

TOWN OF PATTERSON
PLANNING BOARD MEETING
December 2, 2010

AGENDA & MINUTES

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1) Taggart Estates – Permit Public Hearing	1 – 16	Public Hearing opened & closed. Discussion of road name, drainage and house locations.
2) County Line Getty – Public Hearing	16 – 22	Public Hearing opened & closed. Discussion of parking, items to be corrected, resubmission.
3) Thunder Ridge Ski Area	22 – 33	Discussion of wetlands, wetland boundaries, sewer treatment upgrade. Site Walk Scheduled.
4) Echo Road Telecommunications Tower – Continued Review	40 – 48	Site Plan granted with conditions. Discussion of gate and time extension.
5) Albano Wetland/Watercourse Permit	33 – 40	Public Hearing scheduled for 1.6.11. Discussion of wetlands delineation, PCHD approval. Site Walk Scheduled.
6) Eurostyle Marble and Tile – Performance Bond	48, 55 – 60	Discussion of bond, items still to be completed.
7) Genovese Site Plan – Continued Review	48 – 55	Discussion of site, drainage, plantings. Site Walk Scheduled.
8,9, 10) Black Birch Site Plan, Stone Hill Developers, White Birch Amended Site Plan	60, 73 – 83	Discussion of proposed development and wetlands functional analysis.
11) Levine Fill Permit	60 – 73	Discussion of soil testing results and DEC contact.
12) Other Business		
a. Couch Road Subdivision – Request for Extension		Item handled at 11.23.10 Work Session
b. 2011 Agenda	83	Approved. 2011 Meetings begin at 7:00p.m.
c. Boniello Site Plan	84	No new information
d. Fox Run Phase II Zoning Recommendation	84 – 87	Multi-Family, Age Restrictive Zoning Recommendation made to the Town Board.
e. Fair Street Self Storage Bond Release	87 – 88	Bond Release Recommendation made to the Town Board.
13) Minutes	88	October 28 th and November 4 th Approved.
Reilly Farm to Market Site Discussion	89 – 90	Discussion of DEC permit.

**Discussion of Planning Department
Procedures**

91 – Discussion of procedures, applications and
100 fees.

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TOWN OF PATTERSON
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Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Thomas E. McNulty
Ron Taylor

Planning Board
December 2, 2010 Meeting Minutes

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

APPROVED

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

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

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

Michelle Russo was the Secretary and transcribed the following minutes.

There were approximately 13 members of the audience.

Chairman Rogan stated thank you and good evening everyone, hope everyone had a great Thanksgiving holiday with their families. Michelle if you could please read the public notice for the first item.

1) TAGGART ESTATES – Public Hearing

Mrs. Theresa Ryan of Insite Engineering was present to represent the application.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, December 2, 2010 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Taggart Estates Preliminary Subdivision Plat for a proposed 13 lot residential subdivision.”** The property is located at 32-84 Ballyhack Road, Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated good evening Theresa.

Mrs. Ryan stated good evening.

Chairman Rogan stated how are you.

Mrs. Ryan stated good.

Chairman Rogan stated good, could you please just do a brief overview for those that might be here from the audience, the public.

Mrs. Ryan stated okay, my name is Theresa Ryan, I'm from Insite Engineering Surveying Landscape Architecture P.C., I'm representing the applicants, they own a 63 acre piece of property on Ballyhack Road, the property has about a half mile frontage on Ballyhack [Road]. What we are proposing are twelve residential lots, four of the residential lots will gain access directly off of Ballyhack [Road], the rest of them will gain access off of a proposed road. The proposed road will be offered for dedication to the Town, we are also creating a drainage district parcel that will contain some drainage facilities, it also contains a DEC and Town wetland and most of the buffer associated with that, we originally started our with fourteen residential lots and we reduced it to twelve, in doing so we pulled all of the proposed improvements out of the wetland buffer, so we have no buffer disturbance at all. Each lot will be served by it's own well and septic system and uh basically that's it.

Chairman Rogan stated okay, we'll entertain questions and comments from the audience, if you would like to say something just please come up and state your name for the record and use the microphone.

Mrs. Ryan stated hi.

Peter Cipriano stated Peter Cipriano Junior, I guess I had a question regarding a few things, first off across the way if, how far is the setback of the houses here, just if there is a commercial development that does eventually go on, that people who move in here aren't upset that there is commercial development across the road from them.

Mrs. Ryan stated um, we, there is a forty foot front yard setback but we are proposing that these houses, we are aware of the commercial property across the road so we've located these houses further back from the road, the set back lines are shown on the map right here, these are the dashed lines, so the houses could be that close and you're probably aware that the house that burned down was about that close, right, but we are pushing these further back because of the commercial property.

Peter Cipriano stated and the other question I had was, is there any idea to ask the State, I guess, for something at that intersection if there is going to be people that are going to be living here, for Route 22.

Chairman Rogan stated (inaudible) Rich.

Rich Williams stated when you say something are you looking for a traffic light or are you looking for...

Board Member McNulty stated a turning lane...

Peter Cipriano stated reduction of speed, traffic light, turning lane, something, removal of the rock outcrop...

Rich Williams stated at this stage of the process, there is no indication that we are going to be asking the State for any sort of improvements at the intersection or asking the applicant to take a look at any improvements that may change as (inaudible)...

Peter Cipriano stated can we, how would we go about asking the State to do something like that.

Rich Williams stated well, you know, as you know there are other issues at that intersection...

Peter Cipriano stated yes.

Rich Williams stated and the Town Board has evaluated right now um, intent at some point to do something as far as sending a letter to the State, asking for improvements to made at the intersection, there is just a lot on everybody's plate and it hasn't gotten that far but you know you are fully aware that is the intent that we are going to be doing that.

Peter Cipriano stated now...

Rich Williams stated now I don't know how the State is going to respond to all of that but...

Peter Cipriano stated no, I understand just because how's it, if you're adding vehicles and traffic to that intersection and the intersection is terrible as it is, I know because I already make the left out of that road a lot, you can hardly see to the right, so is there any way of doing anything.

Rich Williams stated you know, over the years the Town has asked the State to take a look at that intersection again because sight distance coming out there is very challenging, it needs, the remedy to the problem really is that the land has to be acquired by the State and a significant rock cut has to be made there.

Peter Cipriano stated okay.

Rich Williams stated the same is always said, the State doesn't have the means to do that every time we've asked.

Peter Cipriano stated that's all, thank you.

Chairman Rogan stated do we have any other questions or comments from anyone in the audience on this application.

Tom Shea stated is there an opportunity to...

Chairman Rogan stated you need to please use the microphone sir, in fairness to our Secretary.

Tom Shea stated my name is Tom Shea, is there an opportunity to provide written comments after this public hearing is held.

Chairman Rogan stated you can absolutely provide written comments, sure.

Tom Shea stated and they will be evaluated accordingly.

Chairman Rogan stated absolutely.

Tom Shea stated thank you.

Chairman Rogan stated you're welcome. Anyone else from the audience, no, can I have a motion to close the public hearing.

Board Member Cook stated make the motion to close the public hearing on the Taggart Estates Subdivision.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated how are we coming along Theresa.

Mrs. Ryan stated good.

Chairman Rogan stated good.

Mrs. Ryan stated we got the comments...

Board Member Taylor stated before you take that down, I've got some questions.

Mrs. Ryan stated you want me to put it back up Ron.

Board Member Taylor stated would you please.

Chairman Rogan stated sorry about that Theresa.

Mrs. Ryan stated it's getting lower.

Chairman Rogan stated that's fine.

Board Member Taylor stated (inaudible) respond...

Chairman Rogan stated no you go right ahead, jump right in.

Board Member Taylor stated oh okay, since I haven't been up to, I'm trying to get up to speed, could you show us or show me the buffer lines.

Mrs. Ryan stated yea sure...

Board Member Taylor stated you said you pulled everything off of the, out of the buffer lines, so what are the buffer lines.

Mrs. Ryan stated right, these are the, it has a long dash and a short dash to them.

Board Member Taylor stated they are very hard to...

Mrs. Ryan stated yea, they're in here.

Board Member Taylor stated okay and...

Mrs. Ryan stated so basically it's right here.

Board Member Taylor stated okay, there's nothing in three, lot three.

Mrs. Ryan stated no, these are soils boundaries, that might be what you're looking at...

Board Member Taylor stated yea.

Mrs. Ryan stated all of the, this is the state wetland and the local wetland right here and the buffer is a hundred foot from that.

Board Member Taylor stated okay.

Rich Williams stated Ron I think maybe some of the confusion is, as I recall and Ted can jump in here any time, there are wet areas on the, I believe lot three but they are not regulated wet areas so that they are, they don't have the buffer on them.

Board Member Taylor stated okay, all right, it's just that if you look at a topo or a geo map you see there is a drainage area that runs through lot three and that is what I was asking about that particular drainage area.

Mrs. Ryan stated I know what area you are talking about.

Board Member Taylor stated did we address the question of traffic and fire safety for this dead end road, getting...

Chairman Rogan stated fire safety has been addressed, we have a tank going in on this subdivision that was recommended by our Fire Code Enforcement Officer back when we started this under the previous owner, if I remember correctly, that was...

Board Member Taylor stated but in terms of access for emergency vehicles to a one way street, a narrow one way street, I know the Board granted a waiver for the driveway, the length of the driveway but has study been done about, have we heard back from the Fire Department about...

Chairman Rogan stated we and Rich correct me if I'm wrong but back when we started this process we had input from the Fire Codes Enforcement Officer on these issues, correct.

Rich Williams stated yea, we had some preliminary discussions with Dave Raines who is the Fire Inspector about what he felt was needed for you know, providing a safe environment out there, we had talked about doing a water tank somewhere near the entrance to this new road, subdivision road...

Chairman Rogan stated right.

Rich Williams stated there hasn't been a determination yet on the volume of water but typically for something like this we look at thirty thousand gallons, I know the applicant has questioned that amount and we do have to refer this back to Dave Raines for further review and just so you understand, in the past we had tried to refer these applications to the Patterson Fire Department and depending on who was involved, you know we got little or no response, as the Town has grown, we now have Dave Raines, a world of knowledge on this as Fire Inspector so what we do is everything goes to the Building Department and the Fire Inspector for these reviews. I haven't contacted my members, my one member of the Planning, the Fire Department who has asked to be more involved in the process and you know we are going to start bringing them back in if you know, there is an interest to do that but really everything goes to the internal Fire Inspector.

Board Member Taylor stated and they see no problem with the fact that it's a dead end, narrow, one way road and the length of the road and the subdivision road, okay...

Rich Williams stated I raised the issue early on in the process but they have not.

Board Member Taylor stated okay and then the question we just had from the audience was about traffic at that intersection, has there been any traffic study on what adding another twelve...

Rich Williams stated there has not.

Board Member Taylor stated do you, is...

Chairman Rogan stated you mean seeing the density of traffic on Route 22 I'm not sure that, what is this twelve lots, that twelve lots would even been seen on the radar screen as a blip in terms, you know in terms, you gentlemen agree...

Andrew Fetherston stated I agree.

Board Member Taylor stated what about getting on [Route] 22 off of this road.

Andrew Fetherston stated it's not our decision, yea.

Board Member Taylor stated okay.

Chairman Rogan stated that is the involvement with DOT.

Board Member Taylor stated right.

Chairman Rogan stated did you want to mention the road naming that you had, the information that you found on that.

Board Member Taylor stated not particularly, no.

Chairman Rogan stated no.

Mrs. Ryan stated we have that.

Board Member Taylor stated they have it and we'll wait until...

Mrs. Ryan stated and I forwarded it to the applicants and I have not heard back from them on that.

Rich Williams stated I would like to just make two comments on that road name, first it really comes down to a decision of the Board, not so much the applicant and second I have run it past the office of Emergency Management and the name is acceptable within their database...

Chairman Rogan stated for their E-911.

Rich Williams stated yea.

Chairman Rogan stated okay and that was Seeley Farm Lane, if I remember correctly.

Rich Williams stated correct.

Mrs. Ryan stated that is correct.

Board Member Taylor stated so you're saying we just make a resolution and set as the name as that, is that part of this process.

Chairman Rogan stated it's always nice to have the applicant's buy in some things so...

Board Member Taylor stated yes, I agree, I agree so, but all right, I have a question on, what's this lot up there that's, six, can we bring the house a little off the ridge line, a little further down off the ridge line. There is a hill behind it I see, I'm concerned that the house itself, the that roof of the house no appear on the top of the ridge line, is that hill tall enough that the roof will not be, appear above that, do you know.

Mrs. Ryan stated we can pull it down.

Board Member Taylor stated even if you just bring it down one contour.

Mrs. Ryan stated I just want to make sure, I was just looking at the grades to make that we can get gravity feed to the septic system that's all but I think we can do that.

Board Member Taylor stated probably not as far as this one but if you bring it down one contour or just do an analysis to show that it's, it's hard to see there, it's within one contour of the peak there, I was just concerned about, if anybody else is concerned about that.

Board Member Cook stated no, I just would like Theresa to point out on the map for everybody's edification, the lot we're talking about...

Mrs. Ryan stated lot six.

Board Member Cook stated with the...

Mrs. Ryan stated here's the high point right here and then it drops off in the back, it drops off in all directions and Ron was just asking if we should move it forward a little bit.

Chairman Rogan stated you know Theresa, just looking at...

Mrs. Ryan stated we have a well located there but we can relocate that as well.

Chairman Rogan stated yea and looking at the contours, there isn't a whole lot to bring it down, it looks like maybe the better idea is just to consider whether or not it's a concern for this lot with you know visibility and residual...

Board Member Taylor stated that's the only lot.

Chairman Rogan stated yea...

Board Member Taylor stated the others...

Chairman Rogan stated actually Ron before you were on the Board, some of these houses on lots eight, nine and ten were a little more, were closer to the ridge line and we pulled them forward as well...

Mrs. Ryan stated the ridge line (inaudible).

Chairman Rogan stated because we were thinking along ridge line development.

Board Member Taylor stated it's just, I don't know if you just did an elevation to see what it would look like, that might solve my question right there.

Mrs. Ryan stated okay.

Board Member Taylor stated I think we should have some restrictions in some of these areas, I mean there are going to be restrictions about cutting the trees...

Chairman Rogan stated that as part of the conservation easement you're referring to, yea.

Board Member Taylor stated so it...

Chairman Rogan stated so we don't have them go in and clear cut that area for...

Board Member Taylor stated scenic views.

Chairman Rogan stated exactly and Rich do you want to speak to that as to how we handle that with our typical conservation easements.

Rich Williams stated sure as we get closer to a final subdivision plat we will work with the applicants attorney to develop a conservation easement incorporating whatever concerns the Board has for example if you want to maintain the tree canopy, so as to not see a clear cut swath through the woods, that will be

included in there if you are concerned about ATV's or you know other features of the conservation easement area, we'll incorporate them as well.

Board Member Taylor stated when do we express those concerns.

Rich Williams stated well you generally express through the process and you know I'm picking them up and starting a list so when we get to that point we have at...

Board Member Taylor stated so (inaudible) okay.

Rich Williams stated least a beginning point.

Board Member Taylor stated because we do already have a set of, a list of some of those things from like the Fields Corner, Fields Lane, what's the name of the road.

Rich Williams stated sure, Fields Corner Road.

Board Member Taylor stated Fields Corner Road.

Rich Williams stated yes.

Board Member Taylor stated okay, has there been any analysis of the amount of water that is going to be drawn from these wells and whether it will be balanced by the recharge of the area around it, is that something we get into on this.

Mrs. Ryan stated I think based on the size of the property and the number of houses that's not really an issue typically...

Board Member Taylor stated okay.

Mrs. Ryan stated because they are four acre lots.

Board Member Taylor stated and then um, garage, I get a mixed message in your comments, one is that the garage has to be removed because of site distance...

Mrs. Ryan stated it does now, yes, Rich pointed that out.

Board Member Taylor stated and the other was, okay, when you talk about some structures being left to the future, I think you need to clarify which structures we're talking about.

Mrs. Ryan stated well there's an existing barn...

Board Member Taylor stated yes I understand that.

Mrs. Ryan stated and I believe if it's, if the applicant's, the future buyers of that piece of property want to, can you hear me...

Chairman Rogan stated you're probably picking up on this mic.

The Secretary stated yea, you're okay.

Mrs. Ryan stated then they would have to go for a variance on that but Rich pointed out that because we've created this line we would have to go for a variance now, so he suggesting that it should be torn down now.

Board Member Taylor stated or you go for the variance now.

Rich Williams stated well yea, if I can be clear, I would rather see you keep it and go for the variance...

Chairman Rogan stated is that barn we looked at when we were...

Mrs. Ryan stated yea.

Rich Williams stated that's a nice structure.

Chairman Rogan stated that was a very nice structure, yea.

Rich Williams stated I wasn't suggesting that you tear it down, just that you have to address it because you're creating an issue.

Mrs. Ryan stated right.

Board Member Taylor stated where is the, existing house is acceptable, is that what you said in your memo Rich.

Rich Williams stated the existing house the way they've shown it on the site, meets all of our Zoning requirements so that is fine, it was just really the issues with the garage which because of sight distance has to come down and the barn which might have to come down.

Board Member Taylor stated now were you proposing taking the house down and putting a new house in it's place.

Mrs. Ryan stated that again is up to the future buyer, we are showing the proposed house right on top of the existing, so if they want to keep it and renovate it, that is up to them.

Chairman Rogan stated yea.

Board Member Taylor stated okay. Now the Town Board has approved your request to, again I am rather lost of language there...

Mrs. Ryan stated the variance.

Board Member Taylor stated the variance.

Mrs. Ryan stated uh, no, what happened was I believe that the public notice was not published...

Board Member Taylor stated oh, so you're still waiting.

Mrs. Ryan stated and so we are on again for next week.

Board Member Taylor stated okay, so if they do approve it, what are the overlay zone requirements that would be different from what you've, or have you incorporated those already into this.

Mrs. Ryan stated no, that is what we are requesting a waiver of.

Rich Williams stated yea, the...

Mrs. Ryan stated the...

Rich Williams stated there are different setback requirements in the overlay zoning district, she's used the standard R-4 zoning setback requirements, so that is different and then the big factor is the lot area.

Board Member Taylor stated my question really is so if the waiver is approved, do these plans then change or these plans reflect what the approval will give you.

Mrs. Ryan stated if the waiver is granted, then we would stay with what we have.

Board Member Taylor stated what you have, okay, that's fine, that covers my questions, I'm sorry, I...

Chairman Rogan stated no, no apology necessary that is what this all about.

Board Member McNulty stated it's all right, one question about the piece of land on lots seven, eight and nine I believe, the ownership isn't that, it's a landlocked piece...

Chairman Rogan stated you mean the Gore.

Board Member McNulty stated the Gore, the status of that, how does it, has that been resolved.

Mrs. Ryan stated no, it was not in the deed for this piece of property.

Chairman Rogan stated so it's not a part of this application.

Mrs. Ryan stated so it's not a part of this application.

Board Member McNulty stated okay so that just gets lost.

Mrs. Ryan stated and our client does not...

Rich Williams stated no it doesn't get lost, we haven't forgotten about it, I actually contacted Nick Chapis to give us a status, a history on why he thinks it is not part and parcel of the C-1 Zoning parcel that's out there, we haven't gotten that yet and then we are going to pass it on to our Assessor, pass it on to Ron because Ron has to take a look at it as well. Talking with George Michaud over at Real Property, he really wants to see that resolved before final approval is granted.

Board Member McNulty stated what kind of resolution do you...

Mrs. Ryan stated Nick Chapis is the principal surveyor at Insite, that is who Rich was talking about.

Board Member McNulty stated okay.

Rich Williams stated yea.

Board Member McNulty stated what kind of resolution do you see happening with that, what would happen.

Chairman Rogan stated well I mean if this applicant isn't looking to show it as part of this subdivision because it's basically unusable property maybe one of the other property owners would be willing to accept that piece and they can merge it into that...

Rich Williams stated but the problem we have right now is in Nick's opinion, Nick Chapis' opinion, this property goes nowhere, it's just this little sliver of land about a quarter of an acre I think that really has no ownership associated with it right now, so how do you give it to somebody else. I mean there are mechanisms, we can do quit claim deed or something like that...

Chairman Rogan stated just do a quit claim, yea.

Board Member Taylor stated I did look into it a little bit on the old history maps and way back at the turn of the, two centuries ago, that corner did belong to this property but at some point this property seemed to have all been, those separate parcels were all combined into one big parcel which was then re-subdivided and the way that subdivisions looks, it looks as if that parcel was cut out of that subdivision so then what you show here is in fact what they own and that little Gore would belong to the people next door.

Mrs. Ryan stated okay.

Board Member Taylor stated but that would, I didn't find that particular subdivision deed so that is what we have to look at it, to see...

Mrs. Ryan stated so (inaudible – no using microphone).

Board Member McNulty stated remember that Gore was very steep, right.

Chairman Rogan stated oh yea, it's all...

Board Member Taylor stated yea, it's dropping down the hill.

Board Member McNulty stated because it's C-1 it's really not going to be developed commercially at any point.

Rich Williams stated we're changing that.

Board Member McNulty stated okay.

Chairman Rogan stated but it sounds like based on the steepness of that parcel, it doesn't matter what it's...

Board Member McNulty stated I don't think it's used for anything.

Mrs. Ryan stated that was already changed at the last Town Board meeting, the zone line.

Rich Williams stated I don't believe so.

Chairman Rogan stated anything else from anyone on this, yes ma'am.

Chris Semp stated excuse me...

Chairman Rogan stated yes.

Chris Semp stated I live at 51 Ballyhack Road, what you mentioning before about the trees being left intact as much as possible, does that go for the front line of the properties on Ballyhack [Road] as well.

Chairman Rogan stated well ma'am, the front line we are determining site disturbance, what would be necessary to put in the driveway, the house, septic, well et cetera, those aren't specifically, at least in this current plan shown as conservation areas, the conservation areas were the areas where we were looking for view shed management, wildlife corridors, et cetera and those are the areas that we can be a little more specific with but we can certainly take a look if there are specific areas on these road frontage sections of the subdivision, we can certainly take a look at that, we did so with other subdivisions like Couch Road for instance that, we've, you know with these country roads we certainly are concerned about not altering the roadway so much that it looks like a Long Island subdivision of course, disheartening, no disrespect of anyone from Long Island but...

