

TOWN OF PATTERSON
PLANNING BOARD MEETING
July 7, 2011

APPROVED

AGENDA & MINUTES

- | | Page # | |
|---|---------------|--|
| 1) Centrum Properties –
Wetlands/Watercourse Permit Application
– Public Hearing | 1 – 14 | Public Hearing opened and closed.
Discussion of pending violations and wetland permit. |
| 2) Thunder Ridge WWTP Upgrade –
Continued Review | 19 – 34 | Discussion of driveway, WWTP site location, stream discharges and year-round usage of Ski Lodge. |
| 3) RCA Asphalt Plant Site Plan – Initial
Application | 14 – 19 | Discussion of new access way, wetlands and site plan.
Motion for Intent for Lead Agency. |
| 4) Putnam Lake Fire Department – Initial
Application – Site Plan Waiver | 37 – 40 | Site Plan waiver granted. |
| 5) Putnam Lake Fire Department – Amended
Site Plan – Telecommunications Tower | 40 – 50 | Discussion of telecommunications tower placement.
Recommendation for ZBA to be Lead Agency. |
| 6) County Line Getty – Continued Review | 50 – 52 | Amended Site Plan granted with conditions.
Negative Declaration of SEQRA granted. |
| 7) Other Business | | |
| a. 2 Cushman Road - Fehr | 54 – 55 | ECI Status violations. |
| b. Stilwell Wetlands/Watercourse
Permit Application | 34 – 37 | Public Health scheduled for 8.4.11.
Negative Declaration of SEQRA granted. |
| c. Levine Fill Permit – Site Walk | 52 – 54 | Discussion of DEC’s lack of response. |
| d. Local Law - Bonds | 55 – 67 | Discussion of gas stations. |
| e. M & S Iron Works | | |
| f. Commerce Drive | 67 – 74 | Recommendation to Town Board for concept review fee. |
| g. Matthew Castellano –
Wetlands/Watercourse Permit Application | 74 – 76 | Public Hearing scheduled for 8.4.11 |
| 8) Minutes | 76 | May 26 th & June 2 nd Approved. |

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TOWN OF PATTERSON
PLANNING & ZONING OFFICE

Planning Board
July 7, 2011 Meeting Minutes

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

ZONING BOARD OF APPEALS
Lars Olenius, Chairman
Howard Buzzutto, Vice Chairman
Mary Bodor
Marianne Burdick
Gerald Herbst

PLANNING BOARD
Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Thomas E. McNulty
Ron Taylor

APPROVED

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

Chairman Rogan called the meeting to order and led the Salute to the Flag.

The meeting was called to order at 7:02 p.m.

There were approximately 19 members of the audience.

Sarah Wagar was the Secretary.

Michelle Lailer transcribed the following minutes.

1) CENTRUM PROPERTIES – Wetlands/Watercourse Permit Application Public Hearing

Mr. Denis Rocchio was present.

Chairman Rogan stated okay, Sarah could you please read the first public hearing notice, the only public hearing notice, how's that.

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 7, 2011 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Centrum Properties, LLC Wetlands/Watercourse Permit Application to allow installation of a culvert pipe to permit access across the stream. The property is located at 2682-2684 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, do we have representation here for Centrum Properties.

Mr. Rocchio stated yes sir, I'm here.

Chairman Rogan stated thank you, would you come up on here sir.

Mr. Rocchio stated good evening.

Chairman Rogan stated if could please state your name for the record sir.

Mr. Rocchio stated Denis Rocchio, R-O-C-C-H-I-O, Denis with one N.

Chairman Rogan stated thank you Denis, just briefly, are there any members of the audience here specifically for this application. Okay, can you Denis please give a brief overview to the audience and the Board for the application that you are here tonight for...

Mr. Rocchio stated my property is trans-coursed by a small stream and for me to get to the other side of the property, I installed a culvert pipe that's 54 inch in diameter, corrugated, heavy-duty, so on and so forth pipe and for aesthetic reasons and reasons that I wanted to get to the other side of the property instead of driving my machinery through the creek, I put the pipe in and basically that's the reason.

Chairman Rogan stated okay, I am going to ask if we have any questions or comments from the audience but I didn't know if there was anymore explanation maybe if Ted you wanted to say anything on behalf before we open it up...

Ted Kozlowski stated no, basically that's it, and it's technically a violation because Denis did not get a permit prior to putting the culvert pipe in however the pipe, with his construction background, he put it in properly as far as I'm concerned. I think it's oversized but I don't think there is going to be problem with it, I understand why he did it but it would have been nice if he got a permit prior.

Chairman Rogan stated thank you Ted, do we have any questions or comments from anyone in the audience, if so, please come on up and use the microphone, state your name for the record.

Rob Lopane stated yeah, hi my name is Rob Lopane, I'm here on behalf of my father Carmine, we live next to Denis Rocchio, I am just speaking on their behalf although I was raised in Patterson, grew up here, went to George Fisher Middle School, went to Patterson Elementary, so I know the territory pretty good, yup Denis is our neighbor. We just want to say we are probably the neighbor that shares the most border with him, I know he had to send out to maybe 14 other people but we share the primary border with him, we are the ones who have the most, the best view shed of the improvement that he's installing and we have no problem whatsoever. Denis is an excellent neighbor, he's in construction so we know he built it well and he did it very in a sensitive way, not to disturb too much land or any ecological environment so as a neighbor we just want to be here to say that we are happy with, we have no problem with this application and we think you should probably approve it tonight.

Chairman Rogan stated thank you sir, any questions or comments from anyone in the audience, going once, going twice...

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

Ted Kozlowski stated (inaudible).

Chairman Rogan stated Mr. Eldred is not here, I wasn't sure if we had someone, okay, I'm sorry on the motion Mike...

Board Member Taylor seconded the motion.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, so a question that we have, I did get the e-mail back forth from Mike from you and Rich back and forth, the question came up of course that there are existing violations on the property or issues, let me put it that way, there are issues on the property with storage of equipment unrelated to this application and the Planning Board wants to ensure that by granting approval on this application we are not giving a de facto approval on the other issues which have been the subject of violations and court proceedings and a whole bunch of other stuff in the past. Mike I got your response, can you please share with the Board so everybody has the benefit of your opinion on this.

Michael Liguori stated sure, the question came up particular to; I think it was actually two questions, one was the overall use of the property and then the second was the storage of the contractor's equipment. The definition of a contractors yard captures the storage of contractors equipment and unless, the way that I read the code, unless the equipment is registered to a personal, so as to say, it's an unlikely situation but hypothetically if you had a dump truck and that was your day to day vehicle, then you're not storing your contractors equipment on your property but if you read the definition of contractors yard and you have, you know, a, you don't need a business but that includes the storage of contractors equipment and material, so when you've examined the use of the property that is not a permitted use of the property and the potential for a, right now there are grounds for the Building Inspector to go out and cite the landowner for that. The second issue that's out there is the whether or not there is a legitimate pre-existing residential use of the property and there is a place, a forum for that question to be answered, it can be answered either in Court or at the Zoning Board of Appeals, where evidence would be put forward by the landowner for a determination and the Planning Board could ask for that determination from the Zoning Board or the Planning Board can ask the applicant to go get that determination from the Zoning Board. The short of it is that when you come to the Planning Board for site plan approval or any type of approval this is really one of the ways that the municipality can capture existing violations or violations that haven't been (inaudible – not using microphone), a ticket may not have been issued yet but this is really the shot the municipality has unless the Building Inspector goes out and even though there isn't a, you know, an expressed provision in the Code that says that you can not give site plan approval, there is plenty of support to state that you can withhold the approval specifically the sections of the Code that say you can't permit a site plan approval for uses that aren't permitted and in this case, its tough to break out you know culvert aspect of the application from let's say the overall application and you know the rationale being that if let's say you're in court now and you're arguing well the Planning Board gave me this site plan approval for this culvert they must have (inaudible – not using microphone) acknowledge the fact that I do, that there are these other issues and I

would say to the Board that, just like I did in the e-mail that you read, you know part of the function of the Planning Board in addition to (inaudible – not using microphone) you know, provisions of the Code are, or that you oversee the applications that are requested but you look at the properties in the Town as well.

Chairman Rogan stated so can you wrap that up into a recommendation to the Board.

Michael Liguori stated yeah, the recommendation to the Board is that if there is knowledge of issues with the property that you have those resolved before you issue the approval.

Chairman Rogan stated the wetlands approval for the...

Michael Liguori stated right.

Chairman Rogan stated the question is that I have is that the documentation that was given to us by the Building Department which is quite lengthy and goes over a number of years at some point in time a judge made a decision and there was fine that was paid and there was also a decision to I think it was kind vague the way it was written, to clean-up the property within 30 days, something to that effect...

Michael Liguori stated right.

Chairman Rogan stated now that action was done, are we, is that completely separate to basically what exists today, regardless of what happened back then, we are looking at what exists today because it seems like we're chasing our tails.

Michael Liguori stated the, if the order of the court even back in 2004 was not complied with then that is still an open matter.

Board Member Cook stated there is, according to the Director of Code Enforcement, an open ticket, notice of violation, dating back five years or more and so that needs to be addressed before we would take action and second that the yard would have to be brought into compliance before we took action.

Michael Liguori stated that is my recommendation, that if that ticket, if the items that form the basis for the issuance of that ticket are still out there, then that is an open violation regardless of the time frame or lack of prosecution and I don't know if the Board is aware but there are no estoppels against the municipality so you can permit a violation to occur for years and the and for lack of a better term the defendant in the case, arguing against that can say well its been out there for 10 years and they never, well the legislator of the State of New York has said you're not entitled to make that argument, they are eliminating that from one of the list of arguments that you can make. Like I said before, my recommendation is if you are going to issue an approval you make sure that everything on the site is operating in accordance with the Zoning Code, you can deal with it here, we can deal with it with the Building Inspector but this is one of the places where you can capture something before everybody starts spending a lot of money...

Chairman Rogan stated sure.

Michael Liguori stated because when you have the Building Inspector go do it, then the municipality generally seeks to have a (inaudible) have a fine involved and the court, attorneys where we really can have a more cordial relationship...

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

Board Member Cook stated so it would be prudent for us to ask the Building Inspector to go back out to sort of verify whether things have changed or not changed since that appearance ticket is issued and then do what...

Michael Liguori stated I don't, he just issued a very recent, a June 20th memo.

Board Member McNulty stated let me just ask, is there a Notice of Violation or an Appearance open, I don't know if there has been another Appearance Ticket...

Michael Liguori stated I believe it was a Notice of Violation.

Board Member McNulty stated since the last time in court I couldn't see another Appearance Ticket issued, just a Notice of Violation.

Michael Liguori stated correct.

Board Member Cook stated I stand corrected.

Chairman Rogan stated correct.

Board Member McNulty stated so before that process happened, we can try and clean it up before it gets to the courts, is that what you're saying.

Michael Liguori stated yeah and what Mr. Lamberti has (inaudible) to the Board was that there was a question regarding the overall use of the property and to me that is something where Mr. Rocchio has stated that it has always been used that way, well that is an open question and that's for the Zoning Board, that is where you go to the Zoning Board, you have the opportunity to go to the Zoning Board to resolve that, as opposed to resolving it in court, which I think is where he will probably have the least success. Certainly you're not going to find people to hear you're story, you're only going to have one.

Chairman Rogan stated right, right.

Mr. Rocchio stated I'd like to say when I bought the property, the reason I bought that property because the Code at the time was I can use it for a construction yard, I could have...

Chairman Rogan stated is that (inaudible).

Mr. Rocchio stated absolutely.

Chairman Rogan stated I'm asking was that 1997 I think it was.

Mr. Rocchio stated whatever the heck it was, I don't know, right now I'm not really here to discuss that issue, I was here to discuss the culvert issue so I don't have all the documentation for that issue but that is why I bought the property, so I could put an amusement park there, I could have done a lot things there and now the Code is changed, we have a cell tower that wasn't there, that's 10 feet off my property, that was okay for you guys to do that and I don't know how that happened but its there.

Chairman Rogan stated well please understand, if nothing else, please understand that I don't think anybody on this Board has a problem with your culvert, especially not considering the comment from Mr. Kozlowski...

Mr. Rocchio stated yeah but I'd like to finish the culvert because I mean I have to back fill it, the stonewalls in front of it, the headwalls and the walls and as it relates to my equipment, it was permitted use when I bought the property, that's the reason I bought the property. The Town since then has changed the Code, you can't see my equipment from the road, you can see the cell tower but you can't see my equipment, so I am not interfering with anybody's, per se perspective of the land...

Chairman Rogan stated and I would agree with you, I've driven by and I've never been able to see the equipment, the concern that people would have is that that equipment and from what Ted, we haven't been out to the site and we've only spoken to you once...

Mr. Rocchio stated come on out.

Chairman Rogan stated but equipment that is just sitting that you are not using for active construction, its going to start deteriorating and the fluids are going to leak out of it we're going to have...

Mr. Rocchio stated yup, I understand that, yes...

Chairman Rogan stated right so that is certainly a concern.

Mr. Rocchio stated well I'm waiting for my son to get off his ass and maybe go into the business, if I may state that.

Chairman Rogan stated let the record show.

Mr. Rocchio stated maybe that will work, I don't know, there it is junior, you want to use it, use it, if you don't want to use it, dig a hole and bury it all. So I'm not trying, I'm not abusing the property at an stretch of the imagination but when I bought it, that was the reason I bought or else I would of never bought it, I would have went to some place else.

Chairman Rogan stated I think this Board is in a unique situation where you're before us because you did something without an approval that we may not necessarily object to...

Mr. Rocchio stated mea culpa, mea culpa, okay.

Chairman Rogan stated but you have this ongoing issue with the Town, unrelated at this point to this Board, which...

Mr. Rocchio stated yeah, uh-huh.

Chairman Rogan stated we have professional people here that pay to give us opinions...

Mr. Rocchio stated correct.

Chairman Rogan stated and when they give us that opinion, we generally, unless there is something really extreme going on where we disagree with them, we generally follow what they tell us because...

Mr. Rocchio stated fine, I understand that but I battled this out with Tim Curtiss...

Chairman Rogan stated sure.

Mr. Rocchio stated and unfortunately Mr. Tricinelli, deceased and so on and so forth, we did this a long time ago, I paid a fine and that should have been the end of it and why it's not the end of it I really don't know.

Board Member McNulty stated well by the code it's not the end of it, the violation is supposed to be repaired, regardless of the fine...

Mr. Rocchio stated I know but you changed the code...

Board Member McNulty stated well (inaudible – being spoken over by Mr. Rocchio).

Mr. Rocchio stated so I think I should be grandfathered in, I really don't know if that's legal jargon or not.

Board Member McNulty stated I don't have the exact specifics but the notes that I read, the Code was in effect in 1989 and it looked like you bought the property after the fact.

Mr. Rocchio stated no, no, when I bought the property I could have put a nuclear waste plant there according to the code.

Chairman Rogan stated Rich...

Board Member McNulty stated Rich...

Chairman Rogan stated we're looking for your opinion this since we've got some strong...

Rich Williams stated yeah, the situation is this, if the property was purchased prior to 2005, which I believe it was...

Mr. Rocchio stated sure it was.

Rich Williams stated then the code allowed contractors yards, that property was in the I zoning district and the code allowed contractors yard on that property upon approval of a site plan approved by the Planning Board, the problem that we have here is there was no site plan approval granted by the Planning Board for the property for the use of the property as a contractors yard. Subsequent to that, in 2005 we changed the code, we changes the zoning all along [Route] 22 to a C-1 zoning district, took out some of the uses, gas stations and contractors yards which are not permitted there, some of the other uses that were mentions like a nuclear waste factory, were never permitted but I think you all know that.

Mr. Rocchio stated I could have put a junk yard there, according to that old code.

Rich Williams stated yeah in the I zoning district with approval...

Mr. Rocchio stated sure, sure, thank you.

Chairman Rogan stated could have if you had pursued an approval...

Mr. Rocchio stated yeah if I did, I wasn't planning on doing that, I was just trying to keep some machinery that I had spread out at LaGuardia Airport, Kennedy Airport and Newark Airport, different jobs I was doing...

Chairman Rogan stated so the reality of this is that the gentleman has one of two options, he can either clean-up the property so that it conforms with the code or he can, I mean is it even possible to seek through the Zoning Board, relief, getting a site plan for a contractors yard...

Rich Williams stated he can approach the Zoning Board of Appeals for a use variance, the problem with that is the threshold on the use variance is very, very difficult to achieve, you essentially need, one of the tests is that you need to show is that you can't get any other economic use of the property, being that there is a single-family residence on that, that would kind of almost preclude him from doing that. The other option is to you know, try to get the zoning changed in that area...

Board Member McNulty stated could it be a conditional zoning change, can it be conditioned.

Rich Williams stated a conditional zoning change. The problem you're going to run afoul on...

Mr. Rocchio stated sounds interesting.

Rich Williams stated is the Town made a conscience decision to eliminate some of those uses that did not present the most attractive appearance in the area, so I don't know that they would want to go back but it's a possibility.

Chairman Rogan stated it's a possibility give that the area that you're using isn't seen from the road, just like DEW Construction and those, we don't see those from the road, you can barely see the building and those are sites that it worked fairly well. Ted, please just use the microphone...

