

TOWN OF PATTERSON
PLANNING BOARD MEETING
February 3, 2011

AGENDA & MINUTES

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c. Review Procedures	68	Discussed at the 1.27.11 Work Session.
7) Minutes	68	December 2 nd , December 28 th , January 6 th Approved.

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Planning Board
February 3, 2011 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, Andrew Fetherston of the Town Engineer's Office, Maser Consulting, and Tim Curtiss, the Town Attorney

The meeting began at 7:00 p.m.

Chairman Rogan led the salute to the flag.

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

There were approximately 18 members of the audience.

Chairman Rogan stated thank you, Michelle can you please read the public notice for Ice Pond Estates.

1) ICE POND ESTATES SUBDIVISION – Public Hearing

Mr. Chris Fisher of Cuddy & Feder, Mr. Steve Wise and Mr. Geoff Ringler, principals, Mr. Rick Lamontagne and Mr. Joe Buschynski of Bibbo Associates were all present.

The Secretary read the following legal notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, February 3, 2011 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application for preliminary subdivision approval entitled **“Ice Pond Estates”**. The Applicant is proposing to subdivide approximately 151 acres into 25 residential lots, and 3 lots that will remain as open space. The property is located on the east side of Ice Pond Road, north of Tommy Thurber Lane, Patterson, New York. The property is presently owned by Mr. Freeze, LLC, SW Patterson, LLC and the Putnam County Land Trust. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated okay gentlemen, just please state your name for the record.

Mr. Fisher stated hi, good evening, Christopher Fisher with the firm of Cuddy & Feder, here on behalf of the applicant Ice Pond Estates.

Chairman Rogan stated good evening, if you could please give an overview of the application and some of the things we have tried to accomplish over the last several years to the audience please.

Mr. Fisher stated that'd be great, thank you Chairman.

Chairman Rogan stated thank you.

Mr. Fisher stated we are here tonight as was mentioned in the public hearing notice on an application by Ice Pond Estates, as was mentioned it's a proposed 25 lot subdivision involving over 150 acres of land, if I can just give a brief background on some of the objectives on this particular plan, my client will go through some of the changes that have been made over the last couple of years, hopefully that will give you a good background for any questions you might have. My client has been in this particular business and developing properties for well over 20 years, they have done so throughout the Hudson Valley and the metro New York area, they take their obligation as an applicant quite seriously, they look to work with communities and Planning Boards such as obviously the Patterson Planning Board to come up with designs and development that are responsible for the land, meet their objectives, and also meet the community objectives, whether those are expressed in Zoning regulations or public hearings like this. This particular project and I can get into some of the details in a little bit, as mentioned, 25 units, to give you a sense of scale here, the houses themselves are in the 3,500 square foot range, so these are not McMansions if you will, our client looks at this particular area of Town along Ice Pond Road as a good location and having good demographics for whether it be families, maybe folks whose children have left actually and they have completed their education, looking to find a new home but stay within the community, so obviously we are excited about the project, this particular project has a lot of history and roots, I learned some things actually when I was working on this, I didn't really know what Ice Pond was and you all probably know this but I learned that at the turn of the century it was actually because ice was essentially harvested there and put on rail cars down to New York City when we didn't have refrigeration. Times have changed clearly and the Putnam County Land Trust which is a owner of one of the parcel which I'll show you, obviously has significant holdings in this particular area of the community, they very much view Ice Pond and some of the surrounding parcels as areas to be environmentally preserved and obviously they are stewards of both their own parcels and interest with respect to this application. My client working with Putnam County land trust and I'll just on this aerial show you, these are the two parcels that my client actually controls and if you'll see the Putnam County Land Trust owns a parcel that essentially bisects these two parcels, the overall development that we are talking about it really all three of these parcels. One of the things that my client had looked at obviously could have come into the Board with but thought better of is essentially a development where you had subdivision of this particular parcel and this particular parcel. You can't really see on this map but elevation wise, this is the ridge line, so on the other side of the ridge line is Ice Pond and this side of the ridge line is Ice Pond Road down here. So instead of trying to accomplish a development that essentially brought you in deeper, obviously on some of these steep slopes and as we'll show on some of these other drawings, there are wetlands in this area of the parcel and this area of the parcel, they worked with Putnam County Land Trust to come up with an alternative essentially where, flip this over, and so if you just recall from that aerial, the three parcels I was referring to, they are proposing essentially to take this land and all the areas that you see in green which total 78 acres would be conveyed to the Putnam County Land Trust, they have 14 acres currently through the middle, so just by doing simple math you can see that this project affords them the opportunity to substantially add to their holdings and they'll, there are representatives here that will be able to address their concerns. What this does is

essentially creates a huge parcel here that abuts Ice Pond and protects both the ridge line and actually the other side of the ridge as it goes down to the pond itself. Some other things to note in our discussions and agreement with the Land Trust, there are areas and they are shown on this map that they have highlighted and they are in orange on this map here and here, where these are parts of the parcel which is shown in white which is essentially that which my client controls for development purposes. These are areas where no structures could be built and then also there are these yellow areas where there are some additional architectural constraints with respect to any housing that is built in that area and again if you look at this and the, kind of in a little bit more holistic standpoint, the Land Trust is obviously interested in these areas and making sure there is appropriate buffering from this conserved parcel, so those are additional areas where there are some restrictions, they are private in nature but they benefit the Land Trust and they were requested obviously as part of the arrangements for this particular project. The, one of the other things I would like to highlight just for purposes of the public and for obviously the Planning Board and your consultants on some of this, the Town actually went through a fairly comprehensive change to its zoning regulations and subdivision regulations I believe it was in 2003, to come up with essentially an open space overlay zone for development of pretty much many of the parcels in Patterson, four acre zoning was the norm, it was a very forward looking regulation and our development that we are proposing really fits into that because if you read through it what it's seeking to achieve is preservation of environmental features like wetlands, steep slopes, to try to actually cluster development so you're not developing the entirety of a parcel and this particular application was made pursuant to that regulation. No variances are proposed as part of the project and we have gone through, as the Chairman mentioned a review process in the last couple years both sketch and as part of this preliminary plat, where there have been significant changes made to the plan and I'll highlight some of them as I can kind of go through the plan, I'll take this down. This is the proposed development and as I mentioned this, this is the area that going to be the Putnam County Land Trust parcel, the 78 acres here, these are areas that onsite wetlands currently, the project as proposed preserves and maintains all those areas including the 100 foot buffer area that the Town has a regulatory distance from any wetland and a road with essentially two cul-de-sacs would come in off of Ice Pond Road, there are 25 houses, as was mentioned, one is over here in the corner if you will on Ice Pond, 24 are centered around these two cul-de-sacs. We showed on the plan, as was requested by the Board if you look at these green areas, these are areas where you would have the subsurface disposal systems associated with each of these houses, we've shown some other features that the Board had asked us in the event that property owners wanted pools or other things, we've shown them and where they are viable, a couple of lots you wouldn't be able to do that but they are shown on this particular plan. A couple of other things to note as part of the process, we have received comments from New York City DEP, DEC, we've been working with Putnam County Department of Health, big picture none of them have serious concerns with this development, there are obviously details that we need to work typically that's done as part of any final plat process but we received all those comments and to the extent we have incorporated those into this plan, some of the changes that the Chairman has asked me to go through, that we accomplished along the way if you will, originally this plat was proposed at 30 units of housing, it's been decreased down to 25, essentially we've been able to compact somewhat more the development envelope through that effort, even though obviously from an applicant's perspective it yields 5 less homes which are allowed under Code but we think it's, it yields a better design overall for purposes of this development, we worked with the Board and it's not particularly on this plan but to give you a little context, on some of the drainage features that would be incorporated in any subdivision plan and also the road features, we are trying to green this particular development somewhat more than typical in the past, we would swales, less curbing, which are all essentially more cutting edge type of ways to deal with stormwater quality as opposed to the more traditional subdivision where you have your storm sewers, point discharges, things of that nature, so we tried to minimize that as much as possible on the plan. I mentioned before we are not intruding in any way the wetland buffer areas, the easiest place to show you on the plan is here, there are some houses here along this section of the cul-de-sac, this is the regulated area, the wetlands and the regulated area, we've shown

that on the plan and in discussion with the Town's wetland consultant and the Board we are going to be doing some monumenting, some other physical boundaries there, possibly even some signage, so that residents in the community are, not just aware of it but they take ownership of this land and are stewards of it as well to try to protect these wetlands, so there'll be obviously incorporated into the plan and other features to minimize and protect those, any impacts and protect any disturbances into the wetland if you will, essentially so that we can avoid lawn creep, which can happen in particular developments. A few other things, the applicant had done a number of different studies throughout the process, a traffic study, an archaeological study, wetlands and habitat studies, and one of the things that was identified was Ice Pond Road and some of the conditions, particularly in this area it gets a little steeper and then there are some sight line issues along the road, one of the things the Board asked us to look at and we worked very hard with the Board's consultants on were offsite improvements and some of the offsite improvements would address these issues with the road, they would change some of geometry, essentially maybe it safer and in a better condition and much of that would benefit not just this particular development but anybody who lives along Ice Pond Road, so there is a benefit to the community as a whole as well by actually looking and making those improvements to the road. The Board ultimately adopted a negative declaration under SEQRA and pushed this matter on to a public hearing for purposes of comment, we might hear from the public, I had a few just comments and conclusions and I did want to hand it over to the Putnam County Land Trust because I know they had a few comments. From the applicants perspective, this is an excellent plan, it's very well thought out, it's environmentally sensitive, and it achieves a number of different important objectives, much of which highlighted, first and foremost, the Putnam County Land Trust gets a large open space parcel that's unfractured, unfragmented, protects this ridge line and interest they have over at Ice Pond, the applicant is able to come up with a development that is something they can be proud, actually that they think future owners in this particular subdivision will be very much interested in the open space nature of the parcel behind them, that they are going to want to actually live and enjoy this and become important members of the community of course themselves. The Town I think also, both as far as avoiding a fractured development, going back to aerial I showed you, that that is a real important planning objective, much of this was expressed in the open space overlay zone but this development much accomplishes the objective of the open space overlay zone as compared to developments on either side of the land trust parcel and then obviously the improvements to road will benefit not just the applicant but also people who use the road currently. So that is an overview, if we could turn it over to the Land Trust, I know they wanted to comment.

Chairman Rogan stated great, sounds great.

Judy Terlizzi stated good evening, I'm Judy Terlizzi, president of the Land Trust and we have two people that will speak tonight to explain what we feel are the tremendous conservation values, the third still has not arrived, so I'm not sure if he's going to be here. The first speaker will be Dod Chahroudi...

Chairman Rogan stated okay.

Judy Terlizzi stated who has been working on this project from the very beginning.

Chairman Rogan stated great.

Dod Chahroudi stated actually that's not bad, from here, this map gives a larger overview of the area in this...

The Secretary stated sir can you please use the microphone.

Dod Chahroudi stated oh I'm sorry.

The Secretary stated thank you.

Dod Chahroudi stated this map gives a larger overview of the area and shows some of the other lands that the Putnam County Land Trust owns there. The idea oh, roughly , 12 years ago or more was to try and build a dynamic, large nature center in Putnam County and this has become the largest of the Land Trust's preserves and that, so we started off with the Ice Pond and just a little area around it here, we gained some land over here and then on the other side, Twin Hills there, Patterson's Clough Park is a neighbor there, so all of the land immediately around the pond was preserved and then the idea would be if we could expand beyond that to make it more dynamic in that and so initially we pursued to see what other parcels we could gain and then eventually we worked out with the owners that were to develop this area, the deal that was talked about in that and so we came up with a line to one side would be the development and the other side would be the nature preserve and roughly the way the line was arrived at was most of the water in this direction, the water shed flows in there and through these protected streams into Ice Pond and Muddy Brook in that area, water that flows down hill it would all be part of the nature preserve in there, so it would be further protected and also something we discovered was when you are protecting a wetland, a dynamic one which is attached to the Great Swamp as this is and Ice Pond like that, a lot of the wildlife requires more than just the immediate vicinity of the pond but some of the uphill areas in that too, so it protected that too. A nice thing, when you can go into nature preserve for people who want to use recreationally, is to feel like you're getting away from this and therefore to feel like you are completely surrounded by nature, you would have to protect the view shed also and that is done very well that all the houses will be on this side of the ridge so they will not be visible in this area, even from Twin Hills there so that's very nice. One of the early ideas was to make it accessible to the public for passive recreation, such things as hiking, in winter snow shoeing, even a little cross country skiing, nature studies, nature observation and it was very conducive to all of those things but we had no access in there, the one road, traditionally was used to go in there but was not part of the land that was owned by the preserve, so in this deal we would be getting that road so that we can access it there was not a reasonable access through that strip here, and then as the trade worked out, they would be roughly getting about 7 or 8 acres off of this strip and we would be getting roughly 80 to 90 acres of the more important lands in there. Included in there is the ridge top, there is a dynamic rock outcropping here with evergreen trees on it and an even more dynamic large rock outcropping here with some cliff to it and open exposed rock on the top where there are sitting areas, where you can have a view of the whole area, you can see some of the birds that some are flying around in that area, and there is already a trail that will, has been started that will go to the top of that height. Another thing that has occurred that we hadn't planned for is that it has become a popular area for bouldering, which is a type thing where people climb boulders for sport, which is a form of passive recreation and there are some gigantic boulder fields in this area, really large boulders that has made it a very popular area for that, so for the sake of having a dynamic nature preserve for the use of the people of this area and maybe even beyond that and as the other people get into, to have a dynamic bio-corridor and a varied habitat for the wildlife and the plant that live in that area, to protect that. I think I will turn it over to Judy Kelley-Moberg to talk about the animal life.

Chairman Rogan stated Michelle, did you get that gentleman's name.

The Secretary stated Dod Chahroudi.

Chairman Rogan stated okay.

Judy Kelley-Moberg stated Judy Kelley-Moberg and I was working, I have been a trustee of the Putnam County Land Trust and I am currently a trustee of Friends of the Great Swamp but basically as part of a tracking program that was sponsored by the Nature Conservancy, we ran a two and half mile tracking transect basically I am going to look at this and see if I can, our transect ran right along our ridge line actually down Ice Pond and what we were looking for, particularly were what they call umbrella species of mammals and if you find them, it means that you have a large interconnected, very health habitat because they need to wander back and forth so we are looking for, actually quick a few people have seen bear there, I don't know if they are residential at this point but they choose to move down from Wonder Lake, down ridge line and they happen to like to move into this area just because of that nice ridge line, it's got a lot of low bush blueberry up there, they kind of, that's a very tasty treat for them, we're looking for that, we're looking for bobcat, we're looking for otter, and we're looking mink. In the two and a half years, we did it four times, once each season, we have very accurate records of the conditions that we found on all this, plus pictures and a whole protocol for tracking and what we found again was this big bald knob that sits here that has all the big boulders and has an incredible denning area and this where the bobcat was denning, it had what they call lay spots, where they sit and sun themselves and they were moving back and forth on the ridge line. Otter, we've seen otter in and around Ice Pond, no question about it and mink, so everything was there and they really were using this as part of big corridor, actually ridge line all the way up, probably over McManus and up to Wonder Lake and then all the way up to Corbin Hill, so it was whole pattern of movement. We also, I have to say that being concerned about wetlands, this is the Muddy Brook drainage and Ice Pond was a natural lake, I guess years and years ago they actually had an industry associated there, probably in the 1800's they were cutting peat around and there are some of the old peat roads still go up at the Bullet Hole there. This all drains this way which is very unusual and I think one of things that we have to look at is, what an incredible view shed this is going to be if we ever get the rail trail that we were supposed to get, which is going to run right along the Yale-New Haven tracks, which would come right down the middle and in whatever direction you looked in, it would either be Land Trust land right to ridge line or this parcel that they are acquiring now right to ridge line. I have walked this piece for them, so I am pretty, I have to tell you there is nothing special or unusual about this strip of land, it is just up and over the mountain and it comes down into a swampy area on the other side, so you know it's not they are getting some fantastic wonderful piece that is different than anything else but what we are getting is this incredible knob, the view shed up there is unbelievable, ravens are there, wild cats are there, everybody is moving back and forth and you have this preserving of a quality of the water flowing into Ice Pond, into Muddy Brook which goes into the Great Swamp and the Croton River and down into the reservoir system for all the people that drink it in New York City and everybody else that gets water from there. So there is a lot of really worthy reasons for doing this and that is, basically pretty much Dod said everything else I was going to say, you want to ask me questions I would be very happy to answer them later, if you would like.

Chairman Rogan stated do we have any questions or comments from anyone in the audience, just you need to please come up and use the microphone ma'am.

Louisa Bisogno stated no, I would like to ask this lady, this lovely woman, believe me I'm with you 100%...

Chairman Rogan stated ma'am, ma'am, we just need to get your question for the record, I'm sorry.

Louisa Bisogno stated I have many questions.

Chairman Rogan stated can you state your name please.

Louisa Bisogno stated yes, Louisa Bisogno from Ice Pond Road, yeah deer came to, deer, all the time but bear came to my back door...

Chairman Rogan stated really...

Louisa Bisogno stated there are active bear in the area. It is frightening because even the most innocent bear can with one swipe kill, I don't know that you want to attract people to an area that is inhabited and caved by bears, my question when you said it was do you.

Judy Kelley-Moberg stated are you asking me whether black bears are a threat.

Louisa Bisogno stated I'm asking do you want to attract people interested in nature walks and activities to an area that you know highly suspect has bear dens.

Judy Kelley-Moberg stated well I have to also tell you that we talked to the DEC and they have been catching large numbers of black bears in and around Dutchess County and they have been letting them all go on Cranberry Mountain, which shocked an awful of amount of people because (inaudible)...

