

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**December 5, 2013**

**AGENDA & MINUTES**



	<b>Page #</b>	
1) <b>Stone Field Corner Estates – Subdivision Application/Site Walk Comments</b>	14 – 30	Discussion of site, town road, wetlands, driveway locations.
2) <b>Frog Hill LLC – Site Plan Application</b>	2 – 11	Discussion of wetland and use of site
3) <b>Walsh’s Town Tavern – Sign Application</b>	11 - 14	Negative Determination of SEQRA granted. Sign permit granted.
4) <b>Other Business</b>		
a. <b>2014 Meeting Schedule</b>	66	Approved
b. <b>Site Walk Comments – Fox Run</b>	30 – 54	Discussion of site.
- <b>Windward Holdings</b>	55 – 63	Discussion of zoning change
- <b>NYSEG</b>	63 – 64	Discussion of Site Walk
5) <b>Minutes</b>	64 – 65	September 26, October 3 <sup>rd</sup> , November 7 <sup>th</sup> Approved

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

Michelle Lailer  
Sarah Mayes  
*Secretary*

Richard Williams  
*Town Planner*

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



**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**  
Lars Olenius, Chairman  
Howard Buzzutto, Vice Chairman  
Mary Bodor  
Marianne Burdick  
Gerald Herbst

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

**Planning Board  
December 5, 2013 Meeting Minutes**

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

**APPROVED**

Present were: Chairman Shawn Rogan, Board Member Thomas E. McNulty, Board Member Michael Montesano, Board Member Ronald Taylor, Board Member Edward J. Brady Jr., Rich Williams, Town Planner, Ted Kozlowski, Environmental Conservation Inspector, Andrew Fetherston of the Town Engineer's office, Maser Consulting, and Michael Liguori of the Town Attorney's office, Hogan & Rossi.

Chairman Rogan called the meeting to order and led the salute to the flag.

There were approximately 8 members of the audience

The meeting was called to order at 7:01 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan stated good evening everyone, I hope everybody had a nice Thanksgiving, I will apologize right up front, I'm fighting a cold, so if I start coughing, I'm going to put this nice young man in charge and excuse myself. The first item we have on the agenda is, that's not funny, Stone Field Corners Estates, it is a concept plan that we are looking at, do we have anyone here for that application.

Mr. Moran stated I'm still waiting on the engineer, if I can pass for a while.

Chairman Rogan stated okay, for just a little while, is there anyone here for that application from the public, okay, just so we know who we're holding up. Okay, then we'll move along to From Hill LLC site plan application.

**2) FROG HILL LLC – Site Plan Application**

Mr. Harry Nichols, the engineer and Mr. Jay Maxwell, the applicant, were present.

Chairman Rogan stated Rich, who's, that's Jay Maxwell's place, yeah, here they come, okay. Good evening Harry.

Mr. Nichols stated good evening.

Chairman Rogan stated how are you sir.

Mr. Nichols stated good, thank you.

Chairman Rogan stated Harry, thank you so much in advance or not in advance for the work you did the other day, for finally allowing us to close up that one.

Mr. Nichols stated did close it up.

Chairman Rogan stated yes sir.

Mr. Nichols stated great.

Chairman Rogan stated thank you.

Mr. Nichols stated it was a real lesson on that boy...

Chairman Rogan stated I don't know if I learned a thing. Okay, so some of us did a site walk on...

Board Member Taylor stated I went out yesterday.

Chairman Rogan stated you did, awesome. We went out on Saturday morning after Thanksgiving, it was extremely cold, we looked at the site, we looked at the site conditions and Ted, I'm sure will be here at some point, I know he's already discussed the wetlands issues but I also know that Ted said look, the wetlands impacts have been done years ago, it's pretty well a disturbed site, what we've basically spoke about was the idea, like always, that we need to delineate some kind of a demarcation that says okay from here forward, moving forward with this plan, we're going to protect the wetlands that exist, I didn't hear and Ron, please jump in because you weren't with us there but I didn't hear anyone say they were opposed to the proposed use, what I did hear was it would be great if we can clean things up and really get a handle on what you're proposing in terms of the repair because the stone isn't going to pollute anything, the traffic coming in and out to look at the stone is manageable but I think there were concerns about whether the repairs would occur inside, whether there was anything outside because there's no drainage of course, so we want to start to kind of talk about those things and move forward in a way that we can codify everything that's out there, again, the site is pretty well disturbed, so it's a matter of doing some cleanup, there's a lot of, maybe what we would call, you probably love every bit of it but we would call unnecessary clutter out there...

Mr. Maxwell stated oh there's no doubt there is.

Chairman Rogan stated and you have a lot of money sitting there in metal, just in stuff that could be sold for you know...

Mr. Maxwell stated we understand that.

Chairman Rogan stated so that's what we're here tonight to do, is to start talking about what we need to do to get this going for you and get it all codified. Ron, you want to mention any of your observations.

Board Member Taylor stated well I want to bring up something first, a point of order, I understand there's a violation outstanding on this property and we need to know that we are going to clean that up as part of this application process.

Rich Williams stated that would cure the violation that's been issued out there.

Board Member Taylor stated alright, that's all we need to know.

Chairman Rogan stated awesome.

Mr. Maxwell stated for no site plan, yeah, alright.

Board Member Taylor stated are there more than one, is there more than violation.

Rich Williams stated I think there were two but they were both related to the site plan.

The Secretary stated the other one was the sign.

Rich Williams stated yeah.

Board Member Taylor stated I've got nothing else Shawn...

Chairman Rogan stated okay.

Board Member Taylor stated basically what you said, it's a mess.

Chairman Rogan stated yeah, obviously there are some issues in the memo, excuse me, Rich do you want to bring anything up that might be prudent.

Rich Williams stated well I think the memo pretty well lays it out...

Chairman Rogan stated yeah.

Rich Williams stated there are two memos on this, one has to do with the site walk comments and what the Board saw out there and what they addressed while they were out there as their concerns and then you know, a review of the materials that had been submitted to date, I guess my biggest concern at this point the two things, you touched on it, exactly what we're proposing for equipment maintenance out there and you know, the fact that if we're going to do this, we really need an application at this point so we can really start the process.

Chairman Rogan stated Jay do you want to, on the microphone, do you want to speak at least to, you're so nice, thank you, to your plans...

Mr. Maxwell stated the question of repairs is, most all the repairs will be done inside the building, whatever repairs we do, do. I mean it's really more of a hobby shop to be honest with you.

Chairman Rogan stated okay.

Mr. Maxwell stated most of the thing that I'm looking for has to do with the tenant, that's looking to do the granite...

Chairman Rogan stated okay.

Mr. Maxwell stated he's looking to actually take over the whole building strictly for that but we put in the option of having a repair shop right now because at this point he's looking to take half the building but he wants to move into the whole building.

Chairman Rogan stated okay.

Mr. Maxwell stated as far as cleaning up the site, this was a given, I knew this was going to happen and it was going to come at some point where we'd have to do it.

Chairman Rogan stated well we saw things like an old tow behind generator that was just pushed off into the weeds behind the facility and I think it's just a matter of...

Mr. Maxwell stated yeah, in the back there's a, yeah...

Chairman Rogan stated yeah.

Mr. Maxwell stated no, this generally all needs to be all cleaned, I mean there's no question about it.

Board Member McNulty stated yeah, there's vehicles, there's a crane boom...

Chairman Rogan stated yeah, so...

Mr. Maxwell stated it's an antique, it doesn't have any value to anybody else but it's an antique boom, no, but I have no question about, I have no issues with getting this all done, I mean this is all part of once we get going and I have to do it, I do, that's all, there's no question about it.

Chairman Rogan stated I will give you credit for the entrance way, given the time of year, the rain we've had, the different weather, I thought it was in phenomenal shape, it didn't have any puddling, we talked about a little bit of some drainage but...

Mr. Maxwell stated Rich has been on me for the past 4 years that I've been in there or 10 years about things and we've been, you know constantly cleaning up, constantly doing...

Chairman Rogan stated okay, good.

Mr. Maxwell stated the only thing I did see on here on the memo has to do with the carport and the boat, the carport really is for the flea market but to me it was just an option to put a boat and keep it out of the weather, I mean that's why it's in there...

Chairman Rogan stated okay.

Mr. Maxwell stated it wasn't meant to be for that, it's there for the flea market and I do plan, I mean, I don't know if Harry talked about but I do plan on keep operating the flea market at this point.

Chairman Rogan stated yeah, we're reviewing, we're more concerned with the...

Mr. Maxwell stated I just want to make sure you're aware of that, that I'm not cutting my own throat here.

Chairman Rogan stated yeah, I don't think anybody had the opinion that you were abandoning that area.

Mr. Maxwell stated that's what the carport's about, as far as all the general cleanup, there's no issue there, I know that's what's got to be done.

Chairman Rogan stated yeah.

Board Member McNulty stated I think the other big issue will be, in your site plan is to clearly delineate the wetlands buffer and how are you going to demark it and how you're going to spread your storage, when vehicles aren't in the shop, where are they going to be parked, where stone is going to be stored, that kind of thing.

Mr. Maxwell stated that's all, I would need Ted's help as to what, because I know we're encroaching on it...

Chairman Rogan stated right.

Mr. Maxwell stated but it's like a preexisting thing I mean, I think at one point it actually covers right up against the building...

Chairman Rogan stated it does, yeah...

Mr. Maxwell stated so the question is will I still be able to go around the building, I mean it's high and dry...

Chairman Rogan stated we think so, yes.

Mr. Maxwell stated but that's the question I need to know from the Board here or to get these approvals to do it.

Chairman Rogan stated I think at this point, what makes sense as Rich said, procedurally file an application, Teddy's not here yet but bottom line is we're going to be communicating back and forth...

Mr. Maxwell stated right.

Chairman Rogan stated I don't think there's any question that anybody wants you to use the back of the building to get around...

Mr. Maxwell stated when you say file an application, which, what application are we talking about.

Chairman Rogan stated we don't even have a filed application for a site plan.

Rich Williams stated you don't have a site plan application.

Board Member McNulty stated you have a concept plan.

Mr. Nichols stated we came for a just for a...

Rich Williams stated a concept.

Mr. Maxwell stated oh alright, I was under the impression that was filed, I thought that's we were doing.

Rich Williams stated let me throw one thing out here though, to you...

Chairman Rogan stated sure.

Rich Williams stated I think you know, I haven't really looked at this but I think this would be considered under New York City DEP's regulations as a nonconforming commercial activity...

Chairman Rogan stated okay.

Rich Williams stated any changes to that, which impact the wetland buffer would probably trigger a much stronger review, it actually throws into the realm of a variance review by New York City DEP, so be careful when you start talking about going behind the building into the wetlands buffer.

Chairman Rogan stated but what about, I don't, we're not talking about expanding anything...

Mr. Maxwell stated oh no, I'm...

Chairman Rogan stated what about using what we walked around, like a, whatever is necessary for egress for fire or for whatever, to maintain...

Rich Williams stated show it on the plan as existing but...

Chairman Rogan stated yeah, so let's not trigger anything.

Rich Williams stated just, let's now throw anything new.

Mr. Maxwell stated alright, I mean that's what I'm asking you about.

Chairman Rogan stated makes sense.

Board Member McNulty stated are you planning to add any fencing to fence in the granite or fence in equipment.

Mr. Maxwell stated no, the only thing that I did talk to the tenant, Thomas, I mean he was supposed to be here but he couldn't make it is, we were talking about in this area up in here to block it off with some shrubs and trees more or less, just to block out the view from the road. As far as fencing, it would be just the fence we have now, I mean I don't think it's, I don't think we worry about anybody walking off with a big piece of rock, I mean as far as for theft reasons, I mean I've never had...

Chairman Rogan stated they're not stealing the tools, are they.

Mr. Maxwell stated no.

Chairman Rogan stated so there you go.

Mr. Maxwell stated I had one issue and that was several years ago and somebody took trailer load of something...

Chairman Rogan stated I meant the tools for sale out front, you know the flea market.

Mr. Maxwell stated no.

Board Member McNulty stated I'm sure he's prepared.

Board Member Brady stated yeah, a 12 gauge.

Mr. Maxwell stated yeah, no, that's not an issue.

Chairman Rogan stated okay.

Mr. Maxwell stated it hasn't been.

Chairman Rogan stated alright, I mean I think it seems pretty clean, let's move forward on this, we are not intending to delay you in any way but I think if you guys go ahead and do your work and we'll certainly do ours and get you through this process.

Rich Williams stated alright, a little guidance for the application, one of the questions was our code requires paved surface through for the driveway and the parking area, they're looking to do something different, perhaps at this point...

Chairman Rogan stated well what was out there, right.

Rich Williams stated well what was out there was recycled asphalt, millings...

Mr. Maxwell stated it's called millings, that's what it is.

Rich Williams stated it's what.

Mr. Maxwell stated millings.

Chairman Rogan stated millings.

Board Member McNulty stated what we saw was bluestone, pea stone though, right.

Mr. Maxwell stated well actually what it is, it's millings, it's when they grind up a road...

Chairman Rogan stated oh wow.

Mr. Maxwell stated if it goes back down, it looks gravel when it goes down but eventually it will reheat and just with the compression of it, it becomes back to asphalt, that's what it does.

Chairman Rogan stated yeah.

Board Member McNulty stated is that what you have piled up there now.

Mr. Maxwell stated yeah, there's some more of it out there, we use it for dressing up and cleaning up and Harry and I talked about it where it needed to be widened and things like that, but there is a base on the road of 6" of item four and then we have 6" of millings in there.

Chairman Rogan stated well Jay what we can propose is the Board is amenable to it, is the idea of potentially showing the type of existing surface but having something on the plan that says if need be, it's already approved for, upon notification for asphalt, something like that...

Mr. Maxwell stated I would have no objection to that.

Chairman Rogan stated also change of use, let's say somebody comes in and they want to do something there that's going to generate a lot more traffic...

Mr. Maxwell stated right.

Chairman Rogan stated you know and the road's not going to hold up, so obviously we don't want to give up the ability to improve that and have it, I mean you obviously can always improve it but...

Mr. Maxwell stated yeah I don't know it's actually going to become...

Chairman Rogan stated the surface that was down, I thought was you know, pretty solid.

Mr. Maxwell stated for the past few years we haven't had a problem at all, as far as any kind of mud or anything like that, I would assume that's what you're really after is not having mud.

