

TOWN OF PATTERSON
PLANNING BOARD MEETING
January 28, 2010 *Work Session*

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Thomas E. McNulty

Planning Board
January 28, 2010 Work Session Meeting Minutes

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

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member DiSalvo, Board Member McNulty, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:34 p.m.

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

There were approximately 2 members of the audience.

Chairman Rogan stated we have people here for, I'm just looking down at the agenda, this Black Birch LCC Concept, that is Pete.

Mr. Montelone stated yes.

Rich Williams stated that's Pete.

Chairman Rogan stated okay and the letter from Mr. Petrillo.

Rich Williams stated and Pete is also Stone Hill Developers.

Board Member DiSalvo stated six and seven.

Chairman Rogan stated Stone Hill Developers, okay. Why don't we start with number 6 then if everybody is okay with that and then we'll go to Stone Hill Development, just a concept review.

Rich Williams stated just a concept review.

7) BLACK BIRCH, LLC – Concept Review

Mr. Pete Montelone was present.

Chairman Rogan stated okay.

Rich Williams stated Mr. Montelone contacted both Ted and I, we met out on the site, we walked through the site to take a look at a couple of the lots out there and he asked to come in and address the Board with a couple of concepts for commercial buildings, you're on.

Chairman Rogan stated Pete, you're on.

Mr. Montelone stated White Birch, I mean Black Birch...

Chairman Rogan stated Black Birch.

Mr. Montelone stated and Stone Hill, two lots at the end of, apart from each other, one has excess fill, one needs material, so I am trying to combine them together so I don't have to do any trucking off site and then have to bring it back, so on Black Birch, I would like to see...

Chairman Rogan stated hi, we are just going to pull another chair in, thank you.

Mr. Montelone stated I would like to see if I can put a building like this, this is 32,000 square feet, two floors, 16 and 16. Office/warehouse upstairs and just warehouse downstairs.

Board Member Cook stated two buildings.

Mr. Montelone stated no, one building.

Board Member Cook stated one building.

Mr. Montelone stated well this, Black Birch is one building and Stone Hill is another building, this is Black Birch.

Board Member Cook stated one building.

Mr. Montelone stated this is one building.

Board Member DiSalvo stated so this is not at the end of the road.

Mr. Montelone stated this is the first one across from [Eastern] Jungle Gym.

Rich Williams stated for those of you who are on the Board, this is a site that previously the Board had reviewed an application call Bri Car.

Board Member DiSalvo stated oh okay.

Board Member McNulty stated where is this site.

Chairman Rogan stated Commerce Drive.

Rich Williams stated it is Commerce Drive, off of Fair Street it is the fourth lot in on the right hand side.

Chairman Rogan stated is that the lot that had some kind of a trench system dug down through the center of it.

Ted Kozlowski stated yes.

Board Member DiSalvo stated (inaudible) the beavers.

Chairman Rogan stated I remember walking that.

Rich Williams stated yes, back up to the wetlands, in the back is a DEC wetland.

Chairman Rogan stated that was probably five or six years ago we walked that, five years.

Rich Williams stated it's been awhile.

Chairman Rogan stated yes.

Board Member McNulty stated are you looking to develop that as a single tenant property or multiple tenant.

Mr. Montelone stated hopefully a single tenant but the way I have it set up, it would be like you have to split it to get two tenants, to get to the back on two warehouses, I mean two loading docks, one on one end and one on the other. So it could be cut into (inaudible) one guy could get 10,000 square feet, one guy could get 6,000 square feet, the whole floor is 16,000 [square feet]. The basic building actually that is, I'm trying to have a concept of making, pretty much the same 20 by 20 space, you keep adding, so if I have another building, another spot I can use the same thing. I'm trying to build it very reasonable so I can lease it reasonable, I mean its not, can get a lot of money for them when you get somebody that wants to buy it but its hard to find, so if you are trying to get 7 or 8 dollars a square foot leasing because you can, you don't have a place to work but (inaudible) see this. I usually always try to make it look when I have a rendering like that, I have (inaudible) buildings that are built and I show you the rendering of those and I show you the actually building is already built. I try to make them look not too tall, so this is 32,000, 32 feet tall, 33 by, we were looking at it, it looks like an 1820 foot tall building but this roof comes down as a (inaudible). I recently built the building right here in Pawling, so for comparison, I am trying to make it look good, if everybody is in favor and think that I can do something, I would like to...

Chairman Rogan stated and this is like a, it looks like some type of split block façade.

Mr. Montelone stated yes, spilt type façade...

Board Member DiSalvo stated and it will be flat roof, the building.

Mr. Montelone stated yes, flat roof just put a little...

Board Member McNulty stated what is the infrastructure here, is it all septic.

Mr. Montelone stated I just did a job down in Armonk and I built this miniature sewage treatment plant, and what happens is you, (inaudible) in Putnam County supposedly, the guy told me, wastewater

technology is different down there, this particular building that builder was an owner of the Yellow Barn in Armonk.

Board Member DiSalvo stated oh yea on [Route] 22, on the left there.

Mr. Montelone stated on Route 22 and he just built this plant, it wasn't that expensive, I mean it wasn't cheap but was and what happens is he was told that when the water leaves the plant it goes into the galleys, you get crystal clear water. As the (inaudible) pumps inside that one reaches a spot it is not clear, it does not go into the galleys, it goes back into the plant.

Chairman Rogan stated it sounds like what Putnam Diner has.

Mr. Montelone stated that building would need about 3,000 square feet to 3,000 gallons of water a day, that plant that I have it would, I would install a plant that does 5,000 gallons or more a day, in that case, it gives you the flexibility if you have more people working there, you don't have to worry about it in the near future, do anything, supposedly I'm told, its approved by the DEP and all of Westchester County and Putnam County and Dutchess County, they are proven, because that was my question, they are proven, they use them, most of the places where they have condos and stuff, they discharge the water right into the brooks, I am looking to put the galleys right underneath the parking lot and I am told, unless you know different that it could be done, its approved to do so.

Chairman Rogan stated do you want to find that out before you submit an application.

Mr. Montelone stated I'm told, yes, the question tonight is for you guys, a goal...

Chairman Rogan stated well it's a use that is consistent with what we are looking for on this site, so it absolutely what the site was kind of designed for, is this kind of commercial use.

Board Member Cook stated where would that treatment plant be located.

Mr. Montelone stated in the front of the building.

Board Member Cook stated in the front.

Mr. Montelone stated in the front of the building and in the parking lot would be the pipe for the discharge...

Rich Williams stated but its all concealed, you won't see it.

Mr. Montelone stated you won't see nothing, its right at the end of the parking lot.

Board Member McNulty stated is that area light industry as well.

Rich Williams stated yes.

Board Member McNulty stated just so everybody knows, I'm new, this is my first work session, so I have a lot of questions.

Chairman Rogan stated no, that's, we appreciate those questions its good because you get us thinking from a different perspective.

Board Member Montesano stated (inaudible).

Chairman Rogan stated and Tom, just, I'm sorry for the people that are here, this is kind of tight tonight, we don't usually have many people for a work session. We've always kind of felt that a work session, sitting around a table, we get some really good discussion at these type of meetings, as opposed to up on a dais, where everybody feels a little too formal to be honest, so that is kind of why, even though we are jammed into the room here, that is kind of why we try to do these meetings this way. If 10 more people show up, we are going to have get up and switch into the other room but we will try to stick to this room.

Mr. Montelone stated what we tried to do there, is again, is have it for five or six parcels, as you know in the park and it's an industrial park and up to now its been kind of a semi disaster, so I would like to change the...

Chairman Rogan stated let's say that your projects have improved the overall streetscape and look, how about that.

Mr. Montelone stated I would like to improve the whole thing by putting (inaudible).

Board Member DiSalvo stated you know what's missing here, your stonewall.

Chairman Rogan stated right, true.

Mr. Montelone stated but its there already.

Board Member Montesano stated it's there already.

Chairman Rogan stated they aren't building it.

Board Member McNulty stated I go up to the marble place now...

Mr. Montelone stated this is directly across from the marble place, directly across from the marble place.

Board Member McNulty stated what kind of visibility will it have from [Interstate] 84.

Mr. Montelone stated you will see a little bit of [Interstate] 84 but in the site plan, you will see that I have a berm in the back which I will plant, so if I have to say in 8 months out of the year, you probably won't even see this particular building because the landscaping in the back and the berm, you'll just see the top. A little different than what my neighbors did, their buildings are sticking up a little bit, I am more in...

Board Member McNulty stated down in a lower spot.

Mr. Montelone stated I do more besides I am more into excavating, I do a lot of excavating on my own, so I usually like to sit the building where it belongs, not where the rock tells me to do so, I like to hide them a little bit, no disrespect, they did a nice job on what they did, its looks (inaudible) its just...

Board Member McNulty stated and that style follows all the way around the building.

Mr. Montelone stated right and what I like to do is again, after this building, the next building should be the same height, you know kind of sink them in a little bit, so you don't have them sticking out.

Chairman Rogan stated sure.

Mr. Montelone stated if you travel 84, in the summertime its really okay but in the winter, you can see them, I am trying to eliminate that totally by dwarfing them and usually any job that I did, I kind of did that way.

Board Member McNulty stated how are the signs up there, are they all monument signs out by the parking lot or are they on the buildings.

Rich Williams stated it's, well we are on the tape so I don't want to express my feelings on the signs up there but it's helter skelter right now.

Board Member McNulty stated mixed use.

Chairman Rogan stated yea, there have been a lot of signs that have been added, also that are temporary signs...

Board Member DiSalvo stated right.

Chairman Rogan stated we have a sale on marble or brick or whatever, they seem to pop up every other day but...

Board Member McNulty stated you have any thoughts on your signage, how you would do it.

Mr. Montelone stated I would, what I would like to do is what I did over at White Birch...

Chairman Rogan stated White Birch looks nice.

Mr. Montelone stated just make one wood sign, like you have Patterson Park, you have like a little marquee there.

Board Member McNulty stated yup.

Mr. Montelone stated once and awhile they cheat on me and they slap another sign on...

Chairman Rogan stated those aren't their primary signs, those are more trying to pull business off of Fair Street.

Mr. Montelone stated (inaudible).

Rich Williams stated he does have a very attractive sign up at the front of his building, probably one of the only signs up there that has actually been permitted by the Board.

Board Member Montesano laughs.

Chairman Rogan stated well Pete, your reputation with the Board speaks for itself, we have had great success with your projects in the past and our work relationship, I am looking forward to seeing what you are proposing for some of your other lots up there, I think its going to be great.

Rich Williams stated a couple quick comments, if I could just jump in here. I did take a look at the site, some of you have the site walk, we got the additional copies we needed late, so I have the additional copies here for those of you who didn't get one yet and want to take a look at it. I, in looking at the site plan, it didn't look like you were going to have sufficient area to really address stormwater based on the current design standards for New York State. I was wondering if you own the lot next to it, which is really a challenged lot, I think was Markey Perdue's lot...

Mr. Montelone stated the one (inaudible) was Perdue's lot.

Rich Williams stated all right, Bri Car is Perdue's lot.

Mr. Montelone stated I forgot the guys name, it was sold to company in California because I looked it up but he don't want to talk to nobody for whatever this is, like a RET's, Real Estate Trust Company or something, they bought stuff all over, they have no idea if the thing is worth a dime or a dollar or a million and until they come off, anything applies there is no way you can put anything in there but a 20 by 40 garage, I mean you try to, I don't know if you can even do that.

Rich Williams stated I wonder if there was some way we could encumbered that lot for maybe stormwater not only for this project but also for the road, maybe we can work something out, the Town is under a mandate for the MS-4 program to you know, start treating additional impervious surfaces.

Mr. Montelone stated I reached out to them but I got there, from the Town actually I got the tax, within, by the time I called somebody they didn't want to talk to me, like its not for sale or something and they bought it very cheap I thought about if I could buy (inaudible) you mentioned to me (inaudible), I didn't have any success with it so far, I can reach out to them again but...

Rich Williams stated maybe you know, I'll talk to the Supervisor and the Town Board, maybe we'll look at some other options as well.

Chairman Rogan stated hey Pete, do you want to go on to the next project, the other concept.

Rich Williams stated yea.

6) STONE HILL DEVELOPERS SITE PLAN – Concept

Mr. Pete Montelone was present.

Mr. Montelone stated I don't have, this next project is a lot that is told the landfill...

Chairman Rogan stated so its straight past the cul-de-sac.

Rich Williams stated its two lots up from Eurostyle Marble, you have the next lot, next to Eurostyle Marble, is where they have the outdoor storage, no building and then you have this lot.

Mr. Montelone stated this lot.

Chairman Rogan stated okay.

Mr. Montelone stated this lot is a five acre lot, with a mountain of rock really in the back, that was the lot that we were talking about to do some kind of access to the fifty acres or something in the back, so what I was kind of proposing is that if the Town would like to have or whoever is back there, an easement, that would be the lot to put an easement to get through the back and see if I can put up one building in there on the right side.

Chairman Rogan stated and not impact on the easement, so you have the easement to get access to the back.

Mr. Montelone stated and not impact on the easement, (inaudible).

Chairman Rogan stated yea.

Board Member DiSalvo stated (inaudible).

