

TOWN OF PATTERSON
PLANNING BOARD MEETING
November 21, 2013
Work Session

APPROVED

AGENDA & MINUTES

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

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PLANNING BOARD

Shawn Rogan, Chairman
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
Edward J. Brady Jr.

**Planning Board
November 21, 2013 Work Session Meeting Minutes**

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

APPROVED

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

The meeting began at 7:00 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan called the meeting to order.

Chairman Rogan stated alright.

Board Member Montesano stated we're queued in.

Board Member McNulty stated hope you feel better.

Board Member Brady stated I cracked my tooth.

Board Member McNulty stated what were you eating.

Board Member Brady stated a pretzel.

Board Member McNulty stated more vitamin D.

Chairman Rogan stated oh Gottwald Subdivision, so this is, number one is Fields Lane, right, that's a long Stone Field Corners Estates...

1) STONE FIELD CORNERS ESTATES – Subdivision Application/Site Walk Comments

Chairman Rogan stated okay, so everybody made it out for the site walk.

Ted Kozlowski stated it was fun.

Chairman Rogan stated Tommy and I did it on Sunday in the kind of spitting rain and I think that was a great example of needing to see a site, not just relying on paper because paper didn't do that site justice, in my opinion. I don't know how everybody else felt but Tommy and I walked around and said wow, this property, outside of the wetland areas, this is about the easiest build property that we've walked in, how many years, I mean quite honestly it was some of the prettiest property we've walked in terms of not significant grade. Teddy, Tommy and I when we were talking on the site walk, we were talking about the wetlands and you know how a couple of years ago when we were discussing wetlands and wetlands impacts and functional analysis, we brought up the idea that obviously all wetlands are not created equal and in this case some of the areas that were delineated didn't seem to be, heavily vegetated, they looked like they were just drainage areas and not indicative of the other more diverse wetlands areas that we've seen.

Ted Kozlowski stated you have realize that we went out in July, okay...

Chairman Rogan stated okay.

Ted Kozlowski stated when we did it and you also have to realize that DEC was with me and they hardily agreed on the flagging because the vegetation was very present, there was skunk cabbage and it was clear hydric vegetation.

Chairman Rogan stated and I'm not, no, I don't want you misunderstand, I'm not arguing the delineation what I'm seeing is the difference of the composition of the wetland, not the delineation...

Ted Kozlowski stated sure.

Chairman Rogan stated compared to some of the more functional wetlands like for instance at your park that you showed us...

Ted Kozlowski stated right.

Chairman Rogan stated where you see more typical, you know, swampy, boggy, more diverse areas, it kind of looked like woodland down to a wet area, maybe more vernal pool and those sorts of things and what I was saying to Tommy was, while certainly we want to make sure that we protect these areas, I wonder if, in some areas if they're proposing impacts, if functional analysis would be appropriate to say okay, this is maybe a different level of importance and I don't know, I mean I'm just, you know...

Ted Kozlowski stated yeah, that's a reasonable question and that's something you should consider, my point with that site was you know, there's wet, there's wetlands there but it also has a stream corridor...

Chairman Rogan stated right.

Ted Kozlowski stated and that's the more, in my mind that was the more important area...

Chairman Rogan stated yeah.

Ted Kozlowski stated to protect.

Chairman Rogan stated and that's a, Tommy said you mentioned that's a trout spawn...

Ted Kozlowski stated yeah, it's a CTS stream.

Chairman Rogan stated CTS stream, it's beautiful.

Ted Kozlowski stated and there's some hillside associated with that buffer...

Chairman Rogan stated the drainage, yeah.

Ted Kozlowski stated and that really should be protected.

Rich Williams stated to get back to the issue about the difference that the Planning Board viewed in the wetlands, Teddy would you, would say that the difference really is indicative of the difference between a wetlands and some flooded wetland, versus one that is more of a flood plain wetland...

Ted Kozlowski stated yeah, there is some...

Rich Williams stated that takes the overtopping of the stream in seasonal periods.

Ted Kozlowski stated right, Rich as you know...

Chairman Rogan stated oh okay.

Ted Kozlowski stated there's so many, there's, all wetlands are not created equal and all wetlands have different aspects.

Board Member McNulty stated yeah, there's a lot of room here.

Chairman Rogan stated interesting site walk.

Board Member McNulty stated this is the one that looked pretty dry when we through this gully.

Chairman Rogan stated that was yeah, that just a little drainage and it was pitched, it seemed like it was pitched this way.

Board Member McNulty stated kind of crowned I think, one each way.

Board Member Montesano stated we didn't mark the oaks, how can I go back and get one.

Chairman Rogan stated the one between lot 3 and lot number 2.

Ted Kozlowski stated you've got basically a plateau there...

Chairman Rogan stated that little strip.

Ted Kozlowski stated and then that plateau levels, the topography slopes down...

Chairman Rogan stated right.

Ted Kozlowski stated and then wherever you have dips in the topography, that's where water generally will flow, you know, it goes the easiest route and then it all drains into the wetland corridors which then drain into that stream, so it is important to realize that even though those upland wetlands, if you will, might not be significant, it's what flows through there and eventually getting to the main stream, we want to make sure that that water is protected, it's clean, quality is good.

Chairman Rogan stated then Tommy and I spoke about, I know we talked that they're proposing this common drive, the initial plan that I had showed a true cul-de-sac, it must have been the original plan that I carried...

Rich Williams stated the original.

Chairman Rogan stated and then I had the one that you had marked up, that Ron had marked up, so it was a little bit, I was trying to remember which one and Tommy said no, right now they are trying to do a common drive but would it not make more sense to try to persuade them to put lot 5 onto that road, I know that they're trying to face the house to main road but it's no different then the house across the street in distance.

Rich Williams stated I think once we went out there and saw the rock cut that everybody on the Planning Board agreed, I mean it was interesting that the two groups went out...

Chairman Rogan stated yeah.

Rich Williams stated independently but the comments I got back from everybody...

Chairman Rogan stated were similar.

Rich Williams stated were basically identical and once you saw the rock cut...

Chairman Rogan stated good.

Rich Williams stated it makes a lot more sense to have that driveway.

Chairman Rogan stated yeah...

Rich Williams stated on lot 5.

Chairman Rogan stated well and then also, with four houses on it, you then say look, I understand you want a common driveway but four houses would, you know, you're reducing your cost of putting the individual driveway in because you're now, like you said, you don't have the rock cut, the house would lay in there better because you're not crossing all these contours, it would lay, you know, into that better...

Board Member McNulty stated you could go this way.

Chairman Rogan stated right, right in with the contour, it would be more flat across the front, it faces and then make that even if it's a reduced Town road spec, it's a Town road spec that's appropriate to a four lot subdivision let's say because it would be four houses on one road and there is no additional expansion that would be a required, that would be possible so, you design something that is appropriate for a Town road that's going to be taken over by the Town, not a common drive for four lots.

Rich Williams stated yeah, if you're going to take anything over by the Town, it's going to be a 24' wide road, we can waive...

Board Member McNulty stated I think in their comments, Windward's...

Rich Williams stated we can waive the issue with the shoulders...

Chairman Rogan stated right.

Rich Williams stated but just for getting vehicles in and out...

Chairman Rogan stated yeah.

Rich Williams stated then you're going to have a full cul-de-sac and now you're going to have a lot more disturbance then you would if you left it a common driveway with say 18' in width and a couple pull-off's so we need to...

Chairman Rogan stated well would you be, would you be supportive of that Rich...

Rich Williams stated well, you...

Chairman Rogan stated because you haven't been very supportive of common drives in the past, that's...

Rich Williams stated no, I'm not...

Chairman Rogan stated yeah.

Rich Williams stated because we always end up with a residents coming in and say we don't get the same level service as everybody does.

Chairman Rogan stated right, right, so that's kind of what my point is, why don't we just say right up front, look you're going to have four houses connecting to it, make it, can we, is there anyway, I know there's a way but is there any reason that we could push for not 24', to do an 18', what, I mean, Town road specs, really what we want is a safe road that the Town can go in and plow and turn around properly and you know, you can't, you can't make the argument for public safety's sake you're going to allow a common drive that's 18' to go to four houses but not allow an 18' Town road, it just, it's the same width, if you're going to allow one at 18', you should be able to allow the other and the Town should be able to accept it or 20' or you know...

Rich Williams stated true but we're not, I mean today's standards, you know we're not accepting 18' wide roads, as a matter of fact we're...

Board Member McNulty stated well in the engineer's notes, in response to your comments is D-10 is once a final concept plan is agreed to do, proper notations and lot lines will be established along the row, R-O-W in capital...

Chairman Rogan stated right of way.

Rich Williams stated right of way.

Board Member McNulty stated right of way with the established roadways as per Town Code, 138-72, so they're saying they'll meet Town Code specs...

Chairman Rogan stated that's right of way, that's not road.

Board Member McNulty stated yeah, right of way.

Chairman Rogan stated they're not saying, they're talking about right of ways...

Board Member Montesano stated no, because when you...

Board Member McNulty stated but what's, what are the specs in that, I'm not familiar with 138-27...

Chairman Rogan stated 50' right...

Rich Williams stated you know, I'm not going to sit here and tell you that...

Board Member McNulty stated I know...

Rich Williams stated I know exactly which one that is, as well.

Board Member McNulty stated but is it far from a road, verse a right of way.

Rich Williams stated but I imagine that section we're talking about has all the list of the preliminary and final plat requirements and not so much the road standards.

Board Member Montesano stated if you think about it, he's going to, let's say he gets a common driveway in there what, are we limited or can we tell him what we would accept because it is a private driveway so that means for arguments sake, let's say we want 6" of blacktop and he puts in 3" because it's not a Town road anymore, it's a private driveway and in 5 years when the thing is all crumbled up...

Chairman Rogan stated which is what happens, yeah.

Board Member Montesano stated they'll come in to Town Hall and demand that the Town go out there and take care of their road.

