

TOWN OF PATTERSON
PLANNING BOARD MEETING
September 4, 2008

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
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PLANNING BOARD

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

**Planning Board
September 4, 2008 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Gene Richards with the Town Engineer's office, Stantec Consulting Services Inc, Dave Raines, Town of Patterson Building Inspector, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector and Jennifer Herodes from the Town Attorneys Office, Curtiss, Leibell, Herodes & Molé P.C.

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

Michelle Russo was the secretary and transcribed the following minutes.

There were approximately 5 audience members.

Chairman Rogan led the salute to the flag.

Chairman Rogan stated thank you ladies and gentleman, please be seated. We are going to skip over Cipriano public hearing until the engineer gets here, if we could jump down to.

3) MYSTIC BRONZE TANNING SALON – Sign Application

Chairman Rogan stated For the audiences' edification, Mystic Bronze Tanning Salon, the Board granted a temporary sign application at the work session last week to allow that applicant to place a temporary sign in their window to being operation of their business.

4) SCHECH FILL PERMIT

Chairman Rogan stated We also approved a minor fill permit application for Irene Schech for placement of I believe it was forty yards of fill.

Board Member DiSalvo stated it was more then that.

Board Member Cook stated one hundred and twenty-five.

Chairman Rogan stated oh I'm sorry, one hundred and twenty yards of common fill.

5) PADDOCK VIEW ESTATES SUBDIVISION – Final Resolution

Chairman Rogan stated Paddock View Estates Subdivision we have a final resolution, I don't believe anyone will be here for that tonight. We have a copy of the resolution, it is Route 292 Development Corp, Patterson Development under Paddock View Estates. Would anyone like to do that resolution.

Board Member Cook stated I will make the motion. The resolution for final subdivision approval, now therefore be it resolved that the application of Route 292 Development Corp and Patterson Development Corp for final subdivision approval, pursuant to Chapter 138 of the Town Code. The Planning Board finds that the subject application and final subdivision plat as modified in accordance with any applicable conditions set forth in this resolution complies with all requirements of Town law and Chapter 138 of the Town Code and hereby grants final subdivision approval subject to the applicants compliance with eleven general conditions and six special conditions within 180 days of the date of this resolution, September 4, 2008.

Chairman Rogan stated well said Charlie, can I have a second.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries. We have the cards on Cipriano.

The Secretary stated yes.

Chairman Rogan stated can we read the public hearing notice.

Board Member Pierro stated one second.

Chairman Rogan stated sure.

Board Member Pierro stated on item number four at the work session, we discussed adding on the Schech fill permit, we discussed adding the name Forbes because some of the property that is being filled is part of the Forbes property and just for future tracking I want it on the record that there was fill on separate property owners land there.

Chairman Rogan stated thank you, so noted. Public hearing for Cipriano please.

1) **CIPRIANO SUBDIVISION PLAN – Public Hearing**

Mr. Steve Miller of Badey & Watson and Mr. Peter Cipriano were present to represent the application.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, September 4, 2008 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Peter Cipriano Jr./Copia Marketplace Subdivision for a 2 lot subdivision to an create access off of Route 22 and to extend the town road. The property is located at 2080 & 2096 Route 22, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated good evening Mr. Miller.

Mr. Miller stated good evening.

Chairman Rogan stated when you get all set up, take your time, you can just state your name for the record and give a brief overview of the project.

Mr. Miller stated yes.

Chairman Rogan stated thank you sir. Please, use a microphone, thank you sir.

Mr. Miller stated thank you. Good evening, my name is Steve Miller, I am a land surveyor and principal with the firm Badey & Watson, I am here this evening representing Peter Cipriano who is the applicant in this submission. This is a proposal for a site plan for a retail center as defined by the Patterson Zoning Regulations, we are proposing the construction of 29,000 square feet of retail space on the east side of Route 22 near the intersection of Ballyhack Road. The property that we are talking about is actually two parcels, this parcel here [points to plan] which has frontage Old Route 22 and Ballyhack Road and a small parcel here which lies between New York State Route 22 and Old Route 22. The main use for the retail center will be a combination nursery and greenhouse, some of the other uses in the retail center will be a café, a market, some minor retail stores and some professional office space. Associated parking and infrastructure and including landscaping has been provided. The site will be serviced by a subsurface sewage treatment system and an individual well, designation of the project is a retail center that requires a special use permit from the Patterson Zoning Board of Appeals, we have made an application to the Zoning Board for this permit and they are currently reviewing it. Site drainage and stormwater facilities have been designed to satisfy the New York City DEP and the New York State DEC for water quality and quantity, the site disturbance is approximately seven acres, the total site area is a little over eight and a half acres. Access to the site will be over a twenty-four foot wide driveway here [points to plan] onto New York State Route 22. Due to the nature of the existing intersection with New York State Route 22, Old Route 22 and Ballyhack Road, which on this map, is this intersection here, this is New York State Route 22, Old Route 22 comes out and Ballyhack Road comes out just to the north of it, because of that relationship we have proposed to realign a portion or realign this intersection such that Old Route 22 will turn and come out at a right angle to New York State Route 22. This portion of Old Route 22 will be abandoned and released by the Town, the site driveway will come out onto Old Route 22, the realigned Old Route 22. The relocation requires a dedication of the portion of the Cipriano property to the Town and the subsequent release of

property from the Town to the adjoining owners. We have prepared a subdivision and a lot line adjustment plat for approval by the Planning Board which will show the realignment of the parcel before and after or realignment of the parcels after the dedication and release. As part of the reconstruction of the intersection we find ourselves where will we be disturbing approximately 5,800 square feet of regulated wetland in this area, in an effort to mitigate the disturbance on the wetland here we propose to construct a, two times the area of disturbance adjacent to the existing wetland over in there area here. The site plan is currently being reviewed by the New York State Department of Transportation and Putnam County Health Department, the Planning Board has granted a waiver to allow for partial gravel pavement in this plan, the gray colored area is indicated as will be asphalt pavement, this brownish color here will be a gravel pavement area. An additional waiver for total parking count has been requested from the Board and at such time as we confirm the total number of parking spaces required and the total number of spaces that are required, we will specifically request that waiver from the Board. In December of 2006 the Patterson Planning Board sent notice of its intent and was subsequently designated as lead agency for purposes of SEQRA. The site plan requires approvals from the New York State Department of Environmental Protection, the New York State DEC, the New York State Department of Transportation and the Putnam County Health Department. At this time I will be more than happy to answer any questions anybody might have.

Chairman Rogan stated do I have any questions or comments from the audience, if so, please come up and use microphone that Mr. Miller is holding, we need your name for the record, and place state, if you live locally, where you live.

Christine Semp stated my name is Christine Semp and I live on the property right here that borders the property. I would like some more information, if you could go over again exactly what is going to be here, I would like to know what the hours of operation are expected as far as lighting and noise, traffic effects on coming into this property and I would also like to know about how much is going to be built up here to try and isolate my property from everything that is going to go on here.

Mr. Miller stated currently the plan indicates that we are going to, currently we have proposed some screening along Ballyhack Road in this area, most of the improvement is obviously in this area here, there will be some re-grading on this side slope in order to accommodate the construction down in here. This, the elevation of your property here which is approximately sixty will be eighteen feet higher than the grade down in here, so there will be somewhat of a buffer created by a hill from your property. The traffic we would assume it is going to be similar to any type of retail center, the, some, I will ask Mr. Cipriano who is here this evening, he can discuss what the hours of operation will be and give you some more information about what his expectation is of the type of stores and uses that will be there.

Mr. Cipriano stated thank you Steve. Hello, I'm Peter Cipriano, actually most of the hours are going to be, I guess day hours, not night hours so by seven, eight o'clock at night this facility should most likely be closed, some nights it will be nine but there is not much activity going on in this corner and we are not trying to construct in that corner. There are going to be plants out in there area and there is a good amount of distance, I was there with the, I was walking around the property today just looking and it won't affect your property too much, it won't be that noisy because it is a retail center, its not like it's a construction site, so. Other things in terms of the types of business there will be a garden center which is mostly busy during the day and on weekend and its very seasonal so there are going to be times of the year where its not going to be that busy in the spring it's going to be very busy, during Christmas season it should be busy and in the fall like in Halloween season it will be busy. The other stores that we are trying to do are a grocery, which would be like a local produce which most likely will be busier during the day, the offices will be busy during the day and most of the retail centers will really be day, predominantly day operations. We don't really want to have night operations, there will be lighting, we will be putting lighting with input

from the Town and the Planning Board, we are making sure that the lighting is not affecting exterior properties so its not that bright, it will be bright on the property but we have to avoid putting light into the outer property. The road will be screened, we are not going to be using Ballyhack Road for the, I guess the entrance or exit, only Old Route 22 to [Route] 22, so it should not effect the traffic pattern of Ballyhack Road. In terms of view from your home, I think you have a good buffer there and there is going to be a lot, a large amount of trees that are there as long as you don't cut them down on your side or the Camp doesn't cut theirs down, it should be fine.

Christine Semp stated okay, I guess one of the things that I am concerned with like with any business, you are going to have trucks coming.

Mr. Cipriano stated yes.

Christine Semp stated can you expand a little bit, are they going to be huge trucks, are there going to be a lot.

Mr. Cipriano stated they are going to be, well they are going to be big trucks, they are eighteen wheelers but most of the eighteen wheelers when they come in, they are early morning, they have to be there early in the morning, we have to make sure that they are turned off, unloading will probably begin at like seven and that's part of the nature of the business. Are there a lot, in May and April there are a lot and in September you get some but realistically in between its not too bad, there are going to be smaller trucks that have to service the smaller facilities but nursery trucks are always larger trucks.

Christine Semp stated okay, because I am somewhat concerned because Route 22 already has a lot of traffic especially in the mornings and when I go to work in the morning and I have a hard time coming out so I guess I'm concerned with the additional traffic that is going to be created by these large trucks or whoever come into this place of business. I guess another thing that I am kind of concerned with is that it seems that there is a lot being put on this, what seems like a smaller size piece of property and when that's adjacent to my property I am concerned with exactly how much the buffer is going to be, it looks nice on paper but when you put it in reality.

Mr. Cipriano stated yeah, I guess the buffer is quite sizable back there and you can.

Chairman Rogan stated Mr. Cipriano, would you be able to, would it be within the realm of meeting on site with this property owner to.

Mr. Cipriano stated yes.

Chairman Rogan stated show where this building because sometimes its tough from a plan to actually feel where the buildings are going to be.

Mr. Cipriano stated yes.

Chairman Rogan stated and I think that, based on the map behind Mr. Miller seeing where your property is and the buffer and the distance, it might be helpful to get a feel for what that is because certainly you are seeing this for the first time, we've been reviewing this for four or five years, four years, a long time. We have been trying to promote kind of an open air market, kind of an Adam's Fair Acre Farm feel but a very back to country kind of marketplace and the applicant has been very open to changes to that we have suggested through the Town Planner and through this Board to make this something that the Town will be

very proud of when its done. We've been very excited about this project but we certainly want to take into account any concerns that you may have, which is why we have this public hearing here tonight. So I think meeting on the property may help you relay some of your fears.

Christine Semp stated I have to say overall, if something is going to be developed there I would rather have something of this nature rather than a warehouse or some other kind of.

Chairman Rogan stated I understand.

Christine Semp stated I am just concerned if we do meet, I don't know if anything can be done to maybe build up more trees or bushes.

Mr. Cipriano stated more of a buffer, yes.

Christine Semp stated just to like come across this corner here so I really don't have any view of it.

Mr. Cipriano stated okay, that can be easy enough, I can walk around the property with you that's fine, I actually staked it out, it was wonderful.

Board Member DiSalvo stated Peter, is there a way during construction, I'm sure you're going to cut down a lot of trees along.

Mr. Cipriano stated yes.

Board Member DiSalvo stated is there any type of barrier you can put up during that construction phase so that she's not looking down on silt fencing right in her face.

Mr. Cipriano stated we could plant this corner, we could plant the corner, the corner is not that big so it wouldn't be a problem. There are some things that we can actually plant it to block it so you don't have to worry about it, especially during construction, after construction I think its going to look pretty nice but during construction its going to look terrible for a little bit.

Christine Semp stated how long do you expect construction to last.

Mr. Cipriano stated construction, its going to take several years because there are going to be different phases, so, the main construction is going to be the buildings and the greenhouse is the last thing. So grading is going to be pretty quick but in terms of the construction of the greenhouse that is going to be down the line because that is the most expensive part of the project.

Chairman Rogan stated but the area where the greenhouse sits certainly, the grading will done.

Mr. Cipriano stated the grading will already be done.

Chairman Rogan stated site work.

Mr. Miller stated the grading will already be done.

Mr. Cipriano stated that will be just somebody putting up that building and that's it.

Chairman Rogan stated and the greenhouse isn't the highest structure in there so.

Mr. Cipriano stated no.

Chairman Rogan stated in terms of impact, I think the most impactful work will be done the quickest from your perspective but I think it would help to meet, they certainly are in the right business to plant a few extra trees on the site and it sounds like they want to be good neighbors.

Mr. Cipriano stated actually I have a house up the street from you, so I'm moving in up the street once this goes through.

Chairman Rogan stated so.

Christine Semp stated can I just, the map, is that a (inaudible – not using microphone).

Mr. Cipriano stated its hopefully it will be produce, you know, like ready to go lunches, there is like a little seating area to eat your lunch and get out of there sort of deal, there is going to be a café, so if you are walking around the garden center you can have coffee or tea or a light snack.

Christine Semp stated you are talking very small.

Mr. Cipriano stated yeah this is 4800 square feet, which isn't, its tiny compared to what they are building today.

Chairman Rogan stated one of the intents that the Board wanted to push for this project was the feeling that people would get that when people get out of their car they want to spend a little bit of time instead of picking up what they need and running back on the road, just kind of enjoying the environment there. That is why, Steve if you could point out the center of the map where the courtyard effect is, a place where people can kind of sit down and enjoy the feeling of what we are trying to achieve here. We've been working on this with that concept in mind from the beginning to really, I've been trying to get Peter to put in an ice cream stand also but we haven't gotten that, maybe in the café though.

Mr. Cipriano stated maybe an outdoor one.

Chairman Rogan stated there you go.

Christine Semp stated well I appreciate that landscaping is going to be an impact like that, that would definitely be an improvement on the property as it is now.

Mr. Cipriano stated we have been experimenting over the last few years to see what survives and doesn't get eaten alive but we can definitely put landscaping that will survive and block that area completely, within reason, I think, a lot of the areas are shady so in order to put trees and evergreens to block that are we are going to have to prune up those trees or whatever but you will get your buffer.

Chairman Rogan stated you may also ma'am, you may consider speaking to someone who knows better, maybe like our Town Planner, about thinning the woods that you own, so that you regenerate so that you get some good dense foliage as opposed to the mature trees that don't have as much visual blocking but you may let some light in by thinning your trees and then actually promoting more of a buffer as well and

creating healthier forest. That may be something that you may want also, Rich has a great background in the tree business and so does Ted of course our wetlands inspector, they are both great resources to.

Unknown speaker stated he just cuts them down.

Chairman Rogan stated he just cuts them down, yeah but he knows a lot about them too. We have any other, oh I'm sorry go ahead.

Christine Semp stated I do have a couple other questions, one in regards to it being.

Chairman Rogan stated excuse me one second ma'am, Michelle will she be picked up on the microphone.

The Secretary states she may when it was closer to her.

Chairman Rogan stated when Peter was holding it, I think you were okay but I want to make sure we get your information for the record.

Christine Semp stated okay, being that you are going to be, you are going to have, in the plant business are you going to be spraying pesticides and things like that.

Mr. Cipriano stated nope, I'm in organics, its hard to do because most people just want to kill everything but I think up here being on the wetland we are going to move completely organic and I will promote, I will get involved in the political side of it as we go along.

Christine Semp stated okay, would I expect any kind of additional pests or anything coming out of any of the products or anything that is going to be on the property.

Mr. Cipriano stated nothing more then what's there, you are going to have field mice but they are there already.

Christine Semp stated okay and the other thing, this is a question for the Planning Board, if this is approved and he creates it, down the line, I mean right now it's a very nice you know, plan for a you know floral area and so forth, the permits that are approved for this, is there any potential that if he goes to sell the property that the person who buys it, if they want to turn it into a warehouse or something like that, do they have to again get permission.

Chairman Rogan stated they would actually would have to come to us for a change of site plan.

Christine Semp stated okay.

Chairman Rogan stated we would regulate that this is what's built and this is what can stay, these exact type businesses. We go through this on a monthly basis where people come in to amend a site plan to see if they can modify to meet their own needs and that is the purview of the Board, is to balance those needs with what is reasonable for the community. So yes, absolutely there are strict controls in that regard.

Christine Semp stated okay.

Chairman Rogan stated like wise the improvements they put on site, like the trees for instance, they are bonded for an amount of time to make sure that they survive, that they are not planted and a year later they are dead, so we try to ensure that what we approve will remain.

Christine Semp stated okay, that's all my questions for now.

Chairman Rogan stated do we have any questions from anyone else in the audience. Please just state your name for the record sir.

Al Di Lallo stated Al Di Lallo, I have quite a few questions. I own this piece here, I think it's the piece, I have the barber.

Mr. Miller stated that's the barber shop, right there.

Al Di Lallo stated I like the project, its interesting. This is the road that you are closing and this remains open.

Mr. Cipriano stated yes.

Mr. Miller stated this is the road we are closing, here.

Al Di Lallo stated oh okay.

Mr. Miller stated if you look on here its this piece of road here.

Al Di Lallo stated what is this, the drain.

Mr. Miller stated that is going to be a gravel travelled way service road to access this pond back here, this is going to be something that we construct as part of the construction.

Al Di Lallo stated how many, how far does this go back before the first building.

Mr. Miller stated before the first building, its about 400 feet.

Al Di Lallo stated because if this is not opened up correctly you will not see it, like we have another project before mine that is a doctors office, nobody knows where it is, they can't see, so it has to be opened up to see that otherwise.

