I'm just trying to explain why to the public why your Board hasn't been as involved and other agencies had that jurisdiction and are pursuing it and that is why the report wasn't in Town Hall to date. I'm just letting the public understand so they don't get a misunderstanding as to how, where we have been pursuing this diligently and with the appropriate authorities, that's all.

Chairman Rogan stated and again the only reason that this application is before us if for a wetlands permit, obviously the wetlands laws have changed significantly since this time, since this project was originally

approved. Mr. Hahn is going to provide a copy of that well testing and the analysis to our office, if anyone wants a copy of that, come in and see Rich Williams, you will probably have to fill out a Freedom of Information Law Request.

Mr. Alexander stated do you want to do that.

Mr. Hahn stated no.

Chairman Rogan stated and you can get a copy of that.

Mr. Alexander stated I was just confirming with Mr. Hahn to make sure that I was correct. The way, with a taking permit the way an analysis is done, is you do a 72 hour pump test and you use more wells that you are allowed to and the results of the worst are thrown out and then under the 10 state model, you basically have to double your need to show you ability to, for the project which is grossly an overstatement of how much water you will ever use. So I just, to calm some of the people's concerns, I want to let them understand how the methodology was done.

Chairman Rogan stated in fairness sir, their concerns based on an idea that a pump test occurred and they noticed a problem with their water, that doesn't factor in your conservative estimate, it factors in the belief that a pump test was done and there was an issue that was observed.

Mr. Alexander stated right and understand me.

Chairman Rogan stated you can understand the concern.

Mr. Alexander stated completely.

Chairman Rogan stated it may very well be unrelated but certainly any of would be concerned, so.

Mr. Alexander stated right, fair enough.

Chairman Rogan stated any other questions or comments from the audience at this time.

**Eric Silidjian** stated the only other comment I have is once they pump this water, I know that they (inaudible).

Chairman Rogan stated sir you are really not going to be on the record if you don't come up, because its basically, we hear right now but the record won't.

**Eric Silidjian** stated my concern is that when you pump the water out of the ground, where are you putting it, they have to put it back into the ground, there is, so really I don't know if that is a legit test, I'm not an expert but when you are pumping water out of the ground, you have to put it somewhere, so.

Rich Williams stated it goes to surface flow.

**Eric Silidjian** stated well from the guys I talked to, they just said that they shoved the water down into this hole which leads into the pond.

Chairman Rogan stated well the pond is surface water, in other words that's, instead of putting it into another well, let's say and trying to force it back into the aquifer, putting it into the pond would be a surface water discharge, okay. Yes sir, please come up. Just please, state your name.

**Frank D'Angelo** stated Frank D'Angelo, I live at 534 Fair Street, directly across from the estates that you are talking about. A couple questions, am I allowed to ask things only related to the water.

Chairman Rogan stated you mean the wetlands.

**Frank D'Angelo** stated the wetlands specifically or can we talk about this in general.

Chairman Rogan stated well in fairness, you certainly could make a comment to the general plan but we are not reviewing much of that plan.

**Frank D'Angelo** stated will that be coming up in the future.

Chairman Rogan stated no, its not under our purview at this time, its already been approved for years.

**Frank D'Angelo** stated so they've already been approved for fifty townhouses.

Chairman Rogan stated correct, absolutely.

Board Member Pierro stated 1988.

**Frank D'Angelo** stated when was that, 1988, is there no time on that, when it runs out, when a permit runs out, like if I get a permit, I have a year or you know.

Chairman Rogan stated do you want to respond to that Rich.

Rich Williams stated sure, what was actually approved in 1992 was a subdivision of the property and that was filed with Putnam County and that doesn't expire, those lots don't go away, so those fifty lots are there in perpetuity.

**Frank D'Angelo** stated okay, my concern that I would bring to the Board is on Fair Street, we currently have four condominium complexes, Hunters' Glen, Misty Hills, what is the other one please, Twin Brook, Kings Grant and then just a little bit further down on Fair Street is Fox Run, so that puts in this area five condo complexes. So I am almost as concerned as I am with the wetlands, considering I am directly across the street, I'm very more concerned with the traffic on Fair Street.

Chairman Rogan stated understood.

**Frank D'Angelo** stated so now we have a school system, the middle school which is where these people would go, already is at 28 to 32 on average children per class which is already more then you really want to have, theoretically you want to be in the low 20's and into the teens which would be fantastic but its not a perfect world, we understand. There is no money going into the infrastructure, they are just putting up their houses, I almost question out of everything that is going on, no one seems to be adding to the infrastructure. We are already overcrowded on Fair Street, I moved here in 1989 and I moved here for reason of the environment, that way it was, in terms of the amount of traffic, the quiet, you know, trees, etcetera and now I notice on Fair Street, I can't even get out of my driveway in the morning and by the way I leave early.

Chairman Rogan stated there are some difficult driveways, I've tried to go in and out of some of them and they are very difficult.

**Frank D'Angelo** stated so if I'm leaving at 6:30 in the morning.

Chairman Rogan stated yeah.

**Frank D'Angelo** stated you know, we went from there being no cars on Fair Street, to without exaggeration a three to four minute wait, which is kind of a long time when you think about how really long three to four minutes are. The other thing that concerns me would be the school infrastructure, so now you are going to put in another fifty units, you are going to be putting fifty units worth of children into the school system, as I said that is already over crowded and on top of that, you are probably staring at 100 cars, I am going to use a full 2 to 1 because what I will actually say, I don't know what your numbers are but as these people that move in have families and have children, you are going to end up a car of the husband, a car for the wife, a car for the kid, kids or a car each for the kids, it quickly escalates, I don't know what the status is of Patterson Crossing, which is at the other end of Fair Street, so you are going to in there, I don't believe that there are any plans to increase the size of Fair Street and make it four lanes instead of two, there is already during rush hour an unbelievable amount of wait at the intersection of Simpson Road and Fair Street, are you familiar with that, okay. So that can only increase, plus you could potentially and I don't know the status of Patterson Crossing, I apologize, at the other end, so now you have the two sides hitting Fair Street, putting the wetlands aside for a second, I don't think that the road infrastructure can take this, so that is my biggest concern.

Chairman Rogan stated in fairness to your points because I think that they are all valid, that is a great concept for looking at the parcels of land along Fair Street that have not approved or proposed at this time, that is the time to look at your zoning and possibly look at the parcels that are left and say okay, what now can we do on Fair Street, what is acceptable and what is not. In fairness to this project, you know, the day that it was approved in 1988 or 1990, you have to think of it as being built of course, because they didn't build this, I understand your concerns and they are important concerns but they are not something that we will be able to take and alter this project and say you know what, based on your comments, fifty is too much, we only want to do twenty, at this point in time, that is not going to happen, I am just being honest with you.

**Frank D'Angelo** stated that is fine, that is what I wanted to know.

Chairman Rogan stated I appreciate.

**Frank D'Angelo** stated they have, so in other words, this permit does not ever run out.

Chairman Rogan stated well they still have to get building permits of course but the approval on the subdivision, is solid.

**Frank D'Angelo** stated the approval on the subdivision, lasts for in perpetuity, is that what you are trying to tell me.

Chairman Rogan stated is that correct, am I misspeaking.

Rich Williams stated yeah unless some other action is taken.

Mr. Alexander stated Mr. Chairman, if I may.

Chairman Rogan stated sure, its always good to have a lawyer speak on the law.

Mr. Alexander stated I think its, what I am looking at here, January 31, 1989 the Planning Board adopted its SEQRA Findings Statement, every project that has come since has been required to study our project assuming that it was built. So any project that came since has already factored in the impacts even though they haven't been built and he hasn't been living with them. They have been studied and assumed and every project that came since was vetted and approved under the belief that those projects could come afterwards. The other thing that is important to remember is this project is in the multi-family overlay zone.

Chairman Rogan stated right, which is what I was (inaudible – too many speaking).

Mr. Alexander stated so our yield count, our theoretical yield count would be like 350, 375, if you just did it under todays zoning as opposed to vesting under our prior subdivision.

**Frank D'Angelo** stated sorry to take it from you, what does that mean for those of us who don't understand what he just said about this 375.

Audience members laugh.

Chairman Rogan stated in essence what the gentleman said was that other projects that have gone on in the area, when they've had to consider the implications of their project, have had to consider this piece as existing as built the way its shown, minus the improvements that Beth spoke about because these are new changes to the wetland, to the pond. Having said that they are looking at this project as built, what we need to look at are the additional properties that are buildable, he said multi-family zoning for this would allow if they used it for the maximum use permitted by the zoning would yield, potentially, you said 315.

Mr. Alexander stated 350 to 375 houses.

Chairman Rogan stated 350 to 375 multi-family units, they are obviously not proposing nearly that, its in essence, if you had four acres of residential property, we would say you are a four acre zone, you have potential for one house, if you had eight acres, we would say potentially, all things being equal, you would have the potential four two houses. That is why I said the comment to you that we need to look at the existing vacant parcels and determine what we want to do with them for the future because quite honestly, it is not fair to zone a piece of property for a particular use and then expect that the owner will never propose a use on it. It would be like you having twelve acres of property, residential, us as the Town collecting taxes as residential property and then when you go to build a house, we say but we don't want anymore houses on Fair Street, then its not a good thing for the Town to say that that is residential property. So my point is that if we have other multi-family tracks of land along Fair Street, these are the types of conversations that we need to have, to say, is this an appropriate use for Fair Street or is it not an appropriate use and if its not, we need to go through the process of trying to alter those pieces to be either residential or some other use that is appropriate.

**Frank D'Angelo** stated the only point I make to the Board is, that I understand what you are saying and it makes perfect sense.

Chairman Rogan stated okay, thank you.

**Frank D'Angelo** stated however the other approvals that have since come, the people necessarily didn't, were not against it because there never was, this was never built on so they never saw the traffic from it and so the point I am trying to make is that I think we just hit a little bit of loop hole where its probably perfectly legal, I'm not going to fight you on that, I'm not a lawyer but that doesn't necessarily make it the right thing to do, I would ask the Board to take that into consideration. Certainly 350, I think you are out of your mind, considering the environment right now, that is a little bit what do I know about, but that is up to you guys.

Chairman Rogan stated just remember that those numbers assume basically that you have flat usable piece of property, they don't assume all the environmental constraints, we have spoken many times, the Town Planner and Board, about changing the way that we come up with these numbers to delete these sensitive areas, steep slopes, wetlands etcetera to look at a number that is more realistic because as you can imagine, we get subdivisions all the time and we may have some, not on tonight but.

**Frank D'Angelo** stated sure.

Chairman Rogan stated they say I have 300 acres, its four acre zone, I want to put up X number of houses but when you factor out the sensitive areas, the steep slopes, the wetlands, you end up with a much smaller lot, in essence.

**Frank D'Angelo** stated okay so this hearing though is specifically about the wetlands approval.

Chairman Rogan stated correct, that is exactly correct.

**Frank D'Angelo** stated and what is the next step in them getting this approval.

Chairman Rogan stated once they have met the criteria, they have outside agency approval, we always in this case, rely heavily on our professional consultants, that being Ted Kozlowski our wetlands inspector, when he gives us the go ahead that they have satisfied what he needs, the Board would be in a position, to make a motion to approve the wetlands permit, that is in essence the process.

**Frank D'Angelo** stated when roughly do you think that would happen.

Chairman Rogan stated I can't say, Ted how are.

Ted Kozlowski stated as I said earlier, the impacts are pretty minimal, it's basically a repair to the dam, it an improvement on an existing access roadway. It's a re-creation of some new wetland in an area that was already disturbed when they made the pond, it's a manmade pond, it's not a natural pond, this pond is created in a wetland. Its, I understand your concerns sir and I understand the population density and the traffic, that I am experiencing that myself on my own road but the wetlands are not an issue in this project.

**Frank D'Angelo** stated okay, that's fine, so one last question would be then, assuming that gets approved from point of approval, when would you start the project.

Chairman Rogan stated that is a question for the.

Mrs. Evans stated I'm just a consultant so.

Mr. Alexander stated and I'm just a lawyer but I think, did you like that, it was like fump, fump.

Chairman Rogan stated everybody looks at you.

Mr. Alexander stated I think as soon as possible, given market conditions and everything I think they are looking to put this to immediately clear and start moving forward once they have all their approvals.

**Frank D'Angelo** stated okay and as far as the well testing results.

Chairman Rogan stated immediately in the construction business means a couple of years.

**Frank D'Angelo** stated okay.

Mr. Alexander stated and obviously with the coming winter, I think you are looking at earliest, the spring, because you have winter coming and you have certain times of year (inaudible).

Chairman Rogan stated and the is ground (inaudible).

**Frank D'Angelo** stated thank you and how do we get the copy of the well testing results because I never received it either.

Chairman Rogan stated what should do is once they are available, Mr. Hahn is going to send them to Mr. Williams, who is the gentleman here in the black shirt and you can come into the office, you will have to fill out a Freedom of Information Law Request, you just fill out the form, the Town Clerk can approve and Mr. Williams can give you a copy of it.

**Frank D'Angelo** stated okay, thank you for your time.

Chairman Rogan stated thank you very much.

Board Member Pierro stated thank you sir.

Chairman Rogan stated any other questions or comments on this, please come up, state your name for the record, yeah take that microphone out.

**Stephanie White** stated hi I'm Stephanie White, I live at 579 Fair Street and I just wanted to point out that I was born in 1988, so as you can see, a lot has changed since it was initially approved and I just find it completely laughable that something could be approved when I was born, I was in the womb and that it could be going through now, I could help myself from bursting out laughing before. But growing up, I live right kind of on the butt of this property, as a child, I know this is a little off topic but I got to go in the woods and see all the animals and there is an abundance of wildlife up there and currently at college I am studying watersheds and wetlands and I know its said to have such minimal impact but I just find it so difficult to believe that the wetlands right here aren't going to affect the rest of the terrestrial land and I just want the Board and everyone to take into consideration, you know, just, is this the best thing for our Town, is this the best thing for Fair Street, I mean, I wouldn't have the childhood experience of going in the woods and seeing the turtles and the deer and the turkeys and I know this just sounds all minimal and silly but I just, I know how the terrestrial land of the watershed is also affected by the water it self and I just think that it would a complete calamity to see this project go through and effect out community in this way,

like no more forests in Carmel and Patterson, it will all be townhouses and I don't think people come to a beautiful Town like this for that reason.

Chairman Rogan stated where are you going to school.

**Stephanie White** stated the University of New Hampshire and I just finished the watershed watch program, so.

Chairman Rogan stated very good.

**Stephanie White** stated thank you.

Chairman Rogan stated thank you. Any other questions or comments from the audiences please.

**Eric Silidjian** stated can I just ask one more question.

Chairman Rogan stated fine, you are getting your exercise tonight sir.

**Eric Silidjian** stated I haven't heard anything.

Chairman Rogan stated you just need to please, thank you.

**Eric Silidjian** stated I haven't heard anything about a DEP approval.

Chairman Rogan stated DEP.

**Eric Silidjian** stated this is certainly going into the New York City's water.

Chairman Rogan stated Beth, when you said the outside agencies, I thought you mentioned DEC and Army Corps.

