

APPROVED

TOWN OF PATTERSON
PLANNING BOARD MEETING
October 27, 2011
Work Session

AGENDA & MINUTES

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Planning Board
October 27, 2011 Work Session Meeting Minutes

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

APPROVED

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

The meeting began at 7:00 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

1) THUNDER RIDGE SKI AREA – WWTP Site Plan/Wetlands & Watercourse Permit

Mr. John Watson of Insite Engineer was present.

Chairman Rogan stated Thunder Ridge Ski Area, I will ask Charlie if you would be so kind to run this portion of meeting, I will recuse myself as I have been, since like for the last, since the beginning of time on this, thank you. I'm going to go in the other room.

Board Member Taylor stated been over a year, right.

Chairman Rogan stated it's been a long time.

Board Member McNulty stated a year next month I believe.

Vice Chairman Cook stated all right, I will start this off by saying I have gone back to the EAF and I relooked at that and I thought that there were some areas where when we reviewed it last month with Rich and indicated small to moderate impact that I thought to go from that or possibly potential large impact and I reread the various memos from our ECI guy Ted and from Rich and from counsel. I tell you, I come out of this saying that I think we should do a positive dec on the application. My major concerns revolve around the potential impact on the stream and the hillside from the point of view of the staging area, as well as the bridge and the driveway going up to the proposed building. The, in a way and I know that there is some question on if you were take all of the small to moderate impacts on the EAF and you say well you know you put them together and maybe you have some issues, so that started me thinking and made me go

back and look and say you know what, some of these I think now shift over to the potential large impact, so that is where I'm from and I think we need to decide this evening, I think I mentioned at the end of last meeting on the SEQRA determination in all fairness to the applicant and so that we can move forward and I will also add that we had some advice, if you will to reject the application and I don't think that we're near that point now, I think that there's more due diligence...

Board Member Montesano's cell phone rings.

Board Member Montesano stated [on cell phone] yeah, okay, as long as everybody's all right, fine, all right thank you bye, bye, sorry.

Vice Chairman Cook stated that's okay, I think we can do more due diligence between ourselves and the applicant by having an Environmental Impact Statement prepared, so I will open it up to anybody else who wants to comment.

Board Member McNulty stated like you Charlie, I went through a number of the documents as well and the EAF, as much as we didn't call them out as significant impacts but to moderate impacts, bring up Ron's point of cumulatively, are they significant and not knowing that, to me, makes that significant. Also, I was looking, maybe I don't have the document but the SWPPP, was, you, John had put together a number of mitigating response to the DEP, the DEC and the Town and a lot of it was addressed in the SWPPP, I didn't see that and I didn't see Maser's actual comments on the SWPPP to know how their determination of, how mitigation, if the mitigations suggestions are going to function like they're supposed to...

Rich Williams stated I did do a memo which outlined potential impacts and mitigation being offered to the various aspects of the plan and the SWPPP and you did get that...

Vice Chairman Cook stated yeah.

Board Member McNulty stated do you remember what date that was, what memo...

Rich Williams stated 3 months ago.

Mr. Watson stated yeah.

Vice Chairman Cook stated yeah.

Board Member McNulty stated okay I was looking for Maser's comments on that...

Rich Williams stated he hasn't gotten that far in this process.

Board Member McNulty stated and that brings up my point, I'm not an expert, I don't know everybody else's background but to know and I'm not doubting you but cumulatively does this SWPPP plan work to mitigate the concerns we have and that's where I'm at.

Vice Chairman Cook stated I think what Rich's memo, its here some place, he basically outlined what the applicant was proposing but I don't think you gave your reaction to that, I think you just kind of said this was a point that was brought up and here is how they said they were going to do it but then you didn't comment on that, you know...

Rich Williams stated all right well I can shoot from the hip right now and comment on it...

Vice Chairman Cook stated no, I'm just saying that that's not what was in the memo back a couple months ago.

Rich Williams stated that's right.

Vice Chairman Cook stated okay.

Board Member McNulty stated okay, that's what I was looking for specifics to the SWPPP that somebody is saying yeah this is all going to work and that's what I was looking for and didn't see. I don't remember your exact, I went through all the memos, so many memos back and forth, I don't remember the specifics, I was looking for a response because there was a response, John's response to each organ, each group and then I was looking for the response to his response.

Vice Chairman Cook stated okay.

Rich Williams stated all I'm going say is I wouldn't have identified it as mitigation if it wasn't.

Board Member McNulty stated and then also reviewing the ECI's review and the DEP's review of avoidance of the area, you know all the documents, I think I'm with Charlie as well and I'm looking towards a pos dec on this.

Vice Chairman Cook stated Ron.

Board Member Taylor stated well I've been, I've been reading the handbooks and laws and all this stuff and trying to sort it out. Just one comment on what you were saying I think I was, I misunderstood the cumulative impacts, when I reread the law it seems to talk about the cumulative impacts, when I reread the law it seems to talk about the cumulative impacts of one thing over time, it's an accumulation of over time, its not accumulation of a number of different things at one time.

Rich Williams stated if I could just jump in here, when you talk about cumulative impacts, you talk about duration, you talk about the single project and multiple smaller impacts say to the stream, all right, if you take the thermal impact, the erosion impact...

Board Member McNulty stated sedimentation.

Rich Williams stated the disturbance to the stream channel those together would all be considered cumulative impacts...

Board Member Taylor stated okay.

Rich Williams stated but the other aspect of this is when they become cumulative, do they rise jointly to the level of an adverse impact and the third thing with a cumulative impact is multiple projects within the same area even if they may not be occurring...

Board Member Taylor stated (inaudible – spoken over.)

Rich Williams stated simultaneously, you know at the same time but if you know they will be you know,

occurring within a space of a time that they would synergistically or cumulatively impact the resource that would, all three of those.

Board Member Taylor stated the other thing I saw I think I agree with Charlie, I think we need to look at the EAF again and we should be erring on the side of caution with some of these, if we're not sure we should be marking them as potentially large and then dealing with the mitigation measures because there is that last column where you go through later on and you checked whether the mitigation is a yes or a not to deal with the impact. I think we should look up the visual EAF also, Charlie was expressing to me, his concerns about that about the visual impacts of this bridge, if we look through that, we can add that into our, I think it would be fairly easy to do because there is only one, one area where it actually comes out which is a local road, the other things that are listed are state parks and all these special areas but one of things that struck me in reading this and I gave you some of my notes I want to read at the next one, in terms of an overview of the process not just the pos dec stuff which is what Charlie had talked about was that, one of the things they talk about, the scoping should also identify the reasonable alternatives to the proposed action, in preparing the SEQRA findings each involved agency must consider the reasonable alternatives and choose one which minimizes or avoids adverse environmental effects to the maximum extent practicable. It seems to me to say it brings, it goes back to what the ECI was, yes ECI was saying to avoid rather than to mitigate that we have this choice just let me finish and then you can respond to it, that it's a two part thing, its mitigation and out evaluation of mitigation on the impacts and it's, what's the minimum alternative, is the minimum, not the minimum alternative, what's the alternative here, is the alternative the minimum in terms of impacts or is the mitigation of the impacts the minimum and if I am interpreting this right then I think that needs to be looked again, I think the process we went through and its not us looking at it, I think that is one of the reasons I would push for the pos dec, we want to the applicant to look at these things, I want DEP to look at these things because I don't think the response we got before really dealt with it in terms of reasonable, it's saying that the owner doesn't want it, is not reasonable and that seemed to be some of the conclusions, the owner doesn't want to put it there, end of discussion. That is not reasonable, I mean that can be listed as one of the reasons but for us, we need to weight these things so I think they need to go back again and look at these things and present it in such a way that we can then weigh them. What is the last thing, say what you're going to in response to that, I have another point later on...

Rich Williams stated what you read was coming out of environmental conservation law...

Board Member Taylor stated yes.

Rich Williams stated and the key words in that phrase were to the maximum extent practicable...

Board Member Taylor stated yes.

Rich Williams stated when DEC codified that in their rules and regulations they added additional language based on that which says given the objectives and capabilities of the project sponsor and that is a limiting factor when you're looking at alternatives, you have to only provide, suggest alternatives to evaluate within the EIS based on the objectives and capabilities of the project sponsor, given everything that has gone one and the alternatives, I know where you want to go with this, I don't know that you necessarily can go there simply because the project sponsor in this case, the property owner has strongly indicated that their objectives are different from your objectives.