Mr. Cipriano stated that is why this, this is going to be turned so you can see.

Al Di Lallo stated all clear.

Chairman Rogan stated good question.

Mr. Miller stated and you'll be seeing over the top of this, this won't be (inaudible) this isn't trees, this is ground cover in here.

Al Di Lallo stated is this the only piece you own or you own another piece.

Mr. Cipriano stated this piece and the piece with the signs, the billboard.

Mr. Miller stated the billboard on it.

Al Di Lallo stated oh okay.

Mr. Miller stated which on this map would be this piece and this piece.

Al Di Lallo stated okay because I thought this piece was owned by the gentlemen who is going to fix, develop that.

Mr. Miller stated that might be this piece next to you, between you.

Al Di Lallo stated I know that this piece here is for sale where that.

Mr. Miller stated across Ballyhack [Road].

Al Di Lallo stated yeah, interesting, thank you.

Chairman Rogan stated thank you Al.

Mr. Cipriano stated thank you.

Chairman Rogan stated any other questions or comments from the audience.

Mr. Miller stated watch the wire.

Al Di Lallo stated I don't want to fall.

Mr. Miller stated right exactly.

Chairman Rogan stated any other questions or comment from the audience, the general audience. Can I have a motion to close.

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

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any questions or comments at this time from our professional staff.

Rich Williams stated one of the outstanding issues which I think maybe the Board wants address tonight is what you want to do with that billboard. The current proposal is to leave it on the site.

Chairman Rogan stated the billboard, put it on that place.

Rich Williams stated for a period of 36 months subsequent to issuance of the C.O.

Chairman Rogan stated we spoke about this early on.

Mr. Cipriano stated yes.

Chairman Rogan stated and I remember you, I remember it vividly because I can't stand these billboards in the Town of Patterson. They are worse as you get into the Town of Southeast and you had said I would really like to re-coop come of my money on this and I understand that. I think if the Board can find a reasonable amount of time that we can let that stay until post C.O., I'm fine with that, I'm looking down the range if its six years from now I'm happy with that, I just want to make sure that we are getting rid of this.

Mr. Cipriano stated no, we do want to get rid of it by putting it three years after the C.O. would be good in terms of the business in the beginning.

Chairman Rogan stated advertise the business.

Mr. Cipriano stated and also we can advertise the business but we are going to be paying the billboard company.

Chairman Rogan stated but we certainly want you to be able to advertise your business, we want this to succeed. So, I mean, any thoughts from the Board on this.

Mr. Cipriano stated yes.

Chairman Rogan stated anyone.

Board Member Cook stated three years would seem reasonable.

Board Member Montesano stated I can go along with that.

Chairman Rogan stated everybody comfortable with three years.

Board Member Pierro stated I'll go along with three years.

Rich Williams stated then I go back to my question to the Board which was, which I put in the memo, the best way enforce conditions of the site plan is through the issuance of a C.O., they don't get to operate until the conditions are all met. Now we are doing something that is the condition of the site plan extending past their certificate of occupancy.

Chairman Rogan stated yeah.

Rich Williams stated are we going to just rely on enforcement or are we going to bond it to make sure it comes down in three years or.

Chairman Rogan stated do we have any opinion from our legal council.

Rich Williams stated this will teach her.

Chairman Rogan stated yeah, see what happens when you show up.

Jennifer Herodes stated well I mean, obviously I think you know, it depends on whether you are comfortable with just going with enforcement or we are going to have a bond issue, are we going to discuss (inaudible – too many speaking) the issue also.

Rich Williams stated there will be.

Jennifer Herodes stated I mean, we are discussing that portion of the road and.

Rich Williams stated yes, I did meet with Anthony [Molé] and Tom McGinn and we talked about that and I don't know if we are going to subsequent conversations, certainly the project as a whole is going to be bonded but again once the C.O. is issued the bond is release.

Chairman Rogan stated well we have talked about on other applications how past practice of an applicant can be taken into account when you review an application or something to that effect. To this point in time, this application has not given me any reason to doubt him, if he says as a man of his word that the thing is coming down 36 months later. I would be very disappointed if it didn't come down and I would comfortable with enforcement because so far everything that the gentleman has said he would do and he has done then some, unless anyone else has any other impression, that has been my experience so far. Do you see any problem with 36 months after your C.O..

Mr. Cipriano stated no, 36 months, I know business fail within the first three years, three to five years, so three years, at least some income will come in to pay for some of it.

Chairman Rogan stated fantastic.

Mr. Cipriano stated financing the business and I would be willing to get rid of, you guys can knock it down yourself.

Chairman Rogan stated that's on the record watch out.

Board Member Montesano stated yeah, I wanted to bring that up on the record.

Chairman Rogan stated I didn't say it.

Board Member Pierro stated the steel is worth the money.

Board Member Montesano stated let me put it, if you have the misfortune of having to get rid of the place, I would like your word that you will have that sign board removed, whether it is unfortunate and I'm looking at everything, whether it is 24 months or 30 months.

Mr. Cipriano stated definitely.

Chairman Rogan stated okay, fair enough.

Mr. Cipriano stated you want that on the record, that's fine.

Board Member Montesano stated you take it down.

Mr. Cipriano stated that's fine.

Chairman Rogan stated thank you, you have always been, I appreciate the way you've been through this.

Board Member Montesano stated I'll come out to Long Island.

Mr. Cipriano stated it's a swamp underneath, its just wet underneath there anyway, that thing is falling apart, so give it some time, its going to.

Chairman Rogan stated okay, Rich, I noticed on your review memo.

Rich Williams stated before we walk away.

Chairman Rogan stated well I'm not ready to walk away.

Rich Williams stated first C.O. or last C.O.

Chairman Rogan stated I think last C.O., you've got because the greenhouse.

Rich Williams stated okay now, the last C.O. he was talking about the greenhouse is going to be put up seven years after the project starts.

Chairman Rogan stated seven years, no several.

Board Member Pierro stated several.

Chairman Rogan stated several.

Mr. Cipriano stated several.

Board Member Pierro stated I think the first C.O.

Rich Williams stated semantics, you're killing me.

Board Member Pierro stated I think the C.O. which is the larger portion of the operation.

Chairman Rogan stated okay.

Board Member Pierro stated three years after.

Chairman Rogan stated well do your conditions of approval relate to the first C.O. or the last, that is a big difference when you are talking about site plan approval.

Rich Williams stated first.

Chairman Rogan stated but they wouldn't possibly be all met because you haven't completed parts of the project that are shown on the site plan and bonded on the site plan.

Rich Williams stated before the first C.O. is issue he has to have all the parking in, he has to have the stormwater ponds in, he has to have.

Chairman Rogan stated the improvements.

Rich Williams stated all the curbing, the septic, the well.

Board Member Pierro stated (inaudible).

Rich Williams stated all the improvements.

Mr. Miller stated theoretically he is going to have everything in but greenhouse.

Rich Williams stated exactly, he's got a building permit.

Chairman Rogan stated okay, so would that be alright or do you think that's going to.

Mr. Cipriano stated in terms of the timing.

Mr. Miller stated the time.

Mr. Cipriano stated I think its, after the greenhouse was built if I had more time, that would help.

Chairman Rogan stated but what do you think realistically from the time you start this site improvement, you are talking about three to four years to get the site completed.

Mr. Cipriano stated I think by third or fourth year, because I'm going to get the greenhouse up as soon as possible, sooner but it all depends on how busy the site becomes, how much money there is, are people coming to the site, am I going to (inaudible – too many speaking).

Chairman Rogan stated so that does kind of seem open ended to the Board and I can understand Rich bringing that up.

Mr. Cipriano stated so then maybe we have to make it within in five years of the initial C.O. the sign comes down.

Chairman Rogan stated everybody okay with that.

Mr. Cipriano stated the second C.O.

Chairman Rogan stated hey, I've been looking at that sign, that ridiculous sign for already ten years that I've been in Patterson, so I'm willing that if we can get rid of it, I'm comfortable with five years from the first C.O. if everybody else is, yes.

Board Member Montesano stated yeah.

Board Member DiSalvo stated gives him plenty of time.

Chairman Rogan stated I want the guys to succeed, let's face it.

Board Member Montesano stated its not as if it can get any worse.

Board Member Pierro stated okay.

Chairman Rogan stated alright.

Board Member Pierro stated okay.

Chairman Rogan stated alright, five years it is. You want to make that in a form of a motion tonight.

Board Member Cook stated five years from the issuance.

Board Member Pierro stated of the first C.O.

Board Member Montesano stated the first C.O.

Board Member Cook stated the first C.O.

Chairman Rogan stated (inaudible) just the site plan.

Rich Williams stated we are just going to put it, yeah we'll put notes on the site plan.

Chairman Rogan stated okay, fair enough.

Rich Williams stated it will be all part of the approval.

Chairman Rogan stated fair enough.

Board Member Cook stated okay.

Chairman Rogan stated one less billboard, how many do we have left in Patterson.

Rich Williams stated too many.

Board Member Pierro stated three or four.

Mr. Miller stated there is one right across isn't there.

Rich Williams stated you really want to talk about them.

Chairman Rogan stated not tonight but in general yeah because I think I want to slowly get rid of these things.

Rich Williams stated back in '71 the Town adopted a law that basically said they all have to go in so many years and they adopted a law based on (inaudible).

Chairman Rogan stated okay.

Rich Williams stated and then nobody ever followed up on it.

Chairman Rogan stated so maybe we will slowly follow up on it, the best we can, one case at a time. In your memo where you very nicely for us outlined the review process and what issues need to be done, it says SEQRA is pending, but didn't we do that prior to setting the public hearing.

Rich Williams stated I don't think you did.

Chairman Rogan stated we normally do, we normally do before we set a public hearing but Steve is it your recollection that we have not done that also.

Mr. Miller stated I don't think we've done that.

Chairman Rogan stated it never hurts to do it again.

Mr. Miller stated I don't remember, well the other thing is that I don't have copies of the minutes and I try to read Rich's comments before I get here but there are occasions where he makes reference to things but I don't remember what happened.

Rich Williams stated I actually went back and checked.

Board Member DiSalvo stated subdivision or site plan SEQRA.

Rich Williams stated I couldn't find it.

Chairman Rogan stated okay, both the subdivision and the.

Rich Williams stated it covers them both.

Chairman Rogan stated it covers them both, great.

Board Member Pierro stated in the matter of Cipriano Site Plan, Route 22 Patterson, I make a motion that the Town of Patterson Planning Board determines a negative declaration of significance of SEQRA.

Chairman Rogan stated can I have a second.

Board Members DiSalvo and Montesano seconded the motion.

Chairman Rogan stated I think Maria got you on that one Mike.

Board Member Montesano stated no problem.

Chairman Rogan stated Maria gets the second.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries. Okay, if you could coordinate with that young lady who brought up the comments earlier and maybe meet on site. Ted has his hand up, he's got something he's like to talk to about.

Ted Kozlowski stated just on the wetland issue, Steve is that, the DEC make a determination.

Mr. Miller stated we sent the DEC a copy of the map and they indicated that there was no DEC wetland there.

Ted Kozlowski stated okay so then we are looking at it just strictly as a local wetland.

Mr. Miller stated Army Corp, well its Army Corp also.

Ted Kozlowski stated right, is the wetland that you want to remove, please say yes, is the wetland that you want to remove is that the phragmities patch that is at the northern end of that wetland.

Mr. Miller stated I would, if its at the northern end, I would have to say yes, that's the one, I.

Rich Williams stated right, I was out there three days ago except for some trees that are classified as wetland vegetation, there is nothing but phragmities.

Ted Kozlowski stated good, okay.

Chairman Rogan stated beautiful, getting rid of that wouldn't be the worst thing.

Ted Kozlowski stated yeah, I don't, I really don't see a big issue with that, especially if you are creating a better wetland south of it because you, I was hoping you would say it's the phragmities patch.

Mr. Cipriano stated its completely the phragmities patch.

Mr. Miller stated what he said.

Ted Kozlowski stated and what I would look for as further mitigation is that what you create and what remains, I would not use the soils that you pull out there for your soil base in the new wetland that you

create because you are just going to be transferring phragmites rhizomes into that and that is just going to (inaudible).

Mr. Miller stated there is a report that came with the, we provided the Planning Board with a mitigation report and I think that address that in there.

Rich Williams stated I still have the same questions that Ted did in the memo that I did about what you are going to with the soils and how are you going to get rid of the phragmites.

Mr. Miller stated right.

Rich Williams stated and the response that came back was, we are going to take them out by machine.

Mr. Miller stated right.

Rich Williams stated that doesn't say we are going to remove the soil.

Mr. Miller stated okay, alright, we'll go back over it.

Ted Kozlowski stated what Rich is getting at and what I'm asking you is that we are going to create wetland, let's create a wetland that doesn't turn into a phragmites patch.

Mr. Miller stated okay.

Ted Kozlowski stated and that what you have remaining and yeah I would like to see the billboard out of there too but I would like to see a more functional wetland because that does drain into the State Bog Brook area.

Mr. Miller stated okay.

Ted Kozlowski stated whether they claim it is state wetland or not, that's contributing to it and anything that comes off that site will contribute to it, so it should be a functional wetland and if it looks good, its only going to make the property and everyone else around it look good. The phragmites, waste land, then its going to look like garbage, so.

Mr. Miller stated we will review the mitigation report and address those issues to your satisfaction.

Rich Williams stated and Steve there is one other issue, I'm equally concerned about the (inaudible) the wetland soil full of phragmites, using it for the stormwater pond, because we will very quickly lose those ponds.

Ted Kozlowski stated treat that soil as contaminated soil and get rid of it.

Mr. Miller stated okay.

Chairman Rogan stated I just saw a sign down the road that they wanted free fill, so they didn't say anything about phragmites free fill. Okay, thank you gentlemen.

Mr. Miller stated oh just for the Board's.

Chairman Rogan stated yes.

Mr. Miller stated so the Board knows, I did receive comments from Rich and Gene and we'll be addressing those.

Chairman Rogan stated thank you so much.

Mr. Miller stated (inaudible – too many speaking) any significance.

Chairman Rogan stated and then we will be seeing you later this evening, thank you.

Mr. Miller stated thank you.

Chairman Rogan stated okay.

Mr. Cipriano stated thank you.

Chairman Rogan stated thank you Mr. Cipriano, you have a nice evening. Ice Pond View Estates, Mr. Buschynski was here a minute ago, wasn't he.

Board Member DiSalvo stated is he outside.

Board Member Pierro stated they're out in the hall.

Chairman Rogan stated he disappeared.

Board Member Pierro stated a lovely bash of e-mails today.

Chairman Rogan stated I haven't gotten through them yet, you must only review e-mail in batches because all of sudden I get.

Board Member Pierro stated (inaudible).

Chairman Rogan stated Saturday morning early, I can't wait. This is my last hurdle then I pack.

Board Member Pierro stated what are you shooting with, a bow.

Rich Williams stated Shawn, two public hearings.

The Secretary stated they were two separate.

Rich Williams stated open the other one, ask for comments and close it.

Chairman Rogan stated if you, gentlemen, if you would just give me one minute, we need to open and close one of the public hearings on the last application, if you would be so kind.

2) **CIPRIANO SITE PLAN – Public Hearing.**

Mr. Steve Miller of Badey & Watson and Mr. Peter Cipriano were present.

Chairman Rogan stated Michelle could you please read the other.

The Secretary read the following legal notice in to record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, September 4, 2008 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Peter Cipriano Jr./Copia Marketplace Site Plan to allow for a nursery/greenhouse/retail sales operation.** **The property is located at 2080 & 2096 Route 22, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated do I have any questions or comments from the audience. Can I have a motion to close the public hearing.

Board Member Montesano stated motion to close the public hearing.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, thank you.

6) **ICE POND ESTATES – Continued Review**

Mr. Steve Wise, Mr. Rick LaMontagne, Mr. Joseph Buschynski, and Mr. Chris Fischer of Cuddy & Feder, were all present.

Chairman Rogan stated okay, I'm sorry Ice Pond View Estates, gentlemen. Good evening, you can take the right out if you'd like, give you a little more mobility.

Mr. Wise stated good evening, for the record Steve Wise of Ice Pond Estates and SW Patterson Associates LLC.

Chairman Rogan stated can you also stated who you have with you tonight.

Mr. Wise stated sure can, Chris Fischer, attorney with the law firm Cuddy & Feder, Rick LaMontagne and Joe Buschynski, both of Bibbo Associates. We have received a copy tonight of the transmittal from Planning to you and have had a quick opportunity to review it and are prepared to address any matters that you would like to with that memo, there a number items that I think we can speak to tonight.

Chairman Rogan stated okay.

Mr. Wise stated it correctly points out that we were last here June and we heard comments from the Board and also from a previous submittal from Planning and we have taken the time since then to address as best we think we can, many of those points in the current submitted plans to Planning and the Board and we are hopeful that we have done a reasonable job in that. Some of the specific items that we have addressed and I will be a little bit repetitive of our discussion in June since day one has been addressing certain things such as common driveways, the stonewalls of prominence or not, rock outcroppings, placement of potential future accessory structures on the property, pools, shed, things along those lines. Lot lines in sensitive areas and we have also been as sensitive as we think we've been asked to be at least at this point to the presence along Ice Pond Road and I guess lastly we've gone out and done as much testing as we can given the moratorium for deep tests and some perc and some deep tests have been witnessed, no percs have but we are anxious to get going with that, so for this 30 lot subdivision, taking advantage of the overlay zone, we would like to advance our discussions and circulate this plan and with the permission of the Board, we would I guess like to address a few comments that come up in this more current memorandum to the best we can, recognizing that some we won't be able to tonight but we would like to come back quickly and with that have the understanding that we can advance this particular plan and come back with more hard data and move forward through this process.

Chairman Rogan stated okay.

Mr. Wise stated that would be our goal for this evening, if that pleases the Board.