Chairman Rogan stated I just think the reason that we were all kind of figuring, hey, if we can put this one lot over to that road, is now you're putting four houses, now you're bundling your impacts and you're bundling your resources into one proper road that the Town would be more amendable to, as opposed to a common drive which we've been very, you know, not in favor of over the years...

Board Member Montesano stated you go to Kent...

Chairman Rogan stated and I've had my own viewpoint on it for obvious reasons but...

Board Member Montesano stated off of [Route] 52 and into Carmel and you look at their common, there's one where they were built, all flag lots, all through the one particular project and people sat there and in once instance somebody was having a party and they were the second house in...

Chairman Rogan stated they block the road, yeah...

Board Member Montesano stated and all hell broke loose.

Chairman Rogan stated and that you know, obviously maintenance, oh I'm sorry, go ahead.

Board Member Brady stated its okay, common driveways, does the Town take common driveways over.

Chairman Rogan stated gosh no.

Board Member Brady stated okay, that's what I, I just...

Chairman Rogan stated and you need a big, a good maintenance agreement, if us three own and we all live in these houses and we don't have an ironclad maintenance agreement...

Board Member Brady stated it's a mess.

Chairman Rogan stated then, it can be a mess because now we decide 15 years later, you know what there's enough puddles, we really should re-pave and Tommy and I are all for it but you don't have any money...

Board Member Brady stated right.

Chairman Rogan stated you say look guys, I'd love to do it but I don't have a pot to pee in right now and well it's going to cost 30 grand, you have to come up with your 10 grand or whatever...

Board Member Brady stated right.

Chairman Rogan stated well I don't have it, you know maintenance agreement or not, that's what happens, personally what happens is one person steps up to the plate and does the bulk of the work or people, you know from sheer necessity, if you're the guy at the end, you have the most interest in making sure this works, the guy at the first doesn't care about the 2/3's.

Ted Kozlowski stated and plowing becomes an issue.

Chairman Rogan stated and correct me if I'm wrong but most maintenance agreements...

Board Member Brady stated yeah, my father has...

Chairman Rogan stated the first house, that would be split in thirds in this case because the guy is only a third responsible because all three people are using, the second part is spilt in half and the third part is owned, so this end guy...

Rich Williams stated I've seen then done in this Town, all different.

Chairman Rogan stated yeah, completely difference but rightfully so, if I was the first guy I would say why do I care about the maintenance on the other 66%, I never use it, I'm not paying for that, they want to have 6" of you know, so by rights if you did that way, which would be proper payment for the portion you're using, the guy on the end is going to pay 100% of that 50% of this and 30% of that, he's paying the majority of it anyway, it's crazy, you know to me, I understand, I used to argue with Rich a lot on this, just

to put it out there because I live on a private common drive and I've seen that if you don't enjoy maintaining things, then it goes to hell.

Board Member Montesano stated right across the street from me, is two houses on a party driveway...

Chairman Rogan stated yeah.

Board Member Montesano stated and in the last number of years that I've been there...

Chairman Rogan stated yeah.

Board Member Montesano stated every time you turn around, it's been hell.

Chairman Rogan stated there's a problem and I would never recommend it for people who are strangers, I just wouldn't, it's hard enough with family, I wouldn't recommend it with strangers and that's just my opinion, so.

Board Member Taylor stated I think we've got a long record of saying we do not approve of common driveways, now if we're going to be consistent about this then I think we've got to say to them we don't approve of common driveways...

Chairman Rogan stated just get it out there early, yeah.

Board Member Taylor stated then the separate issue is the disturbance that Rich is talking about.

Chairman Rogan stated right.

Board Member Taylor stated and how do we accommodate that or can we accommodate that or do we just swallow it.

Rich Williams stated well let's get back to the issue that, of the road versus common driveways and what the Town, when I say Town I mean the Planning Board has input, the Highway Superintendent has input, the Town Board has input, so my characterization of this is a conglomerate of all those different agencies and what their opinions might be. You're probably not going to get a Town accepted road less than 22', I don't think the Highway Superintendent and the Town Board are going to view that, what is on the table that you might want to consider not having in this subdivision, formal drainage, catch basins and piping, we can do that with grass swales likely, depending on how the stormwater travels, curbing, you can get rid of curbing, you know, we can do some minor improvements to the right of way just to keep it open...

Chairman Rogan stated yeah.

Rich Williams stated so those are the things that are somewhat flexible but you know the base, the thickness of the blacktop and the width are probably not things that are, if we are going to accept this as a Town road, are going to be negotiable.

Chairman Rogan stated they shouldn't be...

Rich Williams stated yeah.

Chairman Rogan stated that's, the base is what you're building off of. The original plan when we were walking, when I had the original which showed the cul-de-sac, the location, if you recall the location of that cul-de-sac was on the slope, it was like, it reminded me of what they originally put on Ice Pond, remember we walked that...

Rich Williams stated oh yeah.

Chairman Rogan stated it was over the hump and down the, it was on the downhill side and they were trying to put a cul-de-sac in, of course you can do it but look at the extra grading where you just shorten up the cul-de-sac to the level area and then you drop your driveway down, make the driveway an extra 50' or 100'...

Board Member Brady stated right.

Chairman Rogan stated you know instead of having your whole cul-de-sac there but...

Board Member Brady stated yeah, here you'd only have to bring a cul-de-sac into here...

Chairman Rogan stated right.

Board Member Brady stated right here and just have the one driveway off the back of it.

Chairman Rogan stated oh true enough, that's true...

Board Member McNulty stated come back to here.

Board Member Brady stated you can come back...

Chairman Rogan stated yeah.

Board Member Brady stated I mean but the driveway's here, so you can actually do it there and then just have this driveway come off it, that one driveway is a long driveway, it saves them all that road.

Chairman Rogan stated 200' of...

Board Member McNulty stated our Code limits driveways in a way too, doesn't it.

Chairman Rogan stated yeah but that's not...

Rich Williams stated anywhere, nowhere near that.

Chairman Rogan stated if this could be a driveway from here to here, easily.

Rich Williams stated its 2000'.

Board McNulty stated alright.

Board Member Brady stated yeah, I remember a driveway we walked and put the rail in that was a long driveway.

Chairman Rogan stated but I think coming in early, let's face it when people come in for a subdivision, they want clear guidance up front and we kind of always say, amongst ourselves, if people would just come in with something reasonable up front, let's hammer out what's actually going to be approved and get them through the process in 6 months, 8 months whatever it is, instead of jerking around for 2 years which sometimes happens, through no fault of anybody's it's just people sometimes people ask for what is unrealistic and then we have to struggle and it becomes an arduous process. Here, you know the one lot they took out, I didn't see anything with these lots that I wouldn't approve, I mean the one lot is a slam dunk out there in the field.

Board Member Taylor stated let's stay with the driveway issue before we go on, are we agreement then that we're going to say to them no common driveway, we will minimize...

Chairman Rogan stated to the greatest extent practical.

Board Member Taylor stated but you've got to put a road bed in and you've got to conform to the Town specs and...

Board Member McNulty stated yeah, I think when you add 4 houses on to that, it's much more than 2 houses sharing a driveway, I'd prefer to have a road.

Board Member Brady stated yeah.

Chairman Rogan stated I mean they're not proposing for but if you want, if you want these three...

Board Member McNulty stated yeah.

Chairman Rogan stated if you want that back lot, then put them all on and put them as Ed said, you know, maybe you shorten up, maybe we can do away with some of the drainage, we can work on that, maybe we can reduce the width to 22'...

Rich Williams stated 22'.

Chairman Rogan stated so that's pretty compromising I think, you know.

Board Member McNulty stated they're going to have to put a road in anyway, how much more of an impact is it at that point.

Board Member Taylor stated it's going to be 4' more.

Board Member Brady stated they could, there are so many things they could do to make this much easier, they could move the cul-de-sac almost to the end, depending on how long this one driveway would be and flop that driveway...

Board Member Taylor stated put the cul-de-sac right here.

Board Member Brady stated yeah, that's what I'm talking about...

Chairman Rogan stated yeah, right, yeah.

Board Member Brady stated but you could take this house and the garage on this side so you're moving that driveway down...

Chairman Rogan stated right.

Board Member Brady stated now your cul-de-sac can go over here and this driveway comes off the cul-de-sac there.

Chairman Rogan stated you have to watch your lot line distances for the road frontage...

Board Member Brady stated right.

Chairman Rogan stated you have a minimum that you need so that's part of that, you don't want to and you know at some point you don't want to make the lot lines so screwy that then you...

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

Board Member Brady stated you ruin the piece of property.

Rich Williams stated you're not going to meet road frontage on this.

Chairman Rogan stated oh...

Board Member Taylor stated that's up to them, we don't design these things.

Chairman Rogan stated to what...

Rich Williams stated you have to have 225' of road frontage for every lot, certainly the back lot, there is no way that's going to meet road frontage.

Chairman Rogan stated you know, I have to say through, after walking this property, I don't think, I think while they are putting in everything they're trying to get, I don't think it's an overuse of this site, I mean I think if we can...

Board Member McNulty stated these are spread out nice.

Chairman Rogan stated we can nail down the wetland, make sure that we're not going to be ruining wetlands, these lots were so easy to build and so nice.

Board Member Taylor stated well I see a problem though, if you look at what is buffer and what is lot...

Chairman Rogan stated yeah but buffer, remember don't treat buffer like wetland, wetland is wetland, buffer is protective but it doesn't mean that it's like you know, you can't treat it the same as the wetland, Ron...

Board Member Taylor stated but Ted doesn't want them cutting down trees and putting in lawn and doing those things.

Ted Kozlowski stated I'm saying you want to keep the buffer a buffer...

Chairman Rogan stated keep it as wooded.

Ted Kozlowski stated yeah, not lawn, not usable...

Board Member Taylor stated but that's where I see the problem especially on this site because the buffers, you can't see where the buffers are.

Chairman Rogan stated see I think Ron, though and I'm going to disagree with Ted on this to some extent, I think in this case the buffers, it's like, like you said, there's almost no visual distinction between the buffer and the wetland because the wetland is a wooded area in some cases so it's kind of like to me the buffer in this case, it's like, I think that there's differences here.

