

TOWN OF PATTERSON
PLANNING BOARD MEETING
November 23, 2010 *Work Session*



AGENDA & MINUTES

	Page #
1) Taggart Estates – Public Hearing	32 – 35
2) County Line Getty – Public Hearing	35 – 36
3) Thunder Ridge Ski Area	36 – 45
4) Echo Road Telecommunications Tower – Continued Review	51 – 52
5) Albano Wetland/Watercourse Permit	45 – 51
6) Eurostyle Marble and Tile – Performance Bond	52 – 53
7) Genovese Site Plan – Continued Review	53 – 58
8) Black Birch Realty	5 – 32
9) Stone Hill Developers	5 – 32
10) Which Birch Amended Site Plan	5 – 32
11) Levine Fill Permit	58 – 63
12) Other Business	
a. Couch Road Subdivision – Request for Extension	1 – 5
b. 2011 Agenda	63 - 64
c. Boniello Site Plan	65
d. Fox Run Phase II Zoning Recommendation	66 – 73
e. Fair Street Self Storage	73 – 76
13) Minutes	

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Planning Board
November 23, 2010 Work Session Meeting Minutes

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

APPROVED

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

The meeting began at 7:30 p.m.

Michelle K. Russo was the Secretary and transcribed the following minutes.

12) OTHER BUSINESS

a. Couch Road Subdivision – Request for Extension

Mr. Thomas Frasca was present.

Chairman Rogan stated number 12 A under Other Business, Couch Road Subdivision, request for extension, with subdivisions what we do time frame wise...

Rich Williams stated subdivisions it's automatically a default, it's 365 days to meet the conditions after that you need new approvals is what your considering, this is not the case, the subdivision, they met the conditions the plat has been filed so the subdivision is fine. Tom is here tonight because Tom is concerned, we generally put a provision, there is a provision in our Code that says you have a year on site plan, um it's probably something that we are going to need to address in our Code because you know there are commercial site plans and there are residential site plans and we kind of lumped them all together...

Chairman Rogan stated mmhmm.

Rich Williams stated but in this case Tom is worried about that one year limitation on the site plan expiring so he can't build his subdivision and that clearly is not the case but he wanted to play safe and I don't blame him for doing that and he is looking for an extension on the subdivision/site plan...

Chairman Rogan stated site plan okay and that has come up since we started doing the two separate site plan and subdivision approval...

Rich Williams stated correct.

Chairman Rogan stated and so in the last year or so...

Rich Williams stated yea we actually adopted within our Code a provision to do site plans for residential subdivisions specifically for the issues of stormwater because a lot of these lots now have to have stormwater controls on the lot and we need a mechanism to make sure that they are implemented in the way it is shown on the plans and remain there and this is just one more tool in the arsenal to make sure that happens.

Chairman Rogan stated okay so the Board can so a one year extension on this, is that time frame appropriate.

Rich Williams stated you can do an extension for as long as you'd like, there is no limit.

Mr. Frasca stated I'll give you my letter.

Chairman Rogan stated what does your letter say.

Board Member Montesano stated eighteen months.

Chairman Rogan stated you have it there, eighteen months.

Mr. Frasca stated well what we did, I mean the reason being that, we are planning to start weather permitting April or May and we are looking to do it, as per the conversations with Rich, the way the stormwater infrastructure drainage is constructed, we could do three and three, instead of doing all six at once there, the, Stantec's estimate of site work was about seven hundred thousand dollars, okay, which is a big chunk to prep six lots and put up a foundation and pull a building permit, so what we would like to do is two things, one we would like to get the extension, two we would like to be able to divide the project into...

Chairman Rogan stated phases.

Mr. Frasca stated two phases, the first phase would be six through four and the second phase would be three through one, okay, one being the furthest lot down closest to the Putnam Land Trust, adjoining that lot...

Mr. Montelone stated hello.

Chairman Rogan stated pull up a couple of chairs Pete from the other room, okay.

Mr. Frasca stated and then we ask for eighteen months and the reasons being the economic downturn obviously had a tremendous pull in that and of course the expense of the infrastructure.

Chairman Rogan stated sure, sure, the figures that Tom had quoted from Stantec, are those based, the bond calcs basically, so those numbers are conservative in order to cover the Town but um it sounds like quite a bit of work that has to be done.

Mr. Frasca stated yea, it's about thirty thousand yards of excavation that has to be done for the pond alone and...

Chairman Rogan stated so, hopefully the spring will be nice weather and you can get digging, that'd be great.

Board Member McNulty stated you're optimistic to start in the spring.

Mr. Frasca stated we'd like to, yea we would...

Board Member McNulty stated when you say you'd like to, is that due to more economic theory or funding.

Mr. Frasca stated well I think that, you know, it's sitting there, the first thing we want to do is reconstruct that two thousand two hundred feet of road frontage stonewalls, you know and make entry points and start some of the cuts in and you know prep it that way at least everybody knows it's there and then I wish he was here, (inaudible) Cassidy is my partner on this and it's Cassidy Excavating, he's in business with his father in law, they've been around 40, 50 years. They did the, they are doing the piping project for North Salem sewer district, they did Brewster's storm, I'm sorry, sewer district as well so he's had a lot of experience so he also likes to have things look really well, so he was very concerned about the time table on this as well. We're not going to, we don't want to piece it apart okay but we feel that three and three is a reasonable request.

Chairman Rogan stated so you think eighteen months would be reasonable for you.

Mr. Frasca stated I think so.

Chairman Rogan stated I'll move to give an eighteen month extension to the site plan for Couch Road Subdivision.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 3 to 0.

Board Member Taylor stated I have to excuse myself from this one, I have absolutely no idea what you're talking about.

Chairman Rogan stated okay, fair enough, you know the piece of property though right.

Board Member Taylor stated yes I do know that piece of property.

Chairman Rogan stated yea that makes sense, you weren't on the Board when the approvals were done, so, okay, alright Tom, we look forward to...

Mr. Frasca stated that's it.

Board Member Montesano stated you're done.

Chairman Rogan stated wonderful things from you.

Mr. Frasca stated thank you I really appreciate it.

Chairman Rogan stated thank you, Happy Thanksgiving, have a nice holiday, you and your family.

Mr. Frasca stated thank you, you too.

Chairman Rogan stated thank you.

Mr. Frasca stated we are actually sending an arborist out there and we're trying to save as many trees as we can in that front row but we'll probably be coming back to Rich on a couple of things, we're not going to amend the site plan...

Chairman Rogan stated understood.

Mr. Frasca stated but we're going to try and do is maybe you know work around the more mature trees, we're going to try and save as many as we can...

Chairman Rogan stated that's great, fantastic.

Mr. Frasca stated thanks, all right, thank you, gentlemen, have a great holiday.

Chairman Rogan stated thank you Tom.

Board Member McNulty stated one quick question...

Mr. Frasca stated yes.

Board Member McNulty stated is the phasing something we're approving now too or is that, makes no difference...

Rich Williams stated no, that's something we handle during construction.

Chairman Rogan stated yea.

Board Member McNulty stated okay, all right, great, good luck.

Mr. Frasca stated thank you very much.

8, 9, 10) BLACK BIRCH, STONE HILL DEVELOPERS, WHITE BIRCH AMENDED SITE PLAN

Mr. & Mrs. Monteleone were present.

Chairman Rogan stated all right thanks, okay and um I'm assuming that we can jump ahead to Black Birch Site Plan, Stone Hill and White Birch are all the same part and parcel, right. How are you Mr. Monteleone...

Mr. Monteleone stated good, how are you...

Chairman Rogan stated good, so it looks like we are going through the initial applications for three lots.

Mr. Monteleone stated yes.

Chairman Rogan and Rich, do you want to jump in...

Rich Williams stated um sure, I did manage to get the memo done on Stone Hill, I have not completed the other two but I have reviewed the plans, Black Birch is the first lot in on the right past Eastern Jungle Gym, just after you cross over the stream, it's actually the second lot but the first lot we never consider because of the wetlands on the lot, very limited development potential there. It was the former site of the Bri Car, for those of you who were on the Board, it was a contractor who had proposed a small building on the site, Mr. Montelone is proposing to develop that site with a building, I don't believe there is a use identified for it at this time...

Mr. Monteleone stated a warehouse.

Rich Williams stated with parking around the building, sub-surface septic system, probably the biggest environmental concern is that a portion of the parking lot is within the buffer of the wetland there and as you are all aware, that is a New York State DEC regulated wetland as well as a Town regulated wetland so we, you know, if that area is going to be considered, we're probably going to have to make it some sort of special means to address parking in that area such as pervious pavement, permeable pavers and the like.

Chairman Rogan stated this might be a good time to...

Board Member Taylor stated I'm working my way down...

Rich Williams stated I think what you've got is Stone Hill one top.

Board Member McNulty stated Black Birch is what we're talking about right.

Board Member Montesano stated yea.

Rich Williams stated you've got Stone Hill open.

Board Member Taylor stated yea, I know that, I know that Rich, I've got all three of them because I think they should be considered as a group.

Board Member McNulty stated question Rich, question on wetlands, when they are designated a wetland can it become a non-wetland any point if it dries up...

Rich Williams stated well if you drain it, it becomes deregulated somehow the, you know...

Board Member McNulty stated where I'm going with my question is how long ago were they designated and are they confirmed still wetlands, based on these plans...

Chairman Rogan stated in other words if they were delineated 20 years ago...

Board Member McNulty stated yea.

Ted Kozlowski stated I don't have plans.

Chairman Rogan stated okay.

Board Member McNulty stated because are they current...

Rich Williams stated you can't have plans on this.

Ted Kozlowski stated yes I can, I just can't be an enforcement on that violation.

Rich Williams stated how can you have, how can you recuse yourself.

Ted Kozlowski stated I recused myself from an enforcement action, I already talked to the attorneys about this, I can comment on this, thanks.

Rich Williams stated I don't understand this but all right.

Chairman Rogan stated all right so, I think, I mean I understand your question Tom is...

Board Member McNulty stated my question is are they currently still wetlands.

Chairman Rogan stated well I think depends on, after this last couple of weeks probably they are a little bigger than they were because of all the rain we've had, since Tom brought up wetlands, it's a great segway, Ted mentioned then, you guys both mentioned the wetland that's, the violation that's existing on the one lot and we have three applications before us, I think we've all kicked around an idea about looking at this property, this Commerce Drive as a unique area, as one that was approved for commercial development. I think everybody agrees it's a great place for projects like this but unfortunately when they approved it years ago, the wetland laws weren't what they are today and we have issues out there on probably every lot and it might be a great opportunity for us and for the Town to consider some type of Master Plan just for the site so that we look at it as we're looking at three applications we look at the entire project, we look at the functionality of the wetlands that exist out there, as Ted has said, all wetlands are not created equal there are some that are more functional than other and there may be some in this case that for the furtherance of the projects out there that we decide to allow to be impacted and create either new wetlands or enhance wetlands that are more functional on site or even off site to create, to allow a build of Commerce Drive as best as possible, it's never going to get any easier, the wetland laws are not going to get any easier and you know I think looking at them entire project the entire Commerce Drive roadway and

all the vacant parcels that are left on it, would allow us to move forward as a Town and know what you know, what somebody can do with those lots, I think it would make them more valuable obviously because people would know, here's what I have, we haven't been out yet to the, to the lot that has the violation on it, we haven't been out to any of these lots, we were to one of these years ago, the one above, I think you just mentioned, the one above Eastern Jungle Gym, I walked that when I was new on the Board and at that time I remember it was a lot that was very well disturbed, there were some trenches that were dug through it if I remember correctly and um there was a lot of wet areas on there. So I don't know what the process would be and that is why I'm bringing this up, I think we would probably have to talk to the Town Board whether or not it's something that the Town undertakes or whether we do it in partnership, by partnership I mean a sharing of costs with the project sponsors but I think we need to probably have a third party take a look at this and by that I mean not someone who has a vested interest such as an applicant and someone who can take a you know, an unbiased look at this...

Board Member McNulty stated you mean an in depth survey basically...

Chairman Rogan stated yup.

Board Member McNulty stated of the property and how it can be developed.

Chairman Rogan stated yea and that's, again I don't know the process on this, I don't know how we would go about this but I think that um we should definitely consider regardless of how we get there that we take a look at these all and decide what we can do out here um you weren't on the Board Tom, Mike obviously was, sorry Ron, you weren't either but we did site walk about 5 or maybe 7 years ago, Jack Karell was the engineer that the last parcel closest to the highway with the quartz outcropping that's on that back side, remember all the white rock that sticks out, that's what that should be instead of White Birch, they should be White Rock Realty, um there is a vernal pond or a vernal pool down there that was really interesting that might be something we want to take a look at, the area around Eastern Jungle Gym um you know, has the stream that goes down we might want to look at some improvements there, you're looking...

Rich Williams stated Eastern Jungle Gym, I mean they came in for a site plan, they never finished that up even...

Chairman Rogan stated okay, well that's all part of this...

Board Member McNulty stated it would help the development to do a little planning like you're saying as a whole for the area so if we're going to have mitigation for certain wetlands, everybody's on board with it...

Chairman Rogan stated right.

Board Member McNulty stated and if Mr. Monteleone doesn't have room to move a wetlands within his property he has to work with the neighbors to some degree to make it good for both of them.

Chairman Rogan stated and I think what's driving this initially is when we looked at the concept plans for the lot that has the violation on it, the entire from parking area is in a wetland, is proposed in a wetland buffer and even part of the building is in the wetlands, as it is delineated on the concept plans and none of that, quite honestly without doing some mitigation and allowing some impact to the wetlands none of that is possible, that lot doesn't have any usable area...

Board Member Taylor stated this one too.

Chairman Rogan stated yea and that one probably also, so I really think it, you know Commerce Drive was set up by the Board at the time, I think it was a fantastic idea to have your commercial development all in a subdivision, easy access to the highway you're not driving through residential areas to get there, you know it's what we want more of in the Town of Patterson, you know less impacting type projects so maybe we can further the conversation about how we get there, how do we, who do we bring in, how do we do this so we're looking at this, like we did a Master Plan for the Town, we're going to do something that is an overall plan for this Commerce Drive because I think in the end it will make all these projects so much easier to work with because if we just right now said stay out of the wetland and stay out of the wetland buffer, I think at this point these three projects are you know and we need to, Ted...

Ted Kozlowski stated no go ahead...

Chairman Rogan stated and we need to do this very transparent because we want to make sure that we have public input on this, if we go ahead and we just you know, well we're going to now allow wetlands to be impacted because this is a unique case without opening this up, we'll be murdered on this one and I don't think it's right, I think we do need you know, to have this as a transparent and open process, so...

Rich Williams stated there are really four ways you can go about doing this.

Chairman Rogan stated four ways, all right.

Rich Williams stated all right, first of course it's kind of out of the barn at this point because you do it when you do the original subdivision...

Chairman Rogan stated right.

Rich Williams stated when you do the original subdivision you look at an overall concept plan, so that horse if kind of gone, second way...

Chairman Rogan stated and in fairness, just to stick on that for a second, primarily because the Board at the time didn't have the laws that we have now, I'm assuming that at the time these lots were looked at as...

Rich Williams stated they didn't have the laws, they didn't have the expertise, they didn't have all the information that we now, you know have which has heightened our awareness of some of these resources...

Chairman Rogan stated okay.

Rich Williams stated um second way is we ask Mr. Monteleone to work with us and fund doing his overall development scheme of the project, of the area, Commerce Drive, the third way we do it in house, you know we talk about how that can occur, using my resources, Maser's resources and the Planning Board as far as what you're looking to do, the fourth way you go out and you hire an independent firm such as AKRF to do an overall plan, that is going to be at the expense of the taxpayers of the Town of Patterson, I can tell you that some of the budget issues we've had this year and foresee for next year, it is not likely the Town Board is going to do something like that, so that leaves you back to two options really, that I see...

Chairman Rogan stated okay.

Board Member Taylor stated or some combination of the two.

Chairman Rogan stated right.

Rich Williams stated correct.

