

**APPROVED**

**TOWN OF PATTERSON**

**PLANNING BOARD MEETING**

*August 26, 2010 Work Session*

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**TOWN OF PATTERSON**  
**PLANNING & ZONING OFFICE**

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

**Planning Board**  
**August 26, 2010 Work Session Meeting Minutes**

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

**APPROVED**

Present were: Chairman Shawn Rogan, Board Member Charles Cook, Board Member Michael Montesano, Board Member Thomas E. McNulty Board Member Ron Taylor, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector and Andrew Fetherston of the Town Engineer's office Maser Consulting.

The meeting began at 7:30 p.m.

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

Chairman Rogan stated good evening everyone.

**1) WATCHTOWER EDUCATION CENTER DEIS – Public Hearing**

Chairman Rogan stated first item, Watchtower, we have the public hearing coming up. Tommy you had sent around a couple of comments that you had made...

Board Member McNulty stated I got lots of comments.

Chairman Rogan stated lots of comments.

Board Member McNulty stated I only got through the executive summary...

Chairman Rogan stated okay.

Board Member McNulty stated but the biggest thing that jumped out to me was the well test, all the documents that I could find in the DEIS were dated 1988 which I assume are the original wells tests when they built. When did they build there...

Board Member Taylor stated as they come online, they put, the did the wells as they came on line.

Board Member McNulty stated as they developed.

Rich Williams stated yes, they...

Board Member McNulty stated the test for pumped gallons per minutes, I saw there were 2 for Rosebud, which I'm not sure where that is in here, in the Hamlet...

Board Member Taylor stated that's the development...

Board Member McNulty stated is that the new development.

Board Member Taylor stated yes.

Board Member McNulty stated I didn't see any results for those and all the other results were from 1988.

Rich Williams stated we got a report, they just actually installed 2 new gravel wells to supplement their existing system, to moderate the lows that they had out there, some they were going to take off line. We just went through a whole series of report with that...

Board Member McNulty stated are they getting incorporated into the Environmental Impact Statement...

Rich Williams stated you know I apologize, I haven't had a chance to take a look at it, it's supposed to be in there.

Board Member McNulty stated it's not, everything in there is...

Board Member Taylor stated is it in the appendix, did you look in the appendix.

Board Member McNulty stated that's where I was bouncing back and forth, anything I could find was 1988.

Andrew Fetherston stated I got a, they had C.A. Rich come out do a, give us a plan and we commented on that, they implemented the plan, we commented on that, I can get you all that paperwork.

Board Member McNulty stated okay, well this is my first time going through this Environmental Impact study, process...

Andrew Fetherston stated it should be in there.

Board Member McNulty stated and it's in there but it's pretty well dated and the water quality tests don't note any of the wells, maybe they don't test the wells...

Ted Kozlowski stated good morning, afternoon, evening.

Chairman Rogan stated hello Ted.

Board Member Taylor stated hi Ted.

Board Member McNulty stated maybe they only test from a tap, I don't know how that works. They don't test the wells...

Rich Williams stated they do draw downs and everything.

Board Member McNulty stated because there's no, on the water quality test, it doesn't indicate wells at all and as a resident of the Hamlet personally, I'm a little concerned about that, especially on shallow wells and if there are no test results for Rosebud, I don't know if those wells still exist.

Rich Williams stated the reality is the zone of influence from Watchtower is never going to come this far.

Board Member McNulty stated I don't know that, that (inaudible).

Andrew Fetherston stated I can give you, I mean I can give all the copies of the reviews that we did...

Board Member McNulty stated okay but my question is, does that have to get incorporated into this Environmental Impact...

Andrew Fetherston stated it should.

Board Member McNulty stated who approved this, we do.

Board Member Montesano stated yea, we, we accepted it...

Board Member McNulty stated so that was the first thing I saw jumped out and the other thing was parking issues, the opening statement in the summary says they are going to build capacity to 1500 additional residences and they assign parking based on 500 residences and 1.13 parking spots per person.

Rich Williams stated that was certainly one of my concerns Tommy, you know I raised that issue early on that they needed to demonstrate where they are coming up with their parking generation rates because you're right, they are showing a number of different there. As you get through the document you'll reach those discussions, now that doesn't mean we are all going to agree with you know what they're telling us as far as you know the number of parking spaces that they have but there is information in the document about why they are proposing the number of spaces they are.

Board Member McNulty stated I saw that but they open their comments that they are building a facility that can hold up to 1500 people and then they just drop that off and address it as 500 people, to me that's a conflict. I mean what are they producing and then the other thing was manufacturing, it sounds like they are going to be doing a lot of literature and production to what extent, are there printing presses...

Board Member Taylor stated presses are staying in Brooklyn.

Chairman Rogan stated it's all electronic.

Board Member McNulty stated so I was kind of wondering what exactly are they doing there, are they sorting paper and putting binders together or...

Chairman Rogan stated no, they develop the materials...

Board Member Taylor stated they are doing editing and layout, that stuff.

Chairman Rogan stated they do it in many different languages...

Board Member Montesano stated that is an example of what they produce, one of them anyway.

Chairman Rogan stated they come up with the brochures, the literature, they translate it into a multitude of different languages and they probably electronically send that to their printing area, also they create a lot of video productions and that is what one of the areas is for.

Board Member McNulty stated okay.

Board Member Montesano stated their big printing facility used to be in Brooklyn...

Board Member Taylor stated it still is.

Board Member Montesano stated the majority of the stuff they are doing is up in Wallkill, the factory that's, the printing outfit that's up there makes the New York Times, the Daily News look like little...

Board Member McNulty stated oh I'm sure it's state of the art, they do a nice job on everything they do but I was curious because it didn't say manufacturing but I was reading into that, I didn't know how that fell into the overall plan. Those are the only big things, it's a big document, I was just bouncing through it.

Chairman Rogan stated yea.

Board Member Montesano stated they used to invite you up, new people, they used to invite you up to Wallkill to show you what their facilities are but they don't have to anymore because now they bring them here.

Rich Williams stated well let's talk a little bit about the next steps in this process, after you've had the public hearing and certainly written comments are going to be submitted by various agencies I know we have some in already from the DOT, I believe, we're going to assemble all those and package them up and we're going to get them out to everybody. With the Planning Board's comments, if you have any comments, there are a couple of different ways you can do this, one is you can individually submit your comments and we'll incorporate those with everybody else's comments or if you would prefer as we have done in the past, you can submit them into this office, we'll collate them, clean them all up, you know organize them by the sections and then there will be one document that will be generated as far as you know, Planning Board comments.

Chairman Rogan stated I think that makes sense.

Rich Williams stated is that the way you would rather do it.

Chairman Rogan stated sure, everybody can either e-mail...

Board Member Montesano stated nobody really has the time to coordinate while you're sitting go through this thing...

Chairman Rogan stated but as anyone comes up with comments, Tommy like you did you can either get them in electronically, e-mail them or something or, you know, hand written whichever. Just remember this

coming meeting, next week we're keeping the public hearing open because we are accepting written comments through October.

Rich Williams stated you're not, I mean if you want to keep the public comment period open and have an additional public hearing, that's up to you but you don't have to keep the public comment, the public hearing open.

Chairman Rogan stated okay.

Board Member McNulty stated when would our comments have to be in by, by that October, the sooner the better...

Rich Williams stated well October 8<sup>th</sup> is the cut off for all comments, if you can get them in sooner, certainly that would give us a little time to put them together.

Board Member McNulty stated okay, that's all I have for right now.

Chairman Rogan stated anybody else.

Board Member Taylor stated just I'm going to have to step off the dais that for the Historical Society because nobody else has got the whose got the background on the Watchtower stuff, so I'm going to have to do the presentation, so I will excuse myself and do it. I don't see any way around that, I did the research and I met with them and I will say that it was before I was on the Planning Board.

Chairman Rogan stated sure, okay, anybody else, no.

## **2) SOUTH PATTERSON BUSINESS PARK – SEQRA**

Chairman Rogan stated we have South Patterson Business Park, what do we have on this Rich.

Rich Williams stated well a little bit of history on this, this is a commercial site down on Route 22 near Panino's Deli, it's actually just north of Panino's Deli...

Chairman Rogan stated is that the one with the stone building on it.

Rich Williams stated yes.

Chairman Rogan stated where we went down, remember Mike we went down and the guy was up in the tree with a muzzle hunting in the winter.

Rich Williams stated where we left off was they had submitted a long form EAF and in the long form EAF, where it got down to are there any endangered plant or animal life on the site, they checked off To Be Determined and I said we can't circulate an EAF with To Be Determined, you know, make the determination and resubmit essentially and somehow that evolved into a Bog Turtle study which I'm still not clear how it got there but all we were looking for was for some qualified individual to walk the site to say there are no endangered plants or animals on the site but they've done the study. They did acknowledge that there are Bog Turtles in proximity to the site but not necessarily on the site, they didn't identify any other endangered plants or animals out there. So essentially the next step in the process is for

them to give me a clean or give the Planning Board a clean Environmental Assessment Form and the Planning Board can then circulate their intent for Lead Agency.

Chairman Rogan stated but we haven't gotten that clean form yet.

Rich Williams stated yea, I'm surprised but I'm going to call Rob on it.

Chairman Rogan stated okay.

Board Member Taylor stated so did you get a letter from them.

Rich Williams stated excuse me.

Board Member Taylor stated did you get a letter from them about there not being anything besides Bog Turtles there.

Rich Williams stated yea, well I don't know if I have or not yet but I have had conversations with him, I would have to go back and look at the file to see if I got that letter.

Board Member Montesano stated were there any turtles sighted or do they, everything is the possibility of...

Andrew Fetherston stated it's habitat.

Rich Williams stated the habitat, yea.

Board Member Montesano stated okay, somewhere out the desert, there's a tree.

Board Member McNulty stated there's a good size wood turtle over at the waste water treatment plant.

Rich Williams stated there's a wood turtle.

Board Member McNulty stated it wasn't a snapper.

Rich Williams stated I've never seen a wood turtle that big.

Board Member McNulty stated no, I'm surprised, me too, I thought...

Board Member Montesano stated he's been out there choosing...

Chairman Rogan stated how big was it, wow.

Rich Williams stated you ever see a wood turtle that big.

Chairman Rogan stated no.

Board Member McNulty stated do they have a smooth shell or a rough shell.

Rich Williams stated excuse me.

Board Member McNulty stated they are not a smooth shell, right.

Chairman Rogan stated no.

Rich Williams stated wood turtle.

Board Member McNulty stated they are rough, they are checker boarded kind of...

Rich Williams stated I wouldn't say they are real rough, they're not rough like a snapping turtle.

Board Member McNulty stated no, no this is not a snapping turtle, I picked him right up, he was in the road, I moved him out of the road but I was surprised, I had to stretch my whole over to get him.

Rich Williams stated hold your hands up...

Board Member McNulty stated well maybe it was this big.

Rich Williams stated yea, all 10 fingers, yea it wasn't snapping.

Board Member McNulty stated no.

Chairman Rogan stated very good.

### **3) DOUG WALLACE – Wetlands/Watercourse Permit Application**

Chairman Rogan stated we have Dougie Wallace's Wetlands/Watercourse Permit Application, his previous permit that we had approved, expired and...

Rich Williams stated yes.

Chairman Rogan stated this is the one that steep lot over by, off Carolyn Way that they are looking to get, they needed our approval to do a curtain drain to prove to the Health Department that they can put a septic system in...

Rich Williams stated oh, sorry Charles, yea this is essentially the lot, Carolyn way comes down, fairly steep driveway coming down to a 4 bedroom...

Chairman Rogan stated 2 bedroom, you're killing me.

Rich Williams stated this is the only plan that I had that showed this...

Chairman Rogan stated that shows a 4 bedroom.

Rich Williams stated it shows a 4 bedroom...

Chairman Rogan stated oh well.

Rich Williams stated essentially what they wanted to do initially, they wanted to do testing back here to prove out a septic system and they needed to put a curtain drain in, everything is in the wetland buffer. Ultimately...

Board Member McNulty stated where exactly is Carolyn Way again...

Chairman Rogan stated off of Bullet Hole [Road].

Board Member Montesano stated off of Bullet Hole [Road].