Louisa Bisogno stated Cranberry Mountain is my backyard.

Judy Kelley-Moberg stated they let 12 of them go last year, so I think the biggest concern is, if they are attracted to actually your backyard and garbage and things that are left out, otherwise I think they are just passing through, so I don't really think that its going to be, they are everywhere in this area, I mean we even had a moose wandering around...

Louisa Bisogno stated of course.

Judy Kelley-Moberg stated so again I think precautions can be taken but you're going to find them in Wonder Lake, you're going to find them in the environmental park, they're everywhere but they are attracted too what we leave out for them so I think you have to be careful with that.

Louisa Bisogno stated and that was my concern on that, I have another question but it's not about the land Trust.

Chairman Rogan stated that's fine, these are questions about the general subdivision.

Louisa Bisogno stated can you hear me.

Chairman Rogan stated you can take the microphone out ma'am, you just have to get closer to it.

Louisa Bisogno stated I just, my concern is it may be a good deal and I'm glad that there will be land for the Land Trust, they certainly will do the best that could possibly done with the land but I am a historian and I've lived on Ice Pond Road since 1971 and there maybe family which got this land for a song from the committees of forfeiture after the Revolution, realized the limitations of the land and there are still limitations. I've walked the ridge you talk about many, many times over the decades, that down side, there is very little soil to absorb any waste runoff and my concern is 25 in clusters is overuse to the precious land that you very generous people giving your time and energy are trying to protect. I would say that this project should be cut back and limited to the frontage on Ice Pond Road and not overused because I don't see, no matter how wonderful the developers are and well meaning, that they are going to maintain the

road, pave Ice Pond Road, or deal with the bear who are sent out of their habitat into the neighborhoods, thank you.

Chairman Rogan stated thank you, have any other questions or comments from, please come up sir.

Tom Bisogno stated that's my mom...

Chairman Rogan stated you need to just state your name for the record.

Tom Bisogno stated my name is Tom Bisogno, the previous speaker is my mom Louise.

Chairman Rogan stated sure.

Tom Bisogno stated yeah we've been on Ice Pond since '71, since...

Chairman Rogan stated are you in the old, the white farm, old house...

Tom Bisogno stated yeah, well I'm not...

Chairman Rogan stated well but your mom and your father.

Tom Bisogno stated pretty much we've been on the road since you know the beginning, they used to close it right at the end of our, it was closed to Patterson 6 months of the year and for a reason, it was rugged...

Chairman Rogan stated it still is.

Tom Bisogno stated and still on the way back here tonight, you know basically its one lane at five or six spots and it's one and a half lanes the rest of the way...

Chairman Rogan stated if we could interject...

Tom Bisogno stated yeah.

Chairman Rogan stated since the roadway seems to be part of your concern, as it has been the Board's concern...

Tom Bisogno stated yeah, it's one and a half lanes, I'd say through here...

Chairman Rogan stated right.

Tom Bisogno stated all through here and definitely all through to Southeast.

Chairman Rogan stated especially over by your house, I know where your house is and it's very narrow.

Tom Bisogno stated and it's not approvable because...

Chairman Rogan stated if I could interject sir.

Tom Bisogno stated go ahead.

Chairman Rogan stated we had asked the applicant to meet with the Town Highway Department, the Engineering, Planning...

Tom Bisogno stated in both towns.

Chairman Rogan stated no, no, in the area that we have control over.

Tom Bisogno stated okay.

Chairman Rogan stated and ask for some suggestions on road improvements on areas that abut the subdivision...

Tom Bisogno stated he's only going to be able to do through here...

Chairman Rogan stated sir, if I could finish...

Tom Bisogno stated go ahead, sorry.

Chairman Rogan stated and what we said was we will honor the recommendations that our Highway Department and our Town Planner and Engineer come back with...

Tom Bisogno stated excellent.

Chairman Rogan stated and those suggestions were for some road realignment and straightening and taking out, especially the sharp turn, I think you know right where it is, adjacent to their property, where its very narrow and the rocks stick out close to the road, it's in the unpaved section...

Tom Bisogno stated yeah, I understand.

Chairman Rogan stated and what the applicant is proposing to do is basically bring the road up to a high standard and have it pavement ready, in terms of stormwater, in terms of taking out some rock that the Town Highway Department said it would be pretty expensive for them to do in house and we've tried to include discussions with our Town Board and try to get some idea of what the final cost would be to the Town...

Tom Bisogno stated okay.

Chairman Rogan stated if the Town wanted to take it from this subdivision and pave the road and complete it through. Now I'm not talking about Brewster, I'm talking about the Patterson side...

Tom Bisogno stated I know but you...

Chairman Rogan stated I realize there are some concerns on the Brewster side as well with some geometry.

Tom Bisogno stated may I speak, this is a public meeting...

Chairman Rogan stated go ahead, sure.

Tom Bisogno stated this is what you're talking about mostly, this has been well improved over the last few years, every once in awhile they've been cleaning that up, it's almost pavement ready already, I'm not sure who decided that would be done and it was done. The problem with this is, this is quite unnatural to the road, the road is a rural road, the nature of the road, it's like a stone wall, if you disassemble a stone wall and spread it out, it changes the nature. What you're planning on doing is trying to fix something that's natural, the road is natural and okay you can take out this bend, you've already kind of destroyed this, I think, I've been there, so to me, that's almost like two lanes wide and it almost looks like you know any other road in Brewster but you destroyed a stone wall when you did that. Now the rest of the road, see all these little bends, you can't change this, you'd have to basically condemn along the way, all the way to Southeast, anybody coming out of here, 90% of the time they are going this way, there is no way you can deal with this project without talking to Southeast, this is a Town of Southeast road problem and if, there's no way, first of all it would be horrible if they fixed it, there is no, why would you want to fix something that is beautiful as is, okay, so yeah you fix it to make it look like this strip in Patterson which is kind of like over done if you ask me and then you make this the rest, which you can't do, because you'd have to condemn properties that you can't condemn and to straighten it out so they can come down here. This goes to one lane right now, all along just like the old days and it goes down to the wetlands that are adjoining 312, which stay wet and are overused already and have to be fixed, three times, at least four times a month now they have to re-grade it because of the traffic and they can't pave it because the wetlands sit right there.

Chairman Rogan stated that's correct.

Tom Bisogno stated all right, now you have this piece in here, I don't know who you're going to condemn, the Girl Scout camp guy, that family that owns that site or the house where it narrows there, who are you going to take from to open that up, so it goes this, which they're not going to this way anyway, everyone's going to go this way, so let's say you gentrified the road and make it two and a half lanes wide, which it should be in order to accommodate the plowing, it's going to change the nature of the natural road and it's going to basically undo everything that the preservationists really want which is preserve something that's natural, the road is a natural road and you're just going to make it just like any other road, which actually like Farm to Market [Road] that can be done like that, it's always been a road like that, it's why they call it Farm to Market because that's the way they went, why because it's a natural road, this is an unnatural road, it follows the ridge for a reason, now as far as this being a throw away, this is probably the original entrance to the ice house...

Judy Kelley-Moberg stated no.

Chairman Rogan stated no it's not, you're wrong.

Tom Bisogno stated no, there is nothing I wouldn't just throw that away and just take something off of here, maybe what they should do is leave parking here and walk back just like every other park why would want people to get in there that easy, you know, the reason that this is natural is because its slightly inaccessible and it takes an effort. So you're going to have to like change the nature of this which is natural, you're going to have to change the nature of the entire road, which is natural and then they put, let's say you put 25 houses in here, let's say you do, that's noble, okay first of all, I don't think, I think what you should do, the land was sold, probably all along probably since what my mom says originally, it is a little bit inaccessible, it's always been sold as inaccessible, you have wetlands, you have wetlands, rock, pretty much you can't build there anyway, it's all down slope, it's inaccessible, basically this should have been done as road frontage property, if you have 200 foot, I don't know what the zoning is, 200 foot

on Ice Pond Road, if it's 200 foot, give them 200 feet along an accessible roadway, it was sold as that, give them that, why bow to a development...

Chairman Rogan stated sir, I beg to differ that we are bowing to any developer and I think that your opinions, they matter to us, they are your opinions, they're not fact...

Tom Bisogno stated and I'm just talking.

Chairman Rogan stated I appreciate that, you're allowed to have your opinion but I think you should wrap up your comments.

Tom Bisogno stated that was just a bad choice of words...

Chairman Rogan stated thank you.

Tom Bisogno stated and not targeted in any way to the Board and I am just thinking that yeah, okay, I could if I had 25 acres with 200 foot of roadside, that means I can have 5 home sites on it just because it's 25 acres, and especially if it doesn't have wetlands, does that mean everybody who has a larger piece of property can subdivide, no...

Chairman Rogan stated I mean everyone has to right to propose a subdivision and we'll review it...

Tom Bisogno stated oh they do...

Chairman Rogan stated absolutely, that's with the laws that protect property owners.

Tom Bisogno stated and what I'm thinking is, is that the reason that there are zoning is that basically it controls the amount of flow of cars, it controls the impacts on the properties and the impact on the neighbors and basically the whole flow, my thinking is, is that this was probably sold at prices as they go because it was always assumed it would be 200 foot, I don't know if it's 200 foot zoning in Patterson, is it, it is in...

Rich Williams stated the R-4 zoning district is a 250 foot frontage requirement, however in the overlay zone which most of the Town is in and this parcel is in, the frontage requirement is 100 feet.

Tom Bisogno stated then what you do is that would be a limitation based on roadage, road frontage, use frontage as a guide, use this one lane, basically its one car width here and pretty much one car width at multiple places down the road, no line of sight, all the way down the hill, starting from the steep here, coming down, if you multiple 25 out times two, times 2 trips a day which is a minimum, going this direction, you should be talking to Town of Southeast, this is really not a Town of Patterson Highway Department problem, I don't see how you see it that way, except for meetings, school busing maybe comes that way but general commuting and pretty much, the site, with the Board I would recommend and any Board that has to look at the project, should drive from here all the way to [Route] 312 and then come back and multiple times a day, the way [Route] 312 is right now because of multiple project on [Route] 312 coming from everywhere is Ice Pond where it butts into [Route] 312 is a disaster in the mornings and it's becoming dangerous for the buses, it's right at the railroad tracks, all of the buses have to stop there, everything is flowing on Ice Pond like crazy in the morning, then again at 5 to get out is a disaster, to get in is a disaster at certain times of day, not all times of day but at those critical times of day, if you increase the flow right to that trickle point, you've created a disaster. You're adding to the entire problem and it's right

where the tracks are, you make a left there and that gate happens to be down, you're dead, how do I know that because its close, you know for me. So I mean I would just think about the whole road, the nature of the road, its already a natural road.

Chairman Rogan stated thank you sir.

Tom Bisogno stated you're welcome.

Chairman Rogan stated any other questions of comments from anyone in the audience, please come up and state your name for the record.

Seth Ticehurst stated my name is Seth Ticehurst, how are you...

Chairman Rogan stated good, good to meet you.

Seth Ticehurst stated I live at 267 Ice Pond Road, I agree with what he was saying about Ice Pond Road coming from Route 312, it's very twisty and turny, very narrow in places I don't know if there is a way to work with the Town of Southeast regarding this as well but I think it would be a good idea. Also, I had some questions that might be toward the developers a little bit more, specifically regarding the stormwater management, I was just wondering what some of their methods were going to be, what they were planning on doing with the impervious surface, how this was going to be more of a green type project.

Chairman Rogan stated sure, Rich, either yourself or who wants to...

Rich Williams stated it's their project, do you want me to do it.

Board Member Taylor stated (inaudible).

Mr. Buschynski stated in your...

Chairman Rogan stated thank you Joe.

Mr. Buschynski stated under our new state stormwater regulations, we're not only required to address the quantity of stormwater and the quality in end of pipe practices which are proposed here, we are now asked to address stormwater on lots, its termed source control, try to address stormwater where it originates so our plan will be to incorporate as many features as we can on individual lots with either rain gardens or infiltrators, we'll have diversion swales, we are going to be using swales along the side of the road, wherever possible, swales are encouraged over pipe flow for the quality purposes, the overall system will bring all of our water to our end of pipe practices, extended detention ponds located here, they'll be in series before discharge to this tributary of the Muddy Brook but we will adhering to the state's new revisions for stormwater from construction sites.

Chairman Rogan stated do you have any other questions.

Seth Ticehurst stated yeah, also regarding lighting, I'm sure if there were going to be streetlights in this subdivision but I'm concerned about light pollution, glare, that kind of a thing.

Chairman Rogan stated we are as well, there is some and usually we get into the lighting plan as we get past preliminary to really fine tune that but typically...

Seth Ticehurst stated okay.

Chairman Rogan stated and Rich can jump in at any time, the Town has codes for lighting that is shielded and that shines just directly down so we don't get the lighting up the nighttime sky or anything...

Seth Ticehurst stated good, okay.

Chairman Rogan stated actually if you drive a little bit further on the Patterson side of Ice Pond Road, you'll notice there is a light at the end of the Nosh Kola, it's a private subdivision...

Seth Ticehurst stated yeah, sure...

Chairman Rogan stated and that's typically, if you notice that just lights up just the immediate area without much overflow of that light...

Seth Ticehurst stated okay.

Chairman Rogan stated typically that is the kind of thing we're looking for, is a little bit a safety factor but not a source of light pollution because we are equally concerned with that.

Seth Ticehurst stated okay good, also I noticed that there is a foundation of an old I don't know if it's a barn or what kind of a building, is that going to be preserved at all or is, what is going to happen to it.

Chairman Rogan stated we can let our onsite person speak to that a little bit.

Board Member Taylor stated let them speak to it.

Chairman Rogan stated we had, just to let you know, our newest Member of the Board is very involved in the Historical Society in Patterson...

Seth Ticehurst stated good, okay.

Chairman Rogan stated an originally when we walked this you were on the site walk as a representative of the Historical Society and not as a Board Member but we were very concerned about the historical significance of that foundation...

Seth Ticehurst stated it's a beautiful old foundation up with that stone.

Chairman Rogan stated since you're interested in that aspect, immediately to the Patterson side of that foundation is a stonewall that in some places is 12 to 15 foot wide and also had them use that as a property demarcation, to not lose that well because its, there are varied stories about what that might have built for but very unique, something that I don't think I've seen anywhere else in Patterson to that degree.

Seth Ticehurst stated okay.

Chairman Rogan stated Ron, do you have anything you want to...

Board Member Taylor stated there are several foundations there, the house, the carriage house, and several outbuildings that were probably barns...

Seth Ticehurst stated near the well, the well is pretty neat.

Board Member Taylor stated there is a well, some of them are dangerous and need to be filled in, the structures have or, they finished the survey...

Mr. Ringler stated yes.

Board Member Taylor stated he just mentioned an archaeological; he didn't go into it yet, if you could speak to that.

Mr. Ringler stated we did prepare an archeological survey of the property which identified the foundation, the well, and I believe there is a barn that's along the stonewall and none of that is in the development or house areas so we don't need to grade around it, we don't need to disturb it in any way.

Seth Ticehurst stated okay, great.

Board Member Taylor stated it will be left and perhaps the Historical Society will in the future put a sign explaining, it's one of the Mabie properties which she mentioned, so that is already preserved.

Chairman Rogan stated where do you live along Ice Pond.

Seth Ticehurst stated 267, so I'm right about here...

Chairman Rogan stated you're just past the intersection of Tommy Thurber, the cape.

Seth Ticehurst stated yeah, that's the one.

Chairman Rogan stated I know.

Seth Ticehurst stated I think that's about it, I don't know if this is realistic but the approximate duration of construction.

Chairman Rogan stated good question, gentlemen, you want to from completion of all approvals, what would the construction time frame be for full build out.

Mr. Wise stated for the record I'm Steve Wise and I'm with Ice Pond Estates, SW Patterson LLC, that is a fabulous question, this is not a great time to be in our business, it is actually a great time to be in the preservation business but I don't have an answer for that but I really would prefer not to give one because I don't think that I could really assess it accurately, there are fundamental, excuse my back everybody but there are fundamental construction practices that we would follow so there would be sections done at different times, it just didn't make construction industry sense, I think the Town has standards that will prevail also but I think we all generally know how long it takes to build a house, whether there would be several built at one time or all built at once, which is unlikely, it would take some time but I think that all that goes into, a lot of the Town's codes on development is tracked and how it paces and how roads are kept and maintained and cleaned and things like that we are aware of those and not only will we have to

abide by those provisions but we do abide by them, so I'm sorry I can't give you anything more definitive but we just don't know.

Seth Ticehurst stated okay.

Chairman Rogan stated since you live across from the parking area that is used right now for the people that go down to Ice Pond, you should know that it is something that we hope to have a conversation with the Land Trust once this project moves forward to maybe address some of the parking concerns that are right across from your house, I know on a nice day there might be 7 or 8 cars right along in front...

Seth Ticehurst stated it can get a little crazy sometimes.

Chairman Rogan stated it can get a little hectic.

Seth Ticehurst stated yeah but you know people are there for the right reasons so it doesn't really bother us but...

Chairman Rogan stated they seem pretty good, that's pretty cool.

Seth Ticehurst stated yeah, it would be nice if maybe that could be expanded a little bit...

Chairman Rogan stated would like to try to get the cars a little more off the road...

Seth Ticehurst stated right.

Chairman Rogan stated and in other areas we've asked for gravel lots for some of the Land Trust projects and so that is something that is, that property is used quite regularly...

Seth Ticehurst stated it is, it is.

Chairman Rogan stated and I've been in there myself, it's beautiful...

Seth Ticehurst stated it's great.

Chairman Rogan stated okay.

Seth Ticehurst stated all right, thank you, appreciate it.

