

TOWN OF PATTERSON
PLANNING BOARD MEETING
September 2, 2010

AGENDA & MINUTES

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1) Watchtower Education Center DEIS – Public Hearing	1 – 9	Public Hearing opened and closed. Public Comment period open until 10.7.10
2) South Patterson Business Park – SEQRA	9 – 14	Discussion of site/wetlands/Bog Turtle study. Site Walk to be scheduled.
3) Doug Wallace – Wetlands/Watercourse Permit Application	14, 40 – 44	Discussion of fee to be paid and wetlands.
4) Levine Fill Permit – Discussion	14 – 23	Discussion of DEC action, soil testing and letter to neighboring owner.
5) Meadowbrook Farms – Wetlands/Watercourse Permit Application	23 – 28	Discussion of bond calculations, site easement and road dedication
6) Boniello Site Plan – Sign Application	27	Applicant did not appear.
7) Other Business		
a. Petrillo Wetlands/Watercourse Permit	49 – 51	Discussion of fence, stonewall and fill.
b. Field & Forest Apartments As-built	28 – 40	Discussion of as-built, dumpsters and parking spaces.
c. Local Law – Fox Run Phase II		Applicant did not appear.
d. Community Survey	44 – 49	Discussion of modifications.
10) Minutes	29 – 30	July 29 th and August 5, 2010 Approved.

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TOWN OF PATTERSON
PLANNING & ZONING OFFICE

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Planning Board
September 2, 2010 Meeting Minutes
Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

APPROVED

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member McNulty, Board Member Taylor, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspection, Andrew Fetherston of the Town Engineer's office Maser Consulting, Laura Roberts of the Town Attorney's office, Curtiss and Leibell.

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

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

Michelle Russo was the Secretary and transcribed the following minutes.

There were approximately 20 members of the audience.

Chairman Rogan stated thank you, please be seated. I would ask the Secretary to please read the first public notice.

1) WATCHTOWER EDUCATION CENTER DEIS – Public Hearing

Mr. Rich Eldred and Mr. Enrique Ford, of Watchtower Bible and Tract Society were present.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, September 2, 2010 at 7:30. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to receive comments on the Draft Environmental Impact Statement and Site Plan for Watchtower Bible and Tract Society of New York, Inc. The applicant is proposing to expand the Watchtower Educational Center (WEC) by adding approximately 904,000 square feet of new interior building space with a footprint of approximately 186,000 square feet. In addition 434 new parking spaces would be added to the project site, 351 of which would be located in the parking garages. Written comments on the Draft Environmental Impact Statement will be received by the Planning Board, P.O. Box 470, 1142 Route 311, Patterson New York until October 7, 2010.

Chairman Rogan stated okay, good evening, can I have someone from Watchtower please, Mr. Eldred and your people that you brought along. If you would like to just do a brief overview and presentation to those members of the public that are here.

Mr. Eldred stated we can do that, I had a little introduction I was going to make...

Chairman Rogan stated sure.

Mr. Eldred stated and then Enrique Ford was going to introduce us to the plan, just give a brief presentation.

Chairman Rogan stated thank you sir.

Mr. Eldred stated so, Mr. Rogan, Members of the Planning Board and the public my name is Richard Eldred and with me tonight is of course Enrique Ford, our architect...

Chairman Rogan stated is that, excuse me one second, is that microphone on, can somebody...

The Secretary stated it is on.

Chairman Rogan stated can you just tap the end of it.

Mr. Eldred taps the microphone.

Chairman Rogan stated oh okay, maybe, you just might want to remove the microphone it seems like we are not picking you up on.

Mr. Eldred stated you mean pick it up.

Chairman Rogan stated if that will help get you on record, that would be great.

Mr. Eldred stated can you hear me now.

Chairman Rogan stated perfect.

Mr. Eldred stated okay, my name is Richard Eldred with me tonight is Enrique Ford, our architect, we've been working with this project for some time. I've been working with Watchtower Planning and Engineering in various roles, living here in the community with my wife over 20 years and it is certainly a beautiful area to live in. Tonight we are glad to be at the point we're ready to make this brief presentation as a beginning of the public hearing on the amended site plan and EIS that we are proposing at the Watchtower Educational Center. We appreciate the Town Planning Board working with us as this project has been developing, several options have been reviewed and modified along the way. We really feel that this proposal has been well thought out and fits in nicely with the existing facility. Our history in the area goes back to the early 1980's when we purchased the former Mendel Farm, you may recall during those years that there was a proposal moving ahead to turn the property we purchased and one other, within the Town into a landfill site, however working with Town officials we were able to move ahead on the Watchtower Educational Center. To accomplish this, many improvements on the site were needed, by the early 1990's the facility design was completed, permits obtained and building erection started. The early

1990's saw the facility beginning to operate as an educational center. All along the way we have had a long standing commitment to the community to support and fit into the area, we feel that this commitment is the result of a well planned operation that has helped to preserve the rural character of the community, we have one of the few operating farms located in Putnam County and we are happy to say that our cows are still enjoying life along Route 22. The Watchtower Education Center located east of Route 22, is a self-sustaining facility that treats its water and wastewater at on site facilities, there does, thereby does not place a burden on local resources. The residential space provides housing for the volunteer workers as well as students and guests, these volunteers work in the office, video production, classroom, farming and other support functions. A dining room, recreational areas and other common areas are also provided for residents. What we are proposing tonight is a project designed to meet the growing need to enhance the preparation of educational materials, both in quality and capacity and we have to put the emphasis on the preparation because we do not print or do anything of that type at this site. The proposed project would accommodate an additional 500 residents, it would provide improved and expanded space for the preparation of educational materials, including the support of translation teams worldwide. Our publications are produced in over 500 different languages, it would also provide expanded facilities for the production of audio and video programs which provide specialized support for the visually impaired and a variety of sign languages used by the hearing impaired. So that is basically what I had to say and now maybe I'll turn it over to Enrique who will make a brief presentation on the project.

Chairman Rogan stated thank you Mr. Eldred.

Mr. Ford stated I guess I can begin with a bit of an overview as to our proposal and I think if we were to sum up our proposal we would basically use 3 words, what we are proposing. We feel is a modest, responsible expansion of our existing function and our existing facilities. Now why do we say that, first of all, in terms of our existing facilities, while we view it as an expansion, it's important to note that the primary function of this facility for all of the time that Mr. Eldred has mentioned has primarily been a training of missionaries, ministers and religious administrators and secondarily recording of audio and video materials bible and bible based literature. Now those core functions do not change with this expansion, so what we are really looking at is just an expansion of the existing function that has been ongoing for some 20 plus years. Another reason why we say it's a modest expansion, is although on paper when you hear 904,000 square feet, immediately you think of some mammoth expansion but it's important to note that that 904,000 square foot of building area only represents 186,000 square foot of building coverage or put in another way just 4 ¼ acres or put in yet another way, ½ of 1 percent of the Watchtower Educational property is being expanded by means of our building area and even when you add all of the additional area that's required for parking, stormwater and so forth, as our DEIS mentioned that total's sum 49.1 acres, that too is less than 7% of the Watchtower Educational complex property so we feel in the context of the facility it really is a rather modest expansion. One of the things that Watchtower is very proud of is that it's a responsible expansion. Now responsible in the number of different ways, first of all, we are very happy with the sustainable design features of the particular proposal, in addition to some of the things mentioned by Mr. Eldred with respect to our water treatment, wastewater treatment facilities which really have been quite exemplary. One of the things that we will be incorporating with this project is we will be voluntarily using the Green Globes system which is a sustainable design matrix and for most people they are familiar with LEEDS but just a little bit of background as to Green Globes, it's a thousand point system that covers the full range of sustainable design features, it includes different inuncies that deal with energy, indoor environment, water usage, natural resources management, the mission controls, as well as project and environmental management and one of the unique things with Green Globes why we are very happy about it feel that it is actually in some ways more responsible than even LEEDS is in order for us to qualify for those 3 globes which is our target, we have to, at the end of the process, after we've incorporated all of these sustainable design approaches, after we've documented it in our construction

documents, we then have to have independent certification from a 3rd party, after the fact and they confirm that what we've documented is actually what's been implemented and indeed it is a sustainable design facility. Now that is something that LEEDS currently doesn't incorporate, why you sometimes don't have the same accountability but with this particular project, we plan to go to that level of accountability, our target design standard as you will note in the DEIS is 3 globes which for the sake of comparison is pretty the equivalent of the LEED Gold standard, so that is one of the reason why we feel this is a very responsible project. Now just to get into some of the specific initiatives, it's not an exhaustive list but some of the things that we have taken note of, even at this early stage is we've gone to great efforts with our design to make sure we have a reduction in water consumption with this expansion as well as we're looking into a geothermal use. We're looking into high efficiency boilers and HVAC equipment, we are also planning to include enhanced building controls, which naturally leads to improvement energy management, part of the project we are looking to include green roofs, as well as in a couple of instances a green vegetated as well as a small photovoltaic power installation that we are planning to incorporate and that is above and beyond just a natural responsible material selection that goes into the actually construction documents implementation. You get a sense, we hope, of the sustainable design commitment that Watchtower is planning to express with this project and even beyond that, another reason why we feel this is a very responsible expansion is when you look at the cluster of the buildings, great effort was made to use a cluster design approach which naturally minimizes the sprawl on site and one of the results is it encourages a pedestrian friendly complex. We will continue to use the tunnels and bridges that is now a feature of our existing facility and what that means is that you immediately have a significant reduction in traffic, all of the residents who live and work on site and that means that since this really is not designed as a destination event so to speak. You really do not have as our DEIS mentions a traffic impact, the traffic that is generated by the residents will be off peak hours, so we feel that is another aspect of responsible design. Lastly, as we will show in just a few minutes, we chose to maintain the same architectural aesthetic that matches the existing buildings, that is the design scheme, the tone, the aesthetics and the reason behind that is to minimize the visual impact of this expansion. So with that overview just briefly we'll describe some features of the project, the project, the core of the project you might say are our 2 residence buildings which are shown to the north of the site, they are 4 and 5 story structures above grade, another key component is our maintenance and office building and although they are really 1 building, they are designed above grade to look as 2 separate buildings and that is another deliberate design effort, so as to break down to the scale and the impact of the structure. Then the third aspect of what we consider the core of the project is expansions to the north and to the west of our audio/video buildings. Now in addition to those core components there are some other key features, we just like to briefly draw to your attention at the main lobby, we are showing a small expansion as well as what we calling a visitors services building and the reason for those support structures is because as is commonly known, our facilities are open to the public, all are invited to come and tour and these 2 additions will help to facilitate that aspect of the function of the Watchtower Educational Center. Some other minor additions you'll note, is the expansion to what we are calling the south services building, that is almost a parallel initiative, so to speak, it's intended as a one story and basement addition that really is proposed to facilitate the modernization and upgrade of our existing central laundry facility so that too in effect is another aspect of our responsible stewardship so to speak because with the more efficient equipment we feel we will be using less water and we will have a much cleaner process as well. There is some additional parking that is included in the proposal, what's worthy of note, as I think the Secretary noted, some 81% of the proposed parking will be indoor, again with the intent minimizing the impervious area on the site. So, that is an overview of the plan, we just now want to briefly go through the aesthetic that we mentioned, 2 views that we would like to highlight, the first is the view across from Cornwall Hill Road, which really I think gives the best indication of how the expansion is intended to fit in quite harmoniously with the style, the tone, the texture of the existing facility, you'll note that the scale of the building is the same, you'll note that the earth tones are maintained and the landscaping will be such as to minimize the impact and in fact, this view probably the

most prominent view of the facility because the last view that we would like to show you is a view that majority of people will see driving along Route 22 and because of the sighting of the buildings when you look along Route 22, this addition is just about all you'll notice. So, again just in summary we feel very happy about our proposal, we feel it meets our needs but does so in a very modest, responsible manner while we expand our existing facilities. Thank you for your time.

