

APPROVED

**TOWN OF PATTERSON
PLANNING BOARD MEETING
October 7, 2010**

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TOWN OF PATTERSON
PLANNING & ZONING OFFICE

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Michael Montesano
Thomas E. McNulty
Ron Taylor

Planning Board
October 7, 2010 Meeting Minutes

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

APPROVED

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

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

The meeting was called to order at 7:33 p.m.

Michelle Russo was the Secretary and transcribed the following minutes.

There were approximately 8 members of the audience.

Chairman Rogan stated thank you everyone.

1) BONIELLO SITE PLAN - Sign Application

Applicant was not present.

Chairman Rogan stated okay, first item on the agenda was Boniello Site Plan, there was a sign application for a hot dog restaurant that we approved at the work session, so we will move on Sciarra Driveway waiver...

2) SCIARRA DRIVEWAY WAIVER

Mr. Christopher Sciarra was present.

Chairman Rogan stated sir, are you here for that.

Mr. Sciarra stated yes.

Chairman Rogan stated you want to come up please. Good evening, could you please state your name for the record, microphone...

Mr. Sciarra stated my name is Chris Sciarra.

Chairman Rogan stated Sciarra, I'm sorry.

Mr. Sciarra stated that's okay, everybody pronounces it that way.

Chairman Rogan stated and from what we discussed at the work session, this application is for a waiver from putting asphalt because it's a rather large driveway. This is the property off of Cushman Road...

Mr. Sciarra stated yes, that is correct.

Chairman Rogan stated I actually saw the house and there is a barn closer to the road, correct.

Mr. Sciarra stated that is correct.

Chairman Rogan stated it looks really nice by the way.

Mr. Sciarra stated thank you.

Chairman Rogan stated fantastic job and the question that the Board had was just the apron closest to the road, it's shown as a stone apron on the plan and we don't by that nomenclature, we don't understand if that is intended to be, let me just say we don't understand what the finished material is supposed to be.

Mr. Sciarra stated oh okay, what we were planning to have on the, for the apron, basically, this is a horse property so we were trying to keep it kind of natural looking with the similar to some of the other horse properties along that street. We were going to put inch and a half to two inch type stone, actually believe it or not I actually grabbed a few of them to, kind of around this, it's easier, I'm not the engineer so it's easier to just kind of, to be able to have some stone on the top so that if there is any rain or anything like that it runs off...

Chairman Rogan stated Michelle, do you want samples of that stone for the file...

The Secretary stated um, no that's okay, thank you though.

Chairman Rogan stated the concern we would have because I think generally speaking there wasn't any opposition to you having a gravel driveway but the one thing that the Town typically asks for would be a impervious apron for the first say 15 or 20 feet and typically what people have done, you certainly could pave it but you could also put in a decorative paver like a Unilock type product which would probably compliment your property as well...

Mr. Sciarra stated okay.

Chairman Rogan stated so I would ask that considering you're looking for a waiver for paving the entire driveway that you consider doing something decorative like that for the first, what do we usually do, 15 [feet]...

Rich Williams stated let me just interject one quick thing...

Chairman Rogan stated sure.

Rich Williams stated there is probably a driveway permit already issued for this project...

Chairman Rogan stated okay.

Rich Williams stated where the driveway permit probably has some standards laid out in it...

Chairman Rogan stated okay.

Rich Williams stated the Highway Department may already have required asphalt so that is something just to factor in on that...

Chairman Rogan stated okay.

Rich Williams stated but I see where you're going with this that you're suggesting that some sort of cobblestone or grass paver might be appropriate at the entrance.

Chairman Rogan stated so we would be within our purview to issue an approval for a modification from what the Highway Department may have approved which would have been asphalt to allow, if the gentleman wants, a paver type material.

Rich Williams stated you could, just so we're clear, you could grant a waiver of the surface material but in the end Highway for the first 25 feet within the right of way, would control whatever surface, he would need to modify whatever permit he has with the Highway Department.

Chairman Rogan stated but to be clear Highway would not have a problem with some putting in a cobble or a, as long as it's an impervious surface, we see it done all the time, it's not like a, I mean...

Rich Williams stated yea...

Tim Curtiss stated no, they would, you're right, they wouldn't care if it was a paver block, all they are trying to do is prevent the wash from coming out into the street.

Chairman Rogan stated right and the tracking, as you leave your property from bringing the material out.

Board Member Taylor stated but it can't be loose stone.

Mr. Sciarra stated okay, so the front part...

Board Member Taylor stated that apron can't be stone.

Mr. Sciarra stated because the one thing is that basically at the property, the road is the highpoint so everything goes actually...

Chairman Rogan stated right but regardless of that when you drive out with your tires, you track with your wheels, just like you'll truck into your garage from your driveway...

Mr. Sciarra stated right.

Chairman Rogan stated so that certainly helps and makes everybody comfortable that we are not going to have erosion out onto the road even though I do say the grade is clearly uphill, it reduces the tracking from your driveway out on to the road, especially if your driveway the first few years, as everything settles sometimes you get in the wet weather it will get a little sloppy. Be prepared for the maintenance that is inherent into this kind of a driveway, I know because I live on one...

Mr. Sciarra stated I live on one.

Chairman Rogan stated I enjoy it but with the tractor and the york rake but you do need a level of dedication to that sort of maintenance.

Mr. Sciarra stated oh I'm aware of that, I live in Carmel right now and we have a gravel driveway and I understand.

Chairman Rogan stated unless you enjoy it, you have to pay somebody. Any comments from anyone on the Board?

Board Member McNulty stated what was the distance of the set back on the apron, how far in.

Board Member Montesano stated 25 feet.

Rich Williams stated 25 feet from the center of the road.

Board Member McNulty stated what type of gravel is going to be on the main part of the driveway.

Mr. Sciarra stated basically it's going to be a coarser gravel about inch and a half to two inch stone on it...

Board Member McNulty stated okay.

Chairman Rogan stated with fines or just clean stone.

Mr. Sciarra stated pretty much clean stone, basically, based on the way the road is running and with the retention pond that we have in there I kind of want to make sure everything, if it's kind of impervious to impervious, everything is going to go right into the, you know it's not going to, I'm going to have puddles and it's going to ruin, I'd be better off paving the whole thing, so it will be, not really, it won't be very fins item 4 but...

Chairman Rogan stated so you expect the water to be able to infiltrate down through the gravel which we are all happy about.

Mr. Sciarra stated yes, that is kind of within the whole site plan that it was designed...

Chairman Rogan stated okay, anything else, anyone, no, can I get a motion for a waiver.

Board Member Cook stated I'll make the motion in the application of 44 Cushman Road, the application for a driveway waiver and that the Board grant that with the applicant knowing that the first 25 feet from the center of the roadway much be some form of impervious surface and he should check with the Highway Department...

Rich Williams stated subject to conditions and approvals of the Highway Driveway Permit...

Board Member Montesano stated so moved.

Board Member Cook stated subject to the conditions of the Highway Department permit.

Rich Williams stated driveway permit.

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 good luck to you sir.

Mr. Sciarra stated thank you very much.

Chairman Rogan stated any questions please refer back to Rich and he will certainly guide through making sure we do everything the way it is intended.

Mr. Sciarra stated sure no problem.

Chairman Rogan stated thank you.

Mr. Sciarra stated he's always been helpful with me anyway.

Chairman Rogan stated good luck to you, the place looks great, like I said, it really looks nice.

Mr. Sciarra stated oh thank you.

3) **LEVINE FILL PERMIT – Discussion**

Applicant did not appear.

Chairman Rogan stated item 3 on the agenda, Levine Fill Permit we had discussed at the work session, we are moving forward with some soil sampling, I know we got correspondence from the Health Department I was able to speak to them to hopefully get their approval that we should do the soil sampling first to not encumber any additional expense. They've agreed that they will help facilitate any water sampling that would be required of Mr. Levine's well or any surrounding wells, if our soils samples show anything but if they come back clean obviously it's an indication that we don't have much concern out there.

Board Member Cook stated I have a question though with regard to the Department of Health's letter it says please forward and soil sample results to me and this department as soon as they are available. Who is doing the testing, him?

Chairman Rogan stated no, a private lab.

Rich Williams stated the applicant has been instructed to hire a private company and have someone from the Town out there to witness the tests being done...

Board Member Cook stated right...

Rich Williams stated and then the private company would supply the applicant and you know...

Board Member Cook stated and the Town.

Rich Williams stated the Town with the results and we would forward them off to the Health Department and just so the Board is aware, the second letter did go out to the adjoining property owner as requested.

Chairman Rogan stated thank you, we haven't gotten the certified back yet.

Board Member McNulty stated is there a time line yet, when these tests would be done.

Chairman Rogan stated they haven't even been taken right, so...

Rich Williams stated the letter said 30 days.

Board Member Taylor stated from September 23rd, by next work session we should have it.

Chairman Rogan stated okay, anything else on Levine, anyone.

Board Member Cook stated excuse me, the letter you talked about is the letter to Levine, correct.

Chairman Rogan stated correct.

Board Member Cook stated September 23rd.

Rich Williams stated the first letter I talked about was the letter to the adjacent property owner, the second letter that we discussed here was to Mr. Levine.

Board Member Cook stated the 30 days.

Rich Williams stated right.

Board Member Cook stated thank you.

Chairman Rogan stated anything else.

4) DOUG WALLACE – Wetlands/Watercourse Permit Application

Applicant did not appear.

Chairman Rogan stated okay, item 4, Mr. Wallace's wetland/watercourse permit application, I'll move that we set a public hearing for the next meeting in November.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated anything else on this for this evening.

Board Member Taylor stated yea I was wondering if based on our discussion about fees if we might get some rough calculations, it would give us a more concrete idea of what we are talking about, if Rich could do for example what a site walk normally costs, you Ted and the 5 of us, a work session, the above plus Michelle and the Board meeting like this, the above plus the counsel and the engineer, is generally and then we can look at it say a hundred dollar fee is reasonable based on these costs that the Town is incurring or it's not and then we have some real data to make a decision. It seems like we are being too abstract a little bit on some of this.

Chairman Rogan stated okay.

Board Member Taylor stated is that, it can't hurt.

Chairman Rogan stated it gives us a sense of what things cost, you know we should definitely know that anyway.

Board Member McNulty stated Shawn I have a question.

Board Member Montesano stated is that to include the list of people within 500 feet that we provide.

Chairman Rogan stated you mean creating the list, yea.

Rich Williams stated that is just a couple buttons.

Chairman Rogan stated okay.

Board Member McNulty stated Rich, did we get the status of the taxes on that property, are they paid up to date.

Rich Williams stated they are currently paid up.

Board Member McNulty stated okay.

Chairman Rogan stated okay...

5) JOSEPH STILWELL – Wetlands/Watercourse Permit Application

Mr. Bill Finney was present to represent the application.

Chairman Rogan stated Stilwell Wetland/Watercourse Permit Application.

Mr. Finney stated good evening I'm Bill Finney, representing the Stilwell's.

Chairman Rogan stated good evening, how are you doing Bill. I think there were a couple of issues that we asked you to come here, Ted has probably discussed them with you, Ted do you want to jump in and kind of help lead us through this.

Ted Kozlowski stated can I have the microphone. At the last Board meeting we all had a discussion kind of the timing, the sequencing, the applicant was a little unclear Bill on how you were going to do this and I think just to satisfy the Board and any last minute question you might have you might want to just explain to them what you explained to me in the field on how you want to deal with this pond.

Mr. Finney stated right, first thing we want to siphon it down, we want to drain it real slow and then we want to inspect the causeway to see if it's leaking or anything and we are going to pile all the dredging that we take out in a pile and put silt fence about it...

Chairman Rogan stated and that was the pile that you're expecting to be less than five or six hundred cubic yards.

Mr. Finney stated right, right...

Chairman Rogan stated okay.

Mr. Finney stated and then if there is something wrong with the causeway, we'll have to fix it.

Chairman Rogan stated okay.

Board Member Taylor stated it said in the application that you are proposing to do 2 to 6 inches...

Mr. Finney stated it should have been 12 to 16, as needed.

Board Member Taylor stated okay, that makes more sense.

Mr. Finney stated sorry about that and that is what we plan on doing. The owners want an aerator, they haven't picked anything so when they bring it in to me, I will bring in to you and let you know what we are going to do.

Chairman Rogan stated sure.

Ted Kozlowski stated I think the issue with that is was just make sure that the, whatever electrical is involved, it's up to Code and installed properly.

Mr. Finney stated yea, whatever the directions are, whatever we'll make sure it's done correctly.

Chairman Rogan stated it seems like it would make sense though, if they are not already there put in the conduits and the electrical service out to the pond while you're doing all the site work, right...

Mr. Finney stated right from the barn yes.

Chairman Rogan stated so that will be done this fall and then come spring time as this slowly fills, it's going to fill back up through spring water or whatever.

Ted Kozlowski stated actually when I spoke to DEP about whether they needed a permit or not, DEP suggested that they put an aerator in that was their one suggestion.

Chairman Rogan stated okay.

Board Member McNulty stated I just had one question on the Short EAF, question 8 says will the proposed action comply with the existing zoning or other restrictions, it says no but there is not explanation.

Rich Williams stated that should have been yes.

Tim Curtiss stated that should have been yes, that should be yes because they are not changing anything.

Board Member McNulty stated that's what I thought.

Tim Curtiss stated (inaudible).

Board Member McNulty stated the Short EAF.

Ted Kozlowski stated yes and the other thing about a permit required, the only permit that I know of was required was a wetlands permit.

Board Member McNulty stated what about for the electrical work, will that need a permit.

Tim Curtiss stated yes.

Mr. Finney stated that will go through the electrician.

Board Member McNulty stated the Building Department.

Rich Williams stated it's an administrative permit, so it's a Type II action on a SEQRA not subject to the same review we're doing.

Board Member McNulty stated okay.

Chairman Rogan stated we at the work session had discussed the idea because we do agree with getting this work done, you know, this is the right time of year to get it done and we had talked about the idea of waiving the public hearing because this doesn't have any impact on any of the neighbors because it's a larger 126 or 8 acre parcel...

Mr. Finney stated right.

