

**PLANNING DEPARTMENT**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

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**PLANNING BOARD**

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

**Planning Board  
October 18, 2007 Meeting Minutes  
Special Work Session Meeting**

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

**APPROVED**

Present were: Chairman Rogan, Board Member Pierro, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, Gene Richards with the Town Engineer's office, Stantec Consulting Services Inc, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting was called to order at 7:15 p.m.

Michelle Russo was the secretary and transcribed the following minutes.

There were approximately 8 audience members.

Chairman Rogan led the salute to the flag.

Chairman Rogan stated thank you please be seated. What I thought before we jumped right into this is we would talk a little bit about how we want to conduct this meeting. For the people that are here, this is of course of not a public hearing tonight. The Planning Board normally conducts work sessions the week prior to our regular meeting and those meetings while they are public meetings and some people do attend, they are normally more like an informal meeting, they are kind of a round table discussion if you will, to discuss the topics that we have on our agenda for the next work session. If it is okay with the Board, for our review of the document because we will have technical memos, would it make sense to literally go page by page and then pick up comments that we all may have. What I want to avoid is jumping around, I really don't want to.

Board Member Pierro stated right.

Chairman Rogan stated I would rather for our purposes, as we proceed through the document be able to talk about issues or questions and not jump back forth, I think that would be more confusing for our minutes and for our review, does that seem okay to everyone.

Board Member Pierro stated that seems fine.

Chairman Rogan stated and Rich, certainly like I said, I know that you are going to bring up your issues in a memo but substitutive, you would provide a memo to the Planning Board on this but issues that are.

Rich Williams stated I am not as quick as Gene.

Chairman Rogan stated no, he's good.

Board Member Cook stated wait we've noticed.

Board Member Pierro stated rough.

Rich Williams stated yeah there was only five.

Chairman Rogan stated the issues that are more of a concern to you, if you want to discuss, I think that it would be a great time to talk about some of these things as we go through, so we can collectively discuss these things. What I will ask is that as we go page by page, please the Board speak up, we will talk about issues as they are raised. Obviously the first section is introduction, I don't know if anyone has any comments on the introduction, not the introduction but the table of contents, lists the appendices, everybody has a copy of the disk in the back of their binder which contains the appendices on that. The appendices, I haven't uploaded into the computer.

Board Member DiSalvo stated I couldn't.

Chairman Rogan stated did you or somebody have problems with it.

Board Member DiSalvo stated I did.

Chairman Rogan stated you did, have you had any problems opening up the documents.

Rich Williams stated not at all.

Chairman Rogan stated no.

Board Member DiSalvo stated maybe I'm not doing it right.

Chairman Rogan stated they are Adobe.

Rich Williams stated yeah.

Chairman Rogan stated maybe you don't have the most current edition.

Rich Williams stated are you doing it on a laptop.

Board Member DiSalvo stated yes.

Rich Williams stated do you want bring it in, I'll take a look at it.

Board Member DiSalvo stated okay.

Chairman Rogan stated okay, good. Okay introduction starts out with the letter i, it goes through the second page, anybody have questions or comments.

Board Member Pierro stated in summary, the proposed action.

Board Member DiSalvo stated what page is that.

Board Member Pierro stated i.

Chairman Rogan stated one back.

Board Member Pierro stated this DEIS represents a reduction of approximately 23,000 square feet.

Chairman Rogan stated where did you get 23,000.

Board Member DiSalvo stated I read that somewhere else too.

Board Member Pierro stated I just did some quick addition in my notes because originally it was 430, correct.

Rich Williams stated throughout the document there are a couple of different figures that are given, we have to go through it.

Board Member Pierro stated that is what I noticed, there are couple of them, they are wrong, some of the addition is just not good.

Board Member DiSalvo stated we need an approximate.

Rich Williams stated some of them are off and some need to be clarified because they excluded the management offices so.

Board Member DiSalvo stated do you have an approximate figure on how the square footage is downsized.

Rich Williams stated I believe that the overall reduction was just a little over 31,000 square feet, or something like that.

Chairman Rogan stated one of their documents suggested that the footprint is 50,000 square foot reduction the actual square footage for building size is about 30,000 square feet.

Board Member Pierro stated right.

Chairman Rogan stated so I will make sure that we clarify those numbers.

Board Member DiSalvo stated and that is including the new substation that they want to put in for the Sheriff's department.

Chairman Rogan stated okay.

Board Member Pierro stated that substation is both for community use as well, intended.

Chairman Rogan stated that is a different area.

Board Member DiSalvo stated no that is another building.

Gene Richards stated that is a different building.

Chairman Rogan stated you are referring to the community building and community grounds, okay.

Board Member DiSalvo stated the size of the substation doesn't seem to be too big of a building, its like 800 square feet, they are giving it or something like that.

Gene Richards stated it is not an entire building it just a little office.

Chairman Rogan stated okay second page, they are not page numbered yet so I don't want to start calling out page numbers, just the first couple you are talking about, roman numeral two, they are supposed to roman numerals, they don't look like that but.

Board Member Cook stated Shawn, where it says in the fourth paragraph from the bottom there.

Chairman Rogan stated okay.

Board Member Cook stated the last sentence "the retail uses proposed within the industrial district of the Town of Patterson are permitted uses subject to special use permit approval", that comes from this Board.

Chairman Rogan stated the special use permit is Zoning.

Board Member Cook stated Zoning.

Board Member DiSalvo stated has that started yet or nothing, okay.

Rich Williams stated they can't start until this is done.

Chairman Rogan stated and Zoning would have a set of, for any special use permit they have a set of criteria that they have to apply, that the project has to meet, things like area, a minimum size property so that is something that will be decided on by Zoning. It looked like you had other things highlighted on that page Charlie, anything else.

Board Member Cook stated no.

Chairman Rogan stated okay, moving along to page three.

Board Member Pierro no, page two.

Chairman Rogan stated okay.

Board Member Pierro stated is there any mention as to what the uses will be on the undisturbed area, once it is re-vegetated and landscaped.

Board Member DiSalvo stated twenty-seven acres will remain undisturbed.

Board Member Pierro stated is there intent or discussion about making it green space forever or is it going to be potential for expansion there.

Rich Williams stated I haven't, I don't recall anything in the document and again there is a lot in here, I could have missed it but I don't recall anything specific about putting a conservation easement on it but it is likely that we would require something like that if it is going to, if its future use is going to be dedicated open space, we want to ensure that it stays that way.

Board Member Pierro stated okay.

Chairman Rogan stated looking at the map, probably a good chunk of that is in the Town of Kent.

Rich Williams stated there are two principal areas, as I recall the map, Gene jump in at any time, one is over on the north west corner in the Town of Kent. The other major section of this is over near the cell tower in the Town of Patterson, kind of wrapping around that whole area.

Chairman Rogan stated bordering like the Fair Street area, the outlier areas.

Gene Richards stated they are proposing a reservation strip along the west property line.

Chairman Rogan stated yes.

Rich Williams stated yes.

Gene Richards stated along where those residences are, I assume it is just to remain undisturbed for a buffer.

Chairman Rogan stated that is how I read it.

Board Member DiSalvo stated how many feet would that be.

Chairman Rogan stated there was twenty-five [feet] to fifty [feet].

Gene Richards stated about fifty but in other places it narrows.

Chairman Rogan stated it was twenty-five [feet] in some and fifty [feet] in others actually. And it was to remain the way it is existing because some of those residents have structures, sheds, there are gardens and such that are on that property.

Board Member Pierro stated that was my next question, those lot line adjustments promised by the applicant are still on the table even though that reservation strip.

Rich Williams stated I don't know if they are on the table.

Board Member Pierro stated okay.

Rich Williams stated I don't recall seeing anything about them in the document. I know that he had offered that at one point but we had gone back to him and said well if you do that, you still have to stay sixty-five feet away from any future property lines that impacted the project. So I don't know if he is still doing that or, it is not shown.

Board Member Pierro stated okay, fine, okay. As long as that is mentioned now, so that a year from now we don't have people coming back okay when are we going to do the lot line adjustment, I don't want to show that that is on the table when it actually isn't at this point.

Chairman Rogan stated I can see that one of the frustrations with reviewing a document as we go, is that we are asking questions that may very well be in portions of the text that we haven't even gotten to as a Board, I mean I am only through section three which is Economics but certainly if I had a Transportation question that is mentioned in the Executive Summary and I haven't even gotten to the Transportation section which is the end of section four. We will have to at least acknowledge that, our conversations may very well be premature and that is fine.

Board Member Pierro stated well we went to that sixty-five foot reservation strip so it, I think it was important that we brought up the question about the lot line adjustment.

Chairman Rogan stated absolutely, anything else on two, Roman numeral three. Again this is all part of Executive Summary.

Board Member Cook stated it is mentioned here, I guess in the middle of this page and other areas in this document about the applicant bonding for certain traffic improvements and I guess I had the question when does the clock start on that, him posting this bond and somewhere in here it also mentions about it is only good for three years. Is three years reasonable for a project this size or something.

Gene Richards stated Charlie, I think they worded it that the clock begins if you will, once the shopping center is fully occupied, everybody is open and running their businesses and at that point they give them three years to check to see if there is any new (inaudible – not using microphone).

Board Member Cook stated okay.

Gene Richards stated that is my understanding.

Board Member DiSalvo stated and that I think is discussed further on too, I remember seeing something like that.

Gene Richards stated as the end of the section.

Board Member DiSalvo stated do you have it all memorized.

Gene Richards stated no, I didn't review the whole document.

Chairman Rogan stated does anybody have anything else. Page four, okay. You have your document, did you scribble in yours.

Rich Williams stated all over.

Chairman Rogan stated you have your stuff noted, good okay, alright, anything on page five.

Board Member DiSalvo stated it makes a mention that the Town of Kent has recently considered a zoning amendment.

Chairman Rogan stated you are on page five, right.

Board Member DiSalvo stated yeah, roman numeral five, what is the status of that, is it still being considered.

Rich Williams stated as far as I, I don't know all the details. I believe that they proposed a zoning amendment, it did not go through, they are now proposing a new zoning amendment.

Board Member Pierro stated and what is the intent of that zoning amendment.

Rich Williams stated I am not with the Town of Kent, I am not going to comment on their intent.

Board Member DiSalvo stated target the Kent portion.

Chairman Rogan stated but the proposed amendment was to change it to residential, R-10 and.

Board Member DiSalvo stated on existing land uses.

Chairman Rogan stated that has got to be difficult to propose a zoning amendment when you have a project that is on the table, that would be the whole crux. How do you propose a change in mid-stream, that seems to be targeting a particular use.

Board Member Cook stated Shawn, could I just ask you to go back to page four for one second.

Chairman Rogan stated sure.

Board Member Cook stated they talk about the emergency access road, the third paragraph down going from the existing entrance to the telecommunications facility et cetera. And then the new emergency access drive location would intersect Concord Road at a point that is just south of its intersection with Woodstock Road, is that, were there previous discussions on.

Chairman Rogan stated that is in response to a lot of public comment about concerns over the Echo Road location, I believe, so they are looking at changing that access to be in a place that is more suitable for the type of.

Board Member Cook stated so this is more suitable then.

Chairman Rogan stated I am not saying this is more suitable, I am saying that is what they are saying.

