

TOWN OF PATTERSON
PLANNING BOARD MEETING
December 4, 2008

AGENDA & MINUTES

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| 1) Meadowbrook Farms Subdivision | 1 – 19 | Public Hearing held open from November 6 th .
Discussion on road dedication.
Public Hearing held open for January 8, 2009. |
| 2) Eurostyle Marble & Tile | 20 – 22 | Public Hearing opened and closed.
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| 3) John Petrillo/Sullivan Road – W/W Application | 22 – 26 | Discussion of site.
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| 4) 17 Couch Road Subdivision | 26 – 29 | Public Hearing Scheduled for January 8, 2009. |
| 5) Green Chimneys Site Plan | 29 – 36 | Discussion on handicap access, parking and architectural. |
| 6) Martins Subdivision | 36 – 44 | Discussion on lot layout, lot count, driveway design.
Positive recommendations for variance.
Motion to rescind major subdivision motion. |
| 7) Other Business | | |
| a. Field & Forest Apartments | 44 – 48 | Discussion on Fire Code, fire tanks and NYSEG. |

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**TOWN OF PATTERSON
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**ZONING BOARD OF
APPEALS**

Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
Marianne Burdick
Lars Olenius
Martin Posner

PLANNING BOARD

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

**Planning Board
December 4, 2008 Meeting Minutes**

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

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Dave Raines, Gene Richards from the Town Engineer’s office, Stantec Engineering, Town Attorney Tim Curtiss.

The meeting began at 7:32 p.m. with 15 persons in attendance.

Rich Williams was the secretary and Eileen Seirup transcribed the minutes.

Salute to the Flag.

1) MEADOWBROOK FARMS SUBDIVISION – Public Hearing

Harry Nichols was present.

Chairman Rogan stated the first case tonight Meadowbrook Farms Subdivision we had started a Public Hearing last meeting and held that Public Hearing open with the request to get some more information which Mr. Cantor was kind enough to provide. Rich we don’t need to read a notice to open the Public Hearing, it’s been left over, correct?

Rich Williams stated correct.

Chairman Rogan stated let the record show that Mike Montesano has recused himself he’s within five hundred feet of the project his residence. We have Harry Nichols here this evening. What I’d like Harry if you would be so kind, Tim I had asked Rich to give you a heads up, we’d like a little bit of legal opinion and there certainly are a lot of concerns that the HOA has brought up in this regard. Things that relate to their prospectus and relate to their agreement and I think it’d be great if the Town can help in anyway that the Town is able. But, what I’m

most concerned about what I want to make sure that we do as a Board is not overstep our purview, make sure that what we can react to and what we can work with because I think there are some issues in here that do fall into our court. I want to make sure that we separate those out a little bit.

Tim Curtis stated yes I see what you're saying. Just for the public's benefit, I had the opportunity to go through your Homeowners prospectus and also through the letters that have been written and the problems that you've had in terms of the maintenance agreement the HOA, the contribution. I understand that you've tried to resolve this civilly both through negotiation and through a law suit but that cost got prohibitive. The Town in essence can look at the subdivision, can look at the water system can look at the septic or the sewage disposal system at that point while we won't be directly involved with that the Health Department will if the water works plant is inadequate if the emergency generator is inadequate that's something that's going to come up in this review as part of Phase II. The actual issue as to contributions of the original developer to make contribution to your HOA is really something that this Board doesn't have the jurisdiction to get involved with. However, there are avenues with the Attorney General's office that do look at this and they will also try to help you enforce that. Part of what the developer is going to be coming to you with, he's got to form this, he's got to come into your HOA. I'm assuming although they can't enforce it at some point that there's going to have to be a payment to you of all these back monies before he can bring in these new homes. That's probably going to be negotiated through his Attorney and through your Attorney because obviously he has to join your HOA at some point and when that happens there has to be some accounting for what's gone on in the past. This Boards purview is with regard to the site, the site plan issues. the subdivision issues and to a limited extent the water and the sewer plant although that's really going to be controlled by the Health Department the New York City DEP and perhaps the DEC too if they're in the wetlands area in that point in time. So I hope that clarifies it for everybody if you have any other questions I'd be happy to take.

Chairman Rogan stated Mr.Cantor, we do need you to use the microphone.

Tim Curtis stated use the mic so we have a record.

Mr. Cantor stated Mark Cantor I'm the president of the Meadowbrook Farms HOA. I think we were aware that there might in fact be some limitations on what the [Planning] Board could do and I appreciate that the referral might be to the Attorney Generals Office. However, just to let you know we did pursue that avenue a number of years ago, and unfortunately what they've told us is that it's now exceed their statutory authority in essence it was approximately 9 years and recall that this Association now been in existence for some 15 years or 14 years. They basically told us that, you know at this point it's a civil matter between you and any homeowner, developer or not, you know any homeowner who refuses to pay their dues you basically have to pursue it civilly. So unfortunately the Attorney General we did try that avenue, just so the Board's aware and you know basically we're back to the civil action which you know we met with some road blocks.

Chairman Rogan stated thank you.

Mr. Cantor stated you're welcome.

Board Member Pierro stated Tim I have one question here. We were informed that there maybe some residual dollars left in a performance bond for a road. Were you aware of that?

Tim Curtis stated no I was not aware of that. I was not aware that there were any residual dollars but if there are residual dollars left over in a performance bond and there are issue with regard to the road

Mr. Cantor stated yeah it's for the road.

Tim Curtis stated for the road then there are issues. I know that some of the comments last time, that the road does need some work and well certainly that could be addressed with that performance bond.

Board Member Pierro stated and that would require an action on the HOA to move forward and take that money or would the Town

Tim Curtis stated actually, they would have to put us on notice that there are these issues with regard to the road and we'd have to get out the performance bond and if was issued to the Town we would then be responsible to contact the bonding company and get going with that at that point in time. I'm assuming it was issued to the Town.

Mr. Cantor stated what happened was that the developer asked for part of that, I think we talked about that last time, he asked for part of the bond to be returned to him. The basic issue with the road is that the top coat has not been applied (inaudible) to complete the road is based on construction equipment coming in to complete phase II and he's not going to topcoat the road until you know

Tim Curtis stated the other improvements are

Mr. Cantor stated which I think we understand. There's not an expectation that you topcoat the road and drive bulldozers over it to ruin the topcoat.

Board Member Pierro stated so would it be advisable that any additional performance bonds that are put into place for the second project not be lumped in to the original performance bond. That they be maintained separately.

Tim Curtis stated I think what you're going to want to do is put in separate bonding for it because you're going to have separate improvements. There is going to be some common driveway I'm sure, but basically improvements in phase II are going to be a separate issue and you're probably going to have to do separate bonding for that too.

Rich Williams stated correct, we always do.

Chairman Rogan stated and probably the original performance bond would not cover today's dollar amount.

Tim Curtis stated yeah, you would not have the correct dollar amount for today's because it's probably set in 1987 or 88 so we would be at 87, 88 pricing and so

Chairman Rogan stated and we can insure with this project that basically improvements to finish out the site would be encapsulated or encompassed into this

Rich Williams stated we're certainly going to take a look at the overall project when we talk about setting a bond for phase II.

Chairman Rogan stated okay

Mr. Cantor stated can I just make one more statement? The one issue that I think does have some relevance to the developer as well as the Town and the engineer relates to his basic conversion of the HOA property for the second retention pond which I think is what you're going to talk about here. And you know I think I did put in the letter to the Board that he needs to obtain a super majority vote from the Association Owners before he can

utilize HOA common area property for anything other than what it was originally designed for in the prospectus which you have and I have tonight.

Tim Curtis stated and you made us aware of that and that's exactly what I was going to say.

Chairman Rogan stated sure, sir if you want to come up and use the microphone.

Mr. Secchi stated, Dave Secchi. One of the problems we have with the road not getting the topcoat is that it gets in the way of it being dedicated. So as for this year we're paying 8000.00 dollars to get it plowed and every year in the past we've been paying to get it plowed and it's going to continue. I don't see why we should have to wait for him to finish his project so we have to keep paying for the plowing. His construction vehicles are going to come in with the first 200 yards of road instead of the whole road. If he could pave the rest of it we could get dedicated and we wouldn't have to pay for plowing every year. Thank you.

Chairman Rogan stated Rich is that the only item standing in the way of the Town accepting that roadway as a Town Road. It's been a long time since we've looked at the road. I know there's a topcourse and there was an extensive amount of curbing that had to be replaced.

Chairman Rogan stated so we certainly may want to.

Mr. Cantor stated he did install some of the curbing as part of the removal or termination or provision that he asked for back and also for a couple of other you know contingencies put on him. He did put some curbing whether it meets the Town Code you know we had a bit of an argument with that. I talked to you a little bit about that. I mean, it's pretty cheap curbing. It's basically formed asphalt, but I think I was advised that that's pretty much all the Town requires. He did the minimal that he had to do.

Chairman Rogan stated well certainly bringing these items to light, we're having these discussions with the developer. And you know how a developer finishes out a project certainly has bearing on approvals. The way that they do business, and we've discussed that with other projects when we've seen work that hasn't been completed properly on one project, when they come back for another project we tend to have those discussions with them.

Mr. Cantor stated I might add as a final note before letting the engineer present us the issues, I was out of town all week and I did come home to a message from the builders attorney at five o'clock this afternoon to advise me that they would like to discuss various issues related to the project and the water plant.

Board Member Pierro stated has the Town ever discussed taking over the responsibility, this interior road prior to dedication?

Rich Williams stated yes, absolutely. A number of years ago they talked about taking the road over and actually, he sent the engineer out to look at what additional improvements were needed. One of the issues that has always been very controversial, which is not ever really been settled, is for the Town to take the road over, the road is designed as a through road with Sonnet Lane. But currently it's gated off. And the problem that we always run into is that neither side wants that gate removed. They both want a dead end. The Town at this point, you know the past Highway Superintendent, not the current one but the past Highway Superintendent, was fairly adamant that the gate had to come down. It hasn't been brought up in a number of years so I don't know what the current thinking is.

Board Member Pierro stated does the gate have to come down in order to continue the second phase of this project

Rich Williams stated no.

Board Member Pierro stated so what's going to happen when the second phase is finished and the road bond, the road improvements are done, and the road gets dedicated.

Rich Williams stated at that point part of that dedication process is going to be either taking that gate down or the Town saying we're going to leave that gate up.

Board Member Pierro stated and plow up to it.

Chairman Rogan stated okay

Board Member Cook stated was the original approval for this trough road to go to Sonnet [Lane]

Rich Williams stated yes not the second phase that we're looking at now.

Tim Curtis stated the first phase it was supposed to be connected.

Mr. Cantor stated as a matter of fact it was [all] called Sonnet Lane.

Tim Curtis stated yes, originally it was. I think it was.

Board Member DiSalvo stated so why was the gate put up?

Audience member stated there's actually no road it's gravel and then it goes to grass and then it goes to the gate.

Board Member DiSalvo stated so it never really connected to the other side

Tim Curtis stated no it never connected.

Rich Williams stated right what they did is while the initial project was under construction you know because now you've got a construction road, they put a gate up so that people couldn't drive through from the construction area.

Mr. Cantor stated and actually the problem now is that if you look at the map where that gate is, is the gravel access road to the water plant. There is no turn around there there's no ability of a plow truck to get in there. We actually pay for, quite an ordeal for our plow person, to keep access to the water plant. So, it's a quagmire, it really is. And the homeowners have been relatively opposed to it because there are kids in the subdivision you know. There was an issue about the traffic light at [Route] 292 and [Route] 311 and whether it was the Town's intent to divert traffic from that busy hairy intersection through our subdivision and Sonnet [Lane] as well. They don't want the traffic. I mean there are a number of variables here and then the 911 emergency came through and they renamed the road so it goes from, you know, a whole sequence of issues.

Chairman Rogan stated Mike do you want make a comment? Come up.