Chairman Rogan stated thank you very much, anyone else. Please come up, use the microphone, Jack you're on deck.

David Chau stated my name is David Chau, I live at 264 Ice Pond Road, I will just start by saying you know my wife and I moved here about 7, 8 years ago and primarily because we love Ice Pond, we probably walk Ice Pond unless it's totally impossible to get out, we probably walk it twice or three times a day...

Chairman Rogan stated wow.

David Chau stated so we know it very, very well, that is my house, I'm on the last parcel right here so everybody that walks along Ice Pond, I know most of them, I know a lot of them. The preservation of this

particular ridge is very, very important to us, the absolute last thing we ever want to see is people develop too far back so in that regard I think this is a unique opportunity for us to consider this proposal, I do have a couple of concerns, I would support it but cautiously, right...

Chairman Rogan stated sure.

David Chau stated there's a couple of different things, the number one Seth brought the duration, that actually is a serious concern, it's not something we can say we don't know, we have to know before going into it, simply because number one you are constructing around wildlife and there is stresses that you put on them too, first of all I would like to ask, was there a geological study done in the area that your proposing...

Dod Chahrodi stated we have some mapping of that, we did a management plan quite a ways back...

David Chau stated okay, so from a constructors perspective, is there going to be a lot of blasting, is there going to be a lot of digging in bedrock, that kind of thing...

Mr. Ringler stated we did conduct several deep tests on the property to vet out the different lots and in most areas we were able to be 5 or 7 feet, some 3 feet...

David Chau stated okay.

Mr. Ringler stated but we tried to locate the stormwater systems, the house systems away from bedrock so that we weren't disturbing them.

David Chau stated I'm not in the construction business so I don't, I'm not going purport to know what kind of impact and how difficult it is but that someone should look at that, I'm just saying that would be important to us, one Ice Pond, particularly if it is a particularly long project and there is a lot of blasting, a lot noise, you don't want to listen to that for 3 years...

Chairman Rogan stated sure.

David Chau stated I mean that's just a normal kind of thing. So quick question, in the new version, is Ice Pond going to be paved, its just a basic question...

Chairman Rogan stated it's not proposed as part of, as part of the onus on the applicant...

David Chau stated okay.

Chairman Rogan stated it's proposed to bring the road up to standards where it could be paved, should the Town choose to...

David Chau stated okay.

Chairman Rogan stated one of our concerns is that we were getting all these great improvements in terms of stormwater and straightening and making the road a safer road and then we're kind of hoping that the Town will seem fit to proposed that this either get paved so that we don't lose any of those improvements and I'm being told that a lot of the improvements we wouldn't, you know, you'll notice the Town is there grading that road a couple times a year...

David Chau stated yeah.

Chairman Rogan stated I know there are probably people who would love to see it left as a dirt road, so we will have to, the Town will have to address that at a later date.

David Chau stated I don't have a strong opinion one way or the other, whether it's dirt or not and I know that the residents that have been here a long time, I can understand why that they would want to preserve it, a lot of the new residents that I've spoken to, it's rather indifferent but to speak for myself, it's pretty indifferent. The last thing I want to do is just bring up a small topic which I think that residents particularly now would have a concern over and that's under and that has to do with the impact of taxes on putting a development there, does the taxation of this particular area warrant, would it be sustainable to support its own municipal services that would be required by the Town or is the people in the general area, is there taxes going to go up or go down. I'm not saying that this should succeed or fail on that point but that someone should look at that, I think would probably be a good service to the people that live their currently, you know...

Chairman Rogan stated just so you know, this has been discussed as, I won't say age qualifying community but the marketing that was presented to the Board...

David Chau stated okay.

Chairman Rogan stated was more towards the elder community that wouldn't have school age children, that's not to say that school age children might not live, you know as we know with divorce rates being what they are and things happen, that was not the original proposal that was discussed with this project, having said that, single-family homes we could probably surmise some opinion about what that does to the tax base and adding school age children and now, obviously they already have to maintain the road. You know, this becomes a point of, you we're at some of our other meetings but we talk about some commercial projects that we would like to see move forward with...

David Chau stated right.

Chairman Rogan stated areas that are designed for it because that is, those are the types of projects that really help out the tax base that you know, would give you some assistance, you know residential homes, its kind of a balancing act...

David Chau stated understood.

Rich Williams stated yeah, that is absolutely correct, we haven't done any sort of analysis specific to this site but as a general rule there has been a number of other studies done in other communities and residential development typically does not pay for itself, it takes away more in municipal services than it pays for in taxes, that is why you always want to within your community, look at balancing you residential components with your commercial components, we've tried to do that somewhat in Patterson.

David Chau stated yeah, that is, good that you brought that up.

Mr. Wise stated can I just address one part of your question, Chairman...

Chairman Rogan stated sure.

Mr. Wise stated in, I think Chris Fisher in his opening remarks, talked a little bit about the marketing of these, can you hear okay, I'm sorry. We talked earlier about the marketing of these homes...

Chairman Rogan stated (inaudible).

The Secretary stated hang on one minute Steve.

(Tape 1, Side 1 Ended – 7:55 p.m.)

Mr. Wise stated Steve Wise, I don't want to say anything about properties values or what the fiscal analysis is, it's not within my purview to do that but when we laid out the property, one of our design objectives was to be able to appeal to empty nester type of folks and so we were also exercised by the Board on our footprint and what we were doing with house so it wasn't just indiscriminant and one of the things that we've been able to achieve, I believe on almost every lot, if not every lot, correct me if I'm wrong, okay, roughly 23 out 25 is the ability to have a master bedroom and a facility for the master bedroom on the first floor, that's in our business, terribly important, it has other benefits that aren't easily understood but one of the benefits is that if in fact the home is sort of custom build for a buyer who wants to have a master on the first floor because it will be versatile on whether it can built or not to have the master on the first or the second but if it's on the first, that also allowed us to articulate the ridgelines of the building itself that's being built so it brings more down to grade, less up in the air, more peaks of roofs opening up view corridors and its not by accident that no differently than the Putnam County Land Trust was very, very focused on the delineation of you know, where this line should be, there is nothing arbitrary at all about it, our marketing is also geared towards the opportunity to bring development back down towards the ground and not have these, as Chris Fisher said earlier, McManisons, so to speak, so the demographics is important and I think the punch line I guess is that it is often thought that without a burden on the schools, that is something that is positive with development, whether that will take place here or not, I don't know but we have provided for that.

David Chau stated okay, that's very, very important because I think who lives there is almost as important as how you build there right...

Chairman Rogan stated I agree.

David Chau stated you know because this is ultimately whose going to be our neighbors and I mean, if in fact the demographic is that, it makes me feel a lot more comfortable with it, hearing him say that the actual housing plan is geared towards that actually makes me feel even more comfortable about it because again, its true you put 25 houses here, you times it by 2 and you're talking about an extra 50 cars there but if they are not commuting to New York City every single day and they are not, that may significantly bring down, it's true, we don't know, its difficult as a resident to kind of weigh what you're getting by what you're taking away, at the moment, protecting that ridge line is, can not believe how crucial that it, you can not believe how crucial that is, every time I drive down to Carmel and I see houses up there on that ridge, I'm thinking to myself, absolutely not, as soon as someone approves that, I am totally out of here, you know I lived 15 years in Queens and quite frankly, this is as close to heaven as you can get, I hope to spend the rest of life here but that can easily ruin it [snaps fingers] like that...

Chairman Rogan stated well said.

David Chau stated yeah and this guarantees that that won't happen.

Chairman Rogan stated thank you for your comments.

David Chau stated thank you.

Chairman Rogan stated Jack, you're up sir.

Jack Hansen stated Jack Hansen, I live at 225 Ice Pond Road, I only have three questions really, one, is there going to be individual sewers for each house is it going to be...

Chairman Rogan stated yes.

Jack Hansen stated okay, are they going to control the land clearing...

Chairman Rogan stated you mean...

Jack Hansen stated as far as stripping it before they build houses, like they did in Swan, down the road in Southeast, they came through and cut 30 acres down in one day.

Chairman Rogan stated yeah, we show limits of disturbance on each lot.

Jack Hansen stated there are, okay.

Chairman Rogan stated yeah.

Jack Hansen stated and the size of the houses, is there going to be restriction on, can it be a 6,000 square foot house or a 2,000 square foot house or is it going to be something that's in...

Chairman Rogan stated I think he said 3500...

Mr. Ringler stated 3,000 to 3,500 is the footprint that is shown on the plan.

Jack Hansen stated okay, thank you.

Chairman Rogan stated yeah, that includes, that's footprints, that includes garage as part of that...

Jack Hansen stated garage...

Chairman Rogan stated and, this kind of goes back to the last gentlemen also, when we were looking at the layout for each house and obviously as a Planning Board we're trying to make sure that the future owners have the available space for things like a shed or a pool or a garage if they need because it would be you know poor planning if they were at the Zoning Board a week after moving in because they wanted to put a pool in their backyard. So we did push this developer to show these things, whether the owner would want them or not and the other unique feature that we spoke about with the developer was they were trying to promote smaller yards, to kind of, again promote the idea that the owners aren't going to want to take care of 2 acres of grass, they are going to want to just do the minimum, smaller areas, keep more trees, keep it natural, so that was something that we were real happy to see and you know Ron you said it at the last meeting but I think the developer from the number of years that we've been working back and forth has

been really open to a lot of back and forth discussion, this hasn't just been this is what we want and we are going to plow forward.

Jack Hansen stated this is the first meeting I've made, so if I asked a question that's already been answered, I'm sorry.

Chairman Rogan stated sure.

Jack Hansen stated the size of lots, are they going to be...

Chairman Rogan stated well in the cluster they are going to be an acre, roughly an acre.

Rich Williams stated one to just under two.

Chairman Rogan stated yeah and that's part of preserving the open space is clustering them.

Jack Hansen stated okay.

Chairman Rogan stated thank you sir.

Andrew Fetherston stated Shawn.

Chairman Rogan stated yes sir.

Andrew Fetherston stated regarding the clear cutting DEC stormwater regulations only allow you to clear 5 acres at any one time without getting a waiver.

Chairman Rogan stated okay.

Andrew Fetherston stated so that would be a limitation.

Chairman Rogan stated great, yes of course.

Mr. Wise stated if there's no one else, I just wanted to make sort of a closing kind of statement, if not I'll wait.

Chairman Rogan stated well let's find out, have we heard, yes sir...

Dave Lanik stated my name is Dave Lanik, I live at 410 Ice Pond Road.

Chairman Rogan stated is that the long driveway down in.

Dave Lanik stated yes, the 500 foot driveway that the kids don't go down for Halloween.

Chairman Rogan stated no Halloween trick or treaters.

Dave Lanik stated we got trick or treaters once. This is a good meeting, I'm glad I'm here tonight and its good to meet the developers and see some of my friends. I wanted to ask a question about the other drawing, if you could put it up guys, if you wouldn't mind, thank you and while you're doing that if this

development actually flies, as they say, it would really surprise me if Ice Pond Road wasn't paved and if that road ends up being paved, I will never be able to make a left out of my driveway, ever again because it's dangerous now, I can't believe how many times I've been almost t-boned coming out of my own driveway...

Chairman Rogan stated sir do you, let me just ask this question...

Dave Lanik stated yeah.

Chairman Rogan stated to put it in perspective, do you disagree with the ascertain that was said tonight that about 90% of the traffic is going to go towards Brewster...

Dave Lanik stated I don't think...

Chairman Rogan stated based on...

Dave Lanik stated the fact of the matter is it's a short cut to the train station, so people are doing 40 to 60 miles an hour coming down Ice Pond Road, right by my driveway and I'm not kidding and this every day...

Chairman Rogan stated I drive it every day I know what you're talking about.

Dave Lanik stated and this is in the morning around 7 o'clock in the morning, it's crazy and everybody needs to know that, that's a fact and it happens every day.

Chairman Rogan stated and they're doing it on the dirt road.

Dave Lanik stated they are doing it on the dirt road no matter what they're driving, no matter what the weather, so it would be really surprising to me if that Ice Pond Road that I know that is dirt now, just beyond my driveway, that is dirt now, doesn't end up getting paved by somebody.

Chairman Rogan stated can I ask a question off topic from this...

Dave Lanik stated sure.

Chairman Rogan stated have you thought to put a call into Sherriff Smith, for an enforcement issue because it's obviously not a 40 to 60 mile an hour road.

Dave Lanik stated I asked for the Highway Department to put a hidden driveway sign, approaching my driveway as you're coming up the dirt road, Ice Pond, going toward Bullet Hole Road and they said they'd look into it and they came by and they cut the hedges about 2 feet down above the rock wall and they never came back again and the way they cut the hedges was pathetic in a word...

Chairman Rogan stated just would make a recommendation...

Rich Williams stated Shawn...

Chairman Rogan stated yeah.

Rich Williams stated David, can I ask, was that recently.

Dave Lanik stated that was about 4 months ago just when things were starting to get cold.

Rich Williams stated okay.

Dave Lanik stated I see a lot watch the children signs but I asked for a hidden driveway sign and I was pretty much side skirted for that...

Chairman Rogan stated I can't certainly speak for the Highway Department as you realize but I would recommend though that you put either a call or a nice letter to Sherriff Smith to address you know specify your concerns...

Dave Lanik stated yup.

Chairman Rogan stated because I travel that road every day and I do see people driving a little bit father than they should.

Dave Lanik stated if I see you I'll wave.

Chairman Rogan stated well I don't see you out of your driveway, you're always down in 500 feet.

Dave Lanik stated scaring people. This is my house [points to plan], right here and this is number 25, is this final.

Chairman Rogan stated nope, we're not even, haven't even given preliminary approval yet.

Dave Lanik stated my basic question is why is this house, number 25 all the way over here and not with the rest.

Chairman Rogan stated it comes down to simple using the areas that are available, obviously.

Dave Lanik stated that's isolated.

Chairman Rogan stated yeah.

Dave Lanik stated that's far away from anything else over here and I'm just curious about what the, the design was because...

Chairman Rogan stated sure.

Dave Lanik stated I'll be looking at this, I won't be able to not see it, all right and that's a problem right away, I've already had a conversation, an unwelcome conversation in the fall when they were doing the perc tests and we had a talk when I saw the guys tonight and we made nice to each other but I'd like to know that this isn't written in stone yet and maybe there are some interesting changes to our benefit because I moved to the house we're in because I didn't want to see my neighbors unnecessarily...

Chairman Rogan stated sure.

Dave Lanik stated and I won't have a choice now, if this goes down.

Chairman Rogan stated but you know certainly I would argue that you've had also the benefit of all the years you've lived in that house having this beautiful property next to you that somebody just like you built your house has certainly a right to propose a house...

Dave Lanik stated right.

Chairman Rogan stated and you know I know that your house has been for sale for quite awhile, your house, you've had your house on the market for a couple of years, haven't you.

Dave Lanik stated yes.

Chairman Rogan stated yeah, I would say that that lot right now is shown, if that lot works, if the septic works, if it lays out, if it meets all the requirements, I think I would probably be hard pressed to oppose it because they were going to have one neighbor that was going to look at them and I'm just speaking personally...

Dave Lanik stated and this isn't the forum for that either but I mean only in that...

Chairman Rogan stated well you know it's the forum that you're bringing it up as a concern, you know I'm just saying...

Dave Lanik stated yeah, it is.

Chairman Rogan stated as looking at it from, we're looking at it in terms of protecting sensitive areas which certainly the wetlands and the Land Trust property is, certainly we are looking at view shed management and we have to consider all things but if there a usable piece of property that meets the requirements you have to realize that this Board doesn't have the, we only have so much authority and we would be hard pressed I think and Tim correct me if I'm wrong...

Tim Curtiss stated no, that's true.

Chairman Rogan stated counsel, to not look at a lot that they are proposing that meets all the requirements and if we were to deny it based on the one component that its visible from one neighbor's house, I think we would probably have a hard time with that, now I'm speaking on my opinion but of practice...

Dave Lanik stated sure.

Chairman Rogan stated so I'm just...

Dave Lanik stated but going back to my original inkling was that is the only one that is all the way over here and why it isn't with the group, I don't understand and I actually came upon that tonight sitting here looking at the drawing, that's all I got, thanks.

Chairman Rogan stated thanks sir. Come on up...

Tom Bisogno stated in response to...

Chairman Rogan stated sir you have to use the microphone.

Tom Bisogno stated what's your name.

Dave Lanik stated Dave.

Tom Bisogno stated I've never met Dave before, I should have met him years ago, you know first of all...

Chairman Rogan stated can you state your name.

Tom Bisogno stated Tom Bisogno speaking again from Ice Pond Road.

Chairman Rogan stated they need to know for the record.

Tom Bisogno stated 155, first of all, I don't know if whether he's selling his house or not has anything to do with this, first of all...

Chairman Rogan stated as a point of reference...

Tom Bisogno stated and as point of reference I don't know if this green is correct or this blue is correct, it might be correct, this might be watershed, this could encroaching, this could be narrower than you think, this house might not be viable...

Chairman Rogan stated sir, let's stop there for a second...

Tom Bisogno stated how would I know.

Chairman Rogan stated you're asking the question...

Tom Bisogno stated yeah.

Chairman Rogan stated we have a Wetlands Inspector who is not here tonight.

Tom Bisogno stated okay.

Chairman Rogan stated but that wetlands inspector is responsible for verifying the wetlands delineation...

Tom Bisogno stated I would say...

Chairman Rogan stated let me finish please...

Tom Bisogno stated go ahead sorry...

Chairman Rogan stated and then I'll give you your time.

Tom Bisogno stated yes sir.

