

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**January 5, 2012**



**AGENDA & MINUTES**

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1) Adam Levine – Fill Permit	1 – 9	Discussion of water testing and surveying.
2) Watchtower Education Center – Amended Site Plan	9 – 10	Applicant was not present. Discussion of SEQRA process.
3) M&S Iron Works – Site Plan Review	44 – 56	Discussion of rock crushing, stormwater, site improvements, DEC submission
4) Thunder Ridge Ski Area – Site Plan Waiver	10	Unable to be discussed due to lack of quorum.
5) Alpine Restaurant – Site Plan Waiver	10 – 17	Discussion of fence placement, gating, boundary dispute for fence placement.
6) Other Business		
a. Genovese – Request for Extension	17	120 Day Extension approved at 12.29.11 Work Session
b. RCA Asphalt	18	120 Day Extension approved at 12.29.11 Work Session
c. 450 Haviland Drive Subdivision – Site Walk Comments	18, 59 – 74	Discussion of seep, wetlands, road length, roadway entrance change.
d. Ray See Fill Permit – Site Walk Comments	18	Applicant did not appear.
e. Zoning Amendment – 2670 Route 22 – Bill Henry	18 – 28	Discussion of site, site constraints, previous application. More information to be submitted.
7) Minutes	58 – 59	December 1, 2011 & November 22, 2011 Approved.
Commerce Drive Discussion	29 – 44	Discussion of road and road maintenance, discussion of Town taking the road.
Discussion of Rosemary Osborne Site	74 – 85	Discussion of oil spill and DEC cleanup and existing site plan issues.
Discussion of North Hollow Corp. Land Transfer	85 – 92	Discussion of illegal subdivision and lot line adjustment.

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

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**PLANNING BOARD**

Shawn Rogan, Chairman  
Thomas E. McNulty, Vice Chairman  
Michael Montesano  
Ron Taylor

**Planning Board  
January 5, 2012 Meeting Minutes**

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

**APPROVED**

Present were: Chairman Rogan, Board Member Montesano, Board Member Taylor, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspection, Andrew Fetherston of the Town Engineer's office Maser Consulting and Mr. Michael Liguori, of the Town Attorney's office Hogan & Rossi.

Chairman Rogan called the meeting to order.

There were approximately 9 members of the audience

The meeting was called to order at 7:02 p.m.

Michelle Russo was the Secretary and transcribed the following minutes.

Chairman Rogan stated good evening everyone, hope everyone has a healthy and prosperous 2012, please, Ted is at the ready I guess, please join us in the pledge of allegiance.

Chairman Rogan led the Salute to the Flag.

Chairman Rogan stated okay, unfortunately Tom McNulty is not here tonight, he has a, his father-in-law passed away, he's down in Florida with his family. I'll appoint Tommy McNulty, even though he's not here tonight as Vice Chairman of the Planning Board for this year and we were supposed to have a new member but we are working through some issues with that, so you're stuck with just the three of us tonight. First item on the agenda is Adam Levine Fill Permit, Mr. Levine you want to come up quick.

**1) ADAM LEVINE – Fill Permit**

Mr. Adam Levine was present.

Mr. Levine stated did everybody get a copy Rich, were you able to make copies.

Rich Williams stated no, they got copies.

Chairman Rogan stated good evening.

Mr. Levine stated okay, good evening, happy new year, happy holidays.

Chairman Rogan stated happy new year.

Mr. Levine stated I submitted a letter in reference to everything we discussed last month at the meeting and I tried to get as much done as physically possible, right after the meeting we got in touch with Anne at the Health Department, she got me all the information, I got it over to Rich, I sent him an e-mail with everything, then shopped around and also found out who did my original survey and shopped around from other companies. The company that did the original survey is on the letter that I gave to you guys, the issue was they were away until the end of, I think until the 3<sup>rd</sup>, I let Rich know that. They came over today actually and they did their preliminary, it's all in the literature that I gave you and then in a couple days they should have something wrapped up and figured everything out, definitely I'm sure before the next meeting.

Chairman Rogan stated so that is Terry Bergendorff Collins is surveying...

Mr. Levine stated correct.

Chairman Rogan stated came out and they started to delineate the limits of disturbance for the fill...

Mr. Levine stated well they started to look and unfortunately I live on a dirt road so they are trying to explain it to me, I don't understand any of this, I'm not going to lie, but they said there are markers in the road some place so they have to find them. So they do whatever they do best and they are going to charge me of course, the other company that you have in front of you on that list...

Chairman Rogan stated Enviro Test...

Mr. Levine stated is the Enviro Testing company, that was suggested by Anne, she said this is the best company and I said okay, if that's what you suggest, that's what we're using, so I went to them and got prices already and I also included the letter, I don't know if Rich made a copy for them, that letter stating that I've secured their services and they'll be out tomorrow. They couldn't do it any sooner than tomorrow but you know, I've been on the ball, taking care of absolutely everything that needs to be done and basically almost every day making phone calls on this, getting whatever I can do, done.

Chairman Rogan stated okay, Ron you had kicked around a couple of ideas in your thoughts about this and one that I we were talking about a little bit earlier, just quickly to counsel, because we were looking for DEC...

Mr. Liguori stated guidance.

Chairman Rogan stated jurisdictional, well really for them to take the action here and we're here because they have not and Rich before you run out of the room...

Rich Williams stated I'm not running out, I'm listening.

Chairman Rogan stated oh great, thank you, when we decided to take an action was there any notification done to the DEC to say hey, look guys, we haven't heard from you but we're moving forward on this and...

Rich Williams stated there was considerable correspondence back and forth between us and the DEC saying we have this issue, please get involved, if you don't, we're going forward...

Board Member Taylor stated okay so that's covered.

Chairman Rogan stated that's covered.

Rich Williams stated I don't disagree with Ron though maybe it's time to do it again.

Chairman Rogan stated in essence, Ron was wondering does it hurt to let them known, look we haven't heard from you, you have not been a party to this but we're proceeding and kind of letting you know about it, are there any legal ramifications of that...

Mr. Liguori stated no, it's fine...

Chairman Rogan stated okay.

Mr. Liguori stated it's actually it would be good as a method to kind of cover ourselves, you know.

Chairman Rogan stated kind of keeps everybody...

Board Member Taylor stated that's why I was suggesting it.

Chairman Rogan stated okay, so Mr. Levine where we're at then is we're hoping that, not hoping but definitely will have water sample results in the next, these take a little bit of time to run but in essence in the next two weeks we're going to have water sample results.

Mr. Levine stated I put it on exactly what they specified to me in the letter, they told me it should take approximately 10 days, I'm guessing if it takes a couple days more, other companies I spoke to said 30 [days], so I mean this is what Anne said is the best company and you know apparently they're they best because they get stuff done and they were very friendly, very nice and they know what they're doing.

Chairman Rogan stated and then Terry Bergendorff Collins, her outfit is working on your survey, that would be great.

Mr. Levine stated yup, I met the guys earlier today and as I expressed unfortunately today was the earliest they could get out but I was appreciative because they only got back on the 3<sup>rd</sup>, so...

Chairman Rogan stated if you don't mind me asking, what are the sampling costs for water analysis.

Mr. Levine stated well the, initially as I told Rich, I shopped around and I was getting something about three thousand dollars and when I spoke to Anne, she said these people are the right people, the people that I hired and the best deal they could work out was \$1,780, including they are coming to take the samples. In speaking to Anne and Rich, can I take my own samples and Anne yeah, I mean there's no, it wouldn't be good for you to do it, she said you can but...

Mr. Liguori stated you can't establish the chain of custody.

Mr. Levine stated exactly.

Chairman Rogan stated it what I was just going to say.

Mr. Levine stated exactly and I didn't want to but I, you know, I said well what is the procedure here, do they even come out, I don't know anything about this and they charge...

Chairman Rogan stated certainly you have a vested interest in the quality of those samples...

Mr. Levine stated exactly.

Chairman Rogan stated and so there is a reason for a chain of custody.

Mr. Levine stated and that's why I want to do it right, they'll be out there tomorrow, seventy-five dollars they said which is more than reasonable for them to come out and take samples.

Chairman Rogan stated and the reason I asked is because as part of the guidance we received from Maser Consulting in terms of what, one of the approaches we may take such as leaving the fill in place, capping with top soil and somewhat long term water sampling on a quarterly basis for five years, trying to add up these costs of what that...

Mr. Levine stated that's...

Chairman Rogan stated that is a cost of kind of taking a gamble on this, versus putting the money into removing the fill, so just making sure that we're all talking about this up front because even, you know if it was at even three thousand dollars, you're talking about sixty thousand dollars over the course of...

Mr. Levine stated even eighteen hundred is a lot...

Chairman Rogan stated yeah.

Mr. Levine stated and I'm borrowing the money from my father so...

Chairman Rogan stated and that is every three months, so in essence you know, you're talking about six hundred dollars a month in water sampling for the next five years, in essence.

Mr. Levine stated maybe we can do it once a year if possible, I don't know if that would be fair to the Town...

Chairman Rogan stated that's why we're having this conversation just to at least, so everyone's...

Mr. Levine stated yeah, I mean that would be a substantial savings and you know every years comes around, unfortunately very quickly because taxes come around quickly but you know, once a year would be the same, it just wouldn't be as often.

Mr. Liguori stated we can talk about that when the test results come in.

Chairman Rogan stated yeah, absolutely.

Mr. Liguori stated because if they, it's not even worth discussing until you know what's out there...

Chairman Rogan stated we have pits already.

Mr. Liguori stated when you know what's out there, we can have a rational discussion as to things like that.

Chairman Rogan stated very good, good point.

Mr. Levine stated we're all hoping it's clean and if it's clean...

Chairman Rogan stated sure...

Mr. Levine stated that you know...

Chairman Rogan stated okay and then at that point next month we'll be in a better position with the survey, hopefully in hand, we'll certainly have copies of the results, we can really start thinking about, again I think the sampling results are going to critical...

Mr. Levine stated yes.

Chairman Rogan stated and we can move forward on a plan of, a course of corrected action. Anything from anyone on this.

Mr. Sirignano stated just briefly, if I may.

Chairman Rogan stated sure, come up, use the microphone.

Mr. Sirignano stated good evening Michael Sirignano, I represent Xolar Corporation, the owner of the adjacent parcel.

Chairman Rogan stated yes.

Mr. Sirignano stated from our point of view, time is of the essence here where we really need to know what the water test results are and obviously we want to see the survey which is going to tell us how much of our property has been invaded and dumped upon, so what I would ask is that as soon as one or both come in, they be submitted immediately to the Board and not wait until the next meeting date so we can come to the next meeting well prepared and so we can see some progress at that meeting. I ask that I be copied in on the results as they are submitted...

Mr. Levine stated absolutely.

Chairman Rogan stated agreed.

Mr. Levine stated I think that's, like we said before, as soon as and it's in the letter, as soon as I get it and now I have your precise e-mail...

Mr. Sirignano stated and for the record, in fairness to Mr. Levine, he did call me the day after the last meeting and gave me the names of the trucking companies that had brought the fill on...

Chairman Rogan stated good.

Mr. Sirignano stated and I have reached out to them as well.

Chairman Rogan stated good.

Mr. Sirignano stated thank you.

Chairman Rogan stated thank you for following through on what you said you were going to do.

Mr. Levine stated I, as promised, I, the next day I got a couple phone calls to Anne and like he said and on record that is not a problem, of course and as I put in writing, as soon as I get it, I'll send it out to Rich, if there are any other better e-mails, I know you'll forward it as soon as you get it, print it whatever. As soon as it comes to me, it goes to you guys.

Board Member Taylor stated Mr., I'm sorry...

Chairman Rogan stated bad news.

Board Member Taylor stated have to use this thing, she'll scream if I don't...

Mr. Levine stated no problem.

Board Member Taylor stated so Mr. Levine...

Chairman Rogan stated she never screams.

Board Member Taylor stated I, in my head, I think we're talking about moving forward on this by March, having a plan in place by March, is that the timeline we were talking about...

Chairman Rogan stated I think so, sure.

Board Member Taylor stated have you contacted your landscape architect are you prepared to or do you have somebody to replace her.

Mr. Levine stated well Terri Hahn who everybody knows here and I have been in communication with her but there hasn't been really much to talk to, I called her not long ago just to say an update.

Board Member Taylor stated that's, so you do have someone in place because...

Mr. Levine stated Terri Hahn, yes.

Board Member Taylor stated once we make a decision next meeting the next step will be that plan.

Mr. Levine stated yes and she submitted a plan already.

Board Member Taylor stated but she's going to have to revise it...

Mr. Levine stated okay well...

Board Member Taylor stated because it doesn't cover the conditions that we've been discussing here...

Mr. Levine stated okay.

Board Member Taylor stated I just wanted to know that you're on board or you've got somebody on board for that.

Mr. Levine stated well yes, yeah, yeah and Rich knows, everybody knows Terri Hahn and I think...

Board Member Taylor stated that's not the issue, that is not the issue here, it doesn't matter what engineer it is, we need an engineer or a landscape certified, somebody who will give us a plan, that's what we need...

Mr. Levine stated okay.

Board Member Taylor stated that's what I'm asking about, just I want to know that.

Mr. Levine stated that's my landscape engineer.

Board Member Taylor stated and then the, I'm going to delay proposing a resolution but I think the next step in addition to that is you're going to be asked to establish an escrow account to cover some of the costs that will be coming up.

Mr. Levine stated I've been covering all the costs myself, I don't, and with all due respect I'm trying my best here and I hoped everybody would understand, I paid everything myself.

Board Member Taylor stated Mr. Levine, let me set the record straight, I wasn't going to get into this tonight...

Mr. Levine stated okay.

Board Member Taylor stated first of all last time, you claimed you were the victim in this situation...

Mr. Levine stated I still am the victim.

Board Member Taylor stated you are not the victim in this situation; you may have been victimized by your hauler, that's an issue you should take up with your lawyer and them...

Mr. Levine stated okay.

Board Member Taylor stated you as far as we are concerned, are the perpetrator of this situation, not the victim of it, you have been carried by a large extent by the Town of Patterson, I would hate to think about the amount of time and money that has gone into your case that you have not paid for it. You have been carried by the good will of Rich Williams who came out and did you soil tests samples for you; you should have hired someone to do that. It is time for you to start moving on your own, I am very pleased to see that you've got this done, I was ready to set up the escrow account tonight if you hadn't but you've got to

realize, I understand it's a difficult financial situation but we're talking about an extreme amount of money that is going to be required to clean up this site, you've got to start dealing with those issues...

Mr. Levine stated right.

Board Member Taylor stated and one of the ways we're going to protect ourselves is we're going to, we may, an option what we may exercise is an escrow account where if you don't do something we can get it done.

Mr. Levine stated I'd like, I'd really appreciate though, with all due respect and everybody we're all neighbors and friends, I haven't proved to you that I haven't done anything so until such time you give me the benefit of the doubt, as I would to you. I might just be an individual off the street but we all are neighbors but until I prove to you that I am a bad person, let's assume that I'm a nice person...

Board Member Taylor stated Mr. Levine...

Mr. Levine stated I do, I have been doing everything I've been told and you know, if you tell me to do something I'll get it done tomorrow if it's within reason and a normal human being can do it, so...

Board Member Taylor stated I'm not debating that, you...

Mr. Levine stated I can...

Board Member Taylor stated you need to take responsibility for this.

Mr. Levine stated I have been taking responsibility.

Board Member Taylor stated no you haven't been, let's stop the discussion there.

Mr. Levine stated okay, I...

Board Member Taylor stated the point I'm trying to make is expenses are coming up which you are going to have to meet, you've got to start facing that and we need these in place, it can't go on any longer, you were given a year, what's it been a year and a half now because of the problems we have with the DEC...

Mr. Levine stated okay.

Board Member Taylor stated but that time is over...

Mr. Levine stated I understand.

Board Member Taylor stated all right, that is all I want you to understand.

Mr. Levine stated okay.

Chairman Rogan stated okay, let's move on.

Board Member Taylor stated yes.

Chairman Rogan stated we're clear on what we're doing for next month...

Mr. Levine stated yes I, unless you have something different.

Chairman Rogan stated if you think it's and that we've already cleared up. I do think it's a good idea to have that, to continue to have conversations with Terri Hahn so that she's privy to all because she probably hasn't been involved in a year or so, since the initial.

Mr. Levine stated the only time I spoke to her and not that long ago when I did see her at one of the meetings and I kept her informed of what's going on and I did tell her when the time comes, we're going to need to re-visit everything but you know, financially I've been covering, borrowing it or whatever...

Chairman Rogan stated understood.

Mr. Levine stated but let me, you know let me try to take care of as much as I can, I am a man, you know 31 years old, I should be able to take care of my own problems, you know and I will. I promise you that and you have my word, my word is my honor.

Board Member Taylor stated all right, very good.

Chairman Rogan stated that means a lot...

Mr. Levine stated it does, I, if I shake your hand, that's a deal, that's it, you know.

Chairman Rogan stated okay, all right, thank you.

Mr. Levine stated thank you, okay have a good evening guys.

Chairman Rogan stated you as well, thanks, happy New Year.

Mr. Levine stated is there any more that I need to be doing, besides...

Chairman Rogan stated no.

Mr. Levine stated that's it and then Rich knows how to contact me, anything you need, you can call me, 24 hours a day, I'll make it happen, okay, thank you guys.

Chairman Rogan stated all right, have a good evening.

Mr. Levine stated good evening, thank you Rich.

## **2) WATCHTOWER EDUCATION CENTER – Amended Site Plan**

The applicant was not present.

Chairman Rogan stated okay Rich, Watchtower, we don't have anyone here...

Rich Williams stated Watchtower, you don't, I called them up earlier, informed them, I was trying to get the findings statement completed, I was unable to do that, I had just a whole list of crisis issues come up in the past two weeks.

Chairman Rogan stated but we were shooting for early February for the findings statement anyway.

Rich Williams stated but I still want to get it out to everybody relatively quick and I have to get it to Mike first and Andrew to take a look at it.

Chairman Rogan stated happy New Year, okay.

Board Member Taylor stated now for us neophytes, can you tell us what the findings statement will entail.

Rich Williams stated well the findings statement is the next step or the final step in the SEQRA process, it essentially lays out the application that's before you and identifies any conditions that can't be ameliorated, mitigated and it lays out the mitigation that you're imposing, it is really the teeth to SEQRA that says this is what they will do to avoid or minimize impacts, anything else.

Board Member Taylor stated and then we have the resolution on SEQRA as a result of that process, of that statement.

Rich Williams stated the findings statement is essentially the resolution.

Board Member Taylor stated okay, thank you.

Chairman Rogan stated okay, M & S Iron Works, do we have anyone here.

Mrs. Monteleone stated Mr. Spagnoli isn't here yet...

Chairman Rogan stated okay, sure, we can push that off...