Board Member Montesano stated Mike Montesano Town of Patterson. The original Sonnet Lane and this development, the road was meant to be connected for safety reasons because traveling around to get from one side of town to the other was to be convenience and have emergency services actually have an opportunity to get more than one way to get into a project. The idea was planned so that there would be access to both pieces of

property. Over time since both projects took a considerable amount of time to be done, everybody's opinion was changed. The object of why the Planning Board approved the gate because when one project was complete the second one was still in process, the gate was the easiest was to designate that there would be through road for emergency services and convenience. Thank you.

Chairman Rogan stated I think while normally we would close a Public Hearing and then defer to the engineer, I think for the purposes of tonight ,just in case there is any addition information that comes forward, based on what Harry says, I think we'll keep the public hearing open for this point. Then possibly at the end of this, after discussing this topic tonight, then we could be in a position to possibly close. Harry good evening.

Harry Nichols stated good evening I'm Harry Nichols Engineer on the project. Yes, the attorney for the developer was trying to get in touch with you. I've been talking with them and they're aware of certain conditions out here, one being the water plant. The water plant is something that we have to connect to, to serve the rest of the proposed houses. If there are problems with it, it has to be upgraded. They're fully aware of that.

Mr. Cantor stated I might just add we literally had a water failure this week.

Harry Nichols stated of what.

Mr. Cantor stated another pump failure.

Chairman Rogan stated a pump.

Mr. Cantor stated (inaudible) caused a relay and a capacitor to go out. We are looking at repairs literally again this week. It's just continuing, just so you're aware of it.

Chairman Rogan stated yeah.

Harry Nichols stated this is what happens when a facility is 20 years old and it does require constant repair. My understanding is that was part of the HOA to accumulate these funds in advance in order to have them available for these repairs. But, that's the HOA between you and Mr. Ginsberg.

Board Member Pierro stated Harry does an evaluation have to be done on the current water plant?

Harry Nichols stated I'm sure the Town is going to want to be satisfied. The Health Department is going to want to be satisfied that there are not inherent problems. And I don't personally I don't see

Board Member Pierro stated so that you are aware that there are inherent problems.

Harry Nichols stated well I'm hearing them, and I can't deny them, so I think somebody has to look at it and find out just what the issues are.

Chairman Rogan stated can I just interrupt for a second, Rich could we get, just reach out to Mike Budzinski at the Health Department, and ask for either, ask whether a current evaluation for this water supply for this second phase is being done? Or if we can initiate some sort of review of what would be required out there, so that we know that going into this wetlands permit, because this is really what we're here for, we're still here for a wetlands permit not for an overall site plan. They are certainly issues that impact on this, but obviously the information that you've presented, we want to be sure of what we're approving. See if we can get some notice from the Health Department. Thank you. Harry the site of the stormwater pond that is apparently on the common

Harry Nichols stated well the existing pond is on the common property to begin with. The existing one extends this amount you can see it in a lighter shade (pointing to drawing) the requirements to meet the new current standards are such that the pond area has to be increased in order to handle the additional requirements.

Chairman Rogan stated so the increased disturbance, the impression I'm getting, is that any modification, increase, change to the property, has to be voted on by the Board. That's something that certainly I'm asking of, your're not aware of, but we need for the applicant to clarify.

Harry Nichols stated yes that's already been pointed out to the applicant. The applicant, in fact, a memorandum was sent very late today to Mr. Williams regarding the applicant's initial preliminary review of the circumstances that unfortunately not a lot got done in the past month and everybody's aware of the problems in here. I've been in contact with the developer and they are aware that there are some issues here and they want to come in and sit down and discuss them just to find out what are they responsible for and what really is the responsibility of the HOA.

Board Member Pierro stated can we have during these discussions, have the Town Planner or our Town Engineer sit in on these discussion as well.

Harry Nichols stated absolutely

Board Member Pierro stated if you don't mind.

Board Member DiSalvo stated about how much larger is the pond going to be enlarged to? Is it going to be double the size?

Harry Nichols stated well it's the land disturbance it's probably going to double the size of it. But you see the existing pond is very deep and it's being made shallower because we do not need the depth. We had to raise the grades up in here in order to provide the design that would get the flow to the ponds and in doing that the bottom part of the pond will be filled in. It won't be as steep as it is right now. The side slopes out. There are probably a one on one slope. They'll be made a three on one in accordance with today's regulations.

Rich Williams stated Harry if I could ask a question. When was the design of that pond worked out?

Harry Nichols stated you mean the new pond?

Rich Williams stated yes the new pond.

Harry Nichols stated the new pond?

Rich Williams stated the new pond.

Harry Nichols stated the new pond, Insite Engineers, they have been working with the State and the DEP on the requirements for the second phase.

Rich Williams stated I'm aware of that but that was done 3 years ago 2 years ago?

Harry Nichols stated they started this at least 2 years ago yes.

Rich Williams stated okay so that pond does not meet current standards that are in effect right now.

Harry Nichols stated I hear what you're saying. The regs in late September, they changed again.

Rich Williams stated correct.

Harry Nichols stated yup

Rich Williams stated we've gone from a 90th percentile storm to an actual one year storm based on different standards altogether so instead of looking at 1.1 inches of capture the runoff we're looking at almost 3, 3 ½

Chairman Rogan stated that changes the potential for the size of that pond

Rich Williams stated yes

Harry Nichols stated in most cases in order to satisfy the major storms, the one hundred year storm, enough volume is generally created in these ponds. So it may take it'll take massaging of the numbers and the pond shape but it should not be a significant increase.

Mr. Cantor stated can I ask for a point of clarification?

Chairman Rogan stated sure, but you need to speak up because you're not using a microphone.

Mr. Cantor stated at the last meeting I was under the impression, maybe I misunderstood, that there was going to be a second retention pond and not an addition or a revision of the existing one. Has that now changed again?

Harry Nichols stated no theres both.

Mr. Cantor stated oh theres both

Harry Nichols stated the existing pond is being reconfigured and there will be a second pond.

Mr. Cantor stated okay and our objection was to the second pond or at least to the point where he needed to seek our approval.

Chairman Rogan stated I understood.

Mr. Cantor stated thank you.

Chairman Rogan stated Ted, I'm assuming that if the configuration of these ponds change that will have some implications that you're going to want to take a look at.

Ted Kozlowski stated sure and Harry that stream, that's Muddy Brook correct?

Mr. Nichols stated yep.

Ted Kozlowski stated did you get a DEC permit for this from their wetlands people?

Mr. Nichols stated I'll have to refer that to Insite Engineers. They were handling that end of it. I don't think anybody's here tonight that is familiar with the project from Insite.

Ted Kozlowski stated and did you, at the last meeting, we discussed that you're moving that out of the one hundred foot buffer of that stream?

Mr. Nichols stated they mentioned that they were going to look at it but the obvious problem was by sliding it back, you really can't divert the flow. You want the flow to come in on one end of the pond. You want to get the length, there's a length to width ratio you have to have for the pond to function the way it's intended to. To slide it back is going to create some problems and it is going to create disturbance back here closer to the existing houses. But they said they would look at it, and they are looking at it.

Ted Kozlowski stated do you know what the classification of that stream is at that point?

Mr. Nichols stated I do not know.

Ted Kozlowski stated I believe it may be CTS or CT.

Mr. Nichols stated CT.

Ted Kozlowski stated I believe it may be I'm not sure that's why it's important that the DEC review that and that you do have a DEC wetlands permit. I'm not talking about the stormwater I'm talking about wetlands.

Mr. Nichols stated I understand.

Ted Kozlowski stated because that stream is also regulated by DEC as well as the Town.

Mr. Nichols stated yes.

Rich Williams stated and just so the Board's aware I would suspect that in redesigning for the current regulation would not affect area within the wetland buffer. It'll be done on the initial pond.

Chairman Rogan stated Gene do you have anything at this point that you want to bring up?

Gene Richards stated you know Ted actually hit on what I was going to talk about.

Chairman Rogan stated he beat you to the punch.

Gene Richards stated the only thing I was going to say Harry, is I think what Bill Brickelmaier had said at the meeting was that or what the Board or what Ted had asked for he may be looking to expand the pond to the west take it up the hillside a little more rather than sliding it to the south. But anyway Bill said he would look at it and report back to the Board.

Mr. Nichols stated the only problem with that is you're going into a hill. The hill is going up.

Gene Richards stated I understand it would mean more disturbance on the hill.

Mr. Nichols stated it would be significantly more disturbance.

Gene Richards stated but I think that's what Bill is going to look at that's all.

Mr. Nichols stated okay.

Chairman Rogan stated anything else that the Board wants to bring up on this at this time. Mr. Cantor?

Mr. Cantor stated maybe just one last comment on the pond from the HOA's perspective. I was advised by the Town Engineer, maybe this is the September reference I just heard, but there is a new requirement from the State for maintenance of that retention pond. That would become HOA responsibility. Our common area whoever's responsible for the common area, which is the HOA, would be responsible for maintaining that. I essentially told them we could barely make it on what we've got now let alone now have a new responsibility. He said that the Town could investigate establishing a water district or a drainage district, like a water district, and then charge us back for the maintenance of that. But apparently now there are some significant cost that have to be incurred and I don't know if it's item three, or its trees have to come out, but there's maintenance costs that are now going to be associated. So recognize that if and when that's approved, you're now further burdening our finances to maintenance of that pond whether we do it, or whether the Town creates a district, that we're now looking at having to maintenance that as well.

Mr. Nichols stated well, the one good thing is the new construction will take care of all of the ills that have occurred in the last 20 years because there's been very little maintenance on that pond out there.

Mr. Cantor stated which actually wasn't required. We were not advised, nor I think were there regulations in effect that required the maintenance of that pond. There are trees that have grown, there's in fact probably a 40 foot willow tree in there right now. So, it's going to require cost up front as well as ongoing. They apparently are not going to fall on the HOA.

Rich Williams stated well they're not going to fall on the HOA. Similar to the road dedication

Mr. Cantor stated glad to hear that.

Rich Williams stated we would be looking for the Developer to remedy those ills and put the pond in good condition you know before we took it over or before the HOA was responsible for it.

Mr. Cantor stated okay.

Mr. Nichols stated just because the amount of disturbance as part of the construction to convert it to the design it's all going to be refurbished.

Chairman Rogan stated okay anything else from anyone on the Board on this?

Board Member DiSalvo stated can we talk about the road dedication again? You said it needs another coating of blacktop. Is there like a procedure as far as if it took 2/3 of the road as dedication. Do we have to take the whole road?

Rich Williams stated we could set up were we could only take a portion of the road if the construction was complete on that, and the road was designed in such a manor, that we had a cul de sac so that we could have a turn around. With the situation that we have no cul de sac, is why it would be very difficult to take.

Audience members stated we have 2 cu de sac's.

Rich Williams stated you've got the two circles, but they're not really cul de sacs that I'm referring to. I recall those circles are not going to be taken by the Town. It's just the main through road and I could be wrong. So, in that case I need a separate cul de sac someplace.

Mr. Cantor stated how does the Town then delineate the responsibility of plowing? Does it become the HOA's responsibility to do the circles and the Town does what was Sonnet Lane now Meadowbrook Court? And we're responsible for the circles? I mean how does that work?

Rich Williams stated the Town would be responsible for maintaining the drainage, the road surface and any plowing on any portions of the road that were accepted for dedication.

Mr. Cantor stated which is only the main through fare, not the branch circles?

Rich Williams stated I believe so yes.

Chairman Rogan stated and Rich the Town would never accept one of those circles because of what poor design or something?

Rich Williams stated never say never, but yes, they are not designed to Town road standards'.

Board Member DiSalvo stated they're too narrow? They're not wide enough?

Rich Williams stated I don't know the specifics sitting here.

