

APPROVED

TOWN OF PATTERSON

**PLANNING BOARD MEETING
December 28, 2010 *Work Session***

AGENDA & MINUTES

| | Page # |
|---|--------------------|
| 1) Albano Wetlands/Watercourse Permit – Public Hearing | 1 – 3 |
| 2) Thunder Ridge Ski Area – Continued Discussion | 3 – 24 |
| 3) Genovese Site Plan – Consideration of Final Approval | 24 – 26 27 – 28 |
| 4) Taggart Estates – Consideration of Preliminary Approval | 26 – 27 28 – 30 |
| 5) Ice Pond Estates – Continued Discussion | 30 – 33 |
| 6) Other Business | |
| a. Eurostyle Marble and Tile | 33 – 34 |
| 7) Minutes | 34 |
| Patterson Crossing Discussion | 34 – 35 |
| Reilly – Farm to Market Discussion | 35 |
| Boniello Site Plan Discussion | 35 |
| Levine Fill Permit Discussion | 35 – 36 |
| County Line Getty Discussion | 36 – 37 |

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

Michelle Russo
Sarah Wager
Secretary

Richard Williams
Town Planner

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



TOWN OF PATTERSON
PLANNING & ZONING OFFICE

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

PLANNING BOARD
Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Thomas E. McNulty
Ron Taylor

Planning Board
December 28, 2010 Work Session Meeting Minutes

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

APPROVED

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member McNulty, Board Member Taylor, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector (Arrived at 7:51p.m.).

The meeting began at 7:30 p.m.

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

Chairman Rogan stated the last meeting of 2010.

Rich Williams stated do you want to...

Chairman Rogan stated I just asked, at work sessions we don't usually do.

Rich Williams stated okay.

Chairman Rogan stated okay, for the first item on the agenda, Albano, it looks like we have people here for Thunder Ridge, so it makes sense to flip-flop them but I am going to recuse myself from the first two applications, so Charlie if you would be so kind as to lead the Board.

Board Member Cook stated will do.

Chairman Rogan stated okay.

Vice Chairman Cook stated good evening, well we're not going to flip-flop them because the first one is real quick and we'll dispense with that one...

1) ALBANO WETLANDS/WATERCOURSE PERMIT – Public Hearing

Vice Chairman Cook stated the first one is the Albano wetlands/watercourse permit, we did a site walk, we did, we spoke to Mr. Albano last meeting and I believe that everything is in order and we are going to have

a public hearing next month, our first meeting of the New Year. Rich will have a resolution for us prepared and I do not have any questions relative to the application, the site, if anybody else does, I think between the comment letter from Rich and the letter from Ted, our E.C.I. guy, I'm okay.

Board Member Taylor stated my only, I was concerned about the language that went into the deed, that was the only concern I had.

Vice Chairman Cook stated okay.

Board Member Taylor stated so I was going to pull some of the stuff that you had drafted from, I can never remember the name of that place, Fields Corner...

Rich Williams stated Fields Corner Road, Ginsburg Subdivision, it's either that or I will draft the resolution up, I'll try to get it done by the end of the week and that language will be in the resolution, you can look at that.

Board Member Taylor stated all right, that's all I'm concerned with and whether we should include some permitted activities, some illustrations so people know what they can and can't do out there.

Rich Williams stated typically everything is staying without, outside of the one hundred foot buffer, really the concern is making sure that the hundred foot buffer is, that is delineated properly so anybody in the future knows where that line is and then the deed is just going to put them on notice saying you know you can't go past that without, you know, first obtaining a wetlands/watercourse permit.

Board Member McNulty stated right, so it would be a limits of disturbance type of wording.

Rich Williams stated yes.

Board Member Taylor stated and Ted's note said stonewall but I don't think we had agreed on, we just thought some kind of a permanent barrier, it wouldn't have to be a stonewall.

Vice Chairman Cook stated it'd have to be but I think Mr. Albano said that he was willing to try to complete it up...

Board Member Taylor stated he would put the stones but he didn't want to build a stonewall.

Board Member McNulty stated just a post and rail fence he talked about.

Board Member Taylor stated yea.

Rich Williams stated he also talked about placing strategically placed boulders along the line.

Vice Chairman Cook stated boulders.

Board Member Taylor stated which, I really like that idea, something...

Board Member McNulty stated yea, on the final wetlands application or site plan, where would you put that note.

Rich Williams stated right on the one hundred foot buffer line.

Board Member McNulty stated okay.

Board Member Taylor stated that's it, that's all I've said my...

Board Member Montesano stated no problem.

Board Member McNulty stated no problem.

Vice Chairman Cook stated okay, so we'll have the resolution ahead of time, it can be looked at, commented on and back to Rich, okay, next, Thunder Ridge.

2) **THUNDER RIDGE SKI AREA – Continued Discussion**

Mr. John Watson of Insite Engineering, Mr. Bob Ravallo of the DEC and Mr. Dean Ryder were present.

Vice Chairman Cook stated good evening again, want to re-introduce everybody here and introduce this good looking fellow.

Mr. Watson stated good evening I'm John Watson from Insite Engineering, I'm here with Dean Ryder who is one of the property owners and Bob Ravallo from the New York City DEP.

Vice Chairman Cook stated good evening.

Mr. Ravallo stated pleased to meet you gentlemen.

Rich Williams stated that comes right out, if you want, no, no, pull the mic right out John.

Vice Chairman Cook stated before you start John, I just want to ask a couple of questions.

Mr. Watson stated yup.

Vice Chairman Cook stated than I will open it up to other Board Members and yourself to take it from there. Have you received copies of Rich Williams' letters of 11/23 and the E.C.I. guy's letter of 12/15.

Mr. Watson stated yes.

Vice Chairman Cook stated okay.

Mr. Watson stated is the 11/15, the first memo is just what you gave me at the Planning Board Meeting.

Rich Williams stated oh, I've got to get, they didn't get the E.C.I. memo I don't think.

Mr. Watson stated I got the E.C.I., it came in the mail to me.

Rich Williams stated oh okay, all right.

Mr. Watson stated the other one was just the first memo you did and gave me at the meeting, the last meeting.

Rich Williams stated I gave you tonight two site walk comments, one that was done by myself and one that was done by the engineer.

Vice Chairman Cook stated right, just want to make sure you have all...

Mr. Watson stated yes.

Vice Chairman Cook stated correspondence that we have and I'll leave it up to DEP about getting those, along with your letters that you sent us, so everybody has, you know a complete file.

Mr. Watson stated okay.

Vice Chairman Cook stated (inaudible).

Mr. Watson stated okay, I've copied our team and everything I've submitted to you, I've copied our team and whenever I get something from you I distribute it to the team so everything, we got Ted's comments today, they were sent out so we've all had a chance to look at them...

Vice Chairman Cook stated okay.

Mr. Watson stated prior to the work session.

Vice Chairman Cook stated okay, good, I just want to make sure I understand this part, the project is being funded by DEP.

Mr. Ravallo stated yes.

Mr. Watson stated yes.

Vice Chairman Cook stated yes.

Mr. Ravallo stated this part of the DEP wastewater treatment plan upgrade program because of the 1997 enactment of the rules and regulations to protect the New York City watershed, certain things were put into place, one of the requirements that the City has is there are certain things that have to be done to treatment plants to meet these new rules and regs, since they are New York City rules and regs, our rules, we have an obligation to pay for it, it's not only to pay for the engineering, the construction, soft course like legal expenses etcetera but as long as those rules are the things that have to be met, we have to keep paying for the O and M to meet those rules and regs.

Vice Chairman Cook stated okay.

Mr. Ravallo stated so it's not only that we are paying today but it's a long term future commitment, in fact the program, it's projected to spend by the time we're completed a little bit less than five hundred million dollars and we're almost done, this is one of the last plants that needed to be upgraded, there were reasons why this is one of the last ones, I won't bore you with those reasons.

Vice Chairman Cook stated okay, we may ask you later.

Mr. Watson stated just to put it in context, this is one of about forty plants, sewer treatment plants in Putnam County and there are about sixty in Westchester County, East of Hudson.

Mr. Ravallo stated there were in the East of Hudson, there were, let me see, I think there were sixty-nine West of Hudson, there were eighty-six, actually seventy East of Hudson...

Mr. Watson stated so this is one of seventy on, in the East of Hudson DEP watershed.

Vice Chairman Cook stated okay, as far as DEP is concerned what's being proposed to us is the only option that DEP sees for this site.

Mr. Ravallo stated okay it's, it's not the only option, it's a very acceptable option. One of, when I was aware of the Town's concerns about the stream crossing, I went to two separate teams of engineers, this program in addition to utilizing DEP engineers, we also use New York State EFC, Environmental Facility Corporation Engineers, they help us manage the program, they are bankers, DEP money goes to them, they can write checks a lot quicker than the City can but as part of their services to us, they provide engineering services so they review plans and then we review it a second time and one of the things I challenged, not only the engineer from EFC who was responsible for this project, a one Harry Nelson but his boss also, another engineer and these are engineers that have many, many years experience, I said is this a problem and I said it more than once and they assured me that we can deal with it and then totally independently I went the engineers that are direct reports to me and put the same questions and this is not the first stream that we've had to cross, I mean most sewer treatment plants are located near a stream because we have discharge generally into a stream so at this stage, it's, it is acceptable, yes we know that there is a permitting process, we had to build a bridge actually not that long ago in Lewisboro a project called Wild Oaks and yes we had to deal with the DEC, I guess it's their stream management divisions and we had to get permits and because it was a trout stream just like this stream, we were limited to when we could do our construction but I don't want to say it was routine but it's not the first time, it's not the first time we've done this but it's not the first time that you know, other people do the same thing and there are very tight guidelines and the City, the DEP as an environmental agency, we're the last ones that would want to compromise a stream, I mean why would we want to, say my program, me personally, why would I want to be responsible to say I'm spending close to half a billion dollars and then be responsible for contaminating a stream and that stream eventually is going to work it's way into the New York City Watershed, at the very least it would be embarrassing and at the worst, somebody will jump all over me.