Board Member Taylor stated I've been thinking about this a lot the last month and it seems that there is a real problem here, first of all this is supposed to be an industrial development area or commercial development area but it's unbuildable, given the present law and the present Code, it's unbuildable, most of these lots are unbuildable. We've got one where the guy keeps filling beside his property into the wetlands because he doesn't have enough room and you're issue is you've got these buildings sitting in the middle of the buffer or the middle of the wetlands and the Town should not have created this as an industrial park under those conditions...

Board Member Montesano stated why.

Board Member Taylor stated and something should be done about that, the other problem we face is there are sites like this all over Town where a lot of the site or most of the site is unbuildable because of various regulations. If we give you special dispensation what do we do for those people because some of them are not going to get dispensation, some of them are controlled by DEC and DEP and they're not going to get anything, so we've got figure out how we can balance these things, on this I was suggesting we do some kind of an economic or environmental compensation, what we give you here that you do either on your own property which it doesn't look they can because the property is so small but maybe in this complex or even somewhere else in Town, an equal exchange is someday you're taking so many acres of wetlands you give back or reclaim so many acres of wetland somewhere else or I don't know if we can do it by dollar figure but someday so that another developer in some other part of Town doesn't say you're unfairly treating them and excluding me from these benefits. Now how we do this I don't know, I just see it as a huge problem for us to deal with it.

Board Member Montesano stated well the main problem you have is anything we do from, for arguments sake, today forward we have guides, when this was approved there were no guides, no one had any guides, so at the time the person coming said well we had no objection to him developing as is...

Chairman Rogan stated sure and nobody's faulting that so that...

Board Member Montesano stated no, no, what I'm saying is, what I want to know is do we have the right to suddenly tell the person yea you can't do this because those are the wetlands that are here now, we've delineated them and to me that's legal, you can go before a judge and he says well when they approved it, it was okay so do it or he can say no we're going to allow the existing rules and that is the only thing I want to see clarified here.

Board Member Taylor stated that's a good point, I think we need...

Board Member Montesano stated because we have to.

Board Member Taylor stated there are certain conditions where you can't grandfather and some conditions where you can we need to if...

Board Member Montesano stated I've got to understand that because like I said, I was involved in a lot things that you can't do today but back then there were no, we had no guides and no one was there to

explain to you what was going on and do we have the right now to say now you can't do that because these are the guides that we go by and this is what I want a legal opinion and hopefully we can get one that will tell us yes you do have under court law the right to say no you can not do that or no you don't have the right to do that and then we'll save a lot of time for everybody and especially a lot of money.

Board Member McNulty stated I think the other thing is if these wetlands can be impacted how do we gauge the significance of that wetland. They are all significant...

Chairman Rogan stated that is functional analysis...

Board Member McNulty stated but how do we know...

Chairman Rogan stated you have to first determine what is the existing functional analysis.

Board Member McNulty stated can we impact after this, can we relocate two thirds the size of this or do we have to create because we are taking an area, a larger wetland, that's what has to be assessed, who knows how to do that, we don't...

Rich Williams stated you do a functional analysis, no, there are technical people out there, Teddy and myself and some of the others know how to do a functional analysis know what they are looking for, know what the functions are, know how to assess and there are a couple of different ways you can do it, based on economics or social values or such, so and we are going to be looking for reports on you know in that regards then if you want to mitigate those losses, that becomes a policy decision, you know how you want to mitigate it, for example, Army Corps has a policy, that you know if you are going to lose wetlands you need to replace them two to one, right.

Board Member McNulty stated but is that any wetlands...

Chairman Rogan stated and that's two for one not on bulk area, that's on the equal or greater value based on functional analysis...

Board Member Taylor stated it's probably their wetlands.

Rich Williams stated its usually done on area, if you are taking away an acre, you're going to have to replace it with 2 acres...

Board Member Montesano stated but we're going...

Rich Williams stated of similar types of wetland.

Board Member Montesano stated but we're going with the horse after the cart has passed because can we legally do it, why are we proceeding without a legal statement saying yes you can proceed...

Board Member Taylor stated because we can't wait until we get that ruling to have some of this other discussion because other wise we're another month down the road.

Rich Williams stated first let's assume you can because Thursday, next Thursday night you're going to have an attorney here, you're going to ask the question, I have a stinking suspicion that he is going to say

where the laws change for example in zoning, the applicant has three years under the old zoning laws to develop his project...

Board Member Montesano stated okay.

Rich Williams stated the wetlands are in our Zoning Code, so typically they would have three years under a change in our zoning to develop their project before it really impacts them, after that then it comes back to, we have a permitting process, we don't prohibit, our laws do not say you can not do something in the wetlands or you can not do something in the buffer, our laws say there are critical areas we identified them as special areas of significant resources, you need a permit so we can evaluate what the loss may be and see if it's appropriate.

Mr. Monteleone stated the one thing, talking about the one particular wetland the one with the violation, those wetlands are drained through the landfill and if possible it would be a great thing to any situation to flag that off and drain them a different way...

Board Member McNulty stated redirect it to stay clean.

Rich Williams stated we're talking about Stone Hill now.

Chairman Rogan stated yea.

Mr. Monteleone stated this don't have these, I don't know how to explain it but what I mean is whatever water gets into that corner there and comes out to the landfill on the other side, you put your nose to it, it's natural so the key is if we can stop that wetland from going that way by blocking it off and filling thirty, forty feet of it, have a driveway come in that way and then drain it to the other side to the clean area, I think that would be a plus to environment, any kind of environment, I mean...

Board Member McNulty stated those are the mitigating things we have to look at and see what's going to work and then get a project that fits within the boundaries and make it fit best for all.

Rich Williams stated right.

Chairman Rogan stated Rich, what lot is at the tail end, is that the landfill lot that to the right has the vernal pool on it, is that the same lot.

Rich Williams stated the vernal pool is kind of down and around the corner, I think it is the landfill lot but it's down and around the corner from the one we looked at where they were going to do the wood working, down on the end on the right.

Mr. Monteleone stated the vernal pond is not on that property it's on the neighbors property actually, it's on the Town property.

Chairman Rogan stated so then (inaudible).

Rich Williams stated "State".

Board Member Montesano stated "State".

Board Member McNulty stated (inaudible).

Mr. Monteleone stated it's on the County property.

Board Member Montesano stated state, state.

Chairman Rogan stated so it might just be a matter of protecting some of those upland areas that are on your lot, now the landfill lot is not one of the lots we have before us...

Mr. Monteleone stated no, no...

Chairman Rogan stated is there any use of that or has that already been off the shelf for a long...

Rich Williams stated well...

Mr. Monteleone stated I've trying to put it back on the shelf but...

Chairman Rogan stated I guess they have to dig it out right.

Mr. Monteleone stated well no, what we would do is cap it...

Chairman Rogan stated cap it.

Mr. Monteleone stated I mean I got the okay from DEC to cap it but unless you block the water from Stone Hill going through, so (inaudible) on the other side...

Chairman Rogan stated it seems like it makes more sense like you said to stop that water from going in there...

Mr. Monteleone stated right to stop that water which will be right here that was...

Ted Kozlowski stated (inaudible).

Mr. Monteleone stated and (inaudible).

Board Member Taylor stated yes, no that is what we are considering though, suggestions.

Chairman Rogan stated yea.

Mr. Monteleone stated this is the landfill right here.

Mrs. Monteleone stated (inaudible).

Chairman Rogan stated oh yea, right, and the cul-de-sac.

Mrs. Monteleone stated put your glasses on.

Mr. Monteleone stated let me get my glasses on (inaudible).

Chairman Rogan stated who's on first.

Mr. Monteleone stated okay the landfill, this is the landfill...

Chairman Rogan stated right.

Mr. Monteleone stated in other words if we can block this off, cut from here, it doesn't have to be anything, cut this off and fill this in here, it will block the water the rain water or any collection of water to go through the landfill, if we could take that over to the other side and bring it to the Black Birch lot which this, I think that would be an improvement to the environment...

Board Member McNulty stated anything to stop that leaching...

Mr. Monteleone stated stop the leaching and whatever you fill in here so the water doesn't come this way no more, or if it comes this way it will be coming back this way, it will be a plus to any kind of environment, I think I mean again that's something that would be a plus no matter what.

Chairman Rogan stated well but that Ron, I think you had asked at the last meeting do we have an overall plan, like a subdivision plan like we would have for residential...

Board Member Taylor stated I think we don't, I think we need that.

Chairman Rogan stated and I think what we, even if we have to piece it together but if we can get it all on one page like this then we have the entire Commerce Drive subdivision with existing and proposed, to really pull everything together, that is part of what I think a Master Plan would, you'd be able to now say, you'd look at it say okay this is draining into here and you can put all the pieces together and I think everybody would be on the same page instead of pulling out nine different sheets you know...

Board Member McNulty stated they are all different owners, you would have to (inaudible)...

Chairman Rogan stated no but I mean a lot of is existing and we have as-builts or the flip side is we take Google Earth and we take what's existing off of that.

Rich Williams stated the reality is there are three property owners besides Pete and we have design drawings on all of them that we can meld in...

Chairman Rogan stated yea...

Board Member Taylor stated so we should be able to do it, I don't see how we can do this without looking at it as a piece...

Board Member McNulty stated as an overall...

Rich Williams stated oh, oh.

Board Member Taylor stated because water doesn't, isn't confined to this property...

Chairman Rogan stated right.

Rich Williams stated we're talking about the one wetland lot...

Chairman Rogan stated exactly.

Mr. Monteleone stated the one wet lot...

Rich Williams stated I never consider that...

Mr. Monteleone stated okay, yea you're right...

Rich Williams stated so far...

Board Member Taylor stated that should be part of it too and the landfill should be part of it, not just stopping water from going through the landfill, what do you do about containing the stuff that's coming out of the landfill...

Board Member McNulty stated the wetland lot, that's really not buildable...

Rich Williams stated there is a wetlands lot next to Black Birch...

Chairman Rogan stated I don't know, that's a great question.

Board Member McNulty stated well maybe that can become an overall wetland to use for mitigation and maybe that be the benefit to that owner if he can't develop it...

Rich Williams stated it's, my opinion of that lot is it's not a great functional wetland, it certainly has the wetland soils, it has the hydrology, it has wetland vegetation but um...

Board Member McNulty stated just have to put more water in it.

Board Member Taylor stated can it be made a functional wetland.

Rich Williams stated huh.

Board Member Taylor stated can it be made a functional wetland.

Rich Williams stated I think there are things that you can do to make it more functional, enhance the wildlife, enhance the ecology, enhance the vegetation on that site.

Board Member Taylor stated that's what we need, that is part of what we should be looking at.

Chairman Rogan stated that is the, that is the lot that is directly up gradient of Eastern Jungle Gym...

Rich Williams stated yes.

Chairman Rogan stated okay, the only, not to throw a monkey wrench in this, the only probably with making something more functional for wildlife is you've got a lot that is surrounded by commercial development and now you're going to, obviously ideally you want property that is going to back up to some other property that's not built on...

Rich Williams stated it backs up to a very large DEC wetland...

Board Member Montesano stated we'll limit to night people only.

Chairman Rogan stated oh okay, between there and where they put the roadway in.

Rich Williams stated and the northern side of it is the stream.

Chairman Rogan stated okay.

Board Member Taylor stated so we can have a corridor then.

Chairman Rogan stated okay.

Board Member Taylor stated I think that's what we have to look at...

Board Member Montesano stated we can only allow nighttime vision.

Board Member Taylor stated we're not opposed to this development, it's just we're stuck in this position...

Chairman Rogan stated not at all.

Board Member Taylor stated where we have the legal issues we have to deal with, we have these rules...

Board Member McNulty stated Putnam County is unique with it's watershed agreement...

Chairman Rogan stated jump in any time you want Ted.

Ted Kozlowski stated I was just waiting for...

Chairman Rogan stated you'll never get it in this group, you have to jump in, go ahead.

Ted Kozlowski stated no I'm, I've got a few things to say, okay, one is that whether it's fortunate or unfortunate, Mike previously just said that this was created for the whole idea of an industrial park was created before there were, the laws were more stringent and we deal with that today with various projects that come before us, Reilly, Wallace, um Rizzo, these are lots that have been approved in some way by the Town designated in some way and we have to live with it, we have to work with it so this has been sort of designated and approved and accepted by the Town over a period of a long time before any of us were, well maybe you were here Mike, you've been here forever. So that gives us I think some foundation to work with, now Rich and I and Pete looked at some of this awhile ago and one of my concerns and I think it was Rich's concern and I know it was Pete's concern and Pete just mentioned is that that wetland drains through a landfill and we know some pretty bad stuff went into that landfill and is exiting out near that vernal pond which is a very productive vernal pond and in an area that is really untouched by a lot of the development that went on there and it was our suggestion actually to maybe do that diversion. I spent some time out there looking at, you've got a wetland system on one side of the road that is Town regulated and would be regulated by the Army Corps of Engineers because whatever we do in there is going to be over a third of an acre, the other side of the street is a DEC regulated wetland so there is a lot more regulatory area in there and it's a bigger wetland so one of my thoughts was to all of us, look, concentrate on the Town

regulated portion which includes most of Mr. Monteleone's sites and the site involving the landfill and look at how we work with that and we're not going to be able to look at as an environmental resource protection that we look at on some other projects because you're not going to be able to have an industrial park and a highly functional small linear wetland that you have there, it's just not going to work, something's got to give and I think this really should be on the up and up, you're going to have to go the Army Corps and any other agency that has a say in it and it may take some time, it's not going to happen overnight but I think if we all pull together and work out you know, what the functions are and if we have to get somebody on the outside, we get somebody on the outside to give us the credibility that we may need, I think it could work.

Board Member McNulty stated excuse me Ted...

Ted Kozlowski stated yea.

Board Member McNulty stated before you say it's just not going to work, don't we really need that functional analysis (inaudible)...

Ted Kozlowski stated we do but...

Board Member McNulty stated just say a little more...

Ted Kozlowski stated we also have to understand this is somewhat a precedent setting, it's also a situation where you don't want to be, I think my opinion is you don't want somebody to come to you and say why did Pete Monteleone get this and why isn't Tom Smith getting it, okay and I think the foundation is because this has been designated an industrial park or an industrial zone, it's not a residential zone and it is a linear Town regulated wetland, it is not a state wetland, so it's there are some things to work with here...

Board Member McNulty stated that's why I think the functional analysis of the wetland...

Ted Kozlowski stated oh yea, it's got to be done.

Board Member McNulty stated would give us more governess to say this is why we did this, this is why we didn't do this.

Ted Kozlowski stated absolutely but one of the things that should be done is to evaluate the water going in through that landfill, what's going in and what's coming out, now when you guys came to Lasdon, I got those results back from the tests and it's pretty interesting what's coming out of the potential basin and what's going in and it is doing what it's supposed to do, so I think those are some of the things that we are going to have to do but it's going to have be a well thought out, a well planned process because there are going to be critics, there are going to be people who are going to challenge this and rightly so but I think if we are all on the up and up, above board and absolutely doing the best we can I think it's something that's worth while but I don't think it's good to do each piece, piece by piece, you know it's a system of wetlands that run through all these properties and what we do on one is going to affect the other, so we need too look at the whole picture.

Chairman Rogan stated but the good thing in that is at the end of the process, we've completed that and now we move forward with several projects that basically whether they are ready or not, at least we know what the usable area is, that's huge.

Ted Kozlowski stated and even that landfill, even that landfill may be viable, maybe you can't dig in there and put a foundation but a skateboard park or something on top of the surface, I don't know, I'm just throwing, I'm thinking about it but it could all work and we do know we have a very nice piece of environmental property, that vernal pond that we've studied, that we've looked at, we saw things mating in there, we know it's very viable and we also know from research and scientific documentation that those good vernal ponds need a good six, seven hundred, eight hundred feet of buffer, there's some of things that we could be doing as the trade off, right there in the area.

Board Member Taylor stated now are you warning us that this may not become a functional wetland, there is a possibility that despite all the analysis as a result...

Ted Kozlowski stated every wetland has a function, there is, even we have arguments over there but even detention basins that function as wetlands are functional, so it's the degree of functionality, it's the degree of wildlife that's using it, it's all those things, we've got to be very frank and up front about it and look...

Board Member Taylor stated I just, was trying to get a clarification of what you were trying to say to us...