Board Member McNulty stated over by Fair Street.

Board Member Montesano stated no, it's closer to Ice Pond [Road]...

Chairman Rogan stated yea.

Board Member McNulty stated okay, I know there are a couple little, McManus on one side...

Chairman Rogan stated right.

Board Member McNulty stated okay.

Chairman Rogan stated it's just the next road over from McManus.

Rich Williams stated ultimately this is the layout that got approved with a curtain drain coming down...

Chairman Rogan stated you're only seeing the top half of the lot here.

Board Member McNulty stated okay.

Board Member Montesano stated Michael goes into Carolyn [Way].

Chairman Rogan stated right.

Rich Williams stated (inaudible) for something.

Andrew Fetherston stated oh yea.

Board Member Taylor stated where is the buffer.

Rich Williams stated need my glasses.

Ted Kozlowski stated it's easy to see on the other one.

Chairman Rogan stated it looks like right there.

Board Member Taylor stated okay.

Chairman Rogan stated the lot would not have a lot of consideration if it was an individual lot these days, it is part of the old subdivision out there from the '80's.

Board Member Montesano stated yes.

Rich Williams stated you know Teddy, I really don't care.

Ted Kozlowski stated I know.

Rich Williams stated this was approved once.

Board Member McNulty stated this sits down the hill off the road.

Chairman Rogan stated it's a steep lot.

Board Member Montesano stated before all the laws got changed, they were approved lots, you know.

Chairman Rogan stated and we still don't know in this case, if he's going to get all the approvals he needs from Health Department. Let's assume that he will, let's say, the whole intent of our approval was so that he could do the curtain drain to prove that the septic system would work and he couldn't do all, they started, he put part of the curtain drain in illegally which generated all this nonsense, it seems about 6 years, it was a long time ago. So what do you have Teddy...

Ted Kozlowski stated I believe I could be wrong because I might be confusing this with the other one up top that he owns, the other lot that is really challenged. I believe I objected to this one all along...

Chairman Rogan stated you absolutely did.

Ted Kozlowski stated I didn't get a set of new plans, is there a set of plans...

Rich Williams stated no.

Ted Kozlowski stated okay, the application is incomplete, that's my call...

Chairman Rogan stated right.

Rich Williams stated because he doesn't have a set of plans.

Ted Kozlowski stated he didn't, we have new Planning Board Members, we have a new Town Engineer since the last time he put in the application.

Rich Williams stated Teddy you're being totally unreasonable, they are the same exact plans, if you want to go make new plans in the morning, I mean that's crap.

Ted Kozlowski stated Rich, the other thing is and I am going to read this verbatim, permit applications submitted by the residential property owners for activities in which, at the discretion of the Environmental Conservation Inspector will not significantly alter or affect functional values of a regulated wetland area, such activities maybe include landscaping, ornamental pedestrian only bridge and sheds, a hundred dollars. That is what Mr. Wallace paid on his application, I submit that that is not a minor application, the guy has

dragged this on for years, rules, regulations, everything changes, we have a new Board, I think it should be looked at from square one, that's my opinion.

Rich Williams stated Teddy you are being completely unreasonable.

Ted Kozlowski stated why should we...

Rich Williams stated this is an identical application that the Planning Board approved...

Ted Kozlowski stated why should he be paying...

Rich Williams stated go talk to your attorney and see if they have the ability to deny it.

Ted Kozlowski stated why should somebody be paying a hundred dollars when somebody like Tommy comes in with a new application and is going to have to pay...

Chairman Rogan stated so Ted, we have recommended that the Town Board consider waiving fees for subdivisions, right, we just did it for Mark Porcelli for a 12 lot subdivisions a year ago and that's certainly bigger than this. I would be in favor of waiving the hundred dollar, the fee on this because in my opinion we're not, I'm just telling you, we're setting precedent there.

Ted Kozlowski stated this is a lot that is just going to give the Town a lot of problems, if it ever gets developed.

Chairman Rogan stated as long as, my opinion has always been when we get a permit expiring as long as things aren't changing, they are bringing in the same exact plan. In this case we don't have the option of just like in other permits we say hundred and eighty day extensions, ninety day extension, in this case it expires, it expires. To me, this is more procedural, we've done it for commercial jobs all over the place up on [Route] 22 where they haven't started construction because of the climate. Teddy this lot isn't going to go away because it's previously approved, so in this case I just think, if this was an individual lot I would have a completely different opinion but it is a previously approved subdivision lot that this Board approved, this Board, 25 years ago. I don't think, it's a crappy lot but I don't think this process is a big deal, so...

Board Member McNulty stated well I, if he hasn't changed the original plan and it's already been a approved, I wouldn't have a problem with it.

Ted Kozlowski stated I'm just saying, you guys don't have maps, you don't have plans, the flagging isn't up anymore, it's just like he filled out this application as minimally as possible and it's just you know, why even bother, why even bother.

Board Member McNulty stated the big questions because he's within the buffer.

Chairman Rogan stated the whole lot stinks.

Ted Kozlowski stated the whole thing Tom...

Rich Williams stated it's a lousy lot.

Board Member McNulty stated but it might not be wetlands after this summer though.

Chairman Rogan stated what's wrong with the, Ted what's wrong with the process is that we don't just have the ability to say let's grant a one year extension on the and just be done with it and do it without doing a public hearing without but for some reason, some approvals were allowed to do that with but wetlands permit we're not, I mean commercial...

Rich Williams stated wetlands permits you're allowed to grant a 1 year extension on the approval, it goes for 1 year, you grant them 1 year extension and...

Chairman Rogan stated that's where we're at.

Rich Williams stated and that's where we're at.

Ted Kozlowski stated but this has been going on for years.

Chairman Rogan stated so but even still, a commercial lot we could do more.

Rich Williams stated not with wetlands.

Chairman Rogan stated not with wet because of the wetlands permit.

Rich Williams stated the site plan.

Chairman Rogan stated with the site plan, that's what I mean, if it wasn't a wetland issue, if it was we give Panino Deli and approval and he decides he doesn't want to build it for 4 years, as long as he sticks to the plan that's approved, I have no problem with the guy waiting 4 years to build it and quite honestly once this has been approved, as long as they stick with what we've approved, I don't have a problem with them waiting. With this economy out here I mean the news right now is saying don't invest in houses right now, the American dream is going to be to rent because it's so bad and I wouldn't be building a house right now if I was him. I'm not saying that's why's holding off but...

Ted Kozlowski stated look you guys are going to do what you're going to do and...

Chairman Rogan stated and I appreciate that...

Ted Kozlowski stated you know I, I can't say I don't care because if I didn't care I wouldn't say anything...

Chairman Rogan stated absolutely.

Ted Kozlowski stated but I want to be on record for saying this because the next person that comes in with a wetlands application that is completely in the buffer or within the wetland and is charged a dollar per square foot, as the Code says, then turns around and says then why did you allow Doug Wallace, then I don't have to pay fee...

Chairman Rogan stated what was his fee the last time.

Ted Kozlowski stated our fee scheduled changed back when he first did this 4 or 5 years...

Chairman Rogan stated wow.

Ted Kozlowski stated and it was a residential lot for 150 dollars, that's what he paid 4 years ago...

Chairman Rogan stated but I...

Ted Kozlowski stated now he's paying a hundred dollars for a minor landscaping permit and that is clearly not what's on the books.

Chairman Rogan stated Ted going back to what we have done in the past, I would go on record as saying I would support recommending that we waive the fee on it because there is no review on it, as long as the plan is identical to what it was there's no...

Ted Kozlowski stated Shawn, I'm just saying...

Chairman Rogan stated I realize what you're saying.

Ted Kozlowski stated the next person that comes in...

Chairman Rogan stated but that's different, the person that comes in if they are with a new application, that's a new application, if they get the approval and 2 years down the line it expires and we go through this and they don't change anything. I would stand up and say they should be waived as well because we are not spending any money here, we're not looking for...

Ted Kozlowski stated but Shawn it's, it's...

Board Member Montesano stated excuse me gentlemen...

Chairman Rogan stated isn't that generating...

Board Member Montesano stated rather than us beating our heads against the wall, with all due respect, we have an attorney.

Chairman Rogan stated now you're going to cost money though.

Board Member Montesano stated let's put it this way, the object is are we going to sit here because he's got his point, you have your point, if we have a neutral party walk in there, so if it's cost...

Chairman Rogan stated Mike, we can't make that decision anyway.

Ted Kozlowski stated Mike, I beg to differ with that because this says at the discretion of me.

Chairman Rogan stated but the Town Board.

Board Member Montesano stated if that's what he says.

Ted Kozlowski stated I'm just saying and I'm not trying to pull rank and I'm not trying to make...

Chairman Rogan stated okay.

Ted Kozlowski stated Doug Wallace I gave up on because it's a lot we can't make go away, I am just looking to the future for headaches that are going to walk in the door because somebody is going to come in with a far less challenging lot and they are going to get charged X amount of dollars and they are going to say how come Doug Wallace only paid a hundred bucks and I have to pay five hundred, you know and it's because he's been, it's been 5 years and he just didn't do the thing and he's just coming in and it's just a review, say it, go ahead. I don't want to be the one to say that, I'll say go talk to the Planning Board because I think it's wrong but that's my opinion and you do what you want to do, that's just my opinion.

Chairman Rogan stated I mean there's, I can't think of the word I'm looking for...

Ted Kozlowski stated but I think in all fairness, whether or Rich or whoever does the, I think the new Board Members should have a copy of the plans, I think it is very presumptuous of the applicant to just throw at us an application that's scribbled on and it's automatic. Where everybody else has got to play by the rules, it's Doug Wallace so we'll just go with him...

Rich Williams stated let's go back to Paddock View, I don't recall him submitting new plans, he submitted an application, he went through the process, the fees got waived...

Chairman Rogan stated yea, we recommended to the Town Board but that was a 10 or 12 lot subdivision...

Rich Williams stated same thing with Edie Keasbey, we had to do it with Edie Keasbey.

Chairman Rogan stated yea.

Rich Williams stated this isn't the exception.

Chairman Rogan stated no, I agree with that but I do think we should have plans for the new members of the Board, that's, I agree 100% with that.

Rich Williams stated I'll be happy to, listen, I pulled them out tonight to ask if anybody wanted them made up, I didn't want to run out and spend the money.

Ted Kozlowski stated you know the other thing is and you know, I don't want to get into a, I don't want to use the word but a contest here but you know is it the same property owners, nearby and adjoining property owners, I don't know. That is part of the permit, okay do we have a list of nearby and adjacent property owners, we have a list from 4 years ago but it's the same people.

Chairman Rogan stated but we still have, we have to do a public hearing.

Ted Kozlowski stated right, we don't have any of this, it's incomplete.

Chairman Rogan stated we haven't set a public hearing yet, so that is a little bit...

Ted Kozlowski stated I'm just saying, I'm just saying there is a presumption made with this.

Chairman Rogan stated no, I understand and Ted I respect your point of view, you know that.

Ted Kozlowski stated you know, the last thing I want to do is get into a fight over this, this is not but again you know I'm the guy who has to talk to the next one with a wetland permit that has far less issues than this.

Chairman Rogan stated I agree but the point of the matter and maybe then that's something we need to, you said it's at the discretion of the Wetlands Inspector so maybe we need to look at the fee schedule and have some adjustment and flexibility in that. It can't be arbitrary and capricious but you can say you know, maybe there is a way to grade these applications so that they may be minor and major and we have smaller fees...

Ted Kozlowski stated well I consider this major, sorry I consider this major.

Chairman Rogan stated we're talking about a new application the first time they come before how you assess that fee, you know. Wetland violations we've done fee assessments for those as well for people who have you know had those sorts of issues but okay, enough said, anybody have anything else they want to say on this...

Board Member Taylor stated yea I want to say something...

Chairman Rogan stated sure.

Board Member Taylor on this fee waiver stuff, I think he came in, he filled this out, it cost Michelle some time, it's cost Rich time, it's cost us time, I don't see waiving this fee just because the economy is bad, it's not like we are asking him to up a new bond amount...