**4) THUNDER RIDGE SKI AREA – Site Plan Waiver**

Chairman Rogan stated okay, we're also going to jump ahead on item 4 because there's nothing we can really talk about on item 4 because I have to recuse on that and we wouldn't have a quorum so that is something that we're going to table.

**5) ALPINE RESTAURANT – Site Plan Waiver**

Mr. Dino Rentoulis was present.

Chairman Rogan stated Alpine Restaurant, we do have someone here for, Dino, yes sir.

Rich Williams stated yes.

Chairman Rogan stated yes sir.

Mr. Rentoulis stated hello folks, happy New Year how are you.

Board Member Taylor stated hello.

Chairman Rogan stated okay, so, we are here mainly for site plan waiver for a temporary fence.

Mr. Rentoulis stated yes.

Chairman Rogan stated right and we did a site walk, do you want to put that up on the board, that's, we all have copies of it...

Mr. Rentoulis stated oh yeah, it is the same copy.

Chairman Rogan stated we did a site walk last Saturday, we saw the fence and we know there are some issues with property line disputes, we also understand that there are some issues with the fencing being removed in certain areas. No one on the Board expressed any reason why someone should not protect their property from liability, we also understand that just based on looking at the fence, it's clear that this is only intended to be there while the property, while the restaurant is not being used, correct.

Mr. Rentoulis stated correct.

Chairman Rogan stated so there are a couple of issues that we want to make sure that we clarify and make sure everyone is on the same page, the Fire Inspector, David Raines has some concerns and I know that you...

Mr. Rentoulis stated Michelle just gave me the letter, thank you very much; I'm going to review everything and make sure everything follows the bullets that Mr. Raines pointed out. Even before me drilling the first hole, I spoke to Mr. Williams, spoke to Mr. Lamberti and actually spoke to David Raines and I told him what my intentions were, it had to be sort of an emergency, I know I don't need a permit to erect a four foot chain link fence but yes I do need site plan approval and with the ski winter season approaching it had, I had to do it kind of in a short period of time.

Chairman Rogan stated okay, no and I understand and we can see some of the issues while we were out there just people parking all over the place...

Mr. Rentoulis stated and yes Mr. Rogan we are actually in, you know settling this dispute in the courts, we need to determine who is right and who is wrong.

Chairman Rogan stated sure and that is something certainly we're not involved with, nor care to be just whether or not this affects the safety of the site, general aesthetics of the site or layout and so there were some items that were brought to our attention in terms of the plan you had submitted, in that it's not entirely accurate that there are gates that are shown in locations where they are not, so obviously any final plan, is that what you have there...

Mr. Rentoulis stated no, this isn't the final plan...

Chairman Rogan stated okay.

Mr. Rentoulis stated and yes I do agree, I had to do a kind of a quick sketch to submit to the Planning Board...

Chairman Rogan stated sure.

Mr. Rentoulis stated and you can see that the fence that I wish to erect behind the restaurant, I have it showing a gate at the perimeter side of where Old [Route] 22 is...

Chairman Rogan stated right.

Mr. Rentoulis stated now with that, as I was on the site putting it up, it creates kind of hazard, it's a risk that if someone does for example safety, a fire department, myself, anyone else needs to get in there, they don't stop traffic on Old [Route] 22, open the gate and then have to enter with a gate open either inside or outside swinging which is why I'd like to relocate it perhaps to where you gentlemen have seen it is on the easement side, right in the item four gravel area, in the parking lot behind the restaurant.

Chairman Rogan stated and in that area where you were talking about where the gate is currently shown and where the, where your gates come close to Old [Route] 22, those corners needs to be softened a little bit also, to allow a little better turning radius.

Mr. Rentoulis stated correct.

Chairman Rogan stated something that we also noted while we were out there was that even though I'm not saying that someone should not be allowed to put a fence along their property line, you notice like along a road, someone owns up to the road but yet the right of way for the highway or for maintenance on the highway, extends over that property line...

Mr. Rentoulis stated correct.

Chairman Rogan stated and that is one of the reasons why they don't like people to build stonewalls right up against the road...

Mr. Rentoulis stated exactly.

Chairman Rogan stated because there is no place to push the snow, so at the, the way it was delineated, even if it was legally okay, would be very hard to maintain through there in terms of snow removal so there are some concerns in that area.

Mr. Rentoulis stated I'm assuming Mr. Rogan it's on the side of the fence that we just discussed, no the fence going along old [Route] 22...

Chairman Rogan stated correct.

Mr. Rentoulis stated because that is actually I think from the middle of the road it has to be over 22 feet I believe...

Chairman Rogan stated correct.

Mr. Rentoulis stated it's actually on the grassy area, it's not close to the road or any pavement.

Chairman Rogan stated yeah I don't think anyone expressed any concern with that, placement of that it was more the one along the right of way...

Board Member Taylor stated actually I was concerned with that because Rich paced it out...

Chairman Rogan stated with this, oh okay...

Board Member Taylor stated it seemed like the fence was a little close to the right of way, can we confirm that on the drawing, did you have that sense...

Rich Williams stated I had the sense that there were sections along Thunder Ridge Road that were within that three rods, six rods...

Mr. Liguori stated three rods.

Rich Williams stated three rods...

Chairman Rogan stated three rods from center.

Rich Williams stated three rods from center.

Mr. Liguori stated no, no, no...

Rich Williams stated yeah three rods across the distance...

Mr. Liguori stated across the...

Rich Williams stated the fifty feet...

Mr. Liguori stated right...

Chairman Rogan stated okay.

Rich Williams stated the fifty foot wide right of way that the Town has an easement across for road maintenance purposes, yeah so there were a couple of areas, I don't know that it would have impacted our ability to maintain because it was up on a hill a little bit in some areas but certainly there was a concern and if it does come to where it does impact our road maintenance, I can tell you we're going to take the fence down.

Chairman Rogan stated well a good snow with those wing plows, they're going to knock that fence down anyway, if it's just held up with zip ties, I mean maybe the poles will stand but the fencing itself is, you know...

Mr. Rentoulis stated right.

Chairman Rogan stated and again, it's very clear it's temporary fence.

Board Member Taylor stated what does the Code say about that.

Mr. Liguori stated the Code says you can go right up to your property line.

Board Member Taylor stated okay, so despite right of ways and easements and...

Mr. Liguori stated well no, it's not, it permits you to do it, it is not despite right of ways and easements. There is just the, there's the two points, they don't meet perfectly...

Board Member Taylor stated they don't meet.

Chairman Rogan stated yeah.

Mr. Liguori stated but the short of it is that for Mr. Rentoulis' benefit it would be to make it 25 feet from the center line of the road so that you don't even have to deal with that issue.

Chairman Rogan stated right.

Mr. Rentoulis stated and that is totally fine with me, I'll get out there as soon as I can and verify that.

Chairman Rogan stated sure.

Board Member Taylor stated and we had some questions about the fence itself or Dave had...

Chairman Rogan stated well that's within Dave's memo which the gentleman, Dino has a copy of.

Mr. Rentoulis stated I just received a copy just tonight from Michelle yes.

Board Member Taylor stated okay, all right, okay.

Chairman Rogan stated you know a lot that is, you know obviously no one wants anyone to get hurt...

Mr. Rentoulis stated caps, cut themselves, correct.

Chairman Rogan stated then you're creating a liability once again, honestly I believe anyone tries to climb on that fence, it's coming down, the whole thing is going to just collapse on itself...

Mr. Rentoulis stated it's actually, you know I thought that too but...

Chairman Rogan stated yeah.

Mr. Rentoulis stated it's actually more study than you think it is, I just used zip ties temporarily, if you take a close look at it, it actually has some, you know, some pretty thick gaged wire...

Chairman Rogan stated okay.

Mr. Rentoulis stated looping around holding it together.

Chairman Rogan stated even though we may think it's safe, doesn't mean someone's not going to get hurt and sue you...

Mr. Rentoulis stated right, right, right...

Chairman Rogan stated so, no I understand and Rich, any, I know there were some parking issues, that was more Town related, those concerns, right...

Rich Williams stated correct.

Chairman Rogan stated anything that we missed on this, I mean what we're shooting for here is a site plan waiver to allow the fence once it's shown properly on a temporary basis until such time as the Alpine Restaurant has a tenant using...

Mr. Rentoulis stated correct.

Chairman Rogan stated full use of the property...

Mr. Rentoulis stated yes.

Chairman Rogan stated because then they are going to need all that space.

Rich Williams stated I think Dave Raines memo laid out most of the issues pretty well...

Chairman Rogan stated pretty well, yeah.

Rich Williams stated did you touch on the issue with the Knox box...

Chairman Rogan stated no, no, I didn't, it's, and that's contained in the memo...

Mr. Rentoulis stated it's in the memo.

Rich Williams stated yes, it is in the memo.

Chairman Rogan stated with the gates.

Rich Williams stated and you are understanding of what a Knox box is and...

Mr. Rentoulis stated yes, correct.

Rich Williams stated and you're going to have to come into the Building Department and deal with that too and get that squared away.

Mr. Rentoulis stated okay.

Chairman Rogan stated so would it be possible do you think Rich, do you know to have the issues clarified on a clean set of plans for next meeting so that we can take an...

Mr. Rentoulis stated absolutely.

Chairman Rogan stated I mean at this point the fence is up, the issues they have with the court are separate from us but in terms of being able to make a decision based on getting that information for next meeting.

Rich Williams stated as it stands right, I think you're in a position to make a decision on the one parcel that has the restaurant on it, hopefully between now and the next meeting the other issues will be resolved, maybe not...

Mr. Rentoulis stated I think the next meeting is in about 30 day period, more or less another month...

Chairman Rogan stated basically, yeah...

Rich Williams stated yeah, about 3 weeks.

Mr. Rentoulis stated we are actually due to go back to court on March 16<sup>th</sup>...

Chairman Rogan stated okay.

Rich Williams stated all right, so maybe not.

Mr. Rentoulis stated so maybe not.

Board Member Taylor stated but can we...

Rich Williams stated but certainly you've got the one parcel.

Board Member Taylor stated but can we draft a resolution that once the decision is made it can then be incorporated into the plan.

Rich Williams stated sure.

Chairman Rogan stated why don't we do that.

Rich Williams stated I can structure something.

Board Member Taylor stated then it's all in place and once you get a resolution you can just go ahead.

Mr. Rentoulis stated okay.

Chairman Rogan stated then you don't have to come back to us.

Mr. Rentoulis stated excellent.

Chairman Rogan stated sounds great, good.

Mr. Lusardi stated are you going to take public comment on this.

Chairman Rogan stated you know I hadn't really considered that, it's a...

Rich Williams stated it is a site plan waiver; there is no provision for a public hearing.

Chairman Rogan stated only a public hearing if, tell you what, the Board always accepts written comment, we are not making a decision tonight, we always say to people whether we have a public hearing or not, to send in written comment and we'll certainly take that so. I consider written comment, here is what I always say to people, I don't consider standing up here any more important than a letter, in fact most people articulate themselves better in a letter, so I would say that you know, that would make sense, send in written comment and it will be, certainly be part of the record and fully, you know contemplated and we'll make a decision based on that.

Mr. Rentoulis stated excellent.

Chairman Rogan stated I would not be in favor of this fence if it was permanent, on a temporary basis I understand your concerns.

Board Member Taylor stated well it can't function.

Chairman Rogan stated you need, you know...

Board Member Taylor stated if it's permanent, there is no way the restaurant can function...

Chairman Rogan stated right, there's no way.

Board Member Taylor stated with this, you need that parking.

Chairman Rogan stated right, yeah.

Board Member Taylor stated that will be in our resolution.

Chairman Rogan stated and I would rather have you have a tenant there and I'm sure that's what you'd rather have also.

Mr. Rentoulis stated for a couple of years now, yes.

Chairman Rogan stated yeah.

Mr. Rentoulis stated gentlemen, thank you very much.

Chairman Rogan stated anything from you gentlemen, anyone, no, okay, thanks.

Mr. Rentoulis stated good evening folks.

Chairman Rogan stated have a good evening.

## **6) OTHER BUSINESS**

### **a. Genovese Flex Building – Request for Extension of Site Plan Approval**

Chairman Rogan stated okay we did an extension on Genovese Flex Building of 120 days...

**b. RCA Asphalt Plant Site Plan – Request for Extension of Site Plan Approval**

Chairman Rogan stated and RCA Asphalt Plant Site Plan of 120 days at the last, at the work session...

**c. 450 Haviland Drive Subdivision – Site Inspection Comments**

Chairman Rogan stated we have site comments on 450 Haviland Drive, Harry's not here is he, he's not planning on coming tonight, right.

The Secretary stated I sent him a fax of the site walk comments but I'm not sure if he was planning on being here or not.

**d. Ray See Fill Permit – Site Inspection Comments**

Chairman Rogan stated and there is no one here for the Ray See fill permit, right, okay.

**e. Zoning Amendment – 2670 Route 22**

Mr. Bill Henry was present.

Chairman Rogan stated so we have a zoning amendment request from Mr. Henry for a parcel of property next to Nolletti's that we site walked on Saturday.

Mr. Henry stated yup.

Chairman Rogan stated you can come on up Bill, put you on, we'll turn the spotlights and put you under the heat.

Mr. Henry stated yeah, no, no, I don't know what to say but...

Chairman Rogan stated you don't have to say anything but...

Mr. Henry stated oh okay.

Chairman Rogan stated we understand based on your letter that you're looking for a zoning amendment to allow a contractors' yard on this piece of property...

Mr. Henry stated correct.

Chairman Rogan stated I'll be up front, I spoke in favor of you as a business owner at the last meeting because I know the way you maintain equipment and it seems like anything you do, you do very, very nicely and this idea of contractors' yards was contemplated through some zoning changes in about 2004 or 2006, it was determined that we have enough contractors' yards especially along the Route 22 corridor where you know as well as I do the concerns with contractors' yards though that most people don't maintain in the way that you might hope that they would, having said that I said that if anyone can maintain a contractors' yard in a nice and tidy manner, it would be Bill Henry, just based on what I know of the way you run your business. We looked at the property, what we're concerned about is the property is so visible, it's such a great location, and it's a fantastic piece of property...

Mr. Henry stated yeah, I know...

Chairman Rogan stated it's an easy build lot, I mean it's a dream to have for certain commercial uses that are allowable within the Code, what we were wondering and I said jokingly do we know anybody on Commerce Drive with open lots that you know there are areas of the Town that would love to have what you're proposing, obviously you don't own those lots.

Mr. Henry stated I could trade one.

Chairman Rogan stated yeah right but so this is the struggle, you know we have something that the Town contemplated, in order for us to suggest that the Town change that zoning, we have to have some really good reasoning and we weren't able to really come up with any except that you're a great business guy and we'd be fearful that you'd sell it to someone else. The lot is very difficult to screen...

Mr. Henry stated sure.

Chairman Rogan stated from [Route] 22, the whole front of the lot would be tied up probably in stormwater, so I'm not sure where'd we'd go from here except I really wish you had a better site.

Mr. Henry stated I could plant a lot of pine trees.

Chairman Rogan stated you know someone mentioned if you had a, your last, we pulled out a copy of your plan that you had started years ago which showed a large building up front with some space around behind it...

Mr. Henry stated okay.

Chairman Rogan stated and that would be the only way that I think I'd be in favor of this in sense that you'd have some screening from the building, you would put some of the equipment behind, you'd screen it the best way you...

Mr. Henry stated oh yeah, no, nothing would be...

Chairman Rogan stated you know, that would be the only way I could see doing something like this, it was a difficult one because the lot is not very big...

Mr. Henry stated right.

Chairman Rogan stated you know, DEW and Macal which are behind you, which were the last two that we ever did back in, that was around 2004 or a little there after...

Rich Williams stated 2003 they were the last lots in.

Chairman Rogan stated yeah and you can't see them from the road, so it's not that maybe they do things as well as other, I don't know, I'm not on their site, maybe they do a fantastic job but you don't see it from [Route] 22...

Mr. Henry stated right.

Chairman Rogan stated it's not as visible and I think contractors' yards by their general nature, you want them to be able to bring in...

Mr. Henry stated sure.

Chairman Rogan stated different material and supplies and equipment.

Mr. Henry stated now if I came up with a plan where it's going to really make it look 100% better than the other yards, would that help.

Chairman Rogan stated I think, I mean it's a conversation that we need to have...

Mr. Henry stated between trees and plantings, you know...

Chairman Rogan stated yeah I mean I think we started with your existing plan that you had proposed and we probably still have copies of it here, what Mike has here and you know...

Board Member Montesano stated if you can call it that.

Mr. Henry stated now I probably have 50 trees going in, pre-existing.

Board Member Montesano stated you got stormwater management that's going to go in, you got this here too...

Mr. Henry stated oh.

Chairman Rogan stated now Bill the basic, the reasoning for this of course is because of the proposed construction where you exist on [Route] 312...

Mr. Henry stated yup, yeah.

Chairman Rogan stated that they are going to put some hotel or something in...

Mr. Henry stated yup.

Chairman Rogan stated have you been given a time frame on that.

Mr. Henry stated about a year.

Chairman Rogan stated about a year until they want you out.

Mr. Henry stated to get out, yeah.

Chairman Rogan stated I never want to dissuade a property owner from, I mean the laws we have allow people to ask for variances...

Mr. Henry stated sure.

Chairman Rogan stated that is all part of this and changes to codes and that's you know, this is, the code is not set in stone, it's a fluid kind of thing that we work with and we constantly shaping, I'd be hard pressed to be opposed to it if you were able to come up with a plan that did it in a way that set everybody's concerns, you know aside...

Mr. Henry stated okay.

Chairman Rogan stated having said that I still think the lot is pretty small to do all that up front...

Mr. Henry stated okay.

Chairman Rogan stated in such a visible location.

Mr. Liguori stated how many acres is the piece.

Chairman Rogan stated it's like two, two and a half...

Mr. Henry stated 2.04.

Board Member Montesano stated you got stormwater management problems, you got a septic system possible right in the front, I don't know how you'd get stormwater management in...

Chairman Rogan stated Rich do you want to...

Rich Williams stated well that's where it really all started to fall apart with the previous engineer, he designed this whole site, left stormwater out and then started to try to push stormwater in but didn't have the room, didn't have the setbacks...

Chairman Rogan stated yeah.

Board Member Montesano stated yeah.

Rich Williams stated and that's where we really started having...

Chairman Rogan stated start losing valuable space.

Board Member Montesano stated that's where it gets to be a big problem.

Rich Williams stated yeah and...

Mr. Henry stated didn't we tap into the other easement, with a couple of...

Rich Williams stated we were talking about bringing stormwater down to DEW and Macal's site...

Mr. Henry stated right.

Rich Williams stated and then I don't know where those discussions ever went, so right now if we were to try to do something like that, we certainly have room down there, as a matter of fact next to that stormwater pond the Town owns the parcel so we could probably do something there as well but now you've got to get

it across the sporting goods store site and they've done considerable improvements out there, so you'll have to talk to them...

