

TOWN OF PATTERSON
PLANNING BOARD MEETING
August 7, 2008

AGENDA & MINUTES

	Page #	
1) Green Chimneys Site Plan – Public Hearing	1 – 2	Public Hearing opened and closed. SEQRA Determination granted.
2) Wallace W/W Application	2 – 3	Discussion of updating application
3) Watchtower – W/W Permit Application	4 – 7	Waiver of Public Hearing granted. Wetlands Permit granted w/conditions. Negative Declaration of SEQRA granted.
4) Pondview estates – SEQRA Determination	7 – 15	SEQRA Re-Affirmed. Wetlands Permit granted w/conditions. Discussion of architecture.
5) Tojant Subdivision – Continued Review	15 – 20	Subdivision Approval granted. Bond Recommendation made to Town Board.
6) Tractor Supply Site Plan – Continued Review	20 – 25	Positive Recommendation made to ZBA Waiver of parking spaces granted.
7) Barjac Site Plan – Continued Review	25 – 27	Discussion of DEP wetland classification
8) Martins Subdivision- Discussion	27 – 45	Discussion of town road versus common drive.
9) Fox Run Condominiums Phase II – Site Walk Comments	46 – 59	Discussion of site issues, zoning issues, multi-family versus single family.
10) Other Business		
a. Cipriano Site Plan	45 – 46	Public Hearing scheduled for 9/4/08
b. Eurostyle Marble & Tile	59 – 61, 62	Discussion of site improvements not on site plan. Letter to be sent from Planning Office.
11) Minutes	62	June 5 th , June 12 th , June 26 th Approved.

PLANNING DEPARTMENT

P.O. Box 470
1142 Route 311
Patterson, NY 12563

Michelle Russo
Sarah Wager
Secretary

Richard Williams
Town Planner

Telephone (845) 878-6500
FAX (845) 878-2019



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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

PLANNING BOARD

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

**Planning Board
August 7, 2008 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 and Gene Richards with the Town Engineer's office, Stantec Consulting Services Inc, Dave Raines, Town of Patterson Building Inspector, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector and Anthony Molé from the Town Attorneys Office, Curtiss, Leibell, Herodes & Molé P.C.

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

Michelle Russo was the secretary and transcribed the following minutes.

There were approximately 8 audience members.

Chairman Rogan led the salute to the flag.

Due to a machine malfunction, the tape did not record the first seven minutes of this meeting.

1) GREEN CHIMNEYS SITE PLAN – Public Hearing

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

The Secretary read the following legal notice into the record:

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

Charles Weigelt of 503 Gage Road, asked a question about drainage on his property.

Board Member Montesano made a motion to close the public hearing.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Board Member Pierro made a determination of SEQRA.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

The Board discussed with Mrs. Ryan about the dormitories, updated plans and also Dave Raines, the Building Inspector discussed emergency access and platforms for the new dormitories.

2) WALLACE W/W APPLICATION

Mr. Jack Karell and Mr. Doug Wallace were present.

The Board discussed the retaining walls and the submission of an updated application with Mr. Karell.

The tape began during this discussion.

Chairman Rogan stated what time frame do you think for someone to modify that, is that a, just simply changing the answers on the questionnaire.

Ted Kozlowski stated it easy but you know, you are approving something that wasn't on the original application.

Chairman Rogan stated right.

Ted Kozlowski stated its not generally what this Board has done.

Chairman Rogan stated you mean.

Ted Kozlowski stated its not what we do.

Chairman Rogan stated Rich's perspective and I think what the Board is thinking is that the plans show what we are approving, the application doesn't reflect what is shown on the plans, I think is what we are talking about here, correct.

Ted Kozlowski stated have the fees been adjusted to show that too.

Chairman Rogan stated I would ask you that, I don't know.

Ted Kozlowski stated I don't calculate fees.

Chairman Rogan stated Rich.

Rich Williams stated no but it is a simple procedure about documenting on the application form, the additional disturbance within the buffer, estimating the fees, receiving a check.

Chairman Rogan stated okay.

Board Member DiSalvo stated was it at the work session.

Board Member Pierro stated is the stock piling in the stormwater treatment that has to be done here, is that occurring within the wetland or the buffer.

Rich Williams stated everything from the back of house back is in the buffer.

Board Member Pierro stated everything, is in the wetlands.

Mr. Karell stated that is all reflected on the plan, that is what this Board approved and that is what it is was satisfied with and that is what the public hearing was on.

Chairman Rogan stated okay, Jack how about you get the application buttoned down and we'll approve it at the work session, three weeks.

Mr. Karell stated that's fine, okay.

Chairman Rogan stated okay.

Mr. Karell stated alright, thanks.

Board Member Pierro stated very well Jack.

Chairman Rogan stated Mr. Wallace, thank you for your time, we appreciate it.

3) WATCHTOWER – W/W Permit Application

Mr. Richard Eldred of Watchtower Bible & Tract Society of NY was present.

Chairman Rogan stated okay, Watchtower wetlands/watercourse permit application. The Board recalls, we were out there this past weekend on Saturday, we have site walk comments that were prepared. The Board recalls this is an application place two gravel wells in the area of the existing wells that we all took a look at. The area is currently a disturbed site, open meadow that is open to grazing by.

Board Member DiSalvo stated livestock.

Chairman Rogan stated livestock, I think I said cattle, that is probably not proper right, livestock.

Board Member DiSalvo stated well, you're being discriminatory.

Chairman Rogan stated the Board talked to Mr. Eldred about the mound systems that are with the existing wells.

Board Member DiSalvo stated right.

Chairman Rogan stated and that was described to be required to keep the well heads about flood plain boundary.

Board Member DiSalvo stated flood plain, right.

Chairman Rogan stated we looked at the pump house, didn't find any problem with that, we looked at the weather station.

Board Member DiSalvo stated right.

Chairman Rogan stated and also didn't find any obvious problems with that.

Board Member DiSalvo stated also explain about that they are going to alternate two wells at a time right, you are not going to have a total of four going all the time.

Mr. Eldred stated no, they would be alternating.

Board Member Pierro stated there shouldn't be an effect on draw down to neighboring wells, that is on the record.

Board Member DiSalvo stated right, right.

Chairman Rogan stated okay.

Board Member Cook stated and there is no increase right, in the allotment.

Mr. Eldred stated no, it is going to be same.

Board Member DiSalvo stated (inaudible) aquifer or something.

Board Member Pierro stated we don't have a resolution or anything on this.

Chairman Rogan stated no, it's a wetlands/watercourse permit, we don't do resos.

Board Member Pierro stated don't do it.

Chairman Rogan stated the one thing that we want to clear on that because of the point that Charlie brought up, that we are not looking at an increase in water usage on this, it is the same water usage just drawing from different areas and that the area is already a disturbed site, that we don't have any problem from our wetlands inspector in this regard, Ted, am I correct in that.

Ted Kozlowski stated yes.

Chairman Rogan stated that we can on those conditions, we can waive a public hearing on this application. I will make a motion based on that information we waive the public hearing.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated okay and then we need a motion on the wetlands watercourse permit application but we should reference the July 31st Town Planner memo.

Board Member Cook stated oh wait a minute.

Chairman Rogan stated Rich.

Board Member Cook stated Mr. Eldred has responded to that and I was going to ask Rich.

Chairman Rogan stated yeah.

Board Member Cook stated comfortable with.

Rich Williams stated yeah, Mr. Eldred did respond to the memo that I did issue, on additional details I thought should be on the plan.

Chairman Rogan stated okay.

Rich Williams stated if you had revised plans and we got revised plans and it does meet all of the requirements.

Chairman Rogan stated okay, so we don't even have to reference.

Rich Williams stated the only thing that I would request is that when they do the draw test, if we could be provided a copy.

Chairman Rogan stated okay, make that a condition of this permit. Who would like to do this wetlands/watercourse permit.

Mr. Eldred stated we are also working on that (inaudible) question from before as well.

Rich Williams stated (inaudible).

Chairman Rogan stated okay.

Board Member Cook stated I will make the motion that the Town of Patterson Planning Board approve the Watchtower Watercourse permit number 0708-1, dated July 21, 2008.

Board Member Montesano seconded the motion.

Board Member Pierro stated general condition.

Board Member DiSalvo stated the conditions.

Board Member Pierro stated that the draw down report be provided.

Board Member Montesano stated oh yeah.

Board Member Cook stated with the one general condition that the draw report be provided.

Board Member Montesano stated a copy.

Board Member Cook stated a copy of that report be provided to the Town Planner.

Board Member Montesano seconded the motion.

Chairman Rogan stated Charlie.

Board Member Pierro stated I'll do it.

Chairman Rogan stated okay.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated and then one additional motion.

Board Member Pierro stated in the matter of Watchtower wetlands/watercourse permit I make a motion that the Town of Patterson Planning Board declares a negative determination of SEQRA.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Mr. Eldred stated thank you.

Chairman Rogan stated thanks Mr. Eldred, we appreciate it.

4) PONDVIEW ESTATES – SEQRA Determination

Mr. Neil Alexander of Cuddy & Feder, Mr. Frank Arturi of Bayswater Realty, Mrs. Beth Evans of Evans Associates, Mr. Joe Buschnyski of Bibbo Associates and Mr. Jim Hahn of Hahn Engineering were all present.

Chairman Rogan stated okay, Pondview Estates. Good evening, how are you.

Mr. Alexander stated good evening, the Board and Staff, how are you doing.

Chairman Rogan stated good, please stated your name for the record sir.

Mr. Alexander stated Neil Alexander, I'm an attorney with Cuddy & Feder, here on behalf of Pondview. At the last meeting, that is why I didn't have a musical career, I couldn't really do that.

Chairman Rogan stated you're taller then the average person. Theresa is here more then, so in fairness to her.

Mr. Alexander stated I hope to be a ghost soon, in any event, maybe I'm foreshadowing too much, we closed the public hearing at the last meeting, I think the, as you know there has been some from your work session, there has been some interaction with staff trying to share information in hopes that I guess you would move towards a, its on the agenda for a SEQRA determination. We do have the team here to go through whatever you would like to, we are prepared, it came to our attention that you would like a little bit

of sense of where the developer anticipates going with construction as far as an aesthetic, even though that's (inaudible) as far as an aesthetic and we are prepared to talk to that issue when you are ready.

Chairman Rogan stated sure.

Mr. Alexander stated and however you want the evening to go.

Chairman Rogan stated well in that regard the Board was just acknowledging the fact that I'm sure the architectural renderings that were done in the 1960's are different from that which would you build today, so we were very curious to talk about the architectural design of what these buildings would look like. From the actual application and the SEQRA determination, we are really only looking at the change to this pond to the outflow structure so really our focus is on that.

Mr. Alexander stated right, I mean we are prepared, Frank Arturi from Bayswater is here, they haven't obviously it goes without saying, sort of where the economy is and where the market is even if we had had something in mind two months its.

Board Member Pierro stated changed.

Mr. Alexander stated it could but its also switched but there is a lot of site work that needs to done here, so it could switch back before you know so. With all those hedges in there, I think Frank will come up and tell you a little bit more, yes sir.

Board Member Cook stated before you go to that, I brought this us at one other meeting that there are a number of memos that need to be responded to both from Stantec and from Rich Williams.

Mr. Alexander stated yes.

Board Member Cook stated just to clean up and close up the (inaudible).

Mr. Alexander stated it, we defiantly are going to and intend to and you know, we look forward to getting to the building process and doing that then and in there.

Board Member Cook stated okay.

Chairman Rogan stated okay, what, if you would, you can start putting up anything you want us to see but let's deal specifically with the SEQRA determination before us before we get into architectural. What the Planning Board has is a re-affirmation of prior SEQRA findings, it is dated today and it goes through the record on this and it is basically a resolution in essence of a negative dec., unless anyone on the Board has an objection to that findings statement or re-affirmation of findings statement, I think we should move on that and then we can talk about architectural. Does anybody have any discussion on that.

Board Member Pierro stated I'm fine.

Chairman Rogan stated would anybody like to make that motion.

Board Member Pierro stated in the matter of Bayswater Realty.