Mr. Montelone stated the other thing that lot has that is a minus is all the water that, at the end is the landfill, everybody is aware, I'm sure of that, the water drains to the landfill, it comes off the other side, goes in clean and comes out with a little bit of stench. I was proposing a way to block that off, create a water feature or something in the center or a new water wetland area and pipe it through the lot across the street, which is the known as the Peckham, Patterson Outdoor Storage and go out to the same spot. At the same time, instead of pouring all the drainage from that area, instead of going through the landfill, they have a pipe like a 12 or 14 inch pipe buried through the landfill, its all rotted and everything else, its sticks up at one end, take that out, block it, put a liner across there, so don't let the water go through the landfill, reroute it from the other side. At the same time, we'll kill two birds with one stone, fix that drainage situation through the landfill and maybe get that lot sort of in different kind of a shape they don't and get rid of the rock in the back where, maybe a plateau. Do two things, one get that easement road put up to the back, so that 100 acres or whatever is back there has some kind of access, two I can cut out the lot where, cut out a spot, a floor for the building, three block the water drainage going through the landfill and sort of make that lot be something.

Chairman Rogan stated make something out of it.

Mr. Montelone stated make something out of it, right now its trouble.

Board Member DiSalvo stated that was the old Putnam County Landfill that was back there.

Rich Williams stated no, it was private operation.

Board Member Montesano stated it was a private landfill.

Board Member DiSalvo stated and it was capped.

Rich Williams stated no, it was not properly capped, that is one of the problems, there was a concern out there to actually do a formal cap on it, some remedial work, a venting system I believe but the owners are, have disappeared.

Mr. Montelone stated one died...

Rich Williams stated yea.

Mr. Montelone stated the other guy (inaudible).

Board Member DiSalvo stated they're current on their taxes, I don't understand.

Mr. Montelone stated taxes, they don't pay taxes, the County took it over twice or something and gave it back, nobody wanted it.

Chairman Rogan stated it's a liability.

Board Member DiSalvo stated so they gave it back to the original owner.

Mr. Montelone stated yea and then...

Board Member DiSalvo stated they don't want it, they can't pay the taxes on it.

Rich Williams stated the problem is the County never acquires title, then they are in the chain and then they are obligated to remediate it.

Board Member DiSalvo stated so they don't want to do that.

Rich Williams stated no.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated (inaudible).

Board Member Cook stated on this Stone Hill one, do you have site plan drawings on that.

Mr. Montelone stated I have real (inaudible).

Board Member Cook stated really.

Mr. Montelone stated we did, what we did was try to figure out if it could be done, if everybody is on board to do it, then I will go to the next step.

Chairman Rogan stated sure.

Board Member DiSalvo stated certainly...

Mr. Montelone stated the reason why I presented them both at the same time is because that one has excess fill and this one can use the fill.

Chairman Rogan stated sure.

Mr. Montelone stated rock, this one is not and instead of trucking it outside and then do all that, its within 200 feet of each other, so it would kind of work to kind of do it simultaneous, this is the first one but at the same time once I get this footing in and the foundation, I can take the fill from there and make this parking lot, there is nothing, it would be a crushed stone like with White Birch, like we did before we built with the stone crusher and (inaudible).

Board Member Cook stated where is the building in Pawling.

Mr. Montelone stated the building I did in Pawling, right on [Route] 22 and Pine Drive, on the right side.

Board Member DiSalvo stated that new office building.

Board Member Montesano stated just by the traffic light.

Board Member McNulty stated across from Karen's there...

Mr. Montelone stated that little house, the little real estate office, the building in the back.

Ted Kozlowski stated signature stone walls.

Rich Williams stated Tommy, its above the light.

Board Member DiSalvo stated its actually at the light.

Rich Williams stated in Pawling.

Board Member McNulty stated above the light, okay.

Rich Williams stated the next road up from the light.

Mr. Montelone stated its at the corner of Pine Drive and Route 22.

Board Member McNulty stated on the right hand side, I know where it is, the stone buildings, its all stone, its a nice looking building.

Ted Kozlowski stated what the Board should realize...

Chairman Rogan stated just speak up a little bit Ted.

Ted Kozlowski stated what the Board should realize as Pete indicated and as Rich and I saw, if he does what he proposes, he will affect or intrude on a piece of the Town regulated wetland, however that piece has been several derogated from all the activities related to that land fill and ongoing dumping by illegal dumpers. When we were there were a bunch of mattresses sitting in that wetland. I think what he is proposing to do, even though it is an intrusion, the fact that he is going to prevent this stream from going through a landfill, is a good thing.

Chairman Rogan stated sure.

Ted Kozlowski stated because what is in that landfill is leaching into that stream and then going down stream and I think it's a good thing.

Chairman Rogan stated Ted, is that section that we walked down off the cul-de-sac, that ultimately drains towards the highway.

Ted Kozlowski stated you go to the cul-de-sac and its immediately to the left.

Chairman Rogan stated straight back, to the left, I remember walking down it.

Ted Kozlowski stated right at the end of the cul-de-sac, you look down that, that's the tail end of a wetland and it funnels into a pipe which is rotting and that goes through under the landfill.

Board Member Montesano stated that is one you can see from [Interstate] 84.

Ted Kozlowski stated right.

Chairman Rogan stated yea.

Ted Kozlowski stated so it would really be a good idea, I think to not let that water go through a landfill.

Chairman Rogan stated Pete, do you also own the lot at the end of the cul-de-sac on the right between the, you do, because that was the one we walked, Jack Karell was working on the engineering on that and then it just went away. It has a big knob sticking up of white, whatever that white rock is, granite or, you can see if from the highway as you drive by, yea, its like a marker. Okay, obviously both...

Mr. Montelone stated we reused the board, one of the houses...

Chairman Rogan stated okay, when you walked in, I saw that and then on the other side I saw the house and said well, two different projects but.

Mr. Montelone stated I had one of those boards, I just brought it up so we would have something to hold the paper.

Chairman Rogan stated you have someone doing some nice art work for you. It sounds like everybody is on Board with, I mean, that is what Commerce Drive is about to get some good uses that meet with the Code, that you know it's a great commercial park and if we can fit it on there, I think that's great.

Mr. Montelone stated I hope, I'll do my best, you know.

Chairman Rogan stated it sounds like the second project has a little more challenge though in terms of getting everything to work, so. We look forward to working with you on it.

Mr. Montelone stated thank you, I'll bring you more, I'll move to the next step, I'll look more into the sewage treatment plant and I'll...

Board Member McNulty stated get your site plan together.

Mr. Montelone stated the next step on the site plan and go from there.

Chairman Rogan stated fantastic, thank you.

Board Member Montesano stated thank you Pete.

Board Member DiSalvo stated and leave the cannolis.

Chairman Rogan stated have a nice evening, be careful of the roads.

Mr. Montelone stated okay, bye-bye, I leave you this.

Chairman Rogan stated okay, you can frame it and put it on.

Board Member DiSalvo stated that's his leather jacket.

Mr. Montelone stated I'll leave it here, that house is already sold, as a matter fact they sold it again, the people moved back and they made a lot of money on it too.

Board Member Montesano stated amen.

Chairman Rogan stated pass that around, you have to look what's inside there, open it up and just forget about your diet.

Board Member Montesano stated forget diets.

Board Member DiSalvo stated put that over here.

Chairman Rogan stated forget about any New Year's Resolution anymore.

Board Member McNulty stated he seems like he does a nice job.

Chairman Rogan stated he does a nice job, really nice.

Board Member Montesano stated what he's done to that park in his section (inaudible).

Board Member DiSalvo stated (inaudible).

8) OTHER BUSINESS

d. Petrillo Request for Bond

Mr. John Petrillo was present.

Chairman Rogan stated okay, we also have a letter from Mr. Petrillo who is here in the audience and is requesting to, you remember as part of the application, Tommy, you weren't part of this but we did mention this when we were on the site walk, it's a lot in lake...

Board Member Montesano stated Putnam Lake.

Chairman Rogan stated Putnam Lake, thank you, that we did a wetlands permit on to demo a dilapidated house and put up a new home, a very limited lot but as part of that we wanted to set the limits of disturbance for the wetland, so there was a demarcation of that fence that was proposed. Mr. Petrillo said that he has bonded the paving of the driveway...

Mr. Petrillo stated yes.

Chairman Rogan stated and at this point basically you want to see if you can get approval to bond the fence because you want to get a C.O. obviously right now. Is it as straight forward as that, did I capture what you're looking to do...

Mr. Petrillo stated that's it.

Chairman Rogan stated it's pretty much crunch time here and I guess with this weather its not the easiest thing in the world to get a fence in the ground.

Mr. Petrillo stated we have all the site work to finish in the spring as well.

Board Member Montesano stated French Gothic, it's French Gothic.

Board Member Cook stated what is the height of the fence.

Mr. Petrillo stated 42 inches, it will sit up about 3 to 4 inches off the ground and then I believe the fence itself is 42 [inches].

Ted Kozlowski stated John, I visited the site and generated a memo...

Mr. Petrillo stated okay.

Ted Kozlowski stated I generated a memo to the Board, John the fence is one issue, there is still some debris in the wetland that you need to get cleaned up, when you, you know the guy with the shed a bunch of wood and there is still some metal on the hill...

Mr. Petrillo stated okay, he said he was cleaning that...

Ted Kozlowski stated make sure that gets done, the fence obviously and then the house, you did a fabulous job, that is a hundred times better than what was there. It's the nicest house in the neighborhood, it looks like it may be bigger than the footprint.

Mr. Petrillo stated no, it doesn't, I followed the footprint.

Ted Kozlowski stated and the back of the house was unfinished, there are like three, are they windows going in or...

Mr. Petrillo stated no, that's attached to the house, a shed, we had to have the meter for the electric; there was no place to put it because you have to have at least three feet of clearance and there was no place to put inside the house. We had to mount the panel outside, so we made an enclosure and then they wanted a door over it, so I made a place for it.

Ted Kozlowski stated so that is going to get finished.

Mr. Petrillo stated its going to have doors.

Rich Williams stated just to be clear, its not a shed, its an exterior storage area.

Mr. Petrillo stated yes, not a shed.

Ted Kozlowski stated how far out are you coming.

Mr. Petrillo stated its about 29 inches, 30 inches, its an attachment of the house.

Ted Kozlowski stated you know that's the area that is right on top of the wetland, we just want to make sure that we stay within the perimeters that were given.

Mr. Petrillo stated yea, you gave me 23 feet, where we placed the rocks, we stayed about 4 feet in from the marker and the fence is going to be in front of the rocks.

Ted Kozlowski stated how far is that fence going John...

Chairman Rogan stated its shown on the...

Mr. Petrillo stated you said that, its shown on the plan, it actually runs along the back of the property and then it runs on an angle to the right side.

Chairman Rogan stated it looks like it basically runs the entire property line if you assume the wetland is the property line.

Ted Kozlowski stated did you sell the shed.

Mr. Petrillo stated I've got two people that are interested, one was supposed to come and pick it up but we did move it off of the property line, it is in compliance (inaudible).

Ted Kozlowski stated like I said John, you did a wonderful job on that house, move in and enjoy it.

Mr. Petrillo stated already moved in.

Chairman Rogan stated you mean you want to because you don't have a C of O yet.

Ted Kozlowski stated just...

Chairman Rogan stated you mean you'd like to move in soon because you don't have your C of O yet, we want to make sure that was clear for the record, we don't want anybody to get you to in trouble.

Ted Kozlowski stated as you know there is not a lot of room to move around there, so whoever moves in there, has to understand that there is a nice size wetlands in the back.

Mr. Petrillo stated (inaudible) no intention of going in further than where we are.

Chairman Rogan stated an it also says here on your schematic, you're looking, you're going to install the fence yourself.

Mr. Petrillo stated correct.

Chairman Rogan stated but if I'm not mistaken for a bond, we're looking at the idea that you have to add the labor to that.

Mr. Petrillo stated you have to add the labor to it.

Chairman Rogan stated procedurally we would be looking at recommending that the Town Board set a bond in the amount X to cover the installation of a fence per the attached plans. Can we figure out what labor that would be and have, what labor on that fence would be, sorry and maybe have a number for the meeting.

Rich Williams stated to put that fence in, you are probably talking about two days worth of work with the holes, so 16 hours you have to figure average labor rates about 20 dollars an hour...

Mr. Petrillo stated fine.

Chairman Rogan stated Tom, that seem...

Board Member McNulty stated 20 dollars an hour...

Ted Kozlowski stated laborer.

Rich Williams stated you think more.

Chairman Rogan stated what do you think Tom.

Board Member DiSalvo stated I wouldn't pay more than that.

Board Member McNulty stated for laborers, I bill out at \$45 an hour for laborer, if you want to stay in business.

Board Member DiSalvo stated that's a high price.

Chairman Rogan stated well so...

Board Member McNulty stated figure \$40 dollars an hour.

Chairman Rogan stated even if you said \$40, you're talking sixteen...

Board Member DiSalvo stated I'd say \$500 for the whole job.

Chairman Rogan stated so if we made that number like fifteen hundred dollars, you know.

Board Member DiSalvo stated total.

Chairman Rogan stated total.

Board Member DiSalvo stated yea...

Mr. Petrillo stated that's fine.

Chairman Rogan stated that would be more than enough to cover it but the bottom line is Mr. Petrillo is going to put it in anyway, so he's going to get that money back, its just a bond.