Ted Kozlowski stated but Shawn you're looking at wetland in November, as opposed to a wetland in...

Chairman Rogan stated well and I'll go back in July, it's not going to be...

Board Member McNulty stated it will be delineated when they clear the lot up to the buffer line.

Board Member Montesano stated let me ask a question.

Ted Kozlowski stated and they're going to need, they're going to need permits to clear that.

Chairman Rogan stated they're going to have to, yeah.

Board Member Montesano stated for arguments sake, we're trying to set a standard so people can get through the process faster, yet here we're talking, the first thing we're talking about is well we can take the buffer and buffer it in a different direction...

Chairman Rogan stated yeah.

Board Member Montesano stated no, it shouldn't be, we say this is a buffer, you can't do anything here, the rest is up to you. They pay engineers an awful lot of money and those engineers are supposed to be trained people, professional and they can work around it.

Chairman Rogan stated not disagreeing with that, in other words, it's not our job to come up with a solution for them, I agree with that...

Board Member Montesano stated right.

Chairman Rogan stated having said that, talking about commercial subdivisions that we've spoken about, if we can create an area in here where Ted says you know what, if we can improve this area and lose 20' of buffer over there but improve this, then I think that's a golden opportunity.

Rich Williams stated but nobody's asking to give up any buffer right here.

Chairman Rogan stated I'm not saying that, I'm just addressing the, you know...

Rich Williams stated I know that but I'm just saying, you know for what you have in front of you, you have a legally conforming...

Chairman Rogan stated right.

Board Member McNulty stated they meet the minimum standards right here.

Rich Williams stated subdivision with the exception of the road.

Chairman Rogan stated right.

Rich Williams stated and nobody's asking to give up any buffer right here.

Chairman Rogan stated what we need to do and this is a conversation we should start for the New Year because this should be a focus, Ron and I have spoken about this recently, what we need to do for the New Year and what I'm going to push for is that this Board starts to work with Rich about redefining our, the way we look at subdivisions to look at a minimum area for buildable area as a component of the subdivision law, not only 4 acre bulk area but and we have to do some examples and figure it out but I think we need to come up with that square footage of less than 20% or whatever slope we decide is a buildable area because you can't just go with 15% like for septic because you can put a house on 20% slope, septic area, well, house, pool, whatever that area is and define a building envelope and think about it. I'm not saying I have it figured out, I'm saying I think we need to have the conversation because it may be that somebody has 4 acres but because we do this additional thing, they, we say yeah but you don't have 25, 35,000 square foot of building envelope area, this is not a, and then that gives us the teeth to be able to say you know, this is not meeting that threshold and I think we, let's spend some time next year thinking about and talking about that.

Board Member Taylor stated well I think we've got to spend some time because of this that's before us right now, talking about it.

Chairman Rogan stated yeah.

Ted Kozlowski stated I'd like to bring up an issue here, you and Tom didn't really see the wetland, you saw it, you saw the flagging but you didn't really appreciate it because you didn't know it was there...

Chairman Rogan stated well when did you guys go.

Board Member McNulty stated July.

Ted Kozlowski stated I went there in July.

Chairman Rogan stated no, no, the rest of the Board, a week earlier...

Board Member McNulty stated the week before.

Chairman Rogan stated yeah, so...

Ted Kozlowski stated okay but I saw it in July.

Chairman Rogan stated right.

Ted Kozlowski stated my point is this, this is a legally conforming lot, lots, Richie just said that there is no taking the buffer, okay, so there's no wetland permit now...

Chairman Rogan stated perfect.

Ted Kozlowski stated perfect, right, they get their permits, they're going to clear, how are we going to know, how are we really going to realistically understand or how is the developer and the contractors that are going to clear that land, how are they going to respect that 100' buffer.

Chairman Rogan stated well and this is something that Tommy and I were talking about, part of any of these projects that we do when there's a buffer, we always talk about demarcation, figuring a way out and it's not the same for every lot, I don't think we need to build a stonewall on every lot, I stonewalls but there should be something, you know...

Board Member McNulty stated there should be some kind of permanent marker though.

Ted Kozlowski stated well, I put up, I put up markers and all...

Chairman Rogan stated we need buffer markers.

Ted Kozlowski stated but let's be realistic here okay and that these lots are going to get built and there's no, nothing, once the guy gets in there somebody is going to have to watch that. Now, I'm just telling you, you saw the house across the street, this is going to be an upscale...

Chairman Rogan stated oh where the, yeah.

Ted Kozlowski stated I'm sure this is going to be an upscale development which I like because the people that are going to move in there are probably going to want to take care of it but I know they're going to want horses, they're going to want, somebody is going to want horses, somebody is going to want to do something because there is a lot of buffer, there is a lot of buffer on these lots...

Chairman Rogan stated yup.

Ted Kozlowski stated and these may be really pretty, beautiful building lots like you said...

Chairman Rogan stated gorgeous, oh my gosh, some of the nicest lots around.

Board Member McNulty stated yeah.

Ted Kozlowski stated but if you're going to respect the buffer, that's an impact.

Board Member Taylor stated and that's the problem I see.

Chairman Rogan stated yeah.

Board Member Taylor stated because you can't see the buffer.

Chairman Rogan stated but what we have to do then is focus our attention on how do we properly demarcate whether it's through markers, through physical structures, through barriers, through deed restrictions, whatever it is but we can't sit here and say you know these are tough lots because they have buffer, they meet like, you know...

Ted Kozlowski stated we're not saying that Shawn but...

Chairman Rogan stated no, I know but I'm just making sure you know...

Ted Kozlowski stated you know once the bulldozer goes in there, oops, so are we going to require them...

Chairman Rogan stated yeah, so...

Rich Williams stated whoa, whoa, whoa, let's back up now because when...

Ted Kozlowski stated but Rich this has happened.

Rich Williams stated when they're building the lots, there's no whoops, if there's a whoops there's a penalty because there are people watching and I'll give you an example...

Chairman Rogan stated it's after the fact.

Rich Williams stated Larry Tambini, he's good developer, he bought the Bear Hill Subdivision, started building a house, pulled a building permit, right, starts clearing everything, I go out there and I double check, I make him move the house site 15' because he wasn't where he was supposed to be.

Chairman Rogan stated wow.

Rich Williams stated we are checking.

Ted Kozlowski stated I'm just saying that there's a lot...

Rich Williams stated it's after...

Ted Kozlowski stated so are we going, are we going to have orange construction fence along the buffer before they...

Chairman Rogan stated yeah, construction fence, why not, survey located.

Ted Kozlowski stated before they put a shovel in the ground.

Board Member McNulty stated well generally you'll have a silt fence run on all the low sides of the slope.

Chairman Rogan stated but why not...

Ted Kozlowski stated no, put an orange construction fence.

Chairman Rogan stated that makes sense.

Rich Williams stated but we don't, generally what we do is we, either with silt fence or with orange construction fence we demarcate, yeah we mark out the boundaries of disturbance, not the wetland buffer but even more confined to just where he's allowed to disturb.

Chairman Rogan stated sure, it makes a lot of sense, I mean...

Board Member Taylor stated I think we've got to look at another issue though, the issue I see is a long range that these people are going to get on this site and they're going to say what a beautiful 4 acres I have, I want to use my 4 acres...

Chairman Rogan stated sure.

Board Member Taylor stated and is there enough usable area in these sites as they're laid out for the people who are...

Chairman Rogan stated that's so variable Ron, that's, for you and I, no, for my parents, absolutely, they're not going to go anywhere near that, it's so variable, so you have to take into account what would be reasonable...

Board Member Taylor stated well that's what I'm asking.

Chairman Rogan stated and that's why I think we need to talk about some kind of demarcation that, remember we talked about educational, letting people, I honestly think Ted, as ECI, when we have these subdivision, you should go meet with every one of these people as soon as the houses are built and they move in and introduce yourself and say I want to educate you about the buffer and you document it, you put it in the Building Department file, I spoke to Mr. & Mrs. Smith, we spent a half hour, we walked the buffer, I explained to them, you know then they come in and they screwed up, what do you mean Mr. & Mrs. Smith, Mr. Kozlowski spent a half hour out there, you walked the border...

Ted Kozlowski stated I know Shawn but I look at it as a longer range thing, those owners are there 20 years maybe, at the most or you know the house turns over, then what do I do, find out who the new owner is and keep knocking on doors.

Chairman Rogan stated you know...

Board Member McNulty stated that's why we have to look at some kind of permanent marker, a concrete...

Board Member Brady stated what about a concrete marker...

Board Member McNulty stated monument or...

Board Member Brady stated right, just a concrete marker, do it every 50' or every 100'.

Board Member Taylor stated I think you're still missing the point I'm trying to make, I'm not talking about demarcating...

Chairman Rogan stated right.

Board Member Taylor stated I'm talking about what is usable land for these people, what are they going to expect for usable land, we had the guy across the street who wanted to add a garage, remember...

Chairman Rogan stated right and it was, yeah...

Board Member Taylor stated he wanted to expand the garage and he was right...

Chairman Rogan stated that's right.

Board Member Taylor stated on the buffer and we had to say no, you can't.

Chairman Rogan stated no, I thought across the street we approved that, the garage is built.

Board Member Taylor stated no, they never bought the house, did they, they didn't do that.

Chairman Rogan stated isn't that built, it's a beautiful garage.

Rich Williams stated I know the house you're talking about and there is...

Chairman Rogan stated we commented...

Board Member McNulty stated we approved it.

Chairman Rogan stated we approved that.

Rich Williams stated there is a garage there.

Chairman Rogan stated yeah.

Board Member Montesano stated that was the original garage.

Board Member Taylor stated there was a garage there.

Rich Williams stated I think it may be the original and the garage that we looked at, I'm not sure it got built.

Board Member Montesano stated he was supposed to make an L-shape...

Board Member Taylor stated yeah, yeah.

Chairman Rogan stated oh, I thought we approved that, alright, well I apologize.

Rich Williams stated he was building a second garage.