Mrs. Evans stated those are the agencies reviewing the wetlands permits, DEP is reviewing the stormwater management, that is also another agency that does have jurisdiction because this property is in the watershed we are required to keep our wetland impacts below certain thresholds and that threshold for a project such as this is a tenth of an acre, so.

Chairman Rogan stated thank you, any other comments, ladies and gentlemen.

**Andrew Porto** stated hello.

Chairman Rogan stated good evening.

**Andrew Porto** stated Andrew Porto, I live at 545 Fair Street, right next to the project. Can you show me where Fair Street is one here, is this is right here.

Mrs. Evans stated Fair Street is down here.

**Andrew Porto** stated oh, Fair Street is down here.

Mrs. Evans stated yup.

**Andrew Porto** stated and this is.

Mrs. Evans stated this is where the existing dirt road goes in, this is where the stream comes under.

**Andrew Porto** stated so my house is like right there. I live in the yellow farmhouse that is right at the base of it.

(Audience Members speaking).

**Andrew Porto** stated yes, so where, hi neighbors, we just moved there a couple years ago and I have lived in Carmel my whole life but some of us have just moved here, way after the approval for this project, so we are going to be seeing a majority of the traffic with everything going in and out of here right now we have no one around us, so. There are a couple of issues for us regarding the amount of trees that are going to be kept between our property and the project and there is also an old barn that is right next to us, I don't know if that is going to be.

Chairman Rogan stated that is coming down.

**Andrew Porto** stated that is going to come down.

Chairman Rogan stated when we walked in on the road bed, its right on the old road bed and that is to be removed.

**Andrew Porto** stated that was one of things that we were questioning because it is kind of an eyesore and a lot of people over the years have dumped stuff there, okay.

Chairman Rogan stated there actually has been a lot of, we were surprised when we walked even around the Fair Street side of the pond, how much garbage has been thrown off of Fair Street, down in, which is really disheartening in fairness, I have a very big problem with litter in this County and that was disheartening to say the least. Hold on a second sir.

(Side 1 Ended 8:24 p.m.)

The Secretary stated go ahead.

Board Member Pierro stated go.

Chairman Rogan stated okay sir.

**Andrew Porto** stated okay, where are the units actually going to be in relation to Fair Street, they are going to be way, way back up here, so its not going to be near us.

Chairman Rogan stated you can probably see your house on that plan, you house is probably on that plan.

**Andrew Porto** stated I don't see it, actually I think its.

Mrs. Evans stated I think we, actually, no offence to your house, we (inaudible) to put of our notes on, we don't have the surrounding the houses.

Chairman Rogan stated okay.

**Andrew Porto** stated okay, so is there going to be any plans to put trees or any kind of buffer from our property to.

Mr. Alexander stated do you have the wetland, landscape plan.

Mrs. Evans stated I don't have the full landscape plan.

**Andrew Porto** stated here, we are over here like.

Mrs. Evans stated this entire side will be left alone and the stormwater basin will be going in on, I'm sorry, on the pond side, that will be planted and then the areas that have been disturbed along the road will be re-planted with native vegetation. So most of this area from what you are going to be looking at, with exception of the road will be vegetated, around the pond.

**Andrew Porto** stated the question was, is there going to be any vegetation planted along here, especially if the barn is taken down.

Mrs. Evans stated this is the property line.

Mr. Alexander stated it would be (inaudible) for us to plant anything.

**Andrew Porto** stated right.

Mrs. Evans stated so we have limited area.

Chairman Rogan stated is that your property sir, that adjoins them, maybe if you give them permission to do some planting, we can.

**Andrew Porto** stated oh sure, can we pick the shrubbery too.

Chairman Rogan stated relative to a project like this, planting some trees and making the neighbors happy, usually is not a tremendous thing to ask but.

**Andrew Porto** stated is there a formal way, I know this is for the wetlands but is there going to be another hearing for anything else, so how would we address that.

Mr. Alexander stated contact me outside the hearing, I can get in touch with the property owners.

Chairman Rogan stated it helps to speak up, doesn't it.

**Andrew Porto** stated alright, yeah, great.

Chairman Rogan stated thank you sir.

**Andrew Porto** stated anything else you want to me to ask while I'm up here.

Board Member Pierro stated you got a bucket load of trees, you better ask now, right.

Chairman Rogan stated I think your new neighbors are wondering when the bar-be-que is. Any other questions or comments, ladies and gentlemen, in fairness, if there are no other questions or comments we are going to move up. Come on up sir, you have to come up.

**Eric Silidjian** stated its short question.

Chairman Rogan stated you have to come up, we won't pick it up on record, I'm sorry, its needs to be part of the record, we don't want to create a lawsuit.

**Eric Silidjian** stated is this the only entrance in and out of this project.

Chairman Rogan stated yes sir.

**Eric Silidjian** stated thank you.

Chairman Rogan stated thanks.

**Andrew Porto** stated what was the question.

Chairman Rogan stated he was asking if that was the only point of entrance, means of ingress and egress to the site and that is correct, that is the only entrance. Can I have a motion to close the public hearing.

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

Board Members Pierro and Cook second the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated thank you.

Mrs. Evans stated thank you.

Mr. Alexander stated we'll see you next month I gather.

Chairman Rogan stated thank you very much.

Board Member Pierro stated good night.

Mr. Alexander stated the 7<sup>th</sup> right.

Chairman Rogan stated yeah, Michelle can you please read the next public hearing. Well actually hold for a second, ladies and gentlemen, if you are going to stay for the rest of the meeting, please, quietly, if you are going to leave, leave quietly please, we have another public hearing to start, thank you very much. Just give a second Michelle, to let people clear out. Okay Michelle.

### 3) **TRACTOR SUPPLY SITE PLAN – Public Hearing**

Mrs. Theresa Ryan of Insite Engineering, Mr. Thomas Raveson and Mr. David Ede were all present.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, July 3, 2008 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Tractor Supply Company/Tojant Corp. Site Plan/Subdivision/Wetlands/Watercourse Application to allow for the construction of a commercial/retail building. The property is located at 3013 Route 22, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated the floor is your Theresa, you defiantly have to pull that microphone out.

Mrs. Ryan stated my name again is Theresa Ryan, I'm from Insite Engineering, surveying and landscape architecture P.C., I am representing Tojant Corporation who has two applications before the Board. One is for a subdivision, the property is, as Michelle said, located on Route 311 and Route 22, this is the intersection of the [Routes] 311 and 22, so our side is just west of that intersection, the frontage along [Route] 22 is on the east side of the property, [Route] 311 on the north side of the property. They are proposing to divide the property into two parcels, one will be slightly less than 11 acres and the remaining will be forty plus acres. On the 11 acre parcel, the proposal is for Tractor Supply Company Site Plan, what they are proposing is a 22,670 square foot building with 20,00 square feet of outdoor display area, immediately adjacent to the building and about 3,00 square feet of display on the north side of that parking. The site is constrained by DEC wetlands to the north, east and south west, the wetland control areas are located on the prop, on the plan here in the darker green lines and as you can see, its severely constrained, some of the grading, no hard improvements but some of the grading for stormwater practices and shoulder grading for the parking area are going to be located in the wetland control areas, there is no disturbance to the wetlands at all. The northern wetland it appears has been, has formed because there is an existing culvert that runs [Route] 311 that has been blocked for a number years, its been blocked for so long that it didn't even show up on the last as built from the DOT and as a result, water ponded in the front, the wetlands have been re-mapped in the past few years and as a result the DEC wetlands have gotten much larger, the ponds for the A & P shopping center across the street, this is the entrance off of [Route] 311, are now considered DEC wetlands and because of that culvert, this is considered part of the DEC wetlands. We are proposing one access to the site, in and out, it's a twenty-right foot wide access off of [Route] 311, which will allow the truck traffic and vehicular traffic to come through the site around and there will be also a one way exit, this is an existing paved driveway to an existing barn in the eastern portion of the property, that will remain and just be improved and it will be an egress only. The site will have its own on site well, septic and stormwater improvements.

Chairman Rogan stated Theresa, you said 11 acres for the Tractor Supply, wasn't it more like five.

Mrs. Ryan stated its 10.8.

Chairman Rogan stated it is that big, I didn't realize, it doesn't look that big but I guess it's proportionate to the rest of the site that makes it look smaller, eleven acres. Do I have any questions or comments from the audience please, sure Ron.

**Ron Taylor** stated my name is Ron Taylor, I live at 312 McManus Road North, in Patterson but tonight I am speaking as president of the Patterson Historical Society. I wish the Planning Board would give more consideration to old structures for they are part of the Town's heritage. The barn on this site which is scheduled for demolition, may just be an old barn but because of its setting and its position at the end of a series of old farm buildings, which is the APC building, which they fixed up so nicely and then a series that aren't all shown on here that run down and used to be terminated by the barn. It will be a loss of our rural landscape and a lot of people are going to miss it because of its prominent position on [Route] 22, as you drive up [Route] 22 you see this line of old farm buildings. Thank you.

Chairman Rogan stated Ron, we actually had mentioned to the applicant that we thought that that barn would help with the view shed on this project in blocking some of it or enhancing the aesthetics of the building from [Route] 22 but the Board, it wasn't necessarily the Board's direction to remove the barn but there, its an issue that the applicant is putting forth.

**Ron Taylor** stated yes, I understand that.

Chairman Rogan stated okay and I appreciate your comments, we obviously look forward to having input from the Historical Society. Any other questions or comments from the audience, Edie.

**Edie Keasbey** stated can we see what its going to look like.

Chairman Rogan stated we would love to see what its going to look like, Edie we have been working on that, that is one of our biggest issues.

**Edie Keasbey** stated I know you have.

Chairman Rogan stated we haven't resolved it yet in fairness, we have some ideas that were presented.

**Edie Keasbey** stated because it is the entrance to our Town.

Chairman Rogan stated that is correct and that is actually the, Edie that was actually one, our biggest issue right now actually was the architectural, want to move up Edie, there is a seat right here in the front row.

Mrs. Ryan stated I apologize the architectural are not completed yet but as you are aware, we presented some photographs to the Board and one of them was the existing Tractor Supply in New Milford and I do have a rendering of that, this would be what the front of the building would like from Route 311.

Chairman Rogan stated the idea, if I remember correctly, was to bring in some kind of conceptual architectural aspects of the barns in the area and we also suggested that they look at the Old Frederick's Feed store, I know its not that anymore, the Apap building and the horse, veterinarian clinic. The from of

the building, the Board is starting to slowly warm up to but I still hold firm that I think that both of the sides of this building need some work because of the visual from [Route] 22 and from coming in on [Route] 311. I think that a false roof line would be able to be incorporated, much like the A & P has.

Mrs. Ryan stated David Ede is also here from, he is representing Tractor Supply and Tom Raveson, who is the principle in the Tojant Corporation, the applicant. They have, you have visuals.

Chairman Rogan stated Tom what I want to make sure you understand on this clearly and we have been very strong on this but consistent on this, is that you, we don't want to be worn down on this, we want to have something that we are all at the end of day going to be very happy and proud for the Town. I don't want to feel like we are getting into the eleventh inning where you are trying to say look, we are ready to go, you guys have to approve this. If the architectural don't come in on something that the entire Board is comfortable with, then we are not moving forward, its that, that is the biggest issue on this that we have had, other then the bog turtle study which I know you have information on.

Mr. Raveson stated okay, I'm Tom Raveson, I'm president of Tojant Corporation and we are proposing this project, I would like to comment first of all on the barn because I share the opinion of the historian and in fact I have had the Building Inspector with the Town Supervisor [to the site], with the idea of trying to preserve it but its in such bad shape that it is not commercially viable and that is his opinion and he more or less told us that it was no option, that it has to come down. Despite that, I have put the barn or listed the barn for as available and spoken to some local people, I have nothing firm yet but because its non-conforming pre-existing and its in such bad shape, its just, there is nobody who is willing to put up the money or the effort to restore it. As far as the appearance of the building, which I understand is important to all of us and I am a Patterson resident as well, I suggested last meeting that we prepare line of sight drawings which we have done. Dave has brought them down from Syracuse, we've had, we are about to show them to you, what this will show is the appearance of the building standing on [Route] 311, it's a photograph and we have actually superimposed by scale the appearance, the outline of the building from the front and also as you drive north on [Route] 22, Dave.

Mr. Ede stated first, this was a picture that was taken of the site, I believe right at the curb side directly across the street.

Mr. Raveson stated yeah, I took the picture, I'm not a great photographer, this is standing in the middle of the frontage [Route] 311, looking south.

Chairman Rogan stated understood.

Mr. Raveson stated okay and from the opposite side of the road.

Chairman Rogan stated so that would be looking at the front of the proposed building.

Mr. Raveson stated precisely.

Chairman Rogan stated correct.

Mr. Ede stated we have taken the New Milford Tractor Supply Building and super imposed based on an actual photograph of the building.

Chairman Rogan stated understood.

Mr. Ede stated we set it back, I believe its, Theresa, the site plan if 400 feet from the road, this is approximately how far back it is from the road and that would be the general appearance from [Route] 311.

Chairman Rogan stated elevations you think are fairly correct on that.

Mr. Raveson stated they are very exact.

Mr. Ede stated the elevations are very correct, we have taken into account the elevations as have we also from the Route 22 photograph that we've taken. This is an actual photograph of.

Mr. Raveson stated this is coming, yeah, off the site.

Mr. Ede stated heading north on [Route] 22.

Mr. Raveson stated right here is the barn that we are talking about.

Mr. Ede stated this is the existing barn.

Mr. Raveson stated which is hardly, its not prominent by any means.

Mr. Ede stated the very top of the street sign, is the exact elevation that the Tractor Supply building will be at ground level. We removed the barn and superimposed the Tractor Supply building as you would see it, notice it is further to the west then the barn and the elevation, is right at the top of the road sign, which I believe is, the elevation of the building is 364.

Mr. Raveson stated it's a, no.

Mrs. Ryan stated its 460.

Mr. Ede stated I'm sorry.

Mrs. Ryan stated 460.

Mr. Ede stated 460.

Board Member Cook stated are you still proposing that the building be white.

Chairman Rogan stated no, its just the.

Board Member DiSalvo stated it will be more like a sand color.

Mr. Raveson stated no, we haven't really addressed color but it will be made of block and so we have the option of choosing whatever color we wish.

Mr. Ede stated no we have.

Mr. Raveson stated no we don't.

Mr. Ede stated there are strict limitations on colors.

Chairman Rogan stated hopefully one of their colors will be one that will be acceptable to the Town then.

Mr. Raveson stated well certainly you've seen the color of the building in New Milford.

Chairman Rogan stated which is what you are showing there .

Mr. Raveson stated that's right.

Chairman Rogan stated that's fine.

Board Member Pierro stated I can't see that.

Chairman Rogan stated no I couldn't either.

Mr. Raveson stated I guess that is what they are proposing.

Mr. Ede stated yes.

Board Member Montesano stated bulls in the way.

Chairman Rogan stated okay.

Mr. Raveson stated you can have that.

Chairman Rogan stated do you have a picture doing the same.

Mrs. Ryan stated clapboard siding.