Chris Semp stated my concern is I moved here...

Chairman Rogan stated sorry Peter.

Chris Semp stated my concern is I moved here a number of years for the privacy that the, the spread outness...

Chairman Rogan stated ma'am, I'm sorry to ask you think but can you please come up and use the microphone, I'm already in trouble with Michelle for you saying as much as you did, can you repeat everything you just said before.

Chris Semp stated my concern is I moved up here for the privacy and I just want to make sure that is going to be maintained by the addition of the homes.

Chairman Rogan stated where is your parcel in relation...

Chris Semp stated this is Ballyhack Road here...

Chairman Rogan stated yea.

Chris Semp stated I'm right up towards the front.

Chairman Rogan stated so you're close to [Route] 22.

Chris Semp stated I am somewhere in this area, I'm the first house in on the left, this is...

Board Member Taylor stated (inaudible) she'd be here.

Chairman Rogan stated okay, so...

Chris Semp stated yea, I'm somewhere right in here, I am the first house on the right hand side, but it's in a bit.

Chairman Rogan stated so you border Peter's property...

Chris Semp stated yes.

Chairman Rogan stated for the commercial lot.

Peter Cipriano stated there is separation but not much with the Camp property.

Chairman Rogan stated gotcha, so between Pete's property and the Camp property, you have your house existing, how many acres are you.

Chris Semp stated three point one.

Chairman Rogan stated three, okay, we'll certainly take a look at that and make sure we can, the Board is never looking to have them clear cut everything to put in these, we do want them to fit in nicely and we will certainly take a look at what we can salvage as much as possible and see. This applicant has been very good for instance on, as we did the site walk, any large trees that were on this site, there were some really beautiful, you know old farm trees that were along this and we had them flagged and we are making sure that those are absolutely off limits but anything we can do along this Ballyhack Road, we will certainly try to do.

Chris Semp stated okay and how far back are these houses set on this couple of lots.

Chairman Rogan stated can you scale those.

Mrs. Ryan stated this one is about three hundred and fifty feet, this is a hundred and fifty so this is probably about three hundred feet.

Chris Semp stated okay so they are set more towards, there was a house that was taken down, where was that located.

Mrs. Ryan stated the one that burned was right in here.

Chris Semp stated it's right here, so that is a good distance back, okay...

Chairman Rogan stated and we will also, since you brought up the topic, when we continue working on commercial plans that border you we will also, we've had conversations about plantings and making sure we do as much screening as possible say between commercial lands and residential.

Chris Semp stated I remember when you have the hearing on the nursery, okay.

Chairman Rogan stated exactly, so we will definitely continue to work towards that goal.

Chris Semp stated okay, thank you.

Chairman Rogan stated thank you, yes sir.

Michael Carinha stated my name is Michael Carinha, I live on Sylvia Barlow Way which is off Ballyhack [Road], I just want to try to ascertain I guess from her...

Chairman Rogan stated Mrs. Ryan.

Michael Carinha stated is to develop the and I know this by eye because I drive by it every day so excuse me everybody, this is the wetlands down at the bottom there and this is kind of like the logging road along that is open down there right now...

Mrs. Ryan stated well the logging road is right in here.

Chairman Rogan stated a little before it.

Michael Carinha stated and the house that boarded up is...

Mrs. Ryan stated is right there.

Michael Carinha stated is basically in the same spot as there, my house would probably be back somewhere around here...

Mrs. Ryan stated this is Sylvia Barlow Way right here, which lot are you.

Michael Carinha stated I'm this lot right here.

Rich Williams stated you want some land.

Chairman Rogan stated yea, you want a Gore, it's very steep I imagine between...

Michael Carinha stated are you going to raise my taxes.

Chairman Rogan stated between where you live...

Michael Carinha stated if not, I'll take it.

Chairman Rogan stated between where you live and this subdivision must be all uphill, right, from your house looking up.

Mrs. Ryan stated this is really steep.

Michael Carinha stated I guess the back, it's kind of level and then it, if I remember correctly, there is a stonewall that runs along the side of my property and then it kind of goes up that way and then back that way and then the back is (inaudible) property.

Chairman Rogan stated it's really steep, yea.

Michael Carinha stated you were saying there was going to be conservation, like a wildlife conservation.

Chairman Rogan stated yea, right about where your hand is, the whole back side of, see the (inaudible).

Michael Carinha stated this whole back, basically this is going to be all wooded kind of.

Mrs. Ryan stated see this dotted area...

Michael Carinha stated I gotcha.

Mrs. Ryan stated it's going to be a vegetated buffer.

Michael Carinha stated okay.

Mrs. Ryan stated plus these house are...

Michael Carinha stated they're set up.

Mrs. Ryan stated will be on the other side of the ridge line, this is basically the ridge line, it comes up and then drops down again so we are on the other side of that ridge line.

Michael Carinha stated okay, thank you.

Chairman Rogan stated thanks, anything from you gentlemen, no.

Mrs. Ryan stated okay.

Chairman Rogan stated thanks you Mrs. Ryan.

Mrs. Ryan stated thank you.

Chairman Rogan stated okay, have a great day, are you here for any other applications tonight.

Mrs. Ryan stated no.

Chairman Rogan stated you're not.

Mrs. Ryan stated I am just here to support my fellow engineer.

Chairman Rogan stated ah, very good. I will ask for the second public notice once Theresa stops rolling her plan.

The Secretary stated when Theresa stops making so much noise.

Chairman Rogan stated yea.

2) **COUNTY LINE GETTY – Public Hearing**

Mr. Jason Caza of Tyree Environmental Corporation was present to represent the application.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, December 2, 2010 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **County Line Getty Amended Site Plan Application to address changes at the site and to allow a change in use of the site to allow a retail convenience store.** The property is located at 3230 Route 22, Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated thank you Michelle.

Mr. Caza stated (inaudible).

Chairman Rogan stated that'll be all right.

Mr. Caza stated my name is Jason Caza, I am a compliance project manager for the Tyree Environmental Corporation, I am here representing Getty marketing Petroleum Inc.

Chairman Rogan stated if you could just give the audience a brief overview of what you done and what the goal of you being here tonight is.

Mr. Caza stated sure, basically we started off um with some um modifications to the station, um mostly just general maintenance modifications, um some of the were um compliance issues, um, we wanted this site to be in compliance with uh, uh State, Town regulations and then we asked for some variances concerning um the propane and gasoline, I'm sorry, the propane and the kerosene tanks, we asked for a fifteen inch variance, we also asked for a variance for the um, the trash dumpsters which were all granted and basically that's where we're at today, we're here today to get these site plans approved, so that being said um, do you have a copy of the plans, these new plans.

Chairman Rogan stated you have them here.

Board Member McNulty stated yea, I have them here.

Rich Williams stated they came in late but you all have.

Mr. Caza stated they came in late.

Chairman Rogan stated do we have any uh questions or comments from anyone from the audience on this application. Going once, going twice...

Board Member Cook stated make a motion to close the public hearing.

Chairman Rogan stated can I have a second.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated okay, Charlie do you want to lead with your first question you had right there.

Board Member Cook stated you received notice that um, based on the inspection of the Code Enforcement Director that the storage trailer has not been removed.

Mr. Caza stated yes I have received that and both the large silver trailer and the small shed have been removed.

Board Member Cook stated since November 4th.

Mr. Caza stated yes, absolutely. We basically told him if you don't move you're going to lose your lease.

Board Member Cook stated you have received the Town Planner's letter of November 4th detailing the number of we'll call them comments, relative to your application, I was just wondering if you have had a chance to handle those.

Mr. Caza stated yes, unfortunately, as Rich mentioned the plans came in a little late and I reviewed them today and by the time I got a chance to look over everything, the engineer wasn't available but I do understand that the, my engineer put a fifteen inch, excuse me fifteen foot setback created by Patterson ZBA on 10/20/10, he must have misinterpreted what we were going, what we were talking about, this actually should be five feet not fifteen feet and the thing is that is shows on the plans so basically this plan is actually going against what we asked for, so I apologize, I apologize and I will talk with my engineer tomorrow and the CAD designer, so I apologize, that will be corrected as soon as possible and the existing drywell inlet, is actually a catch basin, the six in vent, or the six foot vent is actually a clean out for the curtain, just some small minor corrections that need to be made on this, this will not be the final, the final site plan.

Board Member Cook stated this just came in today, is that what you're saying.

Mr. Caza stated it came into me, I just got this today.

Board Member Cook stated okay.

Mr. Caza stated um I kind of had to push everything.

Board Member Cook stated so you don't even have it.

Rich Williams stated no, we do, we've reviewed this, it came in the end of last week, the beginning of this week, somewhere in there, I've reviewed it anyway, I don't know that anybody else has had a chance.

Board Member Cook stated okay.

Rich Williams stated I've done a review memo which Jason got today.

Board Member Cook stated okay, did we get it.

Rich Williams stated yea, you should have.

Board Member Taylor stated okay, for clarity, the setback is going to be five feet, is that what you're saying.

Mr. Caza stated it's going to show on the plans...

Board Member Taylor stated no, what is it really going to be.

Mr. Caza stated well we asked for, we asked and were granted a fifteen foot setback, a variance.

Board Member Taylor stated what is it really going to be.

Mr. Caza stated five feet.

Rich Williams stated Ron, Ron, both of the structures for which they got a variance for along with the sign, they are already there and they are already five feet off of the side property line.

Board Member Taylor stated all right so they're existing and you're getting a five foot variance as the existing structures.

Mr. Caza stated yes.

Board Member Taylor stated and then this line that's drawn on here shows the structures in the wrong place or it's mislabeled.

Mr. Caza stated uh, right, it actually shows them, he actually showed the fifteen foot, he actually brought them in instead of leaving them where they were...

Board Member Taylor stated okay.

Mr. Caza stated this is where they should be, they should be here.

Board Member McNulty stated in reality you only have a ten foot set back.

Rich Williams stated five.

Mr. Caza stated five.

Board Member McNulty stated five so they got a ten foot variance.

Rich Williams stated fifteen.

Mr. Caza stated it's basically just a minor...

Board Member McNulty stated can we just put shelves up here.

Mr. Caza stated it's really a minor, you know, detail but it is something that has to be corrected and it has to be shown on the plans, I'll take that up with the engineer tomorrow.

Chairman Rogan stated okay.

Mr. Caza stated are we, I discussed with Rich briefly about the parking stalls and the loading space and that there is no area that is designed for the storage of the vehicles, the vehicles are basically in the parking stalls, so I guess what I would probably ask for is that we, if we can possibly waive that, the um, the actual loading space.

Rich Williams stated he is actually going to be looking for a waiver for the loading space because they haven't provided one, so that is going to be a feature on the site which is going to take up a lot room on an already constrained site, in addition, again because of all the other, it's a pre-existing site, all the environmental constraints that, well not all the environmental constraints but all the constraints of the way the site has been developed, he's not going to be able to provide the number of parking stalls that he is going to need under the Code so he is going to be looking for a waiver there. Right now we are not exactly sure I don't believe what that waiver is going to be because what they've not shown is anywhere where the mechanic/auto body business is going to store the cars, the difference between the two is you know, where you have parking spaces you've got to put one car, where you have storage for vehicles under repair you can sometimes stack them up two or three deep so you can push more vehicles in a smaller area, so that was one of comments, I'm looking for him to actually designate an area for vehicle storage.

Chairman Rogan stated I thought on this we had also discussed, I know there area in the rear of the facility is mostly septic but there is also area where we could show future parking, should the need arise if we needed to, we could at least delineate out an area, I know we talked about that six months ago on this project and at least then that would give the Board some more assurance if we're going to look to have a positive action on waiving spaces, we have them shown on the plan as future spaces, should the need arise, they prove to us the site works fine the way it is, that need isn't there but at least it gives some assurance to the Town, you know protects us for the future.

Rich Williams stated Shawn, I think because the site is already developed, you're not going to be able to show future spaces...

Chairman Rogan stated I thought there was room in the back though Rich.

Rich Williams stated you're going to want to show it either as storage and on the other plan that he has, he has the drive aisles and a parking layout shown...

Chairman Rogan stated okay.

Rich Williams stated he's going to have to figure out a way to you know encumber a portion of it for vehicles storage but it's pretty much he's going to end up taking up the whole site.

Chairman Rogan stated it's pretty tight, yea.

Rich Williams stated and again, he needs it now, so it is the future, we're here and it can be done.

Chairman Rogan stated okay.

Board Member McNulty stated isn't there a waiver already granted to limit the parking spaces.

Rich Williams stated I don't recall off the top of my hear, there may have been.

Board Member McNulty stated so we don't know what we waived, how many spaces we waived.

Rich Williams stated I don't recall that a waiver was actually done but you may be right.

Board Member McNulty stated I thought we talked about it, maybe we just talked about it and didn't grant it.

Rich Williams stated I can tell you from the last meeting because I did review the minutes of the last meeting, the Board discussed it and they wanted him to come back with a plan trying to show more parking spaces than they had on the last version.

Board Member McNulty stated and you said that they increased it nineteen.

Rich Williams stated yes.

Mr. Caza stated yes sir.

Board Member Cook stated okay so where we're at is that, the applicant has to come back with a new plan...

Chairman Rogan stated accurate.

Board Member Cook stated accurate...

Mr. Caza stated yes.

Board Member Cook stated will you able, I'm sorry will you be able to show an area designated for the storage of vehicles, do you feel you can do that.

Mr. Caza stated we can try, um, it's going to be kind of tight but yea I'm sure we can work something out, I'm sure we can look it over.

Rich Williams stated you're not going to show a storage with nineteen parking spaces in addition, you're going to have to eliminate some of those parking areas, it can be done.

Board Member Taylor stated if they bring these tanks back to where they are actually located, does that then give them more room in front of them for parking or storage.

Rich Williams stated the problem you have is you need to maintain an aisle of accessibility through the site so to squeeze parking in there may be somewhat challenging, they do have some parking shown around the tanks now and they may be able to supplement that with one or two more spaces um, when they show the tanks correctly, there is that ability.

Board Member Taylor stated it just, the way it looks on the plan is the tanks come back, they'll come back behind the line of where they have the parking stalls now...

Rich Williams stated but then you also have to remember a lot time vehicles are going to be parking up next to those tanks to fill up you know the propane or to fill up the kerosene.

Board Member Taylor stated right. So the site is pretty full then.

Chairman Rogan stated but there is a whole lot more usable space out there then when we went and site walked it...

Rich Williams stated oh yes.

Chairman Rogan stated very cluttered, before you were on board.

Mr. Caza stated okay.

Chairman Rogan stated this was a pretty cluttered site, it's been cleaned up a bit since.

Mr. Caza stated oh yea, I stopped by there tonight on my way here and I just wanted to do a quick overview and the whole back is, it looks really nice back there, everything is cut down, I had everything cut down, it looks nice and clean.

Chairman Rogan stated good, good, anything else from anyone, no. Thank you for your time.

Mr. Caza stated thank you.

Chairman Rogan stated if I could ask from the audience, who do we have here for number three, Thunder Ridge Ski Area, John, you're here and how about Echo Road, the telecommunications tower and Albano wetlands, okay. I have to recuse myself from items three and five on the agenda, I would like to do that so those two items can be covered, I can just leave once and then come back, rather than doing this back and forth, so Echo Road, would mind if you wait until after the item number five, I appreciate that. Okay then on items three and five, Thunder Ridge Ski Area and Albano wetlands/watercourse permit I will recuse myself because these application both involve current and future County Legislators and I work for Putnam County, so Charlie if you would be so kind.

3) THUNDER RIDGE SKI AREA

Mr. John Watson of Insite Engineering was present to represent the application.

Vice Chairman Cook stated Thunder Ridge first, just identify yourself for...

Mr. Watson stated good evening I'm John Watson from Insite Engineering, I am here representing Patterson LLC or Patterson Center LLC which is the owner of the property known as Thunder Ridge Ski area, on Birch Hill Road.

Rich Williams stated hey John, if I might interject, take that right out, you have plenty of cord.

Mr. Watson stated we are here before your Board for a couple things, one is a site plan approval and also a fresh water wetlands permit, watercourse permit. The project I'm sure you're familiar with the ski area, I don't know if you are familiar with the upgrade programs, I would like to just take a minute and explain that program to you, in 1997 the New York City DEP issued a MOA, Memorandum of Agreement which one of the items to come out of that was the Watershed Rules and Regulations, so in 1997 that's when the DEP came out with these Watershed Rules and Regulations, one small aspect of that program of those regulations was this regulatory upgrade program and what that involves is upgrading every surface discharging waste water treatment plant in the New York City Watershed and currently all the treatment plants are at secondary treatments, they have primary secondary treatment, this program included upgrading every plant, there are about a hundred plants in the East of Hudson Watershed. It involved upgrading every single one to tertiary treatment which is typically some type of microfiltration and a lot of other components but that was the big thing going to tertiary treatment. DEP as part of the regulations, signing the MOA, has agreed to pay for design approvals, administration and construction and operation and maintenance of all these plants, so this uh, we are actually at the tail end of the program, I would say three quarters of the plants, East of Hudson have already been upgraded so this one for a lot of reasons has not been upgraded to this point but now we are at the point where we are actually ready to move forward. The way the existing treatment plant is set up is to give you some bearings, [Route] 22 is located here, this is the existing lodge and the main face of the ski slope is this area here, so right now what there is, is at the lodge they have septic tanks, a buried sand filter, chlorine contact tank which then discharges directly into this large sixty inch CMP culvert that diverts the stream under the whole ski area and that discharges over beyond the parking lot. So right now it is a surface discharging plant, they call it, it's discharging to a pipe, it's effectively a surface discharging plant, design flows 3,000 gallons a day, as part of this upgrade the flow will not be increased, so it's not an expansion of the plant, it's not a plant for new development, it's only upgrading what they have, there is actually, the new SPDES permit does include heightened effluent removals so it's the same design flow but a lot of the parameters have been tightened up and lessened. The current proposal is to keep the existing treatment plant online throughout construction which we've done on other plants like this, keep the existing plant online, install new septic tanks, a grease trap and a pump station down here by the lodge and then we're pumping the septic tank effluent up to the sewer treatment plant which is in an area approximately sixteen hundred feet east of the lodge. This shows a blow up of the area if I don't know, it's hard to see but right now the ski area, these lines show trails coming down from the top, as I said the main face is here and this is the other section that comes up, there is another hill that comes this way, right now this is all woods, there is a stream following Birch Hill Road south and what we propose to is put the proposed building up against the wooded area, it's cleared now, so we are not clearing to put the building but it's in a lower area behind and beneath, lower in elevation than the ski trails, tucked out of the way with access from Birch Hill Road crossing through this Town wetland. This plan does show a blow up of the access, it shows the driveway, the driveway crossing the stream and a driveway up to the top, there is all the treatment plant building and the pertinence is for the building itself, if you'd like we have a full set of process plans that show everything that's going on inside the plant, I know the Planning Board's engineer said that he would defer to the Health Department and DEP for all the approvals of that but if you like a set of the plans for your files, just so you can see what's going on, we'll...

Rich Williams stated it would be good to have them in the files, they are certainly going to be in the Building Department files.

Mr. Watson stated right but it's, figure at least you'll have a little better idea of what's going on.

Rich Williams stated is it an FBR plan.

Mr. Watson stated it's a membrane, MBR, Membrane Bio Reactor.

Rich Williams stated okay.

Mr. Watson stated the architect, we don't have architectural drawings of the building and this is our, we are just starting to get into design development so we've got this and we wanted to get to you early in case there were any concerns and we could incorporate that into the design, the DEP as I said, this is at the tail end of the program, DEP is very anxious to get this built, we just finished our 65% drawings, November 16th, they reviewed and got back to us within like three weeks and asked if they could they get 90% drawings by Christmas and I said well that is a little quick number one and number two its going to take several months with the Town to get where we are, so they would like to move this along but I told them that we have to, we have other permits that we need, it's not just them, so um...

Vice Chairman Cook stated ok um, in your comment letter you state that the property owner's potential future use of the property...

Mr. Watson stated correct.

Vice Chairman Cook stated can you give us some indication what that statement means.

Mr. Watson stated when we first were trying to find a location for the plant, you know the plant itself is approximately fifty by seventy I believe, fifty by sixty or fifty by sixty-five but you also need, there's an outdoor generator, we have a septic tank, we have a well, we have propane storage tanks, driveway, a couple parking spaces and a turn around, so there is a fair amount of area that we need in order to construct this building and the way the property is set up now, during ski season they use every square foot of the property down here, we even tried to stick it down in one of these corners and everywhere if it's not used for parking, the parking areas are down here but they have ski classes there, they use a lot of the areas, so the area all around here, it can not, they physically just can't give up that space in order to continued their operations, they do have another parcel located down here and they do have some future plans for that but it is nothing that has materialized but they've been, over the last couple of years, they have mentioned that they do want they may be doing something there, they don't know exactly what it is but they, I know in your memo it says you want to recommend a site walk, I think at the site walk we can walk around and I can point and physically show you exactly what is going, it's hard to do on this scale.

Vice Chairman Cook stated before we turn it over to Dr. Taylor here, the I think you were answering my second question which would have been, there is no where else you can put this.

Mr. Watson stated the owners are convinced there's not, they have convinced me there's not, I know it, that's why I said if we go out there and we can show you and walk and explain, the ski school that they have, they give ski classes, I think they have, I can get you the real numbers, I think they have 150 instructors on a weekend giving ski lessons, so they are using this whole area down here and they actually want, they want to expand their ski school because it's like an hour to hour half lesson and they have several, they have like four classes throughout the day so it's just all of these people at all different levels and they just need area to work and that's all down in here.

Vice Chairman Cook stated what about, you've received Rich Williams' letter.

Mr. Watson stated yes, yup.

Vice Chairman Cook stated talking about these properties maybe merging and stuff, you can talk to your client about that.

Mr. Watson stated it sounds logical, I will just have to run it by the owner.

Vice Chairman Cook stated okay, Mr. Ted, I would like to ask you to review what's in Rich's letter relative to the permit fees that are associated with this project.

Ted Kozlowski stated um yes, I'm also concerned about other things.