Vice Chairman Cook stated so are you saying that if you were sitting up here with this group and came to the SEQR Determination you would say it's a negative dec.

Mr. Ravallo stated let me see, I'm not sure I would say it's a neg dec but there are mitigations that you can do, I leave it up to the engineers to enumerate all the possible bad stuff but he would also have to have a plan how to you know, deal with it, for instance, the construction period that's, I know the DEC was very concerned when you do the construction, if I remember right, I always tend to get it backwards but I believe you can't do the construction from I think it's the October one, roughly to either...

Mr. Watson stated March...

Mr. Ravallo stated April, March one...

Mr. Watson stated thirty-first.

Mr. Ravallo stated March thirty-first, that would be the first thing that we would be required to do, like you, if I was sitting up there, I might ask the question you know what about salting the road and this other facility where we have to build this bridge, well the bridge was there to start with okay, but it was falling apart, it would not support the equipment so they are continuing to salt the road or the bridge but this is not like a regular road, there is a sewer treatment plant and the operator once or well, he'll go into the plant once a day and he'll come out of the plant once a day, that's very low usage, now the issue of salting, one vehicle, you might consider and I look at the owner, you might consider not salting, there are other ways to, I mean this is a small stream, so I might ask that question if I was sitting up there...

Vice Chairman Cook stated it's on my list.

Mr. Ravallo stated okay.

Vice Chairman Cook stated the funding that DEP has, does that expire.

Mr. Ravallo stated no, I have, the City has, there is something called Section 141 of the MOA, Memorandum of Agreement, all of the counties in the watershed with the exception of Dutchess County signed it and all of the towns, okay, we have an obligation to fund all existing wastewater treatment plants in the watershed but if someone, it's more difficult East of Hudson but if someone, your own Town is a perfect example, I forgot, that's right, if someone would decide to build a new sewer treatment plant or expand an existing treatment plant, we still have an obligation to fund it and the treatment plant right here in Patterson, yea, most of it was funded of what I call 141 but there is another section called 143 that takes care of new and expanded plants...

Vice Chairman Cook stated okay but your...

Mr. Ravallo stated so I have to pay for it no matter what.

Vice Chairman Cook stated but you don't have to pay for it in the next sixty days or, I mean this funding is going to exist for awhile.

Mr. Ravallo stated yes but I have another concern which...

Vice Chairman Cook stated please, I'm not trying to imply dragging this out or anything like that, I am just trying to understand that you are funding mechanism...

Mr. Ravallo stated okay, this doesn't help my case but if I had to pay for this next year or the year after, I have the funding and the year after...

Vice Chairman Cook stated okay, that answers my question.

Rich Williams stated however if I could just interject, the original Memorandum of Agreement that everybody signed had some timing issues in which the plants were all going to be upgraded and we are well beyond that deadline.

Mr. Ravallo stated yea, exactly, I have people like the DEC on my back, when are you going to finish, when are you going finish, okay...

Vice Chairman Cook stated yea, okay.

Mr. Watson stated just so I can clarify one thing, just so I can put it in context, Bob what is your actual position at DEP.

Mr. Ravallo stated I am the Program Manager of the Wastewater Treatment Plant Upgrade.

Mr. Watson stated so Bob, you're the top guy for this entire upgrade program of all the plants.

Mr. Ravallo stated yes, of all the plants, yea.

Mr. Watson stated so it's, just so you understand whose here.

Vice Chairman Cook stated okay, why don't you go through...

Mr. Watson stated based on our site walk, I know there was discussion about moving the plant to a different part of the property and I believe at the end of the site walk we did not convince the Board that we had the best solution, the Board I think there was still some concern about putting the plant up there and why the plant could not be located elsewhere on the property, so I thought the best way to illustrate this would be to get an aerial map to show the Thunder Ridge property and this I think helps clarify some things. The bold line around the outside is the properties that are owned by Patterson Center LLC and are part of the active ski area, included in this are two smaller parcels one is a small parcel down here that the lodge is located on and another small parcel up along here that is currently not being used but we do, we do cross through that parcel to get where our proposed treatment plant location is which is right here, it's hard to see from where you are but I can bring the map up if you'd like, this is Stephen's Brook, this dark blue line that runs through here and there is a little pond here and then it is directly piped down through here, under [Route] 22 and into the Great Swamp, we are also showing the hundred foot buffer to Stephen's Brook. What this shows is that lodge is located down here, this is, for reference this is Route 22, this is Birch Hill Road and this is Old [Route] 22, this is the main parking into Thunder Ridge and this is the maintenance building and the main chair lift is here so this area here is where all of the pedestrian traffic comes in and out of the facility, this is the lodge, this is where all the rental areas in here, this is where you pick up your lift tickets, that's where the concession stand is, everything, all the pedestrian traffic is basically in and out of this building and they come right across, and there is a couple lifts and then they get taken up into the site. We've shown this, it's hard to see but this blue line, light blue line is the limits of what's being used for the ski area and that's important because we tried to stress this at the first meeting and in our letter, wherever this plant is located, we can not have an access driveway to the sewer treatment plant crossing any of these ski trails, we can't have a driveway going across where the skiers cross, for those of you who were out there for our site visit, we did drive up to this site and it was the first say Thunder Ridge was open and there were not a lot of people there and it was very, very difficult for us to get across through those people and to put, number one just logistically getting through the people is difficult and then having an access driveway that's not snow is impossible, it does not work with the ski area.

Board Member Taylor stated show us the area of future expansion, the tube run and those things that you talked about.

Mr. Watson stated okay, this parcel here is a six acre piece of parcel, it's got frontage on [Route] 22, it's got frontage on Old [Route] 22 and this was picked up, picked up, this was acquired after the ski area was taken into ownership, so this was made available after this was in Patterson Center LLC's name, this was

picked up for either potential future expansion of the ski area or other potential development because it is a viable, developable parcel, it's six acres, it's got road frontage, it's right here on the main corridor, so that is this parcel so to encumber this with the sewer treatment plant is not...

Board Member Taylor stated so is that the parcel where you were going to do the tube run, you talked about future expansion, where would that go.

Mr. Watson stated yes, the future expansion would be in this area over here, is that correct Dean.

Mr. Ryder stated yea, it's the only area with decent road access, I mean there is a significant amount of land there obviously but there is no potential ingress and egress, literally no potential ingress and egress during the winter and during the summer it's all down where John indicated current utilization exists...

Board Member Taylor stated let's stay on the future expansion a minute, you keep going off on, you talked about putting a lodge there, the ski school, the tube run...

Mr. Watson stated yup.

Board Member Taylor stated would you have another slope going up or another lift or...

Mr. Watson stated possibly, there is no plan, there is no specific plan as of today's date as to what is going to be built there but it was acquired, after this was acquired it was...

Board Member Taylor stated I understand that, you don't need to keep saying that.

Mr. Watson stated okay.

Board Member Taylor stated one of the things you emphasized in the beginning was you have plans for future expansion, which you were taking into consideration as to the placement of the plant...

Mr. Watson stated if those were my exact words, that is not what I intended.

Board Member McNulty stated it's a little bit more than a concept right now, I thought...

Mr. Watson stated yea...

Board Member Taylor stated there's not even a concept it sounds like.

Vice Chairman Cook stated it's the possibility that they could use that for the uses that he just described...

Mr. Watson stated yea with this type of business you have...

Vice Chairman Cook stated there's no plan, no concrete plan or even a concept, the concept in the broader sense is that they could have it there for tubing or another small or large or something there...

Mr. Watson stated it was a business decision...

Vice Chairman Cook stated that's it, I mean, it doesn't go any further.

Mr. Watson stated it was a long term planning facilities, that's what you do with these big properties...

Board Member Taylor stated that's fine, I understand that now but you were using as part of your argument for why you couldn't relocate...

Mr. Watson stated yea.

Board Member Taylor stated so, I need to understand, so that's...

Vice Chairman Cook stated you okay.

Board Member Taylor stated yea.

Board Member McNulty stated I have a question, that future expansion area, technically who owns that.

Board Member Taylor stated the bank.

Mr. Ryder stated the same, it's owned by the same entities, my brother and I own all of this, we acquired that separately as John indicated but we do own all of this.

Board Member McNulty stated so the same, I assume it was corporation that owns that piece that owns all of Thunder Ridge, it's all one...