Chairman Rogan stated and that certainly is justification in my eyes for not having a public hearing and delaying this a month in essence, I would rather get you out there doing the work. I'll make that motion with that criteria given as the reason for not having the public hearing, that I don't think this has any impacts on property, to waive the public hearing, so moved.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated on the wetlands permit application...

Rich Williams stated SEQRA.

Chairman Rogan stated you want to do a SEQRA Determination and a, sorry (inaudible).

Board Member Cook stated I am...

Chairman Rogan stated okay.

Board Member Cook stated I move that the application of Stilwell, the Planning Board of the Town of Patterson finds that the proposed action will not have a significant impact on the environment and hereby issues a negative declaration of significance.

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 and a motion on the wetlands permit.

Board Member Cook stated I make the motion on the wetlands permit for this application dated 9/21/2010 for approval.

Chairman Rogan stated with the, let me just add into that to the idea that you have seek a Building Permit if one is required for electrical services and that the pump that will be the aeration pump ultimately will be chosen will at least come in and have the E.C.I.'s approval on that just to make sure we are compliant...

Mr. Finney stated I'll bring it into Rich and show him.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated thank you sir.

Mr. Finney stated thank you very much.

Ted Kozlowski stated Bill just give me a call when you're going to start work.

Mr. Finney stated I will.

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

Mrs. Connie Gray was present.

Chairman Rogan stated 144 Field Corners Road, for the audiences edification we did a site walk on a rainy Tuesday at a lovely home over on Field Corners. The applicant is requesting to put up a 3 car garage that will be attached to the house, the comments that came up at the site walk were basically making sure that

we just know what we are approving. It seemed like we delineated the area of disturbance but we want to make sure of that and the next step is to get accurate plans reflecting exactly what you would like to do.

Mrs. Gray stated with the building permit process basically, is that right...

Chairman Rogan stated no, it has to come a little bit before because we have to approve the wetlands permit, the Building Department should not, they wouldn't give you a building permit until we get the wetlands permit...

Mrs. Gray stated unless this is approved.

Chairman Rogan stated but you are going to need those plans for the building permit so it is not a waste of money in any way...

Mrs. Gray stated okay.

Tim Curtiss stated you bring in the plans to them and they see the delineation of where the building is going to be and then they can cancel the wetland permit then you take those plans and you go forward.

Mrs. Gray stated okay.

Rich Williams stated all right, I'm sorry I stepped out for a second, are you looking for full architectural plans or just general plans showing the footprint.

Chairman Rogan stated we need, no because we do need, there were busts in the architectural plans which we want to make sure what we are approving is what they are going to build.

Mrs. Gray stated okay if we just cross those off because that's not what we are going to do.

Rich Williams stated okay but if I could just interject, the issue is the impact to the wetlands from the building footprint, regardless of architecture.

Board Member Taylor stated if we can be assured that the footprint will not change if they change the architecture.

Rich Williams stated right.

Tim Curtiss stated yea, the footprint has to stay the same...

Mrs. Gray stated right, yes.

Tim Curtiss stated if you want a cornice on it or a gable or whatever that hangs out, it doesn't matter to you, you just want to know where the footprint is going to be.

Mrs. Gray stated yes.

Board Member Taylor stated but we want, the problem we have is approved plans, site plans go from here to the Building Department...

Mrs. Gray stated right.

Board Member Taylor stated and then sometimes a decision is made there to change things which sometimes changes the site plan but we never get back in the loop.

Chairman Rogan stated and that is not your fault by the way, it's not the applicant's fault.

Board Member Taylor stated we just want to be clear that the footprint that we approve is the footprint that's built.

Mrs. Gray stated or smaller and further...

Tim Curtiss stated and smaller.

Mrs. Gray stated and smaller and further...

Time Curtiss stated if you decide you want a 2 car garage...

Mrs. Gray stated and we may very well do that, it will never be bigger it may yet be smaller...

Board Member Taylor stated and you won't change the orientation of it either.

Mrs. Gray stated no.

Tim Curtiss stated stay within that footprint and you're okay.

Mrs. Gray stated okay.

Tim Curtiss stated if you had a 2 car, you wanted 2 car (inaudible).

Mrs. Gray stated exactly, pull it in (inaudible).

Board Member McNulty stated you really want to stay within that area of disturbance that was outlined...

Chairman Rogan stated that is already disturbed.

Board Member McNulty stated the limits of disturbance.

Chairman Rogan stated we also by the way, I'm glad you got me thinking, we also still need to see on the sketch not only the footprint of the building but the answers to the question of turning radius and the new parking area or the new driveway...

Mrs. Gray stated right, right.

Chairman Rogan stated and we do need some answer as to distance, do you know how close you can go to 2 foot absorption trenches with impervious surface, with asphalt, is it ten feet or can you go right up to it. I know I'm, I'm asking you just figuring you'd know, common knowledge.

Andrew Fetherston stated you mean crushing it or...

Chairman Rogan stated well, yea there is separation...

Rich Williams stated they need to extend the driveway and in order to extend it closer to septic fields, how close can they get to the septic fields before...

Andrew Fetherston stated yea I mean the implements of the weight normally goes at a 45 degree angle, so as far away as you are, it is as deep, how deep are the trenches, are they 30 inches deep, you know...

Chairman Rogan stated at max probably, yea.

Andrew Fetherston stated so if you stayed 4 feet off of them you'd probably be more than enough.

Mrs. Gray stated okay.

Chairman Rogan stated okay, now I'm asking Andrew but Andrew is not in the Health Department...

Mrs. Gray stated right, right.

Chairman Rogan stated but I'm asking him because he's an engineer and he probably knows this answer but we still need to get some, what I think we are going to do is ask Rich to reach out to the director of engineering, Mike Budzinski, with a quick phone call to say what's the distance so we are all on the same page...

Mrs. Gray stated okay.

Chairman Rogan stated and what I think is important, you're probably already going to do it because it looks like you have what are those blocks call that they use, on the border of the driveway...

Board Member McNulty stated Belgium block.

Chairman Rogan stated Belgium block, isn't that what's existing out there, on the edge...

Board Member McNulty stated like a cobblestone.

Chairman Rogan stated like a cobble block...

Mrs. Gray stated I think there are those cobble blocks.

Chairman Rogan stated and the only reason I say that is because you want to make sure somebody doesn't back up onto your grass from there because you're going to be getting that much closer...

Mrs. Gray stated right, okay, right, right, right.

Chairman Rogan stated and you definitely don't want to ruin that septic system so we definitely want to see the limits of disturbance for that new area shown. Like we said at the site walk and I think this needs to be stated again, I get the sense from everyone that no one is opposed to this so that should give you some assurance that we are onboard with you here.

Mrs. Gray stated okay, good.

Chairman Rogan stated but I think we need to just be assured.

Mrs. Gray stated and that is basically what I need now because we can make the decision to buy the property or don't buy the property.

Chairman Rogan stated great.

Mrs. Gray stated and we can work with you to make sure that whatever we are doing is within and my husband was out there looking at it and he said that's really big, maybe we can make it smaller and so maybe we'll in the end want it to be smaller.

Chairman Rogan stated you know the house has such phenomenal curb appeal when you pull up and we were all concerned...

Mrs. Gray stated yea, well that's what he said...

Chairman Rogan stated that the garage is going to really overpower the aesthetics of the house.

Mrs. Gray stated we don't want that either, we don't want that either.

Chairman Rogan stated tell him he has to sell a car.

Mrs. Gray stated huh.

Chairman Rogan stated tell him he has to sell one of his cars.

Mrs. Gray stated he wants another car, he loves cars, he'd like to have something where he can collect more cars.

Chairman Rogan stated sure.

Board Member Montesano stated the only problem I'm having right now is access to that well, if it will be a problem with the building there...

Chairman Rogan stated they'll have to go around the low side of the septic.

Mrs. Gray stated we kind of looked at that, there is enough room to go all the way around the front and around to the back, yea.

Chairman Rogan stated that would be a major job, let's hope you never have to do it.

Mrs. Gray stated eventually we'll have to...

Chairman Rogan stated whoa re you working with, who is ultimately going to be doing your architecture work on this.

Mrs. Gray stated you know, we don't know yet, I mean we are very early in the process just making decision to put an offer on the property.

Chairman Rogan stated so the fact of the matter is you can put in your offer and this might be a project that you're doing 6 months from now...

Mrs. Gray stated yes, if we go quickly, it would be great to get it done before the winter but it doesn't look like that's going to happen, I don't think that's going to happen, so...

Chairman Rogan stated sometimes it's best not to rush things too much.

Mrs. Gray stated it's drug on for, you know this house has been waiting for us for a really long time.

Chairman Rogan stated well goo things happen to those who wait.

Mrs. Gray stated yea.

Chairman Rogan stated but what I think we need though is whoever is going to work on your plans, to submit something once you hear back from Rich as to the separation distance as to the footprint that you want and the, make sure we have enough turning radius to get into the garage and we'll handle everything.

Mrs. Gray stated okay, excellent.

Chairman Rogan stated okay, thank you.

Mrs. Gray stated thank you all very much.

Chairman Rogan stated we appreciate your time.

Mrs. Gray stated no, no, I appreciate your time, do I need, we don't need to do the public hearing thing now or anything...

Chairman Rogan stated no because we don't have enough information yet, great.

Mr. Gray stated so then when we, when I get ready and it actually is our property or we know it's going to be and then we'll come back and...

Chairman Rogan stated if you give us everything we need, it will, from the time you give it to us, it will be about a 6 week process because we'll basically we'll review the information, we'll set a public hearing a month later we'll wrap everything up...

Mrs. Gray stated okay.

Chairman Rogan stated assuming we have everything we need, okay.

Mrs. Gray stated okay, excellent, thank you very, very much.

Chairman Rogan stated thank you, appreciate it.

Mrs. Gray stated all of you, thanks.

7) SOUTH PATTERSON BUSINESS PARK – SEQRA

Applicant did not appear.

Chairman Rogan stated okay, item 7, South Patterson Business Park we declared a negative dec for SEQRA at the work session.

8) MEADOWBROOK FARMS – Wetlands/Watercourse Permit Application

Chairman Rogan stated Meadowbrook Farms wetlands/watercourse permit application.

Board Member Montesano stated I recuse myself from Meadowbrook Farms.

Rich Williams stated do not...

Chairman Rogan stated don't go far.

Tim Curtiss stated do not...

Board Member Montesano stated I don't expect to.

Rich Williams stated really the issue that this was left on the agenda is only the Town Engineer's could work out the issues with the bond which I understand they are still working on.

Andrew Fetherston stated we did a, you know we did the estimate.

Rich Williams stated yea but Harry had some questions about it, did he not. The last I knew you were still working with Harry on some of the numbers. I haven't heard Harry say that everything is okay, he's not here but...

Andrew Fetherston stated he said he'd be here tonight.

Rich Williams stated I just didn't want it to fall through the cracks.

Chairman Rogan stated okay.

9) TAGGART ESTATES – Continued Review

Mrs. Theresa Ryan of Insite Engineering was present.

Chairman Rogan stated Taggart Estates, hello Mrs. Ryan.

Board Member Montesano stated I'm back.

Chairman Rogan stated Michelle, you've got Mike right. How are you Theresa, I feel like you've been away from us for a couple of months.

Mrs. Ryan stated I know, a long time.

Chairman Rogan stated you been on vacation.

Mrs. Ryan stated no, no.

Ted Kozlowski stated (inaudible).

Chairman Rogan stated no, no. Theresa somebody asked me today if I see Jeff Contelmo very often and I said no he sends his talented staff to Patterson...

Mrs. Ryan stated thank you.

Chairman Rogan stated I said there is no need for him to come.

Board Member Montesano stated no (inaudible) finance either.

Chairman Rogan stated okay.

Mrs. Ryan stated okay I just got the review memo from Rich and Andrew tonight.

Chairman Rogan stated so did we, we haven't have a chance to read any of it.

Mrs. Ryan stated I glanced through them I didn't see anything major, that we couldn't handle.

Chairman Rogan stated where...

Board Member Taylor stated I would like to thank you for giving up a reduced scale plan...

Mrs. Ryan stated trying to save paper.

Board Member Taylor stated it's much easier than trying to do that.

Mrs. Ryan stated glad you don't mind getting them.

Board Member Taylor stated not at all.

Chairman Rogan stated no we don't need to level of detail that these guys need. Where are we procedurally, since I haven't had a chance to read the memo Rich, you want to at least just summarize where we're at.

Rich Williams stated sure, procedurally, the Board has done a site walk out to the site, actually 2 walks out to the site, we've reviewed the preliminary plan on several different occasions, back in March we did circulate the Board's intent to be assume Lead Agency. 30 days has now passed on that circulation and we have received no objections from any other involved agency, so the Board is Lead Agency in the review and is now in a position to determine if any additional environmental analysis or information is needed or

you're comfortable with making a SEQRA determination on this. The other procedural issue that the Board needs to wrestle with tonight has to do with the open development area requirements this project is within that overlay zone, requiring it, it's mandatory that they provide the Board with a cluster subdivision, however through the numerous reviews that we've done on this, the configuration of the property and the environmental constraints and how they all lay out, it was very apparent from the onset that a cluster subdivision on this piece of property really didn't work well. So the Board needs to make a written recommendation over to the Town Board requesting a waiver to allow them to look at a conventional subdivision on the site, the Town Board will then have to review that, conduct a public hearing and make a determination to allow the Board to proceed forward with a standard preliminary plat. The last issue is the need to have a public hearing on the preliminary plat...

Board Member Cook stated when you say the public hearing, you mean the Planning Board hold a public hearing.

Chairman Rogan stated he was talking to the Town Board for the waiver of the providing the cluster.

Board Member Cook stated they have to do that first and then it comes back to us to set the public hearing.

Rich Williams stated it could work that way or you could run the process concurrently, you can not decide on the final subdivision plat without having that waiver from the Town Board...

Tim Curtiss stated you could run it simultaneously and set up a public hearing and assume that the Town Board is probably going to okay that...

Rich Williams stated if they don't, the applicant runs the risk of having to do a second public hearing, having to do a second public notice.

Board Member McNulty stated I would like to know about the cluster, that's new to me, the cluster zoning.