Vice Chairman Cook stated okay, we'll get to that, we're going to have Ron go first and then your turn, go ahead Ron.

Board Member Taylor stated would you show us the wetland boundaries and the buffers.

Mr. Watson stated sure, this is an existing site plan so there is nothing proposed on here, this is just to show you what's there but as I mentioned before the sewer treatment plant is proposed to be in this area here, the lodge is down here for reference, there is that pipe that I mentioned there is a little pond here that is piped from here down through the parking lot so the wetlands start around this pond, we've had both sides of it flagged up here, it follows this stream corridor all the way up, there is a finger that comes up to here, another little, Beth Evans did the wetland flagging, she wasn't sure if this would be considered a Town wetland but to be conservative she flagged and we located it, so we'll assume it is until we're told it's not. The stream continues up in a northeasterly direction and the wetlands continue, sometimes they are right up along the stream, some times they come significantly far up the hill and there is another wetland pocket up here, so as I said and then this here, the darker dash line, that's the wetland buffer, so we are proposing to have the tankage out in front of the lodge, outside of the buffer...

Board Member Taylor stated that's understood, you said that already, now Stephen's Brook, this stream that you talk about...

Mr. Watson stated yes.

Board Member Taylor stated it has a name, it's Stephen's Brook, correct.

Mr. Watson stated yes it is.

Board Member Taylor stated does it run through that culvert.

Mr. Watson stated the entire stream runs through that culvert.

Board Member Taylor stated and you're proposing putting facility right in the middle of a wetlands.

Mr. Watson stated no.

Board Member Taylor stated the point where the facility goes.

Mr. Watson stated right there.

Board Member Taylor stated where's the road.

Mr. Watson stated but building itself.

Board Member Taylor stated where's the road.

Mr. Watson stated but the building itself is not located in the wetland or buffer.

Board Member Taylor stated okay, where's the road.

Mr. Watson stated the access driveway into the treatment plant crosses Stephen's Brook in your Town wetland and what we did is we crossed it at the narrowest point that we could cross to be able to get us through and up here.

The Secretary stated hold on.

(Tape 1, Side 1 Ended – 8:28 p.m.)

The Secretary stated okay.

Mr. Watson stated once we had our building location set, we looked at where can we cross at the narrowest point to get across here and get a driveway up the side of the hill without, while minimizing disturbance and excavation, still getting a driveway at ten percent to get to the top, so we are crossing right there.

Board Member Taylor stated okay and which part of these slopes are forested.

Mr. Watson stated there is a tree line, there's a scalloped tree line which is this, so right now...

Board Member Taylor stated so it approximately follows the buffer line.

Mr. Watson stated correct.

Board Member Taylor stated and the pipe...

Mr. Watson stated and our driveway, a portion of our driveway goes through area that is currently wooded.

Board Member Taylor stated and the pipe you're going to put in, where is that going to run.

Mr. Watson stated the outfall, well we're putting in several pipes.

Board Member Taylor stated no, no, the effluent pipe you're pumping up the hill with.

Mr. Watson stated okay, that's a force main...

Board Member Taylor stated yes.

Mr. Watson stated we are running a sewer force main from the lodge up one of the ski trails up to the building, there are several ski trails here and based on discussions with the operator, Bob Conklin, he has electric and water lines running up through all of these trails, my initial design had the force main up on these upper trails and he said in order to go up here, you're going to be, you have about, he rattled off probably fourteen crossings to get up there, which is why we have it, there is going to be one crossing...

Board Member Taylor stated but you are out of the buffer for most of it except for where you cross that...

Mr. Watson stated we are in the buffer here, here, we're in and out of the buffer with the force main.

Board Member Taylor stated and that is forested, correct.

Mr. Watson stated where the force main is going, the entire force main route is currently cleared and it's a ski trail.

Board Member Taylor stated except where you go across that buffer area.

Mr. Watson stated even the buffer area, that entire force main route from the pumps, the entire sixteen hundred feet is wide open, we're not going to take any trees to put the force main in.

Board Member Taylor stated all right.

Mr. Watson stated it might be hard to see at that scale but if you look at the larger there is a scalloped line type that shows the tree line, that should clarify that.

Board Member Taylor stated just, my eyes are getting a little old, it's a little hard to read these especially when, I appreciate that you give us the reduced scale, they are much easier to handle but they are much harder to read.

Mr. Watson stated we like the reduced scale because it's 25% the paper, it's a significant paper reduction, so we commend the Town on, no, seriously a lot of town's, we have other town's that require 22 full size copies, so we did the same project in another town, I have 13 drawings set and we have to do 22 copies of 13, 13 sets of 22...

Board Member Taylor stated let's move on a little bit.

Mr. Watson stated yes.

Board Member Taylor stated the Daniel J's, the little store next to Daniel J's, have they been upgraded.

Mr. Watson stated yes, they don't have sewer treatment plants, they have septic systems, this is only for a sewer treatment plant with the surface...

Board Member Taylor stated so they are not covered under the...

Mr. Watson stated correct.

Board Member Taylor stated if the future proposals for this site...

Mr. Watson stated yes.

Board Member Taylor stated would they be septic or would they require sewer treatment plants or is it so vague you don't know.

Mr. Watson stated it's so vague I don't know, they did mention to me and I don't mind putting on the record was one of the things they wanted to do was have, maybe have a tubing area and then increase their ski school, they basically in size, right now everything is cramped and they just want to spread out more from what they have. It's all at the same number of people, you're not looking at, they're not looking at increasing flows, like I said before they are not allowed, they have a New York State DEC permit, SPDES permit for 3,000 gallons a day they can not exceed that, so they can't expand the flows, they could just do, they could just offer other activities.

Board Member Taylor stated that is good to know, what I would like to see, we need to explain the decisions we make and excepting your client's word that this is the only site, doesn't explain that for us...

Mr. Watson stated understood.

Board Member Taylor stated we need some documentation, so I would like to see a plan that shows the, this property, the adjacent properties and your reasoning and cost benefit analysis about the reasoning and support, what you're saying that this is the, especially since this concerns crossing Stephen's Brook and putting things through the buffer in a number of places.

Mr. Watson stated when you say joining parcels, you don't mean other restaurants, just whatever's owned by the applicant.

Board Member Taylor stated well...

Vice Chairman Cook stated I think if the future plans include your client taking over those buildings or building new structures, we need to know that.

Board Member Taylor stated and some of these parcels are listed under different names even though it's the same person in a sense or the same entity, we would like to see those, those parcels, not that belong, clearly to someone else, that belong to this...

Mr. Watson stated okay, when you say cost benefit analysis, exactly what are you looking for.

Board Member Taylor stated what's it going to cost to put the facility here, what would it cost to put it somewhere else, I think that is one of the things we have evaluate. Now it's not costing you anything because DEC is paying for it...

Mr. Watson stated DEP.

Board Member Taylor stated DEP is paying for it but I think as servants of the public, we have a right to a reasonable expense from DEP...

Mr. Watson stated so it's a cost benefit analysis for the cost of this treatment plant only...

Board Member Taylor stated versus if you put it somewhere else.

Mr. Watson stated but the important reason for not doing is a cost benefit analysis of loss, potential loss revenue for the applicant for not being able to use his property, that is the reason we are not putting it else where.

Board Member Taylor stated that's fine.

Board Member McNulty stated but I think if we do a site walk and we may see an area and say why can't we do it here...

Mr. Watson stated then we can tell you why or we can possibly look at something else.

Board Member McNulty stated (inaudible) because you don't show all the southern property.

Mr. Watson stated we are only showing what's...

Board Member McNulty stated there is the tow line to the southern most lift that's not shown on the map.

Mr. Watson stated yea, we can provide an aerial map with the property line just to give you during the site walk I'll bring that.

Vice Chairman Cook stated I think following our site walk...

Mr. Watson stated yup.

Vice Chairman Cook stated you'll hear the comments like why can't it go here, there or whatever and that is what we need you to come back with.

Board Member Taylor stated I think we need something more concrete or at least I do, something more concrete than no because of some vague future development, we're not going, we don't want to put it here, that is what I'm asking about cost benefits...

Mr. Watson stated understood, that's fine.

Vice Chairman Cook stated and/or because of the existing use of the property, it can not go in a certain location...

Mr. Watson stated right.

Vice Chairman Cook stated either close to the lodge or closer to, avoiding crossing Stephen's...

Mr. Watson stated understood, we spent a lot of time to get to this point so I had the same questions you did and I've been there so we can decide that, I understand.

Board Member Taylor stated okay, you just answered it, that's what we need.

Vice Chairman Cook stated you okay Ron.

Board Member Taylor stated yup.

Board Member McNulty stated opposite the entrance that you proposed off of Birch Hill Road...

Mr. Watson stated yes.

Board Member McNulty stated is there a residence opposite that...

Mr. Watson stated no, no...

Board Member McNulty stated it's strictly vacant there...

Mr. Watson stated yes, it's vacant up to Panorama Drive.

Board Member McNulty stated so will those residents have a view...

Mr. Watson stated there are residents down here but this is vacant.

Board Member McNulty stated so on the hill they don't have a view of the rooftop of this.

Mr. Watson stated I don't know as you go up hill, I don't know the answer to that but there are no houses in this zone right here.

Andrew Fetherston stated Tom, I've looked on the aerial and up Panorama Drive, the first house on Panorama Drive to where the sewage treatment plant is proposed to be is 550 feet approximately.

Board Member McNulty stated okay.

Mr. Watson stated and we are putting it, as I said, we're putting the facility up against the existing tree line so we're, it, you still have a few hundred feet to the road.

Vice Chairman Cook stated Mr. Ted, would you like to come up and...

Ted Kozlowski stated John, um, one of the hats I wear, I'm a certified watershed forester through the New York Watershed Agricultural Council and that is funded by the New York City DEP, I work on management plans in the region, on private property and the whole focus of this program is to protect the watershed and one of the things that is very big and important in the watershed program is riparian ways and they have beaten it into us about staying out of riparian water ways with projects, specifically roads, steep slopes and clearing forest and it's in the handbook, it's everywhere and I find it very curious that New York City would be in such a rush to approve just this. How many acres is Thunder Ridge Ski Area, how many acres would say.

Mr. Watson stated 70 [acres].

Board Member McNulty stated it's more than that.

Rich Williams stated oh no, it's probably 360 to 380.

Mr. Watson stated oh is it.

Rich Williams stated in total bulk.

Ted Kozlowski stated so we are looking at Stephen's Brook which I believe is a CTS trout stream, you're looking at a forested hillside, it's pretty steep.

Mr. Watson stated yup.

Ted Kozlowski stated and that whole length of the stream is pretty much undisturbed, you want to put a roadway through that upper steep slope exposing the stream and taking out all those trees and having potential for erosion and I know, you know you can engineer this to protect and blah, blah, blah, you are also going 1600 feet pushing uphill using a lot of energy to push effluent up the hill, if I was doing the management plan for this site, I would delineate the hundred foot buffer off of Stephen's Brook and stay off it and I would recommend to you and the Board that we really take a hard look at the southern sections of the property that I know Thunder Ridge, my kids all skied at Thunder Ridge, I tried, made a fool out of myself but um and I know that area is very heavily used and I agree but that southern area is not so heavily used and that is not shown on the plans and it's down slope of...

Mr. Watson stated it's not used yet, I...

Ted Kozlowski stated right, it's not used yet but it's not used right now...

Mr. Watson stated right.

Ted Kozlowski stated and I really, if the watershed people were here, I don't think they would be very happy with that scenario, I really don't and you know they are spending an awful lot of money for people like me to go around preaching to stay out of this so it just doesn't make sense to me and I really would tell the Board, I understand your constraints and what the ski area needs to but there is a lot of land there and I really think we can put this some place else where we don't have to compromise the integrity of Stephen's Brook.

Board Member McNulty stated what is the actual area of disturbance for the building and it's well.

Mr. Watson stated it's right around an acre but we're not done yet, this is like I said, these are initial plans to get before you to show driveway, parking, building generally what's there but we're right around an acre of disturbance total and probably half of that is in areas that are already disturbed and are just going to be restored to the exact condition they are now, everything, the ski trail where the force main where is coming up, that's just going to, that's grass now, it's going to be grass when it's done, the, it's grass where the existing plant is that will be demolished and put back to grass where all the tanks are going down in the front here, that's grass, it's going to be grass when it's done, this area is grass now, more like a meadow, that is where the building is going to go, building parking and there is a section of woods where it's coming up so it would...

Board Member McNulty stated so you're thinking about an acre where the building is going to go or total...

Mr. Watson stated total.

Board Member McNulty stated and how much area where the building is going to go, do you think.

Mr. Watson stated 2/3 of an acre, is the driveway and building I'd say.

Board Member McNulty stated okay.

Mr. Watson stated so its less than what you would have for a, it's like putting one, it's like putting a house in, probably even less because you don't have the septic area you have to clear and so everything.

Vice Chairman Cook stated okay, so you said the area is flagged.

Mr. Watson stated we did, we've been out there surveying certain things...

Ted Kozlowski stated I'm pretty sure Charlie...

Board Member McNulty stated you can't really see it.

Mr. Watson stated there are some, the wetland area or the building.

Board Member Taylor stated the building.

Mr. Watson stated the building, we flagged 2 corners of the building a couple trees along the center line of the driveway, our surveyors just happened to be out there and I had them stake that just because they were going out, we can, I understand you would like more driveway stakes and the building and well we can have that done before the site walk.

Vice Chairman Cook stated Ted is there anything else that you would like to see flagged, any particular area, what they are proposing.

Ted Kozlowski stated no I just want to, the, you have the roadway identified (inaudible) right.

Mr. Watson stated it will be.

Ted Kozlowski stated I am more interested in seeing other options.

Vice Chairman Cook stated we all are, I think you're getting this message that we all are...

Mr. Watson stated understood.

Vice Chairman Cook stated you know with the size of the property we are just saying hey, you know, the disturbance...

Mr. Watson stated I understand and I expected that, so...

Vice Chairman Cook stated okay.

Mr. Watson stated Ted, will you go to the site walk also.

Ted Kozlowski stated oh yea.

Andrew Fetherston stated we provided a comment memo, did you receive it.

Mr. Watson stated yup, I have no, I agree with everything.

Andrew Fetherston stated okay.

Vice Chairman Cook stated okay, one of our members, not sure, one of our members is not here tonight obviously, we'll contact him, maybe we can go for a week from Saturday for the site walk, which I think would be 12th.

Mr. Watson stated okay, that's the 11th, actually.

Vice Chairman Cook stated the 11th.

Mr. Watson stated because I have two site walks on Saturday the 11th.

Tim Curtiss stated now you've got three.

Mr. Watson stated this is the second.

Vice Chairman Cook stated well if we make it happen on the 12th.

Mr. Watson stated no, it's fine, the 11th is fine.

Vice Chairman Cook stated it may go to the 19th, I don't know about Mike's schedule and I haven't really talked to my colleagues.

Mr. Watson stated well the sooner the better for us because we would like to...

Vice Chairman Cook stated if we do it that day, we'll be there at eight o'clock.

Mr. Watson stated that's fine.

Vice Chairman Cook stated okay, thank you.

Mr. Watson stated thank you.

5) ALBANO WETLAND/WATERCOURSE PERMIT

Mr. Carl Albano and Mr. John Watson of Insite Engineer were present.

Vice Chairman Cook stated Albano Wetlands/Watercourse permit application.

Mr. Albano stated good evening, my name is Carl Albano, I'm here on behalf of my wife's family on their piece of property. Just a little background, my family, my wife's family has owned this property for over forty years, it's part of an existing subdivision, an old subdivision. About four or five years ago we got Board of Health approval on the property based on a three bedroom home, the first thing we did when we

started on this property is we had the wet area identified by the DEC and then along with our engineer's they put the flags in, the Town Wetlands Inspector came out and pretty much everything was very similar except for one flagged area, one flag was moved a few feet, if you basically measure this area here, it's about 150 square feet that we are a little bit in disagreement with. We received a three bedroom Board of Health approval about four years ago, two years came by we had to reapply to have that permit extended when we had it extended they asked us to look at it again, identify all the wells, go over everything, we realized there was a discrepancy, at that point it was changed to a two bedroom approval, that was approved, we've gone another two years, you know with the market slide right now and at this point we applied to have it another two years, the Health Department came back and said we would like to see a three bedroom there, it's more appropriate, you're basically talking about the same house, it's a matter of eliminating one bedroom, calling it a three or calling it a two. We showed them the plans, they had questions about this one flag, they said there has to be a way to work this out, three bedrooms is more appropriate, of course we agree with that, in the past we took the path of least resistance, so the question we have is this, a couple of things to consider here, part of the septic would be in the buffer zone and that is where the question arises, across the street there is a well, that's probably you would consider today a substandard well, when this property was subdivided, it was agreed that if that well should ever fail it would be relocated to the back of the property, should that happen, then we would never have to go into this buffer area with the expansion area, so what we are really talking about is the septic is going to be out of the expansion area but a small portion we would have to show to make this project the way it's designed, when I spoke to the Health Department, you know today, years ago septic in my opinion weren't installed correctly, there was a lot of failures, they anticipate the average life of a septic to be about 20 years and I believe that is based on the old standards of failing septic. Today everybody knows things are done more correctly, it's very unlikely that anyone would ever use a hundred percent of their expansion area, based on the old calculations, they say theoretically in 20 years you might relocate a septic, I don't see that ever happening so I don't think we would ever even go to this area again back to what I originally stated, the area that we are talking about is probably a 150 square feet but when you move one flag and then you draw a hundred foot circle, it really destroys this three and a half acre lot. The area in question is probably about the size of this corner of the room, so that is why we're here and we are back here at the request for Health Department.

Vice Chairman Cook stated okay, any comments, Ron...

Board Member McNulty stated the only area in question is for the expansion, correct.

Mr. Albano stated yes.

Board Member McNulty stated I looked at this at the work session, I had no real problem with it.

Vice Chairman Cook stated Ron.

Board Member Taylor stated can you tell us, show us the difference between if it were a two bedroom, what expansion would be required as opposed to this three bedroom.

Mr. Albano stated basically if you look here, this is the proposed septic, the lines that are broken is the expansion area.

Board Member Taylor stated if it were a two bedroom...

Mr. Albano stated if it were a two bedroom we can accomplish the same thing without this area you, you see this circle here...

Board Member Taylor stated yes.

Mr. Albano stated that is the hundred foot buffer from this flag...

Board Member Taylor stated yes, I know that, yes.

Mr. Albano stated we, basically we can make this work right in this area that we have here, so showing expansion here allows for the three bedroom and again the likelihood of that ever happening is very minimal, that is assuming that this well goes forever even though it's a substandard well, when that well goes one day, that has to be moved, that's stamped on their plans. If and when that happens, we'd never even have to use this area because we have all these area in the front yard so it's very unlikely that that expansion area would ever be used.

Board Member Taylor stated and you...

Vice Chairman Cook stated Ted, oh I'm sorry Ron...

Board Member Taylor stated you would be notified in the case of that well moving.

Mr. Albano stated no but at the time if this septic did have to be expanded, that would be the first thing you would check to see if anything changed.

Board Member Taylor stated so you'd put a note on the plan, addressing that.

Mr. Albano stated sure.

Ted Kozlowski stated Mr. Albano, I'm Ted Kozlowski and I'm the Conservation Inspector for the Town and I'm the person that double checked that wetland, Rich Williams the Town Planner asked me to go out there and look at it a second time, it is a wetland, I don't put the wetlands there, it is what it is, it's got the soils, it's got the vegetation, DEC has their own way of identifying things and I have our Town standards that I was, so it is a wetland and it is there, it was always there, having said that, I don't have a problem with what you want to do, I don't see it as an issue, a detrimental issue to the wetland, however, my concern would be, as it is with most lots that are developed in or around wetlands is the future use, are you comfortable with that design with the deck, driveway, everything, all the amenities because any kind of future uses or any kind of future expansion, gardens, lawns, pools, things like that are going to be a conflict with the wetland and buffer and I want you to know up front before you go another step and spend another dime that that could be denied, that could be a problem, or it might not but that is going to be an issue and I don't, like I said whether it's a three bedroom house or two bedroom house, really don't care all right and I really don't think the expansion area, what you explained makes perfect sense and to me it's a non-issue but the issue is the future and please understand that I don't want to be with you or your family or whoever buys this house in the future when they say I can't put a pool here or I can't do this or do that, just understand there are limits to this property and keeping the integrity of that forested area and the buffer around that wetland is important, okay and you know like I said I don't have a problem, my recommendation to the Board would be to grant the wetland permit but please understand that there are other things that may come down the line and buyer beware.

Mr. Albano stated I appreciate that advice, I am very familiar with the wetland rules, I've dealt with this in the Town of Carmel, I mean this is all clearly written on a map and anyone who owns this property, if my family kept it, somebody else, they have to be aware of the rules and they have to stay by the rules so I have no question with that.

Ted Kozlowski stated you know a lot of people, what is that two acres there.

Mr. Albano stated it's like three and a half acres.

Ted Kozlowski stated okay, three and a half acres, somebody, you know some people like to go to...

Mr. Albano stated yes.

Ted Kozlowski stated Tractor Supply, buy the rider mower and have three acres of lawn, you're not going to be able to do that here.

Mr. Albano stated the one thing I always explain when I deal with people on property like this, when you see a brook, that is the first thing you point out to them and you tell them there are a lot of rules that go along with that brook and that's kind of very well known today. That's a definite, it's on the map, that is the way it has to be, the boundaries are very clearly marked...

Ted Kozlowski stated okay.

Mr. Albano stated and I appreciate that advice, I would pass that along to anyone.

Board Member Taylor stated it's a question on this, if they wanted to put a pool in the well radius, would they be allowed to do that.

Mr. Albano stated I believe so, you could ask the Planner but that, as long as it has the set back...

Board Member Taylor stated because this is kind of different in some ways, it's got that arc of property...

Rich Williams stated if it met the setbacks, was not in the front yard, yea they could put a pool up.

Ted Kozlowski stated the only thing, again I'm a pool owner, the issue with pools is not so much the footprint, it's the sun field...

Mr. Albano stated which in this case would be the high area.

Ted Kozlowski stated putting a pool in a forest means you have to clear an awful lot of trees...

Mr. Albano stated right.

Ted Kozlowski stated because nobody wants leaves or nobody wants shade around their pool.