Ted Kozlowski stated I would like to see kind of a happy medium here, if its possible through, you know the course of the codes in the Town because I don't want to see that culvert pulled and I want to see the job finished because right now its not an environmental situation but it could be and you know, that is not the issue here, I've been to the site a number of times, some of these things are being used for chicken coops and there are chickens and you know it's a unique situation, I don't find it terribly offensive but that is just my personal opinion however I think if we worked with Denis and got this somewhat cleaned up and worked with the ZBA, I think we could find a happy medium, this is not an awful situation, its an unfortunate situation.

Board Member Taylor stated can I say something here...

Chairman Rogan stated you're always welcome.

Board Member Taylor stated Shawn, you said something about that this was an issue, that was kind of side issue for the Planning Board.

Chairman Rogan stated well certainly this gentleman is here because of the culvert issue and in talking about the culvert issue; this previous history came to the forefront...

Board Member Taylor stated right but I think based on what the lawyer has told us, is we must be aware that it is not longer a side issue, it is before us and we have to deal with these other issues that we kind of considered side issues but we have the package to deal with, the culvert is part of the package but these violations are the other part of the package so we, it is before us, the whole issue is before so what Ted is saying and what Rich is saying, I think we have to be the ones who help resolve this so if we need to say to the Zoning Board would you please look into and tell us whether you can do something for that man, I think that is the first step.

Rich Williams stated again I want to be clear the only recourse for the issue with the equipment and the contractor's yard to the ZBA is a use variance...

Board Member Taylor stated yes...

Chairman Rogan stated is a use...

Rich Williams stated they're not, I think the other issue if I recall, its been awhile since I've looked at it had to do with the residential use of the property, yeah...

Chairman Rogan stated right.

Board Member Taylor stated so that is the issue the ZBA needs to deal with.

Rich Williams stated that's the issue.

Board Member Taylor stated okay and the contractors stuff then we've got to resolve that then ourselves and with the Building Department.

Chairman Rogan stated Mike is there, I'm sorry, is there a way to segment this process by properly articulating why we are doing so, in terms of site stabilization, finishing this small, relatively small component of a bigger issue, allow that to move forward with the, again with the articulation, the acknowledgment on the record that we are pursuing, you know completion of this other issue so that we are dealing with them all but we're not stopping one, you know...

Michael Liguori stated one of the ways to deal with it is trying to separate how far you can go before you issue an approval or after issuing an approval, (inaudible) issuing an approval, if the Board were to issue an approval what I would recommend is that the resolution speak specifically to the items that we know are open and potentially non-complying so that the resolution is limited to the culvert only, it says we grant site plan approval for the culvert, get your building permit and your certificate occupancy in connection with that and note specifically you know in detail in the resolution that these open items do exist...

Chairman Rogan stated okay.

Mike Liguori stated the Town you know intends to continue seeking to have those complied with whether it be continued by the Planning Board, at that point if you issued the approval it would be with the Building Department, that is one way to split it...

Chairman Rogan stated yeah.

Michael Liguori stated I don't know another way to do it...

Rich Williams stated can I steal Mike away for a minute...

Michael Liguori stated sure, oh yeah...

Chairman Rogan stated want to do a site walk, we'll work on a (inaudible)...

Board Member Taylor stated its going to be interesting resolution.

Chairman Rogan stated yeah, that's why I wouldn't do one off the cuff.

Michael Liguori stated you can do a conditional approval which the condition would allow Mr. Rocchio to complete the culvert construction and have a condition for the site plan approval be the compliance for the code or the further resolution of those items that we know of.

Chairman Rogan stated and I think that sounds like what the Board wants to pursue but two things I think we should do, one, Charlie has a note here anyway so I'm going to beat him to it, is why don't we all get out there and take a look at the site so we can at least understand because we are only being told this at this point, we haven't seen any of this and secondly, subsequent to doing the site walk we can properly put together and articulate a resolution that captures all this so that we are protecting the Town, protecting the neighbors, also allowing Mr. Rocchio to move forward with completing this pipe so that we do it in a timely manner, this is the right time of year to be doing this...

Michael Liguori stated right, exactly.

Chairman Rogan stated and I think that, everybody agree with that.

Board Member McNulty stated yeah, I think it's a good idea.

Board Member Montesano stated yeah.

Board Member Cook stated and I think what we need from you sir, is a site plan, there is no site plan on record...

Rich Williams stated well at this point he couldn't...

Michael Liguori stated that's the problem.

Rich Williams stated file the site plan because for a use not permitted.

Chairman Rogan stated right, this contractors yard issue has to be solved first.

Board Member Cook stated so there is no question about that the use today is not proper.

Michael Liguori stated there is a question about whether the use of the property is legitimate, that is one open item.

Board Member Cook stated who answers that.

Michael Liguori stated either the court or the Zoning Board.

Board Member Cook stated okay.

Rich Williams stated well again, so I'm clear because I'm not clear on this, there's two issues on the use of property, one is the use is a contractors yard previously there was a Notice of Violation issued, there was a violate, went to court, it was determined that there was violation and there was fine. The other issue has to do with I guess the residential use of the property...

Mr. Rocchio stated the house has been there since 1945, so I don't know why there is an issue about that.

Chairman Rogan stated the Assessment records at one point, I think the Assessment records at one point showed it.

Mr. Rocchio stated I mean I didn't build it, it's been there since '45.

Rich Williams stated I have no idea, I'm just going by what the Building Inspector has...

Mr. Rocchio stated yeah, okay.

Ted Kozlowski stated I think it would help if the Board saw the site.

Chairman Rogan stated I think that's what we are going to do.

Board Member Taylor stated Denis, I think you need understand that it's, at least it sounds like to me that you're in a situation where the equipment is going to have to go at some point...

Mr. Rocchio stated at what point, I'm going to go at some point too.

Board Member McNulty stated the ZBA can...

(Inaudible – too many speaking at one time).

Mr. Rocchio stated quicker than you think I'm going to go at some point, thank you.

Board Member Taylor stated if I read the court resolution right, it was the court that said clean it up, did it not...

Michael Liguori stated that was my understanding.

Board Member Taylor stated so then you've lost your case.

Mr. Rocchio stated no, I never, I was never been advised to do that because I was grandfathered in by the previous code.

Board Member Taylor stated I think the court decision was that you weren't grandfathered in...

Chairman Rogan stated I don't think you were.

Mr. Rocchio stated well, all right, maybe not.

Chairman Rogan stated we have a copy of it here.

Mr. Rocchio stated unfortunately Judge Tricinelli isn't around anymore but Tim Curtiss is and I'll go see Tim.

Rich Williams stated can I just throw one thing out, just a suggestion, even though the pipe is in the stream and somewhat stable I mean if we get a really good rain storm, without head walls out there, without some of the other improvements there may be some problems with the pipe, allowing the applicant to go forward under Ted's supervision to further stabilize and finish the improvements out there.

Ted Kozlowski stated that's my whole point.

Chairman Rogan stated yeah.

Ted Kozlowski stated I don't want to see this culvert pipe get hung up with a, another matter which doesn't have any effect, it's, my concern is the environmental issue, right now it's stable, going into July, August, it's the low flow, I would like to get that resolve, there is no other issue other than he didn't get a permit prior to doing it, that is the only issue I have, he's not paid the permit fee, he's gone through the process, I'd like to take that step and get him done with that and then we move onto the other issues because its going to be a lot more involving and let's just, let's secure the environmental aspect...

Chairman Rogan stated Ted, I don't think anybody disagrees with that, I think what we are struggling with is the process, the way it was just outlined, that...

Ted Kozlowski stated right.

Chairman Rogan stated we need to properly articulate this into the resolution and I don't think that is something we want to do off the cuff, so I think if we can get out there and do a site walk, we can wrap this up, you know...

Ted Kozlowski stated right but...

Rich Williams stated would the Board be okay with the applicant going forward with completing some of the improvements...

Chairman Rogan stated oh okay, that's, I apologize I didn't understand that.

Rich Williams stated under Ted's supervision so we can get this thing stable and cleaned up.

Board Member Taylor stated sure.

Board Member Montesano stated want a motion.

Chairman Rogan stated a hundred percent.

Ted Kozlowski stated he's ninety percent there now, so let's get it done.

Chairman Rogan stated maybe when we get out there for the site walk, it will be done.

Ted Kozlowski stated right.

Board Member Taylor stated okay...

Chairman Rogan stated I mean, I think if you're involved in overseeing it, I'm perfectly comfortable with that.

Ted Kozlowski stated as long as he keeps his chickens away from me.

Board Member Montesano stated (inaudible) chicken.

Mr. Rocchio stated the attack chicken.

Chairman Rogan stated okay sir, I think when we schedule a site walk, we're going to ask you, we're going to make sure you know when we're coming and we'll ask the chicken to be a leash.

Mr. Rocchio stated locked up, I'll put him on a leash.

Chairman Rogan stated okay, all right, thank you sir.

Board Member Taylor stated do we need a resolution for this.

Rich Williams stated you might want to by motion authorize Ted to supervise, oversee and supervise the further improvements to stabilize the culvert.

Chairman Rogan stated so moved.

Board Member Taylor stated so moved.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, thank you sir, have a good evening.

Board Member Montesano stated got get 'em Denis.

Mr. Rocchio stated thank you gentlemen.

Chairman Rogan stated without objection, what did you say.

Mr. Rocchio stated I said thank you gentlemen and ladies.

Chairman Rogan stated oh very nice. Without objection I'd like to move item three, item two and item three, I'd like to swap those so that Ms. Ryan...

Mr. Watson stated I object.

Chairman Rogan stated you object we have one objection.

Board Member Taylor stated over ruled.

Mrs. Ryan stated John is (inaudible)...

Chairman Rogan stated yeah but John in this arena, I think Theresa gets two votes, I know at the office its probably different.

Mr. Watson stated I'll give her this one.

Mrs. Ryan stated thank you John.

3) RCA ASPHALT PLANT SITE PLAN – Initial Application

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

Chairman Rogan stated hello.

Mrs. Ryan stated good evening.

Chairman Rogan stated good evening.

Mrs. Ryan stated it's been awhile.

Chairman Rogan stated it has.

Mrs. Ryan stated I'm here representing a 33 acre parcel that contains an existing asphalt plant just northeast of here, I'm sure you're all aware of it, currently the existing asphalt plant gains access from Burdick Road, all the commercial traffic in and out and the employees use that road, it's the only means of ingress and egress to the asphalt plant. There is also as you know, a road right across the tracks from here that is used by Peckham Materials, it is a substantial road, it is a private driveway actually and its on the lands of the Fire Department, Peckham Materials has had an easement over that land to access their quarry and what we are proposing is a new driveway off the end of that and to access the asphalt plant and close off the end of Burdick Road to any further commercial traffic once this driveway is approved. The plant has been operating there since about 1973, under, with a site plan approval and then Peckham Materials bought it in 1980, RCA Asphalt is now leasing the plant and continuing to operate it. The initial part of the proposed

driveway is in a DEC wetland buffer and therefore also its in a Town wetland buffer, the wetlands are actually located on either side of the existing access road that goes to the quarry so its not the wetlands that are affected, the wetland buffers that are affected are not actually on the property but we believe that this would be the best situation to get the commercial traffic away from the residential, its basically all residential except for an access to the Fire Department on Burdick Road they would close off, they have a gate there already, they would keep that closed except for an occasional employee but then if this road was approved, there would be no further commercial traffic on that road and Ted has verified the wetlands and verified also that that place is full of mosquitoes.

Chairman Rogan stated I bet.

Ted Kozlowski stated I gave a lot of blood for you Theresa. Just to reiterate the proposed road is actually going along a berm that was created a long time ago so it is actually not a disturbance in an undisturbed area and that whole area of wetland buffer has been disturbed over the years many times, there is nothing really natural about it and given the fact that it is, appears to me, what I'm hearing to be a public problem, a quality of life problem and because its really a disturbed area, its not effecting the functions of the wetland, I do not oppose or have a problem with that the proposal is here.

Chairman Rogan stated thank you.

Mrs. Ryan stated thank you.

Chairman Rogan stated well we obviously want to get out and take a look at it know where the road, walk the area that Ted walked, you can do some staking of the center line, center line of the road...

Mrs. Ryan stated its basically staked, I'll just make sure that they are still there, so you can just let me know when...

Chairman Rogan stated anything Rich, preliminary that you want to discuss on this.

Board Member McNulty stated I had a comment in regards to the waiver for the site plan, it was noted that there are some changes going on, on the site, maybe it would be a good idea to get the update site plan, I think that is in your reference too, wasn't it Rich.

Rich Williams stated that was, that's what I was going to talk about just a little bit, you know this all started with the applicant starting to construct a building out on the site and at present, well he was asked to come in and get a site plan for the building and due to economic circumstances that hasn't occurred as of yet, now he's proposing a road but he's not showing the site plan with any of the other improvements. This is a quality of life issue for the people on Burdick Road, so I don't necessarily have a problem with segmenting this and just looking at the road or the driveway, the applicant knows that he's going to have to come in and get site plan approval for the rest of the improvements but I think during the process we need to make him aware of that just so it's clear and in the record and you know I'm a little surprised because it probably would be a cheaper way to do it and clean everything up now but...

Board Member Cook stated can that be a condition of approval.

Rich Williams stated that is not something I would recommend putting on as a condition simply because how do you satisfy it.

Board Member Taylor stated how is this different from the previous application we just talked about.

Rich Williams stated he's not in violation, he started to put the building up, he was issued a stop work order, as far as I know it's all covered over at this point.

Board Member Taylor stated but in terms of the parts of the process, you're asking, you're saying we should approve this thing without there being a site plan.

Rich Williams stated no, I'm saying that we just focus the site plan on what he's proposing to do, I am aware of the applicant wanting to do additional things in the future which he is not proposing to do now, he wants to, we had hoped that he was going to come in and show them on the site plan now...

Board Member Taylor stated okay.

Rich Williams stated apparently he's not ready to do that...

Chairman Rogan stated but it sounds like he's only not ready to do it because he got caught and got a stop work order, which is the unique part about this...

Rich Williams stated well absolutely, absolutely.

Chairman Rogan stated putting, so that part might be a good message for us through Theresa as the conduit to send back to the applicant to say hey, you're already here, you have the talented staff here to take care of this in one fell swoop but...

Mrs. Ryan stated well there are other improvements that the applicant wants to make and he's already expressed his intent to come back to the Planning Board for site plan approval, it might be some time, they are not doing, the business as you know is not doing as well as expected, they would like to get this driveway in and then come back later, come back with a full site for all the other improvements that they want to make.

Board Member McNulty stated so it will just be another amended site plan process.

Mrs. Ryan stated yup.

Rich Williams stated yes.

Mrs. Ryan stated amended site plan.

Board Member McNulty stated I have no problem with this site plan.

Board Member Taylor stated right.

Chairman Rogan stated yeah.

Mrs. Ryan stated and we did submit a site plan with this one, we are just asking for a waiver of information on the property outside of where we are proposing to make any disturbance at this point.

Chairman Rogan stated it all sounds pretty reasonable.

Board Member Montesano stated question, refresh my memory, when they were going to expand the quarry a few years back and we got a whole bunch of paperwork that suddenly ceased, now in this particular case if this company for one reason or another, fold up, that road would already be complete and they would never have to submit a plan because they're not doing anything.

Board Member Taylor stated if they don't do anything further, yes.

Rich Williams stated several years ago there was a proposal to move the blacktop plant over into the quarry area in exchange for mining additional lands within the quarry and then this would be donated, hopefully to a conservancy, ultimately it was determined that the additional lands could not be mined so the proposal didn't proceed forward.

Board Member Montesano stated but we never got a site plan when they were doing the original asking for the transfer, et cetera, et cetera...

Rich Williams stated well we got a preliminary site that was never approved...

Board Member Montesano stated okay.

Rich Williams stated the last known approved site plan of the site...

Board Member Montesano stated what I'm asking right now is, okay, finish...

Rich Williams stated all right, was back in 1992 when they changed out what they felt were equipment and the Building Inspector felt was equipment and we considered structures and required a site plan and that was done in conjunction with us identifying that they were actually filling in some of the wetlands so we had to do an amended site plan and that was back in '91, '92.

Board Member Montesano stated all right and what my fear right now would be we put the road in, we approved it, we're looking for something in the future, that never materializes...

Rich Williams stated then he can't build it.

Board Member Montesano stated I realize that but the road will already be in, so all right.

Chairman Rogan stated something else and I understand where you're going with this Mike, it is a new road, we'll take care of a traffic safety issue that has been expressed to the Town for years and years by the residents of Burdick Road, so...

Board Member Montesano stated okay.

Chairman Rogan stated so we're going to set a site walk and...

Mrs. Ryan stated I also just wanted to mention that we made an application to the DEC obviously for a wetland permit, one of the completeness items is a SEQRA Determination from the Planning Board and we would just like to get some input from the Planning Board as to whether or not you'd be willing to make a SEQRA Determination tonight, if you decide to do an uncoordinated review or would be willing to commence SEQRA if you're going to do a coordinated review and declare your intent to be lead agent.

Rich Williams stated this is what you get for being nice.

Chairman Rogan stated well she's, I've always said polite and willing to ask the question. The other agencies are only DEC on this.

Mrs. Ryan stated yes.

Rich Williams stated yes.

Chairman Rogan stated there is nothing with the Town for, because there is already an existing cut.

Rich Williams stated yes, no Highway, no DEP...

Mrs. Ryan stated no DEP.

Ted Kozlowski stated it's a Town wetland.

Chairman Rogan stated so we only have us and the DEC, so coordination would only be between the two so if we do our intent to be lead agent, we would only be coordinating with the DEC.

Rich Williams stated yes.