Ted Kozlowski stated right, I'm not...

Board Member Taylor stated are you saying that we need to also consider looking somewhere else for this compensation that it, this may not be...

Ted Kozlowski stated if it comes down to that yea, you know you've got a very degraded affected state wetland across the street...

Board Member Taylor stated okay.

Ted Kozlowski stated and that is a potential mitigation because the person that screwed that one up is no longer in the Town and didn't do much about it so you know, this, there's options, there's potential, I'm not saying this could happen, I'm not saying it won't happen, I'm just saying that there is enough here, there is enough foundation that this can work.

Board Member Montesano stated Ted when we did the A&P and we got some function going there after the mess that was created all the years that it was prior to the development, there is something, I don't know how functional it is, it does operate...

Rich Williams stated it's actually very functional, it's very more so than before the A&P went in but that was a result of a developer who didn't want to follow the rules and was penalized after the fact to create a functional wetland there.

Ted Kozlowski stated well...

Board Member Montesano stated the object is that was used for everything from a go kart track to god knows, the amount of junk that was in the ground, prohibited it from being functional and yet it even with a little arm twisting it can be functional even for that size...

Chairman Rogan stated so what is the Board's opinion...

Ted Kozlowski stated the other question...

Chairman Rogan stated go ahead I'm sorry.

Ted Kozlowski stated and Pete are you prepared to, whatever happens here, whatever happens to these wetlands and whatever is created are you prepared to participate in recreating where things may be recreated, understand that the Town of Patterson is not going to pay for that, it's going to be you know you and whoever else is developing these sites and that is where you should talk to the other people who own these properties to see if you know we're all in one it, if everybody's together...

Board Member McNulty stated Rich a question for you, is there grant money out there to put an overall project like this together, I would assume there is some kind of grant money available maybe we can look to the IDA and the County or the Economic Development Committee to come in and maybe work with Mr. Monteleone and the other owners to say we want to develop this site but we are stuck with all these wetlands regulations...

Rich Williams stated we can ask but I don't think that is going to be something they are going to do...

Ted Kozlowski stated we can do a lot of this in house.

Board Member McNulty stated but they can help you with funding though probably, they can get grant money and help the Town maybe put together this Master Plan...

Rich Williams stated but they're not, if I could finish, in all the grants that I've seen, there are some opportunities out there if we have a plan, to implement the plan actually construct the project and depending on how we do it I may be able to get some East of Hudson funds to do it, you know if we're showing a significant stormwater benefit by what we're doing, um you know I might be able to roll it in to that program but not for design...

Board Member McNulty stated the other thing is energy...

Chairman Rogan stated right.

Board Member McNulty stated yea, if there was any kind of wind or solar developments on the properties, there may be grants for that and they may allow you to go around some of the rules for that development, there is a lot of upcoming, NYSERDA has a lot on the board for that, I don't know if you know who NYSERDA is...

Ted Kozlowski stated well if you're looking at green energy, forget about wind, that isn't going to work around here.

Board Member McNulty stated you may want to introduce geothermal through the buildings.

Ted Kozlowski stated geothermal would work, I looked at that at Lasdon Tom, I was laughed at with wind, we're not on the ocean (inaudible).

Board Member McNulty stated no the Northeast in this area is not a good wind area but solar and geothermal is an area, so there are options to look at and assist in this...

Mr. Monteleone stated another thing that they want to look at, I mean keep teasing saying it's the Town, you have 20 acres on the end there that, I mean I have a contract on it because I helped the guy cap it with (inaudible) from Brewster Transit and then he would pay me for it and he said I'll pay you take the property, I don't want the property but there are 20 acres there that are off the tax lot now for 20 years or 15 years or 18 years that if you could get into this property by coming this way, he might be able to do something with that 20 acres and then put back on the tax map and get some income from it, regardless of who does, I mean I have no problem giving him a right of way through my property if somebody else wants to do it or I'll go do it, if we could and you're talking about maybe bringing in about fifty or hundred thousand dollars a year with the tax revenue coming in from there that right now all it's doing is (inaudible) through both wetlands if you finish capping it, now the water doesn't come through this way and doesn't go back underneath and come out on the other side.

Board Member McNulty stated that is the kind of creative thinking we're going to have to do for this.

Mr. Monteleone stated that is something that...

Ted Kozlowski stated we also have to realize that that vernal pond needs to be fed.

Mr. Monteleone stated of course.

Ted Kozlowski stated and that affects some of that.

Board Member Taylor stated so what do we proceed then...

Chairman Rogan stated how do we proceed.

Board Member Taylor stated we have to ask the lawyer at the next meeting.

Board Member Montesano stated should be able to (inaudible).

Board Member Taylor stated are they, what you said about the Zoning Code, are they covered under the three years or are we past the three years.

Rich Williams stated we're past the three years.

Board Member Taylor stated so that doesn't really apply in this case, it's a...

Rich Williams stated but they are in for a permit essentially so, they are following the normal process.

Board Member Taylor stated if we get the go ahead from the lawyer, what steps do we, do we have to go to the Town do you think to ask permission to do this or do we just proceed on the authority that we have.

Rich Williams stated if you are not expending Town funds, then this is definitely within your purview to evaluate the overall program out there but you need to come up with a game plan about how you're going to do that, right now you've got...

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

Rich Williams stated three conceptual applications sitting before that I'm sure Mr. Monteleone wants to file full applications and get these things going, is he willing to put those on hold or how quick can we get everything else done.

Chairman Rogan stated and that is so directly tied to this whole conversation because the concept plans for these parcels might change drastically if for instance at the end of the day this area is usable because right now it's being crammed in, you know so what is shown now is probably using some of the buffer area, using some of the wetland but might change if, once we knew what we going to have.

Ted Kozlowski stated we also have to understand why these wetlands are wet, it's easy to say they are in depressions and they fill but are they being fed by springs are they, so you know...

Chairman Rogan stated good point.

Ted Kozlowski stated we have to understand that.

Mr. Monteleone stated some of them are created too by people raping the property, we had that problem...

Ted Kozlowski stated yes and no but...

Mr. Monteleone stated I mean on lot number...

Ted Kozlowski stated we need to know what we need to know but I think if we are going to look at something it's the ones that are just regulated by the Town and Army Corps not the big DEC one because that I think you are just going to be bogged down, DEC doesn't even return phone calls any more so.

Board Member Taylor stated so I think we have to ask you is are you on Board with this kind of process whatever it takes or however it comes out or do you want to just proceed with your individual applications.

Mr. Monteleone stated I would like to figure out what's the best way you know your advice, I don't want to do anything to get anything...

Board Member Taylor stated anything more.

Board Member McNulty stated what's the best use of this.

Chairman Rogan stated I think Pete also understands that the current concept plans, at least the one that I saw which actually look a little different than this, the initial one I saw, it looked like the whole wetland area was shown as all parking lot.

Board Member Taylor stated that's the other one.

Board Member McNulty stated well I think when we met with.

Chairman Rogan stated is this the lot that has the violation on it.

Mr. Monteleone stated yea.

Board Member McNulty stated I think what you saw was in the buffer.

Mr. Monteleone stated in the buffer it was not in the wet.

Board Member McNulty stated the parking was in the buffer more than the wetlands.

Mr. Monteleone stated the building was here and the parking was this way.

Chairman Rogan stated this is the hundred foot buffer line right here.

Mr. Monteleone stated yes.

Chairman Rogan stated okay so some of the road is in the wetland.

Board Member McNulty stated yea.

Mr. Monteleone stated no, this is walls, what I was doing was creating a stonewall.

Chairman Rogan stated so a stonewall and a roadway.

Mr. Monteleone stated and another stonewall on top so two steps, it would be a different grade so this would be like 14 feet below because I tried to keep the water here, whatever water from the parking lot to keep it in here and then water overflow comes back on this side because what happens...

Chairman Rogan stated okay for the sake of argument though just to throw out an idea, let's say at the end of the day we go through all this and this wetland is deemed to be so low functioning that we can use the area here for this project and create something more functional here. This project is going to change, no, I mean granted you have now all this usable area not that I'm guaranteeing anything but I'm saying obviously your pigeonholing if I were you I wouldn't want to have a 50 foot elevation change from one corner to the other, right and dig into all that rock if I can pull things forward and put in a better project to be able to get around back of it.

Board Member McNulty stated get access to the back of the building.

Rich Williams stated he's probably not going to be able to pull it a hell of a lot forward because he's still got deal with stormwater issues on the site.

Ted Kozlowski stated one of the things Rich there is eastern Euro Fence, Euro Fence.

Mr. Monteleone stated the marble.

Rich Williams stated Eastern Jungle Gym.

Ted Kozlowski stated no.

Mrs. Monteleone stated Eurostyle Marble.

Rich Williams stated Eurostyle Marble.

Ted Kozlowski stated those wetlands, well this one really doesn't go that way, that is flowing to the other

but the others, see one of the things when it goes down past Euro, it's heading towards Clover Lake and those wetlands if they were altered would probably be your stormwater areas because why would you recreate, why would want to take dry land and make it stormwater when you already have depressions.

Chairman Rogan stated yup.

Rich Williams stated may I suggest a course of action here, how about we encourage Mr. Monteleone to go out and take the three sites that he's got here because he's impacting wetlands and/or buffer on each one and do the necessary functional analysis on each one so, I mean we are going to have to do that regardless, we can review it and make sure it's the way it's supposed to be and then that will at least give us a basis for saying we need to look further and give this perhaps a direction in which we need to look further, we can then say hey, we've got these wetlands that are providing these function we clearly see the loss now we need to figure out how to mitigate that loss and I think that would be the first step.

Board Member Taylor stated can we (inaudible) the landfill, is this lot 5 the landfill.

Rich Williams stated nothing is proposed for the landfill, we don't know if anything is ever going to happen there, the adjacent lot on the other side of Stone Hill, Mr. Monteleone has somebody that wants to put some thing there, there are no wetlands on the site but it does all drain off into the vernal pool that Ted has talked about which really is a very sensitive area we need to make sure it doesn't get impacted so there is going to have to be some sort of analysis on that vernal pool as well.

Board Member Taylor stated what I'm asking is can we, would you consider expanding that functional analysis to include these other areas that you talked about the landfill, lot 9, is that your non-usable lot.

Chairman Rogan stated no, that's the one that has the bus garage on it.

Mrs. Monteleone stated this is White Birch.

Ted Kozlowski stated Ron, anybody doing a functional analysis, they know what they're doing, they are going to have to look at the whole picture...

Board Member Taylor stated so then that's fine.

Ted Kozlowski stated they are not going to look at individual little lots because they all relate to one another.

Board Member Taylor stated to be truly functional yes, that's what I'm saying and include your 20 acres in that too if you're going to do that.

Ted Kozlowski stated you're going to have to do that.

Rich Williams stated as I've got in your memo, as you put in your e-mail they have to look at the relationship of the wetlands in the landscape.

Board Member Taylor stated right.

Ted Kozlowski stated yea.

Board Member McNulty stated can we make a recommendation...

Ted Kozlowski stated just make sure nobody clears over by that vernal pond area.

Board Member McNulty stated can we make a recommendation to the Town Board to ask, to put together all the information that you currently have in your files for the separate lots at the Town's expense to create one big site plan for the use of the Town develop this property in the future, I'm not saying go out but take the research that's already been done and put it on one site plan.

Chairman Rogan stated let me ask you this, his engineer is obviously using AutoCAD, can they scan in as-builts and overlay them, that might be easier way to do this, if their engineer is already doing all these parcels, you take the overall site, which they have and you take our approved site plans...

Board Member McNulty stated whatever drawings...

Chairman Rogan stated and plot them in, in addition to what he's proposing, that might be, we don't have that ability here, correct.

Rich Williams stated I don't have that ability.

Chairman Rogan stated but they probably would.

Rich Williams stated yea I don't know if that's something that AutoCAD can do (inaudible).

Board Member McNulty stated but Maser may be able to do it right.

Chairman Rogan stated well true.

Rich Williams stated yup.

Ted Kozlowski stated you can do all that but Richie kind of hit it, before we go any further we need to look at that wetland and identify what's making it wet, what's it functioning as so we have the groundwork to go forward and you know it may be not that difficult but it may become something that is insurmountable, I doubt that, I think it's going to be workable that's where we go, that's what you need to do and you need to look at them, that whole system and what it does.

Board Member McNulty stated the whole system would be all the lots that's why...

Chairman Rogan stated well that's what he's saying.

Ted Kozlowski stated I'm talking about the wetlands Tommy because that's what's holding everything up right now...

Board Member McNulty stated but if we had a plan that showed the wetlands for every lot, it would make it easier for us as a Board to understand what's going on and where we could go.

Ted Kozlowski stated that's all well and fine Tom but the first step, that's the limiting factor here, if those wetlands weren't there that whole, everything would be developed.

Chairman Rogan stated right.

Ted Kozlowski stated that's what holding us up so that's what we have to look at.

Board Member Taylor stated you're not disagreeing with each other, you're saying do the functional analysis which means do everything so.

Chairman Rogan stated right but who and this is the question I have and this is certainly in all due respect to Mr. Monteleone but that person who does the functional analysis should truly be an independent person, even though...

Ted Kozlowski stated absolutely.

Chairman Rogan stated I know somebody has to pay for it but you still want somebody who is taking an unbiased look at this.

Ted Kozlowski stated Shawn, Pete has three applications before the Board, three wetlands applications and we always ask for functional analysis.

Chairman Rogan stated you've also said that every functional analysis that we get that is paid for by an applicant is somewhat jaded, biased, slanted toward the developer.

Rich Williams stated biased to the developer.

Ted Kozlowski stated but we're going to do our own homework...

Chairman Rogan stated okay, I'm just making sure that we're not wasting money.

Ted Kozlowski stated we're not, we've been pretty much going that way for awhile.

Chairman Rogan stated well hey you know at the end of the day it's you gentlemen that have to be happy with what we get so you can explain to us we're the lay people here.

Ted Kozlowski stated we just advise.

Chairman Rogan stated yea.

Board Member Taylor stated I think if I can put words in Shawn's mouth, I think it's most useful for us to really know what's there without a slant because when we get results back that are slanted, we have to subtract the slant before we can evaluate them, so if you just get somebody who is good at this functional analysis to do it and do it correctly, then it speeds everything up and makes it much easier for us...

Chairman Rogan stated that's true.

Board Member Taylor stated to process it.

Board Member McNulty stated otherwise that professional needs to stamp the (inaudible).

Chairman Rogan stated I couldn't have said that better myself.

Board Member Taylor stated okay.

Board Member McNulty stated you need a qualified stamp on that plan.

Board Member Taylor stated no just a stamp but somebody whose good at it, I'm thinking of Watchtower and what we went through with them.

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

Mr. Monteleone stated this at some point, there was another person saying he hasn't called us back or whatever.

Rich Williams stated John Baker.

Mr. Monteleone stated something was done here and I don't know what was done, delineated and flagged I think...

Mrs. Monteleone stated and Stanley Johnson flagged it and plotted it.

Rich Williams stated we may want to touch on that real quick while you brought it up, this is going on for a long time now, the season is escaping us, once the snow hits, he couldn't delineate it, I certainly couldn't do anything with it, so we need to get this wrapped up before that happens and we've only got weeks left so either you have to find John Baker and we have to get this resolved or you have to get somebody else out there.

Mrs. Monteleone stated well if it was flagged and Stanley Johnson plotted it on the survey, we can just get Stanley Johnson out there to put the flags back...

Rich Williams stated the problem is I'm not agreeing with the delineation and it's something I really need to sit down and work out with somebody who is very familiar with delineating wetlands, I think I'm right, he's going to tell me why he's right, you know, and we're going to come some sort of an agreement...

Chairman Rogan stated well it sounds like...

Rich Williams stated Teddy will tell you that happens all the time.

Chairman Rogan stated at the end of the day though even that still isn't as important as the functional analysis because regardless of where that line is, whether it's fifty feet this way or thirty feet that way, the core discussion is on the functionality of that wetland, correct...

Rich Williams stated true but it plays into two issues, oh tell me it's recording.

The Secretary stated no...