Chairman Rogan stated sounds great, if you would like to start off on items that you can address from the memo, that would be great, if they are simple changing something on the plan that was in error, you don't need to discuss that, that is just a simple change, a field change or a document change.

Mr. Wise stated okay.

Chairman Rogan stated we are talking about changes that actually impact on the layout of the subdivision or technical issues like that comment we discussed about the one septic field that seems to go over a rock outcrop that we climbed down and was rather steep.

Mr. Wise stated okay, why don't, is there any order that anyone else would like to go because maybe we'll just start with that.

Chairman Rogan stated we can start with that, that was one that we thought of, we were wondering how you would solve.

Mr. Wise stated okay.

Chairman Rogan stated if you want to start with some engineering issues or.

Mr. Wise stated I will ask Rick and Joe to help out.

Chairman Rogan stated okay.

Mr. LaMontagne stated when we went out.

Chairman Rogan stated thank you.

Mr. LaMontagne stated when we went out to locate these areas, there are two areas that we saw, not only the one on lot eight but there is one on lot twenty-one that, its not as steep but it's a large piece of outcrop. There is area to bring the septic line, the main line, down around to the west of this rock outcrop, this is an area showing the various, there are two levels if you remember and there are two sections left to right if you are looking up at it. Between the two sections there is enough area to drop a pipe down through and its actual soil its not an outcrop.

Chairman Rogan stated let me ask a question, sir you are with Bibbo Associates.

Mr. LaMontagne stated yes, Rick LaMontagne.

Chairman Rogan stated okay Rick, I know I recognize you but I apologize, there are so many people.

Mr. LaMontagne stated yeah.

Chairman Rogan stated whether you were an attorney or an engineer, I was hoping you were engineer. Putting a septic line, nothing intended to our attorneys here, I just wanted to make sure we knew who were speaking to. Is there a legitimate was to run a septic line to current codes over exposed ledge.

Mr. Buschynski stated the area picked from the line, looking, is not over the vertical portion of ledge, it is a sloped section to the, south side of it.

Chairman Rogan stated okay.

Mr. LaMontagne stated the west side.

Mr. Buschynski stated the west side of it.

Mr. LaMontagne stated the south side of the entire outcrop, yes, outcropping area.

Mr. Buschynski stated (inaudible – not using microphone).

Chairman Rogan stated I guess what I'm asking is, is it safe to say that running a sewer line from the tank to the fields over exposed ledge, would not be approvable but today's standards, because I don't really know I have seen them from years ago.

Mr. LaMontagne stated that is correct.

Chairman Rogan stated so it has to be buried, is there a minimum depth that is has to be buried by today's.

Mr. LaMontagne stated no.

Mr. Buschynski stated on a house sewer, just adequate coverage to protect it, the house sewer from the foundation (inaudible – not using microphone).

Chairman Rogan stated with appropriate clean outs every so many feet.

Mr. LaMontagne stated and a drop of this size.

Chairman Rogan stated something has to slow it down.

Mr. LaMontagne stated it won't, there won't be any standing water for freezing purposes, at the bottom is where get the deeper to protect it from freezing.

Chairman Rogan stated I had told the Board at the work session that I had witnessed a septic that was installed in Continental Village that went about three hundred lineal feet down a rock ledge and they had concrete blocks that they ran the pipe through to keep it from moving and the people never had a problem with that, over all these years, it was probably sixty years old or better and the only thing was they needed a distribution box at the bottom to slow down the water because it went probably one hundred feet in elevation change down the slope to lower portion of the these peoples property but I couldn't imagine us doing something like that today, it was very necessary back then but that's why I ask the question, I didn't know what.

Mr. Buschynski stated we tend to have cover over it.

Chairman Rogan stated okay.

Mr. LaMontagne stated and we would have the same distribution box at the bottom to slow it down.

Chairman Rogan stated okay, alright.

Mr. Wise stated the next item I think deals with the impact of the wetland and those recreational uses of people's yards and potential encroachment into wetland areas and I think when we were here before you in June, we mentioned that we are resistant to putting fences up because we feel that they propose an unnecessary burden and often times don't look very pleasing particular after awhile but we have had experience with posting certain types of decorative signs which you know, can indicate the sensitive areas if that needs to be revisited, we can, we are not so hard and fast on it.

Chairman Rogan stated its not make or break.

Mr. Wise stated no.

Chairman Rogan stated of course not.

Mr. Wise stated its not but I leave that to that Board to help us understand how we might solve that concern for you, we certainly can put a fence but would prefer not to.

Chairman Rogan stated typically, and Ted is here so we can defer to him but typically the Board asks for the fence for the, not only for the encroachment into the wetland where people tend to clear more yard or do more but they also tend to dump more and end up with ATV's in it. The fence sometimes is seen as that line in the sand where we just don't use the property even though they own, we just don't use it beyond this

point. I think one of the Board Members, I don't remember which, brought up the idea of transferring that property to some of the open space, the main concern would be that we retain the lot size required under the overlay district.

Mr. Wise stated and again we would be open to that and I appreciate that potential imposition with fence and I have seen Board's say we don't want fences anymore because of the policing of it, fences move just as much as the ground move.

Chairman Rogan stated yeah.

Mr. Wise stated and we prefer to warn and enforce if possible.

Chairman Rogan stated we will discuss that and we'll certainly defer.

Ted Kozlowski stated can I comment.

Chairman Rogan stated please do.

Ted Kozlowski stated I understand your point since 1991, since I've been the conservation officer in this Town, every single project just as this, with those lots that border a wetlands from, on number twenty-four to twenty-eight, every single one I've had issues with after its developed, after you folks are gone, new people move in, there are impacts and we really have to try and nip that in the bud, so I'm asking you guys to come up with, if you don't fences come up with something imaginative, decorative signs don't do it. Signs gets shot down, they get pulled down, they get drown over by vines, we need to address that because every one of those lot owners are going to encroach and whether it is doing it imaginatively by making the property boundaries different or whatever but you have to keep the people out of that area because they are going to be in it once you are done.

Mr. Wise stated fair enough.

Ted Kozlowski stated signs are no good, I post signs all the time, they get ripped down, people don't want to look out their back window and see a posted sign.

Board Member Pierro stated my recollection there was a wall along that area that we were trying to protect and I think.

Chairman Rogan stated we tried to make that the property line.

Board Member Pierro stated right.

Chairman Rogan stated I think what was suggested.

Board Member Pierro stated and I think we should do whatever we have to do, even if it means giving a waiver, if we have to make the lots smaller.

Ted Kozlowski stated its just four lots, its not the whole project, just four lots.

Board Member Pierro stated just to protect it.

Mr. Wise stated if you would like us to propose something along those lines, we are happy, I wanted you to have the benefit of what I've seen which is not an everyday enforcement issue, so I appreciate where you are coming from and that's fine.

Chairman Rogan stated thank you.

Mr. Wise stated the other items that I see in this report are more clarifications unless I'm missing something, I would be happy to address some thing but I would rather not take your time in doing that.

Chairman Rogan stated no that's kind of what I'm seeing, I appreciate that. Rich, what is the status of Ice Pond Road, now I don't mean in terms of maintenance, current maintenance, I did say something at the work session, it was almost magical, the Town has been out there every day since and that road is in the best shape its been in, in years. Having said that though, is there anything that precludes the Town from paving Ice Pond Road in the area of this subdivision, any wetland issue or anything, I'm thinking back to the problems they had at Couch Road.

Rich Williams stated no wetland issues, there are streams in the area, I don't know where they are in relation to this project I would have to look.

Chairman Rogan stated my thought is that a project of this magnitude, thirty lots, if it were built as proposed, I am very concerned in its present state can not handle the traffic, it can't handle the traffic to be honest, I use it everyday, Ice Pond Road and it is very difficult road because wash and erosion, as an gravel road can be and I am very concerned about the idea of a thirty lot subdivision emptying out onto a road that currently can't handle what it gets.

Board Member DiSalvo stated and on top of Burdick Farm also.

Chairman Rogan stated yes, on top of it, we have a 33 lot subdivision, 34, 34 lot subdivision that is one half mile from here that will also utilize this road, potentially, so I am a little concerned about that. The road has the ability, if it were paved to be probably adequate, except for maybe a few sharp turns that might need to be opened up but that is the reason I'm asking that, not that I'm asking you to do any of those improvements, just more finding out what the ability is of the Town to improve that road.

Board Member Pierro stated in the future there will be a re-alignment of the intersection there, you may not know about that, supposedly, possibly.

Chairman Rogan stated where is that.

Board Member Pierro stated at the end of Bullet Hole [Road].

Board Member Pierro stated there may be a change there, if the funding comes about, which also may be an impact there.

Chairman Rogan stated I didn't remember with the, he's talking about now where the barn came down.

Board Member Pierro stated right.

Chairman Rogan stated did that also include a realignment of the intersection of Bullet Hole and Ice Pond, it pushed that curve, it straightened that curve but I really don't remember.

Rich Williams stated not so much the intersection but the subsequent curve coming down.

Chairman Rogan stated but that is certainly not immediate to this road but on that corner it is, absolutely.

Board Member Pierro stated right.

Board Member DiSalvo stated yeah, this is more of a straight run, those houses there.

Chairman Rogan stated you had mentioned when you first started sir, that some of the same types of issues that we had brought up, I certainly know the last meeting, I know we spoke quite a bit about the lot, the usability of the lots and I do see Joe, that you guys have laid in quite a few accessory areas, pools et cetera. I am very concerned and I said this from day one that people who buy these lots, whether they are an older generation or younger generation, having usable areas and I am very concerned that some of these overlay zones don't work well for the property that they are proposed. Take this same subdivision with a community sewer, you have just opened the lots up now to completely usable area, so I just want to make sure we put on the record each time that I am very concerned about having lots that work, that we are not looking at a house with twenty feet to a septic where there is not possibility of people using the back of the house.

Mr. LaMontagne stated well we did, as you can see, we did add pools, I did add to our zoning chart, some additional impervious surfaces for sheds and such but we haven't moved it all around because we haven't completed our testing with the County.

Chairman Rogan stated I understand that.

Mr. LaMontagne stated the reason why there seems to be a lot more down here is because the County witnessed the deep test here, so I know how much fill and how much area I need approximately, we haven't been through the perc test yet.

Chairman Rogan stated sure.

Mr. LaMontagne stated and that is why you don't see as many up over here, these were areas that aren't usable for septic anyway.

Chairman Rogan stated I understand.

Mr. LaMontagne stated going on to the road, we did do a road widening strip as part of this application that wasn't on our previous application, it adds up to approximately one acre of land showing some portions of Ice Pond Road come on to our property as it is now, so we've shown that strip on the plan.

Chairman Rogan stated and when will the moratorium be over that you can start additional testing.

Mr. LaMontagne stated the fifteenth of September.

Chairman Rogan stated of September.

Mr. LaMontagne stated so we are trying to get in as soon as that.

Chairman Rogan stated so you are hoping that in the next few months you should know a little better.

Mr. LaMontagne stated yes.

Chairman Rogan stated okay, so going into the holiday season we should have a much better idea how these lots layout.

Mr. LaMontagne stated certainly, yes.

Chairman Rogan stated and we can circulate a plan that everybody feels a lot more comfortable, obviously you want us to circulate a plan that is what we all anticipate can be built out there as opposed to sending this around and saying four of these lots won't make it.

Mr. LaMontagne stated right.

Chairman Rogan stated so we would like that also.

Mr. LaMontagne stated and one other thing in the memo was the fire protection.

Chairman Rogan stated yeah.

Mr. LaMontagne stated we spoke with Mr. Raines tonight.

Chairman Rogan stated great.

Mr. LaMontagne stated and he has given us some direction and I will be in contact with him.

Chairman Rogan stated okay, thank you Dave, we appreciate that direction and also we spoke about the rather large and significant stonewalls at the beginning of the property, close to Ice Pond Road and anything we can do to protect most of that. I know in one place you have to go through it for your roadway but that is a significant feature of this property and I would hate to lose it.

Mr. LaMontagne stated certainly, yeah, the little section of that, the ten to twelve foot wide we are disturbing but the main portion of it from the bar way down is left intact and it is a property line.

Chairman Rogan stated questions or comments.

Board Member Pierro stated do you have survey information relative to the area where Ice Pond Road is on your property so that you could give, give it to Rich and have him give a heads up to our local Highway Superintendent, so that he doesn't make any commitment to do any work on that property yet.

Mr. LaMontagne stated yeah well our original survey, the existing conditions map shows that.

Board Member Pierro stated can you get that communicated to Charlie Williams.

Rich Williams stated what work don't you want him to do.

Board Member Pierro stated well, there are areas of Ice Pond Road that are already, there are areas of their property that are already part of Ice Pond Road.

Rich Williams stated and I asked the question, so what.

Board Member Pierro stated and if some of that has to be widened on the other side of the road, Charlie ought to know about it, if the road has to be a certain width.

Gene Richards stated Dave, if I may.

Board Member Pierro stated yeah.

Chairman Rogan stated please.

Gene Richards stated one of the things I was going to say when I got a chance, we have not reviewed the project yet.

Board Member Pierro stated right.

Gene Richards stated but certainly a project of this size, its common practice for the applicants to be required to complete off site improvements for the road along the frontage. We did it down the road with Tommy Thurber Road, Chestnut Knolls, other projects, Burdick Farm was one, so I wouldn't take that off the table that they will not be required. They would number one have to provide a reservation strip for, along their frontage to set the property line back twenty-five feet from the center of the road bed.

Chairman Rogan stated right.

Gene Richards stated and improvements have been made by Charlie's highway department, they put down a gravel surface, this project could end up having to pave that stretch along their frontage because ultimately I'm sure Charlie wants to have a paved road.

Chairman Rogan stated ultimately it has to be done and ultimately I wouldn't be in favor of this project without an adequate road for this project, I'm sure that happens.

Rich Williams stated if I could just address one thing that Dave said though, just so that you understand, this is a road by use, so where the travelled was is, that is where it is, the Town has the right to do improvements on either side of that within in three rods.

Chairman Rogan stated did you just say rods.

Board Member Pierro stated three lots.

Chairman Rogan stated I thought you said three rods.

Rich Williams stated rods.

Chairman Rogan stated rods, you did, what is a rod, sixteen feet or, how many feet is a rod, we don't hear that too often.

Mr. Miller stated sixteen and half.

Board Member Montesano stated is that an (inaudible).

Chairman Rogan stated that is a precise architect or engineer.

Rich Williams stated well I wasn't going to get that.

Mr. Miller stated surveyor.

Chairman Rogan stated surveyor.

Rich Williams stated okay.

Chairman Rogan stated you bring up rods and chains and links.

Rich Williams stated so Charlie [Williams] has a right to do what he needs to do on that road.

Board Member Pierro stated I just want him to be aware that there may be some changes, that's all.

Chairman Rogan stated anything else from you sir.

Gene Richards stated one more thing with that same topic, if there are any stream crossing, any other impediments to paving the road, that is something that applicant would also have to get approvals for from DEP and DEC.

Chairman Rogan stated I had thought that someone mentioned to me that just to the left of this plan, the north of this plan there is a stream crossing, actually you are pointing to it right there. That might hinder some of this paving because that is where they stopped, that is right where they stopped the pavement that they did.

Board Member Pierro stated right.

Chairman Rogan stated was right at the bottom of the hill there where the stream goes under, so I just wanted to make sure that we are talking about that. Anything from the rest of the Board.

Board Member Cook stated do you have any idea on the two studies that you mention, when they may be complete, the traffic study and the, what is it the archeology.

Mr. LaMontagne stated the traffic study, they were waiting for school to get back in, so he will be out there doing the study in the next week or two. The endangered plant and animal study, they are waiting on one last report to go and do that, I talked to them today, they will be about there in the next week or so, that report should get to them at the beginning of next week.

Board Member Cook stated thank you.

Chairman Rogan stated thanks.

Mr. Wise stated as to archeology we can report back through Rich Williams office exactly when we expect that report to be completed that the first part of it was completed but we really wanted to be before the

Board to make sure that we have been heading in the right direction and this is processing before we get too far and I'm hoping that's, that conclusion that we are taking from this is in fact correct.

Chairman Rogan stated I just, wanted to break for that tape.

(Side 1, Tape 1 Ended at 8:27 p.m.)

Chairman Rogan stated okay, sir, can you repeat your last thought, I was reading something when you said that.

Mr. Wise stated my thought was that is what we are embarking on much more study and we are excited and ready to do and we wanted to make sure by coming back before this Board that this plan is one that will be cycled through the process. Generally speaking subject to the comments that we have been hearing tonight that we are heading in the right direction. We really wanted to have that kind of feeling of support so that we could take the next steps with diligence.

Chairman Rogan stated I think that the Board feels comfortable with reviewing this layout but we have some significant reservations about some of the way the lots lay out and we've been pretty clear about that.

Board Member DiSalvo stated right.

Chairman Rogan stated I think that what we see as a Board and what many other Boards see are applicants coming in of course trying to maximize whatever they are going to get out of it and sometimes we sit back say if they would only come in with what works flawlessly and get through the process. They would get there in half time and we've seen it with applicants that are here before us tonight with other subdivisions, where you get to that point through a process, how long that process takes really depends on you and not on us. When you come in with something that works without reservation, the process goes very smoothly and so that's probably the caution that I would give you that give us something that works very well that you can honestly say at the end of the day that yes, this is going to work. Everybody is going to be able to use their lots, the layout will be good, it will look good for the community, it fits into the character of the community, we are not trying to jam nine pounds in a eight pound bag and I will say that yes, you will have our word that we will do our work, you do your work, we will do ours.

Mr. Wise stated I appreciate that.

Chairman Rogan stated that is the spirit of what I see, time and time again, we always start with much more then what we can realistically obtain and so if time is your critical issue, make sure that it works without reservation.

Mr. Wise stated we feel that we are responding to the concerns that we are hearing.

Chairman Rogan stated okay.

Mr. Wise stated we are feeling that we are going to get these lots to work very well and believe that based upon what we know at this point we have, but I want to be very clear also, we are not looking to resist the input of the Board.