Mr. Ryder stated here is what some of the considerations are, when I was a kid, there were five ski areas in this area that I used to ski at, there was Fawnstock, there was Big Birch, there was Beekman, there was Mount Storm and Silvermine, that was across the river. All four, all five of those areas have failed, this got a new lease on life, the others will never come back, ski areas are a tenuous business at best and you take our geographic location down here and there are a lot of issues that we have to mitigate, for example the Great Swamp, it raised the temperature about two to three degrees and the difference of two to three degrees when you go to make snow is huge depending upon the equipment you have, it also enhances the humidity of the area which is another dynamic consideration when you go to make snow. If you have high humidity and high temperatures, you can't make snow, the guy up the road can but all of these areas have failed, ski areas are not, I'll tell you, Wayne and I don't mean any money out of this, this isn't something that we're making money...

Board Member McNulty stated just where I was going with my question is so Patterson LLC I believe it is, owns a ski mountain and that parcel, the parcel where the road is going to cross over in the current proposed location, it that also Patterson LLC or is that a separate entity that owns that...

Mr. Ryder stated it is Patterson LLC, it's on the tax maps as the bank but it's not that bank it's Patterson LLC, we've been (inaudible).

Mr. Watson stated Rich said that the Patterson Assessor's cards...

Rich Williams stated our assessment records currently show it as owned by the bank.

Mr. Ryder stated it's not.

Rich Williams stated okay so...

Mr. Watson stated Dean checked with the County, the County says Patterson Center LLC.

Rich Williams stated if we just pull the deeds and check...

Board Member McNulty stated it just seems like another complication, now we are crossing a separate property that...

Mr. Ryder stated no, it's not a separate property, it isn't...

Board Member McNulty stated I understand how you look at it, it's all technical to one area but technically it is for future sell off or...

Rich Williams stated well regardless typically what we would do in this instance is if more than, you know, one parcel was encumbered with an improvement, we require those parcels to be merged, so if the Board approves this site plan, showing that driveway going across to that wastewater treatment plant, then they are going to have to combine those parcels.

Board Member McNulty stated that would make sense because it looks like a pretty useless parcel except up at the top, it's somewhat wider...

Mr. Watson stated it is...

Board Member McNulty stated I don't know if you could do anything with it.

Mr. Ryder stated yea, I would say that is pretty accurate...

Rich Williams stated yea.

Mr. Ryder stated but one of the problems is and it goes back to the viability of the ski area, if this ski area fails, we have to get out of this investment somehow and if we have to tie a sewage treatment plant on six acres down there, which is probably our most viable, saleable piece because of it's road frontage and proximity to [Route] 22 to the lodge, it would render the six acres relatively useless because the lodge could not be sold without the sewage treatment plant.

Board Member McNulty stated so that six acres is it's own tax map right now.

Mr. Ryder stated its it's own, we pay separate taxes on the six acres.

Vice Chairman Cook stated let me ask you this, where you, that six acre lot, in one of your letters John, you mentioned that you would have to take into consideration some type of odor control...

Mr. Watson stated I said we may have to.

Vice Chairman Cook stated may have to, okay, what about at your proposed location.

Mr. Watson stated okay, the odor con, if you have an area where you have heavy concentration of pedestrian traffic, people just standing around, we may want to consider that, if you have the building off on the, up there on the side of a ski slope, I don't think it would be a problem to have it there, we've had

these MBR plants within a hundred or two hundred feet of travelled areas, they are generally not an issue, you might get a smell sometimes when you're pumping out the tanks or something but if you're going to put it in close proximity to, how many people do you have here on a busy weekend day...

Mr. Ryder stated I mean it's thousands.

Mr. Watson stated thousands, if you're trying to put it within a hundred feet of thousands of people that are just walking by, that's not something that we want to do...

Vice Chairman Cook stated let's consider the neighbors or...

Mr. Watson stated once you get a couple, a hundred feet, two hundred feet away, it disappears, it's not like, this isn't, this is a membrane bioreactor treatment plant, it almost all of the processes are in closed vessel tanks, it's not these big open outside clarifiers that just smell, everything's covered, everything's inside the building but you do have occasional smells and you do have, you have occasional smells and that's not from a business perspective, you know this is, there are thousands of people here, you just don't, it's, we wouldn't recommend that.

Vice Chairman Cook stated the proposed roadway, culvert going across the stream and up to the proposed building, that driveway is only going to be used for that particular building, no other...

Mr. Watson stated that's what we've said so far, it's...

Mr. Ryder stated I read Ted's comments there, the reality is that's a poor access to the upper part of the hill during the summer, the vastly superior access exists down at the bottom, there's less pitch, it's a better road, it's a wider road, during the winter that's not viable, you can't utilize those road, they are ski area during the winter, I mean we're talking, to take it a step further, during the winter, let's say we want to use that road during the winter, we can go about as far as the sewage treatment plant and then we have to terminate...

Mr. Watson stated we're showing no physical connection.

Mr. Ryder stated these are trails, this is the limit that dead ends here, this is a trail that comes down around, this is as far to the north as the trails go but as you can see to get across up into here for instance for paintball, you couldn't do it, it's just too much topography to cross effectively, actually anything with snow on it serves as a barrier...

Board Member McNulty stated but that's how you get to paintball now though isn't it, you go up that road.

Mr. Ryder stated how you get to paintball now during the winter...

Board Member McNulty stated oh during the winter they take the lift up.

Mr. Ryder stated this is how you used to get to the old game farm, that was up where the paintball is and this is how they get to paintball during the summer, during the winter they utilize the lift.

Board Member Taylor stated all right let's talk about a different alternative here...

Mr. Watson stated Dean would you...

Board Member Taylor stated what if you move the one ski trail and utilize the, that area for the road going up to the plant, keep the plant where it is, cross down right next to the fence that's your training area, bring the road right along that fence, connect to the ski trail, go up there and move the road down from it's present location down to there, make that your permanent road...

Mr. Ryder stated we still have to cross the stream.

Board Member Taylor stated you already have a stream crossing.

Mr. Ryder stated we have a stream crossing to the west of the building...

Board Member McNulty stated I believe that's your bunny slope.

Board Member Taylor stated to the northeast of the building.

Mr. Ryder stated that's our bunny slope, that's exactly right and it's also, it's also the source of water that is integral to operate a ski area, without the water the ski area is...

Mr. Watson stated the other part of this is, I think it's poor planning to try to put vehicular access directly adjacent to where you're going to have hundreds, if not thousands of skiers, skiers go out of control, it's, it's, I think it's bad planning, I think whatever we can do to keep, what we can do...

Mr. Ryder stated snowboarders do too...

Mr. Watson stated what's that...

Mr. Ryder stated snowboards in particular go out of control.

Mr. Watson stated whatever we can do to separate this from the ski area, benefits everybody especially from a safety standpoint, to have an access road going up here, there are people, do people jump trails, do they go trail to trail...

Mr. Ryder stated our primary clientele is, these are people that are learning how to ski, this is not destination area, this is an area where people come, they learn how to ski, then they go on to Strat and Stowe and all of the larger areas, so we're dealing with relatively low skill levels for the most part with the exception of the kids that are in the race team and things like that.

Mr. Watson stated and they are giving up a trail, that's a huge...

Board Member Taylor stated make a trail on the other side.

Mr. Ryder stated we're giving up probably the most popular trail, that is how most of, any of you guys ski.

Vice Chairman Cook stated no.

Mr. Ryder stated only you Tom, if you've ever skied here...

Board Member McNulty stated I have.

Mr. Ryder stated this is relatively steep, particularly by novice standards now the way most of the people that ride the triple, the vast majority get down is to come up here and to go around like this, they come down here or here but they go down and around because the topography is just gentler all the way around. This is like nine or ten degrees pretty much all the way around, this is dramatically steeper.

Board Member Taylor stated but you have two trails on that side, you've got the trail the road is now on which is a little higher and then you have a lower trail right next to the...

Mr. Ryder stated I'll tell you Ron they are two relatively narrow trails, you start squeezing people into an even narrower, come up there on a really busy weekend where you're taking the vast majority of the traffic and you're trying to run them through this area here, this will be a nightmare if you turn that into, if the whole ski area basically dumped through here...

Board Member McNulty stated I agree, to take that trail away would impact the skiing there no doubt.

Mr. Ryder stated it would make it truly dangerous, it's relatively dangerous now on a high volume weekend, it would be dramatically dangerous if you're talking about just one trail.

Vice Chairman Cook stated okay let me just go back to the proposed site again, you have the driveway going to the building, it was in someone's letter relative to concern about spillage into the stream, okay now can you comment on what precautions you would take to ensure that that stream stays virtually exactly that way it is because I know when we were walking through it that water looked crystal clear and I'd hate to see anything going in there.

Mr. Watson stated I have two ways to address your comment, the first is wherever this is located you're going to have the same potential for, whether it's located here, here, here or here, you're going to have the same potential for spills and all that stuff, no matter where it is, so wherever it's located we can take precautions which I don't have a list right now but those are the things we can develop as we move forward, this was an initial submission to the Board to discuss the project and if it's decided that this is acceptable to the Board then we can start talking about mitigation. We have shown no mitigation for this whatsoever, we understand that when you cross a stream and that there is potential for negative impacts and that you have to do some type of mitigation, you know we haven't got to, we'd love to get to that point with you to say okay we've gone through our alternatives, this is the best all around option for the treatment plant location, now that, if that's decided then we can say okay what mitigation is agreeable to all of us to put this and that's where, that's where we'd like to go, we understand that, as Bob said, we've done, as part of the upgrade program there's been stream crossings, we do stream crossings often, we try to avoid them as much as possible but there are times when they are unavoidable and when they are unavoidable, you still have, you go through the permit process and you mitigate it to the maximum extent practical. This, stream crossings are not prohibited, you have to get a permit for it but it's not flat out prohibited...