Chairman Rogan stated it seems like it's been going awhile.

The Secretary stated I'm waiting for it to beep.

Rich Williams stated you have to correctly identify your primary area, certainly your functional analysis spreads out from that but you have correctly identify your primary area, identify all the functions and in this case we need to know, we need to begin to understand what he can do on the site, what he can't do on the site and way may need to be mitigated.

Chairman Rogan stated how long ago was the delineation done.

Ted Kozlowski stated but if you're looking at the whole picture.

Chairman Rogan stated right.

Ted Kozlowski stated this whole thing is going to have to get delineated anyway.

Chairman Rogan stated you're going to have one person come out and crank it all, do it all at the same time and be done with it.

Ted Kozlowski stated you're going to look at all the wetland areas, you're going to be doing this.

Chairman Rogan stated it sounds like we're all saying the same thing maybe in different words but it sounds like we're all on the same page, at the end of the day, if we can get a project out here that we can complete what somebody else started by creating this which I think is a fantastic idea you know there is very little impact to residential area by this and the lots were created and I want them all to be used, I'd rather have them go in here than someplace else, so I mean, it seems like everybody wants to move forward with, changing the tape.

(Side 1 Ended – 8:31 p.m.)

Rich Williams stated don't make her day.

Chairman Rogan stated okay so I think then for the next meeting next week we don't even need you to come back in with the three concepts plans or anything relating to that, I mean I think everybody is on Board with whatever you can fit on there and have you know after this process is all done we'll know what usable area you have and we can work within that usable area, just like we would a normal site plan that doesn't have all these restrictions on it but of course we don't have any normal site plans do we, I realize after I said that that's...

Ted Kozlowski stated Pete do you own all the lots that have these wetlands.

Mrs. Monteleone stated no, we own six, seven, four, nine and three b.

Ted Kozlowski stated who is this one.

Mrs. Monteleone stated this one is White Birch.

Board Member Taylor stated whose right.

Ted Kozlowski stated whose eight.

Mrs. Monteleone stated eight, that's Eurostyle.

Mr. Monteleone stated Eurostyle.

Chairman Rogan stated you're not White Birch.

Mrs. Monteleone stated yea, we're White Birch.

Chairman Rogan stated oh okay, when you said, oh okay.

Mrs. Monteleone stated so here, we're White Birch.

Ted Kozlowski stated so you own this, Eurostyle really doesn't have a wetland other than little finger that comes out here and then...

Mrs. Monteleone stated this we own, that's Liotta...

Ted Kozlowski stated Liotta and this.

Mrs. Monteleone stated and that Stone Hill.

Chairman Rogan stated Liotta is the one that stores all the junk on the site.

Board Member McNulty stated Eurostyle, that's their warehouse, their shop at the bottom.

Board Member Taylor stated this all drains down this side of the property.

Ted Kozlowski stated what happens Ron is lot seven and six drain into the...

Rich Williams stated you don't want to talk about that huh...

Chairman Rogan stated no I do, there's too much going on.

Ted Kozlowski stated into here and then into the vernal, this one Eurostyle, the very tip drains this way...

Rich Williams stated Shawn, that's one thing I want to talk about...

Board Member Taylor stated into their lot.

Ted Kozlowski stated yea and seven drains...

Chairman Rogan stated no that's I got that.

Board Member Taylor stated and this is the ridgeline.

Ted Kozlowski stated yea.

Board Member Taylor stated so everything all right, is contained on that side.

Ted Kozlowski stated if, I don't know, you're talking about getting a professional to do a functional analysis, get the whole thing delineated, let them look at it, we're going to be following up with what we have to do and I think that's where you have to go.

Board Member McNulty stated the functional analysis is key because that tells us...

Mr. Monteleone stated Mr. Baker can do a functional analysis.

Ted Kozlowski stated I would get a firm that's going to be, to have the biologist on staff and have all the people...

Rich Williams stated you're going to want somebody like Beth Evans...

Ted Kozlowski stated well I think we should give three names out.

Rich Williams stated well if you've got three names I'm just shooting Beth Evans off the top of my head.

Ted Kozlowski stated I know and that comes to my mind too but let's...

Rich Williams stated I mean you know these people better than I do, can John Baker do it.

Ted Kozlowski stated no because he doesn't have the, what you're looking for I think we are going to need the extra people.

Rich Williams stated do you know how to even get a hold of John Baker.

Ted Kozlowski stated yes, yes I do.

Chairman Rogan stated functional analysis is a lot different than delineation, right, functional analysis is a whole different ball than delineation.

Ted Kozlowski stated very much so.

Board Member Taylor stated do you have three names.

Ted Kozlowski stated very much so but I think because of what we are all trying to do here and what we're trying to work with I think you know let's just...

Board Member McNulty stated you may want to reach out to the County development committees too.

Board Member Montesano stated you want to get a firm that has all these people on staff...

Board Member McNulty stated I've done a lot work in Brewster and they had to do the same type of work.

Board Member Montesano stated that would alleviate some of the financial problems whereas you don't want a general contractor to go out and hire everybody individually.

Ted Kozlowski stated who did the wetland for um...

Board Member McNulty stated family, I can't remember the guys name.

Ted Kozlowski stated is it Perdue (inaudible).

Rich Williams stated who.

Ted Kozlowski stated Perdue.

Rich Williams stated Markey Perdue out on this site.

Ted Kozlowski stated yea.

Rich Williams stated Markey Perdue is that lot I keep throwing that is...

Ted Kozlowski stated right but there was firm that was out there, is that Beth Evans.

Rich Williams stated but they never came in.

Ted Kozlowski stated this is a long time ago.

Rich Williams stated they never made an application, not since ChemLawn.

Board Member Montesano stated oh god.

Rich Williams stated BriCar is the one right next to it, that's not Markey Perdue...

Ted Kozlowski stated yea.

Rich Williams stated oh I've got it wrong then, I'm sorry, we had nothing but problems with that, initially it was flagged by Joe Steeley and then I'm trying to think of who flagged, well you guys were around...

Board Member Taylor stated okay so can you make some suggestions.

Ted Kozlowski stated yea, I will get...

Board Member Taylor stated think of something and you can use your own resources and get somebody out there, get that done and we can move on.

Rich Williams stated but it's got to be quick.

Board Member McNulty stated I hope we gave you some direction.

Board Member Taylor stated get that information.

Mr. Monteleone stated (inaudible) we'll work with our engineer.

Ted Kozlowski stated Pete, you've developed a lot of property in Armonk, you must have had wetlands there, who'd you work with.

Mr. Monteleone stated (inaudible) Engineer out of Long Island for whatever reason I think...

Chairman Rogan stated he retired a year ago.

Rich Williams stated I've already talked to the um...

Mr. Monteleone stated let me think of what happened to them because I think the company they spilt up that they were associated with...

Rich Williams stated don't get your hopes up.

Chairman Rogan stated no I wouldn't figure but...

Board Member McNulty stated hope that gives you some direction you can see what we're up against with the, we start granting everything for you and then the next guy.

Mr. Monteleone stated I understand, that's why we tried to...

Chairman Rogan stated you guys will do (inaudible).

Board Member McNulty stated yea, we want to see the development, I mean that's the spot we want to do it.

Mr. Monteleone stated and the other thing is if possible for the Town's sake, we would like to develop as much as we can out of the site, so we can get some revenue back.

Board Member McNulty stated sure.

Board Member Montesano stated facing the Town.

Mr. Monteleone stated so that (inaudible) two thousand square foot building on this site, you're going to get eight thousand dollars a year taxes, now you have industrial park with no money.

Board Member McNulty stated it's not usable.

Board Member Montesano stated and we don't even own the road.

Chairman Rogan stated all right, can we move on, in fairness to the rest of...

Mr. Monteleone stated (inaudible).

Chairman Rogan stated yea, absolutely.

Mrs. Monteleone stated Lang and Associates, it's in Brewster.

Rich Williams stated I vaguely remember that.

Ted Kozlowski stated I mean it's up to you guys...

Mr. Monteleone stated find somebody whose...

Chairman Rogan stated well when you hire someone to do this, don't they give you a written quote that says this is what we plan to do for you and that quote might be a good thing to run past Ted and Rich to say yes this is the parameters that we would see before you even pay them I would have a, not a prospectus but a proposal...

Board Member McNulty stated a proposal.

Chairman Rogan stated a proposal that says this is what we're going to do for you, this way you know before you even start okay, that sounds like they've nailed it or hey did you think about these other six things and then...

Ted Kozlowski stated Beth Evans has done a ton of work in the Town and they've done major projects...

Chairman Rogan stated well whatever, you know, I'm sure there are plenty of people out there that are hungry.

Ted Kozlowski stated well send someone, they're all hungry.

Mr. Monteleone stated well we need somebody good too though, the thing is I like to have someone I can respect (inaudible).

Ted Kozlowski stated you're looking at a (inaudible).

Chairman Rogan stated exactly.

Mr. Monteleone stated you know I don't want to just get somebody just because it's five hundred dollar less and then...

Chairman Rogan stated understood, and I appreciate that.

Mr. Monteleone stated they are not going to have a...

Board Member McNulty stated that won't save money.

Chairman Rogan stated yea, that's the worst five hundred dollars you ever saved.

Mr. Monteleone stated you know I just say, it could be a thousand but the key is I want somebody that...

Rich Williams stated I got a name...

Ted Kozlowski stated who.

Rich Williams stated Mike Clemens.

Ted Kozlowski stated he does wildlife but is he a wetlands person.

Rich Williams stated he knows what a lizard is.

Board Member McNulty stated he might find a three headed lizard up there.

Chairman Rogan stated thank you, you have a wonderful Thanksgiving.

Board Member McNulty stated Happy Thanksgiving.

Mr. Monteleone stated good night have a happy thanksgiving.

Board Member Montesano stated have a nice holiday too, enjoy.

Chairman Rogan stated and take next Thursday night off, have him take you out to dinner next Thursday instead of going to the Planning Board meeting.

Mrs. Monteleone stated thank you, have a good night.

Ted Kozlowski stated good night guys.

1) TAGGART ESTATES – Public Hearing

Chairman Rogan stated okay, why don't we start at number one. Taggart Estates we have a public hearing but we also have something from Ron...

Board Member Montesano stated thank you.

Chairman Rogan stated which is very nice, thank you Ron, do you want to walk the Board through that real quickly, do you, the finer points.

Board Member Taylor stated it is just an analysis of who lived on the site, we don't know, I mean I could, eventually I'll be able look up who had it before this Seeley guy, he was not the first one who developed this site, he comes in after the Revolution and purchases the site but it says in the histories that he purchases the homestead which generally means there is a house there and probably barns, so it's a developed site when he gets it, so the house that he was in which is probably where what's his name's nursery is, is probably the oldest house in that area, three generations of them continue, so they are the longest owners of that property in that area and then a neighbor buys it, Baker, he's been a neighbor for a number of years on the eastern side of the property and then it goes on to other people down the road and then eventually some of it ends up in the Williams' family I believe, is that correct, you're certainly across the road from there.

Rich Williams stated I don't know if it ended up or if we had it first, it wasn't even Williams, it was Perry followed by Hayt.

Board Member Taylor stated well the Perry's and Hayt's were a little north of there.

Rich Williams stated yes but they went over actually, you know, Insite did a tremendous amount of research on this one little parcel that's kind of this out parcel and a Gore strip and I did end up in the chain of title on that.

Board Member Taylor stated so I just, my recommendation based on that order, not just mine, I mean, the Historical Society I passed around to those, why not name it Seeley something, Seeley something because they were the oldest we could find...

Chairman Rogan stated just not Sealy Mattress.

Board Member Taylor stated and it would be a nice way to memorialize that family...

Board Member Montesano stated unless you're sleeping.

Board Member Taylor stated in the Town, it's certainly better than the alternative that was proposed.

Chairman Rogan stated great.

Board Member McNulty stated I have one question on this property, the northeast corner, there was an ownership difference, if I remember, when I first came on the Board...

Rich Williams stated the Gore strip.

Board Member McNulty stated it's a Gore strip, it's called, has that been settled, is it all, okay.

Board Member Taylor stated it was actually beyond the straight line, if I remember, it was the Gore outside that straight line on the one side, not inside of it...

Board Member McNulty stated it's shown on the plans.

Board Member Taylor stated they just gave up, I think Theresa...

Chairman Rogan stated outside the lot, in other words they made the lot line and then the Gore is on the outside of it.

Rich Williams stated well yea, it's always going to be that way because that is the area in dispute.

Board Member Taylor stated so they just abandoned, it's not an indentation in what you see there...

Chairman Rogan stated correct.

Board Member Taylor stated so it makes sense that they just (inaudible).

Board Member McNulty stated is that an issue for us to deal with as a Planning Board as far as public hearings coming up and...

Rich Williams stated not as far as the public hearing but I have talked to George Michaud and I have talked to Chris Boryk the Assessor and they are both of the opinion that somebody needs to resolve that.

Board Member McNulty stated how does that play in our approvals.

Rich Williams stated we're just doing preliminary approvals, we are just doing the basic structural layout of the lots and of the road and how everything is done together, I think that really needs to be looked at hard before any final approval is given.

Board Member McNulty stated yea, it will affect those, I think two lots or one lot up in the corner.

Rich Williams stated it's, you know, it's really not going to affect anybody other than we are going to have this parcel that belongs in nowhere land and nobody wants that.

Board Member Taylor stated well...

Chairman Rogan stated it's not a building lot, huh.

Rich Williams stated no, it's not a building lot.

Chairman Rogan stated it has no access, steep as all steep can be.

Rich Williams stated well I have threatened them that if they don't prove, they can not land lock a parcel, if they don't come up with ownership, they are going to give somebody a right of way so I can get there.

Board Member McNulty stated well the problem is, the problem is they don't know who owns it.

Board Member Taylor stated it got lost in (inaudible).

Chairman Rogan stated too many surveyors repeating mistakes, right.

Rich Williams stated well yea, surveying way back in the (inaudible) was from the pole to tree...

Board Member McNulty stated so what does it take to incorporate that into their property.

Chairman Rogan stated on that grade.

Board Member McNulty stated do they claim, is there...

Board Member Taylor stated they have to do research first.

Board Member Montesano stated yea, it's more fun that way.

Chairman Rogan stated okay.

Rich Williams stated now our mechanisms are quit claim deeds, public notice, there are mechanisms.

Board Member McNulty stated that is the only issue I have with the site and I like the name that Ron recommended.

Board Member Montesano stated after four hundred years.

Board Member Taylor stated which one.

Board Member McNulty stated Seeley, Seeley Lane, Seeley Road.

Chairman Rogan stated Seeley Lane.

Board Member Taylor stated any choice of those.

Board Member Montesano stated Seedy Lane.

Board Member Taylor stated I like Seeley Farms.

Board Member McNulty stated Seeley Farms is nice too.

Chairman Rogan stated Seeley Farms, is there an addition to that, Seeley Farms Lane, Seeley Farms Road or just Seeley Farms.

Board Member Taylor stated I think it said Lane, Seeley Farms Lane.

Board Member McNulty stated Lane is nice.

Chairman Rogan stated very nice.

Board Member Taylor stated it sounds more country.

Board Member Montesano stated I like McManus Road North and South.

2) COUNTY LINE GETTY – Public Hearing

Chairman Rogan stated County Line Getty, we have a public hearing on that as well, we don't have anything new on that though, correct.

The Secretary stated it's coming.

Board Member Taylor stated it hasn't come in.

The Secretary stated it's coming, it was supposed to be here, supposedly it was mailed on Friday...

Chairman Rogan stated it's a holiday week.

The Secretary stated it wasn't mailed to me on Friday, so it should probably be here Tuesday.

Board Member McNulty stated and what are you expecting.

The Secretary stated plans.

Board Member McNulty stated an updated plan with the approved zoning, weren't there zoning changes approved by the Zoning Board.

The Secretary stated yes they do (inaudible).

Chairman Rogan stated and the gentleman took really good notes at the last meeting, so...

Rich Williams stated they have variances, I'm totally lost.

Board Member McNulty stated variances.

Rich Williams stated there were a couple of variances for the propane tank and the um...

The Secretary stated the kerosene tank and the existing sign.