Board Member Taylor stated in response to that and this is the way I open this what I want to read and it may, this is not a typical application, I think we need to remind ourselves of that, the consequences are

confusing in the process and the need to treat the application in an atypical manner and it's not typical because the DEP is driving this, the applicant has said they don't want this at all, DEP is forcing them to do it so I think we need to talk to the DEP and say look, you've got two choices here you can either force them not only to have the waste water treatment plant but force them to put it where it makes sense or you can come up with a way where they become unlisted in the process, wrap this bitter pill in something where they would be willing swallow it and it comes off of what you were saying, this treatment plant doesn't make economic sense and the DEP should be addressing that...

Board Member McNulty stated I agree.

Board Member Taylor stated so I think we can get at that, if we address the DEP in that because they're really, as Charlie put it, they're the senior partner in this and they are the ones that we need to present this to and the other thing, again, whether we can force people to do this or not, I think we've got grounds for doing this because it says somewhere and I quoted it in here that we can treat any unlisted action with title one requirements if we decide its reasonable to do so, we've got a confusion here that needs to be sorted out and we're not going to impose broad EIS, we don't want for God sakes two volumes with 1800 pages at the end, like we've got from Watchtower, we want something, a little short thing that addresses these specific impacts and the other question that came up, is DEP paying for all this stuff, for your time, for our time, does the Town get reimbursed by DEP...

Rich Williams stated somebody is paying for the consultatnts, I assume it's DEP.

Board Member Taylor stated but they're not paying for the time we're spending on this.

Rich Williams stated not the Planning Board...

Board Member McNulty stated no, it's just in the application...

Rich Williams stated that comes out of the application fee.

Board Member Taylor stated well but then, they are ultimately paying for it...

Rich Williams stated yes.

Board Member Taylor stated all right, that's what I wanted to know, so you've got an escrow account set up and you're getting reimbursed, and okay, I just wanted to know because, you know...

Rich Williams stated all right look, from what I'm hearing from everybody they want to, they think that there are one or more significant adverse impacts, so you want to do a positive determination and you want to see an environmental impact statement prepared for this, so the next two steps in the process are identify those significant adverse impacts that you feel and all you need is one, that trigger the need for doing an environmental impact statement and you know we'll start working up the scope...

Mr. Watson stated can I talk.

Board Member Taylor stated yeah.

Mr. Watson stated the reason I'm here tonight is because I read loud and clear at the meeting that you were seriously considering a pos dec and we're had some serious talks with DEP and the Ryders, Dean Ryder

and his attorney trying to come up with something that is palatable to everybody and what we're trying to do is we, I think a pos dec on this nobody really wins because we are just going to expand on what we're already given you, its going to take the time and the money are the two things that the DEP are concerned about, you know this is a project that they are under tremendous pressure from the PH to get these things done, this project got put on hold for a lot of reasons before we were involved, so they're, they want to move this along to get, to pos dec this goes into an EIS which is many months to a year plus to get to the end by the time you get to the scoping and back and forth. We'd love to try to come up with something that you would find acceptable to not pos dec this, DEP doesn't want to go through an EIS, so the first thing I came up with and DEP is not totally bought into this yet but I can run it by you guys and see if you would even entertain it and then we'll see how they react but instead of the DEP putting all their money into an EIS, they'd rather put that money into hard, some type of stormwater improvement or other mitigation, so I asked if they would entertain putting some of the money that would spend on an EIS into some type of stormwater improvements from what a retro fits, not just where we are because we're doing a lot stormwater retro, we're doing stormwater management for our project, for our disturbance but we could go up and down that stream corridor on Birch Hill Road and there are drainage pipe outfalls, there are eroded ditches, there's eroded stream banks and to put money towards that to off, as a additional mitigation for this project.

Vice Chairman Cook stated two things, one what you're asking is basically outside the scope of this application...

Mr. Watson stated correct.

Vice Chairman Cook stated and shouldn't that stuff be done anyhow...

Mr. Watson stated by the Town, yes.

Vice Chairman Cook stated by whomever, okay, then that's...

Mr. Watson stated yeah there's, you can walk, you can drive on any, I shouldn't say any, on most every drainage conveyance system there is in the County, you can find something you can do to make it better and it is likely that there is not a lot that is going to be done to that stream corridor, so this is an opportunity to make that better.

Vice Chairman Cook stated as much as I app, I for one, appreciate that type of an offer, it still doesn't alleviate my concerns about what the project has on the stream and on the hillside in various...

Board Member McNulty stated at the bridge crossing.

Vice Chairman Cook stated degrees, yes and so I guess I'm saying it doesn't change my mind John, I appreciate the offer but to me, I'll let the other guys talk and if anybody wants to go along with that versus a pos dec, say something...

Board Member Taylor stated if the DEP is willing to look at this from an economic standpoint and I, that is what I'm trying to get them to do, I think they need to do that, I mean this bridge has gone from this little thing over a culvert pipe or two culvert pipes to this huge almost dam with a little drain in the bottom of it...

Mr. Watson stated well...

Board Member Taylor stated let me finish, let me finish, the cost is escalating, they should be looking at that cost, what is it going to cost to build this bridge and put that road in, take that money and whatever else is going to cost you for the pos dec and either buy the land at the bottom of the hill from Ryder or lease it or something and put the thing down there or send a bulldozer up there and re-contour the place so you have another ski slope and you can use the existing road or something else like that, they should really be looking at this.

Mr. Watson stated I've talked to DEP about that, they have not, they, it's not like I'm working with a private developer who you can negotiate and do whatever you want, they have, this is one of a hundred treatment plants in the East of Hudson Watershed, they have, everything has to go through their legal department, they don't even know, he thinks, there were a dozen discussions on this, can DEP even do this and he...

Board Member McNulty stated the mayor can renegotiate his term limits, they can renegotiate...

Mr. Watson stated I don't know, I don't know, they have a building full of lawyers down in the [New York] City...

Board Member Montesano stated let me say something here.

Mr. Watson stated yes.

Board Member Montesano stated we are sitting here as a Board and we've been handed a, b, c, d and alternatives et cetera and I'm going to say this, he may get upset, it's an emotional situation, I've watched that thing go from, well whatever but to me if I would give this a positive dec its because outside agencies will come in here and look at what we've been discussing and it may come out this way in our favor or this way not, if we are willing to get it out of our hands and get other people involved, I am all for that because it gives the applicant an easier way for him to survive and we can make a decision.

Board Member Taylor stated the other thing we can do here it seems like we are somewhat committed to the process, that in terms of the way I've been reading this stuff now it seems like we have to do a pos dec but if we don't have to do a pos dec I think we can move on to the final determination and I'm willing to vote no and how would DEP respond to that.

Mr. Watson stated I read that loud and clear which is why I'm trying to, a no vote doesn't help anybody...

Board Member Taylor stated I understand that, that is why we're trying not to.

Mr. Watson stated a pos dec doesn't help, it helps you clarify what we've already given you and expand on it, I told DEP I'm convinced we can provide an EIS that is very strong with respect to all of the concerns that have come up, there have been things that we have not, a lot of things have been mentioned that we haven't addressed yet because they are smaller things that are just mentioned, we can, I feel like we can address those things, DEP doesn't not want to take the time and money to do this, this isn't a private developer, there is a lot of other things involved...

Board Member Montesano stated second entrance somewhere...

Mr. Watson stated if we can't, if, if you're not going to accept that mitigation then I am going to have to go

back to DEP & Ryder and try to look for some, try to get an alternative that is going to be acceptable to everybody and...

Board Member Taylor stated one the things that Tom was saying was make it make economic sense, Ryder wants to develop this property, it would be wonderful for the Town, a motel, another restaurant, you know they talk about expanding the ski lodge and putting more of it on one side, the ski school and all those, those would be wonderful but all of them are going to impacts on water treatment they are going to require water treat of some kind, make this plan so it can address, either it has the capacity now or it's easily expandable, address those things and address all these issues at once, then we might look at it a little differently. The other thing is bring the damn thing down off the hill and stay out of Stephen's Brook, we have no problems with that...

Mr. Watson stated I know...

Board Member Taylor stated we would have been through this a year ago...

Mr. Watson stated I know, I know, I know...

Board Member Taylor stated go back to DEP and tell them that, instead of telling them that you're going to convince us, maybe you should tell them that maybe you can't convince us because you still got...

Mr. Watson stated well that's why I'm here tonight...

Board Member Taylor stated you still got his arguments you have to deal with...

Rich Williams stated Charlie, I want to cut this off at this point and I want to cut it off for a very specific reason and I want to go back to what I said, if you think there is one adverse, significant adverse impact...

Board Member McNulty stated environmental...

Rich Williams stated then do a pos dec and do it and let's move on and I'm telling you this as my best advice I can give you at this point that the rest of the conversations that I'm hearing here should be stopped and if this is the direction you're going to go, then let's go, let's go.