Rich Williams stated generally there are couple of different ways you can approach a subdivision, one is kind of a cookie cutter, you've got a 4 acre density we are going to break all the lots up into 4 acre lots, similar to what they've done here, the alternative is to take that same 4 acre density requirement and come up with a lot count, you could come up with as they've done here, 12 lots that will fit on the site based on a conventional subdivision and then squeeze them together in one section of the property on say 1 acre lots and then create this big block of open space which will be protected in perpetuity...

Board Member Montesano stated excuse me.

Chairman Rogan stated yea...

Rich Williams stated go ahead.

Board Member Montesano stated I'm, I thought I missed something, sorry to interrupt.

Rich Williams stated the intent of doing something like that, is you're reducing your building coverage, your reducing your impervious surface, your fostering a rural character to the Town by creating these big blocks of open space.

Board Member McNulty stated I understand that part, how does that tie into our zoning, you said the overlay for this particular area...

Rich Williams stated most of the Town is currently zoned R-4, in addition most of the Town also has an overlay zone which for any new subdivisions makes it mandatory that they consider a cluster plan, they have to actually build a cluster plan unless the Town grants them leave to do otherwise.

Board Member McNulty stated okay, so my concern is what conditions set that waiver in motion, is it just because it's hilly or rocky, there is no suitable place to build a cluster lot...

Tim Curtiss stated it can be topography, it can be wetlands, it can be areas in the property that just aren't conducive to get a big enough pad to do 1 acre lots, that is really what you have to decide and then you make a recommendation to the Town Board saying look, this piece is not really the best piece for a cluster subdivision because wetlands, slopes, whatever it is at that point...

Chairman Rogan stated you hit all three Time, you outlined all three of them.

Tim Curtiss stated just looking at the (inaudible).

Chairman Rogan stated you can say of almost any property in Putnam County but...

Tim Curtiss stated yea you can and in Patterson it's probably true.

Chairman Rogan stated and this lay out is the culmination of, on a prior owner a lot of work by the Board and the applicant's engineer to come up with something like this. This seems to be...

Board Member McNulty stated after walking the property it's, I wouldn't see where you could put 12 lots.

Tim Curtiss stated yea, there isn't a pad big enough to put them on.

Rich Williams stated well you could, I mean this would layout nicely to a cluster subdivision if it were not for the wetlands in the middle of everything.

Chairman Rogan stated right.

Board Member McNulty stated yea, that's what I mean...

Chairman Rogan stated a different lot.

Board Member Montesano stated (inaudible).

Board Member Cook stated it's wetlands, topography and what was the third one.

Chairman Rogan stated (inaudible).

Rich Williams stated configuration, slopes...

Chairman Rogan stated well slopes are topography.

Tim Curtiss stated topography, slopes, wetland, just the character of the property in terms of this location, road design you know, that type of thing.

Board Member McNulty stated it's not limited to those...

Andrew Fetherston stated site constraints.

Tim Curtiss stated site constraints.

Chairman Rogan stated if you outlined all of the usable property on the site means less than 20% slope, not wetland and just show that on the map, you would probably see very clearly that there is not a contiguous block of land that would lend itself to a cluster, that would probably layout well.

Board Member McNulty stated I bring this up because of the seminar I went to last week, this was an issue, cluster housing and they were promoting it...

Tim Curtiss stated oh yea it is, oh yea they are pushing to do cluster, if it all possibly to do it, that is why when they redid the zoning, Rich put this, the overlay in, is that they have to do cluster unless you give them a waiver, so fortunately it pushes all development in that direction.

Board Member McNulty stated it makes you take a look at it, which is all we want to do.

Chairman Rogan stated any other comment on the idea of the waiver from showing cluster and doing a cluster subdivision.

Board Member Taylor stated it's hard for me to comment since you have had several years of working on this previously.

Chairman Rogan stated I like the way you think Ron.

Board Member Taylor stated if you can't do one cluster, can you do two clusters, one on each side.

Chairman Rogan stated maybe on a property that was laid out differently, you notice a lot of this property, a few of the lots are just area that is parallel to the road that really doesn't layout well for...

Board Member Taylor stated but one of Rich's questions was why this house in particular is so far back from the road when the existing house was closer to the road.

Chairman Rogan stated that's here.

Rich Williams stated no, yea I mean you have the regulatory requirements and then you have the intent of the law, the intent of the law is to kind of push everything together and I raised that consistently throughout the process that I think some of these houses could be pulled up closer to the road. I know in particular lots 2, 1 and 2, that was an issue and the response we got back is well there is going to be a commercial lot built across the street.

Chairman Rogan stated that's reason enough for me, I wouldn't want to be close to the road.

Board Member Taylor stated it's a nursery.

Chairman Rogan stated yea, it's a nursery but...

Board Member Taylor stated with a tree buffer.

Rich Williams stated no lights.

Chairman Rogan stated but I'm not a fan of houses right up against the road.

Board Member Montesano stated just when they turn them on.

Board Member McNulty stated no you have the property (inaudible).

Board Member Taylor stated well it wouldn't be right against the road, if they put where the existing house is, the existing house is back a ways.

Mrs. Ryan stated the existing house was right in here.

Chairman Rogan stated on which lot.

Board Member Taylor stated one.

Chairman Rogan stated one.

Board Member Taylor stated the existing house is right down here.

Mrs. Ryan stated it was really close to the road.

Chairman Rogan stated oh I was looking for it to be shown on the...

Board Member Taylor stated no.

Chairman Rogan stated yea.

Board Member McNulty stated there's a note there, existing garage to be removed.

Board Member Taylor and then lot 4 that house is up on the top of the hill, that, I'm reading the contours right.

Chairman Rogan stated definitely but in fairness of the usability of the property around lot 4, around that house, take a look at the septic area and you know the area between the house and the septic that is their usable area, that is their usable yard, if you pull it down to like where the number 4 is on the lot which is a little bit then you're down below between 4 and the silt fence and the well, it doesn't, it gives them a little bit of a steep slope right behind the house. To me lot 4 is one of the most pigeon holed lots, it seems like it has to go where it's shown, it doesn't have many alternatives when you start looking at that but...

Board Member Taylor stated I'm just asking because one of things that sticks out in my mind about Planning is you don't put houses on the tops of hills because of what it does to the neighbors, it's great for the owner but neighbors tend not to like to have the horizons interrupted by somebody else's house.

Board Member McNulty stated that's pretty far from the neighbors over there...

Board Member Taylor stated yea.

Board Member McNulty stated with the wetlands on one side and the flat 3 is close to the road.

Board Member Taylor stated it depends on how high that hill is relative to the things around it.

Chairman Rogan stated I think the most challenged lot out here could potentially be lot 3, you got the house right jammed close to the road, you can't get to the septic area feasibly from the house, it's crossing right, and you're going up what 20 foot, 15 or 20 foot of elevation before you get to the septic area, that to me is a challenged lot.

Mrs. Ryan stated the only way is right in through here.

Chairman Rogan stated yea but it...

Mrs. Ryan stated and I think at one time we had it up here on this knoll and we were asked to bring it closer to the road.

Chairman Rogan stated yea.

Board Member Taylor stated and then this discussion about the retaining wall, these three districts, two districts that were in conflict, what was, Rich...

Mrs. Ryan stated right, the retaining wall falls in the drainage district lot and there was a question about who was going to be responsible for the maintenance of that retaining wall.

Board Member Taylor stated now is it possible to do what Rich was suggesting to reduce the wall by doing a little more filling, were you suggesting that, no.

Rich Williams stated no (inaudible).

Andrew Fetherston stated no...

Board Member Taylor stated maybe some other plan somewhere.

Andrew Fetherston stated I don't think so, the applicant's engineer and their response in this submission said we put the wall there to stay out of the wetland and stay out of the buffer, I don't dispute that I think the wall is well placed, I am just hesitant to having the Town own that wall, I just think that should be thought about.

Rich Williams stated and this is probably more of a legal question which is where I going with this, we are going to create a drainage district with a wall at this point is pushed onto to the drainage district lot which is attached back to all of those that are benefitting from the subdivision road, you know if we ever have to do any maintenance on that retaining wall, do we do it as part of the drainage district.

Tim Curtiss stated whatever it is, you mean access or just...

Rich Williams stated the wall is on the drainage district lot, so if it goes with the drainage district, the question is whether the drainage district is on that lot...

Tim Curtiss stated yea, is that part of the drainage, is it part of the drainage at all or it's just there.

Rich Williams stated it's not doing anything, it's just aesthetic well it's just for grading.

Tim Curtiss stated okay, that would be (inaudible).

Andrew Fetherston stated well if the wall facilitates the road and the road we asked the applicant to look at something uncurbed so the wall kind of facilitates doing the no curb and the ditch, maybe it's a stretch...

Mrs. Ryan stated you keep the road...

Andrew Fetherston stated trying to tie it together.

Mrs. Ryan stated it's also to keep the road right of way, it would push that further east and...

Andrew Fetherston stated then you get into the hill.

Mrs. Ryan stated all of the improvements out of the wetland buffer.

Rich Williams stated we were just saying now it is really a function of the road, therefore it is part of the road improvements and ultimately is the responsibility of the Town and typically the Town doesn't want to be responsible for retaining walls.

Board Member McNulty stated but if it's holding the road up, it kind of makes it, the chicken or the egg.

Andrew Fetherston stated that wall does, the placement of the wall facilitates the location of the road and the drainage ditch, if you had curbs the road might be narrower, the road might be able to be shifted slightly, not centered in the right of way but because of the width of the road, the road the ditches kind of forces the road to be in the center of right of way.

Board Member McNulty stated so the drainage district will be the Town's responsibility.

Rich Williams stated the Town acts as the administrator to the drainage district and it gets charged back to all the properties that are benefitting.

Board Member McNulty stated what happens when the road is in the drainage district.

Rich Williams stated we don't do that.

Tim Curtiss stated generally you try not to.

Board Member McNulty stated so the retaining wall is in but the road isn't, the retaining wall is part of the road...

Rich Williams stated the retaining wall is shown on the parcel that is going to go in the drainage district.

Andrew Fetherston stated the right of way, you have the wall then the right of way, the property line and then you have the ditch so the wall is completely on the drainage district property.

Board Member McNulty stated so lower the stroke of the pen is then.

Andrew Fetherston stated it should be maintained by the HOA or taxed in with the drainage district, so the Town doesn't have that burden.

Tim Curtiss stated well if you form the district and you list the retaining wall as one of the improvements within the district that has to be maintained, it's a stretch but...

Rich Williams stated well the good news is that the comptroller doesn't have to approve it.

Tim Curtiss stated that's right.

Board Member McNulty stated so if the retaining wall were to collapse for not maintenance and then the road collapsed due to that, who maintains what.

Tim Curtiss stated well we would be out there, we would fix the road as a Town expense, we would go the way we are talking the wall would be fixed and billed back to the drainage district.

Board Member McNulty stated okay.

Board Member Taylor stated sounds like a solution.

Board Member McNulty stated let's hope it's all built well so nothing happens.

Tim Curtiss stated I would say.

Chairman Rogan stated you have this nice highlighter, thank you Andrew, you need a new one.

Board Member Cook stated I need a new one.

Chairman Rogan stated her.

Board Member Cook stated I have to put my order in.

Chairman Rogan stated I don't want to be searching with your eyes, we are working on crafting our recommendation.

Tim Curtiss stated okay.

Chairman Rogan stated mostly in the second paragraph.

Board Member Taylor stated are there any plants, do you have any plans for how this is going to be planted or trees remaining, is this all getting cleared.

Mrs. Ryan stated within the limits of disturbance we are not showing any trees to remain, there are a couple of specific large trees that we show as being protected during construction...

Board Member Taylor stated but the rest is cleared.

Mrs. Ryan stated but the rest within the limits of disturbance are going to be removed and then we have a vegetative buffer on the plan which hugs the boundary of the property.

Board Member Taylor stated right.

Chairman Rogan stated I know when we did the site walk, some people's concerns were that if the houses were located in a certain spot people would be adapt to want to clear cut to get a view and I will say looking at the plan there are only 2 lots that might even fall into that category and that would 10 and 11 because the location of the houses on 7, 8 and 9, there is all hill, they are down off the ridge...

Mrs. Ryan stated right.

Chairman Rogan stated the only ones that would even come close would be 10 and 11 where, you know because they are on the cusp of level property and then down hill and that is a steep grade.

Board Member Taylor stated 6 too.

Chairman Rogan stated again it goes...

Board Member Taylor stated oh it's going up here or is it going down.

Chairman Rogan stated oh wait a minute, you're right, that's the point right here.

Board Member Taylor stated this is 7 here, (inaudible) down in here.

Chairman Rogan stated you want me to do it or you got it.

Board Member McNulty stated real quick, is there an issue about the name of the road too, we discussed that.

Chairman Rogan stated I don't recall.

Rich Williams stated they are Heather Wood...

Mrs. Ryan stated Heather Wood.

Rich Williams stated Heather Wood.

Board Member Taylor stated if we can wait on that...

Chairman Rogan stated it is not an issue that has to be decided tonight.

Rich Williams stated it wouldn't be decided until final.

Board Member Taylor stated I put out the word, we'll see what comes back.

Chairman Rogan stated I like Theresa Lane or you know.

Tim Curtiss stated work on that.

Mrs. Ryan stated yea.

Chairman Rogan stated you haven't gotten a road named after you yet.

Mrs. Ryan stated no, not yet, this could be the first time.

Tim Curtiss stated she wants a bridge.

Mrs. Ryan stated yea, there you go.

Chairman Rogan stated yea, anybody can have a road named after them.

Mrs. Ryan stated that's right.

Tim Curtiss stated any body, she wants a bridge.

Mrs. Ryan stated now if you have other suggestions I'll pass it on to our client.

Chairman Rogan stated we had asked Ron to look to see if there was any historical significance that we could tie into that lot.

Mrs. Ryan stated that would be good, sure.

Chairman Rogan stated and do a little bit of research on.

Mrs. Ryan stated like Williams Way.

Rich Williams stated no.

Board Member Montesano stated Why Way.

Board Member Taylor stated would it be possible to separate off this vegetative buffer so it doesn't belong to these lots, would that keep it from getting cut.

Rich Williams stated yes we could but who would it belong to.

Chairman Rogan stated well what about just a conservation easement.

Mrs. Ryan stated you mean carve it off separately, that would impact the bulk requirements for the lots that would make them non-conforming.

Chairman Rogan stated what about a conservation easement, you know.