Rich Williams stated yeah, absolutely and I think everybody agreed, they're proposing right now to pave the first 150' of the driveway coming in...

Mr. Maxwell stated right.

Rich Williams stated right, the other discussion while we were out there centered around it looked like the driveway surface that it was, was going to be fine but if they're going to have vehicle maintenance and storage out there...

Chairman Rogan stated right.

Rich Williams stated you want that on an impervious coverage, that was some of the discussion that we had out there, that was kicked around.

Chairman Rogan stated thank you.

Rich Williams stated never decided on.

Chairman Rogan stated yeah.

Board Member Taylor stated we need an application.

Chairman Rogan stated yeah, Ron said we need an application but those are the things we need to discuss, we don't have to resolve tonight but you know let's face it, if something's being spilled, we want it to be able to be cleaned up and not soak in the soil...

Mr. Maxwell stated oh yeah, I understand that.

Chairman Rogan stated you know, given where we are, Teddy we're talking, we mentioned wetlands and we were waiting for you...

Ted Kozlowski stated sorry.

Chairman Rogan stated what we'd like, no, that's okay, I didn't mean that the way that came out, I apologize...

Ted Kozlowski stated I'm just running late today.

Chairman Rogan stated we want to at some point figure out a property barrier, demarcation, call it what you will or wherever we set that line for Mr. Maxwell, obviously there's already, we're already in the buffer in some areas with disturbance but and we talk about this all the time whether it's a fence, markers, something to keep things from blowing, as we say, garbage and stuff that blows as construction occurs and maintenance occurs and so why don't we, at least we'll kick that over to you.

Ted Kozlowski stated right, I don't have anything on the top of my head because I want to see what eventually you come up with...

Chairman Rogan stated okay.

Ted Kozlowski stated because it is kind of commercial area, there is a natural berm that has been set by whoever filled in the areas in the past along that north/south line but the area that juts out up to the north of the barn...

Mr. Maxwell stated this is the critical part right here, that's the critical part.

Ted Kozlowski stated yeah, there probably should be some sort of fence I would think just because it's going to be a commercial yard.

Chairman Rogan stated but it could be something like a split rail with a tight weave metal...

Ted Kozlowski stated right.

Chairman Rogan stated something that's got a like an inch or something small, something...

Ted Kozlowski stated right, something to keep...

Mr. Maxwell stated is to keep the mark just so you know where it is or is to keep debris...

Chairman Rogan stated no...

Mr. Maxwell stated is that what you're looking for.

Chairman Rogan stated it's both.

Ted Kozlowski stated it's both Jay, one of things is, we've had in the past with various applicants the yard tends to get larger over time...

Mr. Maxwell stated yeah, I understand.

Ted Kozlowski stated and you're not always going to be there to make sure that it stays back, so what we want is some sort of barrier, an aesthetic that will protect the integrity of the wetland and allow for you to develop what you need to develop.

Mr. Maxwell stated would just large rocks be good for something like that, I mean you said something about a fence...

Chairman Rogan stated it would be for the first part.

Mr. Maxwell stated you asked, I assume, I mean is the fence really to keep stuff from blowing into the wetlands, is that the...

Chairman Rogan stated primarily, yup.

Ted Kozlowski stated that's one of the things, the other thing is to make sure that you come in with a tractor full of stuff...

Mr. Maxwell stated right.

Ted Kozlowski stated and then they dump it and then it, then it goes further into the wetland and now that becomes, never returns back to what it, we want it to.

Mr. Maxwell stated yeah, I'm sure we can do there...

Chairman Rogan stated I'm sure what we can figure out will be reasonable, it won't be, it won't cost you a ton of money or anything.

Mr. Maxwell stated yeah, I don't see no problem...

Ted Kozlowski stated we need to give you a footprint, in which you do your thing...

Mr. Maxwell stated the footprint is what's important.

Ted Kozlowski stated and then we need to protect it.

Mr. Maxwell stated alright, that's not a problem.

Chairman Rogan stated alright, thank you gentlemen.

Mr. Maxwell stated thank you.

Chairman Rogan stated appreciate your time. Harry, thank you, you have your professional, awesome.

The Secretary stated do you want to do the sign first because that will be quick.

Chairman Rogan stated oh which, this one.

The Secretary stated yes.

*Side conversations.*

The Secretary stated yeah, it was in your box.

Board Member McNulty stated just came in late, Rich added it.

Chairman Rogan stated hey gentlemen...

Mr. Riina stated hello.

Chairman Rogan stated would you mind if, even though you already posted that, can you just indulge us in one minute for a real quick application to just help us out.

Mr. Riina stated absolutely.

### **3) WALSH'S TOWN TAVERN – Sign Application**

Mr. Jack Walsh was present to represent the application.

Chairman Rogan stated we have a sign application that we're adding for the old...

The Secretary stated Walsh's Town Tavern, the old Burke's Pub.

Chairman Rogan stated the old Burke's Pub, who is here for that.

The Secretary stated Mr. Walsh.

Chairman Rogan stated come on up sir. Does everybody, is everybody's okay with adding this simple sign application at the last minute.

Board Member McNulty stated sure.

Board Member Montesano stated yeah.

Board Member McNulty stated I have a copy of it without the color.

Chairman Rogan stated wonderful, thank you, can you state your name for the record sir.

Mr. Walsh stated it's Jack Walsh.

Chairman Rogan stated you have some importance in this business I see.

Mr. Walsh stated yeah, yup, yup.

Chairman Rogan stated Walsh's Town Tavern, very nice looking sign and I understand it's going to conform to the Hamlet colors.

Mr. Walsh stated yup.

Chairman Rogan stated is it the green...

Mr. Walsh stated it's going to be the green, the background is going to be the forest green with the white lettering and the gold trim.

Chairman Rogan stated okay.

Board Member Taylor stated *inaudible* so true, so...

Chairman Rogan stated yeah, well the design is true but this is just as good and Michelle, I know you know this as much, oh Rich is back...

Rich Williams stated I'm back.

Chairman Rogan stated this conforms to the appropriate size.

Rich Williams stated yeah, I did look at the application, I went through it in some detail, I didn't have an opportunity to write up a memo on but it does conform in all respects to our zoning requirements based on the new colors that were submitted which I think the sign is going to look fantastic.

Chairman Rogan stated yeah, so it's being mounted where the existing was...

Mr. Walsh stated correct, yup.

Chairman Rogan stated the lighting is the existing lighting.

Mr. Walsh stated yup, nothing's changed.

Chairman Rogan stated okay and the lighting from what I remember was shielded, so there shouldn't be any issue, okay, anyone have any...

Board Member McNulty stated no, as long as the lights are shielded there, it looks great...

Chairman Rogan stated okay.

Board Member McNulty stated it looks great, look forward to seeing a new business.

Board Member Taylor stated can you briefly describe the new business.

Mr. Walsh stated it's going to be a family owned tavern/restaurant, we're going to bring in an American main, American menu items, a friend of mine who is a professional chef down in Dallas will be coming up to be the cook for the menu. We will have a fairly robust menu, it's going to be more of a, like a family orientated type location where you know folks will come in with their kids, family to have something good to eat you know, some drinks and you know, have some good times.

Chairman Rogan stated wonderful.

Mr. Walsh stated I look forward to working with everybody in the community.

Chairman Rogan stated well we wish you all the success, we hope you do very well. Rich...

Rich Williams stated I had stepped out for a minute, the color shown on the plan, that's not the actual color, it's green.

Chairman Rogan stated it's green right.

Mr. Walsh stated it's going to be forest, the forest green.

Rich Williams stated it going to be greener.

Board Member McNulty stated more like this.

Chairman Rogan stated we have the color chips that you can.

Mr. Walsh stated its more the one on the, right, yeah...

Rich Williams stated okay, that's the one I saw.

Mr. Walsh stated it just kind of got dulled on the copy, the print.

Board Member McNulty stated want me to make a SEQRA motion.

Chairman Rogan stated sure, you want to make that Tom.

Board Member McNulty stated sure, okay on the sign application for the Walsh Pub sign, I make a SEQRA determination, negative determination for SEQRA.

Board Member Montesano seconded the motion.

*Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.*

Chairman Rogan stated and on the sign application please.

Board Member McNulty stated on the sign application, I move to approve the sign application as submitted with the colors to meet the Hamlet standards and the size as outlined in the application.

Chairman Rogan stated wonderful, can I have a second.

Board Member Montesano seconded the motion.

*Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.*

Chairman Rogan stated okay, thank you sir, good luck.

Mr. Walsh stated thank you very much.

Chairman Rogan stated appreciate it, we look forward to seeing you.

Board Member Montesano stated good luck.

Board Member McNulty stated good luck.

Chairman Rogan stated thank you gentlemen, appreciate that.

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

Mr. Joseph Riina of Site Design Consultants and Mr. Matt Moran of Unicorn Contracting were present.

Mr. Riina stated good evening.

Chairman Rogan stated good evening.

Mr. Riina stated Joseph Riina, principal of Site Design Consultants. Since the last time we were here we've modified the plan, we took into consideration some of the comments that the Board had and the staff had, we've as you know, we staked a layout and the Board walked the site and got to see how it was going to be positioned, this map doesn't exactly reflect the layout that was staked because after seeing the stakes out there we modified these two driveways, they were, they were going to end up in a deep cut and we slid the driveways over so they avoid those...

Chairman Rogan stated avoid that rock, that rock outcropping.

Mr. Riina stated that's right, it would avoid that rock. So we, we had this arrangement which of course would require flexibility in the subdivision standards, we have the common driveway coming in here that would service these three lots, at the top of the common driveway we have a hammerhead for the turnaround for emergency vehicles, we show it a little wider here because I envision it being gravel or pavers or something that would be not a pervious, an impervious surface, so that's how we would address the turnaround for the emergency vehicles as, to meet the part of code. Another significant change was we eliminated this lot that we had originally shown on the corner, currently we're showing it as open space because there is a potential that it may be considered for something else, there is some regional stormwater management that is being considered for the East of Hudson program, so we're leaving it there, it's open for discussion, if it doesn't end up being utilized for anything, public benefit, then what we'll do is we'll probably combine it with this lot and just put an easement of some sort over.

Board Member Taylor stated with which lot sir.

Mr. Riina stated the lot on the corner of...

Board Member Taylor stated no, you would combine it with which lot.

Mr. Riina stated oh with lot 6.

Board Member Taylor stated okay.

Chairman Rogan stated okay Ron.

Board Member Taylor stated did, have you been informed of the comments we had, the discussion we had at the work session.

Mr. Riina stated I received a memo, yes I did.

Chairman Rogan stated the memo is the site walk comments, that's not the...

Mr. Riina stated oh...

Rich Williams stated not any discussion subsequent.

Board Member Taylor stated oh, so, okay...

Mr. Riina stated no, I did not receive anything.

Board Member Taylor stated do we want to get into that.

Chairman Rogan stated well I think as you had pointed out before, procedurally we want to make sure, this is a scoping discussion, there's no formal application as of yet right, we're doing this on scoping, to get out to do the site walk before the winter and everything.

Mr. Riina stated right.

Chairman Rogan stated I think that we've had, with everybody getting out there on the site, the general consensus, I don't want to speak for anybody else, the general consensus was while there are limitations with wetlands and wetland buffers, the property itself, there were some really beautiful building areas, very easy build areas, I'm glad to see people here from, I'm assuming neighbors. Procedurally, let me at least say this, you will absolutely have every opportunity to speak about this, you can write a letter at any time you'd like and submit it to the Board, there were will public hearings where you will be given, tonight is usually not one of those things, just so that you don't feel like we're ignoring you but this is just the beginning of the process, in fact this is the very beginning so I'm glad you're here, the Board so far has just gone out and walked the site, we saw the flags that were kind of funny, they were put almost in the middle of the road in some places, I don't know why the surveyor decided there, people ran them over...

Mr. Riina stated I don't either.

Chairman Rogan stated but obviously the types of things we're going to be doing is making sure these lots layout so that the future owners have good use of the property, so that the subdivision doesn't negatively impact or as little as possible on neighbors, so we look at things like where do the driveways line up with adjoining driveways. There's 3 houses across the street, if I remember correctly, one that just did a new big garage and then the 2 houses to the right that, isn't there are a garage that, we walked it...

**Connie Gray** stated we talked about a garage, we have not built it yet.

Chairman Rogan stated we talked about it, I'm sorry, well the one that's there looks beautiful.

**Connie Gray** stated but the stake is right across from my driveway by the way.

Chairman Rogan stated so these are things that we would consider, you know, we want to make sure that they're not going to impact you and quite honestly that you're not going to impact the new people because we're here for all the residents. The property, really nice but having said that when you start to key in on the wetland buffers and things, there are limitations so we acknowledged that, we also acknowledge that there are minimum standards, if you meet those minimum standards then that's what we're here, to balance things. One possible alteration that was discussed at the work session, we're just going to throw it out here for today, we're not asking you to go and change it but to think about because we were, we're very concerned of course about common driveways because the maintenance agreements that go along with those are really difficult, we were saying if you change the location of the driveway on the lot that you said...

Board Member McNulty stated I think it was lot 5.

Chairman Rogan stated lot 5 and accessed your common drive, now you've got four lots, that seems to now make it a lot more palatable to put in something to Town road standards and you don't have to go very far to your cul-de-sac, you only have, you don't have to go as far as you're going right now with your hammerhead because your driveway wouldn't be that long to that last lot, you're talking about maybe a 200' or so because you could have a longer driveway to that house, in other words, you could pull your cul-de-sac all the way back, I don't have the numbers and I can't see that far, to your second lot on the left.

Mr. Riina stated you're saying to put the hammerhead here...

Chairman Rogan stated yeah.

Mr. Riina stated instead of up here.

Chairman Rogan stated sure and then just have a longer, so you're cutting that even in half...

Board Member Taylor stated and make it a Town road.

Chairman Rogan stated make it a Town road that terminates for those three lots and be done with it, so that's just something we threw out, I don't know the engineering, that's why these gentlemen are here.

Mr. Riina stated okay, the only thing that jumps out at me would be the size of the cul-, because then we would have to put in a cul-de-sac...

Chairman Rogan stated yup.

Mr. Riina stated because a Town road, we couldn't do a hammerhead...

Chairman Rogan stated right.

Mr. Riina stated and the requires to meet the fire access standards, we would have to have a 96' diameter cul-de-sac...

