

TOWN OF PATTERSON
PLANNING BOARD MEETING
January 3, 2013

AGENDA & MINUTES



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1) East Putnam Development Corp.	2 – 8	Public Hearing Scheduled for 2.7.13. Grade, Parking, & Drive Aisle waivers granted.
2) Other Business		
a. Guiding Eyes for the Blind Site Plan	8 – 12	Approval granted for temporary modular structures for 18 months.
b. NRA – Birch Hill Rd – Deviation from Driveway Plan	12 – 17	Discussion of boulders, requirements and reasoning.
c. Code Violations	17 – 44	Discussions of Kent Supply, Justin’s Automotive, Eurostyle, & process of violations.
3) Minutes	44 – 45	December 6, 2012 Approved

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
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PLANNING BOARD

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

**Planning Board
January 3, 2013 Meeting Minutes**

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

APPROVED

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

Chairman Rogan called the meeting to order.

There were approximately 4 members of the audience

The meeting was called to order at 7:03 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan stated thank you, okay. First order of business, I appoint Tom McNulty Vice Chairman of the Planning Board. Congratulations Tom.

Board Member McNulty stated thank you and congratulations to you on being Chairman.

Chairman Rogan stated thank you.

Board Member McNulty stated happy New Year.

Chairman Rogan stated thank you and then I guess, the first item and a half...

Rich Williams stated make him [Board Member McNulty] go away.

Board Member Montesano stated and congratulations, I see you're still here.

Board Member Taylor stated I am.

Chairman Rogan stated yeah, make him go away.

Board Member McNulty stated I will recuse myself from the Board at this moment.

Board Member Taylor stated it gives me something to do at night.

Board Member McNulty stated nice seeing you.

Chairman Rogan stated his seat is really good.

Board Member Brady stated yeah, Vice Chairman for half a second.

Ted Kozlowski stated delayed there...

Chairman Rogan stated got to learn that one.

The Secretary stated I wouldn't speak up, you'll be next.

Rich Williams stated wasn't Ron re-appointed.

1) EAST PUTNAM DEVELOPMENT CORP. – Site Plan Review

Mr. Harry Nichols, P.E. and Mr. Thomas McNulty, the Applicant, were present.

Chairman Rogan stated good evening Mr. Nichols.

Mr. Nichols stated good evening.

Chairman Rogan stated how are you sir.

Mr. Nichols stated fine, thank you.

Chairman Rogan stated Happy New Year to you.

Mr. Nichols stated Happy New Year, hopefully it will be a better new year for everybody.

Chairman Rogan stated I hope so.

Ted Kozlowski stated he can't do it Tommy.

Mr. Nichols stated I'm a little short this week.

Mr. McNulty stated put a tack right in there, nice.

Chairman Rogan stated okay Harry...

Mr. Nichols stated good evening.

Chairman Rogan stated good evening, why don't you take us through your latest revisions to...

The Secretary stated and please step up to the microphone.

Mr. Nichols stated yes.

The Secretary stated thank you.

Mr. Nichols stated ready.

Chairman Rogan stated yes.

Mr. Nichols stated the latest plans we've responded to the comments from the Planning Board and basically what it includes, the parking has been flattened out in the steeper areas and we have 10%, we have reduced them down to 8% and in the handicap areas we are able to reduce the parking down to 2% or less. We re-did the parking count and based on the current count we have, we have, we were able to 23 spaces, excuse me 28 spaces but 33 are required...

Mr. McNulty stated 31.

Board Member Taylor stated 31.

Mr. Nichols stated 31, we're changing back...

Rich Williams stated no, we're not.

Mr. Nichols stated okay, we had, okay, say no more, we have shown the landscaping, we have provided larger turning radiuses for vehicles coming in and going out. We are restricting this driveway mainly to trucks, truck traffic for loading, loading spaces back in this area and since the major parking is here, this will be usually where the customers will park over here. We have provided areas for snow removal, snow to be pushed into I should say, piled. And we have added to this the septic system, as it was designed, this is the overall plan, this is the phase 1 and phase 2 plan, which shows the ultimate and in addition to the initial phase 1 which is on a separate plan, which mainly includes the existing structure that is now here, to be renovated along with a service area to be constructed. Signing, we have provided signing, we have provided the landscaping and we have responded to each and every question and hopefully our responses are acceptable.

Chairman Rogan stated Rich, Andrew, you gentlemen...

Rich Williams stated there's just a couple of minor housekeeping issues that need to be addressed, you know, one is the waivers which have been listed under item A 1, the second outstanding issue is SEQRA, the 30 days has not passed nor have all the agencies responded so we've got to hold that off...

Chairman Rogan stated yeah.

Rich Williams stated for another meeting. The only other issue that I would like the Board to give some consideration to is in hearing the presentation last meeting, I was under the impression, perhaps incorrectly that the narrower, southerly driveway entrance was going to be an exit only, was going to be one way out and used for trucks to back in and I assumed that they would pull in the main entrance, the traffic flow would be around in a circle and then they would just hit that entrance and then back straight back. The latest plans show that it looks like it's going to be for a truck only entrance, so the trucks are going to be

able to pull in and out that entrance, that's not a concept that I'm real comfortable with but I'll let the applicant, Harry and the Board wrestle with that, how you want to handle that.

Chairman Rogan stated so what you're saying is and I read it in your memo, that you would be more apt to think that a truck would pull in the northerly entrance, come around the front of the building and then instead of exiting back on to [Route] 22, just back up, which seems like a safe alternative.

Rich Williams stated correct.

Chairman Rogan stated any thoughts on that gentlemen.

Mr. Nichols stated yeah, well...

Chairman Rogan stated I'm sorry Ron, you're up next.

Mr. Nichols stated we really, we would like to, it could be limited to trucks only but the question is if somebody comes in the wrong way they do have the room to turn in but I can understand what you're saying and that may solve a lot of problems because trucks do have the opportunity to pull around like this and back in...

Rich Williams stated correct.

Mr. Nichols stated trucks that have to back in, once they see the site, I'm sure they'll realize it's much easier to back in, in this direction...

Chairman Rogan stated right.

Mr. Nichols stated as opposed to trying to make the swing all the way around. The only reason we didn't make that one way out is because small trucks like pickup trucks or trucks making small deliveries, they can drive straight in, into the service bay that's inside the building. I guess we wanted our cake and eat it too so, that's the reason we showed it that way...

Chairman Rogan stated can't blame you there.

Board Member Montesano stated anything larger than a pickup is going to park right on Old [Route] 22 instead of trying to muscle his way in, I don't think, I wouldn't.

Mr. Nichols stated well I don't think a small truck would have to muscle their way in.

Board Member Montesano stated no, no, no, I'm saying any large trucks are going to park right there on Old [Route] 22.

Mr. McNulty stated let me just say, Tom McNulty, applicant, I have no problem making this an exit only as recommend by the Planner, so we can make that change from a truck only to an exit only sign. I think that will solve a lot of problems.

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

Mr. McNulty stated yeah, it's narrow there, there's no doubt, so...

Chairman Rogan stated but Mike you're, you know I forgot that this site is off of Old [Route] 22, not [Route] 22 and you're right, when I did the site walk, I had lost sight of that for a minute but because it's such a secondary road, at least it's not, if a tractor trailer or any larger truck, they probably would do exactly what you're saying, they are just going to pull right up on Old [Route] 22, which isn't going to be the same safety hazard as if that was actually Route 22.

Rich Williams stated we need to acknowledge that that is typically what they're going to do but not encourage them.

Chairman Rogan stated but I understand but also design to allow someone to, you know, so it wouldn't be the end of the world if they pulled southerly on that Old Route 22 and then backed into the facility and I think what you're saying Rich about pulling in and going around is great also, tractor trailers, it's going to be tight in that area.

Rich Williams stated doing it my way they're going to pull right out across Old Route 22 and line themselves right up...

Chairman Rogan stated right.

Mr. McNulty stated yeah, I think there's room for them to back right in there; I don't anticipate a lot of deliveries.

Chairman Rogan stated right.

Mr. McNulty stated especially in phase I, phase II will be more.

Chairman Rogan stated yeah, I think that sounds great.

Mr. McNulty stated so we're okay with that right Harry, to make that exit only.

Mr. Nichols stated yes, exit only.

Chairman Rogan stated okay, cool. Anything else Rich, other than, I know there were items in your memo...

Rich Williams stated no...

Board Member Montesano stated think it's right.

Mr. McNulty stated waivers.

Chairman Rogan stated yeah, the waivers we can certainly talk about because we've basically at this point now, gotten the waivers down to the minimal amount, correct gentlemen...

Mr. Nichols stated yes.

Chairman Rogan stated yeah we've reduced the grade, we've increased parking, we've done what I think was appropriate to get that number as minimal, so Rich would it be improper to act on the waivers before we've heard back from other agencies or would they typically not weigh on this.

Rich Williams stated no, they are typically strictly site plan issues...

Chairman Rogan stated okay.

Rich Williams stated and not really germane to the environmental assessment of the site.

Chairman Rogan stated so we can do the waivers in the form of a motion on those waivers tonight, that's not going to be a problem, alright. So in the matter of East Putnam Development Site Plan, I'll make a motion that the Planning Board grant the following waivers referenced to this site plan application. That the parking lot grade be from 5 to 8%, that the parking stall length be allowed to be 18%, I'm sorry, I mean 18 feet, that the drive aisle width be allowed at 22 feet and the required number of parking spaces, didn't we just say we showed 33 on the most current plan...

Rich Williams stated no.

Board Member Taylor stated 31.

Rich Williams stated 31 spaces are required, Harry is able to provide on the plan 28.

Chairman Rogan stated 28, okay, so that last waiver be the number of spaces provided be 28, so moved.