Tim Curtiss stated a conservation easement might be the easy way because if they are cut off they just go for taxes, (inaudible) out there cleaning them up but a conservation easement we can do one on the edge.

Chairman Rogan stated right, we can craft a conservation easement and still allows use of the property, it just limits use.

Board Taylor stated that would address your concern about people going down and cutting the trees.

Chairman Rogan stated right, depending on how we craft it, we did that conservation easement for Thomas Subdivision and we allowed, obviously cutting fire wood but you could potentially limit to a certain size tree or a certain volume. I mean you want to, you still want to let people you know...

Mrs. Ryan stated I think you allowed them to take down diseased and dead trees as long as it didn't and then thin them out as long as it didn't impact the tree canopy.

Rich Williams stated right.

Chairman Rogan stated you remember better than I do.

Mrs. Ryan stated I remember.

Tim Curtiss stated that's why she gets the big bucks.

Board Member Cook stated ready.

Chairman Rogan stated I'm ready whenever you are sir.

Board Member Cook stated bated breath. I make the recommendation with regard to the Taggart Estates Subdivision application that due to configuration of the lot combined with the location of the wetland that do not appear to support the cluster design for the subdivision and since one or more aspects of this subdivision does not comply with the requirements of the district, the variance pursuant to Chapter 138-53 is recommended by the Planning Board be granted by the Town Board with the current design being considered by the Planning Board. Also, this variance is consistent with the policy of the open door, open space development law and is at least protecting open space and maintaining the rural character of the Town. Further that the variance that will be needed is the minimum variance from the standards that is needed to create an attractive subdivision and meet the intent of the overlay zone requirements.

Chairman Rogan stated well said.

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.

Board Member Taylor stated can I suggest an amendment...

Chairman Rogan stated sure, well we just voted on it but we'll do it anyway.

Board Member Taylor stated it's too late, you're going so fast here. Just a change in the wording, there is that one section where I think you should say the Town Board, the Planning Board recommends to the Town Board that instead of saying recommended by the Planning Board and that the Town Board...

Chairman Rogan stated to the Town Board, okay.

Rich Williams stated we will generally take and just...

Board Member Taylor stated oh you craft it.

Tim Curtiss stated oh yea we polish it, we'll polish it.

Chairman Rogan stated for the record its verbatim motions but I'll second your modification.

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.

Tim Curtiss stated we have a certain editorial license.

Board Member Montesano stated they have word spell or work check or something.

Mrs. Ryan stated not done.

Chairman Rogan stated I know with you...

Board Member Taylor stated she wants the SEQRA now.

Board Member Cook stated is there anything else we have to do tonight with this application.

Board Member Montesano stated yea she'd like to say approval.

Chairman Rogan stated we would like final approval tonight

Board Member Cook stated next.

Mrs. Ryan stated without a public hearing.

Chairman Rogan stated well that's, we had mentioned the dual process and whether or not we want to proceed with our public hearing, you know the funny thing about public hearings are sometimes we wait way to long, you want to make sure that you are set on what you're doing and yet you want to include the public early to be able to get input so it's kind of a double edged process, I like having them sooner rather than later, what it does though is it sometimes ties us into time frames, correct me if I'm wrong...

Rich Williams stated correct.

Chairman Rogan stated the, it's okay though as long as the applicant waives some of those requirements, which we have not had a problem with in the past, correct...

Tim Curtiss stated generally the applicant will waive just because your alternative is a denial...

Chairman Rogan stated a denial, right.

Tim Curtiss stated you mean they go back and that's not good.

Rich Williams stated in this instance we are talking about a preliminary subdivision plat, the time frame requires the applicant to submit within 6 months a final plat, so the burden is all on them...

Mrs. Ryan stated except once the public hearing is closed, they have 60 days right to make a decision.

Rich Williams stated to make it clear.

Mrs. Ryan stated that's what you need the extension from us on, right.

Tim Curtiss stated yea, usually that's what we do...

Chairman Rogan stated right.

Tim Curtiss stated if the Town Board will do that, I would think the Town Board (inaudible).

Chairman Rogan stated I think there is going to be some public input on this, we had a long of conversation from neighbors in this area when we had a certain other application for a technical facility.

Rich Williams stated but if I could just jump in procedurally, I've always that you do SEQRA before you set the public hearing because that, once you've done SEQRA, now you have a complete application upon which to set the public hearings.

Chairman Rogan stated that's true.

Board Member McNulty stated I would like to review the document that we go tonight, I haven't looked at anything there.

Board Member Taylor stated so would I.

Chairman Rogan stated all right, (inaudible) the work session...

Mrs. Ryan stated so you'll do the SEQRA Determination next time too.

Chairman Rogan stated of course, yes, she still leaves with a...

Board Member Cook stated will the Town Board take this up at one of their October meetings.

Rich Williams stated we will try to get it before the Town Board for the next meeting which is next week...

Tim Curtiss stated which is the 13th, if not you'll have to do it for the 27th...

Board Member McNulty stated if they were not to grant the recommended waiver, because they have to grant the cluster waiver, right, then we don't set a public hearing, we'd be back to square one.

Tim Curtiss stated yea, you'd be back to square one with the plans and a lot of other things.

Mrs. Ryan stated and you already made the referral to the Town Board for the zone change, I guess we'll look forward to having that...

Rich Williams stated it's already there.

Mrs. Ryan stated okay, thank you.

Chairman Rogan stated great, thank you.

10) WATCHTOWER EDUCATION CENTER DEIS – Public Comment Period

Applicant was not present.

Chairman Rogan stated okay, next item, Watchtower Education Center Draft Environmental Impact Statement, we set tonight as the close of the written comment period. We had, we had received some great input from various Board Members, Ron did a fantastic job of doing a real thorough review and we do appreciate that and I think everything was thoroughly impressed...

Board Member McNulty stated hats off.

Chairman Rogan stated you set the bar a little high, you have a lot of continue with now.

Board Member Taylor stated well thank you.

Chairman Rogan stated so you know, Rich those comments from Ron, I know other people did as well, I'm not diminishing those, from Ron get forwarded directly...

Rich Williams stated we are going to pull them all together, we also received comments from the New York City DEP and one other individual was all we received comments on. I've got a few comments to go and I will double check with the rest of the staff and...

Chairman Rogan stated okay.

Rich Williams stated you know hopefully by Monday or Tuesday we'll be forwarding them on to Watchtower.

Chairman Rogan stated I make a motion that we close the public hearing for Watchtower Draft Environmental Impact Statement.

Rich Williams stated there is nothing to close.

Chairman Rogan stated written comment, it just closes automatically.

Board Member McNulty stated second.

Chairman Rogan stated no need for a second.

Board Member Taylor stated I wonder if we shouldn't I don't know how we do this, can we convey to them a sense of the Board, if the Board agrees what we are considering in this application or maximums, total number of units actually built and the impacts there from, the total number of residents are potential for the site.

Chairman Rogan stated you mean in relation to your most recent comments, though I think that should be pretty clear with your comments being sent to them.

Board Member Taylor stated but it's just my comment, is it or is this, I'm wondering if we need to reinforce it.

Rich Williams stated its SEQRA...

Board Member McNulty stated its part of the process.

Rich Williams stated it's part of the process, part of SEQRA is they have evaluate the maximum so that is what they are doing...

Board Member Taylor stated okay.

Rich Williams stated and they can't go beyond what the SEQRA document and ultimately what we are going to put in the findings statement, they can't go beyond that maximum, so...

Board Member McNulty stated I think Ron's concern is they are not going beyond their maximum but they are not planning for the maximum, they are planning for a lesser amount...

Rich Williams stated the next...

Board Member McNulty stated they are building for one and planning for another.

Rich Williams stated correct, just so you understand, the next step in the process, they just finished the draft environmental impact statement, they have to take everybody's comments back, review what they've done and adjust it in a final environmental impact statement so we get another chance to review all the information they've give us, you get to do it all over it...

Chairman Rogan stated Rich, please when they do those change, those changes are going to be able to ascertained by not having to read the entire document.

Rich Williams stated now you've just pulled the...

Chairman Rogan stated I pulled your, I'm sorry...

Rich Williams stated you pulled the curtain back.

Board Member McNulty stated we'll have an out.

Rich Williams stated yes, yes, it's a much smaller document.

Tim Curtiss stated no one talks to Oz, we can't pull the curtain back, no one talks to Oz.

Chairman Rogan stated not nobody, not no how.

Rich Williams stated it is a much smaller document just specific to basically the issues that you raised.

Chairman Rogan stated I don't want him to resign or anything and say once was enough.

Board Member Cook stated Rich I think what Ron is saying is that to convey to the applicant that although the comment are coming from him, there is an agreement from the Planning Board, is that what you're saying...

Rich Williams stated I was...

Board Member Taylor stated just specifically on that issue, they spent so much time avoiding talking about maximums, so much time talking about averages and what they intended to do that when it comes back to us that we want it clear that they are talking about whatever their maximum number of built units, that is what we want addressed in terms of impacts...

Board Member McNulty stated maybe that can be the Planning Board's comment.

Board Member Taylor stated maximum number of residents, I mean because...

The Secretary stated hang on.

Chairman Rogan stated hold on one second.

(Side 1 ended 8:27 p.m.)

The Secretary stated okay.

Board Member Taylor stated but in some cases they did address the maximum but in a lot of cases they ignored it completed, traffic, they ignored it completed, they kept the average and ignored the impacts of the higher levels and Tom you picked up what, it was the solid waste...

Board Member McNulty stated the solid waste.

Board Member Taylor stated it was the same thing. They were dealing with the lesser number of units or the average or the vacancy rate or whatever you want to call it and not the maximums and the difference between those are substantial in some cases, just so that we don't have to go through this again with them that they are clear. If it's clear from the comments then that's fine, I was just wondering if we want to say that is what we want to hear back from them, we want to see those figures so we don't have to go back through this looking at all these averages that really don't bear on our decision.

Rich Williams stated all right, I've got it, let me ask a question though the way I was approaching this is I was going to take everybody's comments put them together kind of in one document from the Planning Board, not from any one individual...

Board Member Taylor stated okay, fine.

Chairman Rogan stated yea.

Rich Williams stated so that is (inaudible).

Chairman Rogan stated that is typically the way we do it.

Board Member Taylor stated okay.

Chairman Rogan stated that is typically the way we do this.

Rich Williams stated yea.

Board Member McNulty stated and it is going to be one extended comment from the Board as a whole maybe, rather than the public...

Rich Williams stated yea.

Board Member McNulty stated so we have that right still to input, correct, into the DEIS...

Tim Curtiss stated oh yea, yea, yea.

Board Member Taylor stated okay.

11) ECHO ROAD TELECOMMUNICATIONS TOWER – Initial Application

Mr. Daniel Laud of Cuddy & Feder was present.

Chairman Rogan stated on Tuesday the Board did a site walk at the telecommunications tower, the existing tower at the Patterson Crossing property off of Echo Road. Is someone here for that, great...

Mr. Laub stated good evening Mr. Chairman and Members of the Board, my name is Daniel Laub, I'm with the firm Cuddy & Feder here on behalf of Metro PCS, I know the letter was from Mr. Giorffre, he wasn't able to be here tonight but I have received your comment memorandum from your walk, I don't

know if you probably want to start there. I mean in general the application maybe for the record the application is for a co-location, it is for an existing tower, it's a co-location of antennas on that facility, Metro PCS is a licensed telecommunications carrier, similar to some more recognized names that you already know, the AT&T's and Verizon's, Metro PCS' service is similar to that, a fairly new carrier to the market, building out it's network at this time and the approach is always to try to find existing facilities where they can co-locate such as the instance here.

Board Member Taylor stated so you, this facility is not your facility, you're adding a piece to the facility.

Mr. Laub stated exactly, exactly, in fact there's, pretty much every carrier in the market is on this, it's the tower and compound, well the tower itself is owner by AT&T which has a master lease with the underlying landlord and then AT&T then subleases to all of the other carriers, Verizon, T-Mobile, Sprint/Nextel and Metro PCS. So there is kind of a master lease area and then we kind of go into it, so it is pretty much a multiple carrier situation.

Board Member Montesano stated AT&T is the owner of the compound.

Mr. Laub stated well they own the physical tower and then the compound they have a master lease from the landlord, they basically take a lease area...

Board Member Montesano stated okay then AT&T is the person we have to contact, Mr. Chairman...

Board Member Taylor stated are you going to recognize him, he's got his hand up.

Board Member Montesano stated the Planner would like to say something.

Chairman Rogan stated I was reading the comments that I just got tonight, I apologize.

Rich Williams stated I apologize you just got them tonight.

Chairman Rogan stated what can I do for you.

Rich Williams stated you know, after we did the site walk, the next day I contacted the property owner who immediately contacted AT&T, who is currently getting prices to address the conditions of the site.

Chairman Rogan stated great.

Board Member Montesano stated and when will we hear from them that they have the prices they need and start cleaning up...

Rich Williams stated I don't know Mike, it's only been 2 days.

Board Member Montesano stated okay, I just figured they'd tell you, you know...

Chairman Rogan stated you know I think what was obvious when you walk out there, have you been to the site yet...

Mr. Laub stated I haven't actually, I've been around the site I didn't go up because I thought it was secured and I didn't go investigate it, so I've been around it (inaudible).

Chairman Rogan stated with the gates that are open that don't have locking mechanisms, the foot traffic in and out of the facilities through those is apparent from the weeds beaten down. It almost seems like when people go there to maintain, they say well I'm not going to unlock the main gate, I can just walk around and it might not even be teenagers or people that shouldn't be there but it might even be people that are going there to maintain or...

Mr. Laub stated right technicians going there...

Chairman Rogan stated (inaudible) but yea I think everybody was pretty shocked by the state of disrepair that the facility has gotten to, so I look forward to having that cleaned up if nothing else.

Mr. Laub stated yea, going through the list I mean I can say things like, I think the vines and weed I'm sure AT&T will be taking care of but I mean I think that is going to be part of our process as well going up there just to do the minimum amount of construction that we need to do so we are going to have, you know, clean up some of that brush and clean up some of those vines and weeds anyway, I think the gates being secured isn't an issue, it's probably, I'm guessing that they are going to contact Sprint to get that generator removed or whatever they have to do. Then of course you come down on the meters and panels and any kind of new fencing that they would need and then the gate, I'm sure that is probably what they are looking for the costs for and the other things I think are pretty straight forward, it seems.