Board Member Montesano stated yeah.

Chairman Rogan stated oh.

Board Member Taylor stated no, because he was, they had, we were saying you've got to have at least 5' to walk around it...

Chairman Rogan stated yeah, right, right, right, yeah, right.

Board Member Taylor stated you can't build what you wanted, so we approved shortening it...

Chairman Rogan stated okay.

Board Member McNulty stated but we did approve it but we altered it.

Board Member Taylor stated we approved something, not what he wanted.

Chairman Rogan stated he didn't build it, oh I see.

Board Member McNulty stated and I think we asked for a fence or something to demarcate.

Board Member Taylor stated yeah and...

Chairman Rogan stated that property is beautiful across the street.

Ted Kozlowski stated getting back to this, I think...

Board Member McNulty stated that is a very subjective thing that Ron's talking about, how much space do they need because some people will need it, some may want more...

Board Member Taylor stated one of these people wants a pool, they want sunlight for their pool...

Chairman Rogan stated right.

Board Member Taylor stated are they going to have it.

Ted Kozlowski stated well that, well that's a great point because we've had this issue with the Deerwood [Subdivision], what is Deerwood, the one by you.

Board Member Montesano stated yes, yes it was deadwood on a cul-de-sac.

Rich Williams stated this is a much bigger issue and the issue is this, that people buy property all the time, not just in Patterson but in other towns and they buy it with totally unrealistic expectations, they will buy 4 acres of property and think they just bought 100 acres and they're going to use 100 acres. I don't know how to deal with that because it's a social problem really.

Ted Kozlowski stated that really is Rich...

Chairman Rogan stated you're right, you hit the nail on the head.

Ted Kozlowski stated and ownership changes, ownership changes and...

Rich Williams stated but we're talking about the people's attitude when they come in...

Ted Kozlowski stated right.

Rich Williams stated they come in thinking, hey jeez, we've got this area of open space behind us...

Chairman Rogan stated thank you.

Rich Williams stated we can, we can have, we can give our kids an ATV because they're got 100 acres to ride on...

Chairman Rogan stated yup and thank you for saying that.

Rich Williams stated it's not their property.

Chairman Rogan stated Mike was into real estate, the subdivided lot that we approved for Mr. Noblet, the 10 acre parcel, which just went back on the market off McManus Road South, on my road.

Board Member Montesano stated oh jeez, yes.

Ted Kozlowski stated Mr. Noblet.

Chairman Rogan stated right, its back on the market, well he doesn't own it, he sold it when we subdivided it...

Ted Kozlowski stated right.

Chairman Rogan stated its 10 acres, 7 [acres] of which is really wetlands, I don't care it's winter, I look at it, it's wetlands, cattails, it's the whole thing right, it's approved for a 4 or 5 bedroom house, the 3 acres they have are gorgeous. Now, you go on the subdivision, not subdivision, the reality site all the pictures of the lot except one are all taken up on the Burdick Farm property because they mowed a pathway through the lot, right, so they could get people to property they don't own and the pictures are all of all the views. Now ethically, that is terrible...

Board Member Montesano stated of course it is.

Chairman Rogan stated you can't do that.

Board Member Montesano stated but the object...

Chairman Rogan stated these people are going to go like Rich said 300 acres here of property, I own all this, this is great.

Board Member Montesano stated but have, let's put it this way, it's unethical...

Chairman Rogan stated yup.

Board Member Montesano stated they know it is but oh we made a mistake, they did it because no one is going to stop them.

Ted Kozlowski stated well getting back to this, outside of the one lot that I, did they eliminate the one that really...

Chairman Rogan stated they did, yeah.

Ted Kozlowski stated I didn't have a problem with the lots other than make it known that you're not going into the buffer...

Chairman Rogan stated exactly.

Ted Kozlowski stated that you can't, you can't make it lawn, you can't make it gardens and you're not going to clear it for pools.

Board Member McNulty stated well they have the pools on here.

Chairman Rogan stated so did you see anything, getting back to what kind of what I threw out, did you see anything on here Teddy, any part of this wetland that you would want anything done with to improve or was it all just leave it alone the way it is.

Ted Kozlowski stated I would just leave, if you're not going to screw around with it, then let's leave it.

Chairman Rogan stated okay, good.

Board Member McNulty stated I think the biggest thing is to remove, this last house, was that lot one...

Chairman Rogan stated yeah.

Board Member McNulty stated that was, that needed the most mitigation there.

Ted Kozlowski stated and hopefully you'll get neighbors that will enjoy the open space and the seclusion that the forest offers, offered.

Board Member Montesano stated these things that you see on here were put on here, there's no I don't want my pool there, I want my pool here...

Chairman Rogan stated piece by piece.

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

Rich Williams stated a lot of good oak in there.

Board Member McNulty stated this is a good starting point to go in the record so when they do some in for a permit, Mrs. Jones, this is what you're limited to...

Chairman Rogan stated yeah.

Board Member McNulty stated it has to become a process that works.

Ted Kozlowski stated well can you put on the site plan that here's the buffer zone and it's not to be developed.

Chairman Rogan stated you gotta do what Ron did, Ron you got me thinking when you did such, that green, our subdivision plan should have color for, wetland and buffer should be color coded, not black and white because that stuck out...

Board Member Brady stated yeah, it did.

Chairman Rogan stated honestly...

Board Member Brady stated that was good.

Chairman Rogan stated if you had your plan and it had a, I mean I know people photocopy but even shaded it shows up but if you had green for the area that was buffer, you'd say what the hell is this, that's...

Board Member Taylor stated or grey, it could be grey.

Chairman Rogan stated or whatever, my point is that it would stand out so strongly, you'd say, I have this lot, what's all this, oh well that's your wetland and your wetland buffer, you can't do anything with, well freak, 4 acres, I only have that little bit, it's a little more visual.

Ted Kozlowski stated well that is going to be an eye opener to some people.

Chairman Rogan stated I think that's a great idea to, can we have them do that, I know it's not a requirement of our...

Board Member McNulty stated we go one step further, delineate the wetland and the buffer on the plan.

Ted Kozlowski stated because again you know you and...

Board Member Taylor stated that's what this is, it's both.

Board Member McNulty stated with different colors...

Ted Kozlowski stated Shawn, you said it yourself...

Board Member Taylor stated oh, oh, dark grey and white...

Ted Kozlowski stated right out of your mouth with Tommy, what a great piece of property to develop.

Chairman Rogan stated beautiful, beautiful and it's smaller than what it looks.

Ted Kozlowski stated and you knew there was wetlands there but you were like well what kind of...

Board Member Montesano stated what if we had them put the words right on there.

Chairman Rogan stated it doesn't...

Board Member McNulty stated there not that wetland consistency we're used to seeing.

Ted Kozlowski stated they're not sticking out because you're looking at it in November.

Board Member Montesano stated this is a wetland, this is a buffer area.

Rich Williams stated it's not sticking out because it's a different type of wetland.

Chairman Rogan stated which was my point.

Ted Kozlowski stated but also Rich there was a...

Board Member McNulty stated wetland and that's where that functional analysis that Shawn talked about, should come into play.

Ted Kozlowski stated but I'm just telling you that there is a big difference between what it looks like now and what it looks like in July.

Chairman Rogan stated sure.

Ted Kozlowski stated so when a property owner comes out there in November, they're going to get the same impression you got probably...

Chairman Rogan stated I own the world I'm going to put in ATV tracks.

Ted Kozlowski stated yeah, I can see for miles, look at this.

Chairman Rogan stated I'm going to do race cars.

Board Member Montesano stated there you go.

Board Member Taylor stated okay, so everyone feels like this layout is fine, I mean when I looked at this I said...

Board Member McNulty stated I'm comfortable with that.

Board Member Taylor stated maybe we should only allow them 4 lots, one, two, three, four.

Chairman Rogan stated well I think we need, Ron, I think what we need to do is we need to start having a conversation about what we were just talking about, about what is the amount because, here's the thing and Tommy hit the nail on the head when we were walking, he said when you set minimum standards, when you set standards and people meet that, you can't then be picky and say well it kind of, you meet it but you know it's not quite, you didn't show a pool, you know showing a pool we're forcing them to do but that's, there's no law that says they have to do that and we probably would be, lose our asses if we denied something because they didn't show a pool on the plan. So, you set minimums, that's why I think we need to do some common sense, we'd have to go back to our Master Plan, we can't just arbitrarily say now we need 32,000 square foot of what we deem no wetland, no buffer, no whatever, you know...

Rich Williams stated I don't know you'd have to go back to the Master Plan...

Chairman Rogan stated okay.

Rich Williams stated you need to take your zoning and what you're doing is, you know based on your criteria and your zoning, this is the amount of minimum good area you need...

Chairman Rogan stated right.

Rich Williams stated set that design standard and just codify it.

Chairman Rogan stated because 4 acre zone really is an arbitrary number, it's a spatial separation, it has nothing to do with build ability of a lot so we would be I think at the forefront of saying here's what we've

deemed and it's got to be out to public comment but here's where we've deemed, we think to be a reasonable amount of area for a one-family home.

Board Member Brady stated right and it'd be very good for future where...

Board Member Taylor stated that's the point I've been trying to make on this...

Board Member Brady stated properties are getting smaller and smaller.

Chairman Rogan stated I agree, yeah.

Board Member Taylor stated we need to debate that for this, are we going to allow these 5 or are we going to cut it down, or 6 or are we going to cut it...

Chairman Rogan stated I think what we can do is certainly bring it up that we feel that there are concerns with the usable area of those two lots and we are beginning discussions right now that could impacts this, you know this way it's still putting it out there.

Board Member McNulty stated but at the same point, at the same time, they meet our minimum requirements at this point...

Chairman Rogan stated they do.

Board Member McNulty stated unless we...

Chairman Rogan stated except for the road frontage...

Board Member Montesano stated can we ask the engineers...

Board Member McNulty stated except for the road frontage.

Board Member Montesano stated when they make up these maps with the color, can we put the words wetland, buffer area...

