

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**November 29, 2007 Work Session**



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

Michelle Russo  
Sarah Wager  
*Secretary*

Richard Williams  
*Town Planner*

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



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

**Planning Board**  
**November 29, 2007**  
**Work Session Meeting Minutes**  
Held at the Patterson Town Hall  
1142 Route 311  
Patterson, NY 12563

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

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

**APPROVED**

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

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

Michelle Russo was the secretary and transcribed the following minutes.

There was 1 audience member.

**1) CINGULAR WIRELESS/MALDUNN SITE – Public Hearing**

Chairman Rogan stated Cingular Wireless/Maldunn site public hearing, the best I remember we don't have anything new on this.

Rich Williams stated at the last meeting we had talked about Maldunn and we were going to proceed with trying to wrap that up. I reached out to them after that meeting, sent them, faxed them over my memo, talked to them a little bit about it and what they needed to do and that they needed to file a new application. He was going to go through my memo and get back to me and we were going to set up a meeting, I was going to go down there and bring the application and talk to him. I haven't heard from him since, you know and I haven't had a chance to chase him.

Chairman Rogan stated okay.

Rich Williams stated so we do not have an application on Maldunn, I don't have any answers as far as whether there is a septic or well in those three out buildings. It is still up in the air.

Chairman Rogan stated okay and their process for their site plan, does that, I know the lawyer had an opinion on this but does that hold up the process with the Cingular Wireless, in other words if they drag their feet on it.

Rich Williams stated can you approve an amended subdivision, site plan it, [they] don't have a site plan to begin with.

Chairman Rogan stated it would seem like you can't.

Rich Williams stated right but the attorney's opinion was that you know, the Telecommunications Act would bar this Board from tying the two things together.

Chairman Rogan stated well we'll have to find out from Anthony.

Board Member DiSalvo stated what does our attorney think of that, yeah, right.

Chairman Rogan stated yeah.

Board Member DiSalvo stated maybe they are just bluffing with that.

Board Member Pierro stated I don't think so.

Board Member Cook stated at the last meeting the applicants attorney was in and he took that position and Anthony took the opposite position.

Chairman Rogan stated oh, I don't remember that.

Board Member Cook stated I've been looking through the minutes (inaudible).

Chairman Rogan stated if in doubt we go with our attorney.

Rich Williams stated hopefully between now and then I will be able to call these people.

Board DiSalvo stated we don't want them pulling the project either.

Chairman Rogan stated okay.

Board Member Cook stated and Anthony should be at our meeting next week.

Board Member Pierro stated yeah pin him down.

## 2) **BONIELLO SITE PLAN – Public Hearing**

Chairman Rogan stated okay, Boniello also a public hearing. They are moving along pretty well on that, again we don't have anything new, no new information.

Rich Williams stated there are new plans, there are new responses, I have not had a chance to go through it yet.

Chairman Rogan stated oh we have plans, I'm sorry, I apologize, I didn't see them.

Rich Williams stated they did resubmit for this meeting.

Chairman Rogan stated oh here they are, I didn't look at them yet.

Board Member Pierro stated I didn't either.

### **3) PAPIITTO SITE PLAN – Public Hearing**

Chairman Rogan stated Papitto, I did take a look at this a little bit, I know that they submitted new plans. They also seem to be moving along pretty nicely.

Board Member Pierro stated a lot of stuff to read.

Chairman Rogan stated yeah. Now some of the information that they submitted was the barrier that they are placing below the gravel so that the water can not go through into the soils. So instead of paving they use that in the section that they are proposing gravel only.

Rich Williams stated there is that, there are also details on the retaining wall, they have actually now submitted both stormwater pollution preventions plans, which neither Gene nor I have had a chance to go through. Gene has gone through the plans but not the stormwater pollution prevention plan.

Chairman Rogan stated okay.

Rich Williams stated while we are here, something that came up earlier, you know we are going to public hearing on these three applications, I don't know if any of them at this point at ready for final approval, unless I take a harder look and see some changes, there were some outstanding issues. Boniello with architectural for the building.

Chairman Rogan stated right.

Rich Williams stated I don't know if you've seen anything that anybody has been satisfied. The stormwater pollution prevention plan for Papitto and the issues with the site plan for Maldunn [Millworks]. So at this point I was not planning on doing any resolutions for these.

Chairman Rogan stated fine, not until we are ready.

### **4) PATTERSON HISTORICAL SOCIETY**

Mr. Ron Taylor of the Patterson Historical Society was present

Chairman Rogan stated Patterson Historical Society.

Rich Williams stated I received a call and was asked to put them on the agenda.

Chairman Rogan stated right.

Mr. Taylor stated now.

Rich Williams laughs.

Mr. Taylor stated next week.

Chairman Rogan stated yeah.

Board Member DiSalvo stated give us a hint.

Chairman Rogan stated do you want to just give us an idea.

Mr. Taylor stated we wanted to give you, we did the dig up on Paddock View.

Board Member DiSalvo stated Paddock.

Chairman Rogan stated oh awesome, great, okay, fantastic.

Mr. Taylor stated (inaudible).

Chairman Rogan stated interesting.

Mr. Taylor stated it is, yes.

Chairman Rogan stated beautiful.

Board Member DiSalvo stated everything is just confined to that one stop.

Mr. Taylor stated there is a question of where the boundary actually is (inaudible).

Board Member DiSalvo stated well you just concentrated on that one (inaudible).

Chairman Rogan stated wait until Saturday [to Ted Kozlowski]

Ted Kozlowski stated you're at number two right now.

Chairman Rogan stated I know, its been a bad spot.

Ted Kozlowski stated bad luck, you'll be alright.

Chairman Rogan stated hopefully.

##### **5) PONDVIEW SUBDIVISION – Wetland/Watercourse Application**

Chairman Rogan stated Pondview Subdivision, this is off of Fair Street. Is this brand new, I mean we've never walked this.

Board Member Pierro stated yeah we have, I think when you were first.

Chairman Rogan stated you said this and I don't ever remember being on that property.

Board Member Pierro stated yeah.

Chairman Rogan stated I know where it is, I've looked on the maps and everything.

Board Member Pierro stated recall that I told you a story about the Cadillac buried behind the house back there.

Chairman Rogan stated yeah.

Board Member Pierro stated it was a stolen car.

Ted Kozlowski stated its horrible.

Rich Williams stated my name is on the plat to sign off on it, which I did in '92, as Chairman of the Planning Board, I have never walked the site.

Chairman Rogan stated yeah.

Board Member DiSalvo stated we were never there Dave, you've got the wrong site.

Board Member Pierro stated we walked that site.

Board Member DiSalvo stated you are thinking of Fields Corner.

Chairman Rogan stated I remember you talking about the Cadillac but I was talking about.

Board Member DiSalvo stated you're thinking of Fields Corner.

Chairman Rogan stated yeah, yeah, the one where Gary Tretsch was working.

Board Member DiSalvo stated yeah.

Board Member Pierro stated I'm talking about the right hand side of Fair Street.

Board Member DiSalvo stated just by the turn there.