Chairman Rogan stated down along closer to the [Route] 22, you'll have to stay off the right of way but, yeah...

Mr. Liguori stated one of the issues is and you have this with any zoning and this one maybe in particular is if you have zoning that is not in conformance with the Master Plan, here for the Town and I'm you know separating Bill Henry from the Town, okay, the Town's position is well what's our liability when we have the zoning, okay, when we do re-zoning, the definition of spot zoning most people think it's a single piece of land but it is any instance where you zone not in conformance with your Master Plan, so in this case, not only would you, would you have, would you need, you'd have the request for the re-zoning but you would also need to amend your master plan at the same time, that would be our advice to the Town Board in connection with the rezoning, where you have a prior Master Plan, if you had a prior Master Plan that did not contemplate contractors' yards you wouldn't have to go back, more likely than not would not have to go back to amend that, here you would have to amend that Master Plan, then also contemplate the rezoning, do the rezoning, so it's, you kind of, it's a tough situation when, you know you're looking at something that has already been zoned out and zoned out for a reason, if the Town Board is willing to reconsider it and I know in Rich's memo he had a note in there about a floating zone...

Chairman Rogan stated floating zone, right.

Rich Williams stated nobody likes that.

Mr. Liguori stated nobody likes that, that's...

Rich Williams stated that's why I keep putting it in there.

Mr. Liguori stated yeah but generally what you want, I mean I experienced this down in North Salem with a contractors' yard, we ended up with such a significant amount of regulations to make it palatable, it had to be 1,000 feet of the intersection of 684 and exit 8 and you know, those are some of the things to think about, it would be nice to be able to say yeah hey look, we can definitely get this done and we're going to you know, promote this thing, it's got to be promotable, not just on that piece of property it's got to be, you know...

Chairman Rogan stated right.

Mr. Liguori stated there's got to be some planning involved, so that's, it's just something for the Board to consider.

Rich Williams stated well let me jump in here though having altered the master plan, the master plan along Route 22 really took a very broad brush about what you know the Town wanted to see and they wanted to see, you know, an attractive streetscape, environmental sensitive because of the proximity to the Great Swamp, not a lot of curb cuts, you know that was the general direction. If we could come up with a way to allow contractors' yards which are notoriously, not Bill Henry but notoriously I mean they want to store ever piece of junk because you never know when the next jobs going to come along...

Chairman Rogan stated of course.

Rich Williams stated you're going to need it, so they notoriously are packrats and storing a lot of debris and other things on the site, they generally aren't attractive which is why we did that. If we could find another way to skin the cat, you know we still might be compliance with the Master Plan, as long as we can show that it was environmental sensitive and was going to create an attractive streetscape.

Mr. Liguori stated okay, I though, I just had thought that the comprehensive had said we're eliminating...

Rich Williams stated didn't say that.

Mr. Liguori stated okay, then that's...

Chairman Rogan stated it hasn't eliminated them from the zoning just within this, yeah...

Mr. Liguori stated okay just.

Chairman Rogan stated you know it's funny though, like I said, it's a little over a 2 acre lot, it has no wetland issues, it has no slope issues, like it has two, every bit of that lot is just about usable and it, again no offence to contractors' yard because I know it's just a part of your business but it's like you, this is such a great lot to do something commercial, maybe not now because of the economy I understand, Nollezzi's Bakery has been vacant for over three years...

Mr. Liguori stated right but that's, right...

Chairman Rogan stated we talk about over on Commerce Drive the amount of usable property, you have a ten acre parcel with less usable are than this, like I said, you have to find somebody with that kind of property to swap with.

Mr. Henry stated right.

Chairman Rogan stated Bill I'm certainly willing to go through the process, I can't make you any guarantees...

Mr. Henry stated right.

Chairman Rogan stated because a lot of this falls back on you as well...

Mr. Henry stated sure.

Chairman Rogan stated but I'm also only speaking as one person here...

Mr. Henry stated right, of course.

Chairman Rogan stated boy I wish you had a better use for that lot though.

Mr. Henry stated I know I tried before.

Chairman Rogan stated I mean, how many years have you owned that...

Mr. Henry stated ten.

Chairman Rogan stated ten years, wow, that's a lot of time to pay taxes on a lot...

Mr. Liguori stated yeah look I sit on the other side more often than not, I've been there, I know what you mean.

Chairman Rogan stated but by the same token, you have all this, as Ron you pointed out, we have office space that can't be rented, has not been able to be rented, we have Nolletti's bakery that's been vacant now for a few years...

Mr. Henry stated I called them up, I tried to buy their place and they wouldn't sell.

Chairman Rogan stated yeah and you have all these different places so it's just a sign of this cruddy economy and I certainly respect the rights of a property owner to propose what they want to do and if we can make it work and it doesn't you know, hurt everybody...

Mr. Henry stated sure.

Chairman Rogan stated that is something we have to take a look at, I don't know, what do you guys, gentlemen...

Board Member Montesano stated well in all honesty it's going to be extremely difficult with the septic, putting in the water treatment and everything else we have going on to say change it for that purpose...

Mr. Henry stated right.

Board Member Montesano stated there's just, if it was a 5 acre parcel, we'd have room but we're limited on what we can...

Chairman Rogan stated the only thing I was thinking about when Rich was talking about the natural tendency for contractors to be pack rats and is that if you define a space and you fence it in, in an appropriate manner or screen it in some way, you limit that it's not a, sometimes our contractors' yards turn into these clutter sites because you can't see them because you don't know what's going on, you know that's how we inadvertently find some of these problems because all of a sudden we end up on site for a fire inspection or something because nobody ever sees the site, so it is a balance of things.

Board Member Montesano stated yeah, that means the chain link fence is now going to be a solid fence of some type...

Mr. Henry stated well I got the slats...

Chairman Rogan stated right, what is your equipment comprised of other than your trucks, you have your cherry picker trucks...

Mr. Henry stated trailers and right now three chippers, most of that would be inside.

Chairman Rogan stated right.

Mr. Liguori stated maybe contractors' yard isn't the right nomenclature.

Chairman Rogan stated right.

Board Member Montesano stated why just the tree business without the word contractor yard.

Chairman Rogan stated that's interesting concept you just threw out there though, is there a way to design the place that it's, it fits the gentleman's needs but is not, would not meet the classification of a contractors' yard.

Rich Williams stated I, I had drafted a memo to Mr. Henry, actually to the Town Board that I gave Mr. Henry a copy of, identified what I thought were a lot of the relevant issues, I've kind of been waiting for him to come back to see what he could live with for example, if he could live with having no outdoor storage...

Mr. Henry stated right.

Rich Williams stated and do everything inside a building, we perhaps could craft a code differently than contractors' yards, if he could live with you know, no outdoor storage other than equipment, if he could live with great setbacks or you know agree to more screening and landscaping so nothing would be visible. You know, I've been waiting to see what proposal he can come back with recognizing what the issues are that would address those issues.

Chairman Rogan stated it's funny to have a prime piece of real estate and not be able to use it.

Mr. Henry stated and not be able to use it.

Chairman Rogan stated not be able to use it for what you want, right, or not at face value anyway.

Mr. Henry stated I'll work on it and see what I can do.

Chairman Rogan stated but by the same token, I don't want you to spin your wheels too crazy or spend money chasing something...

Mr. Henry stated right, sure.

Chairman Rogan stated either, let's be realistic with each other too because you know we open up the process and then we all get sucked into and we feel like you know we have to compromise left and right.

Mr. Henry stated sure.

Chairman Rogan stated we are certainly, if nothing we're a Board of compromisers but I think in the end we all want to balance what you know, what's right for the community and what's right for you.

Mr. Henry stated sure.

Chairman Rogan stated so and the one part that we kept thinking about at the work session when we discussed this was, what happens when Bill Henry sells it, that's where we were really scared.

Mr. Henry stated I may hand it over to my son, if he wants to do it.

Chairman Rogan stated yeah, no I mean just in general, you know you say hey a spot opened up on Commerce Drive or someplace else that would really be great for what I want to do, I'll sell this, I can get more money for this and move into the other place and someone who buys it isn't quite as you know, doesn't run their business in the same manner that you do, so that was certainly a concern also, so then we are proceeding cautiously it sounds like...

Mr. Henry stated okay, which is fine.

Chairman Rogan stated to see what kind of a concept plan you might want to come up with.

Mr. Henry stated okay.

Chairman Rogan stated I would maybe speak to someone who, I don't know if you'd still work with the person that started...

Mr. Henry stated yeah.

Chairman Rogan stated well they're not even around, are they, you said...

Mr. Henry stated yeah, they're around...

Chairman Rogan stated oh okay.

Mr. Henry stated he contacted me about a month or two ago.

Chairman Rogan stated okay.

Board Member Taylor stated okay I want to put my two cents in here...

Mr. Henry stated sure.

Board Member Taylor stated in interest of full disclosure, I have a prior relationship with Mr. Henry he delivered some wood chips to the Historical Society in the Town for use of the old cemetery...

Mr. Henry stated okay.

Board Member Taylor stated I don't think that affects my position on this issue any but just wanted you to know and thank you very much...

Mr. Henry stated oh, I didn't know, you're welcome.

Board Member Taylor stated I tend to look at these things more in terms of process than individuals and what people have outlined here is the process itself says this probably isn't going to work unless you can come up with a way of configuring your business so it's not a contractors' yard...

Mr. Henry stated okay.

Board Member Taylor stated I would have problems with saying okay this individual can change the code for this property, however many permutations we went through to make that happen and I don't know where I would ultimately come out on, on that issues but it seems to me just by what information has been given to you, it sounds like you should try to trade the property for one that is more suitable to your needs unless you can reclaim these...

Mr. Henry stated I'll to him.

Board Member Taylor stated or, I mean Rich can probably tell you other properties in Town that...

Mr. Henry stated are they willing to trade though...

Board Member Taylor stated well that's what you have to find out...

Rich Williams stated well...

Mr. Henry stated okay.

Board Member Taylor stated but at least they would be appropriate for the use.

Mr. Henry stated open structure concept.

Rich Williams stated no, no, no.

Board Member Montesano stated you're not going to a real place are you.

Rich Williams stated no commissions.

Board Member Taylor stated no, no, no commissions.

Rich Williams stated yeah I mean I certainly could give him other properties that are zoned for what he's looking to do...

Mr. Henry stated okay.

Rich Williams stated if he wanted to contract the property owners and see if there was anything he could work out, he certainly could do that as well.

Board Member Taylor stated that might be a better use of your time and money than going down this road that may not work out for you anyway.

Mr. Henry stated you guys don't want me [Route] 22, huh.

Chairman Rogan stated you want to open a different business, some kind of commercial...

Mr. Henry stated I've been doing this too long, I can't get out.

Chairman Rogan stated I know, this is what happens when you're good at something.

Mr. Henry stated I'm in too deep.

Chairman Rogan stated no, I know.

Mr. Henry stated my body tells me to get out but I have to stay in.

Board Member Montesano stated I think we all ran into that.

Mr. Henry stated right.

Chairman Rogan stated we certainly you in Town.

Mr. Henry stated I appreciate that.

Chairman Rogan stated just in the right spot and you know again, I would say proceed at your own risk, cautiously, maybe come up with a concept plan or, and at the same time also talk to Rich and see if you have any ideas with any other properties that may be, you know...

Mr. Henry stated definitely.

Chairman Rogan stated I mean, you might end out on the better end of that deal, you know because again, we talked, or we didn't walk onto the property, we looked at it from the edge of the property but still we looked around and we said there's like no problem with this lot, this is like a rarity that we look and we don't see any problem.

Mr. Henry stated nice and level.

Chairman Rogan stated yeah, okay, thank you sir.

Mr. Henry stated okay, thank you.

Chairman Rogan stated happy New Year. We don't have anyone here for, do you want to jump on M & S anyway, there's not a lot going on tonight that...

Rich Williams stated I've got a couple of other issues we could talk about real quick.

The Secretary stated you could approve minutes.

Chairman Rogan stated sure.

Board Member Montesano stated I wonder...

Chairman Rogan stated I have a feeling you could talk for a couple minutes on your own.

Mr. Monteleone stated oh okay, I think we have, he addressed most of the stuff that was asked, right with exception of a couple things that we're going to talk about the road and wall...

Board Member Taylor stated the stone wall.

Chairman Rogan stated Michelle, how does it pick up, it picks up good or not too bad with the new system.

The Secretary stated with the four microphones it picks up terrific.

Chairman Rogan stated really.

The Secretary stated mmmhmmm.

Chairman Rogan stated okay.

Mr. Monteleone stated well with the road I don't think it's ever going to be dedicated by the sound of it, it's always going to be a private road, so I don't think it's going to be, it's already owned by six or seven different people, nobody seems like they want to do anything but get in the road, so that should be a non-issue in this case...

Chairman Rogan stated you're talking about the stone wall that...

Rich Williams stated no, we're talking about the road at this point.

Mr. Monteleone stated the road itself.

Rich Williams stated the issue is you've got a road out there, it was originally supposed to be offered for dedication to the Town, if I remember correctly, it was completed, they had I think maybe one stop sign to put up, Ed Heelan owned it at the time...

Mr. Monteleone stated right.

Rich Williams stated he was working with the Town towards dedication and then the landfill at the end came up and that's when the Town stopped talking about anything...

Mr. Monteleone stated right.

Rich Williams stated so and of course now over the years, that was better than twenty years ago, the road is starting to you know, need more and more repair to bring it up to where it should be and that is only going to worsen as time goes on and nobody does any maintenance on the curbing or...

Mr. Monteleone stated right.

Rich Williams stated you know the road surface, the catch basin tops are breaking up, certainly Pete addressed some of that when he put in the curbing that he put in along the road in certain sections...

Mr. Monteleone stated along the White Birch property and whichever building more are going to hoping to building there, that's what I would like to do on my end of it but nobody else seems to like cares about doing anything else, so at this time I don't think I should be punished or anybody else should be punished on that case because I mean I should, went out of my way to do a lot, I know the stone walls around that thing, we planned to have them prior as a private road, I don't think you really can really throw any snow against that bank on the high side anyway and if you're really going to be pushing the snow, you're probably going to be pushing it to the end and I, if you notice on the one end I left two openings so you really can push the snow into the lower lot over there which it won't affect anybody...

Rich Williams stated well now we've jumped onto the walls.

Mr. Monteleone stated no, no but it's openings in the walls, I got two openings...

Rich Williams stated no but I'm saying now we're on to the second issue which is...

Mr. Monteleone stated right.

Rich Williams stated within the road right of way there are...

Mr. Monteleone stated stone walls.

Rich Williams stated features that typically we would not allow within a road right of way, specifically stone walls...

Chairman Rogan stated right, okay but realistically are we looking to move those walls or we're going to accept what's there, I mean it's sounds like we're.

Board Member Montesano stated well we do have one road with a stone wall in the right way that was accepted...

Rich Williams stated we have several...

Mr. Monteleone stated several.

Rich Williams stated we have licensing agreements on one in particular, the licensing agreement was for a period of time with insurance, the insurance lapsed and the property owner said we're just not going to renew it...

Mr. Monteleone stated move it.

Rich Williams stated I don't know that the Town ever took an action but that is the problem with doing it...

Chairman Rogan stated yeah.

Rich Williams stated in the fashion...

Chairman Rogan stated sure.

Rich Williams stated I don't have any answer, I mean that's, I was just trying to spark a debate on this because if the Town's going to take it with the walls in the road right of way, that is a liability for the Town...

Chairman Rogan stated yeah.

Rich Williams stated if it's going to remain a private road then...

Mr. Monteleone stated it's a non-issue...

Rich Williams stated it's not a liability for the Town it's a liability for the individual property owners...

Mr. Monteleone stated right.

Chairman Rogan stated sure.

Rich Williams stated we don't care.

Chairman Rogan stated that's a good point.

Rich Williams stated but right now it is neither a private road nor a public road.

Mr. Monteleone stated well right now it's a private road because the Town never took it over, the Town never plowed, the Town never picked up anything so 27 years later...

Board Member Montesano stated tell me something, are we still in the market to take over industrial parks, I know we have one and I don't recall any other Town at the time that was taking over to have that wonderful outlook, I think it's expensive...

Rich Williams stated all I can tell you Mike is on the subdivision plat there was an irrevocable offer of dedication for the road and being that that was the case, there is no maintenance agreement between the individual property owners.

Mr. Monteleone stated right.

Rich Williams stated so you have at this point a road we're not going to take over and no maintenance agreement for doing anything about it and at some point, you know either...

Board Member Montesano stated would that be a...

Rich Williams stated something's got to be done or that road is going to become impassable with nobody accepting responsibility.

Board Member Montesano stated the object is this, has the Town ever considered and I don't know if we can, put in the Code that says if your property, if you're doing business on this road you have to maintain your, at least your section of it...

Mr. Monteleone stated right, well that's what has been happening there, everybody is maintaining their section...

Board Member Montesano stated yeah but there's...

Mr. Monteleone stated with the exception of the one that is a wetland lot that the guy thinks that he's got a jewel and the catch basin is falling apart right in front of him and that's the only one that I can see that's really bad. I mean the ones on my side, I changed them on the White Birch property, they were all casing, they are all paved and combined and everything else, the curbing, the other ones, nothing's been happening because nothing's been happening, I mean two years, when I did the stone wall, I planted grass and then I didn't do nothing after that because nothing ever happened there but my property and Martin's property

and Lea Rome's property, pretty much, everybody cleans up in front of it, cut their grass and make it look pretty good so at the same time, I really think that we should consider moving forward getting some property and businesses in there then they going to take care of the property of their property, hopefully. I mean if you drive through, anything that is built, it looks semi-presentable...

Rich Williams stated yeah but now you're now...

Mr. Monteleone stated anything that's not built is...

Rich Williams stated now you're onto a third issue which is developing the individual site, which I think everybody has been agreeable to and moving forward with...

Mr. Monteleone stated right.

Rich Williams stated we are moving forward...

Mr. Monteleone stated right.

Rich Williams stated but there are these other issues out there that at some point the Planning Board has to maybe a decision about how they are going to be addressed.

Board Member Taylor stated all right, so let's step back to the road for a minute...

Rich Williams stated okay.

Board Member Taylor stated so it doesn't seem like the Town is going to take the road over, is that correct, given the number of improvements that would be required and who is going to pay for these improvements.

Rich Williams stated well I think eventually the Town could take the road over if somebody came in and fixed all the problems with the road so they brought it up into a new condition.

Board Member Taylor stated but whose going to do that.

Rich Williams stated well that would be the property owners that abut that road, one or more of them...

Chairman Rogan stated that benefit from it.

Board Member Taylor stated can the Town force them to do that.

Rich Williams stated maybe.

Mr. Liguori stated I don't think so, I don't think you can, I can research it, I don't, you know...

Mr. Monteleone stated I mean the only one you can enforce is me because I have empty land, instead of paying, if you don't fix in front of your road, I ain't going to give you building permit, so there's something you can do but anybody like that's already been there for 10 years, he's only going to fix if he wants to fix, otherwise...