Board Member Cook stated you have to read the whole thing.

Board Member Pierro stated no.

Chairman Rogan stated yeah right.

Board Member Pierro stated sorry guys.

Board Member DiSalvo stated even the small print.

Chairman Rogan stated that is why we have (inaudible).

Board Member DiSalvo stated and the foot notes.

Board Member Pierro stated in the matter of Bayswater Realty, I make a motion that the Town of Patterson Planning Board re-affirms the negative determination of SEQRA.

Rich Williams stated Dave, if I might.

Board Member Pierro stated excuse me.

Rich Williams stated that is a resolution.

Chairman Rogan stated it is.

Rich Williams stated you can use the resolution to grant.

Board Member Pierro stated okay, I make a motion that we introduce the resolution, re-affirming the May 26, 1988 decision relative to SEQRA, regarding Bayswater Realty and Pondview Subdivision.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries. You know what it is Rich, its just a different format then a resolution, so it looks more like a, summary document but okay. Now we would love to hear from the gentleman about the architecturals.

Mr. Arturi stated my name is Frank Arturi with Bayswater Development and unfortunately we haven't, we don't have actual full scale elevations, we do have some smaller elevations that I can pass around along with some footprints that I can just pass around to the Board.

Chairman Rogan stated.

Mr. Arturi stated typically the units will be your colony type units, clapboard siding, corner board trim, your standard double hung windows, Anderson or equal. The majority of the exterior units will be have two car garages, interior units one car garage and they will be two bedroom, three bedroom units.

Chairman Rogan stated you know.

Board Member Pierro stated what is the square footage roughly.

Mr. Arturi stated the interior units are going to range between seventeen hundred and two thousand square feet, the exterior units twenty-two hundred to twenty-four and again we are still playing with those numbers, we haven't finalized anything yet.

Chairman Rogan stated in your one picture they show a gazebo in front of the building, that is what I was hoping for down by the pond.

Mr. Arturi stated that's.

Chairman Rogan stated a nice wildlife viewing area or something, I know that that got crossed out by the DEP.

Mrs. Evans stated Army Corps.

Chairman Rogan stated they must not like viewing the wildlife.

Mrs. Evans stated its just apparently our problem.

Chairman Rogan stated I guess.

Board Member Montesano stated they get nervous when they see wood chips.

Mr. Alexander stated right now they are playing with some first floor master bedrooms on the end units as well.

Mr. Arturi stated with the market, we, I believe the original plans had all master bedrooms on the second floor but now we are mixing, we have units master bedroom first and second but not as.

Chairman Rogan stated Rich, you haven't seen these, this is the first time right.

Rich Williams stated I think I have seen them.

Chairman Rogan stated oh you have.

Mr. Alexander stated the floor plan not the elevations.

Chairman Rogan stated not the renderings.

Mr. Arturi stated we just put together the elevations real quick to show.

Board Member Pierro stated elevations, the front and side view elevations.

Rich Williams stated just so that you are aware, they are actually increasing the number of bedroom counts from what was originally approved but because of the changes required by the Health Department they had additional space in the septic system that would have been under utilized if they didn't.

Chairman Rogan stated but are we talking about a change in the area of the footprint of all the previously approved buildings, then I am fine with it, as long as we aren't changing the area of the footprint then that's fine.

Mr. Arturi stated no.

Chairman Rogan stated will you be preparing elevation drawings to the style that you want to build for us.

Mr. Arturi stated yes.

Chairman Rogan stated okay, fantastic.

Mr. Arturi stated absolutely.

Chairman Rogan stated we'll look forward to it. Does anybody on the Board have any discussion that they want to have on this particular style, the colonial style.

Board Member Pierro stated no garages.

Mr. Arturi stated oh yes.

Board Member DiSalvo stated some of them Dave.

Mr. Arturi stated most, your exterior units will have two car garages, your interior one car.

Board Member DiSalvo stated it falls within the height requirements.

Board Member Pierro stated how many parking spaces were you talking about on site, do you recall.

Mr. Arturi stated I'm not sure.

Mr. Alexander stated I think we have more than one visitor space for every unit, if you also consider the parking areas by the common amenities.

Board Member Pierro stated okay.

Mr. Alexander stated (inaudible) a couple of the parking spaces, again viewing the wildlife but that is on the, its in the resolution.

Board Member Pierro stated very well.

Mr. Alexander stated can't recall it off the top of my head.

Board Member Pierro stated that's okay.

Chairman Rogan stated Maria had a question about height.

Board Member DiSalvo stated the height of the buildings conform to our code, the two and a half stories.

Chairman Rogan stated very steep roof.

Rich Williams stated I haven't seen the architectural, I've seen the floor plans but not the architectural.

Chairman Rogan stated okay.

Mr. Arturi stated we will make sure that they are.

Chairman Rogan stated okay.

Mr. Alexander stated we are keeping fifty visitors spots on the ring road and then eighteen spots by the pool and ten spots by the pond.

Board Member Pierro stated okay.

Chairman Rogan stated anybody have anything else they want to discuss tonight.

Board Member DiSalvo stated did we talk about fire tanks or anything, water tanks.

Board Member Pierro stated suppression.

Chairman Rogan stated Dave is not here.

Board Member DiSalvo stated fire suppression, did we talk about that at all.

Rich Williams stated there has been considerable discussion.

Mr. Alexander stated that has been arranged finally.

Rich Williams stated yeah, the original plan called for pressurized systems with a feed going into the pond, with a pump house at the edge of the pond. That has been taken out at this point and they are looking at putting in very large concrete tanks up near the first bank of units. Dave has been working with Jim Hahn.

Mr. Buschynski stated Jim, I believe.

Rich Williams stated on the project and they worked out all those issues.

Board Member Pierro stated Dave is back in the room. Ball park number of gallons. How large are the suppression tanks at.

Dave Raines stated twenties I believe.

Board Member Pierro stated okay.

Dave Raines stated four twenties.

Board Member Pierro stated four twenties and they can always do soft suction off the pond if they needed to in addition to.

Dave Raines stated (inaudible) weren't sure what (inaudible).

Rich Williams stated I think he is talking about throwing a hose in with a fire truck.

Board Member Pierro stated just in case.

Dave Raines stated oh yeah, I still think that the four twenties.

Board Member Pierro stated would be adequate but you never know.

Dave Raines stated (inaudible).

Board Member Pierro stated okay.

Dave Raines stated and they are spaced appropriately so we have plenty of hose to lay between the tanks.

Board Member Pierro stated okay.

Board Member DiSalvo stated Dave, have you seen any of these drawings yet of the architecture of the building.

Chairman Rogan stated I'm sorry, couldn't hear you.

Board Member Montesano stated they were on the table I believe.

Mr. Arturi stated again its very, they are very preliminary.

Chairman Rogan stated sure.

Mr. Arturi stated we just wanted to get something together to present to the Board tonight. That picture is just a unit of another subdivision at our architect did, which will be similar without the stone elevation.

Rich Williams stated with the wetland permit, I think we covered all the bases, there is nothing new we are looking for, we have the plans they seem to be complete, I don't know where Ted just went.

Chairman Rogan stated Michelle, can you go get Ted please, since you such a great rounding everybody. Unless he is in the little boys room, then leave him alone.

Board Member Montesano stated can we get papers now.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated so you think we have everything for the wetlands permit wrapped up, so we can be in a position to, so then all we would be looking at is architectural on this. From here forward, if we approve the wetlands permit.

Rich Williams stated from here forward, yes.

Chairman Rogan stated Ted, Pondview wetlands permit wrapped up. Great, can I get a motion for the wetlands/watercourse permit and we haven't done SEQRA on this yet.

Rich Williams stated you just did.

Board Member Pierro stated we just did it, we adopted it, that was a re-affirmation.

Chairman Rogan stated oh I'm sorry, I'm mixing up now after that last one we. I apologize.

Board Member Pierro stated in the matter of Bayswater Realty and Pondview Estates I make a motion that Patterson Planning Board grants a wetlands/watercourse permit for the re-construction or the construction of the pond issues there.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries. You have anything else, you gentlemen.

Mr. Alexander stated no but we know we need to do work with Rich on the local sediment and erosion control permit that he is administrator for.

Chairman Rogan stated great.

Mr. Alexander stated we'll be doing that and the construction drawings, a lot of those issues will resolve themselves through that process.

Chairman Rogan stated great.

Mr. Alexander stated I think we are good.

Chairman Rogan stated have a good evening.

Mr. Alexander stated you too.

5) TOJANT SUBDIVISION – Continued Review

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

Chairman Rogan stated Theresa, you're up. Tojant Subdivision. Good Night.

Board Member Pierro stated oh boy.

Board Member Montesano stated here she comes.

Chairman Rogan stated is this the one we have the reso [resolution] on that I just misplaced.

Board Member Pierro stated yes, here.

Chairman Rogan stated no, I just wanted mine because I wanted to (inaudible).

Board Member Pierro stated I have two of them in there.

Chairman Rogan stated I probably have more than two.

Board Member Pierro stated really. There is one in the garbage outside, so you take that one.

Chairman Rogan stated you can take it, I'm not going to make the motion anyway, I just was wondering. Okay, Theresa.

Mrs. Ryan stated we got the comment letters, the only comment that I wanted to make was about the monument locations, we put them here they were requested to be by the Town Engineer's office.

Chairman Rogan stated okay.

Mrs. Ryan stated so if the Board is okay with that then we will leave them where they are, if you want them moved out of the buffer, we can do that too, you decide.

Chairman Rogan stated monuments are existing.

Mrs. Ryan stated no, they are proposed.

Chairman Rogan stated no, they are proposed and you are proposing them in the buffer.

Mrs. Ryan stated I guess one of them is mentioned, its in the buffer.

Chairman Rogan stated there is no reason to let them put them in there.

Rich Williams stated there is no impact.

Chairman Rogan stated no.

Rich Williams stated (inaudible).

Mrs. Ryan stated I think its here along.

Rich Williams stated and the only reason I really raised it is because it is really the only improvement related to the subdivision and I didn't know if the applicant wanted to bond the monuments.

Mrs. Ryan stated I'm sorry.

Chairman Rogan stated or just put them in.

Rich Williams stated installing them or installing them when they built the Tractor Supply or they wanted to put the monuments in before the plat was signed.

Mrs. Ryan stated I think we can include them in the bond estimate.

Chairman Rogan stated yeah, okay.

Rich Williams stated that is not what I'm saying. You want to bond them now separately because we don't know where we are with Tractor Supply.

Mrs. Ryan stated okay.

Rich Williams stated and really it is a whole separate issue and generally what we do is we get, if I'm wrong about six hundred dollars per monument on bond.

Gene Richards stated I don't think its that much, honestly I.

Rich Williams stated okay.

Gene Richards stated that is something that Tom in our office would determine and I think it might be two hundred dollars or something like that and I think its three monuments would be six hundred.

Mrs. Ryan stated or he can install them.

Gene Richards stated either is bond or install them.

Mrs. Ryan stated (inaudible) I will check with my client on that.

Chairman Rogan stated okay.

Rich Williams stated well it does raise the issue about how you are going to deal with that before the resolution, whether you are going to bond it because you really want to address that.

Board Member Montesano stated well if we put it in as a bond and then they put them in, then we don't have to proceed with the bond.

Rich Williams stated sure but we don't have them now, (inaudible).

Board Member Montesano stated okay.

Rich Williams stated that's so.

Gene Richards stated what have you been using recently for monuments.

Mrs. Ryan stated I thought it was two hundred.

Rich Williams stated okay, that's fine.

Gene Richards stated (inaudible) for each one.

Board Member Montesano stated alright two hundred dollars each monument.

Chairman Rogan stated these are just concrete poured monuments.

Board Member Pierro stated yes.

Chairman Rogan stated that they use all over, you see them with the old railroad and property all over the DEP, okay.

Mrs. Ryan stated I gave away all the copies of the plat which were prepared by Terry's office, do you have one that I could look at, to see how many monuments there are.

Chairman Rogan stated it says there are two. You can have.

Mrs. Ryan stated is this it.

Chairman Rogan stated well its Tractor Supply, that is why its not the subdivision.