Chairman Rogan stated okay.

Mr. Riina stated which would be pretty significant in diameter, so that's...

Chairman Rogan stated just let's at least keep that something that we're thinking about because I can tell you don't have almost any support right now for the common drive.

Mr. Riina stated okay.

Chairman Rogan stated just being honest with you...

Mr. Riina stated okay.

Chairman Rogan stated because the maintenance on them when they're not, unless they're iron clad, they're just, they're problematic and every, what happens just so you know, history has shown and Mike please speak to this that 8 years after this is approved and built, those three residents are going to come to the Town Board and scream and say do you know the taxes that we pay and we can't even get our road maintained, well you bought it that way, it's a common drive, yeah but you know the taxes we pay and eventually the Town is going to try to take it over because of the pressure and it's not through any fault other than, right, it just happens.

Rich Williams stated well, if I could just point out...

Chairman Rogan stated sure.

Rich Williams stated because it was just pointed out to me, the last one we just did, we just accepted roads that were not constructed to Town standards, we accepted them into our Town road system because of all the properties that were constructed on it, the property owners coming in, that was a subdivision that was done by Unicorn Industries...

Chairman Rogan stated I don't know Unicorn Industries, who's that.

Mr. Riina stated that's the...

Board Member McNulty stated that's who doing this.

Mr. Riina stated that's the applicant here, which on is that.

Mr. Liguori stated Quail...

Rich Williams stated Quail Ridge.

Mr. Moran stated that was 20-something years ago.

Rich Williams stated a long time ago.

Chairman Rogan stated so to put a little thought into what it would take to design that out, I think in the end, probably with the 4 lots all on that and then you just have once access Fields [Corner Road] and then one off Fair Street, might make a lot of sense, again this is conversationally, it's not, we haven't tried to sketch it out or anything but it was something that was discussed as a potential. Naturally we'd like you to show house locations, layouts that work in terms of people using their property, the way we know that everybody wants to use their property, they want to have, maybe not all pools but they want to have a shed in the backyard and they want to have certain things, does...

Mr. Riina stated which we put on.

Chairman Rogan stated it mean we won't approve it like that but we want people to try to prove it out but I will say, Tommy and I walked it by ourselves...

Board Member McNulty stated beautiful lots, just that wetlands buffer just constricts everything.

Chairman Rogan stated gorgeous, gorgeous lots.

**Pam Ganz** stated how big are the lots.

Chairman Rogan stated how many acres, some of them are...

Mr. Riina stated four, around 4 acres.

Chairman Rogan stated some of them are a lot bigger.

**Pam Ganz** stated 4 acres each.

Chairman Rogan stated yeah, its 4 acre zoning in the area, so they have to be at least that big, some of them are quite a bit larger. Actually once you're into the lot, we were kind of joking saying I don't think we've been on site that had such nice build lots ever, maybe not ever but in years...

Mr. Riina stated oh it's beautiful, especially this one back here, it's...

Mr. Moran stated we were surprised too.

Chairman Rogan stated really, it's gorgeous.

Board Member McNulty stated yeah, that one's nice.

Chairman Rogan stated so you know, we have some issues to tackle, we have wetlands concerns certainly, what we were talking about at the work session was and Teddy has taught us some of this over the years of the functionality of wetlands and how quite honestly all wetlands are not created equal but they all require certain levels of protection. You know, there are some higher functioning areas and while we're not saying we want to develop buffers or anything, we certainly are acknowledging that there are different functional elements to this subdivision to different areas that we need to talk about.

Ted Kozlowski stated well can I...

Chairman Rogan stated please do.

Ted Kozlowski stated the, in my estimation, the most important aspect for the wetland situation on that site is the stream itself, it's classified as a trout spawning stream by DEC and is regulated by DEC and is connecting a large DEC wetland system that is either, extends through that property and is on both sides of the road there and we need to make sure that whatever goes on in that property, we protect the integrity of the stream and part of that is to maintain the 100' buffer of natural forest that is on either side of the stream, that is the regulatory zone and my recommendation to this Board is not to remove any of the functionality and the purpose of that forest to that stream and that sounds nice but in my experience, especially with large lot owners and I would imagine those homes are not going to be, they're going to be fairly expensive,

I don't want people that, to move in there to assume that they can put horses on the property and extend, they've got all this property in which to clear for pasture or whatever else it is that they might indulge in, that forest needs to be protected, that forest is a buffer to the stream, it protects the stream with its shade, it keeps it cold, that's what trout need, cold water, so even though those lots are large, a lot of that forest land must be preserved and so we have to come up with, similar to Mr. Maxwell just before, we have to make sure that the property owners or whoever comes into buy that property can appreciate why we're preserving, why we're protecting and need to know that prior to buying the property so they don't come to the Town and say I've got all this property and as Shawn said I'm paying all these taxes yet I can't use this part. There's a greater need and purpose to preserve that wetland than for individual property, that's the purpose of this law, so we need to protect it and you need to come up with a way to do that.

Mr. Riina stated okay.

Chairman Rogan Rich, please.

Rich Williams stated yeah, I've got two issues, the first one is something that was brought to me recently by someone behind me and that's that this occasionally this turns into a seasonal use road, Southeast closes the road off and when they do that, people are going down the road, they're getting to the Southeast line and they're turning around in people's driveways...

Chairman Rogan stated in their driveway's, sure.

Rich Williams stated yeah and we want to see if there's any mechanism out there maybe some land we can work with the developer and maybe make a turnaround down towards the Southeast Town line, I just want to throw that out on the table...

Chairman Rogan stated doesn't that property line create the Town border.

Mr. Riina stated this line.

Board Member McNulty stated there's the border.

Chairman Rogan stated yeah.

Mr. Riina stated no, it actually, there's a sliver here...

Board Member Taylor stated that's in Southeast.

Chairman Rogan stated oh.

Mr. Riina stated it's very stranger.

Chairman Rogan stated okay, so but in essence your property does go to the Town line and then some, so that's great.

Mr. Riina stated and then some, right.

Chairman Rogan stated okay.

Board Member McNulty stated but that corner is all in the buffer, isn't it.

Chairman Rogan stated alright.

Rich Williams stated well we just want to look at it, I just want to throw it out on the table.

Chairman Rogan stated okay.

Rich Williams stated the other thing I'm going to throw out and I know Teddy's going to not like this one at all, is when we were out there on the site, lot 4, you remember the driveway came out, it was elevated, it had a pretty substantial cut...

Chairman Rogan stated yeah.

Rich Williams stated and it came out directly across from the driveway and we were talking about shifting that around.

Chairman Rogan stated yeah, I think they shifted them already though.

Mr. Riina stated you meant lot 5.

Board Member McNulty stated no, lot 4.

Rich Williams stated lot 4, lot 4.

Mr. Riina stated lot 4 is this one, it comes on the common driveway.

Board Member McNulty stated no, I mean the next one over.

Mr. Riina stated yeah, lot 5.

Rich Williams stated no...

Board Member McNulty stated no, one down.

Rich Williams stated the next one over, lot 6...

Mr. Riina stated lot 6.

Rich Williams stated lot 6...

**Connie Gray** stated that's my driveway, right.

Rich Williams stated yeah.

Mr. Riina stated so we shifted that already...

Rich Williams stated oh, you did, well...

Mr. Riina stated since what you've seen staked we've shifted it away from and out of that hill.

Board Member Brady stated the rock cut, there's rock cut there, is that why you moved it.

Mr. Riina stated yeah.

Chairman Rogan stated so what you're saying in essence is we need to look at where that aligns with the opposing, the opposite house.

Rich Williams stated yeah I was looking to shift it over...

Chairman Rogan stated yeah.

Rich Williams stated and based on the staking and the plans that we had...

Chairman Rogan stated and the first thing they said was these don't, the staking didn't reflect the proper location as they have...

Mr. Riina stated yeah.

Rich Williams stated yeah, I'm still looking at the elevations though and it still seems like the driveway is coming out...

Chairman Rogan stated okay, well...

Board Member McNulty stated the rocks.

Mr. Riina stated we probably shifted it about 50' from where it was.

Rich Williams stated oh, you did, okay.

Board Member McNulty stated is that a revised plan.

Mr. Riina stated yeah.

Rich Williams stated okay, alright then that should so it, never mind.

Mr. Riina stated yeah but it's the one that you have that was submitted.

Chairman Rogan stated okay.

Board Member McNulty stated so our plan is accurate, the staking was off.

Mr. Riina stated the staking was done the previous plan that we had...

Chairman Rogan stated yeah.

Board Member McNulty stated okay.

Mr. Riina stated that you had seen the last time, this plan that you have reflects the changes of these two driveways which were done after the staking.

Chairman Rogan stated and the hammerhead right, because the hammer because the original staking showed it off on a slope.

Board Member Brady stated we were looking at the stakes, we weren't looking at the...

Mr. Riina stated right.

Chairman Rogan stated right which is why I remember, Tommy and I said you'd never, look at all the fill and everything that's got to happen for this, push it back but that's been revised on this plan anyway.

Mr. Riina stated right.

Ted Kozlowski stated just a reminder too, remember that this is a State regulated wetland and because it's a high valued stream any intrusions into the buffer is going to require a state DEC wetland permit, determination, any...

Chairman Rogan stated what, right now we're not proposing anything.

Mr. Riina stated right now we're not anticipating any intrusion in the buffer.

Chairman Rogan stated good, yeah.

Mr. Riina stated we're doing everything we can to avoid that.

Chairman Rogan stated this comes to one of those conversations that I'm going to throw out since we're having a concept meeting, we say all the time that it's really the applicants choice how quickly you want to get through this process, quite honestly because we're not here to slow you down in any, we want you to be able to do what is reasonable, it comes back to we have some discussions, it's matter of how reasonable or how compromising we're all going to be between you and us and how quickly you get through the process is totally I think, dependent on that and you doing your work obviously because I promise you, if you do your work, our people, we will do ours, so it comes back to at the end of the day, you probably know as much as we do what this is going to look like. Sometimes people come and they say I've got to have 22 lots and at the end of 3 years deliberation we have 17 lots, when the reality is they could have come in 17 [lots] and hit it out of the park in 6 months and been done with it. So, just, I say that kind to everybody with subdivisions but the intent is that we are not here to slow you down, we are respectful of these people but we also know this property owner has rights, we have rules that we need to work with and we are happy to proceed, you know, as long as we are working in a proper manner that we're making everyone happy and that we're following our rules, you know, the process will go very smoothly and I promise you that but it needs to be obviously about compromise and knowing what the issues are and let's just tackle them and I think that it should be that easy.

Mr. Riina stated and we're, that's what we're looking for anyway...

Chairman Rogan stated awesome, awesome, thank you.

Mr. Riina stated we have no objection to have this discourse and...

Chairman Rogan stated sure.

Mr. Riina stated and refine the plan where it needs to be.

Mr. Moran stated and we did hear you the first time...

Chairman Rogan stated oh, I compliment you for that.

Mr. Moran stated you know, we took a lot out and we changed the plan around.

Chairman Rogan stated you know because at the end of the day we've seen people and I can think of a few commercial lots in particular, we've seen people that really took their time getting approvals and they missed the market and they're sitting on those lots 8 years later because it took them 4 years to go through the process, for a number of reason, not just not compromising, it was a number of reasons but I think the theme is, you know let's work together on this, let's get it done, it doesn't mean they're going to be building in 6 months of course but it's about not struggling through a process and about open communication and transparency, getting some great input from you folks and you know, again, anything you want to state please just write it down and send it in...

**Connie Gray** stated one comment, what about the unpavedness of the road all along there, with all the additional traffic, is it going to be able to survive that.

Chairman Rogan stated well that's something we need to assess...

**Connie Gray** stated that's what I thought.

Chairman Rogan stated the road conditions are something we need to assess, you know, obviously with any, as for instance there's 3 houses on the road, so certainly...

**Connie Gray** stated and they maintain it a lot.

Chairman Rogan stated as things improve or as things, as we populate that road certain improvements are required, you know, and obviously there's going to be different improvements if this were a 40 lot subdivision versus a 6 lot subdivision. It can't all be bore by one applicant, just as much as we can't come to you and say look these 3 houses, you're a third of this, you should bear some, you know it's got to be a balance, so we will talk about those things, I do drive that road quite a bit, I love that road even when you can't hardly see whether the cars are coming and you want to have a head-on collision down in Southeast...

**Pam Ganz** stated precisely with the speed limit, yes.

Chairman Rogan stated well yeah.

**Pam Ganz** stated that's an issue.

**Alicia Yarusso** stated can I just add, while this is lovely and but just maybe if, and I know it's something that you don't have to do but we'd love to see where our houses are in conjunction with that...

Rich Williams stated we'll let...

Chairman Rogan stated in relation, yeah.

**Alicia Yarusso** stated because maybe we're all panicking for no reason...

Chairman Rogan stated you might be.

Alicia Yarusso stated the reason why we moved on the street is because it is secluded and we've loved it like...

Chairman Rogan stated sure.

Alicia Yarusso stated so maybe if you even just put little stickies where we are for the next meeting...

Mr. Riina stated we can drop that...

Pam Ganz stated just to give us an idea.

Alicia Yarusso stated maybe we won't care.

Chairman Rogan stated yeah, that's a great point.

Rich Williams stated we'll do the driveway entrances, we'll do the driveway entrances.

Board Member Brady stated yeah.

Alicia Yarusso stated yeah, right.

Chairman Rogan stated no, it's a valid point, thank you for bringing it up because it does, people's biggest fears are what they don't understand or know and in this case they might say oh well that's down the road 100', I'm not going to see it. Okay...

Board Member Taylor stated I've got...

Mr. Riina stated so where should we go from here.

Chairman Rogan stated I think we should file a formal application; we're on a concept application now.

Mr. Riina stated file a formal application and come in with an alternative with a Town road as possibility.

Chairman Rogan stated I think so, yeah.

Board Member McNulty stated yeah, I think so.

Mr. Riina stated I mean, I have to discuss it with my client but...

Chairman Rogan stated but carry the message back of what we talked about tonight...

*Audience members talking amongst themselves, unable to transcribe.*

Chairman Rogan stated and you know, everything sounded positive to me it's just a matter of, you know, making it work but the common driveway thing has just been so problematic in this Town, I can't you know, that I think if we have the option then that's the option that everybody is going to look to go with.

Mr. Moran stated are there any options to the 96' cul-de-sac.

