

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**July 31, 2008 *Work Session***

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Howard Buzzutto, Chairman  
Mary Bodor, Vice Chairwoman  
Marianne Burdick  
Lars Olenius  
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**PLANNING BOARD**

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

**Planning Board  
July 31, 2008 Work Session Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, David I. Raines, Town of Patterson Building Inspector and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:30 p.m.

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

Chairman Rogan stated how is everyone doing tonight.

Board Member Pierro stated very well.

Chairman Rogan stated that's good, since Rich Eldred is here from Watchtower, would anybody mind if we do that item first.

Board Member Pierro stated no, go right ahead.

Board Member Montesano stated not at all.

**1) WATCHTOWER – W/W Permit Application**

Mr. Rich Eldred was present.

Chairman Rogan stated okay, Watchtower wetlands/watercourse permit application. I don't think you said that loud enough.

Ted Kozlowski laughs.

Chairman Rogan stated okay.

Ted Kozlowski stated Rich, is this the one that we (inaudible – too far from microphone).

Mr. Eldred stated yeah.

Board Member Pierro stated Watchtower, Rich's memo.

Chairman Rogan stated we have a memo from Rich.

Rich Williams stated yup.

Board Member Montesano stated which one.

Chairman Rogan stated on Watchtower.

Board Member Montesano stated oh our Rich.

Chairman Rogan stated there is more than one.

Board Member Montesano stated versus their Rich.

Chairman Rogan stated no, no, from Rich Williams.

Rich Williams stated (inaudible – too far from microphone). What are you telling me, now I'm not again.

Dave Raines stated no, I just like the name.

Rich Williams laughs.

Chairman Rogan stated Rich, can you walk us through these, the wells and what we are, I mean this Rich, Rich Williams first and then.

Rich Williams stated sure, if you'd like.

Chairman Rogan stated yeah.

Rich Williams stated Watchtower is proposing to install two new gravel wells on the west side of Route 22, if, you are all familiar a little bit with the site, the west side of Route 22 is a pond, behind the pond there the big open field where they graze cattle from time to time, if we keep heading north [Route] 22 there is a residence and some flower gardens.

Board Member DiSalvo stated right, we did, we gave them a permit last time for it to install a new agricultural building there.

Rich Williams stated yeah.

Board Member DiSalvo stated two years ago.

Rich Williams stated but we are talking down at the other, the north end of that field, out back there.

Board Member DiSalvo stated but that side of the road, that side of the road.

Rich Williams stated that side of the road. Out back at the residence, there is an existing well field, sand and gravel well field as opposed to a bedrock well field. Which they are looking to install two new wells and what they have found over time is that the screening within the well calcifies and you know, they need to rest the wells and do remedial work to keep the yield up to par.

Board Member Pierro stated how far.

Rich Williams stated what they want to do is, they want to put two new sand and gravel wells in this area so that they can relax wells alternately and do the remedial work.

Board Member Pierro stated how far are those wells from the residence, from the residence well.

Rich Williams stated I would guess about five hundred feet.

Mr. Eldred stated they are actually more then that, they are about sixteen hundred feet from [Route] 22, so they are.

Ted Kozlowski stated quite a distance.

Board Member Pierro stated how deep are these wells going to be.

Mr. Eldred stated they are very shallow, the two that are there now are at about seventy feet the new ones will be at about fifty feet.

Board Member Montesano stated they are shallow.

Mr. Eldred stated instead of going down into the bedrock like normal wells around here do, we have three of those on our site, these go on top of the bedrock and take advantage of the gravel spread that is down there.

Board Member Pierro stated right.

Mr. Eldred stated and draw water.

Board Member Pierro stated what is the usage for the water for the farming facility or for the property across street.

Mr. Eldred stated its for the overall facility.

Board Member Pierro stated for both site.

Mr. Eldred stated yeah.

Board Member Pierro stated so you already have a pipe underground that supplies across the street.

Mr. Eldred stated we actually have four pipes running from down in that area under the road and up to the site.

Board Member Pierro stated up to the main site.

Board Member DiSalvo stated will they have to follow the standards of the Health Department, as far as like gallons.

Chairman Rogan stated well these are, you are going to be using these for drinking water.

Mr. Eldred stated yeah, it will be used for drinking water.

Board Member DiSalvo stated gallons per minute and stuff.

Mr. Eldred stated so we have to get a well drilling permit from County Health, we have to eventually then get a water taking permit, when these are turned into production wells from the DEC. They will become a part of our overall well system and we will pump them on an alternating basis like Rich was talking about so they will be relaxing the other wells and they won't draw quite as (inaudible) on the rock wells which our neighbors are also on that same aquifer.

Chairman Rogan stated so it looks like you're, I'm reading your letter here Rich and speaking to what Maria was talking about, you're not looking to increase the water usage on the site just have a better access and not draw from one particular area as much, it says your allotment is one hundred and sixty-five thousand gallons a day.

Mr. Eldred stated that is correct.

Chairman Rogan stated okay, so we are not talking about a well to increase usage, we are just talking about providing a better source, okay.

Board Member Pierro stated my only concern naturally and even though this is drawing from the same location, there may not be any additionally uses, you never know what might happen in this world if this were to injure those other wells in some way, even your existing wells and possibly the adjoining well, would you guys be prepared to remediate if the neighbor lost their water for some reason.

Mr. Eldred stated that is written in as a part of our water taking credit from the DEC and County Health.

Board Member Pierro stated great.

Mr. Eldred stated we have to remediate, for example, Lopane's and their nursery, their water began to be diminished up at their house and they approached us and we paid for them to drill an additional well at their nursery so that in no way would be impacting them. We couldn't see where we were impacting them but we didn't really want to (inaudible – too many speaking).

Board Member Pierro stated because you are good neighbors.

Chairman Rogan stated it was easier to.

Mr. Eldred stated yeah.

Board Member Pierro stated but you were being good neighbors and that is important.

Mr. Eldred stated but that is a part of our permit.

Board Member Pierro stated of the permit process, I wasn't aware of that or else I wouldn't have asked the question.

Mr. Eldred stated yeah and it is also part of the permit process (inaudible) pumping of our wells, we have a well pumping program in place so that we try not to over pump at any particular location.

Board Member Pierro stated very well, now what does this require from our Board.

Chairman Rogan stated a wetlands permit.

Board Member DiSalvo stated a wetlands permit.

Board Member Pierro stated wetlands/watercourse permit.

Chairman Rogan stated that is my next question, what kind of impacts are we looking at here.

Ted Kozlowski stated Richard, you and I went out there and some other gentlemen, it hasn't changed from what you showed me, correct.

Mr. Eldred stated no.

Ted Kozlowski stated it's the same location, it's the same.

Mr. Eldred stated it's the actually location of the wells is down past the well house.

Ted Kozlowski stated right.

Mr. Eldred stated and just past (inaudible – too many speaking).

Board Member Pierro stated when he says it here, does he say it up front.

Mr. Eldred stated the other side, is about three hundred feet from the two existing sand and gravel wells.

Chairman Rogan stated is that the wetlands.

Board Member Pierro stated yeah if you don't, it didn't.

Ted Kozlowski stated I believe there are no trees (inaudible – too many speaking).

Board Member Pierro stated there's a (inaudible), I didn't see that, I missed it.

Chairman Rogan stated got it.

Mr. Eldred stated its pastured land but it is wetlands as well.

Ted Kozlowski stated I went out there, last fall, it was quite awhile ago.

Mr. Eldred stated it was 2006 actually.

Ted Kozlowski stated it was late, late 2006.

Chairman Rogan stated wow.

Ted Kozlowski stated I didn't see any wetlands impacts, I mean it is within the DP-22 but it's pasture, so I don't.

Chairman Rogan stated its pasture.

Ted Kozlowski stated I don't see any, you know, there is certainly no tree cutting, there is certainly no, they are not in the swamp per se and I don't see any significant impacts, I really don't.

Board Member Pierro stated Rich, do you have any concerns.

Rich Williams stated the only potential concern this Board might have with what he's doing is if he is drawing the water table down as such that he is drying out the wetlands, other than that, he is not doing any major surface disturbance, he's not doing any major vegetation removal but he's already drawing out this amount of water, so he is not increasing the amount. So whatever impacts might occur, have already occurred and there would be no new impacts associated with this, that I would perceive.

Chairman Rogan stated are all of the wells that are currently in use though, drawing from the same area or the same area of influence of the wetland.

Rich Williams stated in this area, yes.

Chairman Rogan stated okay.

Rich Williams stated the well field is out there, there are three wells there now.

Mr. Eldred stated two wells.

Rich Williams stated two wells there now.

Chairman Rogan stated so you have two wells for the entire facility.

Mr. Eldred stated no, we have five, we have three rock wells along the site and we have to maintain those as we do with these. Now when one of these is pumping, it pumps about a two inch water pipe full of water so it's not a major dramatic pump down and in 1988 when we were investigating this, County Health had us do a 96 hour pump test, just to answer that very question, were we affecting the water in the wells and the sensor that we had at that time were draw down.

Ted Kozlowski stated the other thing with wetlands is too, there is surface water and there is ground water and I don't know if that is a recharge area in the immediate area, if it is sand and gravel and it will go down, it could be a be hard thing, I don't know and there is a tremendous amount of water going through there as you all know.

Rich Williams stated honestly if it was a hard pan it wouldn't be good for wells.

Mr. Eldred stated there is some.

Ted Kozlowski stated well they are going through it.

Rich Williams stated there is always (inaudible).

Mr. Eldred stated on top and then there is the rock and gravel area (inaudible – too many speaking).

Board Member Pierro stated they're mine, I brought them.

Board Member DiSalvo stated oh alright.

Mr. Eldred stated and so we are drawing from them and we feel that our overall property is like a recharge area and basically the total amount of water that is used compared to the amount of rainwater that falls on our overall property is about five percent a year so (inaudible).

Chairman Rogan stated how does the Board feel about a site walk, yes or no.

Board Member DiSalvo stated I would like to see it.

Chairman Rogan stated okay, I could go either way, I don't really, based on the impacts its up to the rest of the Board.

Mr. Eldred stated you are welcome to come out.

Chairman Rogan stated so, you know, we can come out, we can do it, can anybody do this weekend.

Board Member Cook stated I have not been out there, so, that would be fine.

Chairman Rogan stated alright, we have been to this site but we have never been to this well field, not that I am aware of.

Board Member Pierro stated I think we would be remiss if we didn't take a look at it, even though it will probably get taken care of at the next meeting if we have to.

Chairman Rogan stated can anybody do a site on Saturday morning.

Board Member Pierro stated yes.

Board Member DiSalvo stated yeah.

Rich Williams stated I'm not sure.

Chairman Rogan stated okay, well we'll, we can do a week night though too, now that we have all this extra daylight.

Rich Williams stated pencil me in, I should be able to make it.

Chairman Rogan stated you have big plans I know.

Rich Williams stated no I don't.

Chairman Rogan stated can we arrange to meet with you or someone else on Saturday morning.

Mr. Eldred stated I will be there.

Chairman Rogan stated eight a.m. we can come up, is that too early.

Mr. Eldred stated no.

Chairman Rogan stated eight a.m. we will meet in the front of the.

Rich Williams stated the house.

Mr. Eldred stated there is a big white house at this end and if you want to come to the big white house I will be right there.

Board Member Pierro stated very well.

Chairman Rogan stated eight a.m. Saturday.

Board Member Pierro stated okay.

Chairman Rogan stated and if for some reason that the Board, someone says that they can't make it, we will let you know before Saturday.

Mr. Eldred stated no problem.

Ted Kozlowski stated what's for breakfast.

Mr. Eldred stated pardon me.

Chairman Rogan stated we have to meet at the diner.

Mr. Eldred stated that is just across the street.

Ted Kozlowski laughs.