Board Member Pierro stated the western side of Fair Street where you pull in.

Board Member DiSalvo stated like at Bullet Hole.

Board Member Pierro stated no, its after Bullet Hole.

Rich Williams stated where the mechanic was.

Board Member Pierro stated yeah, right.

Chairman Rogan stated that is a different site and that's right, where you said the Cadillac was buried.

Ted Kozlowski stated Dave, this have got a huge pond on it.

Chairman Rogan stated yeah.

Board Member Pierro stated the one we were at had a pond on it.

Chairman Rogan stated no.

Ted Kozlowski stated there is a huge pond.

Board Member Pierro stated its right, it is contiguous to it.

Board Member DiSalvo stated the pond is getting smaller and smaller.

Rich Williams stated the pond was actually on the property right next to it but it was contiguous.

Board Member Pierro stated yeah but we walked it, I know I walked it.

Chairman Rogan stated I didn't.

Board Member DiSalvo stated not the pond.

Rich Williams stated you didn't walk Pondview.

Board Member Pierro stated well I walked the site, the adjoining and I am thinking that is the same site.

Board Member DiSalvo stated right, yeah, no, no.

Ted Kozlowski stated this has got a huge pond, human made pond, steep slopes and wetland in the front and then in the back its beautiful, but right in the front.

Board Member DiSalvo stated what does that back up to, the other side of that pond, on [Route] 52.

Chairman Rogan stated it backs up to Towners and.

Rich Williams stated Bryan Field in Kent and the Condos, Misty Hills.

Ted Kozlowski stated I've walked it with Joe Buschynski from Bibbo.

Board Member Pierro stated so the pond is to the north of the property that we walked on in the site walk, it was four or five lots.

Board Member DiSalvo stated yeah.

Chairman Rogan stated yes.

Ted Kozlowski stated you know where this site is, when you are going down Fair Street, there is a big open space area and there is like a chain link fence and a little turn off.

Board Member Pierro stated right, across from my good friends house.

Ted Kozlowski stated that is how you get in there.

Board Member Pierro stated yeah, my mistake.

Chairman Rogan stated we walked the other one, I remember that was for town houses or something and Gary Tretsch was heading that up and obviously when he passed away that project just went by the way side.

Board Member Pierro stated right, went by the way side is right.

Chairman Rogan stated that is where we drove in, there was an old barn that wasn't on the property immediately to the right and then the road was to go around.

Board Member DiSalvo stated yeah but maybe (inaudible), said that (inaudible – too many speaking).

Ted Kozlowski stated yes.

Chairman Rogan stated right because the site itself was pretty straight forward from what I remember on the other, this one. For us then this isn't an initial application.

Rich Williams stated it is an initial wetlands application. It is an approved subdivision because of the regulatory changes, they have had to come in and adjust their stormwater plan and because of that, there are issues with the wetlands, they are putting some ponds in the wetlands and/or buffer.

Chairman Rogan stated okay, right, thank you for clarifying, and I read about that in Beth Evans report on that.

Board Member Pierro stated 91 acres.

Chairman Rogan stated have you had a chance to take a look at that yet, the (inaudible).

Ted Kozlowski stated I have not, I've been out of commission for awhile.

Chairman Rogan stated oh, okay.

Rich Williams stated one of the issues that has come up and its initiated in another discussion, we adjusted our fee schedule with the wetlands to try to come up with a reasonable scenario for wetlands applications. Most applications that are coming in have little intrusions into the wetland or buffer and fees are running anywhere between four hundred and four thousand dollars.

Chairman Rogan stated this is a much bigger intrusion.

Rich Williams stated 35,000 plus.

Board Member Pierro stated wow.

Chairman Rogan stated yeah, maybe they'll (inaudible – too many speaking).

Board Member DiSalvo stated maybe they'll go away.

Board Member Pierro stated maybe they will go away, that would be nice.

Rich Williams stated needless to say they were less than thrilled.

Chairman Rogan stated yeah.

Board Member Pierro stated I'm sure.

Ted Kozlowski stated stay out of the wetland.

Rich Williams stated that is what Ted said.

Chairman Rogan stated yeah.

Ted Kozlowski stated hey, no fees if you stay out of the wetlands.

Rich Williams stated unfortunately you can not charge fees to punish somebody.

Board Member Montesano stated they do that in court everyday.

Board Member Pierro stated yeah.

Rich Williams stated well a judge can but we can't.

Board Member Pierro stated no, we can't.

Rich Williams stated so there is now a proposal, there was a discussion, the Town Board has now sent out a letter to look at all the fees, so they are getting ready to adjust all the fees. If you gentlemen and lady want to take a look at you know, our fee schedule and see if you think there is anything that should also be adjusted.

Chairman Rogan stated good copy us on those, we had the fee schedules.

Board Member Pierro stated yeah, its in the work.

Rich Williams stated now.

Board Member DiSalvo stated can they.

Board Member Pierro stated its in the work.

Rich Williams stated I am going to put a cap on it of 1,000 dollars.

Chairman Rogan stated yeah.

Board Member DiSalvo stated is there a way to, I just.

Rich Williams stated I was joking.

Ted Kozlowski stated no.

Board Member Montesano stated if we are going to put a barn up and its going to cost 2,000 dollars.

Rich Williams stated I will probably have some sort of cap established so that it is not to exceed 12,000 dollars, that is what we did with site plans.

Board Member DiSalvo stated there are no wetlands with one hundred feet of the Town of Kent portion.

Chairman Rogan stated the Kent is the back portion.

Board Member DiSalvo stated is it accessible that way.

Chairman Rogan stated no, only the Fair Street and only the portion that they are proposing, see it is very difficult.

Ted Kozlowski stated why was his fee to high, why 35,000 because they are along the pond.

Rich Williams stated the road is going in along side the pond, there is a stormwater pond that is going in right along side the pond, there are two ponds and swale that are on the other side of (inaudible – too many speaking).

Ted Kozlowski stated I don't think there should be a charge for that last one.

Chairman Rogan stated this is the pond.

Rich Williams stated I said that might be a consideration but I haven't talked about it. The other thing is I think he doubled dipped, you know, its one dollar per square yard if you are in the buffer, its two dollars in the wetlands and 3 dollars (inaudible – too many speaking).

Chairman Rogan stated I'm sorry the entry through the town line, is a huge (inaudible).

Board Member Montesano stated that is a big hill though isn't it.

Board Member DiSalvo stated I know, I know.

Board Member Montesano stated you know when this came in, this property, he signed it, that property was here in 1988.

Board Member Pierro stated really.

Rich Williams stated in the buffer, in the wetland (inaudible) that area, he did six dollars per square yard, and I said that is not the way we do it.

Board Member Montesano stated we had a fire up there, that is how I remember the property, we had to go in with Indian tanks because we couldn't get up to the damn place and you couldn't get a truck anywhere near it.

Rich Williams stated (inaudible).

Board Member Montesano stated that is some hill.

