

TOWN OF PATTERSON
PLANNING BOARD MEETING
January 9, 2014



AGENDA & MINUTES

	Page #	
1) Haviland Farms - Site Plan Application	2 – 11	Site Walk to be conducted. Discussion of greenhouses and wetlands.
2) NYSEG – Site Plan Application	11 – 12	No Discussion
3) Thunder Ridge – Sign Application	12, 36 – 55	5’ by 5’ sign approved with conditions. Discussion of other signs on property and potential ZBA required variance.
4) Dino Rentoulis – Site Plan Application	12 – 23	Discussion of parking lot, parking lot surface, striping, and building occupancy.
5) AT&T/Nolletti Site – Site Plan Application	23 – 29	Public hearing scheduled for 2.6.14 Discussion on generator and equipment.
6) Other Buisness		
a. Frantell Development – Request for Site Plan Approval Extension	29 – 36	Retroactive 2-year extension granted.
b. East Putnam Development Corp. – Request for Site Plan Approval Extension		Granted at 12.23.13 Work Session
7) Minutes	36	November 21, 2013 & December 5, 2013 Approved.
Windward Holdings Zoning Change Discussion	55 – 57	Motion to send R. Williams Memo to Town Board.

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Michael Montesano
Ron Taylor
Edward J. Brady Jr.

Planning Board
January 9, 2014 Meeting Minutes

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

APPROVED

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

Mr. Michael Montesano was present but not appointed by the Town Board at the time of this meeting.

Chairman Rogan called the meeting to order.

Chairman Rogan stated Erin, can you come up here for a minute please. Erin, could you help lead us in the Pledge of Allegiance tonight, could you help start.

Miss Brady stated okay.

Chairman Rogan stated okay, everybody please join us and join Erin. Start us off dear.

Erin Brady led the salute to the flag.

There were approximately 8 members of the audience

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

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan stated thank you very much, great job. Okay, good evening everyone, that's not a bad way to start off, huh.

Board Member Brady stated no, she was hoping.

Chairman Rogan stated she wants the gavel, right.

Board Member Brady stated yeah, that she definitely wants.

Chairman Rogan stated do we have anyone here for Haviland Farms site plan application, come on up please. Good evening, how are you.

1) HAVILAND FARMS – Site Plan Application

Mr. Guido Prospero, owner and Mr. Peter Fryeberg, ESQ.

Mr. Fryeberg stated good, good evening.

Chairman Rogan stated hi, how are you folks.

Mr. Fryeberg stated my name is Peter Fryeberg, I am counsel for NEV Realty, which is the applicant, with me is Guido Prospero, one of the principals of the company.

Chairman Rogan stated okay.

The Secretary stated just step a little close to the mic, you're soft spoken.

Chairman Rogan stated how are you Mr. Prospero.

Mr. Prospero stated good.

Chairman Rogan stated understand this application is you want to add a couple of greenhouses to the site...

Mr. Prospero stated yes.

Chairman Rogan stated are they already placed.

Mr. Prospero stated there were some existing ones there and then we added two on extra and then they complained about it.

Chairman Rogan stated okay, so is this to codify or to get approval for the two that you added or for the entire...

Rich Williams stated it's actually for the entire site, the site has been operating for a number of years without ever having the, where is it...

The Secretary stated is it, it was there.

Rich Williams stated we don't have a microphone.

The Secretary stated it was there.

Rich Williams stated without there...

Mr. Liguori stated I'll leave.

Rich Williams stated without there ever having been a site plan out there for the property. So, you know I

think that was a deficiency on past Building Inspectors operating under this assumption, so essentially what we're doing is we're taking this opportunity to clean everything up, we do have a survey showing all of the structures in which I have encouraged Mr. Prospero and his people to you know, show a full build out of what they anticipate doing with the site.

Chairman Rogan stated wonderful, do you have a plan, it looks like you're carrying a plan with you, would you like to post that...

Mr. Prospero stated yes.

Chairman Rogan stated you want to refer to it at all.

Board Member McNulty stated Rich, I have a question, I wasn't at the work session but looking at this plan, is there an official survey of the site documented anywhere.

Rich Williams stated they do have a survey of the site which does not show the greenhouses.

Board Member McNulty stated but this plan is accurate to scale and...

Rich Williams stated well it's not accurate to scale but it is a survey...

Board Member McNulty stated I see no stamp on it, that's why I asked.

Rich Williams stated absent, absent, yeah, let me rephrase that, it has all the dimensions on it, so based on those dimensions, I could come up with a scale for the plan but it's not a typical engineering scale and it's not shown on the plan. Initially this is just a sketch that they are operating with so that we can understand what they're proposing to do out there.

Board Member McNulty stated workable for now.

Rich Williams stated it is workable.

Chairman Rogan stated it's the beginning. Sir, do you want to point out some of what you're proposing, the new buildings et cetera.

Mr. Prospero stated yeah, right now, these are up right now, we want to add on two here, another four and another two on the other side.

Chairman Rogan stated so your build out would be 2, 4, 8 new buildings in total...

Mr. Prospero stated yes.

Chairman Rogan stated in addition to what was there more than a year ago when you took over the facility...

Mr. Prospero stated exactly, yes.

Chairman Rogan stated and then get approval, site plan approval for ingress and egress to the site, safe turning, this is a, open to the public or open only to contractors.

Mr. Prospero stated no, we're just growing, we're actually growing in Patterson and we ship everything to our White Plains location.

Chairman Rogan stated okay.

Mr. Prospero stated we're not selling out of, the gates are actually closed during the day.

Chairman Rogan stated okay, so you don't have contractors coming in there on a daily basis.

Mr. Prospero stated no, no.

Rich Williams stated the prior owner did.

Chairman Rogan stated yeah, right.

Rich Williams stated so that would have been considered nonconforming with our zoning code, Mr. Prospero is in conformance with our zoning code at this time, with a few setback exceptions.

Chairman Rogan stated okay, so they'll be issues that we'll have to refer over to Zoning Board potentially.

Rich Williams stated I don't know, I would think that it would be an easier path to simply move some of the greenhouses back as time goes on, they don't meet some of our front yard setbacks but I think it's easily rectified by just sliding them back a little bit.

Chairman Rogan stated we had spoken at the work session, typically on an application like this one, the first things we want to do is get out there and take a walk, if you could, you know stake out the proposed structures, or even just the area where they're, not necessarily every individual one but maybe the area with the center of each one because I don't think each individual one.

Rich Williams stated actually, you know, we're talking about additional greenhouses, all the other structures are there, I think it's readily understandable when you get onto the site where the new greenhouses are going to be located.

Chairman Rogan stated okay, and then, so we can fully understand the impacts to any neighbors, you know, you have, do you heat this greenhouses...

Mr. Prospero stated no, no heat.

Chairman Rogan stated no.

Mr. Prospero stated no heat.

Chairman Rogan stated so it's all passive.

Mr. Prospero stated its all cold, hearty plants that can take the cold.

Chairman Rogan stated okay, okay, alright, any questions from anyone on the Board, anything, Rich, Ted...

Ted Kozlowski stated Guido, hi.

Mr. Prospero stated how you doing.

Ted Kozlowski stated the new greenhouses and any new proposals, what is the existing conditions of the footprint of where you're putting these. What is there now.

Mr. Prospero stated what is there now, what's there now is these two are existing, right here and this one over here is existing.

Rich Williams stated I think...

Ted Kozlowski stated right but what is the terrain, what is the ground, is it wetland...

Rich Williams stated if I could intercede here.

Ted Kozlowski stated is it grass, is it disturbed area, what is it that you're putting...

Mr. Prospero stated oh it's, the wetlands are set, the wetlands are back here, the wetlands.

Ted Kozlowski stated right...

Mr. Prospero stated so it's all hard ground.

Ted Kozlowski stated what I'm asking is the site, the actual physical ground that you're putting these greenhouses on, what is there now.

Mr. Prospero stated oh, there's nothing there.

Ted Kozlowski stated but what is the nothing there...

Rich Williams stated it's black plastic.

Mr. Freyberg stated is it grass or gravel or what...

Mr. Prospero stated oh.

Ted Kozlowski stated is it gravel, what is it.

Mr. Prospero stated oh just dirt, just plain dirt. The only thing that's gravel are the roads, is gravel, everything else is just, is like virgin soil.

Ted Kozlowski stated okay because what, my point is this...

Mr. Prospero stated okay.

Ted Kozlowski stated you're near State and Town regulated wetland, you may or may not be in the buffer zone...

Mr. Prospero stated okay.

Ted Kozlowski stated I need to get an idea, is that productive buffer zone or is that already disturbed ground that's been part of an operation for many years and it really isn't going to matter one way or the other, from a wetland standpoint, that's what I'm trying to understand, so I would have to go out there just to take a look.

Mr. Prospero stated yeah, I'm not sure.

Ted Kozlowski stated okay.

Chairman Rogan stated that brings the next question about the delineation of the wetland Ted.

Ted Kozlowski stated right, the delineation was done when they first bought the property...

Chairman Rogan stated okay.

Ted Kozlowski stated and that was fine...

Chairman Rogan stated and will that be evident when we're on the site.

Ted Kozlowski stated yeah and...

Chairman Rogan stated okay.

Ted Kozlowski stated they pretty much, they purchased a site that was already disturbed, was already a nursery operation, so it's not really, a lot of this is not new stuff.

Chairman Rogan stated yeah.

Ted Kozlowski stated and as I recall from going there it would have, from being there many times, I don't think where they're putting these greenhouses is an issue from a wetlands standpoint.

Chairman Rogan stated okay.

Rich Williams stated the wetland line is shown on the plans.

Chairman Rogan stated correct, yeah, I just didn't know if it would be evident where that line is when we're out in the field and so...

Ted Kozlowski stated and Guido, these houses, my understanding these houses are really over wintering houses.

Mr. Prospero stated pretty much, yeah.

Ted Kozlowski stated okay, so just so the Board knows from a greenhouse operation, an over wintering greenhouse is a lot different than a production greenhouse, they're not going to be using pesticides or any kind of irrigation or anything, it's just basically taking nursery stock, putting it there for the winter so it's out of the direct wind and cold and all that that's going on...

Mr. Prospero stated exactly.

Ted Kozlowski stated and then generally they take, are you going to take the covers off in the summer.

Mr. Prospero stated the covers come off in the spring.

Ted Kozlowski stated right because then they would heat up and it would not be beneficial to the plants.

Mr. Prospero stated it would be too hot.

Ted Kozlowski stated so this is really, they're called greenhouses but these are really called cold frame buildings...

Mr. Prospero stated cold frame houses.

Ted Kozlowski stated okay and I know this because this is what I have at my facility, so I know what he's doing, so.

Chairman Rogan stated and the plan that you have, up on the board there, is the wetland delineated wetland boundary shown.

Mr. Prospero stated yes, here is the boundary line...

Rich Williams stated up, back, back...

Ted Kozlowski stated go to your right, right there.

Chairman Rogan stated isn't that limits of disturbance, it says.

Rich Williams stated it's also the wetland boundary.

Board Member McNulty stated says...

Chairman Rogan stated oh, it's one in the same, okay.

Ted Kozlowski stated but just understand that they...

Board Member McNulty stated that the buffer or the wetland.

Rich Williams stated wetland.

Ted Kozlowski stated the previous nursery operation really are the ones that did the initial delineations because I had met with the Prospero's when they purchased the property and tried to make it as clear as possible to not go any further than what was already disturbed.

Chairman Rogan stated okay, alright, I think at this point then its just a matter of the Board, we'll coordinate and communicate through Rich, through his office to you about when we can get out there on a...

Mr. Prospero stated okay.

Chairman Rogan stated maybe a nice, cold Saturday morning or something.

Board Member Taylor stated I have...

Chairman Rogan stated sure.

Board Member Taylor stated just a question to you Rich, he's in the middle of a conversation...

Rich Williams stated sir.