Chairman Rogan stated I'll defer, I have no idea.

Rich Williams stated honestly, if we're going to go down that road where it's going to be a Town road...

Chairman Rogan stated yeah.

Rich Williams stated then the Fire Inspector and the Fire Department are probably not going to have any less.

Chairman Rogan stated and what's the minimum, we were talking about this but I don't remember, was it 22' wide...

Mr. Riina stated 20'...

Rich Williams stated 22' wide road with grass swales.

Chairman Rogan stated alright.

Mr. Riina stated that's a Town spec...

Rich Williams stated we, the Town spec is 24' wide...

Mr. Rina stated right.

Rich Williams stated with formal drainage, the Board has the ability to waive that with the recommendation of the Highway Superintendent, another subdivision recently we've been looking at, we dropped it down to 22', that had a lot of traffic on it...

Chairman Rogan stated right.

Rich Williams stated so we can take another look at that with the traffic that's going to be generated on this, it's not going to be a lot but we still need to pass two vehicles.

Mr. Liguori stated yeah, some other municipalities are not requiring the construction of the center of the cul-de-sac.

Chairman Rogan stated oh yeah, I notice that.

Mr. Liguori stated we do that up in Dover where you know you have a 96' wide, so you take a lollipop and you cut out the center, a lot of people are putting the drainage now right in the center and that reduces the amount of impervious surface because that center doesn't get used, the only people that use it are plow people...

Chairman Rogan stated yeah, kids on the bikes.

Mr. Liguori stated right.

Rich Williams stated and I would think that lollipops are a much better concept, gives you a place to push the snow rather than pushing it into somebody's driveway.

Chairman Rogan stated right.

Mr. Liguori stated right.

Rich Williams stated believe it or not a lot of highway superintendents hate it and I don't know why.

Chairman Rogan stated I remember people talking against them in the last 10 years but, so all great alternatives that we can discuss, I think it's all and don't hesitate to, not to throw Rich under the bus here but don't hesitate to reach out to Rich to kick ideas around because he knows the temperament of the Board and what we're looking to do you and you know, so again the intent here is to just, let's move forward in a way that makes sense, that we don't waste each other's time, you know...

Board Member Taylor stated I've got another procedural question.

Chairman Rogan stated sure.

Board Member Taylor stated you might hate me for asking this...

Chairman Rogan stated Ron, I love you.

Board Member Taylor stated but road frontage in the Code...

Mr. Riina stated I was going there next.

Rich Williams stated well...

Board Member Taylor stated I'm looking at it all over now about the Code, what's the Code about road frontage.

Mr. Liguori stated well in order to achieve road frontage, it has to be on a road...

Chairman Rogan stated yeah.

Mr. Liguori stated okay, so now it's another question and this I think was coming in under a 280...

Rich Williams stated 280a.

Mr. Riina stated right.

Chairman Rogan stated 280a.

Mr. Liguori stated 280a of Town law which is an open development area that's basically where you get the municipalities permission to get the frontage on less than a Town road...

Chairman Rogan stated right.

Mr. Liguori stated okay, so the examination for going to a Town road standard, it may have to be part Town road, part 280a, we'd have to take a look at that.

Chairman Rogan stated yeah.

Mr. Riina stated that was the point I was going to go, especially if we pull the cul-de-sac up...

Chairman Rogan stated yeah.

Mr. Riina stated this lot won't have frontage.

Chairman Rogan stated but we could that through the 280a potentially.

Rich Williams stated yeah, I don't know at that point whether it's a 280a or a zoning variance...

Mr. Riina stated or a zoning variance.

Rich Williams stated we have to see where it lays out.

Mr. Liguori stated right.

Chairman Rogan stated oh but either, you know I think...

Mr. Liguori stated look if it turns out to be a variance, at least, so there's a little bit more process that's involved but when you go to the Zoning Board with an application that says hey, this is what we came to the Planning Board with, they said hey shrink it down to this and that's why we're here, I think you know, you're going to...

Chairman Rogan stated especially with a formal recommendation from us.

Mr. Liguori stated right, right.

Mr. Riina stated is the Planning Board authorized under the 280a or does it have to go to the village Board first.

Mr. Liguori stated it has to go to either, it's either the Town Board or the Zoning Board of Appeals that grants the 280a, it's up to you to decide.

Mr. Riina stated so either way we're going to another Board...

Mr. Liguori stated that's right.

Mr. Riina stated whichever way we...

Mr. Liguori stated right.

Chairman Rogan stated but the three Boards, we all work pretty closely together and we communicate very well, so, it starts, it ultimately will start and end here, you know, if we get through and exactly what counsel said, if there's a reasoning behind it, it's not because you're trying, this is what you have to have and that's it, in this case there are alternatives, what the Planning Board is saying is we prefer an alternative that

creates a Town road, even if it means you don't have one particular road frontage for a lot or something, so it seems pretty reasonable.

Mr. Riina stated okay.

**Alicia Yarusso** stated can I ask one other question...

Board Member McNulty stated if this becomes a Town road, does it trigger water storage, fire protection, fire suppression, needed at all.

Rich Williams stated we don't have any standards in our Code, so I can't tell you what the recommendation would be from anybody.

Board Member McNulty stated just something to think about.

Mr. Riina stated sure.

Rich Williams stated but regardless of whether it's a Town road or not, I still can't tell you what the recommendation is going to be.

Chairman Rogan stated right, exactly, it's based on use and based on what's in the area and...

Mr. Liguori stated I think that the larger issue is that you're creating more impervious surface and you have to find a place to either treat or store or both, actually treat it and store, those are probably the larger issues...

Rich Williams stated no, we're talking fire suppression.

Board Member McNulty stated about fire suppression.

Mr. Liguori stated I know that, I know that, I know.

Board Member McNulty stated but for stormwater management.

Mr. Liguori stated I'm bringing that up, the stormwater management, the fire suppression, has the department had any, there was a recommendation on the residential sprinklers, was that ever resolved or moved forward, it was just a discussion with the Town Board.

Rich Williams stated they submitted a law, we reviewed it, we commented back, based on the comments I ended up completely re-writing it, sat down with the people in the fire department who proposed it, worked out all our issues, thought we had everything settled, they decided to take it back and look at it one more time, a couple months went by and I reached out to them and they said at that point they had hired a consultant to review the law.

Mr. Liguori stated I know the Town Board didn't adopt anything...

Chairman Rogan stated right.

Mr. Liguori stated I just, that's important for you guys to know because that's a budgetary item that should be analyzed up front.

Mr. Riina stated so that, you're saying we could...

Board Member McNulty stated but we had another subdivision though that was...

Mr. Riina stated that could somewhere midway in our process that could happen.

Rich Williams stated somewhere midway it could happen, if it does happen, I don't know that you're not going to be grandfathered in, I think in the spirit of good will, you know, we try to work closely with our Fire Department...

Mr. Riina stated right.

Rich William stated we're still probably going to be looking for their input...

Mr. Riina stated of course, yeah.

Rich Williams stated but you know, at this point, what the Fire Department is looking for is to have a local law on the books which basically says you will, you shall, you must...

Mr. Riina stated right.

Rich Williams stated rather than the flexibility we have in the process now.

Mr. Riina stated at what point does the Fire Department get involved, is this something we should be proactive about.

Rich Williams stated no, we'll refer it over to the Fire Department...

Mr. Riina stated okay.

Rich Williams stated when the time is right, generally I'm going to do that about the same time we do out SEQR lead agency notice to circulate and we, at the same time I'll do the 239m referral over to the County, so we'll do all three things at the same time.

Mr. Riina stated okay, okay, so we'll submit a full application, a long form EAF and...

Rich Williams stated new long form.

Mr. Riina stated yup, the new one yup and we'll go from there.

**Alicia Yarusso** stated just the houses we don't, I see they have them, they must have an idea of size...

Chairman Rogan stated you know they probably, size just footprint but it doesn't mean anything at this point, it's, it will be you know, probably 4-5 bedroom home septic systems but that could be, you know, you guys all three of you have different houses, you know.

**Alicia Yarusso** stated different, right, we definitely do.

Chairman Rogan stated so you know, picture your own house or something similar to it because that's probably the size, you're all three very large homes, maybe not for you guys.

**Alicia Yarusso** stated also, if it's not inappropriate, you guys are out there, if you want us to help with our thoughts, we're all glad to share and talk because we'd like it to be friendly process and not hostile because we love our road.

Chairman Rogan stated sure.

**Pam Ganz** stated oh absolutely.

Chairman Rogan stated we get that sense and it's a lovely road and so you guys are blessed really to have what you have behind you, I know I've walked that property before and it's gorgeous.

**Alicia Yarusso** stated it's great.

Board Member Taylor stated but you need to understand we don't have any control over design.

Chairman Rogan stated design of the house, yeah.

**Alicia Yarusso** stated and that's fine, that's fine, we understand that.

Chairman Rogan stated I wanted everybody in Patterson to have log homes but not everybody likes log homes so we gave that up. Thank you gentlemen, we appreciate your time, thank you.

Mr. Riina stated good night.

Mr. Moran stated good night.

#### **4) OTHER BUSINESS**

##### **b. Site Walk Comments – Fox Run**

Mr. Robert Marvin of Marvin & Marvin and Mr. Joseph Zarecki of Zarecki Associates were present.

Chairman Rogan stated okay, we have gentlemen here for Fox Run, please come up sir.

*Side conversations, unable to transcribe.*

Mr. Zarecki stated you want to post this.

Chairman Rogan stated sure, sure, you brought it, you might as well.

*Too much side conversation to transcribe.*

Chairman Rogan stated actually maybe we'll just, all three of us just slide down that way, you go to chair, you go to vice chair and I'll sit where you are.

Board Member McNulty stated no, you're doing a fine job.

Board Member Brady stated yes.

Board Member McNulty stated you're very good.

Chairman Rogan stated you'll do fine without me.

Board Member Brady stated yeah, we'll wait for you.

*Side conversations.*

Board Member McNulty stated okay.

Mr. Zarecki stated how are you.

Board Member McNulty stated good, how are you.

Mr. Zarecki stated good.

Board Member McNulty stated alright, excuse me, okay.

The Secretary stated come on speak up, let's go.

Board Member McNulty stated alright Fox Run, we have the engineer, I'm sorry I forget your name.

Rich Williams stated where's Shawn.

Mr. Zarecki stated Joe Zarecki.

Board Member McNulty stated Joe Zarecki.

Mr. Marvin stated Bob Marvin.

Board Member McNulty stated hi Mr. Marvin. Okay, we went out, we did our site walk, Shawn will be back in a minute, I'm just getting things going and we took a walk around, everybody got out to that site, correct.

Board Member Taylor stated yeah.

Board Member Brady stated yup.

Mr. Zarecki stated I hope it was stake properly for you and...

Board Member McNulty stated yeah, the staking gave us good orientation of where everything...

Mr. Zarecki stated we tried, we did a lot of work...

Board Member Montesano stated it was the one with the rock that got me.

Mr. Zarecki stated the one with the rock.

Board Member McNulty stated oh we're losing another member.

Board Member Montesano stated I'm being right here.

Board Member McNulty stated took a walk, I don't know if you've seen the comments yet.

Mr. Zarecki stated we got them today.

Board Member McNulty stated I just got them today, we had some issues here.

Board Member Taylor stated ridgelines...

Board Member McNulty stated ridgelines, big issue...

Board Member Taylor stated that was a big issue was compliance.

Board Member McNulty stated and density. Alright, we have our chairman back.

Chairman Rogan stated refreshed.

Board Member Taylor stated is there any point in having a discussion tonight if they haven't reviewed the comments.

Mr. Zarecki stated I can go through them, we waited long, you know, we're happy to go through them, it is what it is.

Chairman Rogan stated let's talk about the comments.

Board Member McNulty stated yeah, we're here now.

Mr. Zarecki stated it is what it is.

Chairman Rogan stated yeah, well they're observations, let's hit on the high points.

Mr. Zarecki stated right.

Chairman Rogan stated the high points may be the low points depending on who you are, you know I think everybody was pretty consistent in their comments on, again we did this walk at different, because of the time year it just didn't work for everyone.

Board Member McNulty stated Ron brought up ridgelines which is a concern of ours, that one road, I guess to the west, kind of falls up on top of a ridge there...

Mr. Zarecki stated okay, as we did, we did a cross section through I would say would be, we didn't do every cross section of it but we took the one that we thought would give you the best visual...

Chairman Rogan stated right.

Mr. Zarecki stated of where it is and this cross section was taken right through, right around here and this goes right through the property, this is...

Chairman Rogan stated oh okay.

Mr. Zarecki stated this is I-84...

Chairman Rogan stated got it.

Mr. Zarecki stated and then it goes way up the hill obviously.

Chairman Rogan stated so where your finger is right now is the left side of the plan, so it's reverse if you will.

Mr. Zarecki stated right if this is it right here, this is 84 in that direction...

Chairman Rogan stated oh I see, okay.

Mr. Zarecki stated it goes way up the hill from 850 to 790, roughly, 650 to 790...

Board Member McNulty stated that's the ridge we're talking about.

Mr. Zarecki stated so this is way up on top, obviously there's trees all around...

Chairman Rogan stated yeah.

Mr. Zarecki stated through here and then going across from these units, this is unit 13 and it goes across and then you've got a big hump and then it goes back down the hill there, so I you know, I don't think you'll see a heck of a lot. The other one is taking that section, it's called Y Y, which was right in the area lower than that and you can see that actually comes up over the property line and then down and then back up, so it's like in a bowl over here...

Board Member Taylor stated that one's not a problem, the first one...

Mr. Zarecki stated well I took this, this was the one I took the worst case scenario...

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

Mr. Zarecki stated the one that we felt was the worst case scenario so.

Board Member Taylor stated exactly and that's what we're talking about.

Board Member McNulty stated yeah, that's the one.

Board Member Taylor stated and that's not allowed by the Comprehensive Plan, right, we're supposed to be avoiding ridgelines.

Rich Williams stated the Comprehensive Plan is not regulatory.

Chairman Rogan stated right.

Rich Williams stated the Comprehensive Plan is recommendations, we would embodied the regulatory end of it comes when we, you know, we make the changes in the zoning code. We don't have anything in the zoning code that specifically prohibits development on ridgelines, that's something at this point that you would need to evaluate through SEQRA, in which case if you felt there was some sort of impact to the view shed you could mitigate it.