Chairman Rogan stated alright, anybody else have anything else they want to discuss on this.

Board Member Pierro stated no, I'm fine.

Mr. Eldred stated to do this of course, we would just have to drill six inch holes in the ground but then to connect it to the well house, we have to run our trencher which will open up the ground, we will put the plastic pipe and the cable down in and then immediately close it back up and then we will seed and get the grass growing again, in that way, that impact should be minimal but there will be the insertion of pipe.

Board Member Cook stated right.

Board Member DiSalvo stated how far of a distance is that.

Mr. Eldred stated pardon me.

Board Member DiSalvo stated from the well to the well house.

Mr. Eldred stated the distance is about 400 feet.

Chairman Rogan stated so they are drilling a main well and then all these little boring areas and then connecting them to dry the water in off this gravel bed, in essence.

Mr. Eldred stated well we just have the two wells and then we have the pipe that runs directly from the wells to the well house.

Chairman Rogan stated okay.

Board Member DiSalvo stated and that is 400 feet away.

Mr. Eldred stated and that is heeled back in, in other words, we close it back in immediately.

Chairman Rogan stated it seems pretty good.

Board Member Montesano stated after 20 some odd years, I don't think you are going to have a problem.

Chairman Rogan stated we'll see you Saturday morning.

Board Member Pierro stated very well.

Chairman Rogan stated thank you.

Board Member Pierro stated thank you Rich.

Chairman Rogan stated number one.

Mr. Eldred stated Ted came out there before, it's the big white house on this end of the property, drive off on the asphalt and come right on up and you can park and we can walk out there or you can drive out there.

Chairman Rogan stated beautiful, it will be a good morning for a walk, thank you very much.

## 2) **GREEN CHIMNEYS SITE PLAN – Public Hearing**

Chairman Rogan stated so Green Chimneys Site Plan, we have a public hearing, this is on the dormitories or on the.

Rich Williams stated well it's a combination, the dormitories and the health center at this point.

Chairman Rogan stated okay and how are they coming along with their plans on those items.

Rich Williams stated there has been another submission with this latest Planning Board meeting, I know there have been some issues raised by New York City DEP, they have decided that the stormwater pond is a watercourse and they.

Chairman Rogan stated the one they just mucked out.

Rich Williams stated what.

Board Member DiSalvo stated the duck pond.

Chairman Rogan stated the one that we just approved for them to muck out last year.

Rich Williams stated yes, no, no, no, not the duck pond.

Chairman Rogan stated yeah, oh I'm sorry.

Rich Williams stated no this is a stormwater pond on the other side of the site that is partially in the DEC wetland area.

Chairman Rogan stated I didn't know there was one there.

Rich Williams stated it was.

Ted Kozlowski stated I agree, I agree with that, you created a wetland, it's a wetland.

Rich Williams stated is it a watercourse, is there a defined channel there.

Ted Kozlowski stated there is, there is.

Rich Williams stated there is a defined channel in a stormwater pond, Teddy. Teddy, you are going to sit there and stake your reputation that there is a defined watercourse (inaudible).

Ted Kozlowski stated absolutely, absolutely.

Rich Williams stated then that says all I guess.

Board Member DiSalvo stated was the pond dug, was it dug.

Rich Williams stated yes.

Ted Kozlowski stated that is a created pond.

Rich Williams stated it's a created pond.

Ted Kozlowski stated but that wetland is a better wetland than the existing wetland.

Rich Williams stated with a concrete outlet structure.

Ted Kozlowski stated it's a course, it's a water course.

Board Member DiSalvo stated what did they use if for, years ago or whatever.

Chairman Rogan stated so does the DEC.

Rich Williams stated DEP is saying that it is a watercourse and therefore regulated by them and therefore there can't be an disturbance within the area, they can't (inaudible) the pond, I believe Insite was going to meet with DEP and challenge their determination.

Chairman Rogan stated alright.

### 3) WALLACE W/W APPLICATION

Chairman Rogan stated Wallace wetland/watercourse permit application. This is one of those.

Board Member DiSalvo stated this is still going on.

#### Green Chimneys Discussion

Dave Raines stated Mr. Chairman are we talking about Green Chimney's tonight or no.

Ted Kozlowski stated we just did, where were you.

Chairman Rogan stated we just did yeah, you want to chime in.

Board Member DiSalvo stated just (inaudible for a second).

Dave Raines stated I was just waiting.

Chairman Rogan stated I'm sorry, you know what, you were so quiet over there that.

Dave Raines stated you guys had written me a letter to do something, I just wanted to.

Chairman Rogan stated what did we write you to do.

Dave Raines stated you asked me.

Rich Williams stated the question came up as to some of the exits on the dormitory buildings that were exiting out on to grass.

Board Member DiSalvo stated yeah.

Rich Williams stated and whether there was anything in the Building or Fire Code that needed to be addressed by those exits.

Dave Raines stated I went out and I met with, should I address this now or you don't.

Chairman Rogan stated please do.

Dave Raines stated I just, you had written me a letter on July 5<sup>th</sup>, at the July 3<sup>rd</sup> meeting it was noted by the Town Engineer that several exterior doors in the three new buildings exit out on to lawn areas, the Board would like to inquire. The first issue that came up was the plan that you guys were given did not show all of the exits first of all, it did not show all proposed sidewalks either, I met with Green Chimneys, they had their updated, I guess you would call, plans, so that does show the egresses, it does concrete pads at the egress points that don't have sidewalks and no the sidewalks would not be required other then the primary entrance to the building.

Chairman Rogan stated okay.

Dave Raines stated so the primary entrance to the building would have to be, I don't want to say paved but it would have to be an approved surface.

Chairman Rogan stated okay.

Dave Raines stated so that there could be egress and removal of snow.

Chairman Rogan stated I am remembering now when we discussed this at the meeting, it was because of things like Clover Lake, when we looked at the sidewalks they were proposing out there.

Dave Raines stated right, right.

Board Member DiSalvo stated and they said something about grass pavers too.

Dave Raines stated and that other point, I don't know if you received more updated prints but the plans that you have don't show all the, they don't even show all the doors, so if you are trying to evaluate sidewalk or impervious surface or things like that, you need to go back to them and say we need the most updated, that should be brought to their attention at the next, yeah, so.

Chairman Rogan stated okay.

Board Member Montesano stated we could tell them no, they will update it and give us the right plans.

Board Member Cook stated could you give us a memo Dave, just what you said.

Dave Raines stated yeah, sure.

Board Member Cook stated a short memo responding back.

Board Member DiSalvo stated so we can copy them too.

Chairman Rogan stated good idea Charlie.

Board Member Cook stated so we have that for discussion next week with the people.

Dave Raines stated I will have Cheryl do it up tomorrow.

### Wallace Wetlands/Watercourse Permit

Chairman Rogan stated so we get a chuckle out of Ted again. Wallace wetlands/watercourse permit application.

Board Member DiSalvo stated Jack always uses a different font on everything.

Chairman Rogan stated this is one instance where we were, where I asked them to consider showing more impacts than what they were showing on their plan, that we know that they are going want to use area. We keep getting back to this conversation about area in the backyard and the grade where they show a top soil stock pile area, the grade is fairly flat and I think with a little bit of either retaining walls or something they could provide usable backyard.

Rich Williams stated which they did do.

Chairman Rogan stated which they did.

Rich Williams stated they put a short dry well running along the area so he could level the grade in that area.

Chairman Rogan stated okay, because that at least, you know when, if this gets built, they are going to want, they need something and we might as well make it safe from this point forward.

Ted Kozlowski stated doesn't he need health department or.

Chairman Rogan stated that is the whole point this.

Board Member Pierro stated that is the whole point, he's going to do this first and then go for health department approval.

Chairman Rogan stated they haven't done anything, yeah. Jack said that he still isn't (inaudible) but I tend to think that they must know what they've got out there at this point. But I think that the Board has done a really good job on this of minimizing, even though this is a previously approved lot, minimizing the impact, we reduced it to a two bedroom dwelling, we reduced the square footage, its by anyone's account is not a good lot but I think that at some point on this we are going to have to compromise a little and you know move forward, so it not what any of us would really to have but.

Board Member Pierro stated c'est la vie.

Rich Williams stated I have taken a look at it, I think you do have a memo on it.

Chairman Rogan stated yes.

Rich Williams stated the really big issue right now that remains is that is appears as though there is a deficiency in the grade out there.

Chairman Rogan stated okay.

Rich Williams stated I don't know (inaudible) profile last night, I talked to him, he's already got the memo, I'm trying to work out the details.

Board Member DiSalvo stated yeah (inaudible).

Chairman Rogan stated alright, great.

Dave Raines stated is Lea Rome the owner of another project that (inaudible).

Rich Williams stated they are back in for site plan approval.

Dave Raines stated but not on the agenda.

Rich Williams stated they didn't submit anything for this meeting.

Dave Raines stated okay, I'll hold then.

#### **4) PONDVIEW ESTATES – SEQRA Determination**

Chairman Rogan stated okay, Pondview.

Rich Williams stated unless you want to update the Board on it.

Chairman Rogan stated what do you have Dave.

Dave Raines stated I just, I'm sorry I can't stay, I have to get my kids.

Chairman Rogan stated that's fine.

#### **Lea Rome Discussion**

Dave Raines stated Lea Rome, you sent me a memo, I did go out there and issue a bunch of violations and I can update the Board when they are back before you.

Chairman Rogan stated okay.

Board Member Pierro stated no, violations.

Dave Raines stated yeah.

Chairman Rogan stated that is the one where we took the pictures and.

Dave Raines stated yeah and I called the State also and so the stated WED was out there, waste oil, something Division.

Chairman Rogan stated that's right, we had asked you take a look at everything out there because its just all over the place.

Dave Raines stated there was a lot more than a few drips in the ground, so.

Ted Kozlowski stated really.

Dave Raines stated according to the WED guys, I don't know if they fined them and made them clean it up, what not, I'm just waiting for a report back but I did follow up that week after Rich notified me. We have a bunch of interior fire code issues and stuff, nothing catastrophic but they go, there is an oil burner issue.

Board Member Pierro stated they are burning waste oil.

Ted Kozlowski stated how do they heat the building, waste oil.

Dave Raines stated waste oil.

Ted Kozlowski stated okay.

Dave Raines stated not anymore, I don't know what he is going to do now. So, but I will follow up with that when that is on the agenda so that can all be on the record.

Chairman Rogan stated thank you.

Board Member Pierro stated what was the.

Dave Raines stated they are coming back for site plan approval for something else or the original site plan.

Board Member DiSalvo stated Peach Lake what.

Ted Kozlowski stated Peach Lake Homes.

Rich Williams stated no, they filled in an area and they have expanded the area.

Ted Kozlowski stated its not just this stuff.

Board Member Pierro stated where is that.

Dave Raines stated (inaudible).

Rich Williams stated (inaudible).

Dave Raines stated it's a little bit more than more.

Ted Kozlowski stated the restaurant.

Board Member Pierro stated yeah.

Board Member DiSalvo stated oh the restaurant.

Board Member Pierro stated and there is a prohibition against using the waste oil.

Ted Kozlowski stated no but you have to do it, a lot of these guys do a mom and pop thing.

Board Member Pierro stated yeah.

Ted Kozlowski stated and that's what.

Dave Raines stated like homemade burners.

Ted Kozlowski stated yeah.

Board Member Pierro stated right.

Dave Raines stated a lot of gas stations do it.

Ted Kozlowski stated and after a while Dave, it catches up and then.

Board Member Pierro stated it blows.

Board Member DiSalvo stated does that waste oil have to be like refined more or screened when.

Board Member Pierro stated screened.

Ted Kozlowski stated its got to be screened and then.

Board Member DiSalvo stated for like dirt and stuff that is in it, rust and.

Board Member Montesano stated okay.

Board Member Pierro stated they don't screen it, that is the problem with waste oil heaters is that.