Board Member Taylor stated on number 2, G, 3, question 21, based on the drawing submitted the following waivers should be required...

Rich Williams stated correct.

Board Member Taylor stated height of buildings, location of parking and truck loading areas, access egress, sewage disposal, water supplies, I'd like to see those on the plan, not have them waived.

Rich Williams stated those are the items which are currently not shown on the plan, well I mean that's subject to your discussion.

Board Member Taylor stated I would just like, that's what I, from my point of view, I would like to see that stuff on the plan, I'm willing to waive benchmarks and so on but where you're disposing of stuff, where you're getting water from, where you're parking vehicles that's the kind of thing I think we generally look at...

Chairman Rogan stated sure.

Rich Williams stated Ron, this is a relatively flat site, do you still feel strongly about the topography.

Chairman Rogan stated well I think that's why he was mentioning benchmark topography if it relates to the use of the site but if it's existing and we have a flat area that the greenhouses are going, that may be something we can waive.

Ted Kozlowski stated I think if the Board goes out there and sees it...

Chairman Rogan stated yeah.

Ted Kozlowski stated you're going to understand it much better.

Chairman Rogan stated that's why we love site walks. Okay, so then, certainly, keep those items on the forefront for when we go out and site walk it.

Board Member Taylor stated just for clarification, I said Rich I would be willing to waive the benchmarks.

Rich Williams stated oh okay, I misunderstood.

Chairman Rogan stated yeah.

Board Member Taylor stated no, these other items that I wouldn't want to see waived.

Rich Williams stated alright, that's fine.

Chairman Rogan stated okay, alright gentlemen, so we will, I'd say we should be able to get out there in the next, weather permitting in the next couple of weeks, certainly before the next meeting...

Mr. Prospero stated that sounds good.

Chairman Rogan stated then we can communicate back with you then with our observations and forward this application, okay.

Mr. Prospero stated okay.

Chairman Rogan stated alright, fantastic.

Mr. Prospero stated thank you.

Chairman Rogan stated thank you gentlemen.

Mr. Fryeberg stated thank you very much.

Chairman Rogan stated Bob, you want to, I'm sorry, hi, you want to come up, state your name for the record, thank you.

Bob Cuomo stated yeah, yeah, sure. I guess I have to state who I am and where I'm from.

Chairman Rogan stated please do.

Bob Cuomo stated yeah, okay. Bob Cuomom, I live at 706 East Branch Road...

Chairman Rogan stated yes.

Bob Cuomo stated I just have a couple of questions about this because I did have some concerns over it, first of all the process to get this approved, this will taken up at the next meeting for approval or how is this going to work.

Chairman Rogan stated no, we, we're going to, at the next meeting we would typically give site walk comments and work towards what needs to be on this plan, as Ron had mentioned, there is some information lacking that will probably have to be added, this plan is not a complete a application for a site plan approval and we're going to have further conversations about it, absolutely.

Bob Cuomo stated okay, well would I be able to voice my concerns now...

Chairman Rogan stated if you have concerns that are, that you'd like to voice now, we also have the opportunity for a public hearing so and you can always submit something in writing if you don't, if you want to spend a little time you know, putting your thoughts together, so it won't put you on the spot but if you have concerns that you want address now...

Bob Cuomo stated okay, well I don't mind being put on the spot.

Chairman Rogan stated go right ahead.

Bob Cuomo stated okay, actually I don't have, you know, issues with the plan as a whole but I live...

Chairman Rogan stated where do you...

Bob Cuomo stated I live directly across the street from here, okay...

Chairman Rogan stated okay.

Bob Cuomo stated okay, where previously there were no greenhouses, okay, in fact, actually before you came to own the place, I think there were just trees there because this was a tree farm...

Mr. Prospero stated there were trees there, yes.

Bob Cuomo stated yeah, okay, now when I actually had spoken to Mr. Williams when I saw plastic go down here because I was concerned that they may be putting greenhouses here and the reason that I'm concerned with it other than, you know they're directly across the street from my house is that there already are some greenhouses across the street from my father-in-law's house which is right next door to me and they're covered in white shiny plastic and the sun glare that comes off of them is like not to be believed, I mean my father-in-law says that he has to keep his shades down in the front...

Chairman Rogan stated wow.

Bob Cuomo stated during the day and so I had a lot of concern over these going up across the street from house because I want to be able to be outside and you know be able to keep my shades up and not have to worry about you know, having blinding sun glare...

Chairman Rogan stated sure.

Bob Cuomo stated and they are, they are very bright when the sun hits them okay and the sun does reflect off of them, so you know, that's why I brought my concern to Mr. Williams and he assured me that you know, they wouldn't be going up until they put forth a site plan and what not.

Chairman Rogan stated right.

Bob Cuomo stated but what happened was is they started building them anyway and I called several times to let him know that, you know, that they were going up and I believe they were either told to stop building them and they kept on going...

Chairman Rogan stated okay.

Bob Cuomo stated okay, now between the time that they went up and now, they've covered them with a black fabric to kind of take away, you know so that they're not reflective and they are better okay, I'm not going to say that they're great but they are better. I mean, I have, in fact I, if they're going to stay that way, I really don't have major issues with these two staying where they are because they're already up, I'm not going to make them take them down.

Chairman Rogan stated right.

Bob Cuomo stated but I would really rather if they did not put more on this side because they're going to be directly across the street from my house, I don't know if they can be located somewhere else but...

Chairman Rogan stated is there, is there another type because we spoke about this at the work session, Rich had brought up the white plastic and the glare issue and we were thinking about other alternatives, surfaces, if they were non-reflective, better material surfaces, would you still have the same concerns about them being located across the street from your house.

Bob Cuomo stated well I'm still not thrilled about them being directly across the street from my house, I mean because I mean, you know, they're not pleasant to look at either...

Chairman Rogan stated better than condos.

Bob Cuomo stated yeah but if they weren't reflective, yeah they might be, you know, they might be better but I wouldn't, you know, I'm not sure what it would be like adding those two more...

Chairman Rogan stated okay, well that's the reason we do a site walk.

Bob Cuomo stated I don't know if not putting those two there and leaving these two as they are, is going to create a hardship for you, I mean I'm not trying to you know, I'm not trying to be a trouble maker but I really don't, you know, would not, would prefer to not to have them there.

Chairman Rogan stated yeah and Bob, all due respect, when we go out and do a site walk, we're going to look at what's going to fit on the site and what the relative impacts are and everybody's property ownership right, impacts to the neighbors, his rights as a property owner, whether they fit or not, that's all the balancing game, so I think whether or not they're reflective, whether or not they're causing that kind of concern, is absolutely, this is something this Board needs to definitely talk about. Also, as it relates to safety, I mean if they're that much of a glare, we talk about signs all the time and off, you know, light shining, are they the kind of thing, if they're glaring on a neighbors' house, the drivers-by could have the same issue...

Rich Williams stated correct.

Chairman Rogan stated I don't know, I've driven by there but I've never looked at it from that perspective, so these are all the kind of things that, that's the reason that we go out and do site walks, looking at it on paper and being out at your house or at, you know this site, is clearly a different thing. So, all great things to put on the record and all great things for everyone to consider while we're out there, so we will definitely...

Bob Cuomo stated okay, great.

Chairman Rogan stated and I encourage you to you know, continue to follow this through the meetings.

Bob Cuomo stated okay, great, thanks.

Chairman Rogan stated awesome, thank you, thanks very much. Okay, thank you gentlemen.

Mr. Prospero stated thank you.

2) NYSEG – Site Plan Application

Representation was not present.

Chairman Rogan stated do we have anyone here from NYSEG.

Rich Williams stated this was just the site walk comments.

3) THUNDER RIDGE – Sign Application

Representation was not present.

Chairman Rogan stated Thunder Ridge sign application, do we have any one here for Dino Rentoulis...

The Secretary stated what is going on with NYSEG.

Rich Williams stated they are redesigning.

4) DINO RENTOULIS – Site Plan Application

Mr. Dino Rentoulis, Mr. John Ravetto, and Mr. David Pierro were present.

Mr. Rentoulis stated you guys were cc'd...

Chairman Rogan stated we did, we got it, a copy of it.

Mr. Rentoulis stated okay, great, great.

Chairman Rogan stated yup. I didn't recognize him, I don't know why. No, I just thought it was John.

Mr. Rentoulis stated Happy New Year everyone.

Chairman Rogan stated Happy New Year, how are you.

Mr. Rentoulis stated how are you.

Chairman Rogan stated good. So, Mr. Rentoulis we have a letter from the Health Department stating the potential occupancy for the restaurant is up to 215...

Mr. Rentoulis stated correct.

Chairman Rogan stated which is fantastic and the letter says that, you know obviously subject to any issues from the Town or, you know septic or water issues, that that's what they would allow, so that's fantastic...

Mr. Rentoulis stated yes, it is.

Chairman Rogan stated so that gives us a number that we can work with, so.

Mr. Rentoulis stated excellent, I was glad to hear that. Well, the work session on the 23rd, December 23rd was very helpful...

Chairman Rogan stated great.

Mr. Rentoulis stated I took everyone's advice, I used the existing site plan for the restaurant parcel because it also contains the south vacant lot and Mr. Williams was concerned with the topography and it is actually included on this site plan, on this survey and this is the plan down here, the little that you guys all have from Harry Nichols and I just pretty much, I found my markers from elementary school and I drew you guys a pictures of how it would look like and I took your advice Mr. Rogan and I did 10' parking spaces...

Chairman Rogan stated oh, thank you.

Mr. Rentoulis stated instead so, from the previous 25, it got knocked down to 23 and I added an additional 12 and 12 there, 24 making the total of 200 occupancy and now that we have the 215, very simply I can just, you know, add 8 more wherever, along this area.

Chairman Rogan stated and please remember, Mr. Raines isn't here but I have no doubt that you can get that occupancy out of the building but obviously you still need to ensure that through his office you're going to meet that for fire and safety and ratings...

Mr. Rentoulis stated yes.

Chairman Rogan stated you know what, regardless of what his issues are because Health Department and Planning Board say 215, if he says 199 or whatever...

Mr. Rentoulis stated right.

Chairman Rogan stated obviously that's what going to dictate.

Mr. Rentoulis stated and another thing that Mr. Raines brought up at the work session is his concern about the number of toilets and urinals, lavatories and urinals and the amount that we have in the restaurant now, we have enough for a capacity of 1,900...

Chairman Rogan stated 1,900.

Mr. Rentoulis stated yeah, we have a lot of urinals, a lot of toilets and this is actually a chart, it's table 403.1 from I guess the New York State Code.

Chairman Rogan stated okay, so it would be great if we could get copies of this submitted for, for a technical review to know how you're going to layout, from what I'm seeing from some of the spots, we obviously need to know the, you know, your cut outs, remember the cut outs for how you're accessing this area.

Mr. Rentoulis stated right, well the cut outs are located over here...

Chairman Rogan stated correct, no, I remember that...

Mr. Rentoulis stated I left a 25' space.

Chairman Rogan stated yup.

Mr. Rentoulis stated yeah, the dotted redline, that pretty much denotes the width of the through traffic...

Chairman Rogan stated okay.

Mr. Rentoulis stated the ingress and egress, I left 25' for there, 25' as per required for you know, for the vehicles to back out...

Chairman Rogan stated right.

Mr. Rentoulis stated 10' by 20' spots for the big pickup trucks, SUV's, and what not...

Chairman Rogan stated great and then the areas that they would need to back in and out of those spots and so in other words...

Mr. Rentoulis stated absolutely.

Chairman Rogan stated you're going to almost cut off that section of the, what I didn't realize and it's hard to tell sometimes from that plan, that we talked about at the work session, was the grade change, the hump that exists between right where you're putting that parking, in my mind it was a much flatter site and it is relatively flat but I can see it right here from your grading plan, there's quite an elevation change right where that parking is, that's 5' to 6' higher than the property to the south...

Mr. Rentoulis stated over here.

Chairman Rogan stated yeah.