Chairman Rogan stated so really our purview for this application is really this, this has been approved, we are really looking this right here, the road and how it impacts on this wetland on, the rest of it is interesting but not really relevant.

Board Member Montesano stated that is a nightmare.

Board Member DiSalvo stated more then (inaudible).

Rich Williams stated we are making them do an erosion and sediment control permit that is addressing the stormwater issues, we are catching him up on that.

Chairman Rogan stated there is no other place that they can access this property, that is it.

Rich Williams stated that's it.

Chairman Rogan stated and it looks like they are going to do some work that is needed on the spill way from what I read in Bibbo's.

Ted Kozlowski stated just, I haven't opened these plans, I've been pretty tied up with work but the dam is there, just from this distance, do they have an access, do they have a disturbance area because they have to get to that dam.

Chairman Rogan stated it is not shown on this plan, there is a plan that Beth Evans showed that is specific to impact areas and.

Ted Kozlowski stated because they still have to physically get equipment to the dam that is right by Maria's elbow.

Chairman Rogan stated oh, its not over here, oh okay.

Ted Kozlowski stated how are they going to get there, that is what I want to know.

Board Member DiSalvo stated a boat.

Board Member Montesano stated they are bringing in a 60 foot power boat to cut across.

Board Member DiSalvo stated like Whaley Lake.

Ted Kozlowski stated how do you physically get to the dam.

Board Member DiSalvo stated the same needs to be repaired.

Ted Kozlowski stated yes, he is in.

(Board Member Pierro's cell phone goes off).

Ted Kozlowski stated its been breached.

Rich Williams stated yeah its been breached, also understand in repairing the dam they are also altering the dam to increase the free space within the pond for stormwater.

Board Member DiSalvo stated so they are going to raise the dam.

Chairman Rogan stated so they are using it as a wet.

Rich Williams stated the pond is going to be used for stormwater continuation.

Chairman Rogan stated right.

Board Member DiSalvo stated and they all have, they will control lowering the dam and opening the dam for the spillage to come up.

Rich Williams stated they will be (inaudible).

Board Member DiSalvo stated and where does that go, that water.

Rich Williams stated down into a stream.

Ted Kozlowski stated into a state wetland.

Rich Williams stated and then into the next pond.

Board Member DiSalvo stated what is around there.

Ted Kozlowski stated there is a wetland on the other side of that dam, a whole wetland system.

Board Member Montesano stated and they are going to flood out sooner or later.

Ted Kozlowski stated it comes from the dam, I think Floyd or something happened and blew that dam out, there is no dam there.

Board Member DiSalvo stated remember when I said to you last year that there is going to be pond to view at Pondview.

Chairman Rogan stated oh yeah, I remember hearing you say that.

Board Member Montesano stated they are going to paint on in.

Ted Kozlowski stated it's a created pond, that pond isn't a natural pond.

Board Member DiSalvo stated they dug it years ago or.

Ted Kozlowski stated yes.

Board Member Pierro stated so then we converted wetlands in other words.

Ted Kozlowski stated they probably took a wetland and made it a pond because everything.

Board Member Pierro stated right.

Ted Kozlowski stated because if you go to site, you just, the whole hillside is draining right to there and then everything around it on the level is wetland except for this pond, so then this natural berm and this dam. But still it is a functional wetland system.

Board Member Montesano stated that roadway going up to the top, what angle is that going to be.

Board Member DiSalvo stated why is that metal gate there, is that like property to access or is that like access.

Ted Kozlowski stated that is the entrance to the property.

Board Member DiSalvo stated it looks like it is NYSEG entrance or something.

Rich Williams stated there was always a driveway going back in there, I think they farmed it at one point.

Chairman Rogan stated there is an old barn in there based on the plans.

Ted Kozlowski stated that site is over run by ATV's now.

Rich Williams stated and they just blocked it off so people would stop driving in there.

Board Member DiSalvo stated and dumping.

Ted Kozlowski stated when I was up there with Joe Buschynski it was like a race track for the ATV's.

Board Member Montesano stated when they had the fire up there (inaudible) because I remember the guy that was with me was Herb.

Chairman Rogan stated I hit it over.

Board Member DiSalvo stated oh okay.

Board Member Montesano stated when we were younger (inaudible) we ran out of water going to the fire.

Chairman Rogan stated what's up Charlie.

Board Member Cook stated this application is three comment letters not been responded to, to keep that in mind.

Board Member DiSalvo stated well this is just the beginning.

Board Member Cook stated back in February about the erosion control permit and one is from Richard in August and one is from Gene.

Rich Williams stated we actually went up in his office and sat down with them and went through those item by item.

Chairman Rogan stated when was that, recently.

Rich Williams stated a few weeks ago.

Chairman Rogan stated okay.

## **6) ICE POND ESTATES – Continued Review**

Chairman Rogan stated Ice Pond View Estates. It looks like they took a look at our site walk comments, remember when we were out there on site we wanted them to locate some of those large stone walls, some of those larger boulders on site.

Board Member Pierro stated right.

Chairman Rogan stated try to plan around some of those, I haven't gotten into the plans so much yet but it seems to indicate that they tried to tweak things a little bit but it didn't seem overwhelming. Have you cracked the plans yet Rich.

Rich Williams stated I actually have the review memo pretty much done I think I just haven't released it because there is something nagging at me that is wrong that I haven't. Its like I can feel it but I can't see it.

Chairman Rogan stated yeah, okay.

Rich Williams stated but I have, they have tweaked most of the sites, that is a good word to use but in tweaking most of the sites they didn't make it better. You know one of the examples was lot 1, lot 3, lot 29, were all along the frontage of Ice Pond [Road], the comment was that we were concerned about the streetscape and how those lots were going to impact them and they responded that we moved the houses and septic. So that now we can provide landscaping along the frontage and screening off and not impact the streetscape. What they did with those three lots plus 28 now is pull the septic, they put the houses and the septic, pulled the septic all the way out to the road, pulled the houses all the way out to road and actually made it all worse and they and a lot of the lots they did this. Also, this is something that you may want to talk about as Board, are proposing two common driveways now, lots 5 and 6 and lots 7 and 8 are going to have a shared driveway.

Board Member DiSalvo stated the whole length of the driveway or just the entrance like we did with Couch Road.

Rich Williams stated on Couch Road we kept the driveways close together except for the one that actually had a common drive for about 350 feet.

Board Member DiSalvo stated right, right.

Rich Williams stated well its more like the 350 feet, there were a couple of lots when we were out there that the grades going down were very, very steep and basically they are trying to keep those lots and the only way that they can do it is bring the driveway across somebody else's property. You know, how the Board wants to treat common drives is something that has been coming up more and more as you get into more and more of these difficult sites, I was talking with another engineer who called me up and said what is the maximum length of the driveway that you can have in Patterson and I said that its 2,000 feet and she said does that 2,000 feet begin at the edge of the road or at the end of the common driveway and I said well generally as a rule we don't permit common driveways unless you can show that you can get a regular driveway but a common driveway is going to minimize the impact. You know as a general rule.

Board Member DiSalvo stated which is what we did for Couch Road, minimize somewhat, that was our doing.

