

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**November 4, 2010**

**AGENDA & MINUTES**

	<b>Page #</b>	
<b>1) Doug Wallace – Wetlands/Watercourse Permit Public Hearing</b>	1 – 4	Public Hearing opened & closed. Permit granted with conditions.
<b>2) Echo Road Telecommunications Tower – Public Hearing</b>	4 – 12	Public Hearing opened & closed. Discussion of site, gate issues and snow removal.
<b>3) Taggart Estates – Continued Review</b>	12 – 14	Negative Determination of SEQRA granted. Public Hearing schedule for 12.2.10
<b>4) Levine Fill Permit – Discussion</b>	14	Soil Testing in progress.
<b>5) County Line Getty – Continued Review</b>	14 – 20	Public Hearing scheduled for 12.2.10. Discussion of site issues.
<b>6) Other Business</b>		
<b>a. Boniello Site Plan</b>	20, 28 – 30	Discussed at 10.28.10 Work Session.
<b>b. Frantell Site Plan</b>	20	Extension granted at 10.28.10 Work Session.
<b>c. Local Law – Fox Run Phase II</b>	20 – 21, 34 – 53	Discussions of traffic study, bulk density requirements, change of zoning and bedroom counts.
<b>d. Jay Maxwell Concept Plan</b>	21 – 28	Discussions of site plan and site modifications.
<b>e. 144 Fields Corner Road – Wetlands/Watercourse Permit</b>	28	Discussion of survey wording.
<b>7) Minutes</b>	30	September 30 <sup>th</sup> and October 7 <sup>th</sup> Approved.
<b>Montelone Wetland Violation Discussion</b>	30 – 34	Discussion of violation and site use.

**PLANNING DEPARTMENT**  
P.O. Box 470  
1142 Route 311  
Patterson, NY 12563

Michelle Russo  
Sarah Wagar  
*Secretary*

Richard Williams  
*Town Planner*

Telephone (845) 878-6500  
FAX (845) 878-2019



**TOWN OF PATTERSON**  
**PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**  
Howard Buzzutto, Chairman  
Mary Bodor, Vice Chairwoman  
Marianne Burdick  
Lars Olenius  
Gerald Herbst

**PLANNING BOARD**  
Shawn Rogan, Chairman  
Charles Cook, Vice Chairman  
Michael Montesano  
Thomas E. McNulty  
Ron Taylor

**Planning Board**  
**November 4, 2010 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member McNulty, Board Member Taylor, Rich Williams, Town Planner, Joseph Dopico of the Town Engineer's office Maser Consulting, Tim Curtiss of the Town Attorney's office, Curtiss and Leibell.

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

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

Michelle Russo was the Secretary and transcribed the following minutes.

There were approximately 5 members of the audience.

Chairman Rogan stated thank you everyone.

**1) DOUG WALLACE – Wetland/Watercourse Permit Public Hearing**

Mr. Doug Wallace was present.

Chairman Rogan stated Michelle can you please read the first public hearing notice.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, November 4, 2010 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Monahan Estates Wetlands/Watercourse Permit Application. The applicant is requesting permission to install a curtain drain and other disturbances within the wetland buffer associated with construction a single family residence.”** The property is located at 17 Carolyn Way, Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated do we have anyone here that has any questions or comments about this wetlands permit. Seeing no questions or comments, can I have a motion to close the public hearing.

Board Member Montesano stated motion to close the public hearing.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated okay this application is more administrative than anything but there was obviously Mr. Wallace a review of the paperwork as you know and the one thing that the Board brought up was obviously the fee associated with this application and we actually deliberated quite a bit on this because we wanted to make sure that the fee represented the nature of this application which at this point is we see it as administrative and very minor and what some Board Members brought up was there is still cost of doing things and we asked Rich to do a review that reflected basically what it costs to do things, we broke down what it costs to have the meeting, no charging one applicant but spreading it across the board and you got a copy of the memo and I think where we're as is you've already paid 100 dollars, it looks like we came up with a fee of \$395.30 and so we were inclined to recommend that the Town Board reduce the wetlands permit application fee from \$2,310 down to \$400 in recognition that you've already paid \$100, in essence you would have to pay another \$300, unless I've missed anything, if anybody has any other comment on that, it seems to take into account the administrative function of this Board, the Environmental Conservation Inspector and the Planning Department, questions, concerns, comments.

Board Member Cook stated what would be approving.

Chairman Rogan stated we would be 2 things, we are approving a wetlands permit which allows him to go in and proceed with getting Health Department approval just like we did a few years ago and we are also making a recommendation that the Town Board considers a reduction in the permit fee, correct...

Rich Williams stated done.

Chairman Rogan stated oh it's done.

Rich Williams stated last meeting.

Chairman Rogan stated oh I forgot, I'm sorry okay so that, having said that then, we're just looking at an approval for Mr. Wallace's wetland/watercourse permit application.

Board Member Cook stated I'll make the motion that the Planning Board approve the wetlands/watercourse application for Doug Wallace, 17 Carolyn Way.

Board Member Montesano seconded the motion.

Rich Williams stated comments...

Chairman Rogan stated yea, sure.

Rich Williams stated you want to make it conditioned on him paying the application fee.

Chairman Rogan stated so moved.

Board Member Cook stated second.

Chairman Rogan stated Mike seconded.

Board Member Montesano stated second.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated Doug, question, I'm sure the economy plays a part of this but can you at least in the very near future work towards getting the Health Department approvals to get this because obviously this was a big component as to whether you can move forward with this lot...

Mr. Wallace stated sure, okay.

Chairman Rogan stated and it would be great if we don't have to go through this 2 years from now, if you at least get that you know, that out of the way so you know where you stand with this lot...

Mr. Wallace stated all right.

Chairman Rogan stated all right, I mean we can't force you to do that obviously but also we can't guarantee, here's what we can guarantee that the wetland rules won't change they are obviously going to get more stringent, not less stringent and we can't guarantee that a Planning Board that might be sitting here years from now may not make a different decision and say okay at this point you've had X number of time to do this, they may make a decision about vested rights and not approve it, so I think it would be great idea to go after this one.

Mr. Wallace stated okay, thank you.

Chairman Rogan stated all righty, thank you.

Mr. Wallace stated have a good night.

Chairman Rogan stated that's it, you as well, thank you...

## 2) ECHO ROAD TELECOMMUNICATIONS TOWER – Public Hearing

Mr. Daniel Laub of Cuddy & Feder was present to represent the application.

Chairman Rogan stated Echo Road Telecommunications Tower public hearing Michelle.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, November 4, 2010 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Metro PCS Site Plan to construct an additional telecommunications array with enclosed utility structure on an existing telecommunications facility.”** The property is located 723 Fair Street, primary access to the site is located off Echo Road, on property owned by Patterson Crossing Realty Company, LLC. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated I think before we ask if there are any comments, if we could ask for a quick summary of what your activities, what this application represents and what you're planning on do for any members of the public that may be here for this.

Mr. Laub stated for the record my name is Daniel Laub, I'm with the firm of Cuddy & Feder representing Metro PCS which is a wireless telecommunications much like AT&T, Verizon, Sprint/Nextel, T-Mobile/Omnipoint. We are here in order to, the proposal is to use an existing cell phone tower to attach our antennas to it and provide Metro PCS service basically in the area of the cell phone tower which the service is targeted to [Interstate] 84, [Routes] 311, 52, Fair Street, Echo Road and the area, the facility is owned by AT&T but Metro PCS will be a lessee on it, no extension of the tower is required, Metro PCS would go in at 80 feet on the existing tower which is 125 feet, we are proposing 6 antennas total, the um, we do propose also to just expand the existing compound by 10 by 20 feet in order to fit our equipment cabinets in which are used to operate the antennas. Typically as with this type of use there is no kind of sewer, you know noise, things like that, it's an unmanned facility, it is monitored 24/7 from a remote location and approximately once a month a technician comes to check in on the site to make sure the equipment is running appropriately. So that is pretty much the nuts and bolts of the application, it is, the idea is to co-locate on existing tall structures.

Chairman Rogan stated okay, any questions or comments from anyone in the audience, if so, then you just need to come up, us the microphone and state your name for the record, going once, going twice, can I have a motion...

Board Member Montesano stated I'll make a motion to close the public hearing.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated so um, we know from the last time we met that obviously there was some clean up of the site which we had recommended, the site was secured which was obviously a concern, there is a generator on site, has it been removed yet...

Mr. Laub stated I believe it was, it was supposed to be removed no later than today, that was what Sprint advised AT&T, we told them we had a hearing coming up and we wanted it removed as soon as possible and they said okay, no later than today.

Chairman Rogan stated the main issues that the Board was concerned about and I, please jump in anyone if I miss them but one question was about um, ensuring from an engineers perspective, the foundation that it's designed to handle the additional weight of the apparatus that you're putting on it...

Mr. Laub stated right.

Chairman Rogan stated and we also talked about snow removal and loading areas or parking areas in front of the existing gate and how with an additional carrier you have additional traffic going in there and we want to make sure we can work towards, ideally, honestly moving that gate a little bit closer into the site to provide so that they are not on the street and also giving a place to push the snow because that one residence is the driveway and the yard are very close to that gate and um it just seems like it would be a very simple thing at least from my perspective to address that, I don't know if you have any information or any comment on that.

Mr. Laub stated well for the structural issue what, if you recall the structure report that we provided had you know one clause in it indicating that they didn't have geotechnical analysis available which I think is really the crux of the issue so we went back to AT&T and they are having a geotechnical analysis completed so that will be able to be incorporated and provided to the Building Department to make sure that it is, it is pretty much an up or down thing, it either works or it doesn't, if it doesn't work we wouldn't have the ability use it and if it does then...

Chairman Rogan stated okay.

Board Member McNulty stated as long as they state it, it is clear in that documentation that they are not verifying it, the engineer did not sign off on it.

Mr. Laub stated right, right so this way we would have a geotechnical analysis completed and that they would be able to have on file.

Board Member McNulty stated great.

Mr. Laub stated as for the gate, you know we went back to AT&T and AT&T was not willing to you know do anything about the gate, they didn't really feel that there was anything wrong with the gate, the, it was originally approval, we have the original, I did check it, it was originally approved with the 1991 approval, we are a lessee going onto the site...

Chairman Rogan stated understood.

Mr. Laub stated we haven't proposed anything with the gate, we just don't have authority to go over it.

Chairman Rogan stated as a lessee, they are, you said AT&T is not, basically if I can speak plainly, AT&T is saying we don't see the need to do any kind of changes but as the lessee can you go to AT&T and say we realize you're not willing to do this but can we as the lessee improve on this site because we are looking to...

Mr. Laub stated it's not part of Metro's proposal and they told me...

Chairman Rogan stated I realize this but I'm asking you if it's...

Mr. Laub stated they told me that they don't see any problem with the gate either.

Chairman Rogan stated that's...

Board Member Cook stated I think we should get AT&T in here...

Chairman Rogan stated okay.

Board Member Cook stated and discuss the gate issue with them, I can see this applicant's position where you know he wants to come in and put his antennas on a pole and et cetera like that but I think the entry way and the gates and whatever is for that organization that owns it.

Chairman Rogan stated no and, it might sound like a silly question but is this applicant, are they authorized, even if they were willing, would they be authorized to do changes to the site, I mean it's got to come through AT&T, are they authorized even to be here, how does that work because it's AT&T's site and they are not here as the applicant.

Tim Curtiss stated they should have an authorization from AT&T that they are allowed to make this application...

Chairman Rogan stated which I am assuming you have.

Mr. Laub stated which we did and we provided in our application...

Chairman Rogan stated okay.

Mr. Laub stated but basically it's for the work that we've proposed.

Chairman Rogan stated I think the funny part about this is that I tend to think that it is going to cost AT&T more money to come to this meeting than to change the gate, that is just my opinion, we're talking about a new gate, a little bit of a stone wall, push it back a few feet, it's going to cost more for all of us to discuss

this than it will for them to do it, that's my feeling but I can't speak for them, they want to you know go around and around, that's up to them...

Mr. Laub stated I think the, I think the problem is that it is approved as it is.

Chairman Rogan stated yea but you're expanding on it and that's where we're looking at, it was approved but...

Mr. Laub stated we're not expanding anything...

Chairman Rogan stated you're expanding on the traffic going into the site, so don't...