Chairman Rogan stated it's not, I'm not saying because the economy is bad, I'm saying because subdivisions are a little different because you know the amount of money these people are spending in review fees and fees to the Town, we are not talking about a five hundred dollar permit for Mark Procelli, that guys spends thousands and thousands of dollars through the Town.

Rich Williams stated and I agree with that and also agree with Ron, there are administrative costs in this but they are minimal at this point because you know, we've already done it all, we've already been through the whole process. Basically it was my judgment call, knowing how everybody feels about doing this, you know to charge him a minimal fee but not let him off the hook. If we go Ted's route, you know he's going to owe us about twenty-five hundred dollars.

Board Member Taylor stated I just want to weigh in on the minimum fee idea, I don't think we should waive when it does cost because the rest of us a taxpayers are bearing that cost...

Board Member Montesano stated you want to discuss that...

Chairman Rogan stated sure.

Board Member Montesano stated he waited how many years, another 4 years, he could have done it when he paid and gotten something done or at least and now he's wait 4 years, is he going to proceed or is he going to wait another 4 years so the market gets better.

Rich Williams stated in which case, he'll be back here looking for another permit.

Board Member Montesano stated yea but the object is if we are going to keep, the discussion of waiving the fee or allowing him to get away with a minimal fee, that's not going to impress him enough to move...

Ted Kozlowski stated let me ask you a question, in the 4 years that, Rich I don't know...

Chairman Rogan stated 2 years.

Ted Kozlowski stated it's been a number of years, stormwater rules have changed, is he up to date on that.

Chairman Rogan stated no, these plans are the same.

Ted Kozlowski stated I mean, that's 2 years ago, they are changing now, I mean we were fighting over a water garden in somebody's backyard last time. When does it end, this thing, I guarantee you is going to be in front of this Board in the next 2 years or the next year because the market is terrible...

Rich Williams stated it ends when it gets built or it gets denied.

Ted Kozlowski stated well...

Board Member McNulty stated you're saying it's approved as is, right now, correct, by the Planning Board.

Chairman Rogan stated it's only approved for a wetlands permit.

Board Member McNulty stated for a wetlands permit.

The Secretary stated his approval expired, so he has nothing right now.

Ted Kozlowski stated he doesn't have a building permit, he doesn't even have a Health Department...

Chairman Rogan stated well that is the whole point of this application.

Board Member McNulty stated that is what I'm getting out, it lasts for 1 year and then you have the option to renew it...

The Secretary stated once.

Rich Williams stated once.

Board Member McNulty stated so we have already renewed it once.

Chairman Rogan stated no, we've not renewed it because he's under the first permit, isn't he.

Board Member Montesano stated no.

Rich Williams stated you gave him a 1 year renewal on the first original approval.

Chairman Rogan stated on the first permit but you are only allowed a 2 year total off of...

Board Member McNulty stated and is there a fee for that renewal.

Rich Williams stated no.

Board Member McNulty stated that's a give me.

The Secretary stated it's just a letter request.

Chairman Rogan stated it's just like us saying 90 day extension.

Board Member McNulty stated so this is first time that he has to renew it and pay a fee.

Rich Williams stated correct.

Ted Kozlowski stated correct me I'm wrong but the original permit was to explore whether he can get a septic system...

Chairman Rogan stated that's what this is.

Ted Kozlowski stated no, this one is different.

Rich Williams stated no, no, not it's not.

Ted Kozlowski stated this is a house.

Rich Williams stated no it's not, the original application that he made was for a curtain drain and the Planning Board directed him...

Chairman Rogan stated right, to do the full blown assessment.

Rich Williams stated to do the full plan.

Chairman Rogan stated because you said there is no way to be able to look at what the impacts of all this are going to be without showing driveway, septic, well, you have to remember we were just looking at a curtain drain originally and we said...

Rich Williams stated right.

Ted Kozlowski stated well we were looking at a violation really.

Chairman Rogan stated we were looking then at the full build out, remember we talked about backyard, we talked about reducing the footprint, we went through a lot of review on this.

Andrew Fetherston stated can I ask a question...

Rich Williams stated yea.

Andrew Fetherston stated there has never been a residential I've ever done that I haven't had to show the Planning Board that every lot works, never, I can't come in for and say what's that lot for...

Chairman Rogan stated you weren't doing subdivisions 25 years ago.

Andrew Fetherston stated no, that lot is for a curtain drain. I would have to show water supply, sewage, driveway, meeting the zoning or going for a variance...

Ted Kozlowski stated this lot would never be approved in 2010.

Board Member Montesano stated 25 years ago there were no rules, no regulations, if you came in with a piece of property, you were allowed to, you had 10 acres and you could put 6 houses on it with a road, no one said you had to have...

Andrew Fetherston stated I'm just, I don't know the history of this and I'm not looking to...

Chairman Rogan stated look at the old New York State approved subdivisions that show typical well and septic layout. All it showed was the acreage and it showed the house in it, box it, it didn't take into account topography, it just showed typical. We still have the maps up on the wall in the Health Department and we are still dealing with those lots, we always think they're done and then another rears its head and we say wow there is another one of those old lots from 1954 that have intrinsic value, we have to give waivers and we have to approve...

Board Member Montesano stated well how many times did we write up in the Master Plan about...

Andrew Fetherston stated that's true.

Chairman Rogan stated you know my dad had a house built on ledge, a 6 foot fill section for a septic system, all on ledge...

Board Member Montesano stated wetlands and mountains and stuff, you couldn't build on.

Ted Kozlowski stated I'm still mad at you for making (inaudible).

Chairman Rogan stated but they had to get the waivers on it.

Rich Williams stated did you hear that, did you hear what he said.

Andrew Fetherston stated no.

Rich Williams stated I told you, he wouldn't have climbed the fence if it wasn't for me being there.

Ted Kozlowski stated the other thing is in this same subdivision, there are actually 2 worse lots.

Chairman Rogan stated yea.

Rich Williams stated huh.

Ted Kozlowski stated there are 2 worse lots, one is complete underwater...

Chairman Rogan stated and we've said those are the ones that we are going...

Ted Kozlowski stated and it's been approved.

Chairman Rogan stated not by us.

Ted Kozlowski stated you have to live in the yellow submarine to be on that lot.

Board Member Montesano stated well that song was very popular back then, you'll remember that from your childhood.

Chairman Rogan stated yea, we said on that one, this is going to be the one we are going to have to take to court and deny, that is the one, no way.

Ted Kozlowski stated well the other one that Doug Wallace has isn't much better.

Chairman Rogan stated yea, I'm just saying, at least he doesn't have the slopes.

Ted Kozlowski stated you know, like I said.

Board Member Montesano stated the object is that no one has ever come in and said wait a minute, this lot was approved 20 years ago, it's not longer viable, it should be eliminated, nobody wanted to push it, nobody has ever, no Politian...

Chairman Rogan stated well we might have to.

Board Member Montesano stated has ever walked in and said wait a minute, this lot is 25 years old, it can not be built today, we want it eliminated, no judge is going to say, well you made the lot.

Chairman Rogan stated what about that lot off of Farm to Market [Road] that Joe Reilly [owns] that whole cluster, that's one that's...

Ted Kozlowski stated that is all a state wetland...

Chairman Rogan stated but that's one that we're talking about.

Board Member Montesano stated there are certain properties on Farm to Market, you can't build on, you wouldn't build on today.

Rich Williams stated it's a challenged lot, you're going to have to evaluate based on the plan he submits...

Board Member Montesano stated that buildings are disintegrating because of the water...

Ted Kozlowski stated again, there is going to be some point this lot is before you because its not going to built this year, it's not, there's just no way, there is going to be some point with the regulations, whether it's DEP or DEC or whoever is going to make this lot undeveloped.

Rich Williams stated is it there now.

Ted Kozlowski stated no.

Rich Williams stated okay, thank you.

Board Member McNulty stated question, if he were to sell this lot...

Rich Williams states yes.

Board Member McNulty stated what happens then, it's still pre-approved as it is.

Rich Williams stated the approvals run with the lot.

Chairman Rogan stated they don't run with the people.

Ted Kozlowski stated we went that route with this lot.

Board Member McNulty stated okay.

Board Member Montesano stated all right, when it was approved...

Chairman Rogan stated let's go take a look at it, (inaudible) just take a drive by.

Board Member Montesano stated we were fighting just to get lots, if you have 60 acres and 49 of them were mountain, you got approval for the house on 60 acres, we fought it tooth and nail to get that straightened out...

Board Member Cook stated let me ask you this.

Ted Kozlowski stated you guys are being...

Chairman Rogan stated wait a sec guys, at least one conversation here.

Ted Kozlowski stated you guys are being very nice to this applicant, you've been very nice to the applicant, I take it a little personally, not personally, I take it like an insult, this application is an insult. It should have been done better, you're cutting him a lot slack, he knows what we've all been through on this, this is very presumptuous and I'm sorry, it's just wrong.

Rich Williams stated and Teddy, then I'm going to do this to you because you've asked for it, you have clearly said right from the very beginning you don't think this lot should be built and you're throwing up road blocks, you are clearly biased on this and you should step back.

Ted Kozlowski stated no, not at all, it's in my purview, it's in the law.

Board Member Cook stated this is what I want to ask, is your issue with this that you feel that it's your call and therefore and you feel that this is a major application.

Ted Kozlowski stated oh I always did.

Board Member Cook stated so it says here that it's at your discretion.

Ted Kozlowski stated right.

Board Member Cook stated right, so Rich maybe trying to be a good guy or whatever, excepted this as a minor application, you can say Rich that's not your purview and you want to call it a major application fee, well then I think you need to call that and I think we need to get something resolved here.

Board Member McNulty stated well how much different is this application from the original.

Board Member Cook stated because wait a second, what you're trying to get to Ted is the fact of the fees, we are talking about the fees here, right, so you want this application to pay major application fees, that's your...

Ted Kozlowski stated it's a major application.

Board Member Cook stated okay, all this other stuff is really to the side because it's previously approved, previously everything, so here we are, the real discussion is that what it says here in chapter 154 of the wetland/watercourse application fees, it's your discretion whether this thing is a minor or a major. So then, in fact, wait a minute...

Ted Kozlowski stated I didn't write that.

Board Member Cook stated that's fine, whether we approve this or not...

Rich Williams stated no and I know who did and we'll take care of that, won't we.

Ted Kozlowski stated I'm sure.

Board Member Cook stated so if we approve this, we could approve it as a major application with major application fees or based on the, the approval is based on major application fees. I mean, we're talking history here and I'm not too sure why, I mean, that seems to be the crux of your standing before us.

Ted Kozlowski stated again, my concern again, yes I don't think this is a good lot, I believe I voiced my opinion that it should not be approved, I'm going on record saying it again. My concern is the future applicants that come into this Planning Board, paying fees, as written in the law here, it clearly, this clearly is not a minimal fee in my estimations.

Rich Williams stated okay, you've reviewed the application, you're determined that the fee is not appropriate because it's a major application not a minor application, being as you have conducted a comprehensive review and find that it's incomplete, what is the fee, I will call him in the morning.

Ted Kozlowski stated that is for his engineer to determine square footage they are expecting in the buffer and the wetland, that is not my...

Chairman Rogan stated wasn't that figured for the last application, wasn't that quantified on the last application.

Ted Kozlowski stated I don't know, I don't remember.

Chairman Rogan stated no but wouldn't it have to be for the last application, so it's already been done, the numbers haven't changed, the plan hasn't changed.

Ted Kozlowski stated I'll calculate, you want me to calculate, I have no problem with that, I can do that.

Rich Williams stated I think if you're sitting here saying the fee is inadequate, you should at least know why it's not adequate.

Ted Kozlowski stated because he is completely in the buffer and the wetland and we have a dollar per square foot of waste.

Rich Williams stated for all you know, the only disturbance that he has out there would calculate out at a dollar per square foot, 200 dollars.

Ted Kozlowski stated oh yea, you believe for one instance a hundred square feet.

Rich Williams stated not a chance but you don't know.

Ted Kozlowski stated guys do what you want to do.

Chairman Rogan stated so you're going to...

Board Member Cook stated Shawn, going back to what you just said...

Ted Kozlowski stated I said my peace.

Board Member Cook stated should that be in the file.

Chairman Rogan stated yea I think it should be part of when they did the approval...

Rich Williams stated yea we probably have to research it.