Mr. Albano stated I think what you're referring to is this area up here, yea.

Ted Kozlowski stated that is a whole forested site, just be cognizant, you've got a hundred foot buffer...

Mr. Albano stated absolutely.

Ted Kozlowski stated and then have a nice day.

Mr. Albano stated okay, (inaudible).

Board Member Taylor stated I think what we should do with this is what we did with or you guys did years ago or some of you did years ago with Fields Corner Lane, put that language on it...

Board Member McNulty stated limits of disturbance.

Board Member Taylor stated limits of disturbance and I think a fence should be erected.

Board Member McNulty stated there is a fence outlined on the plan here, well construction fence.

Board Member Taylor stated and that before and construction takes place, that fence goes up instead of a part of construction because if it's there, nobody is going to run over the fence and I think it should be a different fence than just post and rail, I think it should be a six foot welded wire fence or something permanent like that.

Mr. Albano stated I would have a problem with that, I'm being honest, we're all friends...

Board Member Taylor stated okay.

Mr. Albano stated you know what it is, that restricts, you have a piece of property that's three and a half acres, you'd hate to have a barrier behind you, you know there are certain requirements you have to go by and they are never going to change, this is very, you know people could see this from the road very clearly, I have no problem with a fence, a railed fence but to put up an actual fence, it does restrict it, we are very limited to this corner of the property, five years from now, ten years from now the people are always going to have to go by the rules that were set on this property and the rules are the wetlands, so believe me when I sell this to somebody and I intend to sell it, these are the times we're in, they are going to know the rules, trust me, I mean I've dealt with this before and they will be very aware of what you can do and what you can't...

Ted Kozlowski stated Ron, we also have posted wetland signs, wetland markers that we put.

Board Member Taylor stated something like that...

Mr. Albano stated right, sure.

Board Member Taylor stated we deal with people all the time...

Mr. Albano stated yes.

Board Member Taylor stated who should know the rules and come in here wanting to change the rules, so we're on the other side of that.

Mr. Albano stated it's hard, I don't know if that's ever going to change but I understand what you're saying.

Vice Chairman Cook stated you would be okay with some type of fence.

Mr. Albano stated yes, absolutely.

Vice Chairman Cook stated why don't you think about that...

Mr. Albano stated I think we have that on the plan now, we did...

Board Member McNulty stated there is a construction fence out there.

Mr. Albano stated and actually Insite recommended that and said that's a good idea so that it's clear...

Mr. Watson stated there is post and rail fence right along the Town, the entire (inaudible).

Vice Chairman Cook stated I was not at the work session last week so these guys have a little advantage of that discussion, so...

Mr. Albano stated not a problem.

Board Member Taylor stated I don't see any problem with this either as Ted says, if you move your line down so that the extreme left line there, sweep it down so it, there, so it's at the bottom, no, no...

Mr. Albano stated it says here proposed...

Board Member Taylor stated that's fine, bring it down here...

Mr. Albano stated right.

Board Member Taylor stated okay, that covers your expansion, it defines the limit of disturbance, something that is clear that's there that will last into the future we came back from another house where somebody wanted to put a garage out into the limit of disturbance because the fence never went up...

Mr. Albano stated right.

Board Member Taylor stated it's not there, it's not on the property, there is no demarcation.

Mr. Albano stated right.

Board Member Taylor stated there should be some permanent demarcation, that's all.

Mr. Albano stated I agree with that yea.

Vice Chairman Cook stated Rich, anything.

Rich Williams stated are we down to procedure.

Vice Chairman Cook stated no, just comments on, I'll come back to you, Andrew...

Rich Williams stated down to procedure, typically the next two steps of the process, the Planning Board will go out, visit the site, take a look at it and also I believe we, you know, unless Ted has any issues with the way the plans are drawn, the next step would be to schedule a public hearing perhaps for the January meeting.

Vice Chairman Cook stated do you think you have to flag anything else...

Mr. Albano stated no, we have silt fence up, we have, there is fence up there right now, I can go over that with, make sure it's all...

Board Member McNulty stated is the silt fence in an area where the permanent post and rail fence will be.

Mr. Albano stated yes, within two, three feet.

Board Member McNulty stated okay.

Vice Chairman Cook stated okay.

Ted Kozlowski stated with regard to functional analysis, I am not looking for that on this one.

Vice Chairman Cook stated right, we'll um, how about we pay you a visit on the 12th also...

Mr. Albano stated sure.

Vice Chairman Cook stated you don't have to be there.

Mr. Albano stated I would like to be there sure.

Vice Chairman Cook stated if that works again, like I said to the previous applicant, just double check with Mike Montesano...

Mr. Albano stated sure.

Vice Chairman Cook stated so we will plan on seeing you on the 12th also, if for some reason we try to get that on the 19th so you know.

Mr. Albano stated on the way, I'm sorry...

Vice Chairman Cook stated on the 19th, a week later.

Mr. Albano stated right.

Vice Chairman Cook stated I will make the motion that we schedule a public hearing on the Albano wetland/watercourse, Mr. Carl Albano's freshwater wetlands and watercourse permit application for January 6, 2011.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 3 to 0.

Mr. Albano stated okay, thank you.

Rich Williams stated Mr. Albano, just so we know the next steps also, typically, you're going to have to do a certified mailing to all the property owners within five hundred feet, typically you're going to get the public notice from my office, that should be prepared in the next week or so...

Mr. Albano stated you have notice.

Rich Williams stated you can call Michelle and just you know include that in your certified mailing and then bring your receipts in.

Mr. Albano stated okay, thank you.

Rich Williams stated we'll see you on the 11th.

Vice Chairman Cook stated what did I keep saying, the 12th, ha.

Tim Curtiss stated he'll be there by himself.

Rich Williams stated he'll be sitting out there on a Sunday.

Vice Chairman Cook stated let's welcome back, what's your name again.

Chairman Rogan stated I forget.

Board Member Taylor stated so you yield to Mr. Rogan, do you.

Board Member Cook stated I yield the floor.

4) ECHO ROAD TELECOMMUNICATIONS TOWER – Continued Review

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

Chairman Rogan stated Echo Road, thank you by the way for your patience for flopping out like that, I appreciate it.

Board Member Cook stated yes.

Mr. Laub stated set back is all.

Board Member Cook stated it's tough enough keeping up with (inaudible).

Chairman Rogan stated we actually have a resolution prepared don't we Ron.

Board Member Taylor stated yes, do you have anything you want to say before we...

Chairman Rogan stated before we approve this thing.

Board Member Taylor stated pull the switch or whatever.

Mr. Laub stated oh, where do I begin, well um, I mean I think as the Board knows, looking at it, maybe I'll just begin, one of the things I can sell, you know there is a lot of property interest, real property interest involved with how this site is laid out, there is the underlying property owner, there is the master lease holder of AT&T, there are the other carriers who are lease holder and then there is Metro PCS which is a lease holder trying to go through this, so I understand from you know the resolution that the Board is trying to take Alexander's approach to the Gordian knot and just kind of cut through this, I have the parties, here is what we need you to do and go off and try to figure how to do it, I understand the pragmatic approach. A couple of the specific provisions, I mean I just can't stand before you tonight and say we can absolutely do them, particularly 3 and 4, they are really matters that go beyond the little scope of our lease area and I think that would be, you know, at one point in the draft resolution that I see, there is language that you know we're representatives or agents of the other entities as the applicant which we're not, I mean I just as an attorney I do not represent those other entities so I can't stand here and affirmatively tell you that we can agree to these, it's just not, some of these things actually go even beyond AT&T's lease area, so it would actually go back to the organic land, I don't think I'm telling you anything that you don't know but I do want to make sure that I mention and am clear about it, um one, so my understanding pragmatically is that the Board is looking to move forward with these conditions as set forth here, my one pragmatic kind of approach to one of these items would be that the gate, talking about getting the gate up, actually physically in place within 62 days of approval, that seems out of keep with kind of how you want to deal with this, seems not to be what would probably want to be done in December, January, February, maybe there is another way, I still can't agree to them but if I were to agree with these hypothetically, I think that would be problematic and maybe there would be a different way to do that.

Board Member Cook stated let me ask you this, let me ask Rich this, can we change that 62 days.

Rich Williams stated sure, anything you want.

Board Member Cook stated so we could say...

Chairman Rogan stated specific to that one condition is what you're saying...

Board Member Cook stated is there anything because I mean we could 180 days which takes us to June...

Mr. Laub stated well the only thing I was even speaking with this with our engineer is you know, it seems to me what that requires is, I'm not even sure how it would work because in order to get the approval completed to the point where you would get a building permit, you'd actually have to go out and get a building permit to do the fence, to do the gate and then come back to get the final approval and then go back...

Chairman Rogan stated you don't need a building permit.

Board Member McNulty stated you don't need a building permit.

Mr. Laub stated you would need a building permit for that portion of it.

Rich Williams stated no.

Mr. Laub stated for any kind of gate, so it could be done without that.

Board Member McNulty stated we want to see a site plan though with what's proposed though, wouldn't we, for the gate...

Rich Williams stated well as...

Mr. Laub stated it seems like all the other items are really more about providing the information and data and site plan information...

Chairman Rogan stated right.

Mr. Laub stated whereas that is, you know actually doing something physical, so I don't know if maybe you want to make the condition that it can be incorporate on the plan, again I can't fully agree to everything here, it's beyond our scope but I'm just talking pragmatically.

Chairman Rogan stated that's fine...

Rich Williams stated typically with a site plan you're going to have certain improvements that you want to see built that are shown on the site plan and you're going to approve it subject to a bond being place to ensure that those improvements are done...

Board Member McNulty stated and then get a final as built...

Rich Williams stated (inaudible) change the rule, well not a final as built but a bond which is a surety which guarantees those improvements are going to be built...

Chairman Rogan stated Ron, Charlie is trying to...

Rich Williams stated we are trying to change that whole tact around here with the Town where are not requiring necessarily a bond specific to the improvements so we've been kind of backing that out of the resolutions but we still have this chicken and the egg, we grant a conditional approval which now requires certain improvements to be built before the site plan is signed, they don't actually have a signed site plan because the improvements aren't built by which they are building the improvements...

Board Member McNulty stated so we're gray again.

Rich Williams stated yea, so it becomes you know reaching a comfort level between the Board and the applicant about putting in specific improvements.

Board Member McNulty stated well...

Mr. Laub stated just by way of clarification was, there was actually a discussion that was had between the Town and AT&T, that is what it seems to indicate.

Rich Williams stated it was an e-mail, an e-mail.

Mr. Laub stated oh it was an e-mail.

Rich Williams stated yup.

Mr. Laub stated and AT&T said they agreed to it.

Rich Williams stated mmhmm.

Mr. Laub stated okay because they did not relay that to us.

Rich Williams stated I would be happy to forward you the e-mail, I have your e-mail address.

Mr. Laub stated I'd appreciate Rich, yea.

Rich Williams stated give me a call.

Chairman Rogan stated so it looks like we are changing to 180 days, Charlie is what your suggesting.

Board Member Cook stated I would say that yea, I just, change it for one thing...

Board Member McNulty stated the applicant is saying he doesn't know if he can live up to all these items on the resolution.

Chairman Rogan stated I think we are going to be able to find that out in due time, won't we.

Board Member McNulty stated okay.

Chairman Rogan stated okay.

Board Member Taylor stated legal question on this, I mean, he's coming before us to upgrade essentially somebody else's property.

Tim Curtiss stated yes well actually, yea the master lease holder is AT&T, apparently they have agreed to the condition to upgrade the fence or gate at that point which obviously then would give them the authority to go to AT&T or to do it themselves and say we need to upgrade the gate.

Board Member Taylor stated the legal question is, so he's before us...

Tim Curtiss stated yes.

Board Member Taylor stated but there are these other issues...

Tim Curtiss stated correct.

Board Member Taylor stated that don't involve him in the future, it's too late now to deal with it now but in the future, is there some way to get both parties in on this kind of agreement so we're talking to both of them at the same time.

Rich Williams stated the reality is our requirements for a site plans require these maintenance improvements anyway, under our current Code, if you don't adopt this resolution we can still go out there and enforce the reasonable maintenance of the site...

Tim Curtiss stated with AT&T.

Rich Williams stated with AT&T, with the underlying property owner, it is whoever we needed to enforce it against.

Mr. Laub stated under property maintenance rules under the Town Code that exist.

Rich Williams stated both the zoning and the property maintenance, New York State Building and Property Maintenance.

Chairman Rogan stated at least in this case, contained within the resolution though are items that we would like addressed in the future that are based on our actual field observations of things that weren't being done...

Rich Williams stated correct.

Chairman Rogan stated so it's not just the Town going out there and saying oh you're not keeping up with the site but it's now, you know this was found because we were out there for this applicant so you know let's, I think let's move forward with it and see, hopefully the items are reasonable and can be taken care of.

Board Member Taylor stated there were some outstanding questions, there are questions about the six or seven foot fence.

Rich Williams stated I did go out, I did measure, Charlie was out there when we were out there...

Board Member Taylor stated that's been resolved.

Rich Williams stated it does meet our Code requirements.

Board Member Taylor stated okay, structure proposed meet setbacks.

Rich Williams stated yes.

Board Member Taylor stated the non approved array, if you're going to deal with that, how...

Rich Williams stated it's up to the Board how they want to decide that...

Chairman Rogan stated it's basically just that the antennas were put at a slightly different elevation than what was approved.

Rich Williams stated correct.

Chairman Rogan stated by a few feet.

Rich Williams stated your drawings show them at a different elevation than what got approved, I don't know if that is a miss on your engineer's part or they hung them differently.

Chairman Rogan stated right.

Board Member Taylor stated so we should either check to see that the measurement is correct or the drawings should be modified to reflect the existing, is that...

Chairman Rogan stated the as built, yea.

Tim Curtiss stated the as built should be (inaudible).

Chairman Rogan stated we get an as built after their array is put on, no.

Rich Williams stated no, we do not.

Board Member Taylor stated okay, lighting details, is there anything left to do with on that.

Rich Williams stated there is not lighting out there now.

Board Member Taylor stated grading, no change there.

Rich Williams stated well yes we do need to show grading, that is one of the things that need to be shown.

Mr. Laub stated yea, there were a couple items from October 7th memo, yea that actually, I know our engineers have already kind of addressed and drawn plans, all those items in terms of the site plan details that needed to be addressed.

Board Member Taylor stated all right, that's taken care of, then the only other stage I think we discussed was to item 4, special conditions, of the gate I would add something, a gate comparable to those approved for other cell tower sites in Town, that gives them some guidance and...

Tim Curtiss stated uh, you're going to have be a little bit more specific than that if you want to give either a detail...

Rich Williams stated let's even be more specific, we have a telecommunications facility at the Noletti site which basically has just a breakaway swing gate and then we have the one that was just approved at Quail Ridge...

Tim Curtiss stated which is the Cadillac of gates...

Board Member Taylor stated the Cadillac of gates, so do we have a feeling or we go similar to the chain link that's there now.

Board Member Cook stated what is the difference between no the Cadillac but the other one and the one that is up at Echo [Road].

Rich Williams stated the easiest way to describe, I'm trying to think of where I might want to, it's two tubular bars running across to come to a point...

Board Member Cook stated oh yes.

Rich Williams stated all right, it's about this wide.

Board Member Cook stated yes, I know what you're speaking about.

Board Member McNulty stated what we're looking to do is get something that has a park like look to it, so it's not an industrial looking entrance, I guess even a cattle type gate would blend in better than chain link.

Board Member Taylor stated so that swinging gate he just described...

Tim Curtiss the breakaway type gate rather than the chain link.

Mr. Laub stated seems like that would be less of a profile, I mean it wouldn't kind of stand out, that sounds like...

Board Member Taylor stated so just add that to item four then.

Tim Curtiss stated this one.

Board Member McNulty stated yea.

Board Member Taylor stated what do you call...

Tim Curtiss stated any ideas that just, in the middle so (inaudible).

Board Member Taylor stated what do you call that breakaway.

Rich Williams stated I called it a breakaway swing gate, you have a better name for it.

Andrew Fetherston stated no.

Mr. Laub stated so if emergency services had to run up there they could break through.

Rich Williams stated take home (inaudible) tomorrow.

Board Member McNulty stated and we talked about pushing that back ten feet.

Chairman Rogan stated yea, that's contained in the...

Board Member McNulty stated so, I don't know, I was thinking even like the rail at the Rec. Center, so it's a wood, it's not high but it's enough to barrier ATV's around a parking lot, the wooden rail, it's post and...

Rich Williams stated yea, no that's a guide rail...

Board Member Taylor stated yes.

Rich Williams stated yea.

Board Member McNulty stated maybe even a fence like that on either side of the gate.

Mr. Laub stated so they are basically two rails that go back about ten feet and then a breakaway swing gate that is set ten feet back from where the current ones now.

Rich Williams stated we talked about a wood guide rail on either side with a breakaway swing gate in the middle.

Board Member McNulty stated to prevent motorized vehicles.

Board Member Cook stated when you leave here, the Rec. Center is straight down the road here, across from the train station, just drive around the parking lot and you can see the type of fence that Tom is describing and the breakaway.

Board Member Taylor stated so do we leave it for them to get approval with what they want to do with the Town Planner, is that what we do with this.

Board Member Cook stated just say the breakaway type gate.

Board Member Taylor stated I do have that.

Rich Williams stated yea but you want somebody to confirm that they've got the right thing...

Board Member Taylor stated yea.

Rich Williams stated it's actually what I was figuring what I was going to do is I'm just going to go take some photos and send them down...

Board Member Taylor stated okay, so...

Rich Williams stated then when the plans come back in, I'll just check the plants before you approve them.

Chairman Rogan stated that sounds great.

Board Member Taylor stated all right then with those changes to 180 days to a breakaway swing gate, that's it, find my notes, I've got it written here somewhere. I would like to introduce a resolution granting approval for a revised site plan, is that what we're doing here, for the Echo Road Telecommunications Tower, someone is supposed to second that and the Chairman is supposed to say, so that I don't have to read this whole thing...

Chairman Rogan stated no, that's fine, I would just add into that the three general and five special conditions contained within that resolution with the amendments to that resolution that Ron had previously spoken about for the gate and for the time frame of 180 days. I'll second that.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated okay, thank you sir.

Mr. Laub stated all right, thank you very much, I'll...

Chairman Rogan stated we appreciate your patience.

Mr. Laub stated thank you.

Chairman Rogan stated have a happy holiday.

Board Member Cook stated now Rich or Tim, these changes and stuff, we, you get a new resolution typed up, if you will, a corrected one, we send that off to the applicant, okay.

Rich Williams stated she does.

Tim Curtiss stated yes that's right.

6) EUROSTYLE MARBLE AND TILE – Performance Bond

Chairman Rogan stated okay, Eurostyle Marble and Tile, is anyone here for that, for Eurostyle, no...

The Secretary stated no, he knew there was a meeting, he called a couple weeks ago.

Chairman Rogan stated okay, let's hold off in case they show up, how about Genovese, Genovese Site Plan...

7) GENOVESE SITE PLAN – Continued Review

Ms. Terri-Ann Hahn of LADA Land Planners was present to represent the application.

Chairman Rogan stated good evening, how are you Terri.

Ms. Hahn stated good, Terri-Ann Hahn, principal at LADA P.C. Land Planners. The, we are back in front of you, we have spent a little bit of time testing the well, getting the septic system done, doing the test holes for the stormwater basin, redesigning the stormwater basin, having DEP review, DEC review, DEC wetland review and now we are back in front of you because I just got the call yesterday that DEP is ready to approve our stormwater and so I'm pretty excited about that, so the um, project has not significantly changed since the public hearing, the special permits, little tweaks but fundamentally it's about 67,000 square feet of office warehouse/light manufacturing, there were special permits that were granted, there is a wetland permit that required, a local wetland permit for improvements in the upland, the wetland buffer area for a water line and the fact that virtually our entire frontage along Route 22 is within the buffer area for DEC, so we need a DEC permit and a local wetland permit and you guys were missing a wetland permit application so that has been filed and is in place. The, basically just so your familiar, the entrance is here, parking is off to the side of the building, there are two stormwater basins, the septic system is located out the back of the site, there is an existing well and the water line comes through this way and this is the buffer disturbance for this area here, the um, they are planting extensive planting that was required based on the public hearings, there was a vegetative buffer strip that was required out the back in this particular area, so a fairly straight forward application, I did receive comments from the Town Engineer so we have a few more things to clean up which is fine, they seem to make sense to me and I think that where we're at the moment.

Board Member Taylor stated could you point out which way naturally flows on this site or which ways.

Ms. Hahn stated um the, yea, there are only five design points on this particular site, the water comes this way, there are two pipes which cross Route 22, one which is located, this...

Board Member Taylor stated just approximate is fine.

Ms. Hahn stated there is one over here...

Board Member Taylor stated yes.

Ms. Hahn stated and there is one else where in this area and there also some drainage which occurs this way...

Board Member Taylor stated where does that go.

Ms. Hahn stated that goes into the local wetland which then goes around, this is the, we are just south of the Boniello property, we also have a design point that goes out this way and there are five...

Board Member Taylor stated there should be one right about where your finger is...

Ms. Hahn stated this is five, this goes this way...

Board Member Taylor stated so a choice...

Ms. Hahn stated and this comes into the site itself.

The Secretary stated hang on one second.

(Tape 1, Side 2 Ended – 9:17 p.m.)

Board Member Taylor stated where does this water end up.

Ms. Hahn stated um, most of the water um ends up into the DEC wetland in this area here and the other one goes up the local wetland and continues north um and I assume eventually goes in some direction.

Board Member Taylor stated you don't know where...

Ms. Hahn stated well I don't know, I didn't look at it recently but...

Rich Williams stated it crosses through Boniello's property.

Ms. Hahn stated it crosses up through Boniello's property and continued north.

Ted Kozlowski stated it crosses under [Route] 22 into the state wetland where Albano is.

Board Member Taylor stated Bog Brook comes down that side, okay so it doesn't cross over the other site...

Ms. Hahn stated no it does not.

Board Member Taylor stated but this one on the far corner would.

Ms. Hahn stated this one over here in the far corner continues on out...

Board Member Taylor stated it actually drains into Taggart is what it does...