Board Member Taylor stated this lot could be eliminated because of road frontage.

Chairman Rogan stated right, right.

Board Member Montesano stated in either a different color just put the words...

Board Member Taylor stated that's one gone.

Chairman Rogan stated yeah but...

Board Member Taylor stated they can combine it with one of these then.

Rich Williams stated the engineer didn't do the color.

Chairman Rogan stated I gotcha.

Board Member Montesano stated I realize that.

Board Member Taylor stated make this one lot.

Board Member Montesano stated but what I'm saying is they can sit there and say my machine doesn't make color but what if we ask to have the words printed on...

Chairman Rogan stated one big lot...

Board Member Taylor stated so that at least that put us back in the Code, we're doing this based on the Code then, we're not allowing this one.

Board Member McNulty stated yup.

Board Member Montesano stated that say wetland area, I mean they're on regular maps...

Board Member Taylor stated and then they can shift this boundary over this way, this lot then becomes larger because this one's picked up this stuff...

Rich Williams stated can we ask, we can absolutely ask, alright...

Board Member Montesano stated will they do it.

Rich Williams stated I, well standing here right now...

Board Member Taylor stated so this, he's got to put his pool here and his here but so, so what, he's got the area at least to do it.

The Secretary stated you're having too many conversations.

Chairman Rogan stated Ron, you hit the nail on the head though, the reality is this, if this were one big lot and that was a lot and this was a lot and this was a lot, you've got tons, I mean if anything this is a little bit jammed but you can move this house especially if you change this a little bit, this has the best of all the lots, it has the most area, I mean look at all the area behind, in front over on the side, it's, you know, this is the choice lot out of the whole place.

Board Member Taylor stated no, I understand that but somebody but the point somebody was making was this conforms to Code and the point is it doesn't conform to Code...

Chairman Rogan stated only because of the frontage.

Board Member Taylor stated well but it doesn't conform to Code.

Chairman Rogan stated yeah but it could be, you could have 12 acres of open space here and you could make the same point...

Board Member Taylor stated I understand that.

Chairman Rogan stated but that's not valid.

Board Member Montesano stated that's not our job to do their job for them.

Chairman Rogan stated nobody's trying to do their job for them Mike, we're just discussing that point.

Board Member McNulty stated we could change that...

Board Member Montesano stated I realize that but we're trying to...

Board Member Taylor stated we could say to them...

Board Member McNulty stated we could waive certain things.

Board Member Taylor stated based on Code, you've got to cut one house out, one lot out, you decide how you want to do it.

Board Member McNulty stated unless they go back and look at precedents that have been established in Town.

Chairman Rogan stated is it because, help me out here for a minute Rich...

Board Member Taylor stated that's why we need to be consistent on this stuff.

Board Member McNulty stated exactly.

Chairman Rogan stated the road frontage for that lot but wouldn't the others have the same issue since this a common drive, none of them, the only one that has road frontage would be this lot, this lot and this lot, these two lots don't have road frontage, correct.

Rich Williams stated yeah, you probably get three...

Chairman Rogan stated there's two of them that don't have road frontage.

Board Member Taylor stated okay, so...

Chairman Rogan stated these two.

Rich Williams stated yeah.

Board Member Taylor stated so they need the Town road anyway to get the road frontage.

Chairman Rogan stated they need the Town road, right.

Rich Williams stated but they're not...

Chairman Rogan stated they won't get it on one.

Rich Williams stated you're never going to make it, you're never going to go get a Town road in there that's going to meet all the road frontage requirements...

Chairman Rogan stated what's it 240 or something...

Rich Williams stated well let's see 3 lots, so you need a minimum of 6, 750', 725'...

Chairman Rogan stated 800', *inaudible*.

Board Member McNulty stated based on the stakings and walking the lot and seeing where the houses were placed, it looked like there was plenty of room to support those 6 houses and still be clear of the buffers.

Chairman Rogan stated yeah, you're right three, yeah it's only 250', I mean that's nothing, this is...

Board Member Taylor stated that's what worries me, it looks so wow what a wonderful lot I've got...

Chairman Rogan stated yeah, it looks awesome...

Board Member Taylor stated but what's that orange pole, I'll just pull the orange pole out and cut the tree on the other side of it because I want the tree out of the way.

Board Member McNulty stated its very, would of, could of, should of, that's the hard part.

Board Member Brady stated and nobody is going to tell anybody buying them.

Rich Williams stated so maybe go with Ed's suggestion about doing concrete monuments out there.

Board Member McNulty stated yeah I think a permanent marker for the buffer is, you know, is it ever 50', is it every 75'...

Chairman Rogan stated give them the option to do the wall, they want to do a dry laid stonewall, god bless them, they're going to have enough rock.

Ted Kozlowski stated can they, I forget what the term is called but put a permanent notation on the site plan to...

Board Member McNulty stated demarcation,

Board Member Taylor stated yes.

Board Member McNulty stated oh it should be clearly noted on the site plan and final plat.

Board Member Montesano stated yeah, they're going to put a monument in, it's going to be a steel pin.

Chairman Rogan stated I think those, even if you don't shade the whole thing, the demarcation, more than a dotted line, the dotted line into the buffer should be a half inch wide band on the plan that is just so obvious that if it's a hashed shaded area that says what the hell is this on there, you know.

Board Member Taylor stated well you've got the language from across the street that was put on those lots across the street, I remember when we did that house, that was great language.

Rich Williams stated I'm sure we still have the language.

Board Member Taylor stated because it said you can't, it's not just that its buffer, this is do not disturb in any way.

Rich Williams stated there's two issues here, one is...

Chairman Rogan stated more than two.

Rich Williams stated well yeah, the big wide hashed area for delineating the wetland, probably 90% of the property owners that buys the houses, never see the subdivision plat.

Chairman Rogan stated no, I know, we've talked about that.

Rich Williams stated they're going to see a site plan that somebody pulls out.

Chairman Rogan stated how does it get transferred to the site plan, to the individual plan.

Board Member McNulty stated on a survey.

Rich Williams stated yeah, they're going to get a survey and the surveyor is going to show the lines and whatever any way he happens to see fit at the time.

Chairman Rogan stated so the Town has no control by which, I mean I wouldn't expect we would.

Board Member McNulty stated but if a permanent marker, a concrete marker...

Chairman Rogan stated surveys within the Town...

Board Member McNulty stated say was put in place that would become a survey mark.

Board Member Brady stated oh absolutely.

Rich Williams stated yeah.

Ted Kozlowski stated we have those and then we have our signs up on the trees, as long as they last.

Rich Williams stated the second issue is the issue with the color, you have to remember that these developers are coming in with 11 sets every meeting...

Chairman Rogan stated sure.

Rich Williams stated 11 sets, 11 sets...

Chairman Rogan stated if it ends up being shaded grey, what's the difference.

Rich Williams stated I'm just saying...

Chairman Rogan stated yeah.

Rich Williams stated Mike asked about adding color in...

Board Member Montesano stated no, I was asking more word than color.

Rich Williams stated I don't, yeah but even, anything translates to a color print, let's say AVP is printing them out, it adds significantly to the cost...

Chairman Rogan stated sure.

Rich Williams stated now we can ask the question about is it reasonable, what's the difference in cost, we can get those numbers for you, if you're really interested but I will tell you because I get copies made all the time at AVP.

Board Member Taylor stated it's expensive.

Rich Williams stated you go in for black and white, its \$3.50, \$4.50, \$5.50, you add color it's \$25.

Chairman Rogan stated Rich, they shade from top to bottom of the toe of, top of the slope to the toe of the slope on the fill pad with just a grey, something like that would stand out instead of a dotted line, a dotted line disappears.

Rich Williams stated and we can do the shading, the shading is easy.

Chairman Rogan stated yeah, I mean the color is you know...

Ted Kozlowski stated and some engineers that submit stuff...

Chairman Rogan stated you don't even get that, yeah but you know, I think this is a good one for use to kick around, it's got a little bit of everything going on and it's not, hey, we're not dealing with steep slopes and rock outcrops and...

Board Member Montesano stated yes.

Chairman Rogan stated there are some on there but they're not...

Board Member Brady stated I think you gotta go in, if you put markers in, they've got to be put in before they start, go in and put the markers in with the surveyor and mark that out.

Chairman Rogan stated yeah.

Ted Kozlowski stated was there a discussion, was there a discussion of some, one of those driveways that lines right up with that guys house, are we going to move that driveway.

Rich Williams stated there was a discussion.

Board Member Montesano stated yeah.

Chairman Rogan stated we weren't there.

Rich Williams stated the, I think it was lot 4 that comes out...

Board Member Montesano stated right opposite that guys driveway.

Chairman Rogan stated lot 5, lot 5...

Board Member McNulty stated no, here.

Chairman Rogan stated oh, lot 6.

Rich Williams stated no...

Ted Kozlowski stated I think it's the...

Board Member McNulty stated yeah.

Rich Williams stated is it lot 6, lot 6.

Board Member McNulty stated this is the house we were looking at the garage.

Chairman Rogan stated okay.

Rich Williams stated yeah.

Chairman Rogan stated they come out anywhere.

Rich Williams stated it actually comes out where it's still you know, pretty heavy bedrock coming out and what we had talked about doing and I think it's a good idea and it comes out right across from this driveway, is moving it down the road a little bit but then your catching the end of the DEC wetland buffer, so I think it's a good idea to move that driveway down but I don't know that it's going to...

Chairman Rogan stated and it's only...

Board Member Brady stated what's the issue with having a driveway come out across the street from another driveway.

Chairman Rogan stated it's less than it is with a road...

Board Member Montesano stated in case there's a problem.

Chairman Rogan stated if it was the road coming out there...

Ted Kozlowski stated but it's also headlights going right into the guys house.

Rich Williams stated headlights going in.

Board Member Brady stated right but it's a house.

Board Member Montesano stated let's put it this way, my neighbor has had his mailbox changed 6 times because he is right opposite mine, people have no idea what they're doing, they back out of the driveway and they take it out.

Rich Williams stated its better not to line your driveways up.

