

TOWN OF PATTERSON**PLANNING BOARD MEETING
September 30, 2010 *Work Session*****AGENDA & MINUTES**

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Planning Board
September 30, 2010 Work Session Meeting Minutes

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

APPROVED

Present were: Chairman Shawn Rogan, Board Member Charles Cook, Board Member Michael Montesano, Board Member Thomas E. McNulty Board Member Ron Taylor, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:30 p.m.

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

Chairman Rogan stated good evening everyone.

1) BONIELLO SITE PLAN – Sign Application

Mrs. Michele Boniello was present.

Chairman Rogan stated okay, first item on the agenda, Boniello site plan, we have an amended, request for an amendment to the original application which would consider the signs within the application as building mounted signs that would be located in the windows. Is that correct Michele, you want to basically, just the way the picture shows.

Mrs. Boniello stated yes.

Chairman Rogan stated the Board may recall at the meeting about 2 or 3 months ago we spoke with the applicant about issues with the signs that currently exist on the property. So to avoid getting bogged down on that issue, this amendment I think deals with getting them some signage for the building which would allowed them to open their food service. We will still clean up the issue with the existing signage as part of the modified site plan that we are going to get from Mr. Boniello in the next couple of weeks. Anybody have any questions or comments about the 2 signs shown...

Board Member Taylor stated can you fill in me on the difference between signage on the building and signage in front of the building, what the Code says about that.

Rich Williams stated the Code permits free standing signs, signs that are not hung on a building up to a maximum of 25 square feet, it also allows building mounted signs depending on where the signs are,

anywhere between 1.25 square per linear foot of the building frontage up to 1.5 square feet.

Board Member Taylor stated and that is independent of the free standing sign.

Rich Williams stated it is.

Chairman Rogan stated and actually what we tend to find with businesses is we obviously don't go after it too passionately but a lot of people put their building mounted signs and then you notice these signs go in the windows also and you see that in a lot of the shops. It doesn't make it right or wrong, it just is what it is. The signs at least tie in with the canopies, I mean, they're cute...

Board Member Cook stated yea they're cute.

Board Member McNulty stated now what is the request to keep the signs like this, or have it mounted to the monument sign.

Chairman Rogan stated no, just approve what's here.

Mrs. Boniello stated I think temporarily I think this is our solution to just get open and have a sign. The issues just seem so much larger for Anthony's sign and I mean I didn't know that the signs were dependent, the C.O. We need our C.O. and he's not finalizing it because of our signs, we're not sure why but we just want to get open.

Chairman Rogan stated yup and the size is well under what is allowed for the site there about 18 square feet in total for the 2 signs.

Rich Williams stated yea I've taken a look at it; it meets our current Code requirements.

Chairman Rogan stated great; I don't have any problem with it.

Board Member Taylor stated and you're stipulating that the C.O. in question is for the building itself and not...

Chairman Rogan stated the C.O. is for the business not for the overall site.

Board Member Taylor stated okay.

Chairman Rogan stated yea, I'll...

Board Member McNulty stated for that particular space right.

Chairman Rogan stated yea.

Rich Williams stated yea.

Chairman Rogan stated I'll make a motion that we grant a negative determination of significance of SEQRA and approve the sign application for Dog House of Gourmet Franks for the 2 signs shown within the application, not to exceed 18 square feet and to be located as shown, in the windows as shown on the application, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay thank you.

Rich Williams stated all right, if you'll excuse me for about 5 minutes, why don't you tell them what you learned up on the trip and I'll be right back.

Mrs. Boniello stated thank you guys.

Chairman Rogan stated why don't we take a 5 minutes recess, thank you Michelle.

Board Member Taylor stated good night.

Board Member Montesano stated good night.

(Planning Board Meeting resumes at 7:40 p.m.)

Rich Williams stated you turned the tape off.

Chairman Rogan stated yea, we took a 5 minutes recess.

Rich Williams stated okay.

The Secretary stated now we're back.

Chairman Rogan stated okay we're back.

2) **SCIARRA DRIVEWAY WAIVER**

Chairman Rogan stated we have, I don't know how to pronounce the first name, Sciarra...

The Secretary stated yup.

Rich Williams stated Sciarra.

Chairman Rogan stated Sciarra driveway waiver and this is a single-family home that wants to use a gravel driveway instead of pavement, right.

Rich Williams stated correct, I did take a look at the application, I just want to correct one thing that the applicant has asserted on the application and that is that the original plan, the stormwater pollution prevention plan proposed an asphalt driveway...

Chairman Rogan stated okay.

Rich Williams stated the other 2 deficiencies that I found in the plan, he's saying he wants to do a gravel driveway but not really saying what gravel is, whether it's truly gravel or item 4, if it's truly gravel it certainly takes the impact of the vehicles without compaction and allows infiltration of water and that's always a positive thing. If it's actually item 4, it's going to pack down like blacktop and it's going to erode and runoff and that is not a positive thing for the environment. Regardless, just so the Board knows, he really needs to pave the first 25 feet in as a transition area off the road.

Board Member McNulty stated yea.

Chairman Rogan stated or use pervious paver, he could use some kind of if we wanted to, we could approve Unilock or something...

Rich Williams stated Unilock, some sort of hard surface.

Board Member McNulty stated it shows a stone apron.

Chairman Rogan stated a stone apron but we don't know whether that's...

Rich Williams stated that is probably the stabilized construction entrance.

Chairman Rogan stated that's what it looks like, yea.

Rich Williams stated that's the survey.

Board Member Taylor stated so which house is this on Cushman [Road].

The Secretary stated 44.

Rich Williams stated if you're going in, it's about half a mile in on the right hand side, they are currently building a brand new barn, very close to the road.

Chairman Rogan stated oh I saw it, yea.

Board Member McNulty stated coming in from...

Board Member Taylor stated down the hill...

Rich Williams stated [Route] 311.

Board Member Taylor stated just off down over the hill a little bit, right, the house is set down off the road, below the road...

Rich Williams stated the barn is down a little bit and then the driveway cuts down and then goes back up.

Board Member Taylor stated and the house is off...

Chairman Rogan stated you can see the house from Cushman [Road], yea I drove by it the other day.

Board Member Taylor stated okay, so have they corrected this according to what you're saying.

Rich Williams stated have they corrected what.

Chairman Rogan stated the application.

Board Member Taylor stated what you were saying about whether it's really gravel or whether it's item 4.

Rich Williams stated no, I haven't had a chance to talk to Mr. Sciarra yet, I wanted to call him, talk to him about his application and remind him he needs to be in before the Board and then I wanted to hear what the Board had to say in case there were any additional questions.

Chairman Rogan stated well I agree with what you said about the gravel, whether it's item 4 or gravel, in terms of wash and everything I can vouch for that. Having said that, I have always said on the record that I am not opposed to gravel driveways provided that there is a good apron so you don't end up with all that out on the main road, so I would be in support of this waiver provided that we have assurance that it's not going to turn into an erosion problem. Based on that house, the way it's looking, this is probably going to be maintained pretty nicely, I would think, Cushman Road, the size of the house...

Board Member Montesano stated is that, excuse me...

Chairman Rogan stated sure.

Board Member Montesano stated that apron in the front we are not sure what his indication is...

Chairman Rogan stated we have to find out what he wants to do, okay, well we'll see him at the, see if he can come in for the meeting and with some finer detail to answer those questions and...

Board Member McNulty stated is there any Code on how to build a gravel driveway, any particular sub base you have to have...

Rich Williams stated we don't have any Code requirements, certainly you still want to have a good bank run of you know item 4 base...

Board Member McNulty stated some solid base.

Rich Williams stated that you are going to put the gravel on...

Board Member McNulty stated is oil and stone permitted for a driveway.

Rich Williams stated if you allow it to be, it is.

Board Member McNulty stated do we allow it.

Rich Williams stated it is not on the permitted list as of right, as is asphalt and concrete, so it requires a waiver from the Planning Board to put in, just like Belgium block, any sort of pervious pavement, Belgium block...

Board Member McNulty stated it's a special...

Chairman Rogan stated I don't know too many people who have done oil and stone, I mean upstate they do that on all the road yearly for maintenance and it's amazing how much oil they spray all over everything.

Board Member McNulty stated yea that's why I was curious within so much watershed area up there, if it was allowed to be done...

Chairman Rogan stated right.

Board Member McNulty stated because they used to do it all the time but no more down here.

Chairman Rogan stated yea I know, I worked on crew for a summer doing that up in Canandaigua and, see if Michelle can get the spelling of that.

The Secretary stated terrific, Google is a beautiful thing.

Chairman Rogan stated Google and they just come along with these trucks with huge sprayers, boom sprayers and just spray and then follow behind it with your dump trucks...

Board Member McNulty stated gravel spreader...

Chairman Rogan stated with 3/8 inch stone or 1/4 inch stone even I think it was and back up a long and dump as they go and then wait about 3 days and come back up with the street sweeper and pick up all the stone and use it for pipe bedding. It's amazing though the amount oil that they are putting down.

Board Member McNulty stated a lot of oil.

Board Member Montesano stated point of information if I can ask. Their notary is in New Jersey, is that acceptable in New York.

Rich Williams stated for this kind of an application, it is, yea.

Board Member Montesano stated just wanted to find out, thank you.

Board Member Taylor stated so we can specify if it's not in the Code.

Rich Williams stated if it's not in the Code it is at the discretion of the Planning Board to waive the standard to whatever standard you feel is appropriate.

Board Member Taylor stated can we ask them for a cut.

Rich Williams stated that's up to you.

Board Member Taylor stated that what we know what we're approving. Is there drainage off of this.

Rich Williams stated there is currently a drainage plan and a stormwater pollution prevention plan with a small pond at the saddle of the driveway which was approved prior to construction beginning.

Board Member Taylor stated and that is going to take the runoff from the driveway.

Rich Williams stated yes.

Board Member Taylor stated okay.

Rich Williams stated and as I said, it will do better with a gravel driveway than it will with the asphalt that was originally spec'd out.

Chairman Rogan stated okay.

Board Member McNulty stated and he says in there he wants to keep it nice, stone/gravel to preserve the aesthetics so I'm sure he's going to do a nice job.

Chairman Rogan stated okay, everybody comfortable to move on.

Board Member McNulty stated I wouldn't want to plow it.

Chairman Rogan stated oh it's horrible, you're better off with the item 4, at least it is a hard surface and packs down in.

3) LEVINE FILL PERMIT – Discussion

Mr. Adam Levine was present.

Chairman Rogan stated okay Mr. Levine is here for the fill permit discussion. Let's get back up to speed so everybody's on the same page. We have letters that were written, we have several different letters that written, thank you Rich for doing that. In essence the same issues that we spoke about from day 1, making sure that the fill, that we know what we have, there isn't a person that doesn't hope that this is just clean fill, trust me on that making sure that we resolve any issue of property line and fill that was maybe accidentally placed on someone else's property so that is why there was a letter sent to the owner of record as an FYI, that we believe there is an issue that may warrant your attention, a letter to the Health Department noting that there is an issue that we don't know the, you know whether there is a contamination issue. We want to protect Mr. Levine and any future owner of that house there, their water supply and certainly the neighbors and lastly, before we decide what we are going to do with this fill, i.e. leave it in place, remove it, you know stabilize our slopes, we want to make sure that there is not obvious contamination that is going to leach out in the ground water or soil and that is where we spoke with Maser Consulting our engineers to come up with the parameters that would be tested for with simple soils samples that would be done by a reputable, reputable lab and contractor or by the Town whichever would be the choice of the property owner. So, did I miss anything, that was a pretty good summation...

Rich Williams stated no, that's pretty well it. Except just to touch on, I was directed at the last Planning Board meeting to send a letter to Mr. Levine to have both the well and the soil tested, having given that further consideration myself and recollecting an incident I did have with the Health Department, the well really is within the jurisdiction of the Health Department so I took it upon myself to send a letter over to the Health Department just informing them of the situation and if they felt there was a need to test the well that

they test the well and we will certainly be passing on any information that we obtain on the material that's out there and hopefully they will do likewise.

Chairman Rogan stated an at least if nothing else we've done our notification and you know...

Board Member McNulty stated has there been any response back from the DEC other than the last meeting what you heard Ted.

Chairman Rogan stated the last was sometime within a couple of months, right.

Ted Kozlowski stated the Regional Director promised me a response within the month; the month has come and gone.

Chairman Rogan stated yea.

Ted Kozlowski stated I sent an e-mail to the Town Engineer and the Town Attorney, you know they were supposed to write a letter. Andrew responded but Carl never responded though.

Rich Williams stated Carl did send the letter; you should have gotten a copy.

Ted Kozlowski stated no.

Chairman Rogan stated Carl.

Board Member McNulty stated up at the...

Rich Williams stated I'm pretty sure Carl sent the letter, I thought I saw it.

Chairman Rogan stated I never got anything from Carl either.

Rich Williams stated all right, I thought I saw it come through, maybe I'm wrong.

Chairman Rogan stated I don't remember ever getting anything from Carl.

Board Member McNulty stated at the Planning Conference this past week, there was a DEC rep there and I inquired about this as far as us as a Town for liability and explained the situation and the woman said well the DEC will somewhat take care of that and I said well they are not really responding and she went into tell me how everybody's being laid off and today was her last day, she was taking early retirement and she only, the only thing she could recommend is that the Department of State has an office of counsel and if we wanted to we could consult with them just to be sure that from a Town's standpoint that we are safe guarding ourselves properly.

Chairman Rogan stated and that is what Carl really should be weighing in on for us as well, if we didn't have the means or the, you know we would use that entity but I think seeing as we have legal counsel, we should at least get something from Carl saying we are moving in the right direction...

Board Member McNulty stated it seems like we're doing everything right just to get everything out in the open and this is what it is but...

Chairman Rogan stated that's great, I appreciate you asking that question, it was a great opportunity to pick someone's brain.

Board Member McNulty stated the advice was free there, so.

Chairman Rogan stated especially since they were leaving, there was no long standing impact to what she said.