Chairman Rogan stated right.

Board Member Montesano stated Couch Road.

Chairman Rogan stated minimize, right.

Rich Williams stated and I threw out Budakowski who wanted to come in with a common driveway and the Board said that we'd rather have road, so.

Board Member Pierro stated that will be off our plate soon, I hear there is an offer on that.

Board Member Montesano stated East Branch Road.

Rich Williams stated Budakowski.

Board Member Pierro stated no, Porto, they have that whole place on the market for 3.5 million, think that will sell real soon.

Board Member DiSalvo stated a lot of money for it.

Board Member Pierro stated huh.

Board Member DiSalvo stated what is my place worth then.

Board Member Pierro stated its not selling Maria, its not selling for that.

Board Member Montesano stated (inaudible).

Board Member DiSalvo stated where did they get the price, somebody had to come up with that.

Board Member Pierro stated I don't know.

Board Member Montesano stated East Branch Road we had that driveway situation, they came in to develop where the old farm house used to be that they took down. The driveway was.

Rich Williams stated Gardella's.

Board Member Pierro stated yeah, its up the hill.

Board Member Montesano stated yeah.

Board Member Pierro stated it was that thing, but that was purchased now, its part of Sammy's place.

Board Member Montesano stated when they came in, I won't say who the attorney was, they had a 2,000 foot driveway and then it was another 2,000 foot common driveway.

Board Member Pierro stated right.

Rich Williams stated oh yeah that was the one we went to court on. Well anyway, back to Ice Pond, they are still doing a lot of the stuff that we thought they would maybe get away from like using part of the wetland as part of the lots, where we had suggested they hold the property line at the wetlands buffer.

Chairman Rogan stated right.

Rich Williams stated they are still doing all that, just to refresh everyone's memory; there was the issue about the historical significance of the site especially with the foundation.

Board Member DiSalvo stated right, right.

Rich Williams stated we did get a recommendation from the Historical Society who said that there is a moderate to high expectation that it's got both pre-historic and historic values on site.

Board Member DiSalvo stated pre-historic, you're going to find dinosaur bones.

Board Member Montesano stated no Indian relics.

Rich Williams stated yesterday I got a copy of the contract between the PLCC and the applicant and it raises some issues and I have read the contract five times, it is incredibly confusing. I threw it over to Anthony and he got back to me and we are not exactly sure what lands are eligible to come up with a lot count.

Chairman Rogan stated because they are doing a land swap of sorts.

Rich Williams stated they are doing a land swap, you know is the PLCC land eligible for a land swap for a density that is going to benefit the applicant or is it not.

Board Member DiSalvo you said that from the beginning.

Rich Williams stated so I gave you a copy of Anthony's e-mail back to me and his response and he says it doesn't appear to be but you have to be very, very careful. They have yet to give up justification for their density count but it is essentially based on, it looks like it is based on the applicant's existing two parcels which about to about 150 acres.

Chairman Rogan stated and not the land that they are then getting from the Land Trust, so it is two lots plus.

Rich Williams stated or not that land that they are giving back because if you subtract out they are probably giving enough land back so that its going to be like an 85 acre/85 acre split. Now if they are only keeping 85 acres and the density count is based on 85 acres, they are down to twenty lots. Twenty lots works on this site.

Board Member Pierro stated right.

Chairman Rogan stated right, what is the lot count right now.

Board Member DiSalvo stated thirty.

Rich Williams stated thirty.

Board Member Pierro stated they can't use the overall size of it at present.

Rich Williams stated maybe.

Board Member Pierro stated maybe, that is the question.

Rich Williams stated yeah I mean they could if there is no restriction of the sale.

Board Member Pierro stated right.

Rich Williams stated and it appears there may be.

Board Member Pierro stated yeah, that is chutzpah, that really is chutzpah.

Board Member Montesano stated legally.

Rich Williams stated well I don't think that the Land Trust would ever say yeah, you can increase your density based on our land.

Chairman Rogan stated yeah.

Rich Williams stated they were a little bit in sense when I suggested that is just what had happened.

Board Member Pierro stated right, that is chutzpah, it truly is.

Chairman Rogan stated it looks like you are going to have to find that out.

The Secretary stated I guess I am going to, yeah.

Rich Williams stated what.

Board Member DiSalvo stated spell it the way it sounds.

The Secretary stated how to spell.

Rich Williams stated chutzpah.

The Secretary stated there you go, that.

Board Member Montesano stated oh.

Board Member Pierro stated chut.

Chairman Rogan stated pzah.

Rich Williams stated ut.

Board Member Pierro stated it is chut, chutzpah.

The Secretary stated okay.

Chairman Rogan stated see if spell check brings anything back.

The Secretary stated it probably won't.

Board Member Pierro stated it will be in spell check.

The Secretary stated a lot of the words that Dave says like that, don't come up in spell check.

Board Member Pierro stated chutzpah.

The Secretary stated you come up with some other ones too.

Board Member DiSalvo stated you have to by the Port Chester dictionary.

Board Member Montesano stated its not a Yiddish dictionary, what can I tell you.

Board Member Pierro stated that is a Yiddish thing, ballsy.

Board Member Montesano stated okay.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated I think it would be interesting to start a 5<sup>th</sup> addition of the Pierro dictionary, we'll start a little odd (inaudible).

Board Member Pierro stated you do that, I'll get you.

Ted Kozlowski stated you get a dictionary for Mike Montesano, I want to read that one.

Board Member Pierro stated yeah right.

Board Members laugh.

Chairman Rogan stated right.

Board Member Montesano stated hey look, if it was good enough for Ronnie Reagan, its good enough for me, all he did was make a lousy movie.

Board Member Pierro stated I can give you the definition of chutzpah.

The Secretary stated its okay.

Chairman Rogan stated you don't need to.

Board Member Pierro stated I'll give it to you.

The Secretary stated no, its more then okay.

Board Member Pierro stated oh okay.

Rich Williams stated I think she knows what it is.

Board Member Pierro stated chutzpah is killing your parents and then going to the State and asking for support because you are an orphan.

#### **7) TRACTOR SUPPLY SITE PLAN – Continued Review**

Chairman Rogan stated Tractor Supply Site Plan.

Ted Kozlowski stated is there still a site plan.

Chairman Rogan stated there is and that is what is kind of my question.

Rich Williams stated and subdivision.

Ted Kozlowski stated oh really.

Board Member Montesano stated yeah.

Rich Williams stated you want to go.

Board Member Montesano stated we are cutting out the frogs and the nests.

Rich Williams stated do you want to talk to them.

Board Member Pierro stated did you review it yet, were you able to look at it.

Ted Kozlowski stated I told you I am not seeing anything.

Board Member Pierro stated okay neither have I, so.

Rich Williams stated wait, you did pick it up.

Ted Kozlowski stated yeah I have it, I've been.

Board Member DiSalvo stated (inaudible – too many speaking).

Board Member Montesano stated he's been drinking he can't (inaudible).

Board Member Pierro stated you've been busy.