Chairman Rogan stated but it gives you a good spot to plow your snow, you just keep going and put it, give it to your neighbor.

Board Member Brady stated that's true.

Ted Kozlowski stated you know but putting the driveway on the edge of the buffer...

Board Member McNulty stated I like it.

Ted Kozlowski stated is not a bad idea because there is a permanent demarcation...

Chairman Rogan stated true.

Ted Kozlowski stated you know, you can't go...

Rich Williams stated I don't know we can put it on the edge, that's my concern but...

Board Member McNulty stated it's going to have to go through this corner of it.

Board Member Brady stated and that's all rock there.

Chairman Rogan stated oh no, it's better, it's rock, the rock outcrop is here...

Board Member Brady stated where he wants to put the driveway it was rock.

Rich Williams stated yeah.

Chairman Rogan stated yeah it was this high spot where we found the arrow.

Board Member McNulty stated yeah.

Chairman Rogan stated found an arrow stuck in a tree about 6' high, sticking out, it almost poked me in the eye...

Board Member Brady stated really.

Chairman Rogan stated and it was from this year, somebody shot from the road, you could tell what happened, they shot from the road with an arrow and it stuck right in the tree so they either hit and missed or they missed completely.

Board Member Montesano stated so you got the guy's arrow.

Board Member Brady stated well there's a bunch of tree stands in there too, old tree stands.

Board Member Montesano stated oh yeah.

Board Member McNulty stated yeah.

Chairman Rogan stated alright, so why don't we, let's move on, on this, we've been kicking this...

Board Member McNulty stated so the general concept we do like, we do need to talk about the buffer...

Chairman Rogan stated yeah.

Board Member McNulty stated permanent markers and a road.

Board Member Montesano stated and the road.

Ted Kozlowski stated how are you going to protect the buffer, that's what you're...

Board Member McNulty stated and the house.

Chairman Rogan stated yup.

Board Member Brady stated the road frontage.

Board Member Taylor stated I still think we need to talk about whether there is enough usable acres...

Chairman Rogan stated well that's the big million dollar question.

Board Member Taylor stated I'm not saying I agree with the general concept is alright.

Chairman Rogan stated let's start with the idea of a blank tabula rasa, let's say what do you need if you laid out a 4,000 square foot, footprint, whatever it is, you know because some of these houses are getting quite big, you have sidewalks, you have plants, whatever, start laying out structures, laying out separation distances, laying out including your setbacks or whatever, you know figuring out what the area is that you would be able to construct something, whether it's a shed, a gazebo, a pool, a garage...

Rich Williams stated I mean that's easy to give, to run up you just need to...

Chairman Rogan stated no, no, but it's not only, it's not only running off the numbers, it's plotting it out and saying okay how does everything relate wholistic to each other.

Rich Williams stated and that's okay, it's very easy to plot it out...

Chairman Rogan stated yeah.

Rich Williams stated it's very easy to figure out those separation distances and ultimately what you're going to need for buildable area, you just need to get what the criteria are...

Chairman Rogan stated well that's it.

Ted Kozlowski stated what are these, pool.

Board Member McNulty stated yeah.

Rich Williams stated you want a house, you want a pool, you want a shed, you want all of the above, you want a septic, you want a well.

Chairman Rogan stated what you want to do is you want to figure out what the range is from the minimum to the mansion, well those people will have lots that will support that but you want to come up with something that is not arbitrary that we're not just throwing out because we feel like it...

Board Member Taylor stated right.

Chairman Rogan stated that is justified based on usage of a lot.

Board Member Montesano stated I know we don't have...

Chairman Rogan stated because people do pretty well in Put Lake, I wouldn't want to live there in those small lots but...

Rich Williams stated and you don't need a range, you need a minimum.

Chairman Rogan stated right.

Board Member Montesano stated we're going to put sewers in everything...

Chairman Rogan stated that'd be great...

Board Member Montesano stated since we don't...

Board Member McNulty stated road frontage, driveway has to come off the road frontage...

Chairman Rogan stated hold on a second, Tom...

Board Member McNulty stated or you just need road frontage on the property.

Rich Williams stated our Code defines road frontage as all that area of a property line that abuts an improved road and from which you gain access.

Board Member McNulty stated so they could change this lot...

Board Member Brady stated so it includes the driveway, it includes the width of the driveway.

Board Member McNulty stated to Fair Street.

Rich Williams stated yes.

Board Member McNulty stated well if they were to make this one big lot, it's all wetlands, it's not usable.

Chairman Rogan stated Mike, what were you saying.

Board Member Montesano stated okay, if we sit there and look at the house, the alleged pool, a shed...

Chairman Rogan stated alleged.

Board Member Montesano stated let's put one thing I worry about, we don't have approval of septic systems but where's the septic system going to go in relation to the well, that's not our department...

Board Member McNulty stated he's got that plotted here.

Board Member Montesano stated has it been approved.

Chairman Rogan stated no, nothings been approved, it says proposed.

Board Member McNulty stated no, not approved.

Board Member Montesano stated and the idea is if we plot it, if we propose to put a septic system here and all of a sudden it can't because it's all solid rock, so it gets over here...

Chairman Rogan stated okay.

Board Member Montesano stated now how does that affect this, this, the shed, the wetlands, the buffer, et cetera.

Board Member McNulty stated that all has to get worked out through the process.

Chairman Rogan stated it honestly doesn't matter because if you move the septic because you have ledge, that doesn't mean you can't put a shed on it, it's still part of that building envelope, you know.

Board Member Montesano stated the object is we're asking them to show us where the stuff is...

Chairman Rogan stated well we're asking them to show it but for the purposes of our exercise, that doesn't matter.

Board Member Taylor stated right.

Chairman Rogan stated it really doesn't, it matters how much area that takes up, so you figure out a 5-bedroom septic system with the average perc rate for the area, whatever square footage that septic is going to be, you know, you figure out a 5 bedroom system on a 40 minute perc rate, I don't know, whatever you want to do, so you figure out the square footage with fill, with 2' of fill with your toe of slopes.

Rich Williams stated right.

Chairman Rogan stated it's not going to matter, that isn't going to significantly really change, you go from a 5,000 square foot box to a 6,000 square foot box, whatever, you know, you add in your house, you add in, before you know it you're up maybe 2, maybe you're going to be 30,000 square foot, I really don't know the answer to that, you start to pull in, you know, how close you can have things together, you can't have the pool 10' away from the house or you normally don't, usually it's 30', 20', whatever, you start to build in those buffers within each structure, also...

Board Member Montesano stated and then you start building the deck from the back of the house across to the pool.

Ted Kozlowski stated can I say something here.

Board Member Montesano stated okay.

Ted Kozlowski stated okay, looking at this again and then picking up on some of Ron's concerns. Look at lot 4, it's 7.86 acres but most of that, most of that and everybody else has 4 acres, this particular has almost 8 acres and maybe an acre, maybe an acre is usable.

Chairman Rogan stated that's driving the point.

Ted Kozlowski stated and that is going to be an issue with that homeowner because that house would probably be just as big as everyone else's house, he's going to be paying taxes on 8 acres...

Chairman Rogan stated see but that's where we need change things, we need to go to the Town, the Assessor and say look anything that's wetland and wetland buffer, I think we should almost be, I mean it should be zero taxes, honestly.

Rich Williams stated we are reducing the taxes on all of it now...

Chairman Rogan stated yeah.

Rich Williams stated because when they identified these sites, they either do the calculations themselves or give it to me, so that we're calculating out the amount of wetland, the amount of buffer and reducing the taxes.

Chairman Rogan stated okay.

Ted Kozlowski stated what I, what I really try to tell people in my time as a forester for management plans is that 6 acres or so of wetland is providing a service to the Town in the sense of open space, water, stormwater mitigation and water purification and if you take in total there's a value to that...

Chairman Rogan stated agreed.

Ted Kozlowski stated we did that for my parks department, it came out of almost 4 billion dollars of 18,000 acres spread out through Westchester County...

Chairman Rogan stated wow.

Ted Kozlowski stated and the fact of that the trees provide a certain amount of oxygen, pollution mitigation, so on and so forth, so this property is, has a value...

Chairman Rogan stated sure.

Ted Kozlowski stated what that number is I don't know but that has a value to the people of this Town, more so than this homeowner but this homeowner is never going to understand, that homeowner is going to say I'm paying a gazillion dollars in taxes, I can't use my land and I hear that a lot...

Chairman Rogan stated sure.

Ted Kozlowski stated I hear that all the time, I'm sure Rich hears it and I'm sure the Building Inspector hears it, so this lot number 4, is going to be an issue, somewhere down the line.

Chairman Rogan stated Ted how do we, how do we change that philosophy because I agree with you 1000%, imagine if someone bought a lot and they said look you've got 6 acres of wetlands, you're actually getting a negative, a deduction on your taxes because that's valuable property for open space, for water, for clean air, and you know what instead of pay six grand an acre for residual for assessment, they're taking two grand off, assessment, I don't mean money, I mean assessment because right now, correct me if I'm wrong, residual property above the zoning, so if you have 5 acres, you have 1 acre residual, the last time I checked it was running about \$6,000 per acres for assessed value, you have 10 acres, you're getting hit for \$36,000 assessment on the 6 acres residual. How do we get that to be a negative number for sensitive areas, that's the, I mean that's the homerun in all of this, you make it valuable for people to, hey I have this, I can't use but you know, it isn't costing me and I'm getting money off my other, my lot.

Rich Williams stated you're probably going to have to change the law at state level because the Assessors are bound by the assessment codes.

Chairman Rogan stated what a great idea though, come on Teddy, let's make it our issue.

Ted Kozlowski stated it should be.

Chairman Rogan stated I agree with you.

Ted Kozlowski stated people should really look at what, you know...

Chairman Rogan stated would you, you wouldn't mind owning that property if you were getting a rebate off your house.

Board Member Brady stated I wouldn't mind owning that property period.

Board Member Montesano stated well should we look at this practically, do you think the same people who won't lower your school taxes...