Chairman Rogan stated I'm thinking from the standpoint as a Planning Board, people that are looking at these projects, we've never reviewed a project that has had these type of circles, or at least not one that went to fruition. But it's a lesson for us to know that those types of designs would not be appropriate. We wouldn't want to be looking at those. I'd rather see a cul de sac that the Town then could take ownership of the whole thing. Because to me, that seems ridiculous that the Town can take a road up to a certain point and not be able to continue on and plow it.

Rich Williams stated well understand the intent is, to take the whole center strip road all the way through to Sonnet Lane so it would be a continuous through road. And it would be just the 2 circles that are not accepted.

Gene Richards stated Shawn I think one way to look at those circles would be that they kind of function like a common driveway would function. The Town would never take a common driveway.

Chairman Rogan stated okay mam, you can speak you just need to use the microphone.

Carolyn Egan stated, I'm Carolyn Egan from the development and what I wanted to say is that it also impedes the U.S. Postal Service because then they can't get to our mailboxes. We certainly can't get any garbage delivery and all of that is effected and that affects the Town as well.

Denise Doherty stated I'm Denise Doherty. I'm with Meadowbrook Farms also. In addition to that, if you're saying you're only going to plow Sonnet Road, there's Pan Road that runs off of Sonnet which currently is plowed. So, you're saying Pan Road, which is a cul de sac, will not be plowed or not be taken care of by the Town?

Rich Williams stated no, you misunderstand. Sonnet Lane is currently accepted by the Town. We plow Sonnet Lane and we plow Pan Road. Meadowbrook Farm Road, that section which is your development, eventually, the intent is for the Town to take that over also. It would be renamed Sonnet Lane and we would plow from Route 292 all the way through to Route 311. That's the intent. I'm not sitting here saying that's the way it's going to work out, that we're taking the gate down etc.

Denise Doherty stated I understand that. It's a straight run. If you bear to the left or bear to the right you have Meadowbrook Court and then when you cross over to where the existing gate is, to the right is Pan Road which you currently do plow.

Rich Williams stated correct.

Denise Doherty stated so you're saying you would continue to plow that and not the Meadowbrook cul de sacs?

Rich Williams stated yes, that's what I'm saying. The way the original subdivision was laid out was that the trough center road, there's an irrevocable offer of dedication on that road. But that same irrevocable offer of dedication the ability for the Town to take areas, is not also extended on to those 2 loop roads which the Town, at that point considered more as common driveways than they did actual Town roads.

Rich Williams stated does that make sense to anybody else?

Laura Secchi Meadowbrook, I'm just concerned with practicality. How could we possibly even hire anyone that is going to do two circles that we all live on and how are we supposed to get out then? Just practically speaking, ambulances anything.

Rich Williams stated I want to be very clear here. I'm not advocating that the Town's not going to take them. I'm just saying the past history on this, this is the way the subdivision was originally designed. When we get to that point where you know, the honest discussion with the Town Board about whether this road gets dedicated, when it's offered, you know at that point, there's going to be some conversations I guess about the loop road and also about whether the gate's coming down.

Mr. Cantor stated just so the Board is aware, I'm sure Rich can tell you as well, but the two branches and the one what we call a cul de sac, is a fairly significant amount of black top. It's not like a common driveway for two or three houses. You're talking twenty-one homes. Maybe if I can just point it out. Well you're talking about twenty-one homes here. I mean this is not like go out and shovel, or stick you're snow blower out there. I mean this is a significant length of road, virtually equal from [Route] 292 up to the gate over here. This cul de sac, I will concede is fairly small. But this one is not. There are nine homes around this. I mean this is not go out and get a foot snow storm and stick you're shovel in, or go up and down with a couple passes of your snow blower. And while the width and length may not be equivalent, the main through fare it is. Laura is exactly correct we are going to have a significant problem trying to find somebody to say, don't plow the main road but come and plow five hundred yards of this and two hundred yards of that.

Rich Williams stated well I'd have to go back I'm not real certain about the side road with the cul de sac, that may be offered also.

Mr. Cantor stated this part here.

Rich Williams stated I

Mr. Cantor stated how in the world would a Town plow ever get down here and turn around?

Rich Williams stated because it's got the cul de sac.

Mr. Cantor stated and that differs from this how? Just look at the dimensions here that's more narrow than this is.

All talking at once and unable to transcribe.

Mr. Cantor stated maybe tonight is not the time to argue that.

Rich Williams stated I think we're splitting hairs here.

Audience Member stated we're not splitting hairs.

Chairman Rogan stated well what we are doing though, if I could please say, is that who accepts the dedication is not this Board. So very valid concerns but they are for the Town Board which I think you need to speak too about your issues, with help from Rich. But nothing that we can do tonight will change anything that you guys are talking about. They're all valid concerns.

Audience member speaking without microphone stated the question I have is what actually, how do you quantify what the difference is between a cul de sac and a general road? If you have a road that is the exact same size as the entrance then how do they differ? And if you can do a full circle around there's no need for that truck to actually turn around at all because they'd go right around the circle.

Chairman Rogan stated and for those types of questions we certainly would defer to our engineers and to the people that are in the design phase of these plans. Certainly as to what parameters the Town will allow for dedication for roads. There are times when people come in with developments that they ask for reduced standards for common drives and such ,and that's for the Board to determine are they adequate or not. But for acceptance of Town Roads the standards are in Code and Rich or Gene could probably speak to those.

Board Member Pierro stated I have a question. Rich is there anything that we can do now, in this stage, to advance or clean up the current conditions there in order to allow this whole thing to be dedicated?

Rich Williams stated okay. The issue is this, when you filed the original subdivision plat, that's the point when that irrevocable offer of dedication comes into effect. The only way to make another change to that, and Tim correct me if I'm wrong, is to re-file the subdivision plat.

Tim Curtis stated and put another offer of dedication of those roads.

Rich Williams stated correct.

Board Member Pierro stated should we force this applicant to do that?

Tim Curtis stated well it's really not an issue of forcing it. They the applicant in terms of sub divider, doesn't really care because it's either going to be a Homeowner's Association or the Town that maintains them. The issue I think is more engineering is, are they going to be built to Town specs? Can you get a truck in there? can you get them plowed at that point in time? So I think from the applicant's point of view, I don't really think they care one way or the other.

Board Member Pierro stated can we address that now is my point? Can we address that during design stage II?

Gene Richards stated Dave, let me say this. This project is an old project so memory is kind of vague. As I recall, when this project was initially before the Board, the intent at that time, was to dedicate the main road. As Rich said, it would be a through road to Sonnet Lane and all of the small common drives, the circles, jug handles whatever you want to call them, were never intended to be dedicated. They would not have been designed to Town Road standards. So going forward to today, if something were to change where the Homeowners wanted

to get those dedicated, and the Town Board was willing consider it, likely they would have to be brought up to today's Town Road standards, which would mean heavier asphalt pavement maybe wider pavement section. But they were never from the get go designed to be dedicated.

Chairman Rogan stated are there any aspects of the new permit that's in front of us or phase II that would not be able to be dedicated.

Mr. Cantor stated I just might add, as an interjection to that, when the developer got approval to do whatever it was, there was some kind of exchange of you want this you have to put curbs in. The curbing did go in around these so called common driveways. Just so you know, I mean, the Town required that there. And were the curbing went was around these common driveways. So, I'm not sure how that relates into this.

Chairman Rogan stated well I don't have any idea or any knowledge of the curbing of why that was required. That I don't know.

Mr. Cantor stated all we know, is that one day the asphalt company showed up. When we asked what was going on, it basically was related to us, that in order for him to obtain individual lot building permits to complete out phase I, the Town put the requirement on him that he put curbing on those loops, cul de sacs, common driveways whatever you want to call them. Specifically this one right here, along here this is my house here, I think, yes, and these were the last five houses I think or four houses in phase I. The requirement was for him to get his certificate of occupancy to give to the prospective homebuyers for I believe it was these three the Town made him put curbing in along here. So we all assumed that this was part of the requirement of the main through fare work. This is kind of news to, as you can tell from the surprised number of homeowners, this is news to us. We thought that this was all part of the main road and part of the entire dedication.

Gene Richards stated Mark what may have happened was the original approved plans indicated curbing to be installed along that loop road

Mr. Cantor stated okay.

Gene Richards stated and it wasn't installed at the time in order to get the C.O.'s. Maybe the Town said you have to finish the improvement which included the curbing in order to get the C.O.'s. Not to say that that meant it was going to be dedicated. It was just a requirement of the approved plans.

Mr. Cantor sated of the original plat?

Gene Richards stated correct.

Rich Williams stated and I just want to be very clear about something else. I'm sitting here shooting from the hip on a project that is twenty years old. I could be dead wrong in those loop roads. They may be offered for dedication. I don't believe that is the case I'm relatively certain I'm correct in what I'm stating otherwise I wouldn't say it. But you know I could be wrong. And to answer you're question yes, I believe on the side road there are two loops on that which were not offered for dedication also.

Chairman Rogan stated on the current phase.

Rich Williams stated on the current phase.

Gene Richards stated that's my recollection also. On the new road where the cul de sac of phase II is, only the main road itself would be offered for dedication. The two loop roads associated with that were not to be dedicated so they would become part of the HOA's problem.

Mr. Nichols stated yes to be consistent with the first phase.

Board Member Pierro whether or not there's going to be a complete offer of dedication on the second phase.

Chairman Rogan stated that's what Gene was just speaking about, correct?

Board Member Montesano stated just the main road apparently.

Board Member Pierro stated just the main road.

Chairman Rogan stated mam can you just please come up we are passing the microphone all over the audience.

Audience member stated okay you're shooting from the hip because you're not sure. So who do we go to, to make sure? Who is the ultimate authority?

Rich Williams stated anybody who looks at the plan.

Audience member stated okay but you're shooting from the hip so who will make that decision?

Rich Williams stated well it's on the subdivision plat. I could go and pull the subdivision plat and be one hundred percent certain.

Audience member okay well that is definitely what we need. We all know in past years and in going forward we're paying for plowing of a road, including our cul de sacs that you're saying eventually you'll take over paying for that plowing but not our cul de sacs. It certainly doesn't make sense to me.

Rich Williams stated I could certainly take a look in the morning and get a hold of Mark and let Mark know and he can relay it to everybody.

Audience member stated okay that's good.

Mr. Cantor stated and actually as you can tell everybody's kind of upset. We are nowhere near there at this point. We've got a whole number of other issues to resolve before we worry about the road.

Chairman Rogan stated okay anybody else have anything else?

Changing tape.

Chairman Rogan stated for the purposes of the Public Hearing I think we're at a point where we've collected the information that we need. Any objections from anyone for closing this Public Hearing?

Board Member Cook stated yes, I think we still have outstanding questions basically on the plant capacity.

Chairman Rogan stated and those questions the Public Hearing is collecting the information that raises concerns, the actual answer to those concerns doesn't necessarily have to be during a Public Hearing. Correct me if I'm wrong Rich, or certainly Counsel, but the intent of a public hearing is to get concerns from the public.

Tim Curtis stated to from public to know what their issues are.

Chairman Rogan stated even if the Public Hearing were closed, if issues come up, our Board always accepts written comment. We get written letters all the time and on all sorts of topics. We always look at them and we always consider them. The purpose of the Public Hearing is just for what is occurring tonight and what happened last meeting is having your exchange and your concerns brought to the table. So Charlie we are not going to have answers to some of these questions by next month and we may not have them for several months. It depends on how quickly Harry and other people can do their work. We don't hold Public Hearings open till we get all answers to all questions that have been raised. That is not the intent of a Public Hearing.

Board Member Cook stated by closing the Public Hearing does that put us on any type of clock on this application?

Rich Williams stated not for a wetlands watercourse permit, no.

Board Member Cook stated okay and we would at a future meeting, whenever that is, and this information comes back to us at least let the president of the HOA know that it's on the agenda?