Board Member DiSalvo stated and I think that is discussed further on too, as to who would have the keys to the gate in an emergency exit.

Chairman Rogan stated okay.

Gene Richards stated and that would also be on the site plan.

Board Member Pierro stated right.

Board Member Cook stated I was just wondering if it was good change, that's all.

Gene Richards stated well it seems to be a lot shorter in length then if had been through the other part by the cell tower.

Board Member Pierro stated my recollection was that there was less impact to the homes, the new road is not going to be as close to the houses that are on Echo Road. That really is a small substandard roadway.

Chairman Rogan stated I drove up and down Echo Road no less four times since the Scoping meeting, one gentleman, I would have to go back in the notes to find out who it was, one gentleman spoke about an area of Echo Road that was probably I think it was eight to twelve foot wide and I couldn't find anything up there that was probably any less then sixteen feet wide. So I kept going back thinking that I had missed something or there are narrow areas but not to the extent that this gentleman spoke up, so I was you know, just kind of checking it but obviously there are areas that are probably better suited for a secondary access and we will have to get into looking at where they are proposing it and if it is a safe means of emergency access.

Gene Richards stated Shawn, it has been a while since I was up there and I was last up in that area when they were doing something with the cell tower. And I wonder if he is talking about there is a portion (inaudible) of the road goes straight but to my recollection it is more of a driveway.

Chairman Rogan stated is that what actually goes to the gate to the cell tower.

Gene Richards stated yes and maybe that is what he was saying, from what I recall it was more of a driveway.

Chairman Rogan stated okay, anything on six, seven is a list of letters received, seven, eight and nine.

Board Member Pierro stated and I believe that Rich was going through that, to verify the accuracy of the document.

Rich Williams stated yes.

Chairman Rogan stated okay.

Board Member Pierro stated and everything seems to be in order at this point.

Rich Williams stated I have a ways to go but.

Chairman Rogan stated as you go through you are checking them off.

Board Member Pierro stated just from letters received.

Board Member DiSalvo stated we do too.

Board Member Pierro stated yeah.

Chairman Rogan stated alright, so that gets us into now the first section, which is the Executive Summary, I misspoke before, Introduction, at least now we have page numbers that are clear to follow here.

Board Member Pierro stated right.

Chairman Rogan stated Charlie you have something on the first page highlighted.

Board Member Cook stated yes but no question.

Chairman Rogan stated anything on page one, page two.

Board Member Cook stated a question here with the first response, is the applicant required to provide the Town copies of permits that they get from DOT or.

Rich Williams stated prior to the Planning Board signing off on the site plan yes.

Chairman Rogan stated Charlie that would be the same for a subdivision approval, we don't sign off on a final plat until all the other approvals are in place, any necessary approvals.

Board Member Cook stated okay.

Chairman Rogan stated okay, anything else on the first page.

Board Member DiSalvo stated I am trying to figure out what I have a question about here.

Chairman Rogan stated just so you know and the Board knows, we can always go back to things, if you have highlighted areas or notes and you are not quite sure what you intended to ask we'll just go back to them, just dog ear your page and we will certainly go back to them because this certainly, just because we go through a section doesn't mean that it is closed.

Board Member DiSalvo stated I think that there was a concern from Audrey Napierkowski regarding truck idling times limited to five minutes or less. The applicant's response was that signs would be posted warning the driver of this and basically it is up to our Code Enforcer to monitor it or enforce.

Chairman Rogan stated so if you have an issue of trucks idling, the County is also looking at more stringent idling laws through the Health Department.

Board Member DiSalvo stated yeah it says that in the document.

Chairman Rogan stated they are working on more stringent idling laws I know that they have been talking to Westchester about that and certainly any laws that go into effect about idling. They seem to be a lot complaint driven there are not people driving around looking for idling trucks but certainly people complaining about it and it is investigated by the appropriate agency. So at this point in time, let's assume for instance the project was in place and there is a concern with an idling truck.

Board Member DiSalvo stated they would call the Town.

Chairman Rogan stated the document suggests that, yeah, Town Code Enforcement would.

Board Member DiSalvo stated or it says that the police would have governmental jurisdiction, so. I know that was brought up in our seminar in Saratoga about the idling trucks because in New York City they are going to changing some policies there.

Chairman Rogan stated okay, you're on page, anything.

Board Member DiSalvo stated um.

Chairman Rogan stated anything else on three, page four, anything on four, we are going to keep moving if nobody speaks up.

Board Member Pierro stated okay.

Chairman Rogan stated page five, page six.

Board Member Cook stated hold on a second.

Board Member DiSalvo stated back to five.

Chairman Rogan stated that is why I'm asking.

Board Member DiSalvo stated page five goes into some of the intersections, intersection improvements are going to be constructed in conjunction with the project and they list a few. Terry Hill Road at New York State Route 311, the Interstate of 84 west bound ramp at 311 and the intersection of Interstate 84 east bound and Route 311 and that will be considered with the project for improvements.

Chairman Rogan stated and what was your question.

Board Member DiSalvo stated well it just says that basically the tax money that is generated, \$ 550,000 they are saying annual taxes for the school district will not have any costs associated with this. So possibly some of that money would be used by the state to possible fund these improvements, that is how I read it to be.

Board Member Pierro stated I thought \$ 550,000 was a number that was going to go directly to the school districts.

Board Member Cook stated right.

Chairman Rogan stated certainly school taxes aren't going to be available for road improvements.

Board Member DiSalvo stated right but I don't know why they jumped into that when they are really talking about the intersections of the roads.

Board Member Pierro stated it is a separate thing, I think that it is a separate thought. They are saying that there would be no increased cost to Carmel School District in that, it brings in \$ 550,000 additional. I think that cost of roadway improvements has to come from other locations and that is.

Gene Richards stated it was mentioned somewhere in the document about County taxes also going to Putnam County and our County roads involved identified and if there are improvements needed for those roads then the tax money that goes to the County could be used for those.

Chairman Rogan stated could be.

Board Member Pierro stated right.

Chairman Rogan stated I think Maria, the section that talks about Carmel Central Schools is just to, they are trying to point out that the project isn't going to increase the number of school age children but then they are saying in addition it is going to provide, they are suggesting over a half of a million dollars in school taxes.

Board Member DiSalvo stated right.

Chairman Rogan stated anything else on this page.

Board Member Pierro stated no.

Chairman Rogan stated next page, I circled, they were talking about phosphorous loading and I circled the middle of the page the first sentence talks about non-point sources of phosphorous. The response that was provided as being a cause of some of the future irrigation of Lake Carmel and I just thought that maybe we should look at that issue in terms of identifying was non-point sources of phosphorous, I mean obviously it is fertilizers, it is chemicals things that are used on the lawn.

Board Member Pierro stated sewage treatment systems.

Board Member DiSalvo stated and those homes downhill.

Chairman Rogan stated and they certainly talk quite a bit about probably the worst impact on Lake Carmel being failing septic systems, I wanted to kind of point that out.

Board Member DiSalvo stated and that all stimulates plant growth in the lake.

Chairman Rogan stated exactly.

Board Member Pierro stated the next paragraph down, talks about twenty-five percent, point two five percent of the area draining to the lake.

Chairman Rogan stated of the project site.

Board Member Pierro stated yeah, 85 percent of the storm water of the project is directed away from Lake Carmel. Where is that storm water going Rich to the rear.

Rich Williams stated to the East Branch Watershed.

Board Member Pierro stated that is the rear of the site and towards [Interstate] 84.

Chairman Rogan stated yeah.

Board Member DiSalvo stated and that would be treated right.

Rich Williams stated east and south.

Board Member Pierro stated are we looking at any impacts in the area of Commerce Drive, some of those facilities there.

Rich Williams stated no because the requirements for storm water are no net increase in volume for a series of design storms plus no net increase in pollutant loading, generally.

Board Member Pierro stated generally, okay.

Chairman Rogan stated anything on seven.

Board Member Pierro stated that is it.

Board Member DiSalvo stated this goes into the whole blasting issue, a letter by Elena Bao.

Chairman Rogan stated there are a lot of comments brought up about blasting mitigation and how people would be.

Board Member DiSalvo stated mitigated.

Chairman Rogan stated well, how people would be handled if they had cracks in their foundation, problems with their wells and a lot of what I read suggested that pre-blast surveys be done and that people within a certain distance could basically apply. Or let it be known that they want to have pre-blast surveys done so that they can document the status of the foundation of the house prior to any blasting going on and if anything comes up, they have some.

Board Member DiSalvo stated I think they are only saying within five hundred feet.

Board Member Pierro stated would it be an application or would it be mandatory that homes within a certain distance have their wells.

Chairman Rogan stated it wouldn't be mandatory.

Rich Williams stated we can't force, nobody can force a private property owner entry unless there is cause and you know that.

Board Member Pierro stated right but.

Rich Williams stated but we could not force a property owner to do a pre-blast survey nor could the applicant.

Chairman Rogan stated right.

Board Member Pierro stated what about wells, well monitoring prior to pre-blast.

Rich Williams stated same thing, we can offer the program or the applicant can offer the program.

Board Member Pierro stated but it is going to be offered, is my point.

Rich Williams stated yes.

Board Member DiSalvo stated well he is only mentioning about well related blasting impacts.

Chairman Rogan stated no they talk about.

Board Member Pierro stated they talk about foundation structures.

Chairman Rogan stated they go into foundations.

Board Member Cook stated the applicant says that five hundred feet is considered okay and it is based upon the experience of a professional blasting contractors now do we, how do we know that.

Chairman Rogan stated that is why.

Board Member Pierro stated that is why we have engineers.

Gene Richards stated they have to get a blasting permit from the Town, I don't know the regulations but I know, I don't know if it is required or suggested that you do a pre-blast survey, I think that they have insurance to protect themselves.

Board Member DiSalvo stated within five hundred feet.

Board Member Cook stated do you know if the permit.

Rich Williams stated we will look into that.

Board Member DiSalvo stated I think that it is within five hundred feet within that you have to notify people because I've done blasting and I've had to notify people within five hundred feet of my property lines. Maybe its not enough maybe it needs to be more.

Chairman Rogan stated is it within five hundred feet of the project or five hundred feet of where they are doing the blasting. Because if you were doing blasting over by [Interstate] 84, then five hundred feet might not even put you off the project.

Board Member DiSalvo stated I think that it is the property lines.

Chairman Rogan stated yeah, okay so we can look into that, done with [page] eight.

Board Member Cook stated yes.

Board Member Pierro stated except for back to the blasting, they have a yield here, their test wells are yielding twenty-two gallons a minute if they blast on the site and they lost that twenty-two gallons a minute how are we going to know they lost, they could build out this whole project.

Rich Williams stated forgive my callousness but who cares.

Board Member Pierro stated yeah, but if.

Rich Williams stated it is their well and their blast.

Board Member Pierro stated yeah but if they can't provide the water required to provide for irrigation and restaurants and all the other stuff.

Rich Williams stated they would have to drill a new well and have to do the pump test.

Board Member Pierro stated okay, question answered.

Chairman Rogan stated anything else on [page] eight. Dave do you have anything on [page] nine.

Board Member DiSalvo stated so basically they are saying about the storm water treatment system, again in Elena Bao's letter, talk about failure of the storm water treatment system could result in tremendous financial burden and already residents in the park district have funded a \$ 500,000 dollar lake clean up. The response from the applicant is that there are no mechanical components and basically saying that the risk of the system failure is very remote. How do we know that, what is that based on.