Chairman Rogan stated of course.

Mr. Wise stated so if there is more input that you would like to give us tonight so we can understand where you think really might not work in your eyes, we may not be seeing it or hearing it the way we should and I don't want to ignore that.

Chairman Rogan stated okay, understood, pull the verbatim comments from the last time that we spoke, because we did go lot by through and talk about some significant problems. I have not reviewed every lot on this to see that those have been addressed but I certainly will, so take those types of comments and the comments that you heard tonight to heart and design a project that, your staff have been through this time and time again, they know what will fly and what won't, so you've hired good people, you know what they say after you hire good people, right, stay out of their way and let them do their work and you guys will be successful at the end of the day.

Mr. Wise stated okay.

Chairman Rogan stated thanks.

Mr. Wise stated thank you very much, appreciate it.

Chairman Rogan stated thank you.

7) PATTERSON CROSSING RETAIL CENTER

Mr. Jeff Contelmo of Insite Engineering and Mr. Fred Koelsch were present to represent the application.

Chairman Rogan stated okay, Patterson Crossing Retail Center, item number seven. It is what it is, that is my new mantra, it is what it is. How are you. Good evening Mr. Contelmo could you please who the microphone sir, we want to capture your every word.

Mr. Contelmo stated good evening Jeff Contelmo from Insite Engineering, we are here this evening to discuss the site plan for Patterson Crossing.

Chairman Rogan stated sure.

Mr. Contelmo stated we did have the opportunity to get a copy of Rich's memo earlier, I'm not so sure, does Gene have a memo for us, he does not.

Gene Richards stated no.

Mr. Contelmo stated okay, really we are here to advance the site plan review and I did want to discuss a few of the issues that Rich brought up.

Chairman Rogan stated sure.

Mr. Contelmo stated first of all under his A 2 he talks about legal agreements for the stormwater basin which is partially in the New York State right of way. There was discussion on that in the FEIS regarding access of land from the DOT, excess right of way, we are working with the DOT right now and as we advance that we will keep the Board apprised of that. That will be part of our highway work permit also, so right now we will be pursuing the purchase of excess right of way from the DOT for that. As far as our

special use permit, just a question, Rich has informed us that we can go to the ZBA for the special use permit at any time, we would like to advance that application, I don't know if it is typical to get a recommendation from the Board.

Chairman Rogan stated it is.

Mr. Contelmo stated and if it is we would ask that the Board do that this evening. One part that is somewhat related to that is in Rich's comment B 2 where he notes that we will need sign variances, in lieu of that he talks of the possibility of the Town Board to amend the section for a special use permit for a large retail center that would be more appropriate for this type of center. What we would like to do is advance our special use permit, if that is a parallel process that can take place we would gladly monitor that and certainly be behind it but right now our sign program is a bit down the road for us. As each tenant comes in they will each have their own nuances with respect to signage and we would like to assemble that as a whole and deal with that as a separate issue with area variances but we would like to move forward with the special use permit with the ZBA.

Chairman Rogan stated and I don't disagree with you on that, in case the Town Board doesn't see things the way you would like to see them and still want to be in front of the ZBA for that.

Rich Williams stated one of the issues arises though, if I may interject.

Chairman Rogan stated sure.

The Secretary stated microphone please.

Rich Williams stated sorry.

Chairman Rogan stated thank you, Michelle.

Rich Williams stated you know I've made a suggestion that there are a couple of different ways that they can go with regards to the sign and the need for larger signs than typically our Code will allow. One way is to go for the area variance, the other is to amend the Code, we would probably looking at amending that specific section that has to do with regional retail shopping areas, in which case they couldn't go very far with the special use permit, they couldn't have a public hearing.

Chairman Rogan stated because changes were being considered.

Rich Williams stated until that was amended.

Chairman Rogan stated okay.

Rich Williams stated well the problem is they would go, they would have a public hearing, we would change the Code, which would change the requirements and they would have to do it over, so.

Chairman Rogan stated okay, how.

Rich Williams stated its up to them which direction they go, which direction the Board wants to go, I'm really ambivalent.

Chairman Rogan stated can we present that theory to the Town Board and see how they would respond to it, that might base their decision. You know, in other words if the Town Board says well we don't want to have anything to do with this, go back to Zoning, if says oh it seems reasonable, we have a regional retail center, they have greater requirements then what the typical small center needs.

Rich Williams stated I don't know how to initiate that process without a recommendation from the Board going to the Town Board saying do it and within that you probably would want to make some sort of a recommendation about you know, the size you think is appropriate.

Chairman Rogan stated yeah.

Board Member Pierro stated there is no provision in the Code for that now.

Rich Williams stated there are provisions for signage but its generally based on a standard that looks at smaller individual retail which is typically what we have in Patterson.

Chairman Rogan stated yeah, so in other words we could make a recommendation to the Town Board to consider changing the zoning requirements as they pertain to signs to allow for a larger scale regional center to have different and unique sign criteria that is different from what the Code currently allows.

Rich Williams stated sure.

Chairman Rogan stated so that, taking into account the specific needs of this type of facility, we would allow a greater sign area, I know its very wordy but.

Rich Williams stated I am sitting here thinking things through, I could actually do it so we don't need to amend the special use permit. I could just change, its still not going to matter, its still going to affect (inaudible), I was thinking, Jen, jump in any time to bail you out.

Jennifer Herodes stated well I'm just not jumping it because of what we're discussing, I'm speaking in general terms because of the matter we are discussing and my firm is recused it, I'm really not allowed to speak at all on this topic.

Rich Williams stated true, never mind.

Chairman Rogan stated okay, oh right, we have special, I forgot.

Rich Williams stated what I was thinking is I could jump in.

Chairman Rogan stated good point.

Rich Williams stated I forgot

Jennifer Herodes stated that's okay.

Chairman Rogan stated you're very good.

Rich Williams stated I could change the section of the Code that deals specifically with signs as it affects regional retail centers but I don't know for sure that that would grandfather them in under it, it probably would but I'm not sure.

Mr. Contelmo stated yeah if I understand you correctly what you are suggesting in lieu of revising the special use permit to allow for additional signage. Within the signage section itself, you would amend or the Town Board would consider amending that, which then when we come back for our variance may change in magnitude of our variances if they were to change it. I believe for us that is a better way to go and I also think for the Town that may be a better way to go and that all of the signage requirements are within that one section. Again, our concern is A. we won't have our final sign program until we have our final tenant list, B. a testament with the Town Board can take time based on debate and other issues. We see the special use permit as our next logical step in moving forward.

Chairman Rogan stated will you think though that you will have good consideration with the Zoning Board when you don't even know what you're going to be ultimately requesting for area or size.

Mr. Contelmo stated we do not plan on going to the Zoning Board for our area variance for signage, we are only going to go there for our special use permit.

Chairman Rogan stated oh okay, I'm sorry.

Mr. Contelmo stated and hold our area variance application for a future date.

Chairman Rogan stated understood, alright.

Board Member Cook stated Shawn.

Chairman Rogan stated yes.

Board Member Cook stated Rich, when you talk about like amending the Code and going through that to have a separate section for this type of project, don't you have to have like specifics relative to the sign dimensions and.

Rich Williams stated yes.

Board Member Cook stated all that.

Rich Williams stated yes.

Board Member Cook stated okay.

Rich Williams stated and again I don't know if the Board would like me to generate something and they can review it and then pass that on to the Town Board as their recommendation or the Board would like to just come up with their own standards.

Chairman Rogan stated I would rather not, personally.

Rich Williams stated or would they want to take the applicant up.

Board Member Pierro stated also we ought to think about, depending on the.

Board Member Montesano stated (inaudible) colors.

Board Member DiSalvo stated the dimensions, how big is going to be.

Mr. Contelmo stated we actually.

Board Member DiSalvo stated similar to like Home Depot, the Highlands over there.

Mr. Contelmo stated we put together a sign program as part of the FEIS, we actually put together a sign program so that impacts could be looked and in doing that, we did look at what the different retailers typically looked to do and tried to pick. If you asked them what they want, they want the biggest sign that you could ever have manufactured.

Chairman Rogan stated of course.

Board Member Pierro stated sure.

Mr. Contelmo stated what we tried to do is look at different centers in the area, including Highlands and pick signage that would fit a program to be quote, unquote reasonable is something that one of the retailers would consider reasonable from their perspective.

Chairman Rogan stated sure.

Mr. Contelmo stated again until we have the final use, everybody's signage obviously is different, the aspect ratios are different, the areas are different, the number of signs they seek are different but what we tried to do was put together a reasonable program and again what we don't want to do is chase that program down for area variances only to have to come back and change it maybe half a dozen times. So again our goal is to move forward with the special use permit and hold that issue and certainly we would participate in discussions with the Town Board if they were to consider amending text, either under the special use permit or within the signage section of zoning.

Chairman Rogan stated understood, okay, so you think you could put a little thought into the revision of that text because I'm sure we would maybe with slight ideas, go with a recommendation on that.

Rich Williams stated okay.

Chairman Rogan stated so for the special use permit, did the Board want to make a recommendation to the Zoning Board for that application, I'm assuming we do. Anybody have anything that they want to discuss on that, this is for the special use permit which allows the use of the property as proposed, any discussion one way or the other.

Board Member Pierro stated I'm happy.

Chairman Rogan stated anybody want to make that motion. I'll make it. In the matter of Patterson Crossing Retail Center, I make a motion that the Planning Board recommends that the Zoning Board look favorable on the special use permit for Patterson Crossing Retail Center.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries. Jeff, at the work session we spoke a little bit about the issue of sidewalk, which I know the applicant was very resistant to. Understanding and recognizing that we don't have control over what happens in the Town of Kent but at the work session I said that I was going to reach out to the Kent Planning Board Chair to just kind of let him get a sense of where we are coming from on this because what we heard through a lot of our scoping session and a lot of public comment was promoting the walk-ability of the site. We took that as not only internally but we also heard getting to the site, the applicant's opinion was that it is too far to walk from some of the outlying areas except from maybe where the emergency access road was. I disagree heartedly because I see people walking all over when they are given the chance, the safe chance to do so, especially with the price of gasoline being what it is. So, my push will be for a sidewalk to go from this site to the extent of their property down onto [Route] 311, so much as is within our control, what I would love to see if the Town of Kent jump on and say yes, that's a great idea and we are going to support from our end, while they may have their own issues with the project, supporting the usability and the walk-ability of the site, I think would benefit I think the entire community.

Mr. Contelmo stated we will revisit that.

Chairman Rogan so that is (inaudible), okay.

Mr. Contelmo stated what I do want to point out and you did mention, one of the comments during the SEQRA review was walk-ability of the center itself.

Chairman Rogan stated yeah.

Mr. Contelmo stated we actually put together you know, very detailed pedestrian connection from end to end of the site.

Chairman Rogan stated great.

Mr. Contelmo stated what we haven't done, as you've said, is connect the site to Route 311, our opinion is that it is a sidewalk to nowhere but certainly if the Board in Kent agrees that sidewalk should go to Route 311, we are going to entertain it, we are going to be open to that.

Chairman Rogan stated you know I think locally, we see here in Patterson that when we have a sidewalk to nowhere, it's a sidewalk to a beginning and its something that we can expand on for the future and we see here, right out front of Town Hall, they get used all the time, we see people riding bicycles, walking to and from the different businesses here and it is a busy road here on [Route] 311 but its still does have

connectivity to a lot of residences and a lot of people that may just decide to walk to the site for some of their smaller shopping or for comparison shopping or whatever, for exercise.

Mr. Contelmo stated we'll take a look at it, realizing that one we get to this point, as you mentioned you know, the first six hundred feet or so of the road is under the jurisdiction of the Kent Planning Board but we will discuss that with them as well.

Chairman Rogan stated yes, if Kent comes back and says absolutely no way, no how, no chance, we are not going to support it, me personally, I'll back off on having the walk-ability because I don't want a sidewalk to end at the Kent line.

Mr. Contelmo stated yeah, that doesn't make sense.

Chairman Rogan stated not looking for that, not looking for (inaudible).

Mr. Contelmo stated right, no if we were going to do it, it would only make sense to bring it all the way to [Route] 311.

Chairman Rogan stated I will have that conversation with Kent.

Mr. Contelmo stated okay and we'll study that and look at it as well.

Chairman Rogan stated thank you.

Mr. Contelmo stated the other two comments that we did want to get the Board to act on are comments that we have discussed before, is the size of the parking spaces and the number of parking spaces. If you recall, early on in the review process, we did in fact put together some data relative to the users of both the whole sale warehouse and the home improvements store and what their real needs are for parking and what we've done, is we've provided those numbers for each of those users and we have provided a standard five per thousand for the balance of the stores.

Chairman Rogan stated okay.

Mr. Contelmo stated so, we've also proposed nine by eighteen parking spaces which we tend to see as more of a common place size for parking spaces. We did discuss that several years ago as well that has allowed us to reduce the impervious surfaces significantly based on the number of spaces, so we would ask the Board to act favorably upon granting the waiver for both the size of the parking spaces and the number of parking spaces.

Chairman Rogan stated I will tell you personally, Jeff, that may, I don't know what I said a couple of years ago but with the exception that right now we are seeing some of our size of vehicles come down again because of the energy crunch. I have said on the record with other applications that I will not support a waiver of the size but I will support a waiver of the number, in other words I would rather see full size spaces. I think that they should even be a little bigger to be honest than ten by twenty because, especially at a place like a home center where people are putting things in and out of their vehicle like they may be at this place. You need that room around your vehicle because other wise you end up denting people's cars with home goods and things, I would much rather see us grant a waiver for the number of spaces, keep the impervious area the same, work out your ten by twenty spaces and whatever that number works out, we work with that, then a reduction in size of spaces.

Mr. Contelmo stated quite frankly, that is going to create a problem for us, when we first made this application.

Chairman Rogan stated and why is that.

Mr. Contelmo stated and I think it goes back.

Rich Williams stated 2001.

Mr. Contelmo stated 2001 and the trend is when you get into large parking areas is actually to reduce to nine by eighteen, as I said, everything we've done on the larger scale, has been that, this site plan since 2001, has been based on nine by eighteen parking spaces and there was in fact discussion of that early on because it was an important point.

Chairman Rogan stated I'm sure there was.

Mr. Contelmo stated in terms of reducing the number of parking spaces, you know, we have tenant needs in both of these buildings for the number of parking spaces which are actually less than what your Code requires. I don't believe the tenants would agree for us to go nine by eighteen spaces and lesser spaces, I'm not sure where we get (inaudible).

Chairman Rogan stated what about providing, especially I'm thinking about the facility, the home goods facility, the Loews types facility.

Mr. Contelmo stated the home improvement.

Chairman Rogan stated that we have a certain area for larger vehicles.

Board Member DiSalvo stated full size vehicles.

Chairman Rogan stated we do see different size vehicle parking and I just absolutely think you need that for that particular use.

Mr. Contelmo stated we could look at it, it would require us to probably reduce the number of spaces as you suggested.

Chairman Rogan stated you've got all trucks like yours and mine and larger.

Board Member DiSalvo stated we all drive pick up trucks.

Chairman Rogan stated and they are all you know.

Board Member DiSalvo stated especially if you want to go to Loews.

Chairman Rogan stated and half the time I can't fit into the spots even at Home Depot.

Board Member DiSalvo stated can't get out of my door.

Chairman Rogan stated right and so anyway, I appreciate what you're saying I'm not in favor of the reduced spaces, I can buy it for a lot of the other facilities for the Loews type facility, I need to see some larger spots.

Mr. Contelmo stated the home improvement stores, typically have a contractors area, which is this canopy and drive-thru, both Home Depot and Loews have a similar arrangement. If we were to take the area around that and increase the size of the spaces in that area and also pick an area on the wholesale warehouse and do a similar thing, would that be sufficient.

Chairman Rogan stated that makes sense, well I think when I go up to that other plaza, if I saw any area that said this is for truck parking, I would park there because I know I'm going to fit into the spot.

Mr. Contelmo stated yeah I appreciate what you're saying, I'm just, I'm a little bit concerned that here we are seven years later, discussing a topic which has an impact on the layout that we put a lot of work into.

Chairman Rogan stated sure.

Mr. Contelmo stated in my observations and again I use home improvement stores all the time, is that if you have big truck, the lots probably twenty percent full on the store side, there is plenty of room to spread out ninety-five percent of the time.

Chairman Rogan stated yeah but you realize that most people don't use anything but the closest spot they can find, you know, unless you really want to park away from people.

Board Member Montesano stated one thing that I really enjoy and I'm sure we've noticed it, usually the occupant of the store has a tendency to have cart recovery stuck somewhere, or they will have a display outside and take up parking spaces, especially all the nice big parking spaces which is something I've noticed more and more and an outside display suddenly appears.

Chairman Rogan stated okay, so, I think we are on the right track with that, just acknowledging that the Board is looking for some full size spaces to be added.

Mr. Contelmo stated and again, just so we're not spinning our wheels, we will provide for some full size spaces in the area of the contractors entrance for the home improvement, we'll do something similar over by the auto center portion of the wholesale warehouse.

Chairman Rogan stated great.

Mr. Contelmo stated and you want us to do something down in here.

Chairman Rogan stated what are those facilities, we have more of the typical retail, electronics, clothing, café.

Mr. Contelmo stated right.

Mr. Koelsch stated sporting goods.

Chairman Rogan stated less important down there, I think from my perspective, anyone on the Board.

Board Member Cook stated I would like to see a comparison, I understand what you are saying, there is impact and this is many years later but I wasn't here back in 2001. So I mean, if you had an overlay that showed the spaces ten by twenty, okay, and just what is that impact.

Mr. Contelmo stated we can certainly do that, absolutely.

Board Member Cook stated okay, just to visualize what that and how many space.

Rich Williams stated twenty percent.

Mr. Contelmo stated well the aisle width wouldn't change so it wouldn't necessarily be twenty percent but I would guess that its going to be over ten percent less space. So on 1700 spaces, you're talking about nearly two hundred parking spaces being reduced.