Chairman Rogan stated sure I think that you should absolutely know what is going on with this and when it's on the agenda. A Board can't hold open a Public Hearing just because there are issues. There are issues and you've brought them forward. We did last month [held open the Public Hearing] because we wanted more information from you sir, and you've provided that, and we've gotten a lot of good information tonight. It doesn't mean that we say, now we close a hearing and we forget about those issues. It doesn't mean that at all. It means you've brought some good concerns forward. It's now our job to get those answers in, to feel comfortable with the way this is proceeding before approving a wetlands permit application.

Board Member Cook stated do you have a copy of the Homeowners letter?

Mr. Nichols stated no.

Mr. Cantor stated sure I'd be happy to provide that to them.

Mr. Nichols stated did you send a copy off to Ginsberg?

Mr. Cantor said I did not, no. Because I reached out to them to try and get some negotiating and talking going and she basically, within thirty seconds, threatened civil action for interfering with her client's property rights. (Inaudible) Interfering with his property rights, and said, and this what I wanted to leave the Board with, this is the kind of organization we're dealing with, they tried to strong arm me into withdrawing the formal HOA objection to the wetlands permit in exchange for their personal guarantee that they would, at some point in the future, address these issues with us. That's what I mean that's literally how bad it is.

Board Member Cook stated the reason I bring this up is because what's brought out in the Homeowners letter needs to be addressed by the applicant.

Chairman Rogan stated absolutely or at least the parts of the letter that we feel are germane to our review of this application. The part about the dues clearly we've heard from counsel is not within our purview. But certainly the water supply issues, the site of the pond, the issue about the generator which actually are requirements that the water supply be backed up by generator, but we're going to find out by talking to the Health Department. I think once you provide one, you certainly have an obligation to maintain it. That's why we're reaching out to

the Health Department. Then certainly these issues about the roadway and you know future dedication, because I think if we have the ability, and I think the whole Boards in agreement minus we are missing one person, but that if we can improve on this plan so that we're not propagating problems in the future, that's what we would like to do. So, we certainly are here to listen to your concerns and try to act in whatever way we can to make sure that these things are corrected. Is there anything else Harry that you want to mention?

Mr. Nichols stated we mentioned the generator. What was on the original plans was an eight kilowatt generator and I believe they put in a ten. Now the requirements back when that was designed certainly weren't what they are today. And I have no idea of what is hooked up to that generator. You've mentioned you've had problems with it. Is Allied Pollution Control that maintains that?

Chairman Rogan stated it is.

Mr. Nichols stated well certainly a meeting with them would be very helpful in finding out what all the issues are and all the problems.

Mr. Cantor stated for the Boards benefit, we have had that actual sit down. And the problem with the generator is the capacity. Even though it may have been designed at eight and installed at ten, the system as it currently exists, demands an excess of forty closer to sixty kilowatts. It doesn't run anything effectively. It sits there idle.

Mr. Nichols stated were the controls updated during the lifecycle of the water system?

Mr. Cantor stated well nothing was upgraded repairs were made.

Mr. Nichols stated in other words were there changes made that would have required a higher capacity generator?

Mr. Cantor stated no.

Mr. Nichols stated because this was the generator that was on the approved plans.

Mr. Cantor stated well I'm not sure who allowed that to be. But the generator sat idle for about twelve years until we tried to get it running. At which time we spent the past 2 ½ years realizing, despite every effort, including trying to run just half the plant, and there was certainly nothing there other than, you know, pumps, a chlorinator and heater to prevent it from freezing, a fan and a light bulb. I mean we're not talking about, you know, an electric from the end of holiday lights of something, you know this is basic stuff. It will not even run half the plant.

Chairman Rogan stated certainly ladies and gentlemen, you'll understand that the requirements that will be imposed on that system are from the Health Department. Our obligation is to make sure that plainly that you're the portion of you're application, not your application, but where you live and our new application have adequate water and that really is keeping it in its most simplistic form is hey, does it work or does it not work. And if we can keep it to that and allow the people at the Health Department to dictate what their rules and regulations are, and make sure they're met, then I think we've done our job adequately.

Mr. Cantor stated and we have sent a letter off to the Health Department and the local Health the Water Department Health Inspector was in fact on site the day before Thanksgiving.

Chairman Rogan stated great. I will Harry, I will give you my copy of Mr. Cantor's letter and I'll just get a copy from one of the Board Members after the meeting. This way, you don't have to try to send anything. Is there anything else from anyone?

Board Member Cook stated I'm going to err on the side of caution Shawn. I know that keeping the Public Hearing open would satisfy or would support the argument of many of the people in this room. I know there maybe no valid reason not to keep it open, but I think that there is. Time is on our side. We have issues about the water plan evaluation. We have clarity of the design of the ponds both new and old. We have information that we are going to glean from Rich on the existing site plan and we have the obvious homeowner concerns here. I would feel more comfortable leaving it open. We have people in our community that are paying taxes for Town Road plowing that they have never received. I think if we can hold on to this a little bit longer, maybe get the attention of the applicant and get a sit down so that some of these issues can be addressed; I think we would be doing the right thing.

Chairman Rogan stated Counsel are we okay keeping the Public Hearing open under that premise?

Tim Curtis stated you are okay because you are getting more information. The public may want to comment on it

Chairman Rogan stated and I certainly don't have a problem with that. I certainly don't want to put this Board in a position where we're keeping something open when we have no grounds to. I certainly don't want to create problems in that regard.

Board Member Pierro stated there's a lot of new information that has to come in yet

Chairman Rogan stated so then are you entering a motion to continue to keep this Public Hearing open to get to the next?

Board Member Cook stated yes sir. In the matter of Meadowbrook Farms I make a motion we keep the Public Hearing stated on what day?

All talking at once unable to transcribe.

Board Member Cook stated okay I make a motion that we continue the Public Hearing started in November, continued on the December 4th meeting until the upcoming January meeting.

Board Member DiSalvo stated seconded.

Chairman Rogan stated called for all in Favor.

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

Motion carried by a vote of 5 to 0.

Chairman Rogan stated okay so we will continue this Public Hearing. We'll allow additional comments as we get information. We're not going to guarantee that we're going to keep this Public Hearing open month to month but we'll take it on a monthly basis.

Mr. Cantor stated from the HOA's side we'd like to thank the Board for the consideration and you're willingness to consider our issues, so thank you.

Applause from audience.

2) EUROSTYLE MARBLE AND TILE – Public Hearing

Robert Cameron from Putnam Engineering was present.

Chairman Rogan stated okay please let the record state that Mike Montesano has rejoined the Board. Mike we missed you. We have Eurostyle Marble and Tile amended site plan Public Hearing. Rich would you be so kind as to read the Public Hearing notice for Eurostyle.

Rich Williams stated if I had it here I would.

Chairman Rogan stated you don't have it.

Rich Williams stated I do not have it here.

Chairman Rogan stated well we're here tonight to open up a Public Hearing on an amended site plan for Eurostyle Marble and Tile in which the Planning Board will hear from the applicant and consider an amended site plan in this regard. Rob Cameron, good evening sir.

Mr. Cameron stated good evening, I'm Robert Cameron from Putnam Engineering. I provided Rich with the notices for the Public Hearing.

Board Member Cook stated is there anyone here on this application?

Chairman Rogan stated anybody here who is going to have questions or comments on this Eurostyle Marble Amended Site Plan? Well Rob just a brief overview for the Board's education and the audience, of what the amendments and changes to the site plan are.

Mr. Cameron stated yes this was previously an application before the Planning Board and was approved by the Board. I don't exactly remember the date but probably close to six or eight months ago possibly. It's located on Commerce Drive. It's in the Industrial Zone and it's a warehouse retail building for Eurostyle Marble and Tile. The applicant had requested some changes to his site plan during the construction process he made some changes to the site. The changes consisted of a large area where he had stored some gravel because he had a rock crusher on site and it resulted in a large gravel pile out there. After removing a good portion of the gravel, he wound up with a large leveled area, and he wanted to use that area for outdoor storage. There were also some changes to the grading in the front of the building. There was originally some landscaping proposed there. He wound up putting in some retaining walls along the front of the building, some low stone retaining walls. There were some revisions to the landscaping from the original plan. There were some revisions, I believe, to the dumpster location, some lighting, some additional fill. The Planning Board had gone out to the site, looked at the site, and I believe they were insistent in their review that they didn't find these changes significant. They had wanted us to present an amended site plan to the Board so that these conditions at the site could be approved and the result of that is an amended site plan.

Chairman Rogan stated thank you. Are there any questions from the audience in regards to this application? No? Do I have a motion to close the Public Hearing?

Board Member Cook made a motion to close the Public Hearing.

Board Member Montesano seconded.

Chairman Rogan stated called for all in Favor.

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

Motion carried by a vote of 5 to 0

Chairman Rogan stated so we agree with everything you said. All we want to see is what we agreed upon at the site walk on the site and make sure that the amended site plan reflects the actual changes that were made. I know there's along litany of things.

Mr. Cameron stated yes, and I've reviewed Rich's comments. The end result is I'm probably going to need to have an as built survey done with the grading.

Chairman Rogan stated and the grading you're referring to is because of the issue with the guardrail?

Mr. Cameron stated well there was some area that was filled in, in here, and it's a little bit beyond our expertise to make assumptions as to what that grade does.

Chairman Rogan stated okay fair enough. And any problem with, well it seems like the Board is comfortable with the amended site plan. It's just a matter of making sure that it reflects the actual condition so we know we're approving what we already know that is out there.

Board Member Cook stated and a written response to Rich's letter that you refer to point by point.

Mr. Cameron stated yes.

Chairman Rogan stated absolutely.

Mr. Cameron stated we always do that.

Chairman Rogan stated I think the Board can affirm that this action is a type II action that we don't need to do any other SEQRA under this. This action is a minor modification. I'll make that motion that the Board considers this a type II action.

Board Member Pierro seconded.

Chairman Rogan stated called for all in Favor.

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

Motion carried by a vote of 5 to 0

Chairman Rogan stated so we can clean this up get these plans squared away. Rich anything you want to discuss?

Rich Williams stated yes just one thing if I might. Rob we've been waiting for the as built on the stormwater ponds. I understand they've been floating around. If you're going to do as built on the topo can you throw it all onto one plan?

Mr. Cameron stated yes I saw that in your comment about the stormwater ponds. That's why I say if I can get somebody out there to shoot some of the grades and elevations we'll get all that taken care of.

Rich Williams stated I mean my understanding is that it's all been done. Everybody's been saying I've seen it. I've got it but it never seems to make it to my office.

Mr. Cameron stated you mean submission to the DEP for the final?

Rich Williams stated no, just an as built on the stormwater ponds so we know that they have been constructed as they were shown in the plans, which is what we've been requiring.

Mr. Cameron stated okay not a problem.

Board Member Cook stated and would you also mention to your client that just in case in the future if he has another project in the Town of Patterson, that before he goes through with all of these field changes that he comes to the Planning Board first, and not after like we've had to go through here. He certainly knows what changes he wants to accomplish and it deviates from the approved site plan that he spent a lot of money in having etc. etc. So just make sure he understands that he should come back here first and discuss what he really wants to do.

Mr. Cameron stated I agree.

Board Member Cook stated we're reasonable.

Chairman Rogan stated we try to be, thank you Rob.

3) WETLANDS/WATERCOURSE APPLICATION – John Petrillo/Sullivan Road

Mr. John Petrillo and Mr. Harry Nichols were present.

Chairman Rogan stated and Mr. Petrillo, Sullivan Road Wetlands/watercourse application. Good evening, I'm sure this one won't take nearly as much a time as the last time you were up.