Mr. Laub stated one trip a month.

Chairman Rogan stated how many carriers do you have out there.

Mr. Laub stated I believe there's only what, 5 or 6.

Chairman Rogan stated so you're adding that portion up to the site, so...

Mr. Laub stated I think that is pretty much de minimus.

Chairman Rogan stated it's pretty much what...

Mr. Laub stated de minimus, it's minor.

Chairman Rogan stated minor, okay.

Mr. Laub stated it's what, to the extent of what traffic is, have there been any complaints lodged about the gate or traffic that's backed up, this has been here for over 20 years...

Chairman Rogan stated none that I have personally received but...

Mr. Laub stated right.

Chairman Rogan stated that doesn't mean that the Planning Board when they go out and look at a site can't find things that maybe weren't contemplated 20, 19 years ago, I can't speak for that I wasn't on the Board 20 years ago, fortunately.

Mr. Laub stated right, right...

Board Member Taylor stated perhaps...

Mr. Laub stated given that we, given that it was built 20 years ago and other carriers have gone on there and the gates have never been an issue, I am hard pressed to say that my client should be exposed to that.

Board Member Montesano stated well let me put it this way the facility was left in a state when we inspected in of having no security, gates were busted open, you could walk in, the generator that was

parked outside, now unfortunately they have a thing called children, they don't pay any attention but if something is left open they have a tendency to walk in...

Mr. Laub stated right.

Board Member Montesano stated and if one of them got hurt, I'm sure not only your company and the other 5 people on there would probably get sued but I'm sure the Town would get sued so it's our...

Mr. Laub stated why would the Town get sued.

Board Member Montesano stated why not, that's known as a case that can be brought in, you never saw a City of New York get sued while and plus the employee that was involved...

Mr. Laub stated for municipal property but this isn't municipal property.

Board Member Montesano stated but the Town approved it so you'll get some nice young man who is coming out of law school who has nothing better to do this week and can come up with a piece of paper and write it out and unfortunately it has been done in the past and that is why decisions get changed and made.

Mr. Laub stated well I...

Chairman Rogan stated I think if nothing else, Mike brings up a very valid point that when we went out there for the site walk, you guys are coming in with an application for a site and it never ceases to amaze me how we go out on a site and people are expecting us and the place looks like it's completely unkempt. I would have expected that having known that an application was going forward that they would have said hey let's run out there and take a look at the site and realize that maybe even the people that are showing up to do their own work on the facility aren't opening the main gate but are going around to the busted gates, you can see the trail that was cut through the brush, they weren't even opening their main gate and that you can tell because the gate would not be able to swing open based on the brush that had grown up. So that paints a picture of a site that basically isn't really taken care of or cared about...

Mr. Laub stated right.

Chairman Rogan stated so now we take that and we have a gate that we that you know hey a little bit of improvement and you're going to, you're going to add to aesthetics of the site, you're going to add to the safety of the site so that people can cue up when they do pull in, they are not sitting, idling out in front of someone's house, I haven't been there after a snow storm I don't know where the snow gets pushed but the fact of the matter is they obviously don't push it directly into the gate which mean they are probably pushing the snow that's in front of the gate off on to the property that adjoins it, the residential property. Now have I gotten a complaint, of course not I'm, maybe they wouldn't think to complain to the Chairman of the Planning Board, I was hoping that we would get public input tonight just to you know, obviously to know whether it is a concern but the fact of the matter is that this Board saw it as a concern that seemed like it a very reasonable thing to correct. Now what I'm asking is for you to go back to AT&T and explain what the Board has expressed to you and see what their position is it's something we brought and it's something we expressed that seems to have a very simple solution beyond that I think we are just going to agree to disagree at this point, the fact of the matter, does anybody else have anything on this...

Board Member McNulty stated also I believe that Kent clears the snow on that road, does it not.

Rich Williams stated it does.

Board Member McNulty stated so we might not get the complaints in this Town.

Chairman Rogan stated true enough.

Board Member McNulty stated so any complaints with the snow may be going to Kent and also as a Board what we are looking to do overall is to enhance this Town and represent the people well and in 1991 it was approved but we're now in 2010 and these are some of the things that we are looking at to help the Town improve...

Mr. Laub stated right but the last approval was in 1999, so but point taken.

Chairman Rogan stated okay.

Board Member McNulty stated but we're looking to do better now, we do have a new application in front of us...

Chairman Rogan stated Rich would you do me a favor.

Board Member McNulty stated and we feel it's the opportunity at this point that we can ask for this request.

Chairman Rogan stated would you be so kind as to reach out to the Town of Kent Highway Supervisor and inquire as to what we're going through with this and whether or not they would be supportive of improvements to that entrance to allow their plows better ability to keep that road safe and be able to plow the road so that we know whether, if they say hey we've never had a problem up there and no we don't see any need for it then all we are talking about is the aesthetics but I would respect their opinion.

Rich Williams stated and I should CC the Kent Town Board.

Chairman Rogan stated that's up, would that be...

Board Member McNulty stated you might want to ask the Patterson Highway Department if they had complaints too.

Rich Williams stated I have.

Board Member McNulty stated oh you have...

Rich Williams stated they don't, that's how, I prefer that we...

Chairman Rogan stated that's how he derived...

Board Member McNulty stated that it was Kent doing it. Also, I had a question about the unsecured electric panels, have those been addressed...

Chairman Rogan stated oh right.

Mr. Laub stated um...

Board Member McNulty stated there are electric panels that have no fence around them and no lock on them, I mean anybody can flip the panel open and short out whatever they want or...

Rich Williams stated when Charlie and I were up there they were all locked at that point.

Board Member McNulty stated they were all locked.

Board Member Cook stated there was no fence, they were all locked but there was no fence you know while I think it's okay to ask this applicant to reach out to AT&T, I think we should reach out to AT&T directly...

Chairman Rogan stated good point.

Board Member Cook stated and get them in here because even in Ron's e-mail a couple days ago where he talks about annual maintenance and you know kind of lays out very loosely a plan if AT&T is the landlord of the site then that's who we should be speaking to and I think that's who we should be reaching out to, I think you should do it also just from the standpoint you have to get this thing approved...

Chairman Rogan stated he's caught in the middle.

Mr. Laub stated we did.

Board Member Cook stated and you know, well I mean after tonight you know and tell them what you've experienced here and I think we have to go direct to AT&T.

Chairman Rogan stated okay, anything else Rich. Thank you for your time, have a good evening.

Board Member Taylor stated before you go.

Chairman Rogan stated I'm sorry.

Board Member Taylor stated I have a question.

Chairman Rogan stated sure.

Board Member Taylor stated since these are under a certain constraint, these applications, these ones in particular the cell tower applications, what if we approve this application with certain conditions so then we are not holding him up in terms of his process and then we can help him address AT&T to get some of these conditions done, can we proceed in that way.

Rich Williams stated I was going to have a resolution for you ready for the next meeting, if you're looking at me, that's what you're asking.

Board Member Taylor stated I was looking at both of you back there.

Rich Williams stated huh...

Board Member Taylor stated I was looking at the 2 of your actually.

Tim Curtiss stated I'm right behind you.

Rich Williams stated oh.

Tim Curtiss stated yes you have that, I would think that you may want to get an answer from AT&T at least have some dialogue with them before you get to that point.

Board Member McNulty stated before we condition anything, sure.

Tim Curtiss stated so that you know what if anything AT&T is willing to do because obviously conditions that you want to put in there is improvements to the gate...

Chairman Rogan stated sure.

Tim Curtiss stated and if AT&T says flat out no, then we may have to go in another direction.

Chairman Rogan stated got it, okay.

Board Member Taylor stated okay so let me, they referred to my e-mail, these were some of the conditions we were discussing, that an annual contract be entered into by the in this case I guess it's AT&T, the lessee, with a maintenance firm to provide the following, at least semi-annual mowing and clearing of brush and vines from an at least ten feet (inaudible) maintenance corridor around the fence, ten foot maintenance perimeter around the electrical supply distribution panel and the outside of the security fence and the full width of at least, let's say whatever the width of the access of the access road corridor and the entire front entrance area.

Chairman Rogan stated before you continue Ron, is this something that we can give a copy of this to this gentleman so he doesn't have to feverishly write notes.

Board Member Taylor stated yes we can, I'll give this to him.

Chairman Rogan stated this way he can just listen.

Board Member Taylor stated I'll just hand it to you when I'm done.

Chairman Rogan stated okay.

Board Member Taylor stated cutting and removal of any dead trees whose distance from the maintenance perimeter, access road corridor, front entrance area or any property line is equal to or less than the trees height, that is if the tree is endangered of falling down on any of those structures also any dead limb that overhangs any of these area. Reseeding with an approved mixture as necessary to maintain erosion controlling low grow (inaudible) plant in the maintenance perimeter, access road corridor and front entrance area. Inspection repair and maintenance in proper and secure working condition of the security fence and gates around the tower and at the entrance, removal of any debris or any object not on an approved site plan from the property and whereas the entrance area presents a hazard and an eyesore to the surrounding property owners number 1 move the gate and structures on either side necessary to prevent unauthorized vehicle access back on to the property at least, what did we say 20 feet, so that service

vehicles visiting the site do not at any time park in the residential street so that there is an adequate area for a snow shelf and 2 provide a gate and structures on either side that are attractive and harmonious with the character of the neighborhood such as rough laid farm style stone walls with a rod iron gate and as we are requiring of all applications provide an as-built drawing to be brought at the Planning Board with final site improvements and required supporting documentation and that would include the engineer certifying the foundation. That kind of expresses our feeling about this, it seems after 20 AT&T might pony up for some improvements at this point which is what we're asking for.

Mr. Laub stated I'll pass this along.

Chairman Rogan stated thank you for your time.

Mr. Laub stated all right, thank you.

### 3) TAGGART ESTATES – SEQRA

Mrs. Theresa Ryan of Insite Engineering was present.

Chairman Rogan stated okay next up with Taggart Estates, Mrs. Ryan how are you...

Board Member Montesano very nicely done.

Chairman Rogan stated thank you Ron. How are you?

Mrs. Ryan stated good, how are you?

Chairman Rogan stated good, if memory serves me the last time you here you were nudging the Board for a SEQRA determination and we had a couple of things we were still looking at but I thought we were moving towards doing that determination tonight, anything that has come up since last time that anyone wants to talk about in relation to the SEQRA determination.

Board Member Cook stated we're going to do the SEQRA without the public hearing.

Chairman Rogan stated yes you can do a SEQRA before you set the public hearing, we're going to have the public hearing next, procedurally where do we stand with this.

Rich Williams stated you would be looking to set the public hearing as the next step, for the next meeting.

Chairman Rogan stated so yea we can do, you have it, thank you that's what I was looking for thank you, so SEQRA determination, we'll set a public hearing for the December meeting, sound good. We need a motion on a...

Mrs. Ryan stated sounds good to me.

Chairman Rogan stated sounds good Theresa, is that okay, do you want anything different.

Mrs. Ryan stated no, that sounds great, thank you.

Chairman Rogan stated in the matter of Taggart Estates Subdivision I'll make a motion that the Planning Board grant a negative determination of significance of SEQRA, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated and I'll move that we set a public hearing on this matter for the December meeting.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Mrs. Ryan stated thank you very much.

Board Member Taylor stated just one brief thing for you Theresa, since the oldest and longest occupancy of the property was by the Seeley family, it would be appropriate to memorialize their contributions to the Town by name a road after them, simply Seeley Road or Seeley Lane or more specifically Seeley Farm Lane since it was the location of the family farm...

Chairman Rogan stated Seeley Farm Lane has a nice...

Mrs. Ryan stated I like that.

Board Member Taylor stated I'm not going to read it but this is a paragraph detailing some of the property owners on this site, the Seeley's were there for 3 generations, the longest...

Mrs. Ryan stated thank you, I'll pass it on and see if I can convince them.

Chairman Rogan stated we don't have any Seeley...

Rich Williams stated Ron, do we have that for our files.

Board Member Taylor stated I sent one to you didn't I or not, I will.

The Secretary stated if you could just e-mail it to me, that would be good.

Board Member Taylor stated I'll send it to you.

Mrs. Ryan stated okay.

Chairman Rogan stated I don't think that will conflict with 911, that'll be a good one, great thank you Theresa.