Board Member Taylor stated let's go.

Vice Chairman Cook stated I want to give Ted...

Ted Kozlowski stated can I ask a question though.

Rich Williams stated I would prefer the conversation stop at this point.

Ted Kozlowski stated well there is a wetlands permit application, okay, that's something this Board is looking at in concert with everything else, there is a wetlands/watercourse application before the Board, it has been reviewed by the ECI, it's been reviewed by everyone else, I've given you recommendation to deny this permit based on a bunch of criteria which is supported by the Town Attorney. Now I don't know, maybe there is something I'm missing here and I don't understand about the process, you're looking at an EIS, all this expense but this started with a wetlands and watercourse permit, that permit is denied, this is done...

Vice Chairman Cook stated okay.

Ted Kozlowski stated so I don't understand why we're going beyond that but that's your, that is all your call, that is simply my opinion.

Vice Chairman Cook stated (inaudible)...

Board Member McNulty stated I think we're all in agreement that a treatment plant is a good idea, it's just how it's been proposed is where we can't come to an agreement.

Vice Chairman Cook stated right, all right, I agree with Rich in wrapping this up that I think we're coming out to have a positive dec and the reason for that is one what Tom just said that you know a water treatment plant up there would on that property would be good, the location is very questionable, I think that the, we're going this step further I agree with you, the ECI has said no, backed up by the Attorney and we could do that I think we want to do the EIS to say let's take one more step in the due diligence in this process, give the applicant a chance to come back and satisfy this Board and then the Board will vote yes or no on the project.

Rich Williams stated so I am going to go back to if you can very clearly at this point annunciate what you feel the significant adverse impacts are and Charlie I've got from you the impacts on the stream including the staging area and the driveway crossing, if there is anything else you want to throw it out on the table and I will do the paperwork for the positive declaration for the next meeting...

Vice Chairman Cook stated okay.

Rich Williams stated and you can take that step.

Vice Chairman Cook stated we'll do that right now.

Mr. Watson stated we...

Rich Williams stated all right well I'm sorry Charlie, John has something he's like to throw in.

Vice Chairman Cook stated go ahead John.

Mr. Watson stated if this get pos dec'd at the meeting and then we decide to make it what the Board would consider a change, a significant enough change, I hate to get a pos dec and then we have a pos dec on the project and we have to do this, can we pull this project from next week's agenda to give us time to discuss with DEP and the Ryders again.

Vice Chairman Cook stated if you're going to come back with, you're going to come back with new or improved information.

Mr. Watson stated something...

Board Member Taylor stated a significant change or (inaudible).

Mr. Watson stated something significantly different than what we have that you may find acceptable.

Vice Chairman Cook stated okay, let me answer Rich's question and then you go, this is what I would be saying if, this is not a resolution tonight obviously...

Mr. Watson stated obviously.

Vice Chairman Cook stated okay, the application may cause a significant adverse impact on Stephen's Brook and the additional, the adjacent forest hillside, this potentially significant adverse impact involves the staging area, the bridge installation and the driveway up the forested hillside, Rich I'll give you a copy of this, the concern is about erosion and the potential for soil to be released into the stream and the impact for tree removal on water temperature, wildlife, and water quality of Stephen's Brook. The other concern is the potential impact of the remaining trees which may receive significant damage to their root system, the final concern is for the long term impacts to the stream that may result from road maintenance and the existence of such large structure across this steeply inclined stream subject to periodic flooding conditions. That's the nut of it.

Board Member Taylor stated and there is one other thing that again with, is the question about the visual impact, I don't whether we want to decide it would be significant or not, it's a local, it would be a visual impact of a local road that would be year round, a year round impact it wouldn't be screened by summer foliage but also there is the impact of, is there a stated impact of the bridge itself and this I don't know, nobody has weighed in on this. We're putting essentially a dam across the stream in some ways, what effect will it have on animal migration, we questioned what effect it would have on the trout migration...

Rich Williams stated I can address that real quick if you'd like, they are proposing an open bottom, basically a box culvert so they are not impacting the stream body, they wouldn't be impacting the ability of wildlife animal or water to go up and down the stream...

Board Member Taylor stated because there is going to be enough room on either side of the stream for animals to wander back and forth...

Rich Williams stated yeah I mean that was one of my comments that said...

Mr. Watson stated that's why the bridge got bigger, we opened it...

Board Member McNulty stated and raised, right.

Rich Williams stated and I said it wasn't wide enough to do that and they made it much, much bigger.

Board Member Taylor stated okay, all right then that addressed that then, so that one is taken care of, then we have, you mentioned the stuff about the impacts to the stream, we have all those questions about, I mean some of this is theoretical and that's why we were going to ask for...

Mr. Watson stated right.

Board Member Taylor stated are there trout in the stream, do they spawn there, I mean this is, some people say it will affect them, some people, if there aren't any trout, if there aren't any bog turtles then it kind of becomes a moot point, its some of those issues, you know that we were looking for concrete answers, let's stop the theoretical, let's talk about the specifics, what would be the specific responses to these impacts to this locality or whatever that means, whether a specific study or so on...

Mr. Watson stated I don't want you guys to go through all the time and effort to prepare all of this work if we're, if the DEP is not going to go for it.

Rich Williams stated John it's a little late.

Vice Chairman Cook stated John I tell you, let me ask the Board here, I have no trouble pulling it from next months, next week's agenda if you're going to work on something that you really feel you know is going to come back and...

Mr. Watson stated we have to, DEP is does not want to do an EIS, so...

Vice Chairman Cook stated right.

Mr. Watson stated he and Ryder have to have a heart to heart and they need to figure out something, this is not me rep, you know I'm representing an owner and a regulatory agency trying to get something done...

Vice Chairman Cook stated John you individually have been a very good applicant...

Mr. Watson stated and you too, you've been a pleasure, I tell Theresa all the time, she doesn't know how lucky she has it.

Vice Chairman Cook stated and what you call it, okay so we'll agree to take it off for next week, when you come back with it, the understanding is that if you come back and say nothing...

Mr. Watson stated understood, I understand.

Vice Chairman Cook stated then this is going to happen, the pos dec is going to happen. Our reaction to you may still lead to the pos dec, okay.

Mr. Watson stated that's fine.

Rich Williams stated all right.

Vice Chairman Cook stated all right.

Rich Williams stated yeah, one last thing, like John I have also been listening to the Board for what I believe was the direction the Board was going in, so the next step in this process after we do a pos dec and we do the filing with the state, we need to start working on developing the scoping document...

Vice Chairman Cook stated yes.

Rich Williams stated take one and pass it down.

Board Member McNulty stated Rich is the best.

Vice Chairman Cook stated is this premature, I mean or...

Board Member Taylor stated no, no.

Board Member Montesano stated its training.

Rich Williams stated start looking at it to see if it covers the issues...

Board Member Taylor stated we can look at it for training.

Rich Williams stated that you think it should cover...

Board Member Montesano stated it's all training.

Vice Chairman Cook stated okay.

Rich Williams stated just so you know I took our standard scoping document...

Mr. Watson stated I don't have one.

Vice Chairman Cook stated you shouldn't have one.

Rich Williams stated I crossed out what I thought were things that should be taken out based on some of the conversations that Ron and I have had and you know and there's one there for Ted, if Ted wants to look at it.

Mr. Watson stated I'm a little later sorry...

Rich Williams stated huh.

Mr. Watson stated I am a little late.

Rich Williams stated well that was this afternoon so it wasn't a lot of work...

Mr. Watson stated a couple hours.

Rich Williams stated that's real easy when you (inaudible).

Mr. Watson stated yeah, okay...

Vice Chairman Cook stated okay John.

Mr. Watson stated thanks for your time, I really appreciate it.

Vice Chairman Cook stated all right, thank you.

Board Member McNulty stated thank you for your patience.

Mr. Watson stated ah yeah, sorry I got a little hot.

Vice Chairman Cook stated shut this, we get Shawn.

Ted Kozlowski stated I'll get him.

Board Member McNulty stated don't take it personally, don't worry about it, we're just doing business.

Mr. Watson stated yeah.

The Secretary stated you want me to stop the tape.

Rich Williams stated I don't know do we need to stop the tape.

The Secretary stated do we need to stop the tape.

Board Member Montesano stated take a five minute break.

Mr. Watson stated thanks again.

Board Member McNulty stated we need to call Shawn back.

Break ensued at 7:33 p.m.

Meeting ensued at 7:38 p.m.

The Secretary stated okay.

Board Member Montesano stated we're back in business.

Rich Williams stated anybody hear from Pete Monteleone.

Chairman Rogan stated no.

Rich Williams stated he's not out there, right.