Chairman Rogan stated you know, since we're in the winter months, this is a great opportunity from the [Interstate] 84/Commerce Drive area to do, maybe not, maybe a balloon test I don't know but what I'm happy to see is the ridgeline to the right on your chart because Rich, we've talked about this for as long as I've been involved in this stuff for 13 years about the idea of not building your houses directly on top but coming off the hill so that the roofline is still below your ridgeline...

Rich Williams stated right.

Chairman Rogan stated because the ridge then acts as the buffer and based on that alone, you would say that you might have some protection in that regard because of the hill to the, to the right but I think that is something that this picture isn't as valuable as us seeing it real life, it's one thing to walk the site, it's another to say here's where the line would be, we're going to put up a balloon that's going to be, whatever the ridgeline is going to be of that, now granted the trees aren't cleared but even still, maybe you go 20' higher, I don't know.

Rich Williams stated I don't even know if you need a balloon test here, the problem that I have with this Joe and I know what's going to get built on the other side so I'm not as concerned...

Chairman Rogan stated yeah.

Mr. Zarecki stated this is the industrial park.

Rich Williams stated but the problem with what you're showing the Board here is it doesn't go far enough, you've gone down to the valley, you haven't gone back up to the hill on the other side....

Chairman Rogan stated oh yeah.

Rich Williams stated because there is a hill on the other side and that's where the big visual impact from this project is going to be.

Mr. Zarecki stated right okay, so you're going down here and you want to see what it looks like all the way up on the other side.

Chairman Rogan stated well...

Ted Kozlowski stated I also want to add something else here which I saw on the site walk and it was clear to me that there were a number of trees clearly marked by a logger who were identified for removal, I'm a forester, I know the markings, I know how it goes. Is there a plan or an intention by the owner to log that property because that will have an impact on the eventual view shed because the mature tall trees are all identified to be cut down, so if that happens that is going to open that site up far more than it already is open and how it will be opened with the development. So, I think this Board needs to know is that property slated to be logged.

Mr. Zarecki stated absolutely not.

Ted Kozlowski stated okay.

Mr. Zarecki stated there was an intention, there was, he had the intention of somebody came to him and says, I want to log the property and he went ahead and marked it and said these are the trees that are available and he said no, you can't do that, okay, he says it's not that important to me, there is no intention to log those trees.

Ted Kozlowski stated well whoever did the marking, knows, they spent a lot of time doing that...

Mr. Zarecki stated you know he knew, right...

Ted Kozlowski stated and they were, that was either a forester or a representative of a logging company.

Mr. Zarecki stated I can tell you that the client said there is no intention of logging those trees.

Ted Kozlowski stated because there are a number of large oaks...

Mr. Zarecki stated the project is more important to him, right.

Ted Kozlowski stated that I recommended to this Board that we keep.

Mr. Zarecki stated yup.

Ted Kozlowski stated because they are quite old, they're quite aesthetic and it would only accent the value of those...

Mr. Zarecki stated well that's why we're glad you saw the site...

Chairman Rogan stated sure.

Mr. Zarecki stated you know but that was put to bed a long time ago.

Board Member McNulty stated given this current layout though, a substantial area will be logged out.

Chairman Rogan stated yeah.

Ted Kozlowski stated yes but you don't, the logging...

Board Member McNulty stated not the entire...

Ted Kozlowski stated the trees that were marked go beyond the footprint of that...

Mr. Zarecki stated they're outside those areas, yes, there's no logging going to be done.

Ted Kozlowski stated you know Tommy, you're looking at that plus.

Board Member McNulty stated I understand.

Chairman Rogan stated I did the site walk on my own on Sunday morning, November 17<sup>th</sup> and I know that you can't control what people do that already live there but in 20 or 30 minutes time from coming and going, I saw three people in there driving at a high rate of speed that I would, honestly, and I know with the age, you know I don't know what the word is anymore that we used to but anyway for the senior housing...

Mr. Marvin stated age qualifying.

Chairman Rogan stated age qualified...

Mr. Marvin stated that's what they call it.

Chairman Rogan stated it's just so hard to comprehend having age qualifying residents driving through an existing subdivision where you have obviously regular young, teenage drivers and it just compounds that whole sense of me feeling a little bit nervous, I'm not saying that that's a deal breaker, my point is it's just an issue that every time I've been on the site I've seen the same issue that you have people that, you know, yeah you can put in speed bumps, yeah we can notify the Sherriff's Department that we need better patrol, it's an issue, it's not the biggest issue but it's certainly an issue. Have a good night, thank you. And then the other thing of course is that the density that we are now reviewing, we need to look again back at the road structure that it empties out on, Bullet Hole [Road], Tammany Hall [Road], some of the roads because, Tammany Hall [Road] in the last few years is now the cut through to get to the highway, I drive it almost every day and the intensity of traffic on that road, it seems like everybody has realized it's a cut through to [Interstate] 84 and there's rock outcroppings and there's things that if the density gets to the point where, you know, I know initially we were talking about the road, the traffic studies that were done back, how long ago was that sir.

Mr. Marvin stated well we did it about 2009 I'm guessing...

Mr. Zarecki stated 2009 and then 2011 had to have them...

Mr. Marvin stated you know and then we updated it in the last 6 or 8 months.

Chairman Rogan stated oh it was, okay.

Mr. Zarecki stated and then we had that traffic when we came, when we went to do the, went to this 80 units, we had it updated...

Mr. Marvin stated we had it updated.

Chairman Rogan stated right, okay.

Mr. Zarecki stated we had a change in engineers looked at the original report and checked it out and it's in the file there and either there's negligible for this type of a project increase.

Mr. Marvin stated you've got to remember a key to the whole traffic study for this particular type of development is the fact that its age qualified so you don't get that rush hour push...

Chairman Rogan stated right.

Mr. Marvin stated in the morning and again in the evenings.

Chairman Rogan stated but I believe when we, in all due respect, I believe when we spoke about that, it seems very hard to 5 years down the line, really control that. That's what its gear towards, I get that, that's what it's marketed towards but the reality of it is people moving in, it's hard for us as a Board to review it as such...

Mr. Zarecki stated well we did, we thought about that when we talked about it a long time ago and I think in this 80 units we have 60 plus of 2-bedrooms and the rest were, there's like 12 3-bedrooms and that was just for salability, if somebody wanted more room...

Chairman Rogan stated sure.

Mr. Zarecki stated and they're about 1,600 square foot units. Also, the size of the units play an important of how much you can get for the units.

Chairman Rogan stated sure.

Mr. Zarecki stated the reason...

Chairman Rogan stated yeah the values right now in Fox Run, I see them listed in the PennySaver, they're \$100,000 for a 2-bedroom...

Mr. Marvin stated this would be a whole different type of fish we're talking about here.

Chairman Rogan stated yeah.

Mr. Marvin stated Joe's got some numbers for you.

Board Member Taylor stated I'd like to introduce, make a suggestion here, we went through this kind of process before and we spent 9, not for this project, I'm talking about the one you missed on Thunder Ridge...

Chairman Rogan stated oh.

Board Member Taylor stated we spent about 6 months, 9 months going through issues and we finally reached the point where we decided we needed a more formal process and we were suggesting that we go to a full EIS, I think there's some substantial issues involved here and I think we should discuss whether we should go to a full EIS at this point and then we can deal with these issues in a different way, the whole senior assisted housing, senior qualified housing, the age assisted housing, you've been citing studies and I wonder if there are counter studies or not about that, we need to examine some of these issues, I think they're very serious issues, real questions, the whole traffic study, it just, it doesn't make sense to me, I think we need to look at that more.

Board Member McNulty stated yeah, one of the things we talked about on traffic was, we looked at this project, if I remember right, for the traffic flow, to take in the community at large along Bullet Hole [Road] and future areas that are open for development, how's that traffic going to affect the roads down the line.

Mr. Zarecki stated we did all that.

Mr. Marvin stated Rich, I think you incorporated that into...

Mr. Zarecki stated we picked up vacant lots and the potential...

Mr. Marvin stated the future build out of the other, whatever the other...

Rich Williams stated yeah, we did, we did.

Board Member McNulty stated was that addressed on the last survey.

Mr. Zarecki stated not on the one we just submitted because it was just preliminary...

Board Member McNulty stated okay.

Mr. Zarecki stated just to confirm what they had there but the original one, we had to go and look at every lot along those roads of future build out of all those roads...

Chairman Rogan stated right.

Mr. Zarecki stated it was a big, big project just getting that study there...

Chairman Rogan stated yeah.

Mr. Zarecki stated and at the end result, we found out that it would have minor impact, even with the 80 [units] added...

Chairman Rogan stated so you're saying it was worth every minute.

Mr. Zarecki stated it was worth every minute.

Chairman Rogan stated there you go.

Mr. Zarecki stated it was a good study so we don't have to do it now.

Chairman Rogan stated well I mean, I think the concerns are pretty, across the board, are pretty clear and we just need to figure out a way to get through them and you know, like you heard us saying earlier, sometimes it's about compromise, it's about a comfort level with what we're moving forward with and exactly what we said earlier, we come, sometimes people come in with an idea what they need and sometimes they end up 3 years later with what they get and it's really dependent on compromise and the process. You know, my main concerns as everybody said, the ridgeline and the impacts because I will not be in favor of a project that ends up look like what's above Putnam Plaza in Carmel.

Mr. Zarecki stated that I would agree with you.

Chairman Rogan stated so thank you.

Mr. Zarecki stated I agree with you 100% there, it just doesn't...

Chairman Rogan stated you know it just ends up, you say I'm glad I wasn't on that Board because...

Mr. Zarecki stated it just does not...

Chairman Rogan stated they probably felt like they didn't have an option, I'm sure they didn't say that's wonderful let's do it.

Mr. Zarecki stated I agree with that, that does not look nice and that is not intent here.

Chairman Rogan stated and the traffic through the site continues to be a significant concern of mine and I'm not, I'm just, that just is what it is because I've been on the site many times, I've driven in there...

Board Member McNulty stated I agree with that too, mine too, traffic is a big concern.

Chairman Rogan stated and then lastly, certainly how that traffic is going to be integrated into the existing road infrastructure of the Town roads and I'm not suggesting that you need to rebuild all the roads or anything I'm just suggesting we need to take a harder look at so that everybody has a comfort level because there are restrictions and concerns in that area. It just is, it's not your, you know it's not your fault, it just is what it and each time we increase impacts, as we were talking about with a 5 lot, or a 6 lot subdivision, you do minor improvements here and there, eventually you bring things up to a better standard. I don't expect any one application to fix everything in the world but I think we need to just look and make sure that we're doing this in a reasonable way.

Mr. Zarecki stated I've been working on this as long as you been reviewing, you know...

Chairman Rogan stated yeah I know.

Mr. Zarecki stated other than what Rich just brought up today which was a good point...

Chairman Rogan stated yeah.

Mr. Zarecki stated I didn't go across the mountain for the view shed.

Chairman Rogan stated so nothing new today then.

Mr. Zarecki stated nothing new but I've looked at the water, we looked at the sewer...

Chairman Rogan stated sure.

Mr. Zarecki stated we talked about whether we need a new plant for the site alone or where to tie in, all the pieces of the puzzle have been looked at and for 80 units it works.

Chairman Rogan stated you're talking about the infrastructure and support, nobody question that tonight...

Mr. Zarecki stated right what...

Chairman Rogan stated we're not questioning the sewage treatment plan.

Mr. Zarecki stated no, I understand that but I'm just saying I understand what you're saying...

Chairman Rogan stated yeah.

Mr. Zarecki stated where we are now is that we're confident that if the way we looked at all the numbers, that if we don't get the 80 units, compromising down is not going to be an option to spend more money...

Chairman Rogan stated yup.

Mr. Zarecki stated on this project going forward with the Board's intent to say we got to knock it down back to where we talked about 4 or 5 years ago, 48 [units], it's just not going to happen...

Chairman Rogan stated right.

Mr. Zarecki stated that's why I showed you the prices have dropped, the houses when we said 48 [units] houses were...

Chairman Rogan stated yeah.

Mr. Zarecki stated I mean look at your own how it's 30-40% less...

Board Member McNulty stated we understand.

Chairman Rogan stated yeah.

Mr. Zarecki stated I can't make this...

Chairman Rogan stated right.

Mr. Zarecki stated the infrastructure costs the same, everything else costs more probably...

Chairman Rogan stated sure.

Mr. Zarecki stated the building costs cost more, I can't sell the houses at 48 units for \$500,000 to make the difference up, they're just not going to sell.

Chairman Rogan stated please don't misunderstand, don't misunderstand and I want to say this clearly, our intent here is not to knock you down to some number, some magical number or number we have that we say well it'd be better, we would like it if it was 50 [units] that is not case for any of us. The reality of it is, this Board has to be comfortable with whatever number 80, 100, 60 [units], whatever it is that it can be supported and not create a hazard because I'll tell you, I drive by this place and the people coming and going from the existing facility, the habits, the way they drive coming in and out of the road, it's dangerous, it just is.

Mr. Zarecki stated okay and...

Chairman Rogan stated and I'm not saying, that just is what it is.

Mr. Zarecki stated with that statement made and I can appreciate that and we have to work through it, what we're looking for is to say the Board would accept 80 [units] conditioned that we still work through all these other issues, instead of saying well we've got to work through all these other issues or I'm not going to all 80 [units].

Chairman Rogan stated what about we work through the issues to determine what the number is. We work through the issues to say okay, what will it support, I don't know what that number is.

Board Member McNulty stated well I think that's what Ron was saying...

Chairman Rogan stated yeah.

Board Member McNulty stated a full study is what will reveal that.

Chairman Rogan stated well I think you just need to be clear to identify why you do it though.

Rich Williams stated well let me just jump in because you know, we do have a formal process...

Chairman Rogan stated right.

Rich Williams stated and it starts off with an EAF, it starts with a full EAF and you want to evaluate that and see what that supports, not say jeez we're looking at this, we don't have any real environmental data in front of us but we're going to do a pos. dec. on it anyway. You got to go through that process and it starts with the EAF, now maybe the EAF is going to support it, you know if I can, one issue that I've been hearing very clearly I think is that if all those houses are left that close to the property, there's going to be a pretty substantial impact on the view shed and that's going to come out in the EAF and you know, if you don't want that to happen, maybe you want to think about shifting the whole project over.