Mr. Liguori stated for the money you'd spend in court trying to make that happen, you might as well go out there and fix the road.

Rich Williams stated well there's another way to skin the cat, that's a special improvement district.

Mr. Liguori stated well that, sure you can do that, I wasn't thinking...

Rich Williams stated if you did a special improvement district, all right and approved it and then levied a tax and then the Town went in and fixed the road...

Mr. Liguori stated right, right.

Rich Williams stated you could force the property owners to do it.

Mr. Liguori stated but that gets you, that is a method, it's certainly a method.

Rich Williams stated not the best and not the preferred.

Chairman Rogan stated right.

Mr. Monteleone stated not the best, number one, number two is...

Board Member Taylor stated so either the Town abandons the...

Mr. Liguori stated it doesn't have to abandon anything...

Board Member Taylor stated is has to...

Mr. Monteleone stated it's not maintained...

Board Member Taylor stated it has to get rid of its irrevocable right of dedication.

Chairman Rogan stated no, we just never accept it.

Board Member Montesano stated we never accept it.

Chairman Rogan stated it just is there.

Board Member Taylor stated but you had said what was preventing the property owners from maintaining the road, hadn't you said this, was the fact that they were assuming the road was going to get taken over by the Town in future.

Rich Williams stated no, no, no, I don't think I said it quite that way. There are two ways to address the road, one it could be taken over by the Town because there is an irrevocable offer of dedication...

Board Member Taylor stated right.

Rich Williams stated or it could remain private road and the property owners could maintain it but because we have this irrevocable offer of dedication at the inception of the subdivision...

Chairman Rogan stated right.

Rich Williams stated the Town never...

Mr. Monteleone stated accepted...

Rich Williams stated took any action to make sure that the property owners individually were going to maintain the road until it was taken over.

Board Member Taylor stated okay.

Rich Williams stated in that instance it's always assumed that the developer is going to take care of the road...

Mr. Monteleone stated maintain.

Rich Williams stated but that was 20 years ago and the developer has long since gone.

Chairman Rogan stated okay.

Mr. Monteleone stated gone and the road is owned by the land fill lot, it is the same tax lot as the land fill.

Board Member Taylor stated so what are you saying the Board should do to deal with this situation then.

Rich Williams stated decide whether you're going to do a special improvement district, you're going to ask the property owners to...

Mr. Liguori stated not this Board, right, it would be the Town Board who...

Rich Williams stated well it would be this Board that would make the recommendation.

Mr. Liguori stated to do the recommendation.

Rich Williams stated yes, yes and you're right it would be the Town Board who ultimately do the special improvement district but it could be this Board that insists that the property owners all sign a maintenance agreement...

Mr. Liguori stated sure.

Rich Williams stated you could do that before any future development or you could set a limit, you know so many lots are going to get developed after that, there's got to be a maintenance agreement in place or a third alternative...

Mr. Monteleone stated the problem there is you already have 8 different owners, they have to no reason to sign, what do they care.

Board Member Taylor stated well did you say, didn't you just say we could make them by...

Mr. Liguori stated by virtue, if you create, if the Town Board creates a special improvement district...

Board Member Taylor stated right.

Mr. Liguori stated that covers the portion of the tax lot that is only the road, right...

Mr. Monteleone stated its owned by the landfill property, which the Town got it back twice and they never did anything with it.

Mr. Liguori stated okay well...

Rich Williams stated I think it's its own separate lot.

Mr. Liguori stated is it, if it's owned...

Mr. Monteleone stated yeah but it's on the same thing as to have a contract on, I was going to see if I could do something, remember I spoke to somebody three or four years ago...

Rich Williams stated but it should be its own separate lot, separate from the landfill lot.

Mr. Monteleone stated but it's Patterson Interstate Business Park, both lots are owned by the same...

Rich Williams stated they both, yes that's true.

Mr. Liguori stated well the short of it is that if they, if the Town Board creates a special improvement district that covers that road, the Town could then use its funds to bring that road up to speed and then get them, they wouldn't want to require title via eminent domain or anything but what they could do is once it's improved at that point there would be no incentive for the land owners to hold on to title to the road, they would have an incentive to convey it to the Town and then the improvements would be levied as a tax against every one of the parcels in the subdivision, that's how that would work.

Chairman Rogan stated now contrary to that, if let's say all the owners here were willing to do a maintenance agreement on their own to maintain the road, you have people that are only, let's say Eastern Jungle Gym is only the second road in, did they only pay to maintain the portion of the road that benefits their property or do they pay 1/8 of the entire portion, typically...

Mr. Liguori stated it all depends, well, I would, and it really depends on the layout of the subdivision Shawn...

Chairman Rogan stated okay.

Mr. Liguori stated if you had equal amounts of frontage, let's say you had a 1,000 foot road and everybody had a hundred feet...

Chairman Rogan stated okay, right.

Mr. Liguori stated divide it by, you know but you don't want the first guy...

Chairman Rogan stated yeah.

Mr. Liguori stated let's say you only have 25 feet of frontage because the rest of it, you know, you have a corner lot, 25 feet on this side, that's where you, it just depends.

Chairman Rogan stated any recommendations for what you would think would be in the best interest of the Town in a case like this.

Mr. Liguori stated you know what I'm coming into this thing without having a lot knowledge so no, not without getting up to speed, at least having as much, sitting down with Rich and really getting up speed as to what the issues are, then, until that time, then I would make a recommendation.

Chairman Rogan stated because I'm looking at this from the standpoint of as a tax payer, forget about Planning Board for a minute, this road benefit you guys, why do I care whether it's a Town road or not, I don't want to pay taxes to maintain this thing...

Mr. Monteleone stated right, don't want to maintain, it's an industrial park.

Chairman Rogan stated I would say if one of your businesses lets the road fall apart so bad that their customers can't get or their own people can't get in...

Mr. Monteleone stated right.

Chairman Rogan stated it's going to self-resolve they'll either go out of business or...

Mr. Liguori stated you guys are going to sue each other...

Chairman Rogan stated yeah, or you know...

Mr. Liguori stated it will get resolved in the courts, among private individuals...

Rich Williams stated if it falls into that kind of disrepair, the Fire Inspector is going to go out there and close the road down.

Mr. Liguori stated sure.

Chairman Rogan stated right, so there is an inherent incentive in all of this for the property owners...

Mr. Liguori stated definitely...

Mr. Monteleone stated do the repair.

Chairman Rogan stated to maintain it.

Mr. Monteleone stated I mean that's why I did and maintain and repair my...

Chairman Rogan stated right.

Mr. Monteleone stated site that was developed...

Chairman Rogan stated look at the...

Mr. Monteleone stated I mean I actually tried to developed, I mean I tried to clean up the whole site and you know I cut the grass this year anymore but nothing's happening, I mean I, M&S you know he would clean his property if he had a building going there, you know just like Utz does his and Martin does his and Lea Rome cuts his grass we should cut the grass and plant the trees and...

Chairman Rogan stated I wouldn't worry about the grass...

Mr. Monteleone stated we even put the irrigation...

Chairman Rogan stated yeah for road improvements at this point in time, the guy that has the marble place up on the hill on the left...

Mr. Monteleone stated right.

Chairman Rogan stated bears the greatest exposure because he has customers going to his place.

Mr. Monteleone stated so does Utz, Utz cleans the road up too...

Chairman Rogan stated but I mean he is the furthest in that has a customer based business so he bears the greatest responsibility, not responsibility, vested interest...

Mr. Monteleone stated vested interest in the cleanup.

Chairman Rogan stated in having this road, you know, the potato chip company or whatever they are, the pretzel place, they only care whether they get their own trucks in...

Mr. Monteleone stated okay, they come in...

Chairman Rogan stated they don't have customers coming there to buy pretzels.

Mr. Monteleone stated right, right, but they...

Board Member Montesano stated you're willing to break up all your pretzels.

Chairman Rogan stated that's true, bouncing down the road.

Mr. Monteleone stated but they do clean the road up to there and you know past that he usually don't but he does because there's nobody at the end so to say okay we don't want to improve this because the road is not there, it's like okay, let's give them another 20 years like that, it's going to get even worse.

Chairman Rogan stated and I guess one of the options we always have to consider is doing nothing, leaving it the way it is and then it's right now it falls back to the property owners, right...

Mr. Monteleone stated property owners, right.

Chairman Rogan stated so right now if we don't take an action it falls back to the property owners and the way I see it, it doesn't impact on public safety at this point, it's private...

Mr. Monteleone stated private.

Chairman Rogan stated uses and let's maybe get...

Rich Williams stated I'll give you the story of Wagon Lane which is a private road, which the property...

Chairman Rogan stated for residential use.

Rich Williams stated for residential use.

Chairman Rogan stated okay.

Mr. Monteleone stated it's still there.

Rich Williams stated which the private property owners are absolutely responsible for maintaining who they have not spent a dime on the road...

Chairman Rogan stated sure.

Rich Williams stated it constantly washes out, this last big storm, a year ago the Town went in there and dumped huge rocks, rip rap, in the washed out areas of the road, so that at least an emergency vehicle could get in and the property owners have not still done a thing, they drive over this huge eight to ten inch rip rap rock...

Chairman Rogan stated wow.

Rich Williams stated to get and it's a safety issue up there...

Chairman Rogan stated yup.

Rich Williams stated and the Town is constantly wrestling with what we can do with it, we can go up there, we can fine them, we could hit them with all sorts of regulations that we have at our disposal but at the end of the day, you know the real world, we don't do that...

Mr. Monteleone stated right, my recommendation is on the site approval of each individual lot that is not build yet is say okay, we give you a site approval but you got to fix the curbs, put in curbs on your driveway, you know on your property line, like at the, like I said you know could use me as a model for as good as bad as I am, at White Birch.

Chairman Rogan stated that only works when the properties are all developed in unison...

Board Member Taylor stated and take down the stone walls...

Chairman Rogan stated when they are developing them...

Mr. Monteleone stated if you want to take down the stone walls, no because they on your own property, I mean you...

Board Member Taylor stated but they're in the right of way, technically...

Mr. Monteleone stated but you're still not taking over the road, so it doesn't matter.

Chairman Rogan stated they're not using the right of way, the right of way doesn't exist...

Board Member Taylor stated the Town doesn't want the road, are you...

Rich Williams stated well (inaudible – too many speaking at one time).

Mr. Monteleone stated just putting curbs like I did at White Birch.

Board Member Taylor stated and then leave it as a private road.

Mr. Monteleone stated and leave it as a private road, of course.

Chairman Rogan stated all right.

Mr. Monteleone stated part of your C of O, part of your final approval is that you're going, part of your C of O, you clean your length of the road.

Chairman Rogan stated sure, that makes sense.

Mr. Monteleone stated that should be, at least get another 10 or 20 years out of...

Mr. Liguori stated does anyone use the road past your driveway.

Mr. Monteleone stated say again.

Mr. Liguori stated does anyone use the road past your driveway.

Mr. Monteleone stated no, this one, M&S is the end one.

Chairman Rogan stated it's a cul-de-sac.

Mr. Monteleone stated unless you guys let me develop the landfill, I, that's the last one...

Chairman Rogan stated it's just a short cul-de-sac...

Mr. Monteleone stated M&S up...

Mr. Liguori stated okay.

Board Member Taylor stated so can we table this until counsel gets up to speed.

Rich Williams stated well you don't need to table it, it's an ongoing issue.

Chairman Rogan stated yeah, it's just an ongoing...

Board Member Montesano stated it's an ongoing situation.

Rich Williams stated he can come back to you with his recommendations at the next meeting.

Board Member Taylor stated all right, let's keep it on the agenda, let's touch on it, can we sort this out...

Chairman Rogan stated well then this is part, this is one little tid bit of a larger project...

Board Member Taylor stated yes, I understand.

Chairman Rogan stated so, yeah, absolutely.

Board Member Taylor stated and then I think the other thing is we need to ask the Town Board how they would act on this, whether they want a recommendation from us for the Town to take the road or not, if they're not going to do anything, why should we, Shawn was saying...

Chairman Rogan stated yeah.

Board Member Taylor stated why should we get involved in this issue.

Chairman Rogan stated and I do agree with what you said though about...

Rich Williams stated because it's bad planning not to.

Chairman Rogan stated spinning...

Board Member Taylor stated I agree that we are the Planning Board and we should be doing Planning, we shouldn't be sitting here waiting for things to happen that are bad but...

Chairman Rogan stated right but spending the money on legal fees versus doing the improvements I agree with you there because time and time again we spend way too much money chasing these things rather than just fixing them.

Mr. Liguori stated yeah look, I don't know what the cost is, I mean the cost could be astronomical from an engineering perspective, it could be a lot smaller from a legal perspective but...

Chairman Rogan stated yeah, well it's a top course right and fix whatever stormwater...

Mr. Monteleone stated and curbs...

Chairman Rogan stated whatever...

Rich Williams stated well and catch basin drops...

Mr. Monteleone stated catch basin and curbs, yeah.

Rich Williams stated some of the catch basins are starting to fall apart.

Mr. Monteleone stated yeah, I think I fixed two or three, I forgot what I put in, on the White Birch property, they all casting now, they're not...

Andrew Fetherston stated as long as the base is safe...

Board Member Montesano stated then we got to pass that it's okay to leave the stone walls on there.

Chairman Rogan stated it's a couple hundred thousand.

Mr. Liguori stated who wants to pay the lawyers, I mean.

Chairman Rogan stated right, lawyers lead up two hundred thousand quicker than that.

Mr. Monteleone stated and they're ten feet on...

Mr. Liguori stated I really honestly feel that way, after ten years I'm like you know what just...

Board Member Montesano stated you've done it before...

Chairman Rogan stated fix it.

Mr. Liguori stated just...

Chairman Rogan stated pay now or pay later.

Board Member Taylor stated so let me get some specifics on this, so we, we're not talking theoretically here and we can talk about costs and different things...

Mr. Liguori stated yeah.

Board Member Montesano stated and this has to do with M&S how...

Board Member Taylor stated and then we can decide one way or another...

Mr. Monteleone stated M&S Iron...

Board Member Taylor stated and at the end of the day we may decide just to ignore it and let it go on but then again we might decide to push the issue.

Chairman Rogan stated Rich can the...

Rich Williams stated I've brought it up with every application that comes in here Mike because...

Board Member Montesano stated I know...

Rich Williams stated there has to be some sort of maintenance agreement.

Board Member Montesano stated but so far we've been on the road which we have to wait for and the M&S project is just sitting here and we haven't said boo about it.

Chairman Rogan stated well we will but can, do we have the in house staff to estimate what it would cost to finish this road up to Town road specs.

Mr. Monteleone stated two hundred thousand dollars.

Chairman Rogan stated that's what I just said, two hundred, we pulled that out of the air, two hundred and that is probably as accurate as any...

Rich Williams stated do we have the in house, if we're talking about the three of us, here, yes absolutely...

Chairman Rogan stated well yeah but he...

Rich Williams stated we have a Town engineer that can do that.

Andrew Fetherston stated I'm in the house.

Chairman Rogan stated but you're a salaried...

Rich Williams stated I am salaried but no I am not qualified to estimate the cost of doing the road, that would have to Andrew.

Chairman Rogan stated that would have to be something authorized by the Town Board to even incur that cost to say, so, you know...

Rich Williams stated I mean the, you know, Andrew is here...

Andrew Fetherston stated you're probably talking an hour or two at the most.

Rich Williams stated at the direction of the Planning Board, so he certainly could if the Planning Board wanted to know what it was going to cost.

Chairman Rogan stated speaking just out into the room, do you think that would be something that the Town Board would, he's not listening...

Board Member Montesano stated he learned that fast.

Board Member Taylor stated no, zoned out...

Andrew Fetherston stated you know all I would do, in all honesty, I would just drive that road and video it, look for bad spots, go back with the plan, linear feet...

Chairman Rogan stated is that something that seems reasonable, at least you know what we're talking about.

Board Member Taylor stated yeah, that's reasonable...

Andrew Fetherston stated the number of catch basins...

Chairman Rogan stated all right so let's see if we can for you know a small amount of time, do a rough calc on what you think it would cost so that the Town Board would have...

Andrew Fetherston stated yeah.

Chairman Rogan stated you know if we say hey look, let's, the Town incur this and charge it back and it's done and take the road over, at least that would be information, I'm not saying I'm favor of that but you know...

Mr. Monteleone stated I think what would the Town wanted to spend the money to clean the road, they're going to have to.

Chairman Rogan stated we're promoting the good businesses that you're going to have in there.

Mr. Liguori stated well I think maybe one of the ways to...

Mr. Monteleone stated I got to build them first.

Chairman Rogan stated I know.

Board Member Montesano stated first we got to get the businesses in there to clean up the road.

Mr. Monteleone stated right, that's what I'm thinking.

Mr. Liguori stated if we say to the land owners, this is what we intend on doing and this is what we're going to charge you back...

Chairman Rogan stated right.

Mr. Liguori stated and if you don't enter into an agreement, we're going to do it.

Chairman Rogan stated that's a good way to get people to go into an agreement.

Rich Williams stated I like that.

Chairman Rogan stated that's why we have the...

Board Member Taylor stated legal frame...

Chairman Rogan stated legal mastermind.

Mr. Monteleone stated okay.

Chairman Rogan stated I like that, laying it right out there.

Mr. Liguori stated I was trying to think of a way to make the stick big enough, maybe that's the way to do because without a building there, they, there is no incentive...

Mr. Monteleone stated they don't care, no incentive.

Chairman Rogan stated something is going to happen, one way or another, they are in a power position of picking, you know, I like that.

Board Member Taylor stated yup.

Chairman Rogan stated in terms of M&S itself, oh he's here...

### **3) M&S IRON WORKS – Site Plan Review**

Mr. Tony Spagnoli of M&S Iron Works and Mr. Peter Monteleone were present.

Chairman Rogan stated how are you sir.

Mr. Spagnoli stated how are you.

Chairman Rogan stated good, good, so let's get to the meat and potatoes of the M&S Site Plan, you want to come up.

Mr. Spagnoli stated sure, sorry I'm late.

Chairman Rogan stated that's okay.

Board Member Montesano stated no problem.

Chairman Rogan stated we have stuff to talk about...

Mr. Monteleone stated should I sit down.

Board Member Montesano stated stand there...

Chairman Rogan stated it's up to you.

Board Member Montesano stated back him up.

Chairman Rogan stated what's your name sir.

Mr. Spagnoli stated Tony.

Chairman Rogan stated Tony, last night.

Mr. Spagnoli stated Spagnoli.

Chairman Rogan stated just for the record, that's all.

Mr. Spagnoli stated sorry.

Chairman Rogan stated yeah, okay so Rich, you want to bring us through some of the issues that you had addressed in your memo.