Board Member DiSalvo stated stuff will clog the burner.

Board Member Pierro stated you have to stay on top of, you have manage those systems, you have filter the oil, you have to change your filters on the unit on a regular basis, or else they explode, they get messy.

Dave Raines stated I have one more thing.

Chairman Rogan stated yes.

### **Wooded Hills Discussion**

Dave Raines stated Garden Homes Management which is managing.

The Secretary stated Wooded Hills.

Dave Raines stated Wooded Hills, thank you.

Chairman Rogan stated (inaudible).

Dave Raines stated they have been back and forth with Richie and I. and I have been not really been forth right of what the scope of they want to do with it but the current scope is to make significant changes to the trailer layout and also to the site down there. What I deem is significant, more then just swapping trailer for trailer. So they came to Richie and said one thing and Rich says well it sounds more like a building thing and when they came to me, I said, well you are looking to take a single wide and put a double wide here and change the road structure and what not, I said time out. Richie and I are going to meet with them and find out really what they want to do and then.

Chairman Rogan stated all at the same table.

Dave Raines stated probably bring it back.

Rich Williams stated when they came to me, they were just saying.

Board Member DiSalvo stated so that is what we did, we could go out there and come back.

Rich Williams stated we've got long trailers, we want to put in shorter trailers to get it away from the grade.

Chairman Rogan stated sure.

Rich Williams stated and maybe not worry about the retaining walls and I said, if you are shortening the trailers up.

Dave Raines stated great.

Rich Williams stated that's great, its not.

Chairman Rogan stated yeah.

Rich Williams stated its not a planning issue and it's a building issue.

Dave Raines stated right.

Rich Williams stated then they went back to Dave and said we are going to shorten the trailers.

Dave Raines stated and we are putting in double wides, which then creates separation distance, square footage.

Chairman Rogan stated yeah, yeah.

Dave Raines stated then it changes, I said well okay, let's do an overlay, it changes the road access, it changes parking and they still need to talk about some retaining walls and I said you know what, it sounds like major site plan improvement here. I said instead of playing mommy, daddy here.

Chairman Rogan stated back and forth, yeah.

Dave Raines stated let's meet with them, so we are going to try and put together a meeting where Richie and I actually walk the site with them, they show us what is being proposed and Richie will come back to the Planning Board and say listen this is something. I am making the assumption that we'll come back and say this is something that needs to come before the Planning Board and then you guys can.

Board Member DiSalvo stated they are still talking about doing like in the phasing stages or just do them all at once.

Board Member Montesano stated still want to.

Dave Raines stated well they really haven't, at least with me they just said, here this is what we where we want to be, they didn't say how they are going to get there.

Board Member Montesano stated this is the way (inaudible).

Dave Raines stated and it showed a bunch of double wide [trailers], it showed a different configuration on the roads and because of them, I mean there is no latitude right now to do that, I mean, the domino effect, you change the first one to a double wide and then no, the separation distance doesn't even meet what the New York State Code would required now and any new trailers are going to require the separation distance, so but anyway that is the other thing that (inaudible).

Board Member Montesano stated that is more then one of the ways to waive the site plan.

Dave Raines stated I am waiting on NRA to decide what the heck they are doing. You know they got denied at Zoning and I anticipated that they were back to you guys with a Plan B, type thing on a single family residence on a single lot and Mr. Williams has advised me that nothing as of yet. So I am going to violate them and you know, bring them, now that Zoning, they've had ample time to at least come to you guys with an intent.

Board Member DiSalvo stated they are probably on vacation.

Dave Raines stated well I'm afraid its going to sit like that, we are going to be in hunting season and god forbid something happens up there, I have already deemed its an illegal structure, so then what, you know, so.

Chairman Rogan stated yeah.

Dave Raines stated I, at least want them to be violated or in the Planning process or something to cover my.

Chairman Rogan stated something to cover your assets.

Dave Raines stated yeah, exactly.

Chairman Rogan stated yeah.

Dave Raines stated so.

Chairman Rogan stated I appreciate that Dave.

Dave Raines stated I don't have any input on some of these other things.

Board Member DiSalvo stated what about the foundation that is, what is that by off of Bullet Hole over there, the foundation.

### **North County Homes Discussion**

Chairman Rogan stated Fields Corners and.

Board Member Pierro stated Field and Forest.

Board Member DiSalvo stated no.

Chairman Rogan stated no, no, no, the single foundation on the corner of Fields Corners.

Board Member Montesano stated the one with the cliff that we asked.

Board Member DiSalvo stated the one with the cliff, in the corner.

Chairman Rogan stated where Willie Besharat came in here and said we are going to go down to the DEP and discuss it with them.

Rich Williams stated oh lot five or lot six.

Chairman Rogan stated yeah.

Board Member Montesano stated year.

Rich Williams stated off of Theodore Trail, North County Homes.

Dave Raines stated yeah.

Chairman Rogan stated yeah.

Dave Raines stated I don't know.

Chairman Rogan stated yeah, they haven't been back.

Board Member DiSalvo stated Mike and I went by there on the way back from the last site walk.

Chairman Rogan stated as soon as he said he was going to go, as soon as he committed to going to DEP to see that everything was done above Board, I personally figured that that was the kiss of death for them.

Board Member Pierro stated right.

Dave Raines stated should my office be sending them a letter then, saying.

Chairman Rogan stated it would have already been built.

Board Member DiSalvo stated they should have just knocked it down, I know.

Chairman Rogan stated what is the current, regardless of our process.

Board Member DiSalvo stated just say where are we.

Chairman Rogan stated they were through court and they were sent to us through a court order, right.

Dave Raines stated they were sent from court, that is the only thing.

Chairman Rogan stated isn't that the way, didn't they come to us only because.

Rich Williams stated no, no, Dave asked me to go out and take a look at it.

Board Member Cook stated Dave picked it up.

Dave Raines stated right.

Rich Williams stated and I looked at it and said, this isn't right to Dave and stop them.

Dave Raines stated and I stopped them, I took their permit away.

Chairman Rogan stated alright, okay.

Dave Raines stated and I said you have to go back to the Planning Board, this is all backwards, the house is backwards and then that opened up the issue of they are in a DEP regulated area.

Rich Williams stated they are in a wetland buffer.

Chairman Rogan stated and then it snowballed from there.

Dave Raines stated and then they said I want to come back and they come back, can I come back and I said I can't tell you that you can't go back, if they'll hear you, you can go back and that is the last time we heard from them. They came back and made a plea that one night.

Chairman Rogan stated they came in, what.

Rich Williams stated did I hear somebody come in.

Ted Kozlowski stated no, I was moving the chair.

Chairman Rogan stated they came back with their.

Board Member Cook stated Maria, when you went by was there anything new.

Board Member DiSalvo stated no, Mike and I, we were even saying that they could have had it ripped down.

Chairman Rogan stated no, there is nothing going on there.

Board Member DiSalvo stated and built again.

Dave Raines stated I was just up there, there is, nothing has been done, I was just there.

Board Member DiSalvo stated even if they did change the driveway like they were talking about, going around the side, going straight in, so what they cut half the area out on the left.

Board Member Montesano stated you're going to have to take down the trees.

Dave Raines stated I will have my office just send them a letter asking what the status is.

Board Member Montesano stated you're going to have to take down the bank over there because there is no way to make a turn to get a car in there. If you only allow motorcycles, maybe you can wheel it in but you aren't getting a car in.

Chairman Rogan stated so if we could reach out to them just to see what the status is.

Dave Raines stated I'm sorry to get you off track.

Chairman Rogan stated no, no, that's okay. Pondview Estates, SEQRA Determination.

Rich Williams stated will its not actually a SEQRA Determination, its kind of a re-affirmation of a previous SEQRA determination. Unless the Board feels otherwise, I talked with the attorney for the project and Anthony Molé and none of us felt that the level of impact that they are proposing out there, really rose to a level to re-open the SEQRA process and go back with something (inaudible) environmental impact statement.

Board Member Pierro stated so just leave it the way it is.

Chairman Rogan stated so if what they were proposing did seem to be a significant change we would generally require a supplemental just to address those changes, got it.

Board Member DiSalvo stated is there a way that we could see what is approved out there, you said it was approved twenty years ago, do we have like an idea of what this development is going to look like.

Chairman Rogan stated we have plans on it.

Rich Williams stated big plans now.

Board Member DiSalvo stated do they have, did they do like a DEIS, like Burdick Farm did and all that, is that available anywhere so we can get an idea. Not even the plans, just like a visual impact of what its going to look like.

Chairman Rogan stated yeah, don't the plans that show the pond show where the layout of the houses are.

Board Member Pierro stated its pretty straight forward.

Rich Williams stated yeah but I'm.

Chairman Rogan stated is that what you are asking though, where things are going to be located.

Rich Williams stated (inaudible) the DEIS or the FEIS is basically text.

Chairman Rogan stated text, right.

Rich Williams stated (inaudible).

Board Member DiSalvo stated yeah and they have any pictures in there, any.

Chairman Rogan stated you mean architectural.

Board Member DiSalvo stated yeah, right.

Board Member Pierro stated I want to look at the plan. They had an elevation, I thought there was an elevation they had the other night.

Rich Williams stated (inaudible) we have new architectural.

Board Member DiSalvo stated let's see what its going to look like.

Chairman Rogan stated Charlie.

Board Member Cook stated there are a number of memos that go unanswered by the applicant in this project, DEP, DEC, Rich, Stantec et cetera, I mean I think we should question.

Rich Williams stated okay, we are back, they have plans into Gene and I, (inaudible) all sorts of plans.

Chairman Rogan stated the re-affirmation of the SEQRA determination is not a resolution to the process, its just the environmental review portion just like we just did with Patterson Crossing, it doesn't end the process, it is just moving the process along.

Rich Williams stated all of the comments that you have are related to the stormwater and erosion control and you are relative to a separate permit not being issued by this Board. What this Board is really looking at is just the wetlands impacts and modifications to the plan.

Chairman Rogan stated thank you Charlie for keeping tabs on that though.

Board Member DiSalvo stated you know, we are so strict on what things are looking like and we kind of got stuck with this and who knows what this is going to look like when its done.

Chairman Rogan stated we should take a look at those architectural.

Board Member Pierro stated do we have any control over that.

Board Member Cook stated I think we should have the applicant come in with the plan.

Board Member DiSalvo stated and do a whole presentation.

Board Member Cook stated and just update the Board.

Chairman Rogan stated great.

Board Member Montesano stated he's right.

Board Member Cook stated not that its going to change anything but its just.

Board Member DiSalvo stated at least we'll have knowledge about it.

Board Member Cook stated yeah it can be a refresher.

Chairman Rogan stated because was approved was the layout, if twenty years ago the architectural renderings were a 70's style structure and now its more appropriate for them also to build something that is more modern, they are going to want to do that also and that is probably what they are proposing.

Rich Williams stated they are doing that.

Chairman Rogan stated so that is what we want to look at anyway.

Board Member DiSalvo stated we want to see what it looks like right.

Chairman Rogan stated yeah, alright, we have to take a look at architecturals on this project.

##### **5) TOJANT SUBDIVISION – Continued Review**

Chairman Rogan stated Tojant Subdivision, now obviously we have Tractor Site Plan, let's deal first specific with the subdivision, this is just creating the two lots, the rear lot which we had looked at as passive recreation with all the wetlands issues et cetera. We were waiting for the bog turtle study, that has been resolved, the main issue that we spoke about was and Mike I think you mentioned it quite a few times, was providing access to that back. That we were looking for it to go through Tractor Supply and they said that they wouldn't, Tractor Supply wouldn't allow that.

Board Member Montesano stated yeah.