Board Member McNulty stated there's no overhead.

Chairman Rogan stated because I want the fence more than I want the fifteen hundred dollar bond, that is really integral to just, not for you, we realize that you're not the kind of person to go dumping stuff into the wetlands but for the future. So, would everybody be comfortable with a motion to recommend to the Town Board to set a bond in the amount of fifteen hundred dollars to cover the installation of the four foot tall, is it four foot or 42 inch...

Mr. Petrillo sated 42 inch.

Chairman Rogan stated 42 inch fence per the attached plans.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated thanks, no need to come next week.

Mr. Petrillo stated when do I...

Chairman Rogan stated we will...

Rich Williams stated Town Board meets the second Wednesday of February, you'll be on for that agenda and wrap it up.

Mr. Petrillo stated thank you everybody.

Chairman Rogan stated thank you John, good luck to you.

Mr. Petrillo stated thanks for pastries.

Board Member DiSalvo stated thank Pete, thank Pete.

Mr. Petrillo stated I already did.

Board Member Montesano stated they are already gone.

Chairman Rogan stated you better take one to your wife because none of us need all those.

Board Member Montesano stated don't worry they are all dietetic, so don't worry about a thing.

Board Member DiSalvo stated do we have anything on O'Mara.

Mr. Petrillo stated thank you again.

Rich Williams stated well actually, are we back on...

Chairman Rogan stated we are still one, actually I wanted to ask Bruce and the two ladies that are here, are you here for a specific point on the agenda because if so, we would push to that and cover that.

Meredith Black stated yes, zoning and Winding Glades, Zoning...

Chairman Rogan stated you mean zoning for clubs.

Meredith Black stated I'm sorry.

Chairman Rogan stated zoning for clubs.

Meredith Black stated yes.

Dede Lifgren stated I am also interested and the cell tower.

Chairman Rogan stated okay, so having said that, let me look at the agenda real quick here. Why don't we do then the cell tower, you're talking about Quail Ridge right...

Dede Lifgren stated right.

Chairman Rogan stated okay, why don't we do the cell tower for Quail Ridge then...

4) WIRELESS EDGE AT QUAIL RIDGE – Site Walk

Chairman Rogan stated last weekend after we did the Ice Pond [Estates] site walk, we went over, we met with our Town Engineer...

Rich Williams stated John Arthur and Andrew Fetherston.

Chairman Rogan stated Andrew Fetherston and the engineer for the, John Arthur, who is he, he's for Wireless Edge.

Rich Williams stated yes.

Chairman Rogan stated and we looked again at the possibility of the alternative plan for gaining entrance from Phillard [Road] and basically what we came out of that with was having them come back to us and take a very hard look at how to put in that roadway, following, Ted showed up also, just to take a look at some of the wetland issues. There was an area that we travelled that the engineer ran his GPS on to get a sense of what we saw as a possibility for the road, fairly gentle grade. It has challenges and there are a lot of unanswered questions but the discussion certainly followed that when you are going to have impacts associated with putting in a roadway, we have to look at all the options that are available to the Board and until we take a hard look at all those options, we certainly couldn't consider a decision on how that should go. What we were looking for in that case is for the applicant to come back with engineering design to show the design for a roadway coming in off the other side and the cost estimates so that our engineer can take a look and first of all to make sure that it's an honest look and a hard look and then we can do an evaluation of what the impacts are from you know going each way. There are some potential wetland impacts coming in off of Phillard [Road] and again it something that the Board needs to look at and have all the information on. I think that is all...

Ted Kozlowski stated Shawn, did you ask the question because I had left and he had just showed up...

Chairman Rogan stated yea...

Ted Kozlowski stated you know we looked at that flat area, that was before the wetland...

Chairman Rogan stated we did.

Ted Kozlowski stated so he didn't have to cross any wetland before...

Chairman Rogan stated we had mentioned the area closer to Phillard [Road] as a granted, it's a little more of a slope but we brought up the idea that there is an area that might be utilized for the pad for the cell tower, that wouldn't require a wetland impact, it would be a little closer to Phillard [Road]. He has basically said that when they went over the site design, they were trying to site the cell tower as close to the center of the property so as not to have visual impacts to either side and so he would look at that. He felt that it was probably, if a cell tower was going to go on that site that it would probably have to be somewhere close to the center or it might not possibly be there at all because the, you know moving it up the hill. I think he felt that the Homeowners' Association on Phillard [Road], what is that called the Homeowners' Association out there, Quail Ridge.

Board Member Montesano stated Quail Ridge.

Chairman Rogan stated might not accept that but that is something that we did ask him to look at as well.

Board Member McNulty stated it would raise the tower higher...

Chairman Rogan stated it would raise the tower higher by maybe 20 or 30 feet...

Board Member McNulty stated yea.

Chairman Rogan stated probably different, probably 20 feet in elevation difference.

Ted Kozlowski stated are they going to, are you going to ask them to do a balloon test.

Chairman Rogan stated we didn't ask them to do one on that because I think until we know how it would layout or if it was even option from the applicant's standpoint.

Ted Kozlowski stated I think you should do a balloon test on that flat too...

Board Member Cook stated I think we also should ask the applicant about the installation about a true monopole, not with these big antennas hanging off.

Board Member Montesano stated yea.

Chairman Rogan stated is that what you meant by your e-mail, when you were talking about looking at the...

Board Member Cook stated the one by the train station.

Chairman Rogan stated I looked at it yesterday.

Board Member McNulty stated yea, I went by it yesterday too.

Chairman Rogan stated and that's...

Board Member Cook stated that is what they described right, I mean...

Board Member Montesano stated yes.

Chairman Rogan stated it's a monopole with projections off the sides for the antennas.

Board Member Cook stated as opposed to just the pole, that looks like a flag pole and everything else is either inside or very minute on the pole itself and I can't see why they can't do that...

Board Member Montesano stated isn't that one on [Route] 22...

Board Member Cook stated we really have to have a discussion with them on that.

Board Member Montesano stated that is the one they put on [Route] 22, which is a monopole...

Board Member DiSalvo stated that's the one by MalDunn, that's a monopole.

Board Member Montesano stated that's a monopole, its not with anything sticking out and all that other nonsense.

Board Member McNulty stated no outriggers.

Chairman Rogan stated right.

Board Member Montesano stated the whole thing is when you drive around you see one of those, I mean...

Board Member DiSalvo stated it just kind of blends in.

Board Member McNulty stated I noticed on 684 this morning, there are about 3 of them between White Plains and here, one in Golden's Bridge, another one in Mount Kisco, now that you brought it up, it stood right out, you see the structure on the top, the top (inaudible)...

Board Member Montesano stated the toilet bowl brush, when you are going down on a certain parkway.

Board Member Cook stated when you are going south on 684, you go down about a mile or so, there is the one on the left...

Board Member McNulty stated yea, in Brewster.

Board Member Cook stated its huge.

Board Member Montesano stated that one on exit 11 in Connecticut...

Board Member Cook stated yes.

Board Member Montesano stated that's another nightmare, that looks gross.

Board Member Cook stated I just think that...

Board Member McNulty stated the question is can they achieve the same transmissions on a monopole.

Chairman Rogan stated right, I have no idea.

Board Member Montesano stated well the distance that they are saying that they are working on, I see no reason to have all these things sticking out.

Chairman Rogan stated I'm sorry say that again.

Board Member DiSalvo stated right.

Rich Williams stated let's be serious, they can get the transmissions but to get the same number of carriers they would need to go higher because they would have spacing issues.

Chairman Rogan stated okay.

Board Member Cook stated well on the, you're talking about if they just had a monopole...

Chairman Rogan stated yea.

Rich Williams stated right.

Board Member Cook stated yea but I know one in particular that has at least five, I don't know how many carriers are down here at MalDunn.

Rich Williams stated it depends on the lowest height you can achieve on the tower to get reasonable coverage to the area and then you have to go up from that, stacking them up a distance of 6 to 10 feet. Each set of, each carrier has two sets of arrays that go in that tower so assuming 6 feet and 4 carriers, you're talking about 24 to 30 feet for the height of the pole.

Board Member Cook stated again, the poles are so nondescript that you wouldn't even see it.

Board Member Montesano stated they are talking about according to that map a small area that they are covering, so why is it necessary to put these things up there if they can't engineer the pole because one is cheaper.

Rich Williams stated let me interrupt everybody at this pole, the style pole is an area related to the height area variance and that is an issue before the Zoning Board, not this Board. This Board's authority stops at you know citing everything there, the driveway and such, if you strongly feel that way about you know the style of tower and it sounds like you do and I will tell you that the ZBA generally shares your concerns, I would suggest that you make a recommendation over to the ZBA but you know understand when it gets to the height of the tower and the style of the tower and the visual impact on the height of the tower, that is really a ZBA issue.

Chairman Rogan stated okay, so the purview of this Board is the site plan itself and how we gain access and how the components of the that site plan layout.

Rich Williams stated correct.

Board Member McNulty stated yea, one suggestion I have is you should really propose a single fuel source for these multiple generators, preferable propane but unless he can have self contained fuel within the generator would be sufficient, you don't want...

Board Member DiSalvo stated we can review the visual impact, that's why we do the balloon test.

Board Member Montesano stated we're the Architectural Review Board, why can't we have a visual impact on what the tower looks like.

Rich Williams stated because its an issue relative to the height variance and the ZBA did the balloon test, the Planning Board was invited to join them on that.

Chairman Rogan stated and we did a site walk to see where the pad and everything lays out.

Rich Williams stated right.

Board Member Cook stated I also think that when we went there and the referencing was it's a monopole and that leads you to believe that you're not going to have these big antennas hanging off. Will this applicant be here next week.

Rich Williams stated I don't know that they will because they haven't done, this is basically on because we went out to the site, I did a site walk memo, that is for the Board's review, to make sure that its sufficient...

Chairman Rogan stated okay.

Board Member Cook stated I'm happy that it is on our agenda, so that either these folks do come in and we can express this or that to me we get the word to the ZBA, okay how we feel, if we all feel that same way...

Board Member McNulty stated can I ask...

Chairman Rogan stated why don't we ask Michelle to copy the Zoning Board and the applicant on the excerpted portion of these minutes, we'd have to review them and approve them of course to consistency but we can do that as a result of next meeting.

Rich Williams stated and that won't happen you know until the following meeting...

Chairman Rogan stated all right but even still as part of that we can get this...

Rich Williams stated it might be better just to suggest that the department sends a memo to the ZBA...

Chairman Rogan stated fantastic, that is what I like about you Rich.

Rich Williams stated concerning the visual issues that the Board has talked about tonight...

Board Member DiSalvo stated and also...

Rich Williams stated specifically that it should be a true monopole and not a monopole with exterior arrays.

Dede Lifgren stated excuse me Rich, can I just interrupt please...

Board Member DiSalvo stated I'm afraid that you know maybe next year that they will come and put more antennas out and more...

Board Member McNulty stated I think the height of the pole will limit how many carriers you can put on.

Board Member DiSalvo stated and then it will end up looking like this.

Board Member Montesano stated no, no, because what they'll do is they'll come down every 8 feet. They are going up here, if they can get two people up there and then the third person comes in, it's still clear, they can put them every 8 feet coming down.

Board Member McNulty stated these say they can put up to 6 carriers on that, I think that was his limit the way, if I heard him right.

Board Member Montesano stated well I got a feeling that...

Chairman Rogan stated I think you also, I heard that also.

Board Member Montesano stated I understood we were having a monopole and then it ended up having arms that stick out and that is not a monopole.

Chairman Rogan stated in fairness, when we were asking some of the technical questions, they were, you remember the conversation went around how far we were, the guy was trying to triangulate and make all

the measurements and that was at the last meeting, its not like we just found out tonight that this is going to have arms on it, its just that the discussion is ensuing tonight.

Board Member Montesano stated well...

Board Member Cook stated exactly but we found out about last meeting and...

Chairman Rogan stated I am not saying we have accept it Mike, I'm just saying that we're...

Board Member Montesano stated no, I'm, fine, I'm saying right now we are discussing it.

Chairman Rogan stated it was not a bomb that was dropped, let me put it that way, this is something that we've talking about.

Board Member Montesano stated I realize, since we only meet twice a month per se...

Chairman Rogan stated yea, yea.

Board Member Montesano stated this gives us an opportunity to voice an opinion on it...

Chairman Rogan stated absolutely.

Board Member Montesano stated and it doesn't work out, to my satisfaction anyway.

Chairman Rogan stated yup.

Board Member Montesano stated I think I mentioned that kind of, when we were discussing coming in from one row to another, I'll go along with what the people require, that is my opinion.

Board Member McNulty stated the one thing we have to watch is the monopole requires more height, that might not be to our benefit.

Chairman Rogan stated right.

Board Member McNulty stated if it keeps it low, just over the tree tops...

Chairman Rogan stated I would be in favor of anything that is reasonable that would keep the height to a minimum because right now, I mean when they did the balloon test, they were, they said they were 40 feet above the tree line. We couldn't see that balloon from virtually anyway around the lake that we drove, without, certainly without binoculars from the southern end of the lake.

Board Member McNulty stated something to keep in mind, is they are going to clear cut a 110 by 110 area, so that might expose the balloon.

Chairman Rogan stated yea.

Rich Williams stated it's not going to make a difference for the overall tree canopy.