#### **4) LEVINE FILL PERMIT – Discussion**

The applicant did not appear.

Chairman Rogan stated okay, item number 4, Levine Fill Permit is just for discussion we are in the process of doing soil testing to see if there are any contaminants, anything to add on that Rich...

#### **5) COUNTY LINE GETTY – Continued Review**

Mr. Jason Caza, Project Manager for Tyree Service Corp. was present.

Chairman Rogan stated County Line Getty, anyone for here for County Line.

Mr. Caza stated me.

Chairman Rogan stated yes sir, now I recognize him, he was in once before. How are you this evening.

Mr. Caza stated hi, good, how are you.

Chairman Rogan stated good, could you state your name for the record.

Mr. Caza stated sure my name is Jason Caza, I'm a project manager with the Tyree Environmental Corporation, I'm representing Getty.

Chairman Rogan stated and Jason I know you've made it through the Planning, the Zoning Board...

Mr. Caza stated yes sir.

Chairman Rogan stated and you got some variances for propane and certain things and you also agreed to move, what was the one item that you were going to move...

Mr. Caza stated the dumpster.

Chairman Rogan stated dumpsters...

Mr. Caza stated yes sir.

Chairman Rogan stated they were going to moved to compliance.

Mr. Caza stated yes.

Chairman Rogan stated awesome and we have an issue, we now realize why the fence is along the back of the building, to protect the septic system...

Mr. Caza stated yes sir.

Chairman Rogan stated so it sounds like originally where we were looking to remove that it makes sense to leave it but what we were thinking in speaking with our technical people is to provide some access gates for fire protection...

Mr. Caza stated I agree.

Chairman Rogan stated so that walking and dragging hoses et cetera and I think you'll see that, you did a memo on this that you probably have a copy of in front of you...

Mr. Caza stated 2 double swing gates should be installed in the fence, one in the northwest corner near the dumpster enclosure and one on the east side of the fence.

Chairman Rogan stated couldn't have said it better myself and there were a couple of other issues Rich do you want to jump in at any time for other outstanding issues.

Rich Williams stated sure, previously we had sought additional information on the site what had been placed on the site, we obtained a plan, we had forwarded it on to Tyree, it essentially shows the drainage layout to the site, I think that should be added to the site plan, there is that issue, it also gives us a fairly good idea about the septic system, the location of the septic system, other really outstanding issues, there are some scale issues on the kind of traffic flow through the site plan on the second portion, there was also an issue where they were showing an enclosed area for parking, that is kind of pushed out onto the site, I think that should be tucked up closer to the property line and squared off so it melds in with everything and gives a better drive aisle through there, it just seemed like it was a square plopped down into the middle of everything, along those lines, typically if this was coming in for a special use permit, that they would be required to fence that area in and put up some sort of screening here we are talking about an area where they are going to be storing cars that are being repaired there is no screening currently proposed for that area and I don't know if that is something that the Board wants to consider, this site has been around for a very long time, the last issue the Board probably should give some consideration to tonight has to deal with the parking lot area, they are significantly under what they are required to have for parking the site somewhat works based on you know what we've observed over the past 18 months that we've been involved in this application, so certainly I don't recommend that the Board require the fill amount of parking on the site but it seems that it might be appropriate to take a second look at the site and see if you can't get a few more cars out there than the 7 that are shown.

Chairman Rogan stated Rich 2 things occur to me on that regard 1, the area behind the chain link fence for the septic if we can look at that and determine is there any area that is not being used by the septic that the fencing could maybe altered and provide an additional 1 or 2 spots or 4 spots or something...

Rich Williams stated yea, I'll take a look at it, as I recall they fenced in the perimeter of the septic fields...

Chairman Rogan stated and secondly, when we initially went out on the site walk, everybody, Ron, you weren't on that but everybody probably remembers there were a ton of cars parked that were waiting in various stages of maintenance and repair and having to remove that certainly frees up a lot of space, in fact I remember there being conversation about cars not being stored on site, basically, you know in perpetuity they are waiting for repair, it's a short window...

Rich Williams stated cars used for parts.

Chairman Rogan stated used for parts, thank you, that's correct...

Board Member McNulty stated I have a question on the parking, Rich had calculated 27 parking spaces but I show the square footage calculates 25, are the ADA in addition to the calculated spots.

Rich Williams stated no.

Board Member McNulty stated I came up with 25 spots and then I added in the commercial loading and the 2 ADA...

Rich Williams stated the only thing I can think of is when I get to a percentage I round up regardless of what the percentage is.

Board Member McNulty stated okay.

Chairman Rogan stated makes sense.

Board Member McNulty stated and the parking's not laid out on the plan is it...

Rich Williams stated there are 7 spots shown on the plans.

Chairman Rogan stated yea but they are...

Board Member McNulty stated scattered.

Chairman Rogan stated well they're scattered, there might be opportunity for a few more...

Mr. Caza stated 20 more, correct.

Chairman Rogan stated I'm sorry.

Mr. Caza stated add 20 more...

Chairman Rogan stated I don't think you're going to come up with 20, is the point but if you can come up with a few...

Mr. Caza stated it'd be tight.

Chairman Rogan stated if we can come up with a few more because every one that you can come up with...

Mr. Caza stated let me see what I can do.

Chairman Rogan stated that's safe and it meets the Code maybe even a slightly reduced standard is going to be better than the Board waiving 20 spots on this...

Board Member McNulty stated and there was...

Chairman Rogan stated sorry, go ahead.

Board Member McNulty stated a question on the aisle width for the ADA, you had it cut in half from what the normal, the 4 feet down from what normally is 8 feet, so that is some additional space you're going to need.

Board Member Cook stated can a person drive around.

Chairman Rogan stated no.

Board Member McNulty stated no because of the septic.

Chairman Rogan stated the septic area is in the back and that is what the gate is and that's what we're talking about, the access gates for fire protection, not to drive the vehicle but truly to access around the back of the building for let's say inspection or emergency access...

Mr. Caza stated I think it's a great idea, a great idea.

Chairman Rogan stated it's certainly going to help maintenance, it's just going to help everything to be able to get around back there and keep the site maintained and Charlie you had mentioned or pointed to the letter from the Code Enforcement Officer that just simply states, you have a copy of this sir...

Mr. Caza stated no I do not.

Chairman Rogan stated just basically says that there is a storage trailer that's still on site that needs to be removed as part of the ZBA and you can keep that one...

Mr. Caza stated yes, okay. Um, we, it was supposed to be moved a couple of days ago and another broken promise by the gentleman who runs the auto body shop so we are going to have to kick it up a notch, so to speak, I'm going to have to have somebody come from Getty again and have another talk with him, he doesn't seem to want to cooperate...

Chairman Rogan stated okay.

Mr. Caza stated maybe there are some issues that he can't help on his end but that's something that is going to have to be remedied so I am going to handle that.

Chairman Rogan stated okay.

Board Member McNulty stated also I saw a note where it calls for the building to be power washed and painted but we don't have any elevations or finish notes on the site and any idea what colors you're going to paint the place.

Mr. Caza stated um actually the building already has been power washed and it has been touched up paint wise and the gutter and the downspouts have all be fixed, a lot of, most of the general maintenance stuff has been done already.

Board Member McNulty stated all right so you're maintaining what you have now, no make over.

Mr. Caza stated yes sir, yes sir, I even had them fix lights, I had them install some new fire extinguishers in the islands, some new protection around the tanks, all that stuff.

Chairman Rogan stated great.

Mr. Caza stated yes sir.

Rich Williams stated the paint was staying the current color, they were just touching up...

Mr. Caza stated yup.

Board Member McNulty stated I understand that, I know we really don't have any jurisdiction on that so speak, just curious, I didn't want to see it turn purple or bright blue...

Chairman Rogan stated well that we would have some issue with.

Board Member Taylor stated I have one question, you have a symbol next to the handicap parking area that's unlabeled, is that a mistake or is something there...

Mr. Caza stated next to the...

Board Member Taylor stated it's somewhere right there.

Mr. Caza stated it should be on the drawings.

Chairman Rogan stated the symbol, the X that's enclosed in a circle.

Board Member Taylor stated no, that block dot.

Board Member Montesano stated there is a diamond shaped...

Chairman Rogan stated oh.

Board Member Montesano stated or square...

Board Member Taylor stated you see it.

Mr. Caza stated over next to the building.

Chairman Rogan stated it's just floating out in the middle of no where.

Board Member Taylor stated here is the mark, see.

Mr. Caza stated existing drywell inlet.

Board Member Taylor stated it didn't come out on our plans.

Board Member Montesano stated oh it says existing drywell.

Board Member Taylor stated it's not on mine.

Chairman Rogan stated you know what it is, we have 2 different sets of plans Ron.

Board Member Montesano stated you got 2 different sets of plans.

Chairman Rogan stated the second set shows it, 1 of 2, page 1 of 2, we're both looking at 2 of 2.

Mr. Caza stated I'll have to talk to Harry.

Chairman Rogan stated no you're fine.

Board Member Montesano stated no, it's there, it grew...

Mr. Caza stated okay, I was going to say I've got to give Harry a call tomorrow.

Chairman Rogan stated one page just shows a little different detail than the other, it's...

Board Member Taylor stated (inaudible) the parking because it's on the one.

Chairman Rogan stated yup.

Board Member Taylor stated okay.

Rich Williams stated on having said that though just be aware that's probably not a drywell.

Board Member Taylor stated that's the well you were (inaudible).

Rich Williams stated if you look at the septic plan it's a catch basin, it's a drain inlet, not a drywell.

Board Member Taylor stated it needs to be relabeled.

Chairman Rogan stated so are we in a position with this that you think we should consider a public hearing for December.

Rich Williams stated you could.

Chairman Rogan stated and we can put this out for a public comment and in the mean time this gentleman seems pretty tenacious in going after getting things corrected, I appreciate your effort on this, I know it's not easy and we do you know appreciate that. Public hearing on this for December...

Board Member Cook stated I'll make a motion that the Planning Board hold a public hearing on the application for Getty Petroleum Marketing Inc for December.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated thank you sir.

Mr. Caza stated thank you.

Chairman Rogan stated have a great evening.

Mr. Caza stated you too, thank you.

## **6) OTHER BUSINESS**

### **a. Boniello Site Plan**

Chairman Rogan stated okay under other business we had received plans and discussed the Boniello site plan at the work session, we are furthering the site plan review on that...

### **b. Frantell Site Plan**

Chairman Rogan stated the Board granted an extension, I can't remember the time, was it one year for Frantell...

Rich Williams stated 1 year.

Board Member Montesano stated 1 year.

Chairman Rogan stated for Frantell Site Plan that's a commercial site on Route 22 near the border...

### **c. Local Law – Fox Run Phase II**

Mr. Robert Marvin of Marvin and Marvin, Mr. Joseph Zarecki of Zarecki & Associates and Mr. Phil Grealy were present.

Chairman Rogan stated the next item under Local Laws Fox Run Phase II, we met with the representatives of the Fox Run application who went over a traffic study, the Planning Board outlined a few areas where

we wanted additional information and we are furthering our review on that, sir do you have anything for tonight...

Mr. Marvin stated um I think the consultant...

Chairman Rogan stated you need to come up before you...

Mr. Marvin stated I'm sorry.

Chairman Rogan stated come on up, we have to take it easy on Michelle here.

The Secretary stated thanks.

Chairman Rogan stated you're welcome.

Mr. Marvin stated we always have to keep in the mind the secretaries and so on are doing their jobs, sorry about that...

Chairman Rogan stated yes, just please state your name for the record.

The Secretary stated it's okay.

Mr. Marvin stated I, uh, the traffic consultant Phil Grealy from, I forgot the name of his company, John Collins, was going to be here tonight around 8 o'clock, I anticipated your calendar was going to take a lot longer.

Chairman Rogan stated what we can do is if you want we can jump ahead and...

Mr. Marvin stated why don't you do that, yea because I expect him here any minutes because he has submitted or prepared a letter responding item by item to the letter your engineer prepared.

Chairman Rogan stated just in fairness sir, if he comes here with a letter outlining his response, he doesn't anticipate us sitting here reading the whole thing right...

Mr. Marvin stated no, I don't think so.

Chairman Rogan stated just, okay fair enough.

Mr. Marvin stated he'll fill you in when he gets there.