Ted Kozlowski stated I've been going in the dark everyday for the last two weeks.

Board Member Pierro stated what do you have going on down there.

Ted Kozlowski stated there is a big thing tomorrow night.

Board Member Pierro stated cool.

Board Member Montesano stated getting the ducks out.

Rich Williams stated here is where we stand with this, there was a meeting called in which myself, Ted Kozlowski, Jim Utter, Mike Griffin.

Chairman Rogan stated and their wetlands consultant.

Ted Kozlowski stated and Theresa Ryan.

Board Member Pierro stated and even Edie.

Chairman Rogan stated and the owner.

Rich Williams stated were all present. Who is their wetlands consultant.

The Secretary stated Mike Newicky.

Rich Williams stated Mike Newicky.

Board Member Pierro stated good girl.

Board Member Montesano stated oh boy.

Rich Williams stated Mike Newicky walked in, sat down and said the whole west side is a fen, that is Bog Turtle Habitat, 300 feet away is the federal regulations. Jim Utter said he thought that when the bog turtle was captured and released out there that it went to the east side of the site and if that is the case, then the east side would also probably be considered Bog Turtle Habitat and you would have to stay 300 feet away from that. Clearly at one point it likely was Bog Turtle Habitat but the beavers flooded it out and that ruins the habitat.

Board Member DiSalvo stated they drown.

Rich Williams stated so we are not sure what the federal government or the state say about the fact that it is flooded out but just keeping 300 feet from the west and 100 feet from the east, there is nothing left of the subdivided parcel.

Ted Kozlowski stated so.

Rich Williams stated they have actually had to redesign the project to move the stormwater ponds around and the septic system around, there is no longer a 100 foot separation, there is no longer a 50 foot right of way and what we are looking at now is a parcel that is up for subdivision that potentially has no ability to have it developed in the future. It will just remain as passive recreation they are not even going to put a road in there.

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated is that the secondary parcel or the total parcel.

Rich Williams stated that is the secondary parcel.

Chairman Rogan stated secondary.

Board Member Pierro stated okay fine, we always suspected that from the get go.

Rich Williams stated yeah, oh yeah, if the eastern side is determined to be Bog Turtle Habitat, the project is dead because the 300 feet is going to come out to the building.

Chairman Rogan stated right.

Rich Williams stated but there is a likely hood that if they are protecting the back and recognizing that the bog turtle habitat on the east side is very degraded it is non-existent anymore, the federal and state agencies may not be so concerned with the east side. They may be able to get away with the Tractor Supply up front but the real question is going to boil down now to will the Town entertain subdividing all that large parcel in the back knowing that its only value is going to be passive recreation.

Board Member DiSalvo stated what else are they going to do with it.

Ted Kozlowski stated what is he, I don't know the logistics and the legality but why doesn't he just dedicate or turn it over to open space.

Rich Williams stated well he just might.

Ted Kozlowski stated why go through that whole.

Rich Williams stated well he still has to subdivide it.

Board Member DiSalvo stated yeah.

Ted Kozlowski stated subdivide it and give it to open space.

Rich Williams stated yeah.

Board Member Pierro stated can't he do a lot line adjustment or does it have to be a subdivision.

Rich Williams stated I don't know that they own anything out there.

Board Member Pierro stated oh okay.

Chairman Rogan stated nothing contiguous to attach it to.

Rich Williams stated he is more then willing to do a subdivision.

Board Member Pierro stated I thought that he did, I thought Utter had some parcels out there.

Rich Williams stated I don't know for sure.

Chairman Rogan stated but then the second question would be until we know which we are going with the bog turtle habitat from the governments end, how do we continue plugging away at this site plan, it seems silly to.

Ted Kozlowski stated don't they have to wait until spring to make that determination.

Rich Williams stated let me re-do this, they have conceded that the bog turtle habitat and there needs to be a 300 foot buffer, we don't even have to talk about the federal government.

Chairman Rogan stated oh okay.

Rich Williams stated and we know that the east side is a state regulated wetland that maintains a 100 foot buffer, the two of them together come to middle.

Chairman Rogan stated got it.

Rich Williams stated so there is nothing left.

Chairman Rogan stated yeah.

Rich Williams stated the only question is the building, you know, and that's still a little bit of a gray area, if it is determined on the east side it is a bog turtle habitat then that 300 feet is going to come right out to the building.

Chairman Rogan stated right.

Rich Williams stated if its not then the 100 foot buffer doesn't come we can still do the Tractor Supply on the site.

Board Member DiSalvo stated with the same size building or.

Rich Williams stated yup, its going to be tight.

Ted Kozlowski stated the question is, is that type of operation suitable for that site, are we sticking a size eleven foot into a size ten shoes.

Chairman Rogan stated it may not have been previously but it may be now with these new restrictions.

Ted Kozlowski stated I don't know, are there other sites in the Town that are better suited for this.

Chairman Rogan stated so do we continue plugging away as if it's the 100 foot set back to the east or are we spinning our wheels on this.

Rich Williams stated well I would say that is up to him [the applicant].

Chairman Rogan stated right.

Rich Williams stated if he is going to make the assumption that we are only going to have the 100 foot on the east side, its his financial risk and we are just reviewing based on our regulations.

Chairman Rogan stated yeah.

Ted Kozlowski stated but we can't give any kind of approvals correct until we know for sure that somebody certifies that there are no endangered species.

Rich Williams stated yeah but he has to get a DEC permit, that is all going to be rolled into that DEC permit. If he gets his DEC permit like he would on any other project, then this Board.

Ted Kozlowski stated but I thought Rich that based on that meeting that things have changed since that meeting through other conversations. I thought yes they were going to concede that west side but that east side there were some protocols followed to determine whether the bog turtle was there and that pushed it into the spring to make these determinations.

Rich Williams stated yes.

Ted Kozlowski stated so this Board and this Town and all of us really have to wait, I mean we can look at this all you want but no approvals are going to come through until somebody officially says yay or nay on that east side.

Rich Williams stated until he gets his DEC permit, absolutely and that is not going to happen until June or July the earliest.

Board Member Pierro stated you alluded to no fifty foot right of way, if they do a subdivision of that back parcel and say put it over to a land trust or something like that, will there be able to be a right of way or access to that parcel, don't we require that.

Rich Williams stated they've got a right of way alright but the 300 foot goes up to the edge of the parking lot and there is probably 50 to 75 feet past that there is a right of way, somebody could walk down through.

Board Member Pierro stated fine.

Rich Williams stated but you are not building a road there.

Board Member Pierro stated but will it satisfy our needs for a subdivision though, for frontage and all that other stuff.

Rich Williams stated no absolutely not.

Chairman Rogan stated no.

Board Member Pierro stated no, it won't.

Rich Williams stated absolutely not.

Board Member Pierro stated so we'd have to grant variances for.

Rich Williams stated they would have to go to the Town Board and get a 280 A anyway.

Board Member Pierro stated right.