Mr. Rentoulis stated yeah, well actually over there and I wanted to bring it up...

Chairman Rogan stated I just didn't remember it from sitting here in the office verses driving by the other day, so you know, is he going to have to show a grading plan for that or how are they going to grade this all out.

Rich Williams stated I think for the most part where he's showing the parking it's relatively level, you have the hill behind them and there may be some soil removed from that for grade.

Chairman Rogan stated well you also have a grade change between the proposed parking and the existing macadam.

Rich Williams stated yeah but it's not as substantial as 2 or 3'...

Chairman Rogan stated oh is it.

Mr. Rentoulis stated the higher grade Mr. Rogan is further out this way.

Chairman Rogan stated oh okay, that's what you see when you drive by.

Mr. Rentoulis stated right, so it doesn't really interfere plus whichever contractor I decide to do the work, we'll figure it out.

Chairman Rogan stated sure, they have plenty of places to put the soil.

Mr. Rentoulis stated and also I wanted to say, over here, this, the highest peak that you're talking about...

Chairman Rogan stated yeah.

Mr. Rentoulis stated that was where the house was, I don't know if you gentlemen saw the pictures but Mallory Stevens, that's where the house was before, so I don't know if maybe the Patterson Historical Society wants to, you know, do some snooping around, maybe there are some things over there, who knows, you know I'm all for it, I have absolutely no problem with that.

Chairman Rogan stated great, sure, sounds like, shaking their head might be interested in...

Mr. Rentoulis stated maybe.

Board Member Taylor stated yes they'd like to do an exploration, I'm not sure we want to snoop around.

Chairman Rogan stated good choice of words, awesome. So, I mean I heard at the work session that everybody was in favor of you moving forward with this, it really comes down to what pieces we need to be shown on the plan so that we can do a proper approval on this.

Rich Williams stated and I have just one question to start.

Chairman Rogan stated sure.

Rich Williams stated are you showing parking within the right of way, that center strip.

Mr. Rentoulis stated no, this is marked off by the black hash marks here, this is about 27 1/2, 28' wide.

Chairman Rogan stated so that's, in essence you're showing that as the right of way.

Mr. Rentoulis stated that's the filing and that is what I believe is, you know, are my neighbor's property.

Board Member Taylor stated so what's the disputed property in court.

Chairman Rogan stated that.

Board Member McNulty stated that black hash.

Mr. Rentoulis stated just that.

Board Member Taylor stated just that hash.

Mr. Rentoulis stated just that hash, yes.

Board Member Brady stated the, the parking spaces that are along that hash, they're going to back out into the entrance and the egress, people coming in and out, they're going to be backing out into that...

Mr. Rentoulis stated no, no, I did it so they could back out in this, backwards...

Chairman Rogan stated to the south.

Board Member Taylor stated yes, that's where we're saying the entrance and egress, where the red arrows are.

Mr. Rentoulis stated yes, not here, god forbid you know, a bus goes flying by...

Board Member Brady stated the glasses.

Rich Williams stated yeah, well I'm thinking I need glasses too here.

Board Member Brady stated see what I'm talking about, these are the parking spaces...

Mr. Rentoulis stated yes.

Board Member Brady stated guys coming in here, this person's going to back right out into that car.

Mr. Rentoulis stated yes.

Board Member Brady stated or whatever, that'd be a lot of spaces be an issue.

Rich Williams stated I think it's a little and I'm going to let Andrew weigh in on this, I think it's maybe a little close to the driveway entrance coming in off the road and needs to be shifted down a little bit, other than that I think it's fine.

Chairman Rogan stated something that he can just tweak.

Board Member Brady stated yeah I'd just be worried about, you know if the driveway moved down a little bit, maybe even move the parking, the spaces that...

Mr. Rentoulis stated I can always move the entrance...

Chairman Rogan stated that's what they're talking about.

Mr. Rentoulis stated I can move this entrance from here to here, it's pretty much an inch is 30' on this scale, so I can move it another half inch which is another 15', another 20'...

Chairman Rogan stated I think that's what they're saying is just looking at the geometry of where that entrance is in relation to those spots. I don't think they were saying to move the spots but move the drive aisle.

Rich Williams stated you could do it either way.

Mr. Rentoulis stated and again, if a problem arises, we can always offset these spaces in the back.

Chairman Rogan stated but it, the bottom line is the number of spots you're looking to put in, can easily be accommodated in that area, it's just a matter of the proper layout and that's where we can get some input from these gentlemen.

Mr. Rentoulis stated and that's where the contractor or whoever I decide to do the job, we're going to figure it out so it's smoothly.

Chairman Rogan stated well we want to figure it out so that the contractor isn't guessing, so that they're following your plan and saying...

Mr. Rentoulis stated right, right, right.

Chairman Rogan stated oh we're going, don't worry, don't worry Dino, we're going to put it, it will be fine, it's going to be beautiful forget about it.

Mr. Rentoulis stated absolutely.

Chairman Rogan stated we want to be able to have it on paper so that we know what, everybody knows what it's going to look like before they even start digging.

Mr. Rentoulis stated and I shifted them down here obviously because it's closer to the restaurant and it made more sense.

Board Member McNulty stated I wasn't at the work session, was any kind of lighting discussed because at the entry way there, there should definitely be some kind of overhead street light for night and at least at the cross walk to the restaurant, definitely at the road entry.

Mr. Rentoulis stated well the lighting that's emitted from the restaurant, there's actually a few lanterns outside of the restaurant and they actually illuminate far enough that it gets past these car levels.

Board Member McNulty stated okay but what about at the entrance off Birch Hill Road there, is that Birch Hill Road...

Mr. Rentoulis stated this is Old [Route] 22.

Chairman Rogan stated the one to the east.

Rich Williams stated well it's actually Thunder Ridge Road.

Board Member McNulty stated Thunder Ridge Road.

Mr. Rentoulis stated this is a tree, this is a light, a tree light over here.

Board Member McNulty stated but at the intersection itself, is there a light of any kind where that entry meets the road.

Rich Williams stated nobody is proposing anything at any entrance right now, Mr. Orgach had petitioned the Town to put a street light up at the entrance of Route 22 and this property, I can tell you that's probably not going to happen.

Chairman Rogan stated Tommy's talking about the eastern side.

Board Member McNulty stated the new entrance.

Board Member Brady stated that parking lot.

Board Member McNulty stated you know just my thought is the light, the light, if you're going to have 200 cars pulling in and out, at night it would be nice to have it lit.

Chairman Rogan stated Rich, think back to some of the lights that we required, the Town required on subdivisions like...

Rich Williams stated correct.

Chairman Rogan stated Shkreli...

Rich Williams stated yup.

Chairman Rogan stated where it's only a few cars coming and going and we put a box light...

Rich Williams stated yes.

Chairman Rogan stated and this is something that's, hopefully, hundreds of cars coming and going.

Rich Williams stated we, you know, as a typical rule for subdivisions, we will require a street light to identify the intersection if the traffic volume is there that we take into the lighting district, we don't do that for private sites. We usually either require them to put up a street, you know a entrance light at their own expense, usually it's architectural in nature, so you're just identifying the entrance or they do it with their sign.

Chairman Rogan stated okay.

Rich Williams stated one way or the other.

Board Member McNulty stated it would be nice to have that area lit and I bring up the example of the entrance to Tractor Supply, that is a dark entry and it's dangerous at night...

Chairman Rogan stated yeah, that's true.

Board Member McNulty stated it's not, it's not marked as if cars are going to come in and out, now we're all aware of it, we live in the area but it's an intersection that, it should be lit.

Chairman Rogan stated and they're not drinking when they go to Tractor Supply.

Board Member Brady stated questionable.

Board Member McNulty stated you don't know.

Board Member Brady stated questionable.

Board Member Taylor stated you're saying, Tommy would like to see a light...

Board Member McNulty stated I would like to see a light, at least at the entrance way, I understand the restaurant would light the...

Chairman Rogan stated maybe something decorative or something, it's not, we're not talking a, you know...

Board Member McNulty stated we're not talking anything major but to light that entry way, somehow.

Rich Williams stated remember this, he's going to have a problem getting a utility there.

Board Member Brady stated yeah because he's got to go across that trouble spot.

Rich Williams stated he's got to all down to the road, down through the road right of way.

Board Member McNulty stated aren't there poles all along Thunder Ridge [Road].

Mr. Rentoulis stated it's probably going to have to go all the way up here and cut across.

Board Member McNulty stated you own the property, don't you, put a pole meter in, put another meter in, how difficult is that.

Rich Williams stated he can do that, not always the easiest thing.

Board Member McNulty stated it beats digging up the road.

Chairman Rogan stated I'm sorry.

Rich Williams stated not always the easiest thing.

Board Member McNulty stated why is that.

Rich Williams stated NYSEG is more receptive to governments doing it.

Chairman Rogan stated we get applications from NYSEG.

Board Member McNulty stated so, you can mount a, you could mount a 6' by 6' and put a meter on it.

Mr. Liguori stated is it wooded, you can do the solar...

Board Member McNulty stated you can do a solar light, just...

Mr. Liguori stated you know, as long as it gets the sun directly, it will light all night.

Andrew Fetherston stated it's got southern exposure.

Board Member McNulty stated you know, somehow illuminates that intersection, now maybe there's a light there already that I'm not aware of, I don't know, I just caught it on, looking at this and you have a whole number of cars in and out, it's a safety thing...

Chairman Rogan stated I agree with you and I think it's something that can be easily done.

Board Member McNulty stated when you drive by Tractor Supply, notice it.

Mr. Rentoulis stated well I know there's definitely a light here at this point.

Board Member McNulty stated of course you have A&P...

Mr. Rentoulis stated and it's about 120' away from the entrance, I don't know what's on the opposite side, I know sometimes they go, you know opposite sides.

Board Member McNulty stated what about to the north.

Mr. Rentoulis stated I'm sorry.

Board Member McNulty stated what about to the north.

Mr. Rentoulis stated from this point to this point.

Board Member McNulty stated no, the other way.

Chairman Rogan stated south.

Mr. Rentoulis stated southbound.

Board Member Taylor stated no, north.

Board Member Brady stated north.

Mr. Rentoulis stated this is north.

Board Member Brady stated yeah.

Board Member McNulty stated yeah.

Board Member Taylor stated where is the next light up that way.

Mr. Rentoulis stated that I do not know.

Board Member McNulty stated maybe there's a light there.

Mr. Rentoulis stated that other light is probably from just behind the restaurant and plus you know, the ski mountain has a ton of lights now.

Chairman Rogan stated just drive by tonight after the meeting.

Board Member McNulty stated okay.

Chairman Rogan stated I'd say we'd go for a beer but you know.

Board Member Taylor stated and the surface that you're going to put in here, can you delineate where that surface is going to be, on your plan, when you submit a plan, delineate where the surface...

Mr. Rentoulis stated literally the outline of the boxes, that is going to be where the, where the surface is.

Chairman Rogan stated no, you...

Board Member Taylor stated but you've got to have.

Chairman Rogan stated you need more than that Dino because you can't back out of those spots...

Mr. Rentoulis stated oh...

Chairman Rogan stated yeah.

Mr. Rentoulis stated you mean for an extra 25' this way.

Chairman Rogan stated he saying delineate the area where...

Mr. Rentoulis stated right, right, right for around.

Chairman Rogan stated correct.

Mr. Rentoulis stated yes, yes, yes.

Board Member Taylor stated just show it, yeah.

Chairman Rogan stated so and that's where we were saying to have it, these gentlemen take a look at it to make sure you have proper, you know, that it flows that it's going to work, that it's not going to be a cluster out there.

Mr. Rentoulis stated right.

Chairman Rogan stated that you're going to end up with people, you know...

Mr. Rentoulis stated get into an accidents.

Chairman Rogan well you know, you want this to be a complement to the building.

Mr. Rentoulis stated listen, I hope the place can you know, have 200 customers.