Chairman Rogan stated what I thought I interpreted from what you said.

Mr. Contelmo stated if you did it all the way.

Chairman Rogan stated wasn't the change in parking spaces it was a change in layout that you were most concerned about because I wasn't talking about changing your impervious one bit, I'm saying keep the same level of impervious.

Mr. Contelmo stated and I agree.

Chairman Rogan stated and you're saying it's a nightmare from the standpoint of how the lot lays out.

Mr. Contelmo stated yes it is because what happens is we have sixty foot bays here.

Chairman Rogan stated okay.

Mr. Contelmo stated alright, the minute we go to twenty foot deep, we, it becomes a sixty-four foot bay, that that pushes these out, now this road can't be here, it doesn't quite frankly it changes the entire site plan, it does.

Chairman Rogan stated what I'll ask is.

Mr. Contelmo stated I mean, changing the width, changing the width is quite different, okay, what that does is it takes a line of twenty-four spaces and makes it twenty-two, which is not a big deal, it becomes a striping exercise as opposed to a re-grading.

Chairman Rogan stated right, okay.

Mr. Contelmo stated so if the Board would entertain us putting in some ten by eighteen spaces.

Chairman Rogan stated I'll tell you, ten foot wide, the width is really more what we are seeing then the length, so that definitely would be, that is more what we are seeing right, I don't really notice that front to back because if I stick out a little further, I'm not, it doesn't matter to me, I'm.

Board Member DiSalvo stated I always park so I can pull out anyway so.

Chairman Rogan stated right.

Mr. Contelmo stated what if we did two things, what if we took the entire site and showed it with ten foot wide, what the impact would be to go with ten foot wide spaces and.

Board Member Cook stated ten by twenty, ten by twenty.

Board Member DiSalvo stated ten by eighteen.

Mr. Contelmo stated okay ten by twenty is going to change things drastically.

Chairman Rogan stated put it all out there.

Board Member Cook stated I mean, that is what the Code calls for so just to show that, you know, so we know where we're going.

Mr. Contelmo stated we'll do that exercise but again what that is going to do.

Rich Williams stated Charlie, I just want to say that is a lot (inaudible).

Chairman Rogan stated yeah, a lot of engineering.

Board Member Cook stated yes, I don't want to complicate this but its.

Mr. Contelmo stated I was trying to get to maybe a simpler point and that is to show you a ten by eighteen layout through out the entire site just so you can see the magnitude in numbers so you know that seventeen, twenty-six or seventeen-fifty, excuse me, goes down sixteen hundred, you can see those numbers and then I will do a second little study that will show some localized areas, where we increased the size of them and see if we can find a balance within that.

Chairman Rogan stated that seems certainly reasonable, I like the idea, I hadn't really thought of it that way but it is always the width that is the problem so if you can do ten by eighteen, that will certainly suffice a lot of those areas.

Mr. Contelmo stated plus we have a twenty-four foot drive aisles, an eighteen foot depth is not where the problem is, I agree with you so.

Chairman Rogan stated yeah.

Mr. Contelmo stated we will do those studies, we'll show you where they are.

Board Member Montesano stated usually I take up two spaces with the motor home.

Board Member Cook stated Michael, it's not a problem until Shawn backs into you.

Chairman Rogan stated that's right.

Board Member Cook stated then it's a problem.

Chairman Rogan stated and I will you know.

Board Member Cook stated that's practice.

Chairman Rogan stated yes Gene, please jump in.

Gene Richards stated If I can maybe offer one thing, there are a couple of techniques that very often engineers will use for shopping centers, one is to help keep people parking centered in their stall, they can use a double line for the parking stalls.

Chairman Rogan stated ah.

Gene Richards stated and what you do it use two four inch lines that are on center twelve inches.

Chairman Rogan stated it gives you that better separation.

Gene Richards stated visually it tightens up those spaces and people tend to park more centered in the space, so you have the room between the doors of the adjacent cars, that is one technique. Something that the firm I worked for years ago did was to, it would require a waiver from the Board but with down sizing of cars back in the 80's and now are experiencing it again, we could have compact parking spaces, you could go with an eight and half foot wide stall and I'm only dealing with width, not length, eighteen would be and that half a foot that you steal from a compact stall you can put towards the other stalls, maybe have nine and a half foot width.

Chairman Rogan stated I've seen that, in a couple of parking lots recently.

Board Member DiSalvo stated they have to have a sign.

Gene Richards stated then you just have to designate which stalls are handicap, not handicap, but compact.

Board Member Montesano stated is that the one that says compact car and that limousine is parked there, I remember that.

Gene Richards stated you can't, you will never stop people from doing that.

Chairman Rogan stated its not a law it's a.

Gene Richards stated those are some techniques that they could use.

Mr. Contelmo stated we are talking about just the opposite of that with the wider spaces maybe and some key areas, which I think actually is a better, compact car stuff.

Chairman Rogan stated yeah, Jeff, what we spoke about at the work session was some of the parking lots that have gone up in the last fifteen or twenty years locally that stand out as really poor examples of what not, good examples of what not to do for examples of parking lot layout and that was well, not the Home Depot lot but where Applebee's is in Brewster, you get in there and it's a very difficult lot to maneuver, its tight, it doesn't give enough drive aisle width in a lot of areas. Another one is the A & P Plaza on Route 22 [in Brewster] that has so many dead end areas, where you get in and you feel like you can't get out of the

darn place. It's difficult for a lay group of people that we are to look at this plan and really visualize driving through this lot, we want to make sure we do everything, take every effort to make sure we don't create that type of parking lot.

Mr. Contelmo stated we recognize that and the good news is that we didn't design either of those lots.

Chairman Rogan stated I love it that was a great answer.

Mr. Contelmo stated and I don't believe, I don't think we have any dead ends here and I agree with you, dead ends are problematic.

Chairman Rogan stated yeah.

Mr. Contelmo stated and we strive not to have any and I don't think we do have any, so.

Chairman Rogan stated great.

Mr. Contelmo stated again we put a lot of thought, when we did the revision after the DEIS into the layout and tried to introduce you know ample aisles, end islands for landscaping and also maneuverability, so I do think we have that on the run.

Chairman Rogan stated great.

Mr. Contelmo stated and we will study that parking space width issue.

Chairman Rogan stated great.

Mr. Contelmo stated the only other question I had was Gene had indicated that he has not yet had a review.

Chairman Rogan stated right.

Mr. Contelmo stated I didn't know when we could expect that or what the plan was.

Chairman Rogan stated when do you have some free time Gene.

Gene Richards stated no actually we have gone through the plans, we've marked them up and what we were going to do is just see if we can drive it to a meeting with Jeff's office and go through comments and have Rich present.

Chairman Rogan stated we recommend that the Town Engineer meet with project applicants engineering staff and start to iron out some of these issues. Everybody good with that.

Board Member Montesano stated why not.

Board Member Cook stated yes.

Board Member DiSalvo stated you would want to pursue a lot of that with other.

Chairman Rogan stated yeah, it seems like we do a lot of this where its this back and forth communication that would be better suited for everyone not only for costs for the applicant but time for everyone to meet more often.

Mr. Contelmo stated yeah, we welcome that.

Chairman Rogan stated and (inaudible), that would be great.

Mr. Contelmo stated yeah.

Chairman Rogan stated Jeff, where are we with the concept of using, when we were talking about walk-ability, the emergency access, bring me up to speed on that.

Mr. Contelmo stated the emergency access road is going to be a connection between Concord Road and the main access drive, in the center, certainly it is going to be graded to accommodate pedestrians and certainly I would think that people are going to use as a pedestrian way, as you know based on concerns expressed during the SEQRA process, we have a very heavily vegetated area all along that boundary. Its got a fence and triple line of evergreen planting, really the only break in that long stretch will be the emergency access road which will be twelve feet wide and easily be able to accommodate any pedestrians it will have. An emergency gate on both ends but certainly something that somebody can just walk around, so its going to be able to accommodate pedestrian traffic. If the Board desires, we can get a little crosswalk even in there, something.

Chairman Rogan stated that is a really good idea, on that main thoroughfare to have a crosswalk striped out so that we don't run people down because you know that's going to be the funnel of that community, even though many people say they aren't going to shop here, they will end up walking into this and that point will be the main funnel, so I think that is an excellent idea.

Board Member Montesano stated you'll have to bicycle racks there.

Chairman Rogan stated great. Anything anybody else wants to discuss tonight, you have a letter in your hand.

Board Member Pierro stated yeah, the only concern I had about Gene meeting with the applicants engineer was that the Town Board be made aware, that that is happening because they are the ones who are paying the bill. I don't care what they spend but they are paying the bill and they should know that those meetings are occurring.

Mr. Contelmo stated actually aren't we paying the bill.

Rich Williams stated we send (inaudible).

Mr. Contelmo stated we're actually paying the bill out of escrow so.

Board Member Pierro stated yeah but they should know.

Mr. Contelmo stated well they should know because they work with them.

Rich Williams stated out of respect, they don't know now, we don't report back every meeting that we have with the Town Board.

Chairman Rogan stated this particular meeting is not a change of policy it would be doing it more often.

Board Member Pierro stated right.

Chairman Rogan stated that would be the change in procedure, not policy, procedure.

Rich Williams stated if we decided we are going to cut the Planning Board out of the process and go design the project, that is different.

Board Member Pierro stated right.

Chairman Rogan stated and I think in essence the intent is to try to reduce some of the waste and save some of these.

Board Member Pierro stated and the time.

Board Member DiSalvo stated and coming before us with every little thing.

Board Member Pierro stated most importantly the time.

Chairman Rogan stated the memos that we get sometimes, you have to see.

Board Member Pierro stated was, did Dave [Raines] get a chance to review this memo from the Fire Department on their issues.

Rich Williams stated no he did not, I thought he was involved in the meeting.

Dave Raines stated I actually set the meeting up.

Board Member Pierro stated you did.

Dave Raines stated I helped draft that memo.

Chairman Rogan stated great.

Board Member Pierro stated okay, has Jeff been made aware of this or reviewed any portion of this.

Mr. Contelmo stated yes, we have a copy.

Rich Williams stated Dave initiated it.

Board Member Pierro stated okay good.

Chairman Rogan stated great.

Board Member Pierro stated is anything in this letter that you have any great concern about.

Mr. Contelmo stated I would have to refresh my memory before I say no.

Chairman Rogan stated good man.

Board Member Pierro stated I've been there before.

Chairman Rogan stated you've been there, yeah.

Mr. Contelmo stated I do recall reviewing it.

Chairman Rogan stated there is a no on this stuff.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated Rich, is there any reason why Anthony Mangone is not here or should he be, he is our special council on this.

Rich Williams stated we are paying him by the hour and this is basically a preliminary move the process forward.

Chairman Rogan stated okay.

Rich Williams stated he was made aware of the meeting but you know in communication I didn't ask him to be here, I didn't see any legal issues coming up, so.

Chairman Rogan stated there was though, but there was.

Board Member DiSalvo stated he'll get a copy of the minutes.

Rich Williams stated oh yeah, no absolutely he'll get copies of the memos and the minutes so he'll stay apprised.

Board Member Montesano stated and the question we couldn't get answered.

Rich Williams stated and honestly I think the next point that he is going to make an appearance is going to be at the ZBA for the special use permit.

Chairman Rogan stated okay, so he is getting copies of our minutes and.

Dave Raines stated Dave, can I just see that (inaudible).

Chairman Rogan stated keeping himself up to date because its been a very disconnected process for this young man to keep in the loop on.

Rich Williams stated we gave him a copy of everything we did before when he came back.

Chairman Rogan stated but you know, reading it and being there are certainly two different things.

Rich Williams stated yeah.

Mr. Contelmo stated yeah, the fire department memo, the only issue that we, we don't have a problem I don't think with the first ten of those but the eleventh on I think it is, it talks about preempting the traffic light, that would have to be something that the DOT would have to agree to.

Dave Raines stated we've already initiated some discussion.

Mr. Contelmo stated okay so if they are fine with it, then we are fine with it.

Dave Raines stated yeah, I think they just kind of reached out to say, they weren't sure if it was in the scope of the project, how that really worked logistically.

Mr. Contelmo stated that would just have to be in the design of, the signal design.

Dave Raines stated okay.

Mr. Contelmo stated so if they are okay with it, then we would be fine with that as well.

Board Member DiSalvo stated I just have another question, do you have any perspective retailers that would have a drive-thru window.

Mr. Contelmo stated as the site is laid out right now, no. I believe that the FEIS did address that issue in that there may be retailers in the future that would seek a drive-thru, certainly that would necessitate an amended site plan and visit to this Board.

Board Member DiSalvo stated okay.

Mr. Contelmo stated but as of right now, as we have it laid out, no.

Mr. Koelsch stated let me ask you a question though, we have spoken to retailers.

The Secretary stated I'm sorry, I need your name.

Mr. Koelsch stated I'm sorry, my name is Fred Koelsch.

Chairman Rogan stated we've been mispronouncing your name all these years and you haven't told us.

Board Member Pierro stated we apologize Fred.

Mr. Koelsch stated Rich gets it right.

Chairman Rogan stated we thought it was Koelsch, Fred Koelsch, we stand corrected, I apologize.

Rich Williams stated (inaudible).

Mr. Koelsch stated that's the last name but there are retailers who are interested in having a drive-thru, a drug store and we did talk about it in the FEIS, generally and it is something that we may develop further and come back to you with in the future.

Board Member DiSalvo stated but like Jeff said, you didn't design the Applebee's parking lot because that is a horror.

Chairman Rogan stated everything out there is a horror.

Mr. Koelsch stated that has a drive-thru, Applebee's.

Board Member DiSalvo stated Dunkin Donuts.

Mr. Contelmo stated Dunkin Donuts.

Board Member Montesano stated Dunkin Donuts on the end, where you take your life in your hands.

Board Member DiSalvo stated its backed up to Applebee's.

Mr. Contelmo stated any time you introduce a drive-thru, it creates an interesting traffic pattern with some challenges yeah.

Board Member Montesano stated the only way to get to it is you have come in by Applebee's go around the back and then come back out and if the poor guy on the end spot is backing out at you, coming this way, it gets more interesting everyday.

Chairman Rogan stated the only saving grace I've noted there is that there are different hours of main operation for Applebee's being later in the day and Dunkin Donuts backs up early in the morning.

Board Member Montesano stated yeah well.

Chairman Rogan stated fortunately, if they were the same competing times we would really be in trouble, I'm sorry Southeast would be in trouble.

Board Member Montesano stated you have to get to the train, bang.

Chairman Rogan stated anybody else have anything else on this project tonight, if not we are going to move forward, move along.

Mr. Contelmo stated okay, thank you very much.

Chairman Rogan stated thank you.

Mr. Contelmo stated we'll see you again soon.

8) OTHER BUSINESS

a. North County Homes Letter

Chairman Rogan stated we have a letter on North County Homes, Joe Bibbo isn't, Joe Bibbo, I apologize Joe, Joe Buschynski, we do say his name correctly. Did not hang around for that so I'm assuming he doesn't want to discuss it.

b. Wallace Wetland/Watercourse Permit

Chairman Rogan stated Wallace Wetland/Watercourse Permit was approved at the work session.

c. White Birch Realty Bond

Chairman Rogan stated White Birch Realty Bond was a recommendation to the Town Board to release that.

d. Martins Subdivision

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

Chairman Rogan stated we have Martins Subdivision, Mr. Miller.

Dave Raines stated is there any discussion of the letter for North County Homes, are you going anywhere with that. I just.

Chairman Rogan stated did you read it.

Dave Raines stated no.

Chairman Rogan stated here you want to take a read at it. I spent a lot of time with it. Good evening Mr. Miller, thank you for helping the Planning Board, certainly Rich, to come up with some comparative. What, I want to try and keep this so that we run through these comparisons in a logical way that kind of start to come to some conclusion on this because the Board does need to respond to the original request which was made to the Town Board. To refresh everybody's memory, the Planning Board made a positive recommendation to the Town Board for the open space development, 280-A with a common drive, the Town Board asked for more justification or more information on this as to why were recommending this option, everybody on the same page with me. So Rich has been gracious enough to prepare this spread sheet which attempts to quantify and explain the different impacts for the different options. Rich, I'm going to put you on the spot a little bit, could you walk us through this since you developed this and start in a logical way so we can all just kind of.

Rich Williams stated sure, essentially this is a comparison of the difference between the.

The Secretary stated microphone.

Rich Williams stated between the town road scenario and the common drive scenario, it starts off with the zoning issues that are faced by both scenarios. For the town road, the lot three because we are creating a right of way ended up not having sufficient lot area, there was also an issue with average lot width for lot two. Under the common drive scenario, that average lot width is still there but the three lots didn't have frontage necessitating an open development area. We have the soil disturbances which were laid out by the engineer, which with the town road, they were showing it as slightly more but they were also not showing the stormwater improvements that they were showing and had calculated the area of disturbance for the common driveway. So understandably with the town road scenario there is going to considerably more

then 3.9 acres, fair assessment, stormwater certainly there was a change in the soil conditions and the amount of impervious surface and the town road was going to generate a lot more in the way of stormwater and similar, there was an issue with the capital cost, the capital costs on either scenario is born by the subdivider but in the future maintenance is maintained on the smaller subdivision lots, we are still wrestling with how we are going to do that, right now its laid out by an HOA. If you go with a common drive, its pretty much still the same thing, laid out with an HOA.

Board Member Cook stated Rich, why do you said that future maintenance costs would be uncertain.

Rich Williams stated again, under the town road scenario, we are not sure how we are dealing it, when we get to eight or more lots, everybody acknowledges that we are doing a stormwater district but when we are doing something under, its left up to the Homeowners' Association or the Town is going to take, we are not sure how we are going to handle this.

Board Member Pierro stated who would clean catch basins on a town road.

Mr. Miller stated I don't think he's referring the town road, I don't think he's referring to what the infrastructure in the town road, as much as he is referring a detention basin that might be a private property with an easement for the Town.