Board Member Montesano seconded the motion.

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

Chairman Rogan stated okay, we have to wait for the SEQRA, we could, we're not really supposed to set the public hearing until we do SEQRA...

Rich Williams stated as a general practice, you shouldn't but it's not a big site plan, it's not a big issue and we'll be in, the Board will be in a position to make a determination at the next meeting anyway.

Chairman Rogan stated okay.

Board Member Taylor stated I've got one question before we do SEQRA, it's kind of an environmental question.

Chairman Rogan stated sure, well we're not going to do SEQRA.

Board Member Taylor stated it's a question for Ted, do you think a 2 inch azalea is big enough for this property.

Ted Kozlowski stated I did recuse myself from this but...

Board Member Taylor stated oh okay, I have to direct it to the other...

Ted Kozlowski stated I don't think that really matters with regard to plants...

Mr. Nichols stated would that be 2 gallon.

Board Member Taylor stated okay, that, you will correct it...

Ted Kozlowski stated I think you should go bigger...

Mr. Nichols stated they go by gallons...

Ted Kozlowski stated 2 gallons is going to be very small Harry.

Rich Williams stated let's back up, an even bigger issue and you can get Ted to weigh in on this, is that they are putting 3 2-gallon azaleas in the center of Chinese junipers.

Ted Kozlowski stated they're going to get overtaken.

Chairman Rogan stated which is exactly what you said in the memo, yeah.

Ted Kozlowski stated I'd be happy to work with the applicant on the landscaping, we can iron that out.

Chairman Rogan stated so even though we're waiting on our time frames for SEQRA is sounds like everyone would be comfortable setting a public hearing for the next meeting, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan stated all in favor. Motion carried by a vote of 4 to 0.

Chairman Rogan stated okay.

Mr. Nichols stated the date is...

Chairman Rogan stated the date of the next hearing, the next meeting, hearing...

Board Member Montesano stated February 7th.

Chairman Rogan stated I don't have the schedule in front of me.

The Secretary stated its February 7, 2013.

Chairman Rogan stated the first Thursday of February.

Mr. Nichols stated oh I'm sorry; I can't make it, that's my birthday.

Chairman Rogan stated well we want you here.

Board Member Montesano stated well you were born, so show up.

Mr. Nichols stated alright.

Chairman Rogan stated no, we don't want you to come on your birthday, I think the applicant can...

Mr. Liguori stated manage it.

Rich Williams stated that's fine.

Chairman Rogan stated manage it.

Mr. Nichols stated I'll be here.

Chairman Rogan stated you'll be what 40, 45...

Board Member Montesano stated 39, come on he thinks he's Jack Benny.

Mr. Nichols stated I don't want to lie, 40.

Chairman Rogan stated 40.

Board Member Montesano stated Mr. Benny, just don't believe, bringing the violin...

The Secretary stated I didn't think so.

Chairman Rogan stated Harry, on a serious note, how is your wife doing, is she okay.

Mr. Nichols stated she's still there, she may be staying, I don't know, I'll find out when I go back.

Chairman Rogan stated be nice to her.

Mr. Nichols stated that's it, thanks.

Board Member Montesano stated if not, you'll have to bring a pogo stick with you.

Mr. Nichols stated why don't they make these for short guys.

Chairman Rogan stated they do, you mean that's too tall.

Mr. Nichols stated and they put the clips way up on top on purpose.

Mr. Liguori stated Michelle did that.

The Secretary stated absolutely, it's all me.

Mr. Nichols stated Richie did it.

Board Member Montesano stated now go to the garage and get the pogo stick, I want to see you hop around.

Chairman Rogan stated okay, let the record show that Vice Chairman McNulty is resuming his position on the Board. Can you start on the next topic without me for a split second.

2) OTHER BUSINESS

a. Guiding Eyes for the Blind Site Plan

The Applicant did not appear.

Rich Williams stated so I was contacted by Guiding Eyes who is starting to do some preparation in anticipation of stating phase II which is the main building. Their initial plan was they were going to completely renovate the interior of the existing building to move the kennels over into the existing building and then tear down the existing kennels to rebuild the new building. They, you know, thought about that and the expense that goes along with that because of course after they rebuild the new kennels, then they have to tear the newly constructed renovations out and convert it back to office and they came up with this concept of putting some modular trailers out in the proposed parking area, out of the way and temporarily using them for kennels. I took a walk out there, I looked around the site, didn't see a fairly big impact with this but certainly wanted to bring it back to the Board to you know, get your opinion and make a decision about whether it was going to be appropriate or not. Something like this is allowed in our Code for a duration of 18 months...

Board Member McNulty stated a temporary structure.

Rich Williams stated temporary trailer.

Board Member McNulty stated that looks like a home.

Board Member Taylor stated they're not proposing a trailer, they're proposing a modular.

Rich Williams stated those are actually modular trailers.

Board Member Taylor stated trailers.

Mr. Liguori stated just not on wheels.

Board Member McNulty stated is there any kind of plumbing, is there plumbing and electrical involved, I assume electric, plumbing as well.

Rich Williams stated there is, they're going to have to put...

Board Member Montesano stated you order it, like a double wide but it's like, it looks like a house...

Rich Williams stated yeah.

Andrew Fetherston stated there's a toilet.

Board Member Brady stated okay.

Board Member McNulty stated so it's a temporary structure and we allow that for up to a certain amount of time, within our planning, within our Code for that.

Board Member Taylor stated 18 months.

Rich Williams stated 18 months.

Board Member McNulty stated and then the rest will go through the Building Department as far as applying for some kind of permit to do this.

Rich Williams stated yes, yes.

Board Member Montesano stated 24 by 60 (*Inaudible*)

Mr. Liguori stated are they going to have a septic truck empty it out...

Rich Williams stated the septic is right there, so they are probably just going to tie it right into the septic with Health Department approval.

Mr. Liguori stated right.

Board Member McNulty stated Rich, the location, I'm not familiar with this site, I've never been out there, in the red here where you have it, are there any big issues that you see with that contours, does it cut into the side of the hill or anything...

Rich Williams stated no, actually it was going to be more a bigger issue, they had talked initially about going parallel to what, parallel to the length of the parking area but in doing that they would have had to take out some fairly big rocks that I didn't think were going to be so easy to get out, they looked like they were deep rock.

Board Member McNulty stated they are pulling the trailer.

Rich Williams stated so, hence we realigned where they were going to go.

Board Member McNulty stated well they've done class work in the past, I don't see a big problem with this, as long as they understand that the guidelines and if they run longer for any reason, can they reapply and get an extension...

Rich Williams stated yeah.

Chairman Rogan stated yeah, just send us a note requesting, yeah I have no problem with it, Rich and I spoke about it last week, something.

Board Member Montesano stated this comes in a 24 foot width because unless they attach it, is this 2 12-foot sections do you know or is it 1 24-foot wide...

Andrew Fetherston stated couldn't be.

Rich Williams stated they come in a couple of different ways, it could come in 4 sections and they all get bolted together or they actually make 12 foot wide trailers that the whole side actually pulls out...

Chairman Rogan stated like those campers, those tag along campers.

Rich Williams stated yeah, so I'm not sure which way they're going to go.

Board Member Montesano stated if this a park model, it will be, it should be 2 12-footers and they stick siding on the end, so you don't even know it came in 2 sections, it's just that I didn't see any separation according to that.

Board Member Taylor stated yeah.

Board Member McNulty stated what's they're plan when they're done, just to have it all removed and...

Rich Williams stated yeah.

Board Member McNulty stated not relocated anywhere, just get rid of it.

Rich Williams stated no, take it off the site.

Chairman Rogan stated Rich, I might be missing it in their letter, what's their time frame they're requesting.

Rich Williams stated they figure it's going to take an 18 month construction schedule.

Chairman Rogan stated alright, so...

Rich Williams stated which is, a little, is what we allow within our Code.

Chairman Rogan stated alright, so we're looking a temporary trailer, 24 by 60, 18 month period in this matter, so moved.

Board Member Taylor seconded the motion.

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

Chairman Rogan stated okay.

Board Member Montesano stated can we just, when are they going to put it in and...

Chairman Rogan stated let's do a notification to the Planning office upon installation so we can start the clock then, start the 18 months.

Mr. Liguori stated are they going to need a permit.

Rich Williams stated yeah, they're probably going to have to get some sort of building permit...

Mr. Liguori stated they have to get a building permit.

Chairman Rogan stated yeah.

Rich Williams stated and they're hoping to start this next spring.

Chairman Rogan stated okay, even then though it would be curious, if they pulled, let's say they pulled the building permit tomorrow and our time frame started when they pulled the permit that really wouldn't give them 18 months from when they place it, so however we can figure that out so it's fair to them.

Board Member McNulty stated how do they close the permit, when it's done, they don't get a C.O. for that do that...

Rich Williams stated no...

Board Member McNulty stated they just get a completion of...

Mr. Liguori stated when they construct it...

Board Member McNulty stated on a temporary building.

Mr. Liguori stated if you have a temporary structure, you'll get the building permit and then you'll probably have a letter from the Building Inspector that says the temporary structure is, it's a little different than a shed but let's say your house burned down and I just have this experience in Dover where, we also have, we have almost the identical code provision that we do here in Patterson, we have a guy whose house burnt down and he brought a trailer onto his property as opposed to a modular and he needed 12 months to reconstruct his home so he went and got a building permit to put the temporary structure and there is a letter from the Code Enforcement Officer that it was, you know, acceptable. The building permit was approved, it was issued, he did an inspection, he didn't get a certificate of, a traditional certificate of occupancy...

Chairman Rogan stated right.

Mr. Liguori stated that would you get with a house but he essentially got a temporary C.O.