Chairman Rogan stated so you're saying, if I understand this that to proceed with the DEC, if we do an uncoordinated review, the DEC would be first looking for our SEQRA Determination.

Mrs. Ryan stated correct to make a complete application.

Chairman Rogan stated and seeing how we haven't been out there yet, that would be asking a lot even from you, so...

Mrs. Ryan stated I had to ask.

Chairman Rogan stated so let's just start and make a motion on the RCA Asphalt, LLC application to declare the Planning Board's intent to be lead agent, so moved.

Board Member Cook seconded the motion.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay.

Mrs. Ryan stated okay, thank you much, see you next month.

Chairman Rogan stated okay, item, previously three, now three on the agenda, Thunder Ridge Wetlands/Watercourse Upgrade, I will recuse myself, Charles if you would be so kind.

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

Chairman Rogan is recused from this application.

Mr. John Watson of Insite Engineering was present to represent the application.

Mr. Watson stated good evening.

Vice Chairman Cook stated good evening John.

Board Member McNulty stated good evening John.

Mr. Watson stated the last time I was here a couple months ago, we had a discussion regarding the location of the driveway and I think we came to a general consensus that we would be willing to entertain mitigation for the proposed driveway crossing the stream and I let you know that we would be developing our plans, taking them to a concept of the preliminary plan level, we took our three drawing set and made it a sixteen drawing set, that is what we submitted last time. We had a six page response letter, responding to your comments and all the outside agency comments and we hit probably 80% of the things, some of them are details that are going to come later but we did try to hit as much as we could and we wanted to get these plans back to you so you could start, you know continuing your review and get further comments.

Vice Chairman Cook stated a couple things, one is that they say things come in threes and what we were also looking for you, the applicant is a site plan, apparently there is not a site plan showing everything on file in the office, so we would like to go on and ask that a site plan, the total area, be prepared, amended, updated, whatever needs to be done.

Mr. Watson stated we did submit as part of our alternative analysis, we did submit a large scale aerial map that showed everything, would that be sufficient or do you want something else.

Vice Chairman Cook stated no, I think we actually want a site plan, am I right...

Board Member Taylor stated yes, you heard our two earlier discussions about site plans...

Board Member McNulty stated shows area of staging and...

Board Member Taylor stated we need a site plan.

Rich Williams stated the aerial photo that you had has a lot of the details on it but not generally in a format that would qualify as a site plan plus there are additional details, property boundaries, you know things like that that would need to be shown, I don't think the Board is looking for the topo...

Board Member Taylor stated we already waived though, didn't we.

Rich Williams stated yeah.

Board Member Taylor stated right, didn't we waive the topo.

Rich Williams stated yes.

Vice Chairman Cook stated yes.

Board Member Taylor stated we waived the topo.

Mr. Watson stated so property lines, buildings, roads, driveways, significant structures...

Board Member McNulty stated staging areas maybe.

Vice Chairman Cook stated the ski area...

Mr. Watson stated the ski area.

Vice Chairman Cook stated buildings, all buildings, et cetera.

Mr. Watson stated are, thinking this out because it is a schematic, would we be able to just take stuff from the aerial and put it on the plan, instead of having to survey and it's a...

Rich Williams stated I would think that would be reasonable...

Mr. Watson stated as long as we cite how we're getting it on there and you know its not an actual survey but its general shows, general location of the property lines.

Rich Williams stated label it out so we know what it is.

Mr. Watson stated okay.

Vice Chairman Cook stated as you mentioned we are in receipt of your June 21st letter and want to mention up front that we just received tonight Rich's comments and Andrew's comments so we need to read it individually and then get together at the work session and discuss that. I'm going to go through the letter John and just a couple of questions...

Mr. Watson stated sure.

Vice Chairman Cook stated that come to mind and you can give me, at this point, ballpark answers but such as under the site plan you say electrical drawing will be prepared, I mean is that close to happening...

Mr. Watson stated it could be prepared in the next couple months that is something we can get to quicker if you want to see it.

Vice Chairman Cook stated no I'm just, because you'd have to review, Andrew, right, you'd have to review the electrical plan and...

Mr. Watson stated not really that's not a site plan issue...

Vice Chairman Cook stated no, okay.

Mr. Watson stated that's prepared, just so you, I mentioned this before but I would just like to say it again quickly, this upgrade requires seven different disciplines, I'm one of seven groups of people working on this and I am here getting all the site related approvals, there are all of these other people that need to do things and the electrical plan is part of that, they do show that the site plan for the electrical will show how you're getting power, we can show that on our drawing as soon as its, we get it done, I don't think they, I don't think that is what you're looking for, you're not looking to review those but I can show you where the power is coming in, how its getting there, where the transformer is, that's the (inaudible)...

Rich Williams stated that's what we're looking for.

Vice Chairman Cook stated couldn't have said it better myself. You also mention about getting together with the Town Planner and the ECI relative to stabilization for several sites, you have an idea when...

Mr. Watson stated I'd like to do it soon, we've had trouble coordinating and its not because of your staff, Ted can you give a couple days next week or the week after.

Ted Kozlowski stated I'm good Monday, Tuesday, John why don't we talk tomorrow...

Mr. Watson stated fine.

Ted Kozlowski stated well maybe, let's talk after, Rich and I will meet you in the hallway.

Mr. Watson stated we'll talk after this, fine that's fine, I'd like to do it in the next week or so, I'd like to get it figured out, have the meeting, get everything figured and get going on it.

Board Member Taylor stated and I think based on the lawyer's discussion earlier, it seems to me that we need to clarify those issues, we need it on paper...

Rich Williams stated the erosion issues on the site.

Board Member Taylor stated whatever those issues were in the past and are continuing so once you are out there if you could give us details on those...

Rich Williams stated oh we definitely do a memo on that, that really has to do with an erosion control problem that's been ongoing on the site that we are trying to rectify, not so much with the site plan...

Board Member Taylor stated yes I understand.

Rich Williams stated we are holding him hostage like we've done with others.

Board Member Taylor stated yeah I understand Rich it seems, I'm trying to make this parallel with everything else we're dealing with this is kind of new process and that we have to include these other things. If necessary, perhaps those issues need to be clarified by issuing a violation for them so that it is on record that there is a violation, that's some of what I was taking from what you were saying tonight, that it needs to be on record that there is an outstanding violation.

Michael Liguori stated that's in the event that you went forward on a resolution, the Building Inspector can go out and give a notice.

Board Member Taylor stated but at some point we're going to have to make a resolution.

Rich Williams stated I get to do this one.

Michael Liguori stated yeah.

Board Member Taylor stated that's all I'm trying to say that at some point we are going to have to do a resolution.

Michael Liguori stated yeah at some point.

Board Member Taylor stated yes, so that's, all right.

Rich Williams stated hopefully we are going to resolve this amicably...

Board Member Taylor stated yes.

Rich Williams stated if not, I can talk to Michael about some of the issues I've had in the past with issuing a notice of violation which I think are not there anymore.

Mr. Watson stated when you say violation, issue, you have to mention this in the resolution, is that the resolution for the waste water treatment plan upgrade or you would do a separate resolution for the (inaudible).

Board Member Taylor stated it seems like the process now is we've got to deal with the umbrella issues and whether we can segment them in some ways as we have done in a couple of cases, we still have to deal with them, so if there are issues that haven't been resolved that are environmental issues which are issues we are supposed to be dealing with anyway, I think the lawyer was saying to put them on record really requires issuing a violation to get them in the process...

Michael Liguori stated no, no, no...

Board Member Taylor stated just Ted's note that they are there, is that sufficient...

Mr. Watson stated the other thing I just wanted to say is our expectation is that all of these erosion control issues get fixed this summer, this fall well before we get any type of approval on this project.

Board Member Taylor stated but the history with a number of people in Town that we dealing with is that these issues last for years and years and years...

Mr. Watson stated understood.

Board Member Taylor stated and we are trying to resolve that.

Mr. Watson stated okay.

Board Member Taylor stated we appreciate your expectations but the history is that its...

Mr. Watson stated understood.

Board Member Taylor stated not realized so we don't need to issue a violation to clarify this, is just making a list sufficient.

Michael Liguori stated let me just go back to the last Rocchio all right and there is a lot of history here that I need to get caught up on...

Board Member Taylor stated you're the new guy.

Ted Kozlowski stated welcome to the party.

Michael Liguori stated yeah, exactly, my first interaction on this is the July 7th memo so I don't want to take anything that is out of context from our discussion of Rocchio and put it on to this, until I've had a chance to be brought up to speed but what I was saying with Rocchio is that if the Planning Board decided to grant an approval for the culvert, then in order to avoid anyone being able to make an argument that you gave an approval for the overall site, then you detail with specificity in the resolution of site plan, or the resolution for that wetland permit approval that it was limited to just that only but then you also take the time to identify those other issues that were out there and put some language in there that speaks to the face that you already authorized (inaudible), that is what I was saying with Rocchio.

Vice Chairman Cook stated okay.

Board Member McNulty stated and I think there is a difference with Thunder Ridge is that I don't think we have a history of violations there, we have memos, we have documentation that there are problems but I don't think to the extent of the other property, it might make it a harder case to, still we have separate any resolution we make and clarify...

Board Member Taylor stated right, the history is different.

Board Member McNulty stated the history is different.

Board Member Taylor stated they haven't been in court, they haven't been dragged into court now and so on...

Board Member McNulty stated but there are issues there.

Board Member Taylor stated but there are issues that are ongoing issues that haven't been resolved, so in that sense, I think the history is the same.

Michael Liguori stated and what I suspect is that those items that Ted and Rich are familiar with will (inaudible) be dealt with here or is that not the intent.

Rich Williams stated no, its not the intent.

Michael Liguori stated okay, gotcha, we'll have to talk more.

Vice Chairman Cook stated well John as you well know, and for the audience is that Michael is our new attorney, this is his first meeting here tonight...

Mr. Watson stated okay.

Vice Chairman Cook stated so between Rich and Ted and the Board and I want to meet with you one on one, you know to get him up to speed and know where we're going.

Mr. Watson stated yup, that's fine.

Vice Chairman Cook stated okay, let me go back, one thing I do want to mention is that we would like, the Board would like a copy of the letters, your response letters to DEP, DEC and the letter to the Army Corps, the reason is not that we don't trust that you've sent the letters, the fact is that we have them, that way when their response comes back, we get a copy of that, so we know that they are either agreement with what you're proposing or they're in disagreement for whatever extent.

Mr. Watson stated just to clarify letters that we get from them after make a permit application or the SEQRA letters that they've already written.

Vice Chairman Cook stated no, not the letters they've already written, they've written, we have copies of those.

Mr. Watson stated oh, yes.

Vice Chairman Cook stated we need your response back to them saying this is what we're going to do...

Mr. Watson stated to the letters that were already written...

Vice Chairman Cook stated no, your letters.

Mr. Watson stated future letters...

Board Member McNulty stated your response to the letters they've already written.

Mr. Watson stated those letters that are written, those were letters to you for SEQRA purposes to the Board, in our cover letter, we responded to all of them to you, those letters were to you, we response to you, you're the lead agency. We haven't, typically we don't respond to those agencies directly, we respond to you as lead agency, these are SEQRA items, its not a technical review of our application, they are just listing out environmental concerns that they have, that they think need to be addressed during the process.

Vice Chairman Cook stated how do they, whether it's DEP or DEC know what you're doing...

Mr. Watson stated because once we, all they are doing with that letter is saying yes we have no objection to the Patterson Planning Board being lead agency, these are our concerns and just letting you know what their concerns are...

Vice Chairman Cook stated right.

Mr. Watson stated when we go for permits from them we have to make application from them and show detail of how we're...

(Tape 1, Side 1 – Ended 7:57 p.m.)

The Secretary stated okay.

Mr. Watson stated once we make the formal application to them for whatever permit we need from them, then their technical staff will review our application with respect to those issues, the people who wrote that letter, those letters, don't have any other review on these projects, there is a SEQRA department that looks at big pictures to let you know these are our departments concerns and then these are the things you should look at it, I mean that is how I understand this, is that...

Rich Williams stated the response back to these agencies would be either a neg. dec. when the permit application is made because they are going to need to include the neg. dec. or a scoping document saying that we've declared a positive dec. that would be the response from us, in response to those letters that we've had back on lead agency.

Board Member McNulty stated so, for example you have an item in here, the project's environmental consultant Evans Associates is addressing DEC's bog turtle concern...

Mr. Watson stated correct.

Board Member McNulty stated so when you apply for your DEC permit, you'll attach those results.

Mr. Watson stated yup, we've already, Beth Evans is doing a bog turtle assessment for us as we, I hoped to have it before tonight, we don't have it yet but that is one of the things that will support our application and you'll get a copy of it, it will go to everybody.

Vice Chairman Cook stated okay so then, what you're saying to us is that when you submit your application to DEC, DEP, Army Corps of Engineers, that we will get a copy of that (inaudible)...

Mr. Watson stated we can copy you on every other application, we make, if you'd like.

Vice Chairman Cook stated okay.

Rich Williams stated which is typically not the process.

Mr. Watson stated right but...

Rich Williams stated typically we don't get the applications, we get the review memos and we get the final determination.

Mr. Watson stated right but I can send you, if you'd like I can send you everything we send out on this if that's...

Vice Chairman Cook stated all I think we need is something so we know that the applicant and these other agencies are in sync and if there is an outstanding issue that we're aware of it, okay. In your response to us, I noticed and correct me if I'm wrong, you didn't comment on our ECI's latest letter...

Mr. Watson stated I didn't address it at all.

Vice Chairman Cook stated I did not see it...

Mr. Watson stated okay.

Vice Chairman Cook stated did I miss something or studying to...

Mr. Watson stated I must have not, that was an oversight on my part if I did not.

Vice Chairman Cook stated okay, no, that's all right.

Mr. Watson stated do you have the date of the letter.

Vice Chairman Cook stated yes, May 2, 2011.

Mr. Watson stated if I could see a copy of it, you can go on.

Vice Chairman Cook stated I guess one of things that we are really interested in is the staging area, what you're proposing.

Rich Williams stated (Inaudible).

Vice Chairman Cook stated excuse me.

Mr. Watson stated I think so, I was and I got it, I didn't, I thought that was more of a memo to you with the summary of his position, it doesn't appear that there are comments that needed to be addressed, so I don't know...

Vice Chairman Cook stated I just...

Mr. Watson stated so yeah, I have it...

Vice Chairman Cook stated feel free.

Mr. Watson stated I do remember it but as I scanned it, its not items to be addressed, its just a report to you of his...

Vice Chairman Cook stated yup, okay, just want to give you the opportunity if you so choose...

Rich Williams stated it wouldn't hurt if he did but just so you're aware, I know my memo came out late, I don't know if you've had a chance to look at it, I did try to identify the relevant areas for the purposes of SEQR where the impacts may be, making sure that I hit the points from Ted and from the DEP and then identify whether I thought they had been answered, how they had been answered, or if there were still outstanding issues.

Vice Chairman Cook stated like I said before, we just got it tonight, so...

Mr. Watson stated yeah and I scanned it and I agree that there is some, like I said, we tried to get you 80% of stuff and we know there is some stuff that we just haven't dealt with yet but we just wanted to get you the next batch of information to review.

Vice Chairman Cook stated anybody else want to comment while I'm...

Board Member Taylor stated I just have one comment and that was John, you made a statement at the beginning about that you felt there was a general consensus for the driveway, I don't think there is any general consensus, I think the consensus was that we had heard all the arguments that could be heard on both sides and we move along in the process and make a decision later on. We certainly haven't made any decision about the driveway or not, I think several of us are still of the opinion that the plant would be best relocated, I just wanted that on the record.

Mr. Watson stated okay.

Vice Chairman Cook stated thank you, I agree with that. Just a couple of side comments I guess that it was brought up to us in a conversation in a meeting or so ago about the silt from the discharge, how are you handling that or...

Mr. Watson stated from the site or from the plant.

Vice Chairman Cook stated from the plant.

Mr. Watson stated the water that comes out of the plant is, it has three levels of treatment, it looks like water, it's clean, it's clear, there's no turbidity, it's...

Vice Chairman Cook stated so it's not adding silt to the discharge.

Mr. Watson stated there is also a SPDES permit, the DEC has SPDES permit effluent limits that have to be met and we can give you what those concentrations are, Rich is familiar with what they are but it is a whole order of magnitude better than what it is now.

Vice Chairman Cook stated right.

Mr. Watson stated and it is similar to all, almost, I want to say every but most plants in the area have been already upgraded and it's all this tertiary microfiltration treatment, its very, very clean.

Vice Chairman Cook stated good segue, the SPDES permit is for six months...

Rich Williams stated seasonal.

Vice Chairman Cook stated seasonal.

Mr. Watson stated oh okay, yes.

Vice Chairman Cook stated okay, which I take it means the ski season...

Mr. Watson stated yes.

Vice Chairman Cook stated okay, interesting enough your applicant had an add in the Putnam Guide Magazine that talks about holding all sorts of events there and it doesn't talk about seasonal so I don't know if you want to take this and maybe you amend the permit or whatever but it just seems that that is indicating year round. Another comment we had was that Ted can answer this too, this stream dries up in the summer, does that ring true...

Mr. Watson stated that does dry up or if it does.

Vice Chairman Cook stated and does that, if so does that affect anything.