Board Member Montesano stated you know better then I do.

Mrs. Ryan stated this is it here.

Board Member Montesano stated can't burn them.

Board Member DiSalvo stated we have a subdivision (inaudible).

Chairman Rogan stated sorry.

Board Member DiSalvo stated there are two resolutions, one of them had a typo.

Board Member Montesano stated yeah.

Board Member DiSalvo stated so its not that we have two of them, its just (inaudible).

Chairman Rogan stated correct.

Board Member Montesano stated (inaudible).

Chairman Rogan stated the memo says there are only two monuments.

Mrs. Ryan stated yeah.

Chairman Rogan stated okay so we are bonding four hundred dollars for the monuments.

Board Member Montesano stated six, you are going to do two or three.

Mrs. Ryan stated two.

Board Member Montesano stated okay, fine.

Chairman Rogan stated okay, just point of reference Theresa, and Mike had brought this up, we had spoken about it at the work session and through this process, I remember Mike specifically speaking about this. When the Planning Board grants subdivision approval, obviously traditionally we see access provided and I know in this case with Tractor Supply, they are resistant, more then resistant to allowing access through their site. We had discussions about the intent of this lot being passive recreation, all I am going to say at this point is that the subdivision we are looking at here, that there is no access provided, that any use of that property in the future will have to have access provided, whether it is through Tractor Supply or through some other property but this current plan seems to layout for passive recreation. I just wanted to put that on the record and the Board was adamant about that.

Mrs. Ryan stated right and also that the 280-A open development area which provides, allows you to create a lot without access.

Chairman Rogan stated correct.

Mrs. Ryan stated and we do have third of a mile of frontage along [Route] 22 and even though it would be really difficult to get an access there, you know, that is something that.

Chairman Rogan stated it would be difficult but the Board was also adamantly opposed to that being a means of access, that is why if we had said future access could be through that wetland and beaver pond, then we would have said that we are looking at this as passive recreation, we would have said prove it out.

Mrs. Ryan stated right.

Chairman Rogan stated but the Board felt so strongly about the idea of going through that that is why we were working towards this being a passive recreation lot. If they can get access from some other lot or through Tractor Supply in the future that is something that we certainly will look at, we would look at anything proposed and take a hard look at that time.

Mrs. Ryan stated right and the applicant has no intention of any other use.

Chairman Rogan stated any other discussion of that issue by the Board.

Board Member Montesano stated no.

Chairman Rogan stated any discussion specific to the resolution.

Board Member Pierro stated none.

Chairman Rogan stated can I have a motion on the resolution please.

Board Member Pierro stated in the matter of Tractor, Tojant Subdivision, I'm sorry I misspoke. I make a motion that we, the Town of Patterson Planning Board approves the resolution dated August 7th, with the eight general conditions and two special conditions identified in the resolution.

Board Member Montesano seconded the motion.

Chairman Rogan stated Mike seconds.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries. Okay, anything else on Tojant Subdivision.

Mrs. Ryan stated I don't think so.

Chairman Rogan stated oh, we needed to add into that the bond amount.

Mrs. Ryan stated you need to refer that.

Rich Williams stated what you need to do is make a recommendation to the Town Board.

Chairman Rogan stated let's do that in a motion.

Board Member Pierro stated in the matter of Tojant Subdivision, I make a motion that we recommend to the Town Board a bond amount of four hundred dollars for two monuments to be placed on the property.

Board Member DiSalvo seconded the motion.

Chairman Rogan stated Maria beat you to it.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated any opposed, okay thanks, motion carries.

6) TRACTOR SUPPLY SITE PLAN – Continued Review

Mrs. Theresa Ryan of Insite Engineering and Mr. Thomas Raveson were present.

Chairman Rogan stated Tractor Supply Site Plan, continued review. We have an eight foot fence shown.

Mrs. Ryan stated yeah, Tractor Supply said that they couldn't do without an eight foot fence.

Chairman Rogan stated okay.

Mrs. Ryan stated so I guess we would need a referral to the Zoning Board of Appeals for that.

Board Member Montesano stated yes.

Mrs. Ryan stated unless its something that the Planning Board can do.

Chairman Rogan stated we discussed it at the work session, I don't think anybody really had a problem with it but we need to refer it to Zoning, are we referring it as a positive recommendation.

Board Member Montesano stated I would.

Chairman Rogan stated okay, does anybody want to make that motion.

Board Member DiSalvo stated I make a motion that we make a positive recommendation to the Patterson Zoning Board regarding Tractor Supply, in regard to an eight foot fence.

Chairman Rogan stated for the storage area.

Board Member DiSalvo stated for the outdoor storage area.

Board Member Montesano seconded the motion.

Chairman Rogan stated second.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated any opposed, okay.

Mrs. Ryan stated yup. There was another, there was one comment about the NYSEG letter we did send that in and I think we mailed it to Rich and Gene because even though Gene's letter, Gene's letter was written before I sent that NYSEG.

Gene Richards stated it was.

Mrs. Ryan stated thank you, so we have that and we also have to discuss the waiver of the parking spaces.

Chairman Rogan stated yes.

Mrs. Ryan stated we made a mistake on the parking spaces but the parking spaces that were shown the outdoor display area, are shown as fifteen and they should have been eighteen and extend all the way down and we also showed another ten future spaces over here, so the future spaces would total 114 that are required.

Chairman Rogan stated so in essence we are providing on paper the ability to provide Code requirements, Zoning requirements for the number of parking spaces required, the idea being that if a future tenant took occupancy of this building, we could provide the number of spaces, I'm comfortable with that.

Mrs. Ryan stated it will show how they will be striped out on this which Rich recommended.

Chairman Rogan stated great.

Mrs. Ryan stated but I apologize for the miscount.

Chairman Rogan stated and what is the total that is required.

Mrs. Ryan stated one hundred and fourteen.

Chairman Rogan stated and how many are we actually providing.

Mrs. Ryan stated eighty-six.

Chairman Rogan stated okay, do you want to do a motion on that today ladies and gentlemen, to codify that, the Board will allow that waiver to waive it.

Board Member Pierro stated sure.

Chairman Rogan stated anybody.

Board Member Montesano stated alright.

Board Member DiSalvo stated you got it, right.

Board Member Montesano stated what are we, (inaudible) Tractor Supply.

Chairman Rogan stated Tractor Supply site plan.

Board Member Montesano stated okay Tractor Supply, I make a motion on Tractor Supply Site Plan that we allow the 86 parking spaces provided with the future of 114 available. No.

Chairman Rogan stated and the.

Board Member DiSalvo stated 114 was the requirement.

Mrs. Ryan stated 28 future spaces.

Board Member Montesano stated 28 future spaces.

Chairman Rogan stated perfect, can I have a second.

Board Member DiSalvo stated seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries. Theresa, anything else on this.

Mrs. Ryan stated no, I don't think so.

Chairman Rogan stated great, have a great evening.

Board Member Pierro stated oh you're right there.

Chairman Rogan stated oh you're here for Barjac.

Dave Raines stated Shawn, can I talk.

Chairman Rogan stated I appreciate you speaking up because we tend to roll.

Dave Raines stated just because we are at this point, it seems like we are rolling with Tractor Supply, I'm making the assumption, not knowing what the building is going to be constructed but just literally on the

size of twenty thousand plus square feet and the occupancy that we are going to have a sprinkled building. I'm making an assumption again that we are going to have a below ground tank.

Chairman Rogan stated okay.

Dave Raines stated that is something that we may want to start thinking about, as to where again, can't size it at this point, can't figure the hydraulics, we don't know.

Chairman Rogan stated that's a great idea.

Dave Raines stated rack storage, there are a lot of variables but we should probably start thinking about where we are going to put an underground storage tank.

Chairman Rogan stated great idea.

Dave Raines stated I am making again the assumption that its going to be underground, I can't imagine that we are going to put an above ground tank on this site with all that we've gone though.

Chairman Rogan stated I like the way you assume.

Dave Raines stated so well its just something I think they should be ready to come back at you with.

Chairman Rogan stated that's true.

Dave Raines stated and again they are not going to know the size until they can do the hydraulics, which is going to be, a lot more has to happen before they can figure the size.

Mrs. Ryan stated thank you.

Chairman Rogan stated it's a nice man that can give bad news and you thank him for it.

Mrs. Ryan stated actually we did just talk to Tractor Supply about today, I talked to David Raines about it and I told him that he would have to get a mechanical engineer to deal with that and he said that they are not actually going to do that until after they get site plan approval. But he can give some idea of the size of tank based on other facilities that they've done and we can show something on the next set of plans.

Chairman Rogan stated that makes sense, thank you for that.

Dave Raines stated right, right.

Chairman Rogan stated I appreciate that.

Mrs. Ryan stated okay.

Chairman Rogan stated and I appreciate you slowing us down for that and we tend to sometimes forget with your folks sitting out there. Okay, Rich anything else you want to discuss on this tonight.

Rich Williams stated the only other thing I wanted to bring to your attention was the trees at that last meeting, we talked about the architecture and there was discussion about showing trees to soften the

appearance of the building. They've got that on this plan with some arborvitaes, I just wanted to make sure that the Board is comfortable with that.

Board Member Montesano stated see what you just said, trees and right away the paper fell off the board, its trying to tell you something.

Board Member Pierro stated are arborvitaes deer resistant.

Chairman Rogan stated shh, one at a time please.

Ted Kozlowski stated no not at all.

Chairman Rogan stated no, the deer love them, they girdle them right up.

Board Member Pierro stated okay.

Ted Kozlowski stated the deer love them and when you get any kind of snow or ice, they are going to bend right over.

Board Member Pierro stated then why are we planting arborvitaes.

Chairman Rogan stated that is what was proposed.

Mrs. Ryan stated its not the vertical arborvitaes, they are shaped like spruce trees.

Rich Williams stated triangles.

Chairman Rogan stated like Colorado spruce or something.

Mrs. Ryan stated that is the shape they have.

Chairman Rogan stated what do you have for a recommendation.

Ted Kozlowski stated you are going to have to find something that's well, I'm thinking Colorado Spruce or White Spruce.

Chairman Rogan stated and some what salt tolerant because of the proximity to the building.

Ted Kozlowski stated forget about arborvitaes, you'll just be feeding the deer.

Mrs. Ryan stated this particular variety.

Chairman Rogan stated Norway is nice.

Ted Kozlowski stated Norway is not salt tolerant and deer do nip Norway.

Mrs. Ryan stated this particular variety is not a, relatively deer resistant, I was told by our landscape architects.

Rich Williams stated arborvitae.

Mrs. Ryan stated this particular one.

Ted Kozlowski stated Theresa, I'm telling you arborvitae is not deer resistant.

Mrs. Ryan stated okay, so Colorado Spruce or white spruce.

Rich Williams stated Norway spruce is good.

Mrs. Ryan stated no.

Rich Williams stated Norway.

Mrs. Ryan stated Norway.

Ted Kozlowski stated plus Theresa, arborvitae is very susceptible to storm damage.

Mrs. Ryan stated okay.

Chairman Rogan stated yeah, I was going to ask them. Gene anything for tonight that you want to discuss.

Gene Richards stated no.

Chairman Rogan stated okay, thanks Theresa, are you now finally gone.

The Secretary stated she still has Barjac.

Mrs. Ryan stated I have Barjac.

Chairman Rogan stated Barjac.

Mrs. Ryan stated you want to get rid of me.

Chairman Rogan stated you know what, in fairness, you're a pleasure, you always are.

7) BARJAC SITE PLAN – Continued Review

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

Chairman Rogan stated Barjac Realty Corporation Equestrian Complex. Maria you had a question about the size of the riding ring.

Board Member DiSalvo stated I thought you reduced the size of the riding ring.

Mrs. Ryan stated well they went back to the original size.

Board Member DiSalvo stated must be a sale on steel, I don't know.

Mrs. Ryan stated yeah, it was 81 by 200.

Board Member DiSalvo stated 200.

Mrs. Ryan stated they wanted to go back to 100.

Chairman Rogan stated Ted, you want to take us through this DEP determination of this watercourse.

Ted Kozlowski stated I don't agree.