Chairman Rogan stated it would be great, wouldn't it.

Mr. Rentoulis stated that's fantastic.

Board Member McNulty stated I'd like to see that too.

Chairman Rogan stated yeah, that would be wonderful. So, I would say if Rich, if you could do some guidance to Dino as to how to get these plans into a format that is more acceptable for us as a site plan and we can, we're going to go out there tonight, we're going to drive past tonight and look at the issue, at that intersection as it relates to lighting. Right now with the ski slope, the whole place is probably lit up.

Mr. Rentoulis stated yeah, yeah.

Rich Williams stated oh yeah.

Chairman Rogan stated but, so it might not be a fair, you know but we can still take a quick look.

Board Member McNulty stated isn't there a streetlight now at the right of way, where it meets Thunder Ridge Road.

Rich Williams stated no, not that I'm aware of.

Chairman Rogan stated the glare that comes off of Thunder Ridge, it lights up 3 miles away.

Board Member McNulty stated not in August.

Board Member Taylor stated yeah but...

Chairman Rogan stated no, I know, that's the point, exactly. Okay, it sounds like we're moving forward, you got, you know some good information, thank you for your diligence, I know you were diligent in getting that...

Mr. Rentoulis stated he was away.

Chairman Rogan stated I know.

Mr. Rentoulis stated he was away, he came back January 3rd...

Chairman Rogan stated that's why I told you to get an appointment, remember, that's why I gave you the advice to get an appointment so you wouldn't waste the trip.

Mr. Rentoulis stated I went up there.

Chairman Rogan stated I know you did.

Mr. Rentoulis stated and then he said I could speak to Mike Luke and Mike Luke said to give it to Mike B.

Chairman Rogan stated but you got it.

Mr. Rentoulis stated I got it, I got it...

Chairman Rogan stated before tonight, so that's the important thing, so we appreciate that and you know, I think this is something that can, we can easily resolved, you know minor, minor issues and so...

Mr. Rentoulis stated I think so too.

Chairman Rogan stated great.

Mr. Rentoulis stated very good.

Chairman Rogan stated alright.

Mr. Rentoulis stated alright guys, thank you very much.

Chairman Rogan stated so, okay, we're going to bounce around a little bit. The AT&T/Nolletti Site Plan, come on up gentlemen...

5) AT&T/NOLLETTI SITE – Site Plan Application

Mr. Joseph Rollins of Black & Veatch was present.

Mr. Rollins stated evening.

Chairman Rogan stated good evening sir.

Mr. Rollins stated my name is Joseph Rollins, I work for Black & Veatch, we're the engineering firm that are working on a generator projects for AT&T wireless, we're proposing a generator for our site there, post-Sandy, AT&T's tasked us to put as many generators at as many sites as we can. A lot of the carriers in particular AT&T got hit pretty hard...

Chairman Rogan stated yeah.

Mr. Rollins stated severe storms the power goes off, cell tower goes down, nobody can make a call. So, we have AT&T's contracted with Generac, the generator manufacturer and that's basically our proposal.

Chairman Rogan stated and is the generator, it's going to be a fix generator or brought in.

Mr. Rollins stated fix generator, just purposed for AT&T's equipment.

Chairman Rogan stated okay.

Mr. Rollins stated I think we've got three carriers out there, AT&T, T-Mobile and I think either Sprint or Verizon is already still out there, or maybe just the two.

Chairman Rogan stated okay.

Mr. Rollins stated so our generator for our sites, each carrier pretty much backs up their own sites with their own power.

Chairman Rogan stated can we, I think we can set up, also a site walk for this one.

Board Member McNulty stated okay, I had a question, the generator, is that an above ground tank, a field tank.

Mr. Rollins stated yeah...

Board Member McNulty stated it wasn't clear on the plan, it looked like it was but I wasn't sure, there were some cuts on there...

Mr. Rollins stated she put some spec sheets, I should have had, I don't know, did you get the photographs from my group...

The Secretary stated I did, I did and they do have them, yes.

Mr. Rollins stated okay.

Board Member McNulty stated plan C2 Andrew...

Andrew Fetherston stated sorry.

Board Member McNulty stated C2...

The Secretary stated yes.

Mr. Rollins stated the generator sits on the tank, so they put...

Board Member McNulty stated the tank is above ground.

Chairman Rogan stated partly, part of it.

Mr. Rollins stated it's above ground and then the generator sits on top of the tank itself.

Board Member McNulty stated this doesn't show the pad though, so...

Mr. Liguori stated like on a skid.

Mr. Rollins stated right.

Mr. Liguori stated right.

Chairman Rogan stated got it.

Board Member McNulty stated I also had a question too, it's probably not...

Chairman Rogan stated oh it's a diesel generator.

Mr. Rollins stated yeah.

Board Member McNulty stated pertinent to the plan but it shows the cabling conduits on page E1 and they're all run outside the fence, why would you put up a fence and then expose all your conduit and cable to the...

Mr. Rollins stated let's see, you said E1...

Board Member McNulty stated E1.

Chairman Rogan stated this is why we put you on the Board.

Board Member McNulty stated it just didn't make sense to me.

Mr. Rollins stated yeah.

Chairman Rogan stated and they're exposed, they're not buried, 2' deep...

Board Member McNulty stated no, no, they're outside, why would you put them outside the fence.

Mr. Rollins stated right, well this is the existing fence, that fence is going to have to come out a little bit, in order to capture our conduit there...

The Secretary stated they're expanding the site.

Board Member McNulty stated oh okay.

Mr. Rollins stated these are preliminary, by no means quite finished.

Board Member McNulty stated well, I'm a contractor so I just read that and I said wait a minute.

Mr. Rollins stated yeah, no, it is kind of silly, it...

Mr. Liguori stated the neighbors can hook in.

Chairman Rogan stated and the pad is shown on that.

Mr. Rollins stated the fence will move out a little bit just to capture that and right back around, so it will be inside our compound.

Chairman Rogan stated and there's no natural gas that run by this site out on [Route] 22, there's natural gas line.

Board Member McNulty stated yes there is.

Mr. Montesano stated there is, there is.

Rich Williams stated maybe, yes it comes up Haviland [Hollow Road] to Watchtower, so yes.

Chairman Rogan stated the only reason I ask is, even though I know this site is far from the road...

Mr. Rollins stated sure.

Chairman Rogan stated would it be more beneficial to have a natural gas generator with a line so your fuel supply's not limited.

Mr. Rollins stated it depends on the length of run and it can get expensive and certainly we don't want to...

Board Member McNulty stated New York State Electric and Gas may run 60 to 80' of it for you.

Mr. Rollins stated okay.

Chairman Rogan stated they're a couple hundred feet.

Mr. Rollins stated yeah, we would have done preliminary, our engineers if there was a gas demark that was close enough for us, we certainly would have used it, our preference is to use gas whenever possible.

Chairman Rogan stated sure.

Board Member McNulty stated there is gas on that side of Route 22.

Mr. Rollins stated okay.

Chairman Rogan stated just something to take back.

Mr. Montesano stated was there gas ever in the bakery, when they put that line...

Chairman Rogan stated sure, has to be.

Mr. Montesano stated because the old bakery building, I thought that had a gas line to it.

Chairman Rogan stated yeah, in fact the ovens were gas.

Rich Williams stated old bakery was there well before the natural gas lines went in.

Mr. Montesano stated I realize that but when were...

Chairman Rogan stated but the most recent bakery that was there, about 10 years ago had natural gas ovens...

Board Member McNulty stated might be a question to ask.

Mr. Rollins stated absolutely.

Rich Williams stated did they.

Chairman Rogan stated yeah but anyway I asked specifically because we had spec'd out a 200 kW for the office where I work...

Mr. Rollins stated sure.

Chairman Rogan stated and we hooked it up to natural gas, it was about 60 grand more for the natural gas generator...

Mr. Rollins stated yeah.

Chairman Rogan stated but in the long run, you're not worried about delivery of fuel and you know...

Mr. Rollins stated right.

Chairman Rogan stated it's a no brainer.

Mr. Rollins stated yeah, there's less maintenance with the gas generators and again...

Board Member Brady stated yeah.

Chairman Rogan stated and you're not worried about how much fuel you have in the tank, three days into a bad storm.

Mr. Rollins stated that's for sure. It's always AT&T's preference, I'm not sure they selected here a diesel generator...

Chairman Rogan stated okay.

Mr. Rollins we'll have to do some more investigation to see if we can find the closest demarc.

Chairman Rogan stated I guess I brought it up just more for finding out whether you'd considered it or not...

Mr. Rollins stated sure.

Chairman Rogan stated you know, at the end of the day it's your decision but...

Mr. Montesano stated I wish they would have told me, I would have got mine changed to gas, dummies.

Chairman Rogan stated I think really it, Ron do you have something.

Ted Kozlowski stated do you...

Board Member Taylor stated I'm just, do we have comments on this Rich.

Rich Williams stated you really don't, I mean it's a generator...

Mr. Montesano stated I have gasoline.

Mr. Rollins stated gasoline.

Mr. Montesano stated it's that old.

Rich Williams stated it's a fence, it's, a we've got a I think a 90 day turnaround time on something like this, as long as it's related to a cell tower so, and there's really no real big issues with this, it's...

Chairman Rogan stated yeah, my only issue was a lot of times we do site walks and it's just to see placement and how it relates to the site and surrounding but this is such a...

Board Member Taylor stated isolated.

Chairman Rogan stated isolated site that...

Board Member McNulty stated yeah.

Chairman Rogan stated you know.

Board Member Taylor stated can we just move forward on this, tonight.

Chairman Rogan stated everybody feel, we need...

Rich Williams stated set the public hearing.

Chairman Rogan stated yeah and maybe we can get the answer on the generator...

Mr. Rollins stated absolutely.

Chairman Rogan stated and have it stated that the fence is going to be moved...

Mr. Liguori stated it's on C.1.1, C-1.2 as the relocated fence.

Chairman Rogan stated ah, fantastic, many eyes.

Board Member McNulty stated there was E1 is where it showed the electrical conduit.

Mr. Liguori stated then they're going to have to run it outside that fence.

Board Member McNulty stated it doesn't matter to me, I just, you put a fence up for security, then you put your cabling outside of it.

Mr. Montesano stated you gonna tap in.

Chairman Rogan stated make a motion for AT&T, 2680 Route 22 that we have a public hearing at the next regularly scheduled meeting.

Board Member McNulty seconded the motion.

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

Mr. Rollins stated that's the 6th, right.

The Secretary stated February 6th, yes.

Mr. Rollins stated okay.

Chairman Rogan stated yeah, we're week off right now because we got bumped by the Town Board.

The Secretary stated you'll have to do a mailing, I'll get in touch with Celeste.

Mr. Rollins stated okay, yup, absolutely.

Chairman Rogan stated would have been, we would have probably not had our meeting anyway.

Rich Williams stated yeah, probably not.

Mr. Rollins stated thank you very much.

Chairman Rogan stated have a good night, thank you sir.

Board Member McNulty stated thank you.

Rich Williams stated well they closed Town Hall, so.

Chairman Rogan stated yeah, okay.

Rich Williams stated Frantell.

6) OTHER BUSINESS

a. Frantell Development – Request for Site Plan Approval Extension

Mr. Matt Giranda of Insite Engineering was present.

Chairman Rogan stated Frantell we did.

The Secretary stated no, you didn't.

Chairman Rogan stated we didn't.

Mr. Montesano stated no, we didn't.

Chairman Rogan stated I thought it was done.

Board Member Taylor stated we had some questions for them.

Mr. Montesano stated we had some questions.

Chairman Rogan stated I don't remember the questions. Who was supposed to remember the questions.

Board Member McNulty stated where exactly is Frantell, is that deli down on [Route] 22.

Mr. Montesano stated no.

Rich Williams stated no, it is just south of the Route 22, Post Route 22 restaurant.

Chairman Rogan stated right up on the border there, on the left.