Board Member Cook stated that is because they are saying, the applicant is saying that there are no mechanical components.

Chairman Rogan stated it is a septic system, it is you know.

Rich Williams stated you are talking about the waste water system or storm water.

Board Member Pierro stated we are talking about the storm water remediation.

Board Member DiSalvo stated storm water.

Chairman Rogan stated storm water.

Rich Williams stated all I can say is years of experience, not only by myself but by other agencies that have been putting this kind of storm water practice for years and.

Board Member DiSalvo stated even with the storm we had in April and hurricanes and hundred year flood.

Rich Williams stated they are designed to handle things like that and I don't recall a failure.

Board Member Pierro stated certainly what this applicant is doing from my eye is a vast improvement in storm water management for this site. And will it lend positively to the lake because just the first portion of that lake gets very heavily siltated when we get a heavy storm now.

Chairman Rogan stated you remember when we were on site the eroded channel. Was that on Concord [Road] that we saw.

Board Member Pierro stated it was wiped out, it was horrible.

Board Member DiSalvo stated oh yeah.

Chairman Rogan stated in some cases that had to be eight feet deep or nine feet deep and that was from Hurricane Floyd in 1999 and all that sediment ended up somewhere down into the lake and that was just existing.

Gene Richards stated and that is why they are proposing storm water pond so they can control that run off.

Chairman Rogan stated so that will also pick up some of the storm water off of Concord Road, just by natural drainage down through there.

Rich Williams stated well that is what it is doing, it is picking up the off site drainage.

Chairman Rogan stated so that's good, it is improving the off site off Concord Road as well because that is a mess right now and I agree that that probably has to be resolved one way or the other regardless of this project, that is a mess.

Board Member Pierro stated and if the developer is going to pick up the cost of it, so be it.

Gene Richards stated (inaudible – too many speaking).

Chairman Rogan stated anybody have anything on ten.

Board Member Pierro stated ten no.

Chairman Rogan stated eleven. Actually, anything on twelve, hey I'm missing a page. Does anybody have a 1-13.

Rich Williams stated they were put in out of sequence. I don't know how that worked out.

Board Member Pierro stated it is not anywhere near seventeen, eighteen, or nineteen.

Chairman Rogan stated so anyway make a comment that we need 1-13, because I don't have it anywhere in this section.

Board Member Cook stated neither do I.

Rich Williams stated I found it in a later section.

Chairman Rogan stated oh you mean.

Board Member DiSalvo stated the page.

Rich Williams stated well in this section at a later page.

Chairman Rogan stated let's see because I wasn't looking at page numbers when I was reading it, I was just reading it making notes.

Rich Williams stated I know I did the same thing, 1-12 flows right into 1-14.

Chairman Rogan stated there it is, it is after 1-31.

Board Member Pierro stated take that out.

Chairman Rogan stated this is why its good to have a three-ring binder. Okay, anybody have anything on fourteen. I just have a note on fourteen they were talking about intersections and improvements, as you had spoken about earlier and the note I had was the improvements, a lot of which they are talking about, again need to be done regardless of the project that some of the areas are sub-standard intersections and roadways and just that.

Board Member Pierro stated and certainly [Route] 311 and Fair Street needs some attention and [Route] 311 and Terry Hill Road has been needing attention for many years.

Chairman Rogan stated yeah, that is a difficult intersection.

Board Member Pierro stated it is a difficult intersection.

Board Member Cook stated previously on page twelve there, the applicant mentions that approximately 60 percent of the travel would be coming of Interstate 84, so then I want to surmise that 40 percent will come off of Route 311.

Board Member Pierro stated I would say so.

Board Member Cook stated so it is important that the State or County or whoever step up to their road improvements as well as take the applicant up on his offer to bond any kind of improvements.

Chairman Rogan stated [Route] 311 is a state road or a county road.

Board Member DiSalvo stated State.

Board Member Pierro stated State.

Chairman Rogan stated Fair Street is a county road.

Board Member Pierro stated yes.

Chairman Rogan stated okay, on fifteen, the first comment talks about local noise ordinances, Patterson and Kent, are there noise ordinances on commercial development on the books and if so do they specify a decibel level, an off site, an at the property line decibel level.

Rich Williams stated there are noise ordinances on the books in Patterson, but I don't know about Kent, the document says yes.

Chairman Rogan stated okay.

Rich Williams stated it doesn't matter if it is commercial or residential it has to do and it establishes decibel level.

Chairman Rogan stated okay I think that it wouldn't be a bad idea to have those levels put into the document before and it may be again, acknowledging that they may be somewhere else in the document, we are still in executive summary, but I would make that comment.

Rich Williams stated there is a whole section on noise towards the end, section six.

Chairman Rogan stated towards the end.

Board Member Cook stated Rich does the Town Code in this matter also call for fines being leveled.

Rich Williams stated yes.

Chairman Rogan stated yeah.

Board Member DiSalvo stated it talks about the blasting mitigation plan, limited to hours between 8 a.m. to 5 p.m. Monday through Friday and blasting will not be conducted between 5 p.m. and 8 a.m. weekdays or anytime on Saturday, Sunday or holidays. I know from my experience at my facility blasting is one thing and jack hammering is another thing.

Chairman Rogan stated you are talking about the actual excavators.

Board Member DiSalvo stated excavators.

Rich Williams stated why have you been jack hammering on the holidays.

Board Member Pierro stated yes, she has.

Rich Williams stated I'm sorry, you threw it out there.

Board Member DiSalvo stated what I am saying is I have nice neighbors that didn't complain on the weekends but what do we have a Code for not just the jack hammering with the little man standing there jack hammering.

Rich Williams stated they would have to go back to Noise Code which addresses hours of operation for construction. Now it may mean that we need to tighten them up for this.

Board Member DiSalvo stated that is what I mean, so they may not be doing blasting on the weekends but where does jack hammering fall.

Rich Williams stated it would probably would be permitted on Saturday but not Sunday.

Board Member DiSalvo stated well that is something that we have to clarify or think about because I would not want to go through that again.

Rich Williams stated I think jack hammering isn't going to be all that big of a deal compare to the rock crushing.

Board Member Pierro stated yeah the rock crushers.

Board Member DiSalvo stated that comes with the jack hammering.

Chairman Rogan stated you're right.

Board Member DiSalvo stated so that needs to be defined better.

Chairman Rogan stated on that same issue it talks about the house for construction are 7 a.m. is legal to start, I didn't realize it was that early.

Rich Williams stated 7 or 8.

Board Member DiSalvo stated well they have 8 to 5 here, that is blasting, as far as other things, can they start earlier, they can start prepping the site at 7, I don't know.

Chairman Rogan stated well the comment was, the persons comment was they think that construction should be allowed to begin before 9 a.m. and should cease before 4 p.m. but I think that is a bit unrealistic but 7 a.m. for heavy construction seems early I thought that 8 a.m. was more reasonable but we have to defer to our Town Code, we can't change.

Rich Williams stated unless you have reasonable justification through SEQR to establish a more stringent requirement but you really have to justify it.

Chairman Rogan stated well like you said, it is one thing to get on site and prepare for the day but to actually have a rock crusher going at 7 a.m. that should be allowed on Saturday that is for sure.

Board Member Pierro stated or starting up a hammer.

Chairman Rogan stated well it is one thing during the week but.

Board Member DiSalvo stated and be consistent for hours so.

Chairman Rogan stated yeah, they were doing hammering on Camp Wilbur Herrlich, the County was, it is County owned property now.

Rich Williams stated it is County owned property but it is a private facility, it is not a County run facility.

Chairman Rogan stated I think that the County was doing improvements to the, I want to say septic and putting in systems and stuff but anyway, there was hammering going on and I know right at 7 o'clock in the morning you can hear that hammer going and.

Board Member DiSalvo stated and you are on top of the hill so.

Chairman Rogan stated but I don't think 7 a.m. for hammering should allowed.

Board Member Cook stated we should review the section of the Code, that is what you are saying.

Board Member DiSalvo stated or adjust it for this project.

Gene Richards stated a lot of trades actual work from 7 to 3, that is their eight hours, they can start that early.

Chairman Rogan stated okay but we are definitely, the blasting code doesn't allow blasting on the weekends, that is what you are saying, that have it in their response in the middle there, not conducted on Saturdays, Sundays or any holiday. Anything else on fifteen, sixteen.

Board Member Cook stated there is comment on sixteen, does the fire department get a copy of this, because they are mentioned through out.

Rich Williams stated no.

Board Member Cook stated should they.

Rich Williams stated there isn't a specific copy supplied to the fire department, they have access to it like everyone else.

Board Member Pierro stated but in the past there has been contact with the fire department about them assuming Patterson Fire Department about them assuming the response for Patterson Crossing.

Board Member Cook stated right and my whole point is that the applicant mentions them through out this document and it would be just to.

Rich Williams stated based on correspondence that they provided which is in the document.

Chairman Rogan stated well that is your answer, that is what I think your question is. Dave approached the fire departments and asks specific questions, anything else on seventeen. I have a question on eighteen, Rich it talks about the socioeconomics of a project and overlapping services and I am having a hard time as a Planning Board trying to think in terms of impacts. It would be like if I had a guy who wanted to open an ice cream store and they had an ice cream store down the road, could I not allow that guy to open an ice cream store because of competition. And I kind of get the sense that that is what makes this Country so wonderful, free enterprise, that people, so the comment was I guess basically saying look you know, we sell apples here why should we sell apples here. We have Home Depot down the road, why should we have something and I am having a hard time justifying, I am having a hard time looking at that aspect of the review because I don't see it as a Planning Board's purview to.

Rich Williams stated it is a difficult issue to really get into because the document correctly identifies that there is always a synergy between retail and retail will draw other retail and make adjacent retail stores more successful because there is a mass of them, at the same time there is a real issue with the potential for any store going in and drawing business away from another particular store that has been there for awhile that maybe doesn't have the best location or it doesn't have quite the selection and there is going to be an economic impact and there is also going to be a community appearance impact when that store goes out and there is always long term some sort of an adjustment when a big new store goes in, not a mom and pop store but a bit new store there is always going to be some adjustment within the community with new commercial based stores going in and out. It is very, very difficult to assess with any sort of accuracy, case in point as we brought up, a lot of people in the document identified that there is potential that this project is going to drive Dill's out of Lake Carmel and in realty Dill's went out before this project even broke ground.

Chairman Rogan stated it is interesting to note though that in one particular case, this could be replaced by the same type of service.

Board Member DiSalvo stated a company from Poughkeepsie.

Chairman Rogan stated but in other they are not going to be replaced, I think in Mahopac they are talking about CVS.

Board Member DiSalvo stated CVS.

Board Member Pierro stated CVS.

Chairman Rogan stated not to get off point.

Board Member Pierro stated Dill's in Carmel is not being replaced by Page Lumber. Dill's in Dutchess, three stores are being replaced by Page Lumber.

Board Member DiSalvo stated LaGrange, Amenia, Pawling.

Board Member Pierro stated the market is there for those stores but not for the Lake Carmel store.

Chairman Rogan stated I appreciate your explanation, what it tells me is that my gut feeling is somewhat on base that it is something that we need to consider but it is difficult to weigh, it is not very easy, it certainly is not as easy as direct environmental impact that says that we have a pollution issues or a noise or a traffic or so, I was having a little bit of difficulty with that.