Mr. Nichols stated well we're missing some people. This is an existing residence that's on a small lot on the corner of Sullivan Road and Roanoke Road in the Putnam Lake area. The house has not been lived in for a few

years and it's kind of obvious. It has a working septic system and Mr. Petrillo is proposing to renovate the house add to the septic system which is certainly sub standard and we've already met with the Health Department. We've done test and perk test out there and we have a design that is acceptable to the Health Department. We're disturbing less of the bypasses with the (inaudible) DEP regulations

(Inaudible due to paper shuffling unable to transcribe)

Mr. Nichols stated since we are you can see by the 100 foot set back line that about 95 % of the property lies within the buffer area. Because of that we need to file a wetland application that's why we're here tonight.

Chairman Rogan stated okay Mr Petrillo that new house that you're going to put up will it be built on the same foundation or the same footprint that was there?

Mr. Petrillo stated correct.

Chairman Rogan stated but will you use, will you be excavating out and putting in a new foundation or a new slab or

Mr. Petrillo stated basically what I plan to do, is right now the house has a slab and a partial crawl space. We're going to fill in the what was the crawl space and make it all slab.

Chairman Rogan stated and then obviously knock what is there in terms of the wood and the deck and existing house and put up stick frame

(Mr. Petrillo speaking with out a microphone)

Mr. Petrillo stated the one thing we're removing there, is a shed. I just noticed on the plan though, I own the (inaudible) this was foreclosed, there's an adjoining piece of property which is above that on Roanoke which is another quarter of an acre.

Mr. Nichols stated it extends up to here. (pointing to drawing)

Chairman Rogan stated yeah that's what we were going to ask you about.

(All talking at once and Mr. Petrillo still speaking without microphone.)

Mr. Petrillo stated we are planning to remove the shed that's on the right hand side which is right on the property line. That's coming off the property. I'm going to sit down and speak with the gentleman that owns the shed that's on my property and I'll work something out. I'll ask the Board or I'll come back to the Board for a lot line adjustment so that he doesn't have to, if he doesn't want to move his shed he doesn't have to. I'll give him the piece of property around it, so that it meets his setbacks so that he doesn't have to do anything. And I don't know what that would entail.

Chairman Rogan stated well just like you said just a simple lot line adjustment. And it sounds like based on the wetland that goes through there it's not of much use to the house because you wouldn't be able to get through there anyway. Okay we were talking about doing a site walk this Saturday. The house is existing it's a small lot we probably don't need anything. They're not changing the location but if you want to take a look at that, I think it'd be a good idea. We can do that this Saturday and this way we can move along on this.

Board Member Montesano stated excuse me John, if you get a chance if you go out there tomorrow, just put a stake in where the proposed yard was going in.

Mr. Petrillo stated sure. The existing driveway is coming out this road. The septic (inaudible)

Board Member Cook stated is there a garage?

Mr. Petrillo stated no. The footprint is going to remain pretty much the way it is.

Rich Williams stated if there's not going to be a garage our code requires three parking spaces.

Board Member DiSalvo stated is there parking for three now?

Chairman Rogan stated John would you want to consider putting some type of carport or connected garage to this house?

Mr. Petrillo stated yes, well honestly there's no room because you'd have to cross the septic and I'm just trying to keep it as minimal as possible. It's only a two bedrooms, husband and wife and maybe teenage daughter that just turned seventeen or sixteen and she's got her car, so yeah.

Board Member Cook stated is there a way to put one of those parking spaces if you don't come off of Sullivan Road, make it come off of Roanoke Road?

Mr. Petrillo stated then we're going to make another cut and I think it's going to be more of a problem.

Mr. Nichols stated we can make it wider.

Mr. Petrillo stated yeah.

Chairman Rogan stated yeah fine as long as we can meet. This seems like a situation where we have an existing structure that isn't habitable and we're going to make it better.

Mr. Nichols we can almost make it deeper, unless you prefer to have it

Chairman Rogan stated I'll reserve

Mr. Petrillo stated (inaudible) I don't want to encroach on the house. They may have done landscaping in front of the house.

Chairman Rogan stated what I'll be looking at when we go out there and get Ted to advise us on, is that provided that obviously that you own the second parcel, if we can set up as we many times to with these wetland permits, set up some kind of delineation for the property owner that's going to own this lot whether it's a post and rail fence or something that will limit them because this certainly this wetland. They're going to want to go, like you said there's no room behind the house, they're going to want as much as they can have back there and I think it would be prudent for us, now at this juncture, to after going out there and doing the site walk to delineate that area and say okay from the fence forward you can use whatever you want but, you know.

Mr. Petrillo stated I just did a job in Danbury and what they had me do over there was we put a plastic pipe in and the plastic pipe had a cap and on the cap it said you know what the Danbury wetlands department and the code was. The code was put on those caps. I don't know if you have something.

Ted Kozlowski stated we have signs.

Mr. Petrillo stated signs.

Chairman Rogan stated yeah we certainly have the little wetland delineator markers they seem to disappear quickly and you know we'll see when we go out there but certainly.

Ted Kozlowski stated people like to shoot them.

Chairman Rogan stated they like to shoot them that's true we've seen quite a few of those. Well they're a small target.

Ted Kozlowski stated John is that other piece going to be part of this property?

Mr. Petrillo stated it is part of it.

Ted Kozlowski stated it is. Okay, you must change the wetlands application to reflect that. In other words the site plan that goes with this wetlands application must have that parcel on there, because you're now making a document for future owners of this property. I explained to John when I met him out on the property weeks or about a month ago, I just want to avoid, with whoever buys this house, that they fully understand the limitations of the property. We've got to make sure that it's all documented properly because it is, as John said, it's going to be very difficult, forget about a pool, it's going to be very difficult to put a shed there because between the septic and the well you're done. There really isn't much else you can do there.

Mr. Nichols stated you could get a shed there.

Ted Kozlowski stated a shed but I doubt you are going to get a garage. I just want to avoid future problems with future owners.

Chairman Rogan stated I would almost rather see them either keep the shed and maybe go to zoning or whatever would be required to get a variance for the side yard but they're going to need something.

Mr. Nichols stated you might want to remove the shed first.

Mr. Petrillo stated the person who buys the house wants to put a shed on the property will come down to the Board. They'll make the necessary the application and go to zoning or whatever it takes. I think it's only really 5 feet (inaudible) I just want it to look good. I want to see grass.

Ted Kozlowski stated John it's going to a two bedroom two story house or one story?

Mr. Petrillo stated no, do you have the plans?

Mr. Nichols stated yup it's a single story just like it is right now.

Ted Kozlowski stated okay so it's a ranch.

Mr. Petrillo stated the only thing is that is going is to get fixed with a cathedral ceiling in the living room and the kitchen area.

Mr. Nichols stated it will be a different type of roof than what's out there.

Chairman Rogan stated anything from anyone else? We'll take a look Saturday and get things adjusted on your plan.

Mr. Petrillo stated if you go in the house just please be careful.

Chairman Rogan stated we have no need to go in the house.

Board Member Pierro stated no we have no need to go in the house

Chairman Rogan stated no reason at all unless there's any wetlands in the house. And this will improve the neighborhood.

Mr. Petrillo stated a lot of people came up around there to see that something's going to be done.

Chairman Rogan stated thank you gentlemen.

4) 17 COUCH ROAD SUBDIVISION

Mr. Joe Buschynski and Mr. Tom Frasca were present.

Chairman Rogan stated Mr. Buschynski 17 Couch Road Subdivision. Good evening sir, want to bring us up to speed? You've been gone a while people said they thought you'd forgotten about us.

Mr. Buschynski stated you gave us a long list of things to do last time we were here. I think we've got most of them under control.

Chairman Rogan stated well we appreciate that more than coming back every time you've done three of them. That seems to cost everybody a lot of money in reviews also. So I appreciate that.

Mr. Buschynski stated there are a lot of technical issues. There are issues with the changing of the stormwater requirements. You can't really see them on the plan but none the less (inaudible) we still have the same basic layout of the six lots, stormwater pond, greater attention to the rain gardens (inaudible)

Chairman Rogan stated Joe I'm sorry I'm going to ask you to use the microphone.

Mr. Buschynski stated the Board determined that they felt this project should have a Public Hearing on the final plat and I would like to ask if the Board is in agreement with scheduling the Public Hearing.

Chairman Rogan stated well what I'd like to know from you gentlemen is at this point, with the items they've addressed are we pretty certain not that the, the reason from what I recall, that we brought up the idea of having the final Public Hearing was because we were afraid that with the stormwater hands that tend to get into the pie, the pie doesn't look the same as when you first started making it and we've seen so many times when we've gotten to the end and now the project is thrown up because of stormwater. So what I want to make sure is that is when we proceed that we feel pretty confident that we can build this subdivision with what they're showing.

Gene Richards stated we had that problem originally with the preliminary plans and that was a surprise to the Board at the time but we're well beyond that at this point. There's tweaking that's been done but I don't see anything substantial changing at this point going forward.

Chairman Rogan stated okay and there's nothing to say that you can't work on, for instance having a performance bond, so that when we do the Public Hearing we're done. That shouldn't delay you in any regard. You get everything else done and we can wrap this up as soon as we are allowed to wrap it up, as soon as we have what we need of course. Anyone on the Board have any objections to setting a Public Hearing for.

Board Member Pierro stated I don't as long as Maria and Mike have no problem with the common driveway on lot number 1 and number 2.

Chairman Rogan stated that's something that we've been comfortable with.

Rich Williams stated if I can just interject, that's already been through with approval and at this point it's not even a discussion.

Chairman Rogan stated okay, are you okay with that?

Board Member Montesano stated yeah I make a motion for 17 Couch Road Corporation Public Hearing for January 8, 2009.

Chairman Rogan stated and that will be for the Public Hearing for the final plat. Great can I have a second?

Board Member Pierro seconded the motion.

Chairman Rogan stated called for all in Favor.

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

Motion carried by a vote of 5 to 0

Chairman Rogan stated anything that you need from us tonight any direction on any other issues because it seems to me like it's mostly just technical issues. I don't see anything that looks like how are things going, I think Charlie had brought it up earlier, the easements that are mentioned for lot 1 & 2. Have you worked on those?

Mr. Buschynski stated yes the driveway easement has been

Chairman Rogan stated there's no need to be reviewed by Counsel?

Rich Williams stated I made sure Tim had a copy of it and I did take a look at it and gave Tim some comments, not anything earth shattering.

Ted Kozlowski stated you didn't get a conservation easement?

Rich Williams stated I did not see that we had it in our file. Maybe it's just in a different area and I didn't check. You're saying it's been submitted?

(Inaudible unable to transcribe)

Rich Williams stated we will follow up with that.

Tim Curtis stated we have a drainage and maintenance and shared driveway easement.

Rich Williams stated yeah it's not in there. But you know I went into our electronic database and I pulled that out. So, sometimes they get filed in the wrong folder. I can check again tomorrow.

(Inaudible unable to transcribe.)

Rich Williams stated it was a year ago.

Board Member Cook stated Joe, while the issues are virtually all technical and what have you, you received two more memos tonight to add to your work load so if you can knock off any of that stuff prior to the public hearing and have a note to us on that also would be helpful.

Mr. Buschynski stated sure.

Board Member Cook stated don't want you working December 24th with a lamp and quill.

(Board Members Laugh)

Chairman Rogan stated do you need anything, is there anything else that you need to discuss tonight or are you squared away. Anyone else?

Mr. Buschynski stated for your Saturday inspections would we want to take in GDC lot five.

Chairman Rogan stated we were talking about that and we said we hadn't heard from you I think we would love to we're already going to be out. I know Maria you have some time crunch but maybe we could rearrange and do that one.

Board Member DiSalvo stated let's see if I can re arrange my Saturday.

Chairman Rogan stated so should we set it and then see.

Board Member Pierro stated yes.

Chairman Rogan stated so let's see we have

Mr. Buschynski stated what time because I want to notify Dave Raines

Chairman Rogan stated well I think we'll make this one, we'll do the one we set first which is Route. 22. We're going to run over to Sullivan Drive, which we just spoke about prior which I think is going to be fairly quick. So 8, 8:30, 9, I'd say 9:30 do you think.