Board Member McNulty stated yeah and I'm sure you would need an electrical inspection too, the underwriter, so...

Mr. Liguori stated sure.

Board Member McNulty stated maybe upon the inspector's nod of everything's okay, it starts from then.

Chairman Rogan stated yeah, that should work.

Rich Williams stated how about when they put them on the site, we'll just document it.

Mr. Liguori stated right.

Chairman Rogan stated yeah and typically when people have asked for extensions on these, you know we've been pretty willing to approve those...

Board Member McNulty stated okay.

Rich Williams stated that's the original.

Chairman Rogan stated so, okay, great.

Rich Williams stated please.

b. NRA – Birch Hill Road – Deviation from Driveway Plan

Mr. Joel Chase from Zarecki & Associates was present.

Chairman Rogan stated okay, we have NRA, Birch Hill Road. Good evening.

Mr. Chase stated good evening.

Side conversations commence while applicant sets up plans.

Chairman Rogan stated okay, so I'm sure you know that we got out and did a site walk, just this past Saturday actually.

Rich Williams stated right.

Chairman Rogan stated the days are all messed up because of this week being a holiday in the middle. We, did we issue site walk comments on that, no...

Rich Williams stated there really weren't any comments made on the site walk, other than a lot groans and moans.

Chairman Rogan stated a lot of groans, a lot shivering, it was kind of cold but what was obvious from the existing conditions were that boulders were kind of just set on the ground, there were huge gaps between them, some of them looked like if they, if a vehicle hit them they would just push the boulders right over the hill and some of them were set upright so they would topple over. So the existing condition, I think we all agreed and I think you had even agreed at the last meeting, really wasn't acceptable. I know we had directed you to come back with some alternative, so do you want to walk us through what you're proposing.

Mr. Chase stated sure, per the meeting last month, we added some more specifications, geometry to the boulders...

The Secretary stated can you just grab the microphone, thank you.

Mr. Chases stated we added geometry requirements to the boulders, the one foot keyed into the soil with 30 inches above grade, also 30 inches width and 30 inches length minimum requirements. We also specified that the base adjacent to the driveway shall be vertical so a vehicle cannot mount the boulder and we also added the stipulation that the Town Engineer will need to inspect the construction afterwards to ensure that it meets our specifications.

Chairman Rogan stated it seems like just by the nature of the building material, this is a nit-picky project, I'm seeing it as the inspector having to go out there and say well, that face isn't quite the right angle, this one doesn't see like its set quite deep enough. It seems like at the end of the day I know you're just here representing what the owner wants to do, so I'll you know, start by saying that, that this is going to be so much more complicated to properly do per the plans then putting in what was originally approved. I'm of the opinion that I don't really care which one goes in as long as the gentlemen tell me this is safe because ultimately they are both aesthetic in my opinion, I like rocks as much as I like wood, so I'm not really, aesthetically I don't really care which way we go but I need assurances from both you and from these gentlemen that this is going to serve the intended purpose because when we walked down that driveway and we could envision an oil truck or an ambulance or something coming down that curve and while we were there it was, it had been freshly plowed, it's a good base driveway but I could see it getting quite slippery in a snow storm, you could just see somebody going straight for that edge and so we were trying to think of it in those terms of a large vehicles, something larger than our pickup trucks, hitting these things either straight on or on an angle, so I got the sense from everyone that was pretty much everybody was

thinking was is this going to be structurally sound, so I think that's where we're all at, anybody have a different view or...

Board Member Montesano stated well, no basically, I mean with the post and rail, it's a directional, if you hit it, 99 out of 100 you're going to be directed, the vehicle will be directed back towards the road, with these you don't know where you're going to go and at what angle is he going to hit at and if he hits the corner, does that do more damage to the individual. If it's an oil truck does it spill open faster, hopefully with an oil truck, if they hit a rail, the front end of the truck will take most of it and slide it back onto the road, that and one foot, they are heavy boulders, yeah that's fine but if something slides by, if it ices underneath it because of water not draining off right away, and it goes off and now you've got an oil truck laying down there near a stream.

Mr. Chase stated I understand your concerns but both of the options, aren't, they're not DOT compliant vehicle barriers or guide systems. The timber system is only 4 by 8 rails on 8 by 8 posts, 6 feet on center, it's...

Chairman Rogan stated yeah, well I mean it comes down to again some feedback from you gentlemen unfortunately, but that's why you guys are sitting where you are to, as we had said last meeting, if we are going to go with boulders, how do we make it work, that's basically, you know, how can we be assured that the final product is something that's safe, you know I don't want us to sit here and spend you know ridiculous amounts of time going back and forth on this, if we can come up with a plan that works and everybody is in agreement, great, if not we'll put in what's approved.

Andrew Fetherston stated we received it tonight, we just want to get a, you know, chance to look at it...

Chairman Rogan stated sure.

Andrew Fetherston stated maybe next week I'll send it over to my traffic guys, my structural guys...

Chairman Rogan stated okay.

Andrew Fetherston stated let's take a look at it, neither one is DOT compliant for highway use, let's just get a look at it and come up with...

Chairman Rogan stated okay.

Andrew Fetherston stated some suggestion back, I think the notes are much better you know, the center of gravity, the depth of placement, the size, the dimensions, I think they're all there from what your conversation was previously, can we inspect this and verify that it is per the plan, yes we can...

Chairman Rogan stated okay.

Andrew Fetherston stated Richie and I talked about how we think we could get that done, Maser could get that done, so...

Chairman Rogan stated okay.

Board Member McNulty stated the only concern that I see is the 30 inch height, is that, maybe that be specified from the driveway because that shoulder dropped off out there and if we go 30 inches from the shoulder, we're still low or below the driveway height.

Chairman Rogan stated oh I see what you mean.

Andrew Fetherston stated okay, I follow you.

Board Member McNulty stated yeah, the shoulder was lower.

Chairman Rogan stated in other words if you take like a transect of the...

Board Member McNulty stated so hold the 30 inches but from the height of the driveway.

Chairman Rogan stated I gotcha, yeah because some of that was down over the hill, you last about a foot of, a good foot or so.

Board Member McNulty stated yeah.

Chairman Rogan stated okay, well that sounds reasonable, I mean nobody is trying to put anybody through any unnecessary work here but I think at the end of day I think everybody wants to feel comfortable that this safe and I'm sure you do as well.

Board Member McNulty stated is there a particular reason why the owner wants boulders over wood rail.

Mr. Chase stated it's an aesthetic reason; he likes the rustic look...

Board Member McNulty stated personal preference.

Chairman Rogan stated Tommy was just commenting he was on, what Bear Mountain...

Board Member McNulty stated Bear Mountain State Park and every road up there is lined with much smaller boulders.

Chairman Rogan stated yeah. Also, the curve on this road though is so tight that you are going straight, if you drove off this, you'd be going straight into the walls, of course the Bear Mountain where you're kind of gleaning.

Board Member McNulty stated I was up in the state park actually...

Chairman Rogan stated oh you were.

Board Member McNulty stated there were turns and I'm saying they're all covered in snow, so you were going right over either way.

Andrew Fetherston stated I'm very familiar with that, yeah.

Chairman Rogan stated alright, so here's what we'll do, we're going to get some information back from Andrew, we'll be in a position, if we end up having a work session next month, end of this month and we have information, we can always approve it then, if we need more information from you, we can tell Rich to have you come in, if not, if it's just procedural then we can just take care of it at the next meeting and you wouldn't even need, I don't see any reason why you'd have to take the trip over, you know there's no

reason for you to have to come over, but so we'll have Rich communicate with you over the next week or so.

Mr. Chase stated okay.

Chairman Rogan stated alrighty.

Mr. Chase stated alright, appreciate that.

Chairman Rogan stated Happy New Year, thank you.

Mr. Chase stated okay.

Chairman Rogan stated okay.

Mr. Chase stated thanks again, have a good evening.

Board Member McNulty stated thank you.

Chairman Rogan stated take care, have a good evening.

Rich Williams stated new agenda.

Chairman Rogan stated you bring people with you, you don't introduce them.

Andrew Fetherston stated that's my ride, we're driving together today.

Chairman Rogan stated okay.

Andrew Fetherston stated Dave say hello.

Chairman Rogan stated hello Dave.

Dave from Maser stated good evening gentlemen.

Chairman Rogan stated now I can't say what I was going to say about you, you have a coworker with you, I was just about say Happy New Year, Andrew congratulations on Maser getting the nod the other night at the meeting for the Town Engineers...

Andrew Fetherston stated thank you.

Chairman Rogan stated and we want to thank you for the great work that you do.

Andrew Fetherston stated thank you very much, yeah, very pleased.

Chairman Rogan stated and I appreciate that and now I can't say any of that.

Andrew Fetherston stated why not.

Board Member Montesano stated it's a paid political announcement.

Chairman Rogan stated well because I don't want to embarrass you, go to work tomorrow, they're going to say oh you know Andrew, the Board likes him and that's all we're going to switch him off the job but anyway and congratulations also.

Mr. Liguori stated thank you.

c. Code Violations

Chairman Rogan stated let's go through some of these code violations that we've been talking about for years and years.

Board Member McNulty stated I put together a list of, I don't know if I sent it to everybody or just Rich and Shawn.

Board Member Taylor stated I didn't get it.

Board Member McNulty stated no, I didn't, I thought we were going to talk about it at the work session, so I didn't send it off to everyone. Just a number of issues that we have open quick, Justin's Automotive...

Chairman Rogan stated let's start one at a time, Justin's Auto, no site plan...

Board Member McNulty stated no site plan there, I guess there's been a history there.

Rich Williams stated a long history.

Board Member McNulty stated and Rich can comment on that much better than I can.