Chairman Rogan stated thank you, nice presentation. At this time we will ask for any comments from the audience, we'll ask you to please come up, state your name for the record and ask your question or make you comment please. Haven't seen you in awhile Edie, we've missed you.

Mrs. Keasbey stated oh thank you, I miss seeing you. Hi, I'm Edie Keasbey, Couch Road in Patterson, most times when I get up here it's usually to complain about something is too big or it's in the wetlands or something but having worked with Watchtower, all during the dump fight, I have come to realize that when they say they are going to do something and do it well, they do it well and I have no comments to what you are proposing. I did check with my pal Ted Kozlowski, and he said he has no problem with any of this and feels the same way, basically when you say you're going to do it well, you do, do it well but I'm asking you a favor, you are obviously conforming and this new construction to the enhanced MS4 requirements. The original project was built in the '90's, does not have that same protection and in the capture and treatment of stormwater and what I would like to propose to you, knowing your good hearts is and you can't do it all at once, it would be much too expensive, to little by little with the original campus, if you can bring it up to the new enhanced MS4 stormwater regs. I think it would be a great treat for all of us because you look right over on the beautiful Great Swamp, your stream flows directly into it, your drinking water, as well as most of ours who live in this valley comes from under the great swamp and you will be making more of an effort than most to protect that drinking water and I just would like to see you make some efforts in that way, out of the goodness of your heart, no one can make you bring the original campus up to the enhanced regulations but I think you might think about it and if you can. I didn't know you were doing so much green building in this new one, can you put green roofs on any of your old buildings or any other things you could do to the old buildings to make them more sustainable, that would be wonderful, just because you sit in such a valuable spot, I'm not talking money wise, I'm talking environment wise of the Great Swamp and I would and I am speaking for myself, I am not representing FrOGS in anyway tonight, this is strictly my thoughts and I would just like to propose it, and that's all, thank you.

Chairman Rogan stated thank you Mrs. Keasbey, anyone else from the public, going once, going twice, nobody else has any comment.

Mrs. Blohm stated I have one...

Chairman Rogan stated great, you were just about to lose your opportunity there.

Mrs. Blohm stated I'll be quick.

Chairman Rogan stated no, you can take all the time you'd like.

Mrs. Blohm stated Deidre Blohm, East Branch Road. I just wanted to know what was the timing of the project and I'm sorry if I came in late, I missed that.

Chairman Rogan stated you mean the construction sequence when it will occur and...

Mrs. Blohm stated yea, beginning and ending.

Chairman Rogan stated anyone want to take a guess at the time frame on that, Mr. Eldred, nobody is going to hold you firm to it but I'm sure you must have an idea.

Mr. Eldred stated you want me to say something. In the EIS, there is a chapter on the construction and in there it talks about the sequencing of construction and the timing would be, of course we go through the approval process and there is still some design involved and so if it were possible to start in 2011 on some aspects of the project, we would appreciate that. Once we get started then it would go on for a period of time, many of you were here when we built the original project which started in '89 and it was being moved into about 1995 but parts were being moved into right along as we were able to complete them, so it's not going to be over a long timeframe we are going to try to compress to the extent we can but still it will take a little while.

Chairman Rogan stated I don't know that that answered your question though, right.

Mrs. Blohm stated I was thinking 12 months, 24 months.

Chairman Rogan stated I think say, assuming you have all approvals in place say 2011, you have everything you need, are we talking a 3 year time frame, 4 year time frame to get everything complete...

Mr. Eldred stated I would think that we would be aiming at around a 4 year time frame, yea.

Chairman Rogan stated okay, thank you, that was a lot (inaudible). Any other questions or comments please, I see no other questions, comments, sir are you coming up or no.

Mr. Lehmert stated it's a real quick question.

Chairman Rogan stated please come on up, we need to get you on record though, at least in fairness to this young lady who has to type all these minutes.

Mr. Lehmert stated my name is Robert...

Board Member McNulty stated right into the mic.

Chairman Rogan stated this one over here, it'll go all into the same system.

Mr. Lehmert stated it's Robert Lehmert, L-E-H-M-E-R-T and my question is very simple, who supplies the electrical power to this property.

Board Member McNulty stated it's NYSEG I believe.

Mr. Lehmert stated it's a NYSEG territory.

Rich Williams stated yes.

Mr. Lehmert stated that's my question, thank you.

Chairman Rogan stated sure. Any other questions or comments please, please remember that we are keeping written comment timeframe open for another month, so anything you would like if you don't feel

comfortable getting up in front of people, please put it in writing and send it to the Planning Board's attention and we will be sure to consider those comments as important as if they were stated here tonight, certainly.

Board Member Montesano stated motion to close the hearing.

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.

Chairman Rogan stated anyone have, Tom you had a couple of questions that you had mentioned, now is certainly an appropriate time if you'd like to bring anything up.

Board Member McNulty stated yup, one thing I briefly when through the DEIS and I haven't looked at it in complete detail yet but I noticed an area in the water testing, the original water testing in the documents in the DEIS are all from 1988. They seem to be a bit dated to be involved with this current project but Andrew has since told me that there has been further tests submitted which probably should be incorporated into this DEIS I would expect.

Mr. Eldred stated are we talking about the well testing...

Board Member McNulty stated the capacity of water flow.

Mr. Eldred stated yea, that was, there was a 72 hour test of all our wells done back in October of this last year and that is in the appendices of the EIS and there is some brief description of it in the main body.

Board Member McNulty stated okay, I saw appendix C but everything I saw was dated 1988.

Mr. Eldred stated that's because we put in the original reports as well but there, I'll take a look at it again just to double check...

Board Member McNulty stated I'll go back to my copy too, also I had a question about the parking spots. It wasn't adding up to me with the capacity of possible 1500 more residents but 300 more parking spots.

Mr. Eldred stated 500 more residents...

Board Member McNulty stated it's not adding up but your initial summary says it's capacity up to 1500 residents.

Mr. Eldred stated that is the original facility that's there is 1500 [residents] and we are adding, proposing to add 500 to that but the, for the ones that are there now, we have nearly enough parking but we have come

to realize that we need a few more parking spaces for those individuals because more people acquire cars as you go along.

Board Member McNulty stated I'll check the summary again, I thought it sounds like the new expansion of 904,000 square feet...

Mr. Eldred stated it is.

Board Member McNulty stated had the capacity of 1500 new residents.

Mr. Eldred stated no, it's 500 residents.

Chairman Rogan stated let's just double check on that and see how it reads, maybe it doesn't read right.

Mr. Eldred stated we'll take a look at that and double check it.

Board Member McNulty stated okay.

Rich Williams stated can we say it this, how many building units are you proposing in the new section, how many building units, dwelling units.

Chairman Rogan stated dwelling units.

Mr. Eldred stated two buildings and I am going to have to have Enrique give a little comment on that, I wrote it down just in case I was asked but I didn't write down the number of dwelling units.

Mr. Ford stated it's two buildings, 250 to 280 units proposed and normally they are double occupancy hence the 500 additional residents.

Board Member McNulty stated okay, I'll go back through my notes and I'll make written comments and...

Mr. Eldred stated sure.

Board Member McNulty stated I don't see it right here in this.

Mr. Eldred stated I think that is covered in the executive summary.

Board Member McNulty stated that's where I picked up on it, okay and one last question, it said that the tall structure was going to be 76 feet.

Mr. Eldred stated yea, the same as our clock tower that we have on site on now...

Board Member McNulty stated that is my question, how it compares to what you have up there now, in height.

Mr. Eldred stated that is our tallest structure, is the clock tower at 76 [feet].

Mr. Ford stated yes and we went to great efforts to make this proposed design very contextual, so the majority of our structures will be lower than that but we went to great effort to make sure that no new structure is taller than what is currently on site.

Board Member McNulty stated that is what was curious about, I'm not that familiar with the existing site other than from Cornwall Hill Road. Okay.

Mr. Eldred stated and anybody who would like to come for a tour, feel free.

Chairman Rogan stated that would be a great idea for the Board Members who weren't part of the original site plan, yea, we'll coordinate that. Any other comments from the Board Members, anything from our technical staff for this evening, thank you gentleman, have a nice evening.

Mr. Eldred stated thank you very much.

Chairman Rogan stated okay, I just want to give them a chance to clear out. Rich, Rob Cameron for South Patterson Business Park.

The Secretary stated yes.

Chairman Rogan stated let them clear out, you know what, it looks like they are just about out. Unless you...

Board Member Cook stated no, no, I just (inaudible).

Chairman Rogan stated that's a good one, remember that Charlie.

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

Mr. Robert Cameron of Putnam Engineer was present.

Chairman Rogan stated okay South Patterson Business Park, hello Mr. Cameron.

Mr. Cameron stated hello.

Board Member Montesano stated no (inaudible).

Chairman Rogan stated nobody hit the number, nobody had 3...

Board Member McNulty stated oh the old (inaudible).

Chairman Rogan stated yea right, high five.

Board Member Taylor stated did they all count.

Chairman Rogan stated no.

Mr. Cameron stated Robert Cameron from Putnam Engineering, I am here tonight before the Board to obtain a SEQRA Determination for this project. This project is in a C zone, located along Route 22, probably not even a mile from the Patterson/Southeast border on Route 22, it is on the west side of Route 22, that's about a half mile or so down from the carpet manufacturer on [Route] 22 for those of you not familiar with the site. The site is 39 acres in size, I have a reduced site plan, excuse me, a reduced survey here, basically the whole rear of the site is in towards the Bog Brook area, we are proposing to construct an office/warehouse building at the front portion of the property. We have had the wetlands delineated, it has also been verified by New York State DEC, they have provided us an approved map of that area.

Chairman Rogan stated thank you.

Mr. Cameron stated we are here also before the Board because we have revised the site plan in regards to the office/warehouse percentage and before we can get over to the Zoning Board of Appeals, we would need to have a SEQRA Determination because the people who would be able to determine whether we can change the percentage of the office/warehouse would be the Zoning Board of Appeals. At previous meetings I have explained the reasons for this I will reiterate for some of the new members, the owner had come in before the Board and presented a full application, the Planning Board had done lead agency determination I think in March of 2009 but it became apparent to the applicant that the ratio of office to warehouse was not suitable, he needed more warehouse. There was no market for having lots of office space, there was just no demand for it, but he did realize that there was a demand for warehouse space and to construct a building with 60% or 65% office space and 35% office just wasn't economical for him so his intention was to change the plan to a greater percentage of warehouse and a smaller percentage of office, the resulting change to that was actually nominal to the site plan. We had some parking area in the back and we had changed that to a truck dock area, in fact as I recollect, it might have even reduced the impact to the site. We have done some studies out there, we had recently had Tim Miller Associates go out and do an environmental study so we could complete the SEQRA application and that study has been submitted to the Board and a revised SEQRA application has been submitted but again it is not significant, the changes that we have done on the site to really impact the SEQRA, the SEQRA impacts are nearly identical to that which was previously proposed, the only issue was that in the SEQRA document, we changed the percentage of the warehouse office but basically it all fits within the same footprint as originally proposed.

Chairman Rogan stated Rich and Ted, there you are, have you guys had a chance to go through the Tim Miller report.

Ted Kozlowski stated no.

Chairman Rogan stated okay.

Rich Williams yes.

Chairman Rogan stated you have, I know you mentioned a little bit at the work session, basically the habitat is there but no sightings of bog turtles.

Rich Williams stated the habitat is down low...

Chairman Rogan stated right, understood.

Rich Williams stated it's not up by where the building is, it's quite a distance from the building down where the stream channel runs through the center of the wetland.

Mr. Cameron stated in fact I think that might even be, I think his assessment was that actually off of our site.

Chairman Rogan stated and you had, Rob you had said that we had circulated intent awhile back on this, intent to be lead agent, correct...

Mr. Cameron stated yes, when we had done the original application, I believe you had done the circulation.

Chairman Rogan stated we spoke at the work session about circulating intent, is that because of changes...