Chairman Rogan stated the company, so how does the Board feel about creating a lot, we are not showing, I was thinking back to Stiebling Subdivision, remember how we made them show all that engineering, were you on the Board. We had a subdivision for some people in Patterson, even though they weren't planning on using the back of their property, the subdivision was right up front, we made them show access to the back, we didn't want to create lots that now we can't get to and I think generally speaking the Board tries to when we create a lot, we make sure its not land lock certainly and make sure that it has usable access. Otherwise just like we had with this Wallace, you end up with lots that then have problems when they go to build them. Now the intent that the Board had was passive recreation, so it really, if that is the intent then it doesn't matter, they don't need access, its open space but if the guy wants to do something with that lot then I think we are remiss in not.

Board Member Montesano stated there are one or two alternatives, he can either show directly separate entrance or he can put a right of way in the original thing that they can use going past the building.

Board Member DiSalvo stated regardless of whether Tractor Supply allows it or not, they are not going to be there forever.

Chairman Rogan stated that is why we did the thing with the parking.

Board Member Montesano stated the thing is Tractor Supply is not the owner of the property, they are renting it, so if you have a right of way in there, they have.

Board Member DiSalvo stated their contract could say that you can't use it as long as we are tenants.

Chairman Rogan stated remember we did that with the parking for future if Tractor Supply walked, the outdoor storage could be converted so that we would meet the parking requirement for the building for the future, we have the ability to meet it.

Board Member DiSalvo stated right.

Chairman Rogan stated so maybe that is something the Board wants to discuss with them next week.

Board Member Pierro stated yeah.

Board Member DiSalvo stated right of way.

Rich Williams stated so that I'm clear, what are you looking to do, get them to put an easement.

Board Member Montesano stated there's one of two ways that we can get access to that piece of property in the back, either he has to show a separate driveway that can be utilized or he should have and we'll have to check with Anthony on this.

Rich Williams stated he needs an easement over the Tractor Supply property.

Board Member Montesano stated an easement over the Tractor Supply property or if he still has enough property.

Chairman Rogan stated using the existing roadway that they are going to build, in other words, extending it like we were talking about, showing an easement that would allow that, so in the future or as a reflect. In other words, if the guy says now I want to do something on the back property, you either have to convince Tractor Supply to allow or you have to wait until they are not there anymore but we have to prove that out though too, we can't just assume that is going to work.

Rich Williams stated well I understand but.

Board Member Pierro stated I think that kills the project.

Chairman Rogan stated wait a second.

Rich Williams stated what are you going to do when the applicant comes in and says, Tractor Supply says no.

Board Member Montesano stated then don't subdivide the property because what are we subdividing, we can't make a non-accessed lot.

Chairman Rogan stated can we stipulate on the plans, Rich, can we stipulate on the plans that the Board is approving that lot for passive recreation only at this point, juncture in time.

Ted Kozlowski stated even if you are going to do passive recreation, you need access.

Board Member Montesano stated you still need access.

Ted Kozlowski stated it doesn't matter what it is.

Chairman Rogan stated but I think for that there is other access.

Rich Williams stated the Board has had considerable discussion about this already with the Board and the applicant, that the Board would allow the subdivision, allow the lot for passive recreation and that they could have it for passive recreation unless they can provide vehicle access on to the back of the lot.

Chairman Rogan stated I'm happy, if they can provide vehicle access back there, we never said no through Tractor Supply, that is all them.

Board Member Montesano stated that is all them.

Chairman Rogan stated that is what the Board said, we would allow for you to subdivide because Tractor Supply only wants what is it five acres.

Board Member Pierro stated five acres.

Chairman Rogan stated but I think it's a big can of worms if we approve a subdivision back there and then, now they are going to come in and say, they are going to come in and say now we are going to go through the wetland on [Route] 22 because its our only access and we are going to feel like jeez, we approved this subdivision, we gotta, right, so.

Board Member DiSalvo stated if we plan it right.

Chairman Rogan stated especially since we've had this amount of discussion, we have all be involved in these discussions.

Board Member DiSalvo stated its more of a legal aspect I guess with him and his attorney and Tractor Supply, is how they write the lease.

Board Member Montesano stated they can write the lease up where you can not use that facility as long as Tractor Supply is there for access to the back piece but that is up to him, if we say we want access to the back end.

Board Member DiSalvo stated I'm not saying that it has to put a gate there or whatever.

Chairman Rogan stated no, I know of course.

Board Member DiSalvo stated it just has to be on paper, the access.

Board Member Montesano stated its on paper, I've seen plenty of right of ways gone through, I don't like them but it is the only way you can do it.

Chairman Rogan stated yeah.

Board Member Montesano stated I remember one project where the access was there and then we went to court because the access was never specified how, you have a right of way, that is all they said on it and the owner of the front parcel of property, wanted to use the road and not allow the second party to use it and there was a big fight and so they said no, go around.

Rich Williams stated (inaudible).

Chairman Rogan stated oh.

Board Member Montesano stated so they had people going around (inaudible) let him worry about it.

#### **6) TRACTOR SUPPLY SITE PLAN – Continued Review**

Chairman Rogan stated okay and then moving on to the site plan. Other then architecturals, let's not get bogged down on that, we beat that dead horse. Rich, what else is going on site plan wise.

Rich Williams stated site plan, again I haven't had a lot of time to spend with this, I've had time for other things but not this.

Chairman Rogan stated fine.

Rich Williams stated I have taken a look at a few things, the first thing that jumped out at me is that they are proposing an eight foot fence around the.

Board Member DiSalvo stated the outside storage.

Rich Williams stated the outdoor storage.

Board Member DiSalvo stated right.

Rich Williams stated it was black the last time, they didn't come back and say that Tractor Supply insists on it being an eight foot fence.

Board Member DiSalvo stated which is what they have at the other stores.

Chairman Rogan stated they have to go to the ZBA.

Rich Williams stated which is fine but the Code limits them to six feet.

Board Member Montesano stated they have to go for a variance.

Chairman Rogan stated I'm glad we are not the Zoning Board with this.

Board Member Montesano stated the Zoning Board.

Chairman Rogan stated I guess the only thing for us to consider is do we send a positive or negative recommendation on that, really we have to look at that, is it necessary.

Board Member DiSalvo stated it could be in some of these pictures from the other store.

Chairman Rogan stated yeah.

Rich Williams stated you know, the fact that they are going to be storing merchandise outside, maybe an eight foot fence is not totally unreasonable.

Chairman Rogan stated yeah.

Board Member DiSalvo stated does anybody else have an eight foot fence around here.

Rich Williams stated well maybe Home Depot.

Board Member DiSalvo stated over there, no, up where, Jungle Gym is, anything up that was.

Board Member Montesano stated they've got higher than eight feet at Home Depot.

Rich Williams stated they are not permitted by Code around here.

Board Member Montesano stated Home Depot probably has a ten or twelve foot fence up there.

Board Member DiSalvo stated I'm trying to think of.

Rich Williams stated the only time that anybody really came in to try to get a variance, a couple of times, one was for a deer fence up on Birch Hill, another one was for a deer fence that was up on Cornwall Hill Road, that got turned down and there was one for Dunkin' Donuts he wanted to put a eight foot fence around the dumpster, it got turned down two or three times by the ZBA.

Board Member DiSalvo stated the container, so I see them like at the around the basketball courts people put in their back yard, I've seen eight foot fence.

Chairman Rogan stated Charlie, you've been biting at the bit.

Board Member Cook stated they state, Insite states in their memo, the Board has not requested further information relative to the typical materials that will be stored in the outdoor storage area. Why would they make a comment like that.

Rich Williams stated I don't know why they would make a comment like that.

Chairman Rogan stated is it a response to a comment, in other words, is that a response letter.

Rich Williams stated yes, it is a response letter.

Chairman Rogan stated was there a comment specifically that we brought up that said, you know the applicant hasn't shown what typically would be stored outside in this area.

Board Member Cook stated I do not recall.

Rich Williams stated this is in response to Gene's memo.

Chairman Rogan stated okay.

Rich Williams stated he must have said.

Chairman Rogan stated we'll ask Gene.

Board Member DiSalvo stated no past (inaudible).

Rich Williams stated need further information relative to the materials.

Chairman Rogan stated remember that for next week Charlie.

Board Member Cook stated okay and there is also three comments in their letter speaking about once they receive correspondence from NYSEG and DOT and the architect completes the architectural drawings, they will be submitted to the Board, so.

Chairman Rogan stated okay.

Board Member Cook stated I think we have to stay on them to make sure they get it in.

Chairman Rogan stated great. Anybody have anything else on this.

Board Member DiSalvo stated so you don't want to go into the design of the building again.

Chairman Rogan stated no I don't.

Board Member DiSalvo stated okay, alright. I have been driving up and down [Route] 22 a lot so.

Chairman Rogan stated I don't.

Board Member Pierro stated I implore you guys to look again at that old photograph of the January or February meeting, I think that mansard roof was far better then this square big box that we are looking out now.

Board Member DiSalvo stated what mansard roof, what's that.

Board Member Pierro stated was it this one or was it a photograph Rich.

Chairman Rogan stated it was a photo, it was a photo of that I believe.

Rich Williams stated which photo are you referring to.

Board Member DiSalvo stated that is New Milford.

Chairman Rogan stated no, that's not.

Board Member Pierro stated there was a photograph that they brought in, in February.

Rich Williams stated are you talking about the blue thing that everybody called a Taco Bell.

Chairman Rogan stated yeah.

Board Member Pierro stated it was red.

Rich Williams stated I don't know where that photo is.

Board Member Pierro stated you had it in the file, you brought it out to me.

Rich Williams stated its still in the file.

Chairman Rogan stated since we brought up the roof line, I will say my one piece, one or two sentence. The part that burns me is that what I think would have made this property really pop, isn't a big ticket item dollar wise, its an issue of what they want versus what they are willing, you know of their policies and so all I felt was that if we had really put our foot down and said look to because we have never heard from Tractor Supply on this, we have only heard from the realtor and the owner, we have never heard from the representative for Tractor Supply, the realtor is not that, the gentleman that comes, he is trying to sell to Tractor Supply, he is a liaison, I think that we have seen so many other places, not that I. I certainly don't want to lose the project, I think it will be fantastic for the Town once it is built but these architectural little elements that are really only fluff but that makes such a visual impact, that is where I was trying to push us to stick firm to but again I'm only one person. I just think that it wasn't a money issue as much as it was what somebody wanted, that's all.

Board Member Pierro stated Mr. Raveson said that clearly at the last meeting that it was not a matter of economics but now.

Board Member Cook stated the classic corporate policy bureaucracy.

Board Member Pierro stated right, now we have a square big box building with a gambrel pasty on the front, excuse my language.

Chairman Rogan stated if I didn't think it would hurt a lot of things, everything from site plan to politics, I would have called, I have the number for the real estate manager for all of Tractor Supply and I was going to put a call into the guy to say look, here we are, this is what's going on, we just want a little bit can we get a word from them to say this is either, you know from corporate either it's a go or a no go, you were told correct information but bottom line is, you guys are comfortable with this then that is all that matters.

Board Member DiSalvo stated I have been driving up Route 22 and I have been looking like coming down from Birch Hill [Road] and right now all the trees are in bloom but even the fact, even if they do take the old barns down on his property, there are still the barns on the Old Gaylordsville, on the old feed barn, the feed place, that kind of block a lot of that view too. So there still will be some kind of blockage there with those lean-to buildings, even if they do take the other barns down on his property.

Rich Williams stated Maria, the Tractor Supply building is pushed way back on the site so the building that are on the Allied Pollution site are not going to block anything.

Board Member Pierro stated yeah and the elevation.

Board Member DiSalvo stated I kind of thought so.

Board Member Pierro stated the elevation is much different.

Board Member DiSalvo stated but all the trees are in bloom now and we get him to plant some trees on the side that Charlie was talking about.

Board Member Cook stated I was thinking that too, that we ask Mr. Raveson that he go heavy on the landscaping as much as he can.