Rich Williams stated yes.

Chairman Rogan stated you're good.

Rich Williams stated I'm getting out of here, I'm telling you, I'm turning it over to these two.

Chairman Rogan stated their good, I'm telling you...

3) **THUNDER RIDGE SKI AREA**

Chairman Rogan stated and what's Thunder Ridge Ski Area up to...

Rich Williams stated oh not much...

Board Member McNulty stated a waste water treatment plant.

Rich Williams stated nothing.

Chairman Rogan stated really.

Rich Williams stated a small building, two thousand square foot building.

Chairman Rogan stated actually, all things considered, I will recuse myself from this application as well.

Rich Williams stated that creates a bit of a problem.

Chairman Rogan stated it might but I, I mean, I have in both cases, I have bosses who are heavily involved in these projects.

Rich Williams stated okay well before you do that, Charlie is not here so the Board needs to determine...

Chairman Rogan stated you can still have a conversation about it though for tonight, we're not doing anything more than...

Rich Williams stated if you're going to recuse yourself you have to step out of the conversation but what I'm saying is...

Chairman Rogan stated no, I'm going to.

Rich Williams stated the Board needs to decides who is going to lead the conversation.

Chairman Rogan stated ah, the Board should decide.

Board Member McNulty stated you're senior Mike.

Board Member Montesano stated don't look at me. One question I have to ask first, if I can remember what it was...

Chairman Rogan stated ah, very convenient.

Board Member Taylor stated we'll put that after 13 on the minutes when you think of it, we'll get to it eventually.

Board Member Montesano stated all this confusion, now, with the question being this and I don't know if we can get an answer tonight, when we recuse ourselves, as Members of this Board does that me infringe on our rights as citizens of the Town of Patterson to make a statement or question in.

Chairman Rogan stated I would say absolutely not.

Board Member Taylor stated no.

Rich Williams stated yes.

Chairman Rogan stated but it does slant...

Rich Williams stated when you recuse yourself you are supposed to actually walk out of the room.

The Secretary stated you're not supposed to be part of the conversation whatsoever.

Rich Williams stated because even being in the room is believed to be undue influence on your fellow Board Members.

Chairman Rogan stated yea.

Rich Williams stated so yea, you do.

Board Member Montesano stated I don't like him as it is, if he wants to sit there...

Chairman Rogan stated so is it, you're giving up...

Board Member Taylor stated that doesn't infringe your right to come to a public hearing and testify as a member of the public on a public hearing.

Rich Williams stated I, talk to the Attorney about it but my understanding about conflict of interest and recusals when you recuse yourself...

Board Member Taylor stated you're out it.

Rich Williams stated because of your position on the Board you give up certain rights which normally you would enjoy...

Chairman Rogan stated yea.

Rich Williams stated you know because of that, you have to walk out of the room, you can't even be in the room when the conversation is going on and certainly if that's the case you can't speak at a public hearing.

Board Member Taylor stated okay.

Board Member Montesano stated I've been brought to court on a certain property that was connected with mine theoretically, no it was connected and I recused myself but I had questions because I lived there and I was and when we went in and when they went to court the case was thrown out and the judge at the time said as a citizen and it is affecting your property you have a right to ask questions to make statements and that's particularly and that was this particular statement, that's not, you know what I'm saying.

Chairman Rogan stated yea...

Rich Williams stated ask the attorney's.

Chairman Rogan stated I would be very interested knowing that, tell you what, why don't we do this, I'm going to recuse myself from this application, Thunder Ridge Ski Area because one of the primary people involved in this is a County Legislator and I will also recuse from number 5 because of the same issue, can you guys cover 3 and 5 and then let me know and I will come back in and we'll go back to number 4.

Board Member Taylor stated sure.

Board Member Montesano stated all right.

Board Member McNulty stated Rich, I didn't get a chance to look at your review yet on Thunder Ridge...

Rich Williams stated okay.

Board Member McNulty stated the question is a waste water treatment plant is going to require a lot of water to run it, correct, fresh water, artesian well water...

Rich Williams stated no, it doesn't require a lot of water.

Board Member McNulty stated but it does require some type of water source, correct.

Rich Williams stated yes, you absolutely have to have a potable water supply there.

Board Member McNulty stated and like I said I didn't see your notes, is that addressed as far as how much it will need, will it affect any wells up on the hill.

Rich Williams stated it's not going to use that much, I mean I can go back, I've got the readings for what we use here at an 80,000 gallon a day plan and it's not significant.

Board Member McNulty stated is it equivalent to maybe two households, three households, just as a gage to know...

Rich Williams stated maybe and I certainly can get those numbers for you but understand, we're talking in my case we're talking 80,000 gallon per day plant this is a 3,000 gallon per day plant, so minimal.

Board Member McNulty stated and this is going to be just to operate the lodge, just for the sewage at the lodge.

Rich Williams stated apparently, apparently but the plant is being located some sixteen hundred feet uphill...

Board Member McNulty stated uphill.

Rich Williams stated because they don't want to infringe on the ski area during winter months, having to have a driveway, they are proposing a new driveway crossing Stephen's Brook.

Board Member McNulty stated it will require a bridge.

Rich Williams stated they are not proposing a bridge.

Board Member McNulty stated I see the culverts they proposed, I looked at the plan.

Rich Williams stated correct.

Board Member McNulty stated now how does that come in contradiction with what we just went through up the road...

Board Member Taylor stated where the bridge is.

Board Member McNulty stated with that applicant, I forget the name of that.

The Secretary stated N.R.A.

Board Member Montesano stated N.R.A.

Board Member McNulty stated N.R.A., I mean he put a pretty extravagant bridge structure in there.

Rich Williams stated yes he did.

Board Member McNulty stated so how do we proceed now, we're going to be in the same boat down stream here.

Rich Williams stated well I think, you know it always comes down to looking at what the potential impacts are, whether they are reasonable, whether they can reasonably and economically mitigated so the first step is you know you assess the impacts, you assess the impacts to the stream, the culverts, maybe you want to have them assess the impacts of the bridge so you can compare the two...

Board Member McNulty stated okay.

Rich Williams stated well maybe you want to take a look at it right from the very beginning and say this considerably more considerate.

Board Member McNulty stated well I'd like to get it at the beginning so we don't drag this out because from what I read here it's a mandatory plant that's being subsidized by the New York City Watershed.

Rich Williams stated it is a mandatory upgrade, it's not necessarily a mandatory plant, right now they have a below ground sand filter system for whatever reason and Insite's doing this, Insite is one of the better firms in the area, they are not tearing up and replacing the sand filter in kind, they are not proposing a different type of subsurface system, they decided to go with a plant, sixteen hundred feet up the hill but a plant. The design is not mandatory, there are certain mandatory aspect of it, tertiary treatment, back-up, you know but the plant itself is not mandatory.

Board Member Taylor stated so it seems like that's one of the questions we should ask Insite, why the plant, why not just upgrade what you've got...

Board Member McNulty stated sure why...

Board Member Taylor stated leave the road alone and...

Board Member McNulty stated there's got to be a reason to put this more extravagant system in verse maybe it's under the ski area, maybe they don't want to tear it up, maybe there is a time frame...

Ted Kozlowski stated have to do with funding.

Board Member McNulty stated well they are getting funded from what I read.

Ted Kozlowski stated they're getting funding.

Rich Williams stated this is fully funded by the DEP.

Ted Kozlowski stated right, so there's your answer.

Board Member McNulty stated does that include their access as well.

Rich Williams stated why this technology and why this location.

Board Member McNulty stated well the location is somewhat laid out because they want to be away from the ski area and they felt this was the area least impacted by this...

Rich Williams stated they own another, just so you're aware, they own another parcel at the end of Thunder Ridge Road, next to the restaurant.

Board Member McNulty stated but that's their parking lot, isn't it...

Rich Williams stated no, it's not, they graded it out and there were some erosion problems there, we made them stabilize it and stop...

Board Member McNulty stated right where it veers on the south end where it meets [Route] 22.

Rich Williams stated yea.

Board Member McNulty stated yea I saw when they did that.

Rich Williams stated yea, um, you know now you're not, you're talking about, there is a huge grade difference in this.

Board Member McNulty stated going up the hill.

Rich Williams stated that's a lot pump.

Board Member Taylor stated those are valid question, I mean why, yea, then we don't have to deal with the stream and does the Army Corps have to get involved in this because of the stream crossing...

Rich Williams stated I'm not sure, maybe because they are going to filling in the wetland area.

Ted Kozlowski stated well that's the crossing, they are crossing, is there CTS in that location.

Rich Williams stated yes.

Ted Kozlowski stated they are crossing a regulated steam by DEC and it's trout stream.

Board Member Montesano stated parking, okay, the road comes in and goes out to [Route] 22 going south they've got all that property where the rope tow used to be on the side, where the old house used to be...

Rich Williams stated that's what I said, there is a separate parcel over there.

Board Member Montesano stated that's a separate parcel, why not, that seems silly but that's a good question.

Board Member Taylor stated yea.

Board Member Montesano stated the object is the parcel, the old house used to be there...

Rich Williams stated what they have in their memo to the Board is the location was chosen based on you know future plans for the property, future potential plans.

Board Member Taylor stated they need to show us the future potential plans then.

Rich Williams stated well they may not have anything certain; they may just not want to encumber certain areas because they figure there's value there. There was one of the things I put in, if they have actual plans, they have to show them otherwise it's segmentation.

Board Member Montesano stated yep, all right we should, well we can discuss this, we've also got to take a walk up there, that's first.

Rich Williams stated I would assume the process would be that you would have them in, you would get some of these explanations more information...

Board Member McNulty stated well they do state in here that the ski area currently utilizes all the available space at the bottom ski slope and can not permanently set aside area for the waste water treatment building...

Board Member Montesano stated that's not completely true.

Board Member McNulty stated driveway and equipment.

Rich Williams stated right that's what they say...

Board Member Taylor stated we'll have to question that.

Board Member McNulty stated but if they went with a different system, they could possibly use.

Rich Williams stated see, the application and this is they are going to have to amend this application, the application is made for one parcel, I believe its 14.-1 or 4.1-1-5...

The Secretary stated it's 14.

Board Member Taylor stated 50.

Rich Williams stated it's 14, it is, I was getting screwed up...

Board Member McNulty stated 14.1.50.

Rich Williams stated 14.-1-50 but they actually own seven parcels, four of them are contiguous, the lodge and the ski area are actually separate parcels and there is another parcel all the way at the top of the hill, there is another parcel on the side and then there are two or three, there are three parcels on the west side of Thunder Ridge Road which are all used by the ski area, now to complicate everything, where they are proposing to do the driveway and all this property is owned by Patterson...

Board Member McNulty stated Patterson Center LLC.

Board Member Montesano stated Wayne.

Rich Williams stated Ryder's property...

Board Member McNulty stated the Ryder's.

Rich Williams stated all these properties, where they are putting the driveway there is another long linear 1.51 acre parcel that is not owned by the...

Board Member McNulty stated the Patterson Center.

Rich Williams stated the Patterson Center, it's owned by the Putnam County National Bank.

Board Member Montesano stated oh.

Board Member McNulty stated okay well they are somewhat related aren't they...

Rich Williams stated so, same owners yes.

Board Member Taylor stated but they are not the same parcels so...

Rich Williams stated so now you're crossing, you're crossing a driveway with a parcel not owned by the ski area.

Board Member McNulty stated they need an easement.

Board Member Taylor stated they need to bundle them together.

Rich Williams stated well listen, I know they are going to come back, they are going to say we are going to give ourselves an easement over the property, I mean me as a Planner, I am recommending to the Board it's time to put these parcels together, especially if you are going to have a waste water treatment plant on one parcel for a lodge on another parcel, crossing over a third parcel which has no other development potential, put them together, you know, I mean god forbid that they decide at some point in time they you know, they've gotten their easement, they've gotten driveway in, they don't want the parcel anymore they stop paying taxes on it.

Board Member Montesano stated would they do something like that.

Rich Williams stated they may not but the next owner of the ski area might.

Board Member McNulty stated you think you get an easy one.

Board Member Montesano stated never. See this statement Patterson Center, the reason it's called Patterson Center is because of the discussion years ago of where the center of Patterson was, we won't go any further than that...

Rich Williams stated okay and Ted do you have anything to add.

Ted Kozlowski stated on Thunder Ridge.

Rich Williams stated yea.

Ted Kozlowski stated no but I'd like to go out there and see this.

Rich Williams stated well I'm assuming at some point you're going to have to verify the wetland flagging.

Ted Kozlowski stated yea, that's another.

Rich Williams stated because there is more than a stream, there are wetlands shown on the plans.

Ted Kozlowski stated not for, not to be a pest but you know I've asked Insite in the past before they submit everything to let's verify the wetland flagging before they survey it and put it on the plans and once again this is what they do and it's a big wetland flagging...

Rich Williams stated well you know to some degree this was pushed in the door by me...

Board Member Taylor stated make them go re-draw it.

Rich Williams stated just a little bit of history, I got a call from Insite, they were asking some information, I drew out of them that this is what they were proposing to do and to cross Stephen's Brook and I said you better get in here to find out if the Board is even going to consider crossing Stephen's Brook, you know before you go too far, so they submitted the application fairly rapidly.

Board Member McNulty stated are we under any time constraints with this because its involved with funding and the watershed regulations.

Rich Williams stated I thought all the upgrades had been done, I didn't realize there was this one that was left out there, so I don't know, I don't have an answer.

Board Member Montesano stated okay, are we done.

Ted Kozlowski stated I guess the Board is going to go on a site walk soon, no.

Rich Williams stated I would think so.

Board Member Montesano stated we're going to have to.

Ted Kozlowski stated Mike, it's your call.

Board Member Montesano stated to me if we're not, after Thursday night if they'll answer some of our questions we've got to schedule a site walk for it.

Board Member Taylor stated yea, that makes sense.

Board Member Montesano stated let's see what answers they have and how we can go from there.

Board Member Taylor stated I am in favor of saying to them unless you can prove to us that there is absolutely no place else to put this thing, get it away from Stephen's Brook, there is no reason to be impacting Stephen's Brook...

Board Member Montesano stated well we can ask if they have alternatives since we do not...

Board Member McNulty stated (inaudible) that one.

Board Member Montesano stated think that time restraints on crossing the brook properly may be financially troublesome or they can go talk to the N.R.A. man and see what he thinks because we don't look at a culvert, we were looking more at a bridge.

Board Member McNulty stated we may not want to see a treatment plant of any kind built right on [Route] 22 as well, it may be a better location aesthetically up the hill.

Board Member Montesano stated well if you look at it the property they have at the lower end, the old tow, chair tow is right here, the piece of property right next to them, that leads out along, runs theoretically, parallel to the road, there used to be an old house there, that house came down or burned down, I don't remember exactly anymore but that property belongs to them if I recall and that, you wouldn't see it basically from [Route] 22, you could always make the building presentable.

Ted Kozlowski stated they are going up some pretty steep slopes for this driveway.

Board Member Montesano stated you're going to have to have some hell of a pump to be using up there and if they don't use it every day to me they are talking mostly about if and when, it's going to be used for the ski season, length of time unknown and then say it's going to be attached to the restaurant which doesn't seem to get a lot of business...

Board Member McNulty stated well they do catering.

Board Member Montesano stated yea they do but the object is what d you do, shut that pump off.

Ted Kozlowski stated Rich this is that densely forested hillside, isn't it, the steep slopes, see that whole stretch there of Stephen's Brook is pretty much untouched and is protected by that whole hillside of forest.

Rich Williams stated you're going to have major thermal impacts.

Ted Kozlowski stated yea, a bridge is one thing but look at the road they have to put in, look at the amount of fill they have to put in to stabilize, get the grade for the road which means there is going to be a tremendous amount of trees taken down. I can't speak for DEC but if I was protecting this stream, if my job was I'm an ENCONN biologist, I would hate to see this.

Board Member McNulty stated we need to ask them, Thursday is, where are, what are your alternatives and have you really exhausted all your locations.

Board Member Taylor stated yup.

Board Member McNulty stated okay.

Ted Kozlowski stated yea it's...