**Edie Keasbey** stated I think it needs a wood facing or something but cement blocks.

Chairman Rogan stated one second please, you did the architectural from straight on and from [Route] 22, do you have any from kind of the angle from driving in from this area over. In other words, you are looking straight on, do you have anything from the railroad track area, right over here, as you drive in.

Mr. Ede stated no, we did not take a photograph from that angle.

Mr. Raveson stated well.

Chairman Rogan stated an actually, in this photograph.

Mr. Raveson stated if I could, this is the center of the site, here is where the drive in would be, so the difference is not.

Chairman Rogan stated well I'm thinking, two or three hundred feet down the road.

Mr. Raveson stated well the elevation goes up this way.

Chairman Rogan stated so you are saying you don't see it.

Mr. Raveson stated no.

Board Member Pierro stated you won't see much of that, can I see that board please.

Mr. Raveson stated you want to see this.

Board Member Pierro stated yes.

Mrs. Ryan stated I think it is going to be (inaudible) because that NYSEG property goes up (inaudible).

Chairman Rogan stated okay.

Board Member Montesano stated you've got the end.

Chairman Rogan stated well the, gable or the gambrel, I'm sorry not the gable.

Board Member Pierro stated the gambrel.

Chairman Rogan stated the gambrel does look like it has some type of siding, that is not a block, that is obviously some type of a sided front, correct.

Mr. Ede stated do we have the building plans here.

Mr. Raveson stated yeah.

Chairman Rogan stated it appears that way from.

**Edie Keasbey** stated it looks quite nice, just the lines but when you get up close.

Chairman Rogan stated I understand.

Mrs. Ryan stated the gambrel part is.

Chairman Rogan stated and the block is a split block, where it has the rough edges.

Board Member DiSalvo stated Edie.

**Edie Keasbey** stated why don't you take the siding off the old barn and put it on there.

Board Member Pierro stated well the front of the gambrel in this picture Edie, has a got a siding texture to it, that is the New Milford Store.

Mr. Raveson stated he's got it.

Chairman Rogan stated yeah, that's the pictures that the Board took.

Mr. Raveson stated the pillars are made of wood.

Board Member Pierro stated right.

Mr. Raveson stated if I recall.

**Edie Keasbey** stated it would not be an asset to our entrance to our Town and the Board has tried so hard to make our entrances nice and we have such a good historical society now that is really digging up some wonderful information that it would be a shame.

Chairman Rogan stated thank you Edie, yes ma'am please, stated your name for the record.

**Janet Cassidy** stated Janet Cassidy.

Chairman Rogan stated you can take that out of there.

Board Member Montesano stated take it out.

**Janet Cassidy** stated Janet Cassidy, Patterson, from what I understand of this then, it looks like a long low rectangle with a fake front, like a false front. This barn shape is only visible as that shape from [Route] 311.

Chairman Rogan stated you're.

**Janet Cassidy** stated so that when you see if from the side, you are seeing a fake front like a stage, you know like a stage, what do you call it.

Chairman Rogan stated which is why I said earlier, really we wanted to, Mr. Raveson offered to bring in these site line distances and we agree that is a great idea but we were still considering the idea that we needed something, at least the [Route] 22 side. Me being a person that likes to see things balanced, I would hate to see a façade on one side and then not on the other, it throws off all the balance of things.

**Janet Cassidy** stated yeah.

Chairman Rogan stated so.

**Janet Cassidy** stated I agree it just looks funny to have it only up front.

Chairman Rogan stated Mr. Raveson, can I just ask a question of you, we are getting so stuck on design elements that are really façade type stuff, they are not, they are structural but they are not, you've got your building and we are trying to dress it up in essence. Are these issues so expensive and I don't want to get too involved in the economics of things because that is not put purview in this regard but it seems like we are spending an awful amount of time on these design elements that are not ridiculously expensive to construct and I. That is why I'm having a hard time, I understand that you have issues with Tractor Supply, what I would love for you to do is come in and slam dunk this architectural thing and be done with this issue and we can move on to other things and if appropriate we can get you moving on this.

Board Member Pierro stated Tim, if I might, I was absent at the January or February meeting when this gentleman brought in a photograph with a roof on it, it was a low pitched roof, I saw the photos after the

fact and read the minutes, I like that appearance, although some of the Board Members here had comments that it looked like a Pizza Hut or a Taco Bell.

Board Member DiSalvo stated a Taco Bell.

Board Member Pierro stated I like that appearance better then I like this false gambrel on the front because it does nothing for the rear. I think a low pitched, I think re-investigating that low pitched roof may be better looking from all sides, I don't know if that fits in with the economics as Shawn had mentioned but maybe there is a combination of both, maybe you can put a roof on the building and a gambrel fascia on the front and not have it be to expensive to build.

Mr. Raveson stated my comment is that its really not an economic question, what is more important is to establish what most people can accept and unfortunately everybody has his own opinion which is apparent by the difference in opinions already expressed. Last time and as you mentioned Tractor Supply has its requirements, they are making a commitment for thirty-five years, to this store and they want it to represent their image so its not an easy thing to pull it all together. I was under the impression last meeting that we had all, we had agreed as much as we can agree that this was an acceptable design, that was my impression.

Chairman Rogan stated only in so much as we were moving along on a path with the front architectural but we can pull the minutes if you would like, I remember stating that I am still not comfortable with the sides of the building, that I actually could live with this, I agree with Edie that we can do some things to dress up the front of this building but I still and this is now, I am only speaking for one person up here, that I think to not do something with the sides of this building would be a real shame, despite your pictures that are taken to my opinion, are taken from a very long distance away, angling towards your building from Thunder Ridge, I think as you go closer to the Mobil station and are looking straight in on it, the picture you showed up from does much more for your cause then the picture you showed of the side, in my opinion.

Mr. Raveson stated well that balance, that has to be balanced by the fact that as you go north you can't see it from the east at all.

Chairman Rogan stated as you go north.

Mr. Raveson stated we'll be within the barn, apart from the barn which does provide a small amount of cover there is vegetation or whatever, you just don't see it.

Chairman Rogan stated understood.

Mr. Raveson stated yeah.

Chairman Rogan stated understood, I will agree with you on that.

Mr. Raveson stated I mean, you now (inaudible).

Chairman Rogan stated again I guess what I'm struggling with here is this whole back and forth that we've really architecturally speaking have been doing for eight months now, six months now, anyway it seems like, with something that, when you see them construct it, steel studs or two by fours and it's a false building that they create the illusion of something more or different then what is a block building because in essence what we are building here is a block building even the windows, obviously they are fake

windows, I'm fine with that because aesthetically no one knows the difference, they've got the black behind, that is great, I am very happy for you to be able to do this building the way you want to do it if you can dress up the front and sides so when you drive into the Hamlet, you are not looking at a typically Tractor Supply, no offence to Tractor Supply but this is, if you were a mile down [Route] 22, I don't think we would be having a lot of these conversation. Sir, you can come up and us the microphone please.

**Bill Clark** stated Bill Clark, Patterson.

Chairman Rogan stated hi Bill.

**Bill Clark** stated I think the question is actually for Tractor Supply, I looked on your website today and a number of the images were of different kinds of buildings, really. What are the constraints that you have that apply to this building.

Chairman Rogan stated Bill, so you are clear, this gentleman is a contractor for Tractor Supply.

**Bill Clark** stated oh, I'm sorry.

Chairman Rogan stated he is not actually a, am I correct in saying that, he's not actually a Tractor Supply representative.

**Bill Clark** stated okay.

Mr. Raveson stated I would like to address that. Dave Ede is actually a consultant but in my opinion we are extremely fortunate to have him, he has been used by Tractor Supply as their eyes and ears on many, many projects throughout the Northeast. I mean his experience with Tractor Supply is unique and he has the ear of the various departments that are involved in the final approvals, I mean, you know, yes he is being paid a fee but he would be, I mean, he has been invaluable in terms of opening lines of communication with the proper people and Tractor Supply, I mean I have seen it, they call on him for his opinion extensively, we never could have gotten this, the speed of communication accomplished without.

Chairman Rogan stated understood.

Mr. Raveson stated there is no question about it. So, is he employed by Tractor Supply, no but on the other hand he is intimately involved in their activated through out the Northeast and he is used often as consultant on project through out the Northeast, he is actually sponsored a number of sites set for development throughout New York and elsewhere in the Northeast.

**Audience Member** stated that didn't answer the question.

Chairman Rogan stated no, it really didn't answer the question.

**Bill Clark** stated what I mean, what are the corporate constraints, can you use different materials on the top half.

Mr. Ede stated no, I will address that.

**Bill Clark** stated okay.

**Eddie Keasbey** stated Bill is an architect.

Chairman Rogan stated no but I'm glad that we have somebody from an architectural background.

Mr. Ede stated without, without having a specific proposal for Tractor Supply, there are certain concepts and ranges of those concepts that they are willing to accept and that is why you will see different buildings on their website okay, but each building represents what Tractor Supply likes to call its brand. They like to keep their brand and their image as uniform as possible. Mr. Raveson hasn't informed the Board this but early May, he hired an architect to do half a dozen different renderings with roof lines from all directions, including a peaked roof for the building, alright.

Chairman Rogan stated are they forth coming.

Mr. Ede stated they are not forth coming because Tractor Supply has absolutely refused those images, we didn't want to bring it up because we were quite despondent. The response from Tractor Supply was crystal clear to me, the image and design of New Milford is what they are willing to do here, that was the limitation that they gave and that is why we put that proposal and that design in front of the Board.

Chairman Rogan stated I was just telling the Board last night that I have three photos on my camera at home taken in the New Mexico area, taken of a Burger King, a Wal-mart and a McDonalds and I guarantee other than the actual logo, that they were able to keep, the golden arches, the burger king, the wal-mart, you would not recognize any one of these three stores as the brand, they are all in the adobe southwestern design. I tell you, I guarantee you, a facility if they want to be in this location, will consider taking something like this and adding a façade and if not, then I'm afraid then that I'm not in favor of this design that you are showing me for this building. I have been very clear on that from the beginning and I won't change on that.

Board Member DiSalvo stated I don't understand what is going on here, we looked at the pictures last month of New Milford, we designed the façade.

Chairman Rogan stated of the front.

Board Member DiSalvo stated right and we were concerned about the sides and I think Mr. Raveson mentioned about doing a fake, some kind of a fake gable along the sides there.

Chairman Rogan stated but he hasn't said anything about it tonight Maria.

Board Member DiSalvo stated but that is what we want to see, so now you are starting with the front of the building.

Chairman Rogan stated no, no, no I said I'm fine with the front of this,

Board Member DiSalvo stated okay, so now, let's just dress up the sides of the building.

Mr. Ede stated we proposed another gable on the side of the building and we can not get that approval from Tractor Supply.

Chairman Rogan stated he is saying that they didn't approve it, that was the whole point of what he just said.

Board Member Montesano stated Tractor Supply isn't (inaudible).

Chairman Rogan stated Tractor Supply said no to their.

Board Member DiSalvo stated what are the sides of the New Milford store.

Chairman Rogan stated they are blank, they are just what they showing there.

Mr. Ede stated exactly what you see here, is the New Milford store. This is the actual drawings, architectural of the New Milford store.

Chairman Rogan stated a block building.

Board Member Montesano stated its block and its (inaudible).

Board Member DiSalvo stated can we dress it up with some shrubbery or tall trees along the side there or.

Chairman Rogan stated its all.

Board Member DiSalvo stated some more fake windows.

Chairman Rogan stated the problem is that its used for equipment and for aspects of the site design, its not like its landscaped up to the building.

Board Member Montesano stated you can't.

Board Member DiSalvo stated your concern is if you are seeing it from Route 22.

Chairman Rogan stated sir, Bill, actually this gentleman had a question.

**Bill Clark** stated even if you were stuck with brick linear building, there are other things to do then just make it all concrete block, there are graphics that you can apply to it, there are design elements within just a plain big box building, it would make it more suitable, more acceptable to the Board, another question. On the site plan, you mentioned that there is a subdivision, is it two lots, is there anything proposed for this.

Chairman Rogan stated no and you will hear more about that tonight, in a few moments.

**Bill Clark** stated that is the other page.

Chairman Rogan stated yes.

**Bill Clark** stated what else are we looking at.

Board Member Pierro stated right.

Chairman Rogan stated that is correct. Yes.

Board Member Pierro stated what is this gentleman's name.

Chairman Rogan stated Bill, Bill what was your last name sir.

**Bill Clark** stated Clark.

Chairman Rogan stated Bill Clark, oh I can't remember.

**Janet Cassidy** stated Janet Cassidy, again, I also forgot to say before that I am personally thrilled that Tractor Supply is going to be building here because I think that we can really use a store like that but why does it have to be a fake barn, why couldn't it actually be a building built like that with storage space above from.

Chairman Rogan stated it can be, it absolutely could be, its just that the, well my point is, from our perspective it can be, from Tractor Supply's perspective they don't want that, so we are saying well hey, if you give us the appearance of that kind of a building, we'll take it.

**Janet Cassidy** stated so you are saying that it can only be a building with a flat roof, like a long rectangle.

Mr. Ede stated I believe it was the third week in May, we had finished the architectural drawings with a full roof line, peaked roofs, trusses, I can't remember the architect that Mr. Raveson had hired, we submitted them to Tractor Supply and we were told no, thank you, we will not go with that, it does not work. It went to all of their departments, it went to their internal architect and we were turned down.

Board Member Pierro stated that roof line that you showed this Board in January or February, was that run by Tractor Supply.

Mr. Ede stated that was not the kind of roof line that is being described today. If that photograph is around, I believe I've got it, that is nothing more then a façade, fake façade along the side of the building.

Board Member Pierro stated I thought that looked far better then the square block building.

Mr. Ede stated I sincerely wish you were here that night.

Board Member Cook stated let me ask you this, understanding that Tractor Supply is pretty adamant about having this particular design, are they aware of the location of this building and the fact that there is a barn on the property that is going to come down and with that background would they even consider a barn type design with a silo, I mean this is kind of like their business, you know and with that.

Chairman Rogan stated it would compliment.

Board Member Cook stated it would like compliment their business.

Mr. Ede stated I want to be, I want to give the Board, absolute clarity with regard to that because one of the designs that Mr. Raveson had included a silo.

Chairman Rogan stated Mr. Ede could you send a copy of those plans in terms of the architectural renderings that you sent to our office, just for FYI, so we can see them.

Mr. Ede stated I believe I have them on my computer and can probably print them out tonight but I will let the Board know in no uncertain terms that the e-mail response that I got from Tractor Supply was crystal clear, it said and I will never forget it, you have got to be kidding.

Chairman Rogan stated that is disheartening to be honest with you, that they are that kind of a company.

Mr. Ede stated it is disheartening, it may be disheartening to the Board but Tractor Supply will not build stores that do not represent their brand.

Chairman Rogan stated in fairness, they don't want to set precedents so that now other Boards and other people will say, they did it Patterson, New York, of course they will do it for us if we ask, they are trying to mold within five or six different stores, it makes perfect sense why they are doing what they are doing.

Mr. Ede stated they will not have a silo, I can tell you that.

Board Member Pierro stated okay, the rendering with the false mansard, whatever it was at the February meeting.

Mr. Ede stated right.