Board Member Pierro stated I'm quite confident that ten or fifteen full size, good size trees can block off the back of that.

Ted Kozlowski stated I may be mistaken but I thought at the last meeting that they didn't want all the trees, they want it to be seen from Route 22.

Chairman Rogan stated wait until they propose the signs.

Board Member Montesano stated oh yeah, I'm waiting for that to come in.

Board Member DiSalvo stated we don't have it on the signs.

Ted Kozlowski stated you guys are under the impression that they are going to plant these big pine trees and I thought I heard very clearly from them, the real estate guy.

Board Member Montesano stated they said they want it seen, that is why I asked that if the corporate people that site there and that terrible comment that I made, should get out of the office once in awhile.

Chairman Rogan stated they did commit though that if the Board wanted, they would do the false windows if that would help dress up that building.

Board Member DiSalvo stated right, yeah.

Chairman Rogan stated and they even, there were things, there are certainly things that they are willing to work on.

Board Member Montesano stated the object is that we've asked how far you want to go from there.

Board Member DiSalvo stated I called the Planning Board in New Milford and they don't have a Planning Board, everything goes through their Zoning Board.

Chairman Rogan stated wow.

Board Member DiSalvo stated so I said the Tractor Supply in New Milford was approved through your Zoning Board, she says yes, I said well if there is somebody on the Board that I can talk to just to see how your submission went with that application over there. Well no one ever got back to me of course, you know and she did say that, the secretary in the office, that that project came from the Economic Development Council of Connecticut and they basically really had no.

Board Member Pierro stated they jammed it down their throats.

Chairman Rogan stated wow, thank you for reaching out.

Board Member DiSalvo stated and then she said do you want the Tractor Supply daycare center, I was like what.

Chairman Rogan stated huh.

Board Member DiSalvo laughs.

Chairman Rogan stated coming soon.

Board Member DiSalvo stated I don't know if they are doing something else on that site but I was little annoyed that no one called me back because I know if someone called here we would call, well I can't give you that, well here is my name and number, please, you know just want to know how the process go, well I don't know, well who in you, well there is no one here, you know it was just like, I said forget it.

Chairman Rogan stated unbelievable.

Board Member DiSalvo stated so, I did make an effort.

Board Member Montesano stated they are only part time.

Chairman Rogan stated I appreciate you doing that.

Board Member DiSalvo stated it saved me a trip from going there, because I was going to go over there because I pick up hay over there and.

Chairman Rogan stated you would have really been insulted.

Board Member DiSalvo stated you know, how does your Zoning Board approve your site plan, so.

Chairman Rogan stated yeah, they are the de facto Planning Board like we are the de factor architecture review board.

Rich Williams stated we do the same thing in New York, the Zoning Board can be doing site plans there.

Board Member DiSalvo stated in New York City, I'm sure.

Chairman Rogan stated wow.

**7) BARJAC SITE PLAN – Continued Review**

Chairman Rogan stated Barjac, if everybody is ready to move on, Barjac Site Plan. How are we doing with Barjac.

Rich Williams stated they are back in, they have made a full submission with a stormwater plan and again I have not had a chance to open it up, Gene has, you have a review by Gene.

Board Member Montesano stated got two of them right.

Rich Williams stated on Barjac.

Board Member Montesano stated I got one here that is dated July 14<sup>th</sup> and one dated July 31<sup>st</sup>.

Rich Williams stated that's right, he did the stormwater plans after the last Planning Board meeting.

Board Member DiSalvo stated by the time this get built, hay will be ten dollars a bale.

Board Member Montesano stated I'm going to get one of them plastic horses.

Board Member DiSalvo stated they are the best kind, with a little stick on them.

Chairman Rogan stated I think sometimes spell check picks up things and changes them to words that.

Board Member DiSalvo stated yeah.

**8) MARTINS SUBDIVISION – Discussion**

Chairman Rogan stated okay Martins Subdivision. Martins was.

Rich Williams stated you want to grab the [plan]. The Board had requested that the applicant provide three copies of the two alternatives of the road plan and the driveway plan. I did take a quick look at them, noted some issues to the Board to do a memo.

Chairman Rogan stated cool.

Rich Williams stated you know, nothing significant.

Chairman Rogan stated nothing significant but any feelings one way or the other on it.

Rich Williams stated well just things for the Board, well I did a memo that basically (inaudible) to consider, you know the differences between the two plans, one plan that creates that doesn't conform to our Zoning requirements for area, you know there are no levels of disturbance with the two lots but I think with

the road plan they left off the stormwater, so there is going to be more disturbance then they show with the road plan.

Chairman Rogan stated the stormwater is not, does everybody want to huddle around this.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated well you're not going to have it, its this right here.

The Secretary stated do you want another copy.

Chairman Rogan stated no, no.

Board Member DiSalvo stated I'm looking for the memo.

Chairman Rogan stated I appreciate that. Okay, so with the common drive, (inaudible) facing close to Cornwall Hill Road, with the town road option, its still going to be required but they are not showing it is what you're saying.

Rich Williams stated and because they are not showing it, I'm assuming that they are not including it in their overall disturbance for the lot.

Chairman Rogan stated okay. The area that you've highlighted, is the area of disturbance.

Rich Williams stated they highlighted it.

Chairman Rogan stated because the common driveway alternative looks like it is a larger, based on what they showing, quick looks like there is more disturbance.

Board Member DiSalvo stated yeah.

Chairman Rogan stated maybe not, maybe in some areas its narrower but take a look at these two, you want to lay them right out so everybody can look at them, sure. So this is the town road option that we do not seek.

Rich Williams stated (inaudible).

Board Member Pierro stated are you going to look at this.

Chairman Rogan stated why don't we lay them side by side, you got it, right here.

Board Member Montesano stated (inaudible) is going to be in the right of way.

Board Member Pierro stated you have to get close.

Chairman Rogan stated the colors stick out pretty good.

Board Member DiSalvo stated stormwater basins at the bottom of the hill.

Chairman Rogan stated stormwater basin here, it will be here they just haven't shown it, we want to confirm if that is calculated into the seed of disturbance, 3.9 and 3.7, if this calculation includes this area, it looks like they kind of did.

Board Member Montesano stated these memos said it would be bigger then that.

Chairman Rogan stated a bigger stormwater basin because of a wider road.

Board Member DiSalvo stated yeah.

Chairman Rogan stated so notice the different in the width of the road here versus here, its about twice as wide.

Board Member Pierro stated this is wider, much more disturbance.

Chairman Rogan stated the right of way is the same, you notice the distance from here to here, its still fifty feet in both cases, it is just the area of pavement. Stormwater basin up here for common drive is not shown on the town road, so there is a reduction.

Board Member Pierro stated in disturbance.

Chairman Rogan stated in disturbance, so they might be saving in one area and giving in another but the layout, the lot lay out, looks still almost identical.

Board Member Pierro stated pretty much the same.

Board Member DiSalvo stated yeah.

Chairman Rogan stated so in essence, if, you almost have to say if its 3.7 versus 3.9, you are talking about a not even a ten percent difference in disturbance you are almost better off with a town road because then you don't have these common drive issues.

Board Member DiSalvo stated the number of the fill taken out of there is a lot.

Chairman Rogan stated I expected it to be like 3.9 acres versus five acres, something very significant.

Rich Williams stated well there is also an issue that right now he is showing.

Board Member Montesano stated I agree with need a town road, I have been saying that all along.

Rich Williams stated the town road, the retaining walls.

Chairman Rogan stated thank you.

Rich Williams stated the retaining walls within the road right of way, they are never going to fly (inaudible).

Chairman Rogan stated oh okay, for lot 2.

Rich Williams stated you can't grade over to the other property, so he is going to have to shift that road and also he is showing a retaining wall for lot two going out into the road right of way and I don't think that is going to fly.

Chairman Rogan stated those are all technical issues though that I mean, at this point if I'm clear, the Board's reason for asking for this was so that we could ascertain what the relative impacts are going to be, now if this issues are going to increase the impact, well then obviously we need to know about that. This is just for the intent of where are we going forward with this, if they are going forward with town road, they don't have any reason to be going to ZBA or, I'm sorry Town Board.

Board Member DiSalvo stated Town Board for the common driveway, did you throw something out.

Ted Kozlowski stated yeah, I got it.

Chairman Rogan stated okay, septic area hasn't changed at all. Remember he thought that he was going to have shift septic locations on lot one and it doesn't look like anything is moved, so it looks like it worked out okay for them. Rich, the stormwater basin though that is shown up further up the road on the common drive is absent from the other plan, they are bringing all, they are not showing any stormwater on this, so that's it.

Rich Williams stated they are not showing any stormwater, that is what I said.

Chairman Rogan stated yeah, okay.

Rich Williams stated there will be additional disturbance with that road plan.

Chairman Rogan stated okay, yeah because they, okay.

Rich Williams stated he is going to kill Sarah's plant.

Dave Raines stated (inaudible).

Chairman Rogan stated you know what to though, this area is actually showing it, some of the existing tree line too because right now it shows the line going right through their septic area and the only way that could remain is if the septic area doesn't need any fill and they don't have clear the trees which they may be assuming, right. The same thing on the lower lot, they are going right down the middle of the septic, which means they are proposing the septic to be, the roadside, you know, a split system where the boxes are running down here and they do everything to one side and if they need the addition.

Board Member DiSalvo stated oh okay and they'll go under the road.

Chairman Rogan stated no, no, no, they'll run the center of the system, they'll run right down here and go to one side and probably if they ever need to expand they just run off the other side of it potentially and I don't know that for certain but that is what it looks like.

Board Member Montesano stated this retaining wall that they are showing there, that is in the right of way.

Chairman Rogan stated yes.

Board Member Montesano stated there is no other alternative or is that the easiest that their engineer can come up with.

Chairman Rogan stated that is a good question for them.

Rich Williams stated well the retaining wall that is on the south side of the road, they are doing that because they are grading to meet the road standards for grade and they are pushing that road right up against the other property line because if they don't do that you know they will be over to the area where they need the area for stormwater, they are going to be over into lot two. So I don't know if they can reconfigure that or not.

Board Member DiSalvo stated I would like to see where the house is on this side.

Chairman Rogan stated its right here, remember how close it was.

Board Member DiSalvo stated right, right.

Chairman Rogan stated we were looking at that.

Board Member Pierro stated it looks like its closer now, the road concept.

Chairman Rogan stated no they are both right on the, they are identical locations, see there is the building envelope line and its touching it on both.

Board Member DiSalvo stated its about the same (inaudible).

Ted Kozlowski stated yeah.

Rich Williams stated with the sea water.

Ted Kozlowski stated what do you mean.

Board Member Montesano stated the problem I have is if they are doing this disturbance and that wall must be there because of grading.

Rich Williams stated the amount of salt in that water, we call it sea water.

Board Member Montesano stated is it our option to give them where they don't have to grade.

Rich Williams stated the big sign that says don't use the water.

Dave Raines stated it says don't drink the water.

Board Member Montesano stated we'll come up with another idea.

Board Member Pierro stated we have a Town Road standard, they have to build it to that standard.

Board Member Montesano stated I realize that but with the wall, the main thing is for the disturbance purposes, you mean that you can't get another three or four feet from that by moving it down and what's the additionally aggravation involved there.

Chairman Rogan stated its also a good question for them, we'll have to see because none of us are engineers.

Board Member DiSalvo stated and this up here is okay for a fire truck to turn around.

Chairman Rogan stated the radius of the turn around is the right size.

(Side 1 Ended – 8:27 p.m.)

Board Member Cook stated we'll have to ask the fire marshal.

Board Member DiSalvo stated if they can get up this hill.

Rich Williams stated as its shown on the.

Board Member Pierro stated sure, they can get up the other hill.

Rich Williams stated the road radius.