Mr. Watson stated well the SPDES permit from the DEC has different levels of treatment and one of their levels of treatment is intermittent stream standards and that is for a plant that would discharge into a stream that does dry up in the summer and those are the most stringent type of requirements, you have to get the most treatment to get a intermittent stream discharge plant and off the top of my head I don't know what this is but I can let you, I can get you a copy of the SPDES permit and let you know what it is but it's not, even if it dries up in the summer, that's still legal for the DEC to discharge to.

Ted Kozlowski stated what about if, just a question if I may, you know there's, say there is a huge event at the Thunder Ridge Ski Area in August and that stream is dry, where would that effluent go.

Mr. Watson stated it goes in the stream bed and if the stream bed is dry, you're going to put 1,000 gallons a day, 1,000 gallons that's going to be buffered through the plant so its going to be 1,000 gallons going into the plant over one day, takes a couple days to go through and there is a trickle that comes out and normally when these plants are running this is a 3,000 gallon a day plant, it is a, it's less flow than you would get out of a trickle out of a footing drain at your house, so I would expect it to go in and infiltrate into the ground within a matter of feet, its not a gushing plant.

Vice Chairman Cook stated okay, does anybody else here want to say anything tonight, Michael anything else...

Board Member Montesano stated no, no...

Board Member McNulty stated I have to look at these other memos here.

Vice Chairman Cook stated Richard, make any comments.

Rich Williams stated just clarify where we are in the process we've done lead agency, at this point the Board is determining whether or not to issue a negative or positive declaration on the project, that is where we are.

Vice Chairman Cook stated okay, now we can do that at a point in time when like, after they submit their permits, or their, their permits to DEC and DEP and Army Corps.

Rich Williams stated generally they're not going to submit their permits until we've done SEQRA because they would like to include the SEQRA determination from the lead agency in those permit applications.

Vice Chairman Cook stated okay.

Mr. Watson stated other agencies will not, typically will not start their review until they have a SEQRA determination from the Board, so we have applications almost ready to submit and we are just waiting for you.

Vice Chairman Cook stated all right, John is there anything you want to comment on what you put up on the Board there for tonight's meeting.

Mr. Watson stated not unless you want to, I'm sure Andrew noticed, when we designed, when we detailed this out, we shifted the building twelve feet, we minimized the walls, we had a real drainage design with back-up calculations, a SWPPP, we have details on the plans, that stuff is 70-80% there, we have a concept, we have a reasoning, there are final details that we don't do until we get further on in the process but there is enough here for Andrew to review it and do his technical review and I don't see the need to go through this stuff unless you want me to.

Board Member McNulty stated real quick, I just have a question on the bridge design.

Mr. Watson stated yes.

Board Member McNulty stated you revised that bridge design for mitigation...

Mr. Watson stated yup.

Board Member McNulty stated is that higher now, is it still going to dip down into that gully where the stream is.

Mr. Watson stated yeah the elevate, what we've done is we've met with Contech Construction Products and we had a site visit, we looked at it, this is the next iteration is what we submitted you because also we are also having them look at other alternatives to make the span even wider across the stream because we want to get, we'd like to see if we can get further away from the stream...

Board Member McNulty stated that was my next question, how wide the span...

Mr. Watson stated because that is what he's looking, I want to get something in, we actually met with him like two days before the submission so I wanted to get something in to you and that was easy for him to get this, we are working on that next iteration to see if we can pull it out, our initial application was including an Army Corps permit, we are trying to do whatever we can to avoid any excavation in the stream bed or banks, so we are trying to pull that bridge back as far as we can so the shape, the opening of the bridge has changed, I expect that to change again, the grade from the road down and then back up the hill, that has not changed from the initial submission and I don't expect that, to me that is set in stone...

Board Member McNulty stated even if you make the span wider, it wouldn't raise it up.

Mr. Watson stated no, the, if you look at the profile, the actual box opening is so low down here, it has no effect, we can do a lot different things down here and the road is going to stay the same, its not close enough to change.

Vice Chairman Cook stated okay, I think we'll leave it tonight that we got our staff memos, we'll review that, discuss that at our work session, we'll come back here...

Mr. Watson stated I'll come back next month, I don't see a lot of plan revisions for next month, I think we'll do some responses to comments and...

Vice Chairman Cook stated we'll discuss SEQRA, we'll also discuss public hearing.

Mr. Watson stated great, Andrew do you have a memo.

Andrew Fetherston stated yes I do, do you have it.

Mr. Watson stated no, did you send it to me before I left, after I left, no...

Board Member McNulty stated you can take mine, I have it.

Mr. Watson stated I'll look at it, I'll get it.

Rich Williams stated I'll make sure you get it.

Mr. Watson stated were there any other memos (inaudible).

Rich Williams stated no.

Mr. Watson stated okay, thank you.

Vice Chairman Cook stated okay, we'll be back here next month to get an update, yes.

Edie Keasbey stated can we speak, can we make some comments on this issue.

Board Member McNulty stated its not a public hearing.

Rich Williams stated it is not a public hearing, this is not a public hearing.

Edie Keasbey stated but you said you took comments earlier on, so you get an idea of what the people say.

Rich Williams stated if I could finish...

Vice Chairman Cook stated go ahead.

Rich Williams stated this is not a public hearing but the applicant is in the room, so, I mean there is full disclosure, everybody is going to know what's being said but it is not a public hearing.

Board Member Taylor stated yes, that's what we, we invited comments.

Vice Chairman Cook stated yup, okay, then come on up.

Board Member Taylor stated as long as its comments and not a debate, I think we (inaudible).

Ted Kozlowski stated microphone good enough.

Board Member Taylor stated yeah give her the microphone.

Rich Williams stated my mic.

Board Member Taylor stated is it your mic, you're sharing it with Ted.

Edie Keasbey stated I can't hold, I have to hold this.

Board Member Montesano stated excuses.

Edie Keasbey stated I don't want to break this thing Mike.

Board Member McNulty stated it's all right, I'll break it.

Edie Keasbey stated that's fine, I'm not that short.

Board Member McNulty stated I'd love to.

Edie Keasbey stated good evening my name is Edie Keasbey and I'm a resident of Patterson. I want to thank you Mr. Deputy Chairman and Members of the Patterson Planning Board for taking comments on projects before the Planning Board during the early stages of your reviews. My comments today concern the proposed new waste water treatment plant for the Thunder Ridge Ski Area as required by the New York City Department of Environmental Protection. I commend the DEP for taking this action. Many years ago, perhaps ten or more I remember walking the septic field area with the Planning Board and we all sank many inches into the muck, I don't know if you were along with that. The cost, the construction of a waste water treatment plant will correct this serious problem. The cost of the waste water treatment plant will be paid by the DEP, i.e. the taxpayers of New York City through their the watershed program and it will come out in their what they have to pay for the water they drink. There is a disagreement between the Planning Board and the applicant as to the best area to place the proposed waste water treatment plant. The applicant DEP, represented by Mr. Ravallo is also an employee of the DEP, is also a member of the Carmel Town Board. The owner of the ski area property is the Putnam County National Bank represented by Mr. Ryder. Both Mr. Ryder and Mr. Ravallo are long time Carmel residents and friends. I think this smacks of a conflict of interest, that's my opinion. At the present time the only way to reach the top of the ski area is a path way beside one of the ski trails. The DEP, Mr. Ravallo, Mr. Rider and the Conklin's are insisting that the waste water treatment plant be sited on the one site chosen that is at the top of ski trail area where there is a substantial amount of undeveloped contiguous land owned by the Bank or the Conklin's. The only way to reach the upper site from Birch Hill Road requires a new road with a bridge crossing Stephens Brook, and then climbing and deforesting a steep slope before emerging in the area of the plant. The area chosen for this new road is the most pristine area of Stephens Brook. The heavy duty bridge over the brook is required to carry the heavy equipment and the large trucks who will be removing the sludge on a regular basis from the waste water treatment plant. The road after leaving the bridge will then travel up a heavily forested steep slope. A massive amount of clear cutting is shown in order to reach the ski area. Forested hill tops and hill sides are even more important than wetlands in protecting water quality. Slowing the flow of rain or snow melt allows the water to seep, slowly seep into the soil and move slowly down downward through the massive root structures of the trees until entering the ground water and aquifer below. In order for the sewage to reach the waste water treatment plant piping must be laid in a deep trench, I should guess has to go up beside Birch Hill Road or along a the ski trail and I don't think they want to tear up the ski trail. A quick look at the terrain suggests there may be required large amounts of blasting. The amount of extra energy, noise, time and environmental damage required for this small, seasonal waste water treatment plant is totally out of proportion with the alternative of choosing one of the available sites to position the

waste water treatment plant in the lower areas. If the upper area is chosen this plant an extra, this plant will, if this upper area is chosen to site this plant an extra large amount of carbon dioxide, a major green house gas pollutant, will be released. This site is also the closest one to Alpine Meadows or Acres. If one of the lower sites is chosen, the hill top area will require only smaller piping connecting any structures and a pipe to carry the waste down to the waste water treatment plant. I would think that piping could be buried beside the existing pathway in use to day to travel up and down the hillside. Another benefit is the snow making equipment will not be using water containing the liquid effluent of the waste water treatment plant that would be sited below the collection pond. Historically the owners of the ski area have not had the best compliance with our, with the rules of our environmental code. While no formal wetland violations have been issued, although they could have been, and because the town wishes to work with the owners, in the end only a small amount of agreed upon work is ever accomplished. To this day after a heavy rain event sediment from bare areas washes into Stephens Brook. As already mentioned the waste water treatment plant is a small seasonal plant and it has a small footprint. It will be sized for a permitted flow of 1900 gallons per day, did I hear it was 3000 gallons a day....

Rich Williams stated 3,000.

Edie Keasbey stated I made a mistake there, 3,000 gallons a day, that is the figure DEP has said used in producing, has said is produced during the ski season. However, during the off season the Lodge is busy with parties, meetings, weddings, paintball and Halloween, facilities, festivities. I may be wrong but I do not believe the DEP has accounted for the summer use of the facilities and they have a great lodge and it's busy, it's wonderful. This waste water treatment plant will not be offensive or obtrusive especially if sited at the lower end of the ski area and will be state of the art. However, be aware that at a later date a new permit can be applied for from the agencies involved to allow the number of gallons of sewage per day to be increased for a valid purpose. For all the reasons outlined above I urge the Planning Board to require the waste water treatment plant be sited at one of the five possible sites at the bottom of Birch Hill. According to our Environmental Conservation Inspector, Ted Kozlowski, Patterson's wetland ordinance clearly states that if alternative sites for a project are available that produce less environmental impacts one of the alternative sites must be chosen. This is common sense, sustainable, and right. It is also conditional for granting a permit. Thank you for taking time to listen to the Patterson residents who have come out here tonight to come to this meeting. Stephens Brook must be protected. We care about this Town and support the Planning Board in doing what is right and supporting our ordinances. No matter what anyone says, the huge machines used in construction will tear the brook, hillside and forest to pieces. No amount of assurances or mitigation can truly replace scars that will be caused. We count on you and thank you. And I wish to state for the record that these comments from me come as a resident of Patterson and in no way come from FrOGS or any other organization that I am a member of, thank you very much.

Vice Chairman Cook stated Edie, thank you very much, we appreciate those comments, well thought out.

Edie Keasbey stated I will, want an e-mail copy.

Vice Chairman Cook stated if you could to, Mr. Williams.

Board Member McNulty stated they'll be part of the minutes.

Vice Chairman Cook stated anybody else, Don...

Board Member McNulty stated this has to go up now.

Ted Kozlowski stated don't break it.

Board Member McNulty stated okay.

Don Ferraro stated hi my name is Don Ferraro, I'm a resident of Patterson, I live on Sunset Drive up in Alpine Acres, when I was driving down the hill one day, I saw the Planning Board walking doing a site review and I couldn't imagine why they were putting these little flags out, it looked like it was for a road or a driveway and I couldn't fathom why what would be even considered. We've heard so eloquently from Edie about going across the brook and those issues but I am also concerned as a resident having to travel up that road, especially in the wintertime, it is a narrow, windy road with a grade and I'm concerned also coming down the hill that there will be added traffic going in and out of there they say that this is a driveway, we're not sure how wide it is but can that also be used later on for additional traffic there, there are functions that go on, there during October there are lots of traffic coming down below going up the mountain and I have concerns that eventually that might turn into another access road which could lead to additional usage or even development, so I am asking the Planning Board to please consider the residents who live in Alpine Acres, the people who travel up Birch Hill Road, which is a windy road, coming down that hill sometimes or coming down Birch Hill [Road] in the wintertime especially, if there are trucks or things coming out of a driveway in that area I think it could be pretty dangerous, I ask you to please consider my comments when you think about approving this project.

Vice Chairman Cook stated thank you Don.

Susan Robins stated hi my name is Susan Robins and I am a resident of Patterson and the question is why there, if they could answer that for us, rather than...

Board Member Taylor stated excuse me, this isn't a public hearing, you can ask that question at the public hearing, this was simply comments from you.

Susan Robins stated okay, will do.

Board Member Taylor stated if you have questions, ask them at the public hearing, is that appropriate.

Board Member McNulty stated yeah.

Jim Utter stated Jim Utter, I'm chair of Friends of the Great Swamp and I would like to commend Edie, I think her environmental professor from the Empire College would be terribly proud of her and I will say that FrOGS will endorse her science background on that, not so much the politics I guess we'll stay out of that but it defies reason to put this up on top of the hill when most of the direction of waste is going to be down, mid slope or low slope and the best place to put it is clearly down at the bottom of the slope, probably in the southern portion of the property, destroying the vegetation even for a small part of Stephen's Brook which is a very high quality stream, it used to be a trout stream from what I understand, when I first came here I was asked to testify and do work with somebody from the Trout Unlimited group when they were proposing the housing development down there and it was a very fine stream and its still a very fine stream and protecting the Great Swamp requires us to really protect the inputs that come in from these tributaries because they are putting it down and they are mainlining it right down into the, into the swamp and into the river and we need to protect those, protect the buffers around them so that things don't get just down in there and to put the bridge up there, to pump everything up, to put the pipes up there it just defies any kind of logic and reason and I think that the decision that most environmental agencies would go

for is to minimize the environmental damage and in this case it also minimizes the economic investment and I don't understand how DEP would approve this kind of a location. Thank you for going after and trying to really develop a good understanding of what is happening here but it just doesn't make any sense.

Vice Chairman Cook stated thank you. Anybody else, okay, we'll wrap this section up tonight, we welcome you back for the August meeting without speaking for my colleagues at this particular point I think we will be scheduling a public hearing at that meeting, we have some review to do as we mentioned earlier relative to some of the letters we got from the staff, we hear the comments tonight and we will discuss that at our work session and then we will have our meeting on August 4th, 7 o'clock, can't tell tonight when it will be on the agenda but it won't be too late, so thank you.

Audience Members stated thank you.

Chairman Rogan rejoins the Board.

Chairman Rogan stated did you just adjourn the meeting, all right, it sounds like we're all done, its hot in here actually, is everybody warm.

Board Member Cook stated I'd like us to take a five minute break, people can clear out.

The Secretary stated yup.

Chairman Rogan stated we're going to jump, it's a little bit out of order once again to Stilwell Wetlands/Watercourse application and get this gentleman out of here.

7) OTHER BUSINESS

b. Stilwell Wetlands/Watercourse Permit Application

Mr. Bill Finney was present to represent the application.

Mr. Finney stated Bill Finney, DEW Construction.

Chairman Rogan stated hello Bill.

Mr. Finney stated hi.

Chairman Rogan stated okay, you have a letter for...

Mr. Finney stated I gave them all to Rich.

Chairman Rogan stated okay, Rich you want to...

Rich Williams stated yeah.

Chairman Rogan stated take one, pass it on, okay. So in essence the DEC is out, that's all we need to know, so bring us up to speed with procedurally where we are Ted on this.

Ted Kozlowski stated that was my big concern was a public safety thing, I don't have a problem with what they want to do, I understand the reasons why they want to do what they want to and its also not a pond that is involving a natural wetland, this is a manmade pond, it is being fed off a stream that was diverted many years ago for agricultural purposes so I believe the gentleman that owns the property is investing in it properly and I believe they will do a proper job and as long as it, the engineers feel that is safe and a public safety standpoint and I am from with it.

Board Member Taylor stated just one question Ted, if this, where does this go when it discharges.

Ted Kozlowski stated eventually it will wind up in the Great Swamp but it's not in the way of anybody's houses or bridges or anything like that...

Board Member Taylor stated so it's all forested...

Ted Kozlowski stated forested and then eventually into the Great Swamp.

Rich Williams stated well he owns the forest...

Ted Kozlowski stated you know, there's nobody's, there's not a residential house that I know of that is in the way of this.

Chairman Rogan stated so as of, Rich as a matter of procedure, we have a wetlands/watercourse permit application for a dam rehabilitation, we have now found out the DEC is not involved so it's us as the involved agency, we have a complete application, fees have been paid so we need a...

Rich Williams stated public hearing.

Chairman Rogan stated public hearing we haven't had that, I was just going to ask, okay, motion to set a public hearing for the August meeting.

Board Member Montesano seconded the motion.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, August we'll wrap it up.

Ted Kozlowski stated I would advise at that hearing that there is no major objections, let's get that permit...

Chairman Rogan stated oh absolutely...

Ted Kozlowski stated because its August, it's low flow...

Chairman Rogan stated I actually couldn't imagine any reason why we wouldn't approve it right after the public hearing...

Mr. Finney stated thank you very much.

Chairman Rogan stated do you think you will be here for the August meeting.

Board Member McNulty stated he's off the hook.

Mr. Finney stated I will be here yes and if you give us the O.K., I'll be starting it within a couple of days.