Rich Williams stated yea, I went back and check the records afterwards and we had in 2009 circulated.

Chairman Rogan stated okay.

Board Member McNulty stated Shawn, I took a look at the bog assessment as well and their conclusion is pretty far off, not really effecting.

Chairman Rogan stated I think what we should do though on this is, Tommy and Ron, neither of you have been on this site, correct because we did the site walk awhile ago but the rest of us have, is for you gentlemen to schedule a site walk through Rich, obviously let the applicant know and maybe we can get them out to this site and Watchtower potentially at the same time because they really, they're close by, it not be able to be coordinated but we certainly can get them out here, take a look at the site and do a SEQRA determination, at least then they've seen the site, they've been to it and then just to make sure that everybody is all on the same page because it's one thing to look at plans and trust the Board's but I think they should at least have view of it, walk the site. I remember the site pretty well but I wouldn't feel comfortable doing a SEQRA determination having not ever been out there.

Mr. Cameron stated okay.

Chairman Rogan stated so why don't we try to coordinate that with Rich, I'm very comfortable with what you're proposing and I'm sure we'll be able to move forward in good speed.

Mr. Cameron stated okay.

Chairman Rogan stated anything from you gentlemen that you want to ask Rob or cover on this tonight, anything from the Board.

Board Member Taylor stated I just have a question, do you have any plans for back part of the property.

Mr. Cameron stated no, basically you can't get there.

Board Member McNulty stated it's wetlands.

Chairman Rogan stated when you walk it, you will...

Board Member Taylor stated alright, so it's going to sit is what you're saying.

Mr. Cameron stated the only developable portion is the portion, let me just take this off, take a look at that, is the portion in the front, that little dog leg, in the front there, yes, that's what this is, that's the dog leg right here, that area.

Chairman Rogan stated we had, I think Rob when we first started looking at this lot, hadn't we spoken about the idea that it might be transferred because the State owns adjacent property at the Bog Brook Unique area, is that what it borders.

Mr. Cameron stated yes.

Chairman Rogan stated or no, at some point I imagine if there is nothing, if the owner can do it, it would probably be advantageous for him to transfer it off his taxes and onto the State or somebody else, if they are willing or Putnam Land Trust or someone...

Mr. Cameron stated that's a possibility.

Chairman Rogan stated there is great connectivity between that Bog Brook Unique area.

Rich Williams stated you remember the original subdivision plat where...

Chairman Rogan stated yea.

Rich Williams stated many moons ago, there was a proposal for a 3 lot subdivision and a portion of it was going to State, that ultimately didn't work out.

Mr. Cameron stated that's fine, I really can't answer that for the...

Chairman Rogan stated no and I don't expect you too, just bringing it up as just a point of...

Board Member Taylor stated did you ask.

Mr. Cameron stated I'm sure the owner wouldn't have a problem with it but I think there are a lot of legal issues to be had in order to do that.

Board Member Taylor stated you're talking that this top piece is your piece, this piece here and this is somebody else's or you have these two together.

Mr. Cameron stated that is somebody else's, that was the original subdivision...

Board Member Taylor stated this piece.

Chairman Rogan stated right.

Mr. Cameron stated this piece was originally subdivided off, the, this portion here and all the back portion are the current 39 acres.

Board Member Taylor stated so what you have up there, is this piece up here.

Mr. Cameron stated yes.

Chairman Rogan stated and it probably only goes, he's probably only showing about this much of it, you're not showing because we had walked down to the stonewall which was the delineating point of the wetlands.

Mr. Cameron stated I think I'm only using about 400 feet of the front, four or 500 hundred feet.

Chairman Rogan stated you're probably, yea, okay.

Mr. Cameron stated did you want to set up a date for the walk or that doesn't really matter.

Chairman Rogan stated let's let these guys get their calendars together, they'll communicate with Rich and he'll reach out to you and he can set up a time that's...

Mr. Cameron stated because I could contact the owner, the last time we had mowed a path to the back, I don't know what it looks like right now.

Rich Williams stated well it couldn't possibly look any worse than where we were yesterday.

Mr. Cameron stated if I can accomplish that I will.

Chairman Rogan stated that's the fun part, yea so we'll coordinate that.

Board Member Montesano stated is this what it was supposed to say.

Chairman Rogan stated okay.

Mr. Cameron stated it's an iron deposit, it's regenerating back into the earth.

Board Member Montesano stated right there.

Mr. Cameron stated thank you.

Chairman Rogan stated thank you Rob, we appreciate your time. Rob, do you have anything else on the agenda tonight.

Mr. Cameron stated I don't think so.

Chairman Rogan stated okay, have a great evening then. Is anyone here, yes ma'am.

Unknown Speaker stated where is the site, just south of Westchester Modular.

Chairman Rogan stated no, it's north of Westchester Muodular, it's north of Dilmaghani, closer to that, is that Old Road.

Board Member McNulty stated across from Al's Barber Shop.

Chairman Rogan stated there is like an old concrete, cement building next door.

Rich Williams stated is Dilmaghani's rug place, then heading north this is a single-family residence and then there is a very large, open track of land which is actually 2 separate parcels.

Mr. Cameron stated and then what's Old Route 22.

Chairman Rogan stated yea.

Rich Williams stated Old Road is next then Ballyhack Road and then Old Route 22.

3) DOUG WALLACE – Wetlands/Watercourse Permit Application

Applicant did not appear.

Chairman Rogan stated okay, do we have anyone here for the Doug Wallace wetlands permit, okay let's discuss this then. You know what, let's get through the agenda, we'll do that towards the end.

Ted Kozlowski stated whatever you want to do.

Chairman Rogan stated good, we'll try to get Harry out of here.

4) LEVINE FILL PERMIT – Discussion

Applicant did not appear.

Chairman Rogan stated Levine Fill Permit, no one's here, we discussed it at the work session, I think everybody's got some ideas on this. You had sent a letter, I got copied on that, it was a very nicely worded, diplomatic letter, I wanted to say that, you know, you did a good job on that letter, we haven't heard back from Tim's office...

Rich Williams stated we have not.

Chairman Rogan stated but the intent on that was to send the letter to the owner of the neighboring lot, was that in Puerto Rico, what's P.R...

Rich Williams stated yea, the address was Puerto Rico.

Chairman Rogan stated Puerto Rico, advised them that there is this concern with this improperly placed fill and see if we can get some feedback.

Rich Williams stated having read the letter, you still want me to wait for Tim.

Chairman Rogan stated I mean, yea, I think we should basically get a yay or nay from Tim or some comment.

Rich Williams stated I can e-mail it to Carl too.

Chairman Rogan stated that would be great, it was only a 2 paragraph, short and sweet and it was very, it wasn't pointing the finger at anybody, it was just that we believe this might have occurred and you know basically go do your due diligence and find out if it's on your property, not on your property. Having said that we are also requiring Mr. Levine to survey his own property lines so that in and of itself will obviously prove out.

Board Member Cook stated have we heard from DEC.

Ted Kozlowski stated no.

Board Member Cook stated not at all.

Chairman Rogan stated so we're moving forward.

Board Member McNulty stated have we heard from Mr. Levine.

Rich Williams stated I talked again to Mr. Levine, Mr. Levine said that he was going across the street tonight to visit his neighbor who said that they personally knew the people that own the adjacent piece of property and are going to hopefully assist him in contacting them.

Chairman Rogan stated Ron you had sent around some thoughts and I thought that you made a lot great ones, do you want to cover any of, just some of your reasoning and get the conversation going.

Board Member Taylor stated first of all I think we need to set a timeline, I've been hearing various comments about how long it takes to get anything done or comments made tonight, I don't know if I should say this on record or not but the lawyer's office how long it takes for responses from them. I don't think we should be held up in some of this process because of some of these other things, I think we need to move forward, we need to set a timeline. I'm even willing to propose that we tell the Enforcement Officer to cite the neighboring homeowner for having illegal fill on his property, if that is necessary to wake Mr. Levine up. Rich and I went out there, I can't imagine, somebody doing this and thinking they can first of all, thinking they can get away with it and then trying to playing dumb afterwards and play like they didn't know what was going on, I mean you don't dump that much fill or that quality even the driver's would have to have known that it was illegal what they were doing. You're coming up from Westchester, you know you don't dump that kind of fill without a permit. I just, I think this is unconscionable what has happened and I don't think we should sit on it.

Chairman Rogan stated can we legally or in a legal way send a letter to Mr. Levine which states at a minimum that we want because originally we had something from, who is the...

Rich Williams stated Terri.

Chairman Rogan stated Terri Hahn.

Rich Williams stated no, yes, yes.

Chairman Rogan stated yes, Terri Hahn to move forward at a minimum Mr. Levine hiring a confident and qualified analysis firm to do soil sampling so that we can, because we are going to have to do that anyway, I believe...

Rich Williams stated I don't know that we actually ever did that.

Chairman Rogan stated I know that we haven't done it, I'm asking let's move to that step regardless of the owner, we are going to at least, I think we will get a good idea of what quality the fill is in terms of maybe you know, lead, asbestos, you know I don't know if maybe there's mercury.

Andrew Fetherston stated we owe you a letter saying what we would suggest that you test for, I owe you that.

Chairman Rogan stated okay but that I think we can at least start that process of saying from 30 days from now you hire somebody whose going to go out there, it's going to be observed by the Town Planner or the Engineer, somebody from the Town, where the soil samples are being taken from so that we can at least start the process of finding out, okay if it tests fine, now we are dealing with just an illegal issue over a property line and we are dealing with our erosion control issues, we can start to work again. We are going to need to get that information anyway, we might as well start working on it.

Board Member McNulty stated we should set a time line for Mr. Levine because it's been 2 months and he hasn't done anything.

Chairman Rogan stated I think we have to start that sampling, get it a competent company, say 30 days from date of notice or something and coordinate with the Town, I want to make sure we know we're not getting samples from some other place quiet honestly.

Board Member Cook stated Terri Hahn states in her letter that based on conversations with the Town Planner the owner requests that the Planning Board allow the fill to remain subject to the following program and gets into removing wood from the site and debris will removed et cetera, maybe we should tell her to start doing some of this stuff...

Board Member McNulty stated I think you really need to start to get a good analysis of the soil before you disturb anything.

Board Member Cook stated okay then we should tell that to Terri-Ann Hahn to move forward and get us that so that these other areas can be taken care of.

Chairman Rogan stated Rich.

Rich Williams stated there are two points I want to bring up, first it's very difficult to direct him in any general direction until we know what's going to happen to the fill on the adjacent property and it's very hard to direct him in any direction until you know whether the Planning Board is going to be comfortable leaving the fill. Any of the fill on the site and that is going to be based on testing, having said that and I'll throw this back at Carl, is it possible for the applicant to put money in an escrow account to reimburse the Town for hiring independent testing agency rather than the applicant hiring the agency.

Chairman Rogan stated that would expedite things a little, give him the option, give him a time frame and say you either by the end of this frame, either do one or the other, give him the option.

Rich Williams stated well it comes back to whether you're going to comfortable with his results.

Chairman Rogan stated well its not his results, it's a competent company and we witness the soil testing and if they are going to perjure themselves and ruin their company, that's up to them...

Board Member McNulty stated yea, it's going to be a certified testing...

Chairman Rogan stated it's got to be a...

Rich Williams stated fine.

Board Member Cook stated I mean it's months.

Carl Lodes stated (inaudible).

Rich Williams stated yea it just basically says (inaudible).

Chairman Rogan stated okay.

Board Member Cook stated it's 2 months now since Mr. Ted sent off his letter to DEC...

Chairman Rogan stated yea, we're not counting on much from them.

Board Member Cook stated we're not getting anything from them...

Chairman Rogan stated Ted said the last conversation, the gentleman said, the Regional Director or someone said they would be out there in a month, so we basically have to move forward, basically correct Ted. You know, they are short staffed and this isn't the biggest thing they have going on right now, I guess that is their summation.

Board Member Cook stated yea...