Board Member Pierro stated can you do something a little bit more to scale on that so that we can review that again.

Chairman Rogan stated in fairness Dave.

Board Member Pierro stated yeah.

Chairman Rogan stated and I'm just, to be honest and not to waste the man's time, in respect to your opinion on this, at least three of us looked at that and said no way, I'm not saying we won't change our opinion, I'm just saying I don't want to send them on another.

Board Member Pierro stated that is why I'm asking, that is why I'm asking for something a little more than just a red photograph and with all due respect to you and the three, two other members I think you guys made a sad mistake that night. I think that design would or could develop into something positive for the look of this building.

Chairman Rogan stated okay and you are certainly entitled to your [opinion].

Board Member Pierro stated thank you.

Chairman Rogan stated sir, you have the floor, its all yours.

**Mark Emmitt** stated thank you, Mark Emmitt, Patterson, I actually have been living here for seven years and I have used Tractor Supply in New Milford and Amenia for those, most of those seven years, New Milford only at four. I think from the people that I have been speaking to, it would be a great asset to the village, it would be great used, Agway went a long time ago on [Route] 22 and now that is Danbury.

Chairman Rogan stated I miss them.

**Mark Emmitt** stated so having them, I think, and if they are going to commit for thirty-five years it would be a great asset, I do hope, of course the Board has to follow what it needs to do for the village and the rules it has but I do hope that they can find a way of working with the people to give the village what it needs, which is more things like Tractor Supply.

Chairman Rogan stated thank you.

Mr. Raveson stated the senior real estate official of Tractor Supply was here and he was here after I had the meeting with the Building Inspector and it was clear to all of us including the Town Supervisor that the barn had to go, so he was made aware of that because there was no alternative. As far as, I mean Dave's representation of what happened, is exactly dead on, they have, they want their image and I have signed the lease agreement with them and I know in my heart that it will be worthless if we attempt to monkey with their design. And it was on the strength of the, I'm not saying anybody made a commitment but we were, we had the impression for the last meeting that the New Milford design was acceptable, I mean not perfect to everybody.

Chairman Rogan stated understood.

Mr. Raveson stated because we are not going to find anything perfect for everybody but perfect enough so that it was, so that we based that on what we told them, we thought they could accomplish.

Chairman Rogan stated Mr. Raveson, the one thing that we spoke with Mr., with Dave about initially, very early on, he was clear on this, I give him credit for this, the things that they absolutely had to have.

Mr. Raveson stated right.

Chairman Rogan stated outdoor storage, I don't remember them all.

Mr. Raveson stated yup.

Chairman Rogan stated but we listed them

Mr. Raveson stated you're right.

Chairman Rogan stated and architecture was not listed and we were very clear to say good because we want to make sure that this is something that will work for the Hamlet. And again in those requirements architecture was not the prominent thing, the prominent thing was, he could list them, outdoor storage, a block building.

Mr. Raveson stated yeah, front yard display, side yard display.

Chairman Rogan stated and we have met all those things, this Board has, I feel in overall been very much in support of this project, there is not a person on here who has said we don't need a Tractor Supply in Town. We all love the idea of Tractor Supply.

Mr. Ede stated and your recollection is one hundred percent correct and you will also recall at that meeting I presented you with the Tractor Supply prototype and you have seen photographs of their white block building.

Chairman Rogan stated yup.

Mr. Ede stated and I told you that I was given some leniency with regard to the architectural design. New Milford is as far away from that prototype as they have gone in the Northeast and that is what I've been given to this Board, the leniency to present.

Chairman Rogan stated okay.

Mr. Ede stated I can't think of another store in the Northeast that is further from their prototype than the New Milford store.

Board Member DiSalvo stated have to started designing the store in Rhinebeck yet, there is talk about a Tractor Supply up there.

Mr. Ede stated there is a Tractor Supply deal in Rhinebeck in the works, I am not.

Board Member DiSalvo stated and are they presenting the same issues to you as we are, about the design of the building.

Mr. Ede stated I am not involved in that one.

**Mark Emmitt** stated Mark Emmitt again, on the last meeting, there was talk about putting some kind of tree line around the back on the side, from the [Route] 22 view. With this design, is there the space between the building and the wetlands for that.

Chairman Rogan stated Theresa.

Mrs. Ryan stated outside the parking area, we were proposing some buffer plantings which may not be necessary anymore, so there is a possibility to replace those with some kind of a tree buffer.

Rich Williams stated the front or the side.

Mrs. Ryan stated this is looking from [Route] 22 here.

**Mark Emmitt** stated that is further to the north (inaudible – not using microphone). The back of it.

Mrs. Ryan stated back in here, I would have to look at the stormwater management area because we can't plant trees in that or around. So we had limited area but I can take a look at that.

Chairman Rogan stated Tom, so we can come to so that come conclusion on this.

Mr. Raveson stated yeah.

Chairman Rogan stated what I heard tonight, most recently in the last five minutes is, that there is no way that Tractor Supply is going to consider any modifications to the sides of this building, is that what we are saying, are we clear on that or not because we seem like we are jerking each other around.

Mr. Raveson stated on the sides of the building.

Mrs. Ryan stated sides.

Board Member Montesano stated sides.

Chairman Rogan stated the sides.

Mr. Raveson stated oh the sides.

Chairman Rogan stated the east and west side of the building, is that, we are talking.

Mr. Ede stated I can't say categorically but if the Town wants to go and come and propose it, to put the false windows along the side of the building, I'm sure I can make the proposal to Tractor Supply but if you are going to alter the functionality and the appearance of the.

Chairman Rogan stated not functionality.

Mr. Ede stated well you are not sure if you are going to alter the functionality by putting a roof on it.

Chairman Rogan stated does the front alter the functionality of the front of the building.

Mr. Ede stated the façade does not, this gambrel roof does not.

Chairman Rogan stated and that is all we are talking about with the sides.

Mr. Ede stated not a problem.

Chairman Rogan stated a gambrel façade that you tie in those elements on each side of the building and you are done, so I'm sorry to be sticking on this but I think its an important issue, I'm only one person but, we are talking about a façade. We are not talking about changing the functionality of the building one diode, you put a couple of false windows in and a gambrel on each side and we are done.

Board Member DiSalvo stated because we mentioned that last meeting.

Chairman Rogan stated exactly.

Board Member Montesano stated yeah.

Chairman Rogan stated I guess that is why I can't imagine that Tractor Supply would be so opposed to putting a gambrel design, which they have already agreed to on the front of the building which is a country farming element, which is what they are selling.

Mr. Ede stated that is the main entrance to the building, they may not want to confuse with the side of the building.

Chairman Rogan stated yeah but you, with good engineering, people can't drive up to the side of the building, you are going to have to.

Mr. Ede stated they certainly can, there is going to be a drive all the way around this property, right here and parking along the side of the building.

Board Member Pierro stated its coming in.

Chairman Rogan stated but also the gambrel would be higher, your gambrels could be higher up elevation wise, they could be smaller gambrels, you could put two smaller gambrels on each side and have the one larger on top.

Mr. Ede stated and I am going to run into resistance at Tractor Supply because somebody there is going to say, it could be confused for another entrance.

Board Member DiSalvo stated that's right.

Mr. Ede stated we've got parking along that side of the building, people are going to see it coming from Route 22 and they are going to pull up the side of the building and you are going to create a possible liability situation. I'm just giving you a scenario.

Board Member DiSalvo stated yeah.

Board Member Pierro stated I don't know if you are going to be able to see this.

Mr. Ede stated I'm giving you a scenario that could very likely occur, if we make that proposal.

Chairman Rogan stated okay.

Board Member Pierro stated I don't think that you are going to be able to see them from the south, from the western side of the building either.

Chairman Rogan stated no and in fairness, Dave, I only meant to balance the building so that we don't have a façade on one side and not on the other, to me that is a design element that.

Board Member Pierro stated that is why that roof line, that mansard roof line as shown in the past, maybe in combination with this gambrel in the front would be a little more attractive then just a block building with a barn gambrel roof line on the front.

**Eddie Keasbey** stated have you thought of writing to the home office, which is in where, Ohio.

Chairman Rogan stated Dave, give us an address to who the contact person is, we will write a letter to them.

Mr. Ede stated I certainly will do that.

Chairman Rogan stated give that to Rich.

**Eddie Keasbey** stated you know.

Chairman Rogan stated because on this particular site plan, we have come to conclusion on most things, we are so close to finishing this part of the project that we are all eager to come to some agreement on this. But what I want you gentlemen to do tonight is to be perfectly honest with us and say you know what,

unless you guys can get them to change, they are not going to go for anything other than what we've got here or whatever because I feel like this back and forth is killing all of us.

Mr. Ede stated I can tell you that I don't have the authority to offer you anything beyond this.

Chairman Rogan stated okay.

Mr. Ede stated okay.

Chairman Rogan stated I appreciate that information and instead of saying we'll try, we won't, we've, be honest with us, tell us, we could have done this three months ago and we would have written a letter or called them.

Mr. Ede stated Tom and I have been searching for a design that we thought could be compatible with both your wishes and.

Chairman Rogan stated and I appreciate that.

Mr. Ede stated something that is functional to Tractor Supply.

Chairman Rogan stated any other questions or comments from the audience, ladies and gentlemen, on this particular, on the site plan, we also have a public hearing for the subdivision, which we haven't spoken about yet.

Mr. Raveson stated I would just like to make a last comment.

Chairman Rogan stated sure.

Mr. Raveson stated the line of sight photograph that we did, I think shows a minimal type of visual impact from [Route] 22, I encourage the Board to look at that very, very carefully because it was done at great expense, very carefully, it is to scale. It's what it will look like, I mean we are getting very excited about something which is hardly, it's not, it's not horrible.

Chairman Rogan stated Mr. Raveson the perspective of that photo I think was unfortunate, because I think the photo was taken from too far south of where it should have been taken.

Mr. Raveson stated it was taken from where you first see the building.

Chairman Rogan stated first see it, but I think that as you go where that car is in that picture and shoot across, you are going to have a much different view point.

Board Member Pierro stated that is exactly the same location of the photos that I provided to the Board a few months back, that same angle, that is across from.

Mr. Raveson stated that is where you see it.

Board Member Pierro stated that is from the parking lot of Thunder Ridge and maybe a little bit south of the road that comes out.

Mr. Raveson stated it is north of the parking lot of Thunder Ridge.

Board Member Pierro stated its north.

Mr. Raveson stated yes it is.

Chairman Rogan stated right, that's north of the parking lot.

Mr. Raveson stated you can see exactly where it is by this road sign.

Chairman Rogan stated right.

Board Member Pierro stated right, it's the same photograph.

Mr. Raveson stated go and have a look because, yeah.

Chairman Rogan stated we will.

Mr. Raveson stated I was amazed myself at how little visual impacts there was.

Board Member Montesano stated that is the interesting thing.

Mr. Raveson stated from that photograph.

Chairman Rogan stated is it.

Board Member Montesano stated that is where the road comes in, the first one comes in.

Board Member Pierro stated right.

Board Member Montesano stated so that is approximately across, so you are back here by the parking lot.

Board Member Pierro stated even at that, even from that view, a half a dozen ten or fifteen foot tall pine trees would cover up the back of that building, you are not going to see [it].

Mr. Raveson stated exactly.

Chairman Rogan stated they did that, go look at Ace Endico, they did that for that building to block it from [Interstate] 84 and it, the trees, in fairness to them, they tried to do a good thing, they put large diameter trees, they are unhealthy, because they are too big in the soil, they were planted, they are knocked over in every wind storm. I can tell you the contractors have been back there on a monthly basis to try and save those trees and maybe they didn't do a good job planting them I'm not saying but they were too big, at a point you need to put in smaller stock that is health and let it grow.

Mr. Ede stated I need to give the Board as much input as possible with regard to the comments that I have had from Tractor Supply and with the amount of concern that I have heard about, I have heard tonight about the visibility of this building from Route 22, okay. The lack of visibility of this building brought us within a whisker of them not approving coming to Patterson because they thought and they still feel that the building is not visible enough from Route 22.

Chairman Rogan stated I would rather make it more visible and not shield it behind trees but make it something that you say, look at the building it looks great, let's go there, let's see what they have to offer. I certainly will spend money there, I will be honest.

**Edie Keasbey** stated I will too.

Chairman Rogan stated I would love to go to a Tractor Supply, I am looking forward to something like this in Town, really.

**Edie Keasbey** stated I haven't talked to anybody who is against it.

Board Member Montesano stated can I say something here, the problem that you are running into is a corporation, okay, yet if you go to Amenia, now you tell me that is an ideal location. They couldn't build a store, they accepted what was there and they put their business in there and if their mind is set that that is a corporate image that this would offend, then I think someone there should look for new employment.

Mr. Ede stated Amenia is a retrofit store into an existing space.

Board Member Montesano stated I agree with you but its still their name on the dog gone building.

Mr. Ede stated that is correct and their driveway forward.

Board Member Pierro stated but its their brand, its white with the red band.

Mr. Ede stated that is how they establish their brand.

Board Member Montesano stated that is fine, they accepted that.

Board Member DiSalvo stated (inaudible – too many speaking).

Chairman Rogan stated one at a time please, one at a time.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated let's move on to another issue because we haven't made any headway or any additional headway on this particular topic. We will reach out to Tractor Supply for what it is worth, I will write a letter to them and see if we can get some leeway.

Mr. Raveson stated well, I caution that I think their reaction is exactly as he predicts, I mean.

Chairman Rogan stated that may be.

Mr. Raveson stated and we lose that opportunity in my opinion if we hold a hard line.

Chairman Rogan stated you will what, lose the opportunity.

Mr. Raveson stated yeah I think they will just say no.

Chairman Rogan stated Tom, as the applicant do you want me not to do that, I mean.

Mr. Raveson stated excuse me.

Chairman Rogan stated you are the applicant, this is your project, do you not want me to write a letter to them because I don't want to do anything counter-productive.

Mr. Raveson stated I would like to find a resolution, I don't know how to do it any longer. I mean, you know I thought we had, I thought we were moving towards something.

Chairman Rogan stated be careful because.

Mr. Raveson stated be careful about what.

Chairman Rogan stated be careful pick your words because we have the minutes that we were very cautious to say about the sides of this building, please let us show the elevation and sight distances, that didn't mean an acceptance from this Board. There are people in favor of the plan, we are just looking to finish up some issues, that's all.

Mr. Raveson stated no I'm not saying that you accepted it.

Chairman Rogan stated okay.

Mr. Raveson stated I am saying that we understand pretty clearly, they have made their position very clear on this, what they want and what they are willing to do. If you want to contact them.

Chairman Rogan stated I don't want to do anything counter-productive to your application, I don't want to piss off anybody quite honestly.

Mr. Raveson stated well we are at a stand still, I don't know really how to proceed from this point, I mean.

Chairman Rogan stated it sounds like.

Mr. Raveson stated do you Dave.

Chairman Rogan stated it sounds like changing the roof line of the sides of the building is out, I'm saying from your perspective and from Tractor Supply's, you are saying that there might be the chance of dressing up the sides of the building with some false windows and some treatments, Dave, yes, no.

Mr. Ede stated yes.