Board Member Pierro stated they can get up the hill on the other side.

Chairman Rogan stated wait a second.

Rich Williams stated you are talking about the radius of the.

Chairman Rogan stated the lollipop.

Board Member DiSalvo stated the lollipop.

Rich Williams stated it appears to be okay.

Chairman Rogan stated okay, you were just saying, the grade as proposed is less then fifteen percent.

Rich Williams stated on the road its ten percent, that is the max allowed by Code.

Chairman Rogan stated ten percent, oh driveways.

Rich Williams stated on a driveway its fifteen percent.

Chairman Rogan stated okay, so we're fine, let's wait a second. How does that translate into the minutes.

The Secretary stated it doesn't.

Dave Raines stated that's (inaudible).

The Secretary stated it doesn't.

Board Member DiSalvo stated choo choo went by.

Rich Williams stated Shawn she is sitting there typing away and all of a sudden I see her go.

Chairman Rogan stated I bet, that has got to be rough.

The Secretary stated a lot of times I'll type it and it will go off on the machine and it will go off behind me.

Dave Raines stated Martins, thing.

Chairman Rogan stated yeah, off Cornwall.

Dave Raines stated this is the one that was throwing me a little.

Board Member Montesano stated and 8:35 train was three minutes late on that night.

Chairman Rogan stated yeah, this is existing.

Board Member Montesano stated toot, toot.

Chairman Rogan stated they had proposed a common a drive, we sent them to Town Board and Town Board basically said, why do you want this, why can't show a Town Road.

Dave Raines stated right.

Chairman Rogan stated it's a good question.

Board Member Cook stated could you give us your opinion as the fire marshal, fire trucks, et cetera, on both of these options.

Board Member DiSalvo stated the common driveway won't be blacktopped right.

Board Member Pierro stated yes it will.

Board Member Cook stated I mean there is not (inaudible), next week.

Dave Raines stated yeah.

Chairman Rogan stated look at how nice this lays out with ease of maintenance compared to some of this getting around the stormwater basin.

Board Member Pierro stated the common driveway is going to be blacktop.

Chairman Rogan stated I think it is still all navigable in time but.

Dave Raines stated what is the distance Rich to get to that residence on lot one, approximately.

Board Member DiSalvo stated the second house.

Chairman Rogan stated nine hundred feet.

Rich Williams stated nine hundred feet, yeah.

Chairman Rogan stated yeah it was nine hundred. Stations we have five of them.

Board Member Cook stated what is your feeling.

Chairman Rogan stated we like whatever you like.

Dave Raines stated from a fire safety thing, this looks like crazy but.

Chairman Rogan stated yeah.

Rich Williams stated in my opinion, I could make them both work.

Dave Raines stated I mean, you could make them both work but.

Rich Williams stated you know, I mean, listen I always go back to the fall back, when I was first on the Planning Board and we used to consider common drives, we used to consider private roads

Dave Raines stated let me use a bad example.

Rich Williams stated and people used to beat me up because they are coming in saying, well you created this subdivision and I'm paying taxes like everybody else but now you're not maintaining my road.

Dave Raines stated what is that cute little subdivision we created that has the pond off of, it has the cute little name.

Chairman Rogan stated Nosh Kola.

Dave Raines stated yes.

Chairman Rogan stated Skheli's.

Board Member DiSalvo stated (inaudible).

Dave Raines stated if the house burns, we're losing it, you need an ambulance in the winter, you're probably going to die. This is another situation, I think that you know, versus this, we, you know.

Rich Williams stated a common driveway you are relying on both property owners working together to maintain the road.

Board Member DiSalvo stated your self, that is not going to happen.

Dave Raines stated right, we were at a brush fire back there the other day.

Chairman Rogan stated at least Skhreli is off, that truly is a family compound, I mean that place is (inaudible).

Dave Raines stated but let's say in five years it might not be or ten years.

Board Member DiSalvo stated that's right.

Chairman Rogan stated you are absolutely right.

Dave Raines stated we had a hell of time getting in there.

Board Member DiSalvo stated what about.

Board Member Pierro stated but in this situation this guy is going to own this road.

Dave Raines stated oh, that is just my.

Board Member Montesano stated well there is a common driveway off of Farm to Market Road, down by the pond.

Rich Williams stated Abbey Field.

Board Member Montesano stated right and how I recall going in there with the Patterson Fire Department to do a drill and being told to get the hell out because it is private property.

Dave Raines stated well that's a normal problem but.

Board Member Montesano stated and it was a private road and they would not allow us in there. Of course.

Board Member Pierro stated you should have gotten permission first.

Chairman Rogan stated so.

Board Member Montesano stated they didn't care.

Dave Raines stated the only thing.

Board Member Pierro stated apparently somebody did because they told you to get out.

Dave Raines stated (inaudible – too many speaking).

Board Member Montesano stated yeah well that;s okay, their insurance went up the wall.

Dave Raines stated just a couple of points, in cases where the insurance company came back to me and said we tried to set a rating on this house, we can't, the fire department says you don't have enough hose to get from the road to the house, you know the grade is an issue or we can't turn around, one truck can't pass another, again so we are trying to stay away from that, even when we do these larger subdivisions, you know, if we have that remote driveway, hey you know what, this is probably not a great idea to get to the top of the ridge to put one house up there.

Chairman Rogan stated well the Board is reviewing this right now because the Town Board who ultimately has to approve this, said to us, why are we not proposing a town road out here, what is the deal and that, our job now is say well the reason that we really like is X, we like it for these five reasons over a town road or vice versa, you know, you guys are right, a town road it is, which ever it is.

Dave Raines stated I will comment in writing on this.

Board Member DiSalvo stated well you were suggesting that the other houses on the other common drive could hook up to this town road.

Board Member Montesano stated you've got another common driveway.

Board Member DiSalvo stated you've been up that way, could the other one release property there.

Chairman Rogan stated could you just (inaudible).

Board Member Montesano stated could you bring that in where.

Chairman Rogan stated this is a house.

Rich Williams stated well, yeah.

Dave Raines stated I don't know about the topography and the wetlands and everything else Rich.

Chairman Rogan stated there are no wetlands.

Rich Williams stated no you can do it, with the topography and everything you could do it, the problem is legally they have a legal access, I don't think that you can make them do anything else.

Chairman Rogan stated no you can't, yeah you're right, they have already got legal access, you can't say well we now think that you should go over to the town road and they are going to say yeah, well you pay for it.

Board Member DiSalvo stated do they have option.

Board Member Pierro stated we don't have any of the existing.

Board Member DiSalvo stated just a couple of nightmares in the (inaudible).

Board Member Pierro stated here it is, the existing.

Board Member DiSalvo stated my cousin is on one, seven houses and she's the end, (inaudible).

Dave Raines stated (inaudible) you know if we drop the hose to soon (inaudible).

Board Member Pierro stated can I get a blank piece of paper.

Dave Raines stated because the first truck is the only thing getting in.

Board Member Pierro stated Charlie get a blank piece of paper out of there, out of the machine.

Board Member Cook stated down there.

Rich Williams laughs.

Board Member Pierro stated this is the existing road here, okay, this square box.

Chairman Rogan stated oh I see yup, what you're doing.

Board Member Pierro stated owns this part of the road from here to here.

Chairman Rogan stated to here, yup.

Dave Raines stated say again.

Chairman Rogan stated yeah, see the property lines.

Board Member Pierro stated this is the big blue house.

Board Member DiSalvo stated right, right.

Board Member Pierro stated okay, this is the property line, its on the side of the existing driveway and that was done because there is the well for this house is on this side of the driveway.

Chairman Rogan stated got it, its right here, yeah.

Board Member Pierro stated he doesn't, this man up here.

Board Member DiSalvo stated right.

Board Member Pierro stated does not own this road.

Board Member DiSalvo stated right.

Ted Kozlowski stated so is this eased to him then.

Board Member Pierro stated its eased to him so that he can drive over it.

Chairman Rogan stated okay.

Board Member Pierro stated so this guy here, owns this portion of the road, Deikus, is his name.

Chairman Rogan stated got it.

Board Member Pierro stated okay.

Chairman Rogan stated alright.

Board Member Pierro stated he's got the lot that looks like the number seven, right, it goes down like this.

Chairman Rogan stated right, yup.

Board Member Pierro stated okay, so in order for this man to get access to these lots, off of this road, he's got to get permission from him and him.

Chairman Rogan stated understood.

Board Member Pierro stated why would do that.

Chairman Rogan stated that is not what they were saying, you missed the whole point of it.

Board Member DiSalvo stated they all have to maintain their road.

Board Member Pierro stated no, I'm not missing the whole point, they said why can't they access these lots.

Chairman Rogan stated no, no, that is not what they said, that is not what they said, they said access this lot from the proposed road. If you put in a town road can this lot access it straight in rather than using these easements.

Board Member DiSalvo stated right.

Board Member Pierro stated that was one of the, that was, I recall that was one of the concepts that they had, had a driveway off of here.

Chairman Rogan stated we have never seen that.

Board Member Pierro stated going by the septic field, look back.

Chairman Rogan stated like look back like what, like a month ago, two years ago.

Board Member Pierro stated a couple of months ago when this first came in, I thought there was a swerve around here or this road was closer the septic but that is a possibility.

Chairman Rogan stated well that is what they were talking about though, not the existing.

Board Member DiSalvo stated right, right.

Chairman Rogan stated I mean, am I correct in that, that is what you guys were talking about from the proposed town road.

Board Member Montesano stated yeah.

Board Member Cook stated yeah, over here.

Chairman Rogan stated no, no, we understand that this is off limits to those new house.

Board Member DiSalvo stated that is there own little private driveway and they should and by rights they should have it.

Chairman Rogan stated of course.

Board Member DiSalvo stated but this guy is not benefiting from it.

Board Member Pierro stated from what.

Board Member DiSalvo stated he's got to, he has the right of way to go through it.

Board Member Pierro stated this is the applicant.

Chairman Rogan stated so what they were saying is if the applicant wanted to tie into the town road.

Board Member DiSalvo stated right.

Chairman Rogan stated maybe we can plan for it and he can decide to, we can't force him is what you're saying, he has the either legally or by easement.

Board Member DiSalvo stated right, why do people want to lug their garbage down here on Sunday nights.

Board Member Pierro stated they do.

Board Member DiSalvo stated that is what I'm saying but why would they want to do that.

Chairman Rogan stated the grade is a little bit difficult across here though.

Board Member DiSalvo stated do you know what Louie's place looks like on a Monday morning over there, there are garbage pails all over the street.

Rich Williams stated I know.

Chairman Rogan stated okay, so what else does anybody want to discuss on this, we do need them to show for the town road option, we need them to show all the impacts, we need them to make sure what they are showing is legitimate, which is the retaining walls and the.

Board Member DiSalvo stated the basin over here.

Chairman Rogan stated the stormwater.

Board Member Pierro stated my notes from the last meeting were 13,000 square, cubic yards of disturbance versus 3,700 yards utilizing the common driveway.

Chairman Rogan stated well that's (inaudible).

Board Member Pierro stated less disturbance, more impervious surface.

Board Member Montesano stated but if its 3.9 versus 3.7, how do you get such a (inaudible).

Board Member DiSalvo stated something, maybe that was one of the trucks.

Chairman Rogan stated well one is an area, this way, the other one is a grading issue.

Board Member Montesano stated okay.

Chairman Rogan stated so he is talking about volume of disturbance, removal.

Board Member Pierro stated volume of disturbance.

Chairman Rogan stated cut and fill.

Board Member Pierro stated yeah.

Rich Williams stated they are showing the road profiles on there, the cut and fills that they need for the road profile.

Chairman Rogan stated yeah, so that is definitely a component of this.