Board Member McNulty stated to make a determination on it, Ron and myself, I don't know if you were involved but compare it with the approved expired application and see the difference.

Chairman Rogan stated yea, you guys should just go take a look at it, if you want.

Ted Kozlowski stated this is another application...

Chairman Rogan stated its one worth looking at it because it shows the lots that we are stuck with that were approved years ago that we are trying to make due, I mean we pulled this down from a 4 bedroom approval to a 2 to minimize the footprint, to minimize the impacts. We went through years of review on this, not that, there were times where the guy didn't come back in but we spent probably 3 years working on this one, I'd say, right.

Rich Williams stated yea.

Board Member Montesano stated and before that (inaudible).

Chairman Rogan stated so in fairness if we want to contact Doug, and say look, you figured your fee wrong, that's your prerogative and I'm not going to you know argue with you all day one it.

Board Member Montesano stated a little history on this project, the person that initially brought this in, with all due respect was an engineer...

Chairman Rogan stated the rules were different as you said, back then.

Board Member Montesano stated and when he came in he stuck by everything that was on the book and that was it, it was his project.

Chairman Rogan stated speaking of great...

Board Member Montesano stated unfortunately for his projects they didn't go so well.

Chairman Rogan stated wetlands, fill permit kind of issues, let's move on to Mr. Levine's fill permit...

Board Member Montesano stated oh.

#### **4) LEVINE FILL PERMIT – Discussion**

Chairman Rogan stated because I am much more concerned about Mr. Levine's fill permit right now than Mr. Wallace's wetlands permit.

Rich Williams stated so I did contact Mr. Levine...

Chairman Rogan stated is he making any progress.

Rich Williams stated he has not contacted, he said he has reached out to the adjacent neighbor but he's gotten no response, so I suggested that he do so again...

Chairman Rogan stated by certified mail.

Rich Williams stated yea, I also asked him to you know either be at the Planning Board or give the Planning Board a written update for the next meeting. He will be around this weekend Ron if you want to go our or if, and I will be happy to accompany you or next Wednesday afternoon which is kind of my preference...

Board Member Taylor stated next Wednesday.

Rich Williams stated we couldn't do it sooner because Mr. Levine bought an ATV and promptly to proceeded to fracture his arm.

Board Member McNulty stated is that because of the rough terrain.

Board Member Taylor stated he fell off (inaudible).

Board Member Montesano stated that was for cutting down the tree.

Board Member McNulty stated fell off the 10 foot cliff.

Board Member Taylor stated what time.

Rich Williams stated Wednesday, any time Wednesday afternoon.

Board Member Taylor stated 2 o'clock.

Rich Williams stated 2 o'clock is good.

Board Member McNulty stated want to try and fit Carolyn Way in that afternoon.

Ted Kozlowski stated (inaudible).

Chairman Rogan stated Teddy, DEC has no...

Rich Williams stated do you want to do it late in the day.

Board Member McNulty stated no, I can catch up with you guys at 3 or something like that.

Rich Williams stated well that's what I'm saying, I mean we can, Levine is right around the corner, it's not going to take us that long, we could head over there at 4 o'clock, what time do you stop work.

Board Member McNulty stated well I'm flexible, I'm just coming back Wednesday, I don't know my schedule total yet, I'm going to be away for a couple days. I'll touch base with you Wednesday morning, you guys set up a schedule and I'll see if I can catch up.

Board Member Taylor stated want to do it later, we can do it later, 3 o'clock.

Rich Williams stated sure.

Board Member Taylor stated okay, let's do that.

Chairman Rogan stated you can Levine and Wallace right, great. DEC...

Rich Williams stated would you like to be there as well darling.

Ted Kozlowski stated I should, I think so, honey pie.

Board Member Cook stated have you heard from DEC.

Ted Kozlowski stated I won't be as long on this one as the previous one but this one is a real head shaker. After that meeting a few months ago, you asked me to contact DEC, which I did the very next day, I wrote a letter and forwarded it to Ken Bresner who is the Regional Engineer for DEC right after e-mailing him that, I called him up to make sure he got it, he acknowledged it and then said he was going to forward it on to the law enforcement officers for action. I didn't hear from him for several weeks, I called him several times with no answer, no response, I then tried calling the Lieutenant at New Paltz for the ENCON Officers, was told a number of times that the guy I had to talk to was the guy who covered Patterson, there

were 2 names, I have them written down, they are, I don't remember the names off hand but I have the 2 names. I finally got a hold of one officer, I got him on his cell phone, he was in Patterson at the time told him exactly what was going on, he had no idea, no one ever forwarded him my letter, told him everything that I knew about the site, told him how to get there, gave him the address, the name, everything, promised me he would call me back that day on my cell phone, never did. I called him back the following week, never got a response, then I called the Regional Director, Willie Janeway, called him, he spoke to me directly on the phone, I told him what was going on, at the same time my job with Westchester County, we have, which I mentioned to you, a solid waste issue at one of our facilities, which is far less, far, far less than what you guys saw at 99 Tammany Hall Road, which the DEC is making a big issue about and I told Mr. Janeway about that, Mr. Janeway proceeded to tell me that they've lost people, they are extremely backed up and that he will make sure that somebody gets back to me within a month. I'm not making any of this up, I've recorded it all in my journal...

Chairman Rogan stated you need to.

Ted Kozlowski stated and it just amazing.

Board Member Montesano stated did he say what month...

Ted Kozlowski stated it's just amazing.

Chairman Rogan stated not surprising, yea.

Ted Kozlowski stated absolutely amazing.

Rich Williams stated (inaudible).

Board Member McNulty stated one dysfunctional state.

Chairman Rogan stated the DEC really with the budget right now they are not doing a whole lot.

Ted Kozlowski stated then, when I talked to some of the ENCON, when I talked to the ENCON officer, well there's exceptions to solid waste, if there is no wood in it, yes sir there is wood in it, if there's no metal, yes there's metal in it sir, if there's no rebar, yes there's rebar. Everything he told, everything he said to me that you know it's in there, we saw it, we have photographs, so I'm not making this up, this is the truth.

Board Member McNulty stated so we are on hold for the State basically.

Board Member Montesano stated yea.

Ted Kozlowski stated well we can do our own.

Board Member McNulty stated we need some advice, do we know how to clean this up.

Chairman Rogan stated and also he has some issues that he has to resolve with that neighboring property owner, I mean, I don't know about this one.

Rich Williams stated I think you just put your heads down and just move as quickly as you can and the reality is that this is going to move so slow that...

Chairman Rogan stated you're right, it's not going to be done before next spring.

Rich Williams stated no.

Chairman Rogan stated you know stabilize it.

Ted Kozlowski stated the issue with us right, is illegal fill, you know the problem that I have and I know Rich did some...

Board Member McNulty stated the neighbor's property too.

Chairman Rogan stated it's huge.

Ted Kozlowski stated you know looking into this, we don't know everything that's buried there, we have an idea, we haven't done any...

Rich Williams stated we made our best effort to ensure that there wasn't an immediate hazard on the site.

Chairman Rogan stated exactly.

Rich Williams stated that's all I wanted to get done.

Chairman Rogan stated we didn't go on neighboring property because that would have been trespassing.

Board Member McNulty stated on the resident's property, we didn't go on the neighboring property, we don't have that ability.

Ted Kozlowski stated but the interesting thing is Rich is that we know from some of the documentation that a lot of this material came from buildings being demolished at the Rye Day Country School, in Rye New York, that is at least what Levine gave us. So you think somebody from DEC would have at least looked into that to see what was coming out of that building, is it asbestos, we don't know. I don't know what asbestos looks like, do you.

Board Member McNulty stated yes.

Ted Kozlowski stated you do Tom but digging...

Chairman Rogan stated other than shingles, I wouldn't have a clue...

Board Member McNulty stated don't breathe it.

Board Member Montesano stated nice.

Ted Kozlowski stated Rye Country Day School, a lot of these schools had asbestos or lead, I don't know.

Board Member Montesano stated go on a ship, you see it all the time.

Ted Kozlowski stated so...

Board Member Taylor stated I feel, I've thought about this a lot, I think we can not proceed without the other property owner. I think we can't make a decision on one without the other...

Rich Williams stated you can't.

Chairman Rogan stated you are absolutely right.

Board Member Taylor stated and I don't see why we are giving him this time to contact the other property owner, I think it is our responsibility to contact the other property owner because the other property owner is also in violation. If he decides to go after Levine, I think we should join him in the suit...

Rich Williams stated you want me to contact him, we would be happy to.

Chairman Rogan stated why don't we before we do that though, reach out to, who is our legal counsel right now...

Rich Williams stated same.

Chairman Rogan stated it's Tim, let's just verbally run that past him first.

Board Member McNulty stated yea I would think that would be the way to go.

Chairman Rogan stated and I'm not saying, I agree with you but given the loss (inaudible).

Board Member Montesano stated we as a representative of the Town of Patterson went out there and investigated this...

Chairman Rogan stated yea but I think it might be a letter that comes from Tim that says, that is why said (inaudible).

Board Member Montesano stated we proceeded, oh yea but we are involved, the Town is involved, we as representatives of the Town went out there observed the violation and we never notified anyone.

Chairman Rogan stated (inaudible).

Rich Williams stated I wasn't going to (inaudible) certified letter stating that in the course of our due diligence...

Board Member Montesano stated and we can get nailed for it, why didn't you contact...

Rich Williams stated we have discovered this which we think may impact your property, we're bringing it to your attention, send it certified mail, if he responds, he responds, if he doesn't, he doesn't. I'll tell you this, I can ask Tim to do it, I'll ask him next month to do it...

Chairman Rogan stated well not even for him to do it, at least just make sure procedurally, that's all I'm thinking...

Rich Williams stated I'll talk to him to make sure it's done right.

Chairman Rogan stated just to see why...

Board Member McNulty stated well this has been going on for 2 months now, since June...

Chairman Rogan stated yes.

Board Member McNulty stated and we asked Mr. Levine at the original site meeting to contact the neighbor and he's acknowledge that he hasn't yet.

Chairman Rogan stated he says he's tried.

Rich Williams stated he says he's reached out to the neighbor, didn't give me any documentation as to how he's reached out to him...

Chairman Rogan stated you just have to call the number on the sign at the end of the road that says for sale, you get the guy that's representing the owner.

Board Member McNulty stated really we need to take it up because he's not moving forward on doing that, so we have to force the hand now.

Chairman Rogan stated I just want to make sure we do it in a way that we're not going to open a...

Ted Kozlowski stated the only thing is you know, again it would be nice to have DEC make a determination what's there because if we order him to get that stuff out of there, what happens if something bad is buried there that we don't know about...

Chairman Rogan stated you're absolutely right.

Ted Kozlowski stated now we are part of this...

Chairman Rogan stated it's a mess, I don't like it at all.

Ted Kozlowski stated mess.

Chairman Rogan stated we have to tread a little bit lightly, at this point the stuff is there, it's stabilized in the sense that it's not causing an immediate erosion problem, that we know of, a health and safety issue for, physical health and safety issue. We don't know what contaminants might be in the soil so I don't think we should say, rush to make a decision to say you have to get everything out of there, like you said until we know exactly what we're dealing with but...

Board Member Taylor stated can we set up a timeline of this thing, I mean if we need to investigate this fill, then let's require him to investigate that fill, get some expert there to dig into it...

Ted Kozlowski stated well I think, I don't think there is anything wrong with contacting that other owner because we don't know if Levine contacted that guy.

Board Member McNulty stated well we've given him 2 months and he hasn't seemed to come back with anything concrete so we need to move forward on that.

Ted Kozlowski stated no, he's had time to get an ATV and get hurt but he hasn't had time to take care of this mess.

Chairman Rogan stated the procedures of just what's been mentioned in terms of where do we go from here I, I'm just thinking Tim should have a conversation about making sure we do things the way we properly should, legally. I mean I agree about making sure we know what's in there, please ask Tim to be at our meeting or someone who can represent him.

Rich Williams stated someone normally does come, do you want me to deal with this letter between now and the next meeting or wait.

Chairman Rogan stated a week isn't critical, it's more critical that we do things the right way.

Rich Williams stated well do you want me to wait on the letter then.