Board Member DiSalvo stated it's probably very thick in there.

Chairman Rogan stated so anyway, I think we need some requests of the applicant, in terms of showing other access and things that were mentioned earlier. We have this on the agenda to talk about these types of issues but until they come back with some information that Andrew can take a look at, I'll be honest I want Andrew to take a look at it before we do, I want to make sure that he says that this is an honest approach, not that they are just throwing something, you know I don't want them to throw something out that isn't anything less than an honest approach. To be honest if Phillard [Road] was their only way that they could gain access, we would be hearing nothing but the good parts of it.

Board Member McNulty stated that's it.

Chairman Rogan stated yes, Ted.

Ted Kozlowski stated Shawn and Rich, this area that they are putting it in, is this a public open space area.

Rich Williams stated no.

Ted Kozlowski stated this part, what is the forest, what is that forest, is it just privately owned land and its not intended to be open space for development.

Board Member DiSalvo stated it is open space for the development.

Rich Williams stated its open land, its owned in common by the Homeowners' Association.

Ted Kozlowski stated right.

Chairman Rogan stated so it needs majority approval from the Homeowners' Association for any use of that.

Rich Williams stated or whatever other mechanism is in their bylaws.

Ted Kozlowski stated my point is and Tommy kind of woke me up here, they are going to clear cut an area of a hundred...

Chairman Rogan stated foot or acre.

Ted Kozlowski stated you have to make sure that when they do this, everything isn't just piled, you know to one side and then you put up the tower because I would think that those folks that live there probably use that, that is kind of a nice parceled area, you want it to be left in a nice state, you don't want the piles of down trees and debris because...

Rich Williams stated we can agree that it belongs to the Homeowners' Association.

Ted Kozlowski stated I don't know, I don't know if it does.

Rich Williams stated it does, we can agree that materials that come from removed trees is all natural and biodegrades...

Board Member DiSalvo stated yea.

Ted Kozlowski stated yes.

Rich Williams stated okay so we can agree that it is their land and they are okay with it...

Board Member Montesano stated or are they.

Rich Williams stated what's the issue.

Ted Kozlowski stated well why are we reviewing this.

Rich Williams stated as it relates to the access, the fencing, the lighting...

Chairman Rogan stated because of other...

Ted Kozlowski stated right but I think as a Board, it has a visual impact...

Chairman Rogan stated and it has impacts on people other than the Homeowners' [Association].

Ted Kozlowski stated and that is a visual result of the action they take.

Chairman Rogan stated I think as part of construction notes on a plan, we can say that they should you know...

Board Member Montesano stated mulch it at least.

Chairman Rogan chip the tops or something but, you know.

Board Member McNulty stated its really up to the [Homeowners'] Association because they leasing the property so they should be the ones to say hey listen, you can't leave this place a mess, maybe we can suggest that to them I guess but its up to them to police, wouldn't it be.

Chairman Rogan stated yea.

Rich Williams stated that was my point.

Board Member McNulty stated yea.

Board Member Montesano stated so are we going to send a recommendation to the ZBA about our feelings.

Chairman Rogan stated we are going to send a letter, the recommendation will come when we send our, we haven't done a full recommendation on this yet because we don't have all the information.

Rich Williams stated there is no requirement for you to do a full recommendation.

Chairman Rogan stated there isn't, why was I thinking there was.

Board Member Montesano stated no.

Board Member DiSalvo stated so say this...

Rich Williams stated special use permit...

Board Member DiSalvo stated so say the cell tower goes in and this is supposed to be passive open space, does the applicant, can the applicant come back next year and say they want to put in an in-ground pool there or a tennis court.

Chairman Rogan stated yea, they can and we would have to review it and that is the whole point just like we could say there is no way, this was dedicated, this was supposed to be open space, this is an area that is unique that it provides connectivity between habitat areas and we don't think anymore development should be done, that was the intent at the subdivision and I am just paraphrasing this. What we have to balance here is this use of this property going to benefit that we've looked at this cell tower site in other areas around the lake that have been you know much more impactive to people, so I think that is part of what we have to at least consider here. Okay, you want to move on.

Rich Williams stated I am still not clear, what are we doing with the ZBA.

Chairman Rogan stated you said you were going to send a letter.

Rich Williams stated okay but the Board then should do that by motion direct us to, just so it's clear on the record.

Board Member Montesano stated Charlie.

Board Member Cook stated I make a motion that the Planning Board authorizes the Town Planner to send a memo to the ZBA outlining our concerns relative to a monopole and a pole that has antennas hanging off its exterior.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay.

Board Member McNulty stated are you from Quail Ridge, is somebody here from...

Dede Lifgren stated I'm from Putnam Lake.

Board Member McNulty stated oh okay, somebody behind me wanted to say something.

Chairman Rogan stated okay, she did but in fairness...

Dede Lifgren stated I'm sorry.

Chairman Rogan stated you're okay, Tom these meetings they are work sessions but typically any meeting is a public meeting but the participation part comes at a, when we have a true public hearing, so it is kind of one of those areas that we try not to get too far away from. We always say to people, while this may not be a public hearing, the Board always accepts written comments and we always review those, so if you have something you feel strongly about, put it in writing and send it to the Board and you know, certainly we are always taking a look at that stuff.

8) OTHER BUSINESS

a. Zoning Amendment – Clubs

Chairman Rogan stated so we have on the agenda, under Other Business, Zoning Amendment – Clubs. We have a memo from Rich directed to our Board which attaches a copy of a local law referencing this section and Rich also makes a recommendation that we take a look, I'm assuming you mean the meeting that was held, I'm sorry.

Rich Williams stated I was suggesting the Board...

Chairman Rogan stated you say, I would recommend that the Board review the video to ascertain any areas of concern.

Rich Williams stated oh yes, the Town Board video.

Chairman Rogan stated from the public or Town Board Members, I did watch that on the website and in essence the Town Board was considering amendments to the Zoning Code, relevant to clubs among other things. It was brought to their attention that they should get a recommendation from the Town Board, which is part of the law so it is before us to take a look at the Zoning Code that way it is written, in reference to clubs to see if either the changes that they were proposing the Board agrees with or if there are other areas that the Board would like to look at changing to further define or delineate what constitutes a club in the Town of Patterson. Rich, jump in.

Rich Williams stated sure, this has all come to life because of an application that was made to the, Winding Glades down on the south end of Town. When I initially took a look at it, it appeared to me to be something other than a club; I still maintain that to me it appears to more of a private garage than a club or any other type of use that is how I essentially classified it. As we are going through this process, the application maintained that they were a club, they met our definition of a club and they met the statutory definition of a club is defined by a variety of court decisions, we've taken a look at them and realized that there are some ambiguities within our Code, there, the way our Code addresses clubs, it leaves it open to broad interpretation and that interpretation currently is before the Zoning Board of Appeals as to where this lays out and that is where it will be decided. In discussing this with the Supervisor and I thought some other Town Board Members but I have since been corrected that you know, they were concerned about perhaps having too broad a definition for clubs within our Code and asked me to draft a local law which more clearly defines the intent of the community, as we all perceived it and to ensure that activities that would be considered clubs would be conducted in such a manner as to not adversely impact adjacent

properties. That is what this current code does, it takes a look at what potentially should be considered a club, essentially outlining that it should be some sort of civic or social which benefits the community with some other limits within the definition of what a club would be, it goes on further to what potential uses would be appropriate for a club and in some instances, what uses would not be appropriate for a club because of perception that they may have an adverse impact on adjacent residential areas.

Board Member Montesano stated is this going to retroactive to this application or are we in the gray area.

Rich Williams stated we are not in any sort of gray area in my opinion, it depends on what the Town Board does with it subsequent to going back, they could specifically exempt any existing applications or they could do nothing. In which case, in my non-legal opinion is that it would affect any application that does not have a valid site plan approval, valid building permit and shovel in the ground.

Board Member Montesano stated okay.

Chairman Rogan stated Rich, I struggle sometimes with these type of reviews because it is hard to not relate looking at this Code and looking to change it and not specifically keying in on particular application, even though Winding Glades might have been the impetus for this review, I tend to try and take a step back and look at it for what says and look at what we want it to specially do, so I want to make sure that we don't get, where we are not looking at this with tunnel vision and just saying hey, you know we either like or don't like application because I think that would be a disservice of what is being asked of us, so you know I just want the Board to proceed in a way that tried to maintain that, so that we look at hey what does our current law say, we can use an application or some other ideas as examples, we had the hunting club up on the hill that we've walked for subdivision approval. You consider some applications or some ideas of clubs that we have and then maybe try to think outside the box of clubs that might come up in the future and whether or not they would be appropriate to be considered as clubs, that is not to say that you can't look at an application such as Winding Glades under another application path such as you said research and development special use permit. Where maybe it is more appropriate but let's just try to work on this with that original intent.

Board Member Cook stated I would like to make a comment that we as the Planning Board have received a letter in response to Rich Williams' letter from the applicant's attorney, outlining case histories and et cetera. The Zoning Board which we received a copy of, has received a letter from the applicant's attorney et cetera, no disrespect to Richard, I just think that we, the ZBA, the Town Board, the Planning Board needs a legal response...

Chairman Rogan stated we've asked for that.

Board Member Cook stated to all of this.

Rich Williams stated all right, well, that letter and my letter are the subject again of the Zoning Board application for an interpretation and there will be a legal response on that, when it comes to this law at this point, they are just looking for a recommendation from the Planning Board, they certainly recognize that if this is going to proceed forward they need to have an attorney look at it and there has been some push to have somebody specializing in land use looking at it. So I don't know if that is going to follow through, I don't know how the Town Board is going to address it, I don't know that once they get the recommendation back from the Planning Board they are simply going to say we're still not going to go forward with it.

Board Member Cook stated the reason I bring it up is that I mean the issue is obviously clubs and there is this, your opinion on one side and the applicant opinion on the other side, both relating to the clubs and I think it would be beneficial for all parties concern to have a legal opinion from our side.

Rich Williams stated I don't want to belabor that but again that is the issue before the Zoning Board right now...

Board Member Cook stated fine.

Rich Williams stated this, you know, I agree whole heartedly with the way Shawn approached this, that it really needs to be looked generally as how we define clubs and let me use an example, the case that was cited by the attorney for Winding Glades brought forward a case that I was not aware of, called Willow Wood...

Chairman Rogan stated Willow Wood, Town of Carmel.

Board Member Montesano stated yea.

Rich Williams stated Willow Wood versus the Town of Carmel, in which they had a club, their town defined broadly what a club was, they wanted to put in a shooting range, Carmel said you can't do that because its not a use specifically permitted within the Code and the courts found that in fact they could put in the shooting range because it was not defined in the code.

The Secretary stated hold on.

Board Member DiSalvo stated skeet shooting.

(Tape 1, Side 1 Ended – 8:33 p.m.)

Rich Williams stated now again within the local law, I specifically addressed hunting clubs as a permitted use but shooting ranges as a specifically prohibited use, case in point, there is a very large piece or property that is currently used by one more individuals next to Maria's property which you know, there is a lot of hunting going on out there, they could conceivable come in and make an application under our current code and become a hunting club. Having done that, they could then go ahead and put in a shooting range, could you imagine the noise that would be behind a very peaceful and tranquil horse farm with a shooting range put in there.

Chairman Rogan stated well let me ask a question though, using that example because you take someone who owns their own property, if you want it on your horse riding property...

Board Member DiSalvo stated right and basically that is what they are doing here.

Chairman Rogan stated and you decide you want to go buy some guns and shoot all day long...

Board Member DiSalvo stated and do skeet shooting in the back.

Chairman Rogan stated doesn't the Town's noise ordinance kick in at some point to say...

Rich Williams stated our noise ordinance is really so broad, as are...

Chairman Rogan stated maybe that is what we should be looking at.

Rich Williams stated may be but as are most municipalities, they are really broad because they don't want to be overly burdensome on the occasional user, you know one shot gun or multiple shot guns, where do you draw the line and the noise level between one and...

Board Member Montesano stated two examples that I can think of...

Rich Williams stated yeah, go ahead.

Board Member Montesano stated Delta Auto Body that I was, well Patterson Auto Body today, there is a building right on [Route] 164, the gentleman used to be out there, I would say every weekend and sometimes during the week, he would bring guests up and they would fire shot guns, skeet shooting all day long. Since he has sold the place, its been a lot quieter but back then that is what noise was, and then the place that I don't mind is the RC club, that can be really annoying in the summer time when its nice and peaceful when you've got 10 guys out there and 5 guys have planes up in there air and some of those planes are worth a fortune but the noise that they create...

Board Member DiSalvo stated I'm right next to that too but...

Board Member Montesano stated and they sound like a bunch of bees going right through your ears.

Board Member DiSalvo stated they do operate under special use permits that limit the hours and the days that they can do it. I can go two weeks with no one at the airplane club and whatever hours they can do and what they've done now, is they don't even use gas engines anymore in those planes, they use battery, so I don't even hear them, you know. On my other side is someone's large piece of property, now would I rather see 100 houses there, no because I'm like in the middle. Sometimes its not really hunting per se, its more like machine guns going off but you know at night, now if that was a club per se, they would fall under a special use permit which we would have them restricted to hours, I think that is more a persons private piece of property that they are doing...

Rich Williams stated right now it is there is no club there.