Chairman Rogan stated no.

Board Member McNulty stated snow this weekend.

2) ADAM LEVINE – Fill Permit

Chairman Rogan stated okay on Mr. Levine's project we have some additional correspondence from Maser's technical staff from Don Bowman and there are some very specific recommendations in terms of, as things that we mentioned at the last meeting, things like deed restrictions, water sampling schedules, obviously the clean fill cap, so there is a lot that we need to consider, I think we had brought up the question of whether or not there had been any base line water sampling from the Health Department, I had asked Anne Bittner, she pulled the file, there has not been but I have a feeling there will fairly shortly and so I think that is something we need to take a look at.

Rich Williams stated okay.

Board Member Cook stated what is the gist of the first point, what are they trying to get at here.

Chairman Rogan stated whether or not it meets the, I understand it and Rich correct me if I'm wrong, the way, he's talking about what type of a property or classification this is for the landfill, in other words if he were to say well I was paid to accept the fill, as I read it, that would not allow him inclusion in this type of a remediation, is that the way you read it.

Board Member Cook stated but do we know did he pay for the fill...

Chairman Rogan stated we never asked him and I don't think he's ever said.

Board Member Cook stated or was he paid for...

Rich Williams stated I don't think the record is clear.

Chairman Rogan stated but it seems to indicate that one of the things we should be doing is having him state that in a legal format, basically you know, I'm certifying that I have not received money for the placement of this fill on my property...

Rich Williams stated that's what it's telling you to do.

Chairman Rogan stated yeah.

Board Member McNulty stated it's not a true C & D site because he hasn't taken, you know unless has been money transferred.

Chairman Rogan stated someone comes forward and says heck yeah we paid him five dollars a yard to take this stuff.

Board Member Montesano stated don't forget it doesn't have to be cash, he got the fill for free where if it would have been fill that you had to pay for to put in there, in other words, you got a place to put it, we'll give it you for free but that value of the fill if he would sold it somewhere is what the difference is, so 99 out of a 100...

Chairman Rogan stated that's what we have a lawyer for.

Board Member Montesano stated yeah well, go into court and see what happens.

Chairman Rogan stated but Mike...

Board Member Cook stated I mean the other two points about testing the well water and then documentation for this soil cap...

Chairman Rogan stated the deed restriction.

Board Member Cook stated you know you go back to Terri Hahn's memo way back when and are we going to ask for some of that stuff to be done and moving some of this debris and adding top soil or are we just going to go with cap it and put soil on top.

Chairman Rogan stated that is our whole deliberation I think, I think you summed it up right there, what does the Board feel that...

Rich Williams stated remember too there is another factor in all this and I only skimmed through the memo I didn't really get through it, what is going to happen to the fill on the other property.

Chairman Rogan stated well that seems pretty clear, we either get a letter that says we authorize Mr. Levine to act on our behalf in the same manner in which you're dealing with him or we want it off, that I think is going to, should resolve itself but we can't move forward with that until we have something.

Board Member McNulty stated well Mr. Bowman makes a recommendation on that.

Board Member Taylor stated yes.

Rich Williams stated again I only skimmed through.

Board Member McNulty stated yeah and he said that it should be removed unless the property owner agrees to a deed restriction and a demarcation layer.

Chairman Rogan stated right.

Board Member McNulty stated you know I think Mr. Bowman's comments are what we should go on and Mr. Levine should get an engineer to expedite this.

Rich Williams stated we did reach out to her and got no response.

Board Member McNulty stated to the neighbor.

Chairman Rogan stated so from, from legal counsel we should find out where that leaves up, what would the Town's next step be because we can deal directly with Mr. Levine and have a line in the sand, almost a fence line and say hey we have, we're not dealing but I think it would prudent to try to coordinate this so its done all in one shot.

Ted Kozlowski stated unless it's a dire emergency I don't think we can touch that unless that owner says so, regardless whether they respond to us or not.

Chairman Rogan stated we can't touch it anyway.

Rich Williams stated we issued a violation...

Ted Kozlowski stated no, no, no, I'm saying I don't think we can do anything out there...

Chairman Rogan stated no one is saying that Ted, what we're saying is that we can, what I'm wondering is legally can we, would it be prudent to proceed with Mr. Levine not having the answer on that piece because we can decide what we want him to do but I think it makes more sense to do it all in one shot because like someone said we're not going to do this this, it's not going to happen until spring anyway but we want to be a position that come April or May that this is now done and before the summertime we're cleaned up and resolved one way or the other, whether it's capping which I said on the record last time, I'm really not a fan of any of this stuff staying because I keep thinking about that 30 years from now when we have a big

issue somewhere in the area, we don't know the future development of the area but having said that we ask for technical guidance and I believe we have to consider following it...

Board Member Montesano stated we should follow it.

Board Member Taylor stated so what is the next step then, we run this by the lawyer and then we make a decision.

Chairman Rogan stated well I think we need to find out from the lawyer what our next step is in terms of the neighboring property owner, we've reached out to them, there has been correspondence sent...

Rich Williams stated how about I take that, draft a letter say this is the recommendation, if you want to keep the fill there this is what we're going to impose on you...

Chairman Rogan stated that makes a lot of sense.

Rich Williams stated if we don't hear from you in so many days, we will issue an appearance ticket...

Chairman Rogan stated I think that makes a lot of sense.

Board Member Cook stated who are you speaking to now.

Rich Williams stated the adjacent property owner, because after the last meeting we gave you the letter, we sent a letter saying...

Chairman Rogan stated great.

Rich Williams stated this is what we're considering...

Ted Kozlowski stated and they are signing off on it...

Board Member Cook stated what are we going to say to Levine.

Rich Williams stated I don't know if it came back.

The Secretary stated yes it did come back.

Rich Williams stated yeah.

Ted Kozlowski stated where do they live.

Chairman Rogan stated this one's in New Paltz...

The Secretary stated I'd have to look it up.

Rich Williams stated yes.

Chairman Rogan stated Teresa Shelly, Forest Glen Road, New Paltz is the daughter of the owner.

Board Member Cook stated but what we going to say to Levine.

Ted Kozlowski stated do we have her phone number, can we call them.

Board Member Cook stated are you going to take the information from Don Bowman's letter and Terri Hahn's letter and say give to us and say this is what this applicant has to do.

Rich Williams stated do want me to summarize that in a memo between the two.

Board Member Cook stated I think it would be helpful.

Rich Williams stated take Terri Hahn's and...

Board Member Cook stated yeah.

Rich Williams stated Maser's and summarize them.

Board Member Cook stated I mean otherwise are we talking about test your water, cap it, put fill on it when Terri Hahn's letter is a little bit more explicit relative to removing...

Chairman Rogan stated is Terri Hahn, not to interrupt you, is Terri Hahn though as let me pick the right word, competent is not the right word...

Board Member McNulty stated qualified.

Chairman Rogan stated qualified as Don Bowman in this area because her mitigation plan may be based on look we don't know the content of this fill, my idea based on this is to do x, y, and z, we have someone who specializes in this area in our consulting engineers and the information, I give the information that they give us the most weight in this conversation.

Board Member Cook stated okay.

Rich Williams stated so I should take Bowman's letter as the primary...

Chairman Rogan stated I would.

Rich Williams stated and anything that is supplemental out of Terri's report it will...

Chairman Rogan stated benefit...

Rich Williams stated will supplement Bowman's program, I should throw that in there.

Chairman Rogan stated I mean let's face it, it's a very simple question here really when we break it down it's we either leave it in place and we cap it or we remove it, one or the other and that really is the essence of the letter to Miss Shelley is to say this has been illegally or inappropriately dumped on your property, we really have two options here, you're either going to authorize Mr. Levine to move it, authorize him to cap it or take some action but you've got to take an action, you've got to do something or we're going to have you in court in as well because as far as we're concerned you've got inappropriate fill on your property and I think that kind of brings it...

The Secretary stated hang on.

Board Member Montesano stated we're hanging on.

Side 1 Ended – 7:46 p.m.

Board Member Cook stated take one for...

Board Member Taylor stated so are we ready for a resolution then.

Chairman Rogan stated no, we have to have a public hearing.

Board Member Taylor stated oh you're going to do a public hearing this.

Chairman Rogan stated oh yes.

Board Member Taylor stated are we ready for a public hearing.

Chairman Rogan stated I think we should also request, recommendation water related from Health Department, they're not, they are an involved agency in a sense but this is an uncoordinated review at this point but I'd like to formally...

Rich Williams stated they're not an involved agency.