**d. Jay Maxwell Concept Plan**

Mr. Jay Maxwell was present.

Chairman Rogan stated okay item 6 d, we have Jay Maxwell concept plan, Mr. Maxwell if you would be so kind as to come on up to the microphone. Yea, it's hot in here huh...

Board Member McNulty stated yea it's a little warm.

Chairman Rogan stated how are you Jay.

Mr. Maxwell stated good, yourself.

Chairman Rogan stated good, good.

Mr. Maxwell stated this is the only thing I was able to come up with right when we discussed it for some sort of a site plan just so you could see what is outlaid on this property...

Chairman Rogan stated okay, you want to tack it right up.

Mr. Maxwell stated do you want pass it around.

Chairman Rogan stated oh you have it, sure, that would be great.

Mr. Maxwell stated sure.

Chairman Rogan stated share with this half.

Mr. Maxwell stated they kind of survived the fire at my house.

Chairman Rogan stated you can smell the smoke in it.

Mr. Maxwell stated what my, what I'm here to ask for or find out about is the building that I replaced the barn in the back, which would be the west side of the flea market...

Chairman Rogan stated this is [Route] 22.

Mr. Maxwell stated is a 50 by 100 metal structure that I put up...

Chairman Rogan stated okay.

Mr. Maxwell stated I've been trying to do something with renting it for storage at this point I haven't been successful, what I would like to do is find out the possibility of opening up a truck and equipment repair business and do installations of bodies and snow plows and truck accessory so what I am trying to find out if at all that's possible first before I start getting involved with any kind of engineering and design...

Chairman Rogan stated sure.

Mr. Maxwell stated what it would entail as far as site to me would be just to clean up the site actually there would be no paving involved, the only thing in the future would probably be on the outside of the building one area maybe 20 by 50 or 25 by 50 and put a concrete pad in order to work outside on an impervious barrier so if we did work on a piece of equipment and we did have some sort leakage, we can contain it, other than that it's really just cleaning up the site.

Chairman Rogan stated so you're looking at having a business, having obviously signage out by the [Route] 22...

Mr. Maxwell stated well I would use the sign that's in place already...

Chairman Rogan stated the flea market sign.

Mr. Maxwell stated that on [Route] 22, yes that is the sign that we got approved maybe 10 years ago or so where there is enough room on it for me to take an area on that for signage, clean up the road going down into the back, some sort of gate for security and other than just clean up the back of the property there to the south of the building approximately 300 feet off the building, in that corner there is the existing landfill that has always been in question, the rest of the property was all tested as far as that goes, to make sure there was nothing on that area, to the north of it and it's really about the only amount of work that I would have to do for site other than any kind of requirements I would have by you.

Board Member Cook stated this is zoned for the type of business that he would like to bring it.

Rich Williams stated it is zoned in the C-1 zoning district, we do permit commercial garages within the C-1 zoning district by special use permit.

Chairman Rogan stated so a special use permit he's had to go to Zoning Board.

Rich Williams stated correct.

Chairman Rogan stated but, okay, and procedurally for not only the Board but for Mr. Maxwell's edification the site plan review we would, typically we would go out do a site walk to just cause we've never been around this building, I mean I've been on the site for the flea market but we want to take a look, we want you to get a real solid idea of what you want to do and the process, I mean you've heard other people up here talking about site plan tonight, we'd address things like making sure you have enough parking, if you are going to repairing vehicles, we want to make sure that if there is a spill its contained, we talked about things like oil/water separators...

Mr. Maxwell stated yes...

Chairman Rogan stated paving from there to the main road, we would have to at least just assess it and then probably we would have to consider a waiver...

Mr. Maxwell stated I'm not looking to pave but I don't know if that's something but...

Chairman Rogan stated no, I understand...

Mr. Maxwell stated I would grade it up and put some material in there.

Chairman Rogan stated yea and that is something we would have to take a look at I mean, you know.

Board Member McNulty stated I think that's the thing that, it's a nice simple plan which you've come forward with but the regulation with the Town and while we are going to governed by it really needs to be looked at in depth by (inaudible).

Chairman Rogan stated this is just concept.

Board Member McNulty stated yea because those are the simple concept plans, great and then reality hits in.

Mr. Maxwell stated I just don't want to get involved with a lot of engineering and designing just to be dragged out for 2 years trying to do this.

Chairman Rogan stated sure, I understand that.

Mr. Maxwell stated to the north of here I'm still working on one project just for easements through my own property, so...

Chairman Rogan stated yea.

Mr. Maxwell stated I'm trying to avoid that.

Chairman Rogan stated obviously the flip side is you come in with a site plan you're not going to have an approval in 30 days either, you realize that...

Mr. Maxwell stated no, no I understand but I just want to be able to do that and be here just for a few meetings and get everything done right, try to get it done right the first time.

Chairman Rogan stated I would say that depends greatly on you and the people who hire because procedurally when things, if things are done really well it can be as little as you know 5, 6 months, something like that.

Mr. Maxwell stated it's also the information I get from the Board this way I get the right information the first time...

Chairman Rogan stated right up front and that's why we appreciate you coming in tonight just at least put it on the table.

Mr. Maxwell stated exactly, I'm also in the process of buying this land...

Chairman Rogan stated okay.

Mr. Maxwell stated the building out front I know is an issue but we pretty much got that I think straightened out with the Building Department, at least at this point.

Chairman Rogan stated okay.

Board Member Cook stated so the building you want to put back here would go on the same...

Board Member McNulty stated it's an existing building.

Mr. Maxwell stated the building is already built the structure is there.

Board Member Cook stated oh it's there.

Chairman Rogan stated yea.

Mr. Maxwell stated the structure is there, what I'm saying is the restaurant up front, I know there are issues about the restaurant, I know there are also issues about the land but I can't address them until I get squared away with Mrs. Prisco.

Chairman Rogan stated sure.

Board Member Cook stated okay so the building is there and you want to put this pad outside...

Mr. Maxwell stated possible outside the building on the east side of the building it would be one area just for any work that's done outside that is done on an impervious barrier, piece of land as far as if you're doing any kind of service work type of thing so if there is a problem that it can be cleaned up.

Chairman Rogan stated that we can contain it.

Board Member Taylor stated are there wetlands there, is there a stream.

Mr. Maxwell stated yes there is but the wetlands to the north of the building, the boundaries are, last time I was there with the DEC, it was about 300 feet away from the building.

Chairman Rogan stated that's good.

Board Member McNulty stated how long ago was that.

Chairman Rogan stated keep everything out of the wetlands and the buffer.

Mr. Maxwell stated yes.

Board Member McNulty stated how long ago was that.

Mr. Maxwell stated uh, two years ago.

Board Member McNulty stated okay, current.

Mr. Maxwell stated yea, no they were in there, they marked it out, I met with Mr. Baldwin and some other gentleman from the DEC and somebody from Patterson...

Chairman Rogan stated maybe Ted Kozlowski.

Mr. Maxwell stated yes, Ted Kozlowski.

Chairman Rogan stated he's our environmental conservation...

Mr. Maxwell stated is he still with the Town.

Chairman Rogan stated he's just not here tonight, obviously we'll want to make sure that if any of that is on site or within a hundred feet of the site that we have it marked somehow but that would come through your engineers and you know...

Board Member Montesano stated from Danby is that a clear shot.

Mr. Maxwell stated no, you can't see the building.

Board Member Montesano stated that's what I was looking...

Mr. Maxwell stated it's still all heavily wooded.

Chairman Rogan stated is that the existing residence.

Mr. Maxwell stated that is the residence, to the I don't know why it's not on this one but then there is another cabin out there which is on the original site plan, this is something I did for Paul Piazza when we were getting the building permit to get the building back there, that's what this drawing was done for.

Board Member Taylor stated where is the road...

Chairman Rogan stated this is [Route] 22.

Mr. Maxwell stated it comes into the site.

Board Member Taylor stated oh (inaudible) that dirt road.

Mr. Maxwell stated at the time we were concerned with getting to the building as far as the drawing.

Board Member Taylor stated is that proposed, are there going to be problems with access, if that road is being used in common between the commercial building and the residence, does that require the road to have certain conditions.

Rich Williams stated it is possible to have a common drive across the site, they can used by both the commercial garage and the residence.

Board Member Taylor stated so it's not a problem.

Rich Williams stated it's not a problem to do it, the only thing is you have evaluate what improvements if any might be necessary.

Chairman Rogan stated remember on the flip side we had this discussion with Boniello with the site plan where they wanted to go through the site, the commercial site to get to potential residential property and that we didn't like because now you have a residential property driving literally through a contractor's yard this is a little bit different, you're driving, you're actually going first to the residence and then you know you have some mixing of traffic but it is clearly not the same example that we were using with Boniello. So procedurally, obviously we don't have a submittal on it, I think the first thing to do would be to speak to Rich about the process of getting the site plan application, obviously identify the engineer you're going to use, they're probably going to want to pull the survey and work off that and make sure it's accurate...

Mr. Maxwell stated yes.

Chairman Rogan stated and once we have an application, a complete application, we'll schedule a site walk so we can get out there and see the current conditions we'll have the plans in hand that will show it and we'll get rolling on it, you know...

Mr. Maxwell stated and my just concern was whether or not this is doable so at this point...

Chairman Rogan stated I mean I would say Rich do you see any, I mean obviously this is just a concept conversation, what you see as the big stumbling blocks.

Rich Williams stated well I haven't seen the plans that you've seen tonight so I'm not exactly sure, I am familiar with the site so shooting from the hip...

Chairman Rogan stated of course we're talking off the hip.

Rich Williams stated certainly you have to have some sort of area for parking, whether it's going to gravel or it's going to be you know paved is going to be at the discretion of the Board, I think you might have some issues with the driveway, you kind of recognized that tonight...

Mr. Maxwell stated yes.

Rich Williams stated you might need to do some grading and then based on the increased use, what improvements what surfacing needs to be on that driveway, that may...

Mr. Maxwell stated I was more concerned about the zoning, as long as I meet the zoning.

Chairman Rogan stated yea.

Mr. Maxwell stated that would be my main concern, after that is...

Board Member McNulty stated provide he gets a special use permit.

Rich Williams stated right.

Chairman Rogan stated good spot for it though.

Rich Williams stated if there is going to more than 5,000 square feet of disturbance and usually there is, that also opens the door for needing an erosion control plan that is going to be a filing with the DEC, if you go over an acre then you're going to...

Mr. Maxwell stated I'm aware of that.

Rich Williams stated okay, you know there are other issues that may crop up as we're going through this...

Chairman Rogan stated the comment I would have Jay is pick an engineering firm that does this sort of stuff all the time...

Mr. Maxwell stated right.

Chairman Rogan stated get it done, I'd rather see you get it done in no time flat then pick the wrong person and have you know things drag on, which we sometimes see.

Board Member Taylor stated the more thorough and complete you are with your initial submission, the faster the process is going to be...

Chairman Rogan stated the quick it goes.

Mr. Maxwell stated that's good.

Chairman Rogan stated okay.

Mr. Maxwell stated thank you.

Chairman Rogan stated and I'm amazed those plans survived because you can smell the smoke on them.

Mr. Maxwell stated I had to save Mrs. Prisco.

Chairman Rogan stated sir, you're, he's not here yet right.

Mr. Marvin stated no, if you have other business, I'll wait.

Chairman Rogan stated that's all right, we do, we have...

Board Member Taylor stated we're not quite done yet.

**e. 144 Fields Corner Road – Wetlands/Watercourse Permit**

Chairman Rogan stated Fields Corner, we had added under 6 e, correct.

Rich Williams stated we had that discussion, I didn't add it on...

Chairman Rogan stated no, well I understand I just wanted to make sure that we at least had the discussion at the work session.

Board Member Taylor stated I had sent around a write up of what I was trying to put into the, it came into your e-mails, into the work session minutes which have details about who the surveyor was and...

Chairman Rogan stated oh yea, yea, yea, you mean on Fields Corner.

Board Member Taylor stated Michelle didn't print it out, I sent it around to your, you have it for more specific details.

Chairman Rogan stated something else Ron.

**Boniello Discussion**

Board Member Taylor stated I think that was, I had a question on Boniello...

Chairman Rogan stated okay.

Board Member Taylor stated he's way behind on paying for the Town, for what he owes the Town.