Board Member DiSalvo stated yea, you know.

Chairman Rogan stated yea.

Board Member DiSalvo stated again, on the other side of me, I had one neighbor on one Sunday afternoon, it happened to be Easter Sunday, driving five quads around for six hours straight. I went over there nicely and they had the mufflers off the quads and Joe Dapuzzo came down and said you were above the noise level, they put the mufflers back on and never heard anything. So if you can restrict them with the permit as opposed to free for all...

Chairman Rogan stated so you're saying its not so much the activity but the impact that it has on the neighboring properties and that can be noise level, it can be...

Board Member DiSalvo stated you know...

Chairman Rogan stated air quality.

Board Member DiSalvo stated like, it says in here about benefitting the community as a whole or specifics of special interest or, what was the other thing I underlined, or peace and harmony of any adjacent residential property. Well, every club up here, impacts peace and harmony, you know the gun club, the airplane club, Blue Chip Riding Club, you know they have a horse show and that PA system is loud, you know, special use permit...

Rich Williams stated all right...

Board Member McNulty stated so I understand the issue here is they are trying to define this club code, I haven't read through it all here so I don't know how it outlines now but that would be a broad code, that is a big area to cover. It can't just be done through special use permits...

Rich Williams stated well it can and that is what this is going do, its going to do it through a special use permit, if you go through the book that we recently gave you with the Zoning Code in it, look how we define clubs now, there is very little qualifying language in there. It basically says...

Board Member McNulty stated is there a special use clarifying statement at all in there.

Chairman Rogan stated there are examples...

Rich Williams stated it basically says to be a club, you need to be a bon a fide not for profit organization...

Board Member DiSalvo stated right.

Rich Williams stated or government or quasi-governmental institute.

Board Member DiSalvo stated in most of these gun clubs up here, they are not any of that, they are bunch of guys that get together and they have land and they you know, share food on a Sunday and they call it a club, you know. So, people that have large parcels of land like myself, you know people want to be able to enjoy it too and again take into consideration with your neighbors too. I remember when we first moved in about 10 years ago, there was this big petition going around to close the airplane club, close the airplane club, its making a lot of noise and we had just moved in and I'm like I don't want a hundred houses there so, you deal with it, but they follow the rules like according to their permit. They have nice little functions there that sometimes they open to the public, its very educational some of the plans that they fly, they are encouraging new members, I don't have a problem with it, as long as they have hours of operation.

Board Member Montesano stated they attend Community Day.

Board Member DiSalvo stated right.

Board Member Montesano stated these gentlemen, I don't know what they could offer the community.

Board Member DiSalvo stated its an activity that may be...

Chairman Rogan stated I think you need to step back again to what I said, starting out the meeting, this portion, don't run down the road of looking at the specific application, let's stick to some of the generalizations...

Board Member DiSalvo stated yea...

Chairman Rogan stated I think you need to, just make sure you...

Board Member Montesano stated in all honesty, I would love to see a racetrack, not necessarily in my backyard because it is something that I would personally get a kick out of, all right...

Board Member DiSalvo stated well...

Board Member Montesano stated I've been involved in it, to put it, it's the location and what we have left to cover...

Board Member DiSalvo stated but its, but you would have to be a member...

Board Member Montesano stated I don't want it going wild.

Board Member DiSalvo stated the thing is to, what was I just going to say, getting back to the airplane club, now they must do some kind of research and development there because now they switched to battery planes, so...

Board Member Montesano stated the cost can be prohibitive. You're talking about an engine, the electronics involved...

Board Member DiSalvo stated right.

Board Member Montesano stated five to possibly higher, at least five thousand dollars worth of money...

Board Member DiSalvo stated but they've gone to that (inaudible).

Board Member Montesano stated in the (inaudible), now you look at the electric ones, it may only drop two thousand or three thousand...

Board Member DiSalvo stated you know what I'm saying, they impact on the noise.

Chairman Rogan stated I think everybody would agree would though, that regardless of the definition of club that there shouldn't be a Code that says if you qualify for a club, you can do whatever you want, I think everybody would agree...

Board Member DiSalvo stated right.

Board Member Montesano stated that is the main thing.

Chairman Rogan stated and I think Tom basically alluded this, you look at things under a special permit, you say maybe well it meets the definition of club but now we look at the impacts and we look at reasonable mitigation measures like hours of operation, noise level, areas that they can develop...

Board Member DiSalvo stated times of year that they can do it, you know the airplane club doesn't fly in the winter, you know...

Board Member Cook stated I have a question for Rich, Rich is there a section in our Code that covers special permits.

Rich Williams stated there is a section within the zoning code that cover special permits, yes and it lays out some general guide lines for what you need to look at but we get back to the uses that are allowed under a special use permit. When the legislative body, in this case the Town Board, says that are particular use would be appropriate, for example a congregate care facility, the presumption has to be by either the Zoning Board issuing an special use permit whatever Board would be doing it, that that use should be a permitted use within that zoning district. However it is defined, as long as they can meet the conditions and the Board's responsibility then becomes one of mitigation and setting conditions and denial is a very high standard under a special use permit.

Board Member Cook stated my point was going to be that where you outline here, the new addition, number five, about other accessory uses...

Rich Williams stated yes.

Board Member Cook stated yes, determined appropriate, is that language in the section on special permits.

Rich Williams stated there is similar but not specific language...

Board Member Cook stated okay because I am just thinking that if I consider this good language, its just in here for clubs, maybe it should be while we are reviewing this, over here under special permits for whatever the next thing that comes along that whoever wants a special permit, that's one point until I read the whole thing. And Shawn I agree with you, you have to look at this as a...

Board Member McNulty stated as a generic layout.

Board Member DiSalvo stated right, right.

Board Member Cook stated no just one specific...

Chairman Rogan stated the examples are great...

Board Member DiSalvo stated not two...

Chairman Rogan stated and I think using any kind of example we can think and actually Rich, I was thinking, could you do a little research to try to see either in other municipalities, just maybe what other clubs might be other there that are already bona fide clubs understood to be clubs by the municipality. Maybe there are things we haven't considered yet, that would get or maybe just off the top of your head try to think of some...

Rich Williams stated what types of clubs there are, I mean I did look at what types of clubs...

Board Member DiSalvo stated archery, archery clubs...

Chairman Rogan stated those are listed within...

Board Member DiSalvo stated I'm saying around here...

Chairman Rogan stated yea...

Board Member DiSalvo stated what about on [Route] 22 where you have, across from the Steakhouse 22, wasn't that like a little archery place at one time...

Board Member Montesano stated (inaudible).

Board Member McNulty stated he sold archery equipment...

Board Member Montesano stated yea.

Board Member DiSalvo stated well does he have a club in the back, out in the back...

Rich Williams stated well out back, he had set up out an archery range, a series of targets that you could walk through...

Board Member DiSalvo stated well is that, did he create a club...

Board Member McNulty stated that's not really a club though, is it.

Rich Williams stated no.

Board Member DiSalvo stated you don't know.

Chairman Rogan stated no.

Rich Williams stated well no that is really...

Board Member McNulty stated there is a range like that in Carmel, it's an indoor...

Board Member DiSalvo stated right.

Board Member Montesano stated yea...

Chairman Rogan stated see what I'm getting from everybody as a common theme that, we are not all as much concerned about whether you call it a club or don't call it a club, we are more concerned with what the impacts are, you know and regardless of whether you say it's a club and therefore you know, we're going to allow it...

Board Member DiSalvo stated I can do it...

Chairman Rogan stated it sounds like everybody is all saying, it doesn't really matter whether you call it a club or not but bottom line is, what does it do to other people, what is the impact to our community and if there are impact, can we mitigate them.

Board Member DiSalvo stated right.

Chairman Rogan stated I will use Winding Glades as the example, the attorney said it I think, very well and very succinctly, that we realize that at the end of the day if we can't mitigate the impacts to everyone's agreements, satisfaction that this doesn't happen. So you know, I can kind of relate to that, that you know, whether or not it meets this definition if at the end of the day it can't, you know, this is all for not in this particular application because if they can't mitigate these impacts whether it be stormwater, noise pollution, air pollution...

Board Member DiSalvo stated all the engineering...

Chairman Rogan stated and we do have a noise ordinance but we also find noises that may be under a threshold but are still annoying as hell, I mean we said that at a meeting that you can hear four-wheelers running around on somebody's property. I'm sure, the noise of that hitting your property can be well under a threshold, it doesn't mean that its not annoying and not causing people stress, you know whether or not you allow that through a special use permit, I think, you know...

Board Member DiSalvo stated a lot of time sits off their property so its...

Chairman Rogan stated but I think was Rich was also alluding to is that under the special use permit, there are, you have to really line everything up, if you find difficulty with something, you have to, it has to be at a certain threshold to be able to deny something, so kind of what you were talking about earlier Charlie, is maybe we need to look at special use permits and how they are, what the criteria is for those.

Board Member Cook stated before I lose my train of thought...

Chairman Rogan stated jump right in please.

Board Member Cook stated you gave me a nice segway here and I want to take advantage of it.

Chairman Rogan stated perfect.

Board Member Cook stated just to take a minute on Winding Glades and impacts and all the stuff that we are supposed to look at as part of this review process. I was thinking that perhaps we should ask the applicant for them to do a balloon test. Put up three or four balloons at different points where the garage is going to be, where the track is going to be...

Chairman Rogan stated like the corners of it or something.

Board Member Cook stated and see how that relates to these houses that keep being shown on the map, as you know, and then for the Town to pay for a independent noise consultant and have them, these guys say that they are going to go out and do this review. Why don't we have the Town do a noise assessment, okay, so we can take into account two of the biggest things, the visual which is part of this new proposed changes to the law, there will be no substantial increase in noise at the property line of the parcels. Let's get somebody to tell us, not the applicant, somebody else and there will be no adverse visual impact to the surrounding view shed. Well if they put up balloons where the garage is, where the track, certain points of the track are, high points and low points and we can drive around to these houses and take a look.

Board Member DiSalvo stated but getting back to the track or whatever, the visual impact would just looking like at a road, if you can see it through trees, right.

Chairman Rogan stated on the track but I think Charlie is more thinking about the skid pad and the garage...

Board Member Cook stated yea, the garage is sitting up there or you know...

Chairman Rogan stated but Rich...

Board Member Cook stated that part is true but let's say you know, they are out there with a couple of cars and you know you see cars buzzing around, so you have the visual thing of when you're trying to sit out in your backyard and you see this thing flying around or maybe the noise that's generated from that, so...

Board Member DiSalvo stated yes.

Chairman Rogan stated I seem to remember when we were interviewing Maser among other engineering firms, that they had a multitude of professionals that were available to them...

Rich Williams stated disciplines.

Chairman Rogan stated disciplines, can you check with Andrew to see what they have in there, within their firm that would speak to that issue, if they have and if not at least, what I mean is we would know we have potential in house or we have to go outside and I think that would be valuable to us.

Board Member McNulty stated even if we didn't do our own survey, if they can witness a survey being done to authenticate, so that we don't have to spend too much money (inaudible).

Chairman Rogan stated I kind of assumed that any data that we were going to get in support of this application would be scrutinized by our design professionals. I guess what I'm thinking is do they have the in house people who specialize in this sort of thing and if not, at least we know that its something either they or we are going to go outside for.

Rich Williams stated let me ask you this, I mean this is really a critical issue, I think and it is one of the bigger impacts that everybody is perceiving on this project...

Chairman Rogan stated sure.

Rich Williams stated do you want me to check with Maser and get some information and maybe in addition to that, maybe locating a couple of other firms so you can get maybe some resumes so you have some comparisons.

Chairman Rogan stated sure, does that sound reasonable to everybody.

Board Member McNulty stated yea.

Board Member Montesano stated Richie, with all due respect here, we are a member of this organization, the Town...

Rich Williams stated yea.

Board Member Montesano stated do we ever utilize them for questions on their legal opinions or at least get information on the legal opinions that they hand out every month on these things. I realize that the time frame may be difficult but maybe they gives us...

Rich Williams stated not too frequently, simply because what they are doing is fairly generic, they are not going to give a town very specific information to a specific application. We can talk to them about you know, do you have any experience, say dealing with cell towers or with other types of land use in a very generic way they can kind of point us in the direction...

Board Member Montesano stated they used to have a good, Harry Willis used to be the guy but I understand Harry is retired.

Rich Williams stated yea but that was the Department of State and at that point...

Board Member Montesano stated we used to hold a moot court with the Planning Board...

Rich Williams stated sure.

Board Member Montesano stated and then they would run over the cases and Harry and I got involved in that many years and it continued up until he retired.

Rich Williams stated but Harry was doing that with the Planning Federation and the Association of Towns but as, he was the attorney for Department of State, doing that and Bill Sharp.

Board Member Montesano stated yea but what I'm wondering is did we... Have we ever utilize them in any way, shape or form.

Rich Williams stated Harry Willis I think is dead...

Board Member Montesano stated he's retired, no Harry isn't dead, he's retired.

Board Member Cook stated Mr. Mike has a point here that such as this, you could ask, you could send it up to their legal department and just ask them for a review of the proposed code.

Rich Williams stated they won't review local laws like this.

Board Member Cook stated they won't.

Rich Williams stated no, we have to file it with the Department of State, when we file it, they do a very cursory review.