Ted Kozlowski stated there are no real values...

Board Member McNulty stated are going to be going into Albany saying we could do this, of course they could, they need money.

Ted Kozlowski stated of that 6 acres to the neighbor across the street...

Chairman Rogan stated yeah, that's right.

Ted Kozlowski stated who doesn't have to look at development, that person's going to be looking at native forest.

Board Member McNulty stated that goes back to the conversation earlier, when we were looking at building envelope, maybe we don't have a minimum acreage...

Chairman Rogan stated we're going to change our...

Board Member McNulty stated it's a minimum envelope and within your envelope is wetlands, maybe you gain.

Board Member Taylor stated the minimum acreage has to do with...

Board Member McNulty stated separation...

Board Member Taylor stated density, overall density to the Town, so that needs to stay in place.

Chairman Rogan stated steep slopes.

Rich Williams stated can't do anything with it.

Chairman Rogan stated 30%, why not donate it to the Town.

Rich Williams stated yeah, pretty soon nobody's going to be paying taxes.

Board Member Taylor stated but we need to add the envelope to that. I had asked Ted about, since this is such an important stream...

Rich Williams stated send me a check.

Board Member Taylor stated should the stream become a public stream.

Board Member Montesano stated how do you think we get our extra stuff, I mean oops.

Ted Kozlowski stated it is public, all water in New York State is public land.

Board Member Montesano stated thank you for contributing to the delinquency.

Chairman Rogan stated navigable waters.

Board Member Taylor stated but the wetlands aren't and the buffers aren't, in terms of developed of the Town, if tourism is going to increase in the Town, if hiking and that kind of stuff is going to happen in the Town, then maybe some of these corridors, these existing corridors should be public corridors and then this, in that case then people wouldn't be paying taxes on this property because it wouldn't be their property.

Chairman Rogan stated and we got to get people, passive recreation people to pay their fair share.

Board Member Taylor stated yes.

Ted Kozlowski stated but then you don't have the minimum 4 acre lot size, do you.

Chairman Rogan stated yes you do, you're just giving up the development right in an open space easement to it, not the actual ownership.

Ted Kozlowski stated it's kind of what New York City does...

Chairman Rogan stated anyway, this is really, it's a great conversation, let's...

Ted Kozlowski stated it's kind of New York City does...

Board Member Taylor stated move on, yeah.

Chairman Rogan stated let's move this on but fantastic conversation, I respect everybody's opinions, I really do I think it's a great conversation, long overdue.

Ted Kozlowski stated so maybe we're not finished Shawn.

Chairman Rogan stated no, we're done, when I say we're done, that's it.

Board Member Brady stated wow.

Ted Kozlowski stated you're a little aggressive tonight.

Chairman Rogan stated I know, I had a tough day today.

Board Member McNulty stated I love a leader.

Board Member Montesano stated hey, you go shoot things, you're entitled.

Rich Williams stated no more chocolate.

Chairman Rogan stated no, I need it to settle down.

Ted Kozlowski stated why don't you have a coffee on top of that.

Board Member McNulty stated I did earlier.

Chairman Rogan stated okay, what we've got, Frog Hill.

Board Member Brady stated that's what I need now, getting up at 4 o'clock in the morning is killing me.

Ted Kozlowski stated going hunting.

2) FROG HILL LLC – Site Plan Application

Rich Williams stated this is J. Maxwell's site up on Route 22.

Board Member McNulty stated we need to do a site walk.

Chairman Rogan stated we need a site walk.

Rich Williams stated that has that retail establishment on it now.

Chairman Rogan stated reputedly.

Rich Williams stated the, well it's expanded over time from one thing before.

Chairman Rogan stated alright.

Ted Kozlowski stated you've got to *inaudible*.

Rich Williams stated tents.

The Secretary stated T-E-N-T-S.

Rich Williams stated there are four tents now full of tools.

Chairman Rogan stated oh.

Board Member McNulty stated you can get some great deals up there too.

Ted Kozlowski stated that seems to be growing.

Chairman Rogan stated I gotta run up there.

Board Member McNulty stated work gloves.

Rich Williams stated I'm sure Tractor Supply appreciates all the free advertising.

Chairman Rogan stated so anybody have any ideas of when we can get out.

Ted Kozlowski stated is he open other than Sundays too.

Board Member Brady stated oh the tool place, yeah.

Chairman Rogan stated for a site walk.

Rich Williams stated 7 days a week.

Ted Kozlowski stated 7 days, I thought so.

Board Member McNulty stated I'm not around this weekend.

Chairman Rogan stated no but somebody mentioned, anybody around for the Saturday after Thanksgiving for an early morning breakfast and a...

Board Member Taylor stated I'm around.

Board Member McNulty stated I'm around.

Chairman Rogan stated I'm around, I could do it I guess.

Board Member Montesano stated he's going to be hunting.

Chairman Rogan stated you're not around, but if, you know what if the rest of us are we can still do it and we can, you and I could catch up and do it, you know, morning or whatever.

Board Member Brady stated yeah, no problem.

Chairman Rogan stated I mean you could do it, so.

Ted Kozlowski stated Rich, can you fill us all in because I'm not familiar that much with the history of the landfill there, the dump.

Rich Williams stated it's been so long so since I've looked at the Pri...

Ted Kozlowski stated is that the Prisco Landfill.

Rich Williams stated that is the Prisco Landfill...

Board Member McNulty stated it's marked on the plan.

Rich Williams stated so named because...

Chairman Rogan stated I have no idea, I'll tell you in a minute.

Rich Williams stated the owners of the site were the Prisco's.

Board Member Montesano stated here it is.

Board Member McNulty stated it's over here.

Rich Williams stated so is that clear.

Chairman Rogan stated yes, Mike.

Rich Williams stated you got it.

Ted Kozlowski stated I guess so.

Rich Williams stated yeah because you're not paying attention, you ask me a question and then you started playing around.

Ted Kozlowski stated I want this on the record that the Planning Board Secretary was annoying me.

The Secretary stated I would like it on the record that the ECI threw a candy wrapper at me and hit me in the hand.

Board Member Montesano stated assault, assault.

Board Member McNulty stated okay children, Mr. Williams will you intervene.

Rich Williams stated I can't believe that, you know this goes on the tape, we don't cut it out.

Ted Kozlowski stated Mr. Chairman can you control this meeting.

Board Member Taylor stated remains of wood structure, so that's not a...

Board Member McNulty stated I opened that for you.

Ted Kozlowski stated oh.

Rich Williams stated I haven't been out there, I have no idea.

Board Member Taylor stated structure anymore, why would you even put it on the...

Rich Williams stated again Ron, I haven't been out there, I have no idea.

Board Member Taylor stated I thought he said it was a building.

Ted Kozlowski stated this is Harry.

Board Member Taylor stated okay.

Rich Williams stated I know there was a building out there, I know there was a building they were talking about taking down, this may be it.

Board Member Taylor stated okay.

Chairman Rogan stated I have a question to ask you, I need help with.

The Secretary stated sure.

Board Member Taylor stated I have to read your comments.

Ted Kozlowski stated he has some equipment stuff on there that he told me and when I mean he, Jay Maxwell, there's a boat, there's, it's been a depository area for things but he assured me that a lot of that would leaving the site, just so you all know.

Chairman Rogan stated like the, said something about, you said a boat right and a pile of wood and, stuff...

Ted Kozlowski stated there's stuff, next to the barn there looks like...

Chairman Rogan stated everybody has stuff.

Ted Kozlowski stated refrigeration containers and things like that.

Board Member McNulty stated this application is for a site plan.

Rich Williams stated yes.

Board Member McNulty stated that's non-existent at this point, right.

Rich Williams stated yes.

Board Member Taylor stated is there a road to the cottage.

Ted Kozlowski stated which cottage are you referring to.

Rich Williams stated do you see the road to the cottage.

Board Member McNulty stated it's ancient.

Board Member Taylor stated I mean I can see a branched road here but then where does it go.

Rich Williams stated I don't know, Ron, we've got to get out there and figure this out.

Board Member Taylor stated oh maybe it comes down this way.

Board Member McNulty stated it's just the buffer or is that the wetland.

Ted Kozlowski stated I don't know, this is your engineer, you figure it out.

Board Member McNulty stated oh, this may be the...

Board Member Taylor stated this might be the driveway here and down.

Ted Kozlowski stated that's...

Board Member McNulty stated yeah, this is the wetland.

Board Member Taylor stated okay.

Ted Kozlowski stated no.

Rich Williams stated I'm curious on why there's gaps in the wetland line.

Ted Kozlowski stated the what.

Rich Williams stated there's gaps in the wetland line, there's gaps in the DEC wetland line and the Town regulated wetland line seems to only be on one side of the site.

Ted Kozlowski stated and you know why, it's impossible, it was impossible, impossible to get in there.

Rich Williams stated so you're saying that the wetland line then is coterminous with the DEC wetland.

Ted Kozlowski stated what, no, what I'm saying is I don't know where the wetland is in there because it's covered with years of junk...

Chairman Rogan stated oh.

Ted Kozlowski stated that has been vegetated over, it was a hazard walking through there, it was a nightmare.

Chairman Rogan stated call it the leading edge...

Ted Kozlowski stated it was one of the worst sites I've ever been to.

Chairman Rogan stated whatever your leading edge is that's in your favor, that's what you've got to call it.

Ted Kozlowski stated so that's why those lines don't match but they're not anywhere near where he wants to develop, they're more than 100' away.

Chairman Rogan stated just connect the two lines.

Board Member McNulty stated what is this line.

Chairman Rogan stated probably area of disturbance.

Board Member McNulty stated oh, soil boundary.

Chairman Rogan stated is it soil boundary.

Board Member McNulty stated I think that's what it is.

Ted Kozlowski stated I don't, I think it's so ancient, I don't think it has anything to do with Jay Maxwell because there's trees growing out of it...

Rich Williams stated okay.

Ted Kozlowski stated so, I think this whole area has been a depository for a lot of stuff, long before I was born.