Mr. Zarecki stated right, well we actually looked at that because you mentioned that, we had some where these backs are there is a stone wall that runs right here and this can all be lined with trees over here, which would cover the back there and it meets zoning...

Rich Williams stated listen you're going to have enough disturbance back there, I can tell you from me it isn't going to work just planting a couple of trees out there.

Mr. Zarecki stated I guess my client would like to know, to go further and keep this process going is saying the Board supports 80 units...

Chairman Rogan stated you're not going to get that tonight.

Mr. Zarecki stated if we go through the process and then go through the process and see where it takes us.

Chairman Rogan stated that's an unreasonable request in fairness, in all due respect, what I want to ask Ron is for some help and I thank you Rich for saying what you did about process, I am not opposed to an Environmental Impact Statement but I think what we need to do is be clear because I'm using Ice Pond [Estates] as the example and you'll relate well to this. We have a subdivision application and they went ahead and did a phenomenally extensive archeological study, a thousand holes, I don't know, a thousand holes that they dug, they dug a pile of holes, they spent a lot of money on something that in the end didn't really come up with anything and in the end in Ron's own admission, we would have rather they spent the money on road improvements or something more tangible at the end of the day...

Mr. Zarecki stated I remember that road, yeah.

Chairman Rogan stated so what I want to do because I don't see that we are and this is where I'm tying into the project I wasn't involved with being Thunder Ridge and I want to know how we were limited in our ability as Board by not having, saying an Environmental Impact Statement, we have the processes you said we can review and ask for whatever we deem based on impacts, is there something I'm missing, are we hamstrung or not, do we not have the same authority without being in an Environment, in other words does

that trigger because we've said these signif, these concerns are so significant that we need to formalize or can we through it in the process like we normally would.

Rich Williams stated it all depends.

Chairman Rogan stated okay.

Rich Williams stated you know you start with the EAF, you look, you see if there is an impact to the view shed or the stormwater or you know, the ecology of the area, you know and if there may be an impact based on what you see, you know then you look at whether you have the regulatory means to address that...

Chairman Rogan stated okay.

Rich Williams stated you don't and if you don't, you clearly have to go down the road of an Environmental Impact Statement.

Chairman Rogan stated okay.

Board Member Taylor stated the problem we had with Thunder Ridge...

Chairman Rogan stated yeah.

Board Member Taylor stated was we got to the point where we wanted them to explore alternatives to what they had proposed...

Chairman Rogan stated right, I remember that.

Board Member Taylor stated and they were unwilling to explore alternatives...

Chairman Rogan stated yeah.

Board Member Taylor stated and the only option we had left was an EIS, EIS, which requires them to explore alternatives.

Chairman Rogan stated gotcha.

Rich Williams stated correct.

Board Member Taylor stated it's, I don't know quite what you're saying about the ridgeline, we're talking about you moving those houses off the ridgeline, you're saying no, we're not going to move them off the ridgeline, we're saying explore alternatives don't plant trees, trees aren't going to deal with the situation because at night in the wintertime you're driving down [Interstate] 84 you're going to see the lights along the ridgeline...

Mr. Zarecki stated right.

Board Member Taylor stated trees aren't going to deal with that, that's what we're trying to say.

Mr. Zarecki stated and I agree, that's something we would do to prove all that is to do the balloon test...

Board Member Taylor stated I mean you've got all that property to the left.

Mr. Zarecki stated that's the way to do, if we have to put balloons in the area where Rich and the Board agrees that we're going to have hang a balloon here and then we go around while the leaves are off the trees...

Ted Kozlowski stated I'm going to comment on balloons, I've been involved with balloons, especially at my facility which I run in Westchester County. And they did the balloon test and balloon tests are fine for certain things but balloons aren't lit a night, balloons aren't as big as the roofs and the buildings, you're going to need something...

Chairman Rogan stated they're a beginning point, they're not in totality.

Ted Kozlowski stated better than balloons...

Chairman Rogan stated yeah.

Ted Kozlowski stated and then you're going to have to light it up at night, so you can really see what that's going to look like and on just another environmental concern, with regard to the wetland in there which is not regulated by the Town but that has become a dumping ground for many years and to me that's an environmental concern, so what is your plan to deal with that dump with regard to your stormwater.

Mr. Zarecki stated obviously we would clean it up, it would be cleaned out.

Ted Kozlowski stated right but did anybody look at what's buried there.

Mr. Zarecki stated no, I did not.

Ted Kozlowski stated you need to do that and you need to satisfy us that, I don't know what's buried there and that's been, that stuff has been piled there for many, many years, so we need to know what's in there.

Chairman Rogan stated I think along the ridgeline question, the concern also is that even if you keep 50' or even if you keep 30' off the property, the problem is you can't control what's on the other side of the property. Somebody is going to come in at some point from Commerce Drive and have a wonderful idea and they're going to want to go within 30' of their own property, maybe, maybe not but the point is you don't want to rely on another property protecting your property obviously because that's just not reasonable, you know, you can say well look at all the trees over there, there's 100 acres that's protecting me, it is today and it may very well but who knows what the person's going to want to do.

Mr. Zarecki stated they would be down in here, they wouldn't be right up there.

Chairman Rogan stated well, you never know.

Andrew Fetherston stated well Shawn, the one application that did come in...

Mr. Zarecki stated it drops right off, I mean...

Chairman Rogan stated that's right.

Andrew Fetherston stated had the back wall of the building very close to the property line, the back line, the back wall inside of the building was the retaining wall for the slope.

Chairman Rogan stated you're right, yeah.

Board Member Taylor stated yes.

Andrew Fetherston stated that was the one that came in for...

Chairman Rogan stated on Commerce Drive.

Andrew Fetherston stated at the bottom of the hill.

Chairman Rogan stated right to the, it was like a 50' rock cut.

Andrew Fetherston stated it is certainly possible.

Chairman Rogan stated so you know and again, not I'm making judgment on your application based on that but again we want to balance things and make sure that we're considering the impacts.

Board Member McNulty stated we also noticed again, the proximity to Commerce Drive to alleviate the possible traffic, is there any way to get to Commerce Drive, to link them together...

Mr. Zarecki stated we've looked at that and it didn't happen.

Chairman Rogan stated it didn't happen.

Mr. Marvin stated there is no legal right to get out that way.

Chairman Rogan stated well we realize there's no legal right, yeah, it's a matter of whether or not something and obviously that was explored. You have mixed feelings about putting age qualifying people into a commercial subdivision also, you know, so it's like...

Rich Williams stated and it's a private road in terrible condition.

Chairman Rogan stated yeah, right.

Rich Williams stated we can't get it cleaned up.

Chairman Rogan stated yeah, so...

Board Member McNulty stated that's our problem with the private roads.

Chairman Rogan stated I don't know that we've given you very good direction tonight on what the next step is, I think we've got some concerns that we need to really figure out how now to study them to get the answers to make you feel comfortable and I think that's what our discussion needs to be, you know, traffic, we have a traffic study, okay do we agree with it, do we not, are there areas that can, that on the road that can be improved, I have no idea, I, you know...

Rich Williams stated well, you know, just to recap, I mean the big two big issues that I've heard the Board tonight...

Chairman Rogan stated yup.

Rich Williams stated are the traffic and the visual impact on the ridgeline, they need to go back and further evaluate them, decide whether they can mitigate them at this stage or they can, you know, maybe attempt to assuage the Board's fears that they are not big impacts.

Board Member Taylor stated but we've also, an issue that we haven't discussed tonight that we had discussed before was this whole age qualified and how, whether it will work according to what you hope it will do, that it will keep seniors at a certain, that it won't become a source of families with grandkids or relatives or 3-bedrooms with you know 4 kids in the house and then we've got buses and traffic...

Ted Kozlowski stated didn't they do that at Heritage Hills where they tried to limit it and then they lost...

Chairman Rogan stated they lost.

Ted Kozlowski stated a lawsuit and now it's open to everyone.

Rich Williams stated the problem everybody's going to have and Mike jump in, the law is on the books...

Mr. Liguori stated right.

Rich Williams stated it lays it all out, so you can't go back and...

Chairman Rogan stated it says what.

Rich Williams stated start re-evaluating the law that's already been put on the books.

Board Member Taylor stated no, no, I understand that, what I'm talking about though are the impacts from this development and whether we can rely on age-qualified to tell us what the impacts are going to be.

Chairman Rogan stated right, right, as opposed to regular impacts, hours of...

Rich Williams stated again, I go back, the Town Board evaluated the impacts of having age-qualified out there that made a determination and at this point your assumption has to be as a Planning Board that it's going to be age-qualifying in accordance with the code and if it's not, it's the Town Board's responsibility to ensure it's enforced.

Chairman Rogan stated okay, so then we, based on that, we should, we must proceed in what impacts would be reasonable for age-qualifying whether it's off hours...

Rich Williams stated yeah, absolutely.

Mr. Liguori stated I think the legal question that we need answered and I don't have an answer and I'm not going to shoot from the hip because how expensive it's going to be, you know...

Chairman Rogan stated thank you.

Mr. Liguori stated so, the question you need researched and answered is can you require the applicant to do the study as if it were not age-qualifying...

Board Member Montesano stated alright, if you go to Florida, if I can interrupt you Mike, if you go to Florida, you find more 55 and above communities than you can shake a stick at, you got them \$50,000 a unit up to \$500,000 a unit. Now, I was, when I inquired in this one particular place, I was told that the 55 age limit was on the record but, but because of the lawsuits that were brought in, the person that was under 55 staying there, could not stay there for 365 days. So if they took a weekend away, usually a long weekend, that qualifies them to come back after 3 days to start another year. So the possibility exists well in Florida and I don't know what New York law would do that particular thing is we can have a 55 or older community but is it going to hold up when they bring the grandchildren or their children come in with their kids, they stay for the 360 days and then take a 5 day vacation...

Mr. Liguori stated but the best that we can do is they come in with an application that conforms with the law that we have...

Board Member Montesano stated that's what I want to know.

Mr. Liguori stated that's number one, the second thing that we do is when we review the declaration of covenants and restrictions and whatever the formation is and additional Homeowner's Association or an addition on to whatever's there, is to make sure that that those covenants and restrictions are in place, that's the, that's really what we are obligated to do and then anything after that is speculation, okay because if put a law on the books someone will find a way around it but your job is to say did we put in the restrictions that are necessary in order for them to do their project in accordance with the Federal regulations.

Board Member Taylor stated did the code say anything about the number of bedrooms in these units.

Mr. Liguori stated I don't...

Mr. Marvin stated the code has a density calculation which tells you how many units there can be...

Mr. Liguori stated units, right.

Mr. Marvin stated but the only requirement is that, well not the only requirement but it's required that every one of those units be age-qualified.

Board Member Taylor stated I understand that but part of our concern with density is that we've got 2- and 3-bedroom units instead of 1- and 2-bedroom units.

Mr. Liguori stated but I don't think that's, it's the, there's a connection between the age restriction and the density but not the bedroom count Ron...

Board Member Taylor stated so we can consider that then.

Rich Williams stated I don't know that...

Board Member Montesano stated the den becomes the extra bedroom.

Rich Williams stated I don't know that we didn't base it on bedroom count, I don't recall.

Board Member Taylor stated so we need to look at that, that's just, that's...

Rich Williams stated we have in the past.

Board Member Taylor stated it just strikes me...

Mr. Marvin stated the density in the statute, I'm sorry...

Board Member Taylor stated yeah, well it's just, we need to explore that, that's what I'm saying.

Mr. Marvin stated the density calculation was so many, I forget exactly what it was, so many square feet for a 1-bedroom, a 2-bedroom, a 3-bedroom and then you know, that's how you determine what the maximum unit count would be on the parcel.

Rich Williams stated right, it all ties back to the bedrooms.

Board Member Brady stated when designing the septic system.

Mr. Marvin stated right, yeah, a bigger bedroom was bigger, more square feet, you know.

Rich Williams stated right.

Board Member Brady stated when designing the septic system, is it based on 3-bedrooms or is based on senior living and being 2 people living in it.

Mr. Marvin stated Joe...

Mr. Zarecki stated the septic systems would have been by number of bedrooms.

Board Member Brady stated bedrooms.

Mr. Zarecki stated however this has a sewage treatment plant.

Andrew Fetherston stated Shawn is...

Board Member Brady stated that's a flow anyway, that gets calculated in...

Mr. Liguori stated there's still a flow calculation there, so it doesn't mean you go with the flow calculation.

Board Member Brady stated yeah.

Mr. Liguori stated but anyway, Ron, getting back to the point that you raised, I do think there's, there is a legal question that should be answered which is, are you, do you have the ability to ask for additional information or to do an environmental review, whatever the review is as if it was not age-restrictive. I will research that, I'm not, I don't know if there's a case on it in New York but if there's some technical guidance I'll find it, so I'll look at that, I'll see if there's an answer out there that's different then what you know, you guys have been, than what we think we should do right now, okay.

Chairman Rogan stated thank you.

Andrew Fetherston stated I was just thinking to address some of the Board's question, you have the, the EAF's are brand new, they're more well thought out...

Mr. Liguori stated yup.

Andrew Fetherston stated you know, to say the least, you know, they give you more information, that's one way for the applicant to go, to start address some of the concerns that they hear. Another way is that the applicant prepare a scoping document for the Board to review, just come right out and say we're going to do a EIS or scope out just the studies that you're going to do. There's a couple of ways to go about it, to say here Board, here's what I heard, here's what we're, here's the studies that we're going to do. Mike comes back with no you can't ask them to do a traffic study for market rate or you can, you know, one or the other and I think the applicant has to make a decision as to which way they want to go. I'll give you a scoping document for the studies that we're going to do but we don't we think that we have an EIS, I'll give you a long form EAF...

Chairman Rogan stated yeah.

Andrew Fetherston stated you know, your choice, really, you know.

Chairman Rogan stated very reasonable, very well said.

Board Member Taylor stated so that's our guidance.

Chairman Rogan stated That's why we have you gentlemen and lady, she doesn't say much but she thinks a lot.

Board Member McNulty stated on the previous traffic report that was done, was it analyzed by you Rich or Andrew, I think it was 2010.

Andrew Fetherston stated who did it.

Mr. Zarecki stated I think it was Philip Greeley.

Rich Williams stated I thought Andrew was here at the time.

Board Member McNulty stated if it was can you forward that document to us just to, as a review.

Mr. Marvin stated whoever does the traffic studies for Patterson now, did it.