Ms. Hahn stated I think, okay...

Board Member Taylor stated it's, is that correct, is this control area in Taggart that this drains into.

Rich Williams stated the area where the septic system is, that whole area drains back to the main wetland on Taggart.

Board Member Taylor stated right and then down into the Croton in there, all right...

Tim Curtiss stated six degrees of separation...

Ms. Hahn stated yea, tonight, goodness, all the applicants.

Chairman Rogan stated we're dealing with one area of Town.

Tim Curtiss stated we really are.

Board Member Taylor stated there is going to be increased run off from this septic area, as opposed to what there is now, is that correct, you're clearing.

Ms. Hahn stated the, there is a clearing that is required but the overall drainage, did you go through the drainage report...

Rich Williams stated they do not get the drainage report.

Ms. Hahn stated oh okay...

Board Member Taylor stated that's why you're here.

Ms. Hahn stated okay, within the drainage report there is no ultimate increased runoff, I believe that what has occurred is that the drainage areas shift around a little bit so that it offsets that, a clearing component.

Andrew Fetherston stated Ron, there is a negligible increase from the septic area back toward Taggart's, it's very small...

Board Member Taylor I'm just trying to because we've got all these areas in the same part of Town, I was trying to look at it in a unified sense to see where things were flowing and what affects these would have, I think we need to look at projects more that way, so it looks like you've taken care of everything, my only question was does the Town need an easement to get to these, if it's managing some of these areas.

Rich Williams stated we've got notes on the plat which allow us to get into the stormwater basins and they are going to have to do something as far as yea maybe some sort of deed restriction I think now under the new regs but that's it.

Ms. Hahn stated and we have the access drives and things like that for stormwaters but I think what you referring to is some place out remote this way...

Board Member Taylor stated because of that yes...

Rich Williams stated no...

Ms. Hahn stated that has typically not been done and in this particular case you would be, there is an access drive that would come through for, if somebody really needed to they could simply contact the property owner and go from there.

Board Member Taylor stated do you see any need since it connects to that next one, okay.

Rich Williams stated I do want to caution everybody, just so we get it on the record, this SWPPP was done under the old regulations and the old stormwater design manual that has changed, they currently are grandfathered in under the old regulations until February 4th, after February 4th we are going to have to make significant changes to that SWPPP, start talking about issues like runoff reduction, which currently are not done. So as long as we can get this done, approved...

Chairman Rogan stated yea.

Rich Williams stated the NOI for the general permit file before February 4th, we are going to be okay.

Chairman Rogan stated okay, time is of the essence.

Ms. Hahn stated and just so you know the DEP told us that specifically said it was all right because they have a complete application so it wasn't our idea, we are following their lead.

Board Member Taylor stated the only, the last question I had was on the façade...

Ms. Hahn stated yes.

Board Member Taylor stated and one of the things we are supposed to look at for commercial develops is that the façade matches what is typical in the Town and has been in the past, you, there is a sketch in the back, which is nice but it shows this as you come up the driveway rather than what most people will see at the site, do you have a sense of what it will look from [Route] 22 or is it going to be screened from [Route] 22...

Ms. Hahn stated from Route, for the most part it will be screened from Route 22, we are able to maintain a significant existing vegetative cover through this area and we are enhancing that along this way, for the most part it was simply as the elevations that were submitted quite awhile ago, it's simply a brick façade, this line that go through this area here, that's the texture block continues around and there is actually a secondary line out on those, on that façade that actually continues all the way around on the other three sides.

Board Member Taylor stated but the detailing, the...

Ms. Hahn stated no, it would not continue on a, we went through an awful lot of discussion in order to get to that elevation, so um to then continue it around given that we were already being requested to maintain the elevations, the vegetation and to screen it just seemed significant overkill.

Board Member Taylor stated my final question...

Ms. Hahn stated yes.

Board Member Taylor stated is, is that side wall that is visibly from [Route] 22 going to be white and brightly illuminated.

Ms. Hahn stated no, it will be block, so it will be brown or red color which is probably really what is going to happen here because this is a combination of white and the brick...

Board Member Taylor stated all right, so it will blend in nicely.

Ms. Hahn stated right.

Board Member Taylor stated will it be brightly illuminated.

Ms. Hahn stated no, other than the fact that there is a door here of which there is a canopy that needs to go over that, that is the only light that's on there. We didn't want any light there, that was also part of the discussion.

Board Member Taylor stated okay, that's all.

Board Member McNulty stated I'd like to follow up on the screening, the height of the vegetative screening compared to the building.

Ms. Hahn stated the existing vegetative screening is over forty feet tall...

Board Member McNulty stated no the new.

Ms. Hahn stated you know the existing deciduous woods it's fairly significant in this particular area, the proposed trees are going in, these are seven feet, at seven to eight feet tall.

Board Member McNulty stated and the building is...

Ms. Hahn stated the building is thirty-five feet tall.

Board Member McNulty stated so it's about the tree line.

Ms. Hahn stated it will be less than the tree line, so it will be shorter than the tree line.

Chairman Rogan stated you know, one thing we tend to want to say it's easy to say you're putting a thirty foot building in, let's put twenty-five foot trees in...

Board Member McNulty stated I know that's not easy.

Chairman Rogan stated well it's easy to say it but I drive by Ace Endico on a daily basis and they tried to do just that so that you had screening from [Interstate] 84 and it was a monumental mess because the trees uproot all the time, they just, they were too big I think to really establish themselves and they've had to replace many of them, at least at seven or eight feet, with good healthy stock, you know within five or six years you've attained some extra height and you have a healthy tree, so...

Ms. Hahn stated right, exactly and one of the things that we're finding also, a lot of the larger trees you can get them but they don't have the width that you would have expected to occur if they had grown naturally and these are spruces, they are not pines, that was part some of the original discussion so it should fill in quite completely.

Chairman Rogan stated and then if I could just add that not that the seven to eight foot trees not that they are spaced so tightly together we have to give them room and obviously you guys are the ones looking at this but just that we don't say well seven or eight and then the contractor wants to put them every ten feet on center to fill in those gaps for now, they are going to fill themselves in so and end up ultimately with a healthier view shed protection.

Board Member McNulty stated I just want to comment that this is the first time I am seeing these plans as a Board Member, so I am not that familiar with this site from what I see, it looks good.

Ms. Hahn stated thank you.

Chairman Rogan stated and you've never been on this site.

Board Member McNulty stated I've never been on this site.

Chairman Rogan stated the actual, from the road to where they are showing the plantings is a fairly steep uphill, you know a difference in elevation of what twenty feet from the road maybe.

Ms. Hahn stated yes.

Chairman Rogan stated but then where the building is shown...

Ms. Hahn stated actually thirty.

Chairman Rogan stated (inaudible) back to the septic it's a relatively flat piece of property really, when we walked the site we said wow this lays out pretty nice, it really didn't have a lot of challenges, at least from our perspective, maybe from yours it does but um...

Board Member Taylor stated do you want to go see this site Tom.

Board Member McNulty stated yea I wouldn't mind seeing it if we can fit it in on the 11th with our other site walks.

Chairman Rogan stated you guys do it and you'll be on board and we'll get it all approved and we'll have all yay votes.

Board Member McNulty stated is it possible Rich.

Rich Williams stated it's okay by me.

Chairman Rogan stated okay.

Board Member Taylor stated okay, I see no problem, it looks good.

Ms. Hahn stated sure, would you like me to attend the site walk.

Chairman Rogan stated okay Terri, I don't think, we're probably not all going to go just, maybe those guys and Rich...

Board Member McNulty stated it's not necessary.

Chairman Rogan stated it's not necessary.

Rich Williams stated I've been out there I know the site.

Ms. Hahn stated yea and because we did the well testing and septic testing, it's a lot easier to get into than it used to be, so it's no problem.

Chairman Rogan stated great, Terri, thank you very much for you time.

Ms. Hahn stated thank you.

Chairman Rogan stated it sounds like we're in good shape.

Ms. Hahn stated yea.

Rich Williams stated um again time is a little bit of the essence...

Chairman Rogan stated well we've had the public hearing, right...

Rich Williams stated we had the public hearing in 2008, if the Board is comfortable I'll prepare a resolution for the January meeting.

Chairman Rogan stated yea, I think that would be appropriate once we get these guys get out.

Ms. Hahn stated and if you have any additional comments or anything, we can just talk them through so I can submit a final set for that meeting, that's be great.

Chairman Rogan stated fantastic.

Ms. Hahn stated thank you very much.

Eurostyle Discussion

Chairman Rogan stated all right, I want to say, we didn't have anybody here for Eurostyle but that is performance bond related and there are a number of issues that haven't been resolved so really the onus is on them, they are the ones who want the performance bond release, correct.

Tim Curtiss stated yes, this is the final hammer.

Chairman Rogan stated so, you know but by the same token we would certainly like them to do these things, we don't want this just to be open ended so maybe let's see if we can get him in here in January.

Board Member Taylor stated we also, has, didn't we have a memo from the Building Department requesting whether he issue an appearance ticket or a violation, should we direct him to issue an appearance ticket...

Chairman Rogan stated a notice of violation, I'm sorry...

Board Member Taylor stated that is he beyond...

Chairman Rogan stated a notice of violation would be different than an appearance ticket in that it would tell him to come before the Planning Board to resolve these issues, correct.

Rich Williams stated a notice of violation um, puts you on notice that you need to take certain affirmative actions to satisfy the violation.

Chairman Rogan stated okay, so would that be more appropriate in this case to say get your butt in here, let's resolve this so we can, we want to give him his performance bond back, we just want the site completed the way it was supposed to be done.

Tim Curtiss stated correct.

Board Member Taylor stated it seems to me that he's already had that time, it's been a year and a half since he's had his C of O, it's 2 years since he was before the Board with all of these final things that need to be wrapped up...

Chairman Rogan stated we haven't seen him in a long time.

Board Member Taylor stated it seems like he's avoiding us, it's not that we need to give him...

Tim Curtiss stated well yea, the real break in all of this, the bonding company is now calling him and saying hey how come this isn't finished, we want to, we're not going to extend your bond unless you do X, you have to go back in and that's usually the break the bonding company starts to call you and say hey how can we stop this bond, how come it hasn't been reduced, how can we get our bond back, you were supposed to have this thing done a year ago...

Chairman Rogan stated yea.

Tim Curtiss stated and so that's the pressure now that's on him to come in and the bonding company is going to say, the next step for us to simply take, write the letter to the bonding company and say this isn't finished and he can't do anything with the bond until he does x, y, z...

Chairman Rogan stated and Rich, correct me if I'm wrong but the issues that remain aren't that significant...

Tim Curtiss stated (inaudible).

Board Member McNulty stated no they're not that big a deal...

Tim Curtiss stated six months ago it didn't seem like that big a deal.

Rich Williams stated there are a lot of issues that with the site plan, with the original site plan that can be wrapped up fairly easily...

Chairman Rogan stated yea.

Rich Williams stated but he's still got a whole amended site plan application pending as well that he's never addressed.

Tim Curtiss stated they had the gravel in the back and some of those issues behind the building.

Chairman Rogan stated yea, when we went out there for the site walk.

Tim Curtiss stated (inaudible).

Board Member Taylor stated so what is the difference between a notice and an appearance ticket then.

Tim Curtiss stated well the notice puts you on notice of the violation, the appearance ticket says you must go to Justice Court and answer this violation, the criminal system then kicks into place.

Board Member Taylor stated it seems to me he knows he's in violation. I mean, I...

Chairman Rogan stated yup.

Rich Williams stated Nick's letter put him on notice.

Chairman Rogan stated and he didn't show up tonight, do you want issue an appearance ticket...

Board Member Taylor stated my feeling is, yea, between the bond and the court maybe he'll get these things done, especially if they're not significant, so is, make a motion, do we make a motion on this or we just...

Board Member Cook stated wait a minute, it says, Nick's letter says that um, the certificate of occupancy will be revoked and a notice of violation will be issued for occupying this structure without a certificate of occupancy, is that what you want to do.

Rich Williams stated do you really want to close a business down.

Tim Curtiss stated (inaudible – train whistle).

Chairman Rogan stated no.

Tim Curtiss stated that's a little heavy handed.

Rich William stated so, but you may, that was Nick's letter, that doesn't mean that is the only course of action...

Chairman Rogan stated right.

Rich Williams stated certainly you have the ability to recommend to Nick that he issue a notice of violation upon which the applicant needs to meet certain specific conditions, such as coming before the Planning Board within so many days or you can issue an appearance ticket in which he can go to court and at the same time we will let him know that he still has x number of number days, he is still in violation, he has x number of days to correct it after he's gone to court.

Board Member McNulty stated has anybody spoken to them since Nick sent this letter or has he called in at all.

Chairman Rogan stated Michelle talked to him.

Rich Williams stated he called and talked to Michelle.

The Secretary stated yea, he talked to me about two weeks ago, Rich had sent him a letter, he asked the date of the meeting and the time, I gave him the date and the time and he is not here.

Rich Williams stated next time can you use the microphone.

Board Member Taylor stated so can we time this in some way, can we set up a schedule for this, in terms of him revoking his C of O, in terms of the Building Department revoking the C of O, is how does that get involved in this whole mixture...

Rich Williams stated sure.

Tim Curtiss stated that is their enforcement issue, it's not really for you, that would be up to Nick to do that and that would probably, it's within his purview as to whether he feels that's appropriate or not.

Board Member Taylor stated so these two other, so that is not connected to the notice of violation or the appearance ticket.

Rich Williams stated well except that, right now you can't do anything, Nick has all the power...

Tim Curtiss stated has the authority to enforce.

Board Member Taylor stated but he's asked us for an opinion.

Rich Williams stated to issue a violation, right you are looking to make a recommendation to him.

Chairman Rogan stated truthfully we don't even need the gentleman back in here, he just needs to take care of what he should know that he needs to do, we don't really need to see him, we need him to take care of his stuff and sit, get the site plan in, finish the issues...

Board Member McNulty stated and resubmit.

Rich Williams stated you still have an amended site plan process to go through.

Chairman Rogan stated oh that's right because when we met on site, I was thinking he had sent all the stuff in, wow.

Rich Williams stated yea, now here is the difficult part we are coming into December, some of the things that he needed to complete, he can't do at this time of year, I mean he can't put the handicap ramp in the way it's supposed to be in...

Chairman Rogan stated we didn't create this mess.

Rich Williams stated he can't, you know, I don't recall off the top of my head what the other issues were but, you know, we're coming to the end of the construction (inaudible)...

Chairman Rogan stated yea, we have to go back to that...

Board Member McNulty stated it wasn't a ramp, wasn't it just a dropped curb.

Rich Williams stated yes.

Chairman Rogan stated do that.

Rich Williams stated there were, he was supposed to put in a temporary blacktop ramp and then change that out to the dropped curb.

Chairman Rogan stated we have to go back to that memo and site walk that we did, over a year ago right...

Rich Williams stated yea, you do have it, I did have it, yea.

Board Member Cook stated so why don't we have our Director of Code Enforcement...

Rich Williams stated he had to change high pole mounted lights, guardrail...

Board Member McNulty stated make a follow-up call see where he's at.

Rich Williams stated the site plan didn't show the grading properly, there were issues with the wetland ponding, the wetland, the stormwater ponds and the plantings, pavement, top course, ADA ramp, pavement striping, building mounted lights...

Andrew Fetherston stated it pre-dates me.

Tim Curtiss stated oh yea.

Rich Williams stated it almost pre-dates me.

Tim Curtiss stated I was just going to say almost pre-dates all of us, yea. The other suggestion I had is I can sit down with Rich and go through the memo, the old memo and I think perhaps the most effective course would be to contact the bonding company and tell them we are going to pull the bond to do the improvements.

Rich Williams stated again that's going to jam him up pretty good.

Tim Curtiss stated yea, I mean that's the only alternative, I mean send him the letter and say look, we've asked you come in, you haven't come in, the next course for us to call the, to contact the bonding company and tell them are going to pull the bond and that may be the impetus...

Chairman Rogan stated light a fire, yea...

Tim Curtiss stated light the fire so he comes in at least to the work session and starts to take action.

Chairman Rogan stated get him in here for the work session.

Tim Curtiss stated you know, that's the only other way I know to at least get a fire under him...

Chairman Rogan stated if we have him in here for the work session...

Rich Williams stated we certainly can threaten the bond.

Tim Curtiss stated yea, tell him look we (inaudible) the bonding company we want to the bond and finish the improvements and...

Chairman Rogan stated and if he's not in here for the work session we do the...

Tim Curtiss stated we do what we gotta do.

Board Member Taylor stated we're certainly not going to give him approval for the bond.

Chairman Rogan stated no, of course not.

Tim Curtiss stated no, no.

Chairman Rogan stated no, the work has to be done.

Board Member Taylor stated so then shall we, what do we say to the Building Department, he asked us for a recommendation.

Chairman Rogan stated yea, we don't have to say anything I think yet, we can tell Nick that we are going to do exactly what you just stated and if the guy isn't in here for the work session three weeks from now...

Board Member Cook stated well if you're going to send him a letter, you would obviously want to copy Nick along with us, now would the letter come from you Tim...

Tim Curtiss stated it can or it can come from Rich, either way, whatever way you want to do it, is fine.

Board Member Cook stated you guys decide.

Tim Curtiss stated you guys have a preference...

Board Member Cook stated whoever sends it, copies the other guy.

Chairman Rogan stated it should be very legal.

Board Member Taylor stated we should have the legal department send it.

Chairman Rogan stated in fairness to Mr. Levine who is sitting very, very patiently back there...

Rich Williams stated (inaudible).

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

Chairman Rogan stated we don't have any, we have issue, we have information on items 8, 9, and 10 but the Board may recall there is a bigger issue going on, it sounds like we are going to talk a little more about this later on in the meeting, procedural and where the Board is going with Commerce Drive, I think we need to talk to the Town Board about this.

Rich Williams stated I wasn't talking about any of that.

Chairman Rogan stated no, I realize but I'm saying we need to talk about it but in fairness to Mr. Levine who is sitting very patiently, let's jump to his item, since there is no one else here...

11) LEVINE FILL PERMIT

Mr. Adam Levine was present.

Chairman Rogan stated we received copies of the soil analysis, a lot of it probably didn't make sense to a lot of us but that's why we have the people at Maser Engineering and their fine folks to interpret some of this. I did get the e-mail from both you and the gentleman...

Andrew Fetherston stated Eric...

Chairman Rogan stated Eric, could you speak to some of what we're dealing with at this point.

Andrew Fetherston stated with Eric, um, we find this, these, a lot of these materials a lot in agricultural fields, old agricultural fields that used historic pesticides, DDT and the like, there were elevated levels of DDT, Deldrin and a couple of other items that uh when Eric and I spoke, there not particularly mobile, he said that they tend to remain resident in the soil, now short of reviewing permitting, what would be permitted to go by the authorities, he saw two options, one is remove the material, the second would be to cap it, what we typically do on old farm fields that go to residential uses for realty subdivision regulations for the Health Department you are required, you can either remove the materials, mix them in or cap it when you have these pesticides, this is not something you're going to mix and blend, certainly because of the depth and the materials, we thought capping might be an option but we are not the reviewing authority, trying to find a solution, a viable solution for it. Eric further didn't believe that these would have any impact on the well, the potable water, the impact that he thought maybe would be from rain water and what's down stream, what wetlands and the like are downstream from the property so that was one thing that we looked at.

Mr. Levine stated if I can add, I don't know of any wetlands in the area, you guys would know better...

Chairman Rogan stated you live there, you know better than we do.

Mr. Levine stated I've walked the whole property, since the tick experience I have since stopped but, there is no water on any of my property and/or the property next to it or this way or this way, I don't know about over by the new park or whatever, I know there was some sort of thing they built for rain water catch or whatever but on that whole side that leads up to [Interstate] 84, nothing.

Chairman Rogan stated nothing between your house and [Interstate] 84, when you walk down, if you walk off the fill section.

Mr. Levine stated I walked down, I didn't see anything.

Chairman Rogan stated because you would think that's like a natural, looks like it goes down hill and the highway is up.

Mr. Levine stated it's all rock.

Chairman Rogan stated really.

Mr. Levine stated and then it goes up to like to a point at parts of it.

Chairman Rogan stated wow.

Rich Williams stated I think the northwest corner there may be some wet areas certainly as you go farther back in that general direction you're going to run into some wetlands in that area...

Mr. Levine stated maybe the other neighbor...

Rich Williams stated possibly but most of Mr. Levine's property if I recall correctly, drains down toward [Interstate] 84.

Chairman Rogan stated yea, that's what I was thinking.

Board Member Taylor stated what about all the solvents that were in there, it looks like solvents, those other chemicals besides the pesticides.

Andrew Fetherston stated the chemicals that were found were, our office doesn't believe that they are mobile, that they are going anywhere...

Board Member Taylor stated the same as the pesticides.

Andrew Fetherston stated they don't go into the ground water, they just remain resident in the soil.

Board Member Taylor stated okay but they are a problem like the pesticides.

Andrew Fetherston stated they did not exceed, the chart that we got back from the test lab, they did not exceed residential standards, they did exceed all use standards.

Board Member McNulty stated I was going to ask you to explain, I'm confused about the restricted and the unrestricted in the e-mail from Eric, it was confusing.

Andrew Fetherston stated I'd really have to have Eric speak more on it, you know I got that much information on it and I wouldn't want to go much farther.

Board Member Cook stated okay but in your e-mail...

Andrew Fetherston stated yea.

Board Member Cook stated where you talk about some non-mobile contaminants exceed unrestricted land use standards, then you go on to say this means the site needs to be mitigated by either capping the site and adding a deed restriction or by removing the material from the site...

Andrew Fetherston stated right.

Board Member Cook stated the mitigation plan needs to be approved by DEC. Now, Ted you sent, Tim you sent a letter to DEC and apparently have not had a response.

Tim Curtiss stated nothing came back.

Board Member Cook stated Ted has sent a letter to DEC...

Tim Curtiss stated nothing came back.

Board Member Cook stated and has no response that we are aware of, so how does a mitigation get put in place if you can't get the person whose supposed to bless it in the room.

Rich Williams stated again I think you go back to Tim's course of action which basically said haven't heard from you, I mean we did, at the Board's request I sent the material up to the DEC, so they have it, we give them a reasonable period of time and then we send another letter saying this is the course of action and we haven't heard from you, this is the course of action we've decided on, thank you very much.