Mr. Raveson stated how about if we also pursued this gentleman's idea about trees, I mean if you look at it from the point of view of [Route] 22, the building height incidentally is only twenty-one feet, its not huge which is why the visual impact is minimal. But if you put a pine tree in front of it, it would be mitigated radically.

Chairman Rogan stated what about the gentleman, Mr. Clark, the architect who had also mentioned the idea of, what were the words you used, dressing up the sides of the building with graphics.

**Bill Clark** stated yeah, you have a (inaudible – not using microphone).

Mr. Raveson stated well its twenty-one at the back.

Chairman Rogan stated Rich, can you give the gentleman your microphone please. Thank you sir.

Mr. Raveson stated can you grab the other one out of the.

**Bill Clark** stated if you have a line half way up the building, make one darker then the other, now you have (inaudible), its almost (inaudible), the rest of the structure and put the gambrel in the front (inaudible – microphone was on mute accidently.) I think you are going to be better off.

Chairman Rogan stated Mr. Clark, do you have any free time to revive the architectural review board in Patterson. You could maybe talk to the Town Board and you know.

Mr. Raveson stated have a look here, the existing vegetation versus the size of the building, I mean it would dwarf it, that is a way of going, possibly.

Chairman Rogan stated would Tractor Supply allow that given the constraints that Dave just spoke about with the lack a visibility.

Mr. Raveson stated I don't know because initially we had the building close to [Route] 311.

Chairman Rogan stated yes.

Mr. Raveson stated it proved to be impossible because of the wetlands.

Chairman Rogan stated yes.

Mr. Raveson stated so we were forced to push it back, when the head (inaudible) was here and saw where the building would be and actually we had an indication that there might, or there might be permitted signage on this side of the Tractor Supply, something in line with what was shown for Patterson Crossing, which was something that was visually acceptable. You know, from their point of view they see us as a moving target as well.

Chairman Rogan stated understood, okay.

Mr. Raveson stated so, I, if we could not change the building but hide it, I think we would be, not hide it, but mitigate what you find, this part what you find acceptable. That probably could be done with very reasonable vegetation that is under 20 feet high.

Chairman Rogan stated Charlie, what are your thoughts on this.

Board Member Cook stated well I think its crystal clear where Tractor Supply is entrenched and I think Mr. Raveson's point about plantings along the side and perhaps even on the other side.

Chairman Rogan stated right.

Board Member Cook stated okay, would mitigate the appearance and you know, maybe we just move on.

Board Member DiSalvo stated sounds good.

Board Member Cook stated I wish there was more creativity on the part of Tractor Supply but Mr. Raveson has nothing do with Dave back there, with the company but they are corporate entity and I guess that is the way they are. Perhaps they should tune in to the Travel Channel and catch them wthey they go around and talk about what Shawn brought up about different buildings and how they fit in differently into their environment but if they just don't want to do that, this is it. And if it ties in with Amenia store, which is relatively close by that is another factor in their decision, it doesn't make it right you know but.

Mr. Raveson stated I mean, they may be, we don't know whether they are planning to close it or whatever, it's a retrofit so they are working with what they've got. This is 35 year commitment to us and our Town.

Chairman Rogan stated Mr. Raveson, one second please sir.

(Tape 1 Ended at 9:20 p.m.)

Mr. Raveson stated you can't not what you've been told and I think your suggestion (inaudible), which is my suggestion, hiding it with vegetation is the way to make go.

Mrs. Ryan stated or at least softening it.

Mr. Raveson stated because.

Board Member Pierro stated I think it would soften it tremendously.

Mrs. Ryan stated if they want a sign visible, then we can coordinate their sign around that.

Board Member Montesano stated we can put a wrap around the building.

Ted Kozlowski stated do you have the space for those trees.

Mrs. Ryan stated yeah, I think we were going to replace this vegetation, this I'm not sure because of the stormwater basin.

Chairman Rogan stated are you guys okay with that.

Board Member DiSalvo stated yeah.

Board Member Montesano stated yeah.

Chairman Rogan stated let's move on.

Mr. Raveson stated we have an option here, this is green space where we can.

Mr. Ryan stated it might not be big enough for the larger space, we may be able to do some perimeter plants here.

Mr. Raveson stated okay.

Chairman Rogan stated what about on the lot that you are looking to subdivide, on the other side of the property line, even though it is not controlled by Tractor Supply, you own the lot, so you can put trees on that parcel.

Mrs. Ryan stated its almost all wet.

Chairman Rogan stated its wetland.

Mr. Raveson stated its all heavy water.

Chairman Rogan stated oh is it.

Mr. Raveson stated oh yeah.

Chairman Rogan stated how tall do the cat tails get.

Mr. Raveson stated that is this big lake.

Chairman Rogan stated yeah, okay, if you can figure out a way to do that, it sounds like you've got some support with the Board, I'm not thrilled about it honestly but I am only one person, I do like the project I will say that, I am in support of the project, I am not in support of the architectural part of the project, in fairness and I certainly appreciate all of your gentlemen's and Theresa, your hard work on this, that doesn't go unnoticed by this Board. You can see the difficult position that we quite often find ourselves in, that we are trying to balance things in the community and, are you okay Dave.

Board Member Pierro stated no, I'm dying.

Chairman Rogan stated okay, so anyway, can we move on to the other issues please.

Board Member Montesano stated next.

Chairman Rogan stated well any other comments from the, well the public hearing is also for the subdivision, so we have.

Board Member DiSalvo stated two separate ones.

Chairman Rogan stated do we have to open a different, we have two separate public hearings. We can do it, it doesn't make a difference.

Board Member Pierro stated (inaudible).

Rich Williams stated I would think you would.

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

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

The Secretary stated they were noticed together.

Mrs. Ryan stated was that on the site plan or the wetland.

Chairman Rogan stated that was the site plan.

Rich Williams stated they are still two separate.

Chairman Rogan stated so Michelle, can you read the other public notice please.

#### 4) TOJANT SUBDIVISION – Public Hearing

Mrs. Theresa Ryan of Insite Engineering, Mr. Thomas Raveson and Mr. David Ede were all present.

Chairman Rogan stated so that we're

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, July 3, 2008 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Tractor Supply Company/Tojant Corp. Site Plan/Subdivision/Wetlands/Watercourse Application to allow for the construction of a commercial/retail building. The property is located at 3013 Route 22, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated thank you Michelle, okay Theresa, the subdivision, where are we at, we have the bog turtle study as complete, as I understand.

Mrs. Ryan stated that is correct.

Chairman Rogan stated we don't have bog turtles on site.

Mrs. Ryan stated no and not even the potential for them.

Chairman Rogan stated not even the potential.

Board Member Pierro stated (inaudible).

Chairman Rogan stated how can you guarantee those bog turtles, you know how they are.

Mrs. Ryan stated I'm not guaranteeing anything.

Chairman Rogan stated so Mr. Raveson.

Mr. Raveson stated I could comment on that.

Board Member Pierro stated please.

Mr. Raveson stated I followed the study very carefully and they followed Fish and Wildlife's directive to the letter, in fact they went beyond it because they were concerned that there would be some opposition, given the fact that bog turtle has been found in our region. So they went beyond the requirements of a phase 2 study and did elements of a phase 3 study in terms of trappings. The report stands for itself, they found absolutely nothing, in fact the comment that was made to me after all the trapping was concluded was that the original report twenty years ago to Fish and, to National Registry was questionable because they found absolutely no habitat elements, no colonization, no evidence what so ever.

Chairman Rogan stated okay.

Mr. Raveson stated so I, I was advised by the licensed biologist that the study was submitted to Fish and Wildlife DEC, they are reviewing it now and we are very confident that they will accept his conclusions.

Chairman Rogan stated thank you, so now where does that leave us with this subdivision and the usability of that parcel because that is the next question. The Board was under the impression of course that that was going to be a passive recreation parcel, regardless of who owns it, I don't really care who owns it bottom line is what the use it.

Mr. Raveson stated yeah, nothing has changed with that, the property has been offered for sale and it still is offered sale.

Chairman Rogan stated okay.

Mr. Raveson stated we've been in discussions with various ecological groups.

Chairman Rogan stated fine.

Mr. Raveson stated but we have no offers but we have no plans for development for that property.

Chairman Rogan stated because obviously if we were going to allow the subdivision for this parcel for any other use other than passive recreation, we would need access, you understand that.

Mr. Raveson stated right.

Chairman Rogan stated and to date, no access seems viable, other than through Tractor Supply but that is a dead issue also.

Mr. Raveson stated right.

Chairman Rogan stated okay, so we are clear on that. Any questions, comments from the audience on the subdivision of this property. Please, sir, come up and use the microphone. Good evening.

**Jim Utter** stated hello, I'm Jim Utter, I just a chance to look at the report and the only thing that I really would comment I guess is that it is a documented site, there was a bog turtle that was actually monitored and followed, radioed and tracked there, so its not that its an undocumented site. I've been out in the field with Jason, I have great respect for him but it just should be clear that it is a documented site.

Chairman Rogan stated sure.

**Jim Utter** stated and Fish and Wildlife will do what they will with it but.

Chairman Rogan stated okay.

**Jim Utter** stated the habitat probably is somewhat degraded, I haven't been out there in a generation of bog turtle, in other words about twenty-five years, so.

Chairman Rogan stated Dr. Utter given then proposal that you see in front of us, in other words, subdividing off thirty some odd or forty acres of this, forty acres in passive recreation, that seems that even if there was the potential for bog turtle, regardless of what the survey says, it would be in a usable state.

**Jim Utter** stated yeah I think staying with that point and not going after developing it.

Chairman Rogan stated great.

**Jim Utter** stated I have no objections but I just wanted to state on the record.

Chairman Rogan stated we appreciate that.

**Jim Utter** stated it is a documented site and people have radio tracked on it.

Chairman Rogan stated thank you, any other questions or comments from the audience.

Mr. Raveson stated I would like to expand upon it for the public just a bit because the areas they investigated were north east and south west and the most propitious area for bog turtle was actually not on the property but would encroach with the set backs on the project. They found absolutely nothing, that is where they tested extensively, what they found on the western side is really quite interesting because they originally went out with the idea of tracking but concluded that the habitation was so unreceptive to bog turtle requirements that it was in impossibility. In fact while this area has been flooded by beavers, which also made that area totally unreceptive to or impossible for bog turtle habitat, on the eastern side, on the western side, I'm sorry, over here what has happened is that it dried it out and it was so dry that, the reason that they are called bog turtles is they live in the muck and there is no muck and so, their conclusions, and I respect Dr. Utter's comments but he hasn't been there for twenty-five years, and what has happened here is radical. With the flooding by the beavers, that eliminated that whole possibility of bog turtle, they don't live under water what so ever, the western side is dried up and over here on this other piece, they found absolutely no evidence what so ever.

Chairman Rogan stated alright, thank you very much.

Mrs. Ryan stated actually getting back to that, as long as Fish and Wildlife accepts the wetland consultants report, if that happens, this buffer would be reduces from 300 feet to 100 [feet] and then there would be more potential to plant in that area.

Chairman Rogan stated okay.

Board Member Pierro stated very well.

Chairman Rogan stated okay, thank you.

Mr. Raveson stated maybe that is the way out.

Chairman Rogan stated thank you.

Mrs. Ryan stated and the wetland public hearing is open also.

Chairman Rogan stated the wetland public hearing was rolled into this, wasn't it, yeah, do we have any comments on the wetland portion of this application. Ted, you want to, Mike please come up and use the microphone. We certainly can't let you get away without using the microphone.

**Mike Semo** stated I beg your pardon.

Chairman Rogan stated we certainly can't let you get away without using, you need to use it also.

**Mike Semo** stated absolutely, I've listened to you guys all night tonight.

Chairman Rogan stated I would like to listen to someone else.

**Mike Semo** stated its just a curiosity.

The Secretary stated I'm sorry, can you just state your name.

**Mike Semo** stated I'm sorry, Mike Semo, resident of Patterson, that's S-E-M-O.

The Secretary stated thank you.

**Mike Semo** stated okay, what constitutes a documented site and as a subsection to that, does the transportation of a bog turtle to a site constitute a documented site and if that being the case, at what point does it become documented and what point is it habitat of the bog turtles.

Chairman Rogan stated it sounds like two different issues and I'm certainly not.

**Mike Semo** stated oh it sure is.

Chairman Rogan stated the one issue is whether or not you have a species present.

**Mike Semo** stated one is potentially illegal.

Chairman Rogan stated and the other is do you have the potential for that species.

**Mike Semo** stated excuse me, one it potentially illegal but go ahead.

Chairman Rogan stated right and I agree with your thought process on this, you've got two different issues here, one is whether or not a species is present and in your case, artificially put there, the other is whether or not it has the habitat to sustain the needs of that species and I can't answer the logistics or the legality of it.

**Mike Semo** stated on the second part I would ask the Board, should there be a transportation and sub sequentially an intent to habitat this particular turtle.

Board Member Pierro stated I don't think that would be possible based on what we've heard from Mr. Raveson.

Board Member DiSalvo stated its too wet.

Board Member Pierro stated and from our report.

**Mike Semo** stated oh I understand that.

Board Member Pierro stated and it is not habitat now.

**Mike Semo** stated I.

Board Member Pierro stated even if you transported it there, what is the sustainability of a turtle that can't live in the muck.

**Mike Semo** stated but in order to do that kind of thing, there are a lot of reasons to do things, Dave and you know it as well as I. You may want to pick a particular position and fight an issue based on that particular position but if you fight it on a false data or an attempt to falsify the data, then what then is the law in that particular case and that is for you Board to question somebody else.

Chairman Rogan stated it sounds like the crux of this whole point thought, is whether or not you knew that the species was put there, transported.

**Mike Semo** stated precisely.

Chairman Rogan stated and that I would defer to Anthony, how the heck would we as a, its not even our purview.

Board Member DiSalvo stated be introduced.

Board Member Pierro stated I don't think twenty-five years ago somebody put bog turtles in there to stop Tractor Supply from coming in.

**Mike Semo** stated I know they didn't.

Board Member Pierro stated right.

Anthony Molé stated what I think (inaudible) is that we are talking about something (inaudible).

**Mike Semo** stated what is the point.

Board Member Pierro stated what is the point.

Chairman Rogan stated wait, wait, wait, we've got too many people talking. Anthony and then we are done on this,

Anthony Molé stated (inaudible) you are talking about somebody taking the bog turtle and putting it on the site, when the report says that there are no bog turtles present on the site.

**Mike Semo** stated correct.

Anthony Molé stated is your question that could someone have taken the bog turtles off the site that were on the site.

**Mike Semo** stated no, that's not coming off, its going on to in order to establish a documentation that existed.

Chairman Rogan stated you are saying future, today forward.

**Mike Semo** stated future from today forward.

Chairman Rogan stated so somebody who is a environmentalist grabs a turtle and throws it on the site, let's be blunt.

**Mike Semo** stated sure, I mean, Dr. Utter has tracked turtles.

Chairman Rogan stated yup.

**Mike Semo** stated I think we know of three that have been down in the east branch that he has been tracking, there is no implication or insinuation here.

Chairman Rogan stated understood.

**Mike Semo** stated that he has picked up a turtle and planted it somewhere.

Chairman Rogan stated of course not.