Rich Williams stated sure I think the engineer has addressed most of the issues adequately, he is redesigning the project, I think for the most part he is now in general compliance with the MS4 requirements. I did raise a number of issues, I don't think there is anything substantial at this point, you know I'm hoping to see the green practices modeled, the Town Engineer explained to me, Andrew explained to me that well maybe it's really not necessary to model the green practices because it's not going to change the peak and I agree with that, my concern was more with the volume...

Andrew Fetherston stated just provides backdoor safety.

Rich Williams stated yeah, my big issue with the volume and the fact that the design engineers are trying to build a stormwater pond on rock outcroppings and he's going to have to tear the rock out, that's going to be a huge undertaking...

Andrew Fetherston stated you understand 100% where that is sited and the cost involved with constructing that, it's going to difficult...

Mr. Monteleone stated they're going to be chipping some rock in that area.

Andrew Fetherston stated right, okay, it's a tough spot.

Mr. Spagnoli stated we had anticipated it because that's actually the best location on the property for it...

Andrew Fetherston stated yeah, yeah...

Mr. Spagnoli stated so we anticipated getting down into that stone, taking it out and using that stone for some of the areas or bedrock that needed...

Andrew Fetherston stated it's just a tough, it's just tough, that's all...

Mr. Monteleone stated just a question, what happens...

Mr. Spagnoli stated yeah we know, trust me when I tell you we looked.

Andrew Fetherston stated yeah, okay.

Mr. Monteleone stated to buy stone costs twenty dollars a ton today, so you just take it out and crush it and you use it right on site, so you really you don't truck nothing away, you just crush everything right there and use it.

Mr. Spagnoli stated we're going to need the stone anyway but I agree, you know, we definitely know.

Chairman Rogan stated plus these guys bend steel with their bare hands.

Andrew Fetherston stated right, right, right...

Chairman Rogan stated little stones, that's nothing.

Andrew Fetherston stated you notice how softly I'm speaking to these gentlemen.

Mr. Spagnoli stated that's why I was late, I was bending steel.

Chairman Rogan stated right, that's why I said sir.

Board Member Montesano stated they don't have the telephone booths anymore, then you really get nervous.

Mr. Liguori stated I thought the iron guys were all building motorcycles these days, I didn't think they were doing...

Chairman Rogan stated yeah right.

Board Member Montesano stated how many you want.

Rich Williams stated the one thing that I do want to throw out here, is I do absolutely agree with Andrew is that the stormwater basin should be utilized as a temporary sediment trap, you know during the phase one construction, not having a separate temporary sediment trap, it just doesn't make a lot of sense and I don't know if you ran the numbers, I kind of ran the numbers and it seems its way under sized at this point, again that is another issue...

Chairman Rogan stated wait, undersized.

Rich Williams stated way undersized, it's probably half of what it should be, so that goes back to, I mean you've got the base in there you have to construct a stormwater basin first and we do it on every other project, we set it up as a temporary sediment trap during construction, once the site gets stable then you just you know change the outlet structures, it's very easy to do.

Board Member Taylor stated do you have to clean it out.

Mr. Monteleone stated yes.

Rich Williams stated yeah but you have clean it out anyway.

Board Member Taylor stated oh okay, that makes sense.

Rich Williams stated so...

Chairman Rogan stated and this would be in the same location, you were just referencing we have to hammer the rock out.

Andrew Fetherston stated yes.

Rich Williams stated yup.

Chairman Rogan stated so that is one of the first actions on this site, is to get right in there with the equipment, hammer down and...

Andrew Fetherston stated yes.

Chairman Rogan stated create a pile of small stones.

Mr. Spagnoli stated the mitigation area that would be the first thing to go in.

Chairman Rogan stated okay.

Rich Williams stated yeah, other than that I think it was just a lot of technical details, cleanup on the plans and things and throw it over to Andrew.

Andrew Fetherston stated no, you hit it, yeah, yeah I had minor back and forth with the engineer, he received the memo, I did the memo earlier and he got it early and we touched base on minor issues and we're on the same page.

Chairman Rogan stated okay, no procedurally speaking, since we just spent so much time talking about a road, it sounds like this road resolution, we don't, the way we were just talking, we don't have to tie this to this application, per se, it's a part of it but it's part of many lots so...

Rich Williams stated as I said, I've been bringing this up since...

Chairman Rogan stated yeah, so why stop now.

Rich Williams stated the Doria site came in.

Chairman Rogan stated right but it sounds like something that, it's almost its own separate issue at this point.

Mr. Monteleone stated Pippo site, Pippo.

Rich Williams stated Pippo, not Pippo, Doria.

Mr. Liguori stated yeah, you know, one of the tenants of municipal law is to treat everybody the same and unfortunately what's happened is that, that has perpetuated this issue and that's why Rich brings it up over and over and over, you know but at some point it's going to have to be dealt with it but I would have to, what I would say to you is that it would not be fair to just pick one and then say it's you, sorry...

Chairman Rogan stated right, now's the time.

Mr. Liguori stated now's the time...

Chairman Rogan stated right.

Mr. Liguori stated so if we can, you know, I mean you know what you're getting into, you know you're building on a road that if you're at the end of it, you're going to be the one maintaining it, at least the part after the next driveway.

Chairman Rogan stated sure.

Mr. Liguori stated so but it's just more incentive to, there is some incentive to get everybody else to cooperate but I understand your point, there's no, if you're not building there is no reason to cooperate...

Chairman Rogan stated sure.

Mr. Liguori stated hence us figuring out a way to make them cooperate.

Mr. Monteleone stated the idea is, what I just said is cleanup in front of each lot as you, especially the next batch, I mean you have two or three lots, they are already built on, nobody's, I mean...

Mr. Liguori stated they're fine...

Mr. Monteleone stated the White Birch property I already cleaned up, I mean I have Belgian block curbs...

Chairman Rogan stated yeah.

Mr. Monteleone stated I got, I even got irrigation...

Chairman Rogan stated in terms of maintenance Pete, I think we're talking about more not in terms of maintaining in front of your property that is in anybody's best interest...

Mr. Monteleone stated yeah but the road I kind of...

Chairman Rogan stated the road's got potholes or it snows a foot tonight and does that mean that the first person to go to work tomorrow morning is the de facto plow guy, to jump in his truck to plow in.

Mr. Spagnoli stated we had spoken about that before and we are under the understanding, at least for now, that we might have to plow to get into our property.

Chairman Rogan stated yeah, that's what it sounds like...

Mr. Spagnoli stated I mean in the future...

Chairman Rogan stated they're all waiting for you to come to work early in the morning, you know.

Mr. Spagnoli stated pretty much.

Mr. Monteleone stated everybody's been doing it up to them...

Chairman Rogan stated yeah.

Mr. Monteleone stated everybody comes in...

Mr. Spagnoli stated I mean I guess you don't have much of a choice until either, I'm sorry I guess I missed a lot of it but...

Chairman Rogan stated it was just road issues, nothing...

Mr. Spagnoli stated if the Town were to take it over or if we were to do it and do like a...

Chairman Rogan stated like a maintenance agreement.

Mr. Spagnoli stated yeah a maintenance agreement or association...

Chairman Rogan stated that's exactly what we were talking about, two different aspects.

Mr. Spagnoli stated you know all that has to come with people, clients and you know but we are under the impression that if we have to, we're going to plow our own way in there, I mean we have to clean the site anyway, so.

Chairman Rogan stated the saving grace that a lot of those business already have a lot of equipment so plows are not you know, foreign to these people, they you know, you can have a bulldozer come down that road.

Mr. Monteleone stated a month ago, when the snow that thing was plowed right away, I mean I went to plow, I made a couple of passes...

Mr. Spagnoli stated I'm sure he'll be there before us anyway.

Chairman Rogan stated yeah...

Board Member Taylor stated Ted do you have any issues with the vernal pool and stuff.

Ted Kozlowski stated I can't speak...

Chairman Rogan stated it's not on this one on our review.

Board Member Taylor stated oh that's right, okay.

Ted Kozlowski stated I had to recuse.

Board Member Taylor stated okay, Andrew, does your environmental guy have any issues with the vernal pool and any of these things.

Andrew Fetherston stated nobody looked at it but me. I think that one of my comments was, one of my comments was discharging pipe from that detention basin has gone like 10%, it's a big pipe and it's coming right down and that's going to discharge with incredible force and we said that the stone at the bottom of that pipe, the outfall at the bottom of that pipe, it just wasn't, there wasn't a detail for it and we both had noticed it, that that needs to be done. That comes out with tremendous force so that's the concern I had, spread it out and calm it down.

Board Member Taylor stated Rich, do you...

Rich Williams stated thanks Ron...

Board Member Taylor stated (inaudible – spoken over).

Rich Williams stated yeah I did take a look at the issues regarding the vernal pool and the outlet for the pond, they are out-letting the pond behind on the west side of a stonewall that's out there, the runoff and there is no increase in the peak there is actually a significant decrease in the peak the way it's designed right now but there is a significant increase in the volume so it's going to be a lot more water going down through there but it's discharged on the west side of the wall, it follows the wall down, I actually went out there Friday, follows the wall down and then there is a depression where it's going to kind of pond up, build up a little bit and then filter down through the wall, one of my earlier comments was maybe they need a level spreader, well that wall is going to act as that level spreader and then it's got another 50, 60 feet before it travels down through the pond, I think as long as it's going that route and in that manner, you're going to see a significant amount of water flushing through the pond but you're not going, you know you're not going to change the temperature hopefully, you're not going to change the peak which is what is really going to hurt that pond.

Board Member Taylor stated now this is the pond below.

Rich Williams stated this is the vernal pool.

Board Member Taylor stated oh this is the pool, okay.

Andrew Fetherston stated you know you did, just speaking about temperature, you do have the roof leaders going to subsurface, you do have the pond, you do have the, a lot less pavement, the Planning Board granted them to do a lot less pavement so temperature shouldn't be as much of an issue.

Rich Williams stated right.

Board Member Taylor stated so there's no issues, I mean my understanding.

Rich Williams stated yeah, I'm relatively confident, it is certainly something we're going to have to watch but I'm relatively confident that the vernal pool isn't going to get impacted.

Andrew Fetherston stated yeah.

Board Member Taylor stated so we're set to go then.

Chairman Rogan stated so where are we at procedurally then.

Rich Williams stated procedurally for the Planning Board of course you're at a point where you need to determine what the environmental significance of the project is, make a SEQRA determination and then for the applicant, I think they are now in a position they need to get down to New York City and bring New York City into this process.

Mr. Monteleone stated I think they, supposed to be filing, Dan said they were, Dan always going to do it...

Mr. Spagnoli stated I thought they were filed, DEC and Board of Health...

Mr. Monteleone stated either filed or within being filed, I don't know.

Rich Williams stated not with the DEC, not with the DEC.

Mr. Monteleone stated DEP...

Chairman Rogan stated DEP...

Mr. Spagnoli stated I thought that had been file or we're looking for approval to file.

Mr. Monteleone stated I thought you got approval to file, you told Dan to do that already, I think, supposedly.

Rich Williams stated right I did suggest when I talked to him a week ago that you know he needs to really start thinking about getting to the City to get their comments on this.

Mr. Spagnoli stated I believe it's filed and we're waiting for the...

Mr. Monteleone stated answer.

Mr. Spagnoli stated I believe so.

Rich Williams stated well DEP is never an easy approval but there's going to be some back and forth.

Mr. Spagnoli stated okay.

Board Member Taylor stated so we need to look at the EIS then...

Rich Williams stated you need to make a SEQRA determination.

Board Member Taylor stated we can't do that without looking at an EIS, can we...

Rich Williams stated EAF.

Board Member Taylor stated EAF, I'm sorry.

Chairman Rogan stated that's what I thought, that's what I heard when you said it but...

Rich Williams stated you've had the EAF for a while.

Board Member Taylor stated EAF yes, we need to take a look at that and make a determination from there.

Rich Williams stated if you haven't already, correct, yes.

Chairman Rogan stated we have a letter from the City of New York, them outlining what they see as the potential impacts, we have correspondence from and conversation...

Board Member Taylor stated and soon we'll have from the DEP.

Chairman Rogan stated this is from the DEP right here, you have it.

Board Member Taylor stated so what were you talking about then, that you are just submitting to the DEP.

Mr. Monteleone stated no...

Rich Williams stated no we submit, as part of the process, we submitted our intent for lead agency we submitted drawings and the EAF and application to the DEP...

Board Member Taylor stated right.

Rich Williams stated that's their comments back on that submission by the Town.

Board Member Taylor stated right.

Rich Williams stated the applicant independent of that needs to make an application to the DEP for their approval for such items as the level disturbance and the septic system...

Board Member Taylor stated okay.

Rich Williams stated and they need to get that down there so DEP can start reviewing that, it's really two different groups...

Board Member Taylor stated okay.

Rich Williams stated that are going to be looking at it.

Chairman Rogan stated this is a holistic kind of an approach to the site, versus now looking at like stormwater plan...

Board Member Taylor stated specifics, right, okay.

Chairman Rogan stated so we should be in a position to do that determination very, very soon.

Board Member Taylor stated if we don't get any more...

Chairman Rogan stated keep the ball rolling...

Board Member Taylor stated curve balls from other places because...

Chairman Rogan stated I don't want any more curve balls.

Board Member Taylor stated no, me either.

Board Member Montesano stated don't give them the chance.

Chairman Rogan stated gentlemen, anything you want from us tonight, need, no. there's no snow out there so it's good traveling, where do you have to drive up from or do you live local.

Mr. Spagnoli stated actually our office is Ossining right now.

Chairman Rogan stated Ossining.

Mr. Spagnoli stated so it's just about 40 or so minutes, 45 minutes.

Board Member Montesano stated my grandson just got home.

Chairman Rogan stated I remember it used to when anybody drove up from that distance, who was for Burdick Farms, what was the lady that worked for Keane Coppolman, Christina something or other, every time she drove up here she would say I have to stop at, where'd she stop, the ice cream place down in Brewster, every time.

Rich Williams stated Red Rooster.

Board Member Montesano stated oh Red Rooster.

Chairman Rogan stated Red Rooster, that was her excuse to want to come up to the meetings was to stop at Red Rooster to get ice cream.

Rich Williams stated yeah.

Mr. Liguori stated it's funny; they mention that on Letterman, Red Rooster.

Chairman Rogan stated did they.

Mr. Liguori stated yeah.

Board Member Montesano stated yeah when he drives up.

Chairman Rogan stated all right thanks gentlemen, have a great evening.

Mr. Monteleone stated okay, thank you very much.

Mr. Spagnoli stated can I just clarify one thing, sorry...

Chairman Rogan stated of course, yeah, absolutely.

Mr. Spagnoli stated and excuse me if I'm because I'm not caught up to speed, I've just been working on a different project. So all we're waiting for really is the DEP, correct...

Mr. Monteleone stated DEP and the Health Department.

Mr. Spagnoli stated and the Health Department.

Rich Williams stated well there's additional design issues that both myself and the Town Engineer have identified on the plans...

Mr. Spagnoli stated sent from Dan.

Rich Williams stated that Dan...

Andrew Fetherston stated Dan's got it.

Mr. Spagnoli stated okay.

Rich Williams stated yeah, Dan has it, he's got to clean them up.

Mr. Spagnoli stated okay and he tweaked them and are they being resubmitted...

Andrew Fetherston stated no.

Mr. Spagnoli stated or are they just being approved as noted, as you guys need noted.

Rich Williams stated he needs to resubmit.

Mr. Monteleone stated he's going to send them up here.

Mr. Spagnoli stated he needs to resubmit, okay.

Andrew Fetherston stated it's probably wise if he combines everything, DEP comments, Rich's comments my comments, do it all at once, any questions, he's got our phone number, he's been you know, he reaches out so you know...

Mr. Spagnoli stated I just want to stay on top of it because...

Chairman Rogan stated sure.

Mr. Spagnoli stated I lost a little bit of it in the...

Andrew Fetherston stated right, it's best that he answer everybody all in one shot, quickest path.

Mr. Spagnoli stated so then we have to do one more resubmittal with your comments...

Andrew Fetherston stated yes.

Mr. Spagnoli stated DEP and...

Chairman Rogan stated but more important I think from your perspective that he resubmit them once and get them done, rather than say oh I got to get, the deadline's coming up, let me just get them in, nah, just hold off and save your money, save you some money...

Mr. Monteleone stated do all of them together, this way...

Chairman Rogan stated from redoing the plans...

Mr. Spagnoli stated okay.

Chairman Rogan stated and get them in once right, our process for doing the SEQRA determination is really irrelevant to tat site of plans because we basically have everything in front of us, we just need to take a hard look at it, make the determination and move the process along.

Mr. Spagnoli stated if it's a go or not and then...

Chairman Rogan stated yeah and...

Mr. Spagnoli stated okay.

Chairman Rogan stated then it, obviously everything we've been looking at, it's a go, just a matter of speaking intelligently as to why we're making these decisions...

Mr. Spagnoli stated okay.

Chairman Rogan stated and you know keep moving the process forward.

Mr. Spagnoli stated okay.

Andrew Fetherston stated right now everything is in your ballpark, hit it out of the park, that's really where it's at, hit it out of the park, get everything nailed.

Mr. Spagnoli stated gotcha, do the things we need, lock it up and send it in.

Andrew Fetherston stated absolutely and you're done.

Chairman Rogan stated and it also sounds like your engineering consultant has good communication with our people but if they and this happens quite often, if they need to sit down together at one table rather than over the phone and say okay just making sure we're all on the same page, have him let us know and we routinely do that...

Andrew Fetherston stated we've done that before, with Dan.

Mr. Spagnoli stated we'll make sure we get on it, it's just as the season ends, we were buttoning up a lot of work and you know, a lot of stuff gets mixed in the jumble, you know, so I just want to make sure that I can get on it and get it buttoned up.

Chairman Rogan stated absolutely.

Andrew Fetherston stated right.

Rich Williams stated do you think the Town will pay for me to go down to his office.

Andrew Fetherston stated where's that, oh Dan's office.

Rich Williams stated Dan's office.

Andrew Fetherston stated oh I thought you meant Ossining.

Rich Williams stated no, not Ossining.

Chairman Rogan stated where's Dan's office.

Andrew Fetherston stated I think he's in Florida, not Florida New York.

Chairman Rogan stated oh, yah.

Board Member Montesano stated doesn't like onions.

Mr. Spagnoli stated okay, thank you guys.

Chairman Rogan stated have a good evening.

Board Member Montesano stated thank you.

Mr. Monteleone stated on another note, I got another question, the landfill property...

Chairman Rogan stated yeah.

Mr. Monteleone stated that is in limbo, of course I have a contract on it but it ain't worth the paper it's written, at some point what does the Town want to do with that property, I don't know.

Chairman Rogan stated no idea.

Board Member Montesano stated that you would have to approach our Town Board Members and ask them if they have any idea.

Mr. Monteleone stated well the key is that property is not paying any taxes, the County took it over once or twice from the original owner and then they gave it back...

Chairman Rogan stated I think we should allow a contractor yard to go on it.

Mr. Monteleone stated and the trade, bring the road up to spec.