Ted Kozlowski stated the other thing that I wonder aloud is Mr. Raveson has repeatedly I think said that there is a time frame with Tractor Supply and if we didn't move on certain things they were going walk. Does anybody know the answer, does Tractor Supply know what is going on, are they willing now to wait until June or July.

Chairman Rogan stated they are coming next week.

Ted Kozlowski stated and they could possible be told forget in June or July, are they going to want to wait this long.

Chairman Rogan stated they are coming next week supposedly.

Board Member Pierro stated that is a discussion for next week.

Board Member DiSalvo stated what about the property where the barn is, where the guy is doing all the wood chipping or chopping there. Is that still going to be on a separate lot or is that going to be part of the overlooking the pond that we have there.

Rich Williams stated that will be part of that open space lot.

Board Member DiSalvo stated is there a way that we can make that lot smaller by including those buildings into the lot where supposedly Tractor Supply wants to go to give them more room or no. Now say they took those buildings down, is that going to add to where the Tractor Supply store is going to go.

Rich Williams stated yeah, that is in the wetland buffer, you are not going to do anything.

Board Member Pierro stated yeah I thought so.

Rich Williams stated he takes it down, it goes back to natural area and he's done.

Ted Kozlowski stated Rich, are there other sites suitable for Tractor Supply.

Rich Williams stated that is not my call. Talking about that barn, the latest plan doesn't show any access to that barn, so.

Board Member Montesano stated good to know.

Board Member DiSalvo stated so then there is (inaudible).

Board Member Pierro stated do they have internal access from the Tractor Supply site.

Rich Williams stated that is what I'm saying, there is no access from the Tractor Supply site to that barn.

Board Member DiSalvo stated so they are just going to keep that dirt road that is there as a way to get into that.

Rich Williams stated that dirt road gets turned into the driveway and parking area for Tractor Supply and there is no.

Board Member DiSalvo stated so that guy can't keep his wood there and he is basically (inaudible).

Board Member Pierro stated Raveson is taking his chances.

Rich Williams stated the guy doesn't have any, I mean there is no site plan approval for that site.

Board Member Pierro stated he is a tenant.

Rich Williams stated you know, so by rights the guy shouldn't be in there in the first place.

Board Member DiSalvo stated so say that pond and barn stay on that one lot and it is basically like pleasing to the eye type, passive recreation. Can we suggest that they take that barn down is it going to be like a haven for trouble, kids breaking in there or the building falling down.

Board Member Pierro stated I don't think it is a haven now.

Rich Williams stated it is an issue that he needs to tell us what the future of that barn is going to be as part of the site plan.

Board Member DiSalvo stated he just doesn't want to leave it that way it is.

Rich Williams stated then he is going to be responsible for keeping it in good condition according to the building codes.

Board Member DiSalvo stated does he have a way to get to it.

Rich Williams stated no that's what I'm saying, he doesn't have a way to get to it, he's still got to do that.

Board Member Montesano stated going to get a big helicopter and its going to hover over the top while people go up and down on it.

Board Member Pierro stated Tractor Supply can't access that barn from their driveway.

Rich Williams stated they are not showing any driveway going into that barn from the Tractor Supply site, they are not showing any easement.

Board Member Pierro stated could there be.

Rich Williams stated oh sure there could be, absolutely.

Board Member Pierro stated the driveway is not in the buffer, the back of the barn is, correct.

Rich Williams stated the back of the barn is, no they could have means of access and that is what I'm suggesting is that we need to make sure there is means of access to the barn.

Board Member Pierro stated right, I could see a benefit of having that barn if I were Tractor Supply for storage for community stuff going on, sales of plants and pumpkins and things.

Chairman Rogan stated then it should be part of the lot.

Board Member Pierro stated right.

Ted Kozlowski stated put tractors in the barn.

Board Member Pierro stated excuse me, Ted.

Ted Kozlowski stated put tractors in the barn.

Board Member Pierro stated sure.

Board Member Montesano stated how are we going to do that, trying to imply the names, correct.

Rich Williams stated I don't know what condition it is, I know Dave Raines has been out and looked at the barn but I don't know what condition the building is actually in.

Board Member Pierro stated let's see what it will be.

Chairman Rogan stated so.

## **8) WATCHTOWER SITE PLAN – SEQRA Scoping Document Discussion**

Chairman Rogan stated Watchtower is back in, its been almost six years, five and a half years. I think that was one of the first site walks I did on the Board, we did a joint site walk Planning and Zoning if I remember right. We went up there and basically they wanted to build a large building for video production, if I remember correctly, wasn't that video production.

Rich Williams stated was that when you went up there.

Chairman Rogan stated yeah.

Board Member Montesano stated yeah.

Rich Williams stated that got built.

Chairman Rogan stated then that is not that one, that was something before.

Board Member Montesano stated that was built a long time ago.

Chairman Rogan stated we didn't visit that.

Board Member DiSalvo stated (inaudible – whispering to Board Member Montesano).

Board Member Montesano stated (inaudible).

Chairman Rogan stated that building that we walked it for has not been built. They were in and then their goals and objectives changed and then it was a dead issue for a long time.

Rich Williams stated they came in for additional dormitory space, 70,000 square feet. I thought when we walked it we actually toured the audio visual department.

Board Member Montesano stated we did, at one time we did. I don't remember if you were there to be perfectly honest with you.

Chairman Rogan stated yeah I just.

Rich Williams stated I don't remember if he was there either but it was really impressive.

Board Member Montesano stated there was a gentleman that we met up in Saratoga that was discussing Watchtower up in his area who was selling off their property and they were trying to get the Town Board to change their zoning so that they can get 6 or 8 million dollars rather than 1 and ½ that everybody else was ready to pay.

Board Member DiSalvo stated the local farmers wanted to buy it.

Board Member Montesano stated that means to me that they are starting to merge everything in south of Albany.

Rich Williams stated they absolutely are (inaudible – too many speaking).

Board Member Montesano stated everything they have.

Board Member DiSalvo stated the place up in Wallkill, someone told last week they went by and they started taking fencing down and they are moving cows around, by Wallkill on the other side of Mohawk Mountain, over there.

Board Member Montesano stated yeah, up at that place.

Rich Williams stated Wallkill is huge I don't think they are going to give that up.

Board Member DiSalvo stated they could be selling up there too.

Board Member Montesano stated they have 680 acres plus whatever else they have.

Board Member DiSalvo stated they are going to have five hundred people, an additional five hundred people to add here, they are going to be coming from somewhere.

Board Member Montesano stated they are going to be coming up, they may be closing the Brooklyn facility, that is a lot people down there but I doubt if they would close it because it is a profit making facility.

Chairman Rogan stated so this proposal is for more dormitory space.

Rich Williams stated I believe that is what its for.

Chairman Rogan stated it seems like its, I thought it was video production (inaudible – to many speaking).

Board Member DiSalvo stated do they have enough area to expand septic area up there for another five hundred people.

Chairman Rogan stated they have a plant.

Rich Williams stated there is a waste water treatment plant with more then enough capacity.

Board Member Pierro stated yup.

Chairman Rogan stated didn't they do, that waste water treatment plant was somewhat of a project with the DEC wasn't it.