Chairman Rogan stated no, not if Tim, not if you call Tim tomorrow and he goes Rich, absolutely just make sure you do x,y and z, yea as long as you guys have a conversation.

Board Member McNulty stated you can draft for us to look and get it going.

Chairman Rogan stated if you don't (inaudible) then don't send it.

Ted Kozlowski stated I think we should have a paper trail on this.

Chairman Rogan stated that's my opinion.

Rich Williams stated I'll draft a letter, I will e-mail it over to Tim.

Chairman Rogan stated awesome, thank you.

Board Member McNulty stated yea I agree.

Ted Kozlowski stated at least trying to address it.

Board Member McNulty stated this is not small problem, you haven't seen it yet Ron.

Board Member Taylor stated no I haven't seen it.

Board Member Cook stated we also have...

Board Member McNulty stated (inaudible).

Board Member Taylor stated I saw the aerial.

Board Member Cook stated we also have in the file, a letter from Terri-Ann Hahn, outlining a bunch of things that they are willing to do, so they are waiting on us too, so that is why, that's another reason why we have to do something.

Chairman Rogan stated yea...

Rich Williams stated but until you find out what's going on with the fill on the adjacent property, we have no idea which direction to go, is it going to be removed, is it going to be left there...

Chairman Rogan stated and if it's removed it's probably got to be removed through this guys property, so we can't exactly...

Ted Kozlowski stated do we even know the property lines.

Rich Williams stated not specifically.

Chairman Rogan stated we know pretty close.

Board Member Cook stated in the letter, interestingly enough, one of the points of the southern most edge of the property will be defined, they are saying they are going to define it...

Chairman Rogan stated they are going to need survey that.

Board Member Cook stated if necessary, all fill placed beyond the property line will be moved.

Chairman Rogan stated I think that is going to be pretty necessary if I was the property owner I would...

Rich Williams stated I wouldn't want the liability.

Chairman Rogan stated no and I would want all my trees put back, 2 for...

Board Member Taylor stated so can we get out of the lawyer a timeline, in terms of what we can do legally, I mean there must be timings in terms of notices and things.

Ted Kozlowski stated the Building Inspector's involved right.

Board Member Cook stated yes.

Board Member Taylor stated I think we need, instead of going from month to month I think we need to set up a schedule on how we are going to proceed on this.

Chairman Rogan stated it makes good sense.

Rich Williams stated certainly you can talk to Tim but my opinion is, you know this is a violation, this is an enforcement action, at this point the enforcement action has been stayed pending resolution with the Planning Board, if the Planning Board is not satisfied with the progress that's being made then you contact the Building Inspector and explain that to him and let me proceed with the enforcement.

Chairman Rogan stated absent, the DEC is what slowed us down on all of this, if we can really take a step back...

Board Member McNulty stated we wanted somebody else involved.

Chairman Rogan stated you know, well and also they are an involved agency, they should be an involved agency, in lieu of them, if this was issue that had nothing to do with an outside agency, I think our approach would have been at a minimum to have some testing done by a reputable agency, some soil boring or something to take representative samples of that and do testing for asbestos, do testing for chemicals, for lead, whatever. The guy's well, never mind his well, the neighboring well, the water getting down into the aquifer...

Ted Kozlowski stated whose going to pay for that.

Chairman Rogan stated the owner has to pay for it, he has to put that or in lieu of that, remove everything but you have to, that's the option here. If you are saying it's good clean fill, because you did it the wrong way you have to prove it to us and we saw signs of questionable material. So in lieu of the, we did get side tracked for a month and half now because of really waiting for the DEC, so but that would have been the approach.

Andrew Fetherston stated I think you're going to do some testing whether you remove it or it says in place temporarily, you don't know what's migrating, you don't know (inaudible), did anything migrate, how deep...

Board Member McNulty stated we don't know what process to remove it...

Andrew Fetherston stated so the virgin soils there, what's in the virgin soils.

Board Member McNulty stated especially with the new lead laws.

Ted Kozlowski stated I just find it so incredible that the DEC is just sitting on this.

Rich Williams stated maybe the Planning Board wants Andrew to come up with a list parameters that should be tested for, that you think are appropriate to be tested for on the site...

Chairman Rogan stated that you be great, thank you.

Ted Kozlowski stated well we know, we are assuming it's coming from a demolition site.

Chairman Rogan stated what materials could be, you have basically lead and asbestos, right.

Board Member McNulty stated approach a letter to contact the neighboring property to say we need access to test...

Chairman Rogan stated that is probably first is letting notification and you know, it would be nice if we can get a dialogue working with him, the guy might say talk to my, my lawyer is going to be in touch with this guy, hey that's the deal.

Board Member Montesano stated well the object is...

Rich Williams stated he may simply say you can test it all when I push it all back on to his site.

Chairman Rogan stated right.

Board Member Montesano stated yea and if you...

Board Member McNulty stated yea but then he has a violation if he's moving lead dust around or asbestos...

Board Member Montesano stated yea but if we go in and test it, is the Town going to responsible for testing his property.

Chairman Rogan stated no, you order the test through a reputable agency.

Andrew Fetherston stated we'll tell you what to test for, you get it done and then provide the test results.

Chairman Rogan stated yea.

Board Member Montesano stated yea but I'm saying we are going on property that is not in the Town, we are going outside of the Town.

Chairman Rogan stated no, it's in the Town.

Board Member Montesano stated oh that's right, he's got that part is in.

Rich Williams stated Ted, do you have a specific contact at DEC, an ENCON officer or somebody that you've been dealing with that's got this case and is just saying that he doesn't have time to get out there.

Ted Kozlowski stated the Regional Director couldn't tell me who had the case.

Board Member McNulty stated you said you had 2 officers...

Rich Williams stated you don't have...

Ted Kozlowski stated I had 2 officers that I spoke to, they never saw my letter, Ken Bresner got the letter and Ken won't return my phone calls.

Rich Williams stated then what we should do is copy all future correspondence to Willie Janeway, just so the DEC is in the loop, they can do what they want with it, if they never want to take an enforcement action, that's fine, and then the Planning Board just moves.

Ted Kozlowski stated that's probably, you're probably right, I just go with the regional director and you know...

Board Member Montesano stated he's retiring so its on our back.

Chairman Rogan stated they're all taking that early, that's what I thought you were going to say about the guy you sent the letter to.

Ted Kozlowski stated once we change Governor's, he's out.

Chairman Rogan stated I thought you were going to say that...

Ted Kozlowski stated he's not going to be there anymore.

Rich Williams stated who, Willie.

Ted Kozlowski stated yea, he serves at the pleasure of the Governor and they usually when you change Governor's, they are the first guys to go.

Chairman Rogan stated yea.

Board Member Montesano stated wouldn't it be easier to send it to somebody who might be there...

(Side 1 Ended – 8:26 p.m.)

Ted Kozlowski stated to me, it's ridiculous.

Chairman Rogan stated yea.

Board Member Cook stated I think we should have a copy of that.

Ted Kozlowski stated I have to give you the letter, the letter that I sent was e-mailed to them. I wanted it right away, I thought they would be on it the following day.

Chairman Rogan stated it's amazing.

Board Member Taylor stated so can we come up with a time table by next week, when we discuss this at the meeting...

Rich Williams stated a time table to do what steps.

Board Member Taylor stated whatever the next steps are.

Chairman Rogan stated outlining the, if nothing else, outlining the steps, the steps would be contacting the adjacent owner, setting up a scenario of a what do we do if the material is going to be left in place and that would be appropriate testing, it would be stabilization of the steep slopes. The plan to do that which is probably going to be through Terri Hahn or some entity, right because the guy is not just going to say oh we are going to dump some more fill over the bank into the wetland or into the buffer...

Ted Kozlowski I'll get you a copy of my letter...

Chairman Rogan stated because right now that's steeper than a one on one.

Rich Williams stated this is no wetland on the site, so don't get Teddy involved.

Chairman Rogan stated I thought we were out there for that.

Rich Williams stated no.

Chairman Rogan stated I thought it was down behind there.

Rich Williams stated wetlands.

Chairman Rogan stated isn't there a wetland buffer down below that fill, okay. Regardless there is a steep, erosion control issue out there, right.

Rich Williams stated yea but it's stable, I've been keeping an eye on it.

Ted Kozlowski stated that was my letter, it went July 1<sup>st</sup>.

Chairman Rogan stated it's stable but the fill has only been there a few months and we've only had one significant rain event and in fact I bet you haven't been out there since that event we had last week...

Rich Williams stated no, that's true.

Chairman Rogan stated you know and...

Rich Williams stated I was out there...

Board Member McNulty stated that was some serious rain.

Chairman Rogan stated that was unbelievable.

Rich Williams stated 2 or 3 weeks ago, I snuck on his property.

Chairman Rogan stated and you knew we need to at least try to formulate a plan...

Rich Williams stated he's got bare soil, I've got the right.

Chairman Rogan stated as to what we'll do because there are a lot of different ways this can go, it can go where the one owner says I want every bit of this, I don't care whether it's clean or not, it's off my property and whatever and it's got to be all restored or he can say I made a deal with Levine, it's going to stay provided you guys say it's clean, it's acceptable and then Levine is paying for soil analysis. If that comes back contaminated, then we don't have a choice.

Board Member McNulty stated then he's got to remove it.

Chairman Rogan stated it is what it is, he's got to remove it. That's going to be a major...

Board Member McNulty stated true soil test is what we need from both properties.

Chairman Rogan stated yea, chemical analysis. It all makes sense, everybody, I think everybody is on the same page on this. Meadowbrook Farms.

Board Member Montesano stated I'm not here.

**5) MEADOWBROOK FARMS – Wetlands/Watercourse Permit Application**

Chairman Rogan stated Mike is...

Board Member Montesano stated recused.

Chairman Rogan stated recused...

Rich Williams stated just so everybody is aware, there has been another lawsuit filed, well actually not a new lawsuit but a motion to re-hear the original lawsuit so everything is back on hold again. Essentially what was submitted were bond calculations which we have provided to the Town Engineer and he is going to work with Harry Nichols to try to figure them out.

Andrew Fetherston stated yes.

Chairman Rogan stated so do we have anything to really discuss on this at the meeting, it's just really you and Harry working together at this point.

Andrew Fetherston stated yea.

Chairman Rogan stated yea, okay.

Rich Williams stated possibly at the regular meeting, you'll have that worked out with Harry, possibly.

Chairman Rogan stated yea.

Andrew Fetherston stated yea.

Chairman Rogan stated okay.

Board Member Taylor stated I just have a background question, this is another site where we have no control over the housing.

Board Member Cook stated it is an approved site, approve subdivision.

Rich Williams stated it's an approved subdivision, correct.

Chairman Rogan stated it was 2 phases.

Board Member Taylor stated so these house that have no backyards, we can't do anything about.

Rich Williams stated no, the lots are the lots.

Chairman Rogan stated we are just approving a wetlands permit to build the stormwater and septic.

Board Member Montesano stated that was, what did they call it, busted development.

Board Member Cook stated but we can't even approve the bond calculations, we can't do anything right, I mean they do the bond calculations but we're told no action.

Rich Williams stated first off, all you're going to do is make a recommendation to the Town Board...

Board Member Cook stated that's an action.

Rich Williams stated yea and I don't, I mean certainly you've got to ask Tim...

Chairman Rogan stated it's procedural it doesn't really matter, so let's, we would, let's not get ourselves any deeper on it, we have this stuff ready to go and you know, because the recommendations to the Town Board, can do that bond approval at the same time we have the green light that we can either yay or nay, so let's not get ourselves further...

Board Member Montesano stated you people create these problems.

Board Member McNulty stated so we're not discussing Sonnet Lane and that connection there with Merle [Drive] at this point, I'm looking at this letter August 16<sup>th</sup>, it refers to Sonnet Lane and Merle Drive will be constructed to Town of Patterson standards.

Ted Kozlowski stated I thought we did discuss that.

Rich Williams stated yea, that was all decided.

Chairman Rogan stated yea, we decided all that.

Board Member McNulty stated it's going to be a through road, so that's a done deal.

Chairman Rogan stated yea.

Board Member McNulty stated okay.

Chairman Rogan stated well we haven't made a decision on it, we agreed on the way it would be resolved.