Board Member Cook stated you sent a copy of the technical report up to DEC.

Rich Williams stated and Maser's comments.

Chairman Rogan stated and a copy also went to Health Department, right.

Rich Williams stated yes.

Tim Curtiss stated yea.

Chairman Rogan stated let's say for the sake of argument, that we say, okay we're going to put a plan in place to cap it, deed restrict, whatever, how, Tim, legally how do we deal with the adjacent property owner that was effected, at this point all he's been formally notified that there is an issue and hasn't responded but we now have knowledge...

Tim Curtiss stated right, correct...

Chairman Rogan stated of something that needs to be corrected one way or another.

Tim Curtiss stated I think one of the things that we would have to do is notify him that we are considering a mitigation plan that may or may not effect his property and ask him to get in touch with us or have his professional engineer or whatever get in touch with us with regard to his input, comment on the mitigation plan.

Board Member Taylor stated well how can we do mitigation without effecting his property, most of the fill is on his property, isn't it.

Rich Williams stated well the reality is we can't do mitigation on his property...

Chairman Rogan stated we can't, right.

Rich Williams stated because we have no authority to go on his property, nor does Mr. Levine.

Chairman Rogan stated but then we can send him a violation though just saying he has known solid waste on his property and he's going to, you know I mean, you can do it kind of back and forth that way.

Rich Williams stated you certainly can do it that way.

Board Member McNulty stated force the hand.

Tim Curtiss stated yea you can (inaudible) and force the hand.

Chairman Rogan stated and the other question I have is about this deed restriction and I'm assuming that's just for protection of future owners that they know but I have to pick my words carefully, when you have identified that there are chemical constituents, compounds, concerns within the soil of a residential parcel, you've got to be, I would say you have to be very, very clear as to why you're not removing them to not ruin this man's property value right, I would think that leaving them in place and this is not our job to consider a value...

Tim Curtiss stated right.

Chairman Rogan stated but I would think most people wouldn't consider buying a house when there is a deed restriction telling them right up front you've got known solid waste surrounding half of your house, including your well area, I wouldn't.

Rich Williams stated Mr. Levine always has the option of removing it.

Chairman Rogan stated no I realize that but I'm assuming that that is probably a worse case scenario for Mr. Levine, that is probably the most...

Mr. Levine stated I guess, do I need a mic or anything, I mean I can talk loud...

Chairman Rogan stated you're in close proximity, you're fine.

Mr. Levine stated I can talk loud but from what I understood what he said and I'm sorry I don't know your name...

Andrew Fetherston stated Andrew.

Chairman Rogan stated that's Andrew.

Mr. Levine stated Andrew, what he said it's of and that is what I asked different questions of other people I am asking for everybody's information, whatever I can get that doesn't cost me anything and from what somebody else also mentioned, he said it is of the levels of normal residential property or not in the danger area and I guess that is what you had said or...

Andrew Fetherston stated there are two categories that I can tell you, unrestricted use of the property, it exceeds, it does not exceed residential use or restricted use for residential...

Mr. Levine stated which means that technically it's okay for residential.

Andrew Fetherston stated I guess what my concern is, the Town is not doing a mitigation plan for a private property within the Town, we are not doing a mitigation plan for a property in the Town, my sole goal is to advise you on what was found there and just present what we believe may be the options, remove it or cap it right now. You know, I believe that the owner is in a position where he's got to make a move with his own consultant and that's where I believe we're just presenting you know...

Tim Curtiss stated what the facts are now and the next step is for the owner to either provide a mitigation plan or provide a plan to remove it at that point in time and if in fact part of the mitigation plan is to cap it,

then there becomes the issue of notifying a third party buyer whether or not going forward and is that within our purview...

Andrew Fetherston stated a lot...

Chairman Rogan stated I have no idea, that's a great.

Board Member McNulty stated also we need to the DEC to be involved to approve the plan that he comes up with.

Tim Curtiss stated right.

Chairman Rogan stated yea that was stated earlier.

Ted Kozlowski stated Rich wrote a letter, I totally agree with it, DEC has to comment on this, it's, now there is a red flag, they have to comment...

Chairman Rogan stated yea.

Ted Kozlowski stated this is their jurisdiction.

Chairman Rogan stated Ted, what do we do if we don't anywhere with them.

Ted Kozlowski stated you know our Town Attorney sent them a letter, I don't know if, did you ever get a response...

Tim Curtiss stated no one ever responded.

Ted Kozlowski stated you never got a response, now we've found something okay, it is clearly out of our expertise to handle this...

Chairman Rogan stated I agree from the view point of whether, what we should do with it.

Ted Kozlowski stated it's got to be a State, the State has to give us guidance, they've got to, this is their authority.

Board Member Taylor stated but given the present political situation with the State, we may not get their guidance...

Ted Kozlowski stated well.

Board Member Taylor stated and we can't sit here...

Ted Kozlowski stated the only thing Ron is, before it was we don't know if something's there...

Chairman Rogan stated right.

Ted Kozlowski stated now we know something is here and it's not fair to Mr. Levine, it's not fair to us and it certainly isn't fair to the neighborhood to deal with this on our own, you know the State agency has

to comment one way or the other and whether it's our Town Board contacting the Governor's office, we've got to do something...

Chairman Rogan stated right.

Ted Kozlowski stated you know, it's really...

Tim Curtiss stated or the commissioner, you would have to get to the commissioner.

Chairman Rogan stated who would that be.

Tim Curtiss stated of the DEC and just say...

Ted Kozlowski stated there is no commissioner right now.

Tim Curtiss stated that's right.

Chairman Rogan stated remember.

Tim Curtiss stated you have to go Governor.

Board Member Taylor stated so let's layout, again let's layout some steps and set a timetable here otherwise this is going to go on forever.

Ted Kozlowski stated well I think you can, you know the Town Attorney is here and it might have to go through the Town Board but a letter, certified letter to the Governor's office with a cc to the regional director whose time may be limited, I don't know if he's, Willie, is going to stay on with the Cuomo administration or not but they've got to make, they've got to give this Town guidance on what to do because we are talking about capping a landfill, that's not our bailiwick here...

Tim Curtiss stated I think the best thing at this point is to wait until we have the administration change, which is going to be in January to see who is going to be left in place and whose not going to be left in place, otherwise it's going to fall through the cracks now because we are in December...

Chairman Rogan stated plus the reality is that we are not going to be doing any of this mitigation at this time of year.

Tim Curtiss stated at this time of year, yea but I would put it on for maybe the February agenda and deal with it and then you know see whose left or whose there at that point in time.

Chairman Rogan stated Tim in the interim would it make sense for either Rich or yourself to write something to the Town Board from the Planning Board just stating the awareness level of this.

Tim Curtiss stated where it is and also to send a letter to DEC that there is no longer something maybe out there, we know something is out there and we need them to give us guidance as to how they want to handle this.

Chairman Rogan stated right.

Board Member Taylor stated and I think a copy of this should be forwarded to the adjacent property owner...

Chairman Rogan stated the results.

Board Member Taylor stated yea and we keep them informed as we go along.

Chairman Rogan stated that might be a good idea with a cover letter that says you know we've notified you that something exists, now we are notifying you have we have results of soil samples, that weren't taken from your property because correct they weren't but we can make some assumptions that similar soils are going to exist.

Tim Curtiss stated exist on your property.

Chairman Rogan stated we certainly haven't trespassed on his property at all and you know...

Board Member Taylor stated and I think the other thing that should be noted for the record is that Rich took these samples, is that correct Rich...

Rich Williams stated yes.

Board Member Taylor stated and he took them at two feet whereas sampling should have been four feet.

Rich Williams stated well typically when you're going to do some sort of soil testing, jump in here, you want to get deep into the fill section...

Andrew Fetherston stated I don't know that that's...

Board Member Taylor stated that's not relevant.

Andrew Fetherston stated if that's necessarily true, yea...

Board Member Taylor stated okay.

Rich Williams stated I was going by NCS standards.

Andrew Fetherston stated I don't know if that is necessarily true, I mean it came out of the back of a dump truck, you know, it did tumble and mix...

Board Member Taylor stated okay.

Rich Williams stated you're right but it's just that certain chemicals over time leech and you'll get higher concentrations lower in the ground.

Andrew Fetherston stated some, the ones that we identified as being high were said to be immobile.

Board Member Taylor stated so it's not relevant.

Andrew Fetherston stated they are going to be tossed throughout you would think.

Board Member Taylor stated okay.

Board Member Cook stated I have two questions, Rich you never heard back from the adjacent property owner.

Rich Williams stated no, at Shawn's request we sent a certified mailing, we got the certified mailing back that he had signed for the letter, so we know he knows.

Board Member Cook stated okay, so we are agreeing to send that person again a copy of the report...

Tim Curtiss stated a certified letter with a copy of the report saying this is what's been found on the adjacent property and they in fact (inaudible).

Chairman Rogan stated presumable you have similar contaminants on your site, one way or another the guy is going to have either say you know I don't care to be involved in this, you guys decide what you're going to do but it's on his property now whether he likes it or not, hopefully he'll authorize Mr. Levine for whatever happens in this to take care of this for him.

Board Member Cook stated mind if I, who did you send a copy of the report to in DEC, Rich...

Ted Kozlowski stated Ken Brezner.

Board Member Cook stated who is that.

Ted Kozlowski stated regional engineer.

Board Member Cook stated the regional guy, good.

Chairman Rogan stated he didn't take the early buy out right.

Ted Kozlowski stated no.

Board Member McNulty stated in the mean time is it proper for Mr. Levine then to pursue a mitigation plan on his part or we have to wait for the DEC to make a determination on how to proceed...

Tim Curtiss stated well yea, he's going to need the DEC's blessing if he's going to do because they have the jurisdiction so he's going to have to have his consultant get in touch with Mr. Brezner or someone in the office to give the stamp of approval of whatever mitigation plan he's (inaudible)...

Board Member McNulty stated maybe if you have an engineer I think if you have one you can work with...

Mr. Levine stated Terri...

Board Member McNulty stated Terri who was here earlier, maybe you want to reach out to her with this report, has she been copied on this report.

Mr. Levine stated she has it and she spoke to Rich but she said that we have to find out, maybe there is nothing she can do because we have to find out what the DEC says and if they say it can be capped then she said it's no big deal...

Tim Curtiss stated yea.

Mr. Levine stated I don't get the plan...

Andrew Fetherston stated I take a very simple approach to things, I gotta tell you and I just kind of think you know sometimes just requesting a pre-application meeting with Willie Janeway, we got a problem, you have to sit face to face with the guy, I don't know, I just think sometimes just get it done, I'm with you Ron.

Ted Kozlowski stated I think maybe a phone call to Willie now as a follow-up...

Tim Curtiss stated yea.

Ted Kozlowski stated because Ken Brezner is, you know, he's the guy that's going to be a field person but um, Willie Janeway was the guy that promised me that he would have some information by October 1st...

Chairman Rogan stated right.

Ted Kozlowski stated and I never heard from him again.

Chairman Rogan stated exactly.

Ted Kozlowski stated I personally think this is an embarrassment to DEC and I think maybe...

Chairman Rogan stated I don't think they care.

Ted Kozlowski stated if there was a phone call made by someone from the Town to Willie and just say look, you know this isn't going away, we need your attention on this.

Board Member McNulty stated well in the mean time is there an application process that Mr. Levine can start to maybe initiate the DEC.

Andrew Fetherston stated yea, I just don't see why we're not putting the onus on the property owner...

Tim Curtiss stated (inaudible) it's not really our issue at this point, the property owner engineer is going to have to ask for pre-application meeting, look we have this report, we know what's out there, we have to go do something with it.

Andrew Fetherston stated I guess...

Board Member McNulty stated that's what I'm saying, for Mr. Levine to start that process.

Andrew Fetherston stated I'm just suggesting that Mr. Levine and his consultants...

Tim Curtiss stated start the process.

Andrew Fetherston stated initiate that process, if he gets resistance, if he doesn't get any response then the Town can (inaudible).

Tim Curtiss stated (inaudible).

Chairman Rogan stated Andrew what you're basically saying it sounds like too is that the DEC is going to say whether this stuff is going to stay or go, not the Planning Board.

Andrew Fetherston stated oh, absolutely.

Tim Curtiss stated oh yea, yea you're not going to have anything to do with that.

Chairman Rogan stated great, I'm happy about that because I feel for what he's going through.

Andrew Fetherston stated I think there's going to be options.

Tim Curtiss stated yea...

Chairman Rogan stated but I, you know...

Tim Curtiss stated but the DEC is ultimately going to say stay or go or cap it.

Chairman Rogan stated all right.

Mr. Levine stated but how do I, so Terri can get...

Tim Curtiss stated have Terri get in touch with...

Mr. Levine stated (inaudible – too many speaking).

Tim Curtiss stated have Terri get in touch with them, she has a copy of the report and just request you know a meeting for a mitigation plan and if they don't respond to her and you need us to give a little more impetus we would be happy to...

Mr. Levine stated everybody else tried and so far we haven't gotten anywhere so, I mean Terri has a direct phone number...

Tim Curtiss stated well yea, Terri does and what she can do as your engineer is say we need to put a mitigation plan into effect, we need to site down with you, we need to get this resolved.

Mr. Levine stated okay, whatever I have to do, I'm here.

Chairman Rogan stated we appreciate you being here.

Board Member Cook stated you need to call her tomorrow.

Mr. Levine stated I'll call her first thing in the morning and then I'll tell her...

Board Member Cook stated so she can start calling DEC tomorrow and putting the heat on it...

Mr. Levine stated okay.

Tim Curtiss stated lots of pressure...

Mr. Levine stated and then I will, if you want I'll call Rich, I always keep him in the loop, tell him what's going on and then I forward everything, I'm on top of everything, whatever you need me to do, you can give me a list, I mean if I can call the DEC, I'll call them I don't know who to call...

Tim Curtiss stated Terri would probably be the best person to call.

Board Member Taylor stated I just, this is going on forever.

Tim Curtiss stated no, in bureaucratic times, this is like ten milliseconds, a month to them is like a second.

Board Member Taylor stated all right, I just would like to push as much as we can, so I would like you to be back before us in a month, if this makes sense, reporting on what you've done or fill Rich in so we know and then...

Mr. Levine stated I'll call Rich tomorrow after I speak to Terri.

Board Member Taylor stated and then we'll know whether in January to ask the Town Board to reach out to the State administration. I don't think we should sit here, I agree it should be, the onus should be on the property owner but the property owner has not taken action to deal with this, we've been pushing him all the way...

Mr. Levine stated I beg to differ, I'm here, anything you need me to do, I'm doing...

Board Member Taylor stated you did not pay to have the soil test done.

Mr. Levine stated yes, I did, yes I did, I borrowed the money...

Board Member Taylor stated Rich went out and dug those samples, that's what I'm talking about, that side of it.

Mr. Levine stated well I was out there with him.

Rich Williams stated I kind of volunteered just to make sure that they got done and got done properly, so there wasn't a question...

Tim Curtiss stated later on that the sample wasn't accurate.

Board Member Taylor stated but he should have hired somebody to go out there and dig those samples.

Mr. Levine stated I (inaudible) and I have one working arm, with all due respect and my brother-in-law was out there...

Board Member Taylor stated with all due respect you were the one you who dumped this stuff on your property, all right.

Mr. Levine stated I...

Board Member Taylor stated that's what we're back to.

Mr. Levine stated if Rich told me I needed somebody else I would have but he volunteered and I told him you don't have to do it but I am indebted to him for helping me dig because it's caused me a lot of pain to do it.

Board Member Taylor stated I'm just saying you need to push on this.

Mr. Levine stated I will call tomorrow morning and I will, Rich can forward all correspondence directly to you and anything you need, Rich has my personal cell phone whether it's 2 o'clock in the morning and you say I got an idea, call me, I want this over.

Board Member Cook stated I think you're right and I think also, we took the approach in trying to contact DEC thinking that you know municipal to municipal type of thing that would maybe work quicker and obviously it hasn't, we've been stymied and basically we are stymied as well as he is, the applicant, okay, so things have gone on, we've kind of taken on ourselves to say let's do some of this stuff so now everything is in, the applicant knows the seriousness of the issue, he's got to pursue it, we can be the back up if you will instead of the forerunner, so, go to it.

Mr. Levine stated I appreciate absolutely everything we're doing and we are all friends here and we are all neighbors and we all deal with the same thing.

Chairman Rogan stated you're right.

(Tape 2, Side 1 Ended – 9:57 p.m.)

Mr. Levine stated tomorrow morning after I speak to Terri and then you need anything you know how to get a hold of me, I guess.

Chairman Rogan stated thanks, have a good evening.

Mr. Levine stated have a good evening and holiday, I guess I will try to, Terri will find out if I come to the next meeting.

Chairman Rogan stated yea I mean, I'm thinking that from this point forward we are going to be getting updates, you won't have to come back before us unless there is a reason we need to talk to you.

Mr. Levine stated I'm here, if you need anything.

Chairman Rogan stated but you know we can talk through Rich, okay, thanks.

Rich Williams stated okay.

Mr. Levine stated but I will call Terri at 9 o'clock in the morning.

Chairman Rogan stated thank you very much.

Mr. Levine stated okay, have a good night.

Chairman Rogan stated good night.

Board Member McNulty stated good night.

Monteleone Discussion

Chairman Rogan stated all right, we have three items on the agenda, Black Birch, Stone Hill and White Birch that we do have information on, we even have review memos, that's in furtherance of their applications but I think what we talked last at the work session, we were basically saying we're at a point where we need to decide what we're doing on this as a Town, not just as a Planning Board and by that I mean I think we need to probably key the Town Board officially in on what we're thinking about doing and I think if we're all on the same page from what I've been hearing from everyone, it's looking at this Commerce Drive as a Master Plan of the development and the build out potential and the usability of this site because there are wetland issues, there are violation issues right now and from what I heard and from what I'm gathering the idea is to assess the existing conditions, wetlands, determine their functional ability and determine what we can basically, what we need to save, what we can afford potentially to lose, what the value and by that I don't mean necessarily dollar value but functional value of those areas are and where there are areas that can be mitigated to make up for that, whether it is on-site or off-site, I think there are probably some on-site ideas. How we go about doing that, I don't have a clue quite honestly, I don't know who leads the charge, I mean obviously Mr. Monteleone is a big player in this because he owns most of the place but I think we at least need the um consent or acknowledge from the Town Board that this something that, because this is a little bit unique, it needs to be done fully transparent in the public's eye so we're not just saying we're going to help out this guy to circumvent our new wetlands laws, it needs to be done in a certain way, so I think we've probably, I probably need to either go to a Town Board meeting or maybe figure out what we should just to make sure they know even if it's just a memo from the Planning Board to let them know what we're thinking.

Board Member McNulty stated Shawn, I think we've talked about maybe Rich has a lot of resource already in his office for the plots, correct.

Rich Williams stated mmhmm.

Chairman Rogan stated yea.

Board Member McNulty stated if we can pool that information and maybe get the Town to spend that initial engineering money to do an analysis of the overall site, the Commerce Drive development...

Chairman Rogan stated let me ask you a question...

Rich Williams stated I, go ahead.

Chairman Rogan stated Tim...

Tim Curtiss stated yes.

Chairman Rogan stated for the Town to expend resources for what would ultimately be benefitting a private contractor, even though the Town may see good in that, in that it's going to be in tax revenue you know, this is a slippery slope...

Tim Curtiss stated that can be problematic, I've thought about it, is he coming in to develop all these sites at one time...

Chairman Rogan stated we have three in front of right now, so yea we have a pretty good...

Tim Curtiss stated oh good, he can have his consultant look into this as a Master Plan issue and say look, we don't want to site plan this, we want this as a comprehensive plan, give us you know the information that they are looking for, give us this information in connection with your application, then if you want your own consultant to look at it, you can make it part of the escrow or the project and you know it gets done, I agree with you from the Town Board side, just sending them a memo this is what we're considering and this is what we would like to do, we're asking the applicant to give us the overall picture as opposed to plot by plot by plot so that we can do a Master Plan for the whole Commerce Drive corridor there, adding...

Rich Williams stated can I make a quick suggestion.

Tim Curtiss stated sure.

Rich Williams stated we might just want to change the terminology to Comprehensive Look...

Tim Curtiss stated yea.

Chairman Rogan stated yea.

Rich Williams stated when people hear Master Plan...

Tim Curtiss stated they're thinking Town wide...

Rich Williams stated yea well they are thinking big bucks.

Chairman Rogan stated comprehensive look, say that a couple hundred times.

Board Member McNulty stated the thing is we have multiple property owners involved here, that's, we have three site plans in front of us by one owner but we need to really know how the other property owner's lots can fit in, maybe, we talked about that one property may only...

Chairman Rogan stated some of them are already existing of course.

Board Member McNulty stated yup, some are existing.

Chairman Rogan stated so the existing ones don't have as much, they are already built out, now there might be areas that have wetlands on their site that we can improve, right...

Rich Williams stated yea, there is only one other property owner out there that doesn't have a developed property.

Chairman Rogan stated okay.

Board Member McNulty stated no it's not something...

Andrew Fetherston stated can I ask how these were subdivided.

Chairman Rogan stated through, what was it, a commercial subdivision through the Planning Board.

Rich Williams stated it was a commercial subdivision done in the early 80's.

Tim Curtiss stated back in, I was going to early 80's.

Andrew Fetherston stated so it didn't show buildings, it didn't show each lot being (inaudible).

Tim Curtiss stated no, no, it was lot, lot, lot and a road in.

Rich Williams stated it didn't show the wetlands.

Tim Curtiss stated it didn't show wetlands back then.

Board Member Taylor stated my understanding at the work session was that Mr. Monteleone agreed to have his consultant...

Chairman Rogan stated he did.

Board Member Taylor stated prepare the analysis that we needed.

Rich Williams stated yes.

Board Member McNulty stated for his property.

Rich Williams stated (inaudible – too many speaking).

Board Member Taylor stated but in doing it they will end up looking at the surrounding properties also.

Ted Kozlowski stated they are going to look at everything.

Board Member Taylor stated especially since most of them are billed out.