Chairman Rogan stated I say that in the loose sense again that, because this is not a coordinated review, they don't have any authority on this but in terms of the idea that they are the primary local agency responsible for drinking water quality that I think it would be prudent since we've involved them to this point to ask for written recommendation given that they have the soil analysis, they can probably also speak to the State Health Department about to, so it will, if nothing else it will it may confirm what Don gave us for sampling regimen for the future, I think that would be. Let's face it, we're putting all this on our shoulders here when we feel like the DEC should have been doing all of this, we are doing this in lieu of them acting.

Board Member Montesano stated does that report from '95 for the well, is that significant in comparison to today's, in other words this shows...

Chairman Rogan stated it doesn't say much Mike, all it shows...

Board Member Montesano stated I know they never do...

Chairman Rogan stated is how deep the well is and that it didn't have bacteria in it, we do more today than this...

Board Member Montesano stated yeah well...

Board Member McNulty stated that's a well drillers report (inaudible).

Chairman Rogan stated yeah, it just says you know, what do we have a 365 foot deep well.

Board Member Montesano stated well not its not 365 feet anymore.

Chairman Rogan stated it's 375 [feet] now.

Board Member Montesano stated now there's more dirt in the well.

Chairman Rogan stated so anyway my point is though that because we're putting ourselves out on a limb here, as I think we should as the home rule, it's our backyard we should you know be more proactive than the people who are not taking an action like the DEC, I think it would be a good idea to gather as much information, we're trying to make a decision but we want to make sure we back it up with having input.

Board Member Cook stated Shawn I will say this that I think we have been proactive...

Chairman Rogan stated I agree.

Board Member Cook stated almost to a fault as you so stated that you know DEC really not stepping up to the plate, this thing has gone on for a very long time, I think believe it or not it has gone on longer than Thunder Ridge...

Board Member Taylor stated longer, much longer.

Board Member Cook stated and what you call it, yeah I mean it could be easy, just there you could say no or on this you could say remove it.

Chairman Rogan stated yeah.

Rich Williams stated if I could just, are you done, go ahead...

Board Member Cook stated I'm done.

Rich Williams stated okay, you're looking for the well to be tested.

Chairman Rogan stated I think that...

Rich Williams stated yes.

Chairman Rogan stated I think that the Health Department will end up doing that for Mr. Levine short term...

Rich Williams stated okay, the short of it is, you're looking for the well to be tested by somebody...

Chairman Rogan stated we have to establish a baseline.

Rich Williams stated okay and you would like to see the Health Department take primacy on doing that, whether they make Mr. Levine do it or they're going to do it, that's going to be up to them.

Chairman Rogan stated I think that's great.

Rich Williams stated is that right, am I, so far.

Chairman Rogan stated that sounds great.

Rich Williams stated and would like a letter sent to the Health Department stating that and then my last question is whose signature do you want on it.

Chairman Rogan stated I think it needs to be yours.

Rich Williams stated okay...

Chairman Rogan stated for obvious...

Rich Williams stated well that's what I'm...

Board Member Cook stated I think the letter has to go because if we're saying well we want them to do it...

Chairman Rogan stated yeah.

Board Member Cook stated how are they going to know we want them to do it.

Chairman Rogan stated but then the follow on to that is given that they have the soil sample results that we've provided them, given that we all want to establish a baseline for the water quality in the well and that there does not seem to be existing records of, I mean we wouldn't normally take these types of samples to establish these types of chemicals in the water, it is just not a normal sample, is what would their recommendations be for long term assuming that the soil, the material were left on site, what would their long term recommendations be for a sampling regimen, their recommendations and you could always copy this to the Health Department, it's not inappropriate I don't think, to copy Mr. Bowman's letter and that outlines and say you know, we'd like you to review this and see whether you agree, we can get some feedback from them, I think that builds our case in terms of the action we ultimately take, maybe not in terms of leave the fill or remove, you know, remove it or leave it but in terms of the water sampling, you know...

Board Member Taylor stated I would like to impose on us a timeline, so that we don't get to April and we're still futzing around with this thing.

Chairman Rogan stated well why don't we set a public hearing for the following month, December, what are we, next meeting will be...

Board Member Montesano stated January.

The Secretary stated November.

Chairman Rogan stated no, it would be December...

Board Member Cook stated December.

Board Member Montesano stated you want to set it for December.

Chairman Rogan stated because we may not be a position to do a resolution but we certainly could be in a position to start, we know now what our options are, let's face it, we don't know which route but it's a good time to get input if any...

Board Member Taylor stated so December public hearing.

Chairman Rogan stated so at the, we can set it...

Board Member Cook stated next week, we can set it for December...

Chairman Rogan stated we can set, yeah 1st.

The Secretary stated you can set it now.

Chairman Rogan stated we can set it now.

Board Member Montesano stated December 1st.

Board Member Taylor stated and then January we hear back from everybody...

Chairman Rogan stated and then we're, yeah...

Board Member Taylor stated and then February we make a decision.

Chairman Rogan stated I think so.

Rich Williams stated okay, there is no requirement on a fill permit for holding a public hearing...

Chairman Rogan stated right.

Rich Williams stated so there are no criteria for us for notice or anything else, so when you do the resolution if you can just throw that in there...

Chairman Rogan stated sure.

Rich Williams stated you know typically its all properties within 500 feet, notice in the paper...

Chairman Rogan stated okay, I'll make that motion in the matter of Mr. Levine's fill permit that the Planning Board set a public hearing for the next, for the December regular meeting and have Mr. Levine do public notice, neighbor notification within 500 feet all contiguous properties and notice in the paper as...

Rich Williams stated certified mail.

The Secretary stated certified return receipt.

Chairman Rogan stated yeah, absolutely, by certified mail. So moved.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated okay and then in the interim now we're hoping, the two things we're hoping to move forward with would be some response from the neighboring property owner and some feedback, whether its for the public hearing or at, before our resolution from Health Department, it would be great if we could get some baseline data, it would be great if we can get some information that says hey we totally agree with Don Bowman or maybe you might want to consider this, you know, they may even be willing to take on some of that sampling.

Board Member Cook stated so the sampling would determine what type of action plan that we would give to Mr. Levine...

Chairman Rogan stated well I'll tell you, if the baseline sample, if we draw samples, someone draws samples and we already have some of these things in the water, I can tell you I'm not voting to keep any of that material and that is what Bowman's letter says, hey if we get an action level, now a trigger and an action level are going to be two different things, getting a hit for these chemicals is one thing, it's presence, getting a level where the normal guidelines say hey this something where we need to be concerned about, they're saying even with Mr. Bowman's information if you ever get to that point even ten years from now, that material is coming out at a huge expense, you might as well...

Board Member McNulty stated after you've already capped it.

Chairman Rogan stated you might as well just close the doors on the property at that point based on the conversation we had last meeting but I think establishing a baseline is critical because otherwise you don't know, if you, you know, a year from now you get a detect on you don't know, it might have been there already, the fill has been there for what a year, year and a half, we really do need something to start that process because, I would even argue that even if the material is completely removed, you still need some sampling for a short term to make sure that you know because you've got runoff and residual, so it sounds like we're all on the same page.

Board Member Taylor stated okay and then what about adjacent property owner notices.

Rich Williams stated almost.

Board Member Taylor stated we're going to give them 30 days to respond to us and if they don't respond then we're going to give them an appearance ticket.

Chairman Rogan stated then we'll have to take legal action, yup.

Board Member Taylor stated so then we've got some response from them by January.

Chairman Rogan stated that's right.

Board Member McNulty stated well haven't we already given them notice.

Chairman Rogan stated we've given them notice but we haven't so far asked for a specific, this letter that Rich is going to do is going to say now look, here are your options you can do either, you can either say Mr. Levine your authorized in a legal document to act on our behalf whatever the Planning Board decides, what's good for you is good for us or I don't want to have any part of this and we have to mention the deed restriction which is part of that Bowman letter because that's huge...

Rich Williams stated I think I did the last time.

Chairman Rogan stated I believe you did. And we want it all removed or some other, you know...

Board Member Taylor stated or show up in court...

Chairman Rogan stated but either way we know...

Board Member Taylor stated or come up with something else.

Chairman Rogan stated that there is contaminated material on someone's property and we have to take an action and that would be the third thing, if we don't hear from you, there will be an appearance ticket for you to come to court and we're not asking for a lot here, we're trying to protect them...

Board Member Cook stated yes.

Chairman Rogan stated you know, so I think that's a good solid game plan if were all on the same page.

Board Member McNulty stated yes.

Chairman Rogan stated you know, okay all right...

Rich Williams stated almost done with it.

Chairman Rogan stated on this one.

Rich Williams stated (inaudible) better communication on that.

Chairman Rogan stated okay.

Rich Williams stated now Michelle likes you and doesn't like me so much.