Chairman Rogan stated well I mean, even in short it's that we're looking for a site plan, he's willing to work with us but the owner won't sign off.

Rich Williams stated correct.

Chairman Rogan stated correct.

Rich Williams stated the owner feels that they have a...

Board Member Montesano stated a grandfathered use out there.

Rich Williams stated a pre-existing non-conforming use out there and they have no intention of complying with the Town.

Chairman Rogan stated okay.

Board Member McNulty stated now are there open violations, there are not, correct.

Chairman Rogan stated other than there not being a site plan.

Board Member McNulty stated there are notices of violation but no open violations.

The Secretary stated that is an open violation.

Rich Williams stated no, there has been no actual violation, there have been notices of violation sent...

The Secretary stated there has been no appearance ticket.

Rich Williams stated correct, but there is not actual violation where he's going to court.

Board Member McNulty stated okay but there was in the past, correct, that was settled out of this jurisdiction in Southeast years ago.

Rich Williams stated correct, well again there's a real long history, I can expand on that if you want.

Board Member McNulty stated we can push that to the side and start from scratch here, correct.

Rich Williams stated yes but I think whoever is going to be involved in prosecuting it needs to the full history.

Chairman Rogan stated I was thinking about this one today though, before we even talk about that, wouldn't it be advisable for someone from the Town to do a current inspection of the place to see if because, alright, a site plan tells us what you're allowed to do, what you're not allowed to do on site, right, it codifies what the use is...

Rich Williams stated right.

Chairman Rogan stated if we, if someone were to go out there and say we don't have a site plan but what they're doing out there is basically what we would allow someone to do on site then this is not the most important or pressing issue of maybe the bunch for me, you know if, on the contrary if we find there are things going on that we would never approve by site plan, then it's more of an issue, you know I think I'd want to know a little more about what the compliance is...

Andrew Fetherston stated life safety issues.

Chairman Rogan stated yeah, what the compliance is with Code and the use of the site, if all it is that the, it's hard sometimes to say to someone, if you talk to somebody on the street and say yeah you know that Justin's Automotive is not in compliance, well what do you mean, what's wrong, well they don't have a site plan, well what does that mean, well there's not a piece of paper filed that shows what they're doing, yeah but is what they're doing, would it be acceptable, well yeah but they don't have the piece of paper, at some point the common people would say come on guys, there are other more important issues going on.

Rich Williams stated yeah, I don't necessarily agree with you, I mean there is a substantial justification for having a site plan, first it creates the boundaries you know what the boundaries are...

Chairman Rogan stated yeah.

Rich Williams stated it clearly defines what they're allowed to do and where they're allowed to do and it makes sure that everything is being done in a safe manner, that's why you have a site plan, it also provides emergency services you know access to you know, what the improvements are on the site, should they want to take a look at that. I started to talk with the fire department about how we're going to make out site plans more readily available and not only our site plans but our building construction plans, so that perhaps

when they have a fire, they can just pull them up on the computer, so they can see what's on the site, you know...

Chairman Rogan stated chemical storage areas and things like that.

Rich Williams stated where the improvements are, maybe what water sources are out there, all these are very important, critical items and that's really why we have the requirements for doing site plans, in this case we have no site plan, we don't know what the boundaries are...

Chairman Rogan stated right.

Rich Williams stated you know, I can tell you that they have expanded the use out there over the years, again, not in compliance with our Code, and you know certainly we want to make sure that everybody is treated fairly, everybody has, you know, the right permits and they don't even have permits for their signs. So you know there's quite a few issues out there...

Board Member McNulty stated and is it within the zoning, are there any zoning variances required for that particular site at this point.

Rich Williams stated probably not...

Board Member McNulty stated okay.

Rich Williams stated I would be of the opinion that they need a special use permit.

Board Member McNulty stated which would fall under the site plan approval, correct.

Rich Williams stated well no, it would be a permit issues by the Zoning Board of Appeals for the automotive use of the site and then site plan approval by the Planning Board.

Chairman Rogan stated so obviously the question on the table then is how legally, do we start the process of trying to get someone to do a site plan when the owner is saying I'm not signing off on it.

Mr. Liguori stated we sue them.

Chairman Rogan stated sue them.

Board Member McNulty stated do we go after the, it's been a long lapse here...

Chairman Rogan stated that's where I was...

Board Member McNulty stated do we send another notice of violation to the owner because the history I see, shows it was sent to Justin and, the tenant rather than the owner, I think the owner is the one responsible for this.

Rich Williams stated this, the owner has absolutely dug their feet in, they are unreasonable about anything, again I think you know, people have reached out to them and said listen you know, just do an as built, show us what you've got, we'll put a stamp on it, you know and we'll move forward, doesn't want to hear. They believe that they won their case down in the Town of Southeast and that the Town has no right or authority to tell what to do with their site.

Board Member McNulty stated well Mike could we have you look into that and give us counsel...

Mr. Liguori stated I'll take a look at it.

Board Member McNulty stated on how to proceed.

Mr. Liguori stated if I can get a hold of the records, that's, I'll take a look at the records and see what determined in the Town of Southeast.

Chairman Rogan stated sure.

Rich Williams stated it was dismissed without prejudice.

Mr. Liguori stated okay

Chairman Rogan stated they saw that as a win.

Mr. Liguori stated that was it...

Rich Williams stated yeah, just a little bit of background, it first started over here with John King who determined they were in violation...

Mr. Liguori stated okay...

Rich Williams stated alright and then...

Mr. Liguori stated so we had enforcement action by the Town before King...

Rich Williams stated we had enforcement action by the Town before John King...

Mr. Liguori stated recusal, then it was recused, no...

Rich Williams stated he made a determination that they were in violation, found him guilty, allowed Rich Goldsands to reargue it on a number of different occasions, he finally threw his hands up and recused himself and sent it to Southeast, by the time it got to Southeast with the attorneys that were involved and the people that were involved, it was kind of such a mess that Vercollone says listen, I'm just going to dismiss this without prejudice, if you want to re-file, re-file.

Mr. Liguori stated so, we have the authority to and this I'll check, I don't know if we, if it's dismissed without prejudice, we just need to make sure that we're not subject to laches, I don't think we are, that's the concept that if there is a violation, you have to prosecute it within a certain amount of time, if it's you know pending in one of the higher courts, I know in the supreme court, but we don't, I don't think we're going to have the statute of limitations on this though.

Rich Williams stated I don't know...

Mr. Liguori stated you know.

Rich Williams stated but there is still a current violation out there.

Mr. Liguori stated right, there's still a current violation.

Board Member McNulty stated when you say there is a current violation but there's not a motion on a violation, it's just a...

Rich Williams stated no.

Board Member McNulty stated it's just a violation to the Town Code.

Rich Williams stated Rich's opinion.

Board Member McNulty stated yeah.

Rich Williams stated first they changed from one use that was permitted to a second use that was not permitted and never complied with the Code. Then there was a period of more than a year when the place was totally unoccupied, totally unused at which time they were marketing it and I've got some documentation to substantiate that because people were coming into me and saying well you know we want to rent the site and what do we need to do and I would say go get site plan approval and their attorney chastised me for saying that, I chastised him and back and forth we went...

Board Member McNulty stated here we are, so maybe our first thing is start this over and get a notice of violation out on Mike's recommendation.

Chairman Rogan stated I think what we might want to do though is figure into this what our costs will be, do you think this is some that should go to the powers of the Town Board to at least authorize it because in this economy we've been, some of the reason we haven't acted on some of this in the past was the Town Board said whoa, let's do a few at a time.

Rich Williams stated I'd have to look at the attorney's contract to see if this is one of the covered items, in which case there isn't a charge...

Mr. Liguori stated well it would be, I think under Laura.

Rich Williams stated well not if you're going to review the file to advise the Board.

Mr. Liguori stated I think that would be within, we could take a look, I think it would, I don't think there's that much in the file to you know...

The Secretary laughed.

Board Member McNulty stated no, you might be wrong on that one.

Mr. Liguori stated well...

Board Member Montesano stated only about 40 years.

Chairman Rogan stated no, but anyway I just wanted to bring that up because I remember in the past we were cautioned when we were trying to pursue a few of these, let's just take a few at time here.

Rich Williams stated I think eventually at some point the Planning Board has to sit down with the Town Board and work out a policy about what gets pursued and not because I think if there are people on the Town Board that just don't want to see it pursued then money becomes an issue.

Mr. Liguori stated right.

Chairman Rogan stated I see, okay, fair enough.

Mr. Liguori stated to me, when I think about prosecuting these cases, I have the walk softly, carry a big stick, so to me, I would, you issue your notice, your appearance ticket but I would also commence the action in supreme court, have your Justice Court action pending at the same time as the Supreme Court and then basically put that on hold get in from of one the Supreme Court judges but that's where you really start, it's unfortunate but that's really where you start spending some money...

Chairman Rogan stated yeah.

Mr. Liguori stated you know and you don't get, as far as I'm concerned, you roll the dice every time, you really don't know...

Chairman Rogan stated yeah.

Mr. Liguori stated every time I've walked into Supreme Court, the times I've walked in and said this really should, to myself, this should really be a no brainer, I've gotten the complete opposite of what, you know...

Chairman Rogan stated yeah...

Mr. Liguori stated and other times where I've gone in and said I'm going to lose this thing so bad, I've won, so it's bizarre but if you have somebody that's really, recalcitrant then you get them in front of the Supreme Court, you're going to start, they're going to start spending some money too, you know.

Chairman Rogan stated sometimes that causes an action too unless people just dig their heels in.

Mr. Liguori stated yeah.

Board Member Taylor stated do we have to take them to Supreme Court for this.

Mr. Liguori stated no you don't, you can take them to your Justice Court.