Ted Kozlowski stated Adam has anybody from the DEC contacted you.

Mr. Levine stated no I haven't, I mean that's why I spoke to Terri Hahn, the landscape architect that I hired and she had said that not crash the meeting, I called Rich first and just stop in and talk to you guys because you know I just want to get this gone...

Chairman Rogan stated sure.

Mr. Levine stated and unfortunately...

Ted Kozlowski stated so an ENCON Officer never came to your house, never...

Mr. Levine stated no, I never got any notification, nothing, I check the mailbox everyday and I'm not looking forward to any problems but you know...

Ted Kozlowski stated I gave them your phone number, obviously they are not doing anything.

Mr. Levine stated no, people would, like I told Rich, if you need me, call me immediately, any problems and I just, I used to say I have my health but I fell off a four wheeler on my driveway and I have \$150,000 dollars worth of work at the Putnam Hospital, all new titanium in my arm, it was, it hasn't been a good...

Chairman Rogan stated wow.

Mr. Levine stated you know you seem to think that things are going to get better and it's, I should write a book, maybe that's there where my calling is, not in electronics that there used to be money...

Board Member McNulty stated hopefully that was good ride.

Mr. Levine stated no, I rebuilt the engine with my neighbor across the street the night before and I was one for thirty seconds, the throttle stuck and right in the driveway...

Ted Kozlowski stated you didn't try it on the fill did you.

Mr. Levine stated no I was on the driveway, my plan was to use the quad to clean up some of the rocks because I made a little pond in the front just, we had a big plastic thing for some fish that I got from my father's house, trying to make the property look nice, I can't win, no matter what I do...

Chairman Rogan stated wow, if you didn't have bad luck you wouldn't have any.

Mr. Levine stated yea I don't even know.

Chairman Rogan stated I'm sorry you're going through that kind of a stretch.

Mr. Levine stated that's why I'm here today, I want to show that I'm, you know, you need me I'm here...

Chairman Rogan stated we appreciate that, great.

Mr. Levine stated if I need to get a shovel and start moving this stuff by hand, whatever it takes...

Chairman Rogan stated I appreciate that kind of an attitude.

Mr. Levine stated I called the people with the trucks yesterday again and got a little stern and have no response.

Chairman Rogan stated you feel like they're leaving you, basically they simply said good luck buddy.

Mr. Levine stated they ran, they ran and Rich was there, you saw the trucks, you know that these guys existed and my friend knows who these people are, so it's just...

Chairman Rogan stated well at least, what we're hoping is that we can deal forward from here and that the material tests clean and then we are going to have to deal with just making sure that yea, mitigation just to make sure that we don't have any slopes that are going to erode.

Mr. Levine stated okay so, that's our plan, just go for some testing and I have no idea how to do this.

Chairman Rogan stated push just to make sure you're not going to literally do it anyway.

Mr. Levine stated no, no, that I know.

Rich Williams stated you're going to contact a lab and Terri should be able to guide you on the appropriate labs that will...

Mr. Levine stated okay.

Chairman Rogan stated yea and...

Rich Williams stated the testing and they'll come up with the parameters.

Mr. Levine stated all right.

Rich Williams stated have you had any contact with the adjacent property owner, as of yet.

Mr. Levine stated I think Terri spoke to you, I spoke to Terri, I spoke to numerous people, my neighbor who knew them at one time and some place in South America is the address that we're getting.

Rich Williams and Chairman Rogan state Puerto Rico.

Mr. Levine stated it sounds like a great thing, you know they are out on the beach, there is no phone number, there's no nothing.

Chairman Rogan stated there is a local agent, I don't know if it was Ricci, R-I-C-C-I, as the, anybody know that real estate, something Ricci...

Mr. Levine stated there used to be a sign and I went there.

Chairman Rogan stated because I spoke to him maybe a year or 2 ago to inquire about the old house on the corner and he said he doesn't want to sell it, he wants to sell the whole, it's a commercial strip of property with a small piece in Patterson that is the residential, that's what we're talking about and he wanted a couple million dollars for the property.

Board Member Montesano stated he used to be up in Alpine, wasn't he.

Rich Williams stated Rich Ricci...

Chairman Rogan stated yea, Rich Ricci.

Rich Williams stated no, he lived off of, well his family lived off of Farm to Market [Road] and then the sister was teaching in Brewster and he had moved out of the area but he's still doing real estate here.

Chairman Rogan stated but I believe he was, a year or so ago, anyway, the agent.

Board Member Montesano stated oh that's right, Farm to Market.

Board Member Cook stated Rich could you get us a copy of the letters that have been mentioned, the one from Maser and one from Carl.

Rich Williams stated Maser was an e-mail, Carl I have to look up but I'll get you the e-mail.

Board Member Cook stated thank you.

Chairman Rogan stated and the letter that we sent to the owner in Puerto Rico, have we gotten a green card back on that, have they received that letter that we are aware of, we sent that certified, let's send that certified so at least we can get some assurance that if it was picked up we know that they have been duly notified.

Rich Williams stated if it wasn't, I assume it's going to come back.

Chairman Rogan stated let's send one certified please, so that we can...

Board Member Taylor stated so we have record of it.

Chairman Rogan stated exactly. I agree with you Rich, our legal counsel has always told us at the Health Department that you can take that to court but they always, we do both, we send both ways.

Rich Williams stated if it was a violation I normally would have but...

Board Member McNulty stated are we on a timeline now with the pollutant test or is that...

Chairman Rogan stated yea.

Board Member Taylor stated yes 30 days from September 23rd.

Chairman Rogan stated so I mean I think the next step is to definitely talk to Terri about getting the soil work done, obviously communicate between Terri and Rich so we can because we are going to have a Town representative out there with the lab just to, so we can kind of steer them towards areas where we want tests, so it is equally distributed testing so we can get a good assurance.

Mr. Levine stated yea, whenever I'll schedule around you guys time or Rich...

Rich Williams stated call me when you've got the lab or have the lab call me and we'll set something up.

Mr. Levine stated do we know any local labs, Terri probably, I guess might know.

Rich Williams stated I'd have to...

Board Member McNulty stated Maser would know.

Rich Williams stated I'm using somebody out here called Haks, I know they come in, there is advanced testing, they will come in and do it.

Mr. Levine stated Hacks, H-A-C-K-S.

Rich Williams stated H-A-K-S, they are over in Connecticut.

Mr. Levine stated in Brewster, okay.

Rich Williams stated but there's a few, if Terri can't give you some names...

Mr. Levine stated I'll give you a call and I need the, Terri told me I should have the well tested, I guess prior to the people coming, if they are coming so then I can hand them a test or I can send it to you guys that I already did my part on testing the well water, can't hurt anyways, I tested it when I bought the house. Any company is better than another...

Rich Williams stated the test that you are looking to do for the Health Department, is not the test you would do when you bought the house, which was basically just a coliform test...

Chairman Rogan stated the one when he bought the house, he probably didn't do a full Putnam County profile.

Rich Williams stated he didn't.

Chairman Rogan stated also I wonder if there is any merit, let me just think this through, talk this through for a second, you do the soil samples and they all come back clean, then what, in other words, there might be a point where we can say hey, right now we are requiring the soil samples because the water sample is an expensive test, you're talking 2 grand for a part 5...

Mr. Levine stated oh really.

Rich Williams stated yea.

Chairman Rogan stated so there might be a point where hey do the soil samples, you have to do that regardless and then if they come back clean, the Health Department might say the water, it came back clean, there's no reason to do a part 5, so that might be a...

Mr. Levine stated so I can hold off on the water test.

Chairman Rogan stated well they might call you and say because we've notified them, they might say you're required to do this but it would seem that that would be a good logical sequence. Let's see if we can work that and see if that but then I would just ask for your cooperation to really move on the soil samples so we're not, this way we can still move on this.

Mr. Levine stated I'm going to call, I told Terri I'm going to call her first thing tomorrow morning, after we met to get everything down pat.

Chairman Rogan stated great.

Mr. Levine stated we'll have her start with this Haks Company first thing in the morning, a couple companies.

Rich Williams stated well look, again you know see what she has to say, she's representing you, I'm not.

Chairman Rogan stated talk to Terri.

Mr. Levine stated okay well you know, whatever the Town feels is a good company I have no problem.

Chairman Rogan stated as long as they are a certified company, if Terri Hahn feels comfortable with them you know, the bottom line is the lab has to be certified, the person that takes, the person that physically takes the soil isn't as important as the lab being...

Mr. Levine stated sure, no problem.

Chairman Rogan stated okay, great, I think we're all on the same page as this.

Mr. Levine stated okay but the, just to understand, our common goal is hopefully we test the soil and everything is fine...

Chairman Rogan stated that would be wonderful.

Board Member McNulty stated that would be the best bet.

Mr. Levine stated we'd leave it there or we don't know.

Chairman Rogan stated we still though...

Board Member Taylor stated I have to interject at this point, that is not yet my common goal here, I'm very upset with what you did on the property and your neighbor's property. I think it was a very clear violation of the law, a (inaudible) violation of the law and when the tests come back then I will think more about what we are going to do about this but right now my common goal is not to accept it as it stands. I want you to know that, I don't want to be the mean guy here...

Mr. Levine stated I can't apologize enough.

Board Member McNulty stated we need to know what the neighbors think about it as well.

Chairman Rogan stated that's huge.

Board Member McNulty stated that's key and the testing right now is restricted to your own property.

Chairman Rogan stated that is correct.

Board Member McNulty stated make sure you understand that because preventing them from another trespassing issuing where you're disturbing something on the neighbors property.

Mr. Levine stated okay, so then I have to have his tested also.

Rich Williams stated that is going to be up to you and him and what you work out and than ultimately what the Planning Board is willing to agree whether that bill is going to stay there or not. The first step is to find out if he's willing to leave it there and if he is, under what conditions.

Mr. Levine stated okay, we don't hear anything from him...

Board Member McNulty stated well what you need to do is when you speak to him, is get his permission to test what you dumped there because that is going to have to be tested as well, I mean that's a big area that you covered. I would keep your testing for now to your own property, am I right.

Rich Williams stated absolutely he should stay on his own property.

Board Member Montesano stated he can't go back over and trespass again.

Chairman Rogan stated yea and we're powerless to do anything on the neighboring and so is Mr. Levine...

Board Member McNulty stated yea.

Chairman Rogan stated so until there is some sort of legal agreement one way or another, you know the guy is either going to say hey I'm willing to work with you or hey why don't you make me an offer on the property or something, there is going to be some communication at some point in time unless the guy because he obviously has a vested interest in his property. I don't disagree with what Ron said to you, my common goal is that I don't want, I'm not wishing trouble on you, you've caused your own misery but I don't wish that these tests come out bad and believe me in that I don't want that to happen to you but there are still issues with the fill that we talked about, like around your well that need to be resolved, I know they talked about welding on an extension. There are erosion issues that normally if this, if we knew this was all clean fill, we would be talking about okay, how do we make this, we would almost look at it as if you were applying for it, blank slate, tabula rasa, we would say, you want to put fill in your backyard, what are your goals, how do you control erosion, how do we make sure we don't cause an issues not only now but 10 years from now when we have rains like this, you're going to get little erosion areas because some of the slopes off your back, behind the well were very steep and so we want to make sure we are protecting you and your family but also the next property owner 10 or 15 years from now...

Mr. Levine stated absolutely.

Chairman Rogan stated so I agree with Ron's sentiments, you know everybody was pretty concerned about the state of the fill, you know there still needs to be even if soil is left in place, we need to talk about top soil, you know we want to talk about getting grass established but we can't do any of that until we know what we're dealing with and obviously the people who gave or sold you the fill, we're not going to hang our hat on anything they say, we're going to have to have a few tests to prove it, alright, everybody good, thank you sir.

Mr. Levine stated thank you very much.

Board Member McNulty stated all right.

Chairman Rogan stated oh Ted I didn't ask, I'm sorry, do you have anything else on this.

Ted Kozlowski stated no, I mean...

Chairman Rogan stated okay...

Ted Kozlowski stated I said my peace.

Chairman Rogan stated okay great.

Board Member Taylor stated do we have to declare ourselves lead agency or something like this.

Chairman Rogan stated no, on a wetlands permit we don't do any of that, I appreciate you asking.

The Secretary stated fill permit.

Board Member Taylor stated it seems like we are going to run into a who's in charge issue at some point down the line.

Board Member McNulty stated you're talking about Mr. Levine's property.

Board Member Taylor stated yea.

Chairman Rogan stated if DEC all of a sudden decides they fill some positions and now they want to go act on, that will impact...

Board Member McNulty stated they have us in limbo really.

Rich Williams stated well then that's an enforcement action, a type 2 under SEQR so they are not involved in this not unless they are going to issue some sort of permit, I don't know that they would.

Chairman Rogan stated okay.

4) DOUG WALLACE – Wetlands/Watercourse Permit Application

Chairman Rogan stated Mr. Wallace, we have a wetlands/watercourse permit application. Last meeting we talked a little bit about the subject of the fee associated with the application, it was my understanding that at least I was looking at this as more of an administrative task and the fee being certainly less than if it were a

brand new application with all the review involved, you have that. I also agree with Ted's assertion that anyone asking for a renewing, should at least state what the fee would normally be and ask for relief and that's not a big deal, I would certainly recommend relief from the normal fees on something like this. Remember that this application would allow the applicant to proceed with the testing that is necessary to try to get Board of Health approval for this lot, when we first reviewed this, we went through the lengths that we did because it didn't seem logical to just do a real quick approval to allow the guy to do some testing and then he goes and gets Board of Health approval and then we say well we don't like the lot, that would be of course unfair, so what we did was we took the time to take some real hard looks at this lot, if I remember correctly we reduced it from a 4 down to a 2 bedroom footprint and really worked on the lot, I mean the bottom line is everybody agrees it's a bad lot. It has significant challenges, I personally would not want this lot but you know, it is an old subdivision lot, Mike I'm sure remembers reviewing the subdivision, there's not very many good lots in that subdivision. So we have application that had some issues that needed to be resolved, I think we've gotten updated plans from the applicant and a letter from the...