Chairman Rogan stated you don't agree.

Mrs. Ryan stated neither do we.

Chairman Rogan stated do we have re-course with the DEP's determination to.

Rich Williams stated I don't think the Town has much re-course, the applicant may. We don't really have standing.

Ted Kozlowski stated I believe it's a vernal pond.

Mrs. Ryan stated when we met with the DEP, I checked with Ted first to see if it was okay and he said that it was alright for me to discuss it with them that it was a vernal pool and we also had our wetland consultant out there to meet with them and he also agreed that it was a vernal pool (inaudible).

Chairman Rogan stated okay, so you guys are going to have to plan around it.

Mrs. Ryan stated well we already have.

Chairman Rogan stated okay.

Mrs. Ryan stated by putting the pavers fifty feet on either side of the bridge because they determined that it was an intermittent watercourse so the impervious surface setback is fifty feet to the (inaudible) based the findings.

Chairman Rogan stated Gene how are we doing with your technical review on Barjac.

Gene Richards stated we did issue a memo with some comments, I don't think there is any (inaudible) that can't be corrected in one revision.

Mrs. Ryan stated right.

Chairman Rogan stated so we are getting close.

Mrs. Ryan stated very close.

Chairman Rogan stated great, excellent.

Mrs. Ryan stated and then the applicant is also working on maybe an alternate bridge design, (inaudible) and.

Chairman Rogan stated price of steel went up.

Mrs. Ryan stated he is working, actually the bridge that he was proposing is very expensive.

Chairman Rogan stated I bet.

Mrs. Ryan stated and he is also working on architectural.

Chairman Rogan stated they call that bait and switch in sales, you give somebody something and say well.

Mrs. Ryan stated well actually Peckham owns the bridge company that we were proposing the bridge with.

Chairman Rogan stated say no more.

Mrs. Ryan stated but it still costs a lot.

Board Member Montesano stated then find somebody to build it cheaper.

Board Member DiSalvo stated well.

Chairman Rogan stated hey, if it looks nice and it structurally does the job it's intended to do and it spans the distance without anything into the wetland, then it is what it is.

Mrs. Ryan stated yeah.

Chairman Rogan stated okay, thank you.

Mrs. Ryan stated thank you.

Chairman Rogan stated I think your legs were getting tired of standing anyway, so we wanted to give you time to rest.

Board Member DiSalvo stated just for note, Theresa, the stable I told you about on Starr Ridge Road, they designed their dumpster pad single and now they are going to rip it apart and make it double.

Mrs. Ryan stated that was a good idea, thanks.

8) MARTINS SUBDIVISION - Discussion

Mr. Steve Miller of Badey & Watson was present to represent the applicant.

Chairman Rogan stated Steve. Okay, Martins Subdivision, discussion.

Mrs. Ryan stated thank you.

Chairman Rogan stated thank you.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated this one (inaudible).

Mr. Miller stated I don't trust you.

Dave Raines stated you don't trust me.

Chairman Rogan stated good evening Steve.

Mr. Miller stated good evening.

Board Member Montesano stated good evening Steve, watch out for the electricity.

Mr. Miller stated I'm Steve Miller with Badey & Watson, representing Martins. I understand that there was some discussion about the street.

Chairman Rogan stated Steve, in essence what we did at the work session was tried to overlay, not overlay but side by side comparison of the relative impacts of the two alternatives because you know the Town Board is looking for a little more from us as to why we felt the common driveway alternative was the alterative for this particular piece of property. I appreciate your input and your work to provided the Board with something we could take a look at, that, especially in color because we always appreciate that. Rich in your memo I wanted to ask you a question, I was reading through this again before the meeting, the first comment on the memo says the common driveway option shows that the volume of disturbance, did you mean the area of disturbance, the area of disturbance as delineated on these because it shows disturbance in acreage, would that be an area or a volume, not in terms of like cubic yards.

Rich Williams stated did it list either area or volume.

Chairman Rogan stated volume of disturbance and then it says acres, acres is area so I figured it was supposed be area.

Rich Williams stated it is supposed to be area.

Chairman Rogan stated I just want it to be clear, so that we were talking about the same numbers. And so there are some things that Rich pointed out to us that are not shown within the town road option effected that would increase the disturbance beyond what was shown in terms of stormwater areas that would need to be worked for retaining walls. Actually you've shown that in the delineated area but basically stormwater was the main thing we noted.

Mr. Miller stated I think, if the Board will recall, I think when we were at the last meeting, I specifically commented that in an effort to get something to the Board so that they could at least see what the impact was going to be, there were a lot things that we left out and we just tried to concentrate on what the disturbance for the road is.

Chairman Rogan stated okay.

Mr. Miller stated granted, fully knowing that there were other considerations that were going to make the impact even greater but it was, it wasn't intended to be a.

Chairman Rogan stated I understand.

Mr. Miller stated neither marked up plan that we had was intended to be a full scale, fully develop plan. It was mostly just to demonstrate the over, the outlying impact, the overall impact of all those options.

Chairman Rogan stated there were some aspects of the town road option that the Board generally felt laid out better for lack of another word, then the common drive options, in terms of just a general flow to the road, area of disturbance. But clearly based on Rich's memo and some of the calculations that you've made the total disturbance on the town road option is much greater, the waivers it creates in terms of the size of the lot for lot number three, being smaller then what is required for the four acre zoning, the retaining walls that are show that create some grading issues. There is some justification for recommending to the Town Board that they reconsider the common driveway option, we just need to quantify that and be articulate as possible.

Mr. Miller stated I understand.

Chairman Rogan stated so that we can you know properly.

Mr. Miller stated in the cover letter that I sent with the documents or with the plans, I don't know if anybody has a copy of it, I mean, we tried to, on the second page first paragraph, we kind of indicated that the increase of a town road option over the common driveway option was about three and half times more cut. In the second paragraph we tried to equate it for the Board's benefit as to how much material was going to be leaving the site and we equated to truck trips.

Chairman Rogan stated okay.

Mr. Miller stated so hopefully that that was going to be, saying something is 10,000 cubic yards is one thing, saying something is 600 trips of a ten wheel truck over the town, well that is something somebody can see and can imagine a little better.

Chairman Rogan stated we appreciate that. There was also discussion at the work session, Mike I believe you brought this up, maybe it was someone else, that with a town road option, is there the ability and I guess I am asking based on grade, is there the ability for the owner of lot three, the existing lot, to tie into the town road by going directly to the north, in terms of grade between the septic systems and I don't know, the grade looks pretty steep but in essence that was a question the Board raised.

Mr. Miller stated you know, I supposed we could start the hill and get down, you know, I don't know for sure because the retaining wall that is here and it might be possible, that is all I can say, we have to look at it a little more.

Chairman Rogan stated that was just, I'm not saying that was my opinion but I am trying to reiterate was I remember being discussed at the work session so that we cover all the aspects of this review. It seems in this case there, you can make pros and cons for each lay out, there are some good and bad in each other them, it would also seem that if we were going to recommend to the Town Board that they consider approving the common drive alternative. The reasoning or the justification be that we are reducing things, that we are reducing impact to the site that we are providing something better then what the town road

provides and there are alternatives and Maria has been advocate for the town road because of things that you have seen in other subdivisions like garbage pick up, issues that seem to come back to us, that people are paying taxes on those lots and they at some point in time come to the Town and say why don't I have a maintained road, I am paying the same taxes as the guy on the town road. There are all things that the Planning Board needs to consider and again be able to articulate to the Town Board as to our justification.

Board Member Montesano stated the emergency access is another one.

Chairman Rogan stated the emergency access.

Board Member DiSalvo stated we can talk about that.

Chairman Rogan stated so, point by point discussion, anybody want to jump in.

Board Member Cook stated I would like to ask, maybe Gene I guess, about the retaining walls, your take on how they are laid out here.

Rich Williams stated he has not seen this plan, just so you are aware.

Board Member Cook stated pardon me.

Rich Williams stated he hasn't seen this plan.

Chairman Rogan stated he doesn't have a review on it.

Board Member Cook stated oh.

Rich Williams stated as per your request.

Board Member DiSalvo stated right.

Rich Williams stated the applicant has submitted three copies and they are all in the Planning Board office.

Board Member Cook stated okay.

Rich Williams stated so.

Board Member Cook stated well maybe Mr. Miller can comment on the retaining walls.

Chairman Rogan stated there you go.

Rich Williams stated if you want to walk Gene through what the retaining walls are.

Chairman Rogan stated right.

Board Member Cook stated could you do that please.

Mr. Miller stated I can try. In an effort to, we are limited by, we are limited to the grading that we can do on either the road option or the common driveway option because of its proximity to the adjoining lot. We

can't grade onto the adjoining lot, you know, in an instance where we have four or six hundred feet of frontage and the proposed access way is coming up through the middle of it. We have a couple of hundred feet to grade the road out for the side slope, standard side slope, because the property is within this scale is twenty feet of the edge of the road, we can't grade past the property line, so we put a retaining wall in, in an effort to keep the grading on Martins' property, Martins can't, I supposed they could try to get an easement but I'm sure they are not going to be anxious for that. So what the retaining wall is, the retaining wall holding up the adjoining property so that we can bring the road in at the required grade of, for the town road at ten percent, which in certain instances is going to create a wall that is eight or ten feet high for the town road spec or for a town road. Even for the common driveway, we do have a portion of a retaining wall here at the beginning also but we are coming in at a steep grade so the wall is not going to be as tall as with the town road option. The retaining wall would be on private property, its not in the Town's right of way, its not on the adjoining owners property, so the reason for the wall is to, is because of the cut we need to make in order to put the travelled way in, we have to hold up, essentially hold up the neighbors property to bring the road because we don't have the room to grade it out that, where we would normally do that.

Board Member Pierro stated safety should be a concern because with a town road option you are having a good amount of the high wall, the high retaining wall there and with children playing in the field, that is going to be an attractive nuisance to have an eight or ten foot wall.

Gene Richards stated what is the length of the wall Steve, I can't see from this plan, on the town road option where it.

Mr. Miller stated on the town road option it is.

Gene Richards stated within the right of way there.

Mr. Miller stated six hundred and fifty feet, seven hundred feet.

Gene Richards stated that is the total length.

Board Member Pierro stated yeah.

Gene Richards stated what he is saying certainly is not an uncommon thing to do, to prevent your grading from going over the property line, they are using the wall to prevent that.

Board Member Pierro stated how long is that wall, excuse me Gene, how long is the wall with the common driveway approach.

Mr. Miller stated the common driveway is.

Board Member Pierro stated its just where the.

Mr. Miller stated two hundred and fifty feet long.

Board Member Pierro stated right.

Gene Richards stated it is significantly less, that is a private ownership if that is the case, the Town had no liability with it.

Board Member Pierro stated right.

Gene Richards stated with a town road there would be liability issues if somebody were to drive over it, they would need guiderail obviously but if somebody falls off of it.

Rich Williams stated there is also a small section of the retaining wall coming in off of lot two the driveway.

Mr. Miller stated that would be here.

Rich Williams stated no, into the right of way.

Gene Richards stated oh, right, okay.

Chairman Rogan stated let me ask the first silly question of the night, the reason for the wall, I understand the grading purpose but its because the town road specs are different for grade then the common drive specs.

Mr. Miller stated that is correct.

Rich Williams stated by five percent.

Chairman Rogan stated by five percent, so by creating a shallower or flatter pitched road, less slope of a road, you need to, you have to cute more basically, understood.

Mr. Miller stated correct. If I put up the, this is the profile for the common driveway, the dashed line is the existing grade, the solid line would be the proposed vertical alignment of the driveway, so you can see that most of the cut for the common driveway option is right at the beginning.

Chairman Rogan stated got it.

Mr. Miller stated in this case its.

Chairman Rogan stated off the road.

Board Member Pierro stated as are all the other driveway openings on that stretch there.

Mr. Miller stated in comparison the town road and this is, we are talking about this cut being two hundred feet, two hundred fifty feet in length.

Gene Richards stated the town road cut is significant, it looks about fourteen or fifteen.