Tim Curtiss stated like you said, if you only have one undeveloped lot, it's not going to be too tough for them to do them all at that point.

Board Member Taylor stated yea, so.

Chairman Rogan stated and when we get the information we need to be able to look at these, for instance we are going to be asking for them and this is something we talked about at the work session, for functional

analysis, we had said while we're having, let's say Mr. Monteleone's people prepare this, we want to make sure that we are taking a hard look at, it's not a biased, you know every time we get a functional analysis for somebody proposing something...

Tim Curtiss stated yea, (inaudible).

Chairman Rogan stated yea there's a functionality but that's not that important.

Tim Curtiss stated yea, it's slanted and that's when you can ask for an escrow for your own, to hire your own consultant just to review what's been submitted if you have questions or if you think that it's biased in way or another that's what that's set up to do.

Andrew Fetherston stated um, you know you're lessening everything, the goal here and what Rich is advising is Board is you know, comprehensive...

Chairman Rogan stated comprehensive look...

Andrew Fetherston stated comprehensive look, you know it's like the difference between a neg dec and a pos dec, I mean in all honesty, you know, we can ask in the you know, what looks like a neg dec, you know study isolated concerns as opposed to pos dec you look at the whole thing.

Rich Williams stated there is also the ability if we can gather the information up front and agree that there is an impact to do a conditional negative dec which we haven't done before.

Tim Curtiss stated that's true, right but you can do that you can do a conditional negative dec and then say we want you to study as a condition of that negative dec, we want you to study this aspect of the wetlands, whatever.

Andrew Fetherston stated I think it gives incentive to do a good job.

Tim Curtiss stated yes because they know if they get tied into a positive dec, they are going to be spending five, six times that amount.

Andrew Fetherston and a good job would expedite that review...

Tim Curtiss stated exactly.

Andrew Fetherston stated and get approval, you know, it works both ways.

Chairman Rogan stated yea, right.

Tim Curtiss stated expedites the process.

Chairman Rogan stated and I think Mr. Monteleone realizes that at the end of the day we go through this process and he has three or four or more lots that we know now, hey at least you know what you can do with them we've all agreed, it makes them certainly more marketable.

Tim Curtiss stated yea and more marketable and more commercial viable.

Chairman Rogan stated now...

Ted Kozlowski stated don't forget you know don't keep talking about wetlands, you don't want to just have wetland issues here, you have a dump with a cap with a landfill and you have steep slopes...

Chairman Rogan stated yup.

Ted Kozlowski stated and those things don't forget about those either.

Chairman Rogan stated no, I have not forgotten about them.

Andrew Fetherston stated yea and in everything I see, I'm sorry Charlie, I don't know where any of that is, I saw it in Rich's memo and I'm not aware of where any of those, that location is, from what we've been presented.

Board Member Cook stated so who develops the criteria for this comprehensive look, you two fellows.

Rich Williams stated yea, for the most part...

Tim Curtiss stated I would say these two right here.

Rich Williams stated uh.

Chairman Rogan stated let's talk about this now, since we're here, the issue of Ted recusing himself for the enforcement versus this whole process.

Tim Curtiss stated right, right, right.

Chairman Rogan stated legally what's your take on this.

Tim Curtiss stated what I've talked to Ted about is probably recusing himself on the whole thing just to avoid the appearance of impropriety for both ways, somebody is going to criticize that he's been too lenient or he's been too hard, he's been this way, he's been that way it just makes it a lot cleaner if he just recuses himself on the whole thing because of that, he's already disclosed he's got a familiar relationship with him, it's fine, that's fine but that's normally what you do is if you recuse on one you recuse on the whole thing, which makes it cleaner process at that point in time.

Chairman Rogan stated so um, the, getting back to what you had asked the conditions the, or the criteria not the conditions, the criteria for coming up with this as a team we come up with them...

Rich Williams stated most of this is going to have to do with drainage hydrology and wetlands and I think the big issues, the big impact that we are going to have assess is going to be the wetlands now there are clear guidelines out there about what needs to be involved in a functional assessment of the wetlands, the standard stuff, so we've already got that as a basis you know we can tweak it to be site specific and a move on from there...

Chairman Rogan stated well then, the functional analysis isn't as much of a concern for me because like you said we've done these before, everybody is pretty comfortable with looking at them, it's what we do once we determine the, once we assess a rating if you will or a value to an area that is proposed to be

modified, put under a parking lot in some of Pete's cases. How we then come up with a really good plan to use that value in the best area on site, hopefully on site to improve some other area, whether it's the vernal pool we talked about or protecting the upland areas or whatever but I think we need to, it's not just the assessment part it's what we do with that.

Rich Williams stated okay, you're going to do the assessment all right, you're going to have that in front of you, then you're going to take a look at how the wetlands functions are being impacted, all right, the next step is going to be a policy issue really, it's going to be you know, what kind of a value do you place on them and what kind of mitigation, you can say we want uh, one for one replacement, we want one for two replacement and that's going to then drive what you're going to be looking at within the immediate area for off-site as mitigation.

Tim Curtiss stated yea because if you go to a one to two you may be broader in scope, if you're one to one, you maybe all within the property.

Ted Kozlowski stated the only thing is you're going to Army Corps of Engineers.

Andrew Fetherston stated that is exactly where I was going, I think it's going to be, I can tell you it's going to be two for one, flat out.

Chairman Rogan stated right, I figured that was going to be the more restrictive and Tim a lot of times when we have constrained lots, the way that I'm able to rationalize, we talk about maybe a Doug Wallace lot for instance where we've had a previously approved subdivision lot, we have issues but we still work through them, similarly in this case we have Commerce Drive previously approved commercial subdivision, how do we in good faith present this to the public so that we are saying look we have these existing wetlands regulations but now we are looking to do something we haven't really done in the past, I'm able to say that because this is previously approve, we've already said this is what this area is for, it's designated for commercial development let's utilize it but let's do something really good if we're going to impact it, let's do something really good with this, you know let's use our resources.

Tim Curtiss stated right.

Chairman Rogan stated but I just think we really need to be careful with the way we do the process so that at the end of the day nobody says we're doing something we shouldn't be doing, they may say that anyway but...

Tim Curtiss stated yea you always, you're subject to but I think if you, what you're, and you're doing it now, is transparent so the people the decision making process you go through and also the policy decisions that you make, you know the two for one and some of the policy (inaudible) is right you will be governed by the Army Corps of Engineers...

Chairman Rogan stated right.

Tim Curtiss stated they are going to tell you look this is no longer your decision it's the Army Corps' and we have to do this and this and they are going to pass on this also, so it's not just going to be you carrying the ball, we ran this by the Army Corps of Engineers, we got this other input or DEC or whoever and this is what everybody as a consensus thought was the best way to mitigate this that will help you I think justify whatever outcome you come to...

Chairman Rogan stated okay and...

Tim Curtiss stated and because you guys don't act as a vacuum...

Chairman Rogan stated right.

Board Member McNulty stated right.

Tim Curtiss stated we've got so many overlays of regulations nowadays everything is kind of interrelated and you're kind of feeding off each other in terms of what you can do and what you can't do.

Chairman Rogan stated well I think Ron had brought up some questions at our work session or maybe the point anyway, how do we then, let's say we have an application unrelated to Commerce Drive, a commercial application on Route 22 where half the lot is wetlands and they say you know, yea I know you want me to stay out of the wetland and the buffer but can't I use two acres of wetlands and create four over there, you've set precedent you've done it for Commerce Drive, we have, I think just in the way that we do things we have to be clear, there has to be a nexus between why we're doing what we're doing and maybe it can be done in other areas, I don't know but it's a case by case scenario.

Tim Curtiss stated it really is and it's going to be fact driven and each set of actions is going to be different and that is one of the things that you're going to have to look as each set of facts comes in you know here you're going to be creating three commercial properties as opposed to one, it may be more viable it's closer to [Interstate] 84, this is closer to [Route] 22, those kinds of factors as to whether it's good policy to do or not good policy to do.

Chairman Rogan stated and that may really depend on the functional analysis, if some of these areas are high functioning wetlands, we would probably be very hard pressed for any reason to say well we're going to let you fill them in.

Tim Curtiss stated exactly.

Board Member McNulty stated exactly.

Board Member Taylor stated but I think the transparency is we have no problem with and we are going to do that...

Tim Curtiss stated right, oh sure.

Board Member Taylor stated as we go through this process I think we need to delineate carefully these criteria that we are using that then become touch points for any future review. We were just dealing with another property where they want to put a bunch stuff crossing a wetland, these criteria should be able to say to then to somebody you can't do that, we're not going to permit that because whatever your reasons, it doesn't matter. It's going to come down, you check these boxes to some as such that, it won't compute for us doing it, so I don't see a problem I think we're doing that...

Chairman Rogan stated I don't see a problem I just want to make sure we do it the right way.

Board Member Taylor stated yea.

Andrew Fetherston stated it's very similar to where you know you recommend to the Town Board it's no good to do a cluster on this one, it just doesn't work, it's the same idea, you know, for this particular piece it just doesn't work.

Tim Curtiss stated the environmental constraints, the wetlands, where they're locate, the swamp that went right down the middle of the property it just made absolutely no sense to try to do a cluster on that, and that is kind of the fact driving stuff, in the abstract it looks really difficult but when you see the facts, you guys almost intuitively say this is going to work or this is not going to work at that point and you kind of get a feeling just from looking at the plans and getting an idea of what's really out there after you do your site walk you can kind of say ah this isn't going to work, you know.

Board Member Cook stated so you take all of, you develop this criteria, this comprehensive look you package it, you give it to this applicant...

Chairman Rogan stated it feels like a scoping document doesn't it.

Board Member Cook stated yea, Commerce Drive and at the same time you say this is what you need to do and here's what you need to look at and also you need to establish this escrow account for x amount of dollars.

Tim Curtiss stated no, we're not doing escrow accounts at this point, when this is look that they have to go and this is the product that they have to give back to you and then if it is something, I mean Andrew is going to look at this, Rich is going to look at this, you may not need another person to look at it, they may be able to say look we see what they've given us and we think it's slanted or we don't think it's complete or we don't think you know it appropriate and they are going to give you that feedback into this process at that point.

Board Member Cook stated so then the escrow account is set up for, if you will a third party.

Tim Curtiss stated yea.

Rich Williams stated let's forget all about the escrow account because it's already in our Code, we always do it, we already do it as a matter of practice, so.

Chairman Rogan stated okay.

Tim Curtiss stated it's there, it's just...

Board Member McNulty stated it's only if we feel the information that has come back to us is not as accurate as it should be.

Board Member Taylor stated we need to reach out...

Tim Curtiss stated and/or if it is highly specialized which is outside everybody's expertise that's looked at it.

Chairman Rogan stated and the three applications that are currently before us, do we review them concurrent to this process assuming that the area they are saying that they can use that they'll be able to or

do we kind of shelf them for awhile because it seems like at the work session we were kind of setting them aside...

Board Member Taylor stated I think we have to.

Chairman Rogan stated we really only brought them in, that is what I'm asking.

Tim Curtiss stated I think...

Rich Williams stated they are integral to the review of the functions of the wetlands and how they are being impacted.

Tim Curtiss stated I think so, I think, I would, only because from what you're telling me and I wasn't at the work session, this was an interrelated piece, I mean it's integral, the whole thing kind of flows together and then you get into this segmentation well we're looking at this and we shelved that and we're not really looking at what's the impact at all three of these site being developed.

Chairman Rogan stated so the review of the applications before us helps to determine the impact to the wetlands that we're assessing, the assessment part of it is irrelevant to these applications, it's what's existing out there right now, right.

Rich Williams stated you always start with your base line, you always start with examining your existing conditions, then you have to move into how they're being impacted.

Tim Curtiss stated by all three of these sites that are being developed.

Chairman Rogan stated yea.

Board Member Taylor stated but until we get the functional analysis...

Chairman Rogan stated it doesn't matter.

Board Member Taylor stated that is the point in which I would (inaudible).

Rich Williams stated Shawn I would agree with you, you don't want to keep going through a site plan process fine tuning these plans until you have these other steps out of the way, absolutely.

Board Member Taylor stated that's all.

Chairman Rogan stated that's good.

Board Member McNulty stated I think we pretty much made the point at the work session, we need the functional analysis before we do the...

Board Member Taylor stated and then we can evaluate these plans, yes, okay.

Tim Curtiss stated that piece has to be in place first.

Andrew Fetherston stated whatever plan you do, you're always doing constraints first, if you're hanging a picture on the wall what are the, where is the stud, you know, the constraints...

Board Member Cook stated we have to let the applicant know this.

Rich Williams stated yea.

Board Member Taylor stated okay I just, one final thing here, so Tim you're recommending that Ted excuse himself from all this process.

Tim Curtiss stated I think it would be in his best interest and it really protects him and the Board because then there is no third party is going to come in you know when you're in a public hearing, he has already disclosed that he has a personal interest with the applicant and how do we know that he's not you know working for him or doing this, just take all that fog out of the picture.

Board Member Taylor stated I understand that, I think it poses a problem with the process because I think his input is valuable to this process that we are talking about.

Tim Curtiss stated oh I agree, I don't disagree with you, does that mean he has to be totally, you know can he not look at the plans and give some comments, that's one thing, he's not the person that's really driving this process at this point.

Board Member Taylor stated but we...

Andrew Fetherston stated would it be appropriate if Maser Consultings wetlands scientist work on the project in conjunction with Ted and Maser comes up with...

Rich Williams stated I'm pulling rank at this point, I'm Deputy E.C.I.

Tim Curtiss stated he's the guy.

Rich Williams stated I'm going to do it.

Chairman Rogan stated you're going to do it but that doesn't mean that there can't be additional input Rich.

Rich Williams stated absolutely, absolutely, I'm going to take the lead on this.

Chairman Rogan stated you know you might be the point person but that doesn't mean that I mean in fairness.

Tim Curtiss stated yea that would be...

Board Member McNulty stated so with Rich taking the lead, Ted can still have input, I think that's where we were going.

Tim Curtiss stated (inaudible).

Board Member Taylor stated okay.

Board Member McNulty stated but Rich is the lead man.

Tim Curtiss stated he's the lead dog.

Chairman Rogan stated so um...

Rich Williams stated I'm going to step up.

Chairman Rogan stated all righty, okay so it sounds like we're all headed in the right direction. We have let's see...

12) OTHER BUSINESS

b. 2011 Agenda

Chairman Rogan stated we have the 2011 agenda, it sounded like everybody took a look at it, the one question came up, which our Secretary posed was starting at 7 p.m. instead of 7:30, it sounded like the only hesitation was Tom maybe not being able to get here for 7.

Board Member McNulty stated I'll shoot for it, I'm...

Chairman Rogan stated but we can try it and if at some point it doesn't work, I'm all for getting out of here a little bit earlier, so do we need a motion to approve the agenda, I'll do that then. Motion to approve the agenda with the change that we try to start meetings at 7 p.m. for 2011.

Board Member Taylor stated well not try, we start at.

Chairman Rogan stated we are going to do it and the work session change for the first meeting listed on here for this coming December, it's actually the 28th correct, 2010.

The Secretary stated yes, it's already been noticed in the paper.

Chairman Rogan stated that's okay and I'll make that motion, so moved, can I have a second.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

c. Boniello Site Plan

Chairman Rogan stated okay Boniello Site Plan I think we are pretty well on the same page right now, we don't have much to discuss on that, right.

Rich Williams stated no, there's not much more.

Board Member Taylor stated what about Couch Road.

Chairman Rogan stated Couch Road we did the extension on, 18 months.

Board Member Taylor stated right.

d. Fox Run Phase II Zoning Recommendation

Chairman Rogan stated Fox Run Phase II, we have information from Rich, thank you Rich for doing that by the way...

Board Member McNulty stated yes.

Chairman Rogan stated with everything going on, I know that was one more piece of work to do but it was probably really, that's like good planning, that's interesting stuff.

Rich Williams stated it's what I'd like to get back into some day.

Chairman Rogan stated you know Rich was able to take a look at the, uh, under and undeveloped lots around this application, you found that there were approximately 183 family, single-family units that were potential near future that would impact on this project but in reading your e-mail today it sounds like based on the traffic study, you typically include a growth factor with traffic studies and this 183 units isn't even as much of a growth as what they considered in their traffic study, correct, they used about 4%, you said...

Rich Williams stated you know, I really didn't go back and take a look at what they considered but typically and Andrew correct me if I'm wrong, when you do a traffic study you have to look at a 1 and 1/2 to 2% (inaudible) and they considered 4%...

Andrew Fetherston stated oh.

Chairman Rogan stated so this 183 homes, isn't significant in those numbers.

Rich Williams stated not for that road system, no.

Chairman Rogan stated so then part of what we were asking, what drove this was I wanted to, for your edification, when they are asking for a change to the senior housing, beyond what the current zoning would allow under the single-family homes I had said to them that I felt we at least needed to look at the undeveloped property around...

Tim Curtiss stated I remember, I was at the meeting, yea.

Chairman Rogan stated oh you were, okay, thank you.

Tim Curtiss stated I was, I was at that meeting so I know what drove it, I think it was a very good idea and I think having this information basically should give you a comfort zone as to what this up-zoning would actually, effectively do in the area.

Chairman Rogan stated so I am less concerned about overwhelming the local roads based on just this application given what we have that might go in, in the future what does still come up is something you were talking about Ron is building in the level of security that the new units that are built are going to be maintained and you had a lot of language that you had put into an e-mail that I think you could probably talk more to than I can but building in the types of assurances that we can maintain through, whether it's the homeowner's association, we had a lot of issues out there...

Board Member Cook stated yea but that comes through the site plan review.

Chairman Rogan stated it does but I am saying...

Board Member Cook stated we're asked now to get this recommendation to the Town Board...

Chairman Rogan stated exactly, yea, right.

Board Member Cook stated and the...

Chairman Rogan stated right.

Board Member Taylor stated I think the only, the last thing before this recommendation is the question we had about the viability of the senior housing concept and their attorney was saying but there are 2 senior housing structures, one has been struck down by the court, this one that we are proposing hasn't been but he didn't explain really, he starts talking and then kind of doesn't take questions. Can we ask him to give us some specific input or can you provide that on how this kind of senior housing is different from the stuff that has been...

Rich Williams stated all right, I will go back and look at what he has already given the Board, I will see what needs to be supplemented so you can get that answer.

Board Member Taylor stated and then it seems like we're, we can answer all the questions that we...

Chairman Rogan stated so where we would be at basically is, we were holding back from saying to the Town Board, okay we agree you can consider a change to multi or to whatever it's called, age qualifying, we were being a little restrictive to add in the caveat that we didn't believe that the density should be any greater than what the current zoning would allow, in essence based on this current information we can say to the Town Board, we are supportive of a change to this concept and not discuss densities period because now you do it through the review process, correct...

Rich Williams stated correct.

Board Member Taylor stated exactly, yes, exactly.

Chairman Rogan stated okay and so I, at this point would support that without discussing densities because we'll be able to do that through the site plan...

Tim Curtiss stated yes, that you would be more informed to do that after (inaudible).

Board Member Taylor stated so does anybody else feel we need to discuss this senior concept or we should just make the recommendation and proceed.

Chairman Rogan stated I think we can...

Board Member Cook stated I'm ready.

Chairman Rogan stated I think we can, we make the...

Board Member Taylor stated well then let's do it.

Chairman Rogan stated recommendation. What is the proper terminology on this, age...

Board Member McNulty stated age qualifying, it is...

Chairman Rogan stated is that what they are looking for a change in zoning to allow age qualifying, it's multi-family, that's different...

Rich Williams stated well they are looking for a change of zoning to permit multi-family housing on the site and further to limit that type of multi-family housing to age qualifying multi-family housing.

Chairman Rogan stated okay, I never thought I would do this but in the matter of Fox Run Phase II Zoning, I will make a motion that we recommend that the Town Board consider, favorably consider a change from the existing R-1 zoning...

Board Member Taylor stated R-4...

Chairman Rogan stated I'm sorry, R-4 zoning, thank you Ron, to the age qualifying restrictive, I (inaudible) the terminology on that...

Board Member Taylor stated multi-family.

Tim Curtiss stated multi-family.

Chairman Rogan stated multi-family age restricted zoning, so moved.

Board Member McNulty stated I second.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated any opposed.

Rich Williams stated do you still want to know the difference between the two types of housing.

Chairman Rogan stated yea but I think it's just important for us to know.

Rich Williams stated all right.

Board Member Cook stated don't go through a lot of hoops, we can...

Board Member Taylor stated we can make them supply it.

Chairman Rogan stated we can, we have a whole set of plans...

Tim Curtiss stated (inaudible).

Board Member Cook stated it would be nice to have...

Chairman Rogan stated all right...

Tim Curtiss stated did you vote.

Chairman Rogan stated we did.

Rich Williams stated I waited till they did vote.

e. Fair Street Self Storage Bond Release

Chairman Rogan and Fair Street Self Storage Bond Release, did we finish that one.

Rich Williams stated you did not, Andrew had submitted a letter jeez, about a year ago saying all the improvements had been complete, we kind of held it off until I could go out there and see what it looked, I have been out there, everything is fine, it's still stable and everything's good.

Chairman Rogan stated so we can make a motion that the Town Board release the bond for Fair Street Self Storage, so moved.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated and I think we are done with the agenda.

13) MINUTES

The Secretary stated you have minutes.

Rich Williams stated they weren't on the agenda because somebody didn't give them to be.

Chairman Rogan stated anybody have the dates of the...

The Secretary stated you do have them.

Rich Williams stated yea but I didn't look.

Board Member McNulty stated I don't have the dates.

The Secretary stated (inaudible).

Chairman Rogan stated we can get them from Michelle.

Board Member McNulty stated I did look at them, I had no problem with them.

The Secretary stated okay.

Chairman Rogan stated Michelle do you have the dates.

The Secretary stated it is October 29th and November 4th.

Board Member Cook stated I make a motion that we approve the minutes of October 29th and November 4th.

Board Member Taylor seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Chairman Rogan stated procedures.

Rich Williams stated procedures.

Board Member McNulty stated real quick, are we going to talk about Joe Reilly at all, that's not on this, we had paperwork on that.

Chairman Rogan stated it's not on the agenda but we can mention it, Michelle doesn't want to...