Ted Kozlowski stated just remember you run the risk that if DEC decides to declare that a major problem...

Chairman Rogan stated yea.

Ted Kozlowski stated you run the risk of tampering with stuff that they had jurisdiction over even though in 2 months...

Chairman Rogan stated well we build the record, I think that's important.

Ted Kozlowski stated right you build the record but we don't know what's there so we don't know what was put in there and we are not the experts to make that determination.

Chairman Rogan stated what is your, do you think that we are proceeding in a way that you agree with though or something differently.

Ted Kozlowski stated I would think at this point because my experience first hand with DEC and stuff like this and my experience in Westchester County is there would have been a letter from our County Attorney to them, saying look, this is out there, we're not sure what it is, we need an action.

Chairman Rogan stated you mean to DEC.

Ted Kozlowski stated yea and you know, it came from me, obviously it's being disregarded for whatever reasons, I have been told various reasons why they haven't gone out there. I think it needs to go to a higher level because I really do think that they are going to be involved, that's my gut feeling and we may do all these things to find out they want something else.

Chairman Rogan stated I think we can do both even still, I think we certainly can send a letter from legal and higher up and at the same time proceed with Mr. Levine assuming that maybe the DEC still doesn't react. I think we have to at least protect the Town's interest and the neighbor's interest in this case, so maybe we can do both.

Board Member Cook stated so from a timeline point of view that Ron keeps mentioning, if you, Carl could have a letter go out in 2 weeks, all right, certainly and what does Rich want to do...

Chairman Rogan stated he is going to do something to Levine saying that there are 2 options, either post the bond for the amount to cover, an escrow account in essence to cover the independent lab doing the work for testing or hire a lab and coordinate with the Town to observe the testing.

Board Member McNulty stated I wouldn't give him an or though, I would give him 30 days to produce test results or you will have to establish some kind of escrow account because then we have to move forward.

Rich Williams stated all right, to do that I need to get Andrew's recommendations on what should be tested.

Chairman Rogan stated absolutely.

Rich Williams stated the Board is okay with me just proceeding without the Board reviewing the parameters of the testing.

Chairman Rogan stated I'm fine with what, I'm going to trust what Andrew comes up with.

Ted Kozlowski stated can I ask a question, has the County Health Department been appraised of this...

Chairman Rogan stated I have no idea.

Ted Kozlowski stated because the situation, with my experience in Westchester County, the County Health Department is told and they usually have parameters set for what needs to be testing.

Chairman Rogan stated part of this testing, should be testing the gentleman's well water because the well is right next to this for, you know chemical analysis or something and they can certainly, Andrew can certainly know the tests that would be required there but individual homeowners' wells we don't have, this isn't a recognized DEC spill number, we are not dealing with those same parameters.

Ted Kozlowski stated I'm just saying that generally you've got deposits there of major quantities...

Chairman Rogan stated well why don't we, not to cut you off...

Ted Kozlowski stated that we know, that we were told by the applicant was from a demolition of Rye Country Day School at least part of that material is there, that tells you it was a building was up for a long time and is taken down, it could be lead, it could be asbestos, it could be stuff that you are not going to visible see when you're walking around.

Andrew Fetherston stated I have a suggestion if you want, I could coordinate with Health Department, do you have any parameters, I could tell them about it if you want...

Chairman Rogan stated sure.

Andrew Fetherston stated I can tell them what the issue is and ask them if they have any testing parameters because we're going to come up with some, do you want to see our testing parameters.

Chairman Rogan stated I'm sure they'll say yes.

Ted Kozlowski stated and generally the Health Department is there to witness the test because if you are leaving it up to an individual...

Andrew Fetherston stated I'll ask them also, that...

Ted Kozlowski stated they can just do whatever they want.

Chairman Rogan stated sure.

Ted Kozlowski stated they usually need to get a witness.

Board Member McNulty stated it might include the history that we reached out to DEC too.

Andrew Fetherston stated yes.

Chairman Rogan stated go ahead Mike.

Board Member Montesano stated Carl, are we in any way stepping on legal toes by doing this, if we went to the individual owners of the property that we'd like to test their wells, can we ask them would you like your well tested rather than walking in there saying it's Levine's, I don't know how far we're going with this where we are going to have DEC coming back and nailing us on one thing which I'm sure if they suddenly wake up in 2 or 3 years they might but what I'm asking is basically if we get the land owner's surrounding him and we want to test their wells. If we ask their permission and they give it, it doesn't necessarily have to involved Mr. Levine, we are doing this as a precaution, rather than to possibly creating a panic and I don't know where we're going and what liability the Town is going to incur if DEC suddenly wakes up to the fact that this is something they are going to look into and we've already hit the core samples and gone in there and disturbed this stuff and they come in with one of their tap dance routines of oh you overstepped and what else have you...

Chairman Rogan stated let first Carl and then...

Carl Lodes stated would it be better having a letter go to the DEC, give them a short deadline, they are the ones who have the primary jurisdiction here, it would be better to have a letter from legal saying this is what's occurred and unless you do something within the next 10 days we are going to take further action

which is not inconsistent with your jurisdiction but it protects the interest of the Town. Absolutely give them and I'll be quite honest with you, I'm not familiar with that but if Ted says that's their primary jurisdiction that's (inaudible).

Ted Kozlowski stated look, I spoke with someone in DEC, okay, a letter, obviously they are disregarding someone in my, you know, me, I'm not high enough on the totem pole, I was told a letter from the Town Supervisor or the Town Attorney to the Regional Director...

(Side 1 Ended – 8:26 p.m.)

The Secretary stated go ahead.

Ted Kozlowski stated thank you, letter from Town Attorney or the Town Supervisor to the Regional Director, CC'ing the Commissioner of DEC will get a quick response and I was told that by an investigator from DEC and that is really where it should go because you're going to get the guidance at that point. Either the DEC is going to say not our concern...

Chairman Rogan stated right or they going...

Ted Kozlowski stated then you go to the next step. I don't know about Putnam County but in Westchester County, the County Health Department is also notified, they also have the wherewithal to make an investigation, I don't know if Putnam has the same...

Board Member Cook stated so how about Carl you do the letter, send a copy to the Commissioner of the Health Department so they start getting in the loop...

Chairman Rogan stated DEC.

Carl Lodes stated no he's saying CC the Health Department.

Board Member McNulty stated he'll copy the DEC.

Chairman Rogan stated you mean CC the Commissioner of the Health Department so the Health Department is put on notice as well.

Board Member Cook stated let Andrew do his thing parallel to this so Rich can do his thing, let's move so we can discuss next time and have some action because we're waiting for DEC and yea...

Chairman Rogan stated yea (inaudible).

Board Member Cook stated this has gone on now for...

Chairman Rogan stated 2 months.

Board Member Taylor stated so Carl, what do you think is a reasonable time to give DEC, you said 10 days, is that legally (inaudible) of time.

Chairman Rogan stated at least a response.

Carl Lodes stated it's not legal, I think 10 days is a reasonable response.

Chairman Rogan stated they should just send somebody out, do a visual inspection.

Ted Kozlowski stated send an ENCON officer tomorrow.

Board Member Taylor stated so when can you get that letter out.

Carl Lodes stated I don't see why it can't go out Tuesday, I'll talk to Tim's (inaudible) I'll just talk to him.

Board Member Taylor stated ten days from Tuesday is what.

Carl Lodes stated the 17th, I think.

Board Member Cook stated as long as we have it for the work session.

Chairman Rogan stated we should know then by the work session whether or DEC is doing something.

Board Member Taylor stated and at the same time we can get and your going to take care of Health Department also...

Andrew Fetherston stated I'll see if they have...

Board Member Taylor stated so they get double notice.

Andrew Fetherston stated I'll see if they have testing constraints for a dump site.

Chairman Rogan stated Carl's letter can be CC'd to the Commissioner of Health and that will be notification as well.

Board Member Taylor stated and then are we going to proceed with Rich saying you've got so many days.

Chairman Rogan stated yes, I think so, yea because then at least then we are working towards if, it can be null and void if the DEC jumps in and takes over or something.

Rich Williams stated the last part of this is I will go to the Town Board because the Town Board is going to establish an escrow account...

Chairman Rogan stated they should know what's going on.

Rich Williams stated they are the only ones who can do that.

Chairman Rogan stated okay and Mike you mentioned about the neighboring wells, I would imagine that we are going to start with I mean reasonably, you would start with closest to the source test his well, test the soil, if they both come back non-detect for any of this stuff, it's going to be a moot point for the neighbors.

Board Member Montesano stated let's put it this way, right now everything is dormant, it's not been aside from rain, it's been laying there...

Chairman Rogan stated right.

Board Member Montesano stated but if we go in and start moving it around for testing or DEC came in and tested it, so if we tested the wells, let's say tomorrow and after they do their thing if they don't take over and proceed then there might be reason for a second test.

Chairman Rogan stated if the soil indicates contamination, it's not going to be one test on wells, it's going to be monitoring over the course of maybe several years because you don't know how that stuff travels, so that, like you said probably for Health Department to weigh in on and that will be...

Rich Williams stated really Mike your concern is air quality, you start moving it, air quality is going to be the issue not ground water.

Chairman Rogan stated okay.

Board Member Taylor stated so can we put a, can we get a timeframe on these, Rich the timeframe for you...

Chairman Rogan stated you've got 30 days on that.

Board Member Taylor stated you're going to give him 30 days to...

Rich Williams stated I'm going to give him 30 days to make a decision to get back to the Board depending on when I get a response from Andrew and I've got to wait for the Town Board next week because...

Board Member Taylor stated so we're talking about 30 days from when, just trying to get...

Chairman Rogan stated from the date of the letter, the date of the letter.

Rich Williams stated Town Board is the 8th, if I get an answer from Andrew and an answer from the Town Board, both positive, it will go out the 9th, that will be October 9th will be 30 days.

Board Member Taylor stated and where does that put us for the next...

Chairman Rogan stated it will be after the next meeting but at least it will be in process and at that time at least we'll a little more.

Board Member McNulty stated you're going to give him 30 days to retain a testing lab.

Chairman Rogan stated or set up the escrow.

Board Member McNulty stated or set up an escrow.

Rich Williams stated we'll identify a testing to do the parameters and to give us a schedule for when the tests are going to be completed within a very short timeframe.

Chairman Rogan stated yea, labs are easy, those labs are pretty simple to come by, they are all the approved labs, they all test soil.

Rich Williams stated yea I know, (inaudible) so it's not a big deal.

Board Member Taylor stated all right so if we set that timeframe so that we can have results by the November meeting then, can we do that.

Rich Williams stated yes.

Board Member McNulty stated by the October work session.

Rich Williams stated that's even better.

Chairman Rogan stated yea.

Board Member Taylor stated but we're not going to make it for the October though...

Board Member McNulty stated the work session, the end of October.

Chairman Rogan stated it's earlier then the...

Board Member Taylor stated oh right, the work session before, for the October work session then, Rich, can we do that, that would be nice.

Chairman Rogan stated okay great.

Board Member Taylor stated do we need resolutions on this or can we just, is this...

Board Member Montesano stated the Chairman has already gave the word.

Board Member Taylor stated okay I didn't want to (inaudible).

Chairman Rogan stated I appreciate you asking because sometimes we need a reminder as well.

Board Member McNulty stated it saves me from asking Ron.

Board Member Taylor stated okay.

Chairman Rogan stated Tom likes that he's not the new kid anymore, okay.

5) MEADOWBROOK FARMS – Wetlands/Watercourse Permit Application

Mr. Harry Nichols was present.

Chairman Rogan stated Meadowbrook Farms.

Board Member Montesano stated I am recused.

Chairman Rogan stated okay, Michelle please note the record, thank you.

Board Member Taylor stated are we supposed to be discussing this.

Chairman Rogan stated yea we are, we're allowed, we're just not allowed to make decisions, correct.

Board Member Taylor stated oh okay.

Rich Williams stated correct.

Chairman Rogan stated we have a memo from our engineering liaison here, that gives bond calcs.