Board Member Pierro stated yeah, the existing common driveway, the one we have been looking at, maintains rural character which, I'm a little selfish on. I would rather not look at a road, I would rather look at the same bushes and brush there and trees and stuff. And the common driveway again is not out of character with the three adjoining driveways neighboring properties.

Board Member DiSalvo stated I just don't want to add another, I'm not a fan of common driveways.

Chairman Rogan stated do we think that the Town Board will. It doesn't really, our job is to say look, we want this and this is why and really what they said to us, they didn't say we're going to deny it, they said tell us why you want it.

Board Member Montesano stated right.

Chairman Rogan stated to be able to clarify.

Board Member DiSalvo stated Red Shutters Farm Road, is that a common driveway, Red Shutters Road. That thing is always washed out, I'm just not a fan.

Board Member Pierro stated that is not an issue Maria. This is going to be a paved driveway, this is going to be a paved road. It is not an issue.

Board Member Montesano stated it may not be an issue to you right now but I feel that if anybody sells that house the person buying it could become an issue. I have seen it too often, I know.

Board Member DiSalvo stated they come back and blame the Town, its bad planning.

Board Member Montesano stated I've gone along with community driveways and I don't like them. I see no reason to.

Board Member DiSalvo stated create another mess.

Dave Raines stated when am I doing the framing inspection, the garage.

Chairman Rogan stated oh framing inspection, I will, I'll be up there, I'll have coffee for you.

Board Member Cook stated you are going to give us an note on this.

Dave Raines stated yes I am going to give you a note on this.

Chairman Rogan stated I heard that you'll be there tomorrow morning.

Dave Raines stated yeah, seven a.m.

Chairman Rogan stated yeah, I like the time you do your inspections, that is my style.

Dave Raines stated I have to go and do one now, there is illegal occupancy.

Chairman Rogan stated wonderful.

Dave Raines stated the bigot contingent.

Board Member DiSalvo stated who.

Dave Raines stated the bigot.

Board Member DiSalvo stated bigot, okay.

Board Member Pierro stated be careful you're not getting a knife stuck in your back.

Dave Raines stated exactly.

Board Member DiSalvo stated what house is that.

Dave Raines stated all of them, anything in the Hamlet.

Board Member Pierro stated we want to take our neighborhood back.

Dave Raines stated the tape is running so I can't say.

Board Member Pierro stated they don't like it because there are kids on skateboards.

Chairman Rogan stated alright, so.

Dave Raines stated so I should hold on to my comments on Fox Run because we are really not at any point (inaudible).

Board Member DiSalvo stated that's another.

Chairman Rogan stated that is another one.

Dave Raines stated I'll hold on to them.

Board Member Montesano stated just that.

Dave Raines stated there is such a failure in infrastructure there now.

Board Member DiSalvo stated I know, we not going to add to the confusion.

Dave Raines stated we really have major failure of infrastructure there.

Board Member DiSalvo stated we couldn't even find the pool.

Dave Raines stated its beyond that, I mean, we are in big trouble there and I want to make sure that everybody knows how much big trouble we are in because no violation will really paint a clear picture. I mean, it's the whole infrastructure there. (Inaudible) porches, decks, are shot.

Board Member DiSalvo stated cars all over the place, random parking spaces.

Dave Raines stated there are all the zoning issues.

Board Member DiSalvo stated there are a couple of commercial vehicles up on the corner there.

Dave Raines stated we got two of the retaining walls repaired, one is complete and one is just starting but that is only.

Board Member DiSalvo stated a band aid.

Dave Raines stated a tiny little, water is pouring through those roofs, we've got septic back-ups every week there, its really, they are broke.

Board Member Montesano stated a mess.

Dave Raines stated they are absolutely, I mean you know.

Board Member Montesano stated and they want to add more confusion to it.

Dave Raines stated Fox Run.

Board Member Montesano stated the one with the hidden pool.

Board Member DiSalvo stated we found it.

Chairman Rogan stated you should have seen the bury pile we found up there from when they originally did the site, its nothing but a big garbage pile, a complete bury pile of garbage way up above, close to the rec. area and we told them well if you are moving forward with this, we want this remediated. It is nothing but junk buried.

Dave Raines stated well you guys enjoy your weekend.

Board Member Pierro stated take care.

Board Member Montesano stated do the same.

Dave Raines stated watch the kids, there are a zillion kids back and forth to the carnival, so.

Board Member DiSalvo stated it's a nice night for them to be out enjoying themselves.

Board Member Pierro stated what's next.

**9) FOX RUN CONDOMINIUM PHASE II – Site Walk Comments**

Chairman Rogan stated Fox Run Condos phase II site walk comments, we just discussed. You know bury pile.

Rich Williams stated he has also provided revised plans.

Chairman Rogan stated okay, we had asked him to provide that so we can discuss it.

Board Member Pierro stated right.

Board Member Montesano stated the item with the pool, if I can.

Board Member DiSalvo stated yes, you make a comment on it because I.

Board Member Montesano stated we found the pool, now the pool.

Board Member DiSalvo stated its up a dirt road that you can't even get up there with a car.

Chairman Rogan stated really.

Board Member Montesano stated you can, people drive up there but there is no way that they don't possibly slide off.

Board Member DiSalvo stated no signage.

Board Member Montesano stated going up there, I mean you can bring a truck in through there.

Board Member DiSalvo stated its dirt, its dirty there, it's a dirt road.

Board Member Montesano stated and I'm sure they do but the thing is that there are no railings or anything on that side and you probably especially the kids, you are going to get nervous and slide right over that thing.

Chairman Rogan stated when they get to the pool, is there any place to parking.

Board Member Montesano stated there is enough maybe for three or four cars.

Board Member DiSalvo stated front lawn, yeah but there is no signage, we drove around looking for the pool, what if there is a 911 emergency there, no one knows where the pool is.

Board Member Montesano stated they had a chain with a little piece of sign on it that said pool and it was laying on the floor.

Chairman Rogan stated I meant to look because I didn't know whether we had that.

Board Member Pierro stated can you send the enforcement division up there to take a look at that please, thanks.

Board Member Montesano stated I mean the pool itself it very nice.

Chairman Rogan stated unbelievable isn't it.

Board Member DiSalvo stated it was beautiful, it doesn't look like anybody has been in it.

Board Member Montesano stated apparently it's not open, its apparently closed because it closes by 4p.m.

Chairman Rogan stated wow that's a good one.

Board Member Montesano stated and there is a chain on it.

Board Member Pierro stated I was told that they have limited resources to hire lifeguards, so they don't open it, they have restricted hours.

Board Member Montesano stated there is no lifeguard, they can't open it.

Board Member DiSalvo stated they have a little club house there, probably with restrooms.

Board Member Montesano stated it looks like changing rooms or whatever.

Chairman Rogan stated Cipriano site plan.

Rich Williams stated well Fox Run, are you all.

Board Member Pierro stated I'm comfortable with everything so far.

Rich Williams stated well just remember why they are really here right now is a recommendation to the Town Board.

Chairman Rogan stated right.

Rich Williams stated on whether we are going to change the zoning for the site and whether it is appropriate to change the zoning to allow multi-family housing on the site.

Board Member Montesano stated if they are having this much difficulty running multi-family right now.

Chairman Rogan stated that is one of the big issues, you have to wonder, its falling apart as it is.

Board Member Montesano stated I can't see how they can possibly run it with multi-family again.

Chairman Rogan stated in other words, you don't like what's there because it's all run down, how do you, you're not convincing us.

Board Member Pierro stated they are spending a lot of money there though.

Board Member DiSalvo stated yeah but you're going to add another forty condos with another three cars each unit, another hundred and something cars.

Board Member Pierro stated the units are run down and there is a problem with the road going to the pool, then this Town has an obligation to go up there and look at it and the enforcement end of this building must go up there and take a look at it and if there is a problem with violations, if the building is so run down, should we be looking at the project.

Board Member DiSalvo stated that's.

Chairman Rogan stated that is exactly the point.

Board Member Montesano stated we have.

Board Member Pierro stated and if they say, if Dave goes up there and doesn't find a problem and says they are remediating the things that they need to do, then we should go forward.

Ted Kozlowski stated I don't think he said that though.

Board Member DiSalvo stated no.

Board Member Montesano stated no I thought he was saying that they are re-doing the retaining walls but there seems to be a septic problem every week.

Board Member DiSalvo stated it's a band aid.

Ted Kozlowski stated I thought he said there was no violation big enough to show how bad it is.

Board Member Pierro stated that is what he said.

Rich Williams stated I think to bring the focus back, what you should be taking a look at can this site support multi-family housing, can the existing infrastructure for Fox Run, can the off site infrastructure, can that all support the additional traffic coming down through there, is there sufficient water supply, is there sufficient sewage disposal. You know, where they are going to build it, is there a big visual impact, are there other impacts.

Board Member DiSalvo stated parking.

Board Member Pierro stated as far as a visual impact is concerned I don't think that is a big issue, I don't think a lot of that will be exposed. The roadway although it is in need of a serious paving, I think it is wide enough to handle the additional homes. I would like to see how it plays out, where these buildings are located and where turn arounds are going to be because he did say that he was moving back some of these buildings. I want to see that once we open it up at the meeting.

Board Member DiSalvo stated why are we ever considering changing the zoning, if it is zoned for single-family houses, then let him bring a plan.

Chairman Rogan stated well here is the other part.

Board Member Cook stated I was just going bring that up and say, why don't we ask him like we did for the Martins' to show us the option of single family houses on that.

Chairman Rogan stated show us the, show us what the Code allows.

Board Member DiSalvo stated yeah.

Board Member Cook stated based on the current zoning.

Board Member DiSalvo stated how many would he be able to get there, single-family, what is that, one acre zoning over there.

Board Member Cook stated we shouldn't guess, we should let him.

Board Member Pierro stated four acre zoning.

Board Member DiSalvo stated four houses, oh four acres.

Chairman Rogan stated the other part though is, do you want single-family homes, people having to access through a multi-family district.

Board Member Pierro stated would you buy one.

Chairman Rogan stated that is what I'm thinking, I would buy it.

Board Member DiSalvo stated if its priced right, rather then buying a condo, yeah.

Chairman Rogan stated that is a good point, rather then a condo.

Board Member Montesano stated Blackberry in Brewster has.

Board Member DiSalvo stated Blackberry Village, its flip flopped.

Chairman Rogan stated you have to drive through residences to get.

Board Member Montesano stated but everyday you've got go through or go there and people seem to have a made a very good buy there, at least they were happy with it.

Chairman Rogan stated with Blackberry I could see the people on that road being up in arms when they built place because look at all the extra traffic you're adding to our road but here the extra traffic from single-family homes is negligible compared to what you've got coming and going. You've got more guests coming and going.

Board Member DiSalvo stated another incident we had Mike and I, as we finally found the pool and we are driving down the hill and there is this woman asking for a ride.

Board Member Montesano stated transportation.

Board Member DiSalvo stated because the bus wasn't coming, it was late, she had to go to court, so we drove her down to the corner of Bullet Hole and Fair Street to wait for a bus to go to court. So then after we came back, I dropped you off, you left then I drove, it had to be like twenty minutes later because we went to look at the foundation.

Board Member Montesano stated we went to look at the other place, so it was good thing.

Board Member DiSalvo stated and here is this woman still waiting for the bus, so I took the woman to the court house, so now we are talking about building all these congested areas of housing with no mass transit everywhere, I think everybody just assumes that everybody has car, this woman didn't.

Board Member Montesano stated the problem is, you have that now and there is no convenient transportation, she had to walk from the condos out to Fair Street.

Board Member DiSalvo stated but we drove her down.

Chairman Rogan stated that is a long walk.

Board Member Montesano stated to get and in climate weather to go get a bus that alleges to come.

Board Member DiSalvo stated and waiting for a bus.

Chairman Rogan stated were there sidewalks up all the way through that place.

Board Member Montesano stated no.