Board Member McNulty stated engineer.

Chairman Rogan stated engineer.

Board Member McNulty stated question, in the engineer's letter, I have inspected the property and the site conditions have not changed since the original approval...

Chairman Rogan stated since our original.

Board Member McNulty stated is that true though, I'm familiar with the original approval and I don't know how to compare it. Have they kept everything the same as it was...

Rich Williams stated well the weed, Ron will attest to the fact that the weeds have grown a little bit higher.

Board Member McNulty stated yea I wasn't able to make that site walk that day.

Rich Williams stated but other than that everything is the same.

Chairman Rogan stated oh okay, I was thinking it was years ago for us.

Board Member McNulty stated but from the original plan his concept is still the same.

Chairman Rogan stated the layout of the proposed lot should not have changed.

Board Member McNulty stated it was strictly a renewal of his...

Chairman Rogan stated of the wetlands permit.

Board Member Cook stated do we have to have a public hearing.

Rich Williams stated yea, if you are going to go through the full permitting process and I don't know why you wouldn't, I don't think there is any extra ordinary you know, any hardship in this...

Chairman Rogan stated no and it's also a great opportunity if you've had a new neighbor or 2 that doesn't have a clue but...

Board Member Cook stated so we will schedule a public hearing, next week.

Chairman Rogan stated we can schedule, yea for next month, anybody, anything, Ted, pretty straight forward.

Rich Williams stated what do you want to do with the fee.

Chairman Rogan stated well I think we should make a recommendation, we can't we have to make a recommendation to the Town Board correct.

Rich Williams stated you have 3 options, you can accept the fee, the permit fee, the major application permit fee, you can declare it a minor application which brings it back to the \$100 dollar fee or you can go some place in the middle and send him over to the Town Board, you know for some adjustment of the fee.

Board Member Montesano stated what was the reasoning he lapsed aside from the fact that it was, I mean he lapsed it.

Rich Williams stated I really don't know why he didn't do the work other than market conditions.

Chairman Rogan stated probably shitty times.

Board Member McNulty stated and if I understand right, the Board has already once before waived that fee. This is the third...

Rich Williams stated no, no, no...

Chairman Rogan stated this is his first.

Board Member McNulty stated first renewal.

Rich Williams stated well no, the first time he did an application fee, a whole application fee, the second time you had already issued the permit and he was just getting his first 1 year extension. Our Code allows him to get a 1 year extension and that's it, then after that he has to reapply for new permit...

Chairman Rogan stated so this will be good in essence for 2 years from the date it's approved, assuming we do give a 1 year extension a year from the date it's approved.

Board Member Cook stated so I would say that we go with the application fee the same night after the public hearing on the extension.

Chairman Rogan stated I suppose the other thing is if we, if next meeting we set, if next Thursday we set a public hearing for next month, we can also decide then what we are doing with this fee whether we are going to declare it a minor and do a \$100 dollar fee or whether we are going to kick it over to Town Board which I kind of think I'd feel a little more comfortable with in this case saying you know, if we I realize a couple of years ago the nomenclature wasn't the same as it might be today but whatever we called the application then, we should call it the same now and be consistent but we should also recognize that there isn't a lot of work to be done here, it's administrative and so other than making sure they haven't changed something on the plans. Ron had brought up a good point last meeting that there is still some work to be done so there should still be some fee collected but it doesn't have to be the fee that was paid initially.

Board Member Cook stated okay, he has already paid the \$100 dollar minor fee.

Chairman Rogan stated yea, right but and I think that should be credited towards whatever our decision is on a recommendation, maybe its more than \$100 I don't know, you know in recognition for whatever work needs to be done but I would probably feel comfortable kicking it over to Town Board to say you know just exactly what we said, here's what it should be but in recognition this is an administrative function, times are tight out there, he hasn't acted on it, it's a renewal and...

Board Member Cook stated because he's almost paid \$5,000 dollars in fees.

Chairman Rogan stated yea, exactly.

Board Member McNulty stated I tend to agree with you, keep it to a minimum fee.

Chairman Rogan stated yup.

Board Member McNulty stated provided his taxes are up to date, I don't know if we can use that as a standard.

Chairman Rogan stated I don't know.

Rich Williams stated you probably can't but I can't certainly let you know.

Board Member McNulty stated all right.

Chairman Rogan stated all right, so everybody can think about it between now and next meeting, we don't have to decide tonight.

Board Member Taylor stated I just think that, I know times are tough but he also brought some of this on himself in someway and whatever our costs are, I think we should recoup...

Chairman Rogan stated I agree.

Board Member Taylor stated otherwise the rest of the taxpayers end up covering his...

Board Member McNulty stated but what are his extra costs.

Board Member Taylor stated us, just talking tonight, public hearing, Rich's time.

Board Member McNulty stated but we're talking regardless though, we're going to be here.

Board Member Taylor stated well but we're spending a certain amount of time and if we were lawyers we would assign our time spent discussing this to his case.

Board Member McNulty stated no doubt, I agree.

Board Member Taylor stated and I think we should have some way of proportioning that, \$100 dollars certainly wouldn't cover the cost.

Board Member McNulty stated it's his property and he is trying to do it and he shouldn't have excessive fees to have his property.

Board Member Taylor stated I agree.

Chairman Rogan stated I think what he should do is he should get his testing done because if he got, correct me if I'm wrong, but if he gets his approvals through Health Department, he doesn't need you know...

Rich Williams stated he still has to pull a building permit.

Chairman Rogan stated so in other words, he needs our wetlands permit until he pulls a building permit.

Ted Kozlowski stated Tom the only thing is that for instance I'm not paid salary, I'm paid by the hour, he submits the application I review it, I'm charging the Town my time, the Town Engineer the same thing I assume and you know it shouldn't be a freebie.

Board Member McNulty stated this could get into an offshoot conversation but it's his property and we're...

Board Member Montesano stated yea but he's the one that's messing it up with his time delays now the object is this...

Board Member McNulty stated it's his property it will take as long as he wants it to.

Ted Kozlowski stated the tax payers are paying for the review process.

Board Member Montesano stated no, it doesn't work that way, you are given a set of rules when you are going to build something, if you want to suddenly put on a 50 foot extension on a house, you've got to go back to the people and get permission and the extra fees are paid for that 50 foot extension.

Board Member McNulty stated I agree, I have no problem with that but he's changed nothing here.

Board Member Montesano stated but he had a certain amount of time to do it.

Chairman Rogan stated you know what the problem, I agree with where you are going with it, the problem is we have an approved subdivision lot from 20 years ago and nothing changed on the lot from that 20 years ago but we are going through this wetlands permit that wasn't required 20 years ago, if he had built that lot 20 years ago or whoever owned it, we wouldn't be having this whole thing. Codes change, law change and that is part of the problem...

Board Member McNulty stated but that's not his fault.

Board Member Cook stated no but we have to follow a Code...

Board Member McNulty stated oh no, I'm not saying we shouldn't follow the Code, I'm just saying...

Ted Kozlowski stated but why should the Town eat that cost Tom.

Chairman Rogan stated actually to get what Ron said, why should the general public eat the cost for the idea that the guy that has sat on a lot for 20 years.

Board Member McNulty stated because the state imposed all these laws and regulations, he didn't impose these laws and regulations.

Board Member Montesano stated we did...

Ted Kozlowski stated Shawn that house isn't built not because of local regulations.

Board Member McNulty stated I understand the property's not the best.

Ted Kozlowski stated it's probably economics.

Board Member McNulty stated of course.

Board Member Montesano stated well.

Chairman Rogan stated this property is so bad actually that this is one we were thinking about taking to task and it would probably have been called eminent domain but denying this...

Board Member McNulty stated well I just think we are over fee'd and over regulated as it is.

Chairman Rogan stated yea.

Board Member McNulty stated that's where my point goes.

Rich Williams stated you know everybody keep in mind you're talking about and I agree with everybody, the general public should not be paying for the administrative review of this application but exactly what should that have cost you know assuming that we are just talking about a renewal. I mean we take an application and again we are not going to take in this office an application for a wetlands without it being as complete as we can without a fee and you know the closest I could get to that fee at that time was \$100 dollars, you know if you want to debate about what the cost should have been we can do that but I do want to throw this out Charlie, you shouldn't set the public hearing until we've got the fee because that is part of determining an application complete.

Board Member Montesano stated okay.

Rich Williams stated just keep that in mind.

Chairman Rogan stated well the fact of the matter is that the time frame isn't the biggest issue here because it's not like the gentleman is saying hey I want to be testing this lot a month from now, so let's not worry about that so much, it's process and making sure the guy we just go through the process. Next meeting let's make a determination on the fee structure, let everybody kind of mull it over...

Board Member McNulty stated he initiated this because he knew he was running out of time, correct.

Ted Kozlowski stated he ran out.

Chairman Rogan stated he ran out.

Board Member Montesano stated he ran out.

Board Member McNulty stated he ran out.

Chairman Rogan stated but it's not like all of a sudden now he's gung hoe and I have to get through Health Department and I'm, you know, so...

Board Member McNulty stated no I understand that, he could take another ten years.

Chairman Rogan stated exactly, you know if you remember when we were doing this exact same thing for Mark Porcelli for the 12 lot subdivision, he said hey guys slow down, easy because you start the ball rolling again, you're losing, you know, not the right climate to be doing this sort of stuff. So I don't think we're hurting him by mulling this over.

Rich Williams stated not at all.

5) JOSEPH STILWELL – Wetlands/Watercourse Permit Application

Chairman Rogan stated okay, we have Joseph Stilwell, this is a brand new wetland/watercourse permit application. Stilwell is what, it's a pond.

Rich Williams stated yea, it's a pond, Ted went out to look at it and I've got to, understand I have to change the agenda, I misspelled his name, I do it all the time...

Chairman Rogan stated okay.

Rich Williams stated but Ted went out and took a look, jump in when you want, took a look at the pond with Danny Finney and made some recommendations and had them submit for an application.

Chairman Rogan stated so what is the scope of the, what are they doing dredging the pond.

Rich Williams stated yes and Ted has recommendation that they put an aeration system in. I took a look at the plans, I thought there was some deficiencies in the information he submitted, recognizing that this is kind of a timely issue, he's trying to get this all done before the winter. I reviewed it, I gave him my comments, he responded to my comments, I think he responded adequately.

Chairman Rogan stated do we have a copy of, I'm sure we do and I'm probably looking right it, of what you had sent them, Stilwell.

Board Member Cook stated is his response dated the same day as your letter.

Rich Williams stated it might be.

Board Member Cook stated this is (inaudible) to your letter.

Rich Williams stated you know I e-mailed him my comments so he could take a look at it again and I think Ted will agree with this that this is a timely issue if we are going to get this pond cleaned out this fall, we don't want to be doing this in January.

Chairman Rogan stated this is just a farm pond, it looks like.

Rich Williams stated yes.

Chairman Rogan stated and the impacts to area they are just doing some maintenance and they are nice enough to come to us rather than just do it, you know...

Rich Williams stated yea again I haven't been out there, Ted was the one who went out there.

Chairman Rogan stated all right.

Board Member Taylor stated so where is this again.

Chairman Rogan stated Route 22.

Rich Williams stated off of [Route] 164.

Board Member Taylor stated near Couch Road.

Rich Williams stated yea, it's kind of close to the corner.

Ted Kozlowski stated you know where Marty Carl used to have a place, it's between Couch Road and Route 164 where it splits to Old Route 22, going east. It used to be a shooting range, there used to be a shooting gun club there.

Rich Williams stated you know where you get to the end of [Route] 164 and they cleared a piece of property...

Board Member Taylor stated yes.

Rich Williams stated I'm sorry, the end of Couch Road...

Board Member Montesano stated Couch Road.

Rich Williams stated and they cleared a piece of property and then there is a next new house right next to that cleared property...

Ted Kozlowski stated it's for sale.

Rich Williams stated right across the street.

Chairman Rogan stated got it.

Ted Kozlowski Ron there was for a long time, there was a gun range there.

Board Member McNulty stated where that cape is built.

Board Member Montesano stated the first driveway on the left after you make the left off of Couch [Road].

Board Member Taylor stated so it's on the left, it's on the north side.

Rich Williams stated it's on the east side.

Ted Kozlowski stated you guys can't go there on your own, you have to, there is a lock gate, you have to make arrangements with the caretaker.

Chairman Rogan stated it's off...

Rich Williams stated I may be wrong, it may be on the north side.

Chairman Rogan stated it's on the swamp side.

Rich Williams stated yes, it's on the swamp side.

Board Member Montesano stated that's when, when it was Delta Auto Body, they used to shoot, it was crazy up there.

Board Member Taylor stated okay, down the hill.

Chairman Rogan stated to me it always looked like they had a sawmill down there, right isn't that the same property, there was a house and there were always logs and stuff.

Ted Kozlowski stated that's Marty Carl.

Board Member Montesano stated that's Marty Carl's.

Chairman Rogan stated oh that's Marty Carl.

Ted Kozlowski stated that's Marty Carl's place.

Chairman Rogan stated so it's just to...

Board Member Montesano stated before you come from Couch Road.

Chairman Rogan stated I know where you mean, across from Bar...

The Secretary stated Harvey Barnes.

Chairman Rogan stated Harvey Barnes, Barcon Builders.

Rich Williams stated yea.

Chairman Rogan stated he built a nice house.

Board Member Montesano stated where Patterson Auto Body is on Route 22, that's behind them, they would show you enough to go down to Route 22 because that's where all the shooting used to be.

Board Member Taylor stated so the pond is set into the hillside here.

Chairman Rogan stated all right so.

Ted Kozlowski stated you want me to explain Shawn.

Chairman Rogan stated that would be great.

Ted Kozlowski stated it is the old gun club, it is now a weekend of Mr. Stilwell, his residence is there, that pond is a classic old farm pond, it's buried up on one side, it's really not associated with a year round stream, it's not connected to any wetlands, I checked with DEC and with DEP, he does not need a dredge permit as long as he's under 750 cubic yards which that is not going to happen according to him. If you saw the size of the pond it's very small...