Board Member Taylor stated do we have the corresponding calcs from Nichols, he says despite...

Board Member McNulty stated yes.

Board Member Taylor stated what does he say, regarding the bond estimate provided, we have check the quantities, it's, does he disagree, is that the remark.

Rich Williams stated listen (inaudible).

Chairman Rogan stated he's added to things that he believes that maybe Harry just didn't show.

Board Member Taylor stated okay but he's not disagreeing with the calculations as far as they were presented.

Andrew Fetherston stated there are some discrepancies, there are some minor discrepancies.

Board Member Taylor stated minor.

Andrew Fetherston stated I did add a number of items that all told I believe the difference is around two hundred thousand dollars...

Board Member Taylor stated okay.

Chairman Rogan stated wow.

Andrew Fetherston stated it's not...

Board Member Taylor stated but you added.

Andrew Fetherston stated I did add some on to it.

Board Member Taylor stated that's what I wasn't clear with, with what you saying you added.

Chairman Rogan stated how are you Harry.

Mr. Nichols stated very good, thank you.

Chairman Rogan stated so where are we at with other than bond calcs with Meadowbrook.

Mr. Nichols stated well I responded to the open items, I had a chance to review my letter, do a check on which items have been or have not been incorporated into the documents. There was a lot of that Rich sent to the Town Attorney plus with references back to Stantec's review memos. I tried to cover all those and pick up the loose ends.

Chairman Rogan stated okay.

Rich Williams stated to be honest with you, it's been so long, I remember the memo, I remember looking at it, I don't remember whether all the items were addressed or not...

Chairman Rogan stated okay.

Rich Williams stated because we've been on placed in a holding pattern for so long on this...

Chairman Rogan stated right, so really at this point we have some bond calcs, we have some adjustments to the plan. We need to go back and take a look at those and we are kind of in limbo in all this to some extent until we have the clear order, the final order from the courts.

Rich Williams stated I thought we were in pretty good shape over all because we were getting ready to issue the wetlands permit...

Chairman Rogan stated right.

Rich Williams stated as directed by the court and that was the other half of it, the court had directed us at one point, we had to issue the permit, end of discussion.

Board Member Cook stated Harry are you agreement with Andrew's bond calculations.

Mr. Nichols stated I haven't seen them yet.

Board Member Cook stated okay.

Mr. Nichols stated but I'm sure that they are, this is typically of an engineer representing a developer and another engineer reviewing it in the interest of the Town...

Chairman Rogan stated fair enough.

Mr. Nichols stated I may be using today's prices and he's looking ahead to say when are you really going to do the work and this is typical, it's a, one or two times back and forth and that usually settles it.

Chairman Rogan stated okay, great.

Board Member Cook stated so the ball is in your court.

Mr. Nichols stated so if I could get a cope of the recommendations or the comments.

Chairman Rogan stated that's the bond calcs.

The Secretary stated whatever you gave to me, I gave to Harry when he walked in the room, so Harry does it, I gave it to him this evening.

Mr. Nichols stated I got the one on Field and Forest.

The Secretary stated what I had was what you got.

Rich Williams stated all right.

Chairman Rogan stated I just gave him the one I printed off the computer.

Mr. Nichols stated okay.

Rich Williams stated yea, no.

Chairman Rogan stated yea we didn't get, I printed that off the computer.

Board Member McNulty stated yea I saw it come today in the e-mail.

The Secretary stated I actually did not have any memos tonight.

Chairman Rogan stated that's fine.

Rich Williams stated sorry, my fault.

Chairman Rogan stated it's all right, no big deal. I gave it to him, we don't need it.

Rich Williams stated I'll go get it.

Andrew Fetherston stated there was one other thing, there was one other thing regarding the Board, the dedication of the road and the condition of the curbing that's put there. We did an inspection, I walked it with Harry and I had my inspector look at it also, he was a DOT guy for 30 years, we found the road condition in pretty good shape, needs some repairs, some cracks around some the drain structures and what not, the curbing however was not in as good of shape, it had been cracked in many, many locations, impacted by plows, it was asphalt curbing and in the interest in the Town taking it over, I did not want them to take over a roadway or curbing that was in poor condition. I suggested in my letter that we go out with the applicant, probably somebody from the Highway Department and walk it, mark it off to be replaced or can remain, there are quite a few spots that it's cracked, I'm questioning what's going to remain.

Mr. Nichols stated that was responded in my letter to the Board indicating that we would like to have a representative of the applicant out there at the same time...

Chairman Rogan stated sure.

Andrew Fetherston stated right.

Mr. Nichols stated to walk it, paint it out, do it and get it done.

Chairman Rogan stated whatever it is, it is.

Andrew Fetherston stated okay.

Chairman Rogan stated I think that's a great idea, at least again we can work towards knowing exactly what we have to do at the end of the day.

Andrew Fetherston stated that was one dollar figure that I left as being to be determined.

Chairman Rogan stated sure, okay. You want to stay right up here for Field and Forest...

6) BONIELLO SITE PLAN – Sign Application

Applicant did not appear.

Chairman Rogan stated we have anybody here for Boniello Site Plan.

The Secretary stated no, they are not coming.

Chairman Rogan stated I didn't think so, okay.

The Secretary stated they asked to be put on the next agenda.

Mr. Nichols stated is there anything else on Meadowbrook, you mentioned the dedication, and again my re-submittal letter, I've gone through all of those items and the applicant has agreed with the Town that yes it will be built to Town standards, it will be dedicated.

Chairman Rogan stated okay.

Mr. Nichols stated the question I had in there was do you want the easement work computed now or do you want it computed after the utilities are in to make sure that the easement aligns with the center line of what's in place, that was the only comment I had on that.

Chairman Rogan stated any thoughts.

Mr. Nichols stated or can we do it with a blanket easement.

Andrew Fetherston stated (inaudible) just a blanket easement, what's your thoughts on a blanket easement, it would cover all, yea...

Mr. Nichols stated yea just so you don't miss one here, one there.

Andrew Fetherston stated regardless of where it was finally placed...

Rich Williams stated what are we doing a blanket easement on.

Andrew Fetherston stated utilities...

Mr. Nichols stated utilities, the roadway that the applicant would have to get to when the road is dedicated in order to maintain the sewer system, the water system. The drainage I assume would be part of a drainage district, would belong to them, is that the idea, okay and then it would some easements on private property or the property of Meadowbrook Farms that would not be dedicated to the Town but the Town might have some interest at certain utilities, drain pipes from the detention ponds and things like that.

Rich Williams stated the only thing I would suggest is that the language in the easement be very specific so that it covers the existing utilities and not the potential for any new utilities without (inaudible) consent of the easement holder with the Town.

Andrew Fetherston stated the applicant can work the blanket easement with the attorney.

Carl Lodes stated yea, it can be done (inaudible).

Chairman Rogan stated okay great.

Mr. Nichols stated okay.

Chairman Rogan stated stay right there.

Rich Williams stated (inaudible).

7) OTHER BUSINESS

b. Field and Forest Apartments

Mr. Harry Nichols was present.

Chairman Rogan stated Field and Forest.

Mr. Nichols stated let me, switch plans.

Chairman Rogan stated sure, if you need to. Michelle please, the record for Mike returning. Harry is putting a plan up.

Mr. Nichols stated I have Andrew's comment letter that's coming along really, the patch has been put in out there...

Andrew Fetherston stated okay.

Mr. Nichols stated they patched it, I think it was last week. The island to be landscaped, the grass is growing great...

Andrew Fetherston stated we saw that.

Board Member Taylor stated parking spaces.

Mr. Nichols stated parking spaces, there are 3 extra spaces out there, above and beyond what was required on the plan and it is in the area where those 3 are where we lose depth to the parking stalls and that's in an area where it's only parking on side of the road so it's not opposing parking spaces that would, could back out into each other so I think Andrew very eloquently explained it in here as being in an area of low traffic volume and if those spaces are being visitor spaces and the little triangle I suggested be striped out, sort of more the vehicles over and adjust the length of the spaces on the first few stalls, I believe that would solve whatever visual problems that are out there. To go in there now and move the curb back further, there is a water tank in there that would require us to make a one day supply of water, feed to the water system, it's certainly going to create a lot of disturbance in that area.

Chairman Rogan stated from I remember Andrew agreed with, when we talked at the work session, agreed with the striping issue that you had mentioned, the triangle that it would visually direct away from those cars.

Mr. Nichols stated yea and the visual thing to stripe zone, which would leave the stripes 20 feet long, sticking 5 feet out into the road at that location.

Board Member McNulty stated we talked about possibly compact cars only, a sign for that.

Chairman Rogan stated I think...

Mr. Nichols stated well if you park a normal size truck, you can overhang the curb because there are no, there are no obstacles directly behind the curb. The land goes a few feet before it rises where the tank has been buried, so I think it's unfortunate that he happen to have the big vehicle with him that day but...

Chairman Rogan stated he said he had his little Hyundai out there.

Mr. Nichols stated if he had a Volkswagen bug with him, it would have been fine.

Chairman Rogan stated and if my truck had been out there, I would have told you to cut the curb and kick it back.

Mr. Nichols stated there you go.

Chairman Rogan stated and there is no sidewalk or anything Harry at, you said they can overhang the curb...

Mr. Nichols state dyes.

Chairman Rogan stated in other words if the front vehicle, if it comes in, they can put the wheels up against the curb basically.

Mr. Nichols stated right against the curb, there's no sidewalk there.

Chairman Rogan stated so that gains a little bit of room.

Mr. Nichols stated you're only talking a very short distant, these 3 spaces are really impacted by it, the 4th space might be 19 feet instead of 20 [feet] but again at that location they can pull the front of car hang it over the car.

Board Member Montesano stated is that for Yugo spaces only.

Chairman Rogan stated I think some mentioned the idea of making the first 3 spaces marked as visitor spaces since they are, everybody kind of seemed to like that, why don't we do that, so they are used less at least than the spaces that people have a sense of ownership to them, you know because they are not, you know, you have enough spaces.

Mr. Nichols stated we don't know if we have enough but I mean there is an area...

Chairman Rogan stated we'll find out.

Board Member Montesano stated you have enough.

Mr. Nichols stated where the well is opposite building 4, there is an area behind the parking, it's a level area and it could be used for overflow parking...

Chairman Rogan stated behind the well.

Mr. Nichols stated I know people have boats and they are allowed to keep them on the property or not, that would be the ideal place for it.

Chairman Rogan stated okay, what's the next issue.

Board Member Cook stated what about the ever popular dumpster.

Mr. Nichols stated doors on the dumpsters.

Chairman Rogan stated it sounds like you're going to have to put some stanchions in there and put in some swing gates or something.

Mr. Nichols stated you know, let me just tell you a little story here.

Chairman Rogan stated sure.

Mr. Nichols stated my client had, the garbage pick up is done by the Town of Patterson, when my client had the garbage company out there to show them the alignment and the arrangements for it, people that are there instructed they said they don't want doors.

Chairman Rogan stated I'm sure they don't.

Mr. Nichols stated because whose going to move around.

Chairman Rogan stated they don't like to open them, yup.

Board Member Cook stated they open them. They do it at least at one townhouse development.

Chairman Rogan stated they do it at his place, they may not want to...

Board Member Cook stated and those have locks on them Harry.

Mr. Nichols stated what's that.

Board Member Cook stated and they have locks on them and they open them.

Mr. Nichols stated they weren't very much in favor of having additional doors.

Chairman Rogan stated sure but we can talk to the Town of Patterson, inside of things and tell them that you know, they're going to have to get out of their vehicle and open the doors, it's part of their job.

Board Member Montesano stated when they rent the apartments for an additional amount, maybe they can give them a little door opener, like a garage door opener and they can all feel happy that they don't have to open the door.

Chairman Rogan stated not to, that was a cute idea but someone mentioned, I think you did the gates or something that would be on rollers...

Board Member Montesano stated yea.

Chairman Rogan stated where instead of opening them outward, they open sideways.