Rich Williams stated it certainly, you really can't sit here and say is this going to affect the apple store right down the road but you know it is a legitimate concern, is it going to draw so much business out of one area of the town or any town that you depress that area and that maybe fine if you have a redevelopment plan for that area but you have to have that, but if you don't have that then you have a secondary impact and you really have to (inaudible – too many speaking).

Board Member DiSalvo stated talks about that, right.

Chairman Rogan stated okay.

Board Member Pierro stated I recall back to when the A & P project was being built, people were concerned that it was going to drive the Pawling supermarket out the business and they drove themselves out of business and now Hannaford came in and is doing much better then the A & P is, competition seems to be good.

Board Member DiSalvo stated competition.

Rich Williams stated there was also a concern about what the impact was going to be on Front Street and Jimmy' in particular, well we did lose Jimmy's and that unfortunate, I really enjoyed that store.

Board Member Pierro stated we were losing Jimmy's for a long time though.

Board Member DiSalvo stated to him the property was worth more than his business could generate and it wasn't an economical issue.

Board Member Pierro stated right, that was a business decision.

Gene Richards stated on a side note relative to Dill's, I don't know if it will happen now, but they did apply for and got approvals, site plan approval for an expansion but that was before the sale, so if Page will pursue or not, I assume they will but I don't know.

Board Member DiSalvo stated expansion, right.

Board Member Pierro stated right.

Chairman Rogan stated anything else on eighteen, nineteen.

Board Member DiSalvo stated it kind of goes into the County's economy and how this would strengthen it and the overlap like you spoke of and while one store can be vacant with one business, another business can come in a flourish, it mentions Dill's, the new Hair Palace that opened up opposite Dill's in Carmel.

Chairman Rogan stated it is funny because I have seen business and I can think of a few in particular in the Town of Kent that I am familiar with, that went out of business and purely my opinion by the way they ran the facility and then they changed ownership and opened almost the same thing but with better management and have done extremely well.

Board Member Pierro stated they are flourishing.

Chairman Rogan stated and so you can't even say, it is hard to predict, the way that people run their business sometimes has a huge impact on what you see when you come in the door, how you are presented, how they sell their product.

Board Member DiSalvo stated if you are prepared, your hours of operation, if it is convenient for people to shop there.

Board Member Cook stated and like wise if the owner of a piece of property other than maybe the retail operation that or whatever is there, if the retailer goes out of business and the owner just lets it sit for whatever reason, we can't judge that you know, I mean to have it just sit there, have light, that is up to the property owner to correct that situation.

Board Member Pierro stated that may be a function of the rental price.

Board Member DiSalvo stated I'm sure, taxes.

Board Member Pierro stated okay, what number.

Board Member DiSalvo stated twenty.

Chairman Rogan stated I'm on twenty, the first comment on twenty it is 1.3-20, the whole comment doesn't have any bearing to me on the project or, it talks plainly about Bob Bondi and his fiscal mismanagement of the County and his sons relation to the, the bottom line in my document, I kind of just

drew a line through it and the response was just that the person has a right to their opinion but the comment is noted. To me that comment doesn't have any real bearing on the review of this project.

Board Member Pierro stated and I think that we can all attest to some of the Putnam paradox being true. Aside from Kohl's opening where was the last place that you bought a pair of Dockers.

Board Member DiSalvo stated Sears.

Board Member Pierro stated Sears.

Chairman Rogan stated I guess but.

Board Member Pierro stated Sears in Connecticut.

Board Member DiSalvo stated not Kmart, but Sears, Sears.

Chairman Rogan stated I have to admit to buying a lot of stuff online, if it was available locally, I would probably get it but I don't even like to drive to Connecticut.

Board Member Pierro stated when you have a belly like mine you can't afford that online stuff you never get the right size.

Board Member DiSalvo stated you're sending it back too many times.

Chairman Rogan stated twenty-one, Rich is saving all his comments for the real good stuff, this is still summary.

Board Member DiSalvo stated it mentions about U.S. Census Bureau.

Chairman Rogan stated (inaudible – too many speaking).

Board Member DiSalvo stated on page twenty-one it mentions U.S. Census Bureau for 2002 retails sale per capita, had Putnam County at the lowest out of all our adjoining counties, I certainly feel that we increase our retail sales. Again it proves, people are shopping outside of Putnam.

Chairman Rogan stated it at least shows that the people that live in those other countries are spending their money.

Board Member DiSalvo stated where they live.

Chairman Rogan stated or where they work.

Board Member Pierro stated like me.

Chairman Rogan stated okay.

Board Member DiSalvo stated but we are down, we are on the bottom.

Chairman Rogan stated sure, don't go too far, anything on twenty-two.

Board Member Pierro stated yes, just on point of knowledge, the applicant says that he wants to excavate 119,000 cubic yards of rock, I am assuming that he is going to crush that on site.

Board Member DiSalvo stated on site.

Board Member Pierro stated for item four and fill and grading, that is not a lot of rock.

Chairman Rogan stated not with a crusher they'll crush that pretty quick.

Board Member Pierro stated I know for a fact that Peckham just laid off 24 employees for the winter and they have 200,000 yards of item four on the ground because there are no State road projects that are utilizing that stuff and they see now need to continue crushing, 119,000 isn't really a terrible amount, I mean I would hate to live next door to it because it is going to be a racket between 8 and 5.

Chairman Rogan stated I would be curious to know, Gene not that I am putting you on the spot but we can find out the answer to this, one of those crushers, how much can they average in a day, I know I can find out.

Board Member Pierro stated I can get an answer for you.

Board Member DiSalvo stated the O'Hara project when he built that subdivision on [Route] 311, he was doing on site crushing, maybe we can get those figures, it was quite impressive what they were doing there, it was the first time I'd seen it one site and this is going back eight years.

Board Member Pierro stated right, I can get the numbers.

Chairman Rogan stated my brother in law worked for the contractor who did all the site for the Brewster Highlands, he worked up there for five years, I bet he would know how much they crushed.

Board Member DiSalvo stated we could compare it.

Board Member Pierro stated I can get you a number on the crusher.

Chairman Rogan stated the reason I bring it up, I would wonder how long it would take, if somebody said you can crush 1,000 yards a day it would give you a sense of if everything ran beautifully, which it never does.

Gene Richards stated 119 days.

Chairman Rogan stated 119 days worth and that would be useful.

Board Member DiSalvo stated weather permitting.

Gene Richards stated why don't you raise that as a question and let them respond.

Chairman Rogan stated and we will get our own answer and compare.

Gene Richards stated that's not bad.

Board Member Pierro stated sure.

Gene Richards stated let them give you an answer.

Chairman Rogan stated that sounds good and again having not gone through the entire document, they have a section specific to site development, I don't know because I haven't gotten that far.

Board Member Pierro stated but the impacts certainly the impacts of crushing 119,000 yards of rock, I mean its, you have to weigh it out, it is going to be noisy, it is going to be intrusive during the day.

Board Member DiSalvo stated while they are doing it too.

Board Member Pierro stated but to bring in 119,000 yards, the traffic impacts of that many trucks coming in on [Route] 311 and local roads, is going to be significant as well.

Board Member DiSalvo stated this is a hot topic.

Chairman Rogan stated Rich we are just looking to see if we can get from the applicant, typically how much they can crush in a day, we are looking to get a sense of how.

Board Member DiSalvo stated it is page 1-22.

Chairman Rogan stated how much 119,000 yards under general conditions to crush, getting a sense of how long this crusher would be running on site development the problem is that it is not running everyday, they are going to run it one day and then.

Board Member DiSalvo stated as they can blast.

Board Member Pierro stated it is as they get the material.

Board Member DiSalvo stated if we can compare it to any kind of figures from the Highlands as to how much they crushed over there on site.

Chairman Rogan stated I think the problem with Highlands was and this is purely my speculation is that they weren't in a hurry to do the site, they were doing the site improvements over five or six years.

Board Member DiSalvo stated still not built out.

Rich Williams stated they mined this site before they made an application.

Chairman Rogan stated so they didn't know that.

Rich Williams stated and then they went in and said we have a mined site and it is one of the things that helped them out with their storm water plan because of coming from virgin area, they came from a mined area, that helped them out a lot.

Chairman Rogan stated anything on twenty-three.

Board Member DiSalvo stated there is a comment from Edmond Connors that he doesn't know which wells were monitored, he was experiencing silting when they were supposedly doing his monitoring, he wanted to know if there were lists available. The applicant responds that letters were sent to forty property owners and thirteen positive responses and eight wells were actually monitored.

Chairman Rogan stated but his wasn't one of them, is what you are saying.

Board Member DiSalvo stated was he not notified or did he not want to participate, he doesn't mention that in his question.

Chairman Rogan stated and I wonder what the status of his well is now.

Board Member Pierro stated he doesn't own a well anymore, I think that he sold that property and moved to Holmes. I don't know if he has anyway of knowing.

Chairman Rogan stated and I think what you are driving at Maria is where is his house in location to the test wells and how far away from the project is he and maybe he wasn't within that range.

Board Member DiSalvo stated he is trying to say that five hundred was not, it should have been further, it should have been more then five hundred feet for testing some of the wells.

Chairman Rogan stated oh and he said he does live within five hundred feet of the project, like the third or fourth sentence that is in there.

Board Member DiSalvo stated were these, well monitoring results, are they available to our engineer to verify.

Rich Williams stated they were part of the DEIS.

Board Member Pierro stated they are in there, the next couple of pages.

Board Member DiSalvo stated so there are only really eight wells that go monitored.

Board Member Pierro stated and when they were doing the draw down, there was no impact to the eight monitored wells.

Chairman Rogan stated anything else on twenty-three.

Board Member Cook stated on the bottom of the page there, it says that it is recommended that any resident eligible for this service, meaning this pre-blast survey, request a pre-blast survey which will be paid for by the contractor. Is there a way that we can reverse this and have the applicant and reach out to these people.

Chairman Rogan stated are you on the bottom of twenty-four.

Board Member DiSalvo stated yeah.

Board Member Cook stated yes sir.

Board Member Pierro stated I thought that you were on twenty-three, that's.

Board Member DiSalvo stated you want the applicant to notify the people that they do have this option.

Board Member Cook stated yes.

Chairman Rogan stated yeah. No I think that is a good idea to have that even if it just a post card that is mailed.

Board Member DiSalvo stated and let them deny it if they don't want it.

Chairman Rogan stated return receipt requested, you know certified, that says that you are entitled to a pre-blast survey and a little brief description of such and it is anybody's best interest, if they even have any damage, at least it gives you a base line for what you house.

Board Member DiSalvo stated because you don't know if your homeowners insurance will pay it.

Rich Williams stated generally Charlie, when we get to that point either the Planning Department or the Building Department would have their own list of people that are interested in that and we would coordinate that with the developer to make sure it would happen.

Board Member Pierro stated people just came up and got off the elevator and got back on and disappeared.

Rich Williams stated they realized its not Court.

Chairman Rogan stated anything else on twenty-four, anything on twenty-five.

Board Member Pierro stated the only thing I had on twenty-five was the first line was from Edward Durkee, any documented impact of a private local well would be remedied by the blasting contractor. I want to find out if that is the standard practice in the business.