Chairman Rogan stated okay.

Ted Kozlowski stated it's getting encroached quite a lot by cattails, it has a terrible algae problem, most likely because the summer has been very hot and dry. There is really no flow through with this pond at all, he's the one that really wanted to put the aerator, I believe the aerator is a good idea and in fact DEC, when I spoke to DEP they're suggestion was put an aerator in there. I spoke with environmental permits, so he doesn't meet any of the thresholds, it's in the middle of a lawn...

Chairman Rogan stated okay.

Ted Kozlowski stated it's really not associated with any woodlands or...

Board Member McNulty stated is it spring fed.

Ted Kozlowski stated it's pretty much surface flow and that there is a intermittent stream corridor that comes through there which they must have tapped into when they first built the pond. They have young children, the pond is fenced in, they are very, very paranoid about kids getting into the pond, that's one of the reasons they want the algae to, they are quite aggressive about the pond being safe for kids, that's why they don't want to make it a deep pond. Mr. Finney believes that the depth is 8 feet at one end, it may have filled in, I have not seen the plans, I have spoken with him over the phone, I met with him out on the site and I told him Rich is right, the timing is critical, what he pro and I asked him to spell this all out but he didn't really do it on the plans. There is a little spillway as part of the embankment and that spillway is eroded away, what he's wants to do, what's he's proposing to do is take a 4 inch hose and siphon the water out which is going to take a period of days and then he wants to see how the spillway looks, it's not a dam, it's an embankment, he wants to repair that and then he wants to let it sit over the winter drained so the freezing will kill the vegetation and then they want to put an aerator in but they don't know what kind of aerator, they want the winter to figure that out. It's got to be something aesthetic I think, the project doesn't bother me too much because it really, it's a man made pond in the middle of a grass field and...

Chairman Rogan stated we wouldn't know if they, I mean in fairness, this is the kind of thing that we would have never know if they went in and did the work and I appreciate them doing it the right way.

Ted Kozlowski stated I told him thanks for letting us know because you would never see it, you couldn't see it from the road, we would never know this is going on.

Chairman Rogan stated can we administratively, I was reading through the memo do 2 things I'm thinking about getting them started on this work, after this rain, the idea of waiving a public hearing, given that it doesn't impact on anyone and he's on 125 acres, I'm comfortable with but have them come back in some

way shape or form, maybe not to us but to you Ted with something on the aeration that they don't have to tell us right now quite honestly but to...

Rich Williams stated just so you know, one of the things that I talked to Danny Finney about are my concerns with putting the aeration system in the pond is the conduit going over, putting the shed in...

Chairman Rogan stated yea.

Rich Williams stated and then putting the conduit in now while he's doing the other things...

Chairman Rogan stated absolutely, while he has the machines there.

Rich Williams stated as long as the conduit is in now, it doesn't matter what type of aeration system goes into the pond.

Chairman Rogan stated the conduit he just, he has to actually get a building permit for that right...

Ted Kozlowski stated I don't even know, he may even have electric out there, I don't know.

Chairman Rogan stated okay, to an underground trench, okay...

Rich Williams stated he's going to run it over from the barn and...

Chairman Rogan stated but it's a 14 inch trench or something, it's not very deep.

Board Member McNulty stated maybe just an electric underwriter's inspection.

Rich Williams stated electric.

Chairman Rogan stated yea.

Ted Kozlowski stated and the spoils, he may, he's not, what he told me is that he's going to dredge some of it out and they are right by the embankment, it's not going anywhere, he wants to, right where you see it on those plans, he's going to dewater it there and then he's just going to spread it out kind of a slope, he doesn't anticipate a lot of fill coming out of there.

Board Member McNulty stated how deep do you think it is now.

Ted Kozlowski stated 8 feet, he's measured 8 feet, he's gone out in a row boat, the deepest part that he found was 8 feet. Most of it is very shallow...

Chairman Rogan stated of course any fish that are in there...

Ted Kozlowski stated he said there are no fish.

Chairman Rogan stated will have to be (inaudible) and...

Ted Kozlowski stated he says there are no fish.

Chairman Rogan stated yea.

Ted Kozlowski stated this is petite, this pond is not very big.

Chairman Rogan stated it looks like it's probably...

Board Member Montesano stated (inaudible).

Ted Kozlowski stated what.

Board Member Montesano stated how much lead is in that pond.

Rich Williams stated 13 to 15,000 square feet.

Chairman Rogan stated yea, based on the size of the house. Okay, the main thing Ted is obviously to try in contact with this as the work progresses so that you have a little over sight as to make sure it doesn't turn into something more.

Ted Kozlowski stated the thing is when he starts siphoning up water, we'll make sure there's nothing, you know it's kind of a steep drop and then it goes into the woods. It's a long ways from DP-22...

Chairman Rogan stated and is there any concern where they run a 4 inch pipe creating any kind of because of the steepness you just talked about.

Ted Kozlowski stated it's all rock, in other words...

Chairman Rogan stated okay.

Ted Kozlowski stated at the spillway, whoever built the pond put a ton of rock rip rap...

Board Member McNulty stated is that here, the spillway on this end.

Rich Williams stated he's got to discharge it either into a stone burm or a hay bale burm so to diffuse the water.

Chairman Rogan stated because that's pretty steep off of that, it looks like you've got about a 15 or 18 foot drop.

Ted Kozlowski stated Shawn, it's all filled with rock.

Chairman Rogan stated okay.

Ted Kozlowski stated it looks like, it's been there a long time, it didn't show up last night.

Chairman Rogan stated all right.

Ted Kozlowski stated I really don't think there is going to be an erosion, it's 4 inch pipe siphoned out, that's what you do with a pool.

Chairman Rogan stated okay.

Board Member Montesano stated Tommy Lee used to be the caretaker from the other guy for that property.

Chairman Rogan stated that's a beautiful property.

Board Member Montesano stated we used to go down, you sit up on the deck and that's where they used to have their clays going off and I used to be at work in the gas station and at the time it wasn't as dense, it used to get very nerve racking because I'd have to sit there and come by.

Chairman Rogan stated you can see the back of this property when you're canoeing I think in the swamp, I think you can look up in.

Ted Kozlowski stated it's a beautiful piece of property, however his view is completely of...

Chairman Rogan stated Watchtower, yea.

Ted Kozlowski stated his whole view shed is Watchtower.

Chairman Rogan stated wow.

Board Member Montesano stated that's why the gentleman sold it.

Chairman Rogan stated okay, let's try this one and see if this flies with everybody. In the matter of Finney/Stilwell Wetlands/Watercourse permit application, I'll make a motion that the Planning Board waive the requirement for a public hearing with the recognition that this application doesn't appear to impact on any neighbors and given the size of the property 124 acres that be...

Ted Kozlowski stated the only thing Shawn...

Chairman Rogan stated yea, go ahead.

Ted Kozlowski stated he's got to clean this application up a little bit because...

Chairman Rogan stated okay.

Ted Kozlowski stated he didn't really spell out what he spelled out to me.

Chairman Rogan stated okay.

Ted Kozlowski stated he's really got to define...

Chairman Rogan stated can you do it for next week.

Ted Kozlowski stated I told him, he called me today and I told him based on tonight's meeting I will let him know tomorrow what he needs.

Chairman Rogan stated okay.

Rich Williams stated the memo that he submitted to the Board doesn't do that.

Ted Kozlowski stated I didn't read it Rich, I don't...

Rich Williams stated well maybe you should read it first.

Ted Kozlowski stated he told me his brother came in today, not him.

Rich Williams stated Billy didn't come in, Danny did.

Ted Kozlowski stated I think he was little upset about his brother stepping into it, I don't know why.

Rich Williams stated I don't know why.

Chairman Rogan stated I don't, does anybody else have that letter.

Board Member McNulty stated no, I have...

Rich Williams stated Danny's letter...

Board Member McNulty stated I have Rich's letter.

Ted Kozlowski stated I don't have the letter.

Board Member Taylor stated this one, this one right.

Chairman Rogan DEW from DEW Constriction, I'm sure I have it, I just.

Ted Kozlowski stated all I got is.

Board Member Montesano stated I think that's it.

Rich Williams stated everybody got it.

Chairman Rogan stated I'm sure. DEW Construction.

Board Member Montesano stated DEW, DEW, DEW.

Board Member Taylor stated it seems to be response to Rich's memo...

Rich Williams stated pretty much.

Board Member Taylor stated did he answer all the points.

Chairman Rogan stated why don't we let Ted read through this and let's move on in the agenda and come back to it.

Board Member Montesano stated okay.

Chairman Rogan stated we have a couple items left yet, at least, so let's...

Board Member Montesano stated I'll go along with that.

Chairman Rogan stated of course I lost my agenda now.

Board Member McNulty stated need a life jacket.

Chairman Rogan stated too much...

Board Member Montesano stated already have that.

6) 144 FIELD CORNERS ROAD – Wetlands/Watercourse Permit Application

Board Member Taylor stated 144 Field Corners Road.

Chairman Rogan stated 144 Field Corners Road, another wetlands permit, thank you. That is actually a very nice house, driving down, I drove down Field Corners [Road] yesterday...

Board Member McNulty stated I went by there too.

Chairman Rogan stated and I was thinking it was one of the 2 houses that are side by side, there are 3 houses on the road, it is the one closest to Bullet Hole [Road]...

Rich Williams stated yes.

Chairman Rogan stated with a gate and everything, beautiful, beautiful property, the house is kind of close to the road.

Board Member McNulty stated I rode by myself and took a look at it, there's not many house out there.

Chairman Rogan stated there are only 3 out there that I'm aware of on the Patterson side. So, the application in this case, I'm looking for it because I don't seem to...

Board Member Montesano stated Rich on this, it states proposed 3 bay attached garage, do we have any kind of thing that says you have to have X amount of...

Rich Williams stated we don't have anything in the Code that says there has to be so much, I did talk extensively with Nick about this when he is only attaching the garage by 5 feet.

Board Member Montesano stated yea.

Chairman Rogan stated so that allows him to put it in the front yard in essence because it's attached.

Rich Williams stated otherwise he would need a variance, however you know as I pointed out in the memo that I did, when they initially came in, they came in showing me a plot with a much smaller garage and then when it came back the garage was 30 feet by 50 feet. Well our Code says that the garage can only be X number of feet bigger than the principal dwelling and this thing is a lot bigger.

Chairman Rogan stated because of that issue in Put Lake with that one garage.

Rich Williams stated that is what precipitated it, yea.

Chairman Rogan stated okay.

Ted Kozlowski stated what was the original wetlands permit granted on this lot.

Rich Williams stated if you go to the memo I did, to the back page it will show you the limits of disturbance...

Ted Kozlowski stated right, I saw that but under what did we specify what he could do there.

Rich Williams stated a single-family home.

Ted Kozlowski stated did we say a garage was acceptable.

(Side 1 Ended – 8:30 p.m.)

Rich Williams stated again, referring back to that record, that's you know the general concept about what he got a wetlands/watercourse permit for which is why when this came to my attention you know, I was asked, I said you're definitely going to need a wetlands permit.

Ted Kozlowski stated my 2 cents on this, I'm just seeing this for the first time but this is another example of a subdivision that we approved years ago, we allowed, we gave wetlands permit to do certain things and now years later an application is coming and I bet the square footage of disturbance is far greater on this one than what we were allowing with the initial permit and you know, that was probably a 2 car garage or maybe a 1 car garage back in the, whenever this was approved.

Rich Williams stated well understand what got built out there, you should have the survey for that, you know, this is a good size house as Shawn will attest to...

Chairman Rogan stated oh yea, that's a beautiful house.

Rich Williams stated right with garage, this is a whole second garage.

Chairman Rogan stated a whole nother second garage.

Ted Kozlowski stated right, so like I said, I'm just seeing it for the first time tonight, I'm going to go back to my notes that go back whenever this was but I remember this lot in that subdivision there was a lot of discussion about here we go because...

Chairman Rogan stated I bet, this is a postage stamp surrounded by wetlands, right.

Ted Kozlowski stated postage stamps, now here is an individual with a 3 car garage going into the buffer, is the pool next, you know, that kind of stuff, what...

Chairman Rogan stated yea.

Ted Kozlowski stated we'll draw the line at what we originally agreed to or do we open this up.

Chairman Rogan stated well I think at a minimum let's go take a look at the lot and see...

Ted Kozlowski stated yup.

Chairman Rogan stated we have to see it with our own eyes.

Board Member Montesano stated if I can interrupt you for a second.

Chairman Rogan stated sure.

Board Member Montesano stated this affidavit of ownership, 144 Field Corners Road in the municipality of Carmel.

Rich Williams stated yea.

Board Member Montesano stated right there.

Rich Williams stated I didn't catch that.

Ted Kozlowski stated would that be Carmel School District.

Board Member Montesano stated you could say the Carmel Post Office.

Ted Kozlowski stated (inaudible) Carmel...

Board Member Montesano stated or it could be the Carmel School District but it's not the municipality of Carmel.

Rich Williams stated I understand Mike but that is what it is, I mean it's the Carmel School District, the Carmel Post Office.

Ted Kozlowski stated this is definitely the Town of Patterson.

Rich Williams stated yes.

Board Member Montesano stated yea but...

The Secretary stated keep in mind the people in Put Lake with a Brewster mailing think they live in Brewster not in Patterson.

Chairman Rogan stated yea right.

Board Member Montesano stated well they always did that because the kids go to Brewster Schools.

Rich Williams stated it's a standard form that we have everybody fill out which basically says if there is any municipal official reviewing the application have a financial interest in the application.

Board Member McNulty stated does it happen all the time.

Rich Williams stated every application.

Board Member McNulty stated how come it got passed through this time, I've never seen it before.

Rich Williams stated normally it is in the application package, not separately, this came in after the fact.

Board Member McNulty stated oh that's why.

Chairman Rogan stated it's part of the application.