Board Member Montesano stated to the side.

Chairman Rogan stated you know how you have those gates top and bottom, you could make them from the center roll outward or something so that they...

Mr. Nichols stated you're going to have, you have to have 10 or 12 feet on either side of the larger one, if you wanted to accommodate it opening up...

Chairman Rogan stated we don't though.

Board Member Montesano stated (inaudible).

Chairman Rogan stated it looked like you had at least that.

Mr. Nichols stated I don't think it would clear, especially it would certainly extend out into the roadway.

Chairman Rogan stated oh.

Board Member Montesano stated why make them so that they have section like sliding doors, it opens here and then it opens there.

Andrew Fetherston stated we did speak about when you open the doors, you're not only blocked by the doors opening but your blocked by the mass of the garbage truck that's there in the center of the road at that particular location by three building cluster...

Chairman Rogan stated are we saying that we blew the design on this one and we didn't account for the size of the truck.

Andrew Fetherston stated no, I'm not saying certainly.

Chairman Rogan stated that we you know, have to do better in the future at all of our commercial site.

Rich Williams stated quite the contrary what he's saying is the doors being out in the drive aisle, don't matter.

Andrew Fetherston stated they don't matter.

Board Member McNulty stated they don't matter because the truck is in the way.

Chairman Rogan stated the truck is in the way, fair enough, thank you for clarifying that.

Andrew Fetherston stated you certainly did not blow the design.

Chairman Rogan stated thank you, appreciate it.

Board Member Montesano stated see that Harry with all that engineering.

Chairman Rogan stated come up with, I think what the Board is directing you to do is come up with a solution and put some gates on these things, however you come up with it. Come back and let us know, all right.

Mr. Nichols stated another comment was that the fronts of these containers is sloping out into the roadway, well these are the containers that they provide.

Chairman Rogan stated I understand.

Mr. Nichols stated we really don't have an opportunity to...

Chairman Rogan stated we talked about that though, aren't we going to get those switched out, didn't we talk about getting the dumpsters switched to what's appropriate for the site.

Rich Williams stated yes.

Chairman rogan stated so we can take care of that.

Board Member McNulty stated the question is will these dumpsters get larger as more occupancy...

Mr. Nichols stated well I'm surprised they've only got 2 in this rather large dumpster enclosure, it's over 20 foot in width and they have 2 containers setting in there and it looks like if you really pushed them in there you could get another 2 inside of it.

Chairman Rogan stated Rich when we do these site plans...

Board Member Montesano stated you're supposed to recycle Harry.

Chairman Rogan stated when we do these site plans, how do we spec out the dumpster enclosure size, is it based on an occupancy, so many square foot of dumpster space, so this ended up being the size it is because...

Mr. Nichols stated well they had asked...

Chairman Rogan stated because Harry drew it that way.

Rich Williams stated yea, basically.

Mr. Nichols stated well we didn't draw it that big.

Chairman Rogan stated well no but they built it that big.

Mr. Nichols stated my understanding, the reason that it got as big as it did is they asked that it be made big enough to put an extra dumpster in there.

Chairman Rogan stated then they have to figure out how to do the doors.

Mr. Nichols stated with no thought to the doors.

Chairman Rogan stated its an honest mistake, nobody is pointing anything...

Board Member McNulty stated we had mentioned maybe a center divider between the dumpsters and just have a pair of gates for each dumpster or a single rolling gate that is smaller in size for each half.

Mr. Nichols stated the trouble with a rolling gate, you mean the one that swings out, a swing gate or just a slide gate.

Chairman Rogan stated whichever one you want.

Board Member McNulty stated a slide gate or a swing gate, a slide gate if it was half the distance, would it interfere with anything.

Mr. Nichols stated well the (inaudible) probably have is you'd have to plain right across the front and extending out...

Board Member McNulty stated well you have to build an additional frame to accept it.

Andrew Fetherston stated I think a slide would work if you went towards the, what is that building number 3, you wouldn't be going out into the road but you'd being going on to the lawn.

Board Member Montesano stated how about this Harry, you get a set of garage doors that go up and then build a frame accordingly...

Board Member McNulty stated (inaudible).

Board Member Montesano stated we have so many problems.

Andrew Fetherston stated they hoist the garbage dumpster up.

Board Member Montesano stated that's all right, push the door back.

Mr. Nichols stated it has to be something, we have to accommodate the people to get rid of their garbage on a weekly basis also, don't make it so difficult they start chucking it over.

Chairman Rogan stated and Charlie how do you do that at your place.

Board Member Cook stated we have a separate entry way for the people to walk in...

Board Member McNulty stated a gate.

Board Member Cook stated no, it's an opening.

Board Member McNulty stated an opening, a man opening.

Mr. Nichols stated now what...

Board Member Cook stated coming around one of the side has like a cut out doorway if you will, if you go in there. Opposite that where the main driveway is, that's where the gates open up and they take out the dumpsters and they attach them to the truck and do their thing and put the dumpsters back in.

Mr. Nichols stated well people have to also, they have to be able to get around the first dumpster to fill a second dumpster.

Board Member McNulty stated you can have an opening on each end, there is plenty of big enough space.

Mr. Nichols stated another thing that you should consider that has been my experience that when you put doors on these things, it encourages people to chuck it in there and maintenance of the inside of these enclosures is usually overlook until something is done to make the person go in there and clean it up.

Board Member Cook stated it is an ongoing maintenance problem for many reasons, any dumpster area but if you take and have, what I'm talking about a cut out doorway where people would walk in. You have the doors and then on another side have a cut out doorway so they can go in and put their garbage in, then you don't, nobody's throwing garbage over or anything else. Let them open the doors, slide the doors, take the dumpsters and go, it works.

Rich Williams stated just a recap, you, the Board's direction is you either want appropriate containers within the dumpsters and doors on the front, or Mr. Nichols to resubmit a design for a modified dumpster that also has doors on the front if they want to keep the existing containers.

Chairman Rogan stated well no, the containers I thought we were going to swap out, he was saying the...

Mr. Nichols stated does the Town, do they have different containers.

Chairman Rogan stated somebody at the work session said they do, who was talking about that...

Rich Williams stated they certainly have different containers here.

Chairman Rogan stated yea, that part I think we can have them swapped out.

Mr. Nichols stated okay.

Rich Williams stated if there is a reason to have a larger container with no top on it, I can't imagine there is.

Andrew Fetherston stated how many, can I ask how many residents are using that large one, how many units use that large one.

Mr. Nichols stated 3, basically 3 buildings. The 2 existing buildings plus building 3.

Andrew Fetherston stated how many units is that Harry.

Mr. Nichols stated that's a total of 42, take away 12, 30.

Andrew Fetherston stated I think the size that is, I think you would eliminate the garbage being a mess problem if everybody had their own can, now I don't know if Patterson would pick that up.

Rich Williams stated that ain't going to happen.

Andrew Fetherston stated one can for each.

Board Member Montesano stated you want to have them picket your house.

Andrew Fetherston stated what's that.

Board Member Montesano stated want to have them picketing your house.

Chairman Rogan stated let's move on, as built that was simple thing, that looks like, correct me if I'm wrong Andrew, it looks like we covered the issues, the other ones we already resolved, the triangular painted island we're going to do.

Board Member McNulty stated how long will it take to get those items done and get the dates on them because we are 2 months behind the deadline now to get this stuff done.

Mr. Nichols stated I'll see the owner, hopefully he's around tomorrow, I don't know, a lot of people are not going to be around tomorrow.

Chairman Rogan stated just remind, you're talking about Jay.

Mr. Nichols stated no I'm talking about Joe.

Chairman Rogan stated Joe Reilly. Just, there were a number of people who expressed concern at the work session that we, the Town was promised that June 24th this would all be resolved, let's set up this bond, let's do it this way a lot of people were saying let's set up this bond, let's do it this way, a lot people were saying let's call the bond, a lot people believe strongly that that's what should be done. We are looking at, you know the cash bond is in place to make sure that the work gets done properly and it's incentive,

nobody wants to go pulling bond or anything like that, tell him, let's get this stuff wrapped up. I'm not holding you accountable Harry but you have to jump on this stuff and get it done and don't promise something you can't deliver on because that's worse. I'd rather they said look, it's going to be August and then get it done by August but...

Mr. Nichols stated well I will get back to you with an answer, now everything except the doors are something that can't be clarified right away, the dimensions on the weirs, the parking striping, I guess we did resolve that tonight...

Chairman Rogan stated we did, visitor signs on the first three.

Mr. Nichols stated yup.

Board Member McNulty stated shorten the spaces.

Mr. Nichols stated shorten the stripes.

Andrew Fetherston stated you want the gore also.

Chairman Rogan stated yea, exactly.

Mr. Nichols stated (inaudible).

Chairman Rogan stated yup.

Andrew Fetherston stated you are going to submit something for the doors.

Mr. Nichols stated I'm going to come up with something yes. It's going to have to be done, just to go out there and build a door of that magnitude, I know what's going to happen, it's going to work for a week and then after that it's going to be a struggle.

Chairman Rogan stated you might have to put either a center stanchion or maybe even 2 stanchions and split it into 3 doors, I don't know.

Mr. Nichols stated well I think if you split it into 2, these trucks are pretty big.

Chairman Rogan stated right.

Mr. Nichols stated I don't know how we are going to jockey another dumpster inside of it, if they can come up with 2 large ones, square...

Chairman Rogan stated right.

Mr. Nichols stated that would serve the situation much better than having these 3 small ones that have sloping walls that go to the rear and the front, you get more capacity in there.

Board Member McNulty stated who would oversee that, Rich is that something you'd call or Harry do you contact the garbage district.

Mr. Nichols stated well who provide, Shawn, who would be the one to decide that they were going to outfit with new dumpsters, whose decision would that be.

Chairman Rogan stated outfit it with new dumpsters, well if the dumpsters don't work for the enclosure with doors. We talked at the work session, we'll reach out to the Town, Rich said I believe, not to throw you under the bus, but I think he said you can reach out to the recycling program and tell them that we need a different style dumpster put there and have them swapped out.

Rich Williams stated or at least get some inside as to why they've got what they've got there...

Chairman Rogan stated right, it could have been a 3 (inaudible).

Rich Williams stated well yea it could be or if they feel that a larger enclosure is needed because of the volume of garbage that is going to be generated well then we are going to have to talk about that.

Chairman Rogan stated yea.

Mr. Nichols stated we could get 2 of the larger ones, that has the capacity of 2 large ones and you could, that way there if you put a center post in, you'll only have to pull in once and then twice to unload them. You don't have to jockey them around behind the post.

Chairman Rogan stated right.

Board Member Taylor stated can you work with this out with the Planning Department and the Town Engineer here instead of us going over this over and over again.

Chairman Rogan stated that would be great.

Mr. Nichols stated well I'm just looking for direction on whose going to make the decision, whose going to tell who...

Board Member Taylor stated we pointed fingers at him.

Rich Williams stated I'm going back to the Supervisor and the man in charge of the recycling center and we are going to have a conversation about dumpsters.

Mr. Nichols stated oaky good.

Chairman Rogan stated great.

Rich Williams stated one last thing.

Mr. Nichols stated yup.

Rich Williams stated can I assume that the letter that I was directed write to the applicant is on hold.

Chairman Rogan stated refresh my memory Rich, please.

Rich Williams stated you had asked me to write a letter which I was waiting until after this meeting tonight, you asked me to write a letter to the property owner saying you have 30 days or we are pulling to bond.

Chairman Rogan stated well I think we, we still want to affirm the intent that we got, we want to wrap this up, we are getting a bit ridiculous and I'm not pointing the finger at you Harry. I'm just trying to get you to translate a message and to that end we had directed Rich to write that letter because everybody was getting pretty frustrated with this. So, somehow we need to get that intent across.

Board Member Taylor stated I have a resolution that I want to propose tonight, let's see whether this floats or not. In the case of Field and Forest Apartments, whereas in order to alleviate financial distress of the owner, the Planning Board supported the issuance of a, was it TCO or C of O...