Mr. Miller stated the town road, the cut is approximately the same, a little more at the beginning, you'll notice that instead of it being two hundred fifty feet long, we pretty much have an eight or a ten foot cut the whole length of the road in order to maintain the road.

Gene Richards stated that is significant.

Chairman Rogan stated that is pretty (inaudible).

Mr. Miller stated getting back to the cover, my cover letter from before is where the amount of volume, the volume of what we call spoil, what they term spoil is three and a half times more.

Chairman Rogan stated we are going to get rid of. Okay.

Gene Richards stated and clearly the common driveway scenario would be much less disturbance.

Board Member DiSalvo stated how much disturbance would there be if we just did one house with one driveway as opposed to a common or a town road with two houses.

Mr. Miller stated well.

Board Member DiSalvo stated would it be half.

Board Member Pierro stated for the opening you are still going to have the same amount of disturbance.

Chairman Rogan stated well there would be the same disturbance as for the common driveway alternative because you would be only one driveway, not one town road, is what you are saying. In essence you would be saying, you wouldn't even need all this, it would only be an individual lot, it wouldn't even come before us, right.

Rich Williams stated well it is still two lot subdivision.

Mr. Miller stated it still would be a two lot subdivision.

Chairman Rogan stated oh I'm sorry, it would be a two lot subdivision with a lot that is going to be divided having full access to the town road and just putting a driveway in.

Board Member DiSalvo stated right.

Mr. Miller stated correct.

Board Member Pierro stated but the cut would be the same, to cut the common driveway in.

Chairman Rogan stated correct.

Mr. Miller stated correct.

Board Member Pierro stated for one load.

Chairman Rogan stated as what is proposed that is the common drive, so the disturbance at Cornwall would be the same for the first two hundred and fifty feet for instance whether it was one lot or two lots or two lots or three lots.

Board Member DiSalvo stated and continue up the hill though and continue up.

Chairman Rogan stated that is where you get into more site disturbance but I guess as Gene had said, the big problem is really in the first couple hundred feet.

Board Member DiSalvo stated yeah.

Gene Richards stated with the town road alternative.

Chairman Rogan stated right.

Gene Richards stated because of the flatter grade and with a single driveway you can go up at fifteen percent that would help, it's a little bit narrower in width, that would help it, it is still significant with the grade.

Board Member Cook stated could we, maybe ask Dave to comment on his letter.

Chairman Rogan stated yeah, that would be great.

Board Member Cook stated Dave, if you don't mind just from a emergency vehicle response.

Dave Raines stated yeah, either way it works, you are looking at it here, we can get fire trucks and ambulances in, it's the, the problem is what we have experienced moving forward is that two or three years down the road we have some wash out, we have overgrowth. We have problems that I can't get party A and party B to decide who is going to maintain that and then we have a situation where we have liability, the Town doesn't have liability, someone has liability and that they can't access to and Wagon Lane is a perfect example. Wagon Lane you can't get a fire truck right now to the house on the top of Wagon Lane and the folks, the four houses, the three houses below, they don't care, they want nothing to do with it.

Board Member DiSalvo stated is that off Farm to Market.

Board Member Pierro stated can we.

Dave Raines stated that is one of many that we have, so that.

Board Member Pierro stated can we take out any of the shrubbery that you are concerned about along the right of way.

Dave Raines stated again I'm sure when we look at this with the development of the lots we are going to be in great shape but moving forward is when we run into a problem because similar to the, on Bradley Court we had the whole issue with the retention pond and everybody give due diligence there. We have a retention pond, it is going to be maintained great and now we have a retention pond that they worked really hard to set everything up and now it doesn't work and its causing (inaudible).

Rich Williams stated its failed.

Dave Raines stated right, so that is my concern, not that this doesn't work conceptually as a private driveway access as a common drive, it does work, its just how do we protect ourselves.

Board Member Pierro stated can we put a note on the plat Rich.

Dave Raines stated that is the concern there.

Rich Williams stated well going back to Bradley Court, Big Elm Subdivision, we put note after note, we did a homeowners association, we did everything, the homeowners don't want to agree to work together.

Chairman Rogan stated so it doesn't work.

Rich Williams stated so you can put all the notes you want on the plat.

Board Member Montesano stated classic example with that in mind is Alpine Village had a beautiful pool, it was spread under the association, yet if you go up there today, the pool is gone because no one wanted to maintain it, when it fell into disrepair no one even wanted to consider, so they just let it go.

Rich Williams stated the Town ended up going in to fill it in.

Board Member Pierro stated it was a district.

Rich Williams stated no it wasn't a district.

Board Member Pierro stated wasn't it, they tried to make it a district and the people didn't want to pay for it.

Rich Williams stated no.

Board Member Pierro stated from what I recall.

Dave Raines stated that is my concern that, it works either way conceptually, we can maintain you know emergency access to all three lots, all two lots affected but what do we do moving forward, how do we better protect that access, I'm not sure of that answer.

Rich Williams stated and to answer your question, what we do the best way, really the only way we have, is we do make them file maintenance agreements between the property owner which gets filed over at County but if they don't want to comply with that maintenance agreement then it comes down to enforcing that agreement through a proceeding in court.

Chairman Rogan stated which is a pain in the butt.

Board Member Pierro stated which is a pain in the neck, could we.

Mr. Miller stated could we, I don't mean to cut you off Dave.

Board Member Pierro stated you did but that's okay.

Mr. Miller stated does the Building Inspector or the Building Department have any authority to demand.

Chairman Rogan stated it should but.

Dave Raines stated not once the C.O.'s, it has been tested already and we lost.

Mr. Miller stated okay.

Dave Raines stated and lost on appeal, going along on the development, once the C.O.'s are issued and all the improvements are made to meet site plan then its something, its up to the property owners to do the right thing, whether its developed or undeveloped, once the infrastructure is in, we hope that they do the right thing. We are finding that in several cases they are not so my concern was writing a memo about this because I would lean towards the town road access because I didn't take into consideration the wall or the fact that there is much more linear feet of wall and what not. I looked at merely getting to the furthest point with having to maintain that emergency access. The width really isn't an issue, either way we don't, its not, we have some very long driveways.

Mr. Miller stated the concern with this Bradley Court, is it a paved road.

Dave Raines stated yeah well.

Mr. Miller stated its just failing or.

Dave Raines stated no, there was a retention pond that has a (inaudible) infrastructure that has failed an it was supposed to have been maintained through a similar private common.

Mr. Miller stated okay.

Dave Raines stated and again there are other, we have several roads that they call them paper roads that are private access and we have a house at the top and part of a subdivision and now five, six, seven, ten, fifteen years down the road no one is buying it, regardless of what it says on the plan, regardless of what is says on the deed restriction, so that is where I was kind of coming from.

Mr. Miller stated okay, so after fifteen years, its just fall, the maintenance has fallen to the point where the fire department can't get a vehicle in there.

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

Dave Raines stated (inaudible) grade, we have wash out, we have undermining of some of the culverts that were put in and everyone is saying, not my problem, I can get to my house at the bottom, I don't care if the guy in lot five at the top can't get to his and one paper they are all supposed to be maintained so, that's a, its not really a one off, its happening in several locations, that was my only concern. To try and solidify the regulations, if you want to call them regulations you know, how this is going to be maintained within the deeds of the lots when its subdivided, I mean that is really the strongest to say hey, you are buying lot two or lot one, you know you are going to be responsible for whatever the case is.

Board Member DiSalvo stated for plowing the driveway.

Dave Raines stated plowing is another issue that is another debacle where, you know, I have my four wheel drive truck, I don't plow the driveway and the poor guy at the bottom with his sports cars.

Chairman Rogan stated his Hyundai.

Board Member DiSalvo stated to get to work.

Dave Raines stated is, you know but again that's.

Chairman Rogan stated it works for some but it doesn't work for other.

Dave Raines stated (inaudible) what your looking at.

Mr. Miller stated on a private, say there was no common driveway, somebody had a house up there, they had a private driveway that came up to here, okay. In that instance they elected that they weren't going to maintain their driveway.

Dave Raines stated that is one them, there is nothing in the Code, other then property maintenance code that would really you know, you don't want fire access.

Mr. Miller stated is the fire department having less liability in that instance.

Dave Raines stated correct.

Mr. Miller stated in a common driveway.

Dave Raines stated absolutely. We have properties like that, they are violated because they haven't maintained their private drive, single access, single property and I will write their insurance company, that is usually the best thing to say hey Allstate or State Farm, we can't get to their house, cancel their policy until the people fix their driveway because no one will give them insurance. The problem is when Mr. Jones of lot one says you know listen, we have a tree across the driveway or we have a portion that buckled or washed out or whatever the case is well we got to Mr. Smith and Mr. this and we are not talking to them and then we are stopped and then when we try to intervene but we don't really have a good stance and the Town Attorney says you really have to be careful here because we don't have a lot to stand on other then to say that the plat plan says you all have to maintain this. And again this is you know, its not a significant subdivision, I know there aren't going to be a lot of parties involved, we just need to, if we go this way.

Mr. Miller stated more then you desire.

Dave Raines stated if we go this route, we will just do whatever we can as far as (inaudible) legally to strengthen the position of all the folks that are going to use this private access.

Chairman Rogan stated hey Dave, we need you to speak to the wonderful, Tom Enrow, the Philipstown Building Inspector, this has come to head, they have called the Health Department because nobody else will respond, he owns all the lots on the common drive want he rents all the house and one of the tenants, they can't get in and out, now we've had a lot of wash out this year, a gravel drive, they are not maintaining it and they have a child who is very need a emergency care and they can't get out of this place even with ambulances and he is saying that he doesn't want to do anything. They have called everybody saying this is a health concern, well it's a private health concern, we have referred it over to emergency services but in that case it would probably come back to the building inspector stepping in because he's renting under property maintenance code, correct.

Dave Raines stated right and that's.

Chairman Rogan stated and someone as tenacious as you.

Dave Raines stated it's a soft section of the code.

Chairman Rogan stated it is I understand.

Dave Raines stated it's not where it really has a lot of bite.

Chairman Rogan stated in this regard, in that example I just provided, you have a common drive that because there is one owner for these, say three houses on this common driveway and he decides that he doesn't want to put any money in this year, into the road maintenance and you have people that are living situation that, I guess the only control that they have is to pay for it themselves of course they are not ready to do that.

Dave Raines stated and again, you know Nosh Kola that is another one if something happens going around the pond there.

Chairman Rogan stated right.

Dave Raines stated you can't get back to that house.

Board Member DiSalvo stated don't we have a problem with like Little Pond, off of East Branch too, people park on the road where there is a snow storm.

Dave Raines stated yeah, they call all the time (inaudible). So this is why I bring this to light.

Chairman Rogan stated so.

Dave Raines stated again I did not take into consideration all the factors of the wall.

Chairman Rogan stated yeah.

Dave Raines stated and there are safety concerns there and just from the stand point of how we can (inaudible) we are going to have applications where this is the best route.

Chairman Rogan stated right.

Dave Raines stated and how to.

(Side 1 Ended – 8:37 p.m.)

Dave Raines stated you have to make it so long term, that we do have something to fall back on and the homeowners have some protection.

Chairman Rogan stated it seems like in the common driveway instance, the common road, that it does work very well for some people and it clearly doesn't work for others and the times that it doesn't work, it hurts the Town, it hurts the people, it doesn't look good. In this case it looks like there are some really good reasons to support each one of these alternatives and I don't know whether its within the power of the Board to put that information back on the Town Board and say here is what we've found, they asked for more information, we made a recommendation, they asked for more information on it, maybe the way to go is to put back in writing just what we have quantified, the difference between the two, what the potential positive and negatives are of each one and let them made a positive recommendation.

Board Member Pierro stated I can see them coming back to us and asking for a positive recommendation, either way.

Chairman Rogan stated we already did though but we already made one.

Board Member Pierro stated but now they are asking for additional information.

Board Member DiSalvo stated additional information.

Board Member Pierro stated and we should still come back with a positive recommendation or negative recommendation based on a vote.

Chairman Rogan stated alright, so I think what we need to do to, I'm saying this to the Board and to you Rich, is see if we can come up with out laundry list of pros and cons for each alternatives. I don't mean our feelings, I mean what we can actually, what is quantified here.