Rich Williams stated she's coming in as contract vendee.

Board Member McNulty stated I've seen it but in the packet not separately.

Ted Kozlowski stated I think you're right Shawn, this should be a site walk.

Chairman Rogan stated I think definitely...

Board Member Taylor stated this one, maybe it's this one.

Chairman Rogan stated yea, I'm sorry I didn't want to interrupt you...

Rich Williams stated that's okay.

Chairman Rogan stated the application the sketch that shows the proposed garage, the 3 bay garage, it shows it within the limits that's were originally set up for the subdivision for the building envelope limits. I mean I want to see it regardless but if the Planning Board at the time determined that there was envelope or an area that was in essence deemed the usable area of the yard put your swing sets here, put anything you want to do, a pool whatever, within that line. If this structure truly is within that line, I'll probably have a lot less of a problem with it...

Board Member McNulty stated which is this line here you're talking about right.

Chairman Rogan stated yea, that circle around the lot.

Board Member McNulty stated that's your wetland buffer.

Chairman Rogan stated that is what the Planning Board decided was...

Board Member McNulty stated usable.

Chairman Rogan stated the limits of disturbance.

Board Member Taylor stated do we have minutes from those meetings.

Rich Williams stated sure.

Board Member Taylor stated can we see that please.

Rich Williams stated we have a whole wetlands report which talks about the lot.

Board Member Taylor stated okay, well...

Rich Williams stated do you want to see that.

Chairman Rogan stated I think...

Board Member Taylor stated so that we understand what this dotted line is, yes.

Rich Williams stated the dotted line is the limits of disturbance line...

Chairman Rogan stated that's what they are showing here, here.

Board Member Taylor stated but what the means, what the intent of that was.

Chairman Rogan stated yea.

Rich Williams stated well the intent of that was an area that was going to be cleared out for lawn, for well, septic and for house and driveway.

Board Member Cook stated which by the way shows a gravel driveway.

Chairman Rogan stated yea they paved, yea that's paved up there, that's not gravel I don't think.

Ted Kozlowski stated Shawn...

Chairman Rogan stated yes.

Ted Kozlowski stated maybe I'm reading this wrong but the original plans show a lot smaller house and a lot less disturbance and if I'm looking at the...

Chairman Rogan stated and this is the approve plan and this is what we have now.

Ted Kozlowski stated and I'm looking at the new improved plan with the existing home and the 3 car garage and maybe I'm reading this wrong, it sure looks like a lot more disturbance to me than what was allowed back in 2000 whenever this was done.

Chairman Rogan stated let's compare up for next meeting what the scale is on this and just run some, make sure that we are dealing with what they are showing us, they didn't enlarge, you know, pull an engineer's rule...

Rich Williams stated no, Ted is not wrong, the house is substantial larger...

Chairman Rogan stated no, no, I realize that the building envelope limits, that's all, just that line.

Rich Williams stated all right, I've already done that, I've already laid out the wetlands between the 2 plans and it's the same.

Chairman Rogan stated so what they are showing with all the radii and everything on the survey...

Rich Williams stated listen, minor changes because the surveyor picked it up differently than Joe showed it but it is basically...

Chairman Rogan stated bulk area is the same.

Rich Williams stated basically it is the same.

Chairman Rogan stated okay.

Board Member McNulty stated which 2 plans are you comparing.

Chairman Rogan stated because they also turned the house, this house.

Ted Kozlowski stated I'm just looking at...

Rich Williams stated the subdivision construction plan and (inaudible).

Ted Kozlowski stated maybe I am not seeing the wetland buffer line properly.

Chairman Rogan stated 40 or 50 degrees turn. Not even the wetland buffer line, it's just, I'm only looking at the building envelope limits...

Board Member Taylor stated limits of disturbance line...

Chairman Rogan stated that are shown on the plan that they sent us and just making sure that that emulates what was...

Ted Kozlowski stated does this house have horses.

Chairman Rogan stated no.

Ted Kozlowski stated somebody had horses there.

Chairman Rogan stated not on that.

Rich Williams stated not there, they wanted horses, they came in, actually they wanted to do a lot of extensive clearing out there for horses.

Chairman Rogan stated really.

Ted Kozlowski stated that was the one.

Chairman Rogan stated that would have been because this property abuts a County wetland parcel, if you want to call it that, it's almost 100 acres that the County owns.

Ted Kozlowski stated there is a big state wetland behind this.

Chairman Rogan stated well the stated wetland closest to the subdivision, that's on the corner.

Rich Williams stated he's talking about the state wetland that's on the county parcel.

Board Member Cook stated what's the difference between these 2.

Board Member McNulty stated thank you.

Chairman Rogan stated oh okay...

Rich Williams stated we talked about the state wetland.

Chairman Rogan stated oh a state wetland, I'm thinking state lands not wetland, right yes, it goes right over to the highway.

Ted Kozlowski stated I still think you should look at it.

Chairman Rogan stated we are definitely going to take a look at it.

Board Member Montesano stated yea, can we a copy of those minutes between now and the time we go out.

Rich Williams stated the minutes extend over a 2 year period probably or better and it's going to be a lot of reading without a lot of reference to this. If you want to see more documentation on the wetlands and this lot, you probably want to too at the wetland report...

Chairman Rogan stated you know what though Rich...

Rich Williams stated I keep...

Chairman Rogan stated the Planning Board at the time would have summarized what they were feeling about the wetlands report into either their determination or into their, I realize like you said it's over 2 years, I bet if we scan those documents you can probably pull out a couple of conversations specific to setting the building envelope and just that sounds like that's everybody is kind of keying in on.

Ted Kozlowski stated what year was this approved.

Chairman Rogan stated it wasn't that long ago.

Board Member McNulty stated the house doesn't look that old.

Rich Williams stated it wasn't that long ago.

Chairman Rogan stated less than 15 years.

Rich Williams stated it's in the memo that I did, it's, yea, it's GDC...

Chairman Rogan stated I remember them going out and doing the deeps and percs on this lot when I started.

Board Member McNulty stated it says 2004.

Chairman Rogan stated it's not that old.

Rich Williams stated that's the survey.

Board Member Montesano stated I'm trying to remember.

Chairman Rogan stated yea.

Board Member Montesano stated that Dave opened his mouth...

Chairman Rogan stated I remember them going on this stuff.

Rich Williams stated the subdivision was approved in 2001.

Board Member Montesano stated was Dave in one of his I'm important and I'm going to say everything about this I could moods.

Rich Williams stated GDC.

Board Member Montesano stated yea.

Rich Williams stated I don't know that Dave was...

The Secretary stated Raines.

Chairman Rogan stated no.

Board Member Montesano stated no, Pierro.

Rich Williams stated no, Pierro.

Board Member Montesano stated 2001, if I recall he was still here.

Rich Williams stated he might have been.

Ted Kozlowski stated I don't remember that.

Rich Williams stated Shawn...

Chairman Rogan stated so, yes.

Board Member McNulty stated I didn't read the memo yet, so I'll take a look at that.

Rich Williams stated you know this is extenuating circumstances here.

Board Member Montesano stated all right.

Chairman Rogan stated well I think what we're doing here is we are going to have a pretty good idea by next meeting, by, within a week.

Rich Williams stated do you want me to try to get the Board out there before next Thursday.

Chairman Rogan stated oh we're going to go before next Thursday, yea. We have a couple things we are going to go tonight, right after we're done here.

Rich Williams stated okay.

Chairman Rogan stated no, we'll go, we can probably do either one day during the week...

Board Member Montesano stated can we stop at my car, I want to get my flash light.

Chairman Rogan stated probably if not Saturday, maybe Monday night or something. We have a little bit of time still before it gets dark so we can, there are a couple of thing Charlie had mentioned he wants to site walk before the meeting, so we can pull together a day even if we all can't be there to get out there.

Board Member Montesano stated you buying breakfast on Saturday morning.

Chairman Rogan stated I said the diner is long over due, so.

Board Member Montesano stated bring your own chickens.

Chairman Rogan stated so let's get...

Rich Williams stated I'll call the applicant and make sure it's okay.

Chairman Rogan stated as soon as, by the end of tonight we should be able to come up with a, when we find out what else we have here that we want to site walk, we could get out there I would think we would at least have a much better idea how the Board feels by Thursday night so that you know we can, they can get a sense of where we are headed with it.

Board Member Taylor stated all I'm looking for is some written statement of the limits of disturbance, how it was defined. I don't care so much about the discussion of how they define but just how it was defined, whatever that's in, if its in the wetland thing, then that's fine.

Ted Kozlowski stated Ron, I, because I recall when we look at these lots we try to pin down what you can do on it...

Board Member Taylor stated right.

Ted Kozlowski stated so we don't get to this point where years later the pool, the shed...

Board Member Taylor stated exactly.

Chairman Rogan stated right, this seems like a step in the right direction from what we usually have.

Ted Kozlowski stated yea so I don't know, I'm seeing it for the first time tonight, so I have to look at my records. It was one of those that we tried to and you know...

Chairman Rogan stated yea.

Board Member Taylor stated right.

Ted Kozlowski stated the old plan that Rich provided clearly saw a smaller house with what looks like an attached garage.

Chairman Rogan stated right but I would argue though...

Ted Kozlowski stated now I'm not...

Board Member McNulty stated I don't see that plan that you're looking at.

Chairman Rogan stated there are 2 of them.

Board Member McNulty stated yea but they look identical to me.

Chairman Rogan stated oh no, the.

Rich Williams stated no, not at all, pull them out.

Board Member McNulty stated Charlie (inaudible).

Ted Kozlowski stated Tommy you're speaking like a contractor now.

Board Member McNulty stated no, me and Charlie both...

Board Member Montesano stated he (inaudible) built a house.

Board Member Taylor stated this one.

Chairman Rogan stated look at the difference in the size of the house here versus this.

Rich Williams stated compared to this...

Board Member McNulty stated I, I...

Board Member Taylor stated he's got a different on, you're not...

Chairman Rogan stated you're looking the same ones.

Board Member Taylor stated yea that's the same.

Board Member McNulty stated yea that's fine.

Chairman Rogan stated I would argue on this though, if the Planning Board at the time took the time to define a building envelope and then the intent was to say anything you're going to do on this lot, you're going to do within this limit and they show us something within this limit and I feel like they are meeting the essence of what was intended...

Rich Williams stated let's...

Chairman Rogan stated I still think we should go out there.

Board Member Montesano stated I want to look at the size of the house, compared to what, if we define that a house should be a 2 bedroom house and it ends up being a 6 bedroom house...

Chairman Rogan stated well we don't, yea...

Board Member Montesano stated I don't know if there was anything brought up in it.

Rich Williams stated I just think the Board needs to understand this, the intent of that line was not a building envelope, it was a limits of disturbance.

Chairman Rogan stated okay so the way they stated it they incorrectly...

Rich Williams stated that was the surveyor that put it on there...

Chairman Rogan stated okay.

Rich Williams stated if you look at the construction plans, it was the limits of disturbance for this is what we are going to allow you to disturb...

Chairman Rogan stated it still helps their case...

Rich Williams stated yea absolutely but it was not intended to be an overall, over arching building envelope where they could do anything they wanted.

Board Member Taylor stated that is why I would like to see so we can, we know what the intent was.

Rich Williams stated we'll try to pull that together for you, I'm not, I don't know, no promises on that one.

Board Member Taylor stated right, sure.

Board Member Montesano stated I'll take a look in the file and see...

Board Member Taylor stated I don't want to read 2 years worth of minutes either.

Rich Williams stated you know we're still working on Jehovah's, Watchtower's.

Board Member Taylor stated I know, I know, I spent 3 hours on it today.

Board Member Montesano stated I exercised that, I thought that was pretty good, I got it up 3.

Board Member McNulty stated you could do that with that thing.

Board Member Montesano stated oh yea, it's a very good book to use, better than the phone book.

Board Member McNulty stated did you give everybody those 2 plans, I don't know.

The Secretary stated one that was attached.

Rich Williams stated one is attached to my memo and the other is attached to their application.

Board Member Montesano stated can you, can we make a copy of that.

Ted Kozlowski stated Shawn, you want to go back to DEW.

Board Member McNulty stated (inaudible).

Board Member Cook stated no.

Board Member Montesano stated DEW, DEW.

Stilwell Discussion

Ted Kozlowski stated I looked over the thing, the only thing that's odd is he is saying that dredging will be 2 to 6 inches. Who dredges 2 inches, I think he meant 2 to 6 feet.

Rich Williams stated no he didn't, I met with him, he said 2 to 6 inches, I did the same thing.

Ted Kozlowski stated yea but this is signed by not Bill, this is signed by his brother Dan.

Rich Williams stated yea but this is what Danny did.

Ted Kozlowski stated yea but Bill is the one I'm dealing with and bill never said 2 to 6 inches.

The Secretary stated we've had them both in here.

Rich Williams stated I'm just telling you when I talked to Danny, it was Danny's intent that it was going to be that they were taking a skim coat off and...

Ted Kozlowski stated that's fine but who goes in with a machine and does 2 inches.

Chairman Rogan stated you can drain it and do it by hand.

Ted Kozlowski stated you cough and you're down a foot.

Chairman Rogan stated right.

Board Member McNulty stated well if he uses an excavator, a grade-all he could do it.

Rich Williams stated I understand exactly what you're saying, I had the exact same question because this goes to what are you going to do with the dredge material when it comes out, where are going to spread it and if you are exceeding 5,000 square feet where you're spreading it, that's 5,000 feet of land disturbance now you have to get another permit, so...

Chairman Rogan stated he is probably minimizing...

Rich Williams stated so you can them when they are in here.

Ted Kozlowski stated I'm going to call him tomorrow, I told him I'd call tomorrow.

Board Member Montesano stated they use Tonka.

Board Member Taylor stated and if...

Ted Kozlowski stated I mean everything he said here is fine but 2 to 6 inches.

Board Member Taylor stated is there a cubic...

Rich Williams stated huh.

Board Member Taylor stated is there a cubic measure or a yard measure on that.