Chairman Rogan stated all right, thank you sir.

Mr. Finney stated thank you.

Board Member Montesano stated (inaudible – mumbling).

Chairman Rogan stated okay, we have...

Board Member Taylor stated Mike asked if we have to do SEQRA on this.

Chairman Rogan stated we, yes, yes. You know what we set a public hearing, we probably should have done SEQRA before setting the public hearing, right, its all right...

Board Member Montesano stated we can do it at the public...

Rich Williams stated I prefer before because that establishes you have a complete application but...

Board Member McNulty stated let's do it right now.

Chairman Rogan stated yeah we can still do it.

Board Member Taylor stated let's do it right now.

Chairman Rogan stated who feels like doing a SEQRA determination...

Board Member Taylor stated where's your cheat sheet, Mike I'll do it if you give the cheat sheet.

Chairman Rogan stated okay, there you go.

Board Member Taylor stated which one is SEQRA here, lead agency, three negative declaration...

Chairman Rogan stated yes sir.

Board Member Montesano stated why wouldn't we...

Board Member Taylor stated I move in the application Stilwell wetland/watercourse, the Planning Board of the Town of Patterson finds that the proposed action being unlisted, is unlisted, action will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Board Member McNulty seconded the motion.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay, motion approved, thank you, okay...

Board Member McNulty stated do we have to lead agency too or that's done.

Chairman Rogan stated we're the only agency...

Rich Williams stated (inaudible) lead agency by default.

Board Member McNulty stated okay.

4) PUTNAM LAKE FIRE DEPARTMENT – Site Plan Waiver

Chairman Rogan stated the Put Lake Fire Department site plan waiver for the training deck, we've spoken about this at quite length at the work session, we have an amended sketch that Rich was kind enough to add on the deck to, so now we have something that shows location, I believe everybody was comfortable with this, the main issue speaking to the avoidance of segmentation of the process as I understand it was to state for the record why we feel we can act on this site plan waiver separate from the application that will be coming to us next for the cell tower and this is where I'll ask Mike to make sure that we state what should state for the record...

Michael Liguori stated the whole point is that when you issue an approval or waiver or anything that has to do with the bail out deck that they are proposing to construct, it really has no impact as to whether or not will either grant or deny the permit on the cell tower, so when you have two unrelated actions for SEQRA purposes, it is permissible for you to segment them out and to deal with them separately and that is what it (inaudible).

Chairman Rogan stated okay great.

Rich Williams stated if you want to take a look at the review memo I did, I've laid it out under C2 because there are some tests that you can look at within the SEQRA regulations so to speak...

Chairman Rogan stated independent, yeah, its independent and basically one has no impact on the other, okay, okay...

Board Member Cook stated do we have to have a public hearing Rich.

Rich Williams stated no, this is a waiver.

Chairman Rogan stated no, not on a waiver.

Rich Williams stated and you don't have to do SEQRA, the only thing you're doing right here is you're acknowledging why this is not a segmentation.

Michael Liguori stated and what Rich has done is just laid it out...

Chairman Rogan stated laid it right out exactly.

Michael Liguori stated really, really (inaudible).

Chairman Rogan stated yeah I know can we, should we state it or just having this as part of the record because I agree with everything that Rich has said, that the two items are, the two applications are functional independent, they don't correlate to each other in anyway, Charlie's, I have the same thing you have Charlie.

Board Member Cook stated I like this, the potential environmental impacts of each project are not cumulative or synergistic...

Board Member McNulty stated good work, I like that, I did pick up on that.

Chairman Rogan stated yeah that's good.

Rich Williams stated I can copy well.

Board Member Taylor stated so why don't we just quote this in the resolution.

Chairman Rogan stated perfect.

Board Member Cook stated go ahead.

Chairman Rogan stated you want to do a resolution.

Board Member Taylor stated another one.

Chairman Rogan stated all right, let's make it something...

Board Member Taylor stated which one.

Chairman Rogan stated well you might, you don't have on there...

Board Member Taylor stated I don't have a cheat sheet on this one, then I don't want to do it.

Board Member Montesano stated resolution.

Chairman Rogan stated all right, resolution for, we are trying to do some training here you know we might lose people to Town Board and so we are trying to do some on the job training.

Board Member Taylor stated the Board is going to change, we're going to be the ones doing it, go ahead.

Chairman Rogan stated I haven't seen the cheat sheet.

Board Member Montesano stated the bottom one.

Chairman Rogan stated okay I'll make a motion in the matter of the Put Lake Fire Department that the Planning Board grants site plan waiver to allow the installation of a twelve by eighteen bail out deck as shown on the sketch that will be made part of the record, sketch showing the location and to, thank you Charlie and to have the items in the Town Planning Department's memo dated June 30, 2011 be made a part of this resolution stating the reasons why we are acting this application separately from the other Put Lake Fire Department application for a telecommunications tower, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan stated Mike will that roughly cover what we're doing.

Michael Liguori stated yes.

Rich Williams stated yes its in the minutes.

Chairman Rogan stated sure well Michelle will be back so she can do them.

Board Member Montesano stated nice.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated all right, that's your copy Rich, thank you, I used to do a lot of these and I used to know the, as Chairman I rarely do any motions anymore, I used to be the...

Board Member Montesano stated well we can arrange that to be defaulted you know.

Board Member McNulty stated (inaudible).

Chairman Rogan stated I know, okay we have Put Lake Fire Department initial application for you folks that have been patient enough to wait this evening.

5) PUTNAM LAKE FIRE DEPARTMENT – Amended Site Plan Telecommunications Tower

Mr. Jordan Fry of Snyder & Snyder was present to represent the application.

Board Member Taylor stated okay.

Mr. Fry stated good evening.

Chairman Rogan stated good evening.

Mr. Fry stated my name is Jordan Fry I'm from the law firm Snyder & Snyder, also with me tonight is Tammy Nosek from Tectonic Engineering and Surveying. Just to clarify the applicant here is New York SMSA, Limited Partnership doing business as Verizon Wireless, we happen to be going at the Putnam Lake Fire Department but the applicant is again is Verizon Wireless...

Chairman Rogan stated okay.

Mr. Fry stated I guess this is just the initial meeting to get the Board up to speed on what Verizon Wireless is proposing, Verizon Wireless has a current gap in existing service in the surrounding area of the Fire Department and Verizon Wireless worked with the Fire Department to create a memorial style looking garden, while at the same time creating a public utility wireless communications facility. The facility would consist of a flagpole, together with an equipment shelter with a brick façade that has been designed to match the existing firehouse, together with a brick wall screening the base of the pole and memorial plaques et cetera, landscaping so as to blend in to the Fire Department. We are happy to answer questions you may have, I was in receipt of two memos from staff so I know there are a number of issues that Mr. Williams had, I'm happy to discuss those tonight and we are happy again to take you through the plans.

Board Member Taylor stated we just approved a cell tower up the road, just north, will that take care of the gap...

Mr. Fry stated no, the answer is no and that is why Verizon Wireless is proposing this facility, which address are you discussing, that last time I was in front of the Board on behalf of the Verizon Wireless was at the Pien Farm and I don't believe that is...

Board Member McNulty stated Quail Ridge is the one.

Mr. Fry stated no, right now there is a gap and its my understanding that there aren't any current locations that Verizon Wireless could co-locate at to satisfy or cover that gap in coverage and that is why we are here tonight and that's why Verizon Wireless invested the time with the Fire Department to come up with what we believe is a nice design to fit in with the existing look of the firehouse.

Board Member Taylor stated and this is a one use tower.

Mr. Fry stated no actually, Mr. Williams I saw in your memo I believe you thought that there was only one provider but actually the tower, inside of the flagpole, there is space for at least two additional carriers if they do that a need, which I at this point in time do not but it could accommodate additional carriers.

Board Member Taylor stated and there is space for their boxes on the ground.

Mr. Fry stated again everyone's, I can't speak on behalf of other carriers but generally the engineers can make, you know design a facility so to work around what will be installed so the answer is I don't know what, for example T-Mobile or what AT&T would propose but I can tell you within the pole there will be space for additional antennas.

Board Member Cook stated let me ask you this, can you show us on a plan using Verizon's ground building, where you would put two additional buildings, just say if they are the same size as Verizon...

Mr. Fry stated the issue with that is that A. I can't tell the Fire Department, see the spaces on the ground would actually, probably have to be leased between the Fire Department and a third party carrier, so I can't tell you where the Fire Department would allow them to put space...

Chairman Rogan stated no but I think and you can see where we're going with this is the question would be, if you proposed a cell tower that has the potential for three carriers...

Mr. Fry stated yeah.

Chairman Rogan stated it would be prudent for this Board to determine that the site can handle the equipment for three carriers even though we don't know who those carriers are, we do the same when we have an eight carrier tower.

Mr. Fry stated right, we can you know speak with our engineers and give you guys an idea of how another carrier may come back, I mean there are plenty of different...

Chairman Rogan stated we're not even asking you to do that, we're saying provide three of what your, take the equipment that's needed for the Verizon and multiple it by three...

Mr. Fry stated I understand where you're getting it, right...

Chairman Rogan stated because you're right, we can't, we can only deal with what you're giving us...

Mr. Fry stated right, okay, I understand your request and I will do my best to try to show that there is additional space but again the carriers have different equipment because they work under different frequency and have different space requirements so its kind of speculating but...

Chairman Rogan stated it is, you're right.

Mr. Fry stated but we can kind of give you an idea well you know if there is additional space on the ground and perhaps space at the firehouse, there are ways, there are you know many different you know ways and there are very smart engineers out there and I'm not one of them who can work around...

Chairman Rogan stated understood.

Board Member Cook stated understood, however we obviously are going to go out there for a site walk...

Mr. Fry stated right.

Board Member Cook stated and we are going to be looking at the whole area for the Fire Department and I am sure at that point this question will come up okay, this two more where are the equipment buildings going to go, you know, that type of thing.

Mr. Fry stated noted.

Board Member Cook stated okay.

Board Member McNulty stated I had a question about gaps in service, I didn't see, I saw a lot of documentation on the types of antennas and the wattage and frequencies being used but I didn't see anything that showed where the gaps are and how extensive they may be.

Mr. Fry stated we can provide maps showing the gap in coverage.

Chairman Rogan stated let me ask a question real quick before we get into that conversation because we have to do this with every one of these applications, Rich and Mike, remind the Board what is within our purview, I mean I think we are pretty clear with site disturbance, equipment location but differentiate between what is within the purview of the Planning Board and what is within the purview of the Zoning Board so that we are clear and don't cross too much, too many lines.

Rich Williams stated sure, I am going to take a crack at this, essentially the Planning Board purview extends to the extent of the improvements that are sited on this site, how they are laid out on the ground and making sure that there are enough accessory improvements such as parking to accommodate whatever the proposed use is, the ZBA under their authority for reviewing an area variance and in this case a use variance has a much broader authority and they get into the issue of whether this is an appropriate use of the site, whether there really is a gap in coverage...

Chairman Rogan stated whether it's necessary...

Rich Williams stated whether the tower is appropriate placed at 140 feet or it can be placed at a lower or may need to go to a higher height, that is what they are going to look at it, they are not going to look at necessarily where the improvements are sited on the site but whether its an appropriate use and whether the tower is an appropriate height and to some extent you know the structures if they need any side yard set backs, things like that, whether that would be appropriate.

Chairman Rogan stated okay.

Board Member Cook stated so where we're at is that we need to ask the applicant for the classic balloon test...

Chairman Rogan stated well that's something actually...

Board Member Taylor stated done with Zoning Board.

Chairman Rogan stated would be done through Zoning but we usually coordinate our site walk so that we can be out there at the same time...

Rich Williams stated exactly.

Board Member Cook stated okay, so the ZBA requests that.

Chairman Rogan stated so placement of the cell tower, I'm sorry, telecommunications tower on the site will certainly effect visual which the Zoning Board is concerned so they do, they are in concert with each other, its difficult because these are all the questions that we naturally want answers to just as gathering information but they are, some of the kinds of things we may...

The Secretary stated hold on.

(Tape 1, Side 2 – Ended).

Chairman Rogan stated what the Zoning Board does either by attending their meetings, check you know...

Board Member McNulty stated the minutes.

Chairman Rogan stated the minutes but we have to be clear to concentrate on how does the placement of this tower relate to the site to what is already existing there, what we know the use of the site is, the available room, how does impact on public safety, Andrew had mentioned in other instances, we've talked about the height of the tower and if it were to fall over, what would the repercussions of that be, especially in a populated area, so just remind people to focus on those aspects and to not get into areas that we don't have purview in.

Board Member McNulty stated just that it's being proposed, that the tower is needed for the gaps in service so just figure go to the extent of that...

Chairman Rogan stated (inaudible) Zoning Board will...

Board Member McNulty stated I know we don't base our decision on that but its more information, it can't hurt just to know what the gaps are.

Chairman Rogan stated absolutely.

Mr. Fry stated sure.

Board Member McNulty stated which would lead me to the next question about parking, where the notes in there about it looks like its going to be reduced, I don't remember the numbers off the top of my head.

Mr. Fry stated you know actually I visited the Fire Department today and I think actually there was an error in our plans, I believe there is 18 spaces currently there and our EAF that we submitted, I think it states...

Board Member McNulty stated 12, I think.

Mr. Fry stated yes but when I went back there today and counted, we didn't take into account there are parking spaces in the back, so we are going to revise our EAF, we'll obviously reconfirm that but I don't believe any parking spaces will be removed, so we'll go back and clarify that...

Board Member McNulty stated okay and a site walk will help that too, I'm not that familiar with that site, other than the front.

Rich Williams stated I've also asked for an updated survey because there was another issue having to do with storage out there and lot size.

Board Member McNulty stated lot size.

Mr. Fry stated the, we'll work on a survey, one issue I wanted to mention was your interpretation that it is a principal use, I respectfully disagree that its an accessory use and the set backs should be for an accessory structure...

Rich Williams stated you certainly can make that argument to the Zoning Board of Appeals but being as you are the applicant, represented the applicant on the Pien site where we ran into the same issue.

Mr. Fry stated actually I believe there, the Pien site was, in the plans were approved as an accessory structure, I believe.

Rich Williams stated all right, well I always go back to my test whether it's an accessory structure or a principal structure...

Chairman Rogan stated can it stand on it's own.

Rich Williams stated can it stand on it's own, could the cell tower existing on the site as a use, without the Fire Department being there, the answer is yes.

Mr. Fry stated well my, the definition of the Code is a use that is located on the same lot as the principal use and is incidental and subordinate an area, extent and purpose, it actually and you know we can discuss this and I can, its actually incidental because its providing wireless 911 which indeed the volunteers do use, its definitely not a, it doesn't substantial take up a large portion of the property, that would be...

Rich Williams stated it provides cell phone service, not a service specific to the Fire Department.

Mr. Fry stated not well, again we could, I respectfully disagree in our application materials we submitted a letter from the Fire Department which acknowledges that many of their volunteers rely on Verizon Wireless' service in order to respond so...

Rich Williams stated they rely on carrying their cell phones which are, they have to pay for...

Mr. Fry stated which is incidental, we can, you know I don't think, we can discuss this...

Rich Williams stated this an issue for the Zoning Board.

Mr. Fry stated right, right I can get an interpretation from the Zoning Board...

Chairman Rogan stated but up front we can say that everything you say we know is respectfully, so you don't have to say that every time, its all right, we are all, I think everything, otherwise I would say it ever single time I disagreed with you also...

Board Member McNulty stated no black robes here.

Chairman Rogan stated we do respect your position and the job that you have to do.

Mr. Fry stated I appreciate that.

Chairman Rogan stated so I think this is matter of coordinating this review with the Zoning Board so we can do this in unison so that we are moving forward together, we will certainly address the site layout issues, we obviously have some concerns about the limitations of the site, that is going to be clear...

Mr. Fry stated okay.

Chairman Rogan stated we obviously have or will have concerns, Andrew jump right in.

Andrew Fetherston stated I have the site plan, I didn't get over there until today so I apologize, I didn't have a good knowledge of the site either...

Chairman Rogan stated we haven't been over there yet, so, yeah...

Andrew Fetherston stated I guess if you were going to go to the trouble to prepare a survey or a larger site plan, there is a home right behind this location, I think the Board needs to know and the Zoning Board would need to know adjoining structures really should be placed on there to get a real feel for this, that map is done at one inch equals five feet, that really is, its not normal, its not the norm, you're used to seeing something one inch equals twenty or thirty feet, one inch is five feet, just going across the back is fifteen feet, so you may not be used to seeing that, the Board should realize that, when I saw the site my inclination was the collapse zone and the location of the house, that was my concern. There was some mention about a variable, the possible variations of the size of the flag, given the height of the pole and size of the flag that could be on there, structurally and the wind sheer that could occur with that kind of a structure and putting that out, there should be something else (inaudible)...

Mr. Fry stated sure we'll look into that.

Andrew Fetherston stated okay, great.

Board Member McNulty stated also the shadow that's created in a blowing flag, if there are houses in the direct, in that flag's, if it's a big flag rippling back and forth, it will put a flicker on a residence so...

Chairman Rogan stated (inaudible)...

Board Member McNulty stated I'm not against the flag in any means, I love to see them but you know you have respect whose in the neighborhood.

Mr. Fry stated sure.

Board Member Cook stated have you applied to the Zoning Board.

Mr. Fry stated no, just from the last time I was before this Board we went to you first and then went to the Zoning Board, so I am just following that same process.

Board Member Cook stated we respectfully thank you.