Rich Williams stated Certificate of Occupancy.

Board Member Taylor stated a C of O prior to the completion of all site work, whereas in exchange the owner, 1. posted a cash bond to ensure that site work would be completed and whereas 2. the owner agreed to complete the site work by June 24, 2010 and whereas the owner on or before June 24th, submitted an incomplete and incomplete as built site plan and whereas in the more than 2 months since June 24th the owner has still failed to complete the site work and whereas the winter season is rapidly approaching during which time some of the site work will be difficult to complete, therefore be resolved that the Planning Board recommend to the Town Board that the Town Board call the cash bond and that they initiate the process and arrange to have the site work completed by an independent contractor which expenses are to be paid out of the cash bond. I think we should throw it back to the Town Board, it's going to take a while to process this, yea...

Rich Williams stated just one quick interjection, I'm not sure if it's a case bond or a letter of credit, I think it might be a letter of credit.

Chairman Rogan stated letter of credit.

Board Member Taylor stated letter of credit okay, I think it's time to stop fooling around and giving them time, this is all going to take a while to bring this action about, I think it's time to say we've had it, it's time to move on this or...

Mr. Nichols stated well we are moving on it...

Board Member Taylor stated everything was supposed to be done by June 24th.

Mr. Nichols stated okay, I understand what you're saying but what I'm saying is tonight we just resolved nine tenths of the problems, the striping will be striped out, the as built plan will be completed, the big item is going to be getting doors for the dumpster enclosures which we do need to have the assurance of the size dumpsters we're going to have which we'll need input on...

Chairman Rogan stated you don't need that though to have the doors put on.

Mr. Nichols stated oh yea, it's going to make a difference on the design. If they are going to give us 3 small one, we may have to put in 2 posts...

Chairman Rogan stated yea but I think Rich can get you answer tomorrow.

Mr. Nichols stated but that's a minor thing, those can go on the small one that can be done...

Chairman Rogan stated no, I understand.

Mr. Nichols stated but as soon as we get the information from Rich, we'll move on that.

Board Member McNulty stated Harry this says the landscaping...

Chairman Rogan stated so Harry do you feel confident that you can get this done by our next Planning Board meeting.

Mr. Nichols stated yes.

Chairman Rogan stated willing to put your name on the line.

Mr. Nichols stated ummm my life.

Chairman Rogan stated no, not your life, I wouldn't ask you for that, just your good name, your wife's good name.

Mr. Nichols stated I'm going to go back and take the owner aside and have a good talk with him.

Board Member Cook stated well I think that you've heard the intent...

Mr. Nichols stated yes, no I hear what you're suggesting but I'm just asking if you can hold a while, I think we are trying to have a, maintain a good relationship.

Chairman Rogan stated absolutely we always have tried to do that.

Mr. Nichols stated and certainly we don't want to have to get into something that is unnecessary when we will get it done and we will get it done expeditiously.

Board Member Cook stated I like Ron's thoughts on it and I will just say let wait until next meeting...

Board Member Taylor stated table it for 30 days.

Chairman Rogan stated fair enough.

Board Member Cook stated give him the 30 days to do it, I think Ron you're right in that things were not done by June 24th and you're right that we are all frustrated by that and I think that has been a lot of discussion at the meetings, these last couple of months and that now is time to, no more words and we let these guys do their thing and if they don't do their thing by next meeting, I will...

Chairman Rogan stated you will second the motion.

Board Member Cook stated I will second the motion.

Chairman Rogan stated okay, let's move on.

Mr. Nichols stated I will vote in favor.

Board Member Cook stated okay.

Chairman Rogan stated fair enough, thank you Harry, we appreciate your time, thanks.

Board Member Taylor stated I'm sorry to do that I just...

Chairman Rogan stated no, no, don't be sorry, that's a direction that needs to be discussed, don't ever apologize for something that's well worth it.

Board Member Cook stated you know Ron we had, we discussed, right at the work session last week, he wasn't around, so now he knows right up front so, we're good.

3) DOUG WALLACE – Wetlands/Watercourse Permit Application

Applicant did not appear.

Chairman Rogan stated okay, let's jump back to Mr. Wallace's wetland/watercourse permit application, we have an incomplete application and we have an issue of deciding what the application fee should be changed to Mr. Wallace which is not our purview but something that Ted...

Board Member Taylor stated you have a calculation Ted.

Chairman Rogan stated let's wait for, you guys almost done, great.

Board Member Cook stated (inaudible) myself.

Board Member McNulty stated okay.

Ted Kozlowski stated I thought I did Ron but I misinterpreted information that was given to me, so the bottom line is that Mr. Wallace paid a substantial fee last, 2 or 3 years ago whatever it was. Our discussion last week was you know, over a hundred dollar renewal for this thing in light that he didn't pay a substantial fee the first go around. I have less of a problem with him paying a minor fee, however he should request that from the Board, it shouldn't come from me or anyone else. The application is incomplete because one concern I have is the list of adjoining property owners that could have changed from several years ago...

Chairman Rogan stated and that's a perfect opportunity to notify them.

Ted Kozlowski stated and I object to the simplicity of the application that was submitted, he was coming before the Board to ask for a renewal or a new application basically which is amounting to renewal of an existing application so I think it should have been cleaned up a little bit better. I did not send a letter out because I didn't have all the complete information and I will send a letter out tomorrow, I will personally send it myself.

Chairman Rogan stated so that we are all on the same page, it sounds like the way we are heading on this is that we let the applicant know that this application is incomplete and he needs to make sure that it's complete, Ted directs the applicant's engineer or whoever...

Ted Kozlowski stated I don't have a problem with him paying a hundred dollars...

Chairman Rogan stated but I think...

Ted Kozlowski stated but that should be coming from you.

Chairman Rogan stated we should also know how much we've waiving in fairness...

Ted Kozlowski stated right.

Chairman Rogan stated so we should have them figure out what the appropriate fee is based on Today's Code, state that amount but then also request relief from that amount because of the simplicity of the application. Request an amount less than that and we can talk about, we'll make that recommendation to the Town Board, correct...

Rich Williams stated yes.

Chairman Rogan stated that goes to there and so I think that should be the process.

Ted Kozlowski stated and I also think he's, his engineer should have some sort statement that he conforms to the present day stormwater regulations.

Rich Williams stated how is that in any way, shape or form have anything to do with the wetlands.

Ted Kozlowski stated that's just my point, that's my recommendation.

Rich Williams stated I know.

Chairman Rogan stated what I would like on the plans is a note that says from the engineer that just says these plans have not changed from the original, something that, a note that says the plans are identical...

Rich Williams stated a letter.

Chairman Rogan stated no, no, on the plans they should put a revision date or something that says these plans are certified that they are the same so that you don't have to go and look at the old plan and the new plan back forth to make sure that they are duplicates of one another.

Rich Williams stated I'm confused though, if he's not changing the plan, why are you having him go...

Chairman Rogan stated how do you know, are we just going to reaffirm the old plan then.

Board Member McNulty stated there should be a revision date.

Rich Williams stated you're approving the old plan, yea.

Chairman Rogan stated alright, as long as that's the case we don't, so part of the application isn't sending in...

Rich Williams stated no I have copies of the plans here, if anybody wants one.

Chairman Rogan stated well I mean I don't but they should give them to the guys that haven't been...

Rich Williams stated Ron has it.

Board Member McNulty stated I'll get one from Rich. I have a question on the application, how binding is this proposed start date, it says 10/10, I mean if he doesn't start for 2 months but if he comes again in a year and he's done absolutely nothing does that mean anything, is it binding in anyway.

Chairman Rogan stated I mean, remember this application is to allow him to do testing to get approvals from the Health Department, just remember about that.

Board Member McNulty stated no it says, oh okay.

Chairman Rogan stated he hasn't gotten approvals, he at this point he can't build a house, he can't start field construction he's trying to do a curtain drain, a de-water device, correct, basically to lower ground water, that is the whole purpose at this point. We took the due diligence and the hard look when we reviewed this at Rich and Ted's guidance to look at the totality of the site development so that we would look at this not just as them going in and doing a de-water device but assuming that we give them that lead, then they get approval from the Health Department, we then can't say yea but we don't like the lot, you have to look at it at day 1, so that is the reason we did a full review back then and made them show, they didn't necessarily want to do all that work but made them show the house, the well, the septic, the driveway...

Board Member McNulty stated okay.

Chairman Rogan stated the improvements, we lowered it to a 2 bedroom house, reduced it.

Ted Kozlowski stated Tom, (inaudible can put a start date on a lot of these wetland application and we had a conversation...

Board Member McNulty stated I just didn't know if it was binding in any way.

Ted Kozlowski stated about wetland applications that haven't started anything.

Board Member McNulty stated okay.

Board Member Cook stated so Ted you are writing a letter to Mr. Wallace.

Ted Kozlowski stated yes I will handle that whole.

Chairman Rogan stated okay.

Board Member Taylor stated have any regulations changed since this was done, are there any new regulations that...

Rich Williams stated are we talking about the stormwater regulations.

Board Member Taylor stated whatever would apply to anything that's on this plan.

Rich Williams stated there are no zoning regulations that have changed since this was first proposed, the stormwater regulations have changed but in my opinion he is still in compliance. He is capturing a portion of the runoff in dry wells and discharging it onto the driveway.

Board Member Taylor stated alright, has his engineer certified to that fact.

Rich Williams stated has the engineer, no.

Ted Kozlowski stated (inaudible).

Rich Williams stated the engineer has looked at it, no, I mean this is a renewal on an application, a wetlands application that's what it is. If he later on needs to comply with the stormwater regulations, that's not an issue for this Board.

Board Member Taylor stated oh okay, alright, I don't understand those things so I'm sorry.

Ted Kozlowski stated there may be an issue if he's involved in the wetlands.

Chairman Rogan stated right.

Ted Kozlowski stated and everything he's doing there is in the buffer or in the wetland.

Rich Williams stated he'll have to modify the permit.

Board Member Taylor stated for this particular application, it's not an issue at this point.

Ted Kozlowski stated I don't know, to be honest with you I don't know because everything he's doing is within the buffer and the wetlands. The stormwater regulations have changed in those years and I'm not sure, 100% sure his engineer is up to snuff on it and I would like his engineer just to simply say yes or no, simple, we don't need a whole big document, we don't need anything but this is incumbent upon the applicant to make sure that he is on the up and up.

Board Member Taylor stated (inaudible).

Ted Kozlowski stated just a statement, that's what I'm asking, that's my recommendation to the Board.

Chairman Rogan stated okay.

Board Member Taylor stated that doesn't seem unreasonable to me.

Ted Kozlowski stated I don't think it's unreasonable at all.

Chairman Rogan stated okay.

Rich Williams stated and I just want to go on the record because obviously we have a difference of opinion here, is that the stormwater regulations as they pertain to this property, unless he's going into the buffer and he's not proposing to do that, are not a jurisdictional matter for this Board.

Chairman Rogan stated okay, we have a community survey...

d. Community Survey

Chairman Rogan stated item 7d on the agenda that I hope everybody had a chance to take a look at.

Board Member Taylor stated did we resolve this.

Chairman Rogan stated did we resolve yea.

Board Member Taylor stated how did we resolve it.

Chairman Rogan stated we resolved it that Ted is writing a letter to the application stating they have to do the items we suggested...

Board Member Taylor stated including the engineers report.

Chairman Rogan stated including requesting the statement from the engineer that...

Ted Kozlowski stated right, they have to do, he wants to, don't forget he wants to dewater an area that's in the wetland buffer for his septic.

Chairman Rogan stated I think I remember part of the septic system. Okay, the previously used questionnaire which is what we have copy on, the intent as I recall is that we should look at this and see whether it's still appropriate, whether it needs revision to use, to recommend that the Town Board consider using to evaluate the trends and the current conditions in Patterson, it's been 12 years no since we've used this.