The Secretary stated (inaudible)...

Rich Williams stated I was going to have her do the notification until you said Adam can do it.

Chairman Rogan stated he should do it.

The Secretary stated (inaudible).

Chairman Rogan stated he's going to need support anyway in terms of what to do and when he, help him a little bit with the list...

The Secretary stated I already did his name list and printed out a waiver for him so whenever he decides to show up and...

3) COMMERCE DRIVE COMPREHENSIVE PLAN

Chairman Rogan stated okay so we don't have Mr. Monteleone here tonight for the Commerce Drive Comprehensive Plan.

Board Member Taylor stated can we still talk about it a little bit.

Chairman Rogan stated absolutely.

Board Member Taylor stated Rich was preparing stuff.

Chairman Rogan stated yeah.

Board Member Taylor stated from what I hear.

Rich Williams stated I got part way through...

Board Member Taylor stated okay.

Rich Williams stated I had to go clean out rooms so I didn't get it finished but...

Board Member Taylor stated I missed that last meeting, was one of the reasons, that was the meeting I flaked out on and didn't come to, the work session where you talked about all this stuff with Mr. Monteleone...

Chairman Rogan stated oh.

Board Member Taylor stated so that may be some of it but my sense was also that there are some politics involved, that he was following somebody around who is no longer around, who won't be for much longer and maybe now he's ready to face the reality of the situation. It seemed to me that he's got two choices, he either deal with the lots individually, well he's actually got three based on what Rich was recommending. Deal with them individually which means he loses whatever percent of each lot which we can define now, right we've got all the boundaries and everything.

Rich Williams stated I've got sufficient, significant data on all the lots and started to work up numbers about buildable areas...

Board Member Taylor stated okay, so we will have that.

Rich Williams stated for example White Birch Realty, once, there's four wetlands on White Birch Realty, there is actually only one regulated wetland but that one regulated wetland with a hundred foot buffer

around it eliminates anything but the steep slopes.

Board Member McNulty stated did you get this Ron...

Board Member Taylor stated yeah I have that, so we've got that or we can look at this comprehensive plan, which is what we were saying basically we moved everything from two lots to one lot if we can, if it works out acreage wise, use the one lot as the wetlands and the stormwater and all those things then frees up two lots for him to do what he wants with to a certain extent or the third option which Rich was suggesting is he buy that other lot that nobody is ever going to build on anyway and use that as, which may then give him a little more in that lot.

Board Member McNulty stated but isn't that upstream...

Board Member Taylor stated no, it's downstream isn't it, isn't it down.

Rich Williams stated no and that's always been my sticking point with Peter is he says well if I've got to give up a lot, I'm going to give up the lot up on top by the cul-de-sac because that's my worst lot. Water flows downhill, if you're going to eliminate wetlands on the higher elevations you have to recreate them on the lower elevations, where are you going to have the hydrology to support them and he doesn't want to do that, he'll recreate them on the upper levels and where is the hydrology to support and where is the land up there to do that.

Chairman Rogan stated well the good thing is that unfortunately Mr. Monteleone isn't running this part of the process and if he wants to do a comprehensive review, we're guiding that not him...

Rich Williams stated right.

Chairman Rogan stated and not that we're not reasonable but this is the way it works and it is what it is.

Board Member Taylor stated that's what I think we need to do, I think we just need to lay that out to him...

Chairman Rogan stated agreed.

Board Member Taylor stated this is the way it is, these are the options...

Chairman Rogan stated yeah, you tell us which way you'd like to go.

Board Member Taylor stated now leave and make your choice, yeah.

Rich Williams stated and I (inaudible) I'll do that for the next meeting, then we can send it on.

Chairman Rogan stated yeah, no that makes, that's and I like the way you articulated those three options Ron, very nice job.

Board Member Taylor stated I ran across something at the conference, they were talking about brown fields...

Rich Williams stated yup.

Board Member Taylor stated does that landfill, would that qualify as a brown field.

Rich Williams stated yes sir.

Board Member Taylor stated so we can get some money in to, apparently there is money for brown fields...

Rich Williams stated oh yeah.

Chairman Rogan stated what is the loose definition of a brown field.

Board Member Taylor stated a contaminated area.

Rich Williams stated that needs to be cleaned up or has been somewhat cleaned up.

Board Member Cook stated is it like a man-made contaminated area.

Board Member Taylor stated yes.

Board Member McNulty stated I always thought that was called gray.

Rich Williams stated nature doesn't contaminate itself too much.

Board Member Taylor stated no not gray, Yellowstone, there are places in Yellowstone, so just for those who are moving on, it might be something that the Town Board should consider that maybe Rich should be working on things like instead of cleaning out rooms and mounting signs because if there's money, there is another lot which we don't know what to do with...

Chairman Rogan stated that's right.

Board Member Taylor stated get some money for at least a study to figure out whether it would be used for something and turn it into something, rather than having that whatever that color that is trickling out down the stream into other things...

Board Member McNulty stated its pretty brown now.

Rich Williams stated that is pretty brownish red...

Board Member Taylor stated yeah.

Chairman Rogan stated iron bacteria color.

Rich Williams stated yeah...

Board Member McNulty stated its got a nice glow to it.

Rich Williams stated if you stick your head over it, there's tons of hydrogen sulfite in it.

Chairman Rogan stated yeah.

Board Member Taylor stated and then the otherwise, that lot should be taken off the comprehensive plan, it should cease to exist as an available lot, right, I mean it's, it should have some kind of designation where it's like...

Rich Williams stated with something like that you take it off the tax rolls, nobody wants to take anything off the tax rolls they don't have to.

Chairman Rogan stated but...

Board Member Taylor stated but still...

Chairman Rogan stated fair is fair, if we determine, you know there really is not usable...

Rich Williams stated well understand I don't think anybody is paying taxes on it to begin with.

Chairman Rogan stated oh okay.

Rich Williams stated Mr. Monteleone has a contract if he finds a way to build on it, he doesn't own it.

Board Member McNulty stated he doesn't own it.

Rich Williams stated and County's not going to take it in foreclosure so it just sits.

Chairman Rogan stated yeah.

Board Member Taylor stated yeah.

Chairman Rogan stated I think that makes a lot of sense, okay.

Board Member Montesano stated (inaudible – mumbling).

4) OTHER BUSINESS

a. Patterson Auto Body Site Plan

Chairman Rogan stated so Rich what's up with Patterson Auto Body.

Rich Williams stated Patterson Auto Body, the Board approved a site plan for him a year ago, the year has gone by and it's expired. He's actually looking to start construction but in order to start construction the Board needs to give him an extension.

Board Member Montesano stated extension.

Ted Kozlowski stated did he ask for an extension.

Rich Williams stated he did.

Board Member Montesano stated oh wow.

Chairman Rogan stated oh okay, he's looking for, we're in a position to do a one year extension...

Board Member Montesano stated do you want to wait until the meeting or get it out of the way.

Chairman Rogan stated get it out of the way.

Board Member McNulty stated does an extension has an application or it's just something he comes in and asks for...

Chairman Rogan stated just a letter.

Board Member Montesano stated we just get a letter. So in the matter of Patterson Auto Body, one year extension.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated any opposed, okay, I'd like to see that one get started.

Board Member Montesano stated get started.

b. Frantell Site Plan

Chairman Rogan stated and Frantell it seems like we've done a bunch of these for Frantell.

Board Member McNulty stated who is Frantell, I don't know who that is.

Board Member Taylor stated you don't know.

Ted Kozlowski stated it's been around since the '80's.

Board Member McNulty stated you don't know.

Board Member Taylor stated I have no idea, I came in after you did.

Chairman Rogan stated Frantell.

Rich Williams stated Frantell is a 22,000 square foot building that is approved on the site just south of

D'Ambrosio's...

Chairman Rogan stated right out here on [Route] 22.

Rich Williams stated Prisco's, you know where I am...

Chairman Rogan stated and it looks very similar to the...

Ted Kozlowski stated it's above the A & P...

Rich Williams stated just north of the castle...

Board Member McNulty stated the guy that cuts up the deer...

Rich Williams stated (inaudible).

Chairman Rogan stated and the...

Board Member Cook stated king kone.

Chairman Rogan stated correct me if I'm wrong but the commercial building that we approved would look very similar to the one that's just over the border on the left, it's the same layout, the building with...

Rich Williams stated same, yeah...

Chairman Rogan stated some pond up front, you know there is a deli up there just over the border...

Board Member McNulty stated oh Blondie's...

The Secretary stated yeah.

Chairman Rogan stated Blondie's, I've never been there...

Rich Williams stated yes Blondie's...