Chairman Rogan stated what did you say 7.7...

Rich Williams stated well you can convert the 2 inches or 4 inches to...

Chairman Rogan stated no, no, but what he's asking...

Board Member Taylor stated you said the limit of 5,000 square feet is...

Rich Williams stated is disturbance of area.

Board Member Taylor stated so they can make it as deep as they want.

Ted Kozlowski stated no, Ron, what Rich is referring is 5,000 square feet of disturbance with the fill that he pulls out.

Board Member Taylor stated I understand that but how deep can that fill be in that 5,000 square feet.

Rich Williams stated it doesn't matter.

Ted Kozlowski stated it doesn't matter.

Chairman Rogan stated it doesn't matter.

Ted Kozlowski stated it's the disturbance but he's telling me that he's not going to do that...

Board Member McNulty stated it's the surface area.

Chairman Rogan stated right.

Ted Kozlowski stated and the threshold for DEC is 750 cubic yards of dredge material which he said he's going to come no where near that number. Now I have to take him at his word and looking at the pond, he'd be going to China if he was getting much fill out of there, so.

Board Member Taylor stated so he's not going to kick any of those limits anyways.

Rich Williams stated well right now he's saying he's going to do, assuming 6 inches, 3 to 400 cubic yards.

Board Member Taylor stated okay, this is too complicated.

Board Member McNulty stated numbers don't lie.

Board Member Montesano stated yes they do.

Rich Williams stated no but the people providing them, can make them do anything you want.

Board Member Montesano stated that's why you need a good accountant.

Board Member McNulty stated a creative accountant.

Board Member Montesano stated until he gets caught.

Ted Kozlowski stated the only thing is this all in the middle of a grass field so...

Board Member Taylor stated doesn't really matter then.

Chairman Rogan stated if he dredges just 3 inches, just to give the guy the benefit of the doubt, over 15,000 square foot, that's only 139 cubic yards, 6 inches would be couple that, so even if you say 150, that's 300...

Ted Kozlowski stated the threshold for the permit is 750.

Chairman Rogan stated so 3, 6, so he could do a foot, 16 inches deep over the entire pond and that would be about 750 cubic yards, give everybody an idea, so if he goes 3 feet down the entire length, the entire pond, which is obviously not going to happen, he would be well over the 750.

Ted Kozlowski stated he's telling me the wife does not want a deep pond there.

Chairman Rogan stated okay, so you're going to talk to him and we'll discuss this next time.

Ted Kozlowski stated you want him in next Thursday right.

Chairman Rogan stated I think that depends on, if you come back with answer that say hey this is what they're doing, I feel confident, I personally don't think the guy needs to come in, I mean if it's a couple of simple questions, you know. I wouldn't drag somebody out for answers to those as long as you can get those answers and as long as you feel comfortable.

Rich Williams stated and nobody is going to come up with any additional questions in between.

Chairman Rogan stated I don't have anything, I mean we are talking electrical out to run whatever conduit which will be part of the approval, having that done to proper Code, any aeration to be identified prior and reviewed by Ted prior to installation, dredge the pond, get it done before the winter...

Board Member Cook stated Rich do you have questions on his response to your letters.

Rich Williams stated no, not at all.

Chairman Rogan stated so I mean, it's...

Board Member Cook stated so then you're cool.

Rich Williams stated because again, I think everybody is in agreement this is a, pretty much a very minor action.

Chairman Rogan stated and I appreciate that they did the right thing and you know...

Board Member Cook stated oh yea and Mr. Theodore gets the answers and you don't have to ask the guy in.

Chairman Rogan stated we'll make a motion to waive the public hearing when we do it.

Ted Kozlowski stated what's nice is like I said, he came and asked me for permission and he could have done this and no one would have known.

Chairman Rogan stated exactly and wouldn't have hurt a thing. This is not, this type of action is not what the whole wetland permit process is intended for, it is for much you know, egregious issues...

7) SOUTH PATTERSON BUSINESS PARK WEST – SEQRA

Chairman Rogan stated okay, South Patterson Business Park, SEQRA, what do we have going on here Rich.

Rich Williams stated this is a hold over from the last meeting, they had submitted a report on the wetlands application, they are looking for a SEQRA Determination, that was the last outstanding issue. Subsequent to that Tommy and Ron and I visited the site so they could take a look at it.

Board Member McNulty stated beautiful property.

Rich Williams stated (inaudible) Ron...

Board Member Taylor stated I'm just trying to remember which set of rambles this was, this is the one on [Route] 22, oh okay, I remember that one, that was a nice one.

Chairman Rogan stated next to the concrete building.

Board Member McNulty stated we got down there by the stream it was beautiful forest but they are nowhere near...

Chairman Rogan stated they are way up from that.

Board Member Taylor stated yea I don't see any problem with it.

Board Member McNulty stated I don't see any problem and the turtles...

Board Member Montesano stated did you get your deer stand put up.

Board Member McNulty stated what.

Board Member Montesano stated did you get your deer stands up.

Board Member Taylor stated the slope down hill is less than what I expected it be, yea...

Board Member McNulty stated channeled yea...

Chairman Rogan stated isn't that the one that has a rock wall and the rock wall was like the wetland line or something, at the bottom of the hill there was a stonewall and then beyond that was...

Rich Williams stated well halfway down the hill there was stonewall...

Chairman Rogan stated second one, all the way down, there were 2.

Rich Williams stated yea and the first one was, the first one was the end of the disturbance...

Chairman Rogan stated right and then the further one down they were using as the wetland boundary or something or it might even have been the hundred foot buffer boundary. So everybody felt comfortable and that was pretty straight forward out there.

Board Member McNulty stated one question, they are going to use that a warehouse per se more than anything else put trucks in and out, I'm not for more signs but should there be any signs posted on [Route] 22, truck entrance, it's on that hill across from Al's [Barbershop] that's the only thing I could think of that maybe, people come over the hill, they are zipping...

Rich Williams stated they are going to need to get a permit, a highway work permit from the DOT as part of that evaluation by that agency that regulates the signage on [Route] 22, they will tell them if the road needs to be widened or striped or a light or truck entrance.

Board Member McNulty stated fine, that was the only thing that I could think of with that property because people go zipping along there.

Chairman Rogan stated yea.

Ted Kozlowski stated I don't have a copy of this.

Rich Williams stated what is that.

Board Member Cook stated keep it, give it to me next week.

Chairman Rogan stated does anybody want to do the neg. dec. on this application...

Ted Kozlowski stated bog turtle.

The Secretary stated you got it for the last meeting.

Chairman Rogan stated so we don't have to bring it up next meeting.

Rich Williams stated you have it from last meeting.

Ted Kozlowski stated I never saw this, I don't have, there are pictures and everything I didn't get this.

Board Member Cook stated I think we should wait if Ted hasn't had a chance to read the report.

Chairman Rogan stated oh, you haven't had a chance, oh I'm sorry.

Ted Kozlowski stated this is the first time I'm seeing it.

Board Member McNulty stated is that on the turtle.

Chairman Rogan stated yea.

Board Member McNulty stated read the last paragraph.

Rich Williams stated are we going to, Charlie are we going to get it by next Thursday because this came last meeting and Teddy said he didn't get to read it then...

Ted Kozlowski stated because I didn't have it then, this is the first time I'm seeing it.

Rich Williams stated Teddy we talked about the report at the meeting, we can go back to the minutes.

Ted Kozlowski stated I understand that, I didn't get to at the meeting because I never found it because this is the first time I'm seeing it.

Chairman Rogan stated we are going to make a decision on this next meeting in lieu of any significant comment, how does that sound, that gives everybody plenty of time...

8) MEADOWBROOK FARMS – Wetlands/Watercourse Permit Application

Board Member Montesano is recused from the application.

Chairman Rogan stated all right Meadowbrook Farms...

Board Member Montesano stated I recuse myself.

Chairman Rogan stated okay.

Rich Williams stated this is really just one the, hopefully there will be some forward progress on the bond issue.

Chairman Rogan stated okay...

9) TAGGART ESTATES – Continued Review

Board Member Montesano has rejoined the Board.

Chairman Rogan stated Taggart, wow Taggart, we were out there with Theresa, it seems like it was...

Board Member Taylor stated spring.

Board Member McNulty stated it was one of my first walks.

Chairman Rogan stated spring time.

Rich Williams stated yea, they are back in, not a lot of changes to the plans.

Chairman Rogan stated okay.

Board Member Taylor stated do they have a timeline yet or we are just proceeding as...

Chairman Rogan stated they probably made some changes to address some of our comments and you know...

Board Member McNulty stated any idea who Heather Wood is.

Rich Williams stated no but you raise a very good question and this is going to be one that we are all going to kick back on Ron. Our Town Code now with the subdivision code we put in a provision that says that in determining what an appropriate road name should be you're really need to look at the historical context of the area or the natural features and come up with something that actually makes sense for the area...

Board Member Taylor stated yea.

Rich Williams stated so we that don't have an Apple Hill Road where there was never an apple tree...

Chairman Rogan stated or where there was never a nosh, Nosh Kola...

Rich Williams stated Nosh Kola, that's a good one.

Chairman Rogan stated remember we had you sweating on that one, no we don't like that and he was like you better come up with an alterative.

Board Member Montesano stated I still like the one that was Revolutionary War Drive.

Chairman Rogan stated Taggart.

Board Member Montesano stated that was on [Route] 164, right down the end of Cornwall...

Board Member McNulty stated okay.

Board Member Montesano stated he wanted to name it Revolutionary War Drive.

The Secretary stated Powder Horn [Road].

Board Member Montesano stated I can remember that, can you imagine putting on an envelope, hey kid where do you live. So he changed it, Flintlock Ridge.

Rich Williams stated it's a dead end.

Board Member Cook stated so Rich again on this, I don't know if you've had a chance to look at their response.

Rich Williams stated I haven't had a chance to go through it with any detail.

Board Member McNulty stated there is a section here, referrals, I didn't even read this yet but what does that mean...

Rich Williams stated as part of any application we have to, well as part of certain applications such as subdivisions, site plans and zoning variances, we need to refer it to Putnam County Planning pursuant to General Municipal Law 239MN or double N depending on what we're doing...

Board Member McNulty stated okay, that makes sense in relation to the seminar Monday on comprehensive planning and I asked you about a County Planning Department and you didn't think we had one anymore...

Chairman Rogan stated sure we do, John Lynch is the director.

Board Member Montesano stated yea, he's it, we used to have...

Chairman Rogan stated no, we have Lori Taylor, there are all kinds of people, Michelle Powers.

Board Member Montesano stated we used to have the Chairman of the...

Rich Williams stated Michelle (inaudible).

Chairman Rogan stated Michelle Powers retired didn't she.

Rich Williams stated yea, pretty much.

Board Member Montesano stated we used to have nonprofessional personnel.

Chairman Rogan stated that's not fair to them.

Board Member Montesano stated like Fred Dill and some other dunces in Patterson.

Chairman Rogan stated I almost ended up working Planning.

Rich Williams stated that was a County Planning Board which didn't last very long.

Board Member McNulty stated that's what they were referring to at the seminars County Planning Boards.

Board Member Montesano stated well we couldn't, Fred would never stay awake long enough to make a statement.

Board Member McNulty stated page 4, also, number 26, the ownership and maintenance of the proposed retaining wall will be discussed with your Board, I don't remember a retaining wall.

Rich Williams stated there is a retaining wall as you go in on the subdivision road on the left hand side about 1,500 to 2,000 feet in.

Board Member McNulty stated off of Ballyhack...

Rich Williams stated no, on to the new subdivision road.

Board Member McNulty stated because there are all wetlands along that area there.

Rich Williams stated yup.

Board Member Montesano stated I thought it was Japanese Maples.

Board Member McNulty stated what normally takes place, who takes ownership on that because that's no man's land there.

Rich Williams stated within the 50 foot wide right of way, we typically do not allow for any walls because they become a liability and a maintenance problem. Fifty years from now we don't want to be in a position where the Town has to re-build the wall, you know somebody goes off of the wall, not that a car wouldn't have guardrails but a small child falls off the wall it's a liability if the Town owns it.

Board Member McNulty stated so who would own it in this case, the property owner of that lot.

Rich Williams stated well that's the question, because they are also putting that wall in the area of drainage district lot, so technically the Town is going to own that drainage district lot...

Chairman Rogan stated can we take away that portion of the lot and make it part of the roadway transportation district for that subdivision or something.

Rich Williams stated well that's the problem, you've got your road right of way right next, road right of way which is going to be owned by the Town right next to the water district, the stormwater district line which is going to be owned by the Town, see what I'm saying.

Board Member Taylor stated we could create a retaining wall district.

Board Member McNulty stated then you need a variance to have it within the stormwater...

Chairman Rogan stated he reveals himself in funny way.

Board Member Taylor stated (inaudible) 2 other districts.

Chairman Rogan stated it's true, all right.

Board Member McNulty stated I don't think I had anything else on that.

Board Member Taylor stated so on this name I am supposed to approve or not approve the name, is that what you're suggesting.

Rich Williams stated what I was hoping is that you would come up with a much better suggestion.

Board Member Taylor stated oh okay.

Board Member McNulty stated I don't know what Heather Wood, is that a tree.

Board Member Taylor stated no.

Board Member McNulty stated maybe it's a person.

Chairman Rogan stated a daughter.

Board Member Montesano stated you can always call it Japanese Maple Lane or something.

Board Member McNulty stated Mr. Wood is building this.

Board Member Taylor stated I'll come up with a historic name for it, how about that.

Chairman Rogan stated great.

Board Member Taylor stated so we can look through this and talk about it on Thursday.

Chairman Rogan stated yes, absolutely...

10) WATCHTOWER EDUCATION CENTER DEIS – End of Public Comment Period

Chairman Rogan stated okay for the meeting next week, we will have the end of the public comment period for Watchtower. Ron has been doing a pretty thorough review which I have enjoyed reading some of your comments Ron, I have to tell you and I do appreciate your time.

Board Member McNulty stated you are very in depth with it.