Andrew Fetherston stated Phil Greeley...

Rich Williams stated you know who did it.

Andrew Fetherston stated John Collins.

Mr. Marvin stated yeah because we couldn't use him to do the update because he works for you.

Chairman Rogan stated right.

Andrew Fetherston stated so we could have another traffic engineer review it.

Board Member McNulty stated well rather than do a whole new review, we can just find our documents from our previous reviews that we can start to look at that.

Chairman Rogan stated well we have all that, I still have a pile of this stuff at home, I knew it was for something.

Board Member McNulty stated well I have a pile too, that's why I have no idea what...

Board Member Montesano stated you have a pile.

Rich Williams stated we can give you what was there so you can take a look at it, refresh yourselves and then we can decide how we want to go forward on that.

Board Member McNulty stated okay, great.

Mr. Zarecki stated so if you get, let's say if you had a warm fuzzy feeling about the traffic speed going through the project and we were able to, it's able to be demonstrated that the ridgeline is not going to be affected by going across whatever we're going to, is there still...

Chairman Rogan stated wait, you missed an and, there's one more and...

Mr. Zarecki stated and the age...

Chairman Rogan stated no, no, no, no the bigger, the one more and, and the traffic generated by this project would not be a significant safety concern on the connectivity of the roads...

Mr. Zarecki stated right.

Chairman Rogan stated Bullet Hole [Road] and Tammany Hall [Road] et cetera, so okay, and I didn't mean to break your flow because you were doing great.

Mr. Zarecki stated we have, okay, no, no, oh, that's good. If all those things panned out, is there any chance that the Board would still say no to the 80 lot units.

Chairman Rogan stated I wouldn't, I would never do that, why would any of us do that.

Board Member McNulty stated if...

Board Member Taylor stated well we've still got the issue of density, that's a big issue in my, these 3-bedroom, these 3-bedroom units are not going to end up with 2 senior citizens and 4 kids...

Mr. Liguori stated Ron, Ron, there's no way, there's no way you can do anything about that, about the, as long as there's an age-qualifying person that occupies that structure, then everything else is beyond your control.

Board Member Taylor stated exactly, that's why your point is very important.

Chairman Rogan stated right, exactly.

Board Member Taylor stated that if we can because...

Chairman Rogan stated you can't have it both ways.

Board Member Taylor stated the 3-bedrooms is the problem.

Mr. Liguori stated it's not the, you could have 1-bedroom and 5 kids.

Board Member Taylor stated yeah...

Chairman Rogan stated well no, but what he's saying though is if you're going to go along the lines of the impacts being for age-qualifying but 85% of the people living in the unit are not age-qualifying, then the impacts aren't real. You have a 65 year old person with two 40 year olds and two 20 year olds for arguments sake, so now you have 5 people, 20% of the impact is age-qualifying, 80% are people that are going to drive to and from work and do all the other stuff and they're making the argument that our impacts for traffic are generated on and based off peak hours so that's exactly the point and I agree.

Board Member Taylor stated so that's what your research is key to the...

Chairman Rogan stated so that's the whole point.

Board Member Taylor stated key to that part of it.

Chairman Rogan stated it makes more sense to do the worst case scenario than the best case.

Board Member Taylor stated yeah.

Mr. Marvin stated but the thing to keep in mind is the data that the traffic engineers use to do those studies comes from their study of actual...

Mr. Liguori stated right.

Mr. Marvin stated age-qualifying developments, so it's not just they've picked a number out of the air and said well this is what it's going to be because it's age-qualifying, they've calculated those numbers based on reality...

Board Member Taylor stated so that's why we...

Chairman Rogan stated so then we need assurances that those studies are on similar projects and that's not all 1-bedroom age-qualifying. Regardless of what Mike said about how we can and can't, they have to be apples and apples and if they're not I completely agree with what you're saying, it's just not, then your impacts aren't the same.

Andrew Fetherston stated similar project, similar scope, similar size, similar location, similar time, done at the same period in time...

Chairman Rogan stated then I'm very happy with it then.

Mr. Zarecki stated I, that's a question we've got to resolve it...

Chairman Rogan stated wonderful.

Mr. Zarecki stated Town Engineer has the report and we have an adjacent report that supplements that report and we can look at that again...

Chairman Rogan stated wonderful.

Mr. Zarecki stated and just to double check and make sure that that issue is quelled and then we'll also take care of Mr. Kozlowski's concern, I didn't forget you, that we're going to go in there and do some test holes and see if there is any deep burial grounds of materials in there and we'll that as well...

Chairman Rogan stated okay, awesome.

Mr. Zarecki stated but I just want to know that we're going to go down here and then in 3 months when we come back you say, now we have another one...

Ted Kozlowski stated and Joe, just for the record, the skidder that we saw sitting there had nothing to do with the logging that's going to, there's no logging going to be on the...

Rich Williams stated the bobcat.

Ted Kozlowski stated the what.

Andrew Fetherston stated the skid steer.

Chairman Rogan stated oh skid steer, not a skidder.

Mr. Zarecki stated no, there's nobody supposed, nobody up there that I know of.

Chairman Rogan stated there's log skidders...

Ted Kozlowski stated we use the skid steer at the park to move our logs.

Chairman Rogan stated I mean I've seen skidders at R&J and they're skidders.

Mr. Zarecki stated if there is something there, I will double check and I'll make sure *inaudible* on that.

Chairman Rogan stated drive up and over a skid steer.

Mr. Marvin stated yeah, I don't know of anything...

Mr. Zarecki stated I don't of anything going on up there.

Ted Kozlowski stated just double check.

Mr. Zarecki stated and if there's something going on there, it's not authorized by the owner of the property.

Board Member Taylor stated I think if you're asking us are we going to come up with other issues, I don't think we are, these are the issues of concern to us, if you address these issues, in 3 months we aren't going to think of another thing that we're going to send you out to, we want you to address these issues.

Mr. Zarecki stated at some point I want to get into the nuts and bolts of this design so that, give Rich something to do and review.

Chairman Rogan stated and I have not heard a single person on this Board, nor...

Rich Williams stated you're going to give me something to do right away.

Chairman Rogan stated with our professional staff that has said there's no way I'm going to approve 80 lots or 80 units, there's no way I'm going to approve this density, what they've said is we have concerns about the density they're looking to do, so that's it, I honestly and sincerely don't believe anyone's going to say no, I have a number in my head, it's got to be 50 [units].

Mr. Zarecki stated I appreciate, I do appreciate that.

Board Member McNulty stated it has to make sense, right now it doesn't make sense totally to us.

Board Member Montesano stated right now, it's foggy.

Chairman Rogan stated it may not now.

Mr. Zarecki stated but then it doesn't matter, if that's the Board's concern, it doesn't matter if we do that work now or we do it for an old design...

Chairman Rogan stated sure.

Mr. Zarecki stated et cetera, they said we could do 80 [units] but this is going to come out, so do it this way anyway.

Chairman Rogan stated there you go.

Board Member Taylor stated and the other concern we're going to have is Fox Run 1, the tenants association...

Mr. Zarecki stated I've met with them.

Rich Williams stated they've already met with them and but yes, we've got to reach to them as well, we've got to take a look at what the impacts of this are going to be onto their existing infrastructure, not just...

Mr. Zarecki stated right, right.

Rich Williams stated the road.

Mr. Zarecki stated I appreciate that.

Chairman Rogan stated okay, I think we...

Mr. Zarecki stated thank you very much.

Chairman Rogan stated have some clarity...

Mr. Zarecki stated no, I think so, it's been great.

Chairman Rogan stated thank you gentlemen.

Mr. Zarecki stated its real good.

Board Member Montesano stated the counsel's got to come up with one thing though...

Chairman Rogan stated what.

Board Member Montesano stated none of these senior citizens can go to Richard Pettey School in Disney World and come back and drive.

Chairman Rogan stated oh okay, fair enough, thank you.

Mr. Liguori stated today, I have a client call with a serious question about a Florida Silver Alert and that's where a senior [citizen] goes missing.

Chairman Rogan stated oh.

Board Member McNulty stated is that what that is, I saw that about two weeks ago.

Mr. Liguori stated a real, real thing.

Board Member McNulty stated I saw it on a sign.

Mr. Marvin stated you'll see them on the little signs, the digital signs above the road.

Board Member McNulty stated yeah for 90 miles, silver alert.

Mr. Liguori stated they were searching for a person, a senior citizen in a red car with grey hair.

*Inaudible – too many speaking at one time.*

Mr. Liguori stated more common down there.

Board Member Taylor stated can we talk about Windward Holdings.

Chairman Rogan stated yes, absolutely.

Andrew Fetherston stated do you want him to suggest somebody...

Mr. Zarecki stated when I do the ridgeline investigation who do I, in other words, the method I use, who would approve my methods, in other words, if I have an idea...

Board Member McNulty stated I'd start with Rich.

Mr. Zarecki stated what might all we need...

Board Member Taylor stated those two I would say, those are the 2 people you talk to, not the one over there.

Chairman Rogan stated he's not paying attention.

Mr. Zarecki stated Rich.

Rich Williams stated yes.

Mr. Zarecki stated would I be, they're just passing it to you guys...

Chairman Rogan stated well Rich made a real valid, I'm sorry, Ted made a real valid point, a balloon test is great for a tower potentially but when you look at a roofline, you have to use your imagination, there's a point where you have to say this is a height, would it stick out. It's not easy, it's not a perfect science...

Rich Williams stated no.

Chairman Rogan stated it's a beginning point.

Mr. Zarecki stated the methodology that we choose.

Rich Williams stated you've got good topo out there, you know what the topo is and there are computer models out there that are going to generate what it's going to look like.

Chairman Rogan stated right.

Board Member McNulty stated so you need some digital imagery that would show that top, those trees cut off the top of the ridge.

Rich Williams stated yeah and it starts, it starts with what he started to do here but taking it to where the valley starts coming back up.

Mr. Zarecki stated I can do that, thank you guys.

Mr. Marvin stated thanks very much.

Chairman Rogan stated thank you, Happy Holiday to you gentlemen.

Mr. Marvin stated thank you.

Chairman Rogan stated alright, we approved that...

Board Member McNulty stated do we have to talk about Windward Holdings.

**b. Site Walk Comments – Windward Holdings**

Chairman Rogan stated yup, okay, Windward Holdings, boy that seems to be the easiest one we've walked in terms of the potential, we all, you know, we all, this is the Route 311...

Rich Williams stated that may be but I'm sitting here anxiously waiting to see what you say because I can pretty much predict what you're going to say, the previous application, I told them right from the beginning, don't count on ever getting a common driveway. I don't know what you're going to do with this.

Board Member Taylor stated well I think what's before us is whether we make, what kind of recommendation we make to the Town Board about whether to change the zoning or not.

Rich Williams stated correct.

Chairman Rogan stated right.

Board Member Taylor stated and if, I don't want to speak for everyone but it seemed to me that the consensus was until [Route] 311 is changed, there's no way we want to see a commercial property in that location and if that's the case then our recommendation would be not to change the zoning.

Rich Williams stated I would say that you're going to make a recommendation to change the zoning...

Board Member Taylor stated to not change the zoning.

Rich Williams stated let me say this, you're going to make a recommendation to change the zoning, then he is going to take that, propose a project and as part of that project, he's going to have to make substantial road improvements, whether he goes forward with that project based on the cost of the road improvements, that's the \$64 question here...

Chairman Rogan stated right.

Rich Williams stated but if you don't change the zoning, then there are no road improvements period, if you do change the zoning, then there's the potential of having those road improvements, did you...

Board Member Taylor stated I understand your logic in what you're saying there, I also remember being told that we can consider residential count at a later stage in the application and now we're stuck with 80 units rather than 48, so I'm reluctant to recommend any zoning changes without knowing that we're not boxing ourselves in.

Chairman Rogan stated I don't feel like we're stuck at 80 [units], I feel like we're stuck at whatever the site will support, not stuck, I feel like, you know...

Rich Williams stated you're not, you're not stuck...

Board Member Taylor stated the issue back in the beginning was we had a density of 48 [units] and it's not, that's off the table...

Chairman Rogan stated yeah.

Board Member Taylor stated and...

Rich Williams stated but I didn't take it off the table, in my recommendation I would still stand by that, that you still have adequate authority to evaluate whether 80 units or 120 units or 30 units...

Chairman Rogan stated absolutely, yup.

Rich Williams stated are appropriate for that site.

Chairman Rogan stated yeah, I agree with that.

Rich Williams stated and you know, from what I've heard from the Board, I can tell you right now, that if your concerns are valid, there is no way he's getting 80 units out there because it's too big an impact.

Board Member Taylor stated no, I understand that, it's just, it makes us go through this and it's, one of the points, one of the whole points of maintaining the rural character in the Town, was its density and it was a density of maximum 48 [units] and we've now thrown that out, we can't fall back on that as a fallback strategy so we, we have to spend this time re-evaluating all these other situations when in fact we should have stayed at 48 [units], it's the way I'm looking at it.

Rich Williams stated but that was a decision of the Planning Board at the time you made the recommendation because we were still stuck trying to do that evaluation at that time and if you go back and you read the record, it was you couldn't really come up with a final determination so you decided to let him go ahead, change the zoning then let him go through the process at which time then you could evaluate that potential impacts of density.

Chairman Rogan stated if their impacts are so significant as Rich, you know and we can't, I don't know that I would support, I wouldn't support 48 [units] if 48 [units] can't be met.

Board Member Taylor stated well...

Chairman Rogan stated you know, that's the reality of it, I'm not here to approve their impacts just for the sake of approving them. Nor I think is anyone else.

Board Member McNulty stated and 48 just, were bedrooms that we talked about, not units...

Chairman Rogan stated not units.

Board Member McNulty stated it was R-4 zoning, I think we came up with 48 bedrooms.

Board Member Taylor stated yeah, so now we're talking about, yes...

Board Member McNulty stated 160 bedrooms.

Board Member Taylor stated I was just saying, based on the history of this process, I would be reluctant myself to recommend the change in zoning and then deal with the situation down the line.

Rich Williams stated that's reasonable, I'm fine with that.

Board Member McNulty stated R-4 zoning, that's how many lots, that's what I remember.

Chairman Rogan stated that would only be like 12 lots.

Board Member Taylor stated so how do you others feel about...

Board Member Brady stated if you build a house, you're never going to get the road changed or how many houses can you build on the lot.