Board Member DiSalvo stated if we can get everybody there.

Chairman Rogan stated 9:30 this Saturday 9:30 in the morning? At GDC lot five. Would that be okay? Let's shoot for early or a few minutes late but we'll be there. I don't think any of the ones prior considering we're starting at 6:30 in the morning, right.

Board Member Cook stated fine by me.

Rich Williams stated I can be there.

Chairman Rogan stated I know you can and I appreciate that

Board Member Pierro stated we can have brunch at 12 noon, we don't have to have breakfast at 7.

(Board Members laugh)

5) **GREEN CHIMNEYS SITE PLAN**

Mrs. Theresa Ryan from Insite Engineering was present.

Chairman Rogan stated Theresa, Green Chimneys site plan. Good evening. How are you? Thank you for that letter it wasn't necessary but.

Mrs. Ryan stated I felt it was and I apologize again.

Chairman Rogan stated that's okay no problem.

(Board Members laugh)

Chairman Rogan stated so Rich has brought up a couple issues I'm sure you have his memo.

Mrs. Ryan stated yes, one thing I noticed that I think I should discuss with the Board is if Ted, I don't know if he actually deemed the application complete on the wetland permit application.

Rich Williams stated yes.

Mrs. Ryan stated he did.

Chairman Rogan stated okay parking spaces.

Changing tape

Mrs. Ryan stated I guess on the applications now we have to request a waiver on the handicap isle widths or provide a (inaudible)

Chairman Rogan stated so that we all understand this issue, the code requires parking spaces to be what 10 by 20 and then the isle along side of it for an ADA space to be what another 8.

Mrs. Ryan stated it's supposed to be 8 feet for New York State.

Chairman Rogan stated so in essence you would have 18 feet wide.

Mrs. Ryan stated 16.

Chairman Rogan stated 10 by 20 and 8 feet

Mrs. Ryan stated and add the 10 yeah.

Chairman Rogan stated okay and what you're proposing is what?

Mrs. Ryan stated 8 and 8.

Chairman Rogan stated 16. You're looking basically for two feet. And what's the reason why. I mean if you picture a car pulling up, and having let's say someone they have to offload in a wheelchair, would 16 feet be sufficient?

Mrs. Ryan stated with the isle yes. They would get out on the isle side.

Board Member DiSalvo stated but what if it's not a car sometimes it's a van?

Chairman Rogan stated well actually that's what I'm thinking, it's a van because a van probably uses less room because of the doors.

Board Member Pierro stated and it can load from the rear too.

Mrs. Ryan stated well the vans most of the time have the lifts.

Board Member Pierro stated rear lifts.

Board Member DiSalvo stated but they may have a little more difficulty getting in and out of the spot.

Mrs. Ryan stated well if the van is parked in the 8 isle spot then there's another 8 feet to the side of that where they can unload.

Chairman Rogan stated so are you looking at the parking space being 10 and the isle 6 or 8 and 8?

Mrs. Ryan stated 8 and 8. Well for New York State the isle has to be 8.

Chairman Rogan stated so in essence you're looking for an 8 foot wide parking space?

Mrs. Ryan stated yes.

Chairman Rogan stated okay you're not looking to change the ADA isle you're looking to change the parking space that is allotted to that isle.

Rich Williams stated ADA also allows an 8 foot wide parking space the issue is that our standard is higher and for whatever reason for years we've just said we'll go with the ADA without

Board Member DiSalvo stated changing.

Rich Williams stated but I know this has become more of an issue with the Board about having adequate widths and stalls.

Chairman Rogan stated it's because the vehicles are so darn wide and I understand that the isle gives you that margin of buffer the 2 foot. I don't know what does the Board think?

Mrs. Ryan stated and basically what we.

Board Member Montesano stated well I know that when you look at a handicap van you have rear exit and you have side exit. If the person is an individual driver he's got a little more work to do to get that ramp out because most of the non commercial handicap vehicles are side entrance. Commercial vehicles seem to like the rear entrance because they have the elevators on them. Most of the other people in their own personal vehicles have a hydraulic or electric lift coming out, and that extra 2 feet can be because once you get to the end of the ramp you still have to have room for the wheelchair to clear so that ramp can go back up.

Board Member Cook stated I think it would be tight.

Chairman Rogan stated is there any reason why they just can't provide the 10 foot space and we could move on to other. I mean it just seems like a little extra space in that area.

Mrs. Ryan stated I just can't see it. It's not going to make that much difference because there aren't that many spaces. It's just where you have a lot of spaces, were it would make a difference because you're adding that much more

Chairman Rogan stated and that actually ties right in as a segway to the first part which Rich brings up, you know defining or explaining how we come up with the parking the number of parking spaces provided. In thinking about these dormitories or even the existing dormitories, Green Chimneys is the kind of facility that don't really want a lot of people driving into the core or the center of the facility, other than maybe housekeeping and support staff. That's been my experience and I do go there quite a bit. They want people, especially visitors, they want people to kind of park in the main area, check into the facilities. It's not a come and go as you want kind of facility, so I don't know how many spaces we need right up against the dormitories. It seems to be more for support staff than for the actual residents themselves.

Mrs. Ryan stated correct. And the residents aren't anticipated to have any vehicles. They may have a couple of visitors on special occasions but even then they're more likely to park in the main lot.

Chairman Rogan stated I think it would seem again, only from my experience with Green Chimneys, they would want those visitors not parking up against the dormitory. It seem like they want them to check in through, you know there's no one here for Green Chimneys is there?

Mrs. Ryan stated no.

Chairman Rogan stated but how many parking spaces are you providing for those dormitories.

Rich Williams stated if I just might interject here, the comment in my memo is not intended to suggest that they need more parking or less. Just to justify what they're doing so the Board can make a reasoned decision.

Chairman Rogan stated I appreciate that and that's the way I took the comment actually I just wanted to

Mrs. Ryan stated we have ten altogether and we expect to have six full time staff at any point in time and if they parked there that would leave four additional spaces for vans to come pick up somebody.

Chairman Rogan stated while I don't see the need for a lot of parking spaces close to the dormitories, they certainly need more parking for their operations. If you go there it's very hard to find a spot. Most times I have to park across the road and walk which isn't a big deal. You know, usually even that lot is pretty full, so they certainly want, and we've mentioned that we're concerned about the build out of this site, but additional parking. I certainly would be supportive of for this project. Not maybe in this application but in the future because it is tight over there.

Mrs. Ryan stated and they also want to discourage people from parking near the dormitories.

Chairman Rogan stated yeah well for safety reasons also for security.

Board Member DiSalvo stated they're going to be accessing parking for the dormitories through the main entrance or that side road.

Mrs. Ryan stated on the plan we showed a new entrance over here so eventually

Board Member DiSalvo stated will they utilize it for staff to come in that way or will the personnel have personnel parking employee parking.

Mrs. Ryan stated this one will be accessed from this one for the dormitories and this parking lot will come from this new entrance (inaudible) So this will all be reworked

Chairman Rogan stated that's the existing parking area outside of the gymnasium.

Mrs. Ryan stated this actually lines up with this right now and we may have to put

Chairman Rogan stated that's a tough lot.

Mrs. Ryan stated and it's tough for the buses now too, because right now they're coming in here and coming out here. But what they want to do is to come in here (inaudible) and that would make better circulation for the busses.

Chairman Rogan stated will that plan coincide with the with removing some of the buildings to open up some of that space to make that kind of a loop through.

Mrs. Ryan stated no.

Chairman Rogan stated no, okay alright

Mrs. Ryan stated the only thing we would do is add that one entrance.

Chairman Rogan stated because certainly once you get beyond the gates, traffic through that site, I'm sure they want to be strictly limited just to their own personnel because you have kids walking all over the place so.

Mrs. Ryan stated they do have a gate over here just to try and restrict the traffic. They don't want traffic coming through this way so that (inaudible). We are going to put a different gate there. Then now with busses (inaudible) through the site like this and then back out through here so that they can't get traffic going in that way because they have a problem with that too. People going into the site where they don't want them, and I think they are going to end up putting a gate on the other side too just so they can control it better.

Chairman Rogan stated and I know that the loop road that they have, that goes around the perimeter of the facility, we had talked about some improvements to that to increase the emergency vehicle access. I know that they, from time to time, have to use that access to that part of their property when they have incidents or accidents that occur. As part of this plan I remember us bringing it up but I don't remember.

Rich Williams stated widening a portion up to and a little bit past the dormitories to about 24 feet.

Mrs. Ryan stated right in here and until we past this proposed parking and then we're going to transition back to

Rich Williams stated but that goes all the way out to the road to a 24 foot wide road.

Mrs. Ryan stated this is pretty much 24 now up to this point. Then it narrows down from here, so we're going to widen it to we get to this part. This is gravel now. (pointing to plan)

Board Member DiSalvo stated is there any chance of enlarging the parking lot across the street. Any future plans on that?

Chairman Rogan stated its all wetlands.

Rich Williams stated well I mean it's DEC regulated wetlands so New York City and New York State. They're really going to have something to say about that, but understand that parking lot traditionally was never a parking lot it just kind of evolved. For a site that's never increased their population or their staff somehow there's a lot more cars parking there. So, that parking lot has kind of evolved over time.

Chairman Rogan stated your point is well taken, though if we do see future application that does change the population size, basically the number of people that you're drawing to this site, we're going to have to be looking at additional parking. And I think that message certainly should be sent back to them you know. We're not changing the population but you've got a day camp that operates out there, a temporary residence that operates up on the hill, all these different interactions that are making use of this site and I think it's a fantastic site. We are getting to the point where we are bulging and we want to make sure that we have adequate parking out there for the future.

Rich Williams stated one quick thing I have consistently asked for it and haven't received yet to show the striping in that lower largest parking lot.

Mrs. Ryan stated the one we were just talking about.

Chairman Rogan stated the one they were just talking about yeah.

Rich Williams stated can we get that done and here's my issue. I've scaled that parking lot out. I've tried to do a layout a couple different ways in there and that new driveway that you're proposing keeps ending up right in a bank of parking.

Mrs. Ryan stated I based it on the aerials and lined it up with the striping that is on the aerials. But yeah, we'll definitely have to get it survey located so that we can, and I think we're going to have to, re stripe it.

Rich Williams stated it'd be good to have striping so that we know there's a clear access isle through there.

Chairman Rogan stated and the way that the parking is currently used as the cars stack in they stack all the way back out to Doansburg Road. In essence there's not any way to get through that parking lot except from the top

side. You drive in and then you go down. You know you've been there it's very, and I don't know whether if it was ever set up that way, but they're in such need of parking there that everybody fills in even on to the grass.

Mrs. Ryan stated it's hard for the busses to circulate too now (inaudible) What we have to do is come in here and take a tight turn here and another tight turn here (pointing to plan)

Chairman Rogan stated that will definitely help.

Mrs. Ryan stated the generator shed was the other item that we wanted to discuss I think it is the intention to have some kind of nice architecture.

Chairman Rogan stated the existing generators on site though don't have anything around them. I noticed two when I was out there recently. They are really large generators.

Mrs. Ryan stated with this one they do plan

Chairman Rogan stated but they can match the architecture of the, well remember that one we did across from the ski slope that was a generator shed, they housed that and they used some, well there's no building that is accompanying but right here what's that by Clancy?

Board Member Cook stated the Watchtower Society?

Chairman Rogan stated no closer, I'm thinking of closer.

Board Member Pierro stated the utility the telephone company.

Rich Williams stated that's fiber optic.

Chairman Rogan stated regardless it's something electrical housing and they did something that you know.

Board Member Pierro stated is more decorative.

Board Member DiSalvo stated they put something temporary in there.

Board Member Cook stated the electrical company did.

Board Member Montesano stated they put that thing in there. They put in a mobile generator that time for

Rich Williams stated those are usually pulled in on flatbed no.