Chairman Rogan stated we'll forward him a bill.

Board Member Taylor stated how do we proceed on an application when those kinds of conditions exist, do we just go ahead and ignore the fact that...

Chairman Rogan stated I think and Tim this is why I'm leaning towards you...

Tim Curtiss stated leaning towards me.

Chairman Rogan stated what we had spoke about earlier was that we are leaning toward having a new public hearing on this just so procedurally in essence because we had a conditional approval like 2 years ago on this and we're trying to wrap things up...

Tim Curtiss stated right.

Chairman Rogan stated we're going to do a new a conditional approval, basically we start that process, as part of that conditioned approval, we would have the payment of any outstanding fees, so he can't get final site plan approval until all the fees are paid, correct.

Tim Curtiss stated that is what you normally do, put that as a condition of his conditional approval.

Chairman Rogan stated so you know that would be part of, he doesn't, still wouldn't have any of his approvals to do any of his site work until that's been wrapped up but as Rich had stated, you know at this point we are basically almost 2 years behind on meeting those conditions and on the Board extending his initial approval so by that virtue alone, the conditional approval is not valid right now because of the time frame, correct Rich...

Rich Williams stated correct.

Chairman Rogan stated so I think we're on stable ground to move in that direction and wrap this up, not right now I don't mean...

Board Member Taylor stated after the public hearing.

Chairman Rogan stated um...

Board Member Taylor stated I don't see the process clearly working, clearly working.

Chairman Rogan stated to that end because we were talking before about the noticing for a public hearing, is that something you think we should try to set for December and then talk to them and if they're not ready for it, we can cancel it, right.

Rich Williams stated yea.

Chairman Rogan stated because that allows them because we're going to meet Rich, Mr. Boniello, Joel Greenburg and hopefully myself can meet on the site to just go over nay final adjustments that need to be

made. There is an issue with Zoning Board that the existing patio is a little too close to the front yard set back, so he has to go there but having said that I think we can set that.

Board Member Cook stated I would hold off on the public hearing until January.

Chairman Rogan stated okay.

Board Member Cook stated have your meeting, get your issues including what's owed to the Town, get that out on the table and in December we can set the public hearing for January and you'll be a fountain of information when you come back from that...

Chairman Rogan stated thank you for the vote of confidence. Rich, make sure that we're a fountain of information.

Tim Curtiss stated that is' flowing.

Chairman Rogan stated make sure that it's turned on.

## 7) MINUTES

Board Member McNulty stated can I make a motion for the minutes.

Chairman Rogan stated please do, sure.

Board Member McNulty stated make a motion to approve the minutes from September 30, 2010 and October 7, 2010.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

### **Montelone Wetland Violation Discussion**

Mrs. Christine Montelone was present.

Chairman Rogan stated Mrs. Montelone I see you sitting back there patiently, is there anything you want to address the Board with tonight, do you want to come on up because we're still waiting for someone so we kind of under other business.

Mrs. Montelone stated can I come up.

Chairman Rogan stated sure, just please state your name for the record.

Mrs. Montelone stated Christine Montelone from Stone Hill, you're familiar more with my husband Pete.

Chairman Rogan stated yes.

Mrs. Montelone stated last week I think it was, we went before the Town Board, um there was clearing on the Stone Hill site, there was a misunderstanding, we did get a violation, we paid that, we went to court this week and I guess, I know I am going to be before the Board at future meetings so I was basically here to see really what goes on...

Chairman Rogan stated okay.

Mrs. Montelone stated but I also did want to convey to you and the Members of the Board that we are sorry that there was this misunderstanding and that there was the clearing, we have contracted with Dan Holt from Holt Engineering who is presently working on, I guess I am calling them final plans but they are not final plans obviously they are the submission to you...

Chairman Rogan stated is that for the actually build out of the site, the site plan itself.

Mrs. Montelone stated that is for the actual build out.

Chairman Rogan stated okay.

Mrs. Montelone stated actually he just e-mailed me tonight preliminary, he will be in town on the 12<sup>th</sup> of November so what we are hoping that we'll have the submittals before the next deadline which is November 16<sup>th</sup> and be able to come before the Board, so...

Chairman Rogan stated okay.

Board Member Taylor stated has anything been done to stabilize the site.

Mrs. Montelone stated silt fence has been put up and hay, have you been out Rich.

Rich Williams stated (inaudible).

Chairman Rogan stated that would be our main, primary concern right now, is making sure we don't lose you know to erosion, the Board should know that the direction that I thought we were going on this and what I said to the Town Board the other night when asked about we would proceed with this violation was that because we were given a concept plan several months ago, it seemed to make sense that we would proceed with review of that plan with no guarantees that any area that was disturbed under this violation would be allowed to be used any differently than if we were reviewing this site as if it were untouched, I think that is only fair, especially given the situation so what I said was to and I think we had put this on the record earlier was that what we need is, we already had a delineation that was done in the past, correct.

Mrs. Montelone stated it was...

Rich Williams stated they did have somebody out there to delineate the wetlands.

Chairman Rogan stated what we had stated was that Rich was going to, they were going to field stake that delineation Rich was going to take a look to make sure that it was field staked, the Board is going to go out and do a site walk of course, probably that is going to be concurrent with having a site plan application so we'll have something in addition to looking at the delineation and what was cut...

Rich Williams stated just one caveat...

Chairman Rogan stated sure.

Rich Williams stated based on some of the flagging that I saw out there I have some questions, I am not necessarily in agreement with the flagging that was originally done and I have asked to meet him out there.

Chairman Rogan stated so obviously we have an old delineation, we wanted to make sure that if nothing else at the end of the day when we go out there we want to feel comfortable that what we are seeing in the field represents what we can all agree is the wetlands delineation it would be great if at the same time we also have in front of us a site plan which shows what you'd like to do with this site so that we can see how it relates to the usability of the site. Obviously the Board would love to say the simple answer is to stay out of the wetland and stay out of the 100 foot buffer with the site plan approval and it becomes a much simpler process, I know that is not always possible with every application but what we are typically going to look at in this case would be remediation to what was cut down in the wetland and the wetland buffer so unfortunately in some cases people come to us and they say well it's already been disturbed so now let me build on it, well sometimes that does happen, it depends on the quality of the wetland area we're looking at, when it comes to impacting that wetland we may say okay you're proposing to use a few feet of the buffer, do a functional analysis and tell us what the ability of that buffer is, not all wetlands are created equal...

(Side 1 Ended – 8:25 p.m.)

Chairman Rogan stated so basically we will, wait for the train...

Board Member Taylor stated you can't time that Michelle.

The Secretary stated I wish I could.

Board Member Taylor stated we should start the meeting a little later.

The Secretary stated or a little bit earlier.

Board Member McNulty stated 3 minutes later would...

Board Member Taylor stated well I'm talking about the timing of when the tapes runs out, if we could time that with the train.

Chairman Rogan stated 5 minutes earlier it would be, we would already be on the new tape.

The Secretary stated that's true.

Chairman Rogan stated so in essence what we would be doing is looking at the site plan, how it lays to the site and I think I can guarantee you that this Board will be reasonable in it's approach, we will look at the

site with an open mind and not take into account that everybody is a little bit upset about the violation that's an issue that we can contend with but it's a separate issue to reviewing the site plan, it will come time to decide how we remediate the areas that were disturbed so what we look forward to is having word from Rich that we are okay to go do a site walk probably based on what you said from your engineer, we'll probably have a site plan at the same time and we'll work forward from there, okay.

Mrs. Montelone stated okay because I know it was originally flagged and Stanley Johnson did the survey and so there is a survey based on where the original flags were so we have that as well.

Chairman Rogan stated okay, great.

Mrs. Montelone stated so the next process would be then if we get the plans to you by the 12<sup>th</sup>, that meets the November 16<sup>th</sup> deadline, you don't schedule a walk until you get those plans, correct, that's the next...

Chairman Rogan stated well we won't schedule, no we won't even schedule a walk until we know that it's been field staked because I don't want to go on the site without because now we don't have a natural tree line let's say, it's just an open area so we need the field survey stakes to say this is the wetland, this is the one hundred foot mark, truly at that point since you already have an idea of what you're building, you would have the surveyor mark off typically corners of the building your proposing and some key elements that Rich, we're pretty standard in what we do, if we're going to go out on the walk we'll save everybody a lot time and do it all at once, even if it means waiting 2 more weeks to do the walk, we are going to get a lot more accomplished and in the end, the process will go much smoother if everybody can relate to how, to what you want to do relates to the site, so it, we are not in a rush to get out to the site even though we have winter approaching, if it doesn't happen for 5 or 6 weeks but when we do it it's the appropriate time...

Mrs. Montelone stated (inaudible).

Chairman Rogan stated then that's going to benefit everyone so that would be the way to go.

Mrs. Montelone stated so the walk will probably be after the next meeting which is the 23<sup>rd</sup>.

Chairman Rogan stated I would say yes but I can't guarantee, it depends on how quickly we get everything but it comes down to field staking of the proposal, the wetland boundary, the buffer and getting some plans so we can relate, it's pretty straight forward, getting a complete application.

Board Member Cook stated a complete application, yea.

Mrs. Montelone stated okay, great, thank you for your time.

Chairman Rogan stated allrighty, thank you.

Board Member Taylor stated if you can wait a minute, I just would like...

Chairman Rogan stated sorry.

Board Member Taylor stated there have been comments about the speed at which this process occurs or the lack of speed perhaps, we could say that, the Board moves as quickly as it can, we are often, the Board and I can say this from sitting out in the audience also for years, the Board is accused of delaying things when in fact it is not their fault for the delays if people don't come back or don't do their paperwork, the Board

can't proceed, what Shawn just outlined in terms for the site walk, we are trying to move as quickly as we can but there is no point in us going out if there is nothing to see and the other problem is that if it's covered with snow, there is not point in us going out, so weather may impede this process if you don't get the plans in quickly to us, if you come in January we may not be able to do a site walk until...

Mrs. Montelone stated I totally understand.

Board Member Taylor stated yea, so it's really, we are trying to move along as quickly as we can, hiring a good engineer who has everything in the plans so we don't have to say somebody you have to add a road, you have to add parking spaces, go back and then you come back in a month, that speeds the process along considerably, if you engineer covers everything he's supposed to in the site plans then things will move very quickly.

Mrs. Montelone stated I appreciate that and I have confidence in the engineer and I know Pete has been here before, he's more of an outside guy, I'm the inside person, I'm the paper person, so you've got my commitment that I'm here to follow up with him.

Chairman Rogan stated great, we would recommend that as we go through the process, that you come to the meetings with your consultants because that's great to be able to see the interaction because you'll be able to see when things, if they're not getting done why and that's when, I think when the applicant, the owners come in with the engineers that helps out a lot because it, everyone's on the same page, there is no misunderstanding...

Mrs. Montelone stated which is part of the reason why I came tonight, to see how everything works, thank you.

Chairman Rogan stated thank you.

### **Fox Run Phase II Discussion**

Chairman Rogan stated okay sir, sounds like you've got everyone here now. That's worth saying that was good. It's hot in here. How are you...

Mr. Grealy stated Philip Grealy, John Collins Engineers, at the work shop we have received some comments from your consultant and we do have, I think we went over them at the work shop verbally but we do have written responses to each of those comments so I've got copies here for all the Board Members and your consultants.

Board Member Montesano stated we're supposed to read this now.

Board Member Taylor stated yea, that's just what I was thinking. You don't expect us to read these now do you.

Chairman Rogan stated no but you can certainly highlight some of the text.

Mr. Grealy stated I think it was pretty straight forward the comments that we had received that are just some questions about providing additional data, clarifications on some of the volumes along Bullet Hole Road, one of the comments was relative to the assignment of trips on McManus Road and I think we covered that at the work shop in terms of the non-continuity of McManus up to [Route] 311, I think the,

again everything was pretty straight forward you know just asking us to add a stop sign at the exit in addition to our other recommendations, some back up information on traffic counts and just balancing between intersections and some of that is just rounding, when we project out into the future we may have a rounding of 1 or 2 vehicles when you're applying a growth factor, we've balanced those numbers and I think that's pretty straight forward. The 2 items I would like to discuss which we started at the work shop, one was to include the analysis if Bullet Hole Road and Fair Street which we will do, we haven't had the opportunity since last Thursday to finish that, we did look at some of the historical data so we have a feel for assignments there, there are counts from about 3 or 4 years ago at that intersection so we will be providing that, the second item I think that was kind of a main discussion at the work shop was the background traffic and the existing and proposed zoning so we will have to coordinate that with your Planner in terms of getting those numbers together and looking at the corridor along Bullet Hole Road and on Fair Street what you know potential there is for other development, um I think once we have that we can do the analysis of Bullet Hole Road and Fair Street and um you know again existing zoning versus proposed zoning on this site is pretty straight forward it's just the unit count versus what's proposed um I guess if tonight, if there are any other items when we do that up date that we should be focused on in addition to those I think those were the items that we discussed at the work shop. We'd just like to hear if there's anything else...