Rich Williams stated you have to see the compound, there is going to be quite a bit of landscape work just to get the vines and weeds off of the equipment and out of the compound.

Mr. Laub stated right.

Board Member Cook stated Rich, shouldn't a copy of the site walk comments go to the property owner and A&T as well as the applicant...

Rich Williams stated I don't have a contact for AT&T but I would agree with you as far as the property owner goes.

Mr. Laub stated we'll make sure that we can forward those to AT&T and I think Rich what we can do is probably provide you the contact information for AT&T, our contact, that will probably be helpful, that probably should be on file anyway.

Rich Williams stated yea, no it should be.

Tim Curtiss stated you should have it Rich.

Mr. Laub stated usually there is a phone number for contact but you know, at the site but...

Board Member Taylor stated what, in terms of this application, what are the parameters that we can work within if you've got an older, major lessee and sub lessees and you're one of the sub lessees, is that correct...

Mr. Laub stated right.

Tim Curtiss stated oh it benefits both the owner and the major lessee, AT&T, to get them up on the structure because they are going to pay them rent so it increases their revenue, so there is a strong profit incentive for AT&T to get the property cleaned up so that they can then get their application approved and get their tower up and resubmit.

Board Member Taylor stated but can we hold up the application, their application because these other people aren't doing...

Tim Curtiss stated technically, probably not but it's, they are pretty, most telecommunications companies want to be a positive neighbor, want to get these things on, stuff that just like getting vines and brush cleaned up and just restoring the fence with a (inaudible) gate really isn't usually a big issue for them because there is liability for them too, they don't want to have that kind of a problem up there.

Rich Williams stated you know I acted on this promptly because of the Telecommunication Act and the current regulations have changed so there is timeliness in all of this and really we don't want to approve somebody else going up on that tower with that tower in the condition that it is in...

Chairman Rogan stated exactly.

Rich Williams stated that tower site, so I recognize that...

Chairman and the Secretary stated bless you.

Tim Curtiss stated thank you.

Mr. Laub stated appreciate the consideration.

Chairman Rogan stated the communication from you to the Planning office in terms of when that work gets done would be important to us feeling comfortable to set a public hearing to move forward. Andrew, do you know if there are any inspectors or authorities that govern these facilities in terms of yearly inspections, safety inspections, electrical inspections, anything like that.

Andrew Fetherston stated I can find out.

Board Member McNulty stated also the physically inspections of the pole itself.

Chairman Rogan stated would you please, yea.

Board Member McNulty stated I have concerns about engineering and exhibit F, the engineer is from Ohio and he states in here that no geotechnical information was available provided for the report, therefore the in-place capacity of the foundation could not be verified. Now we are adding another section to this tower, the pole engineering seems to be pretty sufficient; they have plans they can look at that, my question would be the physical inspection of that tower, when was it done last but the footing here is just from a company in Ohio just saying well they don't have it, we're not verifying, we're going to add a lot of weight to this pole or some weight, I don't know if it's a lot.

Andrew Fetherston stated what does the Town have on file that we could a copy of...

Rich Williams stated I don't know I'd have to look.

Board Member McNulty stated do you have this.

Rich Williams stated he has a copy of that.

Board Member McNulty stated exhibit F.

Andrew Fetherston stated I'm thinking more of the original application.

Chairman Rogan stated yea, the original showing the distance on the footers...

Board Member McNulty stated the foundation...

Chairman Rogan stated and the rebar and...

Board Member McNulty stated well the engineer doesn't have it so I don't know...

Chairman Rogan stated no, he doesn't but maybe he might not have been the engineer for the original project, how many years ago was that.

Rich Williams stated and understand that I would probably have it in our office, I'm going to have to check the Building Department.

Chairman Rogan stated yea.

Board Member McNulty stated okay, so that would be a concern of mine, I mean we had questions about that when we were out there about the foundation.

Chairman Rogan stated right.

Board Member McNulty stated and the physical inspections and as far as I know, this is probably the 5th location of a tower within the Town, maybe we have more I don't know. Does our Town Code have the Fire Inspector or anybody make yearly inspections of the sites...

Rich Williams stated I don't know what the Fire Code requires him to do, I know commercial sites, daycare centers he has to do yearly inspections I don't know about...

Board Member McNulty stated sure any kind of industrial or commercial site the Fire Inspector is in on right.

Chairman Rogan stated thank you.

Rich Williams stated 4 towers, right.

Board Member McNulty stated well this 5th was Garland Road I was counting.

Rich Williams stated I was counting that as 4.

Chairman Rogan stated I try not to look.

Board Member McNulty stated we have the one in the silo right...

Rich Williams stated oh yes, that's right, you're right.

Chairman Rogan stated right, 5.

Board Member McNulty stated those are the only I can think of off the top of my head.

Andrew Fetherston stated I'll ask around, I'll coordinate with them also.

Chairman Rogan stated thank you, Tim...

Tim Curtiss stated yes.

Chairman Rogan stated on the subject of cell towers, not on this specific application but in a general sense...

Tim Curtiss stated right.

Chairman Rogan stated is there anything we can look into as a Town...

Tim Curtiss stated yes.

Chairman Rogan stated legally...

Tim Curtiss stated you can look into lots of things, I think I know the answer, go ahead, I didn't mean to jump the gun.

Chairman Rogan stated no, that's okay because we've probably already discussed this in the past that goes onto the site plan, either when it's built or when it's modified, when we have the opportunity to amend the site plan, that states something to the effect of, a year and a day after this technology is obsolete, that the tower comes down, even if we have to bond it so that the Town does it. I'm thinking hey maybe 20 years from now this technology is totally obsolete, we go away from towers to something else and people walk away from them and the Town goes and I want to do it in a way that it is not an expense to the taxpayers, so is there any mechanism we can look into or think of...

Tim Curtiss stated there is bonding that you can do that basically says at the end of its useful life span, 20 years, 25 years, whatever the structure will hold, that they have to post what is called a demolition or a bond that would make them remove it or if they go to the (inaudible) the Town can pull the bond whatever...

Chairman Rogan stated so the bond, you're saying the bond gets placed, filed in the future, not now...

Tim Curtiss stated no, the bond gets filed now for the cost in the future.

Chairman Rogan stated oh okay and is there an ability to amend that bond every so many years to include increases in costs...

Tim Curtiss stated you probably could what they normally do is when the engineer's figure the bond they figure the cost plus the inflationary rate over the years...

Chairman Rogan stated okay, I would like to be a little proactive in that regard and move towards looking at that issue just because I'm hoping that this technology keeps to increase and we can do away with these, it has nothing to do with this application, just in general.

Mr. Laub stated right, no, you do see just as a general, you do see codes that have a typically, they are called removal bonds and they are usually kind of financially over engineered to allow for that kind of what you are talking about in the future costs because it doesn't really end up costing all that much to take it down you know to get it, to take these down, if necessary...

Chairman Rogan stated I understand.

Mr. Laub stated so they are usually over that...

Chairman Rogan stated okay, let me just make a quick request, you please just speak and say Mr. Chairman because I'm not seeing your hand a lot so I don't want to miss you...

Rich Williams stated you were looking down so I did it, I was kidding...

Chairman Rogan stated yea, okay fair enough got it.

Rich Williams stated just a quick question because I know how difficult it is to track bonds over long periods...

Tim Curtiss stated yes you're right.

Rich Williams stated would it be better to put something in the code which basically sunsets these things that it becomes a code requirement that they would have to take them down and if they don't take them down the Town can go in and take them down and put it as a lien against the property.

Tim Curtiss stated well you can do, the sunset provision you have to get into what's called the useful life of the engineering and you've got...

Rich Williams stated amortization...

Tim Curtiss stated the amortization over time, the issue then becomes, if technology becomes extinct before then, you know 10 years instead of 20 years or 25 years, you can do it that way, you can try to sunset it at that point the difficulty is measuring the length of the life as opposed to when the technology is going to change.

Chairman Rogan stated understood.

Tim Curtiss stated you can actually do, the more common approach is to put a (inaudible) bond in place but Rich is right, to track these things and to keep them up to date so...

Chairman Rogan stated well the good thing is we only have 5 so at this point we're, you know...

Tim Curtiss stated that's right.

Rich Williams stated but as Andrew just pointed out to me, this is all going to occur 20 or 30 years from now...

Tim Curtiss stated we'll be here.

Rich Williams stated we're going to have a bond...

Chairman Rogan stated Charlie is going to remember he said.

Tim Curtiss stated Charlie will remember.

Board Member Cook stated I made a note.

Rich Williams stated even if we all remember what are we setting the bond at, we aren't going to know what it's going to cost to take them down in the future.

Chairman Rogan stated no but I thought, I would have thought that the amortization rate is exactly what we would look at, so every 5 years you increase the bond by...

Tim Curtiss stated that's what you look at it, look at the inflation rate is (inaudible) they go three, four, five times more because the expense is not that great, according to the applicant, it really is that they multiply it by the inflation rate or whatever and they get...

Chairman Rogan stated I see, okay...

Board Member Cook stated let's get back to this guy.

Board Member McNulty stated I was thinking the same thing.

Chairman Rogan stated I apologize...

Mr. Laub stated no, it's a good conversation we deal with a lot of different zoning codes so it's always, like you said the removal bond is usually the more common approach I think...

Board Member Cook stated you really want to know, Ron and I had this conversation as we walked out of the place, right Ron.

Chairman Rogan stated you're volunteering.

Board Member Cook stated no but what's going to happen with these towers in so many years.

Tim Curtiss stated (inaudible).

Chairman Rogan stated I guess that's an offline conversation okay.

Board Member Cook stated yea.

Chairman Rogan stated okay, I think we have some concerns with the way site currently exists that is what we are working on, your application seems pretty straight forward we are adding a set of antennas, a little bit of modification to the site, a little bit of an expansion, there were concerns that were I think, addressed very well in the site comments. Let's get on cleaning the place up and address some of those comments and we'll get this rolling.

Mr. Laub stated well if I could request, if we could set the public hearing, kind of in the spirit of what you were kind of discussing on a previous application which is you know once you've kind of got the idea set its probably better to get the public involved sooner rather than later. Obviously we have it you don't have to close it if these issues aren't resolved but you know something like the gate issue, if there is a neighbor comment associated with the gate I think we'd rather all see that earlier rather than later.

Chairman Rogan stated right, I agree and the comment what we had talked about was the existing gate could be improved and something as simple as looking at moving it 10 or 20 feet further into the site the surrounding character, people have dry laid stonewalls, tie it in with stonewalls so you're still securing the site so somebody can't just drive around it and put up a decorative gate much like we considered or approved for Quail Ridge, Quail Ridge, use some kind of a woodsy theme or something but a decorative...

Rich Williams stated Quail Ridge site, yea.

Chairman Rogan stated gate that accentuates the site rather than makes it look like a degradation to the community.

Board Member McNulty stated yea the big concern with those disconnect panels...

Rich Williams stated are you familiar with that site.

Board Member McNulty stated the electric disconnect panels with no fence around it, no box...

Mr. Laub stated (inaudible).

Rich Williams stated (inaudible).

Chairman Rogan stated yea.

Board Member McNulty stated I didn't get a chance to read that yet.

Chairman Rogan stated anyone have a problem with setting a public hearing on this, comment...

Board Member McNulty stated does that start a clock for us in anyway with the utilities.

Rich Williams stated yes, no...

Board Member McNulty stated the application or the public hearing.

Rich Williams stated when you close the public hearing, commercial site plan 62 days you have to make a decision unless the applicant and the Board agree to mutually waive that time frame.

Board Member McNulty stated wasn't there another time frame, something to do with a utility laws that we came across.

Chairman Rogan stated that was what Neil was talking about with 180 days and...

Rich Williams stated well I think 155 days that you need to act on the application assuming that they are doing their due diligence and acting in a reasonable manner and there aren't really serious outstanding issues.

Mr. Laub stated actually for a co-location it's 90 days.

Rich Williams stated I'm sorry, 90 days...

Chairman Rogan stated because it's not a new one, that makes sense.

Mr. Laub stated right for a co-location, new towers are essentially 150 days.

Board Member McNulty stated and that is from application or from public hearing closing.

Rich Williams stated complete application.

Chairman Rogan stated I think what I would like to see though and I'm not objective to setting a public hearing contingent upon you getting something to us by the work session, that would be a sketch of maybe what we can do with that entrance because that to me is something the public might want to, that is something that is a visual impact to people, what is there existing and what we can do to clean up the entrance. Most of the site, obviously, people, if not all other than the top of the tower, people should not see from their house, if they are they are trespassing and so the internal components that we are all talking about really don't impact on the community...

Mr. Laub stated right.

Chairman Rogan stated so what I see is the entrance is the most visual part of this site, it is an existing entrance so we are not looking to change any of that, just maybe aesthetics. So you know I would support the public hearing if we can get as a condition the sketches for the work session showing the changes to the entrance as we discussed tonight.

Board Member McNulty stated that's fine with me.

Chairman Rogan stated and I'll make in the form of a motion, a public hearing for the next meeting, so moved. Second...

Board Member Taylor 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 asked for any opposed.

Chairman Rogan stated okay.

Mr. Laub stated okay.

Chairman Rogan stated all right, thank you sir.

Mr. Laub stated thank you.

Chairman Rogan stated okay, we had Petrillo Wetlands/Watercourse Permit...

The Secretary stated no, 12 M and M Distribution Sign Application.

Chairman Rogan stated oh, I thought M and M went on the end of the list. I'm sorry I don't have a new, I have last weeks.

The Secretary stated do you want a new one.

Chairman Rogan stated no, that's fine M and M is here, I mean, we've got him, is anyone here for M and M, come on up sir. Petrillo anyway, we're done with, we're not doing anything with it tonight, so...

12) M AND M DISTRIBUTION INC. – Sign Application

Mr. Mike Sclavati was present.

Chairman Rogan stated what's your name sir.

Mr. Sclavati stated Mike Sclavati.

Chairman Rogan stated and you are the owner.

Mr. Sclavati stated yes, one of the partners.

Chairman Rogan stated I have to find your, no, no I have it here, I've got it. It's a pretty straight forward sign from what I remember, just a second.