Chairman Rogan stated very nice. So procedurally in order to get in front of the Zoning Board and get the process...

Rich Williams stated procedurally by virtue of an application to the Planning Board under Town law he has the right to apply to the Zoning Board his variances. There is one other procedural issue which I would like to make a recommendation on to the Board and that has to do with the time that Town has to review the application, for me it is somewhat of a grey exactly how long we have but there is an FCC ruling that says essentially the Town has 150 days I'm not sure if that's from a complete application, from an application before any one of the Board or what that means but it certainly is not a lot of time for anything to occur, so I would like to recommend to the Board that you allow, you send a memo over to the Zoning Board of Appeals being as they have the greatest jurisdiction, greatest authority in the review of this application, allowing them to be lead agency in review of the project.

Chairman Rogan stated that makes a lot of sense, you know because their issues...

Board Member Taylor stated sure, yeah.

Chairman Rogan stated their issues control ours, not usually the other way around. That sounds like great, get the ball rolling with them as quickly as possible, site issues you know, while we may have concerns they are not going to be the biggest.

Rich Williams stated I'll get it to you later.

Board Member McNulty stated so is that done, do we have to make a motion or is that...

Chairman Rogan stated do you want that in the form of a motion.

Rich Williams stated you should, yeah.

Chairman Rogan stated Tommy.

Board Member McNulty stated I make a motion that in regards to the cell phone tower at Putnam Lake Fire Department that the ZBA be the lead agency...

Chairman Rogan stated recommend that the ZBA be lead agency.

Board Member McNulty stated recommend that the ZBA be the lead agency...

Board Member Taylor stated (inaudible).

Board Member Montesano seconded the motion.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

Board Member Montesano stated on the recommendation.

Chairman Rogan stated yeah, no, I think the main thing is to make sure that we are working together between the two Boards to coordinate a site walk once, you know, we'll probably do it all with a balloon test all at the same time, it would make sense to get out there once and keep our time frames in mind.

Board Member Taylor stated does there need to be two separate public hearings on this.

Rich Williams stated well its going to need to be a public hearing for the site plan before the Planning Board and a public hearing for the variances before the Zoning Board of Appeals.

Board Member Taylor stated yes.

Michael Liguori stated essentially all time in front of the Zoning Board is a public hearing...

Chairman Rogan stated right.

Michael Liguori stated you know from start to the day they decide to close it.

Chairman Rogan stated does this, let me rephrase this, will this application sent out under our new procedures for, remember the letter we're sending out.

Rich Williams stated yes...

Chairman Rogan stated okay.

Rich Williams stated I was not going to do that for two reasons, one is and I was going to talk to you about this before, first off the mailing on this one is going to be quite extensive, we're in the Putnam Lake area, it's going to 80-90 people to mail out to, I didn't really check the number on the list but everybody is going to be notified probably by April 4th.

Board Member McNulty stated August 4th.

Rich Williams stated through the ZBA process.

Chairman Rogan stated oh okay, August.

Rich Williams stated August.

Chairman Rogan stated and it's not, also in fairness, the reason why we implemented that new procedure was to avoid the idea that we've been working on something for two or three years and now the public is just being brought in, we're here, this is just before us tonight so I agree in that case, I think it would make sense to waive that, you know...

Board Member Taylor stated we made the comments of the public hearing before the ZBA to gather any comments that might be relevant to us.

Mr. Fry stated and just our end we are going to take a look at your comments and revise the plan so it may take some time for us to get back to your memo, to get back to our consultants so, I don't know, I'm not sure what you're discussing regarding a notice but I would say I wouldn't recommend you guys sending out a separate notice to because I'm not sure exactly when we are going to have you know the survey done that was requested et cetera, you know its going to take some time on our part.

Chairman Rogan stated all it basically was, was that we were discussing say subdivisions for two and three years and then having a public hearing and people felt like we had made all the decisions so early on in the process on some of these projects we were sending out a notice saying basically this application has been, check the website to know when things are going on so you can be included or at least know what's going on, keep yourself informed. It was basically just an FYI that was sent out letter to but again in this case because we are just starting to discuss this, it doesn't really meet the reasoning why we implemented it...

Mr. Fry stated okay, with respect to making our application to the Zoning Board, I am assuming that this Board would prefer us to just go ahead, get our materials together, go to the Zoning Board, we'll try to update our plans prior to making the application to the Zoning Board and then we'll come back here once we have our use variance, between that time, they'll be a joint site visit, one thing that you may want to recommend is that if we are going to do a balloon test, if you wanted to pick out certain locations that you were interested in, have that forwarded to my office.

Chairman Rogan stated sure, absolutely, yeah that is something that we will certainly coordinate through Rich, we'll take a look at a site map and we'll probably at our work session take, do something like that...

Michael Liguori stated in the recent cell tower application or the one that has been approved over the last few years or did you guys go somewhere else...

Chairman Rogan stated no we held it in here, didn't we...

Rich Williams stated we held it in here but the ZBA was down at the Rec. Center.

Chairman Rogan stated oh, okay.

Rich Williams stated right.

The Secretary stated not for the one [Route] 311.

Rich Williams stated no, for the one in Putnam Lake.

The Secretary stated oh.

Chairman Rogan stated for the Quail Ridge.

Michael Liguori stated because I'm just thinking, considering how close the property is, whether its 200 feet or 500 feet you're going to capture, it may be more of a ZBA concern but as of right now...

Chairman Rogan stated yeah, we've gone down to the Rec. Center for some of our larger.

Michael Liguori stated yes it's something to think about in advance.

Chairman Rogan stated sure.

Rich Williams stated or court.

Chairman Rogan stated oh yeah, we've next door, I haven't even been in that building yet.

Board Member McNulty stated you haven't had the tour, it's nice.

Chairman Rogan stated no, okay, sounds good, thank you for your time.

Mr. Fry stated thank you.

Chairman Rogan stated okay, how are you doing Teddy.

Ted Kozlowski stated (inaudible).

Chairman Rogan stated didn't miss anything.

Board Member McNulty stated you showered huh?

Ted Kozlowski stated man.

Chairman Rogan stated okay, we have a resolution on County Line Getty, wait just one second for them to clear out.

Board Member Taylor stated is this finished, is this finally finished.

Chairman Rogan stated yeah.

Board Member Montesano stated no, there are still some minor...

(Inaudible – too many speaking at one time).

Chairman Rogan stated it's up to you, we can, you can...

Ted Kozlowski stated Castellano, he is going to amend that wetland permit.

Rich Williams stated he did but I don't know whether (inaudible).

Chairman Rogan stated no, no, she just meant wrap because there is no one else here we can probably, you know how to run this thing, okay.

Rich Williams stated yeah, they don't like it when I do it but I do.

Board Member Montesano stated leaving every other word out.

Rich Williams stated do you want to...

Mr. Fry stated the deck for the Fire Department, can I get a copy of the plans through your office...

Rich Williams stated I took their survey and rough sketched the deck on the back, that is what I have, I can show you.

Mr. Fry stated yeah.

Chairman Rogan stated anybody find their copy.

Board Member Taylor stated (inaudible).

Chairman Rogan stated do you want to go, you don't have to stay, as long as he can run the machine.

The Secretary stated its fine, it doesn't matter to me.

Rich Williams stated you want to go home.

The Secretary stated I do but I can't leave.

Rich Williams stated do you think you'll be done in another ten minutes or...

Chairman Rogan stated I figure we got another hour.

Rich Williams stated okay, you're out of here.

Chairman Rogan stated being honest, I think we have a lot of stuff that we have to go through. It's going to be on, it doesn't matter, it's going to be on the minutes.

6) COUNTY LINE GETTY – Amended Site Plan

Chairman Rogan stated all right, next up we have County Line Getty, we are going to do the resolution for the amended site plan, Tommy would you be so kind.

Board Member McNulty stated no other comments on it.

Chairman Rogan stated no, the comment is we're glad that it's finally wrapped up.

Board Member McNulty stated okay, the Planning Board has considered...

Chairman Rogan stated good night Sarah.

The Secretary stated good night.

Board Member McNulty stated the Patterson Planning Board has considered an application of Tyree Services Corporation of final site plan entitled Getty number 574, a.k.a. County Line Getty, dated August 8, 2008, last revised December 7, 2010. Whereas the Planning Board complied with the requirements of Article 8, Environmental Conservation Law and duly filed all appropriate SEQRA determinations, the Planning Board has opened a duly noticed public hearing on the subject application and final site plan at its meeting on December 2, 2010 and closed the public hearing on that same night. In the application of Tyree Services Corporation a final site plan approval pursuant to Chapter 154 of the Town Code, the Planning Board finds that the subject application and the final site plan as modified in accordance with any applicable conditions set forth in the resolution complies with all requirements of the Town Law, Chapter 154 of the Town Code, subject to the applicant's compliance with the following general and special conditions within 120 days of the day of this resolution and the items are listed 1 through 5 as a general conditions in this resolution and this final site plan approval shall be deemed null and void if the applicant fails to comply with all conditions stated above within the time period set forth above for such compliance unless time periods extended by resolution of the Planning Board.

Chairman Rogan stated okay, we are also going to add into that resolution if I can just add in and amend that the Planning Board grants a negative determination of significance of SEQRA. Do I have a second on that motion...

Board Member Montesano seconded the motion.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay. It's not your fault Tommy, I forgot to ask you to do a SEQRA determination first, so...

Board Member McNulty stated I thought that was done.

Chairman Rogan stated nope. Its part of the resolution usually, right, the SEQRA...

Rich Williams stated sometimes I include it in, most of the time I do not, if it's a wetlands permit resolution you know or a fill permit or something like that, it's in there.

Chairman Rogan stated yeah, okay.

Board Member McNulty stated I just saw it listed on your notes as SEQRA determination type II, I guess its not...

Rich Williams stated oh crap, my mistake.

Ted Kozlowski stated you made a mistake.

Rich Williams stated I made a mistake.

Michael Liguori stated he was testing you.

Rich Williams stated I'm testing you...

Board Member Taylor stated we don't need SEQRA...

Board Member Montesano stated (inaudible).

Chairman Rogan stated type II...

Rich Williams stated we'll just take that out of the resolution.

Board Member McNulty stated I don't know how you write any of this stuff to be honest with you.

Board Member Montesano stated he uses cheat sheets.

Chairman Rogan stated I think we've been kind of lulled because our agendas for the last 6 months have been really out of the ordinary, 5, 6 items and that been really going and we are finally getting back to where we used to have 18-20 items on the agenda routinely and you get out of practice a little bit.

Board Member McNulty stated we haven't made many resolutions lately.

Chairman Rogan stated okay, Ted ran out, Stilwell we're done...

c. Levine Site Walk

Chairman Rogan stated Levine we're still waiting for the DEC.

Rich Williams stated two phone calls, no response from the DEC official who went out there and did the soil testing.

Board Member Taylor stated is he still employed.

Michael Liguori stated that's a good question.

Chairman Rogan stated I heard they were going to do another, possibly up to 100 layoffs in the three regions.

Rich Williams stated really.

Michael Liguori stated yeah, I heard the same time. If you're on either end its ridiculous, they don't change the law they just, there is no one to facilitate it.

Chairman Rogan stated exactly.

Board Member Montesano stated you want a law changed.

Board Member Taylor stated they should...

Chairman Rogan stated I don't know if, Mike if Rich gave you any background on this one site, on this Levine site...

Rich Williams stated I did not.

Chairman Rogan stated it is basically a homeowner brought fill on to his property that we violated him, found out it was going on, went out and saw questionable material, did some soil sampling, found chemical components in the soil, pulled in Health Department, finally got DEC after about a year, finally got them out on site, we are not waiting to basically determine what we are going to do with this because there is impact to this homeowner, there is impact to potentially obviously future homeowners, there might be impact to ground water supplies in the future, you just don't know.

Rich Williams stated and here is the best part, 50% is on neighbor's property...

Chairman Rogan stated oh yeah, I didn't even mention that part.

Board Member McNulty stated and he clear cut the neighbor's property before he filled it in.

Chairman Rogan stated yeah.

Michael Liguori stated had the Town Board considered a restraining order or an action to tell him to just remove the material...

Rich Williams stated that is what we are still trying to figure out because we're not sure what the DEC is going to do...

Chairman Rogan stated right.

Rich Williams stated so we haven't gone down the road about what we're going to do.

Andrew Fetherston stated it sounds like they are going to tell to cap it or pull it out.

Chairman Rogan stated I couldn't imagine.

Rich Williams stated there is a lot of fill and this guy has no money.

Chairman Rogan stated there is fill in some spots that I bet you is over ten feet deep around his well.

Michael Liguori stated I only ask because I'm representing somebody in the Town of Put Valley that brought fill on to their property and they got it for free and they...

Board Member McNulty stated that's what they told you.

Michael Liguori stated they did not, if you're going to get clean fill you better get it tested you know...

Chairman Rogan stated that would seem like the reasonability test.

Michael Liguori stated so anyway, in that instance the Town of Put Valley brought an action against the client and their engineer created kind of a random plan for testing in different areas and we had a couple hits here and there for box and semi-box and things like that and we're under the, we're at the discretion of Judge Nicholai who has basically, the parties couldn't reach an agreement so he reached one for us and that is why I just had a lot of experience with that very recently but if he's got no money...

Board Member McNulty stated yeah, you might be of assistance.

Michael Liguori stated well the big difference you know if the landowner has money because otherwise the Town is in a position they spend the money, they put a lien on the real property but there is no guarantee that they'll get paid anytime in the future, anytime near in the future or anytime later in the future.

Chairman Rogan stated we are just amazed that the neighboring property which is a for sale parcel that is mostly in Brewster, it is a commercial property in Brewster, residential in Patterson, we've sent them certified mail, we've basically gotten not even really an acknowledgement of you know...

Rich Williams stated we had the girl call twice now...

Chairman Rogan stated oh okay.

Rich Williams stated just to, the daughter of the owner, just to see what's going on.

Chairman Rogan stated okay.

Board Member McNulty stated didn't we put a notice of violation on that property as well.

Chairman Rogan stated I believe we did.

Board Member McNulty stated I think we asked to have it done.

Chairman Rogan stated I think that is in process, yeah.

Rich Williams stated that is how we got a response, we had sent two certified letters and got no response, so we sent them a notice of violation and that's when the girl called.

Chairman Rogan stated Teddy...

a. Fehr – Cushman Road Property

Ted Kozlowski stated yes sir.

Chairman Rogan stated Cushman Road property...

Ted Kozlowski stated that's the one that we got a letter of complaint on...

Chairman Rogan stated I think you're further away from the microphone phone.

Ted Kozlowski stated that is the one we got the letter of complaint from a resident on Cushman Road, regarding, is that a daycare center or...

Rich Williams stated it is a residential home with an in-house daycare.

Board Member Taylor stated family...

Ted Kozlowski stated in-house daycare, they've actually done a nice job on the house, there is a driveway there that is not paved, it's on a slope, they have just some timbers holding back the item four, if we get one of those summer deluges it's going to go right into the stream which crosses their property. There is also some debris that is C&D kind of material that is along the stream, just below this driveway because we were notified by someone in the Town, I called them and had a conversation with the woman, Mrs. Fehr and she said that their intent is to pave the driveway which I was hoping they would do because of the slope and the situation with the erosion and that they would clean up the debris by September or October/November and the paving I can understand but that debris should be picked up right away, this is not something to write a big violation about, this is not a big time issue and considering that have done a really nice job fixing up the property and all, I don't disbelieve that they are going to leave that crappy but it should be picked up, I have not called her yet, I will call her and ask her to do that, like I said though, I am not in favor of issuing violations on this because its not terrible, so...

Board Member Taylor stated well for the record Ted they did not fix up the property, someone else did and sold it to them.

Ted Kozlowski stated oh okay.

Board Member Taylor stated so that's, Apap actually fixed the property up.

Ted Kozlowski stated that's right, George does a great job, I'll take that back. You know, if it is something that is continued then we'll have to issue a violation but its not terrible and the C&D material isn't going anywhere, its not like its going to wind up in the stream, it's really more of an aesthetic.

Board Member McNulty stated is it a lot of material, is it a couple of wheel barrows or...

Ted Kozlowski stated no, its, yeah, its basically demolition debris from some past project, they are saying they bought the property with that there, they didn't put it there, I believe it but because its got algae all over it and moss and its been there a long time but it should be cleaned up.

Chairman Rogan stated okay, thank you...

d. Local Law Bonds

Chairman Rogan sated local law on bonds we don't have anything on yet.

Rich Williams stated no, gas stations.

Chairman Rogan stated gas stations we have.

Rich Williams stated looking for a recommendation to the Town Board.

Board Member Cook stated I have a couple of questions on gas stations, do you want to do it now or later.

Chairman Rogan stated well we're not going to make a recommendation until we hear what your questions are.

Board Member Cook stated has the Town of Kent been notified of Patterson's consideration of this.

Rich Williams stated yes.

Board Member Cook stated I mean, seriously formally.

Rich Williams stated we have to send legal notice over to the Town of Kent under 239 MN...

Board Member Cook stated okay, thank you, why twenty-five hundred feet distance wise, is there any particular magic...

Rich Williams stated got us down Fair Street, a little bit farther for some of the properties and over to the other side of [Interstate] 84.

Board Member Cook stated okay and my last question is the twenty-five hundred feet is basically from before, the two exit ramps and the two on ramps at that intersection...

Chairman Rogan stated or center line of the highway or whatever...