Board Member McNulty stated originally approved, okay, finalize that.

## **6) BONIELLO SITE PLAN – Sign Application**

Chairman Rogan stated maybe we'll get somebody in for Boniello this month, we'll see, we have the same, it was on for last month, nobody showed.

## **7) OTHER BUSINESS**

### **a. Petrillo Wetlands/Watercourse Permit**

Chairman Rogan stated Mr. Petrillo sent in a request to change what we had approved for a fence, between the house and the wetland to the horse fence that you have pictures of. What was it originally, just a post and rail fence, with a wire backing I thought.

Board Member Montesano stated yea.

Rich Williams stated yes.

Ted Kozlowski stated I thought it was a stockade.

Chairman Rogan stated stockade, it looks like stockade...

Board Member McNulty stated an alternating picket fence.

Board Member Taylor stated what is he exactly, he's proposing a 4 foot fence...

Ted Kozlowski stated I thought he didn't want to do this...

Board Member Taylor stated what kind of posts.

Board Member McNulty stated what he originally proposed to the Board but now he wants to switch it to that type.

Chairman Rogan stated Rich, what was the reasoning.

Board Member Taylor stated wooden posts.

Chairman Rogan stated for the change in fence.

Rich Williams stated he felt that what was approved was too confining, that somebody would pull in and see is as a big...

Chairman Rogan stated well because the other stuff, you'll see right through, so it will give the allusion of the property getting bigger but he's building this house for himself I thought.

Rich Williams stated not anymore.

Chairman Rogan stated ahhh, that was quick.

Rich Williams stated it's too small for his needs.

Chairman Rogan stated I didn't think he would be able to move into that house, no garage...

Board Member McNulty stated I just handed it back.

Chairman Rogan stated the guys used to live in four and five thousand square foot homes.

Board Member McNulty stated sorry Mike.

Board Member Montesano stated do we know what height we're going to get on this.

Chairman Rogan stated the same as what we approved...

Board Member Montesano stated okay.

Chairman Rogan stated well they come in what, 4 foot rolls.

Board Member Montesano stated well you can get up to 60 inches, according to this.

Chairman Rogan stated that's fine.

Board Member Montesano stated the brochure.

Chairman Rogan stated but it should be at least the minimum of the same height as what we previously approved, the same location.

Rich Williams stated not at the toe of the slope.

Board Member Montesano stated will that mean you can see all the car parts and garbage from the neighbor back there.

Chairman Rogan stated (inaudible).

Rich Williams stated on top of the slope, out of the wetland.

Board Member Cook stated this looks 24 something 8 foot sections.

Chairman Rogan stated yea, 24, 8 foot sections, so it's probably 180 foot of fence, something, wrap it around.

Board Member McNulty stated 8 foot long, the sections are 8 foot long.

Board Member Cook stated I was looking for that technical term Tommy, thank you.

Chairman Rogan stated you guys are good.

Board Member McNulty stated no problem.

Ted Kozlowski stated I think you have to go with aesthetics, I mean, for sale and if it looks like, if it's unattractive the new owners are not going to want it.

Chairman Rogan stated well the fence he's proposing is just like when you put the black chain link fence up, it disappears, you don't even know it's there, you see right through it and I kind of, if it were me, I kind of, if it was me, I'd rather have the fence we approved because to me that kind of creates a country garden effect but that's my taste, you know.

Board Member McNulty stated it's nice fence.

Board Member Montesano stated well we're going to put weeds to grow up through the fence.

Rich Williams stated Shawn...

Chairman Rogan stated easier to put up horse fence.

Board Member McNulty stated does our fence Code indicate types of fence that are allowed and not allowed.

Board Member Montesano stated just height.

Board Member Cook stated so what are we saying, we're in agreement to this, switching to this.

Chairman Rogan stated what does everybody think, let's go back to, let's take a step away from aesthetics for a second because it's not like he's proposing a different fence that somebody thinks is less attractive or ugly or something like that, it is a fence that will virtually disappear. Let's look at the intent, the reason that the fence we're asking for it is what, keep people out of the wetland, to keep debris out of the wetlands, to keep intrusion out of the wetlands. When this is all said and done, that is a harder fence to dismantle a section of, short of cutting it with wire cutters, right and moving a section, the section that you have here, the approved one, a couple of screws, they can pop off an 8 foot section, bring their lawn cart, dump stuff over, you know what I mean I know you can dump things up and over the fence but the bottom line is, this horse fence might be more restrictive in that case and more protective of the wetland.

Board Member Montesano stated what is the duration of time on one of these fence.

Board Member Taylor stated (inaudible).

Chairman Rogan stated so I mean I don't have a problem with either one.

Board Member Taylor stated pressure treated posts, probably 20 years.

Ted Kozlowski stated did he give a reason why he wants to make this switch, I can't remember.

Chairman Rogan stated he just said it...

Rich Williams stated I just said, he feels that the picket fence is going to make the yard look small and too confining, people are going to drive in and they are going to see a barrier, whereas if he uses the horse fence, he's got all this other property around him that's open. The fence will basically disappear and they will be able to see right through it, it will make it look like a much bigger yard.

Board Member McNulty stated what kind of post is he proposing to use.

Rich Williams stated in the ground.

Chairman Rogan stated pressure treated...

Rich Williams stated I don't recall what he had on the plans, yeah I mean typically it will be 4 by 4...

Board Member Montesano stated if you look at it...

Board Member McNulty stated there's metal too.

Board Member Montesano stated with a see through fence, that means the person that was dumping stuff up above would be more noticeable right away.

Chairman Rogan stated more noticeable, that's a good point. Plus, when this fence was going to be installed, we were supposed to have it, was it going to be survey located or just, to make sure that it goes where it's supposed to go, is what I mean.

Rich Williams stated they were going to flag it, we were going to verify it.

Chairman Rogan stated I still want to make sure that's done.

Rich Williams stated okay.

Chairman Rogan stated anybody have any other argument one way or the other for this.

Rich Williams stated the only thing I would ask if you are willing to approve the change in the applicant's favor, that's fine, if you think you're going to go the other or want to consider it further, put it off until the meeting and he'll be here.

Chairman Rogan stated well no, that's why I'm thinking if everybody's in favor or it, we'll approve it right now.

Ted Kozlowski stated when is he going to put the fence up.

Board Member McNulty stated once the ground freezes again.

Ted Kozlowski stated the Board should give him a time frame to get the fence up and put an end to this because this permit was approve a long time ago...

Rich Williams stated he said he's got the fence on order at Home Depot, it was supposed to be up.

Board Member Montesano stated Home Depot.

Board Member McNulty stated this is a Tractor Supply spec.

Chairman Rogan stated he meant Tractor Supply probably.

Board Member Montesano stated but he got a Tractor Supply thing.

Rich Williams stated no, no, no, I'm sorry, the original fence, he said he had already ordered it and it was coming in last week at Home Depot and then he thought about it a little bit more and decided to go with this alter the fence, they probably have that fence up there.

Chairman Rogan stated it's a tight weave fence too, that horse fence.

Board Member McNulty stated my feeling is we don't have a Code what type of fence to put up...

Chairman Rogan stated personal preference.

Board Member McNulty stated as long as you meet it, I understand its an approved part of the plan...

Chairman Rogan stated but we have to look at the function of what the fence is doing.

Board Member McNulty stated and it functions for the proper function.

Rich Williams stated yea, understand Tommy, I mean, you're right, if they were just going out there and they wanted to put a fence all on their own you're absolutely right but if you are approving the permit with a fence for a specific and you pick a type of fence then you can place requirements on that fence.

Board Member McNulty stated okay.

Chairman Rogan stated yea.

Rich Williams stated and I'm speaking not on this application, just in general.

Board Member McNulty stated was there any kind of public hearing with this, I wasn't involved with the original application.

Chairman Rogan stated with the whole, with the wetlands permit, yes.

Board Member McNulty stated and was that fence involved with the public hearing.

Chairman Rogan stated yes.

Board Member McNulty stated so the neighbors think they are going to get one type of fence and now he wants to switch it.

Rich Williams stated if any of them had showed up.

Ted Kozlowski stated I don't think that's going to be an issue.

Chairman Rogan stated yea.

Board Member Taylor stated if anything, the neighbors are just expecting a fence.

Board Member Montesano stated yea because the only one that would really complain would be the guy who was the problem.

Ted Kozlowski stated actually I think the neighbors are pleased because that was a dump, a junk yard and now it's a nice house.

Board Member Montesano stated okay.

Chairman Rogan stated in the matter of Petrillo wetlands/watercourse permit, I'll make a motion that we allow the amendment of the proposed fence to change from the previously approve fence to the horse

fencing from Tractor Supply that was supplied to the Board, now more than 4 foot high, 4 foot is what he's looking, right and again the requirements for field location and checking by either the Wetlands Inspector of the Town Planner as a condition on that...

Rich Williams stated pick one because we see eye to eye really good.

Chairman Rogan stated I don't care which of you do it, so moved.

Board Member Montesano seconded the notice.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated great.

Board Member McNulty stated are you back in Mike.

Chairman Rogan stated Mike you're back in, Mike is back in.

Board Member Montesano stated I'm back in.

Board Member Taylor stated Mike's been back for awhile.

Board Member Montesano stated I'd back in on that.

**b. Field and Forest Apartments As-Built**

Chairman Rogan stated you're up, Field and Forest.

Andrew Fetherston stated yup, we did an initial inspection, we did a second inspection then after we found some deficiencies, I guess a couple of more major deficiencies are a lot of the items that weren't constructed for the plans, most notably the parking spaces down by building 4, closest to the entrance of the site, down by building 4, the farthest in building, I parked my car in the end spot, my car, I measured my car afterwards, 15 and a half feet long, I parked the wheels up to the curb and so I had overhang and the car was just within the curb, so maybe the space was 14 and half feet long, 15 feet long but the striping goes out to 20 feet, into the driveway...

Chairman Rogan stated so the striping extends into the drive aisle.

Andrew Fetherston stated yea, this is the farthest building in, it's the dead end but and you are, when you drive in, you're coming in over the hill and your headlights are shining at the cars, if anybody parks in these farthest away from the building spaces, you can clearly see that there's cars parked, you can see it. It

looked like they did not build the spaces, it was not staked properly, they didn't construct it properly, it looks like the reason those spaces are short is because of, one of those fire tanks I believe is in that hill there, it's buried in and there is a little bit of overhang and then you go right to the hill, grass covered hill...

Rich Williams stated just so we are clear on the record, it's one of the potable water tanks.

Andrew Fetherston stated potable water tank but there is so much fill to bury that tank, it's quite steep and that embankment, I have a question, what's not in the right place. I met Harry out there a second time and his suggestion was to paint a gore of striping going from 0 inches wide to maybe 3 feet wide, to direct a car, don't follow the curb, the car that's coming it, don't follow the curb from this follow, follow the gore and move away from the end of those spaces so that you are in more of a lane. The lane appears to be 24, 25 feet it varies but the spaces are awful short here.

Ted Kozlowski stated what kind of car do you have.

Andrew Fetherston stated I have a Subaru; I have kind of a small car.

Ted Kozlowski stated well a suburban is 18 feet.

Andrew Fetherston stated well I went, the second day I went with the company pick-up truck which is, it's not a full size, it's like Rich's it's a smaller pick-up truck, that hung over. I touched the wheels, I purposely parked in that space and those are the photos that I put in there, it's tough. That's one issue, the other issue is...

Chairman Rogan stated can we stick on that one for a second.

Andrew Fetherston stated oh sure.

Chairman Rogan stated what would your recommendation be, what is a realistic way to resolve this.

Andrew Fetherston stated I mean, Harry's suggestion is plausible to me in that it's a dead end, it's not a Town road, it's a driveway, the people who are going to drive that far in are going to know that area. Harry was also thinking possible those, these spaces that are effected, which are the farthest from the building, if he rennumbers the spaces, everybody has their our space, if you're in my space, I come out right away and tell you, you're in my space but making those farthest away spaces visitor spaces, thereby they are not going to be occupied as often as the other spaces, that was one of his suggestions, not have a vehicle in those shorter spaces. It would definitely be, it probably would require a small retaining wall if you were to make those spaces longer by going from the end of the space out at the drive aisle and push them in farther because of the grade change there, not a big wall but...