Board Member McNulty stated is there a building there now or it's just a vacant lot...

Rich Williams stated no.

Chairman Rogan stated a vacant lot.

Board Member McNulty stated with a site plan.

Rich Williams stated it was a site plan that was approved back in 2005, it's been through a number of extensions.

Board Member Taylor stated the question was and I think it was my question is at what point...

Rich Williams stated yes, you're on.

Mr. Giranda stated I'm on, I'm Matt Giranda from Insite Engineering by the way.

Chairman Rogan stated and you're here for Frantell.

Mr. Giranda stated Frantell, yes sir.

Chairman Rogan stated oh.

Board Member McNulty stated oh okay, that helps.

Board Member Taylor stated my question was at what point do we consider reviewing these things rather than just extending. It might not mean that we're going to ask them to change anything but I mean it's been 2005, you said...

Chairman Rogan stated so at what point, given that regulations are always becoming more stringent, do we say look, you know...

Board Member Taylor stated did things change around the property.

Chairman Rogan stated we're going to extend this but put out notice that look you need either build it or meet more current regulations.

Board Member Taylor stated because it's shortly going to be 10 years.

Mr. Giranda stated it has been awhile, that's understood.

Chairman Rogan stated wow, I can't believe it's been that long.

Board Member Taylor stated but Rich has said the only thing he saw was the change in the...

Rich Williams stated stormwater regulations which now require an evaluation of green infrastructure and I'll let Matt...

Mr. Giranda stated we actually, we've recently, we've received a renewed approval from DEP, we have a current and valid stormwater approval which is valid through March of 2016. It's my understanding that the State which is who enforces the green infrastructure, the project was review under the old regs and approved under the old regs, they're not, they're reluctant to go back and say we want you now to do this under the new regs, they're not really in the business of going back.

Chairman Rogan stated sure.

Mr. Giranda stated you know the biggest hurdle as far as stormwater goes is really the DEP SWPPP approval which...

Chairman Rogan stated yeah.

Mr. Giranda stated which we've recently renewed and we have an approval valid, unfortunately you know, the applicant has marketed the property...

Chairman Rogan stated sure.

Mr. Giranda stated you know the real estate market is what it is these days...

Chairman Rogan stated no, we understand that.

Board Member McNulty stated we can understand that.

Mr. Giranda stated and he's been unsuccessful, you know and he's continuing to market it and he's received higher levels of interest recently but to effectively market it you know, valid and current approvals are...

Board Member McNulty stated is it still valid with the Health Department as well.

Mr. Giranda stated we're actually in the process of renewing that, we've submitted permit renewals to the Health Department, DEC for the wetland and DOT for the Highway Work Permit, those are out and in the process of being renewed.

Chairman Rogan stated the, I think the one comment also that was raised on this was, isn't this, is this the one that was expired already by almost a year.

Mr. Montesano stated yes.

Chairman Rogan stated so think the one point of contention would be, keep things valid, don't wait a year plus and I'm not pointing this at you but to the client, to wait a year plus to come in to ask for because now you have to two year extension just to give you a year in this case...

Mr. Giranda stated right.

Chairman Rogan stated you know, if we gave you a year tonight, you'd already be expired.

Mr. Giranda stated right.

Chairman Rogan stated you know so, Ted, please.

Ted Kozlowski stated I had a conversation with Rich before the meeting and I'm not clear, I'm not sure but I think in our wetlands law that wetland that Town wetland permits can have extensions for up to two times.

Chairman Rogan stated up to two times.

Ted Kozlowski stated I believe that's what in the law, I don't know if there's a provision after that that says at the discretion of somebody to continue it...

Chairman Rogan stated right.

Ted Kozlowski stated but this has been a long time...

Chairman Rogan stated yeah.

Ted Kozlowski stated I mean no one on this Board, maybe Mike...

Chairman Rogan stated yeah, well I remember I was, I reviewed it.

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

Chairman Rogan stated you know, it brings up, as Ron is kind of bringing light though, short of significant changes in our regulations, you have a piece of property, you've reviewed it for certain you know, criteria, you've said yes it fits, part of me says I don't really care when they build it, keep renewing it and keep you know, short of significant changes that would affect the site, I would look at this site now, in my head and say it's already built because we've approved it for something, you know just like you would for a subdivision lot, you're looking at it and saying okay, you know you've approved it for a single family home, consider it built, short of significant changes to the rules but at what point do you carry that out, do you carry it out for 50 years, you know things change, so it's a balancing act and I think that's part of what this Board has to consider, so...

Ted Kozlowski stated I think you also have to consider and I'm not trying to throw a monkey wrench here and I'm not trying to be difficult but I can give you for instance and that is the Natural Heritage Program where they always have people out, finding things...

Chairman Rogan stated yeah.

Ted Kozlowski stated okay...

Mr. Liguori stated snooping.

Ted Kozlowski stated snooping and when you, when you run, when you run a field check...

Chairman Rogan stated you're good. Yeah.

Ted Kozlowski stated with the Natural Heritage Program on a particular site and they'll respond saying we found nothing there or we found something. Well 10 years has passed...

Chairman Rogan stated right.

Ted Kozlowski stated and I don't know if Dr. Utter or somebody found something out there and I'm not saying don't do anything with this project...

Chairman Rogan stated sure.

Ted Kozlowski stated what I'm saying is though, when the time comes we're going to have to recheck that just to make sure.

Chairman Rogan stated sure.

Ted Kozlowski stated and that could be an issue if something does pop up because over time chances are better...

Chairman Rogan stated as long as they didn't find something specifically on this site because of course that would be trespassing and we don't condone that, you mean in the greater area...

Ted Kozlowski stated well you don't know if somebody, somebody marked a bog turtle...

Chairman Rogan stated right.

Ted Kozlowski stated you know and then all of a sudden, they've they're there...

Board Member Taylor stated any watercourses there.

Chairman Rogan stated yeah.

Ted Kozlowski stated it does happen but it's not...

Mr. Liguori stated they do it by aerial.

Ted Kozlowski stated is it probable on this site, no I think it's very benign but you don't know.

Chairman Rogan stated right. One other question I have, what is your name.

Mr. Giranda stated Matt Giranda.

Chairman Rogan stated Matt, how long have you work for Insite.

Mr. Giranda stated about 6 months.

Chairman Rogan stated ah, that's why we haven't met you yet.

Mr. Giranda stated I worked for Bibbo Associates for about 10 years.

Chairman Rogan stated okay, since Theresa's retired, did you meet Theresa.

Mr. Liguori stated no she's not, she claimed to have retired...

Mr. Giranda stated one day a week.

Chairman Rogan stated didn't we throw a party for her or something.

Mr. Liguori stated she's, I caught her in the office, she was not tending her sheep in Dover like she said she would be.

Mr. Giranda stated the sheep recently had babies actually.

Chairman Rogan states she has been busy.

Mr. Giranda stated yes.

Mr. Liguori stated I thought you said she, I was like, the sheep, sheep.

Chairman Rogan stated the sheep.

Board Member Taylor stated the only I brought it up is just, I'm not saying we should not extend these...

Chairman Rogan stated right.

Board Member Taylor stated but I think we should have some discussion about it before automatically extend it which is what seems to happen sometimes. Now, what Rich said even if he were required to go under the new regs, it looked like he could do it without a problem.

Rich Williams stated well I'll chime in, I recently had a situation where DEC approved the permit for stormwater under the 2001 regulations and I called the DEC to question them about when does this expire and they're response was, it doesn't.

Board Member Taylor stated right well but...

Board Member Brady stated a lot of help, huh.

Board Member Taylor stated in any case it's...

Board Member McNulty stated just wanted to double check.

Board Member Taylor stated now do we want to give this extension now do we want for their approvals to come through.

Chairman Rogan stated no I think because one's not good without the other anyway, so it's not like they can, if they decided to build tomorrow, they need all of them.

Mr. Giranda stated correct.

Board Member Taylor stated and this is for one more year is what your...

Chairman Rogan stated well it's for a two year approval which would it extend it a year from now.

Board Member Taylor stated it's retroactive to one year...

Chairman Rogan stated correct.

Board Taylor stated we're talking about one, I'm talking about...

Chairman Rogan stated correct.

Board Member Taylor stated in reality we're giving him one year...

Mr. Giranda stated from this day forward.

Chairman Rogan stated yeah, okay.

Board Member Taylor stated so that would seem reasonable and we'll visit again in a year and next time we'll call Dr. Utter and see if there's been a bog turtle walking across...

Mr. Giranda stated I think we have, I have to check into what the law says.

Mr. Montesano stated it's been two years.

Chairman Rogan stated yeah but it's already a year back.

Mr. Montesano stated yes, I know but that was October, we're into January...

Chairman Rogan stated yeah, so it's less than a year.

Mr. Montesano stated so are we going to extend it, we're going to go two years from the date it expired.

Chairman Rogan stated correct, that's correct.

Mr. Montesano stated thank you, that's just clarification.

Chairman Rogan stated on that motion, anyone.

Board Member Brady stated I'll make a motion to extend the site plan extension for two years from the last approval for the Frantell Development.

Chairman Rogan stated can I have a second.

Board Member McNulty stated second.

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

Chairman Rogan stated okay, fantastic.

Mr. Giranda stated thank you very much.

Chairman Rogan stated and can you just please, when you do, when she's not tending to her sheep, send our regards.

Mr. Giranda stated I will.

Chairman Rogan stated thank you so much.

Mr. Giranda stated thank you.

Chairman Rogan stated okay, fantastic.

Mr. Giranda stated have a good nice guys.

Chairman Rogan stated you as well, grab your plan.

Andrew Fetherston stated your plan.

Mr. Giranda stated I'm going to need that.

Chairman Rogan stated Mr. Frantell, he's paying a lot of money, actually what is his name...

The Secretary stated Louie Pescatore.

Mr. Montesano stated Louie Pescatore.

Chairman Rogan stated Pescatore, is there a Mr. Frantell, where'd that name come from.

Board Member McNulty stated its Louie Pescatore's property.

The Secretary stated yes.

Mr. Montesano stated yeah.

Chairman Rogan stated okay, why don't we go back to Thunder Ridge...

The Secretary stated do you want to approve your minutes first, because that's easy.

7) MINUTES

Board Member Taylor stated oh, maybe it's not so easy.

Chairman Rogan stated well there was, Ron has 36 items that he wanted to amend on these meeting minutes.

The Secretary stated I'm sorry to hear that.

Board Member Taylor stated not going to happen, right, not going to happen. I finished the minutes and I was saying what was that last meeting, how are we going to know what we did at the last meeting and I almost sent you an e-mail saying I didn't get the minutes for that last meeting and then realized that you probably away, so we didn't get those minutes. I had no problems with the minutes, I thought they were very good.

Chairman Rogan stated nice job.

Board Member McNulty stated I had no problems either.

The Secretary stated thank you.

Chairman Rogan stated okay, motion on the November 21st and December 5th meeting minutes to approve.

Board Member McNulty seconded the motion.

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

Thunder Ridge Sign Application Discussion

Chairman Rogan stated Thunder Ridge, let's talk about Thunder Ridge's sign application, Mike...

Mr. Liguori stated gee, we don't get to hear your thoughts first.

Chairman Rogan stated we did them at the work session. We actually said we were waiting for counsel to give us some info about this because if we approved the permit as submitted...

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

Board Member Taylor stated well I think...

Chairman Rogan stated we're causing a weird situation here.

Board Member Taylor stated I think they're two questions, legal questions here, the first one involves the code change which we recommended, that we don't review anything that where they owe us money or they have a violation of, you know we had this issue with Boniello, we sent, I seem to remember to we sent a request to the Town [Board] for clarification, I don't think we ever got a clarification but it seemed like the message, the informal message that came back was that they weren't going to...

Chairman Rogan stated yeah.

Board Member Taylor stated they wanted it enforced...

Chairman Rogan stated pay your bill.