**Mike Semo** stated that is not what I'm implying at all, I'm saying what could be the case, that's all, thank you.

Chairman Rogan stated thanks.

Anthony Molé stated I would imagine that would be (inaudible) I would imagine that the experts who are doing the study would realize that there are bog turtles here but it doesn't seem like its (inaudible) the same bog turtles.

**Mike Semo** stated because I have been in on this issue for a lot of years and some of it is real and I buy the fact that there are bog turtles in the area but there are areas that they can not habitat.

Chairman Rogan stated Ted, can you comment quickly on the status of the wetlands permit on this on the record, with the microphone please.

Ted Kozlowski stated I just have to get my comments to Rich.

Chairman Rogan stated oh okay.

Ted Kozlowski stated, you know, there are some minor issues, I don't see the need for the planting in the buffer, I have said that all along.

Chairman Rogan stated okay, any other questions or comments.

Mrs. Ryan stated and you wanted a fence.

Ted Kozlowski stated yes, oh yeah, I definitely wanted to see it, my recommendation to the Board is going to be to put a fence around that buffer because like any commercial area, that buffer will get encroached upon by debris, by expansion inadvertently.

Board Member DiSalvo stated dumping.

Chairman Rogan stated okay.

Board Member Montesano stated wonderful drivers.

Chairman Rogan stated Rich.

Rich Williams stated one quick question to Theresa, do you have any idea how soon we will hear back from Fish and Wildlife.

Mrs. Ryan stated I don't think Mike (inaudible).

Mr. Raveson stated he said it was submitted and it would probably be fairly fast because there aren't very many projects on their plate right now.

Rich Williams stated we are talking weeks or maybe a month.

Mr. Raveson stated he said that he could literally track it on the website and he did call and he knows the people and he spoke with them. If you want to get an idea you could call Mike (inaudible).

Mrs. Ryan stated I can get you the contact (inaudible).

Rich Williams stated I don't know, for the process and trying to move this along you know.

Mrs. Ryan stated oh I see.

Rich Williams stated I wanted to know how we needed to address the critical issues (inaudible – not using microphone).

Board Member Cook stated Theresa I would like to add to that too, the issues with DEC and DEP, right that you have with their, you submitted things and they said its incomplete and come back to us, so I think this Board would like to know where that stands as well as coming back from Fish and Wildlife.

Chairman Rogan stated okay, motion to close the public hearing.

Board Member Montesano stated so moved.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated thank you Theresa. Telecom site plan.

Mrs. Ryan stated would the Board be, the applicant wanted me just to ask if the Board would be okay with approving the subdivision tonight and postpone the site plan (inaudible).

Chairman Rogan stated let's get a resolution on the subdivision Theresa, we appreciate you always asking on terms of your applicant, Mr. Raveson I think you are very luck to have Theresa working on this case, I have to say that.

Mr. Raveson stated I'm lucky to have everybody who is working this.

Chairman Rogan stated she is never afraid to ask.

Mr. Raveson stated here is the rest of the land that.

Chairman Rogan stated I don't think I would actually write the letter given the Board's direction tonight, if the rest of the Board is comfortable I don't want to do anything to upset your project, I don't think based on what you've said its going to make any difference.

Mr. Raveson stated I'm afraid it won't. I really have tried.

Chairman Rogan stated I appreciate that, I really do.

Mr. Raveson stated I could show you our drawings and have spent fair amount of money with an architect.

Chairman Rogan stated and I know you've gone through some expense.

Mr. Raveson stated luckily, Capelletti, was it Capelletti, yeah Al Capelletti, he is very good.

Chairman Rogan stated Mr. Raveson, thank you very much.

Mrs. Ryan stated thank you.

**5) TELECOM SITE PLAN – Release of Performance Bond**

Applicant was not present.

Chairman Rogan stated Telecom site plan, is anyone here for Telecom.

Rich Williams stated I didn't expect anybody.

Chairman Rogan stated well I thought because there were problems with the swale. So can we not, are you recommending that we do not release.

Rich Williams stated no, quite to the contrary.

Board Member Montesano stated make it.

Chairman Rogan stated hold on a second.

Rich Williams stated you know, as I said at the work session, they've done the site plan, they've done exactly what they are supposed to be, these are additional issues that I noticed out on the site when I was out there.

Chairman Rogan stated okay.

Rich Williams stated that long term will effect their improvements.

Chairman Rogan stated okay, great.

Rich Williams stated and I made them aware of that.

Chairman Rogan stated Mike, you were going to do that it sounded like.

Board Member Montesano stated I'm trying to.

Chairman Rogan stated pull the numbers.

Board Member Montesano stated I'm trying to figure what was.

Rich Williams stated you are making a recommendation to release the bond.

Board Member Montesano stated oh okay, in the matter of Telecom Infrastructure Corporation, I make a motion to give a recommendation to the Town Board to release the bond.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated motion carries.

**6) WOODED HILLS MOBILE HOME PARK – Site Plan Waiver**

Applicant was not present.

Chairman Rogan stated Wooded Hills Mobile Home Park site plan waiver, anyone here for Wooded Hills.

Board Member DiSalvo stated anybody outside.

Chairman Rogan stated no.

The Secretary stated no.

Chairman Rogan stated Wooded Hills, we did a site walk yesterday, the site walk comments will be given to the applicant, we will move forward.

**7) PADDOCK VIEW SUBDIVISION – Initial Application, Final Subdivision**

Mr. Mark Porcelli, the applicant was present.

Chairman Rogan stated Paddock View Subdivision, the very patient gentleman in the back of the room. For the audience's edification, this is a twelve lot subdivision.

Mr. Porcelli stated ten.

Board Member DiSalvo stated ten.

Chairman Rogan stated that was approved, ten lot, I apologize.

Mr. Porcelli stated if you'll give me twelve, I'll take twelve.

Chairman Rogan stated you want twelve right.

Mr. Porcelli stated I'll take twelve.

Chairman Rogan stated yeah, well that would require a greater review so do you really want twelve, that expired, we are renewing the, we are re-doing the process but in essence nothing has changed, it is more of a formality and a paper work exercise. We have done preliminary approval, we have done the public hearing, we are at, basically the idea of an application and is everyone comfortable with waiving a public hearing for the final on this, again there have been no changes.

Board Member Montesano stated yes.

Board Member Pierro stated I am certainly comfortable.

Board Member DiSalvo stated yes.

Board Member Montesano stated more then comfortable.

Chairman Rogan stated Rich what do we need to do to wrap up this application.

Rich Williams stated a motion.

Chairman Rogan stated just a motion or we need a reso.

Rich Williams stated you can do it by motion if you'd like or I can prepare a resolution for the next meeting.

Chairman Rogan stated you can prepare a resolution for the next meeting, [to Mr. Porcelli] you don't have to show up, we'll do the resolution.

Mr. Porcelli stated can we push the resolution until after the summer, is that a problem.

Rich Williams stated you can ask.

Mr. Porcelli stated is that problem.

Chairman Rogan stated no, we can further look at the resolution and make sure its worded perfectly and put it on for September.

Mr. Porcelli stated okay so, (inaudible).

Chairman Rogan stated because then it will take it off Rich.

Mr. Porcelli stated (inaudible) the summer, I appreciate that.

Chairman Rogan stated that's fine. Can I get a motion to waive the public hearing for the final subdivision.

Board Member Cook stated I make a motion that the Planning Board in the matter of Paddock View Estates way the need for a final public hearing.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated motion carries, great, thank you and thanks for your patience, I know this was not easy tonight.

Mr. Porcelli stated no problem, have a good 4<sup>th</sup>, okay.

Chairman Rogan stated thanks.

Board Member Montesano stated you too.

#### 8) CIPRIANO SITE PLAN

Mr. Steve Miller of Badey & Watson and Mr. Peter Cipriano were present.

Chairman Rogan stated Cipriano Site Plan.

Board Member Pierro stated I'm going to get water, you want one.

Chairman Rogan stated I would love one, thank you. What is that.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated you have your own board, you don't like our board, that is fine Mr. Miller.

Mr. Miller stated its easier.

Chairman Rogan stated how are you sir.

Mr. Miller stated very well, how are you.

Chairman Rogan stated thank you for your patience this evening.

Board Member Montesano stated if not, you can become one.

Board Members laugh.

Chairman Rogan stated that was good.

Mr. Miller stated Steve Miller, Badey & Watson, representing Mr. Cipriano.

Chairman Rogan stated hello Peter. How are we doing Mr. Miller, when are we going to build this project.

Mr. Miller stated closer and closer.

Chairman Rogan stated awesome, we talk about this project, I do anyway, with people I know you guys are pretty excited about it also but this is one of those projects that we are looking forward to in the Town. The architecture looks great, so we've got some technical issues to resolve, Rich do you want to discuss anything at this point, do you have anything specific that you want to discuss, I know you have a memo.

Mr. Miller stated I was given Rich's memo.

Chairman Rogan stated yeah.

Mr. Miller stated Gene's office was kind enough to fax over their memo this afternoon and I reviewed it, there is nothing in there that we have any particular concern with, there are a couple of minor items but Gene has been very patient and we are at the point where we are going to sit down with Gene and hash out most of the rest of the comments that he has.

Chairman Rogan stated we had spoken, the Board had spoken about the idea of waiving certain requirements of the site plan at previous meetings and Rich was kind enough to give us a listing of the items that.

Rich Williams stated actually I, it was submitted with the application from Steve.

Chairman Rogan stated and in other cases we have issues that aren't relevant or pertinent to the site plan, in this case there are a couple topography contours, location with approximate grade of proposed streets, profiles of existing and property streets, thank you very much Dave, proposed provision of water supply/sanitary waste, suggested location of buildings and soil types, Rich.

Rich Williams stated just so we are clear, I don't, I don't believe that those are waivers he's looking for, for the site but rather for the subdivision plat.

Mr. Miller stated that is correct.

Chairman Rogan stated preliminary plat, correct.

Rich Williams stated right.

Chairman Rogan stated that is what I intended. Gene, any issue or problem with any of those, not being, now is the time to speak up.

Gene Richards stated none, to answer your question, one this I should mention though is, there are legal issues certainly with the abandonment of the road and Anthony, that is something that his office has to get involved with.

Chairman Rogan stated yeah, definitely, thank you. For the final plat, they are also looking for us to waive the proposed topography and location of existing and proposed buildings and driveways. Location of all existing and proposed buildings, why would you want to waive, oh existing and proposed.

Rich Williams stated its one of the requirements.

Chairman Rogan stated they are showing the proposed buildings.

Rich Williams stated the subdivision.

Mr. Miller stated we are talking about the subdivision plat.

Chairman Rogan stated got it, okay, I apologize. Again, as long as you gentlemen as the technical people are fine with it, I'm certainly fine with that. So, is the rest of the Board comfortable with waiving those requirements.

Board Member Montesano stated yes.

Chairman Rogan stated make a motion in the matter of Cipriano Site Plan, that the Planning Board waives the requirement for the.

Rich Williams stated subdivision.

Board Member Montesano stated subdivision

Chairman Rogan stated sorry, Cipriano Subdivision.

Board Member DiSalvo stated we should have them listed twice on there.

Chairman Rogan stated who did the agenda this month, Rich. Thanks. In the matter of Cipriano Subdivision application, make a motion that the Planning Board waives the requirement for the preliminary plat to show topography at a contour and to row of not more then two feet, location width and approximate grade of all proposed streets, profiles of existing and proposed streets, proposed provision of water supply and sanitary waste, suggested location of buildings and soil types and additionally for the final plat to waive proposed topography and location of all existing and proposed buildings and driveways. I apologize Michelle, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated Rich at what time.

Board Member Montesano stated (inaudible) the palm trees.

Chairman Rogan stated at what time do we send to Zoning for the special use.

Mr. Miller stated we noticed that too.

Rich Williams stated they can go at any time (inaudible).

Chairman Rogan stated do you want.

Mr. Miller stated I'm sorry, I was talking to this gentleman (inaudible).

Chairman Rogan stated I was asking when it would be appropriate for you to go to the Zoning Board, we would like you to get that over with and we can do a recommendation which is what the Zoning Board would probably be looking for from us, an affirmation of you know what our feelings are on this project.

Mr. Miller stated do we need to ask for a public hearing here on the site plan or is there any.

Rich Williams stated you need it before this Board can take a final action.

Mr. Miller stated I understand that, I understand that, I'm just.

Chairman Rogan stated okay, so.

Mr. Miller stated we would be more than happy to have a recommendation.

Chairman Rogan stated you want that copy, or is that from you, do you have a copy of that.

Mr. Miller stated I have a copy of that.

Chairman Rogan stated wonderful.

Mr. Miller stated (inaudible).

Chairman Rogan stated okay.

Anthony Molé stated (inaudible) for a variance.

Mr. Miller stated that's fine, I'm, we are at a point where I think with a little bit of effort, we can hash out most of Gene's comments.

Chairman Rogan stated great.

Mr. Miller stated now that we finally got all the pieces together, although they need to be addressed and then going to the Zoning Board, going to the Town Board about the road abandonment, its all this timing issue that you and I keep talking about Rich, so if the Board feels it is a appropriate for it to go to the Zoning Board now, we will be looking for that recommendation.

Chairman Rogan stated well I think you hit the nail on the head, you have to do it at some point, if you are comfortable waiting a month or two, that's fine whenever you are ready, we could make, couldn't we make the motion for the recommendation and they go when they are ready.

Rich Williams stated sure.

Mr. Miller stated I don't think it's a question of us being ready or not ready.

Chairman Rogan stated okay.

Mr. Miller stated its, sometimes I suggest an action and Board or the Planner says you aren't ready for that yet.

Chairman Rogan stated understood, okay. Now this is a site plan, the would be going for site plan.

Board Member Pierro stated what is the required variance Shawn.

Chairman Rogan stated special use permit.

Board Member Pierro stated okay.

Chairman Rogan stated so we need a motion, I'm sorry, a motion in the matter of Cipriano Site Plan, that we recommend that the Zoning Board of Appeals look favorably on a special use permit for this project.

Board Members DiSalvo and Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated anything else that you wanted to discuss with us tonight.

Mr. Miller stated I don't think so, if there is anything this Board would like to comment on.

Rich Williams stated if I could just make one comment here.

Chairman Rogan stated sure.

Rich Williams stated Steve, I did take a look at the stormwater pollution prevention plan, I didn't get a chance to draft the comments up but there were a lot of issues with the SWPPP as it relates to the new general permit, changes that are (inaudible).

Mr. Miller stated okay.

Rich Williams stated one in particular that a lot of people are missing that is now a requirement, is looking at the archeological (inaudible) of a project, stormwater, I don't know what the relationship is but.

Mr. Miller stated okay, we will follow with that.

Chairman Rogan stated very good.

Mr. Miller stated thank you very much.

Chairman Rogan stated thanks very much.

Board Member Cook stated wait.

Chairman Rogan stated oh I'm sorry, go ahead.

Board Member Cook stated what about the portions of Old Route 22.

Board Member Pierro stated the abandonment.

Board Member Cook stated the abandonment.

Chairman Rogan stated that is exactly what they were working on.

Board Member Cook stated okay.