Board Member Pierro stated okay.

Rich Williams stated you know going back to Big Elm [Subdivision] as the example, we took the road, we go in the spring, we sweep the road, we clean out the catch basins, we maintain the drainage pipes, as soon as it gets outside of that road right of way into the detention pond, nobody touches it. As a result we have a detention pond that is full of sediment, it hasn't been cleaned, we have trees growing up in it, now it's a maintenance headache.

Board Member DiSalvo stated that is a maintenance headache for the Homeowners', right, they have a Homeowners' Association there.

Rich Williams stated they have a Homeowners' Association but the Homeowners' Association went defunct, they have no desire to reform it, they've actually come back, I met with all the, well not all but most of the property owners and they are very interested into turning that into a drainage district.

Chairman Rogan stated of course.

Rich Williams stated with twenty-four lots out there, it makes some sense to do that, and we are proceeding with trying to form this drainage district for them.

Chairman Rogan stated does that mean Rich, that each of those twenty-four homes would be assessed for it, just like we pay for our garbage district. So that makes a lot of sense, it just put the control, it takes it off of the Homeowners' Association, puts it to the Town and its enforceable through the taxes.

Rich Williams stated sure.

Chairman Rogan stated and then we coordinate, the Town coordinates the maintenance and pays for it through that special assessment.

Rich Williams stated sure.

Chairman Rogan stated okay.

Rich Williams stated the down side for drainage districts is you know, they becomes an maintenance and an administrative headache for the Town.

Chairman Rogan stated sure.

Rich Williams stated so, you know, you've got five or six drainage districts, okay that's not too big a deal, you have ten, twelve, fifteen, it starts to get a little bit more of an administrative problem. You start turning everything into drainage districts and you have forty or fifty of them that is another municipality.

Chairman Rogan stated you take those same forty or fifty stormwater practices let's say and they were from the beginning part of the Town's responsibility. Let's say they were set up that way, they are still the Town's responsibility, it just depends on how they are coordinated. The highway department, regardless in the next so many years, is going to have to be increased to deal with this burden.

Rich Williams stated its one of the raging debates that is going on right now with the MS-4 Program, how are we going to maintain all these issues, whether we are going to set up, you know individual drainage districts for new subdivision and not sure what we are going to for the retrofits yet. Whether we are going to do it as regions within the Town's sub-basins or one Town wide district or if we are going to create a regional stormwater entity.

Chairman Rogan stated sure.

Rich Williams stated which you know, then becomes a taxing authority for all of Putnam, Westchester, Dutchess. That is the debate that is going on right now.

Chairman Rogan stated it begs the questions, why should someone who lives on a, say you have a private house and have nothing to do with any of the stormwater in the Town but you are paying for that maintenance for other stormwater maintenance, you are paying for the greater good of the community. Which we do for a lot of things in taxes, school taxes, I don't have kids in school but.

Bruce Major stated there is also another issue, what about a subdivision where the people are paying for those services to be maintained but yet people going into the next subdivision are using that road and they aren't paying to maintain. So the reality is that if they are Town roads, the Town should maintain it and everybody should bear an equal burden on maintaining the road because you have a whole bunch of roads now that need to be upgraded to handle stormwater that hasn't happened.

Chairman Rogan stated yeah, again it's the greater good for the greater number.

Board Member Pierro stated thank you Mr. Major, for the record.

Bruce Major stated you're welcome.

Chairman Rogan stated that was well said. Okay, so now we are moving on to access issues, Rich.

Rich Williams stated access issues, well certainly with a town road, we have a maximum permissible grade

of ten percent which causes considerable more disturbance because it results in more of a cut, more fill being removed, more vehicle trips to get rid of that fill, it is certainly wider and that leads back into the stormwater. With a common driveway, we can increase the grade of the driveway because the assumption is that there is going to be less use and having a steeper grade is going to be as great an impact, so we end up with less of a cut, less fill being removed, less vehicle trips to dispose of the excess fill that needs to come off of the site. The length of the town road and the length of the common drives were pretty comparable, both had issues of the retaining wall, the only difference there is that within the town road, the Town then takes on some of that liability should anything happen. Certainly there are safe guards that we would ask for to try to avoid any future problems such as guiderails.

Board Member Pierro stated Rich, would there be an difference in height of the retaining wall on the common driveway scenario because there is less of a cut.

Rich Williams stated I didn't want to make that call because I didn't have enough information but the assumption would be, if you've got a much greater cut, you've got a much greater retaining wall, certainly so a town road would not only have the retaining wall but it would be at a higher height.

Chairman Rogan stated okay.

Board Member Pierro stated it seems to me that an eight foot high retaining wall, if that is what they are talking about, is going to be an attractive nuisance to skateboarders and things like that, kids that will gravitate to that challenge there.

Chairman Rogan stated yeah but in fairness Dave, we don't have a climbing wall in the Town of Patterson yet, so for the people who want to, if they go down to Ice Pond [Road].

Board Member Pierro stated so we need one.

Chairman Rogan stated with a belay rope assembly and.

Board Member Pierro stated yeah right.

Chairman Rogan stated okay, a miscellaneous issue.

Rich Williams stated so then we get into some of the road maintenance issues and who is going to responsible for it and how its going to be accomplished and you know, when you get into maintaining an emergency access through in climate periods of weather, financing of the maintenance long term, you know, when the road has to get top course or drainage improvements need to be made. If it's a town road, the town is going to pick up the cost as a town wide charge, if it's a common driveway then we are going to be relying on the individual property owners to do that, that sometimes occurs, it sometimes does not depending on the financial condition of the adjacent property owners and instances as proven problematic for the Town. Dave Raines pointed out the problems we are having with Wagon Lane, which is a very unimproved road, with five or six residences along it, its very long and has no improved drainage, constantly is washing out. During [Hurricane] Floyd it actually washed out to the point where it was no longer passable and you know the first call came to the Town, you have to come fix our road because we don't have the money to bring the fill back in.

Board Member DiSalvo stated yeah but with Little Pond too, off of East Branch.

Rich Williams stated you know, for whatever reason, Little Pond constantly needs maintenance.

Board Member DiSalvo stated plowing the snow and stuff.

Rich Williams stated yeah, we've never had the issues that we've had with Little Pond or Abbeyfield or a couple of the others.

Chairman Rogan stated you know its funny though, that argument for this Wagon Trail Road is analogous to somebody having a driveway and saying my driveway washed out, I can't fix it, I need the Town to come and do it, it's the same thought process, its just that it's a common drive.

Board Member DiSalvo stated yeah.

Chairman Rogan stated could you imagine if you called the Town and said my gate is broken, somebody backed into it, I need you to come fix it because I can't get through my gate, they'd say hey lady, fix your gate and to some extent it isn't very different.

Rich Williams stated its not different at all but the problem with a common driveway is the first thing that the property owners do is start pointing the finger at everybody else.

Chairman Rogan stated of course.

Board Member DiSalvo stated and then the Town.

Rich Williams stated and when you own the driveway, you've got no place to point that finger but yourself.

Chairman Rogan stated right, you're right but it's really more then, it's the way people react to their own situation.

Board Member DiSalvo stated when they have to spend money basically.

Chairman Rogan stated right.

Board Member DiSalvo stated where there is an expense involved in maintaining their property.

Chairman Rogan stated and they pay the same taxes that somebody else may pay and they say I'm not getting as much someone else is for my money.

Rich Williams stated and we have similar problems with Quail Ridge Subdivision.

Chairman Rogan stated I live on a subdivision road, I can tell you.

Rich Williams stated with Quaker Manor Lane, where the people bought on a private road, they know it's a private road, still they've come to the Town on a couple of occasions and said please take it.

Chairman Rogan stated I've noticed that in some areas when there are restrictive covenants or unique qualities of a particular property that they make those documents a sign off at closing where the person has to physically sign off that they have received those documents. We have talked about these types of things for years, in terms of wetland issues and how we try one more step to notify people that they are buying

something that is not what they may think it is, that is has restrictive. Maybe not covenants but restrictions on the property but I'm thinking that with any common driveway that maybe we should be thinking about that same type of notification.

Board Member DiSalvo stated but you own though.

Chairman Rogan stated but you are buying something that has a common drive, you do already in a sense.

Board Member DiSalvo stated no, I mean the Town.

Chairman Rogan stated not the Town but we are improving.

Board Member DiSalvo stated the Town doesn't own the road to enforce that disclosure at a closing, do they.

Chairman Rogan stated sure, we.

Rich Williams stated I understand what she's saying.

Jennifer Herodes stated its not in a deed, then there is a maintenance agreement between the property owners.

Chairman Rogan stated isn't a maintenance agreement a filed document though.

Jennifer Herodes stated you can file the maintenance agreement but it doesn't run with the deed, it's between the parties.

Chairman Rogan stated okay.

Board Member DiSalvo stated (inaudible).

Jennifer Herodes stated those are the problems that you get into with the common driveway and I think what Rich is getting at is inevitable they turn back to the Town even though its not.

Chairman Rogan stated right.

Board Member DiSalvo stated not up to Code.

Jennifer Herodes stated and we have them continually at our Town Board.

Chairman Rogan stated yeah.

Jennifer Herodes stated where they are civil matters but yet the Board is put into a position to want to help the residence and yet being asked to get in between what is really just a civil dispute between the parties.

Chairman Rogan stated sure.

Rich Williams stated and to take it to the next level, we can put a note on the plat that says it has to be put in the deed if there is a maintenance agreement and inevitably it would be left out of the deed as its changed and all of sudden we are in the same boat.

Chairman Rogan stated sure and even given all that, there is nothing precluding those people from still going to the Town Board and pleading their case because its just human nature that.

Board Member DiSalvo stated taxpayers.

Board Member Montesano stated and with all due respect to the gentleman sitting on the bench decides that they should get some help.

Chairman Rogan stated well I don't know if a judge even has that.

Board Member Montesano stated oh, can make that.

Board Member DiSalvo stated can they go to court over something like this, a dispute on a common driveway.

Jennifer Herodes stated well they can go to court for each other if someone is not.

Chairman Rogan stated Mike's inference that the people could go to a judge and he could say you're right, this should be a town road because you are paying taxes and make it a town road, in short.

Jennifer Herodes stated well, no, you know, I'm not really concerned about it coming back, you made the decision to allow the common driveway and because their maintenance agreement failed to say well you shouldn't have let us do that.

Board Member DiSalvo stated there was an article in the Journal News about two weeks about a common driveway in Kent and it ended up in a dispute with the land owners, the people on the road because someone wanted to put a speed bump down because the other houses kids were going to fast on the road and it ended up in a brawl and people got arrested.

Chairman Rogan stated we need that on some of our town roads but we get back to the basic situation that we have within our Code, which is why it goes to the Town Board for the open. We have the ability to do common driveways through that process, provided that there is justification. It is an acceptable means of doing things with certain situations, its not for every situation and it doesn't work for all people obviously. My feeling on this process is that our Board made a determination, we were asked to provide justification for it, we have come up with some justification, I almost feel like we should forward some of this information, if not all back to the Town Board and let them make a determination, they are the ones who have to approve it. We made a recommendation.

Board Member DiSalvo stated but now are we going to make it favorable or unfavorable.

Chairman Rogan stated well that would be a new motion.

Board Member Pierro stated well that's up to a motion.

Chairman Rogan stated we have a motion that was already made, all we were asked for was to provide some more information on that, not to provide another recommendation. So, unless somebody wants to make it.

(Tape 1 Ended – 9:23 p.m.)

Board Member DiSalvo stated she was too young.

Chairman Rogan stated she was too young. Unless the Board wants to change its determination and change the process and that, I'm just trying to layout to process so we are clear and we stay on task on this and we don't open ourselves up to any liability.

Rich Williams stated absolutely.

Chairman Rogan stated all we were asked to do was to provide additional information, this provides, I mean, from what I'm seeing there are clear reasons you could go either way on this from a simple impact situation or impact analysis. It's obvious that a common drive is less impacting than a town road. In terms of sight disturbance, in terms of cut and fill, in terms of zoning requirements for area, there are some things that it certainly questions like the potential for future problems, we know that that is intrinsic to any common driveway so it is not unique to this particular application, it is unique to every single common drive. So what is unique to this situation is that the common drive is a less impacting alternative and Rich has done a very good job of outlining that. My recommendation is that we forward these documents to the Town Board, either in this form or in a form that Rich is comfortable with and let them weigh their own opinion for the recommendation that this Board has already made.

Board Member Cook stated you see what you have is that the first page leans toward the common driveway.

Board Member DiSalvo stated right, it's nice and fluffy.

Board Member Cook stated the second page leans towards the town road.

Board Member DiSalvo stated yeah.

Board Member Cook so the emphasis that the, I guess the Town Board wants to apply, you know to the grid.

Chairman Rogan stated yeah.

Board Member DiSalvo stated or it leans to a driveway with a single lot.

Chairman Rogan stated well we haven't even gotten to that yet, driveways for single lot, common drive for three lots. Is this basically, taking us through the second part, this is the idea of a common drive that services all three lots versus.

Mr. Miller stated the common drive services two lots.

Chairman Rogan stated two lots with the existing access for the third lot remaining.

Mr. Miller stated that is correct.

Chairman Rogan stated okay, which is what actually I'm in favor of because I don't necessarily want to increase the impacts just to give this person an additional access point. I wanted to see if it was possible, people talked about the town road option and whether or not they could tie but I think based on topography it wasn't as feasible, you know.

Board Member Pierro stated the other issue that was part of Steve's response to Rich was that the town road would have to have the drainage directed to the Town's stormwater system on Cornwall Hill [Road].

Chairman Rogan stated right.

Board Member Pierro stated and we don't know if that, what the capability of that pipe is going down to the, where it crosses the road there, where the Town's.

Chairman Rogan stated yeah.

Rich Williams stated under either scenario whether it's a common driveway, a single individual residence and their driveway or a town road.

Board Member Pierro stated and I'm sure there is going to be much more drainage coming off of a town road then there would be a common driveway with a retention basin.

Rich Williams stated yes, they both are going to have retention basins.

Chairman Rogan stated you're saying there is more impervious area.

Board Member Pierro stated I'm saying there is more impervious surface with a town road, its twice the width.

Rich Williams stated absolutely but the requirements are Dave, that he capture the increase in stormwater and slow it down so the peak doesn't run any faster that way you know your drainage system is going to be able to take the flows.

Chairman Rogan stated okay.

Mr. Miller stated I think the comment, thank you for forwarding the comments I made to the Board, I think the point that I was trying about that, about directing the stormwater out to Cornwall Hill Road was, if I'm a developer and I'm obligated to construct a town road, I'm going to feel put upon if I have to build a detention basin that the Town is going to dump its water into that I have to maintain.

Board Member Pierro stated right.

Board Member DiSalvo stated okay.

Mr. Miller stated so my argument, the comment was unless the Town was willing for me, unless the Town was willing to accept the stormwater out on to Cornwall Hill Road, so that there were no facilities on site, I would feel put upon as a developer to have to capture the Town's, the water that is coming off the Town's road and maintaining the facility at my cost for the Town's benefit. So that, it.

Rich Williams stated yeah and I.

Chairman Rogan stated you are creating the road for the benefit of the subdivision for which the stormwater is being created, its not like you are capturing water from another town road and brining it on to this, acknowledging that.

Mr. Miller stated okay.

Chairman Rogan stated because the Town wouldn't have that water if it wasn't for the subdivision.

Mr. Miller stated okay, now would it be prudent, now one of the concerns about a common driveway is the fact that there is a Homeowners' Association where the individuals might not get along and might not be willing to do the maintenance for the common driveway and its extension, any stormwater facilities on site. Now what you're telling me is if a town road is constructed while it's the benefit of me as the developer and I don't have responsibility of maintenance of the town road. The Town is going to be willing to rely on me to maintain the stormwater facility so that if trees grow up, it starts backing up, it starts coming up through the drainage system.

Chairman Rogan stated oh, I don't think.

Mr. Miller stated buckles up the road.

Chairman Rogan stated I think we are trying to get away from that.

Mr. Miller stated the Town is going to be willing to take that responsibility.

Chairman Rogan stated the intent of what we've been, if I'm understanding correctly, the intent of what we've been trying to do is to get away from just that.

Mr. Miller stated I understand.

Chairman Rogan stated okay, yeah.

Mr. Miller stated but what I'm, I'm obviously not (inaudible).

Chairman Rogan stated we're spinning the same wheels I think.

Rich Williams stated I'm not understanding this at all because do this everyday, we create new subdivision roads.

Chairman Rogan stated right.

Rich Williams stated which discharge to a town road, you know, we are monitoring the designs as we go through and checking.

Chairman Rogan stated okay.

Board Member Montesano stated while we are thinking this, can I ask a question.

Chairman Rogan stated please do.

Board Member Montesano stated if we put a town road there and that drainage comes off, what road is it going to come off on.

Chairman Rogan stated Cornwall.

Rich Williams stated its going to have to come off onto Cornwall.

Board Member DiSalvo stated there is a drain there.

Board Member Montesano stated and who takes care of Cornwall Hill Road.

Rich Williams stated it's a County road.

Chairman Rogan stated yeah.

Board Member Montesano stated okay, I just wanted to get, that is another entity coming into the picture.

Board Member Pierro stated I think that is the Town's drainage that they put in there, didn't they.

Board Member DiSalvo stated the Town had to.

Board Member Pierro stated they are dumping it onto Town property, that is for sure.

Rich Williams stated well we gave them an easement so that they could move the drain pipe and discharge it to a more appropriate place.

Board Member Pierro stated right.

Rich Williams stated but its still the County's easement, its still the County's infrastructure.