Vice Chairman Cook stated right.

Mr. Watson stated so we are, by anybody, so we just need permits from people, we, during the permit process there will be a lot of people looking, as Bob said, a lot of different agencies, a lot of different people looking at this and you know we're confident as we've done in the past that we can put together a plan that during construction and after construction we'll satisfy you.

Vice Chairman Cook stated Bob, besides funding and doing all the other activity that you do on these projects, do you do follow up, I mean does somebody from DEP come out and look and test the water after a project is complete.

Mr. Ravallo stated after we declare a facility functionally complete, essentially I issue a directive to start it up, okay and that lasts for a year, it's like an O and M period for the first year it comes out of a capital fund, for the second year it comes out of a regular expense fund but immediately once the start up and performance testing begins, the DEP has another group, this group, some of it works closely with me but on a regular basis they send out inspectors to the plant and this is they do this at every single treatment plant in the watershed. I believe it's more frequently than every quarter but it's a dedicated group and their job is to visit the plants, visually see that they are maintained, on a monthly basis the plant has to fill out reports and this group on a monthly basis reviews the reports. Okay I build these, okay but I don't forget about, obviously if something goes wrong I'm the first person they are going to come to A because I have money and you know what they can do, so the DEP in definitely will continue to visit these plants...

Vice Chairman Cook stated okay.

Mr. Ravallo stated and they're, it's not only that they are accountable to the DEP, the DEC is also involved, now in Putnam County and in Westchester County the review of the designs are delegated to the Department of Health of each county, however, one going the DEC you know, monitors you know the compliance and if a plant comes out of compliance and there are a whole bunch of things that might violate, one of the relatively common is they'll exceed their permitted flow or they'll have a phosphorus (inaudible), they don't do something right and if they don't fix it relatively quickly, you know there is a meeting and functionally, A they are either taken to court or they enter into some sort of...

The Secretary stated hang on one second Bob.

(Side 1 Ended – 8:12 p.m.)

The Secretary stated go ahead.

Mr. Ravallo stated but there is a lot of oversight, in fact there is tremendous oversight...

Vice Chairman Cook stated good.

Rich Williams stated trust me.

Mr. Ravallo stated yea, you should know Rich.

Rich Williams stated yea, we exceeded our temperature for three months by two degrees, I've got to develop an action plan now to reduce the outfall temperature of our plant.

Board Member McNulty stated the DEP, so do they fund any remedial work that may happen if a failure occurs in accordance with that MOA that you addressed earlier.

Mr. Ravallo stated we're responsible for those pieces of equipment and processes to meet the rules and regs okay for instance one of the more expensive things is microfiltration okay, if you need new cartridges or part of it breaks we're required to pay to repair it, there are some things that we share responsibility for,

you have disinfection but there is back up disinfection, if part of the system of disinfection would fail, we'll split the cost since the owner, he's responsible for the primary but nobody uses one piece of the equipment and leaves the other one unused, you keep switching back and forth so if that breaks it's 50/50.

Board Member McNulty stated so there is...

Mr. Ravallo stated when we entered into the O and M agreement there were attachments and they are very specific what the DEP is responsible for is spelled out, what the owner is responsible for is spelled out and if it is a shared responsibility, the percent sharing is spelled out, in fact I guess you could look at the Patterson agreement, Rich can show you an example of it, so we don't even though our dollar responsibility doesn't go away, if part of what we're putting in breaks, we have an obligation to fix it.

Mr. Ryder stated I should probably point out that this isn't something that Wayne and I went out and solicited...

Board Member McNulty stated no I understand that.

Mr. Ryder stated this is a demand from the City...

Mr. Ravallo stated for microfiltration.

Board Member McNulty stated just...

Mr. Ryder stated and in terms of locating the site we didn't choose the site, they chose the site...

Mr. Ravallo stated no we...

Mr. Ryder stated they being the engineers.

Board Member McNulty stated yea.

Mr. Ravallo stated okay, your engineer.

Board Member McNulty stated in review of the E.C.I.'s comments, he makes some good arguments and it seems to be a contradiction into normal DEC standards of how things are done and then how things want to be done here and I still go back and I look at that six acres and I understand your argument where it's a standalone lot and down the line if something were to happen to the ski, it becomes a valuable piece of property but I just look at that map and I look at where the lodge is, to run to the corner of that six acres, even if you came out along the road to avoid the undergrounds that were commented on, it just looks like it makes so much more sense dollar wise, DEC wise, I look at things very black and white and try to look at common sense, I'm not an engineer but it just makes sense to me and if that six acres, I think you said with the road, the proposed area takes up about an acre, so if you eliminated the road well you'd have to still put some kind of road in, even if you lost an acre off that 6.8 acres in a future development or if everything went bust, I think you'd have bigger problems than worrying about selling that six acres, I don't know I just still see it explored and then the cost analysis as its noted on the bridge is sixty-five thousand, to me that seems like a low estimate, we just approved a bridge for a residential property up the road and I think their costs were considerably more and even in the break down, there are areas there that I don't think were included in the sixty-five thousand that probably there black and white some are with the bridge, some

aren't with the bridge, so I don't know what your actual cost is to put it in the lower level but that's a lot of money sixty-five thousand if you can avoid.

Vice Chairman Cook stated before you comment let me add to it, you stated that to go from the lodge across to the six acre site it was much underground utilities to group it all, now taking that at face value okay but hooking onto what Tom said, isn't there another way to get over there, I mean I know that putting the plant on that site aesthetically is not the greatest thing but that can be mitigated too with nice plantings and a nice design of the building etcetera holding aside the future sale, liability, what have you but it just seems, what he's saying and what I think what I'm saying too is that I guess if there were some, again I'm not questioning your comment if you will but some empirical or something that really you know says yea, this is where all of this stuff is utility wise and how difficult and more costly to get from that point to the six acres.

Mr. Watson stated that we, I can tell you know, we can not quantify that, we, some of the utilities are, the locations are unknown so we don't even know where they are...

Mr. Ryder stated the problem is that numerous ownership has existed here and stuff was put in willy nilly, some by professionals, some by less than professionals, some as a results of an immediate demand that a pipe blew up, had to recourse the pipe...

Board Member McNulty stated but still that can be dealt with, they dig up New York City streets everyday that are...

Mr. Watson stated right.

Board Member McNulty stated a quagmire of pipes and stream and engineering...

Mr. Ryder stated I agree.

Board Member McNulty stated so to me that's a weak argument when I read that.

Mr. Watson stated that was just one more reason why...

Board Member McNulty stated I understand but...

Mr. Watson stated and it's not a big dollar amount but it's complexity, frustration and cost and it will add just a little bit of all those things but the fundamental thing is, the Board's, it's seems like your being cavalier about just cutting off 20% of a develop, of a separate, usable piece of property and that is not something that should be taken lightly.

Board Member Montesano stated excuse me, we're being cavalier, if I'm reading this properly, you've already design the plant for that thing without an approval being given.

Mr. Watson stated excuse me, no, we came to you with an initial submission for discussion...

Board Member Montesano stated yes.

Mr. Watson stated and what we do is on all other projects, the way the DEP has their contract set up with their consultants we make a, we go through a conceptual upgrade plan to a preliminary plan, facility plan, 65% drawings...

Board Member Montesano stated oh so that's not considered cavalier that you can design something without an approval, it's just a design.

Mr. Watson stated we're doing, we have no approvals yet for the project.

Board Member Montesano stated right with just a design, if I'm reading this correctly, you...

Mr. Watson stated a new design.

Board Member Montesano stated designed this building for where you are putting it on that paper.

Mr. Watson stated correct.

Board Member Montesano stated okay, in the same instance, this Board is going through every possible thing, so why are we cavalier and you're not considered cavalier...

Mr. Watson stated you weren't here at the last meeting, I don't think.

Board Member Montesano stated I don't think I was.

Mr. Watson stated we had a very long discussion about the, some of these things.

Board Member Montesano stated but that doesn't make us cavalier for asking questions.

Mr. Watson stated no, as I said at the last meeting was I completely, the way we left it was and I stood here and I said I understand where you're coming from, the Board said we are struggling with this, we do not see that this is the best place for this and I said I completely understand if I were in your shoes, I would feel the same way, let's go to the site walk, we'll walk it, we'll show you what we think, we'll show you logistically how difficult it would be to put down here and why we think this is the best area. That's how we left it at the last meeting then we had the site walk and now, I think we've given pretty good reasons why we should not encumber, the owner is being forced...

Board Member Taylor stated you contradicted yourself for one thing, as I pointed out before you presented this argument about future expansion and that was one of your arguments why you couldn't, didn't want to use the six acres.

Mr. Ryder stated that was one argument.

Board Member Taylor stated yes it was one argument...

Mr. Watson stated what is the contradiction then.

Board Member Taylor stated the contradiction is that you had all these plans that involved a new ski lodge and a tube and new slopes and all these things which were part of your plans but we can't use that when we're looking at the other side when we're looking at the location of the site which is what I was trying to

do when I talked about relocating the road, if you would look at this comprehensively you could consider relocating that one trail which would then give you the road but you're saying we can't we look at that because those are just pie in the sky dreams that have nothing to do with anything, that is the contradiction here, you're arguing both ways with us and then accusing, we have a mandate to protect that stream...