Board Member DiSalvo stated they have insurance right.

Board Member Pierro stated right. I think that they do.

Chairman Rogan stated any impact that would associated with blasting obviously.

Board Member Pierro stated right.

Chairman Rogan stated so if somebody says there has been a problem with my well as a result of the blasting that would probably be handled by the.

Board Member Pierro stated the contractor.

Chairman Rogan stated the contractors insurance, it might be a difficult thing to prove.

Board Member DiSalvo stated subcontracting out.

Board Member Pierro stated so does that make the, that is why we do pre-well testing, does that make the applicant responsible for anything.

Chairman Rogan stated Gene does pre-blast survey include anything to do with the well other than maybe the checking the casing and doing a sanitary survey.

Gene Richards stated I don't know.

Chairman Rogan stated I would be surprised if it did.

Gene Richards stated I wouldn't think so, I would think it is just the threshold foundation.

Chairman Rogan stated foundation, stress cracks, sheet rock.

Board Member DiSalvo stated well it says in his response Dave, the purposes of using a certified blasting contractor is to ensure that they have appropriate state required damage insurance. So people should take advantage of that.

Chairman Rogan stated the question is specific to the well and let's get some clarification on what exactly a pre-blast survey entails and if has anything to do with the wells because if the wells are and I don't think it would.

Rich Williams stated I think it is in the appendix, don't hold me to it but.

Chairman Rogan stated okay, that's fine.

Rich Williams stated I will double check.

Chairman Rogan stated well these are just notes, if as you are going through the appendices you see something on that, maybe you can just make a quick note of that because that would be interesting. I can't imagine a contractor coming out, someone who is hired to do these pre-blast surveys.

Board Member DiSalvo stated and not have insurance.

Chairman Rogan stated I'm not even talking about the insurance, I am talking about coming out and doing a survey of someone's house, I want to make sure that my house is surveyed before this starts so I can document any problems that I might have. Did they do a well yield, I can't imagine they would.

Rich Williams stated usually a pre-blast survey, to the best of the knowledge is when you go and video tape everything.

Chairman Rogan stated they might check the casing as it is above grade, a lot of these houses the casing is probably below grade, some of these older homes, they might have pits. I suppose that they could draw water samples, what are you going to test for, you would only really turbidity, if you tested for bacteria, blasting probably isn't going to change anything with that.

Rich Williams stated turbidity and well water level.

Chairman Rogan stated yeah so they could maybe do static level of the water and maybe a turbidity analysis but I would be very surprised if that was done. On twenty-six I have a note about.

Board Member Pierro stated two lane.

Chairman Rogan stated let's see.

Board Member DiSalvo stated Dave, you have all the same concerns I have only mine are highlighted ahead of time.

Board Member Pierro stated yeah but I read this twice, I have OCD I have to keep reading it or else I'll never digest it.

Chairman Rogan stated go ahead bring yours up. The concern that was brought up or the question had to do with waste water that was generated from the facility and how they would because the waste water system, are they going to have a SPDES permit on this, so the SPDES permit will dictate how many gallons per day they can actually release, I am trying to get a sense of and this has happened at another facility in Putnam County where the SPDES permit was say for 20,000 gallons a day and as new facilities and as leases went up and they came in with new businesses it was hard for other agencies to tell them no you can't do it because the waste water isn't there for it and it seems to indicate in the document that the Health Department, DEP, DEC would be the monitoring for that. This is considered a dry facility, in other words they don't show any restaurant, they show a coffee shop but not restaurants per se, you know what will happen is that they will end up five years from now, someone will want to put a restaurant in and retrofit something and I want to make sure that.

Rich Williams stated I am going through this now the A & P, just so you are aware.

Chairman Rogan stated you are.

Rich Williams stated yes.

Chairman Rogan stated okay great.

Rich Williams stated just that you are aware a restaurant is not a retail use, it is a change of use by our Code that we are going to have to review before that actual happens.

Chairman Rogan stated okay.

Rich Williams stated one of the issues that the engineers have brought is the fact that there is a difference between designing this project based on DEC standard, waste water standards and based on actual flows which are attributable to other Home Depots, other big lots stores and the system is substantially less than what would normally be designed and based on that, my recommendation is that we put water meters in everyone of these buildings.

Board Member DiSalvo stated oh yeah.

Chairman Rogan stated absolutely at every hook up.

Rich Williams stated and then we are going to get reports and then that is going to establish that everything is functioning properly.

Chairman Rogan stated I think that is a great idea. Specific to one of the facilities that I was thinking of and it is in the town of Brewster, putting water meters on, the owner of the complex actual started to reduce water usage by putting water meters on and charging the customers, his lease holders because you had restaurants that were running the water, doing dishes, they were using more then their share of water and once they started paying the bill for it the use was reduced significantly.

Rich Williams stated I am just hoping that the Health Department doesn't get upset about this because we have done into issues like this before specific to Burdick Farms where we are imposing standards that generally have to do with water or waste water.

Chairman Rogan stated well a water meter is always a great idea, you know, having them report somewhere else.

Rich Williams stated right, absolutely and I think that the Health Department would love it but I would think that the Health Department would rather have a clean well then one that needed a sand filter and they were upset when we said we wanted a clean well.

Chairman Rogan stated that was years ago though, different administration.

Rich Williams stated maybe.

Board Member Cook stated you know the applicant in his response here is saying, touching on what you fellows are saying.

Chairman Rogan stated yeah.

Board Member Cook stated it should be noted that actual water and waste water flow metering monitoring will be required as part of the water and sewer permitting.

Rich Williams stated that is true but that is a real world system.

Chairman Rogan stated and that is only, that has got to be on report for the waste water treatment facility.

Board Member Cook stated right, individual.

Rich Williams stated waste water treatment plant.

Chairman Rogan stated treatment plant, right.

Board Member Cook stated so not individual buildings.

Rich Williams stated probably not.

Chairman Rogan stated right, yeah that is a good idea to get them on the individual spaces, it gives you a real good base line for, not only for future projects but for knowing what is going on. They can even pick up leaking fixtures that way, they see a spike and they say whoa, what is going on, they find a problem.

Board Member Cook stated can we request, require, that this happen with this individual buildings.

Chairman Rogan stated yes, absolutely. Okay, anything on twenty-seven.

Board Member Pierro stated on twenty-six, the single, one of the commenter's made a comment about a single two lane access road that has now changed, Rich.

Rich Williams stated the access road going into the site has changed.

Board Member Pierro stated significantly, right.

Rich Williams stated well it is still predominantly a two lane roadway.

Board Member Pierro stated but it splits now and commercial is going to one side.

Rich Williams stated there is a split that allows you know commercial traffic, truck traffic to go in behind the building rather than having to go all the way around.

Board Member DiSalvo stated deliveries.

Board Member Pierro stated and that will impact the residential side of the project less, so at night when you have delivery traffic going through it won't go to the right towards the Concord Road side it will go to.

Gene Richards stated to the [Interstate] 84 side.

Board Member Pierro stated it will go to the left behind the buildings.

Gene Richards stated correct.

Chairman Rogan stated at some point I want to get come three dimensional drawings of the area around the emergency access and more particularly between the residents houses and the fence line, a depiction of what that is going to look like because we are looking at fences and shrubs and landscaping and I am sure at some point we are going to get it more into this document but go ahead.

Rich Williams stated you want a profile.

Chairman Rogan stated I want a profile because I said when we first started this process that and it is not applicable to every situation but whenever you drive up and down Route 9 and you see that quarry, the place where they do, where they are taking down the whole hillside basically, it is not in Putnam County, it is just over into Dutchess County, if you use that as an example of good screening, you drive by that facility you have a hard time from almost any angle even seeing that project and you talking about an entire mountain that you are looking at that they are blasting away, they used a combination of a fence for security of course and in that case, they really don't want people in, they used a berm and they planted both not only the top of the berm but both sides of the berm and they did use white pines and now they are at a significant size that it is a good block. I have been watching this for ten or twelve years now and am always impressed with how well that screens that project, they don't want people seeing their project I mean it is something that people tend to think of as offensive, you see they are crushing and they are doing blasting.

Board Member DiSalvo stated is that that rock quarry, going south on [Route] 9.

Chairman Rogan stated going south on [Route] 9 from [Interstate] 84, I am usually going north but yeah going south it would be on the left hand side and I brought it up early on that I want to make sure that we use every landscaping theme that would be adequate here to shield this project and the parking lot from the residents and that is one of the significant issues that was brought up back from day one.

Rich Williams stated so you want it for the emergency access or for the whole line.

Chairman Rogan stated well a depiction of the line, it doesn't have to be the whole line but a depiction of what it would look like from a residence looking over onto the project, I think that that would be really important to see. The applicant has made a lot of promises to residents out there, we have heard from both him and them that they would not see this project from their houses. I don't think that that is necessarily possible in every case but maybe you need the fence and some plantings and the berm and some plantings and a berm and some more plantings, I don't know but I want to make sure that we.

Rich Williams stated berms and plantings are not usually a good thing.

Chairman Rogan stated it is tough. How about terrace (inaudible – too many speaking).

Rich Williams stated generally plantings on top of a berm have a tendency to dry out and (inaudible) quicker than anything else.

Chairman Rogan stated yeah.

Rich Williams stated they also have a tendency to lean once they start getting big.

Chairman Rogan stated now right up the road here, they did the berm right on [Route] 292, on the corner there, not on the [Route] 292 side but across the street on the intersection, remember like two or three years they did a berm and planted some conifers.

Board Member Pierro stated for Patterson Village.

Chairman Rogan stated and I thought for sure that they would dead within a year or two but they are doing quite well.

Board Member DiSalvo stated I don't know.

Chairman Rogan stated the flip side is if you look up at Ace Endico, up in Brewster off of International Boulevard, they had a heck of a problem with many of the plantings that they put around the foundation of that building. They put in six inch in diameter conifers and more of those I have watched get blown over in the last two years and they have been there re-staking them, re-setting them, I guess my point is that there is a point where you can plant trees that they are too larger because they don't have the root.

Board Member DiSalvo stated base.

Board Member Pierro stated root system.

Chairman Rogan stated the root system isn't locked in so it is nice to say that we are going to bring thirty foot tall trees but they have a tough time anchoring them and keeping them in the soil, up there the soil is pretty sandy but they were blown over. This year alone I think I've seen three come over and they have to

put it back up and they don't look like they are, so you know there is probably a balance between putting trees are maybe eight or ten foot tall and something that is thirty foot tall because you want a well established tree. God knows I have tried to transplant enough trees around my yard that were to big, I should have gone with smaller saplings and saved myself a lot of work because they end up dying. But anyway, yeah, let's try to get some depiction of how that barrier is going to look between the properties. Okay, on 1-28.

Board Member Pierro stated Charlie brought up something on 1-27.

Chairman Rogan stated I'm sorry Charlie.

Board Member Cook stated if you look at the response 1.3-30, the third paragraph there, it kind of gets into your question earlier.

Board Member DiSalvo stated about the rock crushing.

Chairman Rogan stated six to nine months.

Board Member Pierro stated I missed that, I'm sorry. Six to nine months for site development and at that time is when the rock crushing will occur.

Chairman Rogan stated okay.