Rich Williams stated their upgrade was one of the first ones with SBR technology in DEP's watershed. And it is running really well.

Board Member DiSalvo stated so what is like the maximum capacity of people in there.

Board Member Montesano stated they just put another module, they've got the state, they train people for the state of New York, they come down with the operation they have.

Board Member DiSalvo stated you have another five hundred let's say in another two years they come in and it turns into co-op city.

Rich Williams stated it comes down to amount of coverage they can have on the site not the amount of people on site and you know the horse got out of the barn when the original approvals were given because they came in and said let us condense our operation onto the site, let us go up five stories instead of spreading all out because if we spread all out we are going to take up the whole site and everybody said okay, we are going to allow you to condense and go higher.

Chairman Rogan stated they never changed the coverage.

Rich Williams stated they never reduced the amount of coverage they could have, so.

Board Member Montesano stated when they went to the Town Board and they got everything changed around that was originally set up because of the right people were spoken to at the time, that is when the changes started, you got bounced right out of. The same thing with that truck, that truck should have been given to the Town of Patterson per se so that no matter what the Town of Patterson could state that they have fire apparatus owned by the Town. The original plan was to get that engine, if they got it and rent it to the Fire Department for one dollar per year and they maintained it as their own.

Board Member Pierro stated it was a bucket right.

Board Member Montesano stated it was a big ladder truck.

Board Member Pierro stated a bucket truck, not a ladder.

Rich Williams stated that truck was a problem no matter who ended up with it, it was wrong.

Board Member Montesano stated well of course it was wrong.

Board Member Pierro stated it was a bribe.

Board Member Montesano stated it wasn't a bribe, they don't bribe that is what that guy was trying to explain to us, they don't bribe.

Rich Williams stated well anyway, they are back in.

Chairman Rogan stated the issue that we brought up when we first discussed them coming in was the scoping document had been done so long ago that we mentioned that there may be people who weren't around when we did the original scoping document. So we were talking about having another public hearing and discussing whether or not we should open back up scoping just to have, we could have a public meeting a scoping would it be a public hearing on scoping.

Rich Williams stated well that is up to the Board, I mean I was just looking at the Board to take a look at the scoping document, the five of you, myself and Gene and say everything is still covered or everything is not covered.

Chairman Rogan stated okay.

Rich Williams stated because honestly we do some fairly comprehensive scoping documents.

Chairman Rogan stated its all encompassed.

Rich Williams stated we always have, I don't envision that there are going to be a lot of changes, mostly along the avenue of stormwater.

Board Member Montesano stated the scoping that they did on their original plans, anything you wanted, if you weren't satisfied with it, they would take you somewhere to show you what it was. It was very effective because it is sort of a technical thing, they have everything they need and it doesn't cost them anything other than materials.

Chairman Rogan stated oh yeah, (inaudible). I have been in enough of their facilities up there and have been impressed with every single thing they do up there is so manicured and there is so much redundancy built into their systems. Not only in their operations but in the components of what they do, they have a generator systems then they have a spare generator system just in case the first one breaks.

Board Member Montesano stated and they all work.

Chairman Rogan stated it is really interesting.

Board Member Montesano stated they were doing this project, they were in Florida and they acquired an entire cement company with fairly new trucks, they brought them and had them completely overhauled.

Board Member Pierro stated it is a mind set that they have it, you know, the way they go about life.

#### **9) GEORGE APAP INC. SITE PLAN – Initial Application**

Chairman Rogan stated okay, George Apap Site Plan, he's in remember we had when he took over the site here.

Board Member Pierro stated right.

Chairman Rogan stated the old garage, the dilapidated building in the back that didn't meet code and we had asked him to consider coming for a site plan to change that.

Board Member Pierro stated right.

Chairman Rogan stated it looks like he's done significant work.

Board Member Pierro stated okay.

Board Member DiSalvo stated he is going to get rid of those two containers in the back.

Board Member Montesano stated yeah.

Chairman Rogan stated he's got an advertisement, Apap Painting a little post card.

Rich Williams stated I drove out there (inaudible).

Board Member Montesano stated he is trying to expand his business.

Chairman Rogan stated I've heard people say that they have been known for generations as phenomenal.

Board Member Pierro stated excellent.

Chairman Rogan stated George Apap with painting.

Board Member Pierro stated phenomenal work up on Quaker Hill, they are the guy, they do great work.

Chairman Rogan stated that's very (inaudible).

Board Member Montesano stated well his father, his grandfather and now the kid.

Board Member Pierro stated okay.

Chairman Rogan stated so they are in for the out building.

Board Member Pierro stated very good.

**10) BEAR HILL ESTATES RESUBDIVISION – Initial Application**

Chairman Rogan stated and Bear Hill Estates Re-subdivision, Rich.

Board Member Pierro stated this is the large lot on the bottom Rich.

Rich Williams stated this is the large lot on the top.

Board Member Pierro stated on the top.

Board Member DiSalvo stated the top of the cul-de-sac.

Rich Williams stated yeah all the way up across from Baumann's.

Board Member Pierro stated right.

Rich Williams stated next to DeBaerstrand.

Board Member Pierro stated DeBaerstrand.

Rich Williams stated he knows the way, DeBaerstrand, the one with the septic in the wetland buffer.

Board Member Montesano stated some imagination.

Board Member Pierro stated that is to the left of Baumann's or prior to Baumann's going up or across the street from Baumann.

Chairman Rogan stated top on the left.

Rich Williams stated both, the whole parcel ran along that whole side, they want to break it in two.

Board Member Pierro stated why didn't they do this first time out during the road dedication process.

Rich Williams stated because it was quicker and easier.

Board Member Pierro stated right.

Rich Williams stated just to get the road which created two of the lots.

Board Member Pierro stated right, okay.

Rich Williams stated alright.

Chairman Rogan stated of course.

Rich Williams stated so and they want to do that and the other thing was that they were hitting triggers for stormwater.

Board Member Pierro stated right.

Rich Williams stated so their engineer's opinion was he was going to have to put in drainage the whole length of Bear Hill Road and bring it on to the other parcel which is fronting on Route 311, alright.

Board Member Pierro stated right.

Rich Williams stated and they didn't want to go through that expense so this was a way to get around it.

Board Member Pierro stated right, okay, just I got a couple of phone calls on this just recently because this subdivision is already advertised for sale.

Rich Williams stated yeah, no, I know.

Board Member Pierro stated he's slick.

Rich Williams stated we've had real estate people. It was advertised for sale before the plat was filed.

Board Member Pierro stated right, for the road.

Board Member DiSalvo stated so we are taking lot one and we are making two lots out of it.

Rich Williams stated that is what he is requesting.

Board Member Pierro stated now are we going to run into that issue with that little rectangular or square piece of property that is owned by widow Baumann on that parcel.

Rich Williams stated that could be an issue again.

Board Member Pierro stated right, okay, it could be an issue where the driveway comes out aiming at her house, that was her concern.

Chairman Rogan stated right.

Board Member Pierro stated okay, we'll deal with it.