Chairman Rogan stated okay, the issue before us tonight, so I can bring this back to a conclusion, is to get the Board to state what their feelings are based on the impacts of this proposal. Actually, the impacts of the proposal that we've already made a motion on and to forward some information back to the Town Board, so they can make a determination on this. The information provided seems to be clear that we all can agree that the impacts are different on this, the impacts are greater for a town road, that's fine, it doesn't mean that they are bad, it just means that they are more impacting. We can also probably all agree that common driveways in and of themselves have tendencies that can lean towards problems, there are in fact situations where common drives work very well in smaller, if this was. If we were talking about five lots here I would not be in favor of this, we are talking about a three lot subdivision of which only two lots are going to access this common drive. In that case I think it makes it more sense of this subdivision to utilize a common drive, acknowledging of course that I know that problems can arise with it. That determination needs to be assessed by the Town Board, that's their job, we can give them the information, we can give them the referral or a recommendation, which we have already done. Let's open this for discussion and let's make some kind of conclusion on this because its not fair to the applicant, its not fair to the Town Board who has been waiting for this information and I think that we need to move forward.

Board Member Montesano stated my feeling right now, is if we allow the second on to go into Cornwall Hill [Road] and most of Cornwall Hill [Road] has a large piece of property into each homeowner there, that means we are going to open up the doors to anybody that has over the required acreage would be able to come with a driveway, private or other wise and put in houses.

Chairman Rogan stated I think that they can do that regardless of our decision tonight, that is their right as a property owner.

Board Member Montesano stated if I tell you that you can not put in a community driveway, that is going to defer people because.

Chairman Rogan stated I think, I understand what you're saying, I think you need to be more articulate in stating that the reason you don't look favorably on this is for its own merits and not what the implications are for a different property owner. I think we are opening ourselves up there to a, we do an have an attorney here but.

Board Member Montesano stated well I'm looking at it this way, we are supposed to plan for the future, not for today, not for tomorrow but in ten years time, I live on a wonderful side track street with five houses on it, two more were attempted to built at one time and that got turned down because of design problems. The gentleman that owns the property now is well, he's fine, he can change his mind at anytime but I remember when the road was first opened up, it was a private road, the mud was about six inches deep, I never did have a front lawn because driving across the lawns to get out was the average thing to do. Directly across the street was that community, that party driveway which created a major problem after the first people that we knew that lived in there moved out and every time I'm involved or hear community drives, over in Carmel, they built a subdivision with flag lots. I happen to be passing by because I knew one person there, they had a party in the front house, which obstructed the driveway, the gentleman came out and it ended up in one hell of a brawl and poor guy ended up at the hospital and I still have that feeling that I see every time there is a party driveway, it's a problem.

Chairman Rogan stated so I just want to be clear, you are stating that you will not look favorably on any future common drive because that is what I'm hearing.

Board Member Montesano stated yeah.

Chairman Rogan stated and that's fine, that is why we are a Board.

Board Member Montesano stated right.

Chairman Rogan stated me, personally, I want to look at the merits of each individual case, again I've said on record, I live on a common drive and it works well for me, so I have a hard time realizing that.

Jennifer Herodes stated let me just interject.

Chairman Rogan stated please.

Jennifer Herodes stated I can't agree more with what you are saying, common driveways may be in general are everything that you are saying but on this particular case, there are some negatives to a town road that I think you need to look carefully at. My greatest concern obviously there is a lot engineering and water issues and I'll leave that to those experts from a legal stand point, liability is always our number one

concern, a retaining wall in the right of way which of course when we get to that point and it goes back to the Board, Charlie [Williams] maybe want to give us his opinion on that depending on how intrusive it is into the right of.

Rich Williams stated Charlie Williams.

Jennifer Herodes stated sorry, Charlie Williams, I assumed everyone knew who I meant, sorry about that. You know, depending on how far its proposed to be out, you know a retaining wall in a right of way can create large liability issues for the Town depending on how much that is impacting the road. If there are things that can be done, as Rich pointed out, guiderails et cetera but that is definitely a negative to be viewed in this particular case. Now in other cases where its town road versus common driveway, that may not be the case, so that's.

Chairman Rogan stated okay, thank you, I think that is a very important point.

Board Member Montesano stated well you've got a subdivision, in that particular instance, you have the wall that seems to be a problem because of the cut, now you are allowed twenty-five feet from the center line of a town road, for maintenance as well as widening purposes.

Rich Williams stated we create fifty foot wide right of ways in which the town road should be centered.

Board Member Montesano stated so if that retaining wall was going to be built, what is the difference whether it is built on point A or moved over to point B, so that there is sufficient room.

Chairman Rogan stated point B makes it taller, the more you go back the more you get height potentially, I'm jumping in but.

Board Member Montesano stated no, I'll go along with that.

Chairman Rogan stated yeah, great and I respect your opinions on this Mike, I really do because I know there are a lot of problems that arise with these common drives. Maria, you want to chime in.

Board Member DiSalvo stated well I kind of agree with a lot of what Mike said but my main concern is the aesthetics. I don't want Patterson turning into a town of cookie cutter lots, you know, I just came back from East Fishkill today and that's all you see over there, besides the fact that there are a lot of houses for sale. These big gigantic houses with these common driveways, one house behind another, you can't even see the other house, the one driveway, I just don't agree with the aesthetics involved, I'm sure. I'm really not convinced with the disturbance as opposed to a driveway with a single lot, you're saying there is no, that its similar disturbance I just can't imagine.

Mr. Miller stated I didn't prepare the part about the single lot.

Board Member DiSalvo stated I just can't imagine putting one house with one driveway would be the same as putting another house in, extending the road and going up and digging the septic for the second house and just.

Rich Williams stated part, part, understand, part of the amount of disturbance has to do with where they are going to locate the house, my assumption on putting that in there is they are going to want to put the house

in the place where they've got the best views, that is going to be up on top of the hillside, so you are going to have a long driveway that has views going both ways.

Chairman Rogan stated he's doing away with the closer lot.

Rich Williams stated and so we are talking about, its going to be a driveway that is going to 700 feet long anyway.

Board Member DiSalvo stated you don't know that, why would somebody want a big front lawn like that and no back yard.

Chairman Rogan stated well it doesn't have to be front yard.

Rich Williams stated because that is the way they build them nowadays.

Mr. Miller stated they want the view rather than the.

Chairman Rogan stated good point though.

Board Member DiSalvo stated I don't necessarily, it depends on what they are going to use the land for.

Mr. Miller stated certainly, and I think.

Board Member DiSalvo stated just again set up the aesthetics.

Mr. Miller stated going back to one of Shawn's comments, some of these things, sometimes they work for some people and they don't work for others. You know I realize that the Town has, they recited two or perhaps three issues where common driveways have been a problem. How many other common driveways are in the Town that there isn't a problem.

Chairman Rogan stated right.

Mr. Miller stated and if in fact and, if its going to be the Board's decision to not look at the merits of each individual proposal and unanimously decide that we are not going to have common driveways then there are whole aspects of the Zoning Code that don't apply anymore.

Chairman Rogan stated of course.

Mr. Miller stated because, I mean, you know, 280-A open development status for you know, that's meant for common driveways.

Board Member DiSalvo stated and two houses means what, four or five cars.

Chairman Rogan stated right.

Mr. Miller stated on thirteen acres.

Board Member DiSalvo stated just, well I have 40 acres and there is still sometimes a problem.

Mr. Miller stated I understand but there is a common driveway two doors down.

Board Member DiSalvo stated and that's the problem, and two doors down and two doors down. So you want to turn Cornwall Hill into a common drive cluster overlay zone, that is how I feel about it, I don't like that idea.

Chairman Rogan stated okay.

Mr. Miller stated at what, let me ask, at what point is a common driveway going to be acceptable or will it ever be.

Board Member DiSalvo stated like you said, each on its on merits, I just think that this is too much of a hill and too much of a congested area with all the other areas having a common driveway there. They are a bad turn that we haven't really gone in to. You were out that day Gene, right, the turn on that road, I don't want to see another mirror on a telephone pole so people can see behind, who is coming down.

Rich Williams stated it wasn't a turn, it was a sight distance issue because of the grade of the road and the utility pole that was in the way.

Board Member Pierro stated that pole was supposed to be moved two years ago.

Chairman Rogan stated Charlie, your thoughts on this.

Board Member Cook stated we made the recommendation to the Town Board, here is the comparison of the common driveway to the town road, it shows the Town Board both sides of the coin, let them make the decision. I mean, they have to take into consideration the financial aspects of the town road, they can look at the, I'm not sure what the right word is for the common driveway neighbor disputes and all that kind of stuff.

Chairman Rogan stated the potential for.

Board Member Cook stated yeah but they may feel that the expense and the ongoing maintenance cost of putting in a town road is the way to go, that is their decision. I think that the, get this onto one page that includes the single lot and give it to them, I mean, we've gone through this, nobody has knocked out anything on this here that says and these points are incorrect or what have you. I would give this to the Town Board along with a copy of the plan, the preliminary plan and let them decide.

Chairman Rogan stated we can also forward them copies of the minutes of this meeting, as well as other meetings relevant to this discussion. Dave, your thoughts on this and then we are closing.

Board Member Pierro stated I absolutely believe that the impacts related to putting in a town road will be significant, the amount of traffic going in and out of there, just during the construction phase, as stated in Rich's memo, would be significant. Costs associated with maintaining the town road at a point where we should be watching our pennies and reducing spending, I think it would be better off laid upon the homeowners involved in the project. Also I have great fear for an eight foot high or possibly more retaining wall on a town road that will be a really attractive nuisance for children, for skateboarders, for kids that are going to hacking around there, they will be falling into traffic. I would much rather it be safer with a smaller driveway, with less steep of a grade and you will have families that are living on the road, that will be able to control who is on their property, so that will reduce some of that impact. The, one other

thing I want to get to, and who is going to, the Town is going to be responsible for maintaining this retaining wall that is nine hundred feet long, if the Town doesn't. If we put in a town road and something goes wrong with that wall over time, which happens with seepage and ice and freezing and wall buckles, the Town is going to be responsible for that as well, aside from the drainage issues and the impacts to the road.

Chairman Rogan stated okay.

Board Member Pierro stated I believe these people have a right to a reasonable use of their property and from what I understand this is going to be one family, who are going to own these other two homes and I don't think the dispute on road maintenance is really going to be a terrible issue. There is no dispute on the driveway next door that I'm aware of and I know that's much steeper of grade and it gets maintained beautifully during the winter the road is clean.

Board Member DiSalvo stated are we guaranteed that those two houses are going to stay in the family.

Chairman Rogan stated no, of course not, I may sell my house someday too.

Board Member Pierro stated I may sell my house tomorrow.

Chairman Rogan stated okay, I'm going to make a motion in the matter of Martins Subdivision that the Planning Board forwards the information that was so beautifully crafted by our Town Planner to the Town Board in support of their determination on this application, in support of our original motion, so moved. Can I have a second.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated any opposed, motion carries. Thank you Mr. Miller you are going to I'm sure be at that meeting.

Mr. Miller stated I only have one question for the Board.

Chairman Rogan stated sure.

Mr. Miller stated I had the, had the Town Board, I was under the understanding that the Town Board only asked for.

Chairman Rogan stated justification.

Mr. Miller stated justification.

Chairman Rogan stated of our motion.

Board Member Pierro stated for a 280-A.

Chairman Rogan stated that's it, yes sir, for the common drive, specific to the common drive, in support of our positive recommendation.

Mr. Miller stated okay, so I guess I'm at a little loss as to why we are, why the Town Board needs to know the comparison of a single driveway.

Rich Williams stated and that was going to be my question, is that supposed to be included in that.

Chairman Rogan stated no, just the common drive versus the town road, which is what the Board is currently.

Board Member Montesano stated well they sent it back to us because they.

Mr. Miller stated thank you for that clarification.

Chairman Rogan stated thank you Mr. Miller.

Board Member Pierro stated thank you.

Chairman Rogan stated anything from any of our professional staff this evening. Ted, please, good evening Ted.

Board Member Pierro stated good evening.

Thunder Ridge Discussion

Ted Kozlowski stated I was contacted by Mary Conklin, Thunder Ridge.

Chairman Rogan stated yup.

Ted Kozlowski stated they want to dredge the basin where Stephen's Brook goes through, they have an existing DEC permit that expires at the end of this month.

Chairman Rogan stated the one we did a couple of years ago.

Ted Kozlowski stated right, they do not have a current Town wetland permit for this. I called Mary back today but she did not return my call. What do you folks want to do.

Board Member DiSalvo stated did she ever have the wetlands permit with the Town.

Board Member Pierro stated yes.

Chairman Rogan stated we gave it to them to dredge.

Ted Kozlowski stated we gave them one a very long time ago and they didn't follow through on it.

Board Member DiSalvo stated is there an expiration on that.

Ted Kozlowski stated there was, one year.

Board Member Pierro stated weren't there some issues that they had to take care of on the site relative to drainage.

Ted Kozlowski stated concerns I have and I'm sure it echoes Richie's concerns, is that in the past they have just gone in there, dredged it and stuff goes down the stream and winds up on Prisco site and the New England Equine Site. It really should be done right.

Rich Williams stated let's talk about before.

Ted Kozlowski stated the problem is the time frame now.

Chairman Rogan stated yeah.

Rich Williams stated they came in and asked for a permit and they gave us a plan on how they were going to dredge this pond and the plan was that they were going to divert the stream to one side of the pond on bare soil and dredge out the other side and then once the other side was dredged out to ledge, then they were going to divert the stream on to the ledge and dig out the original side of the pond. Well that's just picking up all the sediment and washing it down especially since you have the stream going down through soil. I went back to them and I said this is not going to work, what you have to do, you want to be in that pond with the stream running through is you have to create a damn up above and you take a pipe and put the pipe through the dam, using sandbags, just like we do any other stream diversion and you let the pipe run down through and then you push the pipe on one side and the water stays in the conduit and then when you want to move it, you push the pipe to the other side. Very simple but you have to an engineer sign off on sizing that because the Town is not going to take the liability of saying this is the size pipe that you need and that is where we ended up with a problem the last time is because Bob Conklin adamantly refused to get an engineer, he had his DEC permit and DEC said that they could do it just the way I described it and so he never did it.

Chairman Rogan stated I think, before we discuss this any further, I think I'm going to recuse myself on this because the applicant in this case is a County Legislator and I am a County employee, so I don't think that I should be involved in this conversation.

Board Member Pierro stated you lucky dog.

Chairman Rogan stated so I will recuse myself on this conversation, seeing as I am an employee of the applicant by one way, shape or form.

Board Member Cook stated you are really an employee of the people.

Board Member Pierro stated you're an employee of the county.

Chairman Rogan stated of which the legislator is a controlling body and I don't feel comfortable on this application.

Board Member DiSalvo stated so we go back to the engineering plans, basically, right.

Rich Williams stated they didn't want to get an engineer.

Board Member DiSalvo stated but that is what they need to do.

Board Member Pierro stated no.

Ted Kozlowski stated I haven't spoken to them, maybe they will follow through on that now but they have less than thirty days now.

Board Member DiSalvo stated on the state permit.

Ted Kozlowski stated and this Board, I don't issue permits.

Board Member Pierro stated do I have an application in front of me sir.

Ted Kozlowski stated no.

Board Member Pierro stated I need to see a renewal of that application, I am the Chairman of this Board at the moment, right.

Board Member DiSalvo stated okay, what are we talking about, the DEC permit.

Ted Kozlowski stated they claim they have a DEC permit.

Board Member Pierro stated they need a local wetlands.

Board Member DiSalvo stated right, they need that.

Ted Kozlowski stated they need a local town permit as well.

Board Member DiSalvo stated the DEC could be extended.

Board Member Pierro stated I don't know that the.

Rich Williams stated their problem is that they keep wanting to do it in the summer and they should do it in the summer, so they can enlarge the pond and have adequate water over the winter for the snow making operation. That is the timeliness, that is why they are coming in now saying we want to do it, let us do it.

Ted Kozlowski stated you know, as much as I want Thunder Ridge to succeed, they have this situation every single year, they know we have a wetlands ordinance in the Town, they know the time frame really should be august, when its low flow, now we are about to get five inches of rain this weekend so the flow is going to now steadily increase as winter, as we head toward the winter. So we have this constant, this goes on all the time.

Board Member Pierro stated honestly Ted, honestly I think we would be doing them a, honestly I think we would be doing them a disservice by allowing them to do that now because I see a catastrophe going to

happen there. They are not going to be able to have water on that pond for when they need it in December when it gets cold.

Ted Kozlowski stated well you've got that brewing but you know, you also have.

Board Member Pierro stated the impacts, the negative impacts to Stephen's Brook, I mean I was with you two when we walked down behind Apline, that brook is packed with sediment, packed.

Ted Kozlowski stated it's not only that Dave, its you know, Clancy just spent all sorts of money fixing the bridge and now he's got sediment built up again.

Rich Williams stated its going over the road again.

Board Member Pierro stated yeah it is.

Ted Kozlowski stated the Equine center spent all sorts of money on wetland restitution situation and its filling back up, I mean there are hardships that are going to hit these people down stream if this isn't done right.

Board Member Pierro stated I think we open ourselves up to tremendous liability after all the work that was done by Dr. Cook and company replacing that bridge, they did put a new walk over bridge there, over where the concrete slab had collapsed into the brook. I think we are opening, if we allow this to occur now, at the wrong time of the year, we are allowing ourselves, we are letting ourselves in for a good piece of liability, excuse me, Bruce.

Ted Kozlowski stated its still.

Bruce Major stated Bruce Major, resident of the Town, I'm just curious because I'm hearing something. I'm hearing that sediment is building up again on two other property owners, has any investigation been done and a notice of violation being served on the individual whose causing that problem.

Board Member Pierro stated I don't believe so.

Rich Williams stated no sir it is not because I was directed by the Town Board I do not have an attorney to serve it.

Bruce Major stated as a Town resident I would ask this Board to move forward and I want Thunder Ridge to succeed, I was very angry when the Fire Department started having their concerts and took the concerts away from Thunder Ridge because I want them to succeed.

Board Member Pierro stated right.

Bruce Major stated I think its wrong to allow them, to allow sediment to go on other people's property to add to current expenses for those individuals, they have to do it right.