Board Member Cook stated but them again if you go to the second paragraph, intermittent, temporary, so it is like, so it is not going to be a steady six to nine months but.

Chairman Rogan stated okay, go ahead, I'm sorry.

Board Member Cook stated the equipment could be around for nine months.

Chairman Rogan stated the bottom of the page on 1-28, we are talking about, the comment was from Kathleen McManus about people walking on and off site. They are probably not going to be scaling a fence to go between the residence and the parking lot but we keep talking about making our community more walk-able. For instance on Front Street we tie in a development with nice sidewalks to our Town center, while I can appreciate that maybe sidewalks don't exist already, doesn't mean that we shouldn't plan for them. I kind of like the idea that people are going to utilize a facility from a residential area, that they have the ability to walk there with and do it in a safe manner. So I think that we should at least look at the issue of pathways or walkways, along that.

Board Member DiSalvo stated along here.

Chairman Rogan stated no, just along the entry, think about that whole property line would have fencing but at the point where they are proposing the emergency egress, I think that is somewhere we will have to look at the plan. I think that it is here, what road is it, Concord [Route], I think it is right here where there is some property. I think that we should be looking at safe.

Board Member Pierro stated access, absolutely.

Chairman Rogan stated not walking along the grass.

Board Member Pierro stated and also, if you are done Shawn.

Chairman Rogan stated I am, sure.

Board Member Pierro stated Mrs. McManus makes a statement that she has concerns with the Kent Police Department with the use of property and there have been numerous references to the increased cost of policing this property, this project when it is completed. Having some experience in law enforcement, I know that this development will not change the quote geographical area of employment of the Kent Police Department, they will have no authority here, on this site unless they are called to assist the State Police or the Sheriffs Department or unless it is a felony committed in their presence.

Chairman Rogan stated wow.

Board Member Pierro stated they can go there for coffee if they certainly would like to but they just have no authority on property that is within the Town of Patterson because their authority ends at the property line.

Chairman Rogan stated wow, I didn't realize that.

Board Member Pierro stated and yes I would love for them, unless it is a felony committed in their presence and yes I would hope expect that they would back up other law enforcement agencies that call for assistance but their authority ends at the Town line.

Chairman Rogan stated so if a call goes from this facility for shoplifting, it would not even go to the Town of Kent.

Board Member Pierro stated no because they have no authority.

Chairman Rogan stated so it goes to.

Board Member Pierro stated State Police, 911 or the Sheriffs Department.

Board Member DiSalvo stated you eve watch Smoky and the Bandit.

Chairman Rogan stated yeah, I was just thinking.

Board Member Pierro stated yeah.

Board Member DiSalvo stated they stop at the town lines.

Chairman Rogan stated I didn't realize that though.

Board Member Pierro stated right, I mean you have to be and I know this from experience, you have to walk a very fine line, I mean you know police officer is a police officer when a felony, an armed felony occurs.

Board Member DiSalvo stated first on the scene.

Board Member Pierro stated but a shoplifting, you could be a civilian like I could stop a shoplifter, do I have authority, you have to watch where you are going there, so just to keep that in mind that we would hope that all police officers would assist each other in times of need but the authority ends at the property line.

Chairman Rogan stated okay, anything on twenty-nine, thirty, thirty-one, hey we are almost at the end of section one, thirty-two, aerial photos are pretty neat because they show the construction of [Interstate] 84, when I saw the photo at first, I said when the heck was this thing taken and then I realized it was 1969. That was really interesting, okay; we got done basically with out brief comments on section one. I am going to move that we take a five minute break, can I have a motion.

Board Member DiSalvo stated I make a motion that we take a five minute break.

Chairman Rogan stated second.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries on a vote of 4 to 0.

Chairman Rogan stated let's take five.

The meeting continued at 8:50 p.m.

Chairman Rogan stated are you all set.

The Secretary stated you're on.

Chairman Rogan stated okay.

Board Member Pierro stated (inaudible).

Board Member DiSalvo stated ten to nine.

Chairman Rogan stated okay.

Board Member DiSalvo stated we lost some people.

Chairman Rogan stated I don't think so. Section two is project description comments and responses.

Rich Williams stated I put it right there in front of you while you busy on the phone.

Ted Kozlowski stated when.

Rich Williams stated just now, you moved it when you opened the plans up.

Chairman Rogan stated okay, who wants to start, anything on one.

Board Member Cook stated no.

Chairman Rogan stated the first comment, I am going to jump ahead then to what I have, the first comment I had was on seven on the design, the water usage design.

Board Member Pierro stated 2-7.

Chairman Rogan stated yes, 2-7, and I am wondering, the question I would have is just Rich for you to check on the way they are establishing their design flow, they use a multiplier, they basically take the actual, it looks like the actual flows and multiple by a safety factor of 1 ½ to come up with their hydrologic load ratings and I just.

Rich Williams stated it is not DEC requirements yet.

Chairman Rogan stated okay, are you familiar with those, is that.

Rich Williams stated a little bit, not a lot, I don't design a lot of waste water.

Board Member Pierro stated wasn't this mentioned in Gene's document, the.

Chairman Rogan stated I don't I haven't had a chance to review that tonight I just got that tonight.

Board Member Pierro stated it may have been in there or a portion there of.

Chairman Rogan stated okay, on 2-8, the comment I brought earlier about getting visuals on the fence and the plantings is actually what I had mentioned there what I had on my notes, with getting some kind of visual of what the plantings and the fence would look like, so we could get a sense of that. On 2-10, you guys okay, on 2-10 the top of the page, the hours of operation of construction, they talk about local or state holidays, in other words, I am not working on local or state holidays, can you guys think of any local, are there any local holidays that would.

Board Member DiSalvo stated how does election day work, it is not really national anymore.

Chairman Rogan stated is election day considered a state holiday.

Board Member Pierro stated unless it is a federal election.

Rich Williams stated I can tell you my comment on this, is that I am going to ask him to list that holidays.

Chairman Rogan stated and that is why I had a big question mark, why don't we have them list the local or state holidays as exclusions to work days. Who has, I am trying to think of a way to do this without doing it the way we have been, what is the next comment that somebody has.

Board Member Pierro stated 2-11, Elena Bao says that and I just caught this, she says that the third of the site will remain open space because the topography won't permit him to build it out by a third, and I was looking at the response while I was talking about that and I wanted to see if there was any wording in there about conservation easements provided by the Town and there is any conservation easements for these open spaces are reservations areas.

Board Member Cook stated he is saying that there is not intent.

Board Member Pierro stated but our Town Code says that we have to have.

Chairman Rogan stated that is for a subdivision not for a commercial.

Rich Williams stated it is for a subdivision.

Board Member Pierro stated but would we try to require that a conservation easement be put in place in.

Board Member DiSalvo stated it says here.

Rich Williams stated that would be my recommendation, you can not guarantee the permanence of open space, there is some sort of permanent protection.

Board Member Pierro stated right.

Chairman Rogan stated in lieu of.

Board Member Cook stated and the conservation easement would give you that.

Chairman Rogan stated yeah.

Board Member Pierro stated right.

Rich Williams stated it is one of the better methods, we've researched it.

Chairman Rogan stated in other word, in lieu of a conservation easement if there were twenty acres that was usable land that was not currently proposed under this, there is nothing to preclude them from coming in with a proposal ten years down the road to make use of that space.

Board Member Pierro stated a secondary phase.

Chairman Rogan stated so then let's.

Board Member DiSalvo stated can we limit the site to like a limited x amount of square footage for the whole site to not increase any more.

Chairman Rogan stated I think the easier way of doing that is the conservation easement, just taking the areas that are open space.

Board Member DiSalvo stated what happens if they want to go up on some buildings, what if ten years from now they put second or third floors on some of the.

Rich Williams stated they would have to come in and get site plan approval and prove out that they can manage storm water and handle.

Board Member DiSalvo stated but that possibility can exist, though.

Rich Williams stated yes, they could come in with a concept for a parking garage in ten years.

Chairman Rogan stated and certainly that probably occurs at different facilities over the years, they modify things, they add parking.

Board Member DiSalvo stated they could knock it down and build something new again.

Chairman Rogan stated right.

Board Member Cook stated okay, the question I had on this one too was could he take it back at some point, just based on his answer, it would be yes, but if we put the conservation easement in place, that stops that.

Chairman Rogan stated okay, what's next, eleven and twelve, anybody have anything on thirteen.

Board Member Pierro stated yes, was the automotive center taken out of the equation.

Rich Williams stated it is still a tire center.

Board Member Pierro stated it is a tire center.

Board Member DiSalvo stated but we are not pumping gas, right.

Board Member Pierro stated right.

Rich Williams stated no pumps.

Board Member Pierro stated no pumps.

Chairman Rogan stated you were pretty clear on that, I think, right.

Board Member Cook stated here is my comment on the lighting because we have had cases where people get approved for lighting A and they put in lighting B, let's make sure that what get approved goes in.

Chairman Rogan stated anything on fourteen, fifteen. I am open to any way of going through this document that anybody has, this just seems to be such a blah way of doing this, 2-16, 2-17.

Board Member Pierro stated some of those comments are not important any longer because the truck access driveway has been moved.

Chairman Rogan stated they are definitely going, that is the whole idea of having the initial comments, that the project was modified based on a large part based on the comments received.

Board Member Pierro stated right, sure.

Chairman Rogan stated certainly some of the comments we are reading have been addressed, they have been mitigated. If you don't have anything on your page, why don't you skip forward and stop me.

Board Member Pierro stated 2-17, James Bacon.

Chairman Rogan stated what do you have.

Board Member Pierro stated he brought up a comment about the Zoning Code states that a regional retail center that access shall only be from State or County road.

Chairman Rogan stated okay.

Board Member Pierro stated but the access point into the Town of Patterson is from an adjacent parcel in the Town of Kent, there for a use variance is required, is there any change in that, if that property gets rezoned.

Rich Williams stated he is saying that the shopping center in Patterson has access not from a State or County road.

Chairman Rogan stated ah.

Board Member DiSalvo stated that driveway.

Rich Williams stated but from the parcel in Kent, so.

Board Member Pierro stated our Code wouldn't apply.

Rich Williams stated right, so he is saying that it doesn't meet our Code requirements.

Board Member Pierro stated right.

Rich Williams stated and what the applicant is responding is that access is still from a State or County road, our Code in Patterson, doesn't define whether that state or county road is in Patterson or Kent.

Board Member Pierro stated right, okay. The same applies to the distance referred to in 2-18, where he says the access drive is 3,500 feet long, 2,900 foot in the Town of Patterson.

Rich Williams stated we don't have a limitation in Patterson for commercial.

Board Member Pierro stated for commercial.

Chairman Rogan stated anything on nineteen or twenty.

Board Member Pierro stated my only question on nineteen was, has the 8.7 acres been reduced because the project square footage has been reduced.

Rich Williams stated where are you looking.

Board Member DiSalvo stated 8.7 right.

Board Member Pierro stated it is referring to the 8.7 acres, I am assuming that that is the septic area.

Rich Williams stated it is the area that zoned R-4.

Board Member Pierro stated right.

Rich Williams stated is going to be used for the septic.

Board Member Pierro stated but is the septic reduced because the project was reduced or are they still building an 8.7 acre septic field.

Rich Williams stated that I am not sure.

Board Member Pierro stated okay.

Chairman Rogan stated anything else on nineteen.