Rich Williams stated can I ask...

Andrew Fetherston stated kind of need a wall.

Rich Williams stated how about going the other way, how about taking and pushing the curbing out to make the spaces longer.

Andrew Fetherston stated narrowing the road or...

Rich Williams stated narrowing the drive aisle in.

Andrew Fetherston stated yea, that could probably be done too, yea, that could be done too. You're stealing from Peter to give to Paul, you know, the only way to avoid is probably to go in with a parking space, which would be a lot, given it's all new pavement and all new curb...

Board Member McNulty stated Andrew where on the plan is this...

Andrew Fetherston stated all the way in the back.

Board Member McNulty stated back here.

Andrew Fetherston stated yea, these spaces...

Chairman Rogan stated right near the building.

Board Member McNulty stated (inaudible).

Andrew Fetherston stated these spaces right here, there are about 4 or 5 of them that are short, I parked in this end space here, my wheels touching the curb and my car was, the back of my car was right at the curb line and with a car that size, it shouldn't be.

Chairman Rogan stated sure.

Andrew Fetherston stated the second time...

Board Member McNulty stated it's kind of like passing, what's the luncheonette here...

The Secretary stated Sauro's...

Board Member McNulty stated not Sauro's, right on Front Street, I can't think of the...

The Secretary stated Magnolia's.

Board Member Cook stated Magnolia's.

Board Member Montesano stated Magnolia's.

Board Member McNulty stated where are all the trucks are parked into the lane.

Board Member Montesano stated they stick out into the lane.

Board Member McNulty stated it the same thing.

Board Member Montesano stated it's basically...

Chairman Rogan stated so you're saying, can I write on this...

Board Member McNulty stated yea.

Chairman Rogan stated you're saying the back of the vehicle sticks out.

Andrew Fetherston stated right and the stripes actually come out...

Chairman Rogan stated right and what Richie was saying is take this curb and start to narrow it down here a little bit with a gore.

Andrew Fetherston stated that is what Harry was saying, was to paint the gore, Richie suggestion possibly to push this curb out, as opposed to digging into the hill, which would be difficult, this would be an easier move...

Rich Williams stated well I was just saying narrowing...

Andrew Fetherston stated its another possibility.

Chairman Rogan stated he was just saying narrowing it...

Andrew Fetherston stated I'm sorry, not narrowing...

Rich Williams stated but just narrowing the driveway up, I mean the reality is you could get by with a 16, 18 foot wide driveway there.

Andrew Fetherston stated yea, you can.

Rich Williams stated it doesn't have to be 24 [feet].

Ted Kozlowski stated how about a sign that just says compact cars only.

Rich Williams stated there are a lot of different ways you can approach this.

Board Member McNulty stated if you paint this gore here, you still have the width you need for 2 way traffic.

Board Member Montesano stated what if I go in with a D-9, can I compact your car.

Chairman Rogan stated visually it will get you away from the back of those cars.

Andrew Fetherston stated it's there for, it's dead end, the largest vehicle that's coming in there regular is the garbage.

Rich Williams stated (inaudible) in and out quick (inaudible) the idea of having the curbing is to cars coming in to provide some sort of minor barrier protection, so as the cars are coming in, as they start to drift over, they are not going to drift over into a car that's sitting there sticking out.

Andrew Fetherston stated the only reason I was thinking and Harry was suggesting paint was the continuity of the curbing, three o'clock in the morning when you're plowing, its dark and it's snowing like crazy.

Chairman Rogan stated oh yeah.

Andrew Fetherston stated that curb is going to be gone, it's all asphalt, that's another (inaudible).

Board Member Montesano stated can we ask for a sign that says narrowing road...

Chairman Rogan stated road narrows.

Board Member Montesano stated just so you can wake up, possibly a reflective sign that's not that expensive.

Andrew Fetherston stated I think visitors is definitely a good idea.

Board Member Montesano stated I'll go along with the visitors because you may get less people or the guy with the motorcycle that's going to park there or I still like the idea of putting in the narrow road or sign up there just for visual effects, so you can wake up...

Board Member Cook stated are you saying visitor spots here and this triangle.

Andrew Fetherston stated yea.

Board Member Cook stated the 2 things.

Chairman Rogan stated yea.

Andrew Fetherston stated the triangular striping saying you know like, let me come up to a...

Board Member Montesano stated like they did on [Route] 22 going into Pawling.

Chairman Rogan stated this might be the most expensive alternative but what about changing this curbing from a point here at this bump out, this is parking here also...

Andrew Fetherston stated yea.

Chairman Rogan stated so that would create a situation same thing, well if we took a point somewhere about here, to about here and extended this curbing and pavement out another 3 feet you would, you could extend out, you could shift this over in essence.

Andrew Fetherston stated you would, you probably wouldn't have to go that far, there is another bump here, there is, what that little bump out is, that does exist, that's to give you a little bit of overhang from the wall, the overhang is only about 18 inches from that wall, typically you do about 3 feet.

Chairman Rogan stated it's almost like doing a lane shift on highway construction you would just but I'm comfortable with whatever everybody feels.

Andrew Fetherston stated I think because the way you're coming around, when you're coming around this way, your headlights are pointing at those cars, you can see those cars there. I think a white stripe there and visitor spaces on the end...

Chairman Rogan stated selective, (inaudible) reflective on the ground.

Rich Williams stated am I missing something.

The Secretary stated yes I know I saw it.

Board Member Montesano stated am I missing something.

The Secretary stated no, I just said I saw it.

Board Member Montesano stated that answers my question, what's my question.

The Secretary stated is the date on the cover page is different from the minutes.

Chairman Rogan stated I think it should be reflective.

Rich Williams stated what are you doing with it.

Chairman Rogan stated it sounds like reflective day glow, glow in the dark whatever I don't know.

Board Member McNulty stated Harry's recommendation.

Andrew Fetherston stated do the white stripe with the glass bead in it.

The Secretary stated no, it's a mistake.

Board Member Montesano stated okay, that's all, then this relates to this.

Chairman Rogan stated you know then you're saying the first couple spots are going to be visitor...

The Secretary stated yes.

Board Member Montesano stated I was turning and at my age I got (inaudible) I get very confused.

Chairman Rogan stated okay.

Andrew Fetherston stated the other thing that...

Board Member Montesano stated thank you.

Andrew Fetherston stated the two, Planning Board, you approved (inaudible) doors on the dumpster, the one dumpster that's here isn't shown and it's supposed to be, it's one of the things we've mentioned to Rich and the dumpster over here, they both don't have doors. This one is not so back in the respect that most of the public doesn't see it, you're parking here, this one, it's really something...

Chairman Rogan stated yea, look at all the people around it.

Andrew Fetherston stated the only thing with it is, you've got a flat level slab inside there for the dumpsters, no wheels on these dumpsters, they're not going anywhere, just for picking up, flat slab, then it drops off a little for a little drainage ditch, direct everything into the catch basin and then it rises up again.

If you've got a door there, that door is going to be big, that was set up for 3 dumpsters, it's 20 to 24 feet wide, I think that the designer did not think about how big, how massive these doors are going to be, now the only person who should really open that would be the garbage truck operator...

Chairman Rogan stated right.

Board Member Montesano stated yea.

Andrew Fetherston stated there should be another pedestrian door here, (inaudible).

Board Member McNulty stated at the last meeting that maybe these dumpsters are undersized because they don't have full occupancy yet.

Board Member Montesano stated do we have to have doors that open out...

Chairman Rogan stated yea because otherwise...

Board Member Montesano stated why can't we have...

Andrew Fetherston stated slide, sliding door.

Board Member Montesano stated yea.

Andrew Fetherston stated it's possible, the other problem with having a door open like this is the door opens into traffic but when Rich and I were talking about it, when you open the door into traffic, generally there's an even bigger vehicle sitting there waiting to do something so.

Board Member Cook stated yea but when you open it that way, they go all the way back, so the traffic can go through.

Board Member McNulty stated the truck will be in the way.

Board Member Montesano stated the trucks is going to be there and it will last about 30 minutes.

Board Member Cook stated the doors won't be in the way.

Andrew Fetherston stated it depends on how lazy the person is who opens the door.

(Inaudible – too many speaking at one time).

Chairman Rogan stated that's a good idea.

Rich Williams stated what the rollers.

Board Member Montesano stated yes, put slider on.

Board Member Cook stated because where I live, that's how they go.

Rich Williams stated that's, I'm just thinking where these things are located and (inaudible).

Chairman Rogan stated yea, it's tough and these garbage guys hate opening the gates, they want to be able to pull in and out.

Board Member Montesano stated they just plow in.

Board Member McNulty stated what they hate even more is to close them.

Board Member Montesano stated the first thing they do is take the fork and manage to mangle the door so it can't be closed.

Chairman Rogan stated use the forks to open the doors.

Rich Williams stated let me just jump here with one of issues, typically what you do is you see dumpsters like we have out in the parking lot that are on rollers that they are going to roll them out a little from dumpster, then they are going to dump them. What he's got out here right now, are flat dumpsters, not rollers but big containers.

Board Member McNulty stated they're rear loading.

Andrew Fetherston stated you just pick it up...

Rich Williams stated yea but typically you're not going to have them in a residential area, that's not what you've got over in your neck of the woods and that's one of the problems...

Board Member McNulty stated that's what the school uses.

Rich Williams stated is they are sticking out because he's got the wrong dumpsters in there to begin with.

Andrew Fetherston stated he's saying that's what supplied by Patterson, Patterson's picking that.

Rich Williams stated Patterson, I'm telling you, if that's the case, we can get that fixed real quick.

Board Member Cook stated mine is picked up by Patterson Highway Department and they are all on wheels, push them out, in, boom.

Andrew Fetherston stated for your typically homeowner to open a door that big...

Chairman Rogan stated yea, it too much.

Andrew Fetherston stated and close it, boy oh boy.

Board Member McNulty stated what if they were to put a center fence in and then have 2 smaller doors.

Andrew Fetherston stated it's so big that it's sized for 3, so then having a center post would be a problem to have this, you know what I mean, that center post would be right where that other dumpster would be. I guess if you pulled one out on wheels and pulled the second one around it...

Board Member McNulty stated so for future (inaudible).

Board Member Cook stated the enclosure that I use...

Rich Williams stated you can't put doors on the front.

Board Member Cook stated has 6 or 7 (inaudible).

Andrew Fetherston stated I don't think you can put 2 sets of double doors.

Chairman Rogan stated oh okay.

Andrew Fetherston stated I don't think you can have a second post.

Board Member Cook stated they are on wheels.

Chairman Rogan stated do you have to open a door to get into it.

Rich Williams stated can we back up a second to something said earlier...

Board Member Cook stated no, we have an opening.

Rich Williams stated in describing the dumpster, did you actually describe that drain inlet as in the dumpster.

Andrew Fetherston stated no, no, no there is a ditch that's directing the water. What I was thinking was...

Rich Williams stated the Town sited the dumpster pad.

Andrew Fetherston stated you've got a door that is so large, a lot of times you'll put a wheel on it and even the wheel will have a spring for uneven ground but there's a good size ditch there, to direct the water in front of the dumpster and to the drain inlet but yea that's going to be a big door, a big door.

Chairman Rogan stated but I agree with Tom though they should, even if they can fit three, if they are going to stick with two put a cement or some kind of permanent marker in the center and run the gates off each side of it or something.

Board Member McNulty stated then you can have a pair of doors off each one, you'd have four more sizable doors to handle and manage.

Chairman Rogan stated that's a good point too, I'd go for that, I'm not really too concerned either way, I mean the point of an enclosure is to be enclosed and then we have the thing wide open you're going to have these three people are going to be all, people are going to come in and start dumping stuff over into there.

Board Member Montesano stated the original plans calls for a dumpster location with doors.

Chairman Rogan stated I think it's a...

Board Member Montesano stated with all due respect, their engineer, their design, screwed up, now are we

going to keep compensating for the guy that got paid to screw up or should we just tell him that's not what the plan called for, you straighten it out.

Chairman Rogan stated go with (inaudible), yeah I mean...

Board Member Montesano stated that's what we approved.