Board Member Montesano stated yeah.

Board Member Pierro stated yeah.

Chairman Rogan stated yeah.

Board Member Montesano stated and then you have that other generator that sits up by the farm, over by the tower thing.

Board Member DiSalvo stated on a trailer.

Board Member Montesano stated it's outside of the gated area which amazes me.

Rich Williams stated the only generator that I know is on the interior of a building is WWTP.

Chairman Rogan stated Theresa, initially when you or someone else had presented architectural plans for or conceptual plans there were colors that were provided but I don't think we've actually gotten them. Weren't the original plans that showed them, they showed it was red.

Mrs. Ryan stated didn't they present you with a blueprint.

Rich Williams stated they did, but I don't recall if there were colors in there.

Mrs. Ryan stated and it was like a barn red.

Chairman Rogan stated there was a barn red and a clay. Let's just refer back make sure that Rich has.

Rich Williams stated they were the actual colors.

Chairman Rogan stated I thought they were. But you got me.

(Board Members laugh)

Board Member Pierro stated we are considering this a new development plan as far as the stormwater is concerned.

Mrs. Ryan stated no.

Board Member Pierro stated no? Then we better get back to the beginning.

Rich Williams stated well you've got to revise your swip to do the analysis.

Mrs. Ryan stated yes on that.

Rich Williams stated I was trying to

Mrs. Ryan stated I know and I looked into it but

Board Member Cook stated nothing else changes if this is

Mrs. Ryan stated it's just a discussion and some minor revisions to the swip

Rich Williams stated no nothing else changes was just trying to get it so they didn't have to re write their swip to meet the new

Board Member Pierro stated I saw you hinting to it but

Mrs. Ryan stated Rich has to sign off on it.

Rich Williams stated and I have to justify why I'm signing off with something that doesn't meet the requirements.

Board Member Pierro stated okay very well

Mrs. Ryan stated if we address these comments and come back there's a possibility that they

Chairman Rogan stated you do your work we'll do ours. That'd be great

Mrs. Ryan stated okay thank you.

Chairman Rogan stated thank you

Board Member Pierro state have a good night.

6) MARTIN SUBDIVISION

Mr. Steve Miller from Bady and Watson was present.

Mr. Miller stated good evening I'm Steve Miller from Bady and Watson representing Mr. and Mrs. Martin. Since the last time we were here we had some response from the Town Board in that they were not in the position to entertain a request for open development which we believed, at which point we decided, we'd look at a two lot plan which I provided and which we made a submission for. Rich, it probably looks a little different than the one we didn't submit and the only difference is the lot plot lay out. The plan that we submitted before this meeting, essentially had this as a four acre lot and this existing house was a 9 acre lot. We just split it. After speaking with Mr. and Mrs. Martin saying they were anxious to have it. The larger lot being the lot that is there intent to build (inaudible) new house (inaudible) It the same (inaudible)

Rich Williams stated the lot lay out

Mr. Miller stated the lot lines. So in this plan we've eliminated the house that was proposed in the back. Obviously reduced the size of the driveway, significantly reduced the amount of the disturbance and are now avoiding more (inaudible) steep slopes in any case scenario, wetlands. I had an opportunity to review Rich's comments and I think at this point after the Board's review, and hopefully there is some positive recommendation from the Board, I would think that the first thing we would want to do is attempt to get some variances from the Zoning Board before we proceed any farther.

Tim Curtis stated I think the lot one issue is probably going to be considered based on the (inaudible) I mean we created it (inaudible)

Board Member Pierro stated so you're saying that Mr. and Mrs. Martins are going to make this their primary residence in the future.

Mr. Miller stated the last discussion I had with them was that they were interested in building a new house for themselves and their family which would be here. They would prefer to have the majority of the acreage and then reserve a minimal amount of area to meet the zoning, as far as area goes, for the existing dwelling. I can't say that that's not going to change between now and the

Chairman Rogan stated and that shouldn't have any bearing on our review anyway.

Board Member Pierro stated it shouldn't, but to the benefit of the homeowner if they were to maintain their residency in the current house that they have, they could also under our Code because they have 5 acres or more, they could also build a secondary structure out here, an accessory. That may change as well.

Mr. Miller stated that's correct.

Board Member Pierro stated and my thought was they were planning

Mr. Miller stated it's five acres for an accessory structure.

Board Member Pierro stated yeah my thought that they were planning to put an additional home up here in the first place to have family move in with them.

Mr. Miller stated that was my understanding also. And things have changed over the last few months and as I said before I don't know that things won't change again between now and the time that we get final approval.

Chairman Rogan stated point taken.

Board Member Pierro stated point taken.

Chairman Rogan stated Rich one question I have is going over the table, for the, yeah there was a table that I think Bady and Watson had provided that showed the different variances. On the road frontage, I have the table Mike thank you, I have it right in front of me, it's just the plans are a little far for my eyes to see. They've got 120 so 178 foot of frontage exists between. Or they have 178 foot of frontage.

Mr. Miller stated as far as the existing single rock has 178

Chairman Rogan stated if we're saying that lot one is a pre existing condition, do we need or are we requiring, the 50 foot to be shown or are they keeping it for potential future access.

Mr. Miller stated I laid it out such that there was a possibility that they could make that their access for some future date if at if for some reason something happened and they.

Chairman Rogan stated okay.

Rich Williams stated and I would encourage that also.

Mr. Miller stated and I would think that the Board would be more, after the discussions that we had with the Board and the Town Board concerning common driveways, I would think that the Board would be acceptable of the opportunity that another driveway could be, an individual driveway could be installed to access that dwelling.

Chairman Rogan stated and I think my only hesitation, and it's not as much with this current plan because you've flip flopped the bulk acreage, if you left ten or eleven acres on lot one, and then I'd be saying are we setting this up so that in 5 years from now they come back and say I want to do another driveway and do another subdivision. I'm not saying I'd have a problem with that we'd have to look at that on a case by case scenario. That would be an awful long driveway to get back to lot one. I'm just thinking of minimizing the amount of variance requested for lot two.

Mr. Miller stated and that's a consideration. You know, I don't know that I after getting to the Zoning Board that, one of the things that they need to look at is that they need to, they only want to grant the minimal amount of variance that's

Chairman Rogan stated understood.

Mr. Miller stated that's necessary. I thought a plan that would allow a possible future improvement of a driveway, individual driveway to access this lot would be more beneficial for all involved. I'll make that argument to the Zoning Board.

Chairman Rogan stated understood.

Rich Williams stated and understand the issue with the area frontage, is an area variance and that's a balancing test you know the detriment to the community against the benefit of the property owners. So it's not.

Tim Curtis stated as difficult to me as an area variance. It is a balancing process and the issues going to be do we want to make sure they will have future access.

Board Member Cook stated Steve, you said some of this changed up there. Does it change the numbers here. (pointing to plan)

Mr. Miller stated yes it would change the number on the, and actually I can verbally tell you what the variances would be for lot 1.

Rich Williams stated let's stay right there for a second. The conversation we had, does he even need a variance for lot 1.

Mr. Miller stated I'm going to have to defer to you. I would have guessed that they still would've needed a variance, but if you tell me we don't need it, and you can convince the Zoning Board of that, I'd be more than happy to.

Tim Curtis stated it's kind of a situation that we as a Town created (inaudible)

Mr. Miller stated that's fine as long as we're all.

Board Member Cook stated are you saying that he doesn't have to go to the Zoning Board for anything relative to lot one.

Tim Curtis stated I haven't seen all of the schedules on the lot but

Rich Williams stated the only thing was lot frontage.

Tim Curtis stated yeah, lot frontage was the only issue.

Mr. Miller stated well no there was (inaudible) issue.

Rich Williams stated there wasn't originally. The other lot had the width issue, average lot width.

Mr. Miller stated on the plan that I had before I indicated it that lot 1 would have at the time been a bigger lot but needed a 10 foot variance for average width and this lot would need a 75 foot variance. And what I did was

I actually drew a line from the middle and then you have to take that length and divide the area by and that's your average width.

Rich Williams stated yeah and when I calculated it I didn't quite do it that way.

Mr. Miller stated okay well I'd be more than happy to know how you go about making that calculation.

Rich Williams stated I just brought it right back to the

Mr. Miller stated to the meat of the lot

Rich Williams stated no all the way back to the lot line right in the middle.

Mr. Miller stated but that doesn't, I mean

Rich Williams stated I'm sure it wasn't here it was something else.

Mr. Miller stated well I can put the other one up if you're.

Rich Williams stated yeah go ahead.

Board Member Cook stated Shawn while he's doing that, I mean we would need obviously the exact numbers right? I mean to make a reference to the Zoning Board.

Chairman Rogan stated oh yeah.

Board Member Pierro stated and lot one may not need the variances because this was created.

Mr. Miller stated split the middle here and (inaudible)and generally up to the middle to here and I say okay that's the depth and then divided the area by that.

Rich Williams stated alright yeah and this one has so much area when I did, I didn't go all the way back.

Mr. Miller stated okay see I went all the way back.

Rich Williams stated I went back to here.

Mr. Miller stated then who would make the determinations to the Zoning Board.

Rich Williams stated the ZBA ultimately would make it, I wouldn't. Well ultimately it's going to be Dave Raines. Dave Raines is the Code Enforcement Officer he's going to make that call. He's going to ask Tim, he's going to ask me, and ultimately make the call.

Mr. Miller stated so I would be more than happy to try and meet him and have the two of us hash out whatever the width and depth is.

Rich Williams stated well with this new plan it may be all different.

Mr. Miller stated right.

Tim Curtis stated but that would be a good thing.

Mr. Miller stated but I don't want to go to the Zoning Board with what my idea of what the width is and have Dave all of a sudden say well no you don't need a 10 foot variance you need a 40 foot variance or vice versa.

Tim Curtis stated if you need

Mr. Miller stated I think what I'm trying to get from the Board tonight is, is approximately, lot one could need a 14 foot variance for width depending on how we get it, or no variance for width. And lot two would need or could need as much as 70 foot variance for width plus frontage or I don't know whether there would be any opportunity where there would be no variance for width.

Chairman Rogan stated given the layout of this piece of property you know we're not talking about something that has road frontage all over the place. I'm perfectly fine with it.

Board Member Pierro stated Rich down on the [Route] 311 side of this near Grozinger's property, there's some clearing going on and I believe that's an old cemetery.

Rich Williams stated I've been trying to find out who's doing that. I wasn't sure if was Reverend Maxwell. I haven't run into it. It's at the cemetery.

Board Member Pierro stated right, is it adjoining this parcel.

Rich Williams stated no I don't believe that it is.

Board Member Pierro stated I just wanted to check.

Board Member DiSalvo stated it comes out at [Route] 311.

Board Member Pierro stated it might be on the south side of Grozingers.

Tim Curtis stated it's down here.

Board Member Pierro stated oh alright, because he's got an awful lot of property out there on [Route] 311 that's mostly useless. Except for the first strip close to the road everything else is wetlands.

Rich Williams stated Martins.

Board Member Pierro stated I thought it was attached to that it could advance what they're trying to do out there preserving wise. I'm told it's a Revolutionary War Cemetery, I don't know.

Rich Williams stated well that's what I'm trying to find out. I'm very concerned about that because somebody's in there taking trees down.

Board Member DiSalvo stated well they were doing it the last 2 weekends firewood and everything.

Rich Williams stated I've been in there and found a lot of the headstones. They're very very delicate.

Board Member Pierro stated they're fragile.

Rich Williams stated and the trees are growing up right next to them.

Board Member DiSalvo stated they had a sign out Saturday it said Eagle Scouts.

Board Member Pierro stated I think Reverend Maxwell got a pass on that.

Board Member Montesano stated they're probably cleaning up.

Chairman Rogan stated it's Boy Scouts doing an Eagle project.