Chairman Rogan stated and they have verified those delineations so that we have proper, when we get to this point this isn't, they haven't been before us for two months, I'm sorry this is the first meeting you're coming to but we've been talking about this for several years.

Tom Bisogno stated has there been more than one public meeting.

Chairman Rogan stated no, this is the first public hearing.

Tom Bisogno stated oh okay.

Chairman Rogan stated but I'm just, there are signs up on the property that they, that state, the signs go up for public notice, you've seen a lot of activity I'm sure when you're driving up and down the road, I know the gentleman who was speaking before talks about seeing crews there. I know that I drive the road every day and I have seen Health Department people on site, I've seen various activities for over a year...

Tom Bisogno stated okay.

Chairman Rogan stated my point is though that those areas shown on the map in blue and in green, I can feel 99% sure that they are correct, so if you can, now it's your floor.

Tom Bisogno stated I just was wondering, I didn't know why he was, I thought his points were correct, that he can ask those questions and whether he's selling his house or not, has nothing to do with this meeting...

Chairman Rogan stated you're right, that has no bearing.

Tom Bisogno stated the other thing is just because you're going to go you know, nothing says, let's say you own 150 acres of something, most of it which is the steepness here, this is unusable anyway, you know as far as what is given away or held, it's not buildable, it's just fact, I know the area, I've walked that since I was 12...

Chairman Rogan stated you may not want to say that on the record.

Tom Bisogno stated but anyways you know just because, you don't have to approve a road system, is this going to be a Town road, private road, Town road, is that the plan, you don't have to approve another Town road in order to give road frontage and you don't have to change the zoning for the area, you can just leave it as is and it basically would follow the normal route of things that are, you know everybody else on our road, if you look at it and they are following the zoning, just follow the zoning and that protects this entire wetlands and it protects the road from traffic that needlessly, they still make a profit before they have to go undo you know I don't know how much they spent on engineering so far but they didn't need to, they come up with a logically plan that met the site's natural course, if they want to go over the top, I know this for a fact people can over the top and engineer all they want and keep engineering and they build on a price of a property that originally wasn't meant to be what they want it be and then it can turn into like the Town of Patterson owns these roads that they have to plow, that are either sellable and they might be just a burden in the long run for the Town if they went there anyway when if you just follow the natural course of the road, it limits the access to the road, it's logical to the road and that's what the zoning is about in the first place, I don't know and I just thought he was leading a little bit like pointed out as far as this goes and this is a little bit odd but you know, I think if you just follow the road, that's fine, now you can build all this but I don't

what it does to the Town and I certainly don't know what it does to the rest of the road, going down to [Route] 312, its just a lot, feels like a lot.

Chairman Rogan stated any other questions from anyone. Ma'am the reason you need to come up is because we need to have a record and Michelle needs to type everything that you say into the record.

Louisa Bisogno stated Louisa Bisogno, Ice Pond Road, on the buildings that you proposed, I'm a big fan of HGTV, I have to tell you master bedrooms on the first floor are no longer for elderly, they are for couples who have cash, the convenience, the quiet, away from the children and the guests, it's the style now, it's not extraordinary, it has nothing to do with access for the elderly and I don't know anyone in my age group and I don't want to say who on this Board age group, is looking to buy and downsize to a 3,500 square foot house, just for the two of them, empty nesters, it doesn't wash gentlemen, it does not wash, 3,500 is a lot of square footage, a lot of house and you own this property and you have a right to sell, to build on it and make some money out of this but the tax payers can no bear the burden of your profit and nature can not bear a burden and I suggest for goodwill of this Town that you continue to cooperate with the Land Trust, it is unbuildable but I'm glad you thought of them and their goodwill towards preserving our nature. Many years ago we subdivided our property, it was called Ice Pond Subdivision, we wanted to give our children an opportunity to build their own homes, we had to face that frontage issue, it's a cliff all the up to the ridge on Terravest, I mean and how many soil test I've seen, they cost a fortune to engineer that property and 3 of my children did build on that property, there was no profit to made for anyone because of the engineering, I think that if these builders wish to develop the property they have to reasonable, as it is presented today it is unreasonable, new roads in this time of hardship where so many citizens are leaving the area because they can't pay their taxes, I have neighbors who've done that, have you, do you know any families in the Town that have moved away to lower tax areas, why are you going to drive more of our people who spent a lifetime here away, away from their grandchildren, away from their friends and the communities, just to build more roads, go up Tommy Thurber and see the abandoned project there, the McMansions, they are about 3,500 square feet too, as to not coming earlier, in truth, the access is the other way, especially in bad weather, unfortunately we haven't been policing this road, we accepted this notice from the Town as an invitation to express our concerns and to welcome the builder if he's reasonable.

Chairman Rogan stated thank you. I think someone else had their hand up, come on up sir.

Dod Chahroudi stated I just wanted to briefly address something that was brought up earlier about the parking problem, of course the Land Trust does not own that land yet...

Chairman Rogan stated I realize.

Dod Chahroudi stated so there is no way we could build that and there has been a place there for maybe 3 or 4 cars just pulling off the side of the which isn't adequate and people are parking along the side of the road so that definitely will have to be addressed. We had had a real problem with if you opened up that road that goes back in there, the old road ATV users have been going back in there and even cutting cables to get back in there, originally we thought maybe a parking lot back in there but that would access that large area to ATV's. There was an area right near the corner there, the sharp corner, there's a flat area and it's elevated, it would probably be about large enough to fit maybe several cars in there but that is also the area that is going to be straightened perhaps so I wondered if that could be taken into consideration when they do straighten it that there might be a parking lot there and one last request is when you specify what the parking lot should be like, the parking lot that was built on Couch Road and that was very expensive to the Land Trust because of all the requirements to it and it's basically an empty parking lot that's not used

by anyone, this would be used and it would be important but just though if there was some way they could be useful, lasting but no so expensive for materials, and the or that's all.

Chairman Rogan stated thank you. Anyone else, okay sir, no but they are going to include this in the public record, public hearing.

Mr. Fisher stated thank you Chairman, just a couple of before I turn it over to Steve, just a couple of Planning and Zoning points and address some of the comments that we heard if we could. As you had mentioned obviously the Town's consultants or whatever, this property has been well studied, so the base line information, whether its wetlands areas, those delineations were done by qualified professionals doubled checked obviously by the Town's consultant, similarly with the surveying and engineering work and that data that's been put forth, some of the other features that I mentioned at the onset, some of the folks had some comments about the viability of certain of the disposals areas, those have been tested, the data has been provided, I think Geoff has worked on that mostly with the Putnam County Department of Health and the applicant knows that these are conforming, will be able to be developed and will actually support the lots and the development that we are showing here. A lot of times, probably not in Patterson but in some communities, you don't ever necessarily get to that point and you're subsequently looking at some changes so from a design perspective, we know this layout works, it's a point even though we're at preliminary where a lot of the engineering and drainage details have been well thought out because we have been here for three or four years now, so that we've addressed, a couple of the other points, folks have obviously focused on the ridge line and some of the steep slopes in the back that would be preserved, if you look this map in roughly the areas that are white are less steep if you will, some of the areas that essentially are developable when I assume this was a farm at some point in time historically, these are areas where the development has been concentrated, so it's off the ridge line, they are developable areas, we have shown technically that they are viable and can be done that way so I just wanted to address that point. The other concept that was raised is you know what if we simply put lots almost as frontage on Ice Pond Road, so you have individual lots that were fronting on Ice Pond, if you look at these parcels, the way of the land and environment say don't do that, these big blue areas and buffer areas are wetlands, essentially you would be taking this lot 25 which is a viable lot essentially consistent with the character of what you see now on adjacent parcels, you would be extending that all along this and the likelihood because these are really the developable areas, you would be talking about some kind of road to come back in here anyway, by the time you go done and did an analysis of that, we would be to this configuration, back in off the property with this kind of development, so that really isn't a viable alternative from an environmental standpoint and the only last thing I want to point out before I hand it over to Steve, this project conforms to Zoning, it was specifically designed to address the Town's open space development plan, it is less units than are allowed, there are no variances, we are proud of the layout we believe that with the Board's help that it is a very environmentally sensate design so it's a compliant plan, there is nothing that is inconsistent with the Town's Planning or Zoning with respect to this plan as applied to it.

Chairman Rogan stated thank you.

Tom Bisogno stated can I ask the engineer a question.

Chairman Rogan stated sure, can you wait for this gentleman first.

Tom Bisogno stated specific about what he just said.

Chairman Rogan stated sure, we're still in the public hearing.

Tom Bisogno stated Tom Bisogno again, speaking to...

Mr. Fisher stated Chris Fisher, lawyer.

Tom Bisogno stated Chris Fisher, you're not an engineer.

Mr. Fisher stated (inaudible).

Tom Bisogno stated I'm not sure, are these wetlands.

Mr. Fisher stated yes, all these blue areas are wetlands.

Tom Bisogno stated so you're saying that you can put this right here.

Chairman Rogan stated no he was just saying if the wetlands weren't there...

Tom Bisogno stated oh if the wetland weren't there.

Chairman Rogan stated in an ideal case for the layout of the road, um...

Tom Bisogno stated you can't, what you said is that you can put this right here, that's not true, you can't put this right here, so that's, the road has a natural protection from building, you can only put this here, maybe one of them here, here and here, basically it's a seven lot road frontage, probably, it's not a 25 lot road frontage, the impact of what you're proposing impacts not only this, this, this but the road also, so that's why you're here and that's why there's public here, you can not just do what you just said.

Mr. Fisher stated I'm not sure that's exactly what I said but I agree that highly unlikely that this Board would ever approve a plan if we can in with lots all along this frontage like that and yes you're correct that if you were limited to developing only lots with frontage on the current Ice Pond Road, you'd probably only be able to get yield out 3 or 4 lots, that's not a viable plan from this applicant's perspective and it's not something that we proposed, so we've come up with, as I mentioned a design that we think addresses Zoning, is appropriate, balances all the environmental effects and I guess since the one comment I had raised Ice Pond Road and Chairman you really did address this but that is going to be a question for the Town to decide on paving...

Chairman Rogan stated correct.

Mr. Fisher stated was obviously looked at it a lot and there may be differing views on that but that will have to be up to the Town Board.

Mr. Wise stated again Steve Wise, just a few things I would like to say and I had not planned on saying anything tonight, frankly I'm really proud of 2 or 3 things about this particular project, one most importantly I do a lot of this in the tri-state area, I do a lot development, I do a lot in urban areas, we do a lot in suburban areas, one of the things I'm really proud of is that I kept my ego out of this process to a really great degree and I have an ego and I have opinions and I have but particularly after listening tonight you all know this property so much better than I do and we recognize that up front, 2006 is roughly the time we starting planning this site, there is a lot of this planning that is not by accident, I think you know the Putnam County Land Trust addressed a little bit of that but there has been a lot of study here, you know the use of this property, people who use it aren't supposed to use it, whatever it may be, there's been

hunting there have been all kinds of requests that we've gotten over the years about whether the property can be used in different ways, obviously a lot of people don't call us and they just do what they've been doing however long and so we don't pretend, I don't pretend to know this site, I am an owner by the way, we don't just control this, we've owned it all this time, we are not just passing through but what's important is that we are not trying to impose anything other than certain business principals that we see about how to develop some of these homes, we bought the property because we thought that there was zoning that allowed 30 houses, it's hard for me to say this but I think we are better off today given the process that we've gone through with the layout of the design and that doesn't come easily, most developers don't want to come up here and say jeez you know we'll take less lots, I'm not happy, I'd like to have more lots but I think as Chris said we are probably at a better point in this plan for it, it's been a long road, it's been very well studied from trees to rock outcroppings to rock walls to whether or not we can incorporate sheds and pools and try to keep complaints coming from, coming to the Town, a lot of anticipation has gone into this, working with the Putnam County Land Trust on the delineation of the line, I can't add anything to that, all I can tell you is that I know it wasn't arbitrary and people that know every inch of this property, theirs and ours and you probably can relate to it much better than I ever could and on that not I am proud because I think that allowing myself to step aside and letting people who really know the area and use the property and where it may go in the future dictate a lot of its form, I'm proud of that okay I don't do that everyday all of the times I have to use my vision and really try to educate people on what can happen and I think this has been a nice compromise frankly, that is number one. Number two I respect everybody's view, again I'm proud that this hasn't been contentious to this date, it's been long, its been expensive, there is a lot of engineering that's gone into this, sometimes I feel it's over engineered, I'm not really sure I'm capable of saying that it is over engineered or under engineered, I don't really know but I know that's been studied, I know that people have their views, we're not perfect, the gentleman came up here tonight and he pointed that out and he is absolutely right, we are not perfect all the time but I think we've done a reasonable job to get to this point, we don't close our ears, we try to be neighborly but again we're not perfect. The last thing I'd like to say is that and I want to be crystal clear, working with the Putnam Count Land Trust and people affiliated with them, for clarity they are not condoning development, that's not what their mission and never has it been expressed to us that way, ever. This is a unique opportunity for them, certainly it's a compromise on all side because we are in business to make money from the development of homes, we make no bones about that, we think we've done it sensitively, we think that in working with the Putnam County Land Trust that there are very important goals that they have been able to achieve through this plan, should it be approved and we hope that it is because its been a long, well thought out road but I has to say that what I'm proud of in this last point is working with them, they have educated us, it is not every day that I get to work on a project where I am truly educated about wildlife and things along those lines and I've appreciated that, I'm not just saying to be self serving, I'm not you know, whether this happens again is up to this Board and the deliberations that will go on but I am proud of having gotten to this point, I would like to think that we are reasonable people, we have good team of professionals that have been working on this long and hard, I think the public has truly had a partner in government at the Town level and beyond through all the things that come to bear on this project, whether its wetland analysis or any of the other sensitivity studies that have been done archeological and other wise and I think that's good conclusions and I'm not sure it's perfect but it is where we are and I think it really affords a great opportunity as its been expressed to us that is an opportunity that is one of compromise and one that has not been contentious and I think that's really been nice and I'm proud to have been a part of that and I want to thank the opinions that have been expressed and I want to thank our team for being sensitive and certainly this Board.

Chairman Rogan stated thank you.

Mr. Wise stated thank you.

Chairman Rogan stated okay.

Board Member Cook stated anybody else.

Board Member Taylor stated motion to close the public hearing.

Chairman Rogan stated is that a motion, you have to speak up sir, we have to get you in the record.

Board Member Taylor stated motion to close the public hearing.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated thank you for the input tonight, I want to let the people who spoke and also the people who didn't feel the need to speak but came on behalf of this application that we are at the preliminary stage in this case, we've worked to a point, we've taken comments, the comments certainly were heard and will be used from here forward for discussions that will take place, there are a lot of things that still need to be done on this and there are still a lot of design elements but we are at a point where we feel the concept as its been presented is something we've worked through and as the gentleman said meets the zoning requirements, something that we'll work forward with, like he had said it's not a perfect plan and I'm sure there will be changes, there are always changes between preliminary and final, sometimes on lot count, sometimes on roadway improvements, various things, I would encourage people that came tonight to take a look at the agenda and to look at the Town website and I realize sometimes and I wrote myself some notes here, we've talked about this from time, different times that sometimes you do feel like you're being brought in late in the process and that's, the process is laid out, we have public meetings, we have public agendas but this Board has talked quite a bit about how do we let people know that things are being proposed in the beginning so you can know, we have a subdivision on the agenda tonight that it's the first time we're seeing this, just week ago, over in the Putnam Lake area which is being proposed as a 12 lot subdivision, I think we could probably do a better job of getting people involved early, while it may not be a public hearing in the early stages, it certainly is an opportunity for people to be informed and I don't think that we're doing the best job we can at letting people know, we can always do better but I know the feeling of coming to a public hearing and making statements and feeling like yeah but they've already got the design, it would have been nice to be involved in early on, so I think that's something we are going to try to figure out a better way to keep people informed, again I urge people to go to the Town website because the agendas every month are posted, the minutes are posted, you can read verbatim minutes from not only this meeting but every meeting, Michelle does a fantastic job of not only documenting all that but making sure it gets posted to the website through the Planning office in a pretty timely manner, so I think that's a credit to their hard work, having said that, we have, is anyone prepared...

Board Member Cook stated me...

Chairman Rogan stated we have a resolution for preliminary just to move the process along, Charlie.

Board Member Cook stated preliminary subdivision approval resolution, Ice Pond Estates, whereas the Planning Board pursuant to Chapter 138 of the Town Code and Sections 276 and 277 of the Town Law considered the application of Mr. Freeze LLC and SW Patterson LLC and the Putnam County Land Trust for approval of a preliminary subdivision plat, entitled Ice Pond Estates, prepared by Bibbo Associates dated March 20, 2007 and last revised on November 10, 2009, and whereas the Planning Board opened a duly noticed public hearing on the subject application and preliminary plans at its meeting on February 3, 2011 and closed the public hearing on that same night after receiving comments from the public, now therefore be it resolved in the application of Ice Pond Estates for a preliminary subdivision approval pursuant to Chapter 138 of the Town Code, the Planning Board finds that the subject application and preliminary subdivision plan as modified in accordance with any applicable conditions set forth in this resolution, complies with all the requirements of Town Law and Chapter 138 of the Town Code and hereby grants preliminary subdivision approval subject to 3 findings, 4 general conditions.

Chairman Rogan stated can I have a second.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Board Member Taylor stated can I make a comment, please.

Chairman Rogan stated sure, go right ahead.

Board Member Taylor stated I would just like to comment, you've heard the reading of this statement and I used to site out in the audience, I'm up here now and it's a very difficult situation we're in, what we have to do is weigh the Town Code, that's what we're bound by and other codes versus the private interest, this is not public land, this is private land that people have been paying taxes on for years, now all of us, a lot of us, enjoy the benefits of neighbors lands that are undeveloped that we haven't paid anything for to maintain them in those states, I have vacant land next to me that I love having vacant next to me. We've got to face the fact that if you want to preserve the Town as it is now, you've got to change the Code, the Board can do nothing about that, the Board is bound by the Codes, the Board is bound by providing support, reasonable support for private interests, so...