Mr. Watson stated understood.

Rich Williams stated can I jump in here for just a second, if I can ask just two quick questions and maybe we can put this all to bed. The current ownership of the larger parcel is very specifically is who...

Mr. Watson stated Patterson Center LLC.

Rich Williams stated the ownership of the six acre parcel is who...

Mr. Watson stated Patterson Center LLC.

Rich Williams stated it's owned by the same corporation, it's not owned by the bank.

Mr. Ryder stated correct, no it's just a separate lot.

Rich Williams stated never mind.

Mr. Watson stated I, previously...

Board Member Taylor stated let me finish, let me finish, it's just you've got us up against the wall, one of your arguments is we can't move it because we've already spent so money designing it in the place that we want to put it, you've come to us too late to use that argument, you didn't involve us in this discussion which is what Mike was trying say, you can't accuse us of being cavalier because we should have been involved earlier so that you could see the extent of our concerns about this. We don't want to interfere with the economic viability of this site, we certainly don't want to do that but we have a mandate to protect the stream also, if it is not an undue financial burden if it's, if the proposed, if the alternatives are an undue financial burden then we have to approve the site as you've given it but I don't see where you've yet shown us that it's undue financial burden for you to do something a little bit differently maybe you can't use the six acre site to site the site, what about changing the road, I suggested that, that is much smaller of a change, you're objection is one ski trail, move the ski trail somewhere else, your objection is the ski school, you've already talked about moving the ski school to the other site, let me finish, let me finish, do you understand what's happening.

Mr. Watson stated I understand everything you've said, I agree with what you're saying but I don't feel that you are hearing what I'm saying. I already previously apologized tonight to you for a misunder, my miscommunication, either you misunderstood me or I didn't say it correctly but there, I did not contradict myself, I think I said something and you interpreted it one way and then questioned me on it so I don't think I've contradicted myself, there was not, when I said there were future plans, their to use your word pie in the sky, it's an idea that the owner has that they purchased that property because they said long range that could be important to them in the future.

Board Member Taylor stated I understand that, I understand, I'm not objecting to that, you shouldn't have brought it up as an argument against using that six acre site.

Mr. Watson stated I think that's our best argument for not using the site.

Board Member Taylor stated but the fact that you have brought it up, means that it should be in the pot for the consideration of a whole design, think about the whole design, can you gain that ski trail by moving it somewhere else, can you gain the practice area, the training area by moving it somewhere else, you're going to do it anyway in your long range that would be something you could give up...

Mr. Watson stated okay.

Board Member Taylor stated and we would, it would certainly shorten this process if we didn't have to approve a stream crossing.

Mr. Watson stated our discussions...

Mr. Ryder stated one of the problems is we're topographically constrained and Tom I think you've been up there...

Board Member McNulty stated well I've skied, bulls run, the lower one's not bulls run I don't think but I agree it would be an impact to that ski slope to lose that trail and to relocate it, I don't know if that's possible unless you cross the stream and come down through the woods.

Mr. Ryder stated (inaudible) trails that we have, I think the Board's, I'm sure the Board's objective is to retain the stream in it's current pristine shape and to be honest with you, as I said, as the owner, we did not select that site, we did not volunteer to put a sewer treatment, we tried to avoid this at all costs, we wanted to go underground it didn't work, we spent a lot of time, a lot of money and...

Mr. Ravallo stated that is one of the reasons it was last...

Board Member McNulty stated I think a lot of what the Board sees, we see the E.C.I.'s comment, he makes some very valid comments but when I read the engineer's comments, I understand some of them but I feel that the arguments are weak, I mean aesthetically if it was on that six acres or in that area, you're still next to ski trail probably more skiers on the upper location than the lower location, road access I don't see it as a problem right off of Old [Route] 22 into that site, verse going up a steep hill with much residential traffic to get into a hard turn into that other road, so I see the argument balance, it's not selling me, unless is some hard evidence that I'm missing.

Mr. Ryder stated you're talking about one car...

Board Member McNulty stated we talked about trucks that would maintain it once a month also, I understood there was a...

Mr. Watson stated there would be like...

Mr. Ravallo stated they have to deliver certain chemicals.

Board Member McNulty stated which is limited, it's not an every day thing I understand that.

Vice Chairman Cook stated wasn't there like sludge removal...

Mr. Watson stated occasional.

Mr. Ravallo stated in the other direction, periodically there would be sludge removal.

Mr. Ryder stated I have a road going into our farm and I understand what Ted was saying about salt and so forth, I have a road going into our farm, it's been there for a gazillion years, it's significantly steeper than the pitch we're talking about here and I don't sand that hill, I plow it, I plow it heavily, I never sand it, I would assume we could probably do the same here and if a gate at the base of this mitigates some of this discussion and keeps the traffic off of the ingress and egress piece here, the concept is not to turn this into a highway to access the upper part of the mountain okay, basically you could during the summer, it just wouldn't make sense but the objective is to keep the stream as clean as possible, honestly I understand this I was chairman of the Forest Practice before Ted was on it and I understand...

Ted Kozlowski stated I voted for you Dean, so I was on there.

Mr. Ryder stated you did a great job, you did a great job.

Ted Kozlowski stated I was on it before you.

Mr. Ryder stated and Ted is actually, Ted, you followed me didn't you on the Board.

Vice Chairman Cook stated Theodore do you want to say anything at this point.

Ted Kozlowski stated I put everything pretty much in writing and one of the other things I want to reiterate, this forested stretch of buffer from here to here is only accessed by three minor driveways, if there is trout in the stream and if the quality is important, than this is the most important stretch, this is where they want to access it with a road, where I suggested in my memo was down here where there is already a major problem with runoff and I've expressed this to Dean and the Conklin's as well as Rich Williams and I many times, there is a situation down here and I really feel the thing should go here and rectify this problem here all in the same batch of work. There is an alternate to crossing the stream and I'd like the gentleman, you're from DEP...

Mr. Ravallo stated yes.

Ted Kozlowski stated it has been hammered home by DEP and the watershed people to me and a whole bunch of certified watershed foresters to preserve and protect the riparian buffers, it's in the plans, it's funded by DEP and we are stressed to look for alternates and what I find amazing is that you guys are agreeing to this so readily when there are other options and that I find very confusing and I will bring up at the next watershed meeting how can this be, you know, how does DEP say one thing one day and then here is a whole other situation so let's cross the riparian forested buffer when there are options to not effect it what so ever and to discharge into a stream that is already unsuitable for trout because of what's going on from Thunder Ridge here, let's address this all together, let's get it fixed.

Mr. Ravallo stated I'll tell you this about the discharge and this is all the upgrades when we finish upgrading this plant, the quality of the effluent is going to be superior, state of the art, almost all...

Ted Kozlowski stated sir I don't care about that, that's not , I'm not worried about that I know you guys will be on top of that. What I care about, what I'm concerned about is a swath of clear cut coming through here on a steep slope on the north side over a trout stream that is pretty much the one section of Stephen's

Brook that's really been basically unaffected all this time, it's protected by a hillside, it's on the north side, it stays cold and now we're accessing this and with all due respect Dean, I don't believe that this will just be used for, there will be access, there will be access points, I witnessed when I was with you that day, you've got the people going to the paintball right through the skiers, they can access this, they can get there, you drove your four wheel drive vehicle right to this point, without the use of a road, so they can access the paintball areas, I'm just worried that it's an intrusion that isn't necessary, if this was your only viable course I wouldn't say boo but when I look at the six acres here, I look at a big parking area here, I look at a lot of open space and I look at a very successful ski area I just, my point is I think there is another option than this, especially, especially and this is what really confuses me about DEP and DEC, there seems to be a set of different criteria for different things, it's never unified, it's never one everybody together on a certain thing, it's always, there's exceptions, there's always, and I don't know who to believe...

Mr. Ravallo stated you know we're not looking at this on an exception basis, okay...

Ted Kozlowski stated you're looking at a treatment plant but there is another section of DEP that's looking at riparian buffers and I don't think you're talking to each other.

Mr. Watson stated and we're going to work with that, if this is where the site is going to go, I don't think you were here for the beginning of our discussion if this is an acceptable location to the Board then we can start talking about mitigation, what can we do to get across the stream to make you happy.

Ted Kozlowski stated John, my mitigation is relocate it to another spot, that is my mitigation I don't think it's necessary to cross to Stephen's Brook at a spot that is really quite sensitive when we can go to another spot that is already degraded it's, we can have discharge in there, we can do other things and clean it up at the same time and our Town Engineer when we were at the site walk felt very confidently that this was not a big issue to get a pipe from somewhere around here to that discharge point.

Mr. Watson stated pipes are the easy part.

Ted Kozlowski stated right.

Mr. Watson stated you can put pipes anywhere, it's getting a driveway to there and then taking...

Ted Kozlowski stated a driveway off of Old [Route] 22, off of this road...

Mr. Watson stated to get from anywhere...

Ted Kozlowski stated well you've got this...

Mr. Watson stated and traffic.

Ted Kozlowski stated you've got this driveway as opposed to something right off here.

Mr. Watson stated giving up, you know it's already a burden to the owner to have to do this upgrade, he doesn't want this, he wants to keep what he has, he's being forced to do this project and then now he's being and now it looks like he's being, he may have to give up potential usable property for this.