Rich Williams stated I've always, you know, that we need to go over here, one time I said let's got get an injunction finally, that turned out to be a really, really bad idea, it never got anywhere.

Mr. Liguori stated injunctions are hard, I mean they're really hard, I, we were just successful on defeating an injunction, just to give you an idea, you have to basically prove imminent harm, so my client is, he was just sued by a neighbor over a restrictive covenant, right. They have these two mega mansions next to each other and my guy has a restriction on his property that says he can't build a structure within 100 feet of the neighbor's house. The reason why they did was because when they were all in front of the Planning, when the developer was in front of the Planning Board, he got a variance for the setback requirements to squeeze my guy's house in and the Zoning Board said, well look we'll give you the variance but we're going to put this restriction in place to create this buffer, okay...

Chairman Rogan stated okay, sure.

Mr. Liguori stated so 20 years later my guy's wife wants a sand ring on the side of the house to take her horses and you know, so they go to the Planning Board in Bedford for a fill permit and that's the only thing they need, you know they need the fill to bring in, so they, the neighbors commence an action for an injunction and I argued that hey look, they're not building a structure, they're just putting sand on the ground, however they want to use it, is how they use it, if they want to walk a horse through it, well god bless them, if it was lawn they'd do the same thing...

Chairman Rogan stated yeah.

Mr. Liguori stated and we won, they weren't issued an injunction and to me, I think that, you know, my guy clearly violated the intent of what this thing is for, it's clear as day but so, you don't know, you really don't know and it's pricey, it's really pricey but I kind of feel like you know when a Supreme Court judge starts yelling at you and you're standing there and the judge is saying, hey look, you don't comply I'm going to throw you in jail and Nicholai will do that, he's done that, people wake up sometimes, so...

Board Member Taylor stated what about the strategy, though of what we've discussed before, especially with regard to Levine of using our local court to just keep at them to the point where it finally becomes enough of a burden financially that they'll do something about it, instead of us spending money in Supreme Court to try to force...

Mr. Liguori stated no, look at it, it's the same, you know the only reason why I throw the Supreme Court out there is and your Justice Court judge can do the same thing, there just seems to be a little bit more formality and there's, I think, a great authority to levy fines and damages and jail, I think you have a guy like Levine, I don't know how you win that one, that's like a Rubik's [cube], there's no good way out of that situation, you know.

Chairman Rogan stated you're right.

Mr. Liguori stated so you get thrown in jail...

Chairman Rogan stated it doesn't fix anything.

Mr. Liguori stated what does it do, it doesn't fix anybody, it's a lose, lose, lose, all the way around.

Chairman Rogan stated right.

Mr. Liguori stated the whole...

Board Member Taylor stated but in terms of this list, it seems to me the better strategy is to stay in the local court.

Mr. Liguori stated money wise, definitely.

Board Member Taylor stated well even otherwise because you said it was a roll of the dice anyway.

Mr. Liguori stated yeah.

Board Member McNulty stated on the Supreme Court level.

Board Member Taylor stated yeah.

Mr. Liguori stated well look, on the injunctions you're rolling, you're definitely rolling the dice, you are, I don't think you're going to get an injunction but I don't know what you're injunction would do here, you still are rolling dice, you probably have better odds in the justice court.

Rich Williams stated I mean that was just an example of something else, I wouldn't suggest an injunction.

Mr. Liguori stated yeah.

Board Member Montesano stated if the judge went to the wrong party that night before you could lose.

Board Member McNulty stated so Mike, you'll look at this and see if it's something we should pursue based on...

Mr. Liguori stated well I'll take a look at, I think the only thing I really should be confirming is confirming that the matter was dismissed without prejudice, looking at exactly what the matter was that dismissed with the exact violation and then us confirming that the violation, that a current violation does exist and once that's done, the Building Department should issue an appearance ticket.

Rich Williams stated there may be one more or two more steps in this in that you may need to get the Town Board...

Board Member McNulty stated recommend to the Town Board, we should make a recommendation to the Town Board.

Rich Williams stated on which you're going to need to be involved in, so you're going to need to know the history so that the Town Board directs him to do it in an expeditious manner.

Mr. Liguori stated okay...

Board Member McNulty stated okay.

Mr. Liguori stated I mean, you know the Building Inspector doesn't check with the Town Board before issuing an appearance ticket, right.

The Secretary stated no but they do get copies.

Mr. Liguori stated they get copied...

Board Member McNulty stated no but maybe in these cases...

Mr. Liguori stated but that's, it's not a, on the appearance ticket it's not a should we spend the money, right.

Rich Williams stated no, he doesn't ask that question.

Mr. Liguori stated no, okay, I mean he should, I mean I guess it's realistic to but he shouldn't be precluded from that, you know that's basically enforce when we have the money.

Rich Williams stated yeah, we're just going to here, it's not a big dollar issue.

Mr. Liguori stated right.

Board Member McNulty stated the next item on the list was Mystic Bronze sign application, is that still an issue, they came in and got an approval...

The Secretary stated she's been out of business, so...

Rich Williams stated she's been out of business and the sign's down.

Board Member McNulty stated so that's, cross that out, I love that.

Rich Williams stated yeah.

Chairman Rogan stated well not that they're out of business but it's not an issue.

Board Member McNulty stated no, I love crossing the issue off my list.

Chairman Rogan stated yes.

Board Member McNulty stated I hate to see anybody go out business.

Chairman Rogan stated no, I agree.

Board Member McNulty stated another one of your favorites Rich, Eurostyle Marble, the final bond release, it's just a number...

Rich Williams stated here's the punch from the last time, you know the last time...

Board Member Taylor stated we were waiting for this.

Rich Williams stated jeez 2011, February 2011, the Board directed me to contact him...

Mr. Liguori stated is that Jon Barrett Road.

Rich Williams stated yeah, ah no, it's Commerce Drive.

Mr. Liguori stated Commerce Drive.

Rich Williams stated contact him and see what's going on and at that point he finally gave us the as built that we requested the year before and the year before that you know, so I got him in and I took a look at the as built and you know reviewing the as built as what was approved, came up with a punch list and he never came back, I met with him...

Board Member McNulty stated so we don't know if any of this punch list has been settled.

Rich Williams stated I met with him, I went through it, I said these are the issues as the Board directed and you know call me when you start doing some of the work and we'll make sure, you know we'll get it all done and that was the last that I've ever hear from him.

Board Member McNulty stated so at this point, is his bond still being held.

Rich Williams stated I hope it's being held, it's one of those bonds that he had to pay on every year, I know he complained every year that he had to pay on it but I don't believe that we've received notice that it's been cancelled.

Board Member Brady stated can't you pull the bond.

Rich Williams stated yes.

Board Member McNulty stated yeah but I think a lot of the issues were minor, weren't they, I haven't read all this yet...

Rich Williams stated they're...

Board Member Taylor stated but still, pull the bond, pull the bond, send somebody out to fix the minor issues.

Board Member Brady stated pull the bond.

Board Member McNulty stated no I understand, how can we persuade him.

Board Member Montesano stated well how many years do you give for minor issues, he's been in business a few, more than a few.

Board Member Brady stated I think the first thing to find out, is to find out if the bond is still good.

Rich Williams stated yeah, I've got to check with the Town Clerk but unfortunately I've been unable to do that.

Board Member Brady stated and if the bond is good, you send him a notice that we're going to pull the bond, I've done this a long time.

Many side conversations – inaudible

Rich Williams stated the problem is you can't pull the bond, the Town Board has to pull it.

Board Member Brady stated has to pull it, yeah, then we're back there.

Rich Williams stated then we're talking some money.

Board Member Brady stated why to pull the bond, why the money.

Rich Williams stated because of the legal wrangling that goes on with trying to acquire the money for a bond.

Mr. Liguori stated they don't just pay.

Board Member Brady stated huh.

Mr. Liguori stated they don't just pay.

Rich Williams stated they won't just pay.

Board Member Brady stated oh no but the bonds that I deal with, if the licensing jurisdiction, it's a license bond, if we determine that they've violated the licensing laws and we want, there is a monetary value to what that person did, we can pull the bond. They flip out, they scream and yell and kick but the bottom line is they write us a check. The County's got a law department and I'm sure it costs a lot of money to deal with it but you know, ultimately we wind up getting the money, it's very rare though, very rare.

Rich Williams stated you should also be aware that they were given a temporary C.O. for 6 months to finish the site improvements...

Board Member McNulty stated so do they have a C.O. now.

Rich Williams stated in 2008.

Board Member McNulty stated so they don't have a C.O.

The Secretary stated it never got revoked.

Chairman Rogan stated temporary expired.

Rich Williams stated it never got revoked it.

The Secretary stated nobody every pulled it, so.

Chairman Rogan stated so it's hanging out there.

Board Member McNulty stated temporary's in place. Does anybody have a problem if I just went out there to talk to the owner and see...

Chairman Rogan stated no, I think that...

Board Member McNulty stated and kind of just say listen we want to settle a bunch of issues in Town, yours is one of them and what can we do to get this done.

Chairman Rogan stated yeah I mean, you know what Tommy.

Board Member Montesano stated you can leave yourself over.

Mr. Liguori stated that's what Nick should be doing.

Rich Williams stated yeah, okay.

Chairman Rogan stated what's that. I think maybe a better tactic, Michelle would be willing to go out and talk to this guy...

The Secretary stated sure.

Chairman Rogan stated bring a copy of the riot act.

The Secretary stated right.

Board Member McNulty stated a little woman's persuasion.

Chairman Rogan stated no I don't mean it that way.

Board Member McNulty stated no, I don't either.

Chairman Rogan stated but you know what honestly, if another person talking to him maybe will get through, maybe if not tell him...