Board Member Taylor stated this is the sign on the hillside.

Chairman Rogan stated oh, across from Panino, right...

Board Member Taylor stated yup.

Chairman Rogan stated okay, Maldunn Solutions, so it's going in the space that's open.

Mr. Sclavati stated it's going in the empty space on the bottom.

Chairman Rogan stated and this was, there is no additional site lighting being put or anything, you're just plopping this as shown.

Mr. Sclavati stated yes.

Chairman Rogan stated what color is that sign going to be.

Mr. Sclavati stated it's going to be just like that white with black letter.

Chairman Rogan stated oh it's back, okay, it kind of came out purple, that's why...

Mr. Sclavati stated it's the printer I guess.

Chairman Rogan stated that's all right and we're looking at 7 ½ square feet, yup, questions comments...

Rich Williams stated the only comment that I have, you know again in the memo that I did to the Board there is no real issue with this sign but he is proposing to put it on a monument sign that is 67 square feet that there are no approvals for...

Chairman Rogan stated so it's Boniello...

Rich Williams stated farther south.

Chairman Rogan stated no, no same, same...

Board Member McNulty stated situation, yea.

Rich Williams stated right.

Chairman Rogan stated so I'm just saying (inaudible).

Rich Williams stated I just threw that in there because I didn't want the record to show that it was Boniello...

Chairman Rogan stated I'm sorry, I understand what Rich was doing, it is a similar situation, we have a facility that, I mean, we can't approve then this sign, is what you're telling me.

Rich Williams stated you know I would say that we don't have an existing, I don't know, yea I don't know how to address it. You can approve his sign as long as it's not going up on the board and then the Board is in violation and it has to come down or he has to legalize it.

Chairman Rogan stated and the only way to legalize it is to get everyone to reduce down to 25 square feet.

Rich Williams stated or to get an area variance.

Chairman Rogan stated and this, or a special use permit for a regional, it's not retail is it, that's the problem.

Rich Williams stated they'd have to get the area variance. What I'm saying is he can pull his sign off of that board and we don't recognize that board as being there, I mean we did, we could have done the same with Boniello except they were pretty adamant about they wanted to be on the board, ultimately what we did is we found a way to put them on the building and that satisfies...

Chairman Rogan stated at least for them that is a temporary solution here, if you put your sign on the building nobody will see it, the building is set so far back away from the road.

Tim Curtiss stated what you can, he can do a free standing or whatever, you can give him conditional approval that is that the applicant, Boniello or whoever it is that has this big sign completed with 90 days or 120 days...

Chairman Rogan stated oh that's a separate site...

Tim Curtiss stated oh a separate site...

Chairman Rogan stated I was using that as an example of a similar situation.

Tim Curtiss stated whoever owns the big sign comes in with 90 or 120 days and if he wants to put it in and get the application processed...

Chairman Rogan stated okay and the reality of that happening is probably next to nothing, wouldn't you say...

Rich Williams stated then it needs a violation. I think Nick...

Chairman Rogan stated it's only 60...

Board Member McNulty stated does the sign meet the specifications to be a legal monument sign.

Chairman Rogan stated no, it doesn't, not even nearly.

Rich Williams stated it's 2 and a half times bigger than it's allowed to be.

Chairman Rogan stated so the Code doesn't take into account that you have multiple businesses within...

Rich Williams stated we changed, we made that change for retail...

Tim Curtiss stated yea, that's true, it was meant for retail but not for other (inaudible)...

Rich Williams stated nothing else, you know we had that conversation about what we want as far as signage within the Town that would balance the needs of the commercial property owners with an attractive appearance to the Town and it was decided to leave the other commercial signs...

Tim Curtiss stated the general business commercial signs.

Rich Williams stated yea at 25 square feet.

Chairman Rogan stated so 25 square feet is allowed collectively for all the business at the site and in addition to that how many square foot would be allowed on the building.

Rich Williams stated well the maximum would be 100 square feet.

Chairman Rogan stated it's a shame we didn't, only thinking about this now, we didn't allow some allowance for hey I'm not putting, I'm allowed 25 square foot on my building and in this case I'm making up the numbers and I am going to put up 10, so give me 15 credit toward the sign on the, you know...

Board Member McNulty stated transfer of the space.

Chairman Rogan stated yea because 25 [square feet] doesn't seem like there is nearly enough, who has, do you have that sketch again that shows it on the application, thank you. It only shows the bottom half of the sign but...

Board Member Taylor stated how would you feel about putting up a free standing sign of your own.

Mr. Sclavati stated I have no problem with that.

Chairman Rogan stated if anything, I mean it stands out better in fairness.

Mr. Sclavati stated well honestly the sign being out there is just so we can get because we are in pharmaceuticals so we actually need a free standing sign there or any sign there to get our pharmaceutical license...

Chairman Rogan stated oh okay.

Mr. Sclavati so it doesn't matter where the sign really is, that just seemed like the right spot.

Chairman Rogan stated so why don't we do an approval for a free standing sign location to be field verified by the Town Planner to make sure we're not in the wrong location and creating any site line distances...

Rich Williams stated sure, you want to condition that if the larger monument sign ever gets approved this configuration would then have to go up on the sign.

Chairman Rogan stated that would make sense yea, so moved with 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 that's a screwy situation out here so free standing sign would be similar construction, talk to Rich, it sounds pretty straight forward it's a small sign...

Mr. Sclavati stated okay.

Chairman Rogan stated and you know, we're not talking about any additional lighting on it, you're just talking about natural, no lighting in that motion, okay.

Board Member Cook stated now Rich can you go after the owner of this sign.

Rich Williams stated now that it has been brought to our attention, I'm sure Nick will be issuing a violation.

Board Member Cook stated can you send some kind of a copy to the Planning Board.

Chairman Rogan stated it seems crazy.

Board Member Taylor stated it seems like the Code needs to be looked at...

Board Member McNulty stated tailspin.

Chairman Rogan stated sometimes in trying to improve things you get so complicated that...

13) OTHER BUSINESS

a. Petrillo Wetlands/Watercourse Permit

Chairman Rogan stated okay we have Field and Forest, like I said Petrillo is on here but we're done with that. Field and Forest Apartment As-Built, Mr. Reilly and Mr. Nichols...

Meadowbrook Farms Discussion

The Secretary stated do you want to go back to Meadowbrook.

Chairman Rogan stated I'm sorry...

The Secretary stated do you want to go back to Meadowbrook, do you need to.

Chairman Rogan stated I don't know, did we.

Tim Curtiss stated Harry wasn't here, there were just issues about bonding.

Chairman Rogan stated oh I'm sorry, Harry do you want to just mention an update on Meadowbrook, you weren't here before.

Mr. Nichols stated yes, I reviewed the bond, it's fine, obviously the increase is a little bit significant but I never really object to a bond amount because I know you have to project ahead, you don't know when it's going to be done and the price is going to increase, so I have no objection to it.

Tim Curtiss stated okay because there is still, the process is still in litigation, there are still fighting with the homeowners and the homeowners and there was a decision by the court to basically that the developer has to meet with the homeowners if there is a clear right to develop it without some kind of a negotiation. They challenged that ruling, they have asked to re-argue it, (inaudible) re-argue it at this point it is all on hold (inaudible) how long (inaudible).

Chairman Rogan stated oh man.

Board Member Taylor stated at some point we have to say okay...

Tim Curtiss stated (inaudible).

Board Member Taylor stated like children.

Tim Curtiss stated I mean the Town is waiting on the sidelines waiting for the homeowners, okay.

Chairman Rogan stated don't worry about it.

b. Field and Forest Apartments As-Built

Mr. Joe Reilly and Mr. Harry Nichols were present.

Chairman Rogan stated good evening Mr. Reilly and Mr. Nichols always nice to see you.

Mr. Nichols stated yes, we have some photographs, these girls were recently featured in...

Chairman Rogan stated careful, careful.

Mr. Reilly stated here is a photograph of the gates.

Board Member Montesano stated geez if you think these are females.

Chairman Rogan stated shhh. Hey, they look sharp, nice job.

Board Member Taylor stated (inaudible).

Chairman Rogan stated yea.

Board Member Taylor stated and you can fit those containers, the pervious containers fit behind.

Chairman Rogan stated there are 2 of them.

Mr. Reilly stated yes.

Chairman Rogan stated yea, they put 2.

Board Member Taylor stated well the picture we had before they were sticking out.

Mr. Nichols stated well there was no door on it, I think it just looked that way, they didn't set them far enough back on the pad.

Board Member Cook stated oh so you just pushed them back.

Mr. Nichols stated on the small one, did you have to lower the top just a little bit and clear the thing sticking out or just move the dumpster back in.

Mr. Reilly stated we built it out 12 inches.

Mr. Nichols stated oh you did, oh okay.

Chairman Rogan stated you did an awesome job.

The Secretary stated Joe can I keep this picture.

Chairman Rogan stated Joe I'm assuming the distance between the ground and bottom of the gate is to allow for snow build up and it's not going to cause a problem for opening and closing them, okay great.

Mr. Reilly stated right.

Chairman Rogan stated just, this should go without, well you're not really going to be there once the site is done, you're not going to be on site person but Harry carry the message that with the bottom open so much it may not contain wind blown debris, the wind is going to whip around there.

Mr. Nichols stated it's more reason for them to clean it up and put it back in there.

Chairman Rogan stated my point exactly, so you're getting everything that you spoke in favor of in terms of if there is a problem, you're going to know about it and you're getting some of what we were talking about with visual screening and containment, so we don't have too much of a problem with...

Board Member Cook stated so the individuals have to also open that gate and put their garbage in.

Mr. Nichols stated yea, on the big on there are bars that hold the gate in position, one, it will be left open, there will be an opening gap maybe 5 feet where they can walk in and do their garbage emptying and then when it comes times to open it or if they want to close it totally, you just lift the bar, slide it back and slide.

Chairman Rogan stated okay.

Board Member Cook stated what about some of the other issues in Andrew's September 30th memo...

Mr. Nichols stated we sent a letter into the Board, we have responded item by item.

Andrew Fetherston stated yea that September is now dated and we addressed it...

Chairman Rogan stated (inaudible).

Andrew Fetherston stated I had a memo this evening.

Chairman Rogan stated October 7th.

Board Member Cook stated okay.

Chairman Rogan stated it was in tonight's...

Board Member McNulty stated yea, we just got this tonight, so we haven't had a chance to really it see yet.

Andrew Fetherston stated everything was addressed, I went out, I saw the gate tonight, you said it was going to be up, I saw the gates there, there was one measurement missing one of the weirs that we just didn't have, we just couldn't confirm that, that was the only thing, everything else was addressed.

Chairman Rogan stated great.

Board Member Cook stated okay.

Chairman Rogan stated awesome, so procedurally Rich, what does the Board have left to do on this if everything's been met.

Rich Williams stated nothing, you're done.

Board Member Taylor stated I would like to withdraw my motion from the table from the previous month.

Chairman Rogan stated okay great.

Rich Williams stated I stand corrected, if everything is completed, we are still holding the bond, we would need to make a recommendation to the Town Board to release the bond.

Mr. Reilly stated yes.

Board Member McNulty stated I thought we had a letter of credit of this, didn't we release the bond...

Rich Williams stated same thing.

Chairman Rogan stated yea.

Board Member McNulty stated okay that's good.

Chairman Rogan stated I'll make that motion, in the matter of Field and Forest that we recommend to the Town Board that the Planning Board recommends to the Town Board that we release any letter of credit or bond amount held on this project on Field and Forest, so moved.

Board Member Taylor 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 thank you gentlemen.

Mr. Reilly stated Shawn, when does that go in front of the Town Board.

Chairman Rogan stated Rich, when will that recommendation go to the Town Board.

Rich Williams stated tomorrow.

Tim Curtiss stated tomorrow it will be on the (inaudible).

Mr. Reilly stated of this month.

Tim Curtiss stated of this month, yes, next Wednesday.

Chairman Rogan stated thank you, we appreciate your time Mr. Reilly.

e. Brewster Plastics Performance Bond

Chairman Rogan stated okay we have a performance bond for Brewster Plastics, the gentleman in the back, is he here for an application.

Rich Williams stated no, that's Tom Biglin, he's with Joe Reilly and...

Chairman Rogan stated oh okay, I just wanted to make sure because if you were here for something we'd get to you before. Brewster Plastics performance bond, I saw something somewhere on that, anybody else have it.

Board Member Cook stated I have it.

Chairman Rogan stated and um...

Rich Williams stated essentially you're just making a recommendation to release...

Chairman Rogan stated yea I know but at the work session, you hadn't had a chance to review that yet if I remember correctly.

Rich Williams stated no that was Papitto.

Chairman Rogan stated oh so Brewster Plastics we are all set as well.

Board Member Cook stated motion on that.

Chairman Rogan stated okay.

Board Member Cook stated I make a motion that the Planning Board recommend to the Town Board to release any bonds, letter of credit relative to the Brewster Plastics application.

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.

f. Papitto Site Plan Performance Bond

Chairman Rogan stated and Papitto, 70% complete, received bond estimate, all right so they are recommending, Maser is recommending a bond reduction of 92,000 dollars or half of the 185,000, I'll make that recommendation to the Town Board.

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.

c. Fox Run Traffic Study

Chairman Rogan stated Montelone, let's talk about that real quick...

Board Member Cook stated before we do that...

Chairman Rogan stated oh I'm sorry.

Board Member Cook stated can I just mention I think Rich it is worthwhile if you don't mind, mentioning to the Town Board relative to Fox Run that we've been waiting for months now for this promised traffic study, so they understand we are not holding a recommendation...

Tim Curtiss stated they are aware of the, not you but they are waiting, the data, you're waiting for stuff from the applicant.

Chairman Rogan stated okay, great.

Tim Curtiss stated but we'll mention it but I think they are aware that the applicant really hasn't been forthcoming with some of the information you're supposed to get.

Board Member Cook stated sometimes these things, you know they think that we are waiting and waiting...

Chairman Rogan stated say we've been working on it for 2 years, what's going on, right.

Tim Curtiss stated yea no, I understand.

Board Member Cook stated taint us a little bit.

Chairman Rogan stated you're absolutely right Charlie.

Tim Curtiss stated we will put you in a light most favorable.

Chairman Rogan stated that's what we like about you Tim.