Board Member Taylor stated but the question here to me is we're dealing with a lessee and we're dealing with an owner and do we have a separation in the code, do we penalize the lessees when the owner...

Mr. Liguori stated our, no, no, our code applies to all owners, lessee, it doesn't matter who's on the property, if the violation...

Board Member Taylor stated exists...

Mr. Liguori stated is on the property, if your tenant has a violation and you the owner, you know, I own tenant space A and the tenant leases tenant space B and tenants got a violation, then owners precluded until owner fixes the violation.

Board Member Taylor stated and vice versa...

Mr. Liguori stated right.

Board Member Taylor stated if the owner has a violation...

Mr. Liguori stated right.

Board Member Taylor stated because that seems to be more the case here, that it's actually the property owner who's owing money to the Town, is it not for the corporations...

Rich Williams stated this is where it gets a little bit complicated...

Mr. Liguori stated oh, I thought we were going to talk about, I didn't know we were even going to get into...

Rich Williams stated no, he's talking about Boniello, this issue is...

Mr. Liguori stated oh.

Rich Williams stated that DEP still owes us for our review of their plan on the...

Mr. Liguori stated on the SWPPP...

Rich Williams stated yeah, on behalf of...

Mr. Liguori stated the sewer treatment plant.

Rich Williams stated yeah and the owner.

Mr. Liguori stated okay.

Chairman Rogan stated do you know how much that is, roughly.

Rich Williams stated no, I don't.

Chairman Rogan stated \$1,000, \$5,000, \$10,000.

Rich Williams stated I think it's four.

Chairman Rogan stated so it's significant.

Board Member McNulty stated so how is that effected because this is a separate parcel.

Rich Williams stated hundred.

Chairman Rogan stated \$400.

Rich Williams stated yes.

Chairman Rogan stated oh, not \$4,000.

Board Member Taylor stated well but it's not a separate parcel because it was for Thunder Ridge.

Board Member McNulty stated well it is according, no the island where the sign is, is a separate parcel from that DEP issue.

Chairman Rogan stated \$400.

Board Member Brady stated oh \$400.

Rich Williams stated but it's all still owned by the same property owner.

Board Member Taylor stated it's owned by the same owner.

Board Member McNulty stated yes but it's a different parcel, correct.

Rich Williams stated yeah, so.

Board Member McNulty stated do we go by owner, so if an owner has a property on Thunder Ridge and another one across Town, we can't act across Town.

Rich Williams stated correct.

Board Member Taylor stated that what I was asking, how was the Code written, does it say owner and can we make those distinctions or not.

Board Member McNulty stated I'm not sure, that's why I'm asking.

Board Member Brady stated when there's building violations issued, it's issued to the owner of the property, it's not issued to the person that's leasing it.

Chairman Rogan stated well that depends on the type of violation.

Rich Williams stated just so you know, the Code, our current Zoning Code is written so you can write it to the owner and the lessee or the lessee and the contractor.

Chairman Rogan stated makes sense, depends on the type of violation.

Board Member Brady stated bring everybody in.

Board Member Taylor stated so that's the first issue, can we even consider this and now we have a violation remaining, was there a violation issued on the proposed parking.

Rich Williams stated to date, there is no actual notice of violation or violation that has been issued. There is an issue that's come up recently with the parking and Nick has sent them a letter...

Chairman Rogan stated about the lot to the right with all the, where all the wood chips were dumped.

Rich Williams stated yeah.

Board Member Taylor stated but not a violation.

Chairman Rogan stated he just leveled it out and started using it.

Rich Williams stated but not a violation.

Board Member Taylor stated so that was one issue...

Board Member Brady stated they were dumping there two weeks ago.

Board Member Taylor stated and then the other issue was this sign issue, if...

Mr. Liguori stated you know, look guys, I wasn't at the, at your guys work session but you know my take away is, I spent this week taking a look at the violations, the supposed violations that are out at the property and I don't have a, neither Rich nor I, I mean I haven't been across the properties, up to the top or what not, so we've had a few conversations about things that are out there that aren't reflected in the file. So for instance you know, the structures for the...

Rich Williams stated the Haunted Hayride.

Mr. Liguori stated yeah, the Haunted Hayride, like I didn't know anything about that until Dave, that was Dave...

Rich Williams stated Dave Raines.

Mr. Liguori stated yeah until Dave had raised, you know, raised those issues this afternoon. My thought was, well they presented a plan for a 5' by 5' sign for Thunder Ridge, you know Rich had mentioned the fact that it's on a separate parcel, I think the two of those are, you know, used together but the elephant in the room was the Liberty Paintball sign that was in complete noncompliance right underneath it, so if the resolution of the Board was we'll grant you your approval to put up the sign but you're not getting, you can get a building permit but not a C.O. for that until you take the Liberty [Paintball] down or you take the Liberty sign down and then we'll give you the permit for Thunder Ridge to make sure that you add that parody then, then if you wanted to, if there was an desire of the Board to permit the sign portion to go forward tonight, then that would be one way to do it, or we can just say we're not doing anything until you fix the global issues that are out on the property, so it would be, one of the issues we have though is that I don't have an active violation in front of the...

Chairman Rogan stated right.

Mr. Liguori stated in the file, you know or submitted to the applicant, we got Nick's letter today and it's really terse and, but it doesn't do anything.

Chairman Rogan stated there was a third possible scenario that we talked about which was the idea that basically everybody agreed 25 square foot wasn't enough for this sign cluster there and that the size that was presented to us the 5' by 5', the 25 square foot, we thought was an appropriate size sign, what we were thinking was we need more square footage out there and maybe they should be going to the ZBA to request that. Not that the paintball sign was appropriate for the size but that there needs to be more signage out there for that, for the, we were thinking about it as you have a little strip mall, Sauro's is a great example, you have 3 or 4 little places in there and you have a certain size sign on a certain size property, you have a couple of hundred acre property with big use, big, you know and all of a sudden now you have that same, it's not consistent with the or proportionate maybe is the better word...

Mr. Liguori stated right, proportionate, yeah.

Chairman Rogan stated so we were, I think somewhat favorable with the idea of more than 25 square foot out there, how much I don't know but I think it needs to be consistent with the style of the sign and how much is needed and we have a third party that's not even present or it hasn't even been talked about which was...

Rich Williams stated Haunted...

Chairman Rogan stated the Haunted Hayride.

Mr. Liguori stated but isn't that Conklin.

The Secretary stated no.

Chairman Rogan stated which...

Rich Williams stated well it's a lessee that Conklin works with.

Chairman Rogan stated right.

Mr. Liguori stated okay.

Chairman Rogan stated so, you know do they need 10 square foot, Conklin needs 25 [square foot] and Paintball needs 25 [square foot], I don't know but we were willing to talk about that and then figure out a resolution send them over to Zoning, you know. What we didn't want to do was approve a 25 [square foot] knowing that the other one is illegal, okay, fine go rip it down but now there's no extra square footage.

Mr. Liguori stated Conklin was here at the, he was here at the work session.

Chairman Rogan stated he was.

Board Member Brady stated the owner is leasing to Conklin and Conklin is leasing it back out again.

Board Member Taylor stated what we were saying was are we creating a legal problem if we approve...

The Secretary stated sublet.

Board Member Brady stated yeah.

Board Member Taylor stated the maximum square footage sign...

Chairman Rogan stated right.

Board Member Taylor stated for this one lessee...

Chairman Rogan stated when there are two other.

Board Member Taylor stated and knowing that there are other lessees and we're in essence saying you get no sign.

Chairman Rogan stated right.

Mr. Liguori stated well if that's what the applicant wants and he's the owner, he can do that.

Chairman Rogan stated he's not the owner though.

Mr. Montesano stated but he's not.

Mr. Liguori stated but Conklin is, well Putnam County Savings Bank is the owner.

Chairman Rogan stated correct.

Board Member McNulty stated he's the lessee.

Board Member Taylor stated right now so the issue then, did the owner give him permission for the 25 square foot sign...

Mr. Liguori stated well he signed the application, yeah they...

Rich Williams stated I don't know if they did or not.

The Secretary stated I don't know.

Chairman Rogan stated but what didn't he know though...

Board Member Taylor stated then it's the owner's issue, that's the thing, can we clarify with the owner...

Mr. Liguori stated it was signed by Putnam County Savings Bank...

The Secretary stated oh it was.

Mr. Liguori stated yeah, it was definitely signed.

Chairman Rogan stated or they just, yeah whatever you have to get your sign...

The Secretary stated it's been a long time since I've looked at it.

Rich Williams stated me too.

Chairman Rogan stated or did they recognize by approving that.

Board Member Taylor stated so do we need to send them a letter saying look, this is what tentatively you approved, the maximum signage that is allowed at the moment...

Chairman Rogan stated right.

Board Member Taylor stated is going to go to Thunder Ridge, if that's fine with you, that's fine with us and then you're going to have to deal with the Zoning Board as the owner to sort out your other clients...

Mr. Liguori stated right, right.

Board Member Taylor stated which I think would be a great solution, we put it back on them and they get the sign which is a safety issue in some ways.

Board Member McNulty stated I don't see an owner's affidavit Mike.

Board Member Taylor stated yeah, there was one in the file, I remember seeing it.

The Secretary stated it would be the second page.

Board Member Taylor stated property owner Dean Ryder, property owner's signature Dean Ryder.

The Secretary stated oh it is there.

Board Member McNulty stated yeah, it's on the last page.

Board Member Taylor stated it's attached to the sign, the drawing of the sign, it's on the map. That's, that may be the wrong thing...

Chairman Rogan stated again signing authorization to submit a sign application doesn't necessarily mean they understand fully that us approving this give their other lessee's no option for a sign.

Board Member Taylor stated right, except it would allow them...

Chairman Rogan stated and I agree with you putting it in writing, saying you have to notify, you know, I agree with that.

The Secretary stated I'll e-mail you one tomorrow.

Mr. Liguori stated I don't want to take yours, this is your only one, okay.

Rich Williams stated he can have this.

The Secretary stated I can e-mail him one tomorrow.

Rich Williams stated I can always go in the file.

The Secretary stated no, you can't.

Chairman Rogan stated we're sitting here trying to do the right thing...

Rich Williams stated the hell I can't.

The Secretary stated keep your paws out of my files.

Chairman Rogan stated for people that, you know.

Board Member Taylor stated so that was just, we'd like to go forward with the sign but we don't know if we're creating a problem doing that...

Chairman Rogan stated right.

Board Member Taylor stated because they really need to go to the ZBA and say look we need...

Mr. Liguori stated yeah, I mean he's creating the, the tenant is creating the problem because he's jeopardizing the amount of square footage for the, for the whole use of the property.

Chairman Rogan stated right.

Board Member Taylor stated well except...

Chairman Rogan stated and are we remiss in approving something knowing that we're approving 100% of the sign ordinance to one person.

Board Member Taylor stated but the other side of that is...

Mr. Liguori stated that's good planning but you know...

Chairman Rogan stated yeah.

Board Member Taylor stated but we, I mean, Dave agreed with us, the sign that he's proposing is an appropriate size for that site, that if it were smaller, people couldn't see it on the road coming down the hill and they wouldn't slowdown in time. That's the other side of what we're saying...

Mr. Liguori stated right, right, right, right.

Board Member Taylor stated that he's not just gobbling up what he can but he's making an appropriately sized sign in our judgment, so.

Mr. Liguori stated right.

Chairman Rogan stated right.

Board Member McNulty stated well wouldn't it be as simple as if the other lessees wanted to have a sign, they would have to come back in front of us for a new sign application and modify what they have.

Board Member Taylor stated they'd have to go to ZBA.

Chairman Rogan stated we'd have to refer them to ZBA.

Board Member McNulty stated or ZBA and get additional.

Rich Williams stated which is where I was at the last meeting...

Chairman Rogan stated right, no, we said that.

Rich Williams stated you approve Thunder Ridge and you tell Liberty Paintball immediately take your sign down.

Chairman Rogan stated yup.

Board Member Taylor stated yes.