Rich Williams stated 2000, 2001...

Chairman Rogan stated so 10 years.

Rich Williams stated it actually went out in 2000.

Board Member Cook stated is this proposed survey in the forefront of doing or revising or having a new Master Plan.

Chairman Rogan stated Master Plan.

Rich Williams stated well yea, certainly my recommendation would be that we are doing this survey to look at the Comprehensive Plan, absolutely.

Chairman Rogan stated has anybody had a chance to look through this.

Board Member Cook stated I had just a brief chance, I'm wondering, if this would go back to the Town Board, I mean we would give it to you obviously Rich but who, do we have some time on this or...

Rich Williams stated we don't have a lot of time on this, I'm going to try get it out, I'm going to try to get it out in October, I don't want to wait too much longer than that because a lot of seniors are leaving town, they are heading south for the winter. Spring is not the best optimal time because everybody is focusing on being outside.

Chairman Rogan stated what I would like though is to put this to some public comment, at least to put this out to anybody willing to look at it on the internet for any kind of comment, that they can do so.

Rich Williams stated it is already up there.

Chairman Rogan stated it is, okay, I didn't realize that.

Board Member McNulty stated Rich, I had a comment...

Rich Williams stated it's been up there.

Chairman Rogan stated okay great.

Board Member Cook stated were you looking to get this info to the Town Board by their next meeting, no or yes.

Rich Williams stated well it's on the next Town Board agenda.

Chairman Rogan stated we can do revision to it concurrent with them talking about it.

Board Member Cook stated could we Mr. Chairman drop it off to the Town Planner, prior to the meeting.

Chairman Rogan stated oh of course, anything you want to do, you're always able to do that.

Board Member McNulty stated you'll have a lot of time in the car. General Planning questions number 3, an item I thought maybe you want to add into that area, it says single-family homes, houses, single-family homes on small lots, does clubs, not for profits, religious retreats fit into that area, maybe as an item, do you favor not favor.

Board Member Taylor stated that seems like a good question, yea.

Board Member McNulty stated I don't know if maybe it fit under another category, it wasn't really business but I didn't know where to place it and then on number 11, under General Planning, I thought maybe cost of living could be a category added in there.

Board Member Cook stated how about taxes.

Board Member McNulty stated well I thought of that first but I thought I'd diplomatic.

Rich Williams stated if I put taxes in there, generally nobody is going to answer any of the other questions.

Board Member McNulty stated and then the other item I noticed under watershed and water quality...

Chairman Rogan stated where's that.

Board Member McNulty stated page 8, I don't know exactly how to fit it in, maybe a new category but wildlife, beavers have seemed to make impact since 2000. I think some areas of Town have been affected by that haven't that and less likely a bear, I know the guy in Kent got accosted by a bear but I think he was looking for it...

Chairman Rogan stated I do too.

Board Member McNulty stated but I thought maybe somehow bring wildlife into that question.

Board Member Cook stated which one.

Board Member McNulty stated up here, just in this area somewhere, I wasn't quite sure where to fit it.

Board Member Taylor stated I think that, are coyotes bothering anybody.

Board Member McNulty stated coyotes could be a question.

Chairman Rogan stated they are up our house, I don't let the cat out anymore, well you're in the same boat.

Board Member Cook stated I'm surprised the problem...

Board Member McNulty stated that's all I had Rich.

Board Member Cook stated with guys like Shawn and his merry man with bows and arrows and shotguns...

Chairman Rogan stated I won't shoot the coyotes.

Board Member Cook stated and whatever since (inaudible).

Board Member McNulty stated page 10, number 5...

Board Member Montesano stated I'd lend you my howitzer if you really wanted...

Board Member McNulty stated maybe revise that, Town Hall Cushman Road, Route 311.

The Secretary stated hang on.

Board Member McNulty stated I don't know I think Town Hall.

The Secretary stated wait.

(Tape 1, Side 2 Ended 9:15p.m.)

Rich Williams stated that we did have for you, when I had originally did that, Town Hall was not here and there was a lot debate going back and forth about whether we needed to reinforce this area as a Town center...

Board Member McNulty stated as a Town center.

Rich Williams stated and so you know that was one of the questions in here, you think it's still relevant that I keep that, something like that in here or should I take it out.

Board Member McNulty stated the Town center question...

Rich Williams stated yea.

Board Member McNulty stated I think it's relevant because this Town is somewhat split between Putnam Lake and Patterson, I think it's a relevant question now.

Board Member Montesano stated Benfield's gone...

Board Member McNulty stated and now you have Patterson Crossing in the mix.

Board Member Montesano stated you still have the property at the fire department is willing to sell it off that can be utilized, you don't know what the greenhouse is going to be doing, there is plenty of property and people are refurbishing that in 2000 should have been taken down and blown away, so the center...

Chairman Rogan stated alright...

Board Member Montesano stated we've got other business in this area so whether this if going to center a, center b or not the word center. If I remember right we had a discussion with a certain person about being Town Center, what does it mean, over a couple of banking people if I remember that went on for quite awhile, Town Center.

Board Member Cook stated I'll have comments to you after the weekend.

Chairman Rogan stated anybody who has any comments on this just e-mail them or send them directly to Rich and we will move along, minutes.

Board Member McNulty stated I have a question...

Chairman Rogan stated sure.

Board Member McNulty stated project status update, I know Getty was in here awhile back...

Chairman Rogan stated Zoning just did something with them, didn't they, they did a site walk...

Rich Williams stated yea, they are going out next week.

Board Member McNulty stated any of these items on the list from May updated or any change or...

Rich Williams stated you wanted me to get back to the attorney's and...

Board Member Cook stated your colleague was here last meeting and I think this came up and we were supposed to get an update on certain open applications where they haven't completed what they said they were going to complete, so we are looking for some legal muscle...

Carl Lodes stated (inaudible – not using microphone)...

Chairman Rogan stated Michelle, can you make a copy of this Ron, sorry to ask.

Carl Lodes stated at this point you don't want to take any further action.

Rich Williams stated the Town Board said that.

Carl Lodes stated (inaudible).

Rich Williams stated it didn't happen in open session, I don't know what happened.

Board Member McNulty stated what did the Town Board say.

Carl Lodes stated they are not (inaudible) Tim told me that he had talked to the Supervisor and they are not (inaudible) then he said we're not going to take any action.

Board Member Cook stated that's amazing because what...

Chairman Rogan stated I just had it I'm getting copies of it.

Board Member Cook stated the items in this letter that Tom is referring to is probably 25% of the list. Mr. Chairman, I'm going to think about this one but I may prepare a letter to be reviewed by the Planning Board to go to the Town Board, listing all of these applications that applicant's with their applications that have ignored us and ask them to put some muscle behind it.

Chairman Rogan stated it cuts off our legs otherwise, why are we spinning our wheels doing this.

Board Member McNulty stated we're sitting here talking about it, we're not going anywhere but Getty came in, I guess like you said they've been to the Zoning Department...

Chairman Rogan stated yea, we're working on that, that's moving along, but they have people, what we are getting you a copy is a review memo that Rich had done in October of last year that outlines about 10 projects that are basically hanging out there that we worked on and then they never completed it, so that's it. So, I agree with you.

Board Member Cook stated okay, thank you, I just have 1 thing, you're letter on N.R.A. or Mr. Lawson's letter on N.R.A. where you talked about completing you review and they had 2 comments, key was added to the bottom of the wall, abutment, footings et cetera and that there was an issue whether there could be fill and/or organics below the footings, sub-grade and then you go on to say, based on the submissions provided by Zarecki you recommend that the plans be approved with the exception noted above, we do not require Zarecki to resubmit the plans and design package for review. Okay, but I would like to see those guys come back in written form saying that they have conformed to what, to your comments...

Andrew Fetherston stated okay.

Board Member Cook stated at least that be in the record.

Andrew Fetherston stated sure.

Board Member Cook stated thank you.

Chairman Rogan stated okay.

8) MINUTES

Board Member Cook stated minutes.

Board Member McNulty stated make a motion to...

Chairman Rogan stated oh we got, I'm sorry, go ahead and do the minutes, I apologize.

Board Member McNulty stated I make a motion to approve the minutes for July 29, 2010, August 5, 2010.

Board Member Cook 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.

Chairman Rogan asked for any opposed.

a. Petrillo Wetlands/Watercourse Permit

Chairman Rogan stated okay, we have one other issue that came up that remember at the work session we approved the fence for the Petrillo Wetland/Watercourse...

Board Member Montesano stated yes.

Chairman Rogan stated it came to our attention that a stonewall was built in front of the fence which is more restrictive but it meant that the fence couldn't be installed exactly where it was originally going to be proposed, it's a little bit, it's at the toe of slope instead of the top of the slope.

Rich Williams stated and just so we're clear...

Chairman Rogan stated sure.

Rich Williams stated I don't know that the fence isn't where it was originally supposed to go...

Chairman Rogan stated fair enough.

Rich Williams stated it's just thinks have changed out there from what I originally remember them being.

Chairman Rogan stated so number 1, we have issue that we have a stonewall that was built that was they could have come to us and said this is what our intention is, that would have been nice. Having said that, Teddy you haven't actually seen it, you haven't been out there...

Ted Kozlowski stated no, it was reported to me yesterday, they, I probably wouldn't have a problem with it however this is an instance of a wetlands application from this Board, we all went out, we all agreed on something, made it clear to the applicant what we wanted and clearly that has not been done. Now maybe a better thing, maybe not a better thing, I don't know I haven't seen it.

Chairman Rogan stated why don't we...

Ted Kozlowski stated but I think the Board should see it and you know made you the approval, you told them what you wanted based on what we all said and I think you should take a look and see if that meets you approval but I don't think the applicant, the applicant could have made a phone call and said look I think I have better idea on how to do this...

Chairman Rogan stated he did when he wanted to change the fence.

Ted Kozlowski stated he did what he wanted to do and this is not the first time we're had this instance with an applicant and it's unfortunate and I think maybe the Board should take a look before you say yes or no.

Board Member Cook stated the applicant built the stonewall.

Chairman Rogan stated yea.

Board Member Cook stated is that what I'm understanding.

Ted Kozlowski stated well his contractor.

Chairman Rogan stated his contractor.

Board Member Cook stated yea, okay but, okay.

Board Member Taylor stated and this is where.

Chairman Rogan stated this is in Putnam Lake, it's a wetlands lot that was done with a home.

Ted Kozlowski stated and I haven't seen it but it's been relayed to me that it's stone with fill in the buffer which...

Rich Williams stated it's been relayed to Ted by myself, I went out after the last meeting to locate the fence and when I got out there to find out why it couldn't be put on top, I found that there was 24 to 30 inch stone

retaining wall that had been constructed and that he brought the fill in to bring it up grade, so as to level the whole property.

Board Member McNulty stated so there is no more toe of the slope.

Rich Williams stated no, well it goes right off, it looks nice.

Board Member Cook stated you have not seen the toe have you and Ron has not seen it.

Board Member McNulty stated no.

Board Member Cook stated I would suggest if you want to go see it...

Chairman Rogan stated sure.

Board Member Cook stated that we all go see it the same time then these gentleman will go to the other areas to look.

Chairman Rogan stated I will say if you guys can coordinate all that in the next 2 weeks and I'll catch up or just trust your word on it because I won't be back, I'm leaving tonight for 2 weeks, so...

Rich Williams stated oh, very nice.

Chairman Rogan stated yea, I'll be back on the 18th, 19th.

Rich Williams stated that does raise an issue though.

Chairman Rogan stated why.

Rich Williams stated got plans for you to sign.

Chairman Rogan stated are they ready right now.

Rich Williams stated yea.

Chairman Rogan stated well I'm not leaving until midnight, I'll sign them right now, don't worry, that's not a problem.

Rich Williams stated you and Michelle can stay here as long as you want.

The Secretary stated no.

Chairman Rogan stated motion to adjourn.

Board Member Cook seconded the motion.

The meeting ended at 9:25 p.m.