Louisa Bisogno stated then why have a public hearing.

Board Member Taylor stated because we're welcoming comments and as Shawn said, this process is going forward, now as he said, it would be nice to get comments sooner in the process but you have to understand we are bound by the Codes, as well as trying to accommodate all these different interests.

Louisa Bisogno stated but why have a public hearing Chairman.

Chairman Rogan stated I can address that ma'am because the, none of the comments that were taken tonight, it's not like we're accepting the comments and that doesn't mean anything to us, what this allows, preliminary approval, is for these gentlemen to take the plan and seek input from other agencies, to start to get approvals from Health Department, from DEP, from DEC et cetera, County Planning, Town Highway, there are a number of approvals throughout the process and they can only go so far in the process and it's been argued by many people, certainly the people spending the money for the engineering that we require a lot more than we probably should to get to preliminary because preliminary is just that and if we require people to design an entire project just to get preliminary then we're doing a disservice to them also, the intent is you've met, you've discussed what's important, you've got a plan that meets the requirements, number one and not all developers are so eager to meet that requirement, they try to push forward with what they want and we are in a process now where we can move forward collectively with the other involved agencies, get their comments, like I said preliminary approval doesn't mean done, it means preliminary, so your comments, its not that your comments weren't heard...

Louisa Bisogno stated Mr. Chairman, I appreciate what you just said...

Chairman Rogan stated I'm hoping we're going to get you on the record but...

Louisa Bisogno stated it clarifies it however does this Mr. Wise need to address any of our concerns as he come forward or are we just out there venting.

Chairman Rogan stated I would say if I'm answering you honestly, it's a little bit of both, honestly because the concerns that are raised, just like we have scoping sessions when we do different planning processes, we get concerns, for instance roadway, things were brought up about roadway, I feel like we've addressed some roadway issues but some people brought up concerns that maybe we need to take a look at things, as we go from preliminary through the process, it allows us to look at these things again, those comments are part of this record and will be part of this from here forward. All of those comments that were, I'm not saying that every comment that someone says means we're going to change the project but certainly it gives the Board information for their deliberations and applying the codes, obviously every, I have comments about this, I have personal comments as well but I apply what the rules say, what the balance is because what this Board is really designed to do is to weight what is reasonable and what is not reasonable and we have to work as Ron had said with the codes that we have and we have to balance these things and protect not only the community but the property owner, so this balancing act, this is never a perfect world, there isn't a single project that gets built that is 100% perfect, we are constantly looking at projects, we did it tonight and we point out things that maybe we could have done a little better and that's part of that learning process, so I'm sorry that you feel like maybe you weren't heard but I can assure you that the comments were heard.

Louisa Bisogno stated you clarified it very well...

Chairman Rogan stated thank you.

Louisa Bisogno stated and with your honesty, I'm sure everybody appreciates it...

Chairman Rogan stated thank you.

Louisa Bisogno stated but the democratic process would require that a well meaning developer take serious consideration, my first question in my mind was he will warn that people about the bear dens in their backyard, that is a minor safety issue perhaps to people who live in Westchester or Greenwich but certainly not to the people who will be buying those homes abutting the bear dens.

Chairman Rogan stated I'd love to have that in my backyard.

Louisa Bisogno stated we had bear tracks this way.

Chairman Rogan stated I appreciate your concerns though ma'am, we're going to move along to the next topic because we have a lot more to cover tonight. We'll let you guys move on, let's take just 5 minutes quick and let people clear out.

Board Member Montesano stated yeah.

The Planning Board took a break from 8:40 to 8:45 p.m.

The Secretary stated okay, you're back on.

Board Member Montesano stated we're on.

Chairman Rogan stated okay, ladies and gentlemen, if you'll please take a seat, we're going to start back up again...

2) **GENOVESE SITE PLAN – Wetlands/Watercourse Permit and Bond**

Chairman Rogan stated do we have anyone here for Genovese Site Plan, we're just doing, Genovese is just administrative, right.

Rich Williams stated well yeah, correct Mr. Chairman, there were two...

Chairman Rogan stated hold on a second, ladies and gentlemen, if you could just please be so kind as to either take a seat or take your conversations outside. Thank you, okay...

Rich Williams stated there were two outstanding issues, one is the wetlands/watercourse permit for the Genovese/Flex Building and the other was the bond issue that I think we are still waiting for Bibbo Associates to provide to us.

Chairman Rogan stated we don't have a bond yet for Genovese.

Andrew Fetherston stated we never got one.

Chairman Rogan stated no.

Rich Williams stated you almost made the door.

Mr. Buschynski stated I don't have a good answer.

Chairman Rogan stated the answer is we don't have it yet.

Tim Curtiss stated but we will.

Chairman Rogan stated all right.

Rich Williams stated so you do have a resolution for the wetlands permit, I don't know if you want to move that.

Chairman Rogan stated yeah we can move that, sure. I'll introduce this resolution, in the matter of Genovese/Flex Building for the wetlands/watercourse permit...

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated very good. Alright, item 3 on the agenda is Thunder Ridge Ski Area, I am going to recuse on this application, Charlie, if you'd be so kind.

Board Member Cook stated yes sir.

Chairman Rogan stated thank you sir.

Board Member McNulty stated Albano's on too, should we take care of that as well.

6) OTHER BUSINESS

b. Albano Wetlands/Watercourse Permit

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

Vice Chairman Cook stated yes we will, let's do Albano, you want to do Albano.

Mr. Watson stated sure.

Board Member Taylor stated we might as well, let's take care of it, what do we have on that.

Vice Chairman Cook stated we have a resolution.

Board Member McNulty stated want to get Rich over here.

Vice Chairman Cook stated okay.

Board Member Taylor stated right, I did read it. We're going to Albano Rich first.

Rich Williams stated I'm sorry.

Board Member Taylor stated we're doing Albano first to get it out of the way.

Rich Williams stated oh, sorry, okay.

Board Member McNulty stated we have to waive the public hearing too.

Rich Williams stated you're all familiar with this.

Vice Chairman Cook stated why don't you just show...

Mr. Watson stated want a quick presentation.

Vice Chairman Cook stated what happened with the Department of Health and what's new to what we previously approved.

Mr. Watson stated sure, what's new to this is the addition to a footing drain on the house which in order to get positive pitch out of, for the footing drain to daylight we do have to discharge the footing drain into the Town wetland buffer, there, as I discussed at the work session, there has been a long history, over 10 years of...

Vice Chairman Cook stated okay but the main reason is that the adding of a basement...

Mr. Watson stated the adding of a basement, correct.

Vice Chairman Cook stated causes the need for the drains.

Mr. Watson stated in developing the plans now that the project has become real, he started to develop plans he saw that the size of the footprint of the house was so small that he really wanted to get a basement and in order to get a basement to drain with footing drain to daylight, due to the DEC wetland buffer which is here and the Town wetland buffer here, there's, the only way elevation wise to discharge that footing drain to daylight is to come down to this elevation here which is in the Town buffer, we're still totally outside the 100 foot DEC adjacent area, it is an encroachment along the stonewall that's on Edwards Road for the footing drain discharge.

Vice Chairman Cook stated anybody have any questions, we discussed this at the work session and we're okay with, right, okay so I'll make the resolution for the wetlands/watercourse permit revised, Carl Albano, Old Wall Subdivision lot 9. Resolution that we have before us which includes that the Environmental Conservation Inspector has reviewed the application and raised no objections, understand it will have a

minimum impact on the character and functions of the wetland and we agree to waive the requirement for public hearing on the application of final site plan, as modified and that there is no change in SEQRA.

Board Member Montesano seconded the motion.

Board Member McNulty asked for all in favor:

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

The motion carried by a vote of 4 to 0.

The Secretary stated perfect timing, hang on one second.

(Tape 1, Side 2 Ended – 8:50 p.m.)

3) THUNDER RIDGE SKI AREA – Continued Discussion

Mr. John Watson of Insite Engineering and Mr. Bob Ravallo of the DEP were present.

Vice Chairman Cook stated Thunder Ridge.

Mr. Watson stated Thunder Ridge.

Vice Chairman Cook stated the comments from last meeting that you wish to state at this meeting.

Mr. Watson stated the only thing I'd like to do, I, one of the comments that came up, I think from Mr. McNulty was that we made a statement in one of our narratives that when taking into consideration all factors that this was the preferred location for the owner and you seemed to think that we hadn't really substantiated that, so I did prepare a little list of factors that we believe we presented, I did send it, I thought I could send it to Rich...

Rich Williams stated it was provided to them tonight but I didn't get it until 4 o'clock today.

Mr. Watson stated okay, right, understood, I just thought that I was preparing it for the meeting and I thought if I could get it to you guys ahead of time...

Board Member McNulty stated I did get it, I haven't seen it yet though.

Mr. Watson stated okay.

Board Member McNulty stated so this is your...

Mr. Watson stated this is my response...

Board Member McNulty stated your back up for the response to those factors involved.

Mr. Watson stated of the reasons why, right...

Board Member McNulty stated okay.

Mr. Watson stated there was also a statement at the end of our discussion that, that one of the Board Members felt that we had not any forward progress on this whatsoever and I was a little surprised by that, I thought that, as discussed at the last meeting, we did state that we were going to go ahead with the proposed location and offer some mitigation measures and with our last application we did submit quite a bit of mitigation measures and wondered if the Board has had a chance to review that and give feedback on that.

Vice Chairman Cook stated do the resolution first, Ron and then we'll, okay, first Ron does have some comments that he'll so state...

Mr. Watson stated sure.

Vice Chairman Cook stated but I will make the, I will set the motion that the Planning Board designate itself as the Lead Agency and we do a coordinated review of the application as presented to us for both the wastewater treatment plant and the site plan.

Board Member McNulty seconded the motion.

Vice Chairman Cook asked for all in favor:

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

The motion carried by a vote of 4 to 0.

Vice Chairman Cook stated Ron, if you want to comment.

Board Member Taylor stated all right, by the next Board meeting, I hope to provide a detailed footnoted evaluation of the testimony and submissions as they bear on what I see to be the key points of the applicant's case. Tonight I have a succinct statement, I'm looking at you, succinct, that comment on that case that summarizes some of the Board's concerns. First of all the applicant's presentation has been confusing, if not misleading, the applicant suggested that haste was needed in the approval process but they were well along in the process with the DEP and the deadlines for funding were impending but apparently while there are some pressures to complete the project, it is still in a formative stage and no funding cut offs are imminent. The applicant introduced the existence of future expansion plans for the ski facility as an argument against locating the treatment plant anywhere except as they proposed, however apparently such plans do not have sufficient substance at this time to warrant basing any decisions upon them. The applicant also brought up the cost of plan preparation and review as being a limiting factor of burden for the applicant, however it would appear that the DEP is bearing these costs. Secondly, the applicant has presented conclusions especially to the location of the proposed plan that was not but has not supplied the

data and analysis which the Board needs to evaluate such conclusions. In fact it would appear from the testimony that the applicant did not analyze alternate locations but based the location of the plant on their desire to have as little disruption to the present operation as possible and as little encumbrance to land parcels as future use as possible, both very understandable desires which if they had been the basis of argument from the beginning might have saved considerable discussion time. Some of the concerns of the Board as to the specifics of the this application are, number one, the fore most concern is a proposed crossing of Stephen's Brook, the applicant proposes measures to mitigate any negative impact on the brook, mitigations are however based on compliance and enforcement, both of which the Board is well aware are problematic in fact remarks made during the discussion indicate that applicant does not have a good track record with environmental codes compliance at this site...

Mr. Watson stated excuse me.

Board Member Taylor stated these remarks need to be supported by documentation. As the E.I.C. remarked, the best mitigation would be to move the plant else where so that a crossing of Stephen's Brook is not needed. Number two, an analysis of alternate possible locations should be undertaken, since keeping key parcels separate for future marketability is a concern of the applicant and the approval process may require consolidation of a land which the plant is eventually located into that of the lodge, an analysis of the cost of merging parcels and of subdividing out parcels, may be in order. Besides the ski area other possible locations of sufficient size that should be evaluated are the parking area that's 14.1-44 of 2.84 acres, the 6 acres 14.1-51 to the south and the 6.9 acres, 4.18-1-4 across Birch Hill Road from the lodge and respect to the possibility of locating the plant onto a parcel with existing use, it should be determined whether the DEP would pay the cost of relocating that existing use to another site, this is especially concerning parking. The analysis at the very least should generate a list of pros and cons so that various sites can be somewhat compared, other factors of unsuitability besides size should be evaluated more thoroughly and quantified as much as possible, such as smells, aesthetics, road access. Tom posed a question as to whether other types of waste treatment may not be preferable for the site, it may be necessary to determine if the Board believes an evaluation of types of waste treatment facilities is in order, Tom also raised the question of new water usage by the proposed the plan, is he satisfied with the answers to his question. In it's submission to the DEP, the applicant states the proposed plant will be operational only during the winter ski season, will the lodge then be shut down the remainder of the year or will it use some other waste treatment during the off season. I would hope that we could get together and perhaps work out a proposal that is more agreeable to both parties. That's all I have to say.

Board Member McNulty stated well said Ron.

Mr. Watson stated was that you, was that the Board collaborated on that or was that...

Board Member Taylor stated no, that is purely mine and here you can have a copy of the remarks, if you'd like.

Mr. Watson stated thank you.

Board Member Taylor stated I will e-mail you additional copy of this.

The Secretary stated thank you.

Vice Chairman Cook stated any the Board.

Board Member Taylor stated yes, I'll send everybody an e-mail.

Mr. Watson stated is that generally the consensus of the Board, what he summed up...

Board Member Montesano stated well it's my, I have a feeling that goes along with it.

Vice Chairman Cook stated I think that, first off I think that obviously like you stated earlier this evening, the property owner has a right to develop this property and that's one thing, I think with the issue of Stephen's Brook there concerns everyone, any type of disturbance that will come along and I think that the applicant in saying I'm not going to use this piece, I'm not going to use this piece, in a way that's his right, okay but I guess as Ron said in his little talk there, a little bit more information relative to why these other parcels will not be used versus just I don't want to use them, okay. I think it would be helpful for DEP to weigh in with our E.C.I. guy to understand the split that's there, he feels one way, DEP, Bob you feel a different way or you're okay with this and that your both interested, your main job is environment so it's just for lack of a better word, very awkward that we're sitting here listening to these 2 different sides on this one particular issue, so I'm glad that Ron summarized his in writing for you, just take that, respond to us so we know you know, you know where the feeling is and how, maybe you can come back with answers that just turns this around, you know and that's fine too, I think that the main points that Ron is saying is that we just want some more information, okay, again we understand the applicant has the right to do what he wants to do with his property, we're here to make sure that that happens, that the Town now the brook, doesn't take a hit.

Board Member McNulty stated I tend to agree with Ron as this point to but also with Charlie, the applicant has the rights to his land, to do as he sees fit but we also have the duty to look at the overall balance for the Town within the Code and we have to be careful in our decisions because then we may have an applicant 2 years from now with a similar situation that you know, he's going to go back and pull up past information so we have to balance past with future as well and at this point, you know just simply put, the argument outside of the best interest for the applicant is in contradiction to a lot of the balance and we just need further back up, maybe these notes you sent tonight, I haven't looked at yet, they may answer some of those questions, so I think we still have a long way to go, the way I see it.

Mr. Watson stated okay.

Vice Chairman Cook stated we'll be also interested obviously in a coordinated review, getting back comments from these other agencies and that will maybe shine some light on the subject that you haven't articulated in a way that we've have understood it.

Mr. Watson stated okay, yeah I do feel that half of the issues that you brought up I thought I had addressed and I probably did not make it clear enough or say it in a way that answers yours specific question but I do think we did address some and we can clarify that and I do think that possibly another site visit might help because for us to keep writing things on paper, we spend a lot of time putting down our thoughts into what we thought was a pretty good list of mitigation and no one has really commented on that list at all yet, I don't know if you have comments on our mitigation, is that...

Board Member McNulty stated well the improvement to the bridge and the overall design of the bridge was definitely an improvement from the initial view that we had, initial engineering that we say but it still doesn't analyze the pros and cons outside of the operations of the ski slope for other areas of the property. I think as a Board we just don't see the data that analyze these other areas that we thought might work...

Mr. Watson stated we did a lot of that internal up front with the owner, we did stuff, we talked about things, so there has been a lot things that we've done that you don't know about.

Board Member McNulty stated and that's those factors, I think that I asked about, okay you have factors, we don't know what they are, maybe the terrain isn't right, maybe it doesn't support a building...

Mr. Watson stated would it be possible to have another site visit, is that something you would entertain...

Board Member Taylor stated not with the snow.

Board Member McNulty stated I don't know, would it help with the snow, I don't know...

Board Member Taylor stated if I can make a suggestion, at this point, there are only 4 parcels that you could possible, well no there are 3 parcels you could possibly do anything with, there is the ski parcel that you are now using, an unused corner of...

Mr. Watson stated right.

Board Member Taylor stated there's another 200 acres of that parcel...

Mr. Watson stated in the back, it's...