Chairman Rogan stated that is what Gene was referring to, they have to work with Anthony on that, with some legal issues.

Mr. Miller stated thank you.

Chairman Rogan stated thank you, okay.

Board Member Cook stated Shawn.

Chairman Rogan stated yes.

Board Member Cook stated (inaudible).

Chairman Rogan stated that's awesome.

**9) LEA ROME AMENDED SITE PLAN – Initial Application**

Mr. Robert Cameron of Putnam Engineering was present to represent the applicant.

Chairman Rogan stated Lea Rome Amended Site Plan, anyone here for Lea Rome

Board Member Pierro stated in the garbage.

(Inaudible - too many speaking at one time.)

Board Member Montesano stated who was playing golf with (inaudible).

The Secretary stated (inaudible).

Board Member Montesano stated who was playing golf and got mad.

Board Member Pierro stated thank you, thank god you weren't talking.

Chairman Rogan stated good evening.

Rich Williams stated Mr. Buzzutto.

Mr. Cameron stated good evening, Robert Cameron from Putnam Engineering, representing the applicant, Lea Rome. This is a site had received previous Planning Board approval on Commerce Drive. We are here before the Board tonight because we have been issued some violations on the property and this is going to require us to submit an amended site plan. The violations dealt with the material that was put in the.

Ted Kozlowski stated the buffer.

Mr. Cameron stated I think that is the southwest corner of the property, there was an embankment there and it appears as though the embankment further encroached on the wetland and a violation was issued, if I can correct Ted.

Ted Kozlowski stated you are very correct.

Mr. Cameron stated okay, what we have proposed to do is to grade, right now he has equipment out here and.

Chairman Rogan stated we saw that, we were out there last night.

Mr. Cameron stated our proposal is to grade that area, actually I haven't been out there, those might be more recent then I am aware of.

Chairman Rogan stated they are definitely more recent, we were there yesterday.

Board Member Montesano stated we were there last night.

Board Member Pierro stated you are not going to be happy.

Mr. Cameron stated to place a berm along the top of this area and we have done this on previous plans, the purpose of the berm is to stop water erosion or any other material from going down into the wetlands, put some plantings along the top of it and basically what this does and Gene brought this up in his comments, is that what is going to happen now that this, the stormwater flow will come down towards this area and go towards this pond. Now we haven't gotten to the point where we've done any evaluation on that because this is the first time before the Board.

Chairman Rogan stated right.

Mr. Cameron stated so we are not sure how all this is going to work out but.

Chairman Rogan stated the site walk comments from last night, I think speak pretty clearly as what the Board, obviously witnessed but we gave them when they were in initially, oh different project.

Rich Williams stated I haven't.

Chairman Rogan stated you didn't do site walk, this is the one we were at last night.

Rich Williams stated Wooded Hills is the only one that did site walk comments.

Chairman Rogan stated oh I'm sorry.

Board Member Pierro stated he didn't do site walk.

Chairman Rogan stated the comments though, I apologize, I'm thinking about two different projects but the comments on this will be pretty straight forward, in that the Board, when the gentleman, the applicant was in the first time with the violations, we gave him an option first and now he is continuing on because obviously he wants to use what he's actually using out there, whether legal or not, he wants to legalize what is out there. We had told him the last time and we would stick to this, that the right side of the building, if they wanted to fence it, at the edge of pavement, it is probably fifteen feet from the top of slope, I say right side of the building I don't know my directions out there, what is north, south, east and west but the [Interstate] 84 side of the building.

Board Member Pierro stated is the west.

Rich Williams stated west.

Mr. Cameron stated yeah that is out here, yeah.

Chairman Rogan stated the west side.

Board Member Pierro stated where the stripe in the parking lot was, the seam.

Chairman Rogan stated he is using much beyond the pavement.

Mr. Cameron stated yes.

Chairman Rogan stated back of the building, I think we said last night put a fence up, a solid fence, not something that can be removed like post and rail, ten foot from top of slope where there is not ledge sticking up out of the ground because its quite a drop off.

Mr. Cameron stated yeah this is.

Chairman Rogan stated get the water to go to an oil/water separator because the flow right now from the back that will never reach the, it's the difference in grade, unless you actually re-pave and change pitched, its about an eight inch or more change in elevation from the back to the hump before you get over to the current practices. There are several oil leaks out of the equipment, if you go out there, we have pictures, there are oil leaks all over the ground, you could take a look at these real quick, these were from yesterday, Dave took some nice pictures for us, thank you Dave.

Board Member Pierro stated in addition it looks like they leaned up against an empty tractor trailer box that is in the rear of the building and that consequentially leaned up against a couple of fifty foot ash trees which are now dead, that seems to be a future problem.

Rich Williams stated well the trees out there are dead (inaudible).

Board Member Pierro stated yeah.

Chairman Rogan stated yeah.

Ted Kozlowski stated there are going to be a lot more trees dead.

Board Member Pierro stated where they specifically filled, correct.

Chairman Rogan stated and we also spoke about and we can do that in the form of a quick motion here to, to ask the Building Inspector to go out and check the site for compliance. There are barrels of whatever out there all over the place and we want to make sure that this obviously we are doing a site plan that we don't have any issues out there with Building, in terms of maybe hazardous material storage, et cetera, containment of oil. So we are going to ask for that, we need that in a motion.

Rich Williams stated it wouldn't hurt to put in the form of a motion, I have already talked to Dave.

Chairman Rogan stated okay.

Ted Kozlowski stated Rob, we have to guarantee that there is going to be no more fill going in there, that is the thing, over time they get a construction project and more stuff goes in.

Mr. Cameron stated I guess that's the fence.

Chairman Rogan stated that is why we want a permanent fence. Make a motion that, on Lea Rome, I apologize for mispronouncing that earlier that the Planning Board requests that the Building Inspector visits the site and does a full assessment to ensure compliance with appropriate rules and regulations and supplies the Planning Board with a written report on his findings, so moved.

Board Members Cook and DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated I think there is a lot that I think they can do with this site and its not, other then the oil/water separator and making sure that everything drains and the fencing is pretty minimal. They are going to lose a little bit of what they are currently using but what they are currently using is not working.

Mr. Cameron stated is there going to be a report issued about what you've just said about the site walk and about the fence.

Chairman Rogan stated yeah, it was just last night, in fairness to Rich that we did the site walk.

Mr. Cameron stated okay.

Board Member Montesano stated Ted, if I can interrupt, would you prefer going out with Dave to look at anything other then that.

Ted Kozlowski stated yeah, I'll go out with Dave, I think we should.

Board Member DiSalvo stated Dave Raines.

Board Member Montesano stated so.

Chairman Rogan stated sure, he can go out, we don't, he's for us really so we don't even have to do that in a motion he can go on any site walk he wants to, so that's good.

Ted Kozlowski stated but I will hook up with Dave.

Chairman Rogan stated so you get that memo and the conversation that you heard tonight, I don't remember there being any other glaring issues that we spoke about.

Rich Williams stated there was on other issue that came at the site walk last night and that was the possibility of putting a second means of access into the site.

Chairman Rogan stated but we think that the septic system is in the way of course.

Mr. Cameron stated the septic is up in here.

Chairman Rogan stated yeah because the limited site obviously, its difficult for them to access the back of the site, they are going to be resistant on losing some of that ground where the top of the slope is.

Mr. Cameron stated over here, are we talking.

Rich Williams stated that whole.

Board Member DiSalvo stated that whole.

Chairman Rogan stated where the drop off is because where the ledge comes up and out, you can go right, I think they can go right within a few feet of the ledge, it's a straight cliff but as soon as the ledge breaks, you have a drop off that's better then a one on one slope, much steeper then a one on one slope right. That we want to keep them, I'd say, I think we said ten feet away permanent fence, whether it is chain link, whatever.

Ted Kozlowski stated Robert, one of the things or one of my conditions when I wrote up the violation was I didn't want the fill that was brought in there pulled out because it is going to do far greater damage and its going to cause more erosion problems but I really can't reward the applicant by saying okay, keep it there and now use it. So he has to lose the use of that fill that he put in that he's using and that is one of the reasons that we want the fence up and also to prevent future filling with more material.

Chairman Rogan stated but in fairness it still does provide a much greater use of that area then was originally approved. The original approval came off the corner of the building and then I don't know what corner that is.

Board Member Montesano stated Shawn, can I ask a question.

Chairman Rogan stated please do.

Rich Williams stated (inaudible).

Board Member Montesano stated I need your expertise on that, where that septic system is, is there any room to move that septic system so that they can come around and make that separate entrance.

Chairman Rogan stated you know, Rob and Gene would be the perfect people to speak on that.

Board Member Montesano stated well I just figured that I want to get the idea out.

Chairman Rogan stated yeah.

Board Member Montesano stated if that can be moved and then make him bring that.

Chairman Rogan stated the intent is, do they have room to replace that septic system the absorption area in another area of the lot so that they can dig through that to create because the applicant actually one time said, I would love to be able to go around the entire building and come access back to Commerce Drive. It's a huge rock cut but that is all it is, is a hammer out the rock and cut through and address the drainage from it but its right through the septic area. So they would be looking at re-testing a new area and putting a new absorption area in.

Board Member Pierro stated I don't think they've tested the one they have there.

Chairman Rogan stated I'm sorry, testing a new area.

Board Member Pierro stated yeah right.

Rich Williams stated and we don't know that is through.

Mr. Cameron stated well we.

Rich Williams stated the septic area at this point, they may be able to go around it.

Chairman Rogan stated true, so that is an issue also to consider.

Board Member DiSalvo stated now when we were out yesterday we noticed that they probably back in a lot of equipment off of Commerce Drive and with the other buildings going in on Commerce Drive, there is going to be an increase in traffic on that road, so they are not going to have that whole road to themselves anymore.

Chairman Rogan stated yeah.

Board Member DiSalvo stated so maybe you want to entertain that.

Mr. Cameron stated I would have to look at the slope, I think the biggest issue is the slope.

Board Member DiSalvo stated have you been to the site.

Mr. Cameron stated is that I don't know if I can get the slope to, as you know Commerce Drive goes up, up, and is climbing.

Chairman Rogan stated it rises.

Mr. Cameron stated by the time I get up here I'm at a much higher elevation, I have to cut all the way down, I mean I would actually if, I mean this is the first time I'm hearing this but.

Chairman Rogan stated understood.

Mr. Cameron stated my thought would be to come around the septic and come around this way.

Board Member Montesano stated (inaudible).

Mr. Cameron stated because that would give me the length that I need.

Chairman Rogan stated yeah.

Mr. Cameron stated the greater the length the more, the less slope I would have.

Chairman Rogan stated sure, take a quick look at it and see if its possible, see if its something that they are interested in of course. It seemed like there was interest when we first discussed it, and they said, well you know, the septic is over there, we can't go that but yeah we would love to be able to go around the building but.

Mr. Cameron stated I just see other issues with the wetlands separation and all like that, I don't know I would have to look at that.

Board Member DiSalvo stated have you been there yet, have you been to the site.

Mr. Cameron stated yes.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated no, even if they loop around and connect back into their own road.

Mr. Cameron stated well, I will have to impose the comments that the Board has from their site walk, see what restrictions that imposes back here.

Chairman Rogan stated yeah.

Mr. Cameron stated and see if I can get the road to work around that, I might not be able to, I don't know.

Chairman Rogan stated I understand, thanks Rob, have a great evening.

Board Member Montesano oh come on.

Mr. Cameron stated thank you.

## 10) BARJAC SITE PLAN

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

Chairman Rogan stated Theresa, you're up, Barjac. Rob, have a great weekend by the way. He's a nice guy, yeah, a gentleman.

Mrs. Ryan stated do you need the plan up.

Chairman Rogan stated I don't think so, no.

Mrs. Ryan stated I am in receipt of that.

The Secretary stated Theresa, you're too soft spoken.

Mrs. Ryan stated I am in receipt of the review memos from Rich and Gene and I have no issues with any of that. This one comment though that came up on both memos are the grass-crete pavers. Since we were last in front of the Board we met with the DEC and the vernal pool.

Rich Williams stated DEP.

Mrs. Ryan stated I'm sorry DEP, thanks Rich, its late.

Rich Williams stated I'm having fun tonight.

Mrs. Ryan stated they determined that the vernal pool was a watercourse, an intermittent watercourse, so we can't have an impervious surface within fifty feet of it, so we put grass-crete pavers proposed on either side of the bridge.

Chairman Rogan stated does it have to have grass up the center or can you put pete gravel.

Mrs. Ryan stated it can be gravel.

Chairman Rogan stated great.

Mrs. Ryan stated yeah.

Chairman Rogan stated I have no problem with that.

Mrs. Ryan stated I guess you would have to waive that officially.

Chairman Rogan stated I really don't, anybody have a problem with that, you know what the grass pavers are, don't you.

Board Member Pierro stated not at all, yes.

Chairman Rogan stated Charlie, do you know what they are.

Board Member Cook stated no.

Chairman Rogan stated you don't know what they are.

Board Member Cook stated no.

Mrs. Ryan stated actually I don't know if you are familiar with the grass.

Chairman Rogan stated they are a brick has a criss cross pattern, that has holes in the center, you fill that with.

Board Member Cook stated oh yeah, of course.

Chairman Rogan stated it is a pervious surface.

Mrs. Ryan stated right.

Board Member Cook stated right.

Mrs. Ryan stated it has at least fifty percent voids and this product is unique because its like pouring a concrete sidewalk, it's a monolithic pour and then you pull the forms out so there are no joints.

Chairman Rogan stated oh, that's awesome.

Mrs. Ryan stated yeah, it's a really nice product.

Chairman Rogan stated who does, what company does that.

Mrs. Ryan stated you have to licensed to do, there are different people around that do it, if you want to see it in place, there is a site, I don't know if you know where Old Route 6 crosses over on to Hughson Road, its on Hughson Road in Carmel.

Chairman Rogan stated in what town.

Board Member Pierro stated where Schech's is.

Mrs. Ryan stated yeah, just past Schech's.

Chairman Rogan stated oh okay.

Mrs. Ryan stated if you got Old Route 6, and to that intersection, cross over there and it's the first place on your left, they put that in there.

Board Member DiSalvo stated that empty office complex there.

Mrs. Ryan stated yeah its empty right now.

Chairman Rogan stated yeah, I saw it in the parking lot, I didn't realize that they were monolithic.

Board Member Pierro stated across from Hughson Commons.

Gene Richards stated they have grass in there.

Mrs. Ryan stated go look at it.

Gene Richards stated grass application.

Mrs. Ryan stated I think, I don't know that they put grass there, you can put either one, I think started out.

Chairman Rogan stated I think its gravel, I don't know I will look.

Mrs. Ryan stated gravel but its been sitting so maybe.

Chairman Rogan stated I like that, that's nice.

Mrs. Ryan stated I first saw it in Connecticut, it was in, it had been in place for 20 years, it looked brand new, it just has a few very minor cracks in it.

Chairman Rogan stated they are using that at a lot of places. The new Mahopac library uses it for some of their parking, Ace Endico uses it for some of their parking to cut down on the impervious area.

Mrs. Ryan stated yeah.

Chairman Rogan stated not for all of it of course but some.