Ted Kozlowski stated but John you know and I think...

Rich Williams stated Ted...

Ted Kozlowski stated the gentlemen up here brought up, where, this is kind of late in the game here, this is the first I've seen of it, maybe a month or two ago or whenever the application was submitted and this happens quite a lot too and it happens with Insite as well, I'm usually the last guy to you know, you guys know the rules, you never even asked me to look at the flagging here, okay and how many times have I asked before you start a project and before you submit the plans, let me go see the flagging, let me check the delineation and that didn't even happen.

Mr. Watson stated those flags were just put up two months ago, three months ago, we're trying to get going...

Ted Kozlowski stated all I'm saying is it's...

Mr. Watson stated we're trying to parallel processes with a lot of different agencies at the same time and it...

Ted Kozlowski stated all I'm saying is it seems like you guys have gone far into the system and Dean and Wayne might have spent some money and all this...

Mr. Ravallo stated actually I'm the one spending.

Ted Kozlowski stated okay, you spent the money but we're, you know it's like guys we have to put it here and we never were, no one was ever asked for an opinion.

Mr. Ryder stated there are a lot of agencies that know stream crossing far better than we do that are going to be taking a look at this and if it is a danger to the stream, I don't imagine they're going to allow it, so...

Ted Kozlowski stated well Dean I...

Mr. Ryder stated at some point if this is a problem...

Rich Williams stated Mr. Chairman, if I could just jump in here, this seems to be going round and round at this point...

Vice Chairman Cook stated we're going to wrap it up in two minutes, just wanted to give Ted...

Ted Kozlowski stated I'm done.

Rich Williams stated I think they've heard the Board's concerns, they understand that the Board is not happy with the location, you do have an application before you at this point that you do have to evaluate, I think that this point they understand that they may not get an approval on this application if they go forward and I think that is where we are. I would like to ask one quick question and that is where do we stand with SEQR, have you started it, has anybody circulated what were your intentions.

Mr. Watson stated no we've done, like we came to you actually, usually we wait until our 90% submittal to go for local approvals so we're coming to you actually on this project ahead of schedule because I wanted to get initial feedback from the Town before we got very deep into this.

Vice Chairman Cook stated okay, you have correspondence, you have all the comments from this meeting, okay, respond to us and answer to those and we'll take it from there.

Mr. Watson stated thanks for your time.

Vice Chairman Cook stated okay, thank you.

Rich Williams stated two minutes while we get Shawn back in here.

Vice Chairman Cook stated yes.

Mr. Watson stated by the way I mean no disrespect to the Board, I mean we are out of...

Board Member Montesano stated John you've been here before...

Board Member Taylor stated we know that, we know that.

Mr. Watson stated I know and I...

Board Member Taylor stated and we mean no disrespect for you.

Mr. Watson stated fine.

Board Member Taylor stated we understand.

Board Member Montesano stated it's not a personal thing, it's a (inaudible).

Mr. Watson stated there are times when we come in with projects that we know are out there.

Board Member Taylor stated can you leave that.

Mr. Watson stated yes.

Board Member Taylor stated so we can look at it because it's hard to read...

Mr. Watson stated yea, that's fine.

Board Member Taylor stated thank you.

Vice Chairman Cook stated thank you.

Board Member McNulty stated thank you guys.

Mr. Ravallo stated good evening gentlemen.

Mr. Watson stated thank you.

Vice Chairman Cook stated good evening and thank you. To keep the meeting in record time please...

Chairman Rogan stated make a motion to adjourn.

Board Member Montesano stated second, don't put that minutes because then we have (inaudible).

3) **GENOVESE SITE PLAN – Consideration of Final Approval**

Chairman Rogan stated okay on Genovese, the only thing I think we have left, we have a comment letter from Ted which talks about...

Ted Kozlowski stated minor, minor.

Chairman Rogan stated minor, yea, it talks about possibly trying to save a large sugar maple on site, there is an issue of possibly a fence or a stonewall being constructed along one side of the entrance to keep debris and intrusions into the wetland and a issue about, I agree with you Ted, not using them for some reason identified certain landscape plantings that would not be as deer resistant as some that Ted had suggested they stay with which is...

Ted Kozlowski stated I mean you know, in fairness to them they are trying to make a nice design...

Chairman Rogan stated sure.

Ted Kozlowski stated but some of those plants they collected are just going to be eaten.

Chairman Rogan stated they are just going to be garbled...

Board Member McNulty stated that's their problem.

Chairman Rogan stated well yea, they look like heck though after they've been, you know look at the...

Ted Kozlowski stated trying to get them to replace it...

Board Member Taylor stated it becomes our problem.

Ted Kozlowski stated I think this is stuff that's going to work.

Board Member Cook stated I think that Rich is ready to prepare a resolution for us for this also.

Chairman Rogan stated I think it was just the last minute items would possibly be those three, I think the planting ones we should just go forward with and have them adjust that...

Board Member McNulty stated okay.

Chairman Rogan stated but the other two items we'll have to just discuss at the meeting and we can always amend our resolution based on that.

Board Member McNulty stated Shawn, just so you know on the site walk, we walked up there, I don't know the last time you were there...

Chairman Rogan stated quite a few years.

Board Member McNulty stated with the leaves off the trees there is this big perfect shaped maple up there, an old maple, so I brought up the comment that boy it would be nice if we could keep that but, the one you pointed out...

Chairman Rogan stated exactly.

Ted Kozlowski stated I think Rich was going to ask Terri...

Board Member McNulty stated but it is pretty much, we did kind of site where it was going to be and it looks like it's in the storm catch basin area there.

Ted Kozlowski stated I think Rich was going ask, it just wouldn't hurt to ask them.

Board Member McNulty stated yea, they've responded, I don't know if you saw the response in their letter, it would be a considerable expense and the construction involved would probably kill it without a major expense to protect it...

Chairman Rogan stated what a shame.

Board Member McNulty stated so I can understand that, so it becomes useful as fire wood or furniture, it will last a lot longer as furniture.

Chairman Rogan stated okay.

Board Member Taylor stated are we setting a limit of disturbance on this property also.

Chairman Rogan stated limit of disturbance.

Board Member Taylor stated he's got a note here...

Chairman Rogan stated no they are showing a limit of disturbance in terms of, so that we can understand what's going to have to be cleared like to get to that septic area, to put the road in.

Board Member Taylor stated but are we also going to then set this as the limit of disturbance line...

Chairman Rogan stated well if there is nothing shown outside of that area as approval on this, so anything outside that they wanted to disturb would need approval from the Board. So who went on that site walk that...

Board Member McNulty stated Mike and you weren't there.

Chairman Rogan stated okay.

Board Member Montesano stated right.

Board Member Taylor stated (inaudible) oh and the engineer was there.

Board Member McNulty stated Andrew.

Board Member Taylor stated Andrew was there, no he wasn't, he went to ski slope.

Chairman Rogan stated okay, nothing's changed on the architectural.

Board Member Taylor stated no, nothing's changed, it's good.

Chairman Rogan stated okay.

Board Member McNulty stated they clarified the color in the rendering for the color.

Board Member Taylor stated did you see that...

Chairman Rogan stated I did.

Board Member Taylor stated they gave us the elevation, that was nice.

Chairman Rogan stated yea.

4) TAGGART ESTATES – Consideration of Preliminary Approval

Chairman Rogan stated okay, all right, Taggart is on for consideration of Preliminary Approval and again we have a review memo from Ted, I think item one should be noted for the record that Ted is congratulating them for not disturbing the wetlands in an significant manner and that is rare these days...

Ted Kozlowski stated it is.

Chairman Rogan stated it really is and I think some of the points you brought up we've been talking about in conversation like the wetlands lot for instance, what's going to happen with that land, it's being protected but in what way, it's not being built on, that doesn't mean that it's not going to be impacted, so I think we need to have further conversations.

Board Member McNulty stated I like the comment, I think it was Ted's comment about maybe a decorative sign stating this is a wetlands preserve of some sort.

Ted Kozlowski stated hopefully the local residents will get some sort of, hey this is our common space and let's all protect it or something, sometimes that works.

Chairman Rogan stated I think we should send our wetlands inspector out there, our E.C.I. out there to do environmental education with each one of the homeowners when they move in.

Ted Kozlowski stated not a problem.

Board Member Taylor stated and weeding.

Chairman Rogan stated weeding...

Board Member McNulty stated paint the sign.

Genovese Discussion

Chairman Rogan stated Rich, we discussed Genovese and it looks like...

Rich Williams stated I'll have a resolution for you.

Chairman Rogan stated it looks like the only issues we're going to discuss at the meeting prior to doing the resolution would be really any idea of, if a fence or anything is necessary for the entrance as Ted has suggested the sugar maple issue it sounds like based on their response isn't really possible to save, the big sugar maple that was noted at the site walk.

Rich Williams stated that was their opinion.

Chairman Rogan stated that hangs in their stormwater basin, do you have a differing opinion or do you think it's pretty well fire wood.

Rich Williams stated when trees get that old and that large they...

Ted Kozlowski stated the root systems are extensive.

Rich Williams stated they are extensive and they don't tolerate any sort of activities around them at all.

Chairman Rogan stated yea.

Ted Kozlowski stated yea I didn't know where the actual disturbance was in relation to that tree.