Rich Williams stated you could look at moving that driveway up and around the corner, that is one of things that I suggested.

Board Member Pierro stated right.

Board Member DiSalvo stated now what is the total subdivision on this now, how many lots now, seven.

Chairman Rogan stated five.

Rich Williams stated four.

Board Member DiSalvo stated with the split.

Rich Williams stated five.

Board Member DiSalvo stated with this one it is going to be five.

Rich Williams stated it will be four, there will be four off a Bear Hill Road and then the big off of Route 311.

Board Member Cook stated now Rich, these concerns that were raised by Mrs. Baumann and Mrs. DeBaerstrand.

Board Member Pierro stated DeBaerstrand.

Board Member Cook stated DeBaerstrand, I mean they are old concerns.

Board Member Pierro stated yes but once this is noticed to them, they will be back.

Board Member Cook stated yes.

Rich Williams stated there were concerns that they raised with the original subdivision that would never, you know the Board looked at them, the Board did what it could, they couldn't force the driveway to be moved, we've got. The Board got opinions from the surveyor for the Bear Hill LLC, that their property lines were shown in the correct and ultimately that issue with DeBaerstrand becomes a property boundary issue between the two owners, not something that Board can do anything about.

Chairman Rogan stated because any judgment that would change the property line, if it effected the subdivision would nullify any decision of this Board, we can only act on what we are given. If we do a subdivision based on a certain property line, then that property line there is litigation with that and that changes and then its back to the drawing board, we can't, you know.

Board Member Pierro stated we didn't take any action on that lot, we discussed it but they walked away from that subdivision at that time. Now this is a completely new application so we will have to re-visit it, that's fine.

Board Member Cook stated yeah.

**11) OTHER BUSINESS**

**a. 2008 Agenda**

Chairman Rogan stated other business we have the agenda.

Board Member Pierro stated I will acknowledge receipt, I will hang it on the fridge.

**b. Frantell Site Plan – Request for Extension**

Chairman Rogan stated then there is a couple of, Frantell Site Plan there is a request for an extension, we can take of that tonight.

Board Member Pierro stated on the motion Mr. Chairman.

Chairman Rogan stated please.

Board Member Pierro stated in the matter of Frantell Development Corporation, New York State Route 22, I make a motion that we grant a 90 day extension.

Board Member Cook seconded the motion.

Chairman Rogan stated seconded by Mike and Charlie.

Chairman Rogan stated asks for all in favor:

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

Motion carries by a vote of 5 to 0.

**c. Green Chimneys Site Inspection**

Chairman Rogan stated Green Chimneys we are doing on Saturday morning.

Rich Williams stated it is all set up.

Chairman Rogan stated they know we are coming.

Rich Williams stated yup.

Chairman Rogan stated great.

Rich Williams stated I've got a plan in that I will give you a copy of, they shifted the buildings just slightly but the latest plan doesn't address any suggestions that we made but it shifted the buildings slightly.

Chairman Rogan stated okay.

Rich Williams stated but the original proposal is what is staked out.

Chairman Rogan stated okay.

Board Member Pierro stated they had no comments from your particular suggestions about the driveway and the, well.

Rich Williams stated they have not responded them at all.

**d. Paddock View Estates – Request for Extension**

Chairman Rogan stated under other business we have a letter in here from Dan Donahue on Paddock View for an extension. Actually Dan said that they would really prefer two 90's or 180 day extension on that which we've done, so the letter is requesting a 90 day extension and I know when they were talking to the owner he said you know, two 90's would certainly do a lot better.

Board Member Pierro stated Dunning.

Chairman Rogan stated no, Paddock View.

Board Member Pierro stated oh Paddock View, I'm sorry.

Chairman Rogan stated the right up the road here, they are still just wrapping up loose ends like everybody else.

Board Member Pierro stated okay, on the motion.

Chairman Rogan stated please.

Board Member Pierro stated in the matter of Pondview Subdivision.

Chairman Rogan stated Paddock View.

Board Member Pierro stated Paddock View Subdivision, I'm sorry, I make a motion that we grant a 180 day extension.

Board Member Montesano seconded the motion.

Chairman Rogan stated asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye

Chairman Rogan - aye

Motion carries by a vote of 5 to 0.

## 12) MINUTES

Chairman Rogan stated and minutes October 25<sup>th</sup> special meeting, has everybody had a chance to look at those.

Board Member Pierro stated I've read so many minutes in the last couple of weeks I'm going blind.

The Secretary stated that was the second special meeting or was it the first one or the second one.

Board Member Montesano stated the first one.

The Secretary stated the first one was the one you missed.

Board Member Montesano stated yeah.

Board Member Pierro stated I just picked it up so I haven't read that, so.

Chairman Rogan stated honestly I am trying to get through all of the new stuff, I am less concerned with the minutes, no offence, then with getting through the new stuff. I just lost like ten points with that one.

Rich Williams stated you did.

Chairman Rogan stated yeah, well I know they are done so accurately, that I don't have to worry. It's a good cover I know.

The Secretary laughs.

Board Member Pierro stated I have a question, we have minutes from October 25<sup>th</sup> Work Session and minutes from the October 25<sup>th</sup> special meeting.

Chairman Rogan stated what do you have.

The Secretary stated oh, I have to fix my date, yeah, your work session was the.

Board Member Pierro stated the 15<sup>th</sup>.

Rich Williams stated we'll fix the dates.

Chairman Rogan stated so we are not going to do a motion on this yet.

Board Member Pierro stated alright.

Chairman Rogan stated we'll square that up.

**e. T & T Associates – Request Release of Bond**

Rich Williams stated you also received a letter on T & T, I don't know what you want to do with that.

Chairman Rogan stated what was the letter for.

Rich Williams stated T & T, they've done all the improvements on the site plan.

Board Member DiSalvo stated oh the bond.

Rich Williams stated with the exception of the sign and they have requested the release of the bond.

Board Member Pierro stated um, except for the sign what else do they have outstanding with the sign.

Rich Williams stated they have an existing sign that is erected that they were supposed to take down.

Board Member Pierro stated is that the one for the sport shop that I had mentioned to you a few weeks back.

Rich Williams stated yeah.

Board Member DiSalvo stated we saw a new sign that they want to put up, I can't remember.

Rich Williams stated they've never made an application.

Chairman Rogan we better get (inaudible).

Board Member Pierro stated the sport shop guy doesn't think its his responsibility to do that, the landlord's signage outside, so there is a problem there, I think we ought to, I know, I think we ought to hold on to it for a little while and let them duke it out.

Rich Williams stated so the Board's direction is once we get an approved sign, then we will talk about releasing the bond.

Chairman Rogan stated I think that is reasonable because we are never going to get it otherwise.

Board Member Pierro stated this guy has cornered me a couple of time, they have a sign, its out here, they can't put lights on it, its too small.

Board Member adjourned the meeting off the record.

Board Member Montesano made the motion to adjourn.

Chairman Rogan seconded the motion.

Chairman Rogan called for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

The meeting adjourned at 8:26 p.m.