Board Member McNulty stated well it's going to be an issue for him.

Chairman Rogan stated I mean it's kind of funny because we all want him to just wrap up what he's supposed to do and you're there's probably not a lot of big items here but it's all, it all adds up to three pages of not done, you know.

Rich Williams stated right.

Chairman Rogan stated and one day they're going to want to do something else to this site, a little addition or a little something or a change of owner or something and that's the time to really...

Rich Williams stated he just, at this point, the message that he's gotten is he's just going to do it...

Chairman Rogan stated yeah, it's okay.

Rich Williams stated because what are you going to do.

Board Member Brady stated well can't the Building Department go out and pull that temporary C.O.

Chairman Rogan stated yeah but what does that mean effectively.

Board Member McNulty stated it's going to shut his business down.

Board Member Brady stated he can't occupy the building, he's got, basically he has to move out of the building.

Chairman Rogan stated yeah.

Rich Williams stated right.

Board Member Taylor stated yeah but somebody's got to enforce that.

Board Member Brady stated you know but that's not the intent but that's the kick in the butt to get him moving.

Chairman Rogan stated right.

Board Member Taylor stated realistically what's the best process, if pulling bonds is going to cost too much money, then can we go back...

Mr. Liguori stated it will set off a chain reaction, the bond company will send an inspector out there, the inspector will do a punch list for whatever the bond is issued for, so number one we should know if it's a performance bond or if it's an erosion and sedimentation control bond, we need to see exactly what that bond is for because if it's for let's say something, if it's a performance bond then okay, you know there is something to reference...

Board Member McNulty stated is that something we have record of that we can review in house.

Board Member Brady stated it's a road bond.

Rich Williams stated oh yeah, I can tell you this is before they changed the code so it's probably in all likelihood a performance bond.

Chairman Rogan stated yeah.

Mr. Liguori stated they'll...

Board Member McNulty stated you'll take a look at that Rich.

Rich Williams stated yeah, as soon as Antoinette comes back.

Board Member McNulty stated okay, Kent Supply, Robin Hill, his current site plan application.

Rich Williams stated they got a conditional approval in June of 2008...

Chairman Rogan stated never came back.

Rich Williams stated they needed to post some fees, post a performance bond and complete the improvements, they did none of that. Shawn sent me back in 2009 and yeah, in May of 2009 and in June of 2009 we got a letter requesting, we had him on the agenda, we got a letter requesting to take him off the agenda, notifying us that he will complete the improvements when the economy improves.

Board Member Brady stated who owns it, does Kent Supply own their building and the property.

Rich Williams stated yes.

Board Member Taylor stated so did they do anything.

Rich Williams stated no.

Board Member McNulty stated do they have a C.O. or a temporary C.O.

Chairman Rogan stated the economy hasn't improved yet.

Rich Williams stated C.O.

Board Member Taylor stated no but I mean...

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

Board Member Taylor stated so are they in violation of anything or it's just a pending application that which they haven't executed anything on.

Rich Williams stated well they had to get site plan approval, they got conditional site plan approval, that has since expired.

Board Member Taylor stated but did they do anything...

Rich Williams stated no.

Board Member Taylor stated on the site plan.

Rich Williams stated they made none of the improvements that they needed to make to occupy the site.

Board Member Taylor stated okay.

Board Member McNulty stated they didn't complete the conditional requirements.

The Secretary stated no.

Rich Williams stated correct.

Board Member Taylor stated for occupancy.

Ted Kozlowski stated what's their definition of improved economy, what's the threshold.

Board Member Montesano stated the first day that they can sell the building without getting caught.

Board Member McNulty stated so they have a site plan that's not signed off yet.

Rich Williams stated correct.

Chairman Rogan stated sounds like we have a few of these that...

Board Member McNulty stated how is it that if it's expired, they'll be forced to come back with a full new application.

Rich Williams stated yeah, they could.

Board Member McNulty stated is that what has to happen, is that what happens when it expires, you have to start all over again, technically.

Rich Williams stated there is some discretion there with the Board, as to whether to want to just, you know, get him limp along and extend that approval all the way through or they have to make a new application.

Mr. Liguori stated well if it's expired, it's expired. You guys have, you have some discretion as to how to deal with it but technically they, unless there was something in the resolution that you know, let them carry forward, they would have reapply, it doesn't mean they wouldn't reapply with the same exact plan, you know but...

Chairman Rogan stated right.

Board Member Taylor stated or wouldn't even bother to reapply, what makes them do something different than what they've done which is ignore the situation.

Mr. Liguori stated us getting on him.

Board Member McNulty stated yeah.

Board Member Taylor stated and then what's the best way to do that, are we again talking about going to Justice Court and...

Board Member McNulty stated yeah, maybe revisit with the owner and say you know this is becoming an issue now.

Mr. Liguori stated I'll tell you guys really we should have this meeting with Town Board and Building Inspector...

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

Mr. Liguori stated because this isn't your job...

Board Members stated right.

Mr. Liguori stated as pissed off as you are about things that are left open, it's not your job, it's not the Planning Board's job...

Chairman Rogan stated thank you for saying that, because that's what I'm kind of like...

Rich Williams stated what do you do when nobody's doing their job.

Mr. Liguori stated well that's it, now we need to, alright you guys are...

Chairman Rogan stated but you know what...

Mr. Liguori stated that's why I'm suggesting, so we have 5 people who have a laundry list of items about things that aren't getting done and the voice that needs to hear it is the Town Board and to me there is no better way than...

Board Member McNulty stated but they are all items that apply to this Board.

Board Member Montesano stated but we don't have the authority.

Board Member McNulty stated but we make a recommendation to the Town board to say these are issues that we're concerned with...

Board Member Montesano stated that's why we've got to meet with them to...

Board Member Taylor stated but we've done that.

Board Member McNulty stated and we would like to meet.

Board Member Taylor stated we've done that in the past.

Chairman Rogan stated I think what the Town Board would say okay, what do you guys propose that we do, so it's a good idea to have.

Mr. Liguori stated that's not, that's not...

Board Member Montesano stated we take over the Town Board.

Mr. Liguori stated that's not fair to you guys.

Chairman Rogan stated I agree.

Rich Williams stated that doesn't mean they're not going to do it.

Chairman Rogan stated I know.

Mr. Liguori stated right, right, that doesn't mean they're going to do or not do something but you know, it's not fair to them to say to you well what do you suggest we do...

Chairman Rogan stated right.

Mr. Liguori stated they should go like this and look at the Building Department and say why is this stuff going on.

Rich Williams stated I...

Board Member Brady stated why not invite them in, I'm not talking about the Town Board, I'm talking about each, the individuals in and send them a letter to appear...

Board Member McNulty stated well...

Rich Williams stated they won't appear.

Board Member Brady stated but can, does the Board has subpoena power.

Mr. Liguori stated no.

Board Member Brady stated no.

Rich Williams stated ZBA, not the Planning Board.

Mr. Liguori stated yeah, not the Planning Board.

Chairman Rogan stated so why don't we, why don't we try to coordinate something since it's the beginning of a New Year with the Town Board and Nick for the 9, 10 of us to sit down, 11, 12, whoever.

Rich Williams stated that's fine but I do agree with what you were saying is perhaps the Planning Board as a Board wants to formulate an opinion on each of these, you know before you sit with the Town Board...

Chairman Rogan stated yeah.

Rich Williams stated and have a better understanding about what the violation is, the extent and where we are.

Board Member Montesano stated rank them.

Board Member McNulty stated I have 2 more on my list, Jay Maxwell, is he the same situation, not an approved site plan, out on [Route] 22.

Rich Williams stated he actually got a notice of violation April of this year, for conducting a site without...

The Secretary stated last year.

Rich Williams stated was it last year, I thought it was 2012...

The Secretary stated well this is 2013.

Board Member Brady stated it's 2013.

Rich Williams stated oh yes, 2012, last year for operating the site without site plan approval and a use that was not permitted, a contractor's yard that was never pursued further by the Building Department, since then, it's been occupied by a...

The Secretary stated marble and granite...

Rich Williams stated marble refinishing company.

Mr. Liguori stated who's that.

Rich Williams stated Jay's friend.

Mr. Liguori stated oh, Jesus.

Board Member McNulty stated and the other issued I had one here was MB Transmission on the corner, just, is there a site plan, there is a number of unregistered vehicles there and there's, I know that's not part of this Board but if the site plan's an issue, you know, it's an old building.

Rich Williams stated I believe there was a site plan done for that back in '80's, I've been trying to get a hold it...

Board Member Montesano stated it was done back in '88 or '89.

Rich Williams stated yeah, somewhere.

Board Member Montesano stated I remember because Edie came up with us on it and she was pointing out certain things.

Rich Williams stated well, I did find the record of where you, as Chairman of the site, the Planning Board and Edie and the Town Engineer Dan Willhoite, went to the site to look at the site, got them to come in to get the M&B Transmission sign approved.

Board Member Montesano stated but we had an entire Board walk out there too, I know we all went through it because we had questions with the liquor store at the time because of parking on the situation.

Board Member McNulty stated I just brought it up, I didn't know if there was ever an approved plan, I have no history with that property, it would be nice if we could get it cleaned up, again, it's not part of this Board's duty but if we're going to have a meeting...

Board Member Montesano stated the new owners took it over and made a mess out of it.

Mr. Liguori stated run through your list again, we have Justin's Auto...

Board Member McNulty stated yeah.

Mr. Liguori stated oh, sorry, okay, I got it.

Board Member Taylor stated and what about Boniello, where do we...

Board Member McNulty stated well the Town Board's got that in their lap, don't they.

Board Member Taylor stated is he slowly paying on that.

Rich Williams stated he has not made a payment in 3 or 4 months.