Rich Williams stated it is from where [Interstate] 84 crosses [Route] 311, not from the ramps but from where 84 crosses 311, that's the way it's written...

Board Member McNulty stated the center line.

Board Member Cook stated okay, thank you.

Chairman Rogan stated so that twenty-five hundred feet is that to the beginning of a driveway or to the pumps.

Rich Williams stated the beginning of the driveway I believe.

Board Member McNulty stated that's the way I read it too.

Chairman Rogan stated yeah.

Board Member McNulty stated five hundred feet on the Haviland Hollow or the Fairfield Drive...

Rich Williams stated Fairfield Drive, you're right.

Chairman Rogan stated anybody have anything else, the question I would have and you actually got me thinking about this Charlie with about Kent is the intent of all this is to determine whether or not there is a need that is not being filled within these two areas, right. I agree that and I saw your e-mail or something with some questions you had been going back and forth with that any time we can put services close to the highway where people can get easy on, easy off that that is a benefit to not only just the residents but to the

travelers, it brings business into the area, my one concern is that there is nothing worse than being on a highway and getting off for a service and its not easy on, easy off, when you expect it to be and I wonder the twenty-five hundred feet if there are properties that would not fill that my intent, that you know having, let me use Ludingtonville Road as an example, one exit up because it had been said that when you go from Ludingtonville Road towards Brewster, there is really nothing, you can't get off at this exit, you have to go all the way into Lake Carmel to get, I don't even know where you have, yeah all the way into Lake Carmel, you have to go over a mile to get gas on the other side its ever further but Ludingtonville [Road] you have to two stations, it's easy on, easy off, you're not driving through a residential area to get to it, it seems like it should be conveniently located so that the impacts are close to the highway, so that would be my one concern.

Board Member McNulty stated yeah, I raised the question amongst us that twenty-five hundred feet, I was concerned about any properties east of [Interstate] 84 because I'm not familiar of the lots and how they are laid out and if the driveway would then, a driveway entrance within twenty-five hundred feet would then lead another thousand feet into a gas station and up against someone's property so I am not familiar with all those lots, that is why I raised the question because I don't think you can really even, you hit the Kent border property with twenty-five hundred feet on the other side, correct...

Chairman Rogan stated there is only one property.

Rich Williams stated yeah.

Board Member McNulty stated the properties east, they didn't want to get off the road and then there is another thousand feet to get to the pump somewhere.

Chairman Rogan stated well that was kind of where I was going with that, I was concerned about the business...

Board Member McNulty stated and be up in someone's back yard.

Chairman Rogan stated yeah.

Board Member Taylor stated now does this twenty-five hundred run down to the industrial zone on Fair Street, that corner that...

Board Member McNulty stated no...

Rich Williams stated no.

Board Member McNulty stated it won't be set farther.

Board Member Taylor stated so it won't be beyond, it would be between that [Interstate] 84 then.

Board Member McNulty stated between the park and ride and [Interstate] 84.

Rich Williams stated between [Interstate] 84 and Fair Street, that general area.

Board Member Taylor stated but that is part of the industrial zone there.

Rich Williams stated no.

Board Member Taylor stated that corner, he's got it advertised for sale as industrial...

Board Member McNulty stated that rock outcropping.

Rich Williams stated yes, you're absolutely right, that one little corner on the southwest side is the Industrial Zone and the other side of the road is the C-1 zone.

Board Member Taylor stated right, so you're talking both sides of the road, can you put the gas station in a C-1.

Rich Williams stated I don't recall how I wrote it, I don't think you can, it's only in the I zoning district.

Board Member Taylor stated okay, from Fair Street.

Chairman Rogan stated so from the Kent to the highway there is only one property, Patterson Crossing...

Rich Williams stated there is possibly two, maybe three, actually just two.

Chairman Rogan stated really.

Board Member Montesano stated you've got the dentists office, you've got...

Rich Williams stated going the other way.

Board Member McNulty stated that's Kent's.

Chairman Rogan stated that's Kent's...

Board Member McNulty stated yeah on the east side, on the west side of [Interstate] 84 it's really only Patterson Crossing.

Chairman Rogan stated on the Lake Carmel side, let's say that...

Rich Williams stated on the Lake Carmel side, (inaudible).

Chairman Rogan stated because I don't know, the highway goes east and west.

Board Member Taylor stated right.

Rich Williams stated right.

Chairman Rogan stated so on the Lake Carmel side there is Patterson Crossing and then I thought there was a property across street which really was just, it's not there.

Rich Williams stated that's Kent.

Chairman Rogan stated that's Kent, so you really only have one property there, on the Patterson side of the highway between there and Fair Street...

Board Member McNulty stated that was my concern.

Chairman Rogan stated on the park and ride site it's nothing but a wetland, there really is, there's a down slope, there is not a property there between Lundingtonville Road...

Rich Williams stated there is a property there but it's not zoned property and I'm not sure...

Chairman Rogan stated okay.

Rich Williams stated I haven't seen the updated maps for the new County park and ride they put in there but right behind the County park and ride is property owned by the Ryders' now with the park and ride there I don't know how they are going to access.

Chairman Rogan stated right and then past the park and ride there is a residential house right there that comes in off of Bear Hill Estates, so there is not property there...

Rich Williams stated nope.

Chairman Rogan stated on the other side of the road there is a wetland by the exit ramp and then it comes up and there's one, the property you're talking about...

Rich Williams stated S&S Properties...

Chairman Rogan stated so...

Rich Williams stated and then there is another property just past that which I believe comes out on Fair Street, Merritt Ryder's property.

Chairman Rogan stated okay, so actually but comes out like you said so actually access from [Route] 311 there is two properties that this could potentially impact, go ahead please.

Andrew Fetherston stated it sounds like it would have been really helpful if I printed out a color aerial with the lot line, you know...

Michael Liguori stated GIS...

Andrew Fetherston stated yeah having the GIS would have been handy.

Board Member Taylor stated could they put a road in from [Route] 311 connecting to the road that is in that little area, you know do they think, they put the road back in where the old Camp Far property is...

Rich Williams stated the Merritt Ryder...

Board Member Taylor stated they have that road back in there trying to sell those lots, now can they connect that road to [Route] 311 then we are talking about this long driveway potentially...

Rich Williams stated you're talking about the road behind Shaw Welding.

Board Member Taylor stated yes.

Rich Williams stated yeah, no, they are not going to be able to connect those roads, there are wetlands in the way, there are a couple of stream channel crossings...

Board Member Taylor stated so we don't have to worry about them connecting to that and then having a gas station down there somewhere.

Rich Williams stated no.

Board Member Montesano stated the east bound entrance ramp and where...

Chairman Rogan stated this is the problem...

Board Member Montesano stated Patterson Crossing would be, that piece of property in there, is that a separate parcel or is that part of Patterson Crossing, you know where I'm talking about, the east bound ramp, entrance ramp, you go under the over pass and you go in, you have that big slope area...

Rich Williams stated there is Patterson Crossing right there, you cross under to the Kent side, the only property that is right there is Patterson Crossing.

Board Member Montesano stated then what I'm looking at is the possibility if that property, if that piece could be used as a gas station property...

Rich Williams stated it could, well to start with there is a DOT piece right there that goes part way up the hill which you'll remember you know they are going to buy...

Board Member Montesano stated here.

Rich Williams stated I don't know what the status of that is, regardless they would have to completely re-do their stormwater pollution prevention plan to put a gas station in there and I don't believe that would happen.

Board Member Montesano stated I know that in and I'm saying it's here say because it was the second person who was involved, the old Barrett gas station that used to be there in Kent...

Rich Williams stated yeah.

Board Member Montesano stated someone want to acquire that and turn into a 24 hour a day service station...

Rich Williams stated correct.

Board Member Montesano stated and they said no.

Rich Williams stated correct.

Board Member Montesano stated because they didn't want the light pollution effecting the, that was one excuse I heard...

Board Member Taylor stated but its Kent though, so...

Board Member Montesano stated but it was there already and that is why someone is now looking to put a gas station on this side.

Rich Williams stated no, I mean let's, this all started because in my conversations with Martin Monahan from Eurostyle Marble he was saying that he's having problems because there is no place in the area for him to fuel and for his clients to fuel up when they come to visit because Kent, the one gas station that was over there in Kent, closed and Kent refused to allow the 24 hour gas station to go through, so I brought that concern back the Town Board and asked if they wanted to you know take a look at the zoning because at the same time we had an issue over in Putnam Lake, we have two gas stations over there, one of them closed it, it's been closed now more than a year and they haven't been actively trying to do something with it as a gas station so it lost it's pre-existing non-conforming status, you know and do we want to encourage gas station to re-open on that site and answer was yes, so that is what started this.

Chairman Rogan stated you're talking about the old Bob's Garage in Kent...

Rich Williams stated yes.

Chairman Rogan stated so the Town of Kent said we no longer want a service station on this site.

Rich Williams stated they were fine with the service station...

Chairman Rogan stated but I mean gas, like...

Rich Williams stated (inaudible) wanted to have a 24 hour gas station there and they refused to allow him to have 24 hour service.

Chairman Rogan stated okay.

Rich Williams stated therefore he walked from the project.

Chairman Rogan stated sure.

Michael Liguori stated so no 24 hour D&D, how about retail, you know...

Rich Williams stated (inaudible).

Michael Liguori stated I'm just asking...

Chairman Rogan stated it was a repair shop.

Michael Liguori stated the only reason why is just to give you some perspective in what's involved in making money selling gas, I have clients that just bought the Brewster Hill Deli, [Route] 312 and I was negotiating some of the fuel contracts for that particular property and the seller of the property had a

contract to sell 700, a max of selling 700,000 gallons per year, okay and they had three tanks on the property, that is actually not that much gas but they were only make fifteen hundred dollars in profit for every eighteen wheeler of gas that they would sell.

Chairman Rogan stated wow.

Michael Liguori stated when you contemplate how many cars have to come to your property to sell gas, that is why every gas station is you know, a Mobil mart and they are making 50 cents on a bag of potato chips and...

Chairman Rogan stated and that is the cash cow.

Michael Liguori stated and they are making seven cents on a gallon of gas.

Chairman Rogan stated gas gets them there so your money is to be made on...

Michael Liguori stated it will give you some idea of why, when you talk about, it relates very much to what you said before about getting off an exit and wanting to get gas right there, that convenience, having that I think is really critical because the limited amount of money that is involved compared to the amount of vehicles you need to cross your property.

Chairman Rogan stated right.

Michael Liguori stated when you do the math, you need to have something like 50,000 cars come across your property with a 700,000 gallon limit, if everybody had a fifteen gallon tank and not everybody does but it gives you an approximate you know, so when you look at that you have to keep that in mind when you're planning for gas stations, where you want them and you know...

Chairman Rogan stated yeah and I think the intent of a service, a gas station at that location where we are currently spending all of our energies talking about, has to be like what we're looking at a Ludingtonville Road, it has to be a 24 hour Hess station or something is an all service...

Board Member McNulty stated (inaudible).

Michael Liguori stated fifteen, is it exit 15...

Board Member McNulty stated exit 17.

Michael Liguori stated which is the one with just a little further, the Hess station that's 24 hours...

Rich Williams stated exit 17.

Michael Liguori stated exit 17 and that is similar to what you would want to have.

Chairman Rogan stated I think you would have to and it has to be right there so that its visible and that people you know, easy on and easy off and you're not putting the traffic through...

Michael Liguori stated right.

Chairman Rogan stated you know creating additional concerns, I've heard that that Ludingtonville Road Hess station is one of the best for them in the entire country.

Michael Liguori stated I'm sure that it is.

Chairman Rogan stated and that comes directly from them when I have had conversations with them before.

Michael Liguori stated when you look at...

Board Member McNulty stated it won't be when we open one.

Chairman Rogan stated right, right.

Michael Liguori stated when you look at it, yeah, but if you even, if you take your analysis a step further, if you get off at exit 19, there's nothing there.

Board Member McNulty stated you either have to go Carmel or Brewster...

Chairman Rogan stated there is nothing there, your place...

Michael Liguori stated right, right...

Chairman Rogan stated Brewster Hill Deli is the closest on.

Ted Kozlowski stated and then when you get to him, he's too damn expensive.

Chairman Rogan stated we go to them because their nice people but you're right there's nothing there, you go to the other, towards Carmel there is nothing, so you have to go to the next exit in Brewster by Sciortino's to a Mobil station or something else.

Michael Liguori stated right.

Chairman Rogan stated so there is a gap there, no doubt about it, not only for the residents who are back and forth, I'm surprised about the, the issue about the Kent about the Bob's Garage is unfortunate because if one municipality is saying we don't think we want this type of activity right here, I think we would be remiss in not having a conversation at saying but we, tough we think we should and you know the one thing that we were, the one thing we...

Michael Liguori stated well maybe you can have...

Chairman Rogan stated took a little bit of heat from throughout the whole Patterson Crossing, right, wrong or indifferent was that this is something that Patterson is approving that doesn't impact on Patterson, it impacts on Kent and you know there are always borders and things happen, you know...

Michael Liguori stated yeah, lines.

Chairman Rogan stated the lines are drawn but it is unfortunate because when we are talking about building shopping malls and talking about building commercial space and we have existing space right next door

that we're not utilizing, I think that's poor planning, I think that we have a space that we can utilize, you know, we can't control what Kent does but you know if we are only talking about two properties that this half of the code impacts, then maybe we ought to do some assessment it would be different if we were saying this code will impact a hundred properties, the whole Route 22 corridor well then are not going to go and assess how its going to impact every single property but we are saying it only impacts two or three, would we be remiss if we say well it sounds great, we need gas near [Interstate] 84 and consider how, whether it will work because now we're, you're saying what we always talk about, you've said this is what you want it to be zoned for and now I can't use my property as that because it doesn't fit...

Board Member Montesano stated question to add...

Rich Williams stated Shawn, I've taken a look at the properties and there are properties there it would fit on.

Chairman Rogan stated with the idea of what we just talked about, with the whole idea that its close to the highway, that it's easy on, easy off, that it's not having impacts that are going to go through other areas, its difficult.

Rich Williams stated absolutely, not a lot of properties...

Chairman Rogan stated right.

Rich Williams stated very few but there are properties that would qualify if somebody wanted to develop them that way, particularly the, you know I don't want to get into a situation where we are saying we're spot zoning but the S&S property is ideal for what we're talking about.

Board Member Montesano stated question, we have an approved project on that road which is located in the Town of Patterson and one of the possible participants is known to sell petroleum products, is there a possibility...

Rich Williams stated yeah god damn it there sure is.

Board Member Montesano stated okay.

Rich Williams stated now why don't we get it right out on the table, good. How long can they dance...

Chairman Rogan stated I think that at a bare minimum, I'm not ready to make a recommend, me personally I am not ready to make a recommendation on this, let the Town Board start their process on this, the other side of Put Lake, we haven't even talked about that one yet, I don't know that property as well, I don't go over to Put Lake, I don't drive down there...

Board Member Montesano stated I do.

Board Member McNulty stated I know that property and it would make sense to get a gas station back there, you need to go take a look at it but, I mean you need to go take a look at it, we're talking about that one existing gas station I think and it's the only place you can really develop...

Andrew Fetherston stated right down from the firehouse.

Board Member McNulty stated in Putnam Lake, the properties here on [Interstate] 84, I'm not familiar with the layouts.

Michael Liguori stated do you have GIS capability (inaudible).

Rich Williams stated yeah I have GIS capability (inaudible).

Board Member McNulty stated Rich was there any response from the Town of Kent.

Rich Williams stated no.

Board Member McNulty stated none at all.

Rich Williams stated no.

Board Member McNulty stated so Kent didn't respond at all.

Board Member Cook stated when did they get the notification Rich.

Rich Williams stated when I did the notice of public hearing for the local law.

Chairman Rogan stated when is the public hearing.

Rich Williams stated (inaudible).

Chairman Rogan stated oh so the Town Board set a public hearing without a recommendation so it's not going to slow them down not having a recommendation from us. I mean you know, following the same logic, we usually have a SEQRA determination before, usually they are asking for a recommendation before they set it so.

Board Member Taylor stated so it sounds like people want to look at this a little more and we probably should be looking at a map instead of trying to picture the stuff in our head before we make a determination and we should make one next month and...

Board Member Cook stated the public hearing for the Town Board is July 13th...

(Break in recording)

Board Member McNulty stated we're on.

Chairman Rogan stated given that we've just received this request and we haven't had a chance to really take a look at the areas, the potentially impacts of the properties that this might affect...

Board Member Cook stated affect.

Chairman Rogan stated thank you, I think that this Board would be remiss in making a recommendation with the information we have tonight, I understand that the Town Board is moving forward with the public

hearing, we can continue to consider this but I think at this point we should offer neither a positive nor a negative recommendation to the Town Board on this...

Board Member Montesano stated (inaudible – mumbling).

Chairman Rogan stated but just say that we doing further review and at this point we don't have a recommendation.

Board Member Taylor stated so moved.

Board Member McNulty stated it would be nice to see the affected lots by the distances.

Rich Williams stated so would you like to see an aerial photo with the tax maps overlaid a twenty-five hundred foot radius from [Interstate] 84 shown on the aerials and the zoning designations as well.

Board Member McNulty stated (inaudible).

Board Member Montesano stated yeah but can we add three thousand instead of twenty-five hundred, just so we can see outside of, they are giving us twenty-five hundred, I'd like to see...

Board Member Taylor stated beyond that.

Board Member Montesano stated beyond that to see what it's encompassing.

Chairman Rogan stated to see, I understand what you're saying.