Board Member Pierro stated Steve, I think has a good handle on it, why don't we ask Steve to give us a couple of recommendations either way.

Chairman Rogan stated and we'll make a decision.

Board Member Pierro stated we can make a vote on it at the work session.

Rich Williams stated you are looking for something more then he has already done.

Board Member Pierro stated no.

Mr. Miller stated we've given you.

Board Member Pierro stated I want him to quantify what he has already done, we discussed a lot of things here tonight.

Chairman Rogan stated why don't we just.

Board Member Pierro stated or do you want us to make a list.

Chairman Rogan stated yeah let's.

Board Member Cook stated yeah I think we should.

Mr. Miller stated alright, well let me, okay, what I was able to provide the Board with to this point, before the discussion tonight was the two options, the town road option and a common driveway option. We were able to indicate the difference in the amount of disturbance both square, area of disturbance and volume of disturbance.

Board Member Montesano stated Steve, I have to ask you.

Mr. Miller stated sure.

Board Member Montesano stated on that disturbance, now, aside from the actual dirt being moved back and forth or taken off, once the job would be completed, the private road or public, that can be re-seeded and brought back up to a reasonable.

Mr. Miller stated we would be required to.

Board Member Montesano stated okay but what I'm saying is basically we are looking at dirt removal, we are not looking at hitting the wetlands or causing anything of that nature. We are not running into any wetland problems up there.

Rich Williams stated no.

Board Member Montesano stated okay, so the difference basically is the amount of earth that is going to be moved around.

Board Member Pierro stated that is not what I heard.

Board Member Montesano stated oh okay, thank you I just wanted to.

Mr. Miller stated that's alright.

Rich Williams stated Dave, if I could just talk to the issue for a moment. Steve has quantified the differences, he has given you a memo saying here is what the difference is between the common drive and the town road. If he has given you sufficient information in that regard, recognizing that he hasn't developed both plans to do that and in consideration I have given you some information, Dave Raines has given you some information, there is information within the minutes that the Board had raised. I can take all of that and pull it together in one memo, saying advantages, disadvantages and provide that to the Board for their review.

Chairman Rogan stated that would be awesome.

Board Member Pierro stated you know what, why don't you have something together for the work session and we will have our comments and add them to that.

Board Member Cook stated and maybe Gene can chime in also.

Rich Williams stated then we have the memo and we'd throw it out there and everybody can add and subtract.

Board Member Pierro stated let's do that, okay, one question I had or one thought I had, on the existing residence at the top of the hill and Mike sort of touched on this a little bit before, could we have connectivity between a new common driveway.

Mr. Miller stated and the house, to eliminate this portion.

Rich Williams stated no, I think.

Chairman Rogan stated if you were doing it.

Board Member Pierro stated no, what I'm saying is, what I'm saying is the existing house on the top already has access to the existing common driveway that is there.

Mr. Miller stated oh I think you, I remember you mentioning that, coming through here like this. Board Member Pierro stated just do a loop so that for safety purposes you could drive up the new common driveway and turn onto an additional driveway at, say in between the new house number one and new house number two, to allow you to turn a fire vehicle or an ambulance, to allow you to turn out and going down the hill.

Chairman Rogan stated the only problem is, would they have the ability to do that.

Board Member Pierro stated I think he owns the property pretty much in that area.

Chairman Rogan stated on that, no I.

Board Member DiSalvo stated and we have the liability too and assume responsibility.

Chairman Rogan stated wait, let me bring this together.

Mr. Miller stated I suppose its possible.

Board Member Pierro stated he owns it, the applicant owns the property.

Chairman Rogan stated hold on a second, the lot that borders Cornwall Hill, that this gentleman, lot three drives through, that right there, that lot, he owns that one.

Board Member Pierro stated I have to look.

Mr. Miller stated no.

Chairman Rogan stated no, so we can't bring other vehicles, other then who currently has easements through that.

Mr. Miller stated I think.

Board Member Pierro stated what I am saying is.

Chairman Rogan stated okay.

Board Member Pierro stated if we were able to connect a driveway from here to here.

Chairman Rogan stated right.

Board Member Pierro stated this way it would allow emergency vehicles coming up here to get out this way and go down.

Chairman Rogan stated they can't, they can't go over that.

Board Member Pierro stated Mr. Martins has easement over this.

Chairman Rogan stated but Mr. Martins has easement but you are providing, maybe I'm wrong and Anthony is not here but weren't we saying that the easements that he has extend to his property but don't extend to people that subdivide off of that.

Board Member Pierro stated well.

Chairman Rogan stated you would be opening up, what this poor guy has in the open lot, you would be saying, now, you are currently a private driveway with one guy going past you, now we are going to open it up to a loop road that, I mean I am not disagreeing with you.

Board Member Pierro stated it's a common driveway and its got, he's got easements in place.

Chairman Rogan stated yeah, I wouldn't be in a favor of that only from the standpoint of if I was the guy in the front house I would say I gave you an easement to that back lot and now you are going to open up a loop road and have maybe lot one decides he wants to go around.

Board Member Pierro stated it may be worth the research.

Chairman Rogan stated maybe.

Board Member Pierro stated for public safety aspect and being able to have egress for emergency vehicles it might be worth it.

Board Member DiSalvo stated Richie, when you do the comparison of the town road versus a common road, can you throw in a single family too, just like one lot, as far as the disturbance at the beginning of the driveway but then the road would be shorter.

Chairman Rogan stated who is this person.

Board Member Pierro stated I don't know who owns that house, somebody else bought that piece.

Rich Williams stated (inaudible).

Board Member DiSalvo stated no common driveway, just a private driveway.

Rich Williams stated I will but I want to talk about something before.

Board Member Pierro stated he's an Indian guy.

Board Member DiSalvo stated who is making (inaudible).

Rich Williams stated right now he is proposing a road that is on the southerly property boundary, he needs to do that so he can create that two lots. He is only creating one lot with this where he may be able to put that driveway up to the northerly property boundary and there may be less disturbance. You know sitting here across the room, I'm looking at the grade on the northern edge, the northern property boundary and it looks like the contours are wider which means there would probably be less grade.

Board Member DiSalvo stated right.

Rich Williams stated but I can't guarantee that for sure without designing it. So you know, I can do a sub set of what it would, what the impact would be of a single family home but I am going to have to qualify it, this is assuming that its going to follow the same general area.

Board Member DiSalvo stated would you need such a big retention pond down there too or no, with one house.

Rich Williams stated I don't know.

Board Member DiSalvo stated probably no.

Rich Williams stated don't know.

Mr. Miller stated I think at this point the ponds are sized just so we, they may very well end up being smaller then they are shown, we took the available area and maxed it out with the idea that okay, at least we will get something this big in there and in all likelihood they will end up being smaller then that but we haven't gotten to the point of the design where we've started doing the hard number crunching to do the stormwater.

Rich Williams stated I can really quickly lag an area based on a volume of run off on a design storm but I'm not going to run the whole calculations for it.

Chairman Rogan stated no, of course not.

Mr. Miller stated I would just like to offer, certainly there is an option, certainly one option is to go to a two lot subdivision, it certainly reduces the disturbance, it you know, creates less of a hardship for the fire department in providing fire protection. Essentially, you would be developing this portion of the lot, this one would remain and you know, so the Martins would have one of these lots would be a four acre lot and the other would be a nine acre lot and its, all other things being similar there's, its not unreasonable for the Martins to want to get a reasonable lot count for what is available there, I mean the property will sustain three lots. I mean, we are going to the Town Board for how the definition of frontage is written, okay.

Board Member Pierro stated 280-A.

Mr. Miller stated its not unreasonable, a three lot subdivision on this lot is not unreasonable, even given the impact that is while significantly more then a two lot subdivision, its not an unreasonable expectation for the Martins to see to, that this available to them.

Chairman Rogan stated and Rich, correct me if I'm wrong but if we were talking about a town road spec, there is no reason to go to the Town Board because you are providing town road, by essence you are providing your frontage.

Board Member DiSalvo stated right.

Rich Williams stated you wouldn't have to go to Town Board, you would still have the issue of lot area at that point and you would need a variance from the ZBA.

Chairman Rogan stated sure.

Mr. Miller stated we would still need to go to the Town Board unless we provided access for this lot on to the Town Road.

Chairman Rogan stated is that existing.

Rich Williams stated yeah its existing, I don't know that I would.

Mr. Miller stated it doesn't meet the criteria, it doesn't meet the definition.

Rich Williams stated no but its already an existing lot.

Mr. Miller stated I.

Rich Williams stated I hear what you saying and I want to think about that, you may be absolutely correct.

Mr. Miller stated okay, it is an existing condition but you're changing it.

Rich Williams stated I understand that but you might need something from the ZBA rather than the Town Board but you may be absolutely right.

Mr. Miller stated I'm offering.

Rich Williams stated but even if you went to a two lot subdivision, you know, you don't have road frontage, you still have to go to the ZBA.

Chairman Rogan stated oh he doesn't have enough road frontage on (inaudible).

Mr. Miller stated there is not enough road frontage even here.

Board Member DiSalvo stated the driveway.

Chairman Rogan stated I didn't realize that, what you need two and a quarter.

Mr. Miller stated two twenty-five.

Chairman Rogan stated okay, that is a zoning issue not a Town Board issue.

Board Member DiSalvo stated right.

Board Member Montesano stated okay.

Mr. Miller stated (inaudible) one hundred and seventy-right, one hundred seventy-nine.

Board Member Montesano stated it would be less grading.

Chairman Rogan stated okay, alright, so it sounds like we are all, not that we are all with the same opinion but we are all on the same track that we just need to take a hard look at what's going, at what the impacts are.

Board Member Pierro stated what we need to do.

Chairman Rogan stated and make a determination as a Board and we will move forward from there, so Steve, I really appreciate your time, I know its been a lot of information but it helps this Board make its determination, so I appreciate it. Thank you.

Mr. Miller stated you're welcome.

Chairman Rogan stated okay, Fox Run Condos, Phase II, site walk comments. Yeah, the gentleman is here.

Board Member DiSalvo stated oh there he is.

Rich Williams stated (inaudible) to schedule a public hearing.

Chairman Rogan stated okay.

Rich Williams stated want to just get Steve out of here.

Board Member Pierro stated (inaudible) common driveway.

Chairman Rogan stated oh I'm sorry, yeah.

Mr. Walsh stated go right ahead.

10) OTHER BUSINESS

a. Cipriano Site Plan

Mr. Steve Miller of Badey & Watson was present to represent the applicant.

Chairman Rogan stated if we could skip over to Cipriano, so we can get Steve out of here, all they want to do is schedule a public hearing for the next meeting.

Board Member Montesano stated in the matter of Cipriano Site Plan, I'd like to make a public hearing for September 4th.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated okay. Thank you for your time Steve.

Mr. Miller stated thank you.

Chairman Rogan stated and thank you for patience.

Mr. Walsh stated not a problem.

9) FOX RUN CONDOMINIUMS PHASE II – Site Walk Comments

Mr. Jon Walsh of Zarecki & Associates was present to represent the applicant.

Chairman Rogan stated you're up. Good things always come from things like that, site walk. That is the one I was looking for in the pile.

Board Member Montesano stated you have to have more color on that.

Board Member DiSalvo stated you need more room on here.

Mr. Walsh stated I only limited it to the one area.

Board Member Montesano stated you have to talk to Steve, you have to know about color.

Mr. Walsh stated I only limited it to one area, this is all to the left.

Board Member Pierro stated it looks like number thirteen at Tory Pines.

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

Mr. Walsh stated Jon Walsh from Zarecki & Associates.

Chairman Rogan stated thanks Jon, obviously you were on the site walk with us, so you know a lot of the Board's concerns, you have a copy of the site walk memo, dated July 22nd.

Mr. Walsh stated yes.

Chairman Rogan stated any comment on any of those things, just observations you realize, they are not decisions.

Mr. Walsh stated yes and right, if the Board remembers we did discuss some of the alternates that we would like to propose.

Chairman Rogan stated we did.

Mr. Walsh stated I believe you guys have had a chance hopefully to look at it.