Board Member Taylor stated we were also willing to move forward on this, we were not without the data.

Chairman Rogan stated we were and we were suggested that since they were providing, that we hold off, so you're absolutely correct.

Board Member Taylor stated so maybe we should just move forward on it.

Chairman Rogan stated well I think at this point we've set kind of a...

Board Member Cook stated I agree.

Tim Curtiss stated you can send them a letter that if you don't receive the information by November 4th you're going to make...

Board Member Cook stated no, no, I...

Chairman Rogan stated I have no problem waiting as long as they want to take to get it right, I just don't want and I think that is the concern for the Board for somebody to then say, okay you've got it now make a decision, give us 2 weeks to read the darn thing.

Board Member Cook stated that's not going to happen.

Chairman Rogan stated okay so Ron, Ted and Rich went out to...

Rich Williams stated before you do that, if I could just interject...

Chairman Rogan stated sure.

Rich Williams stated Papitto.

Chairman Rogan stated yea.

Rich Williams stated did we do it...

Tim Curtiss stated yea, yea...

Board Member McNulty stated we just did it, we recommened...

Tim Curtiss stated (inaudible).

Rich Williams stated (inaudible) private conversations.

Montelone Wetland Violation Discussion

Chairman Rogan stated you were having an executive discussion about Papitto and we concur with your recommendation. Ted Rich and Ron went out on Tuesday after the site walks to Montelone, Commerce Drive and found what sounds like an egregious concern that I think the whole Board needs to take a look at, I honestly do but I think we need to obviously find out what's going on and have Mr. Montelone in here to figure out what we need to do...

Rich Williams stated with all due respect...

Chairman Rogan stated Rich had the, yea.

Rich Williams stated Ted has recused himself, I'm deputy E.C.I...

Chairman Rogan stated correct.

Rich Williams stated so I have been handed this, I don't know how I am going to handle this yet, whether I am going to issue a violation, if I am going to issue a notice of violation and place requirements because and Tim jump in anytime you want, there are kind of 2 tracks you can take, the way that I do things. One is, I issue a violation, he goes to Court, he pays a fee, that's the end of it, you know...

Chairman Rogan stated can you issue a violation that says you're ordered to go and rectify this situation before the Board.

Rich Williams stated that's where I have my own point of view where no, I don't believe I can, I can't issue a violation...

Tim Curtiss stated a violation says you are in violation period.

Rich Williams stated I can issue a notice of violation.

Tim Curtiss stated and then direct him to come in here for you to figure out a remedy and if he doesn't do the remedy within a specific period of time that he said, then you continue the violation for...

Rich Williams stated right, so...

Tim Curtiss stated it's a little bit more of a round about process but where you have a situation like this where you have to do some fact finding and then determine a course of action, I would think that Rich issuing a notice of violation would be a more appropriate way to go other than somebody just in violation and all they have to do is clean it up...

Chairman Rogan stated right, right, that's a simple thing.

Tim Curtiss stated that's a simple thing, this is more of a fact finding remedy and then he has to do whatever that remedy is within X amount of time.

Rich Williams stated again if he does that remedy, whatever you know, whether it's coming in and getting a permit, restoring the site, whatever, then that violation is cured and I can't then take him to Court and assess a fine.

Chairman Rogan stated yea now correct me if I'm wrong but with Steve D'Ottavio's wetland violation where we went out, he was assessed a fine for every tree he cut down and he had to replant I thought it was 2 for every 1, if I remember right when we were out there.

Rich Williams stated did he actually pay a fine in court.

Ted Kozlowski stated I can answer all that, we, the way we went with that was notice of violation, brought him in, we instituted our own penalty, he never went to Court.

Chairman Rogan stated that's what I recall then but I think...

Tim Curtiss stated you can do that as part of your administrative process for example, the cost of administering this and the violation and the Town's time is X and that is your penalty and in terms it doesn't court and they pay for the cost.

Board Member Cook stated so you've given him a violation, appearance ticket but based on what you just said that if he corrects things, it voids it...

Rich Williams stated 2 separate violations. I went out there, somebody had directed me to go check Lea Rome to see if the fence was in properly...

Board Member Cook stated correct.

Rich Williams stated on a Saturday and that is when I discovered the initial violation, again it's extensive, so I issued a violation under my authority to issue a violation for an erosion control permit which he hadn't obtained. There is the potential for erosion out there and I felt that I could use that mechanism to get him to secure and stabilize the site in the quickest manner, once I have done that, there was no real urgency, the damage was done, they weren't out on the site continuing to work, all the equipment was gone, so I didn't notify Ted until I saw him Tuesday night.

Board Member Cook stated okay.

Rich Williams stated I has a feeling that he was going to be upset about this which is kind of why I dragged my feet a little bit.

Board Member Cook stated so this is still valid, this appearance ticket.

Rich Williams stated yea, that is still valid (inaudible).

Tim Curtiss stated that is a different issue.

Chairman Rogan stated I haven't seen it yet and I'm a little pissed off quick honestly because we've built a pretty good rapport with Mr. Montelone and I feel like we've been up front with him and bent over backwards in circumstances. I'm not going to say he doesn't do a nice job finishing things but I can't wait to hear what the reasoning is and I can't wait to see it but I'm really disappointed. This is the kind of stuff that really wears out all of us and there was really no reason why he couldn't come and say hello to us, he just was in here, 2 months ago, saying I want to throw an idea past you, so I'm a little bit...

Board Member Cook stated annoyed.

Chairman Rogan stated annoyed and I'm not too anxious to be too amendable to what he wants to quite honestly so that message I am going to tell him myself.

Rich Williams stated he is one of the things that I am wrestling with that you know, I contacted him and you know, his response was he was sorry, he was apologetic, he didn't mean to do it, he's going to try to straighten...

Chairman Rogan stated he didn't mean to do it, he didn't mean to upset us.

Rich Williams stated well yea but didn't, but oh by the way here is the building I want to put on the site. Now sitting here and this is one of the things I'm wrestling with right now, certainly feel free to weigh in, you know am I going to require him to get a permit to restore the site if 3 months from now he wants to put a building on the site and Mike I'm not real interested in wasting a lot of people's time or money or energy and I understand that okay let's do some punitive but that's not the way I approach things.

Board Member Montesano stated the object is and you can bear because you've gone through, every time we give someone, they come in, they take your hat step on and they say or I'm sorry and push it our with their fist, we say thank you and we let them go home. The object is if it costs money, especially today maybe our reputation won't be that in Patterson first do it and then they'll approve it and we've got it and we've had it for over 20 years and it's to the point where I'm tired of it. If we slap him in the face, I think Peter is a very nice man, he does beautiful work but there comes a point in time that even nice guys can kicked in the rear end so that they suddenly realize well maybe I don't do that a second time. He's got a lot of property out there that's he's been getting away with it, I think it would beneficial to make him restore everything and if he wants to take it down later, that's fine he comes in here and gets the proper permits. I'm just a little tired of having Patterson laughed at because do it, put the building up, we'll get approval and that's what we do.

Rich Williams stated I understand what you're saying I respect what you're saying and to some degree, I agree with what you're saying which is why I didn't call Mr. Montelone and say gee what did you do. I

didn't say could you possibly get some grass seed down, my response was I sent him a violation and directly to court.

Tim Curtiss stated no I'm sorry, I was just saying I hear what you're saying, one other avenue that you may consider rather than restoring the site is figuring out a rough idea of what the restoration cost would be and having the funds maybe directed into another source, recreation, restoring some wetlands, some other positive type project with in the Town so that we are not just using the money to take it back out again...

Chairman Rogan stated the basketball court, I just read about...

Rich Williams stated yea, there's got to be a reasonable nexus between...

Tim Curtiss stated it is, it is...

Chairman Rogan stated listen, if, when we look at a site plan for this, when we look at a building for this site, if part of what he did is an area that we were going to approve, well we are only talking about wetland and wetland buffers though, if he clear cut a part of the site that isn't either of those, I have much less problem with that...

Rich Williams stated right.

Chairman Rogan stated and that, when we look at the commercial site plan, wetland and wetland buffers, we're not going to be looking at doing anything in there so, I understand what you're saying, you don't want to say to somebody look you erred here and you cut down some trees but eh we were going to let you do that anyway and put a parking lot in, in that area. If that's the case I don't have a problem with it but the fact of the matter is for them to come in and say and this happened when I first got on the Board with one of the subdivision, well it's already disturbed area now, what's the subdivision now that over by Green Chimneys, that was one of the first ones I worked on when I was on the Board, they cleared there were all the ponds on the site, was it Johnny Petrillo or somebody have one of the houses on the site...

Rich Williams stated Triple J.

Chairman Rogan stated Triple J.

The Secretary stated it was Joe Reilly.

Chairman Rogan stated and that was one of those, it's all be disturbed now so now we can use it and that's kind of what I feel like this might be, we don't have the facts you're right so it's not right for me to speculate, that fact of the matter is what Mike said has a lot of merit...

Tim Curtiss stated yea it does.

Chairman Rogan stated this Board bends over backwards for people and I am as much at fault in that area as anybody else because I try to work too much with people and we do have a reputation for people coming in and doing what they want and then saying well you know...

Tim Curtiss stated that's not really a fault, that's not a fault.

Board Member Cook stated it's a style and we are being taken advantage of.

Chairman Rogan stated you're absolutely right.

Board Member Cook stated there is nothing wrong with the style but we are getting taken advantage of.

Board Member McNulty stated Mr. Montelone came in front of the Board back in February, wasn't it, earlier in the year...

Rich Williams stated a few months ago.

Board Member McNulty stated is this the site that is involved with the building he brought in front of us.

Rich Williams stated this was one of the sites that he was looking at, he's looking at 3 different sites out there right now, with 3 different commercial buildings.

Board Member Cook stated he came in with Black Forest, White Forest, black pines, white pines...

Board Member McNulty stated with all the cake and cannolis and...

Board Member Taylor stated did he have plans.

Rich Williams stated birch, White Birch, Black Birch.

Board Member McNulty stated yea he had plans, he had color schemes, he was going over things like that.

Board Member Taylor stated do we have copies of those.

Rich Williams stated I don't know if we kept copies or not.

Board Member McNulty stated I might have them.

Chairman Rogan stated all conceptual stuff just to get a flavor of what...

Board Member Taylor stated at least that would give me an idea, I wasn't privy to that work session, so I...

Chairman Rogan stated right but you know what I couldn't even tell you if you put the same plans in front of me at this point it was more just hey I have this site and here is what I'm thinking about, what do you think and we said well, come in for a site, come in and go through the process, nobody was objectionable to it...

Board Member Taylor stated what it sounds like to me, what our counsel was advising makes sense, in terms of excess...

Chairman Rogan stated a notice of violation.

Board Member Taylor stated do a notice of violation and bring him in here but I think we should keep in our mind what you were also suggesting that perhaps this should be punitive in addition to him reimbursing us for our cost expenses and see if we can establish that as a precedent.

Rich Williams stated I understand that but you know if I issue a notice of violation and he comes in for a wetlands permit, I think the Board really needs to stay objective and on target that you're reviewing a wetlands permit. Now you may not find what he's going to propose to do appropriate and you mandate that he restore the site and restore the functions in a reasonable fashion but I would strongly urge you not to do anything punitive because...

Tim Curtiss stated that's really not our function here.

Rich Williams stated the courts will not find that favorably and they'll challenge.

Board Member Montesano stated maybe he wants to donate an aircraft carrier so we can put it right there facing [Interstate] 84...

Chairman Rogan stated so let's move forward with the notice of violation.

Board Member Montesano stated tell him (inaudible) brought it.

Tim Curtiss stated yea, get him in and get your facts (inaudible) be appropriate.

Chairman Rogan stated let's get him in here and let's at least start the ball rolling and we are going to schedule a site walk and get out there and take a look even though I know Ron has already been there.

Board Member Taylor stated can we re-establish a buffer now.

Chairman Rogan stated oh absolutely.

Board Member Taylor stated can we tag where the buffer should be.

Board Member Montesano stated we can try.

Rich Williams stated yea I mean the first step in this process is going to be establishing delineation the wetland boundary...

Board Member Taylor stated okay.

Rich Williams stated I've already been out there, I've already done some of the boundary myself based on soils, there is no vegetation to go by so I'm looking at the montelum, I'm looking at the oxidation and...

Chairman Rogan stated that's great for us to feel comfortable with, with what some, one of his agents is going to show us and I think it is admirable to do that Rich but I want that to be only in support of agreeing with what they provide us not with being the, not being the provider of the delineation...

Rich Williams stated I understand.

Chairman Rogan stated and I'm just being clear on that, I want to make sure that we don't bend over backwards to delineate this for him.

Rich Williams stated and I'm not behind over backwards, they have already delineated it, I am going out to check their delineation, I'm...

(Side 2 Ended – 9:17 p.m.)

Rich Williams stated to whoever delineated that, I need to get on the site with him to find out why he did it where he did and show him what I found...

Chairman Rogan stated okay.

Rich Williams stated some of it you know clearly they cut down his flags so the delineation is not there but it's only necessary to go out and do a preliminary delineation to compare to what they did so that we can at least start that dialogue.

Board Member Taylor stated if the site is so clear, it is so clear, it's not just clear cutting, it's like it's a mud flat out there without some a flag or something to see because you can see where there's a line where there is one flag and then he clearly cut down a tree that had another flag on it because it was, so we need I think before we go out on a site walk, we need some sense of what was there before.

Chairman Rogan stated we need a delineation by a surveyor or at least delineations that are easy to feel comfortable they are in the right spot of where the wetland line and where the hundred foot buffer line is...

Rich Williams stated right.

Chairman Rogan stated you know some rebar stuck in the ground painted or something with...

Rich Williams stated I have little yellow flags.

Chairman Rogan stated perfect.

Board Member Montesano stated unless you steal the ones from the phone company, then they are red flags.

Chairman Rogan stated okay, so you'll move forward with the notice of violation and we'll see if we can get that work done and schedule a site walk.

Rich Williams stated I'll give it some serious thought and see if I can figure out what conditions I think might be appropriate for that notice of violation.

Chairman Rogan stated well my feeling on the notice of violation is the appropriate action is to either come in with a wetlands permit to remedy the site, as yet to be determined or to come in with your site plan and start on that process and stabilize the site so that we don't have any erosion issues. It's really, isn't there only, that's the 2 options that I can only see.