Chairman Rogan stated right.

Board Member Montesano stated sure.

Chairman Rogan stated that's what we were just saying.

Andrew Fetherston stated generate a little power...

Rich Williams stated maybe not methane but hydrogen sulfide...

Mr. Monteleone stated there you go.

Chairman Rogan stated I don't know, I guess that's something we'd have to discuss, what you want to do...

Mr. Monteleone stated because at some point I want to do something there because I'd rather...

Chairman Rogan stated yeah, you were just talking about going over the top of it though, it's already capped.

Mr. Monteleone stated it's already, I capped it, I didn't get paid for it yet.

Chairman Rogan stated yeah.

Mr. Monteleone stated but anyway, that's something that somebody should think about it and...

Chairman Rogan stated I think it would be great to have a contractor yard over the top of that.

Rich Williams stated it's a waste...

Mr. Liguori stated yeah, yeah, yeah.

Rich Williams stated yeah and then they stopped.

Mr. Monteleone stated clean it up, do something with it, okay, thank you very much.

Chairman Rogan stated all right, have good evening, thank you, take care.

Board Member Montesano stated thank you.

Chairman Rogan stated Mr. Nichols...

Mr. Monteleone stated sir, how's everything.

Chairman Rogan stated you're not familiar with that site.

Mr. Liguori stated no, no.

Chairman Rogan stated I'm not really because I'm new to this Town too in the last fifteen years but it pre-dates my being a resident here but...

Mr. Liguori stated unfortunately unless I've worked on an application before it or it's on a main road that I would have travelled, you know...

Chairman Rogan stated and this certainly is not.

Mr. Liguori stated like Cushman Road, I never would have driven down Cushman Road for any reason, you know, why would you ever drive down that road, you know...

Board Member Montesano stated it's easy, if you have a motorhome, it's the only way to sneak out of Town, it's a fact.

Chairman Rogan stated Charlie I think you're the first Town Board Member to come to our meeting where there is no big issue going on.

Ted Kozlowski stated that's right and he's not running for election.

Chairman Rogan stated not for four years, right.

Ted Kozlowski stated we miss you Charlie.

Town Councilman Cook stated I need you to speak into the microphone sir.

Chairman Rogan stated noticed, oh I'm sorry, you can't hear us...

Town Councilman Cook stated it's difficult in the back.

Board Member Montesano stated would you like to borrow my hearing aid.

Town Councilman Cook stated no, you especially sir, need to come closer to the microphone.

Board Member Montesano stated my comments are not news worthy. On that note before we get started I'd like to get the minutes approved.

## 7) MINUTES

Chairman Rogan stated okay.

Board Member Montesano stated so I'll make a motion that we get December 1<sup>st</sup> and November 22<sup>nd</sup> of 2011.

Board Member Taylor seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 3 to 0.

Chairman Rogan stated Charlie, with the new system for recording I was forgetting that that doesn't amplify over, so I wasn't, we weren't thinking, I wasn't thinking as much of this, but you're right.

Councilman Cook stated I was standing over there and those two gentlemen, way off to the side...

Chairman Rogan stated and again I was thinking about recording, I asked Michelle do they pick up, she said loud and clear but not, so never, so thank you for saying...

Board Member Montesano stated well we have to invest in a better system, speakers in the back.

Chairman Rogan stated worth noting though Charlie...

Andrew Fetherston stated Michelle...

Chairman Rogan stated worth noting is that notice no one can fill your chair.

Andrew Fetherston stated you gotta put a dot on the floor.

The Secretary stated for what.

Andrew Fetherston stated that way when they speak they are close enough to the microphone.

#### **450 Haviland Drive Subdivision – Discussion**

Mr. Harry Nichols was present to represent the application.

Ted Kozlowski stated Harry, it's been a long time.

Chairman Rogan stated getting late but it's feeling late.

Rich Williams stated it feels late.

Ted Kozlowski stated where've you been.

The Secretary stated oh you have such good ideas.

Ted Kozlowski stated it's been a long time Harry.

Rich Williams stated it's been a long week, right.

Board Member Montesano stated what are we going with Harry for...

Mr. Liguori stated this was a 4 day week this week, it feels like...

Board Member Taylor stated site walk comments.

Chairman Rogan stated Harry you received the site walk comments.

Mr. Nichols stated yes I did.

Chairman Rogan stated interesting piece of property.

Mr. Nichols stated yes it is.

Chairman Rogan stated we didn't realize there was any property that big in Putnam Lake.

Mr. Nichols stated I didn't realize in all the time I've been here, I never knew it was there.

Chairman Rogan stated please do.

Mr. Nichols stated and interesting also is the cluster development in your zoning which seems to have been...

Chairman Rogan stated meant for this.

Mr. Nichols stated prepared for this site. About the only thing that makes sense is to develop something and cluster it and as a matter of fact I think we're down below the 28% development on this, we're down around 22 or 23%.

Chairman Rogan stated there is a lot of property...

Mr. Nichols stated I read your comments and we certainly would like to move on with this and address these and get this thing going again.

Board Member Taylor stated what do you propose to do with those two lots that are so wet, I don't remember the numbers but...

Mr. Nichols stated you know, that's, a lot of that has to do with the way it's graded, it's depressed, that water lays in there...

Board Member Taylor stated yup.

Mr. Nichols stated once the site is developed and graded, drainage put in, it will work fine.

Board Member Taylor stated does the engineer concur, does the engineer concur with that, it's just a matter of grading.

Andrew Fetherston stated I missed that, I'm sorry.

Board Member Taylor stated those two lots that were basically, they are a shallow lake...

Board Member Montesano stated 5 and 6.

Board Member Taylor stated between the two of them, Harry is saying if you just re-grade them then that problem will disappear.

Andrew Fetherston stated far into the site on the right hand side, you had seen water and deep holes and perc holes...

Board Member Taylor stated yes.

Ted Kozlowski stated one of these was a wetland but it wasn't regulated by the Town because it was less than a half acre.

Mr. Nichols stated before any disturbance was done in there to do the soil testing, it didn't have that appearance that you saw when you went in to look at it unfortunately the machines that were in there kind of tore it up a little. Once the construction is completed and the proper drainage put in I don't believe there will be a problem with that at all. There are excellent soils in there as far as septic areas go...

Chairman Rogan stated even though we saw deep test holes that were full to the surface with water.

Mr. Nichols stated yeah but that's runoff.

Chairman Rogan stated you think it's just runoff but it doesn't absorb through down the deep test hole.

Mr. Nichols stated not with the silt, they get silted in...

Chairman Rogan stated oh.

Mr. Nichols stated you go in and you find old test holes in the woods, that's what happens, the silt, the leaves...

Board Member Montesano stated yeah but you're not supposed to find old test holes.

Chairman Rogan stated ah, Mike, zing. Yeah, we were hoping that those would get back filled.

Mr. Nichols stated they will.

Board Member Taylor stated did you find out about your creeping tree or whatever it was.

Ted Kozlowski stated I sent it to you guys...

Rich Williams stated Ted sent an e-mail around.

Ted Kozlowski stated it's a plant of concern, so it is on the DEC list, there is one of the things I would suggest is that if someone is interested when the site gets developed if they would be allowed to go in there and salvage those plants, it's not protected in the sense if you went in there and destroyed them you'll get in any serious trouble, it's kind of the lowest degree of protection, it's kind of like the praying mantis is protected in New York State but no one ever went to jail for killing on, so I know that's a bad analogy but I'm just doing this to Michelle.

Board Member Taylor stated who would salvage these.

Ted Kozlowski stated there are people that would do that, yeah...

Board Member Taylor stated place to grow them...

Ted Kozlowski stated running pine, it's called running pine and that whole family of those things, what happened was in the nursery industry and in the Christmas tree industry and all that, they used it for roping and wreaths and stuff, they over used it.

Board Member Taylor stated so is that something you recommend that we include as part of this process.

Ted Kozlowski stated if there's someone that would interested, I wouldn't hold up this project for that...

Board Member Taylor stated okay.

Ted Kozlowski stated it is something of interest.

Mr. Nichols stated where are these located Ted.

Ted Kozlowski stated over by that wetland and there is a seep...

Mr. Nichols stated (*Inaudible – mumbling*)

Chairman Rogan stated they were over by the old foundation.

Rich Williams stated foundation.

Ted Kozlowski stated they were kind of here and there and everywhere.

Mr. Nichols stated what do they look.

Ted Kozlowski stated it looks like little pine trees.

Chairman Rogan stated little pine trees there about 6 inches tall.

Rich Williams stated there were two types.

Ted Kozlowski stated yeah.

Rich Williams stated there was the princess pine and the running pine.

Ted Kozlowski stated the running pine.

Mr. Nichols stated oh princess pine, I used to make wreaths out of those years ago.

Board Member Montesano stated yeah...

Ted Kozlowski stated Harry were you in the room.

Board Member Montesano stated you didn't speak loud enough.

Ted Kozlowski stated and then the other thing is I don't know there's a seep there and that our rules regulate seeps but I don't know where we want to go with that.

Chairman Rogan stated yeah, that was the one that was built out a little bit...

Ted Kozlowski stated the wetlands code...

Chairman Rogan stated you can see that seep.

Ted Kozlowski stated the wetlands code says seeps...

Mr. Nichols stated yeah it's, during the dry months of the year, there's nothing up there.

Chairman Rogan stated you know the one we're talking about, that had like the stone structure around it, it's closest to the back...

Mr. Nichols stated yeah, yeah...

Chairman Rogan stated to those existing homes.

Mr. Nichols stated that thing was dried up for most of the...

Ted Kozlowski stated Harry somebody did something, I mean, somebody spent time on that...

Mr. Nichols stated oh yeah I bet you they used to get their water out of there, there's no question.

Chairman Rogan stated yeah.

Mr. Nichols stated when it's running but there are a few months out of the year, they wouldn't have had any water.

Ted Kozlowski stated that is a seep, so...

Board Member Taylor stated where does that fall on the plan.

Chairman Rogan stated it's over...

Mr. Nichols stated probably let's see, 5 and 6, it's probably just about in this area right here.

Chairman Rogan stated right, yup right about where that septic system is.

Ted Kozlowski stated and you don't want that septic system in the seep.

Mr. Nichols stated well no the septic is here...

Andrew Fetherston stated no the septic is in the front.

Ted Kozlowski stated what is your finger on...

Mr. Nichols stated this is the septic system here...

Andrew Fetherston stated pool, site improvements.

Mr. Nichols stated the septic is up here and then the septic is back here so they are a distance from it.

Chairman Rogan stated got it.

Board Member Taylor stated well it would be a good spot for a pool, right.

Chairman Rogan stated have a water source.

Rich Williams stated a cement pond.

Mr. Liguori stated eternity you know...

The Secretary stated infinity.

Mr. Liguori stated infinity, that's it, that's the right word.

Board Member Montesano stated is that where the community well should be put, where it seeps in.

Mr. Liguori stated I'm not hanging out with the upper crust yet, to know those terms.

The Secretary stated please.

Ted Kozlowski stated Harry are you coming in again.

Rich Williams stated I think I tagged it on lot 5.

Mr. Nichols stated what's that.

Ted Kozlowski stated are you coming in again, is this going to be back on...

Mr. Nichols stated oh yes...

Ted Kozlowski stated I think you should locate that on the plan.

Mr. Nichols stated yes, I agree.

Board Member Taylor stated can you give us more advice on that, more backup on that.

Ted Kozlowski stated yeah, I'm going to look into it and I would like it sited on the plan so we understand where that falls into things.

Board Member Montesano stated do we have to mark where the wreaths are that Harry doesn't go and make some more wreaths.

Mr. Nichols stated oh I haven't in a long time, I don't think my hands would work now.

Board Member Montesano stated that's why we have youth in America.

Mr. Liguori stated it would cost too much for me to do it.

Chairman Rogan stated yes, the rocks there, that old chunk of foundation we were looking at with Ron...

Mr. Nichols stated is it.

Ted Kozlowski stated yeah Ron did you want...

Board Member Montesano stated and the mug is still there.

Chairman Rogan stated there were some spots through here where there were remains of an old foundation we looked at, it was looking down into the wetlands...

Mr. Nichols stated no, I didn't see that.

Chairman Rogan stated but it wasn't, very significant.

Board Member Taylor stated it's also not in a spot where anybody is probably going to bother it anyway, right.

Chairman Rogan stated right.

Board Member Taylor stated so it's...

Mr. Nichols stated its beautiful walking back here.

Chairman Rogan stated I can't believe how much is back there.

Mr. Nichols stated I know.

Board Member Taylor stated do we have any major issues with this Rich.

Rich Williams stated no, not that I would, just the driveway entrance.

Board Member Taylor stated yeah.

Mr. Nichols stated oh you wanted to move the entrance.

Mr. Liguori stated oh I'm not oriented right...

Board Member Montesano stated there is a house right opposite.

Chairman Rogan stated 75 or 100 feet this way, get away from this house.

Mr. Nichols stated no problem with us going into the buffer.

Chairman Rogan stated well that's what we talked about, we thought that the, Teddy agreed that the little bit closer is worth it for public safety and the improvements.

Mr. Nichols stated okay, I went the best that I could with that without infringing into there but...

Board Member Taylor stated I think we said...

Chairman Rogan stated 75 feet...

Mr. Nichols stated we get about 200 feet, somewhere around there, sight distance.

Ted Kozlowski stated it's in all fairness to the neighbor there, we...

Mr. Nichols stated that is a tough hill when you come over...

Chairman Rogan stated yeah.

Mr. Nichols stated I'm surprised people don't just go straight ahead right into that tree, when you're heading north.

Chairman Rogan stated I also wondered what you were writing down there.

The Secretary stated I doodle.

Board Member Montesano stated practice when you drive that down there.

The Secretary stated always.

Rich Williams stated so procedurally, the applicant can design a subdivision that doesn't go into the wetlands, the Planning Board is now directing him to go into the wetland buffer.

Chairman Rogan stated that's a first.

Rich Williams stated does he have to file an application, does he have to pay a fee, how are we processing...

Chairman Rogan stated he should have to pay a fee.

Rich Williams stated how are we processing this.

Ted Kozlowski stated I think he should have the application as part of the package just so it's a document that's recorded, you know, it's there it's on file...

Chairman Rogan stated plus the impacts, we'll need the reasoning for directing him to go closer to the wetland outweigh any possible impact to the wetlands, so.

Mr. Nichols stated that's a local wetland that we are going into the buffer on...

Chairman Rogan stated right.

Mr. Nichols stated it's not the state.

Board Member Montesano stated it would be included in the original fee. We're asking him to move it for safety reasons...

Rich Williams stated well understand this, you can't waive the fee.

Ted Kozlowski stated you can waiver fee.

Rich Williams stated can you waiver the fee.

Ted Kozlowski stated Planning Board can waive the fee on a recommendation by us.

Rich Williams stated I'd have to take a look at that in the Code because typically the Town Board sets the fee and the Planning Board can't waive the fee.

Board Member Taylor stated what's the fee.

Board Member Montesano stated then we...

Chairman Rogan stated I was just going to say is this like a hundred dollar fee or what.

Ted Kozlowski stated the Planning Board has always had, my understanding is the Planning Board has always had the authority...

Chairman Rogan stated we're spinning our wheels if this, what is it a hundred dollar fee...

Ted Kozlowski stated to waive a wetland feet.

Rich Williams stated no, it's going to be more than that.

Mr. Nichols stated it's per square foot.

Rich Williams stated we'll take a look at it.

Ted Kozlowski stated Rich, I'm pretty sure.

The Secretary stated per square yard.

Board Member Taylor stated look at it.

Chairman Rogan stated yeah because if this comes down to a couple hundred dollars...

Rich Williams stated I'll look at it, kind of where I'm pushing it is the Planning Board want to make a recommendation to the Town Board...

Board Member Montesano stated right.

Mr. Liguori stated right.

Chairman Rogan stated ah.

Rich Williams stated that's where I was going and does Ted want to make a recommendation to the Town Board.

Ted Kozlowski stated I would, I mean look I made a recommendation about waiving the something that we did over here at the Peckham Industries with the road going through the wetland...

Board Member Montesano stated do you need a motion for that tonight or do want to wait until...

Ted Kozlowski stated it was a community issue.

Board Member Montesano stated we get...

Rich Williams stated no, we can wait, I just threw it on the table.

Ted Kozlowski stated unless the law changed, I'm pretty sure the Planning Board has the authority to waive the fee, a wetlands fee...

Board Member Montesano stated well we're got time to verify and if it's a matter of us not being able to do it we'll recommend...

Mr. Liguori stated I'm going to add that to the list, I wrote the letter.

Board Member Montesano stated to the Town Board to waive the fee for safety reasons.

Chairman Rogan stated Mike, reviewing the, whether or not we have ability to waive the fee, is that going to cost more than the 300 dollar...

Board Member Taylor stated fee...

Chairman Rogan stated fee that they're going to pay, I'm just teasing but...

Ted Kozlowski stated let me ask you a question...

Board Member Montesano stated there's the guy sitting...

Ted Kozlowski stated instead of going through the wetland, can you go further what is it...

Board Member Taylor stated the other way...

Chairman Rogan stated no because that is closer to that house.

Andrew Fetherston stated that's worse for the sight distance.

Mr. Nichols stated north is this way, what are you saying, go north or south.

*Too many speaking* stated south, south, south.

Andrew Fetherston stated its worse, you can't move it south.

Rich Williams stated no, it's got to go north.

Mr. Nichols stated oh, no, no.

Ted Kozlowski stated all right, so you don't have a viable alternative then to go into the wetland buffer as a, avoiding a nuisance to a neighbor...

Chairman Rogan stated and a safety issue.

Board Member Montesano stated a safety issue.

Rich Williams stated to go back to your other question, it either spells it out in the Code that the Planning Board can waive the fee or it doesn't.

Chairman Rogan stated okay, all right.

Rich Williams stated and I just don't recall at this point but I can tell you that you know, with everything else...

Chairman Rogan stated we've always done it through the Town Board.

Rich Williams stated Planning Board, Town Board sets the fees and they are the only ones...

Chairman Rogan stated right.

Rich Williams stated that can change them, they are set up through the fee schedule.

Chairman Rogan stated and you know there is a certain merit to us making a recommendation and letting the Town Board make that decision also.

Rich Williams stated yeah.

Ted Kozlowski stated I mean I don't...

Chairman Rogan stated so...

Andrew Fetherston stated the next guy...

Board Member Montesano stated then we can't be held responsible.

Chairman Rogan stated well, you know.

Rich Williams stated having said that, the Planning Board can waive the application all together.

Board Member Taylor stated and we now, the liaison will take it back to the plan.

Mr. Nichols stated in consideration of moving the road, are you going to waive all requirements.

Rich Williams stated that is the other half of this, I know for certain the Planning Board can waive the requirement to have an application.

Chairman Rogan stated and you know, I don't care, the process isn't as important to me as what Harry's brought up in terms of...