Board Member Montesano stated all right so the questions are there, it's just a matter of getting them out.

Board Member Taylor stated Genovese...

Board Member McNulty stated you want to do number five, Albano and then we can get Shawn back.

5) ALBANO WETLAND/WATERCOURSE PERMIT

Board Member Montesano stated Albano...

Rich Williams stated this is a single family lot that was created back, god early 80's as the Old Wall Subdivision, the Board may remember they recently looked at a lot...

Board Member Taylor stated oh another one of those.

Board Member McNulty stated this is on Old Road.

Rich Williams stated yup that Harry Nichols was involved in...

Board Member McNulty stated and the DEC granted before we made an decisions.

Rich Williams stated and the DEP and the rain garden and the whole issue there,

Board Member McNulty stated yea, yea.

Rich Williams stated that was also part of the Old Wall Subdivision. They designed a house for two bedrooms and a septic system for two bedrooms, when they got it all approved and they had the wetlands flagged by Ted and by DEC and there was some discrepancies on, there was a disagreement about where the wetland boundary was between the local wetland boundary and the state wetland boundary and as a result of the local wetland boundary they were limited to a two bedroom house, two bedroom septic system, well the Health Department has since come back and said we want a three bedroom septic system on the site, there original septic system approval had expired and for whatever reason they are getting this direction by the Health Department.

Ted Kozlowski stated the Health Department can make them change the bedrooms...

Rich Williams stated I don't know if it's the layout of the house, that's what it is, I'm sorry, the building permit that issued for a layout in the house, the layout of the house appears that it could be used as a three bedroom, so the Health Department came in and said based on this building layout you now need to give us a three bedroom house or you need to put a different house on the site.

Board Member Montesano stated gee I'm glad it wasn't because of the legislation involved.

Rich Williams stated so Mr. Albano, he asked Ted to go take another look at the wetland and I'm kind of speaking for Ted at this point and Ted did and said no, nothing has changed, the wetland boundary is the wetland boundary so his next step was then to file for a permit to actually have an area designated as future expansion so that some day in the future if the primary system fails, he can use the future expansion area, now...

Board Member McNulty stated is that this area here.

Rich Williams stated yes.

Board Member McNulty stated so he's out of the buffer, he's...

Rich Williams stated no, he's in the buffer.

Ted Kozlowski stated he's in the buffer.

Board Member McNulty stated he's in that, well the control area is different than the buffer.

Rich Williams stated he's out of the DEC buffer, he is in the Town regulated buffer which is that other line.

Board Member McNulty stated this line.

Rich Williams stated no, go up, that curly line.

Board Member Taylor stated does he (inaudible).

Board Member McNulty stated this line here, okay...

Rich Williams stated yea.

Board Member McNulty stated what's takes precedent, Town or state.

Rich Williams stated it's concurrent jurisdiction, nobody takes precedent,

Board Member McNulty stated how is one wetlands bigger than someone else's wetlands, I don't, you know...

Rich Williams stated it could be opinion of the individual, it could be based on...

Ted Kozlowski stated Tom...

Rich Williams stated you know we do soils for vegetation.

Ted Kozlowski stated you don't even have to go there Rich, DEC flags wetlands completely different and most time we don't agree with them, if you primarily go by vegetation, remember when you came out to Lasdon...

Board Member McNulty stated so, yup...

Ted Kozlowski stated and we talked about why sometimes vegetation may not be there but the soils are there and vice versa and things happen, well this particular lot Rich contacted me, that little finger that comes out, um I looked at it now, you're looking at this on plan and you might say to yourself wow my god you know, that looks, look at that little triangular piece, that is so deceiving on the plans, what that is a swale, a natural swale, the soils are there, the hydric soils, the vegetation is there, why DEC didn't flag, I can't answer you but I'm tired of making excuses for DEC.

Board Member McNulty stated okay so my question comes back, it looks like a pretty small section, again it's on a plan so it may be deceiving and that is for a future use of a building out, correct, not even a three bedroom, that was future use...

Rich Williams stated no it's the 100% expansion.

Board Member McNulty stated expansion so it's a possibility that they could build and add it at some time, what is the impact to that wetland if that were to be developed.

Ted Kozlowski stated Tom I haven't, this is the first time I've opened this up.

Board Member McNulty stated okay.

Ted Kozlowski stated but looking at it, I don't have an issue with this, okay, as long as, you know that's a forest, that is a forested area, what we don't want to see, what I'm more concerned about is clear cutting everything down to the wetland and making that all lawn, as opposed to a potential future expansion area for a septic system which rarely happens.

Board Member McNulty stated so maybe what we should have them do, I see the line for the control fence to create that border, maybe there should be a secondary line drawn to...

Rich Williams stated be aware I haven't really looked at the plans because there's nothing really for me to look at but if they need fill in there, typically the Health Department will make them put the fill in now so they will clear that area now, put the fill in and re-vegetate it, so just remember that.

Ted Kozlowski stated it's not a major, this isn't, to me, Tom again I just opened them, I haven't really looked at it but I've been on the site, I've looked at the site very closely because I've been asked to look at the wetlands again, I don't have an issue with this.

Board Member McNulty stated you don't have any big objections jumping out at you right now.

Ted Kozlowski stated not right now, no.

Board Member McNulty stated my one suggestion is if they are going to propose this future use is to add a control fence line governing that additional area.

Ted Kozlowski stated I just think that or we designate that, my initial recommendation, again I haven't sat down and looked at it with a fine tooth comb but I would say we, the important thing is to keep the native forest there, you know and not have that as a big lawn area.

Board Member McNulty stated to limit their...

Ted Kozlowski stated you know...

Board Member McNulty stated clearing, limits of disturbance.

Ted Kozlowski stated the guy can get his house in, build you know, he's got area for lawn and we don't have to clear all the way down.

Board Member McNulty stated Mike what do you have to say about this.

Board Member Montesano stated if he doesn't have any major complaints with it and they...

Board Member Taylor stated if they do have to clear and fill, then we should require they replant trees or is that a contradiction in terms of clearing and filling.

Ted Kozlowski stated you probably can't place trees on top of an area that is going to be a septic, what I'm concerned about Ron is just keeping this integrity here. You know you draw the line and you say okay well this is going to septic, so this is going to be lawn...

Board Member McNulty stated not for me.

Ted Kozlowski stated this is going to be nothing but lawn.

Board Member Taylor stated right, I understand.

Ted Kozlowski stated what I'm concerned about is I want to put a pool here, you know...

Board Member Taylor stated yes.

Ted Kozlowski stated because you can't put a pool anywhere else, if this guy ever comes back for a pool, well I need the pool here and then I want to clear cut seventy-five or a hundred feet around there for the sun...

Board Member McNulty stated it looks doable, it just needs some modifications and notes and limits of disturbance.

Board Member Montesano stated I want to have some...

Ted Kozlowski stated that one with the guy with the garage...

Board Member Taylor stated oh okay, yup.

Ted Kozlowski stated all right, you got your house, you're going to do your thing...

Chairman Rogan stated I thought we were done.

Board Member McNulty stated we're pretty much done.

Board Member Montesano stated yea, get out of the room.

Ted Kozlowski stated we're not going to entertain in a few years...

Board Member Montesano stated go get some chocolate.

Ted Kozlowski stated putting a pool back here or some other thing that's going to be.

Board Member McNulty stated just like the project on Fields Lane, the limits of disturbance come into play and we well note it...

Ted Kozlowski stated yea when Tommy goes to buy that house...

Board Member McNulty stated I'm clearing that because I need the fire wood.

Board Member Taylor stated right.

Ted Kozlowski stated I don't want him to think I've got two acres here and I can do anything I want.

Board Member McNulty stated is this forest older than a hundred years.

Ted Kozlowski stated no.

Board Member McNulty stated then cut it.

Ted Kozlowski stated there is very little forest around here that's over a hundred years.

Board Member McNulty stated the place will look like it did at the turn of the century, in 1900.

Board Member Montesano stated nuts.

Board Member Taylor stated so what we should add to this then is one of these limits of disturbance lines.

Board Member McNulty stated yes.

Ted Kozlowski stated yea.

Board Member Taylor stated with all the wording that that entails.

Rich Williams stated would say building envelope line.

Board Member Montesano stated that would be something that could be considered.

Board Member Taylor stated okay.

Ted Kozlowski stated now does the guy have, does he have a patio and garage and all that on there shown.

Board Member Taylor stated the garage (inaudible) the grade...

Ted Kozlowski stated a deck, the whole...

Board Member McNulty stated he has a deck on there, the pool is back here.

Board Member Taylor stated yea.

Board Member McNulty stated okay, I didn't see a rain garden.

Board Member Taylor stated so why can't you put a pool on top of the well, it's water and water...

Board Member McNulty stated it's better, put it on top of the septic.

Ted Kozlowski stated it is...

Board Member Montesano stated okay do we have enough confusion so we can allow this person back in charge.

Board Member Taylor stated yes.

Board Member Montesano stated the saber is now in your hands, so...

Chairman Rogan stated thank you...

4) ECHO ROAD TELECOMMUNICATIONS TOWER – Continued Review

Chairman Rogan stated okay Echo Road Telecommunications Tower, we are back on with them and I don't know if we've made any headway yet with moving the gate and I am certainly not going to stick on this one issue, I just thought, it seemed like it would be an improvement...

Board Member McNulty stated I would like to push the issue with them.

Chairman Rogan stated I am willing, I am just saying I don't want to be the only person pushing on it if it's a silly point.

Board Member McNulty stated I think it's a small improvement that we're asking for and Rich anything back on the engineering of the foundation.

Rich Williams stated no.

Board Member McNulty stated I think that is the biggest issue on my part.

Chairman Rogan stated it's not that we don't expect that it was engineered for it but we also shouldn't assume.

Board Member Taylor stated the one report he had said that he didn't have the figures do.

Chairman Rogan stated yea, exactly.

Board Member McNulty stated he said we do not verify this.

Chairman Rogan stated right.

Board Member Taylor stated get the figures, that's no big deal. My feeling on this and I've said this three times now, let's just say, these are our conditions, you've got your approval, now deal with it.

Ted Kozlowski stated right on Ron.

Chairman Rogan stated I don't disagree with you.

Board Member McNulty stated but how do you enforce it if they move forward and don't complete it.

Board Member Taylor stated how do we enforce anything, we don't enforce anything.

Rich Williams stated we can enforce it, the problem is what they will do if they don't agree with the conditions, they will take us to court to have the conditions...

Board Member McNulty stated yea, I'm all for it, let them take us to court.

Chairman Rogan stated what I wonder though, is it cheaper for them to take us to court or is it cheaper to do the condition, in this case I would think it would be cheaper to do the condition.

Rich Williams stated probably.

Board Member McNulty stated I think so.

Chairman Rogan stated and so, that would be and if they want to waste their money to prove a point that they're under the FCC to do what they want, I think as a small town we have to stand up once in awhile.

Rich Williams stated if I can just suggest to the Board though, in the future maybe you don't want to discuss your legal strategy on the record.

Board Member Taylor stated right.

Chairman Rogan stated okay, fair enough.

Board Member McNulty stated we're transparent.

Chairman Rogan stated we're transparent.

Board Member McNulty stated we've got nothing to hide.

Board Member Montesano stated yes you do, legally you better.

Board Member McNulty stated I think it was a fair request.

Rich Williams stated we can go into executive session at the end of the meeting, I will elaborate a little more.

Board Member McNulty stated okay.

Chairman Rogan stated okay and let's see we have Genovese Site Plan is back in...

Board Member McNulty stated what about Eurostyle.

The Secretary stated Eurostyle.

6) EUROSTYLE MARBLE AND TILE – Performance Bond

Chairman Rogan stated Eurostyle, I apologize to Eurostyle for jumping over them, performance bond, do we have a performance bond.

Rich Williams stated do you have a performance bond.

Chairman Rogan stated yea.

Rich Williams stated they made a request to have their performance bond released.

Chairman Rogan stated oh that's Eurostyle, I'm thinking of different project.

Board Member Taylor stated so have they finished their work.

Rich Williams stated no.

Board Member Montesano stated no.

Chairman Rogan stated okay.

Board Member Taylor stated all right, it should be an easy answer then.

Rich Williams stated you know I basically contacted him and you know, he should be in at the next meeting.

Chairman Rogan stated okay.

Board Member Montesano stated and Mr. Lamberti...

Rich Williams stated and we can explain it further and then as a follow up Nick became aware of the issue and also sent him a letter.

Board Member Montesano stated a notice of violation how appropriate.

Board Member Taylor stated good.

Board Member Montesano stated so that takes care of him.

Chairman Rogan stated okay, now onto Mr. Genovese...

7) GENOVESE SITE PLAN – Continued Review

Rich Williams stated all right, Mr. Genovese, this is a commercial building, I believe about 70,000 square feet down on the south end of Town near Boniello, the lot right next to Boniello Empire Tool.

Board Member McNulty stated with the big sign out there, all approvals.

The Secretary stated yup.

Rich Williams stated yes.

Board Member McNulty stated ready, all approved.

Rich Williams stated yes.

Board Member McNulty stated okay.

Rich Williams stated um they initially came back in and submitted just their stormwater report, they wanted a review on the stormwater report recognizing that at least two Board Members, if not three had not seen this application yet, I asked them to come back in to give the Board an overview of the whole project so we can get up to speed on it.

Board Member McNulty stated okay, I am not familiar with this project at all.

Chairman Rogan stated that lot laid out pretty squarely...

Rich Williams stated yea.

Chairman Rogan stated it was pretty straight forward but it would be good for everybody to be on the same page.

Board Member McNulty stated they are proposing changes in the type of building though aren't they, that they want to put up or was that something that was discussed earlier, I forget what my questions were here...

Rich Williams stated I haven't looked at the plans but...

Board Member McNulty stated from what I read they are making this a flex building, they wanted to...

Rich Williams stated I see what you're saying.

Board Member McNulty stated change the warehouse size from office size, I forget what it was.

Rich Williams stated they want to do, yea, they want to adjust some things and based on the current economic times, the owner who was building it for himself, now wants to be the tenant rather than the owner.

Board Member McNulty stated and how does that come in play with any future, previous meetings that have been on the property.

Rich Williams stated that's all fine.

Board Member McNulty stated okay, if you say so.

Board Member Taylor stated so they are not changing the footprint.

Rich Williams stated no, again I haven't been through the plans yet but I am not aware that they are changing footprints, I have been through the stormwater plan but from my end the stormwater plan is fine.

Ted Kozlowski stated are they clearing all through trees along [Route] 22.

Rich Williams stated there was buffer right along [Route] 22 that they were going to leave but the reality is that most of the site is much higher and sticks up above those trees.

Ted Kozlowski stated if I recall, they were pretty young trees, I don't think there were many mature trees there.

Rich Williams stated no, there was one white pine that the Board had asked them to show on the plans which consistently they have done.

Ted Kozlowski stated but if this is a building, they are going to want it visible from Route 22, no...

Rich Williams stated not necessarily.

Ted Kozlowski stated no.

Rich Williams stated it depends on the use, I mean this isn't the type of facility that you are going to be drawing customers in off [Route] 22.

Ted Kozlowski stated but is this a spec building...

Rich Williams stated at this point it is.

Ted Kozlowski stated well then if you were building a spec building, wouldn't you want it to be highly visible from [Route] 22.

Rich Williams stated yes but you have, with all the stormwater regulations there are very specific limits of disturbance, there is a phasing plan, they have to mark all that out so if your concern is that...

Ted Kozlowski stated no my concern, where I am heading with is an aesthetic one, not an environmental wetland issue but I would just like to see if when the building goes up that there is some sort of landscape plan along [Route] 22 and not just a big box sitting there but something aesthetic.

Rich Williams stated yea and I haven't looked at it in a long time, there was a full landscape plan, there was a row of evergreens...

Ted Kozlowski stated yea I'm just looking, Ron's got it open and I don't see, there is a row of evergreens around the, whatever that is...

Board Member Taylor stated that down slope.

Ted Kozlowski stated yea but I don't know if you're going to see that from [Route] 22, there is quite a gap between [Route] 22 and where they want to put these and what is happening there is my concern.

Rich Williams stated I'll take a look at it, you have the plan you can take a look at it.