Board Member McNulty stated they may have case history on file though, that we can refer to.

Rich Williams stated they are going to do what everybody does, they are going to refer us to General Code and that is generally where I start anyway.

Board Member McNulty stated Winding Glades, do they have another track anywhere in the area, any similar facility, it would be something to find out and get feedback from the neighbors there.

Chairman Rogan stated okay, so Rich the copy that you gave us, as I read it, the changed text is underlined and this is what the Town Board was working off of as their proposal, correct.

Rich Williams stated well yea, let me be clear on that, the copy that I gave you is basically what was provided to the Town Board with a couple of minor text changes with the difference between what the Town Board saw and what you have now are the underlined sections.

Chairman Rogan stated oh okay and what is the difference between what the Town Board saw and what we had, where, you're saying that what we have here the underlined text has been added since the Town Board saw it.

Rich Williams stated yes.

Chairman Rogan stated okay and the copy that the Town Board had that was working off of, didn't have any changes, they just had in their hand the old version.

Rich Williams stated no, no, no, no they had that...

Board Member McNulty stated they've added...

Chairman Rogan stated so we've got three versions then.

Rich Williams stated well you've got the original.

Chairman Rogan stated the original, the one they had a couple of weeks and then this one.

Rich Williams stated right.

Chairman Rogan stated okay.

Board Member Cook stated we are going to give a recommendation based on this one.

Chairman Rogan stated or based on...

Rich Williams stated that is the one I provide you, yes, the underlined sections, the textual changes are not substantial except for that one section down on the end.

Chairman Rogan stated I guess my question Rich is if we look at this version you gave us and we took out everything that's underlined would that equal the original one...

Rich Williams stated that the Town Board had...

Board Member McNulty stated the existing code.

Chairman Rogan stated the existing code.

Rich Williams stated no.

Chairman Rogan stated okay, so we need to look at, does everybody have a copy of the existing ordinance.

Board Member McNulty stated its in that binder...

Chairman Rogan stated yea, okay.

Rich Williams stated if not, it's online.

Chairman Rogan stated yea, that's actually where I was reading it.

Board Member McNulty stated so Shawn, we compare the existing to what is being proposed.

Chairman Rogan stated well not that you have to compare but just that it's good to know what the existing law is. Maybe take into account as you read through the existing law and then read through this law or this proposal.

Rich Williams stated yea, I mean you may look at the existing law and say hey this is great, this is fine (inaudible – train whistle).

Chairman Rogan stated well I think for instance the section...

Board Member McNulty stated is that a club or a special use permit.

Board Member DiSalvo stated yea.

Chairman Rogan stated yea.

Rich Williams stated just one car.

Chairman Rogan stated the train club.

Board Member DiSalvo stated I lived in Patterson Village for a year so I know what that train sounds like.

Board Member Montesano stated every morning at 4:30...

Board Member McNulty stated you don't have to tell me, I'm close.

Chairman Rogan stated all of the items under other accessory uses determined appropriate by Zoning Board. They list things that seem all to be common sense, not increasing, substantially not increasing noise, not substantially affecting, and adversely affecting the visual view shed. These are all things that seem intuitive or should be intuitive in the review of any special use permit, maybe you just have to codify them by stating...

Board Member Cook stated you have to codify them because somebody challenges this and then there is no basis.

Chairman Rogan stated right, its not just you picking out of the air, it's something that you were kind of bound to look at because its part of your code.

Board Member Cook stated Maria is the perfect example, she has whatever club going behind her property and its disturbing her and she has no basis to come in unless its in the code and she says hey, look this is an increase in noise et cetera...

Board Member DiSalvo stated then I hear the Highway Garage too and the baseball fields behind, it goes on and on and on.

Chairman Rogan stated now there is an interesting one, for the purpose of this chapter, a club would not include things like somebody who is launching hot air balloons. To me that seems like, that's like something people seem to think of as nice thing...

Board Member McNulty stated you ever go out to one of the burners when they are kicking them on.

Chairman Rogan stated you go out in a field...yea but even still, I mean that...

Board Member DiSalvo stated you have to go to Orange County for that.

Rich Williams stated you ever see one go up and come right back down.

Chairman Rogan stated I was just thinking about the other end of it, what goes up, must come down.

Rich Williams stated yea and it may come down in your backyard.

Chairman Rogan stated yea.

Board Member McNulty stated I did see one land in Cornwall Hill one time, a few years back.

Board Member Montesano stated that was a goodie.

Board Member DiSalvo stated you need a lot of open space, open land for that.

Chairman Rogan stated okay Rich, so I am going to ask because I don't have the old code in front of me, the first section under clubs, item C, for the purpose of this chapter, a club shall not include and it goes into hot air balloons, go karts, ATV's, motorcycle or automotive racing.

Rich Williams stated yea.

Chairman Rogan stated was that in the original...

Rich Williams stated not.

Chairman Rogan stated oaky, so all that section or much of it has been.

Rich Williams stated not in the code as it exists today in our books.

Chairman Rogan stated understood.

Board Member McNulty stated my concern with that paragraph is that its getting somewhat specific.

Rich Williams stated yea.

Chairman Rogan stated getting very specific yea.

Board Member McNulty stated what are we not including that comes in front of us...

Chairman Rogan stated right.

Board Member McNulty stated and says we are going to have a drum club, we are having a hundred drummers show up on our property to have a drum off...

Rich Williams stated that's...

Board Member McNulty stated you know it happened up, well they did it up Kingston last year.

Chairman Rogan stated that's a great example...

Board Member DiSalvo stated they had something over here...

Rich Williams stated Tommy, that is a benefit of having it reviewed by the Planning Board, the benefit of going to public hearing, you get a lot of eyes on things hopefully and they tell what you missed because...

Chairman Rogan stated no but I think the point is you'll never hit everything and I think it goes back to looking at, hey, when the application comes in, you have the ability to review it and find out what the impacts are going to be.

Board Member McNulty stated my question is, now you are being specific, now does that just limit this code to these groups...

Rich Williams stated it specifically excludes these groups and if you think there are others that should be on the list that is something that you need to talk about and if you think there are things on this list that need to come off, that's you should talk about.

Chairman Rogan stated but I think what Tommy is saying is that it may specifically exclude them but does that mean by the nature that if they are not listed here, then they are...

Board Member McNulty stated then they are included.

Rich Williams stated no, no, quite the contrary.

Board Member McNulty stated then why do we need to specify these in particular.

Chairman Rogan stated yea, that's a good question.

Rich Williams stated because this specifically excludes them, everything else would be considered included.

Chairman Rogan stated so in other words you are picking those activities out as things you are already saying there is too much an impact.

Board Member McNulty stated they are off the board.

Rich Williams stated right.

Chairman Rogan stated they are off the board and...

Board Member Cook stated Tom, when you read the application that's before us, when you read the lawyers letter...

Board Member McNulty stated the one that just past here or (inaudible).

Board Member Cook stated you'll see how it answers some of your questions.

Chairman Rogan stated yea, I have to go back to that.

Board Member McNulty stated yes.

Chairman Rogan stated actually I think its contained within this.

Board Member Cook stated everything is included.

Board Member McNulty stated that is the way he reads it.

Board Member DiSalvo stated I see you have here fitness or exercise facilities as a club, so are you saying that someone can't open up a Curves here.

Rich Williams stated no and this is exactly what the attorneys for Winding Glades have been saying...

Board Member DiSalvo stated we had a Curves or another gym or Gold Gym or...

Board Member McNulty stated that is a retail business or a...

Rich Williams stated no, I am saying under this definition, under a special use permit, you can not have an exercise club, you can not have an athletic club, you can not have an equestrian club, you can't do it and I say that because there are other sections of the Zoning Code which say you can have an equestrian club or you can have as a retail use, an athletic club we consider it a permitted principal use within the C-1 or GB Zoning District, there are other areas of Code that address these uses.

Board Member McNulty stated that make it possible to do it.

Rich Williams stated yes.

Board Member McNulty stated isn't that a polo club out on East Branch Road there...

Rich Williams stated no, that's a farm.

Board Member McNulty stated a horse farm.

Rich Williams stated it's a horse farm, it's a private horse farm.

Board Member McNulty stated so...

Board Member Montesano stated but you can't play.

Rich Williams stated with a really big field out back.

Board Member McNulty stated so they can have a polo game if they want to, just a friendly game.

Rich Williams stated its private property, yea, if you wanted to go out behind your house and you wanted to hit a polo ball around, that would be fine...

Board Member DiSalvo stated or a golf club.

Rich Williams stated or maybe you couldn't do polo, maybe you'd have to do croquet.

Board Member McNulty stated or if you wanted to take go karts and run on a dirt field, you can do that.

Rich Williams stated on private property, as long as you are on your own private property and not exceeding the noise limits. We have a law on ATV's and the way we define ATV's it probably would encompass go karts, in my opinion it would encompass go karts and it allows you to do it within certain limitations, there are noise restrictions, you have to be on your own property, if you are doing it on your neighbor's property, you have to carry permission that you have the right to go on your neighbor's property, can't go within a hundred feet of the property line...

Board Member McNulty stated this all seems to be getting kind of muddy to me...

Chairman Rogan stated you're bringing up the point that you're saying that these guys own property...

Board Member McNulty stated its private property...

Chairman Rogan stated they want to run rally cars around...

Board Member DiSalvo stated yea, so it goes back to that.

Chairman Rogan stated without any other buildings or skid pads, if I want to run a rally car around my property...

Board Member DiSalvo stated and that may be more of an impact to neighbors because there is regulation.

Chairman Rogan stated I can because its private property.

Board Member McNulty stated isn't it straight zoning, if its zoned residential or zoned, I don't know exactly where their property is.

Rich Williams stated this area is down on [Route] 22 across the street from Robin Hill [Corporate] Park. It is zoned C-1, commercial. So all commercial activities, all uses that are permitted as of right are commercial activities, need site plan approval, so that is the trigger.

Board Member Montesano stated is that all still C-1 or is just a certain part of that is C-1.

Rich Williams stated no, it's all C-1.

Chairman Rogan stated how do you define activities though, take away, like I said, take the building and the skid pad and stuff, people have been hunting on that property for years, you don't need approval for that obviously and I mean, I know that is a stupid example but...

Board Member DiSalvo stated and ATV's and (inaudible).

Chairman Rogan stated bottom line is and ATV's have been running around, so you define it, you don't look at an ATV running but you look at a car.

Board Member DiSalvo stated that's trespassing.

Board Member Montesano stated that same property was approved for housing at one time.

Rich Williams stated I can't say that is a stupid argument because that is part of the argument I made with the whole zoning issue, there are certain activities that occur on land, certain uses which are totally passive, which don't impact the land and therefore we typically consider them as of right uses, even though they are not prohibited or permitted within the Code, such as hunting. It's when you actually start changing the character of the land, you start changing the surface of the land, you go from forested to fields, from fields to dirt, from dirt to black top and the accompanying use that we are looking to regulate.

Board Member Montesano stated do we cover hovercrafts.

Board Member McNulty stated those things you just cited, I don't see how they relate to clubs, I mean, maybe we are a little off track now but...

Rich Williams stated what things.

Board Member McNulty stated all the things you just cited about altering the property.

Rich Williams stated what I cited about altering the property are triggers which might require review, depending on where you are located and what the district allows. For example, Tommy McNulty buys a four acre piece of property in a residential zone and builds a house and then out back he wants to have a much bigger lawn and he wants to go in and clear two acres that aren't in wetlands, its just all uplands, our Code allows you to do that, now there is another provision within our code, just so you know, that says if you are going to clear more than 5,000 square feet, you have to get an erosion control permit, again we are looking at the impacts...

Board Member McNulty stated that is your trigger then...

Rich Williams stated that is a trigger, it's not something that a Planning Board or the Zoning Board is going to look at as regulating a land use but its regulating the potential for runoff, so it's a permit like you would get a building permit and its an administrative one. So you can do that but now if Tommy McNulty buys a piece of property along Route 22 and its all forested and he wants to go clear it and have it as grass so he

can park his trucks on it, well under our Code that is a change of use from this natural condition as forested to grass commercial use truck storage...

Board Member McNulty stated even in a C-1 area.

Rich Williams stated in a C-1 area and that would require you to get a site plan from the Planning Board.

Board Member McNulty stated okay, (inaudible).

Chairman Rogan stated you're not...

Rich Williams stated stick around awhile, pretty soon you'll be talking like we all talk.

Board Member DiSalvo stated (inaudible) botchi club...

Board Member McNulty stated if its commercial and then within the commercial zone, is there a limitation on what type of commercial, I guess there is light industry, there is retail...

Rich Williams stated yes, certain...

Board Member McNulty stated so the Code outlines all those uses.

Rich Williams stated if you go and look in that book we gave you, there are going to different commercial zones GB, C-1...

Board Member McNulty stated I know where I'm located its got (inaudible).

Rich Williams stated and then if you go back into the special use permit sections that we are talking about, there are different categories of special use permits. There are special use permits such as clubs, which are currently in any zoning district, then you have certain special use permits that are only allowed in residential zoning districts and certain special use permits allowed in commercial zoning districts and then they can be further broken down for example regional shopping centers, only allowed in industrial zoning districts.

Board Member DiSalvo stated so Mike, we're not doing that racing pigeon club.

Board Member Montesano stated no, the coop costs too much.