Ted Kozlowski stated Harry can you just stake out where the road would be in the wetland buffer.

Chairman Rogan stated how to find the record.

Mr. Nichols stated yes.

Ted Kozlowski stated can you do that.

Mr. Nichols stated you get involved, how far do you want to move it, about 75 feet down, is that...

Chairman Rogan stated I think that's about what we said when we paced it out.

Mr. Nichols stated is there a marker out there or something you're going back by when you...

Rich Williams stated we just paced it out.

Chairman Rogan stated we just gave an estimate.

Mr. Nichols stated in other words...

Andrew Fetherston stated the headlights...

Board Member Montesano stated from your existing...

Mr. Nichols stated miss the house.

Chairman Rogan stated in our notes is said 50 to 75 feet, let's use 75, let's say move it 75 feet...

Board Member Montesano stated your mark on the map, you have a mark there, right.

Mr. Nichols stated we won't be going into the little local wetland which you know this could disappear with a couple of loads of dirt.

Ted Kozlowski stated ask Mr. Levine.

Board Member Montesano stated and the fine would be what.

Chairman Rogan stated okay.

Ted Kozlowski stated Harry, just stake it out and I'll take a look at it and I'll make a recommendation to the Planning Board and then maybe in exchange for that we'll do some mitigation to that wetland because I'm sure that has been affected by that property owner there, so maybe we can...

Mr. Nichols stated it's not a real pristine; it's not like the other side of road, in the summertime it's all dried up.

Ted Kozlowski stated let's just go that route Harry...

Mr. Nichols stated okay.

Ted Kozlowski stated and this way everybody can feel comfortable doing something positive.

Rich Williams stated yeah but I don't know that I necessarily feel comfortable with the Planning Board telling him to put it in the wetland and then telling him that he has to mitigate in putting it in the wetland.

Mr. Nichols stated well we're not putting it in the wetlands, it'll be in the buffer.

Rich Williams stated same thing. A rose with a different name. I'm on your side Harry, shut up.

Board Member Montesano stated he's on your side Harry but he doesn't know the person that lives in that house.

Ted Kozlowski stated I can always make a recommendation and the Planning Board can choose not to take it.

Board Member Montesano stated and the people in that house would appreciate coming down to your ropes.

Mr. Nichols stated we want to be good neighbors.

Chairman Rogan stated there you go.

Board Member Montesano stated what are you, selling insurance now.

Chairman Rogan stated okay, let's move on or move along not on, I don't mean to push you off the stage that's not what I...

Mr. Nichols stated now when I am here we are probably going to touch on the fact that the road is about, it's twelve hundred feet long.

Chairman Rogan stated that's okay isn't it, twelve hundred...

Mr. Nichols stated well Code has something in there about a thousand feet.

Chairman Rogan stated a thousand, I think, I don't know how you could jam it in any closer than that short of cutting lawns...

Board Member Montesano stated driveways.

Chairman Rogan stated yeah but...

Rich Williams stated which means you've got to consider a waiver.

Chairman Rogan stated yeah.

Board Member Taylor stated where is the thousand feet.

Mr. Nichols stated a thousand feet would be right here.

Board Member Montesano stated and you're going to be two hundred feet over that.

Mr. Nichols stated and we'll be another two hundred feet.

Chairman Rogan stated so if you shortened up the cul-de-sac by two hundred feet you'd have three driveways coming off that cul-de-sac instead of two.

Mr. Nichols stated well we'd have to go to open development or...

Chairman Rogan stated yeah...

Board Member Montesano stated now do we still have storage tanks...

Mr. Nichols stated (inaudible – spoken over).

Chairman Rogan stated an extra two hundred feet doesn't mean anything in the scheme of things...

Board Member Montesano stated implied on development such as this...

Mr. Nichols stated right up front.

Chairman Rogan stated right.

Board Member Montesano stated for water purposes.

Rich Williams stated we're still seeking recommendations from the Fire Inspector...

Board Member Montesano stated all right.

Rich Williams stated on what he believes is an adequate amount of water, I will tell you this that Patterson Fire Department has submitted a preliminary local law for you know addressing the issue.

Chairman Rogan stated really.

Rich Williams stated yeah.

Board Member Montesano stated oh because what I'm looking at is...

Rich Williams stated I don't know if anybody has seen it yet, I have.

Chairman Rogan stated okay.

Mr. Nichols stated a storage tank.

Rich Williams stated yes, it is for storage tanks and maintenance and everything.

Board Member Montesano stated what I'm looking at is if we're going to give a waiver, should we install more tanks or something of nature but you'd have to verify with them.

Chairman Rogan stated I think Mike, you're right, it goes back to whatever the, to taking into consideration the recommendations from our Fire Inspector and from our technical staff as to what they think is adequate and that the longer the road, that all plays in, so I think you're absolutely right, just see what we get for a recommendation and then contemplate what seems reasonable.

Board Member Montesano stated go from there.

Chairman Rogan stated at least we're having those discussions early in the process, not like years ago.

Board Member Montesano stated yeah.

Chairman Rogan stated no really and then obviously Harry with any subdivision we're just going to make sure that the lots truly work for you know, for width, for area available, you don't have the same steep slopes that we're dealing with on some lots, you have more usable area, so you know it's not a bad layout, you know...

Andrew Fetherston stated unfortunately the subdivision to the north didn't make accommodations for a connection, so they could have just looped together, it doesn't make any sense to request that on this one with the property usage on the south, the wetlands, the north is closed up so that opportunity has passed unfortunately.

Chairman Rogan stated yeah.

Rich Williams stated we good.

Board Member Taylor stated yeah.

Board Member Montesano stated we're good.

Chairman Rogan stated looks good, are you good Harry.

Mr. Nichols stated I'm good.

Chairman Rogan stated okay.

Mr. Nichols stated so we'll get this taken care of, who wants to come out and look at it.

Ted Kozlowski stated I'll look at it.

Mr. Nichols stated you will.

Ted Kozlowski stated when are you going to do it Harry, do it before the snow flies please.

Mr. Nichols stated I'll go up there tomorrow.

Ted Kozlowski stated good, do it, I'll do it over the weekend.

Mr. Nichols stated okay, what's good for you, what time.

Ted Kozlowski stated no, just stake it out and I'll check it out over the weekend.

Rich Williams stated does anybody have a problem with your, when you stake it out, I'll go take a look as well to make sure it's where the Planning Board wants it...

Chairman Rogan stated no.

Board Member Montesano stated no.

Chairman Rogan stated sure, we know where it's show now, you have a stake in the road for where it currently is so...

Mr. Nichols stated right.

Chairman Rogan stated throw it, so I think you should be...

Mr. Nichols stated we'll go and put something else in and tell you what the distance is in case the kids pull it out or...

Chairman Rogan stated we're going to survey locate some of the features that were mentioned, that we spoke about earlier so we know where they are.

Mr. Nichols stated yeah.

Chairman Rogan stated in reference to the plans and move forward.

Mr. Nichols stated okay, sounds good.

Chairman Rogan stated pretty straight forward, all right. You had a couple of other issues...

Rich Williams stated I do have a couple of other issues just a little and jump in here when you want to jump in here, you know, nah, nah I told you so, I don't know how else to say it, we've been dealing with a site up north end of Town, Patterson Garden Center who started to do a site plan, they deviated from the site plan, they were requested to come in and amend their site plan, never did, never did, never got any enforcement, this weekend Teddy went out notified Dave Raines, Dave Raines went out and found a significant oil spill on the site...

Chairman Rogan stated oh that was one he was talking about.

Rich Williams stated yeah, the property owner has abandoned that, you know had it been a responsible business owner in the Town of Patterson and fulfilled the requirements of a site plan...

Chairman Rogan stated right.

Rich Williams stated and add something there, probably wouldn't have an issue like this but obviously not a responsible business owner, now we're left with a site which he's abandoned, abandoned with oil on it, the property owner is subject to a significant cost of cleaning it up.

Board Member Montesano stated now is the property owner abandoned the site, did the property owner is he known.

Rich Williams stated the tenant.

Chairman Rogan stated oh okay.

Board Member Montesano stated the tenant, are they known and is the property owner known.

Rich Williams stated oh yeah.

Chairman Rogan stated well the property owner is known, so it's not like.

Board Member Montesano stated then why isn't the property owner held responsible, it was his tenant, he was making the money.

Rich Williams stated I think I just said that the property owner is subject to a substantial cost...

Ted Kozlowski stated yes, she is.

Board Member Montesano stated good.

Rich Williams stated yup.

Ted Kozlowski stated she lives in Pawling, I think the thing what Richie is alluding to and the Board really has to grapple with is someone else is going to come along with that property, you know to do something with it and we got to resolve what we're going to do there as far as site plan and all that other stuff because the wetlands has been violated, the place is trashed and ever since Poppy left Poppy's Place, it's just been...

Chairman Rogan stated good night Harry.

Ted Kozlowski stated one situation after another for us, so you know, there's going to be somebody before the Board in the very near future I would think you know, with another plan and...

Board Member Montesano stated all right, if someone comes in, now we know there's damage there, can we make any approvals on condition that the property has been restored back to where it's no longer contaminated.

Ted Kozlowski stated well DEC...

Chairman Rogan stated that has to happen regardless.

Ted Kozlowski stated did DEC ever show up.

Rich Williams stated yes, DEC's been out there...

Mr. Liguori stated if there's a spill.

Ted Kozlowski stated isn't that surprising they showed up.

Chairman Rogan stated yeah, that will be done before they get to us Mike.

Board Member Montesano stated we hope.

Ted Kozlowski stated what happens in a case like this, with an oil spill, DEC takes over...

Chairman Rogan stated not necessarily, you're not right on that.

Ted Kozlowski stated well...

Rich Williams stated they did.

Ted Kozlowski stated they did.

Mr. Liguori stated they're supposed to.

Chairman Rogan stated short term, long term is a different, depends.

Ted Kozlowski stated well yeah but this case isn't an underground oil tank that has contaminated ground water...

Chairman Rogan stated right.

Ted Kozlowski stated this is above ground stuff...

Chairman Rogan stated above ground spill.

Ted Kozlowski stated this was just a very, very sloppy individual...

Chairman Rogan stated yeah.

Ted Kozlowski stated who looks like he left in a hurry, so once that's resolved and DEC they say they keep digging until they get to clean soil, so that's where it is, I don't think it got into the stream, they put boons up anyway so...

Chairman Rogan stated sometimes they'll put standpipes a little down gradient to test, right...

Ted Kozlowski stated so we'll see where that goes, does Dave...

Andrew Fetherston stated yeah.

Rich Williams stated to address Mike's question...

Ted Kozlowski stated what.

Rich Williams stated which you know really is my concern in this, is that you've got a site out there where they've never complied with the site plan, they don't have a signed site plan, it's been occupied by two or

three different businesses at this point, without ever fulfilling the requirements and what makes you think that the next tenant of the property is going to come in under a site plan.

Board Member Montesano stated well if I recall when we tried to get a site plan, it unfortunately fell through the cracks on more than one occasion.

Rich Williams stated but that is always my concern.

Board Member Montesano stated my concern was that we pushed for it and suddenly it was approved and if I said, if I recall that if we're going to do it, with all due respect to the owner, slap it down and get it done, let's get into a court room but we didn't get to the court room because the people that were there at the time didn't seem to be overly concerned and unfortunately it still goes on. When that building suddenly appeared, miraculously, I don't recall it ever getting approved but it was there and we screamed and yelled and nobody did a thing and it just and it's still there and that site has been used and used and you could only talk for so long when you find out you're talking of deaf ears, you're wasting your time and it's still there, the property is still there, the people are still there, the building is still there, so you shut up because you get tired.

Ted Kozlowski stated hey Rich, I'm not sure but there's going to be violations issued to this property owner...

Rich Williams stated I don't know that.

Ted Kozlowski stated well I thought Dave was, because I gave him the information from the wetlands end so I was under the impression that he was issuing because he told me that Saturday he was going to be issuing violations so...

Rich Williams stated all right, I didn't have that conversation with him.

Ted Kozlowski stated so is that something we can wrap up in court as far as site plan and getting that property under...

Rich Williams stated it depends on the violations, if somebody issued a violation because there is no site plan, you can do that, one of difficulties at this point is there is also no use because the tenant has abandoned the property.

Ted Kozlowski stated but has that building been approved to be there are we...

Rich Williams stated that building is a whole, it's a whole magilla, in essence it's been approved to be there but it was approved as a shed...

Ted Kozlowski stated right and it got bigger.

Rich Williams stated and it was approved within the front yard setbacks.

Ted Kozlowski stated so we clean, the site gets cleaned up, the tenant's gone...

Rich Williams stated yup.

Ted Kozlowski stated now it's sitting there, somebody, I come in and I want to do something there, what is the next step.

Rich Williams stated well before you come in, you should apply to the Planning Board for site plan approval or whatever permits are necessary.

Ted Kozlowski stated right, okay, so then that's what we're going to have to do...

Board Member Montesano stated well we had the...

Chairman Rogan stated what happens is when somebody moves in and they start operating without an approval...

Ted Kozlowski stated and I start operating and then...

Mr. Liguori stated that's a violation of the Code...

Chairman Rogan stated right and that's what happened last time.

Mr. Liguori stated because you can't change, you need a C.O. for every change in tenant occupancy.

Chairman Rogan stated what did the court say, get into the Planning Board and get your process started, they got the process started and we just kept running into basically a slow...

Mr. Liguori stated so let's go back to court.

Rich Williams stated they never went to court.

Mr. Liguori stated oh, they never went to court.

Ted Kozlowski stated now is it advisable from a legal standpoint to send a letter to this property owner telling them okay, we've got this mess, you're going to clean it up and please be advised that any future tenant, any future use, we need a proper blah, blah, blah, is that advisable to do.

Mr. Liguori stated it's fine, there's no problem doing that, I think if there's a violation out there though, Dave should be out...

Ted Kozlowski stated well he is but I'm just saying, because Shawn's right and this is what's happened...

Rich Williams stated but the problem is Ted...

Ted Kozlowski stated somebody's operating before we know it, right Rich.

Rich Williams stated let me, your question is a valid one and yeah I agree that that letter should go out, the problem is nobody here has the authority to do that.

Chairman Rogan stated yeah.

Rich Williams stated nobody here has the ability to enforce the zoning code.

Ted Kozlowski stated not enforce but if we're sending a violation letter, in that letter can't we...

Mr. Liguori stated not us though, it's got to be, it's got to come from Dave.

Rich Williams stated how can you send a violation letter if you don't have the authority, yeah, or Nick.

Ted Kozlowski stated right coming from Dave...

Mr. Liguori stated or Nick, sorry.

Ted Kozlowski stated or it actually can come from me because it's a wetlands violation...

Mr. Liguori stated or you as the E.C.I., right.

Ted Kozlowski stated so if I send them a letter saying you're in violation of Code, so and so...

Mr. Liguori stated just like the one with the culvert a few months ago.

Ted Kozlowski stated and by the way please be advised, your next tenant whoever it is, because there are wetlands there and because we've had these issues, you need to see the Planning Board...

Chairman Rogan stated because we don't have an approve site plan.

Ted Kozlowski stated and you don't have an approved site plan.

Mr. Liguori stated yes, that's fine.

Chairman Rogan stated yeah.

Ted Kozlowski stated because I'm just saying that so when the next person comes in and they are up and operating...

Mr. Liguori stated yeah.

Chairman Rogan stated and they are in front of Anthony Molé at some point...

Ted Kozlowski stated and then they come in with the sob story to the Planning Board...

Chairman Rogan stated he has...

Ted Kozlowski stated after somebody has hauled them in here, we can go back and say look we sent your land owner this letter...

Chairman Rogan stated when, let's say that the owner rents to Joe's Landscaping and he goes in there now illegally, without the proper approvals, we cite them, are we citing the property owner or the business or both.

Rich Williams stated well my recommendation would be to cite both.

Chairman Rogan stated okay so if Ted sends the letter, it gives that proof of notification that there was something and then send that letter certified would be really good...

Mr. Liguori stated well just know, everybody, see we're the Town, we have the benefit of not having to do that...

Chairman Rogan stated okay, okay.

Mr. Liguori stated okay, now I'm not saying not to do it, I'm just saying...

Chairman Rogan stated no.

Mr. Liguori stated it's already, your zoning regulations have been published...

Chairman Rogan stated true.

Mr. Liguori stated and everybody is on notice of the zoning regulations and that's a, you know you don't have to lay ground work for the I told you so and now...

Chairman Rogan stated okay.

Mr. Liguori stated now we're not bending, you can take that position right from the start.

Ted Kozlowski stated somehow this property and the last few tenants...

Mr. Liguori stated which property, what are we talking about.

Ted Kozlowski stated Poppy's Place, I'm referring to Poppy's...

Rich Williams stated across from Abruzzi's...

Mr. Liguori stated across from Abruzzi's...

Chairman Rogan stated it's like a little garden center, a little shack, they sold slate and garden stuff...

Board Member Montesano stated let's see we went through the first guy that I can recall...

Mr. Liguori stated is that where Suzi's whatever...

Rich Williams stated yeah.

Mr. Liguori stated I drove by it just saw that sign up.

Rich Williams stated you know Suzi.

Mr. Liguori stated no I don't, do you.

Board Member Montesano stated won't say the first guy, we had the canoe place, and before him there was another guy there...

Rich Williams stated yes.

Ted Kozlowski stated no, the canoe place is next door.

Board Member Montesano stated yeah but it's part of the property, am I correct.

Rich Williams stated yeah I do but you know I wanted to bring this up, I wanted to bring this up to make everybody aware of what had happened and the need to you know, have it reasonably apply our codes because I don't think they've been reasonably applied, I think maybe we have a Town Attorney now that can do that but we haven't in the past and that's why and in the...

Chairman Rogan stated I think we also have people in the justice that understand what we labor through in this Board...

Rich Williams stated yes.

Chairman Rogan stated and that helps also to say hey you know, you're going to get back there, not only are you going to do a site plan but you're going to report back you know, or whatever, that's big.

Mr. Liguori stated yeah that's, I'll tell you what I was in front of Rick O'Rourke down in the Village of Brewster on an application, I had a client that moved a tenant into a piece of property and it was an illegal use and Rick is a land use lawyer and we negotiated a settlement and that settlement, we had to report back and when I got my site plan approval from the, I had to go to the Zoning Board, I had to do a whole bunch of steps and when I was done, I wasn't done, I wasn't done until I handed the resolution back to Rick O'Rourke...

Chairman Rogan stated so there you go, good follow up on his part...

Mr. Liguori stated yeah, exactly.

Chairman Rogan stated and that's what we lacked previously...

Board Member Montesano stated unfortunately you can't go to (inaudible).

Ted Kozlowski stated well the history, the history with Poppy's Place was that the original guy, Poppy, was such a likeable nice guy, like Bill Henry and he had a successful business and nobody wanted to go after him...

Rich Williams stated the history was that he was over on Pfister's property in a little tiny shed...