Chairman Rogan stated sure.

Board Member McNulty stated I wasn't at the work session but the Fair Street was an issue that I saw and I see that you're going to address that.

Mr. Grealy stated yes, I mean the bulk of the, at the work shop I just I gave an overview of the traffic study and the bulk of the trips of course are westbound you know in the morning and return from the Bullet Hole Road/Fair Street intersection so I think when we were asked to look at this we kind of just focused on the immediate area the immediate intersections and all kind of increases so, I mean that's a reasonable intersection for us to study and we will evaluate that and again I will have coordinate with Mr. Williams on the other developments and what could be developed in that corridor so that will be kind of the next step.

Chairman Rogan stated great, it sounds like we are all moving in the same direction.

Board Member Taylor stated well what is before us a zoning change, is it not...

Chairman Rogan stated correct, yea.

Board Member Taylor stated where some of these issues seem to be site plan issues.

Mr. Marvin stated can I address that, if I may.

Chairman Rogan stated of course.

Mr. Marvin stated um, thanks, thank you, my name is Robert Marvin, I'm the attorney for the applicant, that's a point that I actually wanted to discuss even before you brought it up, we have a client, all three of us have a client, the same client that is somewhat concerned about the cost of...

Chairman Rogan stated sure.

Mr. Marvin stated trying to do what he's trying to do and as you correctly mentioned what we are really looking for here ultimately or at least preliminarily is to get the site zoned so that we can go forward with an active adult project so the client is somewhat concerned with you know expanding the studies and all that we are doing at this point when we don't have a project and we have no ability to do a project unless the zoning gets changed so with all due respect what I would ask the Board to consider is to postpone you know additional traffic studies and such at this point to, if we get the zoning change in a way that gives some life to the potential of this project we can obviously do that kind of study as part of the site plan review which this Board will do along with whatever other studies need to be done but because of the cost concerns and so on at this stage we don't have anything, the client is a little reluctant to go into full blown studies of all kinds of things.

Chairman Rogan stated in fairness to the Board we were willing to make that determination 3 months ago but we were waiting for a traffic impact study that we hadn't even asked for at that point...

Mr. Marvin stated we decided to that but at least to the preliminary stage that we've done it now which again I think boiling it all down to the bare essentials what it showed is that if this site were built out with 48 active adult residences that there wouldn't really be any measurable impact on traffic in the area I think they grade everything A, B, C, D, am I correct Phil, I don't want to step on your toes here but the...

Mr. Grealy stated in terms of the intersections.

Mr. Marvin stated yea the intersection delay factors and so on wouldn't be measurable.

Board Member Taylor stated we understand that, that's fine...

Mr. Marvin stated yea.

Board Member Taylor stated so are we ready to go ahead and...

Chairman Rogan stated well I think there should be come clear understanding though that what this Board is willing to recommend to the Town Board may be very different than what you're asking for and I think that's the point that which we talked about at the work session that what the Board was willing to act on, in terms of recommending that the Town Board change this back to multi-family was also recommending that at this time we would consider a maximum occupancy of the site relevant to the existing zoning and that I think as we had figured it out comes out to basically 44 bedroom units but that might be 44 single bedroom units that's clearly different than what you're looking for...

Mr. Marvin stated well I'm...

Chairman Rogan stated but recognize also that that's something that in order to go more than that this Board was looking for that's the kind of information that we're then going to have to contemplate that's why we are talking about additional work so and we were at this point months ago.

Mr. Marvin stated let me make sure I understand what your comment is, am I correct in interpreting that at least Mr. Rogan you're feeling at this point is that what you, based on the information that you have now and only that information that you would be willing to recommend to the Town Board to go with active adult for this site provided that the total bedroom count on this site was no greater than 44...

Chairman Rogan stated 44 bedroom units.

Mr. Marvin stated did I say bedrooms...

Chairman Rogan stated I don't know that you didn't, I'm making sure there is emphasis added.

Mr. Marvin stated yea and to go, you wouldn't recommend above and beyond that unless we go further...

Chairman Rogan stated without additional, that's correct, without additional work and having said that, our recommendation also says that we're not guaranteeing 44, 44 is based on everything working out, we get in there on that site and we find problems we, nobody is going to guarantee that hey no matter what you're going to build 44 units, you get in there and we find problems I think that is a density that would be deemed if all things work, working with today's information.

Mr. Marvin stated so, then can I ask you then what is, is it possible for you at this point to say what additional information you'll require in order to consider bumping that bedroom count up, obviously I would be this traffic study that we, increasing the sort of parameters of the traffic study as we just discussed, is there anything else because I would like to go back to my client and say look here's where we are...

Chairman Rogan stated we understand, sure.

Mr. Marvin stated if you want to go farther, here's what we have to do...

Chairman Rogan stated fair enough, I would do the same thing if I were in your shoes, at least then he can make the decision, hey maybe I should take what I can get and then we consider what the...

Mr. Marvin stated right, I want to be able to, I want to be able to report to him exactly what he may need to do.

Chairman Rogan stated I understand because if I can just jump in Ron's, what we prepared here, what Ron put together which kind of expresses what we've all been talking about is, this takes into account if we just simply say it's this number of acres, we divide it by the zoning, we contemplate that a normal house is considered to be a 4 bedroom house and we back calculate, doesn't take in account sensitive areas, steep slopes and wetlands which this site has all of so realistically we said we wouldn't probably build 12 single family homes on this site we've already said that number would probably closer to 8 or 9 so that number is being, in that analogy is being generous and again extrapolating from that would be, we figured would around 44...

Board Member Taylor stated yea because it's 11, it would be 11 units, not 12.

Chairman Rogan stated 11, right, 11 I apologize.

Board Member McNulty stated I guess what we need is some kind of proposal how you would put those 44 bedrooms on the site.

Chairman Rogan stated or more than that is what they're...

Mr. Marvin stated what I am really looking to get from the Board at this point is sort of a laundry list of the additional information that you feel you would need to consider in order to evaluate increasing the count beyond what you're thought process is now...

Board Member Taylor stated okay, can we make a decision on whether the calculation and the reasoning process, whether we agree on this or not that we are going to maintain the same density as the R-4 zone.

Chairman Rogan stated that is the whole crux what this gentleman is saying...

Board Member Taylor stated right but I'm saying as a Board, I want to cut you out of the discussion just for a minute, can we make a decision on this, are we agreed on this or not, he's asking us to increase the density...

Chairman Rogan stated right.

Board Member Taylor stated now are we agreed that we will not increase the density under any conditions...

Chairman Rogan stated I'm not in agreement with that because I think without having that additional information that might prove it out, that would be an unfair decision, if we find out that everything on Bullet Hole with the exceptions of the properties that we already know has been built out that increasing this site by another 10 bedrooms will not negatively impact the rest of the properties and the traffic along the road then and all of the things be equal and it can work and it works for interior roadway and all of the things that we would normally look at then I would be open to that consideration, if we find out through review and analysis that we have ten other properties that all have rights to build under current zoning that all potentially could come before us in the next 20, 30 years, us or another Board, um I think we owe an obligation to those people to not increase the use of this property and hurt them so that would be my opinion on this.

Board Member Montesano stated Ron, let me see if I'm getting this straight, for arguments sake we have 10 acres.

Board Member Taylor stated 44 acres.

Board Member Montesano stated I'm just saying for a...

Chairman Rogan stated hypothetical.

Board Member Taylor stated no, it's got to be divided...

Board Member Montesano stated let's say we have 40 acres.

Board Member Taylor stated right.

Chairman Rogan stated perfect.

Board Member Montesano stated theoretically that would be 10 buildings, 4 acres each...

Board Member Taylor stated yes.

Chairman Rogan stated in a perfect environment yes.

Board Member McNulty stated less roadway coming out...

Board Member Montesano stated so what we're talking about is with 44 acres, we have 11 houses no more, no less...

Chairman Rogan stated no more, good.

Board Member Montesano stated no...

Chairman Rogan stated you can't say no less.

Board Member Montesano stated yes I can because if we have a mountain there and that covers 6 acres, you can't put a house on the 6 acres so now we've eliminated a house...

Board Member Taylor stated yes.

Chairman Rogan stated right.

Board Member Taylor stated so less.

Rich Williams stated why.

Chairman Rogan stated what.

Rich Williams stated I'm sorry.

Chairman Rogan stated why.

Board Member Taylor stated yes okay.

Board Member Montesano stated why not, no stilts. What I'm saying here is, if I'm getting this right, is that we have 44 acres right now we're at 11 houses, if those houses each have a senior citizen count of 4 bedrooms, it's not going to be...

Board Member Taylor stated we're not saying senior citizen, just a count.

Board Member Montesano stated oh okay, just a count...

Chairman Rogan stated just a density.

Board Member Montesano stated the density would be 44 bedrooms, no more than 44 bedrooms...

Chairman Rogan stated correct.

Board Member Montesano stated now we have to take into consideration that if there are certain physical aspects of this property that you can not build, whether it's wetlands or mountains whatever, that's going to diminish that 44 houses...

Board Member Taylor stated yes.

Chairman Rogan stated correct.

Board Member Montesano stated 44 bedrooms and that's...

Chairman Rogan stated you're 100% with what we're trying to say.

Board Member Montesano stated okay, thank you I just wanted to clarify it through...

Chairman Rogan stated that is what this information seems to state, right, that...

Board Member Taylor stated with, there's one, if we back up before this, this is all based on the assumption that our duty is to enforce the Town Code and in this case the Town Code and the Town plan and the Town Code are saying this is an R-4 zone and it is an R-4 because of density the Town purposely changed the zoning so that the residential density would be less so they established R-4 zones if that's my understanding of the start of the process...

Rich Williams stated that's correct.

Board Member Taylor stated so the 4 acres were designed to make the Town less dense, now I, given those parameters of density on this site it translates into 44 bedrooms and I don't see how we can allow any more density, that it's, it's an R-4 zone...

Mr. Marvin stated what we're, what we're asking, the process that my client and I are involved is the Town Code, the Patterson Town Code has a process whereby a property owner or anybody else can file a petition asking that zoning be changed, just as it can be changed by the Town on it's own...

Board Member Taylor stated yes.

Mr. Marvin stated there is also a process for an outside party such as RC Enterprises to come and ask for a change and if that is done, which it was done here, the obligation of the Town Board by statute is to refer the matter to the Planning Board for it's opinion, the decision about whether to make the change or not is the Town Board's and the Town Board's alone...

Board Member Taylor stated yes, we understand that, you don't need to, you get too much legalese on this...

Mr. Marvin stated okay, it's not legalese, it's just the way it works.

Board Member Taylor stated but you don't, we understand the process...

Mr. Marvin stated all right.

Board Member Taylor stated I think the primary issue, there are 2 issues here, is our calculation correct...

Chairman Rogan stated I think the way we've explained it is being the most generous because if we, this does not contemplate the obvious that there are wetlands and things and in fact if you want to translate it in that regard let's say that we recommend and the Town Board agrees and we say but we're setting a density at 44 bedrooms and you move forward with multi-family, you're allowed now that, that impact is clustered together, correct Rich...

Rich Williams stated correct.

Chairman Rogan stated it's not spread out, so in effect you will be able to put those 44 bedroom units on this site where you wouldn't be able to put those 11 homes, we all acknowledge that, 11 homes would not go on this site, that is only based on bulk area not based on usable area, so there is an inherent generosity in the way we're applying this just based on bulk area, you can agree on that, I would say.

Mr. Marvin stated yes I am only trying to get a handle on what you would need to consider...

Chairman Rogan stated Ron is saying he doesn't need anything because he wouldn't consider it.