Chairman Rogan stated but similar layout, you know, parking...

Rich Williams stated with a slightly better architecture, it had more of a barn theme to it.

Chairman Rogan stated yeah, so they want to...

Rich Williams stated and I think it was approved maybe around 2004 and he's been extending it ever since.

Board Member McNulty stated so it's just an ask for an extension of site plan.

Board Member Montesano stated is that where the tree disappeared or what...

Chairman Rogan stated County gets better...

Board Member Taylor stated we should charge him \$100 dollars an extension...

Board Member McNulty stated the center in Pawling, he's filled it up just about, I think there's only one or two vacant stores left.

Rich Williams stated I don't know how he's done that but he did it.

Board Member Montesano stated all right, Frantell we'll extend them one year.

Rich Williams stated it's up to you.

Chairman Rogan stated I think so...

Board Member Montesano stated I would extend it 30 days but a year...

Chairman Rogan stated I mean a year makes sense.

Board Member Taylor seconded the motion.

Board Member Montesano stated one year.

Chairman Rogan asked for all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated any opposed.

c. Computer Policy/Employee Handbook

Chairman Rogan stated computer policy/employee handbook, I had to return something didn't I...

Rich Williams stated yes we have both a computer policy now and an employee handbook and we are being badgered to make sure that all you sign for both of them...

Board Member Taylor stated for both of them now.

Board Member McNulty stated I don't remember a computer handbook.

Chairman Rogan stated we don't have computer so...

The Secretary stated no you did...

Chairman Rogan stated don't go on the internet.

The Secretary stated Ron and Tom just returned the handbook one.

Board Member Taylor stated did you notice that the last page of the handbook we have to hand back in...

Board Member McNulty stated yes, she had a, I made a copy...

Rich Williams stated yeah and we can print it out for you so you can sign it without tearing the handbook and we can do the same for the computer policy.

d. Reilly Request for Re-Zoning

Chairman Rogan stated and I saw the re-zoning request, you had a made a positive recommendation on Reilly.

Rich Williams stated that was pulled off the agenda, Mr. Reilly, after you know, giving it further consideration...

Board Member Montesano stated see.

Chairman Rogan stated okay.

Rich Williams stated said well I really don't want this.

Board Member McNulty stated so he's off.

Rich Williams stated he's off.

Chairman Rogan stated computer policy's done, M & S Iron Works...

e. M & S Iron Works

Rich Williams stated well yeah I had put that on, I was hoping to come back to the Board with some good news, Dan had called me up, we still have to do, since what March or May the lead agency notice so Dan called me up and said well how many copies you want and I said the same as was in the original memo, same as in the last memo, 5, I said though seeing as I have to review the EAF just give me one of the EAF and I'll make copies if I have to and what 3 days ago, 3 days ago I got in one copy of everything, so I am going to look at the EAF, probably tomorrow and call Dan and say send me the four copies and some day we'll get this thing moving.

Chairman Rogan stated okay, so we don't have an action then, the Board until that's done.

Board Member Taylor stated the substantive issues, they pretty much worked those out finally.

Board Member Montesano stated I got Charlie.

Rich Williams stated I have not seen what he's done.

Board Member Taylor stated okay so he hasn't come back yet.

Rich Williams stated before the last meeting I sat down with him and Andrew and...

Board Member Montesano stated hey, get your department head to sign that.

Rich Williams stated we went through everything and said this is what I'm suggesting you do everything, everybody seemed to oh great, oh good, boy this is thorough Rich, then we got into the meeting and he started nit picking and stopped himself but I think we're okay.

Board Member McNulty stated outside of those issues, where are we in the process with M & S Iron Works.

Rich Williams stated about as far at the beginning as you can get.

Board Member McNulty stated I understand that, so we still have to do public hearing and lead agency and SEQRA...

Rich Williams stated oh yeah, well we've done lead agency I'm waiting for him to get me the materials to send them to the other agencies; I've been waiting since the spring.

Board Member Taylor stated okay, they complain about us slowing down the process and...

Chairman Rogan stated I know, it's very convenient to blame when things go slow because its more believable then that they are dragging their feet.

Board Member McNulty stated yeah, month to month we forget...

The Secretary stated I did (inaudible).

Rich Williams stated yeah but the changes, is the one out on the server.

Board Member McNulty stated its hard to keep track.

Board Member Taylor stated okay so we're done now.

Chairman Rogan stated this is the most tired I've seen you look Ted in awhile.

Rich Williams stated no, you're not exactly done.

Chairman Rogan stated what's up.

Rich Williams stated we've got one more thing to add on to the agenda and that is the 2012 meeting schedule...

Chairman Rogan stated yes.

5) MINUTES

Rich Williams stated so you have that to review and you have minutes from September 29th and October 6th.

Chairman Rogan stated awesome and does anyone know, since Charlie you and Ron have been somewhat active in this, do we have anyone that has expressed interest in a Planning Board seat, that I mean we have old letters, I haven't seen any real...

Board Member Taylor stated I haven't heard anything.

Chairman Rogan stated okay.

Board Member Taylor stated nobody got back to me.

Chairman Rogan stated from the old or one person recently.

Rich Williams stated recently.

Chairman Rogan stated okay, what you mentioned to me.

Rich Williams stated probably, I think I did.

Chairman Rogan stated you said (inaudible).

Rich Williams stated who.

Chairman Rogan stated you said Steve Kessman.

Rich Williams stated no, no.

Chairman Rogan stated okay, I'm just thinking that what my hope is, is that the Town Board will find someone or we'll find someone to recommend to the Town Board that will supplement what you know, we have different talents that are brought to the Board right now, I'd love to and Charlie has unique talents that we're going to lose but I would, not that I want to replace Charlie in kind but I would like to supplement what we have, rather than get another person with just architectural, not that that's all you have, construction background, Mike has all the history of the Town and all that and I don't know what I bring but...

Board Member McNulty stated you bring the leadership.

Chairman Rogan stated but if we could get someone who could supplement all that and I think that would be fantastic so that is where my focus is going to be, someone whose, you hit the nail on the head, who can do the deliberations, take into account all the different things that we have to and make a reasonable decision and I think that's you know again, well stated.

Board Member Taylor stated okay so we have to beat the bushes a little bit.

Ted Kozlowski stated Chairman when you're done I have...

Chairman Rogan stated I'm done, you need to speak up a little though.

Ted Kozlowski stated I spoke with Mrs. Fehr, how do you pronounce it Rich.

The Secretary stated Fehr.

Ted Kozlowski stated I've been trying to call them as you know they have a small minor wetland situation at the intersection of [Route] 311 and Cushman Road, it's the child day care center...

Board Member McNulty stated the house just renovated.

Chairman Rogan stated oh yeah.

Ted Kozlowski stated right and the parking lot is supposed to be paved, I left several messages, they did not return the call, I went to the site, it has still not been paved however nothing is running off into the stream. This afternoon I finally got a hold of Mrs. Fehr who promised me that it would be done by November 14th, that they have a contractor, the contractor is supposed to do it and then the rain, blah, blah, blah, just have to remember I think the paving plants close around November 14th...

Board Member McNulty stated I think they extend now...

Chairman Rogan stated they're saying, yeah...

Board Member McNulty stated depends on how cold.

Ted Kozlowski stated do they.

Rich Williams stated they close the first time it snows.

Ted Kozlowski stated well that's tonight. So, I don't know where this is going, they just said a little more patience please, they'll get it done.

Board Member Montesano stated in the spring.

Board Member Taylor stated and then I brought a bunch of stuff back from the conference, power points and things like that...

Board Member McNulty stated cool.

Board Member Taylor stated I don't know if anybody's interested in them...

Board Member McNulty stated sure.

Rich Williams stated power point presentations.

Board Member Taylor stated yes, they send out their power points now.

Chairman Rogan stated nice.

Rich Williams stated boy times have changed.

Chairman Rogan stated maybe we have to get a bucket of popcorn and sit in the other room.

Board Member McNulty stated last time they gave it in a paper form.

Board Member Taylor stated I can give you...

Board Member Cook stated it could be a training session.

Board Member Taylor stated I can give you a list and then tell me what you want, the one that stuck out in my mind besides the SEQRA one was the training that Pace does about getting, creating the process of and training people to do this of government private partnerships and that would seem to me to be perfect, its what Patterson really needs, if you're going to do something with the Hamlet you have to get all of these interested parties together...

Chairman Rogan stated that's right.

Board Member Taylor stated and the training is how to keep the different people from killing each other while they're in the same room and coming out with an outcome.

Chairman Rogan stated yeah.

Board Member Taylor stated there are some engineers up there that I happen to like, one guy gave another presentation that was spot on who do that kind of thing and they're willing to come to the Town for free to present what they would do and so it would be...