Ted Kozlowski stated I just, you know, aesthetics I think is important.

Board Member McNulty stated the letter from Land Planners says that the owner is going to build it and plans to sell it and become a tenant...

Rich Williams stated right.

Board Member McNulty stated how does that work if he sells it and doesn't become a tenant, does it lose it's Flex building, does a new site plan have to...

Rich Williams stated no, the site plan gets approved with a percentage of office, a percentage of warehouse...

Board Member McNulty stated that's it.

Rich Williams stated however they have it and that's locked in, if they want to change anything they have to come back and see me and if that's going to necessitate additional improvements to the site or changes, modifications, they have to come back to you.

Board Member McNulty stated okay.

Board Member Taylor stated these terraces...

Board Member Montesano stated he's got both a mezzanine and a (inaudible)...

Board Member Taylor stated oh he's dropping it down, okay.

(Inaudible – too many speaking at one time).

Rich Williams stated it's a fancy name for a mud room.

Board Member Montesano stated 9,630 square feet of mud room.

Rich Williams stated it's a nice mud room.

Board Member Taylor stated we can certainly ask for elevations.

Ted Kozlowski stated no but I mean with the architecture of the building.

Board Member Taylor stated that's what I'm saying.

Rich Williams stated (inaudible) would be a mud room right.

The Secretary stated yea...

Board Member Taylor stated did you see an elevation.

Board Member Montesano stated how do you it's not a mud room anyway...

Board Member McNulty stated I didn't see any elevations.

Board Member Taylor stated let's ask them for elevations.

Rich Williams stated we have elevations Ron.

Board Member Taylor stated oh okay, so...

Rich Williams stated I don't know if they are in your packet but we do have elevations.

Board Member Taylor stated okay.

Ted Kozlowski stated they are building a box.

Rich Williams stated no actually they came up with this nice, it almost looked like a big school house, they tried to use a Jeffersonian type theme but it came out like a school house.

Board Member McNulty stated nice.

Ted Kozlowski stated so it's got some character, it's not just a box.

Rich Williams stated it's a front façade.

Ted Kozlowski stated like Robin Hill...

Rich Williams stated now the back is a box.

Board Member Taylor stated it doesn't look like we have an elevation.

Board Member McNulty stated no I don't remember seeing that.

Board Member Taylor stated we have an elevation.

Board Member Montesano stated it's a movie set.

Board Member Taylor stated last page.

Ted Kozlowski stated it's attractive .

Board Member Taylor stated except it's not on the hill.

Board Member McNulty stated it doesn't tell you a north elevation, it's facing north...

Rich Williams stated right.

Board Member Taylor stated not on the hill.

Board Member Montesano stated it's the movie set.

Board Member Taylor stated yea.

Board Member McNulty stated that's facing [Route] 22.

Board Member Taylor stated no it's not.

Rich Williams stated big school.

Board Member Taylor stated yup, yup.

Board Member McNulty stated it kind of looks like the Court House.

Board Member Montesano stated that's it, it's going to be a big Court House, we're going to impound cars, put them right in.

Board Member Taylor stated well we can ask them for concept for the east elevation is what we need, right...

Board Member McNulty stated west elevation.

Board Member Taylor stated west elevation, right, okay.

Board Member Montesano stated about time these Boy Scouts once they get started.

11) LEVINE FILL PERMIT

Chairman Rogan stated okay and we have technical information for Mr. Levine's fill permit that Rich was nice enough to do and now we just need some interpretation of those results which I am very interested in. It looked like there were a lot of hits on testing parameters, we need to know the relevance of those hits, what they mean...

Board Member Taylor stated so who is going to pay to explain this to us.

Rich Williams stated uh, you are.

Board Member Taylor stated we're going to pay for this.

Chairman Rogan stated yea.

Board Member Taylor stated Mr. Levine is not going to pay for this.

Board Member Montesano stated hey I seen that (inaudible)...

Board Member McNulty stated he just paid for this correct.

Rich Williams stated excuse me.

Board Member McNulty stated he just paid for this, did he not.

Chairman Rogan stated yea.

Board Member Montesano stated it has no alcohol content.

Board Member McNulty stated well on the back page here, oh that's just a bill, can we ask Mr. Levine to go back and get a summary that we can understand of this.

Chairman Rogan stated well we had to anticipate that when we got the results that we were going to know what the hell they meant.

Board Member McNulty stated I didn't anticipate, like...

Chairman Rogan stated I mean we have that there are things in the soil that we should...

Ted Kozlowski stated Shawn, can I ask you a question.

Chairman Rogan stated yea.

Ted Kozlowski stated that I still find hard to believe here, in Westchester County the County Health Department will take these results and tell me, if it was in Westchester County whether I should be concerned or not.

Chairman Rogan stated we don't have a chemical engineer anymore, they fired him or he left or whatever but...

Board Member McNulty stated we should forward this to state DEC...

Ted Kozlowski stated I, I, forget the DEC.

Chairman Rogan stated we don't have anybody.

Board Member McNulty stated we can't just keep saying that, we have to force the issue with him, at least...

Board Member Montesano stated you're not going to force your issue.

Board Member McNulty stated to cover ourselves, forward it to them.

Chairman Rogan stated we don't have, if it was water testing we'd be alright but with this no...

Board Member Taylor stated we should send it to them, you're right but we're not going to expect anything from them.

Board Member McNulty stated no.

Chairman Rogan stated but you know what, I mean Rich said it earlier, we had a contracted firm in Maser that has people on staff that can tell us about this, this is a good use of resources, to send it to them and say have your people in there, whoever they may be write up a summary on this and what it means and what

your recommendation is if you had soil like this, what should we do. That is a good use of our engineering resources.

Board Member McNulty stated I agree.

Chairman Rogan stated that's what they pitched to us when they were trying to get hired so let's...

Board Member McNulty stated did we have Mr. Levine put a bond up for this at all.

Chairman Rogan stated no.

Rich Williams stated a bond for what.

Board Member McNulty stated for any of this research or, can that cost be recouped.

Rich Williams stated he paid for it.

Chairman Rogan stated no...

Board Member McNulty stated no, Maser's analysis.

Rich Williams stated you know this is one of the things that we wrestle with all the time, we do the same with wetland permits, now our Code is very specific, we can charge back for subdivisions and site plans not for fill permits, not for wetlands, not for miscellaneous...

Board Member McNulty stated for violations.

Rich Williams stated not for him sitting at the meeting...

Ted Kozlowski stated but he's got an existing Town violation here, right...

Rich Williams stated I understand that.

Ted Kozlowski stated but isn't he responsible for...

Chairman Rogan stated the money spent by the Town could weigh into any ultimate decision or punitive or other...

Rich Williams stated fine...

Chairman Rogan stated that a court may have, that would be evidence.

Ted Kozlowski stated right, so we pay for this.

The Secretary stated hold on, hold on.

Board Member Taylor stated then we try to recover it down the line.

Chairman Rogan stated right.

(Side 2 Ended 9:25 p.m.)

Ted Kozlowski stated that is part of the potential.

Rich Williams stated if we are responsible enforcement officials then we go into court with a cost that we are looking to seek retribution to the Town.

Ted Kozlowski stated so then if we go to Maser, you ask them to keep track of it...

Chairman Rogan stated right, well yea it has to be billable.

Rich Williams stated what I go back to a lot of time what we do trying to be fair an reasonable with the people that we are serving, we don't issue violations, we issue notices of violation and if they remedy the violation then there is no fine.

Chairman Rogan stated well you know what at this point this is something that is in the best interest of the community, in my opinion to know what this report means and I make a motion...

Board Member McNulty stated yup.

Ted Kozlowski stated you don't know if something that they found is a real hazard to...

Board Member Taylor stated right.

Chairman Rogan stated I make a motion that we forward this report to Maser with a request for...

Rich Williams stated yes, it's already done.

Chairman Rogan stated it's already done and the request is for their people to get back to us.

Rich Williams stated they will look at it and tell us...

Board Member McNulty stated can we add to that, we also forward this to the DEC.

Rich Williams stated yea, that, I have no problem with that.

Board Member McNulty stated okay.

Chairman Rogan stated okay.

Board Member Montesano stated so moved.

Chairman Rogan stated it's already done, oh the DEC.

Board Member Taylor stated so can we uh...

Board Member McNulty stated second.

Board Member Montesano stated we got a motion that seconded.

Board Member Taylor stated do you think we are going to have results by Thursday.

Chairman Rogan stated results from Maser, I would think so.

Rich Williams stated from Maser possibly, from the DEC, no.

Board Member Taylor stated I'm not expecting any from DEC.

Rich Williams stated we've notified the property, the adjacent property owner, certified...

Chairman Rogan stated yea.

Rich Williams stated Shawn asked certified, we certified...

Chairman Rogan stated nothing.

Rich Williams stated we know he got it.

Board Member Taylor stated yes, right.

Chairman Rogan stated anything from, did you ever reach out to...

Board Member McNulty stated (inaudible).

Board Member Taylor stated yea what does he care, an investment property.

Chairman Rogan stated Ricci, Ricci, the...

Rich Williams stated I couldn't find him.

Chairman Rogan stated really.

Rich Williams stated I did a Google search, I drove around a little bit looking for his signs.

Board Member Montesano stated we made a motion to send it to DEC and...

Chairman Rogan stated second.

Board Member Montesano stated it was seconded.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Chairman Rogan stated thank you.

Board Member Montesano stated just to get it cut.

Chairman Rogan stated okay, so Levine and we have Couch Road we already did...

b. 2011 Agenda

Chairman Rogan stated 2011 Agenda that Michelle was kind enough to provide, I got a black and white copy, I don't know how you guys rate if you got a color copy or not...

Board Member Montesano stated no, we don't rate color here, economically...

Chairman Rogan stated but...

Board Member McNulty stated I got mine on the internet.

Rich Williams stated the members that are going to be sitting here next year got the color copies.

Chairman Rogan stated I see that but apparently I maybe will not be, we will just note on here that we are going to change the work session date from December 30th of this to December 28th of this year.

Board Member Montesano stated the 28th or 27th.

Board Member McNulty stated 28th.

The Secretary stated the 28th.

Chairman Rogan stated Tuesday.

Board Member McNulty stated Tuesday the 28th.

Chairman Rogan stated Tuesday the 28th.

Rich Williams stated wait, this year we're changing.

The Secretary stated yes.

Chairman Rogan stated this coming, next month.

Board Member McNulty stated next month.

Rich Williams stated it's already been advertised.

The Secretary stated guess what I can send a notice to the paper and publish it and it will be okay.

Ted Kozlowski stated December 28th is (inaudible).

Rich Williams stated (inaudible)

The Secretary stated to do what.

Chairman Rogan stated Michelle...

The Secretary stated I'll send it on Antoinette's heading.

Chairman Rogan stated we can also hold it and you can have the evening off and have Rich do the minutes if you want.

The Secretary stated sounds good to me.

Rich Williams stated not likely.

Chairman Rogan stated no I didn't think so, unable to transcribe, too many people talking at once.

Board Member Montesano stated I can't change the tape.

The Secretary stated tape malfunction.

Chairman Rogan stated and Michelle had asked, Charlie is not here but we'll talk with him at the meeting but how would the Board feel about changing meetings from 7:30 to 7 p.m., like Zoning does and she brought it up in a sense of just that we tend to go so late on our meeting anyway of starting a half hour earlier, it doesn't matter one way or another to me but in fairness to Michelle if everybody wants to consider that.

Ted Kozlowski stated that might be tough for you in the summer...

Board Member McNulty stated no I should be able to do it, if anything I'd be a couple minutes later, I'm usually home by 7.

Chairman Rogan stated you get better as the meetings go on anyway so it would be you know...

Board Member Montesano stated gee I don't know if I can put it in my busy schedule.

The Secretary stated you're going to have to.

Chairman Rogan stated so we'll talk at the meeting about this agenda, everybody check down through and see if there are any problems with any of the dates...

Board Member McNulty stated I'm goo with it.

Chairman Rogan stated anything that anybody has going on because now would be the great time to look to change them...

c. Boniello Site Plan

Chairman Rogan stated Boniello Site Plan Rich, a little bit of an update.

Rich Williams stated I did meet with Mr. Boniello, Nick Lamberti, the architect Joel Greenburg and Joel's associate on the site to actually pull the plans out, to look at the plans, show him where the difference is in the grading, we talked about how that needed to be fixed, we talked about the ramp, we talked about providing accessibility through the building, we talked about grading the driveway, he's not proposing any change, he kept saying I don't know why it's drawn like this but worked out all the details, we are just currently waiting for those changes to be reflected on a new site plan and back to the Board.

Chairman Rogan stated sure, okay so the next step is once we have those changes on a site plan we are going to, provided they are correct, we are going to schedule a public hearing and wait for the train to go by, and we'll do an approval as if it's a new application, we're doing a new process on this.

Rich Williams stated and I did let Mr. Boniello know that the Planning Board was leaning towards actually just procedurally doing a new application and a new approval. I also, we also talked about the need for having a variance for the patio, so he is always aware of that.

Chairman Rogan stated yup, that's the front yard setback.

Rich Williams stated front yard setback.

Chairman Rogan stated yea.

Board Member McNulty stated does that new application require new fees from him to as well.

Rich Williams stated well typically yes, he's going to have to submit new fees, I you know, based on again my assumption listening to the Board that there would be a recommendation to waive those fees.

Chairman Rogan stated well possibly but there are some, as Ron had brought up with some other issues some other projects, we are incurring a little bit of cost because of the site plan not being accurate so it would be responsible of us to at least figure out what that amount is, if it's not already being covered and make sure that we cover at least some of that, so maybe it will be a marginal, a nominal fee but fair enough.

Board Member Taylor stated on that topic, Rich presented our Doug Wallace to the Town Board the other night and they approved the reduction in the fee to four hundred dollars.

Chairman Rogan stated oh great.

Board Member Taylor stated so that was very well worded, it looks like we've given him a big bonus...

Rich Williams stated Mr. Wallace has been notified, he was supposed to bring in the remainder of the fee this week, didn't see him.

Board Member Taylor stated we may have gotten our costs covered for that.

d. Fox Run Phase II Zoning Recommendation

Chairman Rogan stated and Fox Run Phase II, the recommendation, last time we met we were talking and unfortunately this goes a lot on Rich's shoulders to at least pull things together but I think one of the next steps for us was to look at the...

Ted Kozlowski stated fax, it must be a fax.

The Secretary stated that's for you.

Chairman Rogan stated to look at the um vacant parcels or any existing approvals that are in the area of Fox Run to look at what the potential is.

Rich Williams stated I did do that, I did do a quick sketch, I was hoping to type it up Sunday, that didn't work out so well and I hoping to type it up today and that didn't work out so well but I do have a list of properties, vacant lands, I can sit here and tell you that there are potentially in the area and I looked at every lot about 187 homes that potentially could get built you know in that general area, including 50 lots for Pondview and there were two other big lots along Tommy Thurber Lane that I threw in there. I did not throw in the Ice Pond Subdivision because in looking at that, generally the traffic from that, in my opinion is going to flow north south and not out towards Fair Street.

Chairman Rogan stated there are other...

Board Member McNulty stated that's a lot of lots.

Chairman Rogan stated so you're doing the same assumption for the other vacant property on Ice Pond, the opposite side of the road and...

Board Member McNulty stated that's a lot of development 187.

Rich Williams stated and I do have the spreadsheet is anybody wants a copy.

Chairman Rogan stated cool.

Rich Williams stated which I will e-mail you so you can take a look at it. Essentially you know here's the properties I've looked at, again I did this in the older version of ArcView, I've got to import it into the new version so the map actually is readable, but those are all the vacant lots...

Chairman Rogan stated Ice Pond, I mean...

Board Member McNulty stated which road is this, this is...

Rich Williams stated that's [Interstate4 84.

Board Member McNulty stated [Interstate] 84.

Rich Williams stated and I did two things the white parcels are vacant, the pink parcels are under developed.

Chairman Rogan stated boy that's a chunk of property there, huh, that's Burdick Farms, a bunch of properties across the street down there, both sides.

Board Member McNulty stated the site's down here...