Board Member DiSalvo stated I didn't think it was a parking space when I was out there at the library.

Chairman Rogan stated and the requirement is not to have that within fifty feet, so we are not looking to do all of the area, just the area that is affected by the change in the designation from vernal pool to watercourse.

Mrs. Ryan stated its just fifty feet either side of the bridge.

Chairman Rogan stated okay, got it.

Mrs. Ryan stated it is shown that way on the plan.

Rich Williams stated can I ask a quick question, I know its late.

Chairman Rogan stated yeah.

Rich Williams stated the requirement is.

Chairman Rogan stated Rich, can you use the microphone please. We're having fun.

Board Member Pierro stated state your name for the record.

Rich Williams stated Rich Williams, the requirement is that you can't have any impervious coverage within fifty feet of the watercourse.

Mrs. Ryan stated an intermittent watercourse.

Rich Williams stated which this is.

Mrs. Ryan stated according to the DEP.

Rich Williams stated right, so assuming that it goes down the center of the bridge, which is how long.

Mrs. Ryan stated its not in the bridge, its on either side of the bridge. The bridge is permitted because of the Town, if the Town is granting a permit for the bridge.

Rich Williams stated that is not my question.

Chairman Rogan stated yeah that's not his question.

Mrs. Ryan stated what is your question.

Rich Williams stated the bridge, you've got a bridge that is how wide.

Chairman Rogan stated how long you mean.

Rich Williams stated how long.

Chairman Rogan stated not wide.

Mrs. Ryan stated seventy-five feet.

Rich Williams stated seventy-five feet, so assuming that the watercourse goes down through the middle of the bridge.

Mrs. Ryan stated it doesn't.

Rich Williams stated it goes to one side.

Mrs. Ryan stated it's the water level that was out there when we were out there to walk watercourse.

Chairman Rogan stated that doesn't matter.

Rich Williams stated but the DEP is saying now that the watercourse.

Mrs. Ryan stated they are saying the edge of the.

Rich Williams stated is twenty or thirty feet wide.

Mrs. Ryan stated more then that.

Chairman Rogan stated oh really.

Mrs. Ryan stated oh yeah.

Chairman Rogan stated we are working for the wrong agencies.

Rich Williams stated no, that's, I was just thinking about that, that.

Mrs. Ryan stated it was almost to edge, it was almost to the wetland flags.

Rich Williams stated well.

Mrs. Ryan stated and I think the wetland flags were about 70 feet apart.

Chairman Rogan stated that's crazy.

Mrs. Ryan stated 65 feet apart.

Rich Williams stated listen, I don't want to scare anybody and I certainly don't want to bring this up as an issue, but that make Tom Raveson property a watercourse.

Chairman Rogan stated yeah.

Rich Williams stated that is absurd.

Chairman Rogan stated it is absurd.

Mrs. Ryan stated and I even had.

Chairman Rogan stated so in essence though they are looking for fifty foot either side of the bridge to be.

Mrs. Ryan stated yeah.

Chairman Rogan stated okay, make a motion.

Mrs. Ryan stated I even had our wetland consultant out there and also said that you concurred, Ted that it was a vernal pool and that it dries up most of the year but it didn't matter.

Ted Kozlowski stated I don't believe it's a watercourse one bit but.

Chairman Rogan stated a motion in the matter of Barjac site plan that the Planning Board waives the requirement for asphalt paving and allows grass pavers, is grass pavers acceptable terminology.

Mrs. Ryan stated grass-crete.

Chairman Rogan stated grass-crete for fifty feet on each side of the proposed bridge.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Mrs. Ryan stated the only other question I had for Gene was, we submitted the SWPPP and I didn't see any comments from you on that, was that a review, did you not review it or did you want to meet to review it.

Gene Richards stated I guess we didn't review it.

Mrs. Ryan stated we, the proverbial we.

Gene Richards stated we.

Chairman Rogan stated are you guys going to meet to review that.

Gene Richards stated I am going to have to take a look, I didn't review the project but, we will see what happened and get it reviewed if it hasn't been.

Rich Williams stated I got it.

Mrs. Ryan stated yup.

Gene Richards stated however Mr. Williams does claim that he has it and reviewed it.

Mrs. Ryan stated he's got it covered.

Chairman Rogan stated okay, thanks.

Mrs. Ryan stated thank you.

**11) BURDICK FARMS SUBDIVISION – Request for Extension**

Chairman Rogan stated for the audiences edification Burdick Farms Subdivision, received a 90 day extension at the work session last week.

**12) OTHER BUSINESS**

**a. Martins Subdivision**

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

Chairman Rogan stated Other Business Martins Subdivision, Mr. Miller.

Rich Williams stated I don't know if the Board doesn't want to send a letter down to DEP.

Chairman Rogan stated well I will tell you that is crazy.

Rich Williams stated that is absurd and if it's allowed to stand.

Chairman Rogan stated yeah, do you want, does the Board want Rich to draft a letter to send down to.

Board Member Montesano stated make a motion to draft a letter to our illustrious organization of the State.

Chairman Rogan stated of the city.

Board Member DiSalvo stated the city.

Board Member Montesano stated excuse me.

Chairman Rogan seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan asks for any opposed.

Board Member Montesano stated I stand corrected.

Chairman Rogan stated go ahead Steve.

Mr. Miller stated I'm Steve Miller from Badey & Watson, representing Celeste and Francisco Martins, Mrs. Martins is in the audience this evening.

Chairman Rogan stated hi Mrs. Martins.

Mr. Miller stated at the last meeting the Planning Board moved to forward the submission to the Town Board with a requesting an open development status for this subdivision. In the interim it had come back to the Planning Board and from my understanding the Board wanted to see what it would look like if we could do this, this plan with a town road, what a town road might look like, so what I did was, in the brief amount of time that we had to really look at it. We essentially took the same alignment that the driveway held and created a town road twenty-four feet wide, fifty foot wide right of way about approximately 920 feet long. Creates a, provides more then adequate frontage for the first lot here although we didn't number it on this plan, I think its number three on the original plan. Provides us with a four acre lot with more then adequate frontage on a town road, the lot in the back has the required area, this plan doesn't indicate that it has the required frontage but it does have frontage on a town road, it is possible that we could gerrymander this side line around to get this required 225 feet of frontage. The remaining lot which also has the required frontage on a town road, unfortunately on the plan that we sketched out here, doesn't have four acres in it.

Chairman Rogan stated okay.

Mr. Miller stated one of the reasons, all we really did was, we used the existing welling and septic and well layout that we had an just tried to gerrymander a road in there it might be possible to get the four acres if we moved the house around and moved the septic around. I think what the Board is looking for and they can obviously correct me if I'm wrong is the increase and the impact that a town road would create over a common driveway and what I tried to do was at least just, quickly is give you an indication of what the amount of disturbance is, for the common driveway plan we have indicated an area of disturbance of approximately 3.7 acres. I have a profile here, this line would be the proposed grade line for the driveway, the dashed line is the existing grade and as you can see, except for the front portion, the front approximately 150 to 200 feet of the road, we've tried to keep the driveway near the existing grade. There is a little bit of fill that would take place here, we have about ten feet or twelve feet of cut in this area of the frontage here. That for comparison, we roughed up a volume for just what it would take to put the road in and it doesn't have anything to do with grading the lots or the detention ponds, the excavation for a driveway plan is approximately 3700 cubic yards or if you looked at it in truck loads about 185 ten wheel dump trucks that would have to exit the site because there just wouldn't really any place to distribute the soil. In comparison to a Town Road plan, which has, which would be required to have a reduced grade, ten percent grade, as you can see, the amount of cut again, this is the proposed grade line, the dashed line is the existing grade line, the amount of cut for a good portion of it, approximately 700 feet, is a full ten feet of cut through that whole section and again for comparison that is approximately 13,000 cubic yards as compared to the 3,700 cubic yards in the driveway plan. That takes the 185 trucks loads to 650 truck loads that would have to be removed from the site, again its really just a rough idea to give the Board a comparison, it's a 3 1/2 times comparison of excavation from the driveway plan versus the town road plan. Some of the other aspects that I had briefly touched on in the memo that was I able to get to the Planning Board before work shop last week that fact that a town road is going to increase the maintenance burden on the town highway superintendent, not just the highway superintendent but it puts another burden on the Town's budget for maintenance. Common driveway is going to need to be maintained by the property owners, reduces the liability to the Town, if there is any one of number options, or things that we can bring up, so, I would be more than happy to further discuss the different comparisons with the Board.

Chairman Rogan stated I actually think that if you could just put your bulleted points in writing, if you haven't already done so, in support of the Board's reasoning why we did a positive recommendation to the Town Board because they were looking for our justification.

Mr. Miller stated okay.

Chairman Rogan stated and I think that the Board understood in theory anyway, that a common driveway would be much less disturbance than a town road but I, we didn't have the, even the numbers that you gave which I think are valuable in comparison.

Mr. Miller stated okay.

Chairman Rogan stated the difference in excavation alone I think is amazing.

Board Member Pierro stated what was the bulk number in the excavation.

Mr. Miller stated the bulk number was.

Chairman Rogan stated 13,000 cubic yards versus 3,700.

Mr. Miller stated right.

Chairman Rogan stated we are keeping notes up here.

Board Member Montesano stated yup.

Board Member Pierro stated okay.

Chairman Rogan stated so you know that we are listening to you.

Mr. Miller stated I never doubted it.

Chairman Rogan stated thank you.

Board Member Cook stated in addition to that Mr. Miller, could you just make up one copy for the Board of those two diagrams and the.

Mr. Miller stated the profiles.

Board Member Cook stated and the profile.

Mr. Miller stated okay and I am going to address this to the Planning Board or you want me to address it to the Town Board.

Chairman Rogan stated Planning Board because then what we will do is we will make it our document per se to the Town Board, responding to their request for additional information Rich.

Rich Williams stated if we are going to send it on the Town Board, the plans.

Chairman Rogan stated no, I don't think that was the intent.

Board Member Cook stated my intent would be to discuss this at the next work session and we have time to think about this.

Rich Williams stated then maybe instead of getting just one, maybe three copies, one for the file, one that you can have.

Board Member Pierro stated in order to review it, we have to put it in the file, if we are going to use it to make a determination.

Rich Williams stated being as it was presented here tonight, we should have it.

Board Member Pierro stated okay.

Mr. Miller stated is it acceptable to the Board that its not particularly a formalized plan but just roughs up, it's a rough plan to give the Board an indication.

Board Member Pierro stated under these circumstances, I don't see it's a problem.

Board Member Cook stated (inaudible) to have them.

Chairman Rogan stated I think that is reasonable.

Mr. Miller stated okay.

Chairman Rogan stated Steve, I'm sorry, I think that is reasonable.

Mr. Miller stated and it would be something that the Planning Board would have to wait until the next Planning Board Meeting to.

Chairman Rogan stated well actually we are going to look at it at the work session and we can certainly do the recommendation or send this back over to the Town Board at that, we don't have to do at the, we will put it on under other business and we will discuss it at the work session.

Rich Williams stated okay.

Chairman Rogan stated but it has to, if we are discussing it, it should be on the agenda right.

Rich Williams stated no, I was just wondering why you wanted it on Other Business but it doesn't matter.

Chairman Rogan stated because we aren't going to discuss it at the meeting expect to codify what the heck action we took, if any at the work session, and that's fine, great.

Mr. Miller stated thank you very much.

Chairman Rogan stated thanks for your patience tonight Mrs. Martins.

**b. NRA Realty Development**

Chairman Rogan stated and we have NRA Realty Development, no one is here for that but.

Rich Williams stated what I did, I put it on the agenda, I wanted to update that Board about what happened at the Town Board Meeting, so everybody is aware, which I did at the work session. Essentially what happened is it came up at the Town Board meeting and they refused to take an action while there was an existing violation out there.

Chairman Rogan stated got it.

Board Member Pierro stated so that was the moot point that we were discussing at the previous meeting.

**c. Forest View Apartments**

Chairman Rogan stated Forest View, obviously we have site walks.

**d. Boniello Site Plan**

Chairman Rogan stated and Boniello there was a 90 day extension that was done at the work session.

Board Member Pierro stated right.

**13) MINUTES**

Chairman Rogan stated we have minutes of May 29, 2008.

Board Member Montesano stated I make a motion that we accept the minutes of May 29<sup>th</sup>.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated any other business that any of our professional gentlemen would like to discuss. No, okay.

Rich Williams stated I think you should (inaudible) Michelle.

Chairman Rogan stated we did in the beginning, you missed it. We did a full thing, you have to read the minutes. Michelle please give Rich a copy of that section highlighted. She turned a great shade of red.

Board Member Pierro stated I think we should put it on a plaque and have it fixed on the wall.

The Secretary stated I'm not coming next month.

Chairman Rogan stated even though there are not many people left in the audience, please know that we have a special meeting on Patterson Crossing on July 17<sup>th</sup>, to consider a findings statement, that will be public noticed, if it hasn't already been done. Motion to adjourn.

Board Member Pierro stated one question.

Board Member DiSalvo stated wait.

Board Member Pierro stated we have a letter in the file from CACWCC.

Chairman Rogan stated I already called them three times tonight, I am going to call them during business hours.

Board Member Pierro stated right. At one of the last meetings, I think it requires some commentary from the Board on why we are not going to permit or not going to take the badge of the optional public hearing that we can have.

Chairman Rogan stated okay.

Board Member Pierro stated ah.

Chairman Rogan stated we don't, wait, no, not, are you.

Board Member Pierro stated Patterson Crossing.

Chairman Rogan stated we don't, I don't think that's.

Board Member Pierro stated isn't there an option for a public.

Chairman Rogan stated can you clarify that, that is not an option.

Board Member DiSalvo stated no.

Board Member Pierro stated isn't there an optional public hearing we can have prior to or just prior to, or we could have had one, couldn't we.

Chairman Rogan stated no.

Board Member Pierro stated no, you keep shaking your head.

Chairman Rogan stated I have that, I have the letter, I called.

Rich Williams stated there is no requirement in the SEQR regulations that there be any sort of a public hearing on the findings on the FEIS.

Board Member Pierro stated on the FEIS.

Chairman Rogan stated what is worth noting though is that the Board always accepts written comment on anything and we will accept that.

Rich Williams stated absolutely.

Chairman Rogan stated so that really in essence, always allows public comment, I think that is a point that needs to be reiterated on the 17<sup>th</sup>.

Board Member Pierro stated we need to tell people that because they feel like they are shut down.

Chairman Rogan stated send us a letter, you know.

Board Member Pierro stated that is the feedback I'm getting and I tell people, I've been telling to bring in their comments and we will accept them.

Chairman Rogan stated and the letter from Croton Watershed Clean Water Coalition was requesting that we consider more than the minimum ten days and possibly allow three weeks and actually we did more than that, so I am going to let them know.

Board Member Pierro stated we did closer to four.

Chairman Rogan stated given them a call, we have almost done the maximum amount of time just by the way the calendar worked and in recognition of the document and its size and allowing the best review that the Board can allow.

Board Member Montesano stated and we are still restricted by what the law says we can do.

Chairman Rogan stated Mike, you had a motion I believe.

Board Member Montesano stated yes, adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

The meeting ended at 10:18 p.m.