Board Member Taylor stated well the ski slope, over where the lift is, is there anything, that's what we need to know, is there any where else there, just, I'm just respond to this in writing or on paper or something. The 6 acre parcel, could some of that be used, can the back part of the that be used, you need one acre, that's another question, road access becomes a problem then, the parcel across the road, you quickly went through some analysis of that, we'd like to see a little more analysis of that for example, you said the driveway was too steep, it was too close to the neighbors, those kinds of things, we would like to see, those are points that are valid but do they out weigh having to build a bridge over Stephen's Brook, that's what we would like to see so we can compare these different things, what you've done is you've brought your conclusions to us and said this is it without providing us and then you keep presenting more information that isn't data that we can make a decision on, that's what we need, we need some data we can make decisions on...

Mr. Watson stated that's why I think the site, if we take a site visit and walk up this road again and look you physically see, this is, this is just not feasible to do anything here, that's, you're just look, seeing is believing, that's what we did, after the first meeting here, it was 9:30 at night, we went over to the ski area, we walked across the bottom here and they were just finishing up night skiing and it was brutally obviously to me, but I might be biased that it can't go any where down on this lower parcel, you can't use this parcel, you can't come in down here...

Board Member Taylor stated what about the parking area.

Mr. Watson stated the parking area that takes up parking space and then the wastewater treat...

Board Member Taylor stated put parking space somewhere else.

Mr. Watson stated right but then you have a wastewater treatment plant right at the entrance of your, of a commercial facility where you have thousands of people on this...

Board Member Montesano stated on the same basis some of the items I read in there, there is a possibility of a smell coming out of it, now you've got a residential area right above it...

Mr. Watson stated I mentioned this before...

Board Member Montesano stated let me finish something...

Mr. Watson stated okay.

Board Member Montesano stated then you can give me yours.

Mr. Watson stated yes.

Board Member Montesano stated alright, why should we even, what do these people have to expect, the possibility of it, the bridge crossing, there will be no salt used, with all due respect, the guy coming over to check that with his truck starts slipping and sliding, he's going to put salt down and now we don't have a way to confine him and say you can't, you can tell people not to do something but that's why we have courts and attorneys et cetera because people do as they damn well have to, okay, not that they please but they have to. The fencing that was described, that was for the safety of skiers, did you ever hit one of those things, a pole like that...

Mr. Watson stated there's poles, there's hundreds of...

Board Member Montesano stated that's what I'm saying, yeah but the object is its there but why it's also...

Mr. Watson stated it's a proposal, I'm glad I'm getting feedback, what would you...

Board Member Montesano stated well this is what we're trying to say.

Mr. Watson stated think, what do you...

Board Member Montesano stated this is what I read here, some of these things are questionable, I don't understand them, I'd like you to explain why, first off the, to me, personally it's a pristine part of a brook that is really ideal and suddenly now we're going to, I don't care, if you'd like to drink the effluent from that, be my guest but I am not going to, okay, I can't see dumping it in there when if we did it lower or in another location maybe we wouldn't have to disturb that part up there and if we have to, then I have to have a good reason why I'm willing to do that, I have people that I am going to go talk to, there are people that will be here at the public hearing as you witnessed tonight, all of a sudden we got hit with them, these are things that its too foggy, I need something to clear that out and I think we all have come to that conclusions, we have conflicting expert testimony, which you can expect in a lifetime but now I want to know why, I understand what we had been told, what you have said, I want to see why, why we're limited to this spot.

Rich Williams stated if I could just interject, just a little factoid here...

Board Member Montesano stated alright.

Rich Williams stated that everybody may have missed, nobody is going to be drinking the effluent coming out of that sewage treatment plant...

Board Member Taylor stated we know that.

Rich Williams stated let me finish, it's going to be going down to the snow pond and they are going to be using it to make the snow on the hill.

Board Member Montesano stated right, now let me put it this way, I don't know the last time you skied but I remember getting a mouthful of snow and now you're telling me it could have been that.

Board Member Taylor stated so as an example...

Mr. Watson stated yes.

Board Member Taylor stated what you just said about the parking area, that's your conclusion, we want to see that reasoning process, we want to see those reasons why its not possible to build in the parking area and then let us draw the same conclusion you do, that's what we're talking about data, the same with the parcel across the road, you said it was too steep, it was too close to the...

Mr. Watson stated I thought being on the record was enough.

Board Member Taylor stated let's see those enumerations, why it's not appropriate and then we can judge whether in fact its not appropriate or not, then we can compare it to the 6 acre parcel, the only objection you have at this point to the 6 acre parcel is that it's not unsuited but you'd rather reserve the parcel for future use.

Mr. Watson stated exactly.

Board Member Taylor stated all right.

Mr. Watson stated that's not going to change, that's the owner's (inaudible).

Board Member Taylor stated I understand that, will the plant fit on the 6 acre parcel...

Mr. Watson stated yes, yes it will, absolutely will.

Board Member Taylor stated that's what we need to know and then we need to weigh your requirement for future use against all the other possible locations and the pros and cons of those locations, you see what I'm trying, we need to make that decision as well as the applicant making the decision...

Mr. Watson stated I understand but...

Board Member Taylor stated okay, that's all we're saying.

Mr. Watson stated also, the 6 acre parcel is a separate parcel, if it were included as part of the ski area...

Board Member Taylor stated let's not get into that, we've heard all that...

Mr. Watson stated okay.

Board Member Taylor stated you are crossing a separate parcel with the bridge...

Mr. Watson stated which we're willing...

Board Member Taylor stated you are putting, no, let me finish, you are putting the plant on a separate parcel which do not want to include with the lodge, it is also a separate parcel, these are all separate parcels owned by the same person, so all these issues apply to all the parcels, you can't take one and apply the issues to it and say it doesn't apply to the others, it applies to all of them equally.

Tim Curtiss stated Ron, I think one thing for clarification I think and correct me if I'm wrong Bob, but the DEP has already gone on record as saying they can't force the applicants to put it on that six acres.

Board Member Taylor stated I know, I know, (inaudible) I said.

Tim Curtiss stated and I don't know whether you have the authority to make them go on that six acre parcel, that's really the issue and one of the things that I think in this debate or this focus is, you're looking at a commercial facility that is fragile and when I say fragile, that ski area is really too far south and what the owner is trying to do is maintain it as commercially viable as possible which he has argued, forces him and the DEP has agreed to put the sewage treatment plant where he has. Now you may disagree with that and I may disagree with that but there are certain limitations that the engineers and the DEP are working within and to make them go out and prove all these other locations when they really can't consider them in the first place is a little bit onerous I think, I'm only stating, I would say that maybe the focus should be on where they're locating it and mitigation measures there and then if you're not satisfied that they really can mitigate it, then you have argument to say look guys, we have to put it somewhere else.

Board Member Taylor stated I'm not asking him to spend a lot of money to prove this, I'm asking for a few simple...

Tim Curtiss stated no, I understand, I understand what you're saying and if you just want a baseline as to why they can't do it in these other areas true but I was just saying that I don't think of and Bob correct if I'm wrong, I think you said last time that you can't force them to put it on that 6 acre parcel...

Mr. Ravallo stated no, I...

Board Member McNulty stated that means they can't force them put it anywhere then.

Mr. Ravallo stated I can't, if the owner agreed to it, I won't object but I can't force it. Let me say something else, one thing I think tonight has been extremely positive, you were very succinct in putting your concerns on writing, its always much easier to deal with things when you not only hear them but you can see them and you other gentlemen, you know essentially, some of the questions or concerns were slightly different but they piggyback on it and okay, this is not the first Planning Board I've dealt with, obviously I've been on both sides of the dais and I understand where you're coming from and you have a right to ask the questions that you're asking, we have obligation to answer it, okay, essentially it was good listening to the public hearing, it comes down to balance, okay, we're going to go back and we're going to take all your questions, this is really the biggest issue is the site and we'll prepare a balance sheet, these are the pros and even though if we're redundant like on the 6 acres, the owner doesn't want it, et cetera, et cetera, et cetera, we'll put that in writing, we'll talk about the other sites, it's a balance sheet, I appreciate what Mr. Curtiss said that you know he doesn't think I could force the owner to put it there, I would if I could, he also implied that maybe you can't but you know what but I don't want to get into that, I really

want to, I want to make this really a win-win, okay I represent one of the biggest environmental organizations in the world, alright, you hit the problem, your environmental consultant, he is dedicated to protecting the environment, that's my job, that's what I've been doing for the last 14 years, there is a professional difference of opinion, okay will, to the best of our ability we'll try to prevent, present as many facts as possible to say okay, the balance, the greater good, your Chairman, nothing is perfect okay and we'll try to demonstrate that what we're proposing is the greater good, we'll do our best, you have an absolute right to ask those questions and we have an obligation you know to answer them, you have a responsibility to the people, not only the people of the Town of Patterson, you really have a greater responsibility and I think you're doing your job well and you know what, this is an expensive project, we knew that from the beginning and this is one more necessary step, this is not the first time that we've had to come up with answers to technical challenges, I mean that's one of the reasons this has taken so long.

Board Member Taylor stated can I ask you a specific question.

Mr. Ravallo stated sure.

Board Member Taylor stated if the plant were to be placed in the parking lot, would DEP pay for recreating an equal space somewhere else for parking.

Mr. Ravallo stated you mean like buying other land or paving it.

Board Member Taylor stated no, on their land.

Mr. Ravallo stated I think I might, I mean it depends how much, how much could it possibly, if I'm not buying land...

Board Member Taylor stated no you'd be on the same.

Mr. Ravallo stated yeah I'm sure we'd consider that and consider it most likely favorably and we'll look at that okay, I mean I heard very clearly what you said, as you noticed I was jotting down notes...

Board Member Taylor stated do you want a copy also.

Mr. Ravallo stated I know I'll get a copy, one thing I think I can answer very quickly, you asked a question by the type of treatment, my first choice and spent a tremendous amount of money researching this, wanted, for instance the project before us the public hearing, they are all going subsurface, yeah I wanted that, why did I want that, cost, it's the least capital cost and I don't have to pay O&M forever, I save millions of dollars, okay, literally because obviously that would have been our first choice, it would have been the owner's, no owner wants a sewer treatment plant, he gets out of the, who wants to be in that business, you have people like not only the DEP but the DEC, everybody is on your back but we've explored that, we have explored it to and we will answer it in writing...

Board Member Taylor stated you've answered that but what about other types of plants, are there any, does it...

Mr. Ravallo stated excuse me.

Board Member Taylor stated are there any, I mean Watchtower is going with a different type of plant.

Mr. Ravallo stated Watchtower, this plant is too small okay, I mean...

Board Member Taylor stated all right.

Mr. Ravallo stated Watchtower has a really great plant, in fact I know an awful lot about the technology that they use, it doesn't lend itself to small flow...

Board Member Taylor stated okay, that's what we need to know.

Mr. Ravallo stated I mean what they're proposing is state of the art and you mentioned well nobody is going to drink it, you know some of the operators claim that it's good enough, you know, no way will you see me drink it but its awful pure, okay.

Board Member Taylor stated okay.

Mr. Ravallo stated you know I just have to say something, we've heard what you've said and we'll do our best to answer all your questions to the best of our ability.

Board Member Taylor stated that's all we're asking.

Vice Chairman Cook stated Bob, thank you.

Board Member Montesano stated thank you Bob.

Andrew Fetherston stated Charles, I think Ron, you know in listening to it, I think Ron has a great point you pay for the parking down at the bottom of the hill but the other impact is, the impact is not from the plant that is the greatest concern of the E.C.I. and of the Board, it is the access only it is not the plant, think about access, there is a path there that they do no want to lose because of skiing...

Vice Chairman Cook stated yes.

Andrew Fetherston stated but there is an access, it's an access issue that was a major concern of all of this.

Board Member McNulty stated and I think that's why we looked at the 6 acre lot so hard...

Andrew Fetherston stated right.

Board Member McNulty stated and maybe that 6 acre lot can become a 5 acre lot and still be a viable future development.

Vice Chairman Cook stated you're almost 100% right, Mike brought it up I think, what is also a concern is that of the odor, now listen because when John responded he said that the odor, there were issues with the odor if it went to 6 acre lot, there was no mention of odor at the present location or the proposed location, okay, so there are a couple of those little nuances in there also. Richard...

Rich Williams stated question for the applicant, is the plant being designed with odor control.

Mr. Watson stated it's not, these MBR plants are not typical sewage plants that they built 10, 20 years ago with open tanks that are outside, everything is covered, everything is either buried tanks outside or inside,

when you're inside the buildings they can, you can get whiffs of sewage but when you go to a plant, an RBC or some type of plant with open clarifiers, it stinks, these plants smell is a lot less of an issue...

Board Member Taylor stated so we need to know...

Mr. Watson stated but if I could just finish...

Board Member Taylor stated what is the radius for that?

Mr. Watson stated I said this at a previous meeting, the odors are localize because you don't have these open tanks, you can get localized odors if you're close to the plant and I'm making up a number but say within a hundred feet of the plant or so, once you get hundreds of feet away, it's a non issue which is why, up here, I know Andrew mentioned last time, the nearest residence is about 500 feet away down the hill, back up the hill, skiers skiing by it, it's unlikely if someone's skiing by it...

Board Member Taylor stated quantify that.

Mr. Watson stated okay, fine.

Board Member Taylor stated that's all we're asking, quantify it.

Mr. Watson stated but to put the building down in a parking lot where you're parking next to it and walking, that is a different story and the owner is not excited about that.

Board Member McNulty stated this proposed plant is similar to the Town's plant, is it not but on a smaller scale.

Rich Williams stated no.

Mr. Watson stated no.

Board Member McNulty stated no, okay.

Rich Williams stated not at all, different technology.

Board Member McNulty stated maybe so it would be on a lesser scale, I'm sure...

Rich Williams stated our plant is a 80,000 gallon per day plant, theirs is three.

Mr. Watson stated this is three.

Board Member McNulty stated so if no one's been to the Town treatment plant, it might be viable for us to visit that.

Board Member Taylor stated but its not comparable...

Board Member McNulty stated well it will get you...

Board Member Taylor stated you want a plant that's comparable.

Mr. Watson stated I can take you to a plant that's comparable.

Board Member McNulty stated it would give...

Mr. Watson stated I have 10 or 20,000 gallon a day plants...

Board Member McNulty stated but Ron it would give you a base line because the Town plant does emit some odor but it's not unbearable, so you could see what a larger plant would do but then again a similar plant would be good too.

Board Member Taylor stated I think that would be better.

Mr. Watson stated Clear Pool Camp in Kent is an MBR, it's been online for 6 years now and they have, it's like this, it's a seasonal use where most plants if you shut down, all the process, all the biological activity just dies, this has recirculation all sorts of neat things that make it, Clear Pool's never had a problem, they've never had to even reseed in the spring, the sludge...

Board Member Taylor stated that's all we need, we need qualifications of those things, that's so that we can make decision.

Board Member McNulty stated we are lay people and we have to see it in black and white to understand it.

Vice Chairman Cook stated John on your offer to have a site visit, what I would suggest is that we wait to get back comments from the other agencies that we, maybe instead of taking a site visit there, we take the site visit to, where did you say, the Town of Kent...

Mr. Watson stated Clear Pool, yup, Town of Kent.

Vice Chairman Cook stated okay, again after we get the comments and then you can schedule that for us and well work that out.

Mr. Watson stated my only reason for wanting to do the site visit now is a lot of the questions that you answered or asked could be answered in one minute by just physically walking you know, that's why we can't do this, and you look at it, it's very clear when you're looking at it, it's hard sometimes to put things into words, you don't have the same, it doesn't make the same impact when I say you're going to have to have a 50 foot cut for the entire 200 foot length, that's what I said at the last meeting why we couldn't use this parcel and that it's hard to even visualize that, when you stand there and you're standing at the edge of the road and it's going like this up on the road and then you have to cut in to put this whole facility in, its very obvious.

Board Member Taylor stated but if I see a topo I can visualize that.

Mr. Watson stated we don't have topo there because it's off site.

Board Member Montesano stated (inaudible).

Rich Williams stated we have the maps in the office.

Mr. Watson stated oh, you have that property.

Board Member Taylor stated (inaudible).

Andrew Fetherston stated we did, when we did walk by we saw one house with the driveway and I remember you and I looked and said holy cow, there was one house that had a driveway...

Mr. Watson stated and that's what these...

Andrew Fetherston stated and it was, I wouldn't want to go down it in the ice storm.

Mr. Watson stated and actually if you look at this map, that driveway is right here Andrew and if you look at these contours, there's 20 feet of grade change from the road to here and one here there's 30 feet of grade change.

Board Member Taylor stated we're going over the same territory again.

Mr. Watson stated yeah.

Vice Chairman Cook stated all right, so you'll send out copies to the Board, to Rich, to Andrew...

Board Member Taylor stated yup.

Vice Chairman Cook stated and then John you'll respond and we'll go from there.

Mr. Watson stated okay.

Vice Chairman Cook stated we thank you.

Mr. Watson stated thank you for your time.

Vice Chairman Cook stated Robert, thank you.

Board Member Montesano stated I was up in Springfield, Massachusetts when they put that plant in there about a hundred years ago and the kept handing us glasses and I said thank you, no.

Mr. Ravallo stated that is a favorite trick of operators, what they do is they show you how pure their water is and they collect it but they have another glass of water, it's sort of the switch and bait, you don't drink the...

Board Member Montesano stated that's why we handed him our glass...

Tim Curtiss stated the old switcharoo.

Mr. Ravallo stated thank you gentlemen.

Board Member Cook stated let the record reflect that Shawn Rogan has returned to assume his duties as Chief Executive Officer of the Planning Board.

Chairman Rogan stated I thought you were going to have all this stuff done.

Board Member Taylor stated we almost did.

Board Member Cook stated we can move along.

Chairman Rogan stated moving right along, we have M&S Iron Works Site Plan...

4) M&S IRON WORKS SITE PLAN – Initial Application

Chairman Rogan stated actually we covered it at work session, we got a concept plan and we will...