Ted Kozlowski stated right and so he did very well and everybody liked him and it was great for the community and then he retired...

Chairman Rogan stated yeah.

Board Member Montesano stated yeah.

Ted Kozlowski stated and then we were left with this mess and it went from bad to worse.

Board Member Montesano stated yeah but the problem here is the entire site is not only the garden site...

Ted Kozlowski stated right, it's...

Board Member Montesano stated it includes it all and every time something was asked it would go 30 miles an hour, 50 miles an hour and then a half hour later you found yourself sitting on the site of the road and there was no gas for the vehicle anymore...

Ted Kozlowski stated I love your analogies.

Board Member Montesano stated and it's been this way for as long as I can remember and I've been here long enough to remember...

Board Member Taylor stated okay...

Board Member Montesano stated and we have gone and gone and gone and somewhere along the line, it stopped and it's time to say that's it, there's an entire piece of property there, it's bounds are in the Town, then a site plan should have been gotten for the entire thing, not just one business coming in.

Ted Kozlowski stated all right well there's two things and I'll find out and Rich will find out from Dave what he's doing, I know the spill guys very well in DEC, I will make sure that that's going to get cleaned up, I'll find out.

Mr. Liguori stated Ted, I don't think it's a bad idea to send that letter and what I would do is I would take that letter, I would take a copy of it and I would put it in the Building Department file and so if someone came along and did a title search, that would be in there.

Ted Kozlowski stated okay, well I plan on giving everybody including Rich and you, a copy of the letter.

Mr. Liguori stated that's an important thing because what happens is when you, those get picked up in the title searches and that's one, you know it's a tiny little sliver of a method but if you were going to come along and do your due diligence and your attorney ordered a title report and you got the municipal search back it would have Ted's letter in it.

Board Member Taylor stated I think, something we're, we seem to be talking about this property...

Chairman Rogan stated but also a whole...

Board Member Taylor stated but we're talking about a problem that is an endemic problem and that we're facing in all these other areas and I think we need to start talking about how we're going to address that problem effectively; bonds don't seem to be working...

Mr. Liguori stated this isn't a bond issue...

Board Member Taylor stated well it's part of the issue because it comes out on the other end where we have an approved site plan that never gets finished because these little details they never want to finish, Charlie has a list of what 12 projects or had a list of 12 that he gave to me...

Councilman Cook stated I think I gave them to you.

Chairman Rogan stated you did.

Board Member Taylor stated and the Town Board was unwilling to pursue it in court but it's the same thing, bond was not effective for resolving those issues because nobody ever called the bond and hired somebody to go in and resolve the issues. I think we need to talk about other ways of making this happen and what it means in terms of people stepping up to enforce these issues and we will then find out whether the Town Board is willing to change what they've done in the past and back us, back the Planning Board up on this, we certainly have the same issue with Thunder Ridge on the site plan, I mean it's, there's no site plan, right, you're talking about the same thing as this one, this no site plan stuff is all over the place, we've got to set a concrete policy where we do something about these consistently for property/property and we don't make exceptions, that's why I was so upset with the discussion about Bill Henry, there is no reason to make an exception for him as an individual...

Mr. Liguori stated whoa, whoa, hold on, every land owner has a right to make an application to change the Zoning Code, okay...

Board Member Taylor stated yes, I understand that.

Mr. Liguori stated you can't just say no, no, no, no, no, no, no, no, no, it doesn't work like that, that's not constitutional...

Board Member Taylor stated but you also can't say no, no, no, yes, no, no, no.

Mr. Liguori stated well that's, there are instances where you can, for the ones that work.

Chairman Rogan stated provided they show justification, what they're going to do, I think not based on solely that you say oh this is a person who is responsible and respectful...

Board Member Taylor stated right, right.

Chairman Rogan stated but he's got to develop the site and provide these protective measures to counter or to mitigate...

Board Member Taylor stated yes, yes that's what I mean.

Chairman Rogan stated yeah.

Rich Williams stated it actually has to be based on the land, not the owner.

Board Member Taylor stated yes, that's the way of saying that was my objection to it.

Chairman Rogan stated exactly, right...

Mr. Liguori stated right, right, you know you're not supposed to say I like you but I'm not worried about you, I'm worried about the guy after, you shouldn't even be considering who it is...

Chairman Rogan stated yeah.

Mr. Liguori stated it's like you put the blinders on...

Board Member Montesano stated yeah but that's part of the planning that when you go to these courses...

Chairman Rogan stated however...

Board Member Montesano stated they tell you, look for the future.

Mr. Liguori stated oh I know they do.

Chairman Rogan stated however though Mike, there are instances where we've talked about the crummy past practice of a developer and is that legally able to be brought in or again you just look at what their proposing...

Mr. Liguori stated no, you, that's...

Chairman Rogan stated we have it in Public Health Law that we can use past performance in...

Mr. Liguori stated sure but that doesn't apply to the Planning Board...

Chairman Rogan stated no I am just thinking legally speaking, so there are different areas of law that say you can do that in areas where you can't do that and I'm saying in Planning...

Rich Williams stated for Zoning you can't look at somebody's past history...

Mr. Liguori stated right.

Chairman Rogan stated good or bad.

Mr. Liguori stated you can only look at the merits of that application.

Rich Williams stated good or bad.

Chairman Rogan stated just what was going to be.

Mr. Liguori stated yeah because everything on your application is on that paper, it's on the site plan.

Chairman Rogan stated and I think that's the realm of what we were saying to Mr. Henry tonight was that you know, hey we know, we believe that you're a good guy but we're concerned about you know, what someone else is going to do.

Mr. Liguori stated well maybe, you know maybe the discussion should be with the Town Board that the Building Inspector should be at the Planning Board meetings, that happens in North Salem, Bruce Thomason is at every Planning Board meeting...

Board Member Montesano stated we had that for a while...

Chairman Rogan stated you know that's funny, Nick has never been here but we had that for a while when Paul used to come to all the meetings, right, for a long time, or was it Dave, it was Dave.

Rich Williams stated yeah but I wasn't happy about that.

Board Member Taylor stated or at least come where there's an issue that involves him, like Dave came the other night.

Rich Williams stated I think there's good communication in the building, Michelle and I both back and we talk to Nick, I don't know that that's the issue as much as it is...

Board Member Montesano stated in the past.

Rich Williams stated there are other issues.

Board Member Taylor stated so let's talk about those issues, let's figure this out.

Rich Williams stated okay, let's talk about another issue, I got a great one, I'm dying to hear what Mike has to say about this.

Board Member Montesano stated uh-oh.

Mr. Liguori stated I'll look into my ball.

Rich Williams stated need some direction from the Board, something that the Assessor has brought to our attention, Haviland Hollow there is a very large track of land, the property owner sold it to the Trust for Public Lands, who then sold a portion of the property to the State and kept a portion of the property and gave it back to the original property owner, essentially subdividing the property...

Mr. Liguori stated by deed.

Rich Williams stated by deed creating a 4 point...

Mr. Liguori stated seven.

The Secretary stated yes.

Rich Williams stated something acre parcel and then we learned today that, as we were pulling this all together to get it to the Town, to see what everybody wanted to do, found out that that property then was transferred to an adjacent property owner, I don't know if there was consideration involved or not.

Chairman Rogan stated so, like a lot line adjustment.

Rich Williams stated yeah, ultimately it was a subdivision that ultimately could be considered a lot line adjustment.

Chairman Rogan stated let me ask this, the original property was an individual lot or was it taken off of the property, in other words, let's say it was 280 acres or 300 acres, was that an individual, already identified with its own tax map number or did they take that from a larger chunk of property.

The Secretary stated no, it was its own piece.

Chairman Rogan stated all right, so it started out as its own piece with R-4 zoning.

Rich Williams stated a lot, a single lot.

Chairman Rogan stated a single lot with R-4 zoning.

Rich Williams stated yes.

Chairman Rogan stated it ended up at a four and a half acre lot with zoning...

Rich Williams stated yup.

Chairman Rogan stated and then it was transferred or by lot line adjustment to someone else property...

Mr. Liguori stated no, there was no lot line adjustment...

The Secretary stated it was just transferred.

Mr. Liguori stated that's Rich's point.

Chairman Rogan stated no but I mean, in theory...

Mr. Liguori stated without the benefit of it.

Chairman Rogan stated without the benefit of it, it was basically connected now, so now we have...

Rich Williams stated we have a subdivision and a lot line adjustment...

The Secretary stated illegally.

Chairman Rogan stated not really a subdivision because the property that was taken out is not, there is no development rights to that, correct...

Rich Williams stated no, there were.

Chairman Rogan stated but there aren't anymore, right...

Rich Williams stated well...

Chairman Rogan stated you have two hundred and something acres that came off the buildable...

Rich Williams stated you have 200 acres, then you have 196 acres plus 4 acres...

Chairman Rogan stated okay.

Rich Williams stated all right.

Chairman Rogan stated right.

Rich Williams stated so there's your subdivision.

Chairman Rogan stated okay.

Rich Williams stated and the four acres of transferred to an adjacent property owner and merged.

Chairman Rogan stated right.

The Secretary stated no, it's not merged yet.

Rich Williams stated well it could be merged.

Chairman Rogan stated well it was a subdivision in reality but in practice it really wasn't because the property that the State is ending up with isn't going to be developed, it's not going to be, you're not going to have a subdivision out there.

Rich Williams stated you're absolutely right if there wasn't that third property in the middle of it all.

Mr. Liguori stated right.

Chairman Rogan stated so now you have a piece of four acres or something that was basically, it would be like if the guy came to us originally and said hey I want to take these four acres and give them to my neighbor and he's going to do a lot line adjustment, we just weren't involved in the process.

Rich Williams stated right.

Ted Kozlowski stated can I ask, how much property does the property owner who received that four, have.

Rich Williams stated I don't know off the top of my head, it's Claire's Nursery...

Chairman Rogan stated oh, that's interesting.

Board Member Montesano stated can I ask a question, we're sitting here discussing something and during the course of tonight's discussion, we said we get bypassed on a lot, why are we worried about it, it's not our job...

Chairman Rogan stated you're right.

Board Member Montesano stated they did something as far as we can that's wrong, let them go to court and let them prove it or Michael can get involved...

Rich Williams stated well here's where it gets complicated Michael and that is the fact that the State of New York is in the title.

Chairman Rogan stated what about the idea that they can't do anything with that property without coming to Board and we haven't done the approval for it being joined with the property so there is no guarantee on what they can use that property for at this point. There is a code but, you know...

Rich Williams stated title's been transferred.

Chairman Rogan stated no, no my point is Claire's nursery wants to do an expansion, let's say...

Mr. Liguori stated they are going to have a title issue.

Chairman Rogan stated and utilize some of that, oh they're going to have a title issue anyway.

Mr. Liguori stated they're going to have, well...

Ted Kozlowski stated well is it residential now going to a commercial too, because Claire's is commercial, is it not.

Rich Williams stated they could not expand the commercial operation without some sort of variance or zoning change or something.

Mr. Liguori stated right, right now that's an impact, one of the issues is that we have an issue with the County because the County issued that remainder parcel a tax map ID number...

Chairman Rogan stated and that has happened, numerous times in the past, right...

Rich Williams stated all the time.

Chairman Rogan stated nothing new.

Mr. Liguori stated so that's an issue...

Ted Kozlowski stated this is all over the place.

Mr. Liguori stated what's an even larger issue is the penalty, the maximum penalty is only three hundred bucks, so what do we do, we chase our tails...

Chairman Rogan stated ridiculous.

Board Member Taylor stated how is this an issue for the Planning Board...

Mr. Liguori stated right now it, you know...

Rich Williams stated well it's an issue for me, it's an issue for the Assessor, it's an issue for the Town Attorney, it's an issue for the Planning Board because they created a subdivision, they did a subdivision without subdivision approval, it's an issue for the Town Board to decide ultimately what enforcement the Town is going to undertake, if any.

Board Member Taylor stated so it's a violation, we can issue a violation...

Rich Williams stated a violation could be issued.

Board Member Taylor stated so why don't we issue a violation and then start the process of sorting this out, is that the way to sort this out, to get on record that we think there's a violation, that's what I'm saying, let's get on record that we're saying there's a violation, instead of spending a year talking about this and what we're going to do.

Ted Kozlowski stated but are we issuing a violation to the State of New York as well.

Rich Williams stated well that was my first question to Mike tonight, I think the answer is yes but does the State of New York have to comply with subdivision rules and regulations for the individual Towns.

Chairman Rogan stated oh that was the original question.

Mr. Liguori stated well here's the first thing is I think we should look to the County for some justification for issuing the tax map ID number...

Chairman Rogan stated yeah.

Mr. Liguori stated you know, I have a good relationship with George [Michaud], I am very curious how he was able to do that, I don't think there is any legislative authority...

Board Member Montesano stated they just do it.

Mr. Liguori stated I know, I know he just does it...

Chairman Rogan stated yeah.

Mr. Liguori stated I've seen, I've been there.

Board Member Montesano stated we went through it with, what was it, Westchester Modular, that they...

Rich Williams stated I've gone through with a dozen...

Chairman Rogan stated oh it's been done many times...

Board Member Montesano stated I remember that one because they weren't supposed to have a septic system and then went ahead to the County and it was okay and they put it in...

Chairman Rogan stated well...

Rich Williams stated yeah well that's a little bit different...

Chairman Rogan stated different situation.

Rich Williams stated we have a piece of property, the Oh's property off of Ludingtonville Road where they did it back in 1992, we have a piece of property, it's 20 acres, it's not buildable, so...

Mr. Liguori stated I don't know if it's a Planning Board issue right now...

Chairman Rogan stated I think you're right to start with George.

Mr. Liguori stated but you, me and the Town Board can discuss it...

Chairman Rogan stated okay.

Rich Williams stated well I just was looking for direction...

Chairman Rogan stated interesting though.

Rich Williams stated if nobody had an issue with it, I certainly wasn't going to make an issue with.

Board Member Taylor stated I've got an issue with it, I've got an issue with process and even with the Town to avoid dealing with process...

Mr. Liguori stated oh I don't have a problem with process, I have a problem with if this doesn't fall under the Planning Board's purview, then it's not in the Planning Board's purview...

Chairman Rogan stated right.

Mr. Liguori stated that's it, period, end of story, there isn't an application to process here, I don't think there is anything for us to discuss.

Chairman Rogan stated okay.

Mr. Liguori stated the Town Board, I don't, I don't see how the Planning Board...

Rich Williams stated because it's a subdivision.

Mr. Liguori stated yeah I know but they don't, that's that office.

Rich Williams stated okay.

Mr. Liguori stated yeah, so I'd rather us focus on the stuff that's planning.

Rich Williams stated okay.

Board Member Taylor stated we agree.

Chairman Rogan stated the stuff that we have in front of us.

Board Member Montesano stated but if they have to have a subdivision to do this, according to our rules if I draw correctly and they proceeded bypassing us, why wouldn't we have a comment to be made.

Mr. Liguori stated why wouldn't the Planning Board...

Board Member Montesano stated yeah.

Mr. Liguori stated because right now it's not an application...

Chairman Rogan stated right, when they come to us because they're forced to, that's when we have a say, right.

Mr. Liguori stated right but, to me this is...

Chairman Rogan stated but not to force them.

Mr. Liguori stated this is the Town Board, hey look you're on notice an illegal subdivision has happened, we have to decide what to do about it and that decision is made with the Building Department and the Town Board so right now, you know Rich is involved because Rich is the Director of Planning...

Board Member Montesano stated right.

Mr. Liguori stated but you guys don't have anything before you, you know if the Town Board says we're going to make something out of this thing then...

Board Member Montesano stated I doubt it.

Chairman Rogan stated yeah, I agree.

Mr. Liguori stated that's how I think we should deal with it.

Board Member Montesano stated I think you're 100% right.

Board Member Taylor stated we got enough...

Board Member Montesano stated well it's not that...

Chairman Rogan stated motion to adjourn.

The Secretary stated sounds good.

Board Member Montesano stated we don't have the, we have no enforcement authority at all.

Chairman Rogan stated I don't have anymore, do you have anything else...

Board Member Montesano stated just pass it on.

Mr. Liguori stated I think what happens is that we get, there is a lot of frustration...

Chairman Rogan stated sure.

Mr. Liguori stated and the frustration boils over into we need to do something and then...

Chairman Rogan stated you forget about what, you know.

Mr. Liguori stated then it's like but guys you know, we can deal with the stuff that's in our jurisdiction, yeah definitely but the stuff that's outside, we're, they get a letter from the Planning Board that you created an illegal subdivision doesn't come from something from you know, the enforcement arm, you know, I think we're...

Rich Williams stated I was looking more for the Planning Board to say to the Town Board or say to the Building Department we're aware of this, this is our opinion on it, not that they were ever going to issue a letter or defect to enforcement.

Mr. Liguori stated oh I think the Assessor, it's the Assessor's beef that's where, the Building Department and the Assessor, we get, those to me and the Town Board, those are the places where we should focus on...

Board Member Montesano stated and the fact that we're losing tax money.

Rich Williams stated well it's not even that, you know my concern is Oh's property, I mean this happens all the time, what happens if this guy had a you know instead of a four acre lot, a two acre lot with 100 feet of frontage and that's what he was given by the State and now he comes in and wants to build on it, now what do we do.

Board Member Montesano stated gee does that sound familiar, wasn't there something about a person that was going to make a dog kennel out of something that was...

Mr. Liguori stated I think at that point...

Board Member Taylor stated so my feeling is, I agree with you Mike, I mean I was asking about why we're involved here and if we're involved then I was saying let's proceed by, let's start out with declaring what's going in, instead of discussing it forever, then if we're not involved, then I don't think we should have an opinion...

Mr. Liguori stated no, not unless you were, not unless someone is, nothings been recommended to you...

Board Member Taylor stated right, I understand, yes, I agree...

Mr. Liguori stated referred to you, except the lines get a little blurred having a Planning Director, that's where, for me, okay because Rich comes to you and says there are aspects of things that I need your input for because it's not within Rich's purview to make decision on his own for certain things but this thing I think, this one particular issue I think we could cut the line right across, Rich and I can deal with this with the Town Board and the Assessor and then don't have to involved you.

Rich Williams stated and I don't disagree, it's just that the Planning Board is where I started, it's my home, it's the Board I've had the most involvement with and I always remember that the Planning Board's first and foremost function is an advisory body to deal with Planning and Zoning issues, you know.

Board Member Taylor stated so I appreciate that you keep us informed of things but this is one where...

Rich Williams stated yeah, that's fine, I don't disagree with what Mike's saying.

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

Mr. Liguori stated I thought Michelle makes that motion.

Chairman Rogan stated Michelle would you like to make that motion tonight.

The Secretary stated I'm not a Board Member, so...

Board Member Taylor stated very good.

Board Member Montesano stated so moved.

Chairman Rogan stated second.

Board Member Taylor seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 3 to 0

The meeting adjourned at 9:17 p.m.