Chairman Rogan stated yes.

Mr. Walsh stated it was, a sketch was submitted, I did bring a copy to discuss further if needed but that would be, the only thing that I would like to point is on what we submitted, we had two options, one basically is what we prefer because it is a little less disturbance, it looks like (inaudible) but it does infringe upon the wetland that is on the property, it does follow almost one hundred percent the existing road that we all walked.

Chairman Rogan stated that we walked.

Mr. Walsh stated we can however, blend the two from what was the original sketch to what we discussed during the site walk which was basically follow the drive up to a certain point which is just shy of the wetland buffer and then go into the layout that you saw during the site walk.

Chairman Rogan stated either one of the options that we discussed while we were on the site walk, I think are open to discussion but I think before we even get to that, the crux of why we are reviewing this really is first of all because we are looking at a change from what this is zoned for.

Mr. Walsh stated right.

Chairman Rogan stated this is zoned single family homes and right now we are looking at multi-family, which is what it was previously, correct, years ago.

Rich Williams stated yeah 1977.

Mr. Walsh stated yeah.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated and the main, what I heard different Board Members mention was number one a concern by the state of the current facility and wondering how the new facility would, you know whether we would have a new facility surrounded by an old facility, would it meld. Number two is site access and the amount of increased traffic that we are providing down onto this, number three, if it was built as single family homes, would we want to drive through multi-family housing to get to it, there were all kinds of discussion points but I think these are all integral to our conversation because the crux of it is, do we like the idea of multi-family or do we stick with one zone. So I think that I would like to hear from whoever wants to speak on, because this is really the important issue as I see it and I know that I heard a lot of different comments from people.

Board Member Pierro stated the current zoning, Rich.

Chairman Rogan stated single-family R-4.

Board Member DiSalvo stated four acres.

Board Member Pierro stated R-4.

Chairman Rogan stated yeah.

Board Member DiSalvo stated which would allow how many single family homes.

Chairman Rogan stated that is what Charlie had suggested.

Board Member DiSalvo stated right.

Chairman Rogan stated maybe we need a plan, a what do you call it.

Rich Williams stated (inaudible).

Board Member Cook stated just an alternate option.

Chairman Rogan stated an alternate plan.

Board Member Cook stated how could you, the same property, how would you lay out X number of single family homes.

Chairman Rogan stated single family homes, four acre zone.

Board Member DiSalvo stated right.

Board Member Cook stated previously.

Mr. Walsh stated that is depending.

Board Member Cook stated previously we ask to have town road option versus a common driveway option.

Mr. Walsh stated okay.

Board Member Cook stated okay, similar here, you have multi-family presentation, how about show us if you laid it out for single family.

Board Member DiSalvo stated show us what it is currently zoned for.

Board Member Cook stated for.

Mr. Walsh stated okay, off the top of my head I just.

Board Member Pierro stated how many acres is the empty parcel.

Board Member DiSalvo stated (inaudible).

Mr. Walsh stated this piece.

Board Member Pierro stated yeah.

Board Member DiSalvo stated thirty.

Mr. Walsh stated forty-four.

Board Member Pierro stated okay and there are some wetlands back there and buffer.

Mr. Walsh stated yes, the area to be disturbed is only about six acres.

Board Member Pierro stated currently.

Mr. Walsh stated right now, this layout right here.

Board Member Cook stated I just think that we owe it to ourselves to at least look at something based on the current zoning.

Board Member Pierro stated in addition to that my concern back to what Shawn alluded to is the current condition of the property.

Board Member DiSalvo stated I think Dave has been out there.

Board Member Pierro stated how, Dave has been there and he has some concerns, serious concerns.

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated I don't understand or I can't imagine trying to sell a new project with an existing project in terrible shape and I understand that it is condominiumized, its co-operative, I don't know that.

Board Member DiSalvo stated its condos.

Board Member Pierro stated its condominiumized, so.

Board Member DiSalvo stated I don't think they are even allowing rentals anymore over there.

Mr. Walsh stated it is all condos, even the proposal, that was one of the questions raised by the Board during the site walk, they are going to be condos.

Board Member Pierro stated they are still allowing rentals there but its rental by individual owner.

Dave Raines stated right.

Chairman Rogan stated correct, not rental by the owner.

Board Member DiSalvo stated I thought they were doing away with that.

Board Member Pierro stated you can not prohibit an owner from renting out a townhouse or a condo.

Chairman Rogan stated unless it's a private homeowners association because I used to live in one that prevented it legally.

Board Member Pierro stated right.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated Rich.

Rich Williams stated I just had a thought about Charlie's concept for a single family home plan, you would still, if you are going to do a single family home development out here, you are still going to need a 280-A, you are going to be doing it on a common drive.

Board Member Pierro stated right.

Rich Williams stated because you can't have a road off a driveway.

Board Member Pierro stated right.

Chairman Rogan stated oh because this is considered a driveway not a.

Board Member Pierro stated and they would have bring, if they were to do that, they would have to bring that existing road up to town road specs.

Board Member DiSalvo stated they need to do that anyway.

Rich Williams stated I'm saying that you are automatically defaulting to the position of a common driveway.

Board Member Pierro stated right but if they were to convert the existing road to a town road.

Rich Williams stated the existing driveway going in.

Board Member Pierro stated right, could they do that, that would be pricey, I know it wouldn't be cost effective.

Rich Williams stated well you also have the problem of, you would have to create a right of way, a fifty foot wide right of way.

Board Member Pierro stated right.

Rich Williams stated and take property from.

Board Member Pierro stated right.

Rich Williams stated the Fox Run Condominiums Association.

Board Member Pierro stated right.

Rich Williams stated and in doing that on this layout, you would essentially create two parcels, three parcels, a road parcel plus you would bisect the Fox Run property creating two parcels.

Board Member Pierro stated I knew the answer to my own question, Rich, its not happening.

Chairman Rogan stated I have to say, in theory I don't like the idea of driving through a multi-family condo complex to get to single family homes.

Board Member Pierro stated no.

Chairman Rogan stated to me that's not what I envision for there. We have talked about Southeast has just the opposite, you drive through single family homes, Blackberry, to get to condos.

Board Member Montesano stated right.

Board Member Pierro stated Blackberry.

Chairman Rogan stated I don't like that either to be honest with you but it is what it is, I'm sure the people on that street weren't thrilled about the multi-family going in at the end of their road.

Board Member Pierro stated but it seems to work in that area.

Chairman Rogan stated they put a lot of speed bumps in is what they did.

Board Member Pierro stated right because there is a lot of traffic.

Chairman Rogan stated because it is horrible through there.

Board Member Pierro stated a lot of traffic on that road.

Chairman Rogan stated so my point for bringing this back up right in the beginning was let's as a Board decide one way or another, is the multi-family option an option that we feel is would work with this parcel given the distinct difference this has compared to some other parcel. I mean it doesn't have road frontage that, if this had another road that it abutted that could provide a town road to do single-family homes we might have a different discussion but the single point of access to this is through the private roadway which gives access to the condos, so it is an extension almost of the existing use obviously.

Board Member Cook stated is there any other access possibility to that site.

Chairman Rogan stated Commerce Drive but not through that lot.

Rich Williams stated if other lots were combined with this lot.

Board Member Pierro stated there may be a way.

Board Member DiSalvo stated like who.

Rich Williams stated other lots that they own, no.

Chairman Rogan stated well there you go. It would be like.

Board Member Pierro stated I am comfortable looking at the multi-family option but I want the applicant to full well acknowledge that there is only so far we can go with obvious violations on the site, those are going to have to be correct.

Board Member DiSalvo stated well like again like Mike used to say, if there are violations why are even entertaining this project.

Dave Raines stated because the attorneys would tell us that we have to let this stand on its own but its an important part of the discussion. Field and Forest Court is a perfect example, part of the building permit conditions is that they are going to do X, Y and Z to building one and two at Field and Forest Court before they get the building permits for three and four.

Board Member Pierro stated right.

Dave Raines stated we are not going to drive past two dumps to get to a new building.

Board Member Pierro stated right.

Dave Raines stated so we said listen, you have outstanding violations but we are not going to hold up the process and legally no could we because it is a separate project but conditionally we said if we are going to give C of O, you have to do these things to these other building.

Board Member Pierro stated now what was tested in State Supreme or County Court, what was tested on this, the zoning.

Board Member DiSalvo stated prior to the C.O.

Rich Williams stated this went through the appellate division.

Board Member Pierro stated okay.

Rich Williams stated yeah, the zoning, whether he had vested rights.

Chairman Rogan stated yeah.

Board Member DiSalvo stated right.

Board Member Pierro stated okay.

Rich Williams stated whether the rights that were established in 1972 extended through all that period through until today.

Board Member Pierro stated was the access ever put in question, the easement of this project.

Rich Williams stated it never really got to the particulars of you know, whether he had access to the sewer treatment plant, the water plant or the driveway.

Board Member Pierro stated so that still has to be decided.

Rich Williams stated it is still an open issue.

Board Member Pierro stated okay.

Rich Williams stated yes.

Board Member Pierro stated I think that is where we ought to be as soon as possible. In my opinion we ought to be researching those issues and finding out whether or not this property owner has the right to use the roadway.

Mr. Walsh stated according the legal research that was done by our client's attorney, he has continual legal rights across the drive and the water and the sewer.

Rich Williams stated that is something that.

Mr. Walsh stated now again that, from the site walk the may be a little muddled because of the district being creating at that time yeah.

Board Member Pierro stated with all due respect to your client's attorney I need to hear that from.

Rich Williams stated Anthony has to make the opinion.

Board Member Pierro stated right.

Rich Williams stated but you know, I have seen the easements and yeah I would say that there is a strong probability he has to the rights to use the driveway, he has the rights to tie into the sewer treatment plant, I would also be of the opinion though that the right to tie into the water system, is to tie into a water system that no longer exists, that we completely re-built most of that system.

Board Member DiSalvo stated so then if we went with single family homes, they would each have their own septic, their own well.

Rich Williams stated no, not necessarily.

Board Member DiSalvo stated why.

Chairman Rogan stated they could but they don't have to.

Board Member DiSalvo stated but it would not burden the existing facility.

Chairman Rogan stated true, by the same token.

Board Member Pierro stated but he's got the right to use it, why shouldn't he use it.

Chairman Rogan stated also Maria, by the same token on single family homes on four acres, we don't want to be talking, how many acres is it.

Mr. Walsh stated this lot is forty-four.

Chairman Rogan stated so if it all laid out beautifully and they've got some grade issues there, if it all worked out well and some wetland issues, let's say even if you had ten houses out there, that is much less sewer usage then what these, how many units.

Mr. Walsh stated total unit count is forty-eight.

Chairman Rogan stated so in other words, the difference in septic and water usage, you are talking about a much different demand on that existing infrastructure.

Board Member Montesano stated that sewer plant was upgrade recently, or was it.

Rich Williams stated it is proposed to be upgrade.

Board Member Montesano stated okay that means the proposal now is going to be, alright, for arguments sake and I'm just, we have how many units in the old development.

Rich Williams stated about 306.

Mr. Walsh stated over three hundred.

Board Member DiSalvo stated it's like a city.

Board Member Montesano stated okay, our plant is going to be and alright we will just say three hundred.

Rich Williams stated the upgrade to the plan is going to be based on the design permit.

Board Member Montesano stated okay, does that design permit include these units.

Mr. Walsh stated actually more then one, more then this project.

Board Member Montesano stated well that's.

Mr. Walsh stated the design of the plant was based on the old numbers that was argued for vested rights, I forget the exact total number.

Board Member Montesano stated so the plant will be built to those specifications.

Mr. Walsh stated yes.

Board Member Montesano stated okay, I just wanted to bring that up.

Mr. Walsh stated according to the documentation that I have, yes.

Chairman Rogan stated that is a good point to make Mike.

Board Member Montesano stated yeah I just want to make sure that comes out.