Rich Williams stated I have since done a review on it, you do have my review memo, we will be sending it on to the applicant to be addressed.

Chairman Rogan stated excellent, and...

Board Member Taylor stated I would just like to, what I was asking for, somebody just put on a topo where the current flows are and how they spilt for that parcel and the other parcels then I can (inaudible) understand what you're talking about when he talks about he was going to run it over to one parcel and now he's going to redirect it somewhere else because we talked about not wanting to run water through the landfill and to avoid putting water there, is he talking about directing it where it will go under the landfill or are we talking about directing it somewhere else.

Rich Williams stated oh, he's talking about, all right...

Board Member Taylor stated that's all I'm saying.

Rich Williams stated I can show you a plan, right now he is not proposing to direct it through the M&S Iron Work site, he's going to bring it down the road rather than go across the road.

Board Member Taylor stated so then...

Rich Williams stated and block off the landfill at some point when he does the Stone Hill project.

Board Member Taylor stated that's all I was asking, if he could just show that on the map so I can understand it...

Board Member Cook stated (inaudible).

Rich Williams stated we have the maps here, I can show you.

Board Member Montesano stated do you have to do that, did you have to stick that pin in there Harry and caused that alarm to go off.

Mr. Nichols stated I did that.

Chairman Rogan stated got ya.

(Inaudible – too many speaking/background noise).

The Secretary stated Harry do you need more push pins.

Mr. Nichols stated do you have more.

The Secretary stated I'll get more, yup.

Mr. Nichols stated yup.

Chairman Rogan stated later reading.

Mr. Nichols stated unless there's some on the floor here.

Chairman Rogan stated okay, 450 Haviland Drive Subdivision, Mr. Nichols, we have a brand new initial application.

5) 450 HAVILAND DRIVE SUBDIVISION – Initial Application

Mr. Harry Nichols was present to represent the application.

Mr. Nichols stated good evening.

Chairman Rogan stated good evening.

Mr. Nichols stated for the first time in many years I am here with a clean, uncluttered project and I hope to keep it that way during the development.

Chairman Rogan stated you said its clean and uncluttered.

Board Member Taylor stated alright, I think one house on 50 acres...

Mr. Nichols stated one house on 53 acres.

Chairman Rogan stated approved, I'd like to set a public hearing.

Board Member McNulty stated he didn't have the road frontage.

Board Member Cook stated waive the public hearing.

Mr. Nichols stated because I need approval tonight.

Chairman Rogan stated you wish it was that easy, huh.

Board Member Montesano stated take a push pin Harry.

Chairman Rogan stated oh, look at that.

Board Member Taylor stated she should have a band aid.

The Secretary stated we have those too.

Board Member Montesano stated we should start with darts.

Chairman Rogan stated okay Harry, good evening.

Mr. Nichols stated okay, good evening.

Chairman Rogan stated it's nice to see you, we've missed you.

Mr. Nichols stated I missed you too.

Chairman Rogan stated thank you, say that with such sincerity and honesty. Brand new application, this is, these guys get a chance to be in from...

Mr. Nichols stated yes.

Chairman Rogan stated square one and when we looked at this at the work session and I'm sure there's comments, does Harry have comments yet on this...

Mr. Nichols stated yes.

Chairman Rogan stated but right off the bat we were looking at just each lot real quick and how it lays out and area and you heard us talk about this with Ice Pond Estates, area around the house for the person to use backyard let's say, area that's allowed by zoning for things like sheds, pool et cetera and we noticed that a few of the lots were somewhat constrained as they had been initially proposed, in that the set back the property line set back is in some cases 25, 30 feet from the back of the house, it doesn't give a while lot of area to put in a pool or the regular things people do in their backyard, we also, so just that comment up front that we are going to be looking for as plans progress that you look to provide usable area, not steep slopes but usable area that people can propose those sorts of things...

Mr. Nichols stated sure, I understand.

Chairman Rogan stated so we're not sending them to the Zoning Board you know, right after the move in.

Mr. Nichols stated if we have a perfect plan the first time in, we probably wouldn't recognize it as a perfect plan so...

Chairman Rogan stated of course we would.

Mr. Nichols stated (inaudible).

Chairman Rogan stated you would tell us it's a perfect plan but you didn't tell us this was a perfect plan.

Mr. Nichols stated as I was once told by somebody, who was a Planning Board Member, I would say anything I was paid to say but that's not true.

Board Member Montesano stated who would do that.

Mr. Nichols stated what we have here is a 53 acre parcel of land, the Sacred Heart Catholic Church is located just south of it, we abut the property, it wraps up and around the church and comes back, the steeper areas are in the back, BR3 State Wetland running through the site, it's a very unique site to walk, it's very, people who like the birds and the bees are really going to like this site. Using the overlay approach, fits this property probably better than any site I've worked on...

Chairman Rogan stated really.

Mr. Nichols stated by clustering we get the use of what we could get with conventional development although we're not really developing up to the maximum because we could get 12 lots, we're not 11 lots but...

Chairman Rogan stated hold on one second Harry.

(Tape 2, Side 1 Ended – 9:32 p.m.)

Chairman Rogan stated okay.

Mr. Nichols stated okay, well we are looking to do something that will be accepted and will do well in the process. What we had done, we've looked at this, we've done a number of studies on our own and this we felt was best or most logical one, we come in with the one road, we are extending it beyond the thousand foot, we have to ask for a waiver on that, the reason being we did not want to create any finger lots going back and secondly, to pick up, if we wanted to develop additional lands and the possibility of coming in through, Utica Road but physically...

Chairman Rogan stated steep slopes.

Mr. Nichols stated that would be a disaster I believe to come in through there, we are up to about 22% of the land being developed, the overlay district I think allows 29, 28%, is that true.

Rich Williams stated yes, 28%.

Board Member McNulty stated it is.

Mr. Nichols stated and what we've done is we have a profile of the road follows the basic contours of the land and if you walk it, this seems to be logical to have the access come in through here, now granted the lots we're not, the lots allowed between 40,000 and 80,000 square feet, I think our houses are drawn too big, probably gives you the wrong perspective but other than that, we have been in here, we're concerned about the underlying soils on the septic systems we would have to prepare and provide for this, I can say that we have tested the 11 lots and we have acceptable results from all of them and we'll meet the Putnam County Health Department requirements as well as State requirements, so the septic perc's were very good, the land generally up in Putnam Lake is either sandy or it's rock and this is typical.

Board Member Cook stated that existing driveway...

Mr. Nichols stated yes, over here...

Board Member Cook stated yes, is it going to an existing house.

Mr. Nichols stated yes, there is a house right here.

Board Member Cook stated okay.

Mr. Nichols stated this is the house right here, it's on the property.

Chairman Rogan stated its one of the lots, yeah.

Mr. Nichols stated and you can see all of the our buildings that are around, we are proposing a new septic for that house, now I'm so sure, I'm not sure 100% that that house is going to remain as it is, it may just be a knock down and then build a new house but we are proposing it as a lot with a totally new septic that we have proved out.

Chairman Rogan stated so that house will meet all the set backs and everything...

Mr. Nichols stated it will meet all the requirements, yeah, the only requirement we had a little bit problem with is the, in the current location we are within the buffer area but with the land, the set back from it.

Chairman Rogan stated but its an existing disturbance, so you can probably even get Teddy to go along with that.

Mr. Nichols stated yeah, it's an existing lot, now a lot of the disturbance that runs through the buffer over in this area and down to the wetlands will be eliminated.

Chairman Rogan stated right.

Mr. Nichols stated hopefully we can get a credit for that.

Board Member McNulty stated Harry, the 22% you said was buildable, I guess, is that 22% of the entire 53 acres.

Mr. Nichols stated well the way the overlay district is set up, you're allowed to put into lot area 28%...

Board Member McNulty stated of the overall lot.

Mr. Nichols stated of the total lot area.

Board Member McNulty stated and that includes your wetlands and everything.

Mr. Nichols stated yes...

Chairman Rogan stated 28% of the bulk.

Mr. Nichols stated if you can, first of all you have to do the analysis which we did and submitted on a set of drawings, we used the two different methods that are in the Code and the one method we came up with 15 lots and with the conventional one we only came up with 12, unless you do to the arithmetic on it.

Chairman Rogan stated Rich I know we've spoken about this in the past but is the Board required to look at an alternate plan that meets the R-4 zoning on this application.

Rich Williams stated no, that was the intent of the open space overlay zone was to set up standards that were mandatory for an applicant to come in, so we didn't do this two phase process and have the engineer, you know, go through all the expense of designing a conventional subdivision plat to develop a lot count, knowing that we were throwing that in the trash...

Chairman Rogan stated okay.

Rich Williams stated it was an unnecessary expense.

Chairman Rogan stated paperwork exercise.

Rich Williams stated yeah.

Chairman Rogan stated having said that though, now we haven't been out on the site yet but just looking at the wetlands and the steep slopes and the difficulties, I agree with you Harry, where you've shown the entrance, it seems like its logical place that it can go, there is no other real access to this that isn't through a wetland or...

Mr. Nichols stated you want to bring the road out in this location but unfortunately, elevation wise it rises about 15 feet to this point and its totally blind at that location, so we moved the road now, as far as we can without going into the buffer, we have about a 200 foot separation from the high point.

Chairman Rogan stated what would, what I guess, I didn't complete my thought I know but where I was going with this is if we took this entire piece of property with nothing on it except topo and we removed the wetland areas and the buffer and we removed anything over 20%, 25% whatever we would determine to be difficult to utilize for usable area for the lot, what would we be left with in acreage. It seems like we would be left with about what you're showing as the impact area...

Mr. Nichols stated yeah, it would, probably be just a little bit bigger because some of the lands obviously we have areas back in here, which are really not worth the effort to get to, the disturbance you're going to create just to reach that piece of land would not be worth it.

Chairman Rogan stated because one of the comments that was stated several times tonight, on another project, was the idea that well yeah but those areas aren't really usable anyway, so what are we really protecting, by clustering we're protecting an area that we wouldn't be able to utilize anyway expect for credit for the bulk of the lot that we need 4 acres and 3 of it is unusable and one acre is usable...

Rich Williams stated sure.

Chairman Rogan stated which would be a flaw within the way we've been talking about...

Rich Williams stated here's what we're doing with the cluster overlay zone, this is a great subdivision which is an example, many years ago, this property was a subject of another subdivision called the Home Site, where they tried to use the whole area and they tried to get 25 lots on there which under 4 acre zoning they would be close to that now and that's what we would be faced with right now, you would be looking

at, as a concept review, you know a subdivision which you know pushed the houses all the way across through the wetlands because they're allowed to. With the cluster overlay zone, we kind of said right up front, we recognize that these areas are going to be challenging the build, we want to push everything closer to the front, closer to the usable areas and give us a design that reflects that. So, that is what we are doing with the cluster overlay zone, is pushing the applicant's right, you know coming in the door to give us a design which is reasonable and could be approved and try to reduce the amount of review time in a project.

Mr. Nichols stated the, most of the wetlands, I guess the pristine wetlands are in the rear as are the steep slopes, so nature has made this, this is a local wetland at this location, we have, this has been flagged, Ted has walked in the field and has approved this flagging, State has approved this flagging, as a matter of fact the signature box on the drawing, they signed the sets of drawings for us that they flagged the actual wetland we're showing you.

Board Member Taylor stated can you show us a larger map of the area of how those wetlands connect to other wetlands or connect to streams or are they isolated.

Mr. Nichols stated no, they are definitely not isolated, yes I would have to show you probably on a USGS map...

Andrew Fetherston stated I got it.

Board Member Taylor stated yes.

Chairman Rogan stated hey, look at that, worth every penny Andrew, worth every penny.

Andrew Fetherston stated I have to write that down.

Board Member Montesano stated the following paid political announcement is not for the public.

Chairman Rogan stated 2 points for being witty.

Board Member McNulty stated you can just pass it over here, Harry.

Mr. Nichols stated this actually fits in this way, this road coming in here is this road up here, this is Haviland [Drive] location...

Chairman Rogan stated you can see the wetland areas on the, the dark areas.

Mr. Nichols stated Utica [Road] is back here.

Board Member Taylor stated we'll get it for...

Board Member Montesano stated I got it.

Chairman Rogan stated ma'am...

Board Member Montesano stated excuse me.

Mr. Nichols and Councilwoman Nacerino are speaking without a microphone and can not be heard.

Councilwoman Nacerino stated okay.

Mr. Nichols stated and all this.

Councilwoman Nacerino stated right.

Board Member Taylor stated they're in here, they are in this parcel.

Mr. Nichols stated you come in the driveway right here.

Board Member Taylor stated it doesn't show me how it connects (inaudible).

Chairman Rogan stated unable to transcribe, too many people talking at once.

The Secretary stated yup.

Rich Williams stated excuse me, ladies and gentlemen, we're trying to get this on the record.

Chairman Rogan stated we're having like nine conversations here.

The Secretary stated watch the microphone please.

Councilwoman Nacerino stated yes for the record, I just need some clarification as to where this parcel of land is in Putnam Lake.

Chairman Rogan stated for the record we can't here.

(Inaudible – too many speaking at one time).

Councilwoman Nacerino stated across the street from the church.

Mr. Nichols stated no, it's not across the street.

Councilwoman Nacerino stated its on the same side.

Mr. Nichols stated the street is on the same side.

Councilwoman Nacerino stated and how large are these individual parcels going to be.

Mr. Nichols stated between forty and eighty thousand square feet, is what the Code...

Councilwoman stated and what types are you...

Mr. Nichols stated single-family.

Councilwoman Nacerino stated but high ranches, colonials, (inaudible).

Mr. Nichols stated something that will fit with the area.

Board Member Montesano stated uh oh we're going to (inaudible).

Board Member McNulty stated what happens with the balance of the land, the steep slope that's not usable, does that just stay ownership, with the current owner.

Mr. Nichols stated it stays, that stays, has one of these been completed with the Town yet...

Board Member Taylor stated what I would like to see is the wetlands.

Mr. Nichols stated how are they, how do they (inaudible) that land.

Rich Williams stated there are a couple of different ways you can do it, if the Town is interested in accepting it, the Town can accept it, they can pass it on to a land trust, they can put it in an HOA and the property owners can have ownership to it...

Board Member McNulty stated okay, that takes place during the process will determine what's going to happen here.

Rich Williams stated correct.

Board Member McNulty stated okay.

Mr. Nichols stated if that land is needed in order to establish the number of lots we're entitled to, this (inaudible – not using microphone).

Chairman Rogan stated right.

Board Member McNulty stated I understand, you need the...

Rich Williams stated there is also another alternative in that it abuts land that at one point was going to be acquired by the state.

Chairman Rogan stated oh, at one point.

Rich Williams stated so it's possible as we go through the process, we can contact the state and see what the status of that is and possibly the state can take it.

Mr. Nichols stated is that the land back here Rich.

Rich Williams stated yes.

Board Member McNulty stated and the state has that land because it's wetlands.

Rich Williams stated I don't believe they have acquired title to it, I believe right now its held by the trust for public lands.

Board Member Montesano stated and then they were going to put the cell tower up there behind the church.

Rich Williams stated no, not on this.

Board Member Montesano stated no, no I'm saying here on this end, they were going to put a cell tower.

Board Member Cook stated if it goes to the left.

Mr. Nichols stated (inaudible).

Board Member Montesano stated right behind the church.

Chairman Rogan stated well Harry obviously we're not going to get out and do a site walk for a little bit of time until the snow melts off a little but I think we need to look at usable area on these lots relating to grade.

Mr. Nichols stated there is a set of maps we submitted for the constraints, it shows the slopes 20% and over (inaudible) and you'll see the, we're, what the balance of that it is.

Chairman Rogan stated look at, for instance, lot 9, the back of the house has a, the set back is almost like a keyed area in the corner, it's trying, it's got a very limited area that they can do anything behind that house...

Rich Williams stated Shawn, can I interject.

Chairman Rogan stated sure.

Rich Williams stated that is a principal building set back line...

Chairman Rogan stated okay.

Rich Williams stated no an accessory set back line...

Chairman Rogan stated oh okay, so what's this line (inaudible).

Rich Williams stated you have a little bit more space there than I think you realize you have.

Chairman Rogan stated we need to consider that then because it looks like they're showing...

Rich Williams stated I did.

Chairman Rogan stated 50 foot rear and 30 foot...

Mr. Nichols stated 30 foot sides, 50 foot rear and 40 on the front.

Rich Williams stated yeah.

Chairman Rogan stated okay, so if somebody wanted to put a pool in the back, that they can go within 10 feet of the property line.

Rich Williams stated no, I think its 25.

Chairman Rogan stated how about we do this, how about we try to show a pool and or a shed, a 12 by 12 shed in every back yard meeting current zoning, see what that looks like.

The Secretary stated Mr. Chairman.

Chairman Rogan stated yes.

The Secretary stated a 144 square foot does not require a building permit, so you may want to go bigger.

Chairman Rogan stated okay, which most of them are putting them smaller than that but they still have to meet zoning even though they don't need a permit.

The Secretary stated correct.

Rich Williams stated that is correct.

Chairman Rogan stated great, thank you Michelle.

Rich Williams stated the question I do have Mr. Nichols though is you've done extensive testing out there for coils, correct.

Mr. Nichols stated yes.

Rich Williams stated did you find any lot that didn't have good soils on it.

Mr. Nichols stated we found some pockets of erroneous that were not conducive to put a septic on.

Rich Williams stated oaky because...

Mr. Nichols stated because they were in an area that nature had made them like a ditched out area, the water had laid in there at times, I don't know how many ice ages ago but...

Chairman Rogan stated during (inaudible).

Mr. Nichols stated its obviously by looking at the geology of the site, that these areas are resulting from...