Board Member Pierro stated yeah, I think Reverend Maxwell got a pass on that years ago from the Town to go, from some of the Town Board members. They're cutting trees that are growing through somebody's grave.

Chairman Rogan stated to get back to your comfort level with this I think we should at least get a

Mr. Miller stated I would like the Board to send me to the Zoning Board with a recommendation.

Chairman Rogan stated let me just go through and poll everyone and see comfort level with this.

Board Member Pierro stated I'm comfortable with it as written but I would feel more comfortable with it if we had exact numbers. I know that's what Charlie's going to say.

Board Member Cook stated plus, don't you want to meet with Dave Raines.

Mr. Miller stated and I can certainly do that. I can provide Rich with a fax after I meet with Dave and say this is what it looks like we're going to need. I'd hate to have to wait for another meeting to come back to the Board.

Rich Williams stated we're talking about changing the numbers by feet and the numbers are basically what they are.

Board Member Montesano stated as long as it's not an exorbitant change.

Mr. Miller stated lot two is going to need a variance of, it's going to need a frontage variance.

Board Member Montesano stated let me stop you for one second. We are not going to grant the variance.

Chairman Rogan stated of course not.

Board Member Montesano stated so if we feel comfortable with what is being shown.

Board Member Cook stated we don't need an exact number.

Chairman Rogan stated I don't think so.

Board Member Montesano stated because it's not our bailiwick. We're not going to approve the variance.

Board Member DiSalvo stated right.

Board Member Montesano stated the Zoning Board will and the enforcement.

All talking at once unable to transcribe.

Tim Curtis stated you are really looking at the layout of the lot.

Board Member Montesano stated we're just looking at a layout.

Chairman Rogan stated and the main concern here, as Steve had pointed out, is we're providing access to lot one which is existing. Which already has access which we don't particularly care for, so we're providing for future access with fifty foot, whatever's left in there you have one hundred twenty-eight feet plus or minus, whatever it is it is. Now if it were fifty foot wide I'd be saying, you know what the heck, with the adding of the extra 50 foot, let's make it a 100 foot wide lot because you wouldn't have much to use. But, you've got a lot that seems to lay out appropriately with some use. I think whatever the numbers come down to as long as, and I agree with your point, as long as what you are going to Zoning Board with and what Dave Raines says end up in the middle where we are going with the same numbers so you know, you can argue the point.

Board Member Pierro stated do you want a motion.

Chairman Rogan stated sure.

Board Member Pierro stated in the matter of Martins subdivision I make a motion that we recommend the applicant goes to the Zoning Board for their variances requested.

Chairman Rogan stated and that the Planning Board makes a positive recommendation.

Board Member Pierro stated and that the Planning Board makes a positive recommendation for those variances.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor.

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

The motion carries on a vote of 5 to 0.

Board Member Cook stated okay, and implicit in that is you're meeting with Dave Raines.

Mr. Miller stated yes, and as soon as I know those numbers I'll fax a copy to Rich so that it will be at the Planning Board office.

Chairman Rogan stated thank you.

Mr. Miller stated thank you all very much.

Chairman Rogan stated we appreciate your time.

Rich Williams stated before you run away.

Mr. Miller stated run.

Rich Williams stated this application was before the Board before the Board declared it a major subdivision. It no longer meets that requirement.

Board Member Montesano stated I make a motion that we rescind the major subdivision and make it a minor subdivision.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor.

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

The motion carries on a vote of 5 to 0.

Board Member Montesano stated now you can run.

Chairman Rogan stated we appreciate your patience.

7) **OTHER BUSINESS**

a. Field and Forest (a.k.a. Forest View) Apartments

Chairman Rogan stated okay, we have Field and Forest Apartments we discussed this at length at the work session. What I believe is that we came down to the fact that the fire suppression tank will be installed with oversight from the Building Inspector. I recall that I wrote down that there would be an Engineer letter from the applicant to back up the design parameters of that tank. Mr. Raines will oversee installation or at least ensure that installation was done per the Engineer letter or his requirements.

Board Member Pierro stated does our Engineer have to look at that at all.

Chairman Rogan stated Gene, do you.

Rich Williams stated I've asked Dave this question before whether there is anything in the Fire Code. He's yet to give me any section, which means it falls back the only agency that can require it, which is this Planning Board. It becomes a site plan issue and traditionally structural improvements on a site plan are always reviewed by the Town Engineer and you know the Town Engineer is out doing the compliance inspections. So if you want to do it differently, well the fire tank.

Chairman Rogan stated let me ask a question. I'm just kind of thinking out loud here. We do engineered plans for, building the building for instance, structural loads and such, but the building inspector does the inspections on that not the engineer to make sure that the building was completed per the plans, correct?

Rich Williams stated New York State building code requires that you do that.

Chairman Rogan stated so you're saying in that case it allows him to do that inspection you're not seeing anything in the Fire Code that allows him.

Rich Williams stated I'm not saying he's not allowed to do it. What I'm saying is that there is no requirement that I'm familiar with in the Fire Code. I still haven't gotten the regulations that said he's the guy that has to do it. He's the only one that has to do it and if that's the case then, if we're talking about sprinkering and I wish Dave was here you know, to have this conversation we need Dave here. If we're talking about sprinklering a building clearly it's in the Fire Code. Clearly Dave's the one that reviews it and makes the call. But we're talking about an outsource source of water something separate from the building and this Board is the only one, I think, that can mandate that be installed. So then it's up to the Board how you want to proceed with making sure it gets done correctly.

Chairman Rogan stated and that's why I liked the intent Code in this Town of making all of these fire tanks the same. As you get into a rhythm with it you say we know the design, we know the specific tank, it's installed a certain way. It becomes more routine. It becomes something that, maybe that everyone doesn't have to be inspected, because you're buying a component versus building the component.

Rich Williams stated well my office has worked it out with Dave and Dave's office that we have a standard detail. We just hand it to him now and we put it on the plan and that's where this came from, it's standard detail. The problem came up is that Mr. Reilly didn't want to build that.

Chairman Rogan stated right, I understand.

Board Member Cook stated I fail to understand why. Was it cost, was it cost only on the cost of the tank as opposed to building it himself.

Tim Curtiss stated it seems to be the only reason. There really isn't any other logic to it.

Chairman Rogan stated it seemed like familiarity also with what he's done in the past, what he's been comfortable with. He's done more of the concrete.

Board Member Cook stated I apologize for asking this question, but since I missed the work session, is the Board allowing the cement tank.

Board Member Montesano stated it's not up to us as far as I know, to allow the cement. The Building Inspector can, that's his, it's Fire Code.

Rich Williams stated that's where.

Board Member Montesano stated the problem is.

Rich Williams stated yeah, he's never given me anything that says the Fire Code can dictate whether it's cement or fiberglass or metal or anything which means it comes back to the authority of this Board. Now, having said that, Dave certainly as in his training, probably knows more about this than anybody here, so it was his recommendation to go with concrete.

Chairman Rogan stated in this particular case but not on all future.

Board Member stated Cook stated although the original approval was for the fiberglass.

Chairman Rogan stated was for the fiberglass, correct. And I think from our discussion at the work session, and I thought previous work session, we had determined that what this Board does in this case is approve the location and the functionality in essence. We are providing this certain service and if Dave is comfortable with the way that we're providing that then the Board would be comfortable with that.

Rich Williams stated see I don't necessarily agree with that.

Chairman Rogan stated well I like the idea of the standardization.

Rich Williams stated Dave knows more about this and certainly you have to rely on his expertise, but I still think it comes back to this Board, unless there's something specific in the Fire Code that says he's the guy that does it.

Chairman Rogan stated oh okay.

Board Member Montesano stated well that's something that we have to find out about.

Rich Williams stated well I've asked for it.

Board Member Montesano stated with all due respect to Dave, if he doesn't have the time then there's got to be a State.

Rich Williams stated I've asked other Code Enforcement Officials for it and they say.

Board Member Montesano stated well can't we go right to the State and get an opinion from them.

Rich Williams stated yeah I can if the Board wants me to but Dave's our guy, I don't really want to go around Dave and if anybody goes to the State.

Board Member Cook stated at this juncture the pad is in, the partial construction is done.

Tim Curtiss stated and what you would do as a Board normally is you would send a letter out to Dave saying what is your recommendation. He would come back with it and you would probably follow what he says. If he said I want a concrete tank then I think that's really.

Board Member DiSalvo stated well that means we have to entertain two, concrete or plastic you have an option based on the location and go with the Inspectors recommendation.

Board Member Montesano stated if it's legal then I have no problem with it. But all we're asking for is if there's something that says the State allows for concrete tanks then I.

Rich Williams stated oh the State does.

Tim Curtiss stated there's no

Board Member Montesano stated then I can leave it right in his ball park. It's his job.

Board Member Pierro stated should we communicate with Dave via a letter what is your opinion. I know what he said verbally at the work session that he was going to approve, he said okay to the concrete tank, but.

Rich Williams stated yeah he said okay to the concrete.

Board Member Pierro stated but, do we have that in writing.

Rich Williams stated you've got it on the minutes.

Board Member okay can we get it in writing is that difficult.

Rich Williams stated you want me to ask Dave to give you a letter.

Board Member Pierro stated well I want it in the file. I want redress. I want something in the future for somebody to go back and say okay.

Tim Curtiss stated why was this done.

Chairman Rogan stated yes, we approved X but this was installed because

Rich Williams stated and you want me to send him a letter back saying the Planning Board approves the change in design.

Board Member Pierro stated yes, but that's my opinion.

Board Member Cook stated if the concrete tank gets installed, do we need to ask them to come back with amended site plan.

Chairman Rogan stated they do a lot of field changes on these plans. I mean is this something they do as a field change.

Rich Williams stated if we have a paper trail that the only concern that I have is in Planning Department file because Dave has kind of taken this over. I don't have any plans showing what they're doing.

Board Member Cook stated right, yet but we expect them. That's the impression that I got.

Rich Williams stated that was not my impression. My impression was that this all went into, Dave insisted that it all go into his office and that's where.

Board Member Cook stated you have in your files the approved site plan, the original approved site plan.

Rich Williams stated yes.

Board Member Cook stated okay which shows a fiberglass tank.

Board Member DiSalvo stated a tank.

Rich Williams stated it shows a fiberglass tank.

Board Member Pierro stated it shows fiberglass.

Board Member Cook stated so then what you need for your file is this letter as my buddy here suggests, from the Building Inspector ascertaining to the effect that the concrete tank is equal to or better than what was originally approved.

Tim Curtiss stated and you should probably also put in there to forward to you a copy of the plan ultimately approved, so you ultimately have a copy in your file too.

Chairman Rogan stated wouldn't also the letter from the Engineer of Mr. Riley, all good things to support it.

Tim Curtiss stated that way you've got a paper trail of the plan, the recommendation, and the engineering letter.

Board Member Montesano stated and a copy of the minutes.

Chairman Rogan stated yup.

Attorney Curtis stated so that everyone knows what happened and why it happened.

Chairman Rogan stated do you want to speak to the other issue out there that came up at the work session or do want to hold off on that.

Rich Williams stated no I don't have a problem speaking to it at this point. There was an issue that came up.

Chairman Rogan stated Charlie wasn't there.

Rich Williams stated an issue came up that somebody from the Town and it seemed to be resting on my shoulders, notified NYSEG about the processed stone in their right of way. Mike Griffin had actually, well Dave Raines had talked to the Town Board before he came to the Planning Board, Mike Griffin had called NYSEG, actually called Joe Reilly who is not committal about you know, who had actually done it and gave him a name from NYSEG and also said he had talked to Craig Lincoln. Mike Griffin called Craig Lincoln who said emphatically that the whole issue had been found by NYSEG when they did a fly over doing a survey of their right of ways that NYSEG had been trying to get Mr. Reilly to move the item or the processed material all summer long because it posed a hazard to their wires on a couple of different fronts and that nobody, absolutely nobody

(Side 1, Tape 2 ended.)