The Secretary stated since September.

Board Member Taylor stated but he made 2 or 3 payments.

Rich Williams stated I think he made 2.

The Secretary stated no, I think he made like 5.

Mr. Liguori stated I'll check with Jay because...

Rich Williams stated oh he didn't make that many.

The Secretary stated oh yeah he did.

Mr. Liguori stated I could have sworn when I walked into the office this morning at five, if he's the guy that I'm thinking of, then he was in our lobby.

Rich Williams stated could be, I know Charlie was going to pursue that.

Mr. Liguori stated I'll let you know.

The Secretary stated I believe Boniello made 4 or 5 payments.

Chairman Rogan stated Charlie was pretty adamant on that one.

Ted Kozlowski stated yeah.

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

Chairman Rogan stated yeah.

Board Member McNulty stated that's all I had in Code Violations.

Rich Williams stated so what do you want to do.

Chairman Rogan stated so we have, I was just going to say the bigger question is what we want to do. I mean, I think our, as I started out with Justin's, I think our actions need to be commensurate with the impact of what's going on but having said that we also need the complete processes to run through all this and go through all this work, you know, the people are all being rewarded one way or another for their actions right now for being allowed to operate so I think ultimately we have to just, Rich did a really good job with Eurostyle and probably with all of these if we pull out the record, have something like this which summarizes each individual case, which says this is ultimately what you have to do, with Justin's it's a little different because we don't have, you know a site plan so...

Rich Williams stated yeah, well no you don't have a site plan but you've got a memo like that back to their attorney...

Chairman Rogan stated exactly.

Rich Williams stated exactly why they're in violation.

Chairman Rogan stated so, now we're not sitting here saying there's 20 these, there's a handful of them, so you know again, I go back to finding out from you gentlemen what the most logical approach is, what approach is going to be the best for our buck in terms of getting these people to, you know, complete these processes.

Board Member McNulty stated well do we have an initial meeting with the Town Board and the Building Inspector because we have enough history relevant...

Chairman Rogan stated enough history up there...

Board Member McNulty stated and see what the reaction is, if the Town Board is not going to pursue things or aren't able to...

Board Member Montesano stated suggestion...

Board Member McNulty stated then maybe it's not worth the effort to go through all this.

Board Member Montesano stated we have a work session coming up, if we have to use it, if we can get the information and unfortunately you're stuck with it, getting all the information over, like we have here, then we can sit in a sensible manner and discuss what it is, the object right now is for arguments sake, we have 15 people that are causing a problem, do we wait until we have 30 to talk to the Town Board or do we sit down and look at the 15 that we have, understand what it is and either tell the Town Board here they are and this is and they're going and if they do ask us well what do you think we ought to do, well fine here, 1, 2, 3, 4, these 15 take an action, that's all we have to do.

Chairman Rogan stated I guess, go ahead, sorry...

Board Member Taylor stated I feel that the individual cases, we don't need to know the individual cases, we keep seeing this over and over again, there are specific details that are different but the process is the same, someone doesn't what they're supposed to and the Building Inspector doesn't follow through with what he's supposed to and then we're left in the situation of trying to figure, for a while it was the court wouldn't do anything, that seems to be rectified. It seems like we're moving forward but I think we need to talk to the Town Board about the process, are you going to do something about this or not or as Mike said, are you going to look at the Building Inspector and say do what you're supposed to be doing on this stuff. The other issue I want to ask Mike about is can we pick and choose these things or do we have uniformly enforce the law and the regulations of the Town.

Mr. Liguori stated that's a good question.

Board Member McNulty stated that's the way I see it, I there's a number of applicants, Patterson Auto Body went through quite an application process to do the right thing...

Rich Williams stated right.

Chairman Rogan stated that's right.

Board Member McNulty stated and these other guys aren't doing it.

Rich Williams stated if I could just jump in and see if you agree with what I...

Mr. Liguori stated yeah, you go first.

Rich Williams stated my answer to Ron would be yes.

Board Members laugh.

Board Member McNulty stated that's a broad answer.

Chairman Rogan stated I don't even remember the question.

Board Member Brady stated are you sure you're not a lawyer.

Rich Williams stated I've been around them too long but you need to start someplace, you need to uniformly and fairly and equally apply the Code to everybody, I mean that is first and foremost but you need to start someplace.

Board Member Taylor stated oh, I agree there.

Rich Williams stated and so, you know if you single out 5 people with the understanding well, you know we're just going to you know, take an inventory, you know you can't single out 5 signs along Route 22 and then say well we got those 5 in compliance, we're done, you know you need to keep going and you need to do it as time and resources allow.

Chairman Rogan stated and the flip side of that is though...

Board Member Brady stated is there a lot more.

Chairman Rogan stated is there a point where we, where a court would say you know guys, you've had these things for 5 years and you haven't taken an action, why now, that, as time goes by you have less and less of a case, I don't know.

Mr. Liguori stated well no there's no estoppel against the municipality, okay...

Chairman Rogan stated okay.

Mr. Liguori stated so we were talking before, I was a little concerned about Justin's Automotive...

Chairman Rogan stated right.

Mr. Liguori stated because of there being a litigation but it's, the Town is always, always has the ability to enforce its laws no matter what the delay is. So if you have a site plan violation that's 5 years old, now look is some judge going to say well what the hell have you guys been doing for years, sure but at the end of the day, if there's a violation and it's legitimate then you know, in theory they should support that and in practice too, it's not just a theoretical exercise.

Chairman Rogan stated sure.

Mr. Liguori stated as far as, Ron, you know, I agree with Rich, you, the Code should be enforced at all times but the realities are that you probably, as a municipality cannot afford to commence 10 actions at the same time and have them going, unless you budgeted for it, if you budgeted for it and put that money in there, you know and said hey we're going to beef up this budget to take care of all of these violations, we had to do that in Dover, in Dover, this Town Board that I started with came on in 2008 and they committed to funding their Building Department and their Building Inspector and they've chewed through a bunch of Building Inspectors because they don't feel like they're doing their job and they finally found a guy that's not friends with everybody, you know and that's a monumental task, the further you get up [Route] 22, the greater the task becomes because the less money is involved, I mean there's really, I mean it gets really depressed as you, you know, head up there...

Chairman Rogan stated yeah.

Mr. Liguori stated but they really had to focus on beefing up their budget to afford to do what they wanted to do and so in that, up there, their major violations were they adopted a code provision in 1994 that made

all the signage basically non-conforming and gave until 1999 and didn't do anything, okay, so as of '08, no one had come into take care of any signage and the only person who would get punished were the guys who came in with a new site plan because they had to comply. So, you know, let's say you came in with a new gas station, hypothetically and your sign can only be 16 square feet but your neighbor has a 60 square foot sign and no one's doing you know what about it, what do you, how is that fair...

Chairman Rogan stated right.

Mr. Liguori stated that's kind of similar to anyone that comes before the Board with a site plan now, you know where the Code is enforcing it but in Dover they took a look at their budget and these people ran on not raising taxes and they came in and they had to do a 180. They actually sent out a newsletter back in '08 to say look, you know we campaigned on not raising your taxes but we didn't know how bad this situation is and it's bad and so we're telling you next year we're going to raise our budget to reflect this thing and you know that's something that the Town Board, if we have these things that are out there that are going to take some money to deal with that they commit to dealing with it and budget for it.

Board Member McNulty stated hopefully they won't, maybe we can really get the word out somehow to some of these issues and talk them into it, listen you have to come into compliance or there is going to be a problem.

Rich Williams stated you only have to do one, you only have to do one.

Mr. Liguori stated that it's it.

Board Member Brady stated right, I agree with that.

Rich Williams stated alright and you do it severely...

Board Member Montesano stated the Chamber of Commerce has a great job.

Rich Williams stated and then you go to the next guy and say, really you want to go that road.

Board Member Brady stated here's what we just did.

Rich Williams stated it works.

Board Member Taylor stated I can understand prioritizing this but I think we have to be careful, the one we choose to go after first that we can justify that being the one we go after in a way that makes sense...

Chairman Rogan stated which was fine.

Board Member McNulty stated we don't want to be selective.

Chairman Rogan stated yeah.

Board Member Taylor stated I mean it's the most egregious in town, it's the most dangerous or something, rather than just that this is the guy that we decided to target.

Chairman Rogan stated right.

Board Member Taylor stated that's kind of what was behind my question...

Mr. Liguori stated yeah.

Board Member Taylor stated we've got to be, what the word is, fair...

Board Member McNulty stated fair.

Board Member Taylor stated in doing this.

Mr. Liguori stated there is also a way to do it where we don't have to be the person that commences the litigation, you for instance anybody that has, that's in violation of their site plan that has a C.O. or a temporary C.O. or shouldn't have a C.O., one of the ways to deal with it is to just revoke it, send them notice, revoke it, that puts them on the defense but they have to commence the action to say that we're, that we've acted you know arbitrarily or...

Board Member Brady stated the Eurostyle is a perfect example...

Mr. Liguori stated perfect example.

Board Member Brady stated they have a temporary C.O. for how many years.

Chairman Rogan stated so does Kent Supply.

Board Member McNulty stated but if it gets revoked, who follows up then.

Mr. Liguori stated well we revoke it, then we, you're going to illicit a response from a revoked C.O., that's going to be, you will get the attention that you know, that's me walking up to you and cold cocking you in the face, okay.

Board Member McNulty stated let's say you don't get a response and operation just continues...

Mr. Liguori stated well no, we have to shut them down, we have to call the Sherriff's Department and we revoke their C.O. and they cannot, this is a public safety now...

Board Member McNulty stated oh.

Rich Williams stated but to close them down then we need to get an injunction.