Rich Williams stated Shawn I have to tell you, it's been a long week, I'm kind of tired, you know sitting here, that's what I'm thinking but...

Tim Curtiss stated it sounds reasonable.

Chairman Rogan stated all right, got ya. Do me this favor then, before you send that notice of violation, e-mail me a copy of it, please.

Rich Williams stated yea, sure.

Chairman Rogan stated thank you, okay having said exactly what you said, I agree with you...

14) MINUTES

Chairman Rogan stated we have minutes from August 26th and September 2nd.

Board Member Montesano stated so approved, by me anyway.

Chairman Rogan stated second.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Chairman Rogan stated motion to adjourn...

Project Status Update

Board Member McNulty stated no I have one item, while we have Tim here, figure maybe ask about project status update, I don't know if you're aware of this, several sites, I'm sure you're aware.

Chairman Rogan stated I forgot about that.

Tim Curtiss stated I was going to send you a memo but I'm here tonight so I have, went over it with the Town Board, what the status is and what your concerns are, unfortunately they are in the middle of the budget process. They have advised me that I am either at budget or about to go over my budget so they don't have any extra money to do extra enforcement however what I was going to suggest to your Board is to pick 2 or 3 of the egregious and I would like to get them in the local justice court before one of the judges to see if we can get a little but more effective enforcement on them and bring them in.

Board Member Cook stated Tim, understand there's a dozen...

Tim Curtiss stated yes.

Chairman Rogan stated okay.

Board Member Cook stated so I guess based on your conversations with the Board what have you relative to budgetary concerns knowing that there is a dozen, give us a number and maybe we can come up with...

Tim Curtiss stated I would say give me 3 or 4 of the most egregious to start with.

Board Member Cook stated 4.

Tim Curtiss stated 4 is fine.

Board Member Cook stated we will do that.

Tim Curtiss stated and then I will be happy to sit down with you as a Board, as a member and go through them and you know and see what you'd like to do.

Board Member Cook stated okay, how about this, we will do that but then maybe you should have the conversation with the Town Board saying there is 8 more guys, please budget that next year...

Tim Curtiss stated that's what I want to do, we have a graduated plan we would like to do 4 before the end of the year and we'd like to another 4 in the first quarter and another 4 in the second quarter.

Board Member Cook stated no, we want to do 8 in January.

Board Member Taylor stated by then we'll have 4 new ones to deal with.

Chairman Rogan stated right.

Board Member Cook stated we have a good team.

Board Member McNulty stated no, I know...

Board Member Cook stated I'll sit and talk with about that yes. I'll give you a copy of this.

Ted Kozlowski stated Mr. Chairman...

Chairman Rogan stated yes.

Ted Kozlowski stated I have one item and it's a little late now but I still want to get my focus a little clearer for the next work session, I would like to have a few minutes of discussion, not so much the Taggart project but there are some thing that popped into my head during the whole discussion with the drainage district and conservation easements and I have some questions and I have some concerns and I just want to bring that up at the work session...

Chairman Rogan stated okay.

Ted Kozlowski stated I think it's too late now and I don't want to throw it around.

Board Member Cook stated Ted, have you Secretary contact our Secretary and we'll be happy to get you on the agenda.

Tim Curtiss stated you'll do lunch.

Chairman Rogan stated can I ask one favor of you Ted. We are going to be going out at some point in the next weeks to Montelone while obviously you're not involved with but it's tough this time of year but is there a chance that maybe one Saturday morning we do a site walk or a site meeting and you can pick a spot where we go and do an hour and you instruct the Board a little bit about wetlands ecology, wetlands functions, something that will be able to help us in our understanding, understanding the struggles that we have and also that's a double edge sword, it also gives us a little credit for the training that we are supposed to do every year...

Ted Kozlowski stated sure.

Chairman Rogan stated and I think we don't take enough use of the abilities that all you guys have that I'm seeing honestly, Andrew I am going to ask the same thing of you related to again things that are within our purview, not the real nitty gritty technical but drainage and topography and how things relate Tim what I'll ask from you and it doesn't have to be from you but I appreciate it but in the next maybe 6 months a half hour or so on keeping us out of trouble, the pitfalls, the things that we can do to really screw ourselves and get you in hot, I want you to focus on how to make your job easier in defending us and Rich the Planning process is always critical, you know how we procedural and stuff.

Rich Williams stated (inaudible).

Chairman Rogan stated I'll let you know, we've got some time but just you know, in your aspect, it's so global that we can probably pick, we can do stormwater one time we could do a little bit of refresher on SEQRA, you know we kind of know some of it but we are referring to, you're helping us a lot with the way you're writing your memos with the summation at the end, that was a great step forward for everyone but and Ron, we could probably tap you for some of the expertise you have in planning and architecture, historical, especially architectural elements, so there is a lot that we can start to pull together, document and take some great use of.

Rich Williams stated so you are aware, Charlie has got me trying to get a couple of people to and this is expanding to other Planning Boards as well, do like a half day on green infrastructure.

Chairman Rogan stated that would be fantastic.

Andrew Fetherston stated I've, if you don't have anybody set for that, I've got 2 power points in the can that I just did...

Chairman Rogan stated really.

Andrew Fetherston stated one is more technical and I can show them to you and (inaudible).

Chairman Rogan stated that'd be great.

Board Member Cook stated (inaudible) right.

Chairman Rogan stated yea and I'm not so concerned, I just want this to be an ongoing thing that realistically we can do this and pick different topics, we should be doing this every 2 months or so with someone.

Andrew Fetherston stated how are you going to do the scheduling with the Board, how are you thinking to do it, Saturday or something.

Chairman Rogan stated you know it would be nice if we already had a Saturday going for a site walk and we just tagged it on, even if we all came back here and just sat and had a cup of coffee for you know, Ted's case I really I want to go out and you know, he knows enough spots we can go, we had a great time on the, it was the site where they wanted to do the Honda expansion, off behind the, right here off [Route] 22 that...

The Secretary stated Genovese.

Chairman Rogan stated no, the moving company...

Rich Williams stated Clancy.

Chairman Rogan stated weren't they proposing Honda there.

Rich Williams stated I think you're thinking about Louie Pescatore's, we went out on Louie Pescatore's and Ted took us out and he was showing us the different soils and...

Chairman Rogan stated I remember that.

Rich Williams stated what to look at, I don't remember what else...

Chairman Rogan stated you go in past the company that is Penwest has the illegal, not the illegal, the temporary building and then we were looking at something back there, we looked around, we talked about the wetlands delineation and the guy from the DEC who had okay'd it, we had a really site walk out there and we talked a lot about function and functional analysis and how...

Ted Kozlowski stated is this where he had all the cars.

Chairman Rogan stated that's it, that's why I thought it was the Honda site, I'm probably wrong in that but it was something related to the storage of cars.

Rich Williams stated no that was it.

Ted Kozlowski stated that was at Prisco.

Chairman Rogan stated no it wasn't Prisco, we were talking right across from Thunder Ridge.

Rich Williams stated no, I know what he's talking about with Clancy, I just don't remember the whole discussion on (inaudible).

Chairman Rogan stated yea I remember walking around that wetland, it was awesome.

Ted Kozlowski stated yea they delineated these wetlands and then they were all gone...

Board Member Montesano stated yea they were going to put something for the college, storage buildings...

Chairman Rogan stated but um...

Ted Kozlowski stated they were storing the cars there.

Chairman Rogan stated right.

Board Member Montesano stated yea and then Clancy wanted to putting up a building of some sort for NYU or something or other.

Chairman Rogan stated it was storage for their...

Board Member Montesano stated their records.

Rich Williams stated it was a good possibility.

Chairman Rogan stated motion to adjourn.

Board Member Montesano stated one second, I would like to thank Tommy for this little, I don't know if you got a copy of it Tim but when we went up to this seminar, the attorney that was there giving it mentioned about alternative, alternative members...

Chairman Rogan stated oh alternate members.

Rich Williams stated alternates.

Board Member Montesano stated and we had, I guess the question was that can we work for the Zoning Board and can the Zoning Board work for us and he seemed to have a negative take on that...

Board Member McNulty stated yea they were...

Tim Curtiss stated yea, they don't like to have you guys, because you're doing different functions and the education is totally different from what your looking at as opposed to what the Zoning Board is but we have done it in Kent, as part of the statute we have alternative members there now because we had a couple of projects come in that we knew members were disqualified and we wouldn't have had or just a limited quorum so we have adopted an alternative member and they actually sit with the Planning Board just about every meeting...

Board Member McNulty stated the counsel there said that they didn't have to sit but if they were going to be in on a case they were expected to just be up on that particular application that might come in.

Tim Curtiss stated that is true, they don't have to be...

Board Member McNulty stated so they don't have to be here and I think our Code is a one year term, so Mike and I were talking about a recommendation to the Town Board to consider alternates for the Board...

Tim Curtiss stated that's a good idea.

Chairman Rogan stated let me ask a question though, we are only a Board of 5 people, so that makes it all the more necessary in some cases but I can't think of a case that we've had since I've been on the Board that we fell short of members. If we had an application coming before us that we knew right off the bat that hey, there's going to be 2 of us that aren't going to be able to sit on it...

Tim Curtiss stated right.

Chairman Rogan stated if the process is approved by the Town Board already, we just haven't identified an alternate or gotten, can we at that point knowing that the process, if it is that controversial, probably is going to take some time, at that point then reach out and pull an alternate right in from day one and have them site with the Board, instead of having somebody that might sit along and listen and be an active member for 4 years and never do a darn thing, that seems awful...

Board Member Cook stated wasteful.

Chairman Rogan stated wasteful, not only that I doubt that you wouldn't find anybody to probably do it.

Tim Curtiss stated generally that is how it transpires, when you have an application that comes in that you know one or 2 of your members is going to have a problem with, they are going to be recused for whatever reason, it happened with us with Patterson Crossing and they knew it was going to happen...

Chairman Rogan stated yea.

Tim Curtiss stated that's how it got started at that point, it is usually a project that gets identified as a problem...

Board Member Montesano stated we ran into a problem here not too long ago where 3 of us were within the 500 foot zoning or notification...

Chairman Rogan stated yea but that's not in and of itself a reason to recuse yourself, just because you live within 500 feet of something it may not, it may be in some cases but it may not...

Board Member Montesano stated it depends on the situation.

Tim Curtiss stated that isn't really automatic yea...

Board Member Montesano stated I'm sure but if it had been brought up by the attorney for the applicant, we would have had to be...

Chairman Rogan stated yea.

Board Member Montesano stated and we were fortunate in that when we, since we requested the applicant to accept this, they did but that was something that was brought.

Chairman Rogan stated you're right though, yea.

Rich Williams stated there was another factor in this too, you have to remember, if you are going to have an alternate member we're going to have to come up with a budget for that alternate member...

Chairman Rogan stated well that was part of what I was thinking about not having somebody sitting here for...

Board Member McNulty stated well the counsel at the seminar said that they don't have to be in attendance of the meetings as long as they have the documentation to be up to speed on a particular project.

Tim Curtiss stated yea until that project comes in and they sit at that point in time, they still, to be fair to that person you have to give them some level training so that they know what they are looking at and what they are supposed to be doing...

Chairman Rogan stated Mike stepped down because he had an issue and we put an alternate the budgetary impact is zero because he's not getting paid when he's not unless, well actually he would be because he'd be at a meeting so you'd have one extra person there but...

Rich Williams stated right.

Chairman Rogan stated okay, let's mull that around, Ted...

Ted Kozlowski stated just I was thinking about your request, I'm just throwing this out to you guys, I know it's a little distance for you but if you want something really nice to look at, at my facility Lasdon Park and Arboretum, we are taking a one acre garden putting that, all that drainage through infrastructure and everything through a rain garden, what a rain garden really should look like and then that is discharging into a wetland which is a created wetland which is then discharging into a natural wetland and it might be very helpful to everybody if you're going to be looking at rain gardens in the future and other infrastructure things, manmade and then natural that is a perfect, that's a nice little outing...

Chairman Rogan stated you've actually made that, you've said that...

Ted Kozlowski stated I'll treat you to lunch...

Tim Curtiss stated ooo lunch, wow.

Chairman Rogan stated Ted, what's the best time of year to see that.

Ted Kozlowski stated right now is beautiful.

Chairman Rogan stated really.

Ted Kozlowski stated because everything is you know, alive, we haven't had a frost yet but you'll see it, how it's supposed to operate, Westchester County gets a lot of credit for it...

Rich Williams stated similarly Putnam County just installed one I've got Lori Taylor and Jeff Contelmo working on developing the program, we are going to go around and we are going to look at grass pavers, permeable pavers, a dozen different infrastructure and actually do a traveling tour, a hands on with practices, so both would be good.

Chairman Rogan stated okay.

Ted Kozlowski stated if you guys would like to see it, it's you know, you can do it on a weekend, you can do it after work, I'll meet you there...

Chairman Rogan stated that's not even far away.

Ted Kozlowski stated I think that would hit a lot of things at the same time that's all there, you don't need permission to go on someone's property and tramp around and you can...

Chairman Rogan stated that would be great, right. That would be great.

Ted Kozlowski stated it's been there for several years so it's very functional, think about it.

Chairman Rogan stated okay, anything else anyone, Michelle wants us to make a motion.

Board Member Montesano stated motion to adjourn.

Board Member Taylor stated do we want try to do that in October...

Board Member Montesano stated oops.

Board Member Taylor stated can we send an e-mail around to each other...

Chairman Rogan stated let's send an e-mail around, let's shoot for either next weekend, not this weekend, the weekend of the 16th, 17th whatever that is.

Board Member McNulty stated I'm not around.

Chairman Rogan stated how about the following weekend.

Board Member McNulty stated should be.

Chairman Rogan stated the twenty, I'll shoot an e-mail around to everybody, we'll kick around a few dates of like a Saturday morning, maybe meet for breakfast and run down there because it's not that far...

Ted Kozlowski stated you can see our Halloween Train Show.

Chairman Rogan stated plus we can see the train show.

Board Member McNulty stated great show.

Chairman Rogan stated motion to adjourn.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor - aye

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

The motion carries by a vote of 5 to 0.

The meeting adjourned at 9:34 p.m.