Board Member McNulty stated (inaudible).

Rich Williams stated well there is a water quality problem with them, you know...

Board Member Montesano stated no, no that gets carted away, we sell that to Pennsylvania (inaudible).

Chairman Rogan stated I guess I am having a little bit of a problem specifically excluding certain items when there are variations to what the impacts of those things should be, you take an ATV for instance and ride it around a track, where you have 140 acres and you have buffer areas and you have trees and they are not with the mufflers ripped off...

Board Member DiSalvo stated right and it's your property.

Chairman Rogan stated and you want to have your friends over and you want to have a riding club...

Board Member DiSalvo stated that is why people buy land.

Chairman Rogan stated I mean, Teddy is always saying, we have such a problem with ATV's, if there was a club that people could take these things, maybe they wouldn't be trespassing on everyone's property. Years ago the idea came up with the Town, you remember it was so bad there were people talking about maybe the Town should look for a piece of property where they could establish something with a waiver, where people could take these things, of course it's a huge liability so nobody ever went any further but I can see where within a threshold, a certain activity could be allowed with hours of operation, noise levels, whatever. You could have a vehicle running around on dirt track that doesn't make a lot of noise, you put it on pavement, you have screeching tires maybe that is a level that is not acceptable, you know maybe things have to be on dirt, I don't know. That is part of the challenge; I think of this, it's so hard to pin everything down.

Board Member McNulty stated yea, its very specific in one area but...

Chairman Rogan stated I agree.

Rich Williams stated here is why I included those, just a little bit more background into my thinking, I tried to take a look at things that if you went over and above the typical residential use and you're on your own property with a single ATV and a couple of friends, you're going to have a noise impact, you're going to have an erosion impact from tearing up the soils but when you know my assumption was if you are going to define it as a club, you're not going to have one or two, you're going to have ten, fifteen, twenty...

Chairman Rogan stated sure.

Rich Williams stated and what the impact might be and if you have that kind of activity could, my assumption would be that if was up against residential areas or in close proximity, you know would there be a greater possibility of having a significant impact of those residential areas.

Board Member DiSalvo stated then again depending on the size of the property that your doing this on.

Board Member McNulty stated and the size of the club, if your club is four members...

Board Member DiSalvo stated if you fifty, a hundred, a hundred and fifty acres...

Board Member Montesano stated let me put it this way; we could sit here all night long discussing this...

Board Member DiSalvo stated I know, I know.

Chairman Rogan stated we will end up...

Board Member Montesano stated the only problem is, if push comes to shove and this ends up on a 78, the gentlemen sitting up there in his little robe, had a great night last night and happens to like the idea of race cars, then they got it. If he didn't like race cars, they were too nosy, he doesn't have it and then you go through the process and it just keeps going out of our hands, further and further...

Chairman Rogan stated yea but I can appreciate that Mike but...

Board Member Montesano stated right now, we do the best we can with what we got.

Chairman Rogan stated that is exactly it.

Board Member Montesano stated and we go from there.

Chairman Rogan stated we certainly don't have any influence or power over what a court may decide but we can do our due diligence here and try to, you know...

Board Member McNulty stated basically what you're looking for is a recommendation on this added verbage.

Chairman Rogan stated or changes that you...

Rich Williams stated the whole thing.

Chairman Rogan stated yea.

Board Member McNulty stated I would like more time to look at it.

Chairman Rogan stated oh, we're not doing this tonight, oh don't worry about that Tom.

Board Member McNulty stated I'm still the rookie.

Chairman Rogan stated no, no, don't worry about that.

Board Member Cook stated there will be a quiz for you later.

Chairman Rogan stated I think we've had a lot of good discussion tonight though with just the idea that there seems to be some commonality that everyone is concerned with somewhere along the line regardless of whether to call it a club or don't call it a club that you have the ability to think about the impacts and decide things based on the relevance of those impacts, whether or not they are significant or not.

Board Member Cook stated I also think that its time well spent reading the applicant's attorney's letter in the broad sense of clubs, you know and the citing of cases and what have you, it just gives you a better understanding I think, in the broadest sense...

Chairman Rogan sated yup.

Board Member Cook stated don't look at it as just Winding Glades but...

Chairman Rogan stated well that Willow Wood case that they referenced, I don't know a whole lot about it but I know the club, a friend of mine is a member there and goes there and shoots on Thursdays, its right on top a residential area and if a court decided that no, they have the ability to expand that to include shooting and that's, obviously the Board that reviewed that for Carmel must have said hey this is impactive, this is

going to impact on people, this is going to be a noise and it certainly is but a higher court held that they didn't have the right to make that decision, very interested really...

Board Member DiSalvo stated but they've mitigated because they've put up walls that look like handball courts, that's what those are, sound barriers. They are on limited hours...

Board Member Montesano stated they did that because some of these guys live in the area and they don't want to hear it either as far as having your neighbor suddenly walk in and say Johnny with George because his father shoots guns.

Chairman Rogan stated right.

Rich Williams stated I will throw another case out to you real quick just so you know, this was a really big one which I have a very nice conversation with Michael Zarin about, it was a case that was decided up in Dutchess County, Rhinebeck, Dutchess County Rod and Gun Club, I think, don't hold me to that, where the road that went through was a road by use, it was essentially an easement an easement and the hunting, the rod and gun club put up skeet shooting, I believe it was skeet shooting or trap shooting, within 500 feet of the road and all of the residents who were using that road, were very upset about that...

Chairman Rogan stated oh wow.

Rich Williams stated the shot guns that close to the road...

Board Member DiSalvo stated a distraction to (inaudible).

Chairman Rogan stated yea.

Rich Williams stated and you know, it went to the ZBA for an interpretation and the ZBA said there is a safety issue here, you're within 500 feet, you know you can't do it and they took them to court and the judge found that they went outside what was allowed for an interpretation and the safety concerns were concerns not relevant to a judicial review of an interpretation and allowed the trap shooting right next to the road or within 500 feet.

Board Member Montesano stated State law says you can not discharge a weapon within...

Board Member DiSalvo stated 500 feet of a building.

Chairman Rogan stated no, it doesn't say, it says not within 500 feet of a building without permission.

Rich Williams stated right.

Board Member Montesano stated but I'm saying...

Chairman Rogan stated right.

Board Member Montesano stated you read that and it says oh, you're 500 feet from the road.

Board Member DiSalvo stated well I used to manage the Gypsy Trail Club in Carmel when Jack Karell was a member there...

Chairman Rogan stated you did.

Board Member DiSalvo stated back in the late 80's and we have trap shoot, every Saturday, I had to go buy the pigeons and the ammo and all that and they would be shootings for hours and nobody complained. Besides the members owning houses on the property, there were still other houses up further on Gypsy Trail and south that were not part of the club.

Board Member Cook stated were there any horse farms in the area that complained about the noise.

Chairman Rogan stated so why don't, I think everybody is on the right track in how they are looking at this and considering, you know what the Code says and what we are hoping it will say. Why don't we take a break on this and we'll start talking again next week on it but Charlie had a good point, go back through the correspondence, especially from the attorney's and apply what they are saying to the Code and nobody said it would be easy. That's part of the fun.

Board Member Montesano stated isn't that why we get paid the big bucks.

Chairman Rogan stated let's move, I guess to the beginning, let's move to O'Mara.

Bruce Major stated thank you for adjusting your schedule.

Chairman Rogan stated thank you for your patience. Someone I think said get used to this, this is a rarity that we actually have things to eat and drink here.

Board Member DiSalvo stated only when Pete comes in.

Rich Williams stated wait, wait, wait that is a total lie, we do it all the time, they just don't back off.

Board Member Montesano stated especially with those plastic bags in certain people's pockets.

Chairman Rogan stated be careful on your way home tonight, have a safe trip.

Board Member DiSalvo stated hopefully it cleared up a little bit.

Chairman Rogan stated it's cold, its cold.

Rich Williams stated how many did he buy.

Board Member Montesano stated your calories will go right through.

Chairman Rogan stated unable to transcribe.

The Secretary stated what.

Board Member Montesano stated I could have these all day long.

Chairman Rogan stated do you want to hit pause or something.

Board Member Montesano stated even though I can save the crumbs for later.

Chairman Rogan stated good night.

Board Member Montesano stated before they get started, could you bring the coffee pot over please.

1) O'MARA WETLANDS/WATERCOURSE APPLICATION

Chairman Rogan stated O'Mara, we all went out and did a site walk, we have anything in terms of design...

Rich Williams stated how this came to be on the agenda, it was suggested that maybe we want to put O'Mara back on to wrap this up. I did contact Mr. Nichols, foolish me, I did explain it was going to be on the agenda, he said oh that's fine, I will, you know I'm not going to be able to have the materials in by the cut off date which was Tuesday, I will absolutely have them in by Friday and that has come and gone.

Chairman Rogan stated all right.

Board Member Cook stated my thing is that Ted, you in a memo reviewed this application and found it incomplete for a number of reasons and have you heard anything back from the applicant.

Rich Williams stated nope.

Chairman Rogan stated he wasn't listening.

Rich Williams stated yes he was.

Board Member Montesano stated he couldn't talk.

Board Member Cook stated take your time Ted.

Board Member Montesano stated its all right, just chew slowly.

Ted Kozlowski stated I already submitted a revised.

The Secretary stated huh.

Board Member DiSalvo stated wetland application.

Ted Kozlowski stated Harry has been advised (inaudible – too far from microphone) the bottom line is everything is within the buffer of the wetland. It is an approved lot, yes (inaudible – too far from microphone), as far as I know, we still have a lot that has many challenges...

Board Member Cook stated yea, I was just curious if anyone came back, you know...

Board Member DiSalvo stated as complete as it's ever going to be.

Board Member Cook stated to satisfy your concerns and Rich's concerns, outlined in his letter, that is why I asked for it to be put on so we could discuss it and if they haven't then Harry should not come back in...

Board Member Montesano stated til we do.

Board Member Cook stated until he does.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated I don't know.

Ted Kozlowski stated what is your, I wasn't with you when you went out on that site walk, several weeks, what was your thought on this lot.

Board Member Cook stated like everybody says, it's a challenged lot, its going to be a small house...

Board Member DiSalvo stated kind of fitting in with the character...

Board Member Cook stated its restricted six ways from Sunday.

Ted Kozlowski stated Rich, does the Board have the right to make that a two bedroom home or is that...

Chairman Rogan stated take one of those things.

Rich Williams stated the Board has the right to limit the amount of disturbance on the lot, if there is a direct relationship between mitigating and impact but not to determine whether it is a two or three bedroom house because that is a function of the Health Department.

Board Member DiSalvo stated but the house he's proposing is pretty small, right.

Rich Williams stated right and that is what we've done in the past with Jack Karell, we limited the disturbance which has necessitated a house...

Ted Kozlowski stated we did that Carolyn Way.

Rich Williams stated right.

Board Member DiSalvo stated right.

Rich Williams stated but you have to look at the impacts and how you are mitigated it, there has to be a direct relationship and it has to be proportionate. Those are two cardinal rules.

Board Member McNulty stated say that again Rich.

Rich Williams stated when you are looking at impacts and trying to mitigate them, whatever mitigation you are going to impose, there has to be a direct relationship between the impact and the mitigation and the mitigation has to be proportional. For example, you know Ice Pond Estates, you go out there, you take a look at the road, it's a dirt road, you say, there is going to be an increase in traffic, we want the frontage paved...

Board Member McNulty stated the road improved.

Rich Williams stated right, that is a direct impact, its related to, the mitigation is related to the impact is proportional. Ice Pond View Estates you go out and say jeez there is going to be increased traffic, we want you to go get a traffic light, we are not approving the project until you get a traffic light out at the intersection of Bullet Hole Road and [Route] 164. You know, there is no real relationship to the impact of the traffic at the entrance and it is certainly not proportional.

Ted Kozlowski stated Tommy, are you familiar with this site, I don't think...

Board Member McNulty stated no, I'm not, that is why I'm kind of.

Ted Kozlowski stated this is a site on Old Road, Old Route 22...

Board Member McNulty stated I saw that on here.

Ted Kozlowski stated and its small site, it's a previously approved building lot...

Chairman Rogan stated thankfully it doesn't have a lot of slopes though.

Ted Kozlowski stated it's on a slope.

Chairman Rogan stated but it's...it's one of the best sites we've seen in awhile.

Board Member McNulty stated gradual slope.

Ted Kozlowski stated it goes right down.

Chairman Rogan stated slight uphill and then gradual down.

Ted Kozlowski stated to a wetland.

Chairman Rogan stated 12 percent grade maybe.

Ted Kozlowski stated when this house is built, no matter what they do, they are going to be within the wetland buffer, they are going to encroach on the wetland, they are very close to two neighbors on either side and it's a very, very tight fit and they have a right to develop the lot but its going to be a challenged lot which means in all likelihood will have issues in the future.

Board Member McNulty stated who limits the size of the house, Board of Health, Building Department or I mean Board of Health or is that something we can say the house can only be X amount of square feet.

Board Member DiSalvo stated he proposed a small house.

Chairman Rogan stated both, that was going back to what Rich said, certainly Health Department will limit, as you know based on septic area...

Board Member McNulty stated septic, sure.