Mr. Liguori stated then we need to get the injunction but you're going to, that's going to illicit a response and that's where you have the conversation to say look you have 9 things on a check list that's going to cost you about \$3,500 dollars to get done or \$5,000 dollars and you're going to spend \$10,000 dollars just to write somebody a check to show up in court, how do you want to do this.

Rich William stated and understand I mean we're not going to ever have to go down the road with the injunction I don't think, you pull somebody's C.O. you've voided their insurance.

Mr. Liguori stated right.

Board Member Brady stated yeah, absolutely.

Board Member Montesano stated and their mortgage.

Rich Williams stated yeah, you could, yeah...

Board Member Montesano stated the bank doesn't like to see that.

Mr. Liguori stated and it's easy to find out who that is, you just call the clerk...

Board Member Brady stated oh yeah, that's public record.

Mr. Liguori stated and the tax map id number, who is the mortgage holder.

Chairman Rogan stated so along those lines, would a letter and I'm just throwing this out there, would a letter to Eurostyle Marble with this attached say 60 days or we're planning on pulling you C of O.

Board Member McNulty stated well I think we sit with the Town Board first...

Chairman Rogan stated no I'm just throwing it out there for conversation.

Board Member McNulty stated oh, I gotcha.

Chairman Rogan stated no, no, I'm just having a conversation.

Rich Williams stated yeah because if you do something like that without the Town Board being on board, they, you know get upset and run right over.

Chairman Rogan stated well we can't do it anyway, we can't pull the C of O, so it doesn't matter.

Board Member Brady stated yeah but then they have to deal with you, not us.

Board Member McNulty stated I'm with you Shawn, somewhat of an introduction letter to say, hey listen...

The Secretary stated thanks Ed.

Board Member McNulty stated this is still an issue, it's outstanding, we're looking for you to satisfy it, here's what has to be done.

Chairman Rogan stated so even though we may not have a plan yet as to what we want to do, I think these are good conversation to have with the Town Board and Nick, just to kick this stuff around, what is reasonable, Ted, jump in.

Ted Kozlowski stated just my experience in public service and when you're dealing with either elected officials or the higher ups and I think you know this too Shawn, and it's clear Mike said that a lot of this isn't in your jurisdiction anymore. I just think and Rich has probably done most of the homework already, is just simply identify all the problems, you know each one, identify the problems offer a solution, what you're recommended solution is because they're not going to figure it out, they need the help, the input from all of us and these are your options and now it's off your table, it's in their, the ball is in their court and that's really where it should be and its clear to me that certain zoning people or Code Enforcement is

not happening and it's not your responsibility to enforce them, it's the Town Board to make sure that they carry through with their duties.

Board Member McNulty stated all we have to do is identify the issues.

Ted Kozlowski stated it sounds like everything you brought up is going back to that...

Chairman Rogan stated right.

Ted Kozlowski stated and that's what they need to do so we just, one page, not elaborate, not a lot of reading, just simple bullets, here's our recommended solutions and that's it and move on to the next thing because you know, a lot of this stuff we've been talking about for years guys.

Chairman Rogan stated yeah I know.

Board Member Montesano stated I think if the minutes are pulled...

Board Member McNulty stated well this is Charlie's packet that he gave to me.

Board Member Montesano stated if the minutes were pulled from meeting previous in the last 20 years I'm sure between Richie and (*inaudible*) and Ted...

Ted Kozlowski stated I have a question and Rich probably knows this answer or maybe Mike. We have another Code Enforcement Officer, could he do that job...

Chairman Rogan stated oh yeah.

Rich Williams stated well we have a Fire Inspector that is also a Code Enforcement...

The Secretary stated Official.

Rich Williams stated Official and we have a Code Compliance Official...

Ted Kozlowski stated right, can they do...

Rich Williams stated Code Compliance cannot enforce zoning.

Chairman Rogan stated but I mean I like the intent and gist of what you're saying in that, it's what we started out with, the Town Board is going to say what do you guys suggest we do, we put something together that says hey here's the, there was really only 4 of them when it got down to site plan, 3 or 4 and say we recommend on each one we send out a letter that says here's what needs to happen, if not we're going to pull X within a certain time frame and throw it out there as a suggestion and let the Town Board mull that over and be happy to meet with them to discuss as a group.

Rich Williams stated but do you want to start this conversation off with the Town Board by we've got an issue, they haven't complied, we've reached out to them, you know it's been another month, two months, they have not responded.

Chairman Rogan stated that's fine too, we're still better off than...

Rich Williams stated I mean I'm just...

Chairman Rogan stated the whole point is that we initiate something which is a means to getting with the Town Board and ultimately you know giving them the information they need to made a decision.

Board Member McNulty stated can we do it at a Town Board meeting, one of us...

Board Member Montesano stated no, you want to go in as a group, this Board wants to request a meeting with the Town Board, this way the 5 of us are there, it's not one individual carrying the ball, it's the Planning Board discussing with the Town Board, this is...

Ted Kozlowski stated we used to have an all Boards meeting every once in a while, it seemed to move things...

Chairman Rogan stated there is another option here, I hadn't just thought of it until, thinking about the other nights meeting, last night's meeting, we also have our liaison to the Town Board, which is Charlie, should it even not start just with him as the liaison to the Planning and Zoning.

Rich Williams stated well certainly I was going to apprise Charlie of the conversations, I've got a few things to go through with Charlie and Mike's not going to be around next week, so Charlie is going to be running the ship...

Chairman Rogan stated act now, act now.

Board Member Montesano stated sign here.

Chairman Rogan stated can you kick around with Charlie some of the things we've been talking about, he knows it, like you said, it's his list to begin with...

Rich Williams stated yeah.

Board Member McNulty stated yeah.

Chairman Rogan stated and you know...

Rich Williams stated but you know as good as Charlie is, I think if you don't have, as Mike says, all 5 Board Members with all 4 Board Members in agreement...

Chairman Rogan stated right.

Rich Williams stated going in the same direction...

Chairman Rogan stated then it's just a mess.

Rich Williams stated it's not going to happen.

Chairman Rogan stated alright.

Board Member Brady stated do you have more applications that are outstanding or not completed that are temporary C.O.'s also.

Rich Williams stated no.

Board Member Brady stated no, so this is just the one you think.

Rich Williams stated there were only 2 temporary C.O.'s issued in this Town, both of them turned out to be...

Chairman Rogan stated not very good.

Rich Williams stated it didn't work out very well.

Board Member Brady stated so there is just this one left, is the only one.

Rich Williams stated and the reality is there is not authority for the Code Enforcement to issue a temporary C.O., so...

Chairman Rogan stated yeah.

Board Member Brady stated so, that's an easy thing to go after, to make a point.

Rich Williams stated right.

Board Member Brady stated and to get the ball rolling and it's been a long time, that's you know...

Chairman Rogan stated yeah.

Board Member Montesano stated another thing...

Board Member Brady stated and they might not even be appraised at full value, if he's still has a temporary C.O., they might never of actually made a full appraisal of the building.

Board Member Montesano stated what I'd like to do, if you know for suggest, rather than dumping it on one person, it's great to have a liaison but if we show, request to speak to the Town Board, rather than Charlie, Charlie already knows the problems, he's been involved in it, he tried to straighten them out, if we walk in as 5, as a Board speaking to the other Board, it's face to face with all of them rather than one person. We need that person to help steer their end of the board, we don't want him to stick out as far as I'm concerned, so he looks like he's the, it's much nicer to have suggestions made...

Chairman Rogan stated alright.

Board Member Brady stated no, I think you're right, I think it should be the whole board.

Chairman Rogan stated so, since we're all kind of spinning our wheels here and not really deciding anything, let's reach out to the Town Board, see if there is a common time that works for both Boards, we have a work session planned that we're probably not going to use at this point, so that's an option, kick that around, see if there is something that will work between both Boards to meet for a work session and including Nick and counsel, I think counsel should be there, we're going to need that.

Board Member Montesano stated one suggestion that I would like to make...

Chairman Rogan stated yeah.

Board Member Montesano stated I would not like to have the meeting on the night of the Town Board meeting...

Chairman Rogan stated no I agree.

Board Member Montesano stated so that they're not going to give us 5 minutes before their meeting...

Chairman Rogan stated no.

Board Member Montesano stated and then cancel that.

Ted Kozlowski stated no Shawn's talking about a regular...

Chairman Rogan stated regular, work session meeting.

Ted Kozlowski stated a work session.

Board Member Montesano stated I just want to make sure that we understand, I don't want it Wednesday night at 6:30 because they're going to have a meeting a 7.

Chairman Rogan stated you know what, I don't know about the facilities for 12 or so people to sit down at the same table but if it doesn't work downstairs in the, I know it has to be...

Rich Williams stated we can set it up in here with the tables in the back.

Chairman Rogan stated oh okay because the other one, I was very impressed with the Rec Department that when we had the meeting down there.

Rich Williams stated oh yeah, the back room.

Chairman Rogan stated that was fantastic, that was the biggest table, that was enough to seat 20-25 people in there when we met, so anyway, just the thought.

Rich Williams stated it's just easier to keep the minutes up here, rather move the machine.

Chairman Rogan stated okay, so let's do that and let's approve minutes.

6) MINUTES

Chairman Rogan stated right, December 6th, minutes.

The Secretary stated yeah, sorry about the cover sheet, it has the wrong date on it but it's December 6th.

Chairman Rogan stated yeah, that's what I thought.

Board Member McNulty stated that's what it says here.

The Secretary stated okay.

Board Member Montesano seconded the motion.

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

Board Member McNulty stated I abstain.

Chairman Rogan stated anything from anyone else. Motion to adjourn.

Board Member McNulty seconded the motion.

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

The meeting adjourned at 8:20 p.m.