Board Member McNulty stated yea maybe they can...

Ted Kozlowski stated if it was just part of a big land clearing...

Chairman Rogan stated right.

Ted Kozlowski stated we could save it but if it's in the middle of all sorts of root disturbance...

Chairman Rogan stated forget it.

Rich Williams stated they're dropping the grade there about three to four feet.

Chairman Rogan stated well let's go...

Ted Kozlowski stated we tried.

Chairman Rogan stated have a party around the tree before they but it down.

Board Member Montesano stated who can use firewood.

Board Member McNulty stated or some furniture wood.

Ted Kozlowski stated maple burns nice.

Taggart Estates Discussion

Chairman Rogan stated it all burns great. And now we are on to Taggart, again Ted has sent a memo in, we do need to talk as we get through this application about some of the issues that he has raised, Rich do you have anything on Taggart that you want to bring up at this point.

Rich Williams stated I do not, we've had the public hearing on this, we are now in a position to address SEQR if it is not already done which I thought it had been but also preliminary approval.

Board Member Cook stated I think we should all also review the letter from Winding Glades representatives about somehow making sure that Taggart Estates residents really are aware of the potential development of the property next to them...

Board Member McNulty stated commercial development.

Board Member Cook stated commercial.

Chairman Rogan stated yea because it's already approved lots over there, so...

Board Member Cook stated I understand but it's just...

Chairman Rogan stated no I agreed I think it's valid.

Board Member Cook stated let them know...

Chairman Rogan stated since we don't have, what would the mechanism have for that since we don't have, this is a subdivision, we're not talking about homeowners coming before us.

Board Member McNulty stated well they made a comment, the final plat approval resolution from the Town Planning Board of Patterson Corporate Park dated, I think we want that noted on the final plat, at lease something there, let them know it's commercial property, I don't think it's listed that way now, is it.

Rich Williams stated mmhmm.

Board Member McNulty stated oh it is, okay.

Chairman Rogan stated when you buy a house in a subdivision you're not necessarily getting plat that shows outlying properties and what they are, so that's the difference...

Rich Williams stated you're getting a survey of your property, not the whole subdivision plat.

Chairman Rogan stated yea, you know what they are suggesting it sounds like is something that is notifying them as a new owner of a new lot that hey there's property that's over there and it's approved for x.

Rich Williams stated it is the obligation of the real estate agent marketing the property to notify potential property owners...

(Tape 1, Side 2 Ended – 8:47 p.m.)

Rich Williams stated of areas of concern (inaudible) interest in that property.

Board Member McNulty state they also mentioned some sort of screening maybe I don't know if we can do that at this point in the plan on that property that joins that.

Board Member Taylor stated we've got a buffer already.

Rich Williams stated yea, they've got a forested buffer in the conservation easement.

Board Member McNulty stated that's what I thought, don't remember every lot and layout.

Board Member Montesano stated classic example is Robin Hill Corporate Park...

Board Member Taylor unless they are building (inaudible).

Board Member Montesano stated Robin Hill was put in then Sky Lane and etcetera was developed and I used to see people in my office in Brewster...

Rich Williams stated not correct.

Board Member Montesano stated not correct.

Rich Williams stated not correct, Sky Lane was in an approved subdivision in the 60's, Robin Hill Corporate Park was not even contemplated until the late 70's, the problem was in approving the Robin Hill Corporate Park while the Planning Board and ZBA had conceptualized how it was going to be developed, that did not get translated into the actual approvals so the buffers that were supposed to exist ended up being eliminated.

Board Member Montesano stated and that is when they used to visit me everyday in Brewster, all those people put those houses in and all those lights shined upon them.

Board Member Cook stated I just think it was a very nice courtesy letter from the neighbors there about their already approved project that somehow word should get to the Taggart Development.

Board Member Taylor stated if we put a memorandum in a deed with the information about the limits of disturbance and so on we could include the couple of lines about the adjacent commercial property.

Chairman Rogan stated what I would, I'm concerned about this, are we setting a precedent or we need a little bit of legal opinion on this because I don't think it's a bad idea what they're suggesting but if we go above and beyond to warn people that hey there's this commercial property that exists on an adjacent parcel, are we, can someone say we're driving people away from buying a lot by going out of our way to let them know what's, I mean I'm asking I don't know the answer to this but I'm trying to be protective.

Board Member Montesano stated I can't see where it would be because theoretically it would be up to the buyer and their alleged attorney to do a little investigation and if the real estate marketer was interested in keeping, they could tell people what is adjacent to their property but for us to stick our nose in, we maybe get it cut off despite our face.

Rich Williams stated Shawn, you're not but what happens if you change the property, the adjacent property to residential or some other use and what does commercial mean, today you know we define those uses permitted in the C-1 zoning district, what if we create a new commercial zoning district...

Chairman Rogan stated you told me it was going to be, you know...

Rich Williams stated the reality is (inaudible), everybody needs to do their due diligence when they are purchasing a piece of property, as do the real estate agents, there are adequate safeguards there...

Chairman Rogan stated one conversation.

Rich Williams stated to understand exactly what the adjacent properties are, we do need to be cognizant of locating the houses in relation to commercial property and the potential for impacts, creating adequate buffers for conservation easements which are going to be recorded and they are going to show up in your title search barring that I think the Board went as far as they can really go with that.

Chairman Rogan stated yea, okay...

5) ICE POND ESTATES – Continued Discussion

Chairman Rogan stated and Ice Pond Estates subdivision, Rich I was reading the letter from Cuddy and Feder to the Board, summarizing if you will, the meetings that have occurred over the last several months between yourself, the Highway Department, their representatives etcetera with the road improve, the off-site improvements specifically and it references your November 6th memo and I don't have that in front of me and I honestly don't recall what it said but do you remember what the off-site improvements basically were that were recommended.

Rich Williams stated they talked to, the memo and I can get you copies of that for the next Board meeting, essentially it discussed what the Highway Department, the Town Engineer and myself had worked out as far as our recommendation back to the Board about what we thought were adequate off-site improvements to mitigate the increased traffic on the site as well as changes to the on-site road improvements that we thought they needed to accommodate the traffic that was going to be on-site, essentially they were improving the road from it's current 18 foot width to 20 to 22 foot wide changing the vertical geometry at certain stations where we have the peaks in Ice Pond Road, putting in some drainage to capture and treat the stormwater that was brought, runs off the road and then on-site typically we require a 24 foot wide road with concrete curbing, formalized drainage in the way of catch basins, deep (inaudible) catch basins or pipe, we are proposing for this subdivision to go to a 20 foot I believe, 20 foot wide road with 4 foot wide shoulders on either side, no curbing and grass swales, areas that are appropriate to have grass swales.

Board Member McNulty stated okay, was there pavement for Ice Pond Road included in that improvement too...

Rich Williams stated there was not.

Board Member McNulty stated just widening and changing and keep it dirt.

Chairman Rogan stated obviously the discussion was probably had with the Highway Department, is it a budgetary issue then that once this gets built that they do an assessment, in other words Ice Pond Road is now being improvement to a point, it would make sense to then black top it and not degrade the road.

Rich Williams stated Highway preferred to have it paved but in, we took a look at the numbers what it would cost for the applicant to pave the road, and the Town Engineer and myself both agreed that that cost is extensive and more than really should be passed on to the applicant, in addition to the other road improvements that he was talking about doing off site.

Chairman Rogan stated I wonder though if, I'm sure it was extensive but I'm wondering if they are doing some improvements so you are getting further along, will those improvements degrade though because they are not being protected by black top to the point where if we have another application now we've lost, just making a road wider is one thing, that's actually pretty wide through a lot of those areas it's just a little...

Rich Williams stated you're still going to have a dirt road...

Chairman Rogan stated yea.

Rich Williams stated and it's still going to require the same grading and you know it's going to get wash boarded, it's going to get rutted, so again we're still going to be doing the same...

Chairman Rogan stated wait until the calls start coming in from those residents to the, that's what's going to happen, I mean in fairness you get people on a brand new subdivision going out onto a washboard road everyday kicking up dirt, I wonder if it's not a good idea to try to share that responsibility is some way, you know I understand that it's probably, do you remember what the numbers were on that or...

Rich Williams stated I don't know off the top of my head.

Chairman Rogan stated but in fairness we asked, to bring this back to some resolution, we asked for these people to meet and come up with a recommendation so I guess we should also respect what they came up with and you know, move forward on it...

Board Member McNulty stated from what I've seen, there seems to be an agreement with you and the Highway Department with these improvements, correct and the Town Engineer...

Rich Williams stated they were accepting of the memo, I mean they reviewed it and they signed off on it before it got issued and they were hoping to get pavement out of it...

Chairman Rogan stated they being the Highway Department.

Rich Williams stated mmhmm.

Chairman Rogan stated yea, I could understand that, I, you know it's the kind of thing where if you can get them to pave even a portion of the road, closest to their, you know extend it 500 feet, okay don't ask them to do 1500, but do 500 and then maybe the Town kicks in and does, you might progressively get that done, I don't know.

Rich Williams stated there is that section...

Chairman Rogan stated of wetland, I'm thinking about that.

Rich Williams stated northeast, no, northeast by the wetlands which gets a washboard effect every year, really bad...

Chairman Rogan stated yea, yup and aren't we precluded from paving by some DEC regs because of the stream that goes under that.