Board Member McNulty stated so the steel building that was erected replaced the barn that burnt down...

Rich Williams stated yes.

Board Member McNulty stated but in a bigger footprint at this point.

Rich Williams stated I don't believe so, no.

Board Member McNulty stated so it was the same, so the original barn was in the buffer.

Rich Williams stated yes.

Ted Kozlowski stated now the remains of an old structure Ron...

Board Member Taylor stated yeah.

Ted Kozlowski stated that's a house and it's obvious a house and I asked Jay about that because one, one side is completely open, it's falling apart.

Board Member McNulty stated it's the remains.

Ted Kozlowski stated yeah it's the remains...

Board Member Taylor stated it used to be a house.

Ted Kozlowski stated it sounds like you know, it's just a foundation, the house is there and I think you can see it from [Route] 22 but it's probably not structurally...

Board Member Brady stated well the building came down and they rebuilt another building in its footprint supposedly, how could they do that and go into the buffer like that.

Rich Williams stated because the old building was in the buffer.

Board Member Brady stated yeah but when the old building is down, doesn't that make you have to conform to the...

Board Member McNulty stated not if the foundation is existing.

Ted Kozlowski stated not if you can't see it from the road.

Rich Williams stated not if you the Patterson Building Inspector.

Board Member Brady stated oh.

Ted Kozlowski stated Ed, come on.

Chairman Rogan stated well when something burns down, they give you what, a year or so where you can reconstruct it, pass that then you start to lose that right.

Ted Kozlowski stated he's still a rookie.

Rich Williams stated so that's the difference, what's the time frame between the time this burned down and the time it got rebuilt.

Chairman Rogan stated I have no idea.

Board Member McNulty stated we defer to...

Rich Williams stated years, years...

Chairman Rogan stated but it's there now, so what the heck are you going to do, you know.

Board Member McNulty stated and that code was in effect during that period.

Rich Williams stated yeah.

Board Member McNulty stated okay, is there a septic system now for that steel building because it says proposed.

Rich Williams stated there is an existing water line but only a proposed septic so, I don't know.

Board Member Montesano stated they use buckets.

Chairman Rogan stated someday their going to look back at the job we did and say what were those guys doing, didn't they have rules back then.

Board Member Taylor stated alright, this proposed gravel area goes into the buffer, I mean, is this functional...

Ted Kozlowski stated Ron, you guys really have to see the site...

Chairman Rogan stated we're got to get out.

Board Member McNulty stated we need to do a site walk.

Ted Kozlowski stated when I first saw this, when Harry came in, I was alarmed...

Board Member Taylor stated yeah.

Ted Kozlowski stated I was not fully aware about the landfill even though it says approximate location of the landfill, that landfill really gets close to the building...

Board Member Taylor stated okay.

Ted Kozlowski stated according to Jay this is what he told me. This is all, this whole thing here is completely non-functional for the wetlands...

Board Member Taylor stated oh, okay, that's what I wanted to know.

Ted Kozlowski stated what I was saying to Rich just a few minutes ago, even the wetlands that we can find there have been so dumped on...

Rich Williams stated degraded.

Ted Kozlowski stated degraded, you're not getting into really good wetland or pure wetland in my estimation until we get further...

Board Member McNulty stated east, west...

Board Member Taylor stated way in.

Ted Kozlowski stated out of this area, this, I guess this has been a farm and farmers considered swamps dumping areas way back when...

Board Member Taylor stated right, yup.

Ted Kozlowski stated it sure, in my mind it really shows it.

Board Member McNulty stated so this water is iron rich, now, huh.

Ted Kozlowski stated yes.

Board Member Montesano stated well no some of the cans, I mean some of things were aluminum.

Ted Kozlowski stated and if you have an approximate location of closed landfill, you've got to believe that there was probably stuff that was part of that operation that was not enclosed by the capping operation, so that whole site is...

Rich Williams stated what capping operation.

Board Member McNulty stated I was just going to ask, was this ever capped.

Ted Kozlowski stated illegal capping operation...

Rich Williams stated what capping operation.

Ted Kozlowski stated I don't know, it says landfill so I'm assuming it was capped in some manner.

Rich Williams stated its un-remediated, unclosed.

Ted Kozlowski stated oh wow, okay...

Board Member Montesano stated actually it's never, it's not a landfill.

Ted Kozlowski stated so that further...

Rich Williams stated huh.

Board Member Montesano stated it's not a land...

Rich Williams stated it's not a what.

Board Member Montesano stated it's not a landfill.

Rich Williams stated it's classified as a landfill by DEC.

Board Member Montesano stated oh well okay.

Board Member Brady stated and he put it on his drawings.

Ted Kozlowski stated and right on top a critical environmental area too.

Rich Williams stated yeah, do you know who started it up and ran it...

Ted Kozlowski stated who.

Rich Williams stated the DEC.

Ted Kozlowski stated oh, the same people that gave us Ragusa rose and automala...

Rich Williams stated the, no, the ENCON...

Ted Kozlowski stated and multi-flora rose.

Rich Williams stated the history...

Board Member McNulty stated okay, so we need a site walk.

Rich Williams stated the history on this is the local DEC ENCON officer teamed up with a less than scrupulous individual to rent the property in the pretext of running a sting operation to catch illegal carters when what they were doing is they were just running an illegal dump.

Board Member McNulty stated shaking them down.

Board Member Montesano stated and since he didn't live in Town anymore, it was okay.

Ted Kozlowski stated and who was Prisco.

Rich Williams stated the owners at the time.

Board Member McNulty stated is the same as the movers, Prisco Movers, the moving company Prisco.

Rich Williams stated no, no and then ENCON officer's name was Tommy Bubin... no, not Tommy Bubineck, Billy Bubineck.

Board Member Brady stated Billy who...

Ted Kozlowski stated any relation.

Rich Williams stated to who, Kathy Pettey.

Board Member McNulty stated Tommy Bubineck.

Ted Kozlowski stated I guess so right.

Rich Williams stated yes, as a matter of fact...

Board Member Montesano stated you can say uncle.

Ted Kozlowski stated so, a site walk.

Chairman Rogan stated yup.

Board Member Taylor stated well at least it looks like...

Board Member Montesano stated do we have to wear...

Board Member Taylor stated it looks like you're getting a site plan, right, slowly.

Rich Williams stated yeah.

Board Member Montesano stated yeah, do we have to wear those suits.

Board Member McNulty stated it's a step in the right direction.

Rich Williams stated Ron, I'm so skeptical because yes, we're getting a site plan but that is, it is taking forever to do so and it is not precluding them from continuing to do a lot of...

Board Member Taylor stated right.

Rich Williams stated activities that are not permitted.

Board Member Taylor stated yes, yep.

Chairman Rogan stated yeah.

Board Member Brady stated well but if they're not permitted, why not stop them, why not put a, the Building Department put a cease and desist.

The Secretary stated right.

Board Member Taylor stated good point.

Board Member Brady stated let me go buy some tools first.

Rich Williams stated you know what...

Board Member McNulty stated what's the actual zoning there, C-1...

Board Member Brady stated that's exactly what it is.

Rich Williams stated you know what, when I brought it back in, that's what I was told.

Board Member McNulty stated Rich, it's C-1 zoning there or is that different for the...

Rich Williams stated yeah, that's C-1 zoning there.

Chairman Rogan stated that's funny.

Board Member Montesano stated people are getting very picky.

Board Member Brady stated but can you make them cleanup the landfill in this process.

Rich Williams stated the DEC would come down and kiss out white little booties if we could do that.

Board Member Brady stated I guess so if it was theirs.

Ted Kozlowski stated I don't know though, is Jay Maxwell responsible for the landfill.

Rich Williams stated I think he is now, yeah.

Chairman Rogan stated speaking of landfills and things like that, any word on the current status of the Levine property, through Anthony Molé.

Ted Kozlowski stated speaking of that...

Board Member McNulty stated that's never good when you get that.

Rich Williams stated the last time I talked to Laura [Roberts], two weeks ago, she was, she was, she couldn't go forward because she was waiting for Anthony Molé to make a ruling on the motions that were given to him back in the middle of the summer.

Chairman Rogan stated he hasn't made a ruling yet.

Rich Williams stated so according to our attorney.

Chairman Rogan stated alright, thank you, okay so we're going to do a site walk for all those that can make it next Saturday, not this Saturday, the following the Saturday the 30th, meet at the diner at 7 o'clock in the morning, except for Ed who will be freezing his butt off in, where did you say Colombia.

Board Member Brady stated I'll probably be up in Schoharie, that weekend.

Chairman Rogan stated Schoharie and we have a meeting schedule we can take a look at and approve and we have some minutes to read.

Board Member Taylor stated so what date is that.

Chairman Rogan stated the 30th.

Board Member Taylor stated the 30th.

Chairman Rogan stated 11.30.13.

Board Member Montesano stated oh we're meeting at 11:30.

Chairman Rogan stated yes sir, you can get there at 11:30. That's the day Mike that you go to the site walk and then you go home and then you do your hunting at lunch time when nobody's in the woods and get your monster buck, that's the way that usually works.

Board Member Montesano stated I can't, I got a new neighbor, I can't shoot through the backyard anymore.

Chairman Rogan stated anything for the record anyone else wants to bring up.

Board Member McNulty stated we're going to go over site walks for those other two.

Chairman Rogan stated well we have the comments, right, do you want to, anybody want to talk anything about the site walk comments.

Board Member Montesano stated have to read them first.

Chairman Rogan stated okay.

Ted Kozlowski stated oh, are we going to save, try to save some large oak trees on the Fox Run parcel.

Chairman Rogan stated if they work into the plan, we'd like to...

Board Member Taylor stated probably too late already.

Chairman Rogan stated yeah.

Board Member Montesano stated gee that sounds familiar, anybody remember black, what was it, black walnut.

Board Member Taylor stated that, you saw that skid steer there, right, I mean they were ready to go.

Chairman Rogan stated yeah, I was hoping that was for the garbage. Motion to adjourn.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by 5 to 0.

The meeting adjourned at 8:07 p.m.