Rich Williams stated there are no sidewalks.

Board Member DiSalvo stated that is another problem, they have the bus stop on the bottom for the kids but no sidewalk.

Chairman Rogan stated no real, that is, we were talking about Patterson Crossing, a condo complex is really a place where you want a safe way to get from one end to the other.

Board Member DiSalvo stated again this is something that we are stuck with from twenty thirty years ago, so let's do it right.

Board Member Montesano stated well.

Chairman Rogan stated I agree with Dave on visual, I don't think visual is a big deal up here.

Board Member DiSalvo stated I don't think visual as far as on the site but what about on the other side, who is on the other side of that property.

Chairman Rogan stated Commerce Drive, on the other side the other way.

Board Member DiSalvo stated is Adam's property up that way.

Chairman Rogan stated yeah but the topography though was so much up and over the hill, right.

Board Member DiSalvo stated okay.

Rich Williams stated but that one last bank of units was on the ridge line.

Chairman Rogan stated that is why we were talking about from Commerce [Drive], with all the clearing and stuff, is that going to be something that sticks right out.

Rich Williams stated you're not going to see it from Commerce because Commerce.

Board Member Pierro stated you might see something.

Chairman Rogan stated that direction, the highway.

Board Member DiSalvo stated the tops of the houses maybe.

Board Member Pierro stated you might see the tops of the houses from the top of Tammany Hall Road, in that area but I don't, in the winter time.

Rich Williams stated Tammany Hall is the other way.

Chairman Rogan stated yeah, you mean the other.

Board Member Pierro stated what is the road where Teddy built that house.

Chairman Rogan stated where.

Rich Williams stated where who built the house.

Board Member Pierro stated across the street from Fox Run, you make the, you go up to the right a little bit.

Chairman Rogan stated that is Tammany Hall.

Board Member Pierro stated that's Tammany Hall.

Chairman Rogan stated we thought you meant.

Board Member Pierro stated the top of the hill from Tammany Hall, the top of Tammany Hall, you look over, looking up you may see.

Chairman Rogan stated oh, looking up and over the existing facility.

Board Member DiSalvo stated that is going to be higher then Fox Run.

Board Member Pierro stated some of the tops.

Chairman Rogan stated it will be higher but I don't know. We were thinking more from the Commerce direction.

Board Member DiSalvo stated coming south on Bullet Hole, maybe.

Rich Williams stated the other side of [Interstate] 84.

Chairman Rogan stated yeah I don't know anything like that.

Rich Williams stated over by the Lake Carmel area.

Chairman Rogan stated Fair Street, Terry Hill Road area.

Board Member Pierro stated nah, I don't think you'll see it from there and besides the bright lights from Patterson Crossing is going to blur all that out anyway.

Rich Williams stated don't worry about putting in the record, you know.

Board Member Pierro stated yeah.

Board Member DiSalvo stated talk about something else, the night of that big thunderstorm.

Chairman Rogan stated right.

Board Member DiSalvo stated the night of that big thunderstorm, was it last Thursday.

Board Member Pierro stated its true.

Board Member DiSalvo stated I was coming back from Brewster on [Interstate] 84, it was about 8:30 at night and the house underneath 84 on Bullet Hole, was on fire. They had fire trucks there, lightning must have hit it.

Chairman Rogan stated wow.

Board Member DiSalvo stated there was smoke and everything, it was scary. So that's off, why are we changing the zoning.

Chairman Rogan stated and I think everybody has had a good discussion on this and we have to be able to articulate, okay, they are proposing something, is it worth it for the, will the site support it, I think that is first and paramount, will the site support it, in a multitude of ways. In terms of public services that are

existing or proposed, in terms of egress in and out of the site, how people are going to use site. You just talked about the pool, obviously the people that are in these new places are going to have access to this, so is that. I think that we have to look at the totality of it and see if its something that the Board thinks would be an improvement for the community. Because we are not talking right now about a right of use, we are talking about single-family homes are the right of use right now, we are talking about changing that, it would be different if we were talking about its zoned multi-family.

Board Member DiSalvo stated right, right.

Board Member Montesano stated on another point.

Board Member Cook stated we haven't seen a plan that shows single-family.

Chairman Rogan stated that is what we, oh right, meeting code in essence.

Board Member Montesano stated and another thing, you are going to put up forty condo units, let's give that thirty of them have kids, so the economic results of putting the forty units versus eight or ten, where you are going to have. Let's say you put three kids in each house with a private house, versus having two or three kids for each condo unit.

Board Member DiSalvo stated you are going to get to jam up with Pondview too.

Board Member Montesano stated you are going to have a lot more problems.

Chairman Rogan stated Rich, is this area in a cluster overlay.

Rich Williams stated I would have to look, I don't know.

Chairman Rogan stated because it is quite a large piece of property actually.

Board Member DiSalvo stated (inaudible) forty acres.

Chairman Rogan stated the chunk that we are looking at.

Board Member DiSalvo stated let them have four acres, let them put a pool in, let them you know, make it similar to Heritage Hills, they did some individual homes down there, not on big lots like this but.

Chairman Rogan stated well you notice what they are proposing for that union place, the concept for the place down on the Mahopac/Westchester border, mixed use.

Board Member DiSalvo stated on Route 6.

Chairman Rogan stated yeah.

Board Member DiSalvo stated yeah by where the Mahopac Farm is.

Chairman Rogan stated commercial, light industrial, residential, multi-family, retail all on the same site.

Board Member DiSalvo stated its urban design.

Chairman Rogan stated the people loved it down there, they fell in love with the idea.

Board Member DiSalvo stated its like city design, urban design is like that.

Chairman Rogan stated it's a Camarda project.

Board Member Montesano stated I'll tell you what, if we can do like they did down in D.C., where they took the old train yards and put the buildings on, they have commercial up to here and then you have.

Board Member DiSalvo stated they do that in the city with the buildings.

Board Member Montesano stated yeah and then they went up to the residential on the top.

Board Member Pierro stated yeah.

Board Member Montesano stated and the subway comes in underneath the hotel, which is really fantastic.

Board Member DiSalvo stated its like taking the tram at Disney World, right.

Board Member Montesano stated yeah.

Chairman Rogan stated so it does abut Stiebling but what I see from topography is not a visual impact or any kind of an impact that, okay. So everybody has some ideas and opinions, let's just start talking about them again next week and flushing out some ideas, I like what Charlie said, at least we would be remiss in at least not looking at concept plan that address current zoning, so.

Board Member DiSalvo stated of what its, right, current zoning.

Chairman Rogan stated thank you Charlie, I appreciate that.

Board Member Montesano stated gee, one day of class.

## **10) OTHER BUSINESS**

### **b. Eurostyle Marble and Tile**

Chairman Rogan stated Eurostyle Marble and Tile, remember when we were out at Lea Rome.

Board Member DiSalvo stated right.

Chairman Rogan stated we looked at that site with the owner.

Board Member DiSalvo stated we gave him permission to do something right, or talked about it.

Chairman Rogan stated Rich, Lea Rome, the issue with the trees, that was the trees that we put in the front of the building, I'm drawing a blank.

Board Member DiSalvo stated Eurostyle.

Rich Williams stated Eurostyle Marble.

Chairman Rogan stated did I say, when we were out at Lea Rome.

Board Member Pierro stated when we saw Lea Rome.

Chairman Rogan stated we were there for the intent.

Rich Williams stated the issue is this, the original plan called for a slope to be constructed in front of the building.

Board Member DiSalvo stated right, the rocks.

Rich Williams stated that was going to be all plantings.

Board Member Pierro stated planted.

Rich Williams stated and he came up with a lot of excess rock that he had to get rid and he came to me and he asked can I put it on that slope and just let it go and I said no, the plan calls for it to be vegetated, the plans look much nicer with it vegetated.

Board Member DiSalvo stated let's do a combination.

Rich Williams stated you can't do that and he went to the DEP and the DEP said yeah, go ahead and do it and he said okay, well I got permission and he did it but the slope was supposed to be vegetated, so the Planning Board, while they were out there, said okay, you've got the rock, we are not going to make you take the rock off but we want the visual impact softened by the whole series of junipers.

Chairman Rogan stated thank you for bringing us back.

Board Member Montesano stated I don't know if he's got junipers out there.

Board Member DiSalvo stated spreading junipers.

Board Member Montesano stated I saw, it looks like the grass.

Rich Williams stated well then he's got a real problem because if he is going to keep doing things without getting approval.

Board Member Montesano stated well I don't know, when I drove past, it looked more like, what do you call it, sea grass, what you see along the beach.

Chairman Rogan stated really.

Board Member Pierro stated maybe that's.

Board Member Montesano stated I thought that is what it was, I could be wrong, it could have been a juniper that didn't grow to well.

Board Member DiSalvo stated yeah, it died, maybe it needed some water.

Chairman Rogan stated we may do a drive by after Watchtower on Saturday morning just to check it out, if anybody wants to, nobody has to.

Board Member DiSalvo stated did he agree to junipers or.

Rich Williams stated while we were out at the site, he agreed to put junipers in there.

Chairman Rogan stated alright, so the reason that this is on the agenda is for discussion for the record and do we have to do a motion on allowing that change from the approved plan because the approved plan said one thing, we have no agreed to a different thing, we should do that by virtue of a motion for Eurostyle Marble and Tile, any takers. Does that mean nobody (inaudible).

Rich Williams stated well let me do the letter for you so you have it.

Chairman Rogan stated do it for the meeting.

Board Member DiSalvo stated yeah, yeah.

Chairman Rogan stated okay fair enough.

## 11) MINUTES

Chairman Rogan stated okay, minutes, everybody has minutes. The next meeting is September 4<sup>th</sup>, we are going to meet at seven a.m. at the diner.

Board Member DiSalvo stated did we talk about Cipriano.

Chairman Rogan stated for anybody who is interested on Saturday morning, then we will meet 8 a.m. at Watchtower, unless you want to meet us at the diner if you are not going to come for breakfast.

Board Member DiSalvo stated did we do Cipriano.

Chairman Rogan stated although it will be nice to see your smiling face.

Board Member Montesano stated do you want to do Cipriano.

Board Member DiSalvo stated we forgot about Cipriano.

Board Member Montesano stated 10 a.

Chairman Rogan stated oh yeah, I said it and I thought we, we must have skipped over it. I said Cipriano and then we must have gotten back tracked and then went.

Board Member DiSalvo stated we were talking about junipers then.

Board Member Montesano stated you were worried about the juniper.

Board Member Pierro stated what is Cipriano up to.

Chairman Rogan stated no, no, what happened is we got back to Fox Run, Rich brought us back to Fox Run, he likes Fox Run.

## 10) OTHER BUSINESS

### a. Cipriano Site Plan

Chairman Rogan stated Cipriano Site Plan.

Rich Williams stated yeah I'm drawing a complete blank.

Chairman Rogan stated it's alright, you've got plans, take a look at them.

Rich Williams stated do we have plans for this.

Board Member Montesano stated we have a letter from them the.

Board Member Pierro stated he is going to the zoning board, he wants a positive recommendation for a use variance.

Chairman Rogan stated Cipriano boy, that (inaudible).

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated that is one project that I really think.

Board Member Pierro stated we referred it already.

Board Member Cook stated yeah and read the DEP letter, the last paragraph.

Chairman Rogan stated what does it say.

Board Member DiSalvo stated who on Cipriano.

Board Member Pierro stated hold on, I never even read that, the stormwater management design appears to address the drainage needs for the proposed project, however more detailed information is required. Stormwater management design manual latest edition should be used to aid in revising the plans.

Board Member DiSalvo stated who is his engineering, Badey & Watson.

Board Member Montesano stated (inaudible).

Chairman Rogan stated everybody is all set.

Board Member Pierro stated make a motion that we adjourn.

Chairman Rogan seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

The meeting adjourned at 8:56 p.m.