Rich Williams stated not necessarily, you have to get a stormwater pollution prevention plan together and you have to go get it approved by the DEP, they are already going down there and you may need a variance but...

Chairman Rogan stated it seems like the way to go though.

Rich Williams stated you know you may want to consider going from the driveway entrance north...

Chairman Rogan stated right.

Rich Williams stated it's only a very short stretch.

Chairman Rogan stated well that's kind of what I'm thinking, you get that incremental, at least you're working forward you know.

Board Member McNulty stated I don't remember these plans, is there any call for a street light, the one light at that intersection.

Rich Williams stated we haven't gotten that far, that's usually something we address at final, typically it's been the policy of the Board that there is a street light installed at every intersection, road intersection as a matter of safety you know to indicate to oncoming traffic that they are coming up to an intersection...

Board Member McNulty stated especially since there are not many intersections on that road, I'm not a fan of additional lighting but that might be a good spot.

Rich Williams stated I'm not a fan of street lights anyway.

Chairman Rogan stated yea, we did the one at the end Nosh Kola for the...

Rich William stated we did.

Chairman Rogan stated but at least that's a box light, it doesn't light up the whole area too god awful much.

Rich Williams stated right.

Board Member McNulty stated that's all you want is to light up the street.

Rich Williams stated excuse me.

Board Member McNulty stated just to light up that intersection.

Chairman Rogan stated that intersection, it does let you know that it's there.

Rich Williams stated right and we've tried, we've done that, we've had that practice for many years where we look at the shoe box as opposed to say a cobra head.

Board Member McNulty stated like the interchange at the new Tractor Supply.

Rich Williams stated yea.

Board Member McNulty stated there's no light.

Chairman Rogan stated yea that seems like it should.

Board Member McNulty stated that should.

Chairman Rogan stated and even the A&P across the street.

Board Member McNulty stated not to get off subject...

Chairman Rogan stated yea, you get these dark intersections and you're left searching for the entrance, only slightly off subject because it's not in Patterson but when you come off the hill on [Route] 6 overlooking Putnam Plaza and you look up to that new subdivision that's up on the hill, but the street light and it goes up the road all the way from a half mile away, it lights, you can see the light bulb, it can't be boxed or sealed...

Ted Kozlowski stated plus they took the whole forest down.

Chairman Rogan stated yea but I mean even if it was box lights shining down, from the hill, you're looking almost down on those lights, you wouldn't normally see those and you can actually see the light emanating from them, so they can't be shielded, so that's a good one to look at for future planning and what not, for possibly what not to do. Okay, so I mean what they are looking for is they believe they are in a position where we should be looking at SEQR and setting a public hearing, this was if I remember really the main issue that we were holding on to get settled so it seems like we would be in a fairly comfortable position to move forward with getting come public comment on this...

6) OTHER BUSINESS

a. Eurostyle Marble and Tile

Chairman Rogan stated and lastly we have Eurostyle Marble and Tile under Other Business, what's up with Eurostyle.

Rich Williams stated mea culpa at the last Planning Board meeting I was directed to send the applicant a letter to be in at this next Board meeting, I certainly could use the excuse that I wasn't sure that it was the appropriate Board meeting because I wasn't sure who was going to be Chairman but...

Chairman Rogan stated you can use that, we might still be surprised...

Rich Williams stated yea, we might.

Chairman Rogan stated I voted for Charlie...

Board Member Cook stated I voted for Tom.

Rich Williams stated I didn't get a chance to send the letter out and notify the applicant, so he'll be on for February, if the Board is accepting of that.

Chairman Rogan stated that sounds great.

Board Member Cook stated just take him off.

Rich Williams stated you want him off this.

Board Member Cook stated yea.

Chairman Rogan stated just pop him off, yea, okay anybody have...

7) MINUTES

Chairman Rogan stated we have minutes that were wonderfully prepared, Michelle, all kidding aside, thank you very much, we don't thank you enough but thank you for all the hard work that you do and keep up the good work...

Board Member McNulty stated I'll second that.

The Secretary stated thank you.

Chairman Rogan stated I appreciate it, I really do. Does anyone have anything else for the record.

Board Member Cook stated can I just ask a couple quick questions.

Chairman Rogan stated sure.

Board Member Cook stated is it appropriate to have our friends from Patterson Crossing in to give us an update, where they are at, not at on their project.

Chairman Rogan stated Rich do you have any sense as to what's going on.

Rich Williams stated I do know I've been working closely with the sponsors of the Patterson Crossing to get some road improvements done over on [Route] 311 and [Interstate] 84 they actually had secured a grant through the governor's office, multi-modal grant and they approved 1.5 million dollars so this spring we're going to be doing some of the road improvements it looks like, right on [Route] 311.

Board Member Cook stated what about the site itself, anything...

Rich Williams stated I have not heard anything about the site, I can reach out to them and see if you know they want to come in for February maybe.

Board Member Cook stated yea, you know just to say what they're doing or where they're at and that's all. Ted, Reilly this whole, all this correspondence on the Reilly...

Chairman Rogan stated oh I got some of the notes back from the DEC that said they were in receipt of yours and Mike Usai comments from DEP...

Ted Kozlowski stated what DEC told me was they were going to hold Reilly to have him come to us to file a Town wetlands and watercourse permit and through the process, that was verbally told to me by Scott Ballard...

Chairman Rogan stated Ballard, yea...

Ted Kozlowski stated so but I haven't seen anything unless I got some mail, I haven't looked through it yet, so...

Chairman Rogan stated unless I misread or misunderstood the memo, Mike Usai, who is a natural resource manager or something for DEP, his comment was that he made mention that DEP had previously in 2005 or 2006, approved the septic and you know the development of the lot but he also noted that the wetlands weren't properly, it didn't appear that they were properly shown, the DEC wetlands...

Ted Kozlowski stated right.

Chairman Rogan stated so even though he said that has expired and is not in effect, it didn't look like they had all the right information is basically what...

Ted Kozlowski stated what had happened was Harry Nichols submitted an application to DEP and for whatever reason did not give an accurate description of the wetlands there, never mentioned that it was a State wetland there, just said there was a wetland there and we questioned that and then DEP realized what a minute this is part of a State wetland and the ball started to roll.

Board Member Cook stated Boniello, have we heard anything from Mr. Boniello and what he owes the Planning Board, no.

Rich Williams stated no, we've heard nothing.

Board Member Cook stated anything new on Mr. Levine from any agency.

Rich Williams stated Mr. Levine, we forwarded all the documentation within our file to Mr. Levine recently by mail at his request, he had contacted a local contractor who is attempting to make contact with the DEC to prod them into looking at the site and coming up with a remediation plan.

Board Member McNulty stated what about the neighbor, to, has the Town moved to violate them, to bring them into the picture.

Rich Williams stated no.

Board Member McNulty stated because they're not responding...

Chairman Rogan stated well yea, there's only been the one letter and it didn't...

Rich Williams stated yea.

Chairman Rogan stated did it ask for specific...

Rich Williams stated what I want to do next is send them certified mail, a copy of the report and let them know that this material may not be, you know may pose them problems in the future and that they need to address it or the Town is going to need to address with them.

Chairman Rogan stated yea.

Ted Kozlowski stated is DEC...

Board Member McNulty stated yea because I think if they're not going to get a response the only way then is to, I mean, we don't want to violate people but we'll have to, if they're not going to respond we may have no choice.

Rich Williams stated yea.

Chairman Rogan stated yea.

Ted Kozlowski stated has DEC received a copy of the sample results.

Rich Williams stated yea, I believe we sent it out.

Chairman Rogan stated yea.

Board Member McNulty stated I thought it was copied to them.

Rich Williams stated yea.

Ted Kozlowski stated and was there no response.

Rich Williams stated nope.

Chairman Rogan stated no, we're in trouble with the way the DEC is right now, we're going to be left in limbo on a lot of this stuff I think...

Board Member McNulty stated that's why you can cross trout streams.

Ted Kozlowski stated I'm telling you that (inaudible).

Board Member Cook stated and lastly, anything on County Line Getty, weren't they supposed to come back.

Chairman Rogan stated we're moving forward on that.

Rich Williams stated yea, they were supposed to resubmit plans to the Planning Board, we have not seen anything, there have been some changes over at Court and they've been cleaning up some of the older files and this was one that a notice of violation had been issued and a court appearance ticket a long time ago and then it kind of got put off on the side while they were trying to go through this process. The Court in cleaning things up sent him another appearance ticket saying you will be here, so we all got a frantic phone call today saying you know we've been trying to work with you, we cleaned up these issues how come we have to go back to Court, so they are well aware they need to clean some things up and they are working on it.

Board Member Cook stated thank you.

Chairman Rogan stated anything from anyone else, okay, year end wrap up before we adjourn, Ron welcome to the Board, you've only been on a few months but you've been a positive influence.

Board Member Taylor stated thank you.

Chairman Rogan stated thank you everybody for all to hard work through out the year and I mean that to everyone sincerely and hopefully we do it again next year, keep moving forward.

Board Member McNulty stated thank you for your leadership Shawn.

Chairman Rogan stated I appreciate that, motion to adjourn.

Board Member Cook seconded the motion.

Ted Kozlowski stated Happy New Year.

Chairman Rogan stated Happy New Year.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

The meeting adjourned at 9:06 p.m.