Board Member Pierro stated no.

Chairman Rogan stated twenty.

Board Member Cook stated twenty-one.

Chairman Rogan stated sure, I am looking for you to jump in, don't be bashful.

Board Member Cook stated the response to 2.2-7, last sentence in that first paragraph. At this time twenty-five to fifty feet of the area adjacent to the residence to the west pending on location will be held in reservation for possible transfer to adjacent property owners.

Board Member DiSalvo stated that is with those lot line adjustments, right.

Board Member Cook stated he goes on to say that within the western property line set back area, there are surface improvements built by adjacent property owners that encroach upon the project property.

Chairman Rogan stated what this is referring to Charlie, is that some of these properties that border have structures, shed, pools that are actually on this property.

Board Member Pierro stated illegally on this property.

Chairman Rogan stated so in some cases it sounds like property may be transferred but ultimately there is no change to that property shown on the plan, they are basically, my understanding when I read this is that they are leaving this as such.

Board Member Cook stated so this is the buffer area.

Chairman Rogan stated yes.

Board Member Pierro stated yes, the reservation strip.

Board Member Cook stated okay.

Board Member DiSalvo stated and that will be owned by the applicant, the reservation strip.

Chairman Rogan stated well not necessarily.

Board Member Cook stated so.

Board Member DiSalvo stated I thought that some people had the option of making their lots larger.

Board Member Pierro stated he offered initially.

Board Member DiSalvo stated whatever happened with that.

Board Member Pierro stated we asked for a larger reservation strip along that side, didn't we.

Rich Williams stated what happens if the parking areas are within 65 feet of the property line he gets twenty-five feet away, he still has to maintain the 65 foot set back to the parking area, so he now has to move his whole project over.

Board Member DiSalvo stated so in some cases would the house that would have wanted the extra, they really can't have it now because of the design.

Rich Williams stated I have to take a look at the plan, I haven't gotten that far in the review as far as what the separation is between the edge of the parking and the property line and whether it is possible to offer this twenty-five feet to certain property owners, in which case he has to come back in with a lot line adjustment plat to do that.

Board Member DiSalvo stated in some of the cases where he can not offer the land and there are structures on the property owned by the applicant, what happens then.

Chairman Rogan stated it looks like the intent is to leave that land unchanged but to include that as part of the separation.

Board Member DiSalvo stated but leave the structures as is.

Rich Williams stated the structures are in violation of the zoning code.

Board Member DiSalvo stated so they would have to move them.

Rich Williams stated the property owners would be notified and they would have to address it accordingly.

Board Member Pierro stated could they remain in violation though.

Rich Williams stated could they remain in violation.

Board Member Pierro stated could those structures remain if there was no way to give the lot line adjustment, you know, the pool, the shed, could they remain in that buffer area.

Board Member DiSalvo stated like an extension on the house.

Rich Williams stated they would require both an easement and a variance.

Board Member Pierro stated okay.

Chairman Rogan stated that makes sense.

Board Member DiSalvo stated and that could be possible.

Rich Williams stated it is possible.

Board Member Pierro stated sure, it would be a nightmare but it would be possible.

Chairman Rogan stated I can remember on Paddock View [Estates], there was the shed that was over that they just did the lot line adjustment to cut out, we just did it two months ago, to an encroachment issue that they resolved by, originally it was to move, on the original plan it was show to relocated.

Board Member Pierro stated those were alternatives.

Chairman Rogan stated and then they probably came to an agreement of just cut the property out, give it to him or sell it to him, whatever, that was the way they resolved that.

Board Member Pierro stated and it cost the property the cost of the survey and that was.

Chairman Rogan stated it was probably better then having to relocate his shed.

Board Member Pierro stated sure.

Chairman Rogan stated anything else on twenty-two, twenty-three, twenty-four.

Board Member DiSalvo stated that is where I stopped.

Chairman Rogan stated that is where you're at. 2-27, again talks about the issue of the comment was that the project lacks the option of walking or biking through the project, this is a comment raised by one of the Town of Kent residents.

Board Member DiSalvo stated on one hand they are saying they want access by sidewalks and everything and on the other hand they are saying they are worried about security issues.

Rich Williams stated Shawn, where are you.

Chairman Rogan stated 2-26, is the beginning of the comment by Elena Bao and how do you pronounce.

Board Member Pierro stated Bao.

Chairman Rogan stated Bao and you know in some regards she is saying why don't we plan for some walk-ability to this.

Board Member DiSalvo stated on Route 311.

Chairman Rogan stated even down on [Route] 311, that entails a whole nother aspect of the project, I was taking it to the extreme of the access.

Board Member DiSalvo the homeowners access, rather then them driving around to get into it.

Chairman Rogan stated so, it is just an issue that I want to look at in terms of connectivity of this project.

Rich Williams stated are you also going to look for potential for sidewalks on [Route] 311.

Board Member DiSalvo stated on [Route] 311.

Chairman Rogan stated I think that we should at least look at it when we pull the plan out when we get into sections of this review, we should make it as a note to consider that.

Board Member Pierro stated at minimum to have sidewalks for possible bus stop for.

Rich Williams stated I sure that the buses are going to go in there.

Chairman Rogan stated one of the biggest concerns that was brought up about the project was making it walk-able, we have seen this with the Highlands, where you really can't shop in that place without getting into your car and going it and getting back in your car and going to another facility.

Board Member DiSalvo stated going into any other store.

Board Member Pierro stated right.

Chairman Rogan stated one thing that we heard time and time again, let's make this a more walk-able facility, so we can get out of our cars and spend some time and going shopping at one place and walk over to another. It would seem silly to plan that kind of project and not plan walk-ability to the site. I don't know that seems like not a good idea.

Board Member Cook stated but that is internally, but this person is bringing up a sidewalk along Route 311 from whatever the first adjacent road is, I can't think of it right now.

Chairman Rogan stated yeah this person spoke specifically about providing the public a way to walk to the site in a safe manner.

Board Member DiSalvo stated so the first major road aside from Terry Hill [Road] would be Longfellow [Drive] or coming further down that way.

Board Member Pierro stated right.

Board Member DiSalvo stated by that deli over there.

Board Member Pierro stated right.

Board Member Cook stated and whose property is that because you run into the maintenance issue, with first getting the approval to put the sidewalk on whoever owns that stretch all the way down.

Rich Williams stated the sidewalk would go in the [Route] 311 right of way.

Board Member DiSalvo stated right.

Rich Williams stated the problem is state law, accepts that generally the property owner is responsible for maintaining that sidewalk, so whoever owns that property is going to responsible for future maintenance.

Board Member Pierro stated and that could be an increased cost if like what happened here on Route 311, a lot of the residents didn't want to shoulder the maintenance responsibility, so the Town is now responsible.

Board Member DiSalvo stated you can get grants for that.

Rich Williams stated the Town.

Board Member Pierro stated chose.

Rich Williams stated chose to take that obligation and if at any point the Town chooses not to, it reverts back.

Board Member Pierro stated back to the residents.

Chairman Rogan stated maybe the smart way to look at this, with providing sidewalks within the project with the idea that if the Town saw the desire for the connectivity such as they did out here in Patterson, then they have the ability to tie into that but while you are on site, we are already planning for that on site, you have walk-able.

Board Member Pierro stated we ought to remember that the potential for those sidewalks lies within the Town of Kent and we have no authority over them.

Chairman Rogan stated right but I brought it would because it was a question that was brought by a Kent resident that I thought was appropriate, okay.

Board Member Pierro stated right.

Chairman Rogan stated anything, jump in with the next comment that would be the easier way to do this.

Board Member DiSalvo stated yes.

Chairman Rogan stated 2-34, a question again about blasting. It might only be a typo but the response.

Rich Williams asked what page are you on?

Board Member Pierro stated 2-34.

Chairman Rogan stated 2-34, the middle of the page, the comment was from Johanna Groepl, the response talks about blasting, it says the, I think it is just a typo, the very first sentence doesn't read, I don't know if it is supposed to be the amount of blasting require for the proposed action, the volume of blasting, get any sense of what, how that should.

Rich Williams stated the of blasting.

Chairman Rogan stated yeah. It's got to.

Board Member DiSalvo stated she is asking how many contractors will there be, and basically they are saying it is one by a single blasting contractor.

Board Member Cook stated I think tech knocked them right off, the blasting required.

Chairman Rogan stated yeah, could very well be. The blasting required for the proposed action will generally be preformed by a single blasting contractor, okay, so it is just a typo. Not that I am reading this for typo but I want to make sure the intent of this.

Board Member Cook stated if you go to 2-35, it is kind of interesting in the response, 2.14-17, the last sentence, noise from the blasting would be heard at distances greater then 500 feet but at lesser volume then those resident in closer proximity to site.

Chairman Rogan stated in other words.

Board Member Pierro stated I don't know how that can happen.

Chairman Rogan stated did you say.

Board Member Pierro stated noises from the blasting would be heard at distance greater then 500 feet but a lesser volume then residents in close proximity of the site, so that means the closer you are, the less you are going to hear.

Board Member DiSalvo stated no, more.

Chairman Rogan stated no, it is just saying that the further you are away the less the volume.

Board Member Cook stated it is just a profound statement.

Chairman Rogan stated exactly, Charlie is pointing out the obvious, that it is something they stated in there that has a duh factor.

Board Member DiSalvo stated and then it goes into when blasting would be, scheduled between 8 and 5.

Chairman Rogan stated okay, what next. Anything else in this section.

Board Member Cook stated just a could of comment on these pages relative to the blasting that there would be no need for residents to evacuate their homes during blasting activities, this is the applicants response. Residents are not expected to nor required to relocate during blasting activities.

Chairman Rogan stated well in the comments received, from what I read, the summary of them would be that people are concerned when blasting is going on are they to leave their home for the day and it is certainly going to be a noise nuisance there is no doubt about that, the answer they are saying is that it does not necessitate, in other words it is not a requirement of blasting that people leave their homes. And the blasting when it goes on.

Board Member Cook stated oh yeah.

Board Member DiSalvo stated it's a big thud.

Chairman Rogan stated well you did blasting and they don't blast forty-two times a day, they set the blast and do one or two.

Board Member DiSalvo stated they set the blast, they put the metal sheets over it, they blow the whistle, its like a warning within twenty seconds it will start blasting, you feel like a vibration in the ground.

Chairman Rogan stated and they have to clean up all the mess they made.

Board Member DiSalvo stated they move the dynamite things over and start the whole thing over.

Board Member Pierro stated make sure everything is exploded.

Board Member DiSalvo stated they can do it one after another, like a fireworks display, you know all time sequenced.

Board Member Pierro stated you have to have specific holes drilled in order to blast again. Rich, I have a question to put it in perspective, Peckham's blast on a regular basis.

The Secretary stated they notify the Town when they do.

Rich Williams stated they generally blast around 11:30 on Tuesdays, we feel it here, yes.

Board Member Pierro stated I have felt it many times. Have we had.

Chairman Rogan stated you can feel it, how loud is it.

Rich Williams stated it is a vibration it is not a sound.

Board Member DiSalvo stated it is not a sound, it's a vibration.

Board Member Pierro stated it is way deep. To your knowledge, have we had many failures to local wells, in close proximity.

Rich Williams stated I wouldn't say that we have a lot of failures from wells due to the blasts as much as we have from the fact that the mine keeps further into the ground.