Board Member Pierro stated right.

Bruce Major stated I was forced to do it right when I did a subdivision, they should be forced to do it right and I believe that the applicant, as recently as an article I read in the last two days, indicates that Town rule

is very important so I think that the applicant understands the Town has a right to set the regulations. We have a Town wetland there, she should, she and he should be required to fulfill their obligations under the Town requirements.

Board Member Pierro stated so Rich, at this point, we don't have an application in front of us, we have a verbal request.

Board Member DiSalvo stated but the request came from Mary as manager, not as owner of the property.

Ted Kozlowski stated it just came Mary Conklin, I don't, you know.

Board Member Pierro stated right.

Board Member Montesano stated alright, Ted you've got the experience to say what, to answer, if we.

Ted Kozlowski stated its up to the Board to decide whether you want to give them a permit or not.

Board Member Montesano stated the object is this, if they've done it prior to this without a permit and made a mess of it and they choose to not even contact us even any further.

Ted Kozlowski stated well they are, this is the first time, this is the first time Mary's contacted me.

Board Member Pierro stated Ted, with all due respect, the last time we discussed this on record, you were working with the Ryder's to get some remediation done.

Ted Kozlowski stated well that is other issues Dave, that's not the stream.

Board Member Pierro stated but at that point you said you knew them and you could get them to work with you and get the corrections made, I know you tried.

Ted Kozlowski stated but that has nothing to do with this situation.

Board Member Pierro stated but I know you tried.

Ted Kozlowski stated many times.

Board Member Pierro stated and I don't think you should be handling this responsibility any further, I think you should dump it on our shoulders and leave it to the Board. As you say, its our responsibility, I don't want to put you under the pressure, I've got big shoulders I can handle this.

Ted Kozlowski stated again its, according to the Code, its your responsibility to issue the permit.

Board Member Pierro stated right.

Ted Kozlowski stated Rich and I talked briefly about remedial action, it's a gray area. My feeling is if they can come up with the right plan to do this properly, I don't have a problem with it, its just that their past history has always been just go in there with a bulldozer.

Board Member Pierro stated right. If they come in here with the right plan, signed off by an engineer, we will react to it, its how fast they can get it to us. Okay, and that is where I want to leave it.

Board Member DiSalvo stated so you want to notify her in writing of our decision.

Board Member Cook stated let me ask something.

Board Member Pierro stated okay excuse me Charlie.

Board Member Cook stated I don't have the history on this as you do alright.

Board Member Pierro stated alright.

Board Member Cook stated they currently have a permit that expires.

Board Member Pierro stated DEC.

Ted Kozlowski stated DEC, see its Stephen's Brook, it's a regulated stream by both the Town of Patterson and the New York State DEC. They claim that they have a permit from DEC to dredge that portion of Stephen's Brook, now I don't know if that's true or not, I have to take Mary Conklin's word on it that it is. Is it an expired permit, is it a permit, I don't know how long the permit was for whether it was a five permit.

Board Member DiSalvo stated we don't have a copy of it.

Board Member Pierro stated did we have a copy of that when we gave her the last permit.

Ted Kozlowski stated the last permit goes, Dave goes back years.

Rich Williams stated the last permit she did and then she came back for a second permit.

Board Member Pierro stated right.

Rich Williams stated and she never got the second permit because of the issues I raised with how they were proceeding.

Board Member Pierro stated right.

Rich Williams stated so understand, she got the first permit, she did that permit, she dredged the pond, she came back in to get a second one and it was at that point that the stumbling in.

Board Member Pierro stated is there a second, there is a secondary permit to the DEC permit which is our local permit.

Rich Williams stated yes.

Board Member Pierro stated yes.

Rich Williams stated because have concurrent authority.

Board member Pierro stated okay.

Rich Williams stated so we both have to issue permits together.

Ted Kozlowski stated and we don't even know.

Board Member Pierro stated did we have a copy of that DEC permit when we issued our local permit.

Rich Williams stated yes.

Board Member Pierro stated will you be able to find out when that expired.

Rich Williams stated the first time and I have a copy of the DEC permit for the second time.

Board Member Pierro stated for the second.

Rich Williams stated when we didn't issue the permit.

Board Member Pierro stated okay.

Rich Williams stated and so she was prevented from doing anything.

Board Member Pierro stated so we're at the same stage, she has to get us an application in time, signed off by an engineer.

Board Member DiSalvo stated basically what we asked the first time.

Rich Williams stated well no, just, if you want an engineer to review the hydraulics, that would be my recommendation, it doesn't have to be but that would be my recommendation because to you're dealing with hydraulics.

Board Member Pierro stated you said a few moments ago that an engineer had to design the.

Rich Williams stated yes, my recommendation, anytime you touch hydraulics, you know, we're talking about the stream flow coming down through there.

Board Member Pierro stated right.

Rich Williams stated what I said what that I am not willing to sign off on the size of that pipe, it should be done by an engineer.

Board Member Pierro stated and that's, we should stick with that mindset, in my opinion, anybody have another opinion.

Board Member DiSalvo stated no, I agree with you.

Ted Kozlowski stated you know this weekend if the remnants of [Hurricane] Hannah comes up the coast and we get five inches of rain.

Board Member Pierro stated right.

Ted Kozlowski stated that water is going to flowing for some time and that is going to bring a tremendous amount of sediment in.

Rich Williams stated no he's got bare soil, the whole side of the (inaudible).

Board Member Pierro stated right.

Ted Kozlowski stated I don't know, the window is going to be shut closed for awhile for them to get in there.

Board Member Pierro stated they have to get us something on paper, I'm not, did you receive a letter.

Ted Kozlowski stated nothing, just a cell phone call that hasn't been returned.

Board Member Pierro stated that's not enough to get her on the agenda, okay.

Ted Kozlowski stated all I'm going to say is that Rich and I will and Gene and whoever else I can get, will work with them but I, you know I'm not going to say go ahead and do it without you guys approving it.

Board Member Pierro stated if past history is any indicator of future conduct, they are going to work with you a little bit and then do what they want to do or not do anything at all.

Ted Kozlowski stated I can't disagree with that.

Board Member Pierro stated so let's do it right. Anything else.

Ted Kozlowski stated any other direction.

Board Member DiSalvo stated you're going to return her call and you're gonna.

Ted Kozlowski stated I have returned the call, its hasn't, I will keep calling her until I get her.

9) MINUTES

Chairman Rogan rejoins the Board.

Chairman Rogan stated we did the minutes at the work session, Dave Raines has a very things to address.

Board Member DiSalvo stated did we do them at the work shop.

Board Member Cook stated we did not.

Chairman Rogan stated sorry , we didn't, I thought we did.

Board Member DiSalvo stated we didn't.

North County Homes Discussion

Dave Raines stated I'm looking for a little guidance from the Board and Council on two issues. North County Homes, I read the letter for the first time tonight that they had sent August 11th. They are not asking for a response from the Board but I would like to summons them for Court, to Court and I'm just looking for some direction. I'm afraid that we are going to let this thing sit and its either going to be, time is going to be a factor where we are going to lose some of the pertinent information as time goes on there as they develop some of the other lots which may not have violations and then I'm concerned, any thoughts, this is the lot where they put the house.

Jennifer Herodes stated (inaudible – not using microphone).

Dave Raines stated North County Homes.

Board Member DiSalvo stated the foundation.

Dave Raines stated North County Homes, the foundation is backwards and they are adjacent to the DEC regulated area.

Board Member Pierro stated I think we should just get that into Court.

Dave Raines stated okay.

Board Member Montesano stated is there some way.

Dave Raines stated I mean, there is a current violation, there is a just a matter of me sending the court appearance.

Chairman Rogan stated I think the Board was very clear with the applicant that we wanted this either A resolved to a point where there were no impacts to the wetlands and they had said that they were going to go down to the DEP because it's a DEP regulated area and get their guidance on it. Which we felt pretty sure was going to mean that they wouldn't end up with a lot or tear the house down and make it as it is approve on the plans, which works for lot because they created all their own problems on this by not following the plans. And there is information that, even after Cheryl Smith notified them, they said we're following the plans, it was kind of not done on the up and up on this one.

Board Member Pierro stated there was.

Chairman Rogan stated we were willing to accept anything they wanted to try and put forward to save the lot and fix the problems, they have not come up with anything to date that is of really any significance, my recommendation and I think the Board feels the same is to continue with the violation proceedings that you have started.

Dave Raines stated we are going to ask the Town Council to bring it to County level.

Chairman Rogan stated okay.

Dave Raines stated because there is now, with the lack of conjunctive power at the Town level, its pretty

much a waste of time so we will look to bring it to the County level to has some movement on it and the other piece is, and again the reason I brought that to you is because I want to make sure that you guys aren't at a level where you are working with them to resolve it and then I'm throwing a.

Chairman Rogan stated we have nothing more then the same letter that you brought up.

NRA Realty Discussion

Dave Raines stated and the other piece is NRA.

Jennifer Herodes stated it's funny.

Dave Raines stated my concern is they are going to be up there, they are going to be using it for hunting, there is not going to be a lot I'm going to be able to do to stop that from them sleeping up there and running the generator and doing what they want to do. I certainly can control them not doing any further development up there but from a liability perspective since we you know, this is not a legal structure under our Code, god forbid there was ever an incident up there, there would be some liability on the part of the Town, so I am looking to, again move them for having the illegal structure, that would be the violation.

Jennifer Herodes stated I assume that they are not moving forward with the subdivision (inaudible) the zoning (inaudible).

Dave Raines stated they've been denied for the variance.

Jennifer Herodes stated oh no, I know that.

Dave Raines stated and that was it, that was the last.

Chairman Rogan stated well.

Jennifer Herodes stated (inaudible) under the idea of okay do your subdivision, then you are going to turn that into a single lot.

Chairman Rogan stated and correct, we are in the process but we met with them maybe two months ago.

Rich Williams stated its hard to say with a subdivision because again they have soil testing they have to do, there are more (inaudible) that are imposed, we just went through one, so they could be somewhere still actively pursuing the subdivision without doing design work. Without further consideration and its not unusual for us to have a subdivision that disappears for six or eight months.

Board Member Pierro stated even a year.

Board Member DiSalvo stated years.

Rich Williams stated Patterson Crossing disappeared for eighteen months.

Chairman Rogan stated and they were back in before us two or, well what would they need, if they were actively in the subdivision process, they are still in violation.

Dave Raines stated its not going to help, based on what they've done to that lot five.

Chairman Rogan stated right.

Dave Raines stated they would have to change the application to work that into.

Rich Williams stated here is the issue, I mean, at this point the ZBA has said that this is going to be a single family lot.

Chairman Rogan stated so they need to make it that.

Rich Williams stated there is nothing that prevents them from doing that now.

Dave Raines stated correct.

Chairman Rogan stated right.

Rich Williams stated right so.

Chairman Rogan stated because the subdivision lines are just that, they are lines on a piece of paper, so, and they are proposing that as an individual single-family residence, so I agree.

Rich Williams stated I wouldn't even consider the subdivision in this whole discussion.

Chairman Rogan stated I totally agree.

Board Member Pierro stated right.

Rich Williams stated they need to go turn it into a single-family lot.

Chairman Rogan stated yup because that doesn't really impact on.

Dave Raines stated okay.

Chairman Rogan stated it's a single-family lot on 180 acres.

Dave Raines stated that is how I left it, the information that was given to them.

Board Member Pierro stated I think starting the local court action may induce them to do that.

Dave Raines stated okay so we'll do that in both cases.

Chairman Rogan stated I think so.

Board Member Pierro stated I don't want to say that they had mens rae, I think they had improper intent.

Dave Raines stated right, there are two things going on up there.

Board Member Pierro stated they need to be (inaudible).

Dave Raines stated I mean the subdivision is probably something that they are going to move on as far as starting to develop it as the owner said but yet I have an illegal structure that I just know is going to be occupied this winter you know with the hunting and what not.

Jennifer Herodes stated they certainly when they were before the ZBA, implied that you know, we just want to make it legal as it is but if we have to convert to single family, so be it, there certainly was that (inaudible).

Board Member Pierro stated that is what they said while they were in front of Zoning.

Jennifer Herodes stated absolutely but the fact is that making it single family, is certainly do-able and they've got that great land there and they believe I said on the record, the one gentleman, that they would.

Dave Raines stated yes Rich.

Rich Williams stated the one issue is going to be the driveway.

Dave Raines stated right and that is just what I was going to say.

Chairman Rogan stated they started the building.

Dave Raines stated they still have to come back to you folks and there is a water crossing involved and whatnot.

Rich Williams stated the water crossing is there, the question is our Code requires driveways for single-family residence to be paved, currently this exists not as a driveway for a single-family residence but for an open space lot which allows gravel. Now they are going to change it so they would have to pave the driveway in its entirety.

Board Member Pierro stated can't we waive that Rich.

Chairman Rogan stated no, ZBA can.

Board Member Montesano stated no, we can.

Rich Williams stated (inaudible) you guys can waive it or he can post the bond.

Board Member Pierro stated okay.

Chairman Rogan stated fair enough.

Board Member Pierro stated very good.

Dave Raines stated what I'm going to do then Jennifer, is I think what I'll do is I'll write a letter to your office saying we would like correspondence from your office saying, here's the violation, you know here is what I recommend.

Chairman Rogan stated yeah.

Jennifer Herodes stated I just want to be clear, the only reason I was bringing back up the subdivision was because, what he would do with that lot, if one lot in a subdivision is not the same thing (inaudible) if I recall, (inaudible) correctly, its just going to be a single-family and there is no subdivision. We discussed the driveway and.

Chairman Rogan stated only in terms of the driveway though, the actual.

Board Member Pierro stated this is going to be some.

(Tape 2, Side 1 Ended – 10:06 p.m.)

Jennifer Herodes stated but again that was just the verification that if he was actively moving forward, that was the only reason I brought it up if you wanted to work with him on that but there was also a comment made. If I recall, that well, we were going to do that down the road, we were just looking into the implication if the maybe the subdivision wasn't anything that was contemplated in the near future which again goes back to Dave's concerns of this structure staying there in an illegal status all this time.

Chairman Rogan stated okay.

Board Member Pierro stated I think both of these local court actions will send a message loud and clear to a few other folks that are.

Dave Raines stated again I just wanted to bring it before you so.

Board Member Pierro state so we're aware.

Dave Raines stated you knew what was going on.

Board Member Pierro stated we trust your judgment.

Dave Raines stated I don't want to, they walk in here two weeks from now.

Board Member Pierro stated no.

Dave Raines stated thanks.

Chairman Rogan stated thank you Dave. Can we have a motion on July 3rd and July 31st Meetings.

Board Member Montesano stated so moved.

Chairman Rogan stated minutes, I said meetings I meant minutes from meetings.

Board Member Pierro stated minutes.

Chairman Rogan stated Mike made a motion, can I have a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated anything else from anyone.

Board Member Cook stated Dave, I have one thing.

Chairman Rogan stated sure.

Board Member Cook stated on, anything going on up at the Daniel J's property, we got a letter from Richard on a whole host of irregularities.

Dave Raines stated Daniel J's.

Board Member Montesano stated Alpine.

Chairman Rogan stated the old Alpine.

Rich Williams stated Dave had asked me to go out and review the site plan.

Dave Raines stated we have three open building permits there all with violations on the conditions on all the permits and in speaking to Mr. Williams, you know I said what else do we have to do for site plan because the only reason, in my discussion with them, it was like we're all set, we are there and I knew that was inconsistent with what was going so. Now we have three open permits with violations on each at various different levels. And now we have, we are still holding on to multiple site plan issues.

Board Member Pierro stated I have a question, are the violations with the property owner or with the business operator.

Dave Raines stated both.

Board Member Pierro stated really.

Dave Raines stated they have a building permit that the restaurant owner took out, we have a building permit that the owner of the structure, the attached structure to the rear took out and we have an original permit from the previous owner that is still open and I'm not sure legally where we sit with that but (inaudible).

Board Member Pierro stated can we narrow this down and all the way and find out what direction we should take.

Dave Raines stated they have all been issues appearance tickets now after Mr. Williams came out, now I have the whole place with appearance tickets are issued.

Board Member Pierro stated so we will be hearing more on this shortly.

Dave Raines stated yeah, they are going to go in front of Judge Tricinelli, I believe and I believe it's either going to be sent to Kent or Brewster, so sometime in '09 I will update you. I'm not being sarcastic, realistically, Judge Vercollone said you know I'll get to it when I get to it on the last one and you know.

Rich Williams stated so it will probably be sent to Court.

Dave Raines stated that is where our Court is going to be anyway, right.

Board Member Pierro stated alright.

Dave Raines stated so that is where we are at, I issued based on Richie kind of closing the loop, I issued court appearance tickets on all the permits.

Board Member Pierro stated what are the issues that are left open briefly.

Dave Raines stated there is electrical wiring issues, there are fire safety, life safety issues on the restaurant, there is the incomplete rehabilitation of the burnt out section on the other permit.

Board Member Pierro stated alright.

Dave Raines stated and then on the original building permit, we have a doorway to east, we have some stairs, we have some window issues and we have multiple, on the original renovations that were done, they were never really done. Then we have the open site plan which is a violation in itself, the open site plan issues, which Richie outlined, I hoping to break it into the applicable code. So its pretty much a mess.

Board Member Pierro stated right.

Dave Raines stated you know, then we have the growing issue, the zoning issues of the dumpster and not being used properly and dumping the grease and all the other stuff and if the Health Department would get on the stick, they probably (inaudible) but that's not going to happen.

Board Member Pierro stated okay, you did a favor.

Board Member Cook stated thank you.

Chairman Rogan stated they believe in home rule with the local Town's doing their job.

Dave Raines stated actually, neither Town Justice feels that they would be a good position to hear this so.

Board Member Pierro stated that's what happens when you're in a small town.

Chairman Rogan stated anything else, anyone.

Board Member Pierro stated I make a motion to close.

Chairman Rogan stated second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated thank you.

The meeting adjourned at 10:12 p.m.