Rich Williams stated here is where I'm leading with this, a number of houses are pushed to the back of the property because the septics are in the front, some of them are because of grade, but not all and I was wondering if it was possible to flip some of the houses and the septics where, possible to get the houses as close to the road as we could. People like to enjoy their back yards, not so much the front yards.

Chairman Rogan stated you know Rich, that's a great point but in the case of lot 5, they've done exactly that and they've limited themselves significantly because the septic is so close to the back of the house, the house is forward maybe only 40, 45 foot from the road, lot 5...

Mr. Nichols stated about 50 foot.

Chairman Rogan stated about 50 [foot], so the house is extremely close to the, 50 foot from the road is pretty close and then they have about 20 foot between the foundation and the septic area, so there is nothing that they can do in that back yard, unless they put it over the septic area...

Rich Williams stated or unless they move the septic area back farther.

Chairman Rogan stated point, exactly, you know I think these are the kinds of things we should really start off with.

Mr. Nichols stated the problem with dealing with lots, 40,000, 50,000...

Chairman Rogan stated yeah.

Mr. Nichols stated is you've got the uphill and the downhill requirements for the Health Department...

Chairman Rogan stated understood.

Mr. Nichols stated if a septic is uphill of a well, there has to be a 200 foot separation, is a well is uphill, it's a hundred foot separation and we are dealing with one acre lots and two acres lots, it difficult to fit them in there, it's like a chess game.

Chairman Rogan stated yeah and you know what Harry and you know that I mean this in the utmost respect to you...

Mr. Nichols stated yes.

Chairman Rogan stated I'm not really concerned with the Health Department's requirements, that is for you to put in here so that these people when they buy these houses have usable areas.

Mr. Nichols stated absolutely.

Chairman Rogan stated and so I'm not, that's not to minimize that but to say that at this initial stage, we want to see lots that are going to work that we can put, you know the bottom line here is we can you know dilly dally back and forth with this for the next year, year and a half and the reality is maybe you're showing 12 and maybe 9 work beautifully, I don't know I haven't spent that time with it but...

Mr. Nichols stated actually we only have 11...

Chairman Rogan stated 11 but right off the bat we are looking at lots that look like they have problems with usable area and I'm not putting this one you, Rich and I, we've all had this conversation, we need to look at our zoning and the way we set things up so that we're taking into account usable area and to me like septic area isn't part of that usable area, it's not something that the homeowner can now do something with, they can't put a pool in, they should not put a shed over their septic...

Mr. Nichols stated its their grass area.

Chairman Rogan stated yeah, I agree but I mean, I'm thinking in terms of the types of things that people are going and Ginny would know much more about this then I would for variances from her years on the

Zoning Board, anytime that we're looking at these new subdivisions we want to try to address them now instead of putting the burden on Zoning Board.

Councilwoman Nacerino stated Ginny Nacerino, I just want to comment, when I sat on the Zoning Board, the big subdivisions that were before us, did not take into consideration big houses on small lots, thus we had people coming to us immediately who unbeknownst to them bought a beautiful house, thought it was paradise and was not able to even put a deck or a pool or a shed or any of the pleasures that they thought that they would be able to enjoy. Which is why we, we took a second look on how the Planning Board and the Zoning Board would coordinate the best interest of the people buying these properties so that they could enjoy these luxuries...

Rich Williams stated if I could just jump in here, you know Ginny is absolutely right, we were running into time and time again a problem where the Planning Board would look at a plan like this, they would approve a 30 by 50 box for the house site, which fit nicely and then the applicant would come along especially in the Deerwood subdivision and build a 40 by 70 that now didn't fit...

Councilwoman Nacerino stated right.

Rich Williams stated and then the new property owner would come in and say but why can't I have a deck...

Chairman Rogan stated right.

Rich Williams stated which is one of the reasons working with the Town and Ginny, we changed the Code so now we have for new subdivisions site plan approval concurrently with subdivisions so you're approving that 30 by 50 box.

Chairman Rogan stated right.

Mr. Nichols stated well these aren't 30 by 50 though.

Chairman Rogan stated we know...

Councilwoman Nacerino stated right but we just need to be cognizant that there is going to be...

Rich Williams stated there was...

Councilwoman Nacerino stated those requests moving forward, a homeowner is going to you know take into consideration that people are going to want some of these things, I mean we had Louis Pescatore's property, we have Wyndham Homes, people bought big, beautiful houses that we couldn't squeeze a deck on a big, beautiful house, birthday parties were held in driveways, people were really taken aback by the fact that they could not work within the constraints of their own property lines, so it's onus on the Town to be able to protect them in that way.

Rich Williams stated (inaudible).

Chairman Rogan stated and we got so frustrated with that Ginny that we swore that we were going to spend this kind of time right at day one talking about these issues, not that any decisions are made but that these are the concerns that we're going to have from within our purview.

Mr. Nichols stated I think everybody's lots could be...

Board Member Taylor stated so can we give him some guidance.

Board Member McNulty stated well the Ice Pond Estates, the Ice Pond development, did I steal your thunder, sorry Charlie, would be a good example to look at that preliminary plat that we just approved tonight.

Board Member Cook stated because on there, we had them put ovals and decks...

Board Member McNulty stated or a patio...

Chairman Rogan stated there were a few lots they couldn't do it on but I think they squeezed and some of the septic areas were configured funny and you know, I think ultimately a few of the lots that they compressed were because of those issues, it just was too much to try to cram in.

Mr. Nichols stated these septic areas by the way we laid them out in accordance with the results that we had taken in the field that was accepted by the Health Department...

Chairman Rogan stated great.

Mr. Nichols stated so these are not fictitious sizes...

Chairman Rogan stated I understand.

Mr. Nichols stated (inaudible) with one acre lots, so.

Chairman Rogan stated sure and this is where from my perspective the Planning process is a little bit frustrating because I understand that four acre zoning doesn't work laying these out and I understand the property owner has a vested interest here in having 75 acres or 58 acres but at the end of day, if one acre isn't large enough then we need to make them acre and a half, you have between one and two acre, so if these were all two acres lots and none of them worked, we'd say something is wrong, we have to change something but if they are all only one acre and we can't get, if we're getting them so narrow that we only you know, we don't have usable area, we need to look at that now and so, again I said lot 5, I know the septic area was tested maybe the septic area needs to be tested further downhill to the back of the lot.

Board Member Taylor stated there's a well there.

Chairman Rogan stated oh that's a well there.

Mr. Nichols stated we have existing wells unfortunately at the rear, two, three, four, five, those are the wells for this subdivision, so we have to maintain the separation distance.

Board Member Taylor stated yup.

Chairman Rogan stated I understand.

Mr. Nichols stated even lot 5 has an area where a pool could go, a pool could go here.

Chairman Rogan stated that's too far, I know have a pool that's a hundred feet from the house and the comments were we don't want to walk that far to the pool.

Mr. Nichols stated well my pools are always 100 feet away from the house.

Board Member Taylor stated the other concern is houses on hills.

Mr. Nichols stated houses what.

Board Member Taylor stated houses on hills.

Chairman Rogan stated on ridge lines for view shed.

Board Member Taylor stated on ridge lines, you seem to have several houses that are sitting on top of...

Mr. Nichols stated when you talk about hills, these are little...

Chairman Rogan stated probably...

Mr. Nichols stated these are not major peaks of major hills, those are back here.

Rich Williams stated the only lot you have to really worry about is lot 7, lot 7 may impact the view shed.

Board Member Taylor stated so we'll look at that when, we just want to let you know.

Mr. Nichols stated yeah.

Chairman Rogan stated those are the kinds of you know, focuses that we're trying to...

Mr. Nichols stated this is the lot I'm going to build on, right here, lot 7.

Chairman Rogan stated we've heard that before.

Mr. Nichols stated you do have a nice view looking out this way.

Board Member Taylor stated okay.

Chairman Rogan stated okay.

Board Member Montesano stated we'll be sure to put the tower right there.

Mr. Nichols stated no towers.

Board Member Taylor stated right in his front yard, on that hill right behind you.

Board Member McNulty stated I have one more comment.

Chairman Rogan stated yes please.

Board Member McNulty stated Rich on the project review, I had only requested, I see a distribution to the Highway Department and other agencies, can the garbage district be put on there too.

Rich Williams stated yes but why.

Board Member McNulty stated just because you're adding 11 stops to their routes, tonnage for the year, we're planning, why not let them know.

Board Member Montesano stated well we need an approval.

Board Member Taylor stated we haven't approved it yet.

Board Member McNulty stated well I know that but its in distribution just so they know there's planning on their end, somewhere down the land to change their route.

Chairman Rogan stated potential for an increase.

Board Member McNulty stated yeah I mean, it's just courtesy.

Board Member Montesano stated yeah and their fee goes up.

Chairman Rogan stated how about we do that at a preliminary approval.

Board Member McNulty stated I'm just saying on his project review as initial, I don't know the other agencies...

Chairman Rogan stated I wonder what would be done with the information, I'm not knocking the idea but I wonder what...

Board Member McNulty stated but we gave it to them...

Chairman Rogan stated alright.

Board Member McNulty stated that's my point.

Rich Williams stated yeah but it's that much more paperwork we're generating with no results behind it, that's the bottom line on it Tom and to boot, I'd have to confirm, I don't even think this is in garbage district...

The Secretary stated 2.

Rich Williams stated 2, I think its in the Putnam Lake District.

Board Member McNulty stated which is totally separate.

Rich Williams stated yeah.

Board Member Montesano stated yes.

Board Member McNulty stated okay, well if that's the case...

Board Member Montesano stated (inaudible).

Board Member McNulty stated if that's the case, then its no big deal.

Board Member Cook stated what the fire department, any reason.

Chairman Rogan stated well yeah for our Building Inspector for...

Rich Williams stated we've had very mixed results and again recently, 8 months ago I was contacted by one of the assistant chiefs for the Patterson Fire Department who wanted to get very involved in the process and I said please come in, I'll get your contact information, I'll give you the plans we have, yada, yada, yada, never saw him. We get very mixed results with dealing with the Patterson Fire Department, Putnam Lake Fire Department, we do refer things over from time to time typically we rely on our Fire Inspector.

Board Member Cook stated this is day one, let's send a copy to either Dave Raines or the Fire Department...

Rich Williams stated Dave Raines has already got it.

Board Member Cook stated thank you.

Chairman Rogan stated alright, so Harry you have some comments, you certainly got some comments here tonight in terms of, I know they are somewhat general but at least in terms of what we're going to be looking at...

Mr. Nichols stated no I understand and we certainly will...

Chairman Rogan stated sure.

Mr. Nichols stated modify this and we have to put a shed on there, (inaudible) you have a specific, you like round pools or square pools.

Chairman Rogan stated nobody puts in round pools anymore, do they.

Board Member Montesano stated (inaudible).

Chairman Rogan stated put in kidney bean shaped at least, all these free form pools.

Andrew Fetherston stated a lagoon.

Board Member Montesano stated kidney shaped...

Board Member Taylor stated make it with the contours of the property.

Board Member Cook stated but seriously we are looking for this items to be shown.

Rich Williams stated can I ask one last quick question.

Chairman Rogan stated sure.

Rich Williams stated is there some reason you needed to put that in the buffer, the new driveway.

Mr. Nichols stated I didn't really put it in the buffer, it is...

Rich Williams stated really.

Mr. Nichols stated let's see, here's the buffer here, just a little bit of it. It's already, this is already disturbed all the way over here now, we are going to recover all of this.

Chairman Rogan stated he's got a credit, come on here, work with the guy.

Mr. Nichols stated can we have a little bit of it remain...

Board Member Taylor stated we'll give you a bigger credit if you move the driveway over.

Chairman Rogan stated equal to one (inaudible).

Rich Williams stated I was just wondering if you couldn't abandon all this and just bring it in from here.

Mr. Nichols stated well this is the existing garage that's there right now...

Rich Williams stated right.

Mr. Nichols stated that's not being used, its possible.

Chairman Rogan stated yeah, at this point though we're going to need a little more.

Board Member Montesano stated now your credit just went up again.

Board Member McNulty stated Harry do you know if it's the applicant's intent to actually develop this or approve it and flip.

Mr. Nichols stated the Henderson property, they've owned this property for years, I'm surprised it has been, you said it came in, in '89 it came in, were they the ones to bring it in...

Rich Williams stated no I think it was before then, '86 or '87.

Board Member Montesano stated '86 I think.

Rich Williams stated well no, actually I walked it so it must have been '88.

Board Member McNulty stated '88.

Board Member Montesano stated let's see I'm trying to remember because that's when I took over the chair, it was just after that.

Board Member Taylor stated boy these old timers sitting here reminiscing.

Board Member Montesano stated because the previous walked out because he had done what he had to do.

Chairman Rogan stated that's when meetings were by candlelight.

Tim Curtiss stated that's right, stone tablets.

Chairman Rogan stated stone tablets.

Board Member Montesano stated it was hard on your feet having a car having a car back in them days.

Board Member McNulty stated they actually want to develop it.

Mr. Nichols stated yea, they've held it so long in the family, now they just want to be able to put it on the (inaudible).

Board Member Montesano stated if I remember right, there was French country homes.

Mr. Nichols stated so it's a family operation, the only thing is the mother lives in England and the son lives in Alberta.

Chairman Rogan stated okay, alright Harry, I think everybody's getting punchy, you didn't do it to them but you know.

Mr. Nichols stated would you like to walk the site.

Chairman Rogan stated we would, when will the snow melt.

Mr. Nichols stated tomorrow.

Board Member Montesano stated Harry's going to provide us each with a snow mobile...

Chairman Rogan stated I think this is a big silly to...

Mr. Nichols stated how about a one horse sleigh.

Chairman Rogan stated yeah.

Board Member Montesano stated you can go up to Thunder Ridge and rent the machines up there to bring us out.

Mr. Nichols stated I don't think you'd want me to cut the trees down to get those monsters in there.

a. Eurostyle Marble and Tile

Chairman Rogan stated okay, Eurostyle Marble and Tile we sent a letter requesting they come and they never came.

Rich Williams stated no, I will be in contact with them next week.

Chairman Rogan stated okay, Albano you guys took care of...

c. Review Procedures

Chairman Rogan stated review procedures we spoke last time...

7) MINUTES

Chairman Rogan stated we have minutes of December 2nd, 28th and 6th, I'll move to approve.

Board Member Montesano stated I abstain from December 2nd, please.

Chairman Rogan stated and we get a second on everything else.

Board Member McNulty seconded the motion.

Board Member Taylor stated I just have one modification, I think it was December 2nd, you have Charlie referring to me as Dr. Taylor...

Chairman Rogan stated he did though, he said Dr. Taylor.

Board Member Taylor stated I am not a doctor, that needs to be put on the record, I am not a doctor in anyway.

Board Member Cook stated had me fooled.

Chairman Rogan stated okay.

Board Member Montesano stated we just promoted you.

Chairman Rogan stated how about an honorary doctorate.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

Chairman Rogan stated we know you're recused from the one and anything from anybody else.

Board Member Cook stated a couple comments...

Chairman Rogan stated comments from Dr. Cook.

Board Member Cook stated haha, we received a letter from the DEC on the Levine property...

Chairman Rogan stated we have.

Board Member Cook stated and we are going to have to watch this because DEC is saying to the Department of Health, contact us to arrange a joint inspection of the property, we can't let this one go on and on.

Chairman Rogan stated so that the Board knows, I had a conversation with the gentleman from the Health Department, Robert Morris about this, they didn't have enough information to, the DEC you can tell by the letter, the DEC didn't have the background on it, the Health Department now has the background and I think they are going to come out at some point once the snow, because they can't really see much the snow cover but I think that you're right, that's one to keep on top of.

Board Member Cook stated this request from EBI relative to the invitation to comment on I guess you would call it a possible cell tower over by the Putnam Lake Fire Department, do we give our comments to Rich, if we have any comments.

Chairman Rogan stated don't they have to come before us for approval though.

The Secretary stated that's only an invitation to comment, they haven't produced a formal application yet so until they do, they are not going to come in front of us, they are just looking for I guess words of encouragement from...

Board Member Taylor stated try to find out if we're going to say no or not.

Chairman Rogan stated great, another cell tower.

Tim Curtiss stated yay.

Board Member Cook stated my last one is the letter from the City Environmental Protection Department relative to Taggart Estates, they say we determine that your referenced application was complete then they say the following comments must be satisfactorily addressed prior to issuance of a favorable determination...

Chairman Rogan stated yeah.

Board Member Cook stated then they go on for like 4 pages, what does this mean now from the stand point, can this, can they start on this project...

Chairman Rogan stated no, a notice of complete application, Andrew do you want to, you know this better than I do for the DEP, what a notice of complete application means because I think Charlie is hey they're saying the application is complete but there are all these items they have left to address.

Andrew Fetherston stated they have complete application as far as they need to produce a review now they've said it's complete, now they will review it and those are the comments from it.

Board Member Cook stated so Taggart Estates has to go back to DEP...

Andrew Fetherston stated addressing those comments.

Board Member Cook stated for them...

Andrew Fetherston stated that is correct.

Board Member Cook stated and they must do that before they can start any work.

Chairman Rogan stated we only gave them preliminary subdivision approval, so this part of after preliminary they are going through getting the approvals of...

Andrew Fetherston stated the review process.

Chairman Rogan stated DEP, Health, et cetera, when they've completed everything there they come back to us for final.

Board Member Cook stated thank you professor.

Chairman Rogan stated yes sir.

Andrew Fetherston stated doctor.

Tim Curtiss stated doctor.

Board Member Montesano stated doctor.

Board Member McNulty stated doctor.

Chairman Rogan stated motion to adjourn.

Board Member Cook seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

The meeting adjourned at 10:05 p.m.