Rich Williams stated the reality is they are really not doing anything with paintball right now...

Chairman Rogan state right.

Rich Williams stated so they have a few months to get there.

Chairman Rogan stated in other words we could approve the 25 square foot sign, just to summarize, also since it's already an illegal sign, if, send them a letter or send a letter to Nick or something saying Nick we want you to tell them they have to yank their sign down or at least make application to make it through ZBA and also send a recommendation to the ZBA saying we'd be in favor of a greater square footage out there than 25 [square feet] because you don't want to just create this and dump it in another Board's lap either, you know you want to, I mean the recognition as you said, that the 25 square foot signs seems to be appropriate and some other, I mean let's face it, we also said Thunder Ridge is the key use of the site...

Board Member McNulty stated the anchor.

Chairman Rogan stated right, the anchor, so then what percentage, you know, do we say we think 50 square foot is enough signage for the entire site and between paintball which is probably more than the Haunted Hayride, is it 15 square foot and 10 square foot, I don't know, that's for them to determine...

Mr. Montesano stated can I ask a question.

Chairman Rogan stated but you don't want to have something, go ahead, please.

Mr. Montesano stated do we have any ordinances as far as signs go, that if it's a seasonal business...

Andrew Fetherston stated that's what I was thinking.

Mr. Montesano stated because I would say if we did, then we'd say okay, if paintball is out and Haunted Hayride is in, they can take that square foot side and put this one back up.

Chairman Rogan stated but they operate at the same time.

Rich Williams stated you can approve that but we don't have any specific to seasonal signs, you can approve a sign to do that...

Andrew Fetherston stated that makes sense.

Chairman Rogan stated right.

Mr. Montesano stated okay.

Chairman Rogan stated but the reality is also that the paintball operates at the same time...

Board Member Brady stated as the hayride.

Andrew Fetherston stated yeah, it does.

Chairman Rogan stated of year and they'll operate, if you go up there in the snow right now they would, they'd let you paintball...

Board Member McNulty stated if paintball's...

Rich Williams stated they run you up the ski...

Board McNulty restated yeah, you take the ski lift up, it's open year round.

Rich Williams stated ski lift, yup.

Chairman Rogan stated so I mean, if you want to, I looked at Bing or Google one or the other, I couldn't believe the amount of, that whole field, you start to look at the site, I haven't been up there in, I haven't skied in 30 years but...

Board Member McNulty stated its fun to play paintball.

Chairman Rogan stated I bet.

Board Member McNulty stated I...

Board Member Taylor stated so back to you Mike, are we creating a legal problem if we approve this.

Mr. Liguori stated you know it's, see it's with the permission of the owner so you don't have to, you have to assume they're sophisticated and know what they're doing, you know but, you know, I don't know I think the thing that strikes me the most is the fact that I'd want to make sure that Liberty comes down before you grant them the permit...

Chairman Rogan stated yeah.

Mr. Liguori stated to put the Thunder Ridge up.

Board Member Brady stated yeah because it will never come down.

Mr. Liguori stated yeah exactly.

Chairman Rogan stated along the lines of what Ron was asking, are we...

Mr. Liguori stated and the Thunder Ridge one below it.

Chairman Rogan stated by approving the 25 square foot sign are we putting the Zoning Board in a position that by them approving, if they deny something, they're denying somebody a sign all together because they're, it's not even like there's one square foot left for them to use...

Rich Williams stated well then the remedy for that is the property to come back with an appropriately sized signs to meet the Code requirements.

Mr. Liguori stated right.

Chairman Rogan stated yeah.

Board Member Taylor stated okay.

Board Member Brady stated put it on here.

Board Member McNulty stated I have a question, I wasn't at the work session, was there any talk about cleaning you the balance of the sign, the posts the poles or are they, I would like to see that as a condition that they complete the sign and make it look good from top to bottom.

Chairman Rogan stated how do we, I agree with what you're saying, how do we enforce, how do we guarantee...

Mr. Taylor stated this is Thunder Ridge.

Chairman Rogan stated that with this approval that what Mike said that the other signs come down, that the...

Mr. Liguori stated the lang, the approval says that the building permit will issue...

Rich Williams stated alright, let's stop right there because we don't issue building permits for these.

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

Chairman Rogan stated that's the problem, that's where I was thinking.

Rich Williams stated yeah...

Mr. Liguori stated but can't we say, can't we condition...

Chairman Rogan stated sure.

Mr. Liguori stated the issuance of the permit to put the Thunder Ridge sign up, can we direct the Building Inspector to not grant, not issue the permit until he has confirmation that Liberty and Thunder Ridge below it have come down.

Rich Williams stated but he's not issuing a permit.

Board Member McNulty stated there's no permit for a sign.

The Secretary stated they don't come in for building permit.

Rich Williams stated I think you're on the right track...

Board Member McNulty we're the final say.

Rich Williams stated I think you're on the right track...

Mr. Liguori stated okay, I'm sorry, I thought there was a permit, a sign permit.

Rich Williams stated no.

Board Member Brady stated can't the Board issue that in the approval, say that those have to come down and you know, you would have to go out there and make a site walk to say, okay, now you can put your sign up and at that point they allowed to the sign up.

Chairman Rogan stated you know what's going to happen...

Rich Williams stated well it's not going to be up to, what I think the Board is going to do, is they're going to approve the Thunder Ridge sign...

Board Member Taylor stated yeah, I know, it's Thunder Ridge, they're going to what they want to do.

Rich Williams stated on the condition that the Liberty Paintball sign come down first...

Chairman Rogan stated me too.

Rich Williams stated if they put the Thunder Ridge sign up, they are now in violation and Nick would then issue a violation...

Chairman Rogan stated two violations...

Rich Williams stated we need to direct Nick to both issue a notice of violation on Liberty Paintball immediately and to issue a violation on Thunder Ridge if the sign goes up before Liberty Paintball comes down. That would, globally address everything.

Chairman Rogan stated what I think I'd like to roll into this conversation is a, at least on the record that we are in support of more than 25 square foot of signage out there because otherwise I think we would be, again creating a situation where, you know Liberty Paintball and the other people, there's nothing left for them to, you know, we can't grant 50 square feet, the Zoning Board can, right...

Rich Williams stated yes but if I could suggest the Board may want to take a step back on this and not just say we're in support of more than 25 square feet but come up with a number that you think is appropriate because right next door the ZBA issued a variance for 100 square feet, now 100 square feet is a lot of signage.

Chairman Rogan stated which property.

Rich Williams stated Alpine

Chairman Rogan stated oh.

Rich Williams stated Alpine has the ability to have 100 square feet...

Chairman Rogan stated I keep forgetting that and that's just for the restaurant and tack shop and...

Rich Williams stated and one freestanding sign.

Chairman Rogan stated wow, 100 square feet...

Rich Williams stated yeah, that's what they...

Chairman Rogan stated you know what though, based on the sign that came in and keeping things in proportion we have a 25 square foot sign that's the primary use of the site, I would still support 50 or 60 square foot because I think the paintball and the Haunted Hayride are secondary uses of the site compared, so regardless of what's next door you have your primary sign, he came with 25 square foot, things bounce

off of that and I think that that starts the ball rolling for your primary use and then your ancillary uses, so I would still recommend 50 to 60 square foot as a, based on that primary sign.

Rich Williams stated that's fine if you're comfortable with that tonight, I was just suggesting that you look at other signs in the area, look at the size of the signs and kind of weigh it out because ZBA's not going to be dealing with this for a couple of months, they don't even have an application.

Chairman Rogan stated right, exactly.

Board Member McNulty stated can we just make a recommendation to the ZBA or the Town Board whoever it may be that we suggested that it would be an increased signage, additional to the 25 square feet, provided it doesn't, make an safety concerns, sight variations, sight distance, affect the site distance at all.

Board Member Brady stated I think that's what Rich was saying, that they just approved 100 square feet, so if you don't give a limit to it, they might approve another 100 square feet.

Board Member McNulty stated yeah but we have to assume that they're going to make an educated decision on the sign...

Chairman Rogan stated of course, of course.

Rich Williams stated yes.

Board Member McNulty stated because it's hard for us to say how much more do we add, 50, 60, 75 square feet...

Chairman Rogan stated right.

Mr. Montesano stated suggestion...

Board Member McNulty stated just make a recommendation that the Zoning Board...

Rich Williams stated you certainly can recommend to the Zoning Board that they, you know, consider all those other issues but there are also legitimate issues that the Planning Board's going to consider on any sign. You know, remember the ZBA is going to give them a variance for the maximum they can have, if the Planning Board finds that is not appropriate because of sight distance issues or whatever, you know, the Planning Board has ability to reduce that...

Chairman Rogan stated good point, we're still approving the sign.

Rich Williams stated not easily but if there's substantial reason.

Board Member McNulty stated how big is the A&P sign.

Rich Williams stated I don't know, I'd have to go back and look, it is definitely more than 25 square feet.

Chairman stated Mike wanted to...

Board Member McNulty stated I know but is it 50 square feet.

Mr. Liguori stated yeah, it's probably like 100 square feet.

Board Member McNulty stated as a comparison...

Mr. Montesano stated we tried...

Andrew Fetherston stated it's just that, I'm just sitting listening, it's not an engineering issue of course but you know just from an outsiders point of view, that place has been there for a long time, I know that, it's an attraction, it's not the A&P and it's certainly not a restaurant, it's an attraction for a large area. For my sitting back and hearing you all say, I agree, I think you need a substantial sign, it's an attraction, it brings business into the community.

Mr. Montesano stated we keep, we need to come up with better specifics because as he states, it's an attraction but we tried to get a uniform sign for the Hamlet, we suggested back then to use the whole Town, which I think would have been a better...

Chairman Rogan stated it would have been easier, that's for sure.

Mr. Montesano stated yeah but now we're sitting there, now we've got the Hamlet covered, now we've got the Town itself, when you're driving through here, you're trying to make the community look presentable, an attraction yeah, that's fine, we need that, it helps draw in people. We've got to come up with a specifications, alright, can we go A, B, C, A it's an attraction, it's a tourist thing, you're allowed x amount of square feet, should we allow a restaurant with x amount of square feet to enhance the visibility of the signs are you're driving by or are we going to put up billboards all along [Route] 22 and say well that's big enough for me, I'm going to have my restaurant here and this is what you look like. So before, I say we put ourselves where we're making the statement that says yeah we go along with this, should we have a discussion as to what size we should look into and how the regulations would be covered, if it's a small restaurant do we allow 25 square feet, if it's a thing such as the A&P, do we allow 100 square feet because you look at the A&P, it's not an attraction but it's got even kind of business in the world there, you've got a mall.

Chairman Rogan stated the funny thing about this is have you ever heard a single person say, hey can you tell me where Thunder Ridge is, it's a ski slope, people, like you drive by and you go oh there it is you know but I totally get it....

Mr. Montesano stated the idea is every kid in the, from Westchester to Dutchess County knows where it is...

Chairman Rogan stated right.

Mr. Montesano stated because they've all been here.

Chairman Rogan stated right.

Board Member McNulty stated it's nice to...

Mr. Montesano stated and they've all taken their parents by the hand and taken them down to, there it is.

Board Member Brady stated my daughter just started her first lesson last weekend.

Chairman Rogan stated very good.

Board Member McNulty stated it will be nice to have a nice cleaned up sign.

Mr. Montesano stated my sons learned how to ski there, so...

Chairman Rogan stated like we said, the size of the stanchions to support this sign, are setting the precedent in a way for what will fit in the context of the sign that's there.

Board Member Taylor stated that's about...

Chairman Rogan stated that's in essence...

Mr. Montesano stated and since I'm not here, that's all.

Board Member Taylor stated I agree with Mike that we need to...

Chairman Rogan stated yeah.

Board Member Taylor stated we need to, there are a number of areas where we need to start expanding things in the general rules, in this case I think we can look at this sign and just proportionally...

Chairman Rogan stated right.