Board Member Taylor stated if we should make (inaudible).

Board Member McNulty stated well the map will show beyond...

Chairman Rogan stated the aerial is probably going to be a mile or something.

Board Member McNulty stated delineation.

Rich Williams stated yeah.

Chairman Rogan stated yeah.

Board Member Taylor stated okay, so he's going to show that.

Chairman Rogan stated okay.

Board Member Montesano stated all right.

Chairman Rogan stated all right and...

Rich Williams stated all right.

f. Commerce Drive

Chairman Rogan stated Commerce Drive, the owner of the property was here earlier and I just mentioned to him that we spoke about this at the work session and this goes back to Commerce Drive, we have to get back to the idea of looking at this as a Master Plan for this and with good intentions by everybody but we need to remind the owner Mr. Monteleone to get back to that idea of not just saying yeah but I have this and I have that, let's put it together and let's really take a hard look so he can answer the questions he's asking us right now without coming to us, to say hey, we've considered it, there is an area that can be built that is this footprint, anything less than that is always going to be you know assuming that the impacts aren't different or unique and I think that ultimately at the end of day is what he's looking for so he can market it and get some commercial development, right now they are talking about one lot that...

Andrew Fetherston stated Black Birch.

Chairman Rogan stated Black Birch that they are looking to possibly do a smaller, about half the size of what was previously considered for office.

Rich Williams stated did you hear this from Pete on the way out.

Board Member McNulty stated yeah, tonight.

Chairman Rogan stated tonight.

Board Member Montesano stated he came in tonight and told us.

Chairman Rogan stated yup so I told him, what I told him was considering that Mr. Boniello will be coming in at the work session with a set of plans, have this gentleman come in with you to the next work session, we can pull the plans out and take a look and let's do that.

Board Member Taylor stated I think we also...

Rich Williams stated we have to start charging the fees that I need to charge for the office...

Chairman Rogan stated you know, the work session, us having a discussion is no additional fee for the Town, we are already there, other than maybe you being there...

Rich Williams stated that is not the point, we have a fee schedule that we need to follow and the Planning Board doesn't have the authority to waive that fee schedule.

Chairman Rogan stated the Planning Board has the authority to put people on an agenda or have people come in to discuss something.

Rich Williams stated as long as they meet the requirements to do that. We have a fee schedule that says if somebody is coming in to sit with the Planning Board to talk about the project...

Chairman Rogan stated right.

Rich Williams stated they need to pay a hundred dollar appearance fee, that is the fee schedule.

Chairman Rogan stated well maybe...

Board Member Taylor stated so let's change him a hundred dollar appearance fee.

Chairman Rogan stated the concern I have with this we spent and I am not objecting to this so let me just say it but we spent a half hour talking about this exact applicant but a different lot at the work session about the lot that has the pond in the middle with the bricks and all that, I see no difference between speaking about a lot or having someone in to speak about a lot and I honestly can't differentiate between it because the guy comes in with his plans or we just talk about it...

Rich Williams stated okay, the differentiation is I was asking the Board for some guidance...

Chairman Rogan stated and that is what they're doing.

Rich Williams stated I had to respond to an applicant, like Ted does all the time like he did with, what is it, the Cushman Road property, I see that as a big difference between an applicant coming in with a project that they want to discuss with the Board...

Board Member McNulty stated well Rich he literally spent less than two minutes just hit us while we were sitting there at the desk before the meeting and Shawn, what you did tell him is get on the work session, come back for the next meeting, bring the applicant and come in and that is literally...

Chairman Rogan stated yeah I didn't tell him to file an application though.

Board Member McNulty stated no but you told him to come to the work session to discuss it...

Chairman Rogan stated yup.

Board Member McNulty stated now I guess that's when the fee schedule would kick in, correct...

Rich Williams stated yup.

Board Member McNulty stated so literally it wasn't a big deal it was quick, he was in and Shawn's recommendation was come to the work session and bring the applicant and we can get a feel for it.

Chairman Rogan stated but you know what and I appreciate you giving me the out but actually my intentions were exactly what I'm saying, it wasn't that I made a mistake and then said oh by the way you have to pay a fee, maybe that's a change in our procedure, that we need, that I would recommend but to my feeling is a work session is where you can have somebody come in, you're all, we're all, it would be different if it was a special meeting, if we weren't meeting and now that is a cost to the Town but just like we are going on tonight, there is no additional cost to the Town, we already have things on the agenda, we are not asking for a technical review, it is opinion based, it gives people a sense of trust in the process that they get a sense of where we are going to go with this that you say here, does this sounds reasonable, we are not making and decisions and we are not bound by them, we are giving them guidance that says hey this is within Code or if its not this is what you'd need to do. This is just like a feel good kind of meeting in my opinion.

Rich Williams stated oaky how do you differentiate between this, what you're doing and say what we've

seen by another particular engineer who comes in, he will come in four, five, six times before he ever actually makes an application.

Board Member Montesano stated well...

Board Member Cook stated he gets to come in once and this goes back to what you said earlier about there is nothing going on out there so this type of meeting would, is like a welcome type meeting, maybe small letter but it says just come in, tell us what you're thinking and we can say you know what, yeah this is a great area and basically end of story, go back start the process with the Town Planner, that's it, no coming back for chit chats, two, three, four, five, six times, this is just a, you know this piece of property...

Board Member Taylor stated sounding Board.

Board Member Cook stated what you want to do, right, a sounding Board is correct, that's it, this is a very limited conversation and that's it, we are trying to, like you bring the business in, bring the business in, so we are being a bit accommodating and its end of story, after a brief conversation, it's now, you want it, you got the direction go fill out the forms, see the Town Planner, pay your fees...

Chairman Rogan stated start the process and really it's not much different Rich than somebody coming in and asking you the process, they come into your office probably ten times a week, right to ask, hey you know I'd to more...

Rich Williams stated oh yeah.

Chairman Rogan stated so I mean we're not talking about people coming in for little dang things, these are pretty big projects, you're talking about Boniello is either a subdivision or building a house, you're talking about an office complex...

Board Member McNulty stated 45,000 or 60,000 square feet.

Chairman Rogan stated you know you're talking about, this isn't like somebody coming in, I mean you guys individually, Ted, yourself meet with people on an individual basis, if somebody asks for this, you're not, it's not like you're even throwing it out there as advertising but just like you were saying making things seem like everyone is approachable, there is no hidden, hey this is the process, you do your work, we do ours, there is a process.

Board Member McNulty stated hold on.

Rich Williams stated change the tape.

Chairman Rogan stated yeah.

Board Member McNulty stated you said you know how to do it.

Board Member Montesano stated you know how to do it.

Chairman Rogan stated oh you can flip it.

Board Member McNulty stated the other side is already done though.

Board Member Taylor stated can we set some limits on this can we say you have...

(Tape 2 Side 1 – Ended)

Board Member Montesano stated at a work session so if we can't theoretically, we're just being polite. We're trying to be, we're the salesmen, we are trying to get with it, we're the salesmen...

Unknown Speaker stated trying to be polite here.

Board Member Montesano stated we're trying to generate money.

Rich Williams stated you're have a conceptual plan, listen here is my recommendation...

Chairman Rogan stated okay.

Rich Williams stated all right I am currently in the process of changing the fee schedule, why don't you tonight adopt a motion to make a recommendation to the Town Board to amend the fee schedule to allow the initial conceptual review of the project, one time, for no fee.

Chairman Rogan stated so moved.

Board Member Montesano seconded the motion.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

Rich Williams stated done.

Michael Liguori stated a pre-application meeting...

Board Member Taylor stated back onto Commerce Drive stuff...

Board Member McNulty stated it's just...

Board Member Taylor stated we've got, Rich came back to us with three sets of evaluations of sites, right, you shows us that...

Chairman Rogan stated Commerce Drive site.

Rich Williams stated four, four.

Board Member Taylor stated four.

Rich Williams stated and I've got to still meld them all together.

Board Member Taylor stated okay but in a sense its back in our court, right.

Rich Williams stated yes.

Board Member Taylor stated all right so we are now ready to take the next step too looking at this comprehensively.

Board Member McNulty stated to assess these four properties and...

Rich Williams stated yes.

Board Member Taylor stated so then let's do that as part of this discussion at our next work session and see if we can in fact separate out this one property that he brought to us.

Chairman Rogan stated okay.

Board Member Taylor stated because it seems like it is separable, right, it was not involved in any of the other stuff.

Rich Williams stated are we done with everything.

Board Member McNulty stated no, we have minutes.

Board Member Taylor stated Commerce Drive.

Chairman Rogan stated why what's wrong.

Rich Williams stated I am not sure I'm over recording...

Chairman Rogan stated oh.

Board Member Taylor stated we did Castellano already, right.

Chairman Rogan stated we didn't do but you can just make a note yeah...

(Break in Recording)

Rich Williams stated go ahead I'm on side B go I've got.

Ted Kozlowski stated we're taking a break Rich, someone is taking a break...

(Tape Ended – New Tape Recording).

Ted Kozlowski stated just listening about this work session and discussions and I am going to use Boniello and Matt Castellano as two example, I think it sets, with all due respect about the fees and all that and I can

understand where Rich is coming from on that, it does set good will and it also, I think stream lines things a lot easier for people and Tony Boniello we've had issues with, there's sometimes confusion, sometimes an applicant when its one on one if its somebody coming into Rich's office to talk to him or someone comes to me in the field, interpretation sometimes is different sometimes that person gets it wrong, sometimes I don't know all the rules and its better when that person comes in, you set them straight, you give them 10, 15 minutes. Matt Castellano called me after the last meeting couldn't believe how nice everybody was, he couldn't believe he did this without having to pay a fee, its going to go a long way, this guy is going to be a Town resident, its just goodwill, Anthony Boniello, he sometimes does not understand fully the concepts, I prefer to have a discussion with him in front of everybody instead of just me because I think it is better for the Town, it certainly is better for me and it is better for Anthony. So I really do think to have that at work sessions, not so much at a meeting because the full Board Meeting, look how late we are late tonight but our work session and just limit to maybe one or two, not a whole slew of people...

Chairman Rogan stated sure.

Ted Kozlowski stated it really depends on the agenda, I would think...

Chairman Rogan stated yeah.

Ted Kozlowski stated reasonableness but if it's one or two people, five or ten minutes, no fee just so the Board and everybody can say something and send that person in the right direction, I think it's a homerun, I really do.

Board Member McNulty stated okay.

Rich Williams stated it all sounds very reasonable, I've got an operating budget...

Board Member Taylor stated yup.

Rich Williams stated I've got a revenue line that I have to meet...

Chairman Rogan stated you're still going to get that hundred dollars though...

Rich Williams stated I, I'm still going to get that hundred...

Chairman Rogan stated you're going to get it because they are going to file an application quicker going to get that and we're going to get them in line.

Rich Williams stated but I'm not going to get hundred dollars, I'm going to get the application fee they normally would have had to file and a hundred dollars isn't a lot of money...

Chairman Rogan stated right.

Rich Williams stated but you know, we started the year off by cutting the site plan application fees by 70%, I am so short on my revenue line right now, I understand who did that but I'm sitting here, I'm waiting to get into this budget time and say geez, you're not making your revenues, your operating budget we're in tough economic times, we spent all this money, we're spending \$280,000 at the Rec. Center that wasn't budgeted for...

Chairman Rogan stated yup.

Rich Williams stated you know and now we have to make ways to cut, you're not making your revenue lines, which one of the girls is leaving.

Chairman Rogan stated and we have to remind the Town Board that they made some decisions that government doesn't make money, government provides services, customer services what government should be all about, not how much money we bring necessarily but what, at the end of the day what service are we providing. Quick interesting note, I thought you were going to go to the bonds, remember that we did all the change in the way we do our bonds, there is a neat article in the paper from Carmel, they have an issue with a Route 6 in Mahopac, the old Mahopac Mower Mart site that's been delinquent for over two years and the Town Board was talking about different actions, they only have a \$50,000 bond on the property and the article was basically saying and it was Mike Berilli who commented at probably a public meeting it was quoted in the paper as saying you're not holding enough bond on these people, you're better off putting the money in the bank and suing them for the money that won't even cover the curbing for that lot, you know and it brought us back to, we say that the bonds are for just stabilization of site but the reality is a lot, we've changed the way we collect bonds now and maybe they were excessive before but we might be on the other end of the pendulum right now, where we're not holding enough money because that was the impedes for people to complete the job that they wanted to get that money back...

Rich Williams stated absolutely.

Chairman Rogan stated I know I totally agree with...

Rich Williams stated that's where we are...

Chairman Rogan stated the net outcome of what we were doing but okay...

Michael Liguori stated the majority of time to get a performance bond company to pay you, you have sue them...

Chairman Rogan stated right.

Michael Liguori stated you are better off with a letter of credit.

Chairman Rogan stated which is what we've done recently on some.

Board Member McNulty stated yeah...

Chairman Rogan stated a letter of credit.

Rich Williams stated but it is their option, now ours.

Chairman Rogan stated right.

Michael Liguori stated right, right unless you eliminate the other option.

Board Member Taylor stated so let's hear back from the Town Board...

Chairman Rogan stated okay.

Board Member Taylor stated about the fee schedule and see what their reaction to that is...

Chairman Rogan stated yeah and I think...

Rich Williams stated I'm sure they are going to be all in favor.

Board Member Taylor stated we can make a counter proposal and I think...

Chairman Rogan stated when it comes down to it...

Rich Williams stated I mean they are spending money that they don't have...

Board Member Taylor stated oh okay...

Chairman Rogan stated when it comes down to it, neither the hundred dollars in fairness to Mr. Boniello nor the person that would be coming in with Mr. Monteleone, is the make or break of the deal but I agree wholeheartedly with what Ted said, its just that idea that its kind of, its formal but its informal, its kind of you coming in saying hey here's my idea does it sound reasonable, yeah and here's what you're up against, you know a quick brief look, you may or may not even have a good plan you know it might be the kind of thing where you're opening up a map or something and we're saying well it's in this zoning, I think that it's the spirit of goodwill and bringing people in and having a conversation and in the end I don't think that this is going to open up a can of worms, I really don't, I don't think that this is going to turn into something that we said oh what did we, now we're spending thousands of dollars and we're not recouping it. Matt Castellano, last one on the application...

g. Matthew Castellano – Wetlands/Watercourse Permit Application

Chairman Rogan stated we have a wetlands/watercourse permit application, that was amended to include a driveway...

Ted Kozlowski stated yes, Matt called me up and said that what we all talked about at the work session that (inaudible) the Town was all the other regulatory agencies, he got some information DOT who wasn't crazy about giving him another, moving that driveway over and their records are poor and he saw this as a big run around, so he is just going to leave the driveway as is, he is going to put the driveway on the wetlands application because it is within a hundred of the wetland but he's basically using what is there now and my understanding is that it will be a gravel driveway along the wetland and as he goes up the slope, he will pave it but he'll basically whatever we tell him to do, he just wants to move the project along.

Chairman Rogan stated and the entrance is already paved, the first forty or thirty feet in.

Ted Kozlowski stated yeah he's got an acre in...

Rich Williams stated not exactly the neighbor has a paved drive...

Chairman Rogan stated right.

Rich Williams stated what they did is there were supposed to be two driveways side by side; he's using the neighbor's driveway entrance and as soon as he crosses the entrance skirt over to where his driveway...

Chairman Rogan stated that's not true, that's full width, I just pulled into it tonight...

Ted Kozlowski stated yeah, he's got...

Rich Williams stated you think he's got full width for two driveways.

Chairman Rogan stated no, no but my point is, he's not, they didn't, that pavement that you drive in to go to his property, wasn't provided by the neighbor just for the sake of unless they provided it for a parking spot by the road, that has to be over 20 feet wide there, that's solid 16 feet wide...

Ted Kozlowski stated DOT is telling him that's the driveway (inaudible).

Rich Williams stated I'll go take a look...

Chairman Rogan stated yeah, I drove in, I actually went all the way up to the top of it...

Rich Williams stated on the plan, I skirted in on the neighbor's driveway and I cut over...

Chairman Rogan stated no it goes right in, unless it's changed since you saw...

Ted Kozlowski stated you can go straight up Rich, it's an acre...

Rich Williams stated regardless...

Ted Kozlowski stated DOT...

Rich Williams stated regardless...

Chairman Rogan stated yeah.

Rich Williams stated just so everybody is aware, what the process is, he is required when he builds a house out there to put a paved driveway in...

Chairman Rogan stated right.

Rich Williams stated unless the Planning Board waives it to allow gravel.

Chairman Rogan stated right, no I totally understand...

Ted Kozlowski stated what he told me though, again is that apron, the apron is what DOT approved and they're not giving him anything else.

Chairman Rogan stated and if I were him I wouldn't go through at this point, you have to pick your battles at this point.

Ted Kozlowski stated he's (inaudible) and he just...

Chairman Rogan stated yeah, so we need to set a public hearing on this, correct, for next meeting...

Rich Williams stated yup.

Chairman Rogan stated on the matter of Castellano Wetlands/Watercourse application I make a motion that the Planning Board set a public hearing for the August meeting, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated we also have a request for the Ice Pond Subdivision to grant a 120 day extension, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

8) MINUTES

Chairman Rogan stated and we have minutes of May 26th and June 2nd to approve, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated and we have a motion to adjourn.

Board Member Montesano seconded the motion.

Chairman Rogan stated on the motion, all in favor:

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

The motion carried by a vote of 5 to 0.

The meeting adjourned at 10:24 p.m.