Rich Williams stated one.

Board Member Brady stated ones, not...

Board Member McNulty stated on this Windward Holdings lot...

Chairman Rogan stated oh, we're not talking about Fox Run anymore and obviously having a residential driveway exit right there is a death trap, I mean that sight distance is a huge issue where we're talking about.

Rich Williams stated well now here's something...

Board Member Montesano stated connect to Bear Hill, yeah.

Board Member Taylor stated yeah, for a residence.

Rich Williams stated potentially he could but the reality is, it's a single family lot, he can come in, he can propose putting a driveway anywhere he wants, if he puts it on Bear Hill, our Highway Superintendent, he's going to review it and approve or deny, whatever or if he'd rather, he can go through DOT and see what DOT says about it, DOT may approve it, they may deny it. What it comes down to is whether you think the lot is suitable for residential or commercial growths.

Board Member McNulty stated as far as road access at [Route] 311...

Chairman Rogan stated it's a tough lot for both.

Board Member McNulty stated I'd say it's qualified for residential...

Chairman Rogan stated what about selling it to the State.

Board Member McNulty stated because it's a lot limited...

Rich Williams stated well you know that's, I agree with you, the highest purpose of that lot is open space.

Chairman Rogan stated yeah, the State, it borders State land already, obviously that's not our purview but you know, the State you know, I don't know.

Board Member Taylor stated so do we have a recommendation.

Chairman Rogan stated oh I...

Board Member Taylor stated on the zoning change, that's all that's before us.

Chairman Rogan stated I think we have to come up with the wording for that, I agree with Rich's logic on that...

Board Member McNulty stated let me ask this, this all came about due to one applicant, correct, wanting to change the property, should we talk to that applicant again and get his let him know how we feel and see if it's worth pursuing, you know, maybe he's willing to go the nine yards and fix [Route] 311, I tend to doubt it but maybe that's a courtesy that we should extend to speak to him.

Rich Williams stated and I have spoken to him about that, so he does know, he's a little concerned about the fact he may have to make substantial improvements, the difficulty right now is we're assuming what DOT is going to do out there...

Chairman Rogan stated right.

Rich Williams stated we don't know for sure, I agree with Andrew, I can't ever envision DOT not requiring turn lanes both ways coming down that hill and up that hill but...

Board Member McNulty stated let me ask, if we made a recommendation, okay, we're okay with it being commercial, now it comes back to us in the Planning process, what say do we have, as a Planning Board to improve [Route] 311, is that out of our control.

Chairman Rogan stated or to say that you can't build what you're proposing because it's unsafe, you just told me, you changed my zoning for me, you recommended it, now you're saying it's not safe.

Board Member Montesano stated we're not the ones that do the road, the State is.

Rich Williams stated yeah.

Andrew Fetherston stated we...

Board Member McNulty stated so if the Planning Board has no say on the improvements we need...

Rich Williams stated nobody said that.

Board Member McNulty stated well I'd just...

Mr. Liguori stated no, the question is, well I think the answer is that you can say these are the improvements that we need based on our engineers recommendation to make your project safe, okay...

Chairman Rogan stated perfect.

Mr. Liguori stated alright, now, does the DOT agree...

Chairman Rogan stated right.

Mr. Liguori stated to let you make those and they may say no and then we're not going anywhere because we say that's what we need and DOT says yeah, maybe that's correct we're just not going to let you do it.

Chairman Rogan stated so can we ask for DOT to do an assessment.

Board Member McNulty stated so the DOT cannot overrule what our requirements are.

Chairman Rogan stated why not.

Mr. Liguori stated no, the DOT, you know if...

Rich Williams stated well here's the...

Mr. Liguori stated well DOT could come back and say we don't agree with the Town but...

Chairman Rogan stated what about if we get DOT to weigh in, ask them to do a review of a commercial lot...

Rich Williams stated well here's what we do, is we run it through the SEQRA process, we do a limited scope EIS...

Mr. Liguori stated right, right.

Rich Williams stated we bring the DOT in early on...

Mr. Liguori stated right, as an involved agency.

Rich Williams stated and then if we like...

Chairman Rogan stated you mean as part of making a recommendation, right now, I mean.

Mr. Liguori stated they are an involved agency.

Rich Williams stated an involved agency, so we get their recommendation early on, we see what it is, worst case scenario we don't agree with the DOT and we do a findings that says you will do these improvements but I don't know where that puts anybody but that kind of puts the applicant right in the middle of everyone.

Chairman Rogan stated well that's...

Board Member McNulty stated that tells us, gives us direction to say...

Mr. Liguori stated but look, if our engineer says you need this and DOT's engineer says no I don't agree, okay, there's going to be some professional basis for both parties, okay, it's not going to be, I would assume it wouldn't be whimsical, you know, I mean there's going to be some rational to various opinions, you know and that's where the rubber's going to meet the road.

Chairman Rogan stated yeah.

Board Member Taylor stated so can we do SEQRA on a request for a recommendation, that's what we're faced with...

Rich Williams stated no, you cannot.

Chairman Rogan stated no.

Rich Williams stated you cannot but the Town Board before they do anything with the zoning, has to do SEQRA.

Mr. Liguori stated right.

Rich Williams stated you can make a recommendation to the Town Board that you have these issues and you think it should be fully vetted before the zoning change is made, if you're going to recommend changing the zoning. If there's no recommendation to change the zoning, then there's no, the process stops.

Mr. Liguori stated or you know, you guys say hey what, you know what, we don't have enough information before us, we need some technical information, applicant go hire an engineer and go do a traffic study and analyze whether or not we need to improve 312...

The Secretary stated 311.

Mr. Liguori stated 311.

Board Member McNulty stated we don't need a traffic study, there's...

Board Member Brady stated no, we know...

Board Member McNulty stated 5 of us, 6 of us in, I think have common sense to say that is a bad place to have...

Rich Williams stated yeah, it doesn't, you know...

Board Member McNulty stated I travel that road every day, my family and the people in this Town, it's not a good place for a driveway.

Andrew Fetherston stated well I think more to Mike's point, maybe not a traffic study and then that but a study to say...

Chairman Rogan stated what can be done.

Andrew Fetherston stated a competent engineer look at the Ashtoll regulations for the sight distance and come up with where the driveway could be...

Chairman Rogan stated or...

Rich Williams stated look at the existing traffic on the road.

Andrew Fetherston stated well best is here but I can only get this many feet, I'm going to have to whittle this back and do this...

Chairman Rogan stated right.

Andrew Fetherston stated that's what you're looking for, you're looking just a plan that's going to work.

Board Member McNulty stated so can we make a recommendation to the Town Board to say we don't have enough information...

Chairman Rogan stated we don't have to make a recommendation.

Andrew Fetherston stated you don't have anything now.

Board Member McNulty stated we feel that...

Board Member Montesano stated you don't have to do it.

Chairman Rogan stated it's not a recommendation, you're just basically stating we don't...

Board Member McNulty stated a response, a response to the Town Board.

Chairman Rogan stated have enough information to make a decision, right.

Board Member McNulty stated to say that we don't have enough information...

Chairman Rogan stated I think that makes a lot of sense.

Rich Williams stated alright, so I'm going to draft a letter to the Town Board saying at this point the Planning Board does not have sufficient information based on their perceived impacts of this project to Route 311 and so they are not forwarding you a recommendation at this time, if the Applicant so chooses to move forward with a further analysis of the potential impacts on [Route] 311 and how to adequately mitigate them, they can revisit the...

Chairman Rogan stated I think that's perfect.

Board Member Brady stated that's probably perfect.

Chairman Rogan stated because you already said it.

Rich Williams stated thank god it's on the tape.

Chairman Rogan stated I know because it was great.

Board Member Montesano stated hey Mike, any influence you got.

Board Member Brady stated hey Michelle, type that tomorrow morning please.

The Secretary stated I'm not in.

Board Member Taylor stated instead of just saying potential impacts, Rich you should emphasize the safety because that's really what we're concerned with is safety...

Board Member McNulty stated yeah.

Rich Williams stated okay, I'll emphasize the safety.

Board Member Taylor stated yeah, I mean we're not concerned about how many cars are going up and down the road but being able to turn in and out of the...

Chairman Rogan stated you're right.

Andrew Fetherston stated it's the geometry...

Chairman Rogan stated you're right, yup.

Board Member Taylor stated yeah.

Andrew Fetherston stated it's the geometry and the alignment.

Chairman Rogan stated the speed of the, it's a 50-55 mile an hour traffic going up and down there, well down maybe not up.

Board Member Montesano stated yeah.

Board Member Brady stated oh yeah.

Board Member McNulty stated bring up other roadways in the Town, like [Route] 22 and [Route] 164, a big wide highway, there's quite a few accidents out there, that's a pretty good sight line.

Rich Williams stated I did go chasing accident data for [Route] 164...

Board Member McNulty stated did you.

Rich Williams stated yeah, I have maybe, all my sources, there's no real accident data, I've got all the traffic counts for Route 22...

Board Member McNulty stated the fire department doesn't keep track of where accidents are.

Rich Williams stated no, no, so at this point if I'm going to pursue it, I've got to reach out to...

Mr. Liguori stated 9-1-1 can...

Rich Williams stated OEM or DOT, I've got to submit a FOIL to DOT.

Mr. Liguori stated I was just going to say to Tom, you know the fire department doesn't really keep track of accident data, what they do is, they have a record of their calls...

Board Member McNulty stated their calls.

Mr. Liguori stated but there isn't anybody who collates data...

Chairman Rogan stated right.

Andrew Fetherston stated that's yours...

Mr. Liguori stated if that was the case, yeah it'd be great...

Board Member Brady stated you'd have to sit there and go through all those calls.

Board Member McNulty stated but 9-1-1 I think would have it because they give the address of where accidents are.

Mr. Liguori stated you know the question for 9-1-1 is, do they have some computerized capability to plug in a road and say, give me every call on this road...

Board Member Brady stated of course they do.

Mr. Liguori stated that's the question.

Board Member Brady stated it's just a matter of programming to do that.

Mr. Liguori stated right, programming, they have it, you know...

Board Member Montesano stated we used to do it with the ambulance corp. but now the Patterson Fire Department's ambulance is not, right, doesn't answer the calls.

**b. Site Walk Comments – NYSEG**

Chairman Rogan stated let's move on to one more site walk we did, NYSEG, it's not on here but let's kick that out quick.

Rich Williams stated it is on there.

Chairman Rogan stated oh, I must have an old agenda.

Board Member Montesano stated yeah, you got a paper on it.

The Secretary stated I did give you a revised one, I promise.

Board Member McNulty stated oh yeah, I see it.

Chairman Rogan stated I might have it sitting here anyway, okay, NYSEG, we all site walked...

Board Member Montesano stated no.

Mr. Liguori stated Shawn, I must have left the room for a minute...

The Secretary stated no, I did it before I left at 5.

Board Member Montesano stated no, I didn't go up there.

Board Member Taylor stated I looked at it.

Chairman Rogan stated oh there it is, parked real nice...

The Secretary stated no, it's not so bad, it was much worse earlier, the office 80°.

Chairman Rogan stated okay and that's an easy one you can do on your own. NYSEG, very easy, everybody had the same comments.

Board Member Montesano stated yeah, the house is sitting there, yeah...

Chairman Rogan stated I would never put something like that up against somebody's house.

Board Member Montesano stated the property line, the guy will be screaming his head off.

Chairman Rogan stated so have you spoken to the folks from NYSEG yet for that application to relay...

Rich Williams stated as directed, yes.

Chairman Rogan stated and they, did you get any feedback.

Rich Williams stated they're waiting for these comments to be released...

Chairman Rogan stated great.

Rich Williams stated I gave them a heads up about what was coming in the comments, that those that were out on the site, did not see any merit to pushing this thing back.

The Secretary stated what do you mean they're waiting for them to be released.

Chairman Rogan stated thank you, so we can move to release those comments which is going to happen whether we make a motion or not, so that will happen, right.

Rich Williams stated that's not true.

Chairman Rogan stated not true.

Rich Williams stated we're not going to release them unless you direct them.

Chairman Rogan stated so can I have a second.

Board Member Taylor seconded the motion.

*Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.*

Board Member Montesano stated abstain.

## 5) MINUTES

Chairman Rogan stated okay, there were go and we have minutes that we desperately need to approve, Michelle is asking for our support of these...

Rich Williams stated we're going to have a conversation.

Board Member McNulty stated I just have one comment on, Michelle, on November 7<sup>th</sup>...

Chairman Rogan stated Michelle.

The Secretary stated I'm sorry.

Board Member McNulty stated November 7<sup>th</sup>...

The Secretary stated yes.

Board Member McNulty stated it's a minor thing but you note on page 16, C-Containers, as the letter C...

The Secretary stated yeah.

Board Member McNulty stated when we say that it's like sea, like sea level.

The Secretary stated oh, okay, I will correct that.

Board Member Brady stated I have to abstain from the October 3<sup>rd</sup> meeting.

Chairman Rogan stated alright, so let's do September 26<sup>th</sup> first, motion to approve, so I have a second.

Board Member Montesano seconded the motion.

*Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.*

Chairman Rogan stated a motion to approve on October 3<sup>rd</sup>, do I have a second.

Board Member Montesano seconded the motion.

*Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.*

Chairman Rogan stated any abstain.

Board Member Brady stated I abstain.

Chairman Rogan stated okay, motion on November 7<sup>th</sup>, with the corrections that were...

Board Member Montesano seconded the motion.

*Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.*

Chairman Rogan stated alright and we have a meeting, we didn't do the meeting schedule yet...

Mr. Liguori stated now are you only abstaining because you weren't here.

Chairman Rogan stated yeah.

Mr. Liguori stated that's not a good enough reason.

Chairman Rogan stated that's what I said, read them, okay anybody...

Board Member Brady stated yeah, that's what the lawyers tell me at work too.

**a. 2014 Meeting Schedule**

Chairman Rogan stated Monday, it's 2014. Michelle, the only change is at the bottom of the notice, the dates are off by a year.

The Secretary stated okay, I think I may have corrected it, somebody else pointed it, I just didn't send out an updated one.

Chairman Rogan stated okay, motion to approve with those corrections, second.

Board Member McNulty seconded the motion.

*Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.*

Chairman Rogan stated alright and motion to adjourn.

Board Member McNulty seconded the motion.

*Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.*

The meeting adjourned at 8:48 p.m.