Board Member Pierro stated it is going into the aquifer.

Rich Williams stated and it is drawing water out at a rate of between 250,000 gallons to 500,000 gallons a day.

Chairman Rogan stated which we saw.

Rich Williams stated which is effecting the surrounding areas.

Board Member Pierro stated the aquifer.

Rich Williams stated there have been a number of wells over off of Maple Avenue that have had to re-drill.

Board Member Pierro stated Daffy.

Rich Williams stated when we drilled the well in the park, we went down 1,200 feet and had to re-drill, the next well went down 900 feet.

Board Member Pierro stated and you got water.

Rich Williams stated and we got water, its nothing great.

Chairman Rogan stated yeah.

Board Member Pierro stated okay.

Chairman Rogan stated anything for the remainder of section two that anyone wants to discuss.

Board Member Cook stated no.

Board Member Pierro stated just to reaffirm that there is a mitigation plan that blasting would be limited between the hours of 8 a.m. and 5 p.m. Monday through Friday.

Chairman Rogan stated okay. Section 3 is economic and social benefits. Well, it might be another one of those profound statements that Charlie just referred to but 3-4, the response, it was referencing school taxes basically and what the comment was, it started on 3-3, it was Elena Bao and talking about that fact that this project is certainly is not going to reduce school taxes significantly and the response at the end, the very last part of it, this project can not prevent future school tax increases. Nor can any project or development, it would be foolish to say that any one project or any one development is going to significantly impact the school taxes and I think that everybody understands that.

Board Member Cook stated correct.

Chairman Rogan stated will it, as they say bring in taxes, of course it will but is that reason enough to have a project of course not, it has to be based on a lot more then just that and I just thought it was, like you said Charlie, one of those typical statements that. Okay, 3-8, we get into they are talking about the impacts, it goes back to what you were saying Dave, about police man power and they are talking about the fiscal impacts of what it would require based on the number of calls, they looked at Bureau of Emergency Services for a lot of their data at the Highlands and such. They state in there and I don't know why they do this other then the fact that it was available information, they use the MTA police as a source for starting

salaries for police officers, not that this is a big deal but they use a sum of 33,000 dollars, I would prefer that they quote something from Putnam County.

Board Member DiSalvo stated State Troopers.

Chairman Rogan stated State Trooper or Putnam County Sheriffs, which are both readily available information locally but I am sure that it is not 33,000 dollars, in fact I would be surprised if it was less then 45,000 dollars.

Board Member Pierro stated in my experience in this area starting police salaries are inherently low.

Chairman Rogan stated but not lower then that.

Board Member DiSalvo stated 33,000 is probably from the city.

Chairman Rogan stated I can.

Board Member Pierro stated I can name four or five departments in Westchester County that have starting police salaries as low as 20,000 dollars. It is the cost of doing business.

Board Member Cook stated also that salary jumps up after the first year.

Board Member Pierro stated the first couple of years.

Chairman Rogan stated I think they make more then 33,000 dollars in the academy they are making more then 33,000, I am 99% sure because.

Board Member DiSalvo stated well let's just (inaudible – too many speaking).

Board Member Pierro stated I don't know, I can't tell you.

Chairman Rogan stated exactly, but anyway I want to make sure that we had accurate information. MTA, yeah you are quoting policemen that work for a city organization and they always pay lower then they do locally.

Board Member Pierro stated but again, they are alluding to Town of Kent property taxes for police officer services that basically have no effect on this project.

Board Member DiSalvo stated as you explained earlier.

Board Member Pierro stated as I explained earlier.

Chairman Rogan stated I am looking at where they have potential for demand, they talk about County, New York State and Town of Kent, so even if we take out Town of Kent, we are still looking at an impact on Sheriff and New York State Police, lets' just make sure that those numbers are accurate.

Board Member Cook stated about Kent police responding to 911 calls is mentioned there.

Board Member Pierro stated yeah I mean it is possible but they have no authority.

Chairman Rogan stated they don't have inter-municipal agreements or anything like that.

Board Member Pierro stated not that I am aware of. I mean if certainly, certainly a Town of Kent, that a Town of Kent police officer who got a 911 call there for a heart attack or overhead on a common frequency would go and respond and deliver first aid services but any other police protection they would not have authority there.

Board Member DiSalvo stated we can find that out too.

Chairman Rogan stated wow.

Board Member Pierro stated unless it was as I said, a felony committed in their presence or a felony in progress type of thing.

Chairman Rogan stated Charlie or Dave or Maria, do you guys have anything else in the next couple of pages because I am almost to the point where I got in this document, I got up to about 3-22.

Board Member Cook stated I have just one on page 3-11, middle of the page there about the reservation area let me see here, double row of evergreen trees is proposed, twenty-five feet inside the property line, who would maintain to make sure that these trees stay one size or something, what is the replacement mechanism.

Chairman Rogan stated sure Rich, you probably picked it, they mentioned that in one of the response because there was.

Board Member DiSalvo stated the applicant hires a maintenance manager, like they do at the A & P in Brewster, I see them around cleaning up.

Rich Williams stated assuming that the vegetation and landscaping is put on the site there is a requirement within our Code that you want to maintain and keep in good condition the site improvements that also applies to landscaping so that would be enforceable through our Code Enforcement Office.

Board Member Cook stated it also says here about an 8 foot high solid wood fence will be constructed along the residential edge.

Rich Williams stated where are you looking.

Board Member Cook stated right in the middle of the page Rich, where that.

Board Member Pierro stated 3-11.

Board Member Cook stated page 3-11, in the middle where that indentation is.

Rich Williams stated oh, there it is, yeah.

Board Member Cook stated is that, I thought that Code was six foot fence.

Rich Williams stated there are other sections of this document that acknowledges they have gone back to a six foot fence which conforms with our Zoning requirements.

Board Member Cook stated well that's alright, I knew that I saw six foot somewhere else, so, it is six foot.

Rich Williams stated our Code requires a six foot, initially they had a proposed an eight foot.

Board Member Pierro stated there seems to be confusion because on one hand we are talking about limiting views of the retail center from identified Town roads and then we are talking about providing for walking access for those, to the project.

Chairman Rogan stated I don't think that they are conflicting, one is a view shed issue and the other is an access point and I think at an access point of course, an access way with a chain across it, you are certainly going to see the project they are not going to have moveable trees. If we are trying to shield the project are we remiss in not granting a waiver for an eight foot fence, it is not within our Code but we have certainly granted waivers for other projects to put eight foot.

Rich Williams stated it would require a variance from the Zoning Board.

Chairman Rogan stated a variance, when we've done eight foot fences, that has gone through Zoning, for like dumpster enclosures and such.

Rich Williams stated well our Code allows eight foot for a dumpster enclosure not for a fence.

Chairman Rogan stated okay. So if they still want to propose eight foot, they still could they would just have to go to Zoning for it and in this case I'm not sure I wouldn't support something like that.

Board Member DiSalvo stated depending on what the project is finally going to look like.

Board Member Pierro stated right.

Chairman Rogan stated especially given comments from the public that they are worried about people from the project getting into the community, time out.

(TAPE ENDED)

Chairman Rogan stated after [Route] 312.

Board Member Pierro stated there is no need to speak about the job issues.

Chairman Rogan stated yeah well, there were a lot of comments about the level of jobs and you know hiring people of a certain age and you know facilities can only hire within the labor law that allows and that was outlined. That was pretty straight forward but I think the intent of the comments were more the jobs that are typically brought by the type of facilities that would be here are not hiring people, any of our age, they are looking at young children, or people that are retired and much older then you Charlie.

Board Member Cook stated I don't think this project is going to bring in high tech jobs I mean but then again you are going to have in all of these businesses, management and supervisory staff, so.

Chairman Rogan stated I will admit that one 3-19, we get up to Brewster Fire Department response, that is the extent of how far I got on this document, that was the end as of two hours before the meeting, so I don't have any comments beyond that because I didn't read beyond that. Does anybody have anything beyond that that they want to talk about.

Board Member Cook stated do you want to stop for tonight.

Chairman Rogan stated just Dave looks like he is looking for something.

Board Member Pierro stated there was one thing that I picked up on that I didn't mark clearly.

Chairman Rogan stated you are going to take that highlighter home, right.

Board Member Pierro stated yeah.

Chairman Rogan stated that is yours to keep.

Board Member Cook stated I will tell you that the rest of this section we discussed earlier relative to the businesses and the impacts etc like that was covered in the introduction and in the.

Chairman Rogan stated the executive summary.

Board Member Cook stated the summary and the project description, a lot of it was.

Chairman Rogan stated there are a lot of redundancies in the document, that is for sure.

Board Member DiSalvo stated well that is because a lot of people asked questions.

Chairman Rogan stated and the questions relate to more than one topic.

Board Member DiSalvo stated right.

Chairman Rogan stated they might be social benefits in one area and they talk about site improvements in about with the same comments. Let's look ahead in this document real quick, the next section talks about geology, soils, ground water, surface water, wetlands streams and water bodies. These are some real, we are now getting into some of the real meat and potatoes of the site improvements so this should be interesting. Anybody have anything else.

Board Member Pierro stated no.

Chairman Rogan stated no, he is using a lot of post its.

Board Member Cook stated 3-27, just the response to air quality and vehicular emissions and the response talks about the project is not expected to result in air quality impacts that warrant in mitigation.

Rich Williams stated that is 3-27.

Board Member Cook stated yes sir.

Rich Williams stated there is a whole section on air quality in the back, it goes into in significant detail.

Board Member Pierro stated again the only upside to blasting on site is that we won't have diesel, as much diesel truck traffic going into the project from [Route] 311 and points.

Chairman Rogan stated or moving the product off site.

Board Member DiSalvo stated right.

Board Member Pierro stated right, god knows it is going to be a nightmare but.

Chairman Rogan stated does anybody have anything else for tonight.

Board Member Pierro stated no, so we are, from this point on we are at.

Board Member Cook stated geology.

Board Member DiSalvo stated halfway through.

Chairman Rogan stated I still have ten or fifteen pages left in this section that I am going to review but then we are getting into geology and then environmental settings.

Board Member Pierro stated let's put a mark on that page, where you want to start Shawn, 3-20.

Chairman Rogan stated I would say, considering the number of comments, around 3-20, this is the section devoted to Mr. Kuchta.

Mr. Kuchta stated (inaudible).

Chairman Rogan stated we have almost a whole section with your name all over it.

Board Member Pierro stated we are going to bone up for you Dan.

Mr. Kuchta stated when is the next meeting.

Board Member Pierro stated election night my friend. I am only kidding. 3-20.

Chairman Rogan stated 3-20 is where we ended, make a motion to adjourn.

Board Member DiSalvo seconded the motion.

Board Member Pierro stated is it too late.

Chairman Rogan stated what.

Board Member Pierro stated I was going to make a suggestion that we browse through Gene's memo.

Chairman Rogan stated tonight, I would rather read and review the document.

Board Member DiSalvo stated being that we received it tonight.

Chairman Rogan stated because what his document is going to refer to specific sections of this that we haven't review yet.

Board Member Pierro stated okay.

Chairman Rogan asks for all in favor.

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

Motion carries on a vote of 4 to 0.

Chairman Rogan stated okay, thank you.

The meeting adjourned at 9:23 p.m.