The Secretary stated I can tell you we have only received 1 public comment.

Chairman Rogan stated it's refreshing.

Board Member Taylor stated you've only received 1, just 1, okay.

Chairman Rogan stated okay, well and...

Board Member Taylor stated how do people feel about the fact that they are building for 2,000 people but planning on occupying and basing all their water and sewer on 1,800 [people].

Board Member McNulty stated I still have an issue with the water because looking through my book, I don't have the current test results, I know you showed me in your book, I'm going to look again but...

Board Member Taylor stated it's in the appendix, it's in the first volume...

Board Member McNulty stated appendix c is the one I was, they are all 1988.

Board Member Taylor stated that is in the second volume, it's 6, is it 6, C 6...

Board Member McNulty stated you found a current water test, okay.

Board Member Taylor stated yes, 19, what was it 98 or something, 2008, 2008...

Rich Williams stated there were things done more recently.

Board Member Taylor stated that is what it was.

Board Member Montesano stated 200 people (inaudible).

Chairman Rogan stated to seriously answer your question Ron, I think that if they are planning for 2,000 residents, to increase the number of residents which would be over a 100% increase they don't have 2,000 people there I don't believe at any given time, residing there, they may have people that come in on a daily basis but I think they feed 1,500 people at a clip there, through their dining hall on a daily basis. If they are truly increasing their residency by that much, they absolutely have to deal with the sewage, my opinion but I want to get the break down of you know, it could be that some of these people are transients, they are coming in they are coming in just for that day because a lot of people that work at Watchtower, I mean we have someone who lives right, I don't know, Ruth Guffee, she lives right on Bullet Hole [Road]...

Board Member McNulty stated they live on my street too.

Chairman Rogan stated so they are not all, even though she's there every day, they are not all living there, so I don't know if that number represents some of these people coming in and doing additional services, certainly they are going to use sewage but not to the extent that a full time resident would. So we should get a clarification of that.

Board Member Taylor stated what they are saying is they are going to have the capacity of 2,050, is it but their vacancy rate is such because they are doing repairs and so on and they only expect to have onboard residents of 1,800...

Chairman Rogan stated total, at the completion of the project...

Board Member Taylor stated right and the other...

Chairman Rogan stated so they are only doing an increase of a couple hundred.

Board Member Taylor stated the other bedrooms are going to be vacant is what they are saying but they are basing their water and their sewer on the 1,800.

Chairman Rogan stated and I agree with you because there is nothing they can't be occupied, so yea we should address that and just make sure that it all...

Board Member Taylor stated yea.

Board Member McNulty stated it also ties back to the parking, the parking doesn't add up with what they are adding (inaudible)...

Board Member Montesano stated they are going to use (inaudible).

Board Member McNulty stated there are few issues there.

Chairman Rogan stated you know let's express that.

Board Member Taylor stated that's the biggest issue I see, all the stuff I've been writing are minor issues, I don't think it really have much bearing on, it just, I just, I hate, it's so much...

Board Member McNulty stated there is a lot of information there.

Board Member Montesano stated what was that comment...

Board Member Taylor stated and the way they process it, it's misleading in many ways I think.

Board Member Montesano stated he, one of the people that was speaking said the people that give you these wonderful books full of information and facts are usually there to confuse you by giving you too much information...

Board Member McNulty stated he did say that in the one seminar, they are the author.

Chairman Rogan stated that's a good point, yea...

11) ECHO ROAD TELECOMMUNICATIONS TOWER – Initial Application

Chairman Rogan stated okay, my favorite item on the agenda we have Echo Road Telecommunications Tower an initial application. This is actually the telecommunications tower at the Patterson Crossing site, correct.

Rich Williams stated yes.

Chairman Rogan stated they're looking not to add a new tower or anything but to expand on it's current use and change some of the infrastructure within the site plan. So it is more site plan related than tower related, it's not going to change the height of the tower, correct.

Rich Williams stated correct...

Chairman Rogan stated great.

Rich Williams stated the new antenna array is going at 80 feet, which is below all the rest of the antennas.

Board Member Montesano stated and we are going to find out about why that generator has been sitting outside the fence.

Chairman Rogan stated exactly.

Rich Williams stated well it's not shown on the plans so that's the first problem we have.

Board Member McNulty stated well that's, I would yea if we can...

Chairman Rogan stated that's a nice hitch.

Board Member McNulty stated do we have the original approved site plan.

Board Member Montesano stated you need a pintle hitch and then you can hook it up and take it right away.

Chairman Rogan stated oh really.

Board Member McNulty stated I would like to see if they are compliance, this is our opportunity to bring them into compliance, correct.

Rich Williams stated well they are in fairly good compliance with everything with the exception of the generator, it isn't shown on any of the previous site plans and they don't show it on this site plan...

Board Member Montesano stated so if you need a spare generator...

Rich Williams stated so they need to address that.

Board Member McNulty stated what about as I had requested and the whole Board backed me up with a nice entrance, can we do anything to maybe get them, the entrance is off the end of Vernon Road, I believe...

Chairman Rogan stated yup.

Rich Williams stated well Echo Road.

Board Member Montesano stated Echo...

Board Member McNulty stated but I thought...

Board Member Montesano stated Echo runs this way and then they've got...

Board Member McNulty stated there is only one way in and one way out.

Rich Williams stated one way in, one way out.

Board Member McNulty stated I took a drive by just to see what it was like and there are 2 houses there, simple nice but they keep it nice and then there is this old ratty barbed wire, chain link fence that's cock eyed, right.

Rich Williams stated okay, there should be a swing gate.

Board Member McNulty stated it's a swing gate, yea, a pair of gates.

Rich Williams stated all right.

Board Member McNulty stated can we see if we can influence and maybe to make that nicer or even extend the section in.

Chairman Rogan stated ask them, see what they say.

Board Member McNulty stated so they are not parked on the street.

Rich Williams stated absolutely.

Chairman Rogan stated you know, it's improvement, it's site expansion and it's an improvement.

Board Member McNulty stated have it included, this is going to be an amended site plan, correct.

Rich Williams stated yes.

Chairman Rogan stated it's great, the first meeting is the best time to bring that kind of stuff up, start with what you want...

Board Member McNulty stated I'm not asking for anything elaborate or but...

Chairman Rogan stated (inaudible).

Board Member McNulty stated but that would aggravate me to have that fence there, then we have 8 feet of barbed wire, I don't understand that.

Board Member Taylor stated can we add this to our site walk or do the rest of you not need to see it, I haven't seen it.

Board Member McNulty stated well if we wanted to see it...

Chairman Rogan stated well we need to, I've never seen it either.

Board Member McNulty stated I guess if we want to see if they are in compliance with the current site plan...

Chairman Rogan stated it probably doesn't have to have to happen before the next meeting because we have to coordinate with them to go on site.

Rich Williams stated they've give us permission to go on site.

Chairman Rogan stated oh they have.

Board Member Montesano stated yea, we've been up...

Board Member Taylor stated I mean let's not delay this application, we'll have them suing us under federal law such and such and such.

Board Member Montesano stated which is, I asked the guy, what was his name fella, Bob about that...

Board Member McNulty stated yea...

Board Member Montesano stated Freedman...

Board Member McNulty stated yea.

Chairman Rogan stated Bob Freedman, oh yea, open government.

Board Member Montesano stated and he said that that is a lot of hooey dooey, you have a perfect right to review that and that the Federal Government, I told him that it was mentioned that he had to right, he says up to a point yes but don't use it to coerce people it's not very polite and it's a matter of public record, it's not very intelligent.

Chairman Rogan stated I will say this Ron and I am by no means opposed to going out there right away, typically and that doesn't mean it's the right way to do things but typically when the Board has a new application, we listen to the explanation of what they are looking to do first and then we schedule a site walk, I'm not saying that has to be the way we do things, I think if we are going out, it makes best use of everyone's time to hit as many as we can so I agree 100%. Some of these we try to jam in these site walks because they are time sensitive to these people who are having other things but I agree, we are going out, let's do as many as we can.

Board Member Taylor stated it seems with this one since it is already there.

Chairman Rogan stated it's there but what we don't have is a great understanding yet of what they are proposing and that is the only thing that I would caution. That we go out there, we look at the site, we say great and people have questions but we don't really, we haven't really heard them explain exactly what they are doing.

Board Member McNulty stated does it mean another shed on the property for communications...

Board Member Taylor stated we have a set of plans.

Chairman Rogan stated and I agree.

Rich Williams stated yes they are going to have to expand the fence, equipment shelter and other utilities (inaudible).

Board Member McNulty stated so it's more than just a band of antennas on the pole itself.

12) OTHER BUSINESS

a. Petrillo Wetland/Watercourse Permit

Chairman Rogan stated Rich what is going on with Petrillo Wetlands/Watercourse Permit.

Rich Williams stated well this is kind of a carry-over, if you remember the last time, there were some issues with the fence when I went out to look at the fence I found that he had put some fill in, Ted had urged the Board to go out and do a site walk and take a look at the fill. The Planning Board did go out while you were away to take a look at the fill and met with Mr. Petrillo...

Chairman Rogan stated oh good, that's right.

Rich Williams stated I just wanted it on the record that there was a site walk done and to let the Board make any comments that they want to make.

Chairman Rogan stated who all went, how did it look.

Board Member Cook stated it looked fine.

Board Member McNulty stated it looked nice and neat, he did a nice job with it.

Board Member Montesano stated he did a nice job.

Board Member McNulty stated I think we talked about...

Board Member Cook stated we talked about how he was going to put up this fence now, okay right below the wall and it all looked fine to us.

Ted Kozlowski stated it just would be nice if they would contact you before they do these things.

Chairman Rogan stated absolutely.

Board Member Cook stated no question.

Board Member Montesano stated we have no...

Ted Kozlowski stated we go through this a lot.

Board Member Montesano stated yea but have no really a recourse, if someone proceeds and then they come in and say we put the building up and then...

Ted Kozlowski stated well Mike on this case if the recourse would be, if you found this offensive or inappropriate...

Chairman Rogan stated of course.

Ted Kozlowski stated make him do it the right way but you know, it's a little frustrating when you issue a permit, you go through the process, they make field changes and they don't bother telling anybody...

Chairman Rogan stated yea.

Board Member Cook stated very frustrating.

Chairman Rogan stated it's one of our most frustrating aspects that we deal with it.

Ted Kozlowski stated or they don't ask for permission.

Board Member Montesano stated I have also found that and it's no fault of theirs, we have engineer and an attorney, if they were to contact the engineer and the engineer goes out and looks at it and he says yea it looks fine to me and okay's it to the guy without consulting with us and we run into that.

Rich Williams stated we've run into that and we've tried to put in safe guards to prevent that. I can tell you one of the problems that happens you know I used to do a lot more of the site visits and inspections and I ran into one individual who took offence to the fact that I was out there and made a lot of complaints and had a few of the ears of the Town Board, so I ended up getting reigned back in and so we are not doing as many compliance inspections or site inspections that we used to do so, you know, some things slip through the cracks.

Board Member Montesano stated that can happen.

Chairman Rogan stated working with the Building Inspectors to make sure that they were looking at more than just buildings when they were on sites, remember. Opening up their vision a little bit because there was a great opportunity to catch stuff but...

Rich Williams stated the reality is that Building Inspectors look at buildings, they don't look at the site...

Chairman Rogan stated right.

Rich Williams stated this is a perfect example, I mean I like Nick, Nick is a great guy, he does a good job but you know...

Chairman Rogan stated focus.

Rich Williams stated when I brought to Nick's attention that there was fill on the site he said oh really, he didn't know and he was out there doing all the building inspections.

Board Member McNulty stated that's typical of all building inspectors that I come across.

Chairman Rogan stated right.

Rich Williams stated it's endemic, I mean I go out...

Board Member Montesano stated know my job.

Rich Williams stated I go out on a site I'm basically looking at erosion control and stormwater, you know, I don't focus on the building, I don't want to focus on the building.

Chairman Rogan stated good point.

Ted Kozlowski stated but in this case with this one, John Petrillo called me about the fence and asked me about the fence...

Chairman Rogan stated but he never mentioned the fill.

Ted Kozlowski stated but never mentioned that oh by the way, I added fill, there's x, y, and z.

Board Member Cook stated all right, Rich we have to approve though, what is it, the fence or...

Rich Williams stated you have already approved the fence and the fence at this point is up.

Board Member Cook stated right.

Board Member McNulty stated oh he did put it up.

Rich Williams stated yup, the fence is all up, the way everybody had talked about putting it up, so that is all done.

Chairman Rogan stated so it's finished business.

Rich Williams stated you don't have to do anything.

Chairman Rogan stated it's just on there for the record, great.

Board Member Taylor stated so has he submitted an as-built.

Ted Kozlowski stated Shawn, I read that Tim Miller bog turtle while you guys were talking...

Board Member Montesano stated okay great.

Rich Williams stated with the fence.

Board Member Taylor stated with the whole property.

Rich Williams stated I don't know what Nick has required him to do. We typically don't require an as-built when we are dealing with something like this.

Board Member Taylor stated okay.

Rich Williams stated we are dealing with a site plan such as Field and Forest, there we are requiring an as-built to pick up certain features to make sure they are in compliance with but generally not a wetlands permit.

South Patterson Business Park West Discussion

Ted Kozlowski stated Charlie, I have a few other things (inaudible) and I'll give it back to you on Thursday.

Chairman Rogan stated stepping back for a minute in recognition of our Town E.C.I. saying that the bog turtle study meets or doesn't have any problems, I make a motion that in South Patterson Business Park that we grant a negative determination of significance of SEQRA.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, that's off the agenda and done, thank you everyone.

b. Field and Forest Apartments as-built

Chairman Rogan stated okay Field and Forest, the as-built, you guys were just touching on that a couple minutes ago. Where do we stand with that Rich.

Rich Williams stated you have the memo from Maser Consulting.

Chairman Rogan stated we do, Maser, here it is. Okay, Harry is dead set against those doors huh, on the enclosure.