Chairman Rogan stated that really stands out, Ice Pond.

Board Member McNulty stated Ice Pond Road is here.

Chairman Rogan stated this soap box right in here.

Rich Williams stated here's Ice Pond [Road], this is Bullet Hole [Road], where the hell are we...

Board Member McNulty stated this is Ice Pond down here.

Rich Williams stated here, right here is the intersection, comes down, Clover Lake.

Chairman Rogan stated what do you mean by under developed lots, what would you...

Rich Williams stated lots that may have a house on it but have sufficient area that they could do a subdivision.

Chairman Rogan stated okay.

Board Member Montesano stated let this particular, that's where they bought, the old camp was.

Rich Williams stated that's fully developed in my opinion.

Chairman Rogan stated you have Noblet's property on there, we did a subdivision on that and that is all wetlands and that's probably just the two lots.

Rich Williams stated but he has one lot that's not built.

Chairman Rogan stated right, that's true.

Rich Williams stated so that I have.

Chairman Rogan stated oh I see and it's a subdivided, we approved that.

Board Member McNulty stated and this is Fox Run now, right here.

Board Member Montesano stated now one question...

Rich Williams stated yes.

Chairman Rogan stated it looks like it.

Board Member McNulty stated and is the area that they want to develop or this is it here.

Rich Williams stated no, it would be the...

Board Member Taylor stated the big one.

Rich Williams stated bigger area, yes.

Board Member Montesano stated on Ice Pond Road itself, that, all right, you're going to have the school buses running through going back to the Carmel Schools, I'm just wondering how much potential that is for traffic every morning with the parents taking their little darlings.

Rich Williams stated they are doing it now.

Board Member McNulty stated yea, they line up in front of my house in the morning, I can't even get out or anything, at a quarter to nine everybody drives their kids to school.

Board Member Taylor stated so we should say to this traffic engineer then they need to process a hundred and 187 additional...

Chairman Rogan stated trips.

Rich Williams stated well he needs to factor that into his analysis.

Board Member Taylor stated you're saying 180 additional homes.

Board Member McNulty stated they hold them out of the school for the buses down the street, I just pass them all.

Chairman Rogan stated homes.

Board Member Tyalor stated so we have to multiply that by four, to get four bedroom homes or...

Board Member Montesano stated you have a lot of people that it's inconvenient for them to wait for the school bus...

Rich Williams stated what you would do is assuming they are all going to single-family homes, single family homes there are charts out there done by the Institute for Traffic Engineer that say if you've got fifty homes and the peak hour is this typically the peak hour is going to increase by those fifty homes by so much.

Board Member Taylor stated okay.

Chairman Rogan stated your tax map isn't up to date, I'm surprised, it's at least two years out.

Rich Williams stated I get my GIS information, the RPS information from the County...

Chairman Rogan stated and their usually not too good.

Board Member McNulty stated how do you pick up on that.

Rich Williams stated here's the problem.

Chairman Rogan stated because this is my house and our lot is something like this...

Board Member McNulty stated oh it's not shown.

Chairman Rogan stated and this is different now so I know that it's not shown.

Rich Williams stated prior to 2004 they would give me the RPS data with the table that was linked to the actual plan had property owner acreage, frontage, zoning, it had fifty different columns of information, after about that time now when I get the tax map parcels I've got four columns with (inaudible) so I either have to go manually link it you know and I just, it's always something on the list to do that I never get to...

Chairman Rogan stated yea.

Rich Williams stated so I do pull up the 2009 tax map parcels when I'm doing this to check it but it is generally still running on the 2004.

Chairman Rogan stated this is great though Rich, thank you for the work you did on this, I know it probably wasn't easy to pull this together so quick.

Rich Williams stated it actually was not that hard.

Chairman Rogan stated but this is fun stuff, I bet you like, you know this is good stuff.

Board Member Montesano stated oh there's that house we didn't know existed.

Chairman Rogan stated and you know what also this doesn't take into account other municipalities that also would on this and we recognize that.

Rich Williams stated again you've got to get the memo, I did look at the adjacent municipalities, along Fields Lane down to the south once you cross over into Southeast, their zoning was OP-1, it's not RC, so it doesn't allow for any sort of residential develop all the way to [Route] 312, similarly when you go into Kent, there were no vacant parcels that could potentially yield any sort of housing development, it is interesting to note that right over the line in Kent they also have a multi-family overlay but there is no real land worth developing.

Chairman Rogan stated yea.

Rich Williams stated yea if you can see the map, they, Southeast and Kent are on there.

Board Member Taylor stated now it seemed to me that you were saying that one of the reasons that they came up with the number they did had to do with the sewage treatment plant that was there...

Chairman Rogan stated that they couldn't go any higher than that number without, remember 48, that is what you had said last time.

Rich Williams stated that's what I had said, yes.

Chairman Rogan stated right.

Board Member Taylor stated so they are talking about hooking into the existing upgrade sewer treatment plant that was upgraded with public funds.

Rich Williams stated right.

Board Member Taylor stated at no cost to them.

Rich Williams stated so my argument didn't really hold water.

Chairman Rogan stated say again.

Rich Williams stated my argument didn't hold water, I mean, they have a sewage treatment plant that is not a real issue, I don't know why they came up with 48.

Chairman Rogan stated oh, oh, I thought that maybe the sizing of that would only handle up to 48 additional units.

Rich Williams stated oh no, it should be sized for the original project which was 360...

Chairman Rogan stated I have no idea.

Board Member Montesano stated sounds about right.

Chairman Rogan stated so...

Board Member Taylor stated but my question is they are talking about hooking into this sewage treatment plan at no cost to them essentially.

Rich Williams stated yes.

Board Member Taylor stated I think we should factor that in to some of this...

Rich Williams stated other than the hook up.

Board Member Taylor stated right, other than the hook up because however this works, their previous construction, this is not their plant, it was upgraded on public funds, correct.

Rich Williams stated it was upgraded on DEP funds.

Board Member Taylor stated right, those are public funds.

Rich Williams stated yea but they are the public that we want to see them spend more money.

Board Member Taylor stated right but still I don't think they funds that we should be giving away to a developer necessarily without some consideration and then on the senior housing concept I think at least I have some specific questions about the differences between the senior housing that the courts have stuck down as being exclusive and what the guy was talking about that the courts haven't struck down, so I

would like to see him explain some of that to us because his whole argument hinges on the fact that these are going to be seniors without kids living with them...

Board Member McNulty stated seniors, I think it is more associated with an assisted type places rather than 55 plus.

Board Member Montesano stated the object would be this, I am telling you now that this section will be senior housing yet the whole front of the development has no restriction on age so how do I hold that up by saying well I'm going to limit these now.

Board Member Taylor stated it's a different parcel.

Board Member Montesano stated yea but they are all interconnected.

Board Member Taylor stated yea I agree I think there is a problem with the concept but he was trying to argue that the courts in fact haven't turned down what he was arguing for and I think he needs to explain that.

Board Member Montesano stated right but is that actually what they are putting in.

Board Member Taylor stated and the other issue I have here is his economic argument is that the Town is going to recoup money from the taxes from these seniors who are living here...

Board Member McNulty stated and less impact on the schools but the problem that happened in the past was that and at least my understanding of this and I'll say this is just my understanding for the record that the, either the construction or the concept of the original buildings was so poor that eventually or very shortly in 20 years or so the houses that were there turned into a, essentially a slum which was a negative impact on the Town not a positive impact and what are they going to do with this second phase to keep it from repeating the same thing, can they build better quality senior housing to ensure that the tax rate stays on these houses into the future.

Board Member Montesano stated well if you look at it, the original concept was for rental apartments, now they are condominiums so they went through a procedure to allegedly upgrade now it is the responsibility of the co-op owners to bring their buildings and maintain them rather than the developer.

Board Member Taylor stated but they were in a rundown condition, were they not.

Rich Williams stated they were in a very rundown condition. Just a little bit more of the history, this was originally built by a developer or proposed and construction was started by a developer who was selling Garden Apartments, he built the first four phases and at that point he sold the whole project off to Mr. Kaplan, Mr. Kaplan to try to recoup some of his capital that he had invested opted to do a subdivision and subdivide off the existing area with the homeowners association and create a homeowners association and turn them into condominiums and at which point and then keep the vacant for future development you know at which point all these condominiums were then sold off and most of them were sold off as investment properties...

Board Member McNulty stated to rent.

Rich Williams stated that were then rented out, the investors then didn't put anything into, didn't want to put anything into it, let the place go down and it ran down, it became fairly rundown at which time came the critical issue, there were other drug related prostitution going on and Code Enforcement for the Town of Patterson stepped in and started issuing violations and started making them fix the walls and making them fix the decks that's been ongoing and now there's a more upscale group of people living in there that are concerned about the area they are living in, so they keep going on this. It comes down to the Town constantly through enforcement encouraging property owners to provide proper maintenance, since that time we now have a Building Code which also include a property maintenance section which is now enforceable so it gives the Town a little bit more teeth to make sure things are done and done properly.

Board Member Taylor stated so, should we not be concerned.

Rich Williams stated I would not be as concerned, I would be concerned but not as concerned.

Board Member Taylor stated because I would like to raise it as an issue that they need to address as part of this whole argument of trying to convince us that this is the way they want, they should go.

Rich Williams stated for me I would approach it that if this were to go forward, I would want to make sure that there are adequate safeguards in the HOA documents that A would allow the Town to have more enforcement out there, B to make sure that there are specific triggers that if something happens the HOA has to take an affirmative action to clean the place up.

Board Member McNulty stated so where are we this, are we ready to make a recommendation to the Board, I mean, to me the density issue is still the number one issue and here...

Chairman Rogan stated and they are going to have all the numbers obviously that will say that the roads can handle it, it's not an impact and that this is the best thing since sliced bread.

Board Member McNulty stated can you, did you forward this information to the attorney.

Rich Williams stated I haven't finished it up yet, I have to finish it up, I have to finish the spread sheet, I have to finish this, develop a better map and I want to do a cover sheet explaining a lot of what I've said to you tonight.

Board Member McNulty stated okay.

Chairman Rogan stated methodology and yea, okay.

Rich Williams stated yea.

Board Member Taylor stated what's the effect or the different effects for stormwater or for wetlands or ecology between the two proposals, is there any...

Rich Williams stated yea, there is and that table that I had initially done for the Board has some of that in it, certainly the townhouse style of development clusters the housing density in a specific area rather than single-family homes which are more spread, have more of an impact, have more of an impact on stormwater, well actually with stormwater I think it was about equal more of an impact on the environment, the ecology...

Board Member Taylor stated the environment.

Rich Williams stated vegetation being removed.

Board Member Taylor stated so you've looked at that already.

Rich Williams stated yea.

Board Member Taylor stated that's all I've got on this.

Ted Kozlowski stated I've got one thing.

Chairman Rogan stated on this.

Board Member McNulty stated on this.

Ted Kozlowski stated no, no.

Chairman Rogan stated we have one other item, it's probably not on everybody's agenda but we got it late and it's, Tommy has it.

e. Fair Street Self Storage

Rich Williams stated I didn't get in today and cleaned up...

Board Member McNulty stated what's this.

Chairman Rogan stated Fair Street Self Storage.

Board Member McNulty stated I don't know, I don't have it.

Chairman Rogan stated I don't either.

Rich Williams stated this is the property behind Shaw Welding...

Board Member McNulty stated oh Boniello's...

Rich Williams stated yea, they had gone in and constructed the subdivision road a year or so ago...

Ted Kozlowski stated more that that, it was like two years ago.

Rich Williams stated yea and posted a bond for it and finished it up in 2009, August of 2009, Maser had taken a look at it and in their opinion all the improvements had been completed, I contacted Maser and asked them to take a look at it and they simply sent me that letter that they had done in 2009. We didn't release the bond at that time because we always hold the bond for a year over, to make sure that all the improvements are done right, so...

Chairman Rogan stated it seems like they're done right.

Rich Williams stated I have not been to the site.

Chairman Rogan stated okay.

Rich Williams stated and I don't think Maser's been to the site because his response was just to give me the letter.

Chairman Rogan stated so them before we, before next meeting can we ask that either, whatever is appropriate, either you or someone from Maser do a current present day site inspection and if it looks good we'll...

Rich Williams stated we'll get it taken care of.

Chairman Rogan stated and Theodore.

Ted Kozlowski stated two quick things, Rich had asked me to through the Building Inspectors office Frank Amendola on Farm to Market Road, it's a non-issue right now, the man pulled his machine out of there and he has a very bad heart condition so he says and he's regaled to bed and he doesn't think he's going to do anything there in a very long time, that's what he told me directly so the machine is gone. The other thing is, I forgot to bring the letter with me today, a week and a half ago, two weeks ago I wrote a letter to Scott Ballard of DEC regarding Mr. Joseph Reilly's wetlands applications on Farm to Market Road where I advised Mr. Reilly that he also has to get a Town wetlands permit and that regardless of what he gets from DEC, if he gets a wetlands permit, he can't go in there to start to clear cut and do whatever he has to do, my frustration is not with Mr. Reilly it is again, once again with DEC. I have made at least ten phone calls to R. Scott Ballard, I keep getting his answering machine, I keep leaving message informing him of who I am, I have not gotten one return phone call, I've given him my home phone number, my cell phone number and my office number at work and he is just disregarded, he's had to of gotten my messages, so I, have you seen these plans that are before DEC...

Rich Williams stated no, I have not, I do have two quick issues on this, one in the correspondence we got from the DEC it was interesting to note that the DEC noted that they had done a coordinated SEQRA review...

Ted Kozlowski stated with who, from this Town.

Rich Williams stated we had not been included in it, at least I have never seen anything, the other thing Mr. Kozlowski if I can ask you, this office maintains all the files so if somebody wants to come in and take a look at it, we need to have the correspondence in here so that if somebody comes in, they do a FOIL request they can come in and take a look at it.

Ted Kozlowski stated well as you know my only access getting in here is when I physically come in, there have been some problems with e-mails over the lines so my only access to get you that information is to physically bring it in, the office closes before I get home so...

Rich Williams stated and as you are well aware I am usually here well after, you can always get in.

Ted Kozlowski stated right, but I have tried to communicate e-mail wise and that has been a little frustrating so I won't do it...

Rich Williams stated e-mails bouncing back.

Ted Kozlowski stated no, requests for information not being shared by you so I've just decided to, I will hand deliver it when I come in, so Mr. Reilly is as far as the DEC goes, no response.

Chairman Rogan stated and the DEC is going to be very interesting to see how this shakes out but I mean they are still going to be worse before they get better from what I'm seeing, right from the budgetary, we had that in reference to Levine, we had word of some big shot that they said they would have within a month or two and that time has come and gone...

Ted Kozlowski stated I spoke to the regional director.

Chairman Rogan stated the regional director, right.

Ted Kozlowski stated personally and he said by beginning of October I would have a response and that never happened.

Board Member McNulty stated well we had our response up there in Lake Placid, the lady looked at me and said well good luck, we're all retiring tomorrow.

Board Member Montesano stated and they were leaving and that was their last day with...

Chairman Rogan stated yea.

Ted Kozlowski stated but I will tell you my best friend works for DEC in Spill Response, they pick and choose, their, he responds to everything you know there's, whenever there's an issue they respond but I don't...

Board Member Taylor stated so we're on our own then.

Ted Kozlowski stated we're on our own.

Board Member Taylor stated yea, okay.

Chairman Rogan stated what's his name...

Ted Kozlowski stated Todd Ghiosay...

Chairman Rogan stated Todd oh, funny I've never bumped into him, I meet so many of the spill guys...

Ted Kozlowski stated well he covers Westchester.

Chairman Rogan stated oh that's why.

Ted Kozlowski stated the guy that covers Putnam, I don't know the guy who covers Putnam, they keep changing it.

Chairman Rogan stated I know him, David Whites.

Ted Kozlowski stated is it David Whites now...

Chairman Rogan stated anything from you Michelle, what are you looking a motion to adjourn.

The Secretary stated exactly.

Chairman Rogan stated it sounds like Michelle made that motion, I'll second.

Board Member Montesano stated okay.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4 to 0.

The meeting ended at 9:53 p.m.