Board Member Taylor stated we don't need anything, we need to make a decision.

Chairman Rogan stated right.

Board Member Taylor stated do we want to change the density, do we want to recommend to the Town Board that they reverse their previous ruling to create less density on this site and allow a greater density or do we want to stay with the density that was established for this site, I think that is what we have to decide upon, if...

Tim Curtiss stated well there is more than just that factor, on the things the applicant is doing by asking for an increase in the density is saying I want to put a senior citizen housing project on here that has less impact than a normal housing project, schools, things like that. I think Shawn's analysis what it really from your perspective is practically would this site work with increased density given all the other parameters and all the other possible building that could go on, on this road, you're the technical side, the policy side of it is whether the Town wants to increase their density or not increase, that's for the Town Board, yours is the practical side, would this work, is it going to be a good planning measure at that point in time, is it something that you recommend in terms of Planning and Development that you would want to see within the Town because it creates senior housing, it creates you know some benefits that wouldn't normally get as opposed to wrestling with the question should we increase the density or not increase the density because the policy is more geared towards the Town Board.

Board Member Taylor stated then I think we need ask the Town Board for instructions on this.

Rich Williams stated I don't think you need to ask the Town Board for instructions and Tim I don't agree with what you just said. In this context the Town has set a standard based on how the Town wants to grow, what's the Town wants to look like, now we do the best we can when we are setting that standard with somewhat of a generalization we don't think of anything, something may come along which proves a benefit to the Town even though it is substantially increasing the density but that increased density and that benefit may offset whatever loss to the Town...

Tim Curtiss stated negatives impacts, whatever, traffic whatever.

Rich Williams stated so considering an increased density may be very appropriate for this Board.

Tim Curtiss stated oh yea, I think in the context yea but you're looking at it you know from an impact type of standpoint...

Rich Williams stated but I think Ron is right.

Mr. Marvin stated when we first started this discussion I was it was quite awhile ago, one of the things I, I don't believe you were on the Board at that time...

Chairman Rogan stated no, he wasn't.

Mr. Marvin stated and one of the things that I discussed at length and submitted a lengthy study on was the potential positive economics impacts that this type of project could produce for the Town of Patterson, what sorts of retail establishments and as far as the tax base goes, the primary fact being that under all of the studies that have been done the tax, the real property tax generation of projects like this exceed the cost of services consumed so there is significant positive real estate tax impacts, school tax and things like that and I think those are appropriate factors for this Board to consider when you're making your recommendation and rendering your opinion to the Town Board about whether you know increasing the density for the site like this is something that would be appropriate.

Board Member Taylor stated well I think we've got 2 factors here, if we go ahead and require the additional information before we make a decision then your client has to be willing to layout the money to obtain that additional information.

Mr. Marvin stated well that's what I want to know, I just want to be able to know what it is that you'll need.

Board Member Taylor stated or at this point we can recommend, we can ask the Town Board whether they will consider increasing the density above 44 [bedroom units] if they will not...

Chairman Rogan stated we know what they are going to though Ron, in fairness, they're going to say give us your recommendation...

Rich Williams stated right.

Chairman Rogan stated that's why the process is this.

Board Member Montesano stated that's what we're here for.

Chairman Rogan stated yea.

Tim Curtiss stated you're putting it in the right order but I'm not sure the Town Board is going to (inaudible).

Chairman Rogan stated Tim or to any of technical people, my thought process though about looking at, certainly immediately around this area to look at the vacant parcels and what the existing zoning says, there is a certain part of me that wants to protect the rights of the people that have properties that may not even

have contemplated what they are going to do with it but they are paying taxes on let's say a 30 acre parcel, a 50 acre parcel that his intrinsic value based on what the Town has zoned it as and my concern is that the existing roadways, I'll be it, regardless of what the study says the roadways surrounding this project site are um, are somewhat challenged and I would not want to expand on what we are currently talking about, what the existing zoning says and then they come in with what they're supposed to be allowed and then we say whoa, this road is really bad we've got the adult center down the road with 75 units, you have to do some serious improvements to this road and they say whoa wait a minute but you allowed them to expand, we are only doing what our zoning says we should be allowed to do, it would be a clear example and it happens quite often so in order to make decision for increasing, I just think it's prudent to at least consider the rights of the existing lots in the area.

Mr. Marvin stated but if I, I'm not disagreeing with your analysis there but I think that you can make that analysis when, if and when the zoning is changed and we come in and say here's a site plan where we want to do X, 48...

Chairman Rogan stated completely agree and that's why I'm saying this Board is in a position that we would feel comfortable recommending that the Town Board change the zoning but we are going to take the step to add in that at this time with this information we do not see anything greater than what would be allowed by current zoning for density...

Mr. Marvin stated okay.

Chairman Rogan stated and then it's upon your client to come in say well even though you said that, we want to do 55 units and we are willing to go to bat and say this is why and we might disagree and say no, you know I think that's kind of the way that I see it...

Board Member Cook stated Mr. Marvin, do you believe that your client is looking at 48...

Mr. Marvin stated I, Joe you know a little bit more about his exact thoughts on the site, I'm referring to Mr. Zarecki here.

Mr. Zarecki stated (inaudible – not using microphone) units...

Chairman Rogan stated but units being like a 2 bedroom unit...

Mr. Marvin stated yea.

Mr. Zarecki stated 2 bedroom unit or 1 bedroom unit.

Board Member Taylor stated so how many units.

Mr. Zarecki stated well we had 48 units...

Board Member Taylor stated of 2 bedroom...

Mr. Zarecki stated varying in type...

Board Member Taylor stated 96 bedrooms.

Mr. Zarecki stated and those unit counts generate a certain amount of revenue which we based on our numbers a long time figure that with that revenue we can do the major improvements from Bullet Hole Road that we would improve the entire road up, made some commitments for monies for every unit that came in there, the money that we had there to help with the pool and do other things on the project to do well, so there were a lot of expenses, it was never contemplated that it would be down to bedroom counts where we had 3 bedrooms for 48 units it would be 12 buildings, units, which would generate less revenue than if we have 48 units in itself the whole premise on the analysis for the traffic study was for 48 units and from what I understand from the discussion at the meeting was that the traffic study was based on units not bedroom counts.

Chairman Rogan stated but we can extrapolate from that if you're saying that your units contemplated 2 bedroom units, you know I think we can all extrapolate that information out.

Mr. Grealy stated the only thing that is a little different here is talking about active adult, there was no restriction then I think your logic kind of carries through from a practical standpoint active adult units on a peak hour basis generates about a quarter to a third of what a single family home generates so you know in terms of peak hour traffic so if you want to use traffic...

Chairman Rogan stated peak house understood.

Mr. Grealy stated you may find out after you get into site plan that the sewage or some site constraint reduces it but I think your 44 number is just saying okay take the 11 and if you could get 11 okay, the equivalent bedroom or, is the same so it's really providing almost the same density but in a different structure I think from a simplistic standpoint...

Board Member Taylor stated yes.

Mr. Grealy stated from a traffic standpoint, I'm sorry, from a traffic standpoint I think there is that variable of what the actual generation is and peak hour basis because clearly on Bullet Hole Road you do have that peak and then the volume drops off so if the active adult traffic generates over some other hours you're still going to be below what that peak hour number is.

Chairman Rogan stated what you weren't part of because you've just been brought into this are the conversations we've had over the last year or so where we have given our opinion as a Board that the 2 and 3 bedroom adult age qualifying housing still turns out to be the grandchildren, the children moving back with the parents because of the economy and that it is, you can not just look at the traffic associated with people that are retired, basically going out of their house not at rush hour because we can, people on this Board, some of us can attest to those situations happening and I might even be more inclined to accept a higher density if they were all one bedroom units, that delays some of the fear or inlays some of the fear of kids and children moving back in parents because that is a very real issue with the state of our economy and the way things are occurring. You look at any one of these units and you see the kids are moving back in with the grandchildren...

Mr. Grealy stated are these I guess the difference is are these age targeted as opposed to age restricted because the project that I've been involved with that are age restricted, there are restrictions on children and school children and I think it's part of the statute in the Towns I've worked in, if it's age targeted, it's a little different.

Board Member Taylor stated yea but aren't there court cases that are coming down that are striking some of those...

Mr. Grealy stated in the communities because it's written into the bylaws of the condominium, you know the people that I know that have lived in these facilities, there are no children going to the schools, I don't know whether it's just because that's the way and these are recent ones within the last 10 years so I think they've tightened up the disclosure in the condominium you know...

Chairman Rogan stated for the sake of argument if someone buys an age qualifying or age restricted home and they decide they are going to move off some place else and they give it, sell it whatever to their child who might be in their 40's and might have children of their own, that complex I bet would have a hell of a time getting those people, I mean that's court case, right...

Mr. Grealy stated I think the way that they're written, I'm not a, I don't know all the details but I don't think you can that's part of the way that these regulations are written you can't just...

Mr. Marvin stated it's permitted under federal law to have these things be age restricted, not just age targeted as you said...

Board Member Montesano stated if you walk into certain places that say no animals allowed and here's everybody walking with their dog and suddenly they go to court and the gentleman sitting up there on that bench sits there and goes I don't find anything wrong with that, that's the end of it, I mean they appeal it, it can go further and how much money do you want spend over the dog and other people aren't complaining, children, fine the more they write in, gentlemen, the more we can write out...

Chairman Rogan stated you want to jump in.

Board Member Taylor stated can move...

Mr. Marvin stated these clauses are enforceable...

Board Member Montesano stated yes.

Board Member Taylor stated let's get back to this central issue.

Board Member Cook stated I think that Ron's thought process was on the bedrooms and obviously the applicant is thinking about the number of units, all right so the units need to be translated into bedrooms...

Board Member Montesano stated bedrooms.

Board Member Cook stated on some kind of a concept that the applicant has in mind to build there so that we can compare or at least look at what the applicant has in mind and the follow through on Ron's analysis...

Chairman Rogan stated let's just stick on that for a second, that's if we want to simply state that these units would be 2 bedroom units if we could just agree on that to get past this point even though you're thinking maybe 2 or 3, that would bring it down to 22 units, they are looking for possibly 48 units...

Board Member Cook stated right, 48 units and 96 bedrooms, right, that you say...

Chairman Rogan stated let's agree on that for the purpose of discussion, sure.

Board Member Cook stated okay and I think the remaining issue or item to be looked at, this is vacant land around this particular site, now I think all we need to know is how many of these parcels are there acreage wise, what they are zoned for, if it's the R-4, it makes it easier and then we go on, I don't think we have to ask these people for anything more.

Board Member Montesano stated can I add to that for a second.

Chairman Rogan stated just one second, Rich isn't this something we would do internally, we're not at this particular...

Rich Williams stated you asked me at the last meeting...

Chairman Rogan stated what I mean is this isn't something that's a cost to the applicant, this is something that we are looking at doing ourselves, correct.

Board Member Montesano stated I would like to add one thing on that, Fields Lane, there is an awful lot of open property...

Rich Williams stated Mike, just so you know the methodology that I've started to work on, I'm doing this, I'm basically breaking it apart into 2 areas, 1 direct impacts off of Bullet Hole Road and properties that are on Bullet Hole Road then expanding that out, looking down Fields Lane into Southeast, over to Kent there are a couple of parcels that are zoned for multi-family housing but they don't meet the area requirements so I've looked at a very broad area but I'm also going to provide the Board and applicant so he can take a look at what I'm doing, a really focused area around Bullet Hole Road...

Board Member Montesano stated I'm just wondering about whether we were going to step over a town line and that property is there and it would impact that road.

Rich Williams stated impacts don't recognize town lines.

Board Member Montesano stated that's what I want to make sure it was in there, thank you.

Chairman Rogan stated could you at least stand up, I know you project pretty well but I think in fairness to Michelle.

Mr. Zarecki stated no I was just curious I didn't know if I heard that if this all went well, we're up to like 44 bedrooms that we were talking about and go through the study that the most you would go up to is 48...

Chairman Rogan stated no, no, you're talking about units versus bedrooms, you're contemplating, you're looking for 48 units, I'm assuming are 2 and 3 bedroom units...

Mr. Zarecki stated right.

Mr. Marvin stated probably average 2.

Chairman Rogan stated if they average 2, then we are looking at 96 bedrooms.