Rich Williams stated I don't know...

Chairman Rogan stated the dumpster.

Rich Williams stated you have the memo.

Chairman Rogan stated he's arguer it pretty vehemently for Harry at the last meeting.

Rich Williams stated you have the memo that I did, I met with the Sanitation crews and...

Board Member McNulty stated they don't want the doors either.

Rich Williams stated well they would prefer not but they would prefer not to have the doors because of the issue of snow removal not because of any issue with them getting on and off the trucks.

Ted Kozlowski stated is the driveway in the wetland buffer.

Rich Williams stated according to the survey but the driveway is in the location that it was shown on the construction plans. The issue is that on the original construction plans the wetland buffer was not correctly shown on the plans...

Board Member McNulty stated but it's built as approved.

Rich Williams stated it was built as approved.

Chairman Rogan stated all right.

Board Member Cook stated there's still what is it, 3 items that have to be address.

Chairman Rogan stated plus issues we have to resolve. All right, number 6 is done that was the parking striping, parking, visitors so that's done, drainage trench, so we have to resolve this issue with the doors on the dumpster enclosure...

Board Member Montesano stated and the doors with respect was on the sanitation end is he going to pick up the litter that blows out, if he tells me he will have his men there picking it up then I have no problem with no doors but if he's not going to guarantee me that his men will pick up what they dropped will get blown around there should be some way of keeping that in. We did it to all the other businesses, why is this one any different.

Chairman Rogan stated I don't know.

Board Member Cook stated you know where I live, we have 3 of these enclosures, they have doors that open up to the driveways, I have never heard an issue that the snow, they couldn't get in because of the snow.

Chairman Rogan stated I understand, I think the doors should go on also and they might have to modify the way they do them because of the size of the enclosure that they built, you know maybe with a center column or something but I don't disagree with that.

Rich Williams stated and I just want to remind everybody something I did put the memo, somewhat relevant to this, the issue with the doors because of the County's solid waste plan we are going to be changing how we're recycling, how we're picking up garbage. We're not really sure what's coming in the future, you know what you're going to have in the dumpster enclosures or what you're not going to have in the dumpster enclosures right now.

Chairman Rogan stated all right.

Board Member McNulty stated well, in your memo you said that this is Frank Farrell and Frank Grady noted that the enclosures were not sufficient size for recycling...

Rich Williams stated he thought they should be bigger.

Board Member McNulty stated because they were pretty big spaces if I remember.

Rich Williams stated I think it was more the one down by building 4, which is actually small, it doesn't lend a lot room to having a couple of containers for recycling.

Board Member Cook stated so what are you saying Rich, do we tell him to put the doors on.

Rich Williams stated I'm not saying one way or the other, I'm saying its your decision on what you want to do with it.

Board Member McNulty stated I think we should stick with the doors.

Board Member Montesano stated I agree.

Chairman Rogan stated it sounds like there is almost consensus across the Board.

Board Member Cook stated I do also.

Chairman Rogan stated okay, bottom line is that if this had been built properly and done, regardless of what happens with the recycling we'd have to figure out a way to, I mean that's going to happen and we'll have to deal with that with everybody, so, let's you know and the issue with the first 3 items, they've got to resolve, now...

Board Member Taylor stated I think on the doors, it is not my recollection that we were having a discussion and decided to make this issue outstanding...

Chairman Rogan stated no, I thought we were...

Board Member Taylor stated didn't we direct them to come up with a design and solve it.

Board Member McNulty stated exactly.

Board Member Taylor stated it's not an outstanding issue on our part, we told them to resolve the issue.

Board Member McNulty stated we are waiting for them to present something how they want to do it.

Chairman Rogan stated that's right because you were going to go and talk about getting the right dumpsters for that enclosure, going to the garbage, people were talking about...

Rich Williams stated yes the issue was whether our sanitation people provided those dumpsters and why they provided those sizes and as it turns out, they assisted in the delivery but they did not pick out the dumpsters or provide the dumpsters, that was...

Board Member McNulty stated Harry thought they did.

Rich Williams stated that was Mr. Reilly who purchased those dumpsters.

Board Member Cook stated so Harry is coming in next week and we want to tell that what's the answers to numbers 1, 2, 3, 4, 5.

Chairman Rogan stated yea.

Board Member Montesano stated okay.

Chairman Rogan stated okay, now the other issue, not to muddy the waters here was Ron had brought up, we were talking about calling the bond, these issues, they have to get this stuff done, remember we were saying...

Board Member Taylor stated we tabled the motion.

Chairman Rogan stated we tabled it but this coming Thursday, I mean I would even reach out to Harry and just say you know Harry we had a discussion last month about calling the bond and there was even a motion that had been prepared if I remember correctly to that effect. I mean nobody wants to, nobody is trying to be a bad guy here, let's get this shit done.

Board Member McNulty stated has Harry gotten a copy of this, he's copied on this.

Rich Williams stated to be honest with you I got that tonight, I had to run home...

Board Member McNulty stated Harry Nichols is on here, wait a second...

Rich Williams stated is he.

Board Member McNulty stated no, we should probably make sure Harry gets this so he has time to respond to it for us.

Rich Williams stated I just, we lost power here, I had to run home to get it, I had to tap into Maser and get it.

Board Member McNulty stated okay.

Chairman Rogan stated okay and...

Board Member Cook stated Fox Run.

c. Local Law – Fox Run Phase II

Chairman Rogan stated Fox Run Phase II.

Board Member McNulty stated didn't we make a recommendation to the Town Board...

Chairman Rogan stated we were ready to.

Board Member Cook stated we're still waiting for the traffic study.

Rich Williams stated you're waiting for the traffic, it was supposed to be in for this meeting, we were actually called and told that it was ready.

Chairman Rogan stated but it's not here.

The Secretary stated and when I told him that we needed it for tonight so that it could be reviewed for next week, I got a phone call that it was not ready, they will be submitting it for the November 4th meeting.

Chairman Rogan stated okay, motion to table this for next meeting.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

d. Community Survey

Chairman Rogan stated community survey.

Rich Williams stated all right, a quick note, thank you all for your questions, I do want to say that they were thoughtful certainly but really the focus of this survey is on, you know looking towards the future with Master Plan, Charlie especially, some of those comments, while I thought they were very well thought out had more to do with maybe a survey that the Rec. Center needs to do and I don't know if you really want to be asking the question about how does the general public view the performance of the Planning Board because I don't know that you would actually get positive feedback back on that.

Chairman Rogan stated people are only passionate about what they don't like, that's why we vote people out of office.

Rich Williams stated so...

Board Member Montesano stated for that you'll have to give up your yellow marker.

Board Member McNulty stated is the survey being put together now by the Town Board...

Rich Williams stated I have it on the agenda again.

Board Member Montesano stated it's the end again.

Chairman Rogan stated I was just going to make a motion to adjourn.

(Tape 1, Side 2 Ended - 9:22 p.m.)

e. Brewster Plastics

Chairman Rogan stated Brewster Plastics we are going to have some calculations for the performance bond or...

Rich Williams stated no, you need to make a motion to make a recommendation to release the performance bond, you had previously, way back in June make a recommendation...

Board Member Montesano stated so moved.

Chairman Rogan stated all the work is done.

Rich Williams stated yea.

Chairman Rogan seconded the motion.

Rich Williams stated you made that determination back in June.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

f. Papitto Bond Release

Chairman Rogan stated and Papitto we will get work from Rich on, we haven't reviewed it yet but Papitto is looking for (inaudible).

Rich Williams stated there are 2 additional...

Chairman Rogan stated I have f.

The Secretary stated I don't have an f.

Chairman Rogan stated I have an f, it might be in my handwriting...

Rich Williams stated there were 2 additional applications that came in, in the last couple of days, one was a request from Papitto to release the bond, Shawn indicated that it was okay with him to put it on the agenda which it hasn't been done yet and the other is a sign application, would you like that added as well...

Board Member McNulty stated we don't have that yet, though do we.

Chairman Rogan stated no we don't have that yet.

Rich Williams stated no, it's sitting behind me.

Chairman Rogan stated have you had a chance to look at it at all...

Rich Williams stated nope.

Chairman Rogan stated none, what's the location.

Rich Williams stated across from Panino's Deli.

Chairman Rogan stated oh that's right, it's that Viking Building commercial.

Board Member Montesano stated that is the one that sits back and the sign is going to be where.

Rich Williams stated they have a signboard...

Board Member Montesano stated okay.

Rich Williams stated a sign...

Board Member Montesano stated 2 poles and the sign.

Board Member Taylor stated probably know it but it doesn't occur to me...

Board Member Cook stated where is this...

Board Member McNulty stated is this the one with the big cell tower behind it.

Rich Williams stated yes.

Board Member Montesano stated you know where the barbershop is on [Route] 22...

Chairman Rogan stated across from Panino's Deli, the building just looks like this...

Board Member Montesano stated look past it, in there and then you've got.

Board Member McNulty stated they want to put up a monument sign.

(Inaudible – too many speaking at one time).

Chairman Rogan stated they call the Viking Building but it has these little gables, number of gables.

Board Member Montesano stated right across from the deli, it's sat back.

Rich Williams stated if everybody wants it on, yea.

Board Member Montesano stated that's where we went for the tower.

The Secretary stated yes, Maldunn.

Board Member Montesano stated the tower is there.

Board Member McNulty stated do we want it on.

Chairman Rogan stated that's fine, sign applications are those things that unless there is something that is extenuating it's, they are like no brainers.

Board Member Montesano stated are you trying to play...

Board Member Taylor stated (inaudible) a pre-existing non-conforming...

Board Member Cook stated yea.

Chairman Rogan stated might take on...

Board Member Montesano stated we found the barrels, those guys still back there with the barrels, remember the barrels...

Chairman Rogan stated oh yea, yea.

Rich Williams stated yes he's still back there.

Board Member Montesano stated he's still working on the barrels.

Board Member McNulty stated have you (inaudible) are they in good shape.

Rich Williams stated no.

Board Member Montesano stated interesting.

Chairman Rogan stated M and M Distribution, pretty straight forward sign, there is a spot for it...

Board Member McNulty stated peanut or chocolate.

Chairman Rogan stated no lighting.

Board Member Montesano stated they didn't give us any advance candy.

Chairman Rogan stated no lighting, it's attached to an existing sign...

Board Member Montesano stated they can't use this, that's my...

Chairman Rogan stated it's going to be a total of 7 1/2 square feet.

Board Member Taylor stated it's not burgundy though.

Board Member Montesano stated I ain't distributing anything.

Board Member McNulty stated it's not in the Hamlet.

Chairman Rogan stated they have the spot there for it.

Rich Williams stated the question is , what's the situation with the overall sign.

Chairman Rogan stated yea, you'll have to let us know for the meeting, okay...

13) MINUTES

Chairman Rogan stated we have minutes to review for next meeting to possibly approve...

Site Walks

Chairman Rogan stated and let's talk site walks real quick, we have, it looks like we have Fields Corner and the cell tower are the 2 that I noted that we wanted to site walk for next meeting. Is that, anybody have anything else, that seems like the 2.

Board Member McNulty stated what about the, driveway waiver, no, we don't need that.

Chairman Rogan stated no.

Board Member McNulty stated that's in good shape.

Chairman Rogan stated what does everyone's schedule look like, these 2 we certainly could, depending on everybody's schedule, we certainly could do Monday right after work.

Board Member McNulty stated I have a meeting at 7 on Monday but if we do it earlier.

Chairman Rogan stated we would be done.

Rich Williams stated Shawn, it gets darks pretty quick.

Board Member McNulty sated 7 it's dark.

Chairman Rogan stated 6:45.

Rich Williams stated 6:30.

Chairman Rogan stated Saturday morning is no good for Mike, right.

Board Member Montesano stated no, it's already...

Board Member McNulty stated it's no good for me either.

Chairman Rogan stated the weekends are pretty much shot. What about Tuesday, I think right after work, I'm the limiting factor, I get out at 5 and I can get out earlier, I can just alter my day or something if it means everybody getting there, let's see and they are not that far apart really...

Rich Williams stated no they're not.

Board Member Montesano stated no.

Chairman Rogan stated so I mean I think we can do it right after work.

Rich Williams stated that's fine.

Chairman Rogan stated I can meet you, in fact if we do the Fields Corner one, I can be there at 5:05, if we do 5 o'clock on whatever night anybody can do it.

Board Member McNulty stated that works for me, I can be there 4:30...

Chairman Rogan stated want to do that, what night.

Board Member McNulty stated Monday.

Chairman Rogan stated Monday.

Board Member Montesano stated Monday.

Ted Kozlowski stated Monday at 5.

Chairman Rogan stated Monday at 5, I mean we'll be there a matter of 15 minutes and then we'll shoot over to the cell tower.

Board Member Taylor stated I have to get somebody to go in my place to another place.

Board Member McNulty stated is Tuesday better.

Board Member Taylor stated I can probably work, Tuesday would be better but I can work out my...

Chairman Rogan stated I can do either, I have Tuesday night but the meetings not until 8.

Board Member Cook stated I can do it anytime.

Board Member McNulty stated I have no idea what (inaudible).

Chairman Rogan stated I would rather you not have to reschedule if everybody else is amendable to it. Let's do Tuesday 5 o'clock, we'll meet at Fields Corner Road and then we'll shoot over to the cell tower one. All right, and we should I bet we'll be done by 6:15.

Board Member McNulty stated you said 5 o'clock.

Chairman Rogan stated yea.

Board Member Montesano stated sounds like a plan.

Rich Williams stated I'm just thinking that cell tower is probably going to be walk in.

Chairman Rogan stated yea but again I think we'll be, we'll just keep on task.

Rich Williams stated we probably can.

Chairman Rogan stated okay Tuesday.

Rich Williams stated I have flash lights.

Chairman Rogan stated great and that doesn't kill anybody Saturday morning.

Rich Williams stated I'm scared of the bears.

Chairman Rogan stated awesome.

Board Member Montesano stated motion to adjourn.

Chairman Rogan seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.