Chairman Rogan stated ultimately we are trying to get what was approved, which was an enclosure with doors.

Rich Williams stated Andrew, if they are having a problem getting the correct dumpsters in there, I mean you can reach out to Frankie Farrell and find out what's going on.

Andrew Fetherston stated I never considered one with wheels, not with wheels as being the issue, the issue was the doors and how is he going to do this and I'm not designing this, I'm just thinking how's he going to do it.

Board Member McNulty stated and if they're not going to put three in there then go with the center posts...

Andrew Fetherston stated right.

Board Member McNulty stated center fence and have 2 pairs of doors.

Board Member Montesano stated the idea is if you have 18 feet and instead of doing 2 nine footers, maybe you can put (inaudible).

Board Member Taylor stated (inaudible) why are we solving their problems for them...

Andrew Fetherston stated yea, yea, yea.

Board Member Taylor stated you know they've got an engineer.

Board Member McNulty stated yea but if we give them some direction, maybe it will just help move it along, you know.

Chairman Rogan stated what else you got.

Board Member Taylor stated so we still want doors on them.

Board Member McNulty stated we want doors on it.

Board Member Montesano stated the object is the doors are there for a reason, the doors are there so the garbage doesn't blow all over the damn neighbor, that's why you try to get the doors put on.

Board Member Taylor stated again should we give them a schedule.

Andrew Fetherston stated can I have my memo.

Rich Williams stated (inaudible).

Board Member McNulty stated you want the ones with the pictures there.

Andrew Fetherston stated which one is the latest.

Board Member McNulty stated this latest.

Board Member Taylor stated has the bond been called yet.

Board Member Montesano stated well if its not done in the next 30 days, it can be that big of an item, if it's not done in 30 days, then come back for another approval.

Board Member Taylor stated but they are sitting there with a bond that is supposed to have been called in June and hasn't been called and they haven't finished the plans, I think that's another issue we need to deal with.

Andrew Fetherston stated were a couple of other smaller issues...

Board Member Taylor stated did they fix the ditch running down the middle of the driveway.

Andrew Fetherston stated no.

Board Member Taylor stated they still haven't fixed it.

Andrew Fetherston stated no, I apologize you guys don't have my latest memo; I certainly get it to you before the meeting. There were a couple other issues that ditch yea...

Board Member Taylor stated they were going to do it the next day.

Andrew Fetherston stated our inspector, yea, our inspector was out there and I think as soon as he walked away, as soon as he left the site to go to another site, they stopped compacting, that's what it was, because it settled a lot.

Board Member Montesano stated well then start using the bond.

Rich Williams stated if you've sent me your memo and I'm sure you have, then they have it.

Andrew Fetherston stated yea, yea, okay.

Board Member McNulty stated so Rich any response, I'm sorry, you have more...

Andrew Fetherston stated there were a number of items that Richie found that I included into the memo, putting more information on the as builts, things that aren't there, like the dumpster is not on there, it's not shown on there over by building 4, size and height of the weirs and the elevation of those weirs to make sure that stormwater is built, is going to go the way it was designed, a couple other things like that. I'll put a call into Harry on this though.

Rich Williams stated they missed the wetland boundaries, they put a drain inlet where they can't possibly have a drain inlet...

Andrew Fetherston stated yea, on the plan.

Board Member Cook stated Rich, let me ask you this, from the mystical date back in June when we said all this had to be done et cetera, now different folks from Maser and yourself have been working on this, is there anyway to take money from, what is it a letter of credit or a bond, what...

Board Member Montesano stated bond.

Board Member Cook stated whichever one it is...

Rich Williams stated you've got to remember they submitted construction site inspection fees and I can give you a, you know I can check on where we stand with that, what we've charged against that but there may be still highway construction inspection fees. Now this was done under the old means of doing it so he just gave us a lump some, we don't have the ability to ask for more and he doesn't get anything back but I can give you an accounting if you're interested.

Board Member Cook stated no, I'm just trying to get along with Ron is going about give him a date to get this thing done but maybe if we can start extracting some money that would move things along you know because we are spending a lot of extra time here that...

Andrew Fetherston stated we did a full walk-through, the whole thing, Harry and I and then he called me out again and you know, not to his credit, only a couple of things were done like, I noticed all the silt fence was still around, it was raggy, you pick it up because it snares animals, it catches animals all the time, so that was picked up but there are very things that I removed from my original memo as being complete. The more major items of course he wanted to discuss so I went back out.

Board Member Cook stated do we have any leverage.

Chairman Rogan stated yea, we have that letter of credit thing.

Andrew Fetherston stated you got a really big bond.

Rich Williams stated you can make a recommendation to call the bond.

Board Member Taylor stated I think that's what we should do because it's going to take time to call it anyway, I think we should put the bank on notice or the Town should put the bank on notice that the process is starting to call that bond and maybe that will put fire under these guys because they promised to fill in this ditch and it still hasn't been done, yea we're going to do it next week, the guy is coming...

Board Member Cook stated but the promise was to have everything done by June 24<sup>th</sup> or something...

Chairman Rogan stated the as built, yes.

Board Member Cook stated right.

Chairman Rogan stated what are in, August, September now, yea.

Board Member McNulty stated have you had any word from the applicant himself or the developer...

Rich Williams stated Andrew's been dealing with him.

Andrew Fetherston stated I really had the last, yea...

Board Member McNulty stated just with Harry.

Andrew Fetherston stated yea, just with Harry.

Board Member McNulty stated I mean the actual owner, is he giving us...

Rich Williams stated no, he's not going to call me.

Board Member McNulty stated no, no response on your end.

Andrew Fetherston stated when we saw him, we saw him probably in June, you and I.

Rich Williams stated yea.

Andrew Fetherston stated that long ago.

Rich Williams stated it was actually before that, yea.

Andrew Fetherston stated and we very casual discussion about what needed to be done and then we got the as built and realized holy cow, I mean you don't go out there and look to measure every single thing is in place, you see on the as built and then when you get out there and you park your car in a parking place and it dawns on you.

Chairman Rogan stated right.

Andrew Fetherston stated but I went out there twice to meet Harry at his request so, after these last items, not being the decision maker as the Board is, here's what he's presenting as some possible fixes and wanted to get the consensus of the Board, that's really...

Board Member Cook stated see how this is dragging on, before we know it, we're going to be into the winter season where things can't get done, so perhaps tying in with what Ron's saying is we get word to the owners that says look, Planning Board is considering making this recommendation to the Town Board to do what it has to do...

Board Member McNulty stated we're not two months beyond the deadline.

Andrew Fetherston stated I think you know, in their, only minor defense, very minor, I think they wanted to get an idea where the Board was leaning with the asphalt issues, curb and do I have to make more road, extend the parking...

Chairman Rogan stated right.

Andrew Fetherston stated because I'll have the asphalt truck out there once, I'll do the fixes if the Board is so inclined to say do that and repair that ditch.

Board Member Montesano stated the feeling that I'm getting is let's and I'm not going to say it's on particular person, I'm just going to say, how much can we get away with, let's try this and if we can get away with that then we'll try this and get away with that and we are going to try this. I think it's time to tell them you have 30 days to complete as was approved or your bond is going to be pulled and you will lose your C.O.'s, something because this is getting out of hand and with all due respect to Harry, it's getting old and after 25 years it's still getting old.

Chairman Rogan stated it's not all Harry, he's got an applicant, he's got a guy building the place, he's only being paid by the owner...

Andrew Fetherston stated when I...

Board Member Montesano stated but he's also the guy that designed it.

Chairman Rogan stated no but he's not in charge.

Rich Williams stated he's always got the option of building it correctly.

Chairman Rogan stated exactly.

Andrew Fetherston stated when I left Harry went around the back to the office to tell them of our meeting, so I know he went to tell somebody.

Board Member Cook stated this is the end of August...

Board Member Montesano stated I say give him until September 30<sup>th</sup> and then call it a day.

Chairman Rogan stated well tell him that you intent to, I agree with what Ron said, we are starting the process of calling the letter of credit, you are on notice, if you can get this wrapped up in the next couple of weeks then you'll beat that process but then if not then you know...

Board Member Montesano stated well you have to get some significant progress here, this is going, out of hand.

Chairman Rogan stated then you know, we should be able to wrap this, I mean at this point if he has the answer they need, then they should be able to wrap this up.

Rich Williams stated do you want a letter drafted.

Andrew Fetherston stated when he has the answers, yea.

Rich Williams stated letting him know that by the last meeting in September of the Planning Board, the work session that if no significant progress has been made or all the items completed, either (inaudible).

Chairman Rogan stated really what else, there's not much else, right.

Board Member McNulty stated just tell him to complete it all.

Chairman Rogan stated get it done.

Rich Williams stated all right, if it isn't completed then your recommendation goes to the Town Board to pull the letter of credit.

Board Member Montesano stated that's all.

Chairman Rogan stated they promised it, we didn't ask them for the promise, they promised June 24<sup>th</sup> to have it all done, right.

Rich Williams stated yea.

Chairman Rogan stated so we are not being unreasonable.

Board Member Taylor stated if they have to bring the asphalt truck out twice, then bring the asphalt truck out twice.

Chairman Rogan stated exactly.

Board Member Taylor stated get it done.

Chairman Rogan stated right.

**c. Local Law – Fox Run Phase II**

Chairman Rogan stated and Fox Run Phase II...

Rich Williams stated there is really nothing new on that.

Chairman Rogan stated there is nothing new, we were waiting on them at this point.

Rich Williams stated we are waiting on them, I did talk to them they are cognoscente of the fact that they committed to do the traffic study...

Chairman Rogan stated well...

Board Member McNulty stated did you relay any of our thoughts about density to them when you spoke to them.

Rich Williams stated I did not.

Chairman Rogan stated Mike's dense you were saying.

Board Member McNulty stated stop starting trouble.

Board Member Montesano stated whose dense.

Chairman Rogan stated I'm just going to cross Local law Fox Run right off the list.

Board Member Montesano stated he's density (inaudible).

**d. Community Survey**

Chairman Rogan stated and community survey we were talking about, that's what you have. Community survey, you know, how do you like living in the Town of Patterson.

Board Member Cook stated like the phone call I got today from Comcast...

Board Member Montesano stated take one and pass it on.

Rich Williams stated there's one there for you.

Chairman Rogan stated this was done in...

Rich Williams stated this is the one that was done in 2000, we are talking about doing it again, you know I just thought I would throw it out there, if anybody had any suggestions for questions or things that they don't think aren't appropriate anymore, there are still some questions in there about you know, how do you feel about a Town center, I think we've taken care of that.

Board Member Montesano stated I have to get it back to you December 4<sup>th</sup>.

Chairman Rogan stated we need an indoor pool though.

Rich Williams stated excuse me.

Chairman Rogan stated we need an indoor pool.

Rich Williams stated that's what Mike keeps saying.

Chairman Rogan stated I wouldn't go to it.

Rich Williams stated just don't bother to do the survey, I know what everybody wants, they want a pool.

Chairman Rogan stated I think it would be great for it.

Board Member McNulty stated is this concrete at the bottom of the pool.

Ted Kozlowski stated Rich was the percentage of response.

Rich Williams stated 14 I think.

Ted Kozlowski stated is that considered good.

Rich Williams stated yea, for this type of survey, that's not bad.

Board Member Cook stated why are we looking at this.

Board Member Montesano stated we're trying to catch up to the date.

Rich Williams stated because we are considering doing it again...

Chairman Rogan stated shopping, there isn't really much shopping in Patterson.

Rich Williams stated this fall.

Board Member Montesano stated do you realize that I don't have to go Pawling...

Rich Williams stated I've got enough money in the budget and Michelle's looking for something to do.

Board Member Montesano stated I don't have to go to Pawling to buy nails.

Chairman Rogan stated okay so let's, anybody have anything else for the record, motion to adjourn.

Board Member McNulty stated do we have to address the meeting at all, or can we do that after that fact.

Chairman Rogan stated meeting.

Board Member McNulty stated in Lake Placid.

Rich Williams stated I thought you'd given your paperwork to Michelle.

Board Member Montesano stated I have to get some kind of form about it.

Chairman Rogan stated motion to adjourn.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

The meeting adjourned at 9:05 p.m.