Mr. Marvin stated I think that's a better number, the client could make a project out of that...

Mr. Zarecki stated right.

Chairman Rogan stated and we acknowledge that it takes a higher number to do some of the improvements that were contemplated, I don't think anyone was suggesting all of the improvements that you had put on the table at a much lower...

Mr. Marvin stated right...

Chairman Rogan stated so it isn't that we're saying we want everything and we're only willing to give you nothing, that is part of the relative impacts of what you're adding...

Rich Williams stated go home.

The Secretary stated really.

Rich Williams stated go home.

Chairman Rogan stated one comment that was expressed that just should probably be thrown out there, even though we're not talking about peak hour traffic, we still have this mixing of a residential area that we had through traffic, we have the kids racing in and out of the site which I see on a daily basis and we have age qualifying, we have these, we have this mixing of drivers and I think that needs to at least be considered I know we have to be very careful the way we say it, but the fact of that matter is, it's not just an age qualifying facility where most of your traffic in and out are your residents, you have all this mixing and I have reservations about the traffic in and out of that because of the way it exists today because of what I see on a daily basis so adding that mixture, I mean it's adding density, we're not saying it's not adding that we're just saying that some of it is at different times but it all has an impact and I think that Board just needs to be cautious about it, I'm not saying I'm opposed to it but I am cautiously observed.

Mr. Marvin stated I understand, I'm going to pick up on what Mr. Williams is saying that he's as we talked about at the work shop, he's in the process of determining some type of traffic impact based on the what the potential build out of a larger surrounding area would produce, what I would request is that when he's completed that work if our traffic consultant can take a look at it and then make his comments on that to the Board and when that process is complete, will there be anything, I'm confident the client will pay for Mr. Grealy to complete that study I mean I'm sure he'll do that...

Chairman Rogan stated yea I mean...

Mr. Marvin stated will there be anything more that you think you might need beyond that in order to make your recommendation back to the Town Board.

Tim Curtiss stated you mean from the applicant, more than what you're requiring right now.

Mr. Marvin stated right because I am trying to give him some idea of what he's looking at.

Chairman Rogan stated trying to answer that quickly, yea, I guess to ask the question a different way what would be required in addition to that work to consider a greater density, simply put right.

Board Member McNulty stated maybe one thing we look for from the applicant is a lower target number, does he have an analysis of how low his unit count can be to be sustainable...

Mr. Marvin stated close to it, if not there with the number, the project that Mr. Zarecki designed a couple of years ago with the 48 units was pretty, about as low it could go to justify the cost of the infrastructure and so on and still reserve some kind of profit, I mean he's got to make a profit.

Board Member Cook stated Mr. Grealy stated when you did your studies...

Mr. Grealy stated yes.

Board Member Cook stated phase I, phase II, your mind set was that it was 48 units...

Mr. Grealy stated dwelling units, correct.

Board Member Cook stated dwelling units, okay...

Chairman Rogan stated I am hesitant to answer your question without really giving it some thought because I don't want to be held to well you guys said this is all you needed now make a decision, my decision in that case would be to be more cautious so I want to make sure that we are putting everything on the table and I don't know that I have all the answers that I would want, I would look to our technical people for any input on this because you see what we're faced with...

Board Member Cook stated I think what would help you and us would be we get this real feel for this vacant land surrounding this project...

Board Member McNulty stated the future impact of the road.

Board Member Cook stated then we decide.

Board Member Montesano stated that's all we can do.

Chairman Rogan stated and I think we need to refresh our memories and you probably sir could probably help us with this as what was on the table at the 48, at the 48 count, 48 unit count, what improvements were being suggested or being proposed for the...

Mr. Marvin stated Joe you want to, you did most of the work...

Chairman Rogan stated I'm not, I don't really want it right now to be honest with you, I'm just saying to add because I remember there was a certain monetary for the pool, I remember the site itself has maintenance issues...

Mr. Marvin stated I haven't looked at that myself in awhile...

Chairman Rogan stated yea, it's foggy right now.

Mr. Marvin stated but there was a commitment to the HOA of the existing Fox Run I to make some substantial improvements there.

Board Member Cook stated all of that would hold true right, going from the original concept to now this adult housing complex.

Mr. Marvin stated yes, yes, that offer remains...

Board Member Cook stated all of that laundry list that you had...

Mr. Marvin stated yes,

Board Member McNulty stated we also had questions about the Homeowner's Association would be set up in 2 different structures there, you have the condos now and then an adult, has there been an further look at that, how it will be addressed.

Mr. Marvin stated I haven't thought about that lately but the structure and the legal structure and the entities, I don't even remember what we were proposing then but that hasn't, we have re-evaluated that...

Chairman Rogan stated so are we...

Board Member McNulty stated I remember there was a lot of discussion...

Mr. Marvin stated I'm thinking now, it's been a long time, when Fox Run I was set up there was a provision for separate board for Fox Run II and some time of umbrella organization, excuse me for not remembering the details of it but...

Chairman Rogan stated I don't remember either...

Mr. Marvin stated it's all in the offering materials that were filed with Attorney General back in the day.

Chairman Rogan stated so are we all in agreement that we're at a point where you're going to go back to the client and say this where we stand, you know we are basically either willing to make a recommendation that, obviously he wouldn't be very happy about or we are going to look at it from the Town's perspective in terms of potentially density to the area that is still out there with vacant land with the idea that we are going to be asking for some additional information to consider a higher count than what we're currently...

Mr. Marvin stated I mean I guess...

Chairman Rogan stated we're all kind of, I don't want to leave here and have everybody on a different page...

Mr. Marvin stated I guess you're...

Chairman Rogan stated I am not asking you to do anything additionally tonight for right now...

Mr. Marvin stated the factor that you don't have now that you would like to see is this information that Mr. Williams is going provide to you based on future build of vacant parcels...

Chairman Rogan stated yea and you were kind of, admittedly you're the impetuous for this we've been talking about this a little bit over the last few months and in terms of being pro Ron has even said, in terms

of being more proactive and not reactive to applications so the timing has kind of got you caught up in it but I think it's prudent for us to do this. If you were coming in and saying hey this is what existing zoning says, we just want to change it to multi so we can do this age qualifying we can cluster it together, I think we would sending you off on your way and making a recommendation to the Town Board but because you are looking at a greater density I think this pushes this research to the front of the table.

Board Member Taylor stated can I give him this...

Chairman Rogan stated absolutely, I've been...

Board Member Taylor stated that is kind of our reasoning at this point.

Mr. Grealy stated so you're looking for them to add in all the future development around this parcel and the traffic generated from that development into the study.

Board Member Taylor stated no, we're looking for us to do it.

Chairman Rogan stated no, I don't...

Board Member Cook stated we're just looking for a snap shot today, what are the vacant parcels surrounding this site and giving us...

Chairman Rogan stated with existing zoning and what the build out potential is.

Rich Williams stated just so we're clear I'll give you dwelling units, I'm going to give you peak hour traffic counts.

Chairman Rogan stated no, no I don't think anybody is expecting that, I think we are going to use a little bit of common sense on this...

Board Member Cook stated we don't want to put anybody out of work.

Board Member McNulty stated well maybe Mr. Grealy can help us on that end once he gets that information...

Mr. Grealy stated once we get the unit count we can...

Board Member McNulty stated that is the feedback we can use...

Board Member Cook stated if we feel we need it.

Mr. Grealy stated (inaudible).

Mr. Zarecki stated I'm thinking to give them direction, once you give the unit count he is going to extrapolate that data into the traffic studies, add that in and come up with some new...

Mr. Grealy stated correct.

Chairman Rogan stated you know I mean clearly...

Mr. Zarecki stated (inaudible).

Chairman Rogan stated if you looked at an intersection, you said 70% of the traffic is coming from that way and 30 and we are going to expand it by so many you can just extrapolate those numbers out.

Mr. Grealy stated right.

Chairman Rogan stated I don't want to re-invent the wheel on this.

Mr. Marvin stated so I think...

Chairman Rogan stated you're basically in a holding pattern...

Mr. Marvin stated the client will be happy to do that to take that data and have Mr. Grealy digest it and come up with revised calculations similar to what he did initially and then as far as you know now and I'm not asking you to swear on a bible that that, once you have that information you feel you'll be able to make your recommendation.

Chairman Rogan stated I think that seems pretty reasonable. Again I can think of 2 subdivisions right within a half mile of here that were either, that are either on the table or just were on the table, a 33 lot subdivision and what's Ice Pond 40, close to 40, how many lots 33...

Rich Williams stated Ice Pond Estates, 24.

Chairman Rogan stated okay, so 24 and 33...

Rich Williams stated which is 33.

Chairman Rogan stated Burdick Farms, we were a signature and sixty grand away from signing that.

Rich Williams stated it was 36...

Chairman Rogan stated 32, 36 okay so that's just, just because that is not before us doesn't mean that is still not potential so that it right at that bad Ice Pond intersection.

Mr. Marvin stated okay so I think we are on the same page...

Chairman Rogan stated thank you, thanks for your time. I'm glad we had even though it got long I'm glad we had it, we need to come to consensus on this.

Mr. Marvin stated yea I've just a got client that's looking to, where is it going to end what is looking here...

Chairman Rogan stated sure, thank you.

Mr. Zarecki stated thank you.

Mr. Marvin stated good night.

Chairman Rogan stated anything from anyone else.

Board Member Taylor stated I just, this is probably not the place to discuss it, if somebody can clarify to me our role in this, this applicant is talking about us making decisions about property tax revenue...

Board Member Cook stated no.

Board Member Taylor stated he was presenting earlier, months ago he was talking about his economic analysis of the benefits to the Town would be increased property tax revenue because he was talking about a hundred, at that a hundred, he probably figures in how it doesn't impact the schools...

Board Member McNulty stated less impact.

Board Member Taylor stated it has less impact on the schools and therefore there will be more revenue to the Town so in a sense one of the factors he's asking us to weigh here and recommend to the Town Board is this increase in property tax revenue from the increased density, is that not the case, that is one of the advantages...

Board Member Cook stated well I, I didn't take it that way, I just took it as that was information that would go to the Town Board along with out recommendation...

Board Member Taylor stated but you...

Board Member Cook stated we don't get involved in...

Rich Williams stated I didn't take it that way either, your role is not to start getting yourself involved in generating tax revenue for the Town...

Board Member Taylor stated I understand that but it seems from the discussion you were saying the Town Board wants us to give them a detailed recommendation and that's one of, or do we just leave that out in our recommendation.

Rich Williams stated you can give it the weight that you feel it's appropriate within the overall context of your recommendation, you know if you think it's a very valid and important point to bring to the Town Board that you know a certain type of development is generating tax revenue or taking away from the communities revenue that is being generated, certainly perhaps you want to put that in your overall recommendation as well as issues of traffic and water and you know ecology and ultimately what you're doing is you're still just making a recommendation on a potential change to the zoning and whether it is beneficial or not beneficial to the community...

Tim Curtiss stated and then those impacts you know what (inaudible) the increase so far...

Rich Williams stated stop.

Tim Curtiss stated sorry, never mind.

Chairman Rogan stated I didn't hear a word you said ironically, I turned my brain off.

(Tape 1, Side 2 Ended).

Tim Curtiss stated (inaudible) and a lot of them of going live TV so...

Board Member McNulty stated at least in soft (inaudible)...

Board Member Cook stated Ron, we do not ask that of any other applicants either...

Board Member Taylor stated I understand that it...

Board Member Cook stated so they're giving us that information that's fine, I think it's more appropriate for the Town Board, not us.

Board Member Taylor stated I would agree.

Board Member Cook stated because it's kind of like...

Tim Curtiss stated the impacts in terms of planning, the comprehensive plan and the traffic...

Chairman Rogan stated one of the focuses of our Master Plan 10 years ago was density you know it did I'm sure...

Tim Curtiss stated they recognize these country roads, there are all these little beater roads that are out there that were really just farm paths...

Board Member Montesano stated actually that density issue has been up for the last 25 years that I know of and unfortunately when you look at it over the 25 years, you still can't get out of certain streets anymore because the traffic is killing me but the amount of homes that went in...

Board Member Taylor stated yea.

Board Member McNulty stated I make a motion to adjourn tonight's meeting.

Board Member Taylor second the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

The meeting adjourned at 9:18 p.m.