Chairman Rogan stated sounds great...

Board Member Taylor stated do we want to pursue with something like that, bring them and let them sit down and talk about you know just, that's, it would be something after January because the Town Board would need to be on board.

Chairman Rogan stated it would be good if we could get full participation from all three Boards so you know you get the best bang for your buck.

Board Member McNulty stated can we apply that to Commerce Drive.

Board Member Taylor stated I think we need it for Commerce Drive.

Chairman Rogan stated well no because this is a private...

Board Member Taylor stated Commerce Drive is kind of taking off on its own.

Rich Williams stated what Ron's talking about is exactly what we're doing right now with Benfield, we're trying to work on a public partner, private partnership to get somebody in that building, get that sewer line extended both for that building and the library and give them appropriate economic incentives to do that.

Board Member Taylor stated well this, I'm talking about a bigger scale of that; let's look at the whole Hamlet.

Chairman Rogan stated yeah.

Board Member McNulty stated yeah.

Board Member Taylor stated Ryder's property is now up for sale, we have access down into the swamp, you have Thunder Ridge over there and what would you do and we got the train station sitting here, truck people up and send them back, you know, Pawling is doing now.

Chairman Rogan stated yeah.

Board Member Taylor stated how would that all fit together, you know they could lay it out nice little drawings and the whole business, he said the thing they would start with is an economic study to see if it's viable or not, costs five to nine thousand dollars, they have contacts for grants, you know they've been through this process, any number of things, I'll give you a list of projects they've completed...

Rich Williams stated we did something very similar way back when, we've got plans for, what regional plan association, brought them into Town, did a charrette came up with a whole concept and then based on that what I learned, what I learned from Pace, my original direction and I've talked to some of the Town Board Members now, I've talked to Charlie about it is try to push it back there about changing the direction of the Town and I wanted to do this the last time and I didn't get a lot of support and that's put a lot of focus on commercial recreation for profit, or encouraging say bike trails and other thing to bring people in, enhanced bed and breakfasts, you know get some bed and breakfasts in here so people will take the train up, we've got the trails, they can jump out on the trails, they've got things to do...

Chairman Rogan stated the swamp right there.

Board Member McNulty stated skiing.

Chairman Rogan stated skiing.

Rich Williams stated yeah well I'm not big on the swamp because when you throw people in the swamp you hurt the ecology.

Chairman Rogan stated I know.

Ted Kozlowski stated cross country skiing in the swamp could be an option.

Rich Williams stated absolutely, absolutely, a great option so doing just like that...

Board Member Taylor stated we can test those things out.

Rich Williams stated and we've been, I've been, with the new Master Plan where we're going with that, I think that's where we're going to go.

Chairman Rogan stated and I know we've mentioned it in the years past but what a great idea to be able to get an off Broadway like a dinner theater for the Benfield, that would be the coolest thing to have like a

Westchester Broadway type, but on a smaller scale where you would have...

Board Member McNulty stated we have Town Crier up the road.

Board Member Montesano stated they just went there today.

Board Member McNulty stated Town Crier has great entertainment that's close by.

Board Member Montesano stated all the seniors.

Board Member Cook stated that's it you have to take a look at it regionally, see what's around then what...

Chairman Rogan stated enhance it.

Board Member Cook stated how you can fit in.

Chairman Rogan stated right.

Board Member Cook stated and capture off of that, that's the key.

Rich Williams stated well that's, I mean good to do but you know my, with this direction that we're talking about, looking more commercial recreation and parts and you know things like that, you've got nothing on this side of the County, you've got it over in Cold Springs...

Chairman Rogan stated yeah.

Rich Williams stated but you don't have it in Carmel, you don't have it Kent, you don't have it in Southeast, what I would be looking to do or what I would be recommending the Town do is create that focal point here in Patterson.

Board Member Cook stated yeah, that's what I said.

Rich Williams stated yeah, okay, and then expand out, not see what they're doing around.

Board Member Montesano stated question...

Board Member Taylor stated he was saying...

Board Member Montesano stated a certain horse farm, oh, I'm sorry...

Board Member Taylor stated he's saying see what you do around...

Board Member Cook stated at least what I meant.

Board Member Taylor stated to see that you're not competing with what you do around, right.

Board Member Cook stated yeah...

Board Member Taylor stated you create your own...

Rich Williams stated there is nothing around.

Board Member Taylor stated well yeah that's...

Board Member Montesano stated a certain horse farm might be a great place to put a theater in there.

Chairman Rogan stated why don't we close the meeting.

Rich Williams stated before you close the meeting I do have one last thing, based on everything you've taken care of...

Chairman Rogan stated guess who is not needed...

Rich Williams stated well do you want to have a meeting next week at all, do you want to have the engineer, do you want to have the attorney here.

Chairman Rogan stated well I, it doesn't seem like we, I don't know what your deliberations were on item one, not specifically...

Rich Williams stated it's off the agenda.

Chairman Rogan stated but are you, you're done, okay...

Board Member Montesano stated it's off.

Board Member McNulty stated have a training session.

Chairman Rogan stated we don't...

Board Member Cook stated I think we need, I think we need to have the discussion on the Levine property right...

Chairman Rogan stated no.

Board Member Cook stated no, you're going to; we have to do that...

Rich Williams stated the following meeting I'm going to give you some documentation to address.

Chairman Rogan stated we won't have anything new, truthfully.

Rich Williams stated yeah.

Ted Kozlowski stated what kind of training are you looking for, maybe I can get somebody in.

Board Member McNulty stated bring your power points in.

Board Member Taylor stated I'll bring my power points in.

Chairman Rogan stated okay.

Board Member McNulty stated pick one on brown areas.

Board Member Taylor stated well there isn't one on brown fields.

Rich Williams stated Ron, when you decide what you're going to do, shoot them to me, I'll take a look at them, I'll get the projector here and...

Board Member Taylor stated I've got my own projector; I'll bring it, because it works with my laptop.

Rich Williams stated I'm not happy about that.

Board Member Taylor stated do you want to use your own projector.

Board Member Cook stated can you wait on the minutes.

Rich Williams stated (inaudible).

Board Member Taylor stated oh, well it's...

The Secretary stated I mean I can, I don't see why I can't wait on the minutes.

Board Member Taylor stated it's a long story to that.

Rich Williams stated so all right then we can shoot them off of the...

Board Member Taylor stated put them on the wall.

Rich Williams stated on the back of the board out there, I have a white sheet of paper across the back, you can shoot off of that.

Board Member Taylor stated okay it works fine on a wall too.

Board Member McNulty stated I have one of those expandable screens too.

Chairman Rogan stated are the topics, I think whenever we do these...

Board Member Montesano stated reminds me of (inaudible).

Chairman Rogan stated it's a great idea to open it up to the other two Boards just as a, because there are people that are interested and then its taking advantage of the opportunity so could we send out a notice to Town Board and Zoning Board as part of our regular meeting, because we have a light agenda we are going to do...

Board Member Taylor stated I'll bring over the list tomorrow, you can see what's appropriate.

Chairman Rogan stated that would be great, I mean thank you for offering, that's fantastic.

Board Member Taylor stated well that's kind of why I went up there.

Board Member McNulty stated what did you think of the conference.

Board Member Taylor stated it was very spotty.

The Secretary stated is there a meeting.

Rich Williams stated well I don't know, that's what we're trying to work out.

Board Member McNulty stated good turn out.

The Secretary stated are you gentlemen doing a light meeting or are you not doing a meeting.

Board Member Taylor stated sounds like we're not doing a meeting.

Board Member Montesano stated we're doing a light.

Chairman Rogan stated we're doing training.

Ted Kozlowski stated Bud Light.

Rich Williams stated so you don't need minutes.

Chairman Rogan stated don't need minutes, no.

Rich Williams stated so you can come and get trained.

Board Member Montesano stated now you can understand what we get confused about.

Board Member Taylor stated no good (inaudible).

Board Member Montesano stated don't you want to get confused with the rest of us.

Rich Williams stated (inaudible).

Board Member McNulty stated I got that too when I went up north with Mike.

Chairman Rogan stated only if they want to come (inaudible) for the training, that's on their time not on...

Board Member Montesano stated but they're not getting paid, period.

Chairman Rogan stated we're not paying them to come, I mean that would sound kind of silly.

Board Member Montesano stated we need the training not them.

Chairman Rogan stated okay motion to adjourn.

Board Member Montesano stated motion to adjourn, second.

Chairman Rogan asked for all in favor:

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

Motion carried by a vote of 5 to 0.

The meeting adjourned at 8:18 p.m.