Board Member Taylor stated we can say, we can certainly go with another 25 square feet which would fit proportionally and we could go with maybe another half above that but any more than that it's not going to look right.

Chairman Rogan stated right.

Board Member Taylor stated and we're also starting to hit the height distance that we were worried about with the other sign.

Chairman Rogan stated that's right.

Board Member Brady stated right.

Board Member Taylor stated so I would say no more than 25 and a 1/2 is 12, 37 and a 1/2 but...

Chairman Rogan stated and that's proportional to the sign that's existing.

Board Member Taylor stated yeah.

Board Member McNulty stated well it says the bottom of the sign is at 20', so if we went with another 5' by 5' it would be at 10'...

Board Member Taylor stated no, it would be 15'.

Chairman Rogan stated no, because it's 20'...

Board Member Brady stated 5'.

Board Member Taylor stated 5' by 5', yes Tom, 20 minus 5 is 15...

Board Member McNulty stated oh, 20' to the bottom.

Chairman Rogan stated so then you'd be here 15', then you've about 2 ½' it would be 12 ½'.

Mr. Montesano stated where does the bottom sign start to obstruct.

Chairman Rogan stated right.

Board Member Taylor stated that's, we had said 10' didn't we say with the other one, so we're still above that.

Board Member Brady stated so that would be Thunder Ridge.

Chairman Rogan stated so Thunder Ridge, paintball, 20, 15...

Board Member Taylor stated 12 ½.

Chairman Rogan stated 12.5 for Haunted Hayride, 2 ½ by 5...

Board Member Taylor stated or we can go with Shawn's suggestion and make the paintball subordinate to Thunder Ridge and make them fit the two in the 25 [square feet].

Chairman Rogan stated but you know, I like the, I mean 5' by 5' for that, they're bigger than that now, we're lucky to get them to rip the sign down, I think Mike, everybody hit on some really good points, I think we should probably move to approve this and add into those types of conditions, that the sign, the paintball sign come down prior to our sign permit for Thunder Ridge being effective, if that makes sense.

Mr. Liguori stated and then what you could do is you could say, you know, they come back, if the owner comes back with a joint sign program that you would be willing to make a recommendation to the Zoning Board.

Chairman Rogan stated perfect.

Board Member Taylor stated for 37.5 square feet...

Chairman Rogan stated perfect.

Board Member Taylor stated and we want to ask them to clean up the posts and...

Board Member McNulty stated yeah, I'd like to, any visible structure to be cleaned up and painted...

Board Member Brady stated repainted.

Chairman Rogan stated okay, you mean the actual metal, is it metal...

Board Member Brady stated yeah, I think they're steel.

Mr. Liguori stated probably.

Chairman Rogan stated steel columns.

Mr. Liguori stated to handle the wind, you would think, you know.

Board Member Taylor stated I think they're metal, aren't they steel columns.

Rich Williams stated I don't recall right now.

Board Member McNulty stated I believe they are.

Chairman Rogan stated and the lighting that's on there.

Board Member McNulty stated the lighting is within the box, correct, fluorescent.

Board Member Taylor stated yeah, he was going to do the box light, so for the time being that would be fine unless they've got...

Chairman Rogan stated okay.

Board Member Taylor stated unless they've got other lighting down here, do they have lighting at the base.

Board Member McNulty stated I don't believe they do.

Rich Williams stated I don't know.

Board Member Taylor stated or we could say and bring lighting into conformity with the Code, something like that, just...

Chairman Rogan stated okay, so...

Board Member McNulty stated all the lighting is, would be restricted to how they proposed.

Chairman Rogan stated yeah, let's deal with the lighting on the one that we have in front of us.

Board Member Taylor stated yeah.

Chairman Rogan stated okay, so on the Thunder Ridge sign application, I need a SEQRA determination from someone.

Board Member McNulty stated I'll make a SEQRA determination.

Chairman Rogan stated thank you.

Board Member McNulty stated on the Thunder Ridge sign application, I declare a negative determination on SEQRA for the sign.

Chairman Rogan stated can I have a second.

Board Member Taylor seconded the sign.

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

Chairman Rogan stated okay and on the motion to approve with the conditions that we spoke about, we'll help you out.

Board Member McNulty stated okay, on the Thunder Ridge sign application, we'll approve the 5' by 5' sign as presented with the internal fluorescent lighting to be mounted at 25' on the existing structure and request that all lighting complies with how it was proposed and no additional lighting...

Chairman Rogan stated okay.

Board Member Taylor stated conditions...

Board Member McNulty stated and that the posts be cleaned up to be painted or presentable and what am I forgetting...

Chairman Rogan stated and the third condition and the most important would be the effectiveness of the...

Mr. Liguori stated that the permit is not effective...

Board Member McNulty stated oh, the Liberty, the condition that the Liberty Paintball and Haunted Hayride signs come down and...

Chairman Rogan stated before this permit is effective.

Board Member McNulty stated before this permit is approved in entirety.

Chairman Rogan stated okay, perfect, can I have a second...

Board Member Taylor stated and are we going to...

Chairman Rogan stated we'll do that as a separate.

Board Member Taylor stated okay, alright.

Chairman Rogan stated can I have a second.

Board Member Taylor seconded the motion.

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

Chairman Rogan stated and then we're looking for a motion, maybe not a motion as much as a statement really...

Board Member McNulty stated a recommendation.

Chairman Rogan stated a statement on the record that if the owner comes back into us with a full site...

Mr. Liguori stated a comprehensive sign plan.

Chairman Rogan stated thank you comprehensive sign application for the other leases' of the site that the Planning Board based on the size and placement of this Thunder Ridge sign would be amendable to recommending to the Zoning Board that an additional 37.5' of sign be appropriate, so moved, or not so moved...

Board Member Taylor stated second.

Chairman Rogan stated but it's really a statement.

Board Member McNulty stated in agreement.

Chairman Rogan stated so, okay.

Board Member Taylor stated agree.

Chairman Rogan stated thank you. We figured 5' by 5' for paintball and half that for...

Rich Williams stated mmhmm.

Chairman Rogan stated anything else anybody wants to bring up for tonight...

Windward Holdings Zoning Change Discussion

Board Member Taylor stated I'd like to thank Rich for his Windward, is it Windward, Windward Holdings...

Rich Williams stated yes, that is one that I'd like you address, you have not made a recommendation to the Town Board.

Chairman Rogan stated which one is that.

Board Member McNulty stated it just came in.

The Secretary the one on [Route] 311, the zoning change.

Board Member McNulty stated the commercial recommendation.

Board Member Taylor stated the change of zoning...

Board Member Brady stated oh this is on [Route] 311.

Board Member Taylor stated the doctor's office.

Chairman Rogan stated oh yeah, yeah, well we didn't make a recommendation because there were such significant issues on it with the, they even come back in with anything to say this is how we would address...

Rich Williams stated correct but you haven't sent anything over to the Town Board as of yet. At the last meeting...

Chairman Rogan stated okay.

Rich Williams stated it was decided that I was going to draft something up on your behalf.

Chairman Rogan stated I apologize...

Board Member Taylor stated which you did...

Chairman Rogan stated okay.

Rich Williams stated which I did, which basically says we're not going to make a recommendation.

Chairman Rogan stated got it, based on those issues. Now that isn't to say that if they came in with a significantly different project, addressing those issues that were...

Rich Williams stated read what I wrote.

Board Member Brady stated yeah, it's in there...

Board Member McNulty stated we need additional information.

Board Member Brady stated it does, it says at the end, the last paragraph.

Board Member Taylor stated I've got one question.

Chairman Rogan stated in fairness, it's dated today.

Board Member Taylor stated yeah.

Rich Williams stated yeah, no I'm not saying that...

Board Member Taylor stated it was handed out tonight.

Rich Williams stated I'm not saying that.

Board Member Taylor stated that's why I came in here, in the quiet.

Board Member McNulty stated so do you want to wait until the next meeting to recommend.

Chairman Rogan stated no, no, if you want to a three minute recess.

Board Member Taylor stated okay.

Chairman Rogan stated yeah, okay, off record for a minute.

Meeting recess commenced at 8:21 p.m., Meeting resumed at 8:23 p.m.

Chairman Rogan stated okay, alright, thank you for the recess, any changes to the wording of the document that was prepared on January 9, 2014.

Board Member Taylor stated I would say the last paragraph, the 4th line which says Town Board and recommendation on whether to change, I'd like to strike on whether so it says that we're not recommending a change at this time.

Chairman Rogan stated okay, everybody in agreement on that.

Board Member McNulty stated yes.

Board Member Brady stated yes.

Chairman Rogan stated motion to forward this document from the Planning Board, prepared by Rich, thank you Rich, to the Town Board, so moved.

Board Member Taylor seconded the motion.

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

Chairman Rogan stated alright, fantastic.

Board Member Taylor stated thank you Rich, this was, great job.

Mr. Montesano stated when is our next meeting.

Rich Williams stated that's why they pay me.

Chairman Rogan stated February 6th I think, she said, right.

The Secretary stated February 6th.

Board Member McNulty stated well you're in here early every morning.

Chairman Rogan stated three weeks from now.

Mr. Montesano stated okay, so we don't have a planning, I mean a work session.

The Secretary stated you'll have a work session but your next schedule regular meeting...

Chairman Rogan stated yeah we will, we're just a week off because of the Town Board.

Mr. Montesano stated okay.

Chairman Rogan stated and we have to find out whether we're still in our roles.

The Secretary stated you do have a schedule that was approved last year, so.

Mr. Montesano stated yes, I know, I was okay then because...

Mr. Liguori stated because he was on the Board.

Mr. Montesano stated I was mentally here.

Board Member McNulty stated I have a question, Mr. Cook, is that the nursery...

The Secretary stated yes.

Chairman Rogan stated Prospero...

Board Member Taylor stated Prospero and...

Board Member McNulty stated a letter from Dave Raines...

Rich Williams stated that says...

The Secretary stated it's about the signage on the barn.

Board Member McNulty stated it has come to our attention the barn structure located on the property...

Rich Williams stated oh, alright, got it, yup.

Chairman Rogan stated but we stopped on it for the ski, the AT&T site...

Board Member Taylor stated oh okay.

Board Member McNulty stated this isn't an actual, this is just a notice letter.

Chairman Rogan stated there's no, yeah.

Board Member Taylor stated and this one, is there a deadline, this is...

The Secretary stated that's AT&T.

Mr. Montesano stated that's AT&T.

Board Member Taylor stated no, that's not what I, the other one...

Mr. Montesano stated NYSEG, NYSEG was the one...

Board Member Taylor stated Terry Ridge...

Rich Williams stated Terry Hill.

Board Member Taylor stated Terry Hill, Terry Hill.

Rich Williams stated Terry Hill, I met with the people from Terry Hill, just before...

The Secretary stated Christmas.

Rich Williams stated Christmas, just before the major storm.

Chairman Rogan stated what Ron is asking though is you referenced a 90-day time frame in which to act...

The Secretary stated for AT&T.

Mr. Montesano stated for AT&T.

Chairman Rogan stated but does that apply to this application.

Rich Williams stated no because...

Board Member McNulty stated no, it's not a cell tower.

Rich Williams stated NYSEG is...

The Secretary stated not a telecommunications facility.

Rich Williams stated an expansion of a, of their electric station, of the substation...

Board Member Taylor stated okay.

Rich Williams stated the 90-day rule, the 90-day and 100-day shot clocks that were established by the FCC are for telecommunication towers.

Chairman Rogan stated telecommunications, perfect.

Board Member Taylor stated so it doesn't, this is fine.

Rich Williams stated right Mike.

Mr. Liguori stated right, no one cares about the utility so...

Rich Williams stated no.

Chairman Rogan stated so, site walk for, we have to coordinate with Prospero see when we can get out there.

Mr. Liguori stated just cell phones and coffee.

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

Board Member McNulty seconded the motion.

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

The meeting adjourned at 8:25 p.m.