Chairman Rogan stated for me, the, my whole issue with this, that I am trying to determine for myself my vote is, is this proposal, maybe not this particular proposal but generally speaking this proposal, consistent with the use of the property surrounding it provided the access, is the access safe, will the access road at the entrance handle the additional traffic generated by forty-four units versus what is allowed right now, which is single family homes. The rest of it is all kind of the design issues and things that I think that we can

wrestle with but for me its just basically, is this what should go on the property, what the property can sustain and it comes down, like I said, site issues. I would like to see things improved with the existing site if we can tie that in like Dave was saying in some way, shape or form that we can get things done there. If any improvements need to be made to infrastructure, you are talking about the pool, recreation provided for this, what recreation are you.

Mr. Walsh stated separate.

Chairman Rogan stated no, not separate, no, just for the entire, treating this now as one piece of property even though it legally may not be one. So that is where I'm at with this really.

Board Member Pierro stated what is the relationship.

Board Member Cook stated (inaudible).

Board Member Pierro stated I'm sorry Charlie, what is the relationship to this, the applicant for this site and the existing site, are they the same owners.

Mr. Walsh stated no.

Board Member Pierro stated they're not.

Chairman Rogan stated that's interesting.

Mr. Walsh stated this was.

Rich Williams stated if I can give you the history on this, Mr. Caplan who owns this piece of property, bought the whole project.

Board Member Pierro stated right.

Rich Williams stated and came to the Planning Board in 1986 and subdivided this whole back piece off and kept the, at that point Garden Apartments separate and turned them, sold them off as condominium units.

Board Member Pierro stated right.

Rich Williams stated a separate form of ownership.

Board Member Pierro stated right.

Rich Williams stated but kept the back piece for future development.

Chairman Rogan stated Charlie.

Board Member Cook stated based on what you just said, I got back to asking if we could just have a sketch, not any elaborate.

Chairman Rogan stated not full blown engineered plans.

Board Member Cook stated drawing or anything like that, but just showing the number of houses that can fit on this site. I mean and I understand what Rich is saying about we are back to the issue about the common driveway and that type of thing but I think we owe it to ourselves, the fact that we are, the request is a zoning change that, or a recommendation for a zoning change that we at least know.

Chairman Rogan stated I agree with you Charlie.

Board Member Cook stated under the current approval would conflict that.

Chairman Rogan stated but I would add that it shouldn't just be merely taking everything and breaking them up into four acre lot, it has to be something that is reasonable in terms of slope and really you don't have a lot of wetland, so really slope.

Board Member DiSalvo stated cul-de-sac.

Chairman Rogan stated you don't want to be showing septic boxes and houses on thirty percent grade.

Mr. Walsh stated (inaudible) wetland.

Chairman Rogan stated that's all.

Board Member Pierro stated back to the discussion of the previous applicant about a common driveway, if we put, if there is forty-four acres there, minus the wetlands and whatever roadway area you are going to need, how many house are going to be in there on a common driveway.

Board Member Montesano stated there we have no choice.

Chairman Rogan stated good point.

Board Member Montesano stated we have no choice because we can not demand a public road in there that is sensible because you are going up somebody else's driveway to get to the property.

Board Member Pierro stated that's my point Mike, we do have a choice, we can go with the multi-family condominium.

Chairman Rogan stated I have to say though, if you use the point of common drive as your deciding factor then you would say that neither of these options work because the single family is a lesser use of the common drive then the multi-family.

Board Member DiSalvo stated that's right.

Chairman Rogan stated so you have to be careful with that argument because if that is the sole purpose, it's a common drive, then we would be saying that we absolutely don't want to look at multi-family because it is an increase on a common drive.

Board Member DiSalvo stated right.

Chairman Rogan stated so be careful with that in that regard. It looks like either way we are looking at a common drive, regardless of what gets built out here.

Board Member Pierro stated right.

Chairman Rogan stated so that's not really.

Board Member Montesano stated and unfortunately the majority of common driveways, since what we are supposed to be doing is looking twenty years or more ahead, or try to, for unforeseen rules and regulation changes.

Chairman Rogan stated yeah.

Board Member Montesano stated when you look at it that way, in twenty years, fine, you have ten houses on one common drive and everybody's got shot guns and they are going at each other because that hole in the front of the guys house doesn't affect him.

Chairman Rogan stated if we could bring this to a wrap though, for what I think the Board is looking for from you sir is the alternative that you showed that, when we were talking about changes in the field, I think generally speaking is something that the Board can work with if we went with a multi-family zoning. Give us something that meets the Code requirement for the four acre zone so that we then can make an educated determination and say okay, this is what we feel is the best use of the property.

Mr. Walsh stated now if I may ask on the four acre side of it, if I am going with single-family homes on this property, are you looking for individual septic systems or can they tie into the existing septic system.

Board Member Pierro stated if you've got a right.

Chairman Rogan stated I personally don't care if you tie it in, that would be great, I would rather you tie them in and not have individual failures going on, personally.

Board Member Pierro stated and less disturbance.

Rich Williams stated he's got all bedrock out there, he's not going (inaudible).

Board Member Pierro stated he's not going to get septic systems in there.

Chairman Rogan stated I would rather you show us nice four acre lots that have usable yards, usable backyards, you know, think about usability of a lot, you haven't been part of this.

Board Member DiSalvo stated right, decks, pool.

Chairman Rogan stated but we have been big on this with our subdivisions.

Mr. Walsh stated well on one of them I have.

Chairman Rogan stated okay, alright.

Board Member DiSalvo stated getting back to what.

Board Member Pierro stated okay.

Board Member Montesano stated and how many quarries for the rock.

Board Member DiSalvo stated getting back to what Dave was saying about Field and Forest, that that they basically will give them their C.O. on the new buildings provided that the old buildings are fixed up, don't forget that Field and Forest is privately owned, there is one owner of that facility, it is not like individual condos. These condos, people are going to vote on being assessed for all of these improvements that need to be made out there, they could never happen.

Chairman Rogan stated unless these people pay for those improvements, which I don't think.

Board Member DiSalvo stated I don't think that is going to happen.

Rich Williams stated are we talking about the roof.

Board Member DiSalvo stated no I'm talking about the flat roofs, Dave's memo, the flat roofs, just all the.

Board Member Pierro stated the sinking patios, the staircases they are doing.

Board Member DiSalvo stated structural, the patios, the walls, the retaining walls.

Board Member Pierro stated I think they are funding a lot of that on their own.

Rich Williams stated no, they are its all part of.

Board Member Pierro stated part of the association.

Rich Williams stated yeah and they are voting on through their boards.

Board Member DiSalvo stated I know people that live in there and they are tapped out.

Chairman Rogan stated sure.

Rich Williams stated no, they are very much tapped out. They have approached the town at this point to say listen, our road is deteriorating, it is in dire need of repair, can you form a district to help pay for doing the road.

Board Member DiSalvo stated can the road be upgraded to the specs.

Rich Williams stated well the realty is you know forming a district isn't going to change the cost.

Chairman Rogan stated right.

Board Member Pierro stated the money is still coming from the same place.

Board Member DiSalvo stated twenty or thirty.

Chairman Rogan stated yeah, their thinking maybe (inaudible).

Board Member Pierro stated just going by a different route, its just going.

Chairman Rogan stated you're paying (inaudible).

Board Member DiSalvo stated twenty, thirty years ago when this was built, there was no future planning in it, we have a chance to you know, do something about that now.

Board Member Montesano stated well originally it was a rental unit, when they turned it into the condominiums you were hoping there that there would be sufficient people to put it together then what was going to happen.

Board Member Pierro stated when they condominiumized it, they took away from the cost from the former owner.

Board Member DiSalvo stated and dumped it on the new owners.

Board Member Montesano stated yeah.

Board Member Pierro stated and dumped it on the individual condominium owners at a time when the market was good for those kind of units.

Chairman Rogan stated right.

Board Member Pierro stated and.

Board Member Montesano stated it was on a downhill slide back then.

Chairman Rogan stated okay.

Board Member Pierro stated okay, tell me about it.

Chairman Rogan stated does anybody have anything else on this application.

Board Member Pierro stated we have to do Eurostyle.

Chairman Rogan stated could you start working on that single, certainly talk to Rich if you have any point of clarification, thank you for your time.

Mr. Walsh stated thank you.

10) OTHER BUSINESS

b. Eurostyle Marble and Tile

Chairman Rogan stated Eurostyle Marble and Tile, all we are doing tonight is codifying the conversation that we had in the field with the owner, maybe not the owner but the person involved, is the owner. Mr. Monahan.

Board Member DiSalvo stated oh okay.

Chairman Rogan stated and if the Board recalls, the issue was that they did not follow their site plan, they put rip rap in the slope, we told them that we would accept the rip rap as a change, we didn't want, we thought it would be more impacted to remove the rip rap but we wanted to soften that hill with plantings, I thought juniper was what was proposed.

Board Member DiSalvo stated right.

Rich Williams stated we talked about cascading junipers, based on typical design, going to space the cascading junipers with about thirty-six square feet per plant.

Chairman Rogan stated okay.

Rich Williams stated you know six foot spacing.

Chairman Rogan stated got it.

Rich Williams stated that result, when I measured out that slope to be about 200 junipers.

Chairman Rogan stated okay.

Rich Williams stated I don't know if the Board is comfortable with that number.

Board Member Montesano stated is that what he's put in there.

Rich Williams stated no but when I went by there the other day, based on conversations I had with the Board Members that something else had planted, he has planted ornamental grass.

Board Member Montesano stated yeah, now what I want to find out from Ted you know, is the soil capable of handling junipers.

Board Member DiSalvo stated or are they going to be dead in a couple of months.

Chairman Rogan stated you mean sandy or rocky soil.

Rich Williams stated junipers are high tolerant to a variety of conditions, they are very hearty plants and yeah you can plant them in droughty soils where there is limited.

Board Member Montesano stated so now the plants that in there.

Board Member Pierro stated is there soil there, they were doing so much blasting.

Board Member DiSalvo stated yeah, that's right, it could be disturbed.

Rich Williams stated yeah, there is soil on that bank but again I didn't see when they put the rip rap down, so I don't know what is right under the rip rap whether they added a little bit better soil or they put geotextile down or they keyed slope in, I don't know.

Board Member Pierro stated right.

Rich Williams stated that was one of the issues, I was waiting to see the grass and hay go down and it never went down.

Board Member DiSalvo stated and he is here tonight.

Chairman Rogan stated no.

Board Member DiSalvo stated I thought you.

Chairman Rogan stated no, this is just basically putting in writing what we spoke about so that he has something.

Board Member DiSalvo stated okay.

Chairman Rogan stated we do have to get the plantings, that is what we did agree to.

Board Member DiSalvo stated so we'll wait for a response, right.

Chairman Rogan stated in terms of the metal building, he had said that he wanted to put some masonry on certain areas.

Board Member DiSalvo stated the entrance.

Chairman Rogan stated we had said it was required, right, required, we said go ahead and put on what you want and if you don't want to put the whole thing metal, come back to us and give us something and that is basically what determined and that is what's in the memo.

Board Member DiSalvo stated confirm what we spoke about.

Chairman Rogan stated okay, we just wanted to basically get that in the record, that this conversation that this occurred with Mr. Martin Monahan. I'm probably not pronouncing his name correct but.

Board Member Pierro stated no, you're right.

Chairman Rogan stated based on Eurostyle Marble and Tile.

11) MINUTES

Chairman Rogan stated we have minutes, June 5th, June 12th, and June 26th.

Board Member Pierro stated so moved.

Board Member Montesano seconded the motion.

Rich Williams stated am I sending that.

Chairman Rogan stated can I get a motion to send this letter first to Eurostyle Marble and Tile.

Board Member Pierro stated okay.

Chairman Rogan stated dated August 6th.

Board Member Pierro stated in the matter of Eurostyle Marble I make a motion that the letter prepared and signed by Shawn be forwarded to Mr. Monahan.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated okay, minutes I apologize for jumping back.

Board Member Pierro stated make a motion that we accept the minutes June 5th, June 12th, June 26th.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 5 to 0.

Chairman Rogan stated any other items any one wants to discuss. Going once, twice, motion to adjourn.

Board Member Montesano stated make a motion to adjourn.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Chairman Rogan - aye

Motion carries on a vote of 5 to 0.