Reilly Farm to Market Site Discussion

Board Member McNulty stated I just I know we had...

Chairman Rogan stated it sounds like they have applied to the DEC for a wetlands permit to develop the lot, Ted you sent the DEC a letter saying that we are, you know very involved in this process...

Ted Kozlowski stated two letters.

Chairman Rogan stated and they should at least acknowledge it into their record or any decision that they make, correct.

Ted Kozlowski stated yup.

Chairman Rogan stated we're probably waiting now to see because ultimately regardless of what the DEC says they are going to have to come to the Planning Board.

Ted Kozlowski stated see we don't know what he submitted.

Chairman Rogan stated right.

Ted Kozlowski stated and Harry Nichols is the engineer, I don't know where the driveway is, I don't know here the house is, I don't know if there is a deck or a pool, all the other things that you know we like to look at...

Chairman Rogan stated yea.

Ted Kozlowski stated I don't know what the DEC is looking at...

Chairman Rogan stated and the gentleman from the DEC you spoke to you tried to send you that information.

Ted Kozlowski stated he called me at the eleventh hour, he sent a fax down here, Rich gave, forwarded to us, I tried calling him that whole day on November 30th, I just kept getting his answering machine, I finally generated a letter because I, the deadline was that day for comment...

Chairman Rogan stated yea.

Ted Kozlowski stated you got a copy of that, so I don't know where we're going with it, I don't know where, I have no idea what they're looking at.

Chairman Rogan stated when this Board reviews the wetlands application that will be forth coming, depending on what the DEC says, part of our discussion should be that the DEC permit that they are probably going to throw in our face, we had no input on.

Board Member McNulty stated I saw something where public comment notice closed, correct.

Ted Kozlowski stated well it's closed as of November 30th and the interesting thing was that they notified the Town that they applied for an application but they didn't give us any maps, any plans, anything and I asked for it in my first letter, didn't get a response until November 30th which is the closing date or the day before what it was and then I generated a second letter. The concern I has is that we've had instances (inaudible) where an applicant to the DEC gets a DEC permit and then they start clearing and then they start doing all sorts of stuff because they say here, I've got a DEC permit, knowing full well they are going to have to get a Town permit and that is what I tried to do in my correspondence is like look, you have to work with us here because you know...

Board Member McNulty stated didn't he state that he can extend the public comment period, wouldn't that hold that application open.

Ted Kozlowski stated no, he, well I don't know what they're going to do, I can't make heads or tails of DEC anymore.

Chairman Rogan stated no.

Board Member Cook stated could you contact this applicant and say aware...

Ted Kozlowski stated I did.

Board Member Cook stated aware you're going through DEC.

Ted Kozlowski stated I sent Joe Reilly a letter along with Harry Nichols and the DEC that you have to go through the Town do not and I tried to be as polite as I could in trying to say look, you know to avoid any misunderstandings, I don't know.

Chairman Rogan stated hey Rich, I can get you a more comfortable chair if you want to sit up here on the dais from now on, you know you're in that chair and I know they don't look very comfortable...

Rich Williams stated they are not comfortable.

Chairman Rogan stated they stink.

Rich Williams stated they are definitely not comfortable but you know I sat in the comfortable chair for a very long time and I'm happy out here, very well, procedures, what do you have going on for procedures...

Board Member McNulty stated one more thing, Gus Boniello we talked about him, the final conditions we're going to check, is that all done.

Rich Williams stated didn't we just vote on it.

Chairman Rogan stated yea, I thought we did.

Board Member McNulty stated this is up on Fair Street.

The Secretary stated yes.

Chairman Rogan stated self storage, yea, we released the bond, that is what we, you voted on...

Board Member McNulty stated I don't know what's...

Chairman Rogan stated I think you voted yes by the way.

Board Member McNulty stated I did.

Chairman Rogan stated he's just going along.

Rich Williams stated I can tell you an interesting story about it too but we'll do that later.

Chairman Rogan stated okay.

Rich Williams stated procedures, I just want to talk about a couple or procedures that I think are important to implement and talk a little bit about the Planning Department, about where we've been, where we're going you know, what's going on, being as its very close to the end of the year. When I started with the Town, the Planning Department and the Planning Board consisted of Marge D'Espositio, she was one woman, she handled Planning & Zoning, she did very long summaries of the minutes, she did the best she could with getting the files out and she was in a room as big as my office is now and that was the whole Planning Department. Now over time we've been evolving and evolving this year, now I've got Michelle full time, I've for Sarah full time, I've got two girls and we are now providing administrative support, including the minutes for the Planning Board, we are doing the same of the Zoning Board, we are doing construction management for the Court House, we are running three water districts and a sewer plant, we are running the MS-4 program for the Town, we are doing all Board, yea for the County. We've just evolved into a much bigger department...

Chairman Rogan stated are you asking for a raise, we can't give you a raise, I'm sorry.

Rich Williams stated I'm not asking for raise, I'd be happy with a couple days off.

Chairman Rogan stated I'm sorry I didn't mean to break his...

Board Member Cook stated Michelle should do...

Rich Williams stated the point of all that really is just, we are more formally now a Planning Department than we were 20 years and that is the natural progression of things. David Steinmetz came in with Patterson Crossing and coined the term, he was the attorney for Patterson Crossing and he coined the term gate keeper, he saw my roll in this whole Town as basically the gate keeper and I think we have been for the most part since I came on, you know I kind of, in my roll and now Michelle and Sarah helping we are all pulling together to coordinate the activities of Ted, Planning Board, Zoning Board, Town Board, project developers, you know the engineers, we're pulling them all together, part of that is we maintain all the records for the Planning Board, the Zoning Board, um and I find it necessary to try to do this in a very gentle way, we need to maintain consistent complete files and so I'm just going to kind of institute this

policy that any correspondence regarding any application be it from Shawn or Ted or Maser, we need to have that in our files so if somebody comes in and reviews the files they can see the complete files, we need letters are signed and dated, that are, not saying we're not getting this but clean legible and again within a week of them being issued to whoever their being issued to, that is issue one. The second issue really is to do with the wetlands applications and trying to find the best way to run that administratively and procedurally. We have to take the applications in and at the time of the applications, somebody needs to make a call about what the fee is and so I haven't been doing this really up until now but I think it's necessary that we do this in that when the applications come in, I'm going to assess the wetlands application fee, having done that then Teddy...

(Tape 2, Side 2 ended – 10:34 p.m.)

Rich Williams stated and we've taken the fee in, Ted can do his review, he can correct it, and we can go back to the applicant and amend, the same with the Planning Board, if you think it needs to be a different fee, you can you know reduce it, do whatever you want but I think with the initial application fee, when the application is initially submitted, somebody needs to be there to make that call and we're here, we're doing that.

Chairman Rogan stated are we setting up a problem though where the chances are if you're setting a fee, I hope anyway, it's going to be low enough that we're not overcharging people because then they, you know, there is always the problem with refunding people money but more likely than not you would be undercharging people and then we've got to go ask them for more money. Is there a better way to do this that just makes it the right fee, do we have to accept a fee to accept an application, can't we accept an application and then Ted figure out what the fee is.

Rich Williams stated well generally we will accept an application all right and we will have it there ready to be distributed to everybody but right after we accept it, then we take a look at it and you know start crunching some numbers to see if the fee we taken is correct or incorrect, if it's not then you know I will have them you know bring in more money.

Chairman Rogan stated so we need to be very clear with the people who are submitting applications that the application fee they are paying is clearly an estimate, I think that, because you know, there is an expectation, people pay an application fee...

Rich Williams stated yea, abs...

Chairman Rogan stated well you told me it a hundred dollars, now you're telling me I may have to send you a thousand dollars, well that's a lot different or whatever...

Rich Williams stated you're absolutely right.

Chairman Rogan stated we collect a lot of fees and what we do and occasionally we make mistakes and sometimes we eat those mistakes, we just say well it is what it is...

Rich Williams stated and what I will be doing also as I did to Ted tonight I will give everybody a break down showing this is, if they don't give it to me up front then I will give it to, I will do the breakdown so everybody sees where the fee is coming from.

Chairman Rogan stated yea.

Board Member McNulty stated how does the Building Department do it their fees are always different, based on the size of the project, do they get it up front, how do they crunch it that quick then and get it accurate.

The Secretary stated it's laid out in the fee schedule that's set by the Town Board.

Rich Williams stated and we do the same thing but you know again, I gave Ted tonight what I thought Thunder Ridge's fee was going to be, they submitted an application fee, this is how it's been working, they submitted an application fee of eighteen hundred and eighty dollars, you know...

Board Member McNulty stated how do they calculate it.

Rich Williams stated they use our fee schedule, based on our fee schedule this is what they said it should be but you know I took that application fee, it's been now three weeks, four weeks since they've submitted that application fee and Teddy hasn't had the time to really take a look at it yet, he's had other things on his plate I'm sure, so we're, the process is still moving on, whereas being here I can react quicker to it.

Board Member McNulty stated okay but I'm not clear...

Ted Kozlowski stated I think though...

Board Member McNulty stated is it maybe not our fee structuring program not clear, is it that hard to understand, how can we simplify it.

Ted Kozlowski stated gentlemen I think with the fees, every application is going to be different and I don't think we should be taking a fee for Thunder Ridge right now because we're not convinced that that's where they're going with the project, they are going with a roadway and a culvert through Stephen's Brook and there is a lot of disturbance there, we haven't gone out to the site yet, we've asked them to look at an alternate site, they very well may do an alternate site and there won't be a wetlands application, so I'm not so sure and I'm not so convinced we need an application fee right away, the same thing with Wallace...

Board Member McNulty stated so maybe we can set up a review fee and incorporate that as part of the...

Chairman Rogan stated that's that could be an initial application fee, just make it a set, you know two hundred dollars or something.

Board Member McNulty stated and then upon review...

Rich Williams stated certainly if you want to take a look at the fee structure and make a recommendation to the Town Board...

Board Member McNulty stated I'm not familiar with it so...

Rich Williams stated but we have to take an application fee when the application comes in, we can't be you know going...

Ted Kozlowski stated Rich, we don't do that all the time, we don't, there are many times when we get an application and we don't get a fee.

Rich Williams stated Michelle, do we do that all the time.

The Secretary stated I'm sorry, I zoned, I apologize.

Rich Williams stated we do that all the time, we don't applications without application fees.

Chairman Rogan stated so can we set a standard, so it's the same for everybody, just a standard...

Rich Williams stated they are not always...

Chairman Rogan stated application fee, two hundred dollar application fee.

The Secretary stated but what should (inaudible)...

Board Member McNulty stated that fee would then go towards the final amount.

The Secretary stated if they come in and there is no set fee, we'll take one hundred dollars from them as a base because we don't know exactly how much their fee is going to be until it's calculated.

Chairman Rogan stated true, yea.

The Secretary stated so that is usually what ends up happening.

Rich Williams stated yea, I really didn't want to start a big discussion, this is the way we are going to run the procedures within the department, certainly to have the ability of making a recommendation to the Town Board about changing how we want to deal with fees.

Chairman Rogan stated no I, while we're discussing it to try to figure out why this system is so complicated that is shouldn't be, it's basically because each one is so unique that you don't really know what the impacts are, what you're, maybe that's, maybe that is the problem that we are getting into assessing people based on what their impacts are, it's like giving people a building permit application fee to be based on how much money they're spending on renovation, it doesn't make any sense to me but I'm not in the Building Department, building permit application, charge what it is.

Rich Williams stated well that's exactly the problem, we're assessing the fees but it was talked about a long time ago that that's the way we wanted to do for a couple of different reasons.

Chairman Rogan stated oh yea, I mean charging people appropriate to the amount of work being done or the amount of review because in government let's put this out there, we're not supposed to charge for something that we can't say that we're spending the money to, you know, we're not just supposed to say well you're impact 5,000 square feet, therefore the fee should be \$5,000, that is not directly attributable to the money spent and that really, we're told that all the time government, you can't just say well you have a bigger restaurant, therefore you pay a bigger fee, you have to be able to say well it's because we are expending extra resources for these reasons, you can get in a lot of trouble for that and the same thing has to hold for, I'm assuming for building permits, they are saying well if it's a bigger project there is more review involved...

Rich Williams stated sure.

Chairman Rogan stated but if you can't prove that out, then you're just charging people more for the sake of charging them.

Rich Williams stated we can prove that out with wetlands very easily, I mean generally the bigger wetlands, the bigger the impact and the bigger the delineation more time Ted has to spend reviewing it...

Chairman Rogan stated yea.

Rich Williams stated you know you get into the functional analysis, Carl Albano, is a very small wetlands application, no functional analysis, whereas we get into you know the disturbances we have with Pete Monteleone, you have to do a functional analysis, yea so there is definitely a lot more work based on the amount of impact to that wetland.

Board Member Cook stated two things, one um, I think what Shawn alluded to is a good point saying somebody comes in and they give you a check and it gets clear that this may not be the final payment, somehow whether it's a revision on the form or something so that if it gets reviewed and it's higher or lower...

Rich Williams stated yup, no that's...

Board Member Cook stated the person, at least the person knows that what they're giving is going to be review.

Chairman Rogan stated or at least they are starting with the minimum so there is no give back, the minimum is a hundred dollars which is what you were saying, there would be no, unless the, even if the permit is withdrawn, there has been an expenditure for the Town, the permit fee should be kept, a hundred dollars doesn't cover processing the paperwork really.

Andrew Fetherston stated it just sounds like you need a minimum application fee to start and then a review afterwards because you're doing what consultants do all the time, when they are asked by a client to just give me a lump sum...

Chairman Rogan stated a retainer.

Andrew Fetherston stated and you're gambling, I may be under, I may be over, it may be in my favor, it may be in your favor, I'm doing the best to get in there and why, you need to make sure you pay your expenses.

Rich Williams stated I agree, I think it's a great suggestion that you know we need to put the disclaimer on there that this is an estimate subject to review but then somebody's got to do that review.

Chairman Rogan stated totally agree.

Board Member Cook stated point number two...

Rich Williams stated go ahead.

Board Member Cook stated perfect segway, in the Code it says that the E.C.I. Officer is the guy who makes the call, right.

Rich Williams stated really, where is that in the Code.

Board Member Cook stated Chapter 154, Wetlands Watercourse application fees.

Rich Williams stated that's not the Code.

Board Member Cook stated what is this.

The Secretary stated fee schedule.

Rich Williams stated that's the fee schedule.

Board Member Cook stated fee schedule, okay.

Rich Williams stated the fee schedule and the wetlands inspector makes the call on whether it's a major or minor application, right, that's what it say.

Board Member Cook stated yea.

Rich Williams stated and I'm not, you know to be clear, I'm not trying to take anything away from Ted, I'm just saying that somebody's got make that initial call and get it done.

Board Member Cook stated I'm not saying you are or you aren't, I'm just trying to understand, I thought this was first a part of the Code and now it's a fee schedule and that's great and I just want to make sure that...

Board Member McNulty stated where do you find the fee schedule is it in the Code somewhere...

Rich Williams stated no...

Board Member McNulty stated it's just part of your office.

Rich Williams stated what we did when we re-codified everything in 2004, we took all fees out of the Code to make it easier to amend you can then just amend it by resolution.

Board Member McNulty stated so where do you find the fee schedules if you wanted to look for one.

Rich Williams stated we have it in the office.

Board Member McNulty stated okay.

Board Member Cook stated (inaudible) determination. Am I reading this wrong that this fee schedule for minor applications, major applications that it's the E.C.I. has the discretion to make the call whether it's minor or major...

Rich Williams stated yup.

Board Member Cook stated and based, if it's a major one comes up with or verifies with the person submits for the major according to these little calculations of dollars...

Rich Williams stated then we have the calculations down there, right.

Board Member Cook stated right, okay and then the inspections are verified by the E.C.I...

Rich Williams stated the inspections are verified.

Board Member Cook stated let me read it, where no application has been submitted, verification of wetland delineations completed by others or at the request of the property owner, where field delineations are completed by the E.C.I. which delineations shall be undertaking solely in his discretion and inspection fee of fifty dollars per hour...

Rich Williams stated oh...

Board Member Cook stated a minimum fee of fifty dollars shall be assessed.

Rich Williams stated that was something that Ted asked to have put in there, we have from time to time property owners which you know need a delineation, they don't want to go hire a wetlands expert so Teddy will go out do it and there is a fee assessed for doing that.

Board Member Cook stated okay so with all due respect to Ted's schedule availability what you're saying is that if he gets jammed up some place, that it should come in to and you'll make the call.

Rich Williams stated no, that's not what I'm saying, what I'm saying...

Board Member Cook stated okay.

Rich Williams stated is we have to take the applications in...

Board Member Cook stated yes.

Rich Williams stated traditionally I have not been estimating the wetland fees when the applications come in...

Board Member Cook stated you give it to Ted.

Rich Williams stated yea, I just give it to everybody and Ted makes his recommendation, we get the fees when we get the fees and however it works out, it works out. What I'm saying is procedurally when we get the applications in we want to make sure the applications are as complete as possible...

Board Member Cook stated correct.

Rich Williams stated so I am going to start assessing the wetland fees, estimating the wetland fees or making sure the applicant has assessed them correctly and then from then on, Ted wants to weigh in and say no I think it needs to be different, he certainly has the ability to do that, the Planning Board wants to

step in and say we think they should be different, you certainly have the ability to do but we need to have a starting point.

Chairman Rogan stated Ted, any time jump in, this is a discussion amongst all of us.

Ted Kozlowski stated there is um, it should be a little bit difficult because there are variables here, the easy one is the individual coming in for a minor application, it should be a hundred dollars, done, when a subject line Thunder Ridge or Monteleone where it is a major, their engineer is going to have to, we have a fee schedule here, got to figure out to the best of their ability what the square footage is and assess the fee accordingly but you've got to remember that a lot of these applications, the fee could change because again, Thunder Ridge, we may not be going through Stephen's Brook...

Chairman Rogan stated so wouldn't it make more sense just to have a hundred fee just initial application and then you are getting it in the process.

Ted Kozlowski stated well I'm saying like with Thunder Ridge, I'm not even sure, they have a wetlands application in, I'm not even sure, Rich came up with a number of \$6,000 and I don't disbelieve it but I really wonder if this applicant is going to be going through Stephen's Brook, I really find that hard to believe, so now we're talking about refunds and all that other stuff so do we take in the application with a minimum fee before the Planning Board gets a chance to go to the site, do a site walk, I mean you know there are costs involved with all this and I understand they have to pay for it but are we going to take the \$6,000 fee in when we really think this isn't going to be going through Stephen's Brook.

Rich Williams stated yes we are we're not going to refund it and I'll tell you why. This is their application, this is what their asking, this is the cost to review this application, that is essentially what we're saying, this fee is to cover review of this application, if they want to change it later on, that doesn't mean they have the right to get it back...

Chairman Rogan stated well especially if we've expended those resources.

Rich Williams stated that's right, we've already spent the time.

Chairman Rogan stated yea.

Rich Williams stated so...

Ted Kozlowski stated yea but are we going to spend \$6,000.

Chairman Rogan stated we...

Rich Williams stated that's, you know what, then maybe they should make the application correctly, that's all I can tell you.

Board Member Cook stated but the point is, whatever the number is some money should come in because we've spent, you want to take Thunder Ridge, we've spent all this time tonight okay when he was here going through it, we're going to go on the site walk, et cetera and you're right, maybe it doesn't happen but we've been involved with it until or we stay involved until it changes and that may be, that may require a fee or it may not require a fee and it may change, so, I think that um, taking in...

Board Member Taylor stated those are yours.

Board Member Cook stated taking in the fee, you looking at it, knowing he's got to review it...

Rich Williams stated everybody's got to review it.

Chairman Rogan stated I mean, at the end of the day as long as theirs an acknowledgment from the applicant that what they are being charged may not be the final amount, I think that's important, that's what, if we can be frank with Doug Wallace's application, having a smaller amount than us going through what we went through, I mean...

Rich Williams stated well that was the anomaly.

Chairman Rogan stated no and I'm using that as the anomaly to just point out that we have to be very clear when we take the money that we say look, this is basically what we're saying is either the correct amount or a review fee and there may be additional monies when we determine what the impacts are, something very simple just so that there's not an absolute thought in someone's head that they're done, that's all, I think it's just what people perceive and whether or not they expect that they're done. Anything else...

Rich Williams stated one last thing, you know I love you guys to death, I even love Ted sometimes...

Chairman Rogan stated yea.

Rich Williams stated (inaudible).

Chairman Rogan stated is there a but in this...

Board Member Cook stated we have no control over Tim Curtiss.

Rich Williams stated I realize that, we want to provide you with whatever support you need, we want to supply you with whatever resources you need, they have cut our budget and cut our budget and now I'm being told the way things are going that even though we have a budget they are going to cut it again and we're being told at this point, you know, you have to stop buying supplies. Michelle just bought supplies which hopefully are going to last us six months, what I'm going to ask you to do is the supply cabinet is there to support the office, you know, not the Planning Board Members, not the Zoning Board Members...

Chairman Rogan stated fair enough.

Rich Williams stated try, you know, it's a dumb thing in my opinion but we're stepping over pennies to watch dollars and they are looking at paper clips and pens and everything else at this point...

Board Member McNulty stated I didn't even know they were available.

Rich Williams stated and they are also talking about taking everything away and putting it in a common area and allocating it...

Chairman Rogan stated oh that would be horrible.

Rich Williams stated as needed.

Board Member Taylor stated you could cut back on paper costs a little bit if some of this stuff was just digital.

Rich Williams stated I send everything by e-mail and then I am constantly asked to print it out.

The Secretary stated me too.

Board Member Taylor stated perhaps you need to ask the different people and, you know most of this stuff...

Chairman Rogan stated I'll try my best to read everything on line as best I can.

Board Member Taylor stated I don't need all this paper work.

Board Member McNulty stated yea, e-mail is fine by me too, I'll bring my laptop, have it all right there.

Board Member Cook stated I would just like to respond that any time I have taken a clamp and after the project was over I have returned the clamp to the supply cabinet.

Rich Williams stated you bring in packets of stuff all the time.

Chairman Rogan stated and you know what I will do my best when I got home, to try and remove the staples out of everything.

Board Member Taylor stated okay.

Chairman Rogan stated motion to adjourn.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

The meeting ended at 10:55 p.m.