Chairman Rogan stated but let's say in this case, we've proven through Health Department, we can get a four bedroom house in here, we got the area, whatever its not going to happen but let's say that happens. When it becomes a product of the available area for use of the property or impact to the wetland, we can sit back and say wait a minute, we want to scale this down, there is just too much going on here, you're not taking the use away from that property own, you're maybe not given them the mansion that they want but you're giving them a use, you take a two bedroom approval, you can make a heck of a large house out of that or you can say hey, it can be a four bedroom house but it can only be a certain footprint. You don't want to expand on that because everything is within a wetland buffer.

Board Member McNulty stated got you.

Chairman Rogan stated and I think that is what Rich was saying, it has to be your mitigation, say making a house smaller, has to be directly proportional to what you are trying to achieve.

Board Member DiSalvo stated if it wasn't an approved lot, we wouldn't be...

Chairman Rogan stated we wouldn't be having the conversation, yea it is.

Board Member McNulty stated but it is an approved lot.

Ted Kozlowski stated right but you know again Tom...

Board Member McNulty stated it has to right to (inaudible).

Chairman Rogan stated if it wasn't an approved lot it wouldn't even be the right size for probably, you know, I'm wrong.

Ted Kozlowski stated Tommy, many times when they come in with these things, you just have a little rectangular box for the house and a driveway but you're a homeowner, you want a garage, you want a pool, you want a deck, you need an area for the kids to play in, before you know it the square footage of that, what they are showing, expands and then it pushes out into the areas that we all have to enforce and it causes a problem, so.

Board Member DiSalvo stated it would be nice if each neighbor on each side split the lot but who wants to do that today.

Board Member Montesano stated the back of the house ends up [Route] 22, because that is the side of the road it hits.

Chairman Rogan stated right.

Board Member McNulty stated (inaudible).

Chairman Rogan stated my father had a lot like this next to him...

Ted Kozlowski stated the neighbors are probably going to be upset because you know, they are so used to having an open space there, now it's a house shoe horned into a little lot.

Chairman Rogan stated I was just saying to Maria, my mom and dad had a lot like this next to them but it was a ledge lot, we played on it as children and it was one of the old subdivision lots, just like their house, you know it was one of the old lots. For years they watched it, thinking it would go for taxes, somebody who owned it, they lived in Canada and one time they finally the people said, if you want to buy it but they named a price, back then I'll say twenty-five thousand which was way too much, Harry Nichols did the engineering, it's a three or four bedroom house on a five foot fill section because it was all ledge but because it was an approved subdivision lot, the Health Department allowed a lot of waivers on it and they put in, it is a fill pad that from my parents house you look up, its horrendous, I have to tell you but the bottom line is when you approve these things early on, you have to anticipate that somebody is going to want to use them. In this case there weren't wetland impacts so the Town didn't do much to reduce the size but the impacts are significant.

Ted Kozlowski stated Rich, on this lot, has he moved the house as close to the road as Zoning would allow.

Chairman Rogan stated it sure looked like it.

Rich Williams stated yea, he's right up tight.

Ted Kozlowski stated so, I mean, we've pretty much gone as far as we can...

Chairman Rogan stated you go down to that stonewall if I remember, that was at the bottom of the property before you get into the natural...

Ted Kozlowski stated that is pretty much the wetland line.

Chairman Rogan stated and its like a natural demarcation, we talk about putting fences up all the time, have him put a little extra work into that stonewall so it's a nice stonewall without a break in it...

Board Member DiSalvo stated yea, make it higher.

Ted Kozlowski stated well that is one of the conditions I would say for the permit that stonewall stays.

Chairman Rogan stated absolutely and maybe make that stonewall a real good barrier, other then them blowing their leaves down into the wetland, we don't want them traipsing down in there...

Rich Williams stated Harry is also looking at one of the recommendations that I put in the memo that he looks at treating the stormwater before it hits the wetlands.

Chairman Rogan stated can they do like flow diffusers or do they have to put it in the ground.

Rich Williams stated well some sort of LID practice but there is a story behind that, I'll tell you later.

Chairman Rogan stated okay...

Ted Kozlowski stated you might want to take him...

Chairman Rogan stated oh yea, it's a small site.

Ted Kozlowski stated before the next meeting Tommy, you might want to walk that site.

Rich Williams stated he didn't submit anything, he was supposed, he didn't.

Chairman Rogan stated we're not doing anything next time on it, so.

Board Member DiSalvo stated Tom should also go through Put Lake on some of the houses that we have allowed people to tear down like Mr. Ronconi, remember...

Rich Williams stated it Tronconi...

Board Member DiSalvo stated the infamous...I think of macaroni and the Garland house.

Rich Williams stated that is where Tronconi is...

Board Member DiSalvo stated he's next door to it but the infamous house on the corner.

Rich Williams stated was a whole nother...

Board Member DiSalvo stated you know, he should go take a...

Board Member McNulty stated that were approved as small houses to be put in...

Board Member DiSalvo stated they were small little bungalows, one person took way advantage of the situation and built like a two story house with a big basement. The other people did everything right and its looks quaint and it stays quaint...

Board Member McNulty stated okay so you can see the comparison.

Board Member DiSalvo stated you know, so and that is what, a lot of people come into us from Putnam Lake now, Johnny Petrillo just now, buying these little tear downs and staying in that footprint...

Board Member McNulty stated that footprint.

Chairman Rogan stated you'll have to drive up to the house, I haven't seen it yet.

Board Member McNulty stated there is just not enough room in Putnam Lake generally to expand a footprint, do that in Lower Westchester all the time...

Board Member DiSalvo stated and Queens.

Board Member McNulty stated I work on homes where you have to take stud by stud out...

Chairman Rogan stated yea.

Board Member McNulty stated if you take more then a certain percentage of a home apart, they consider it a complete tear down and they won't let you re-build it.

Chairman Rogan stated right.

Board Member McNulty stated it's amazing.

Board Member Montesano stated well you'll get some guys who will sit there and take the footprint, for arguments sake four by four and put it in there and then they build a 17 story house above it.

Board Member DiSalvo stated yea.

Board Member McNulty stated okay, I'll try to get up to speed on this lot.

Board Member DiSalvo stated it's the nature of the beast now, all those houses are getting old in Put Lake and people want to invest.

Board Member McNulty stated they need work and no more bungalows.

Board Member Montesano stated let's put it this way, I remember when it was a tar paper shack.

Chairman Rogan stated all right so we have (inaudible).

Board Member Montesano stated (inaudible).

Chairman Rogan stated I'm sorry Mike, I didn't mean to interrupt you.

Board Member Montesano stated no.

2) **THE ART OF HEALING – Sign Application**

Chairman Rogan stated The Art of Healing sign application, this is right across the street here.

Rich Williams stated yes.

Chairman Rogan stated adjacent to the China Star Restaurant.

Rich Williams stated yes.

Chairman Rogan stated and we are proposing The Art of Healing, a center for body, mind and spirit. They changed it...

Rich Williams stated there it is.

Chairman Rogan stated from soul to spirit.

The Secretary stated hold on, two seconds.

Board Member McNulty stated I have it in here somewhere.

Board Member Montesano stated is that going to be.

The Secretary stated wait, wait, wait.

(Tape 1, Side 2 Ended – 9:28 p.m.)

Board Member DiSalvo stated like where this was.

Rich Williams stated right.

Board Member DiSalvo stated they aren't going to put it there.

Rich Williams stated right, this is the sign that they submitted and this is the color sign that they submitted. The application said that it is going to be white letters on a red background, brick red.

Chairman Rogan stated from this, I would say not.

Rich Williams stated so, yea.

Ted Kozlowski stated I can't even read that.

Board Member McNulty stated what is that snowflakes on the mound...

Board Member DiSalvo stated nobody wants any business anymore because they are making signs people can't read.

Rich Williams stated bad Photoshop.

Ted Kozlowski stated oh.

Board Member McNulty stated now this sign is existing...

Board Member DiSalvo stated no.

Board Member Montesano stated no.

Rich Williams stated they may be snowflakes.

Ted Kozlowski stated can you, driving in a car that is hard to read.

Board Member DiSalvo stated so is the tattoo sign.

The Secretary stated yea but you have to keep in mind, when you pull on front street, when you're making a left on Front Street, its going to be like the first thing you see.

Chairman Rogan stated yea.

Board Member DiSalvo stated and you're going to be looking at it trying to read it and you're going to hit somebody.

Board Member Montesano stated yea, the guy backing out from the Chinese (Take-Out).

Rich Williams stated the reality is they are replacing the existing sign out there that was previously approved by the Planning Board.

Ted Kozlowski stated (inaudible).

Rich Williams stated it is just slightly larger, with the way they measured, I think. One of the issues I did raise is that he indicated it was lit by a flood light and I did go out there and confirm, you know recently they've put two floods either way back towards the building down the center of the, right down the center aisle going in, not shielded, just exposed floods.

Board Member McNulty stated the Code is pretty specific about lighting and signs because I applied for a sign permit once and went through the whole thing, its area of building, do we take that into account or is that the Zoning Board.

Chairman Rogan stated we have the square footage that we would allow, in this case they are looking for 17 and a half, they are allowed 25.

Rich Williams stated yes.

Chairman Rogan stated so they are under, they are within the requirement also, Tom, there is also, you probably already heard this, there is a sign ordinance for the Hamlet which is more specific than the rest of the Town. The intent a few years ago was that we were trying to get some kind of identity to the Hamlet or to this area, the Hamlet and we used some colonial colors, red, blue...

Board Member DiSalvo stated green, forest green.

Chairman Rogan stated green and we basically that the sign had to be comprised of one of those colors and then I think we allowed either like gold leaf or white lettering, I'll say.

Board Member McNulty stated okay.

Chairman Rogan stated so if this sign was to use white lettering on a colonial red or dark red, it will be well within what we were trying to do.

Board Member McNulty stated the scope.

Chairman Rogan stated scarlet, hot pink.

Rich Williams stated scarlet.

Board Member DiSalvo stated and they want to put it here.

Rich Williams stated I don't know...

Board Member Montesano stated is that the pimperl or the (inaudible).

Rich Williams stated that is what he submitted, then he submitted the other one where he superimposed it on Photoshop but I'm not sure if he superimposed in that location because that's...

Board Member DiSalvo stated I can't see the landlord wanting it there.

Rich Williams stated right, you're going to hit it every time you walk in and here are the two flood lights. This points this way and this points that way.

Board Member McNulty stated massage I think...

Ted Kozlowski stated weight loss and holistic healing.

Board Member DiSalvo stated we'll have to ask them when they come before us next week; I don't think it should go over here.

Board Member Cook stated ask them to come in Shawn.

Board Member Montesano stated what's a matter with the signs where they are there.

Board Member DiSalvo stated yea, why don't you put it there.

Board Member Cook stated ask them to come, talk to us about where they are going to put it and which sign is he putting up.

Chairman Rogan stated well they are coming next meeting.

Board Member Montesano stated next week.

Board Member McNulty stated they are saying the sign size is, what is this 8.16 feet by 2.16 feet.

Chairman Rogan stated 98 inches.

Board Member DiSalvo stated 98 inches by 26 inches.

Chairman Rogan stated so what's that.

Board Member McNulty stated 98 inches by 24 by 48, 98 is 8 foot 2.

Chairman Rogan stated they broke it down to the decimal, then ended up doing the math on it...

Board Member DiSalvo stated hook and eye, so when you are talking up to the apartment, you're going to get hit in the head with it.

Board Member Montesano stated yea, that is what I don't understand...

Chairman Rogan stated wait a minute, is it going...

Board Member DiSalvo stated no.

Chairman Rogan stated is that the spot...

Board Member Montesano stated no, that is the spot that exists right now.

Chairman Rogan stated it is.

Rich Williams stated you have to talk to him, you have to talk to him.

Chairman Rogan stated okay, let's go on to something else...

Board Member McNulty stated we don't know the location, we need to determine the location.

Rich Williams stated you need to confirm where the location is, you need to confirm the color...

Chairman Rogan stated everybody is getting punchy.

Rich Williams stated yup.

3) ICE POND ESTATES – SEQRA Determination

Chairman Rogan stated Ice Pond Estates, we walked it again, and there were basically just a couple of issues that everybody seemed to talk about. First off, we mentioned, we talked about Ice Pond Road and we are still looking at that, if you haven't been down there in the last couple of weeks, drive down it again, in the last few weeks its really deteriorated.

Board Member McNulty stated all muddy.

Chairman Rogan stated just potholes and the road needs obvious improvement.

Board Member DiSalvo stated after that bad rain we had.

Chairman Rogan stated also when we walked to the far end of the cul-de-sac, we I think were still surprised that that cul-de-sac extended over some really difficult topography. If you did a review memo, I've haven't read it.

Rich Williams stated I know, I did, in the memo I did say that when the Board walked out there and they were looking to have the road path pulled back past the saddle that we walked...

Chairman Rogan stated right.

Rich Williams stated which was that dip in the ridgeline.

Chairman Rogan stated which means they'll put in a longer driveway.

Rich Williams stated yea.

Chairman Rogan stated right but even still the driveway is a little less impactive than a full cul-de-sac and lastly we all, not lastly, thirdly, we all spoke about making sure the house along that rock outcrop that those houses were right tight up against that because that basically pulls any backyard away from those people and Ron Taylor was certainly hoping that this Board would support some kind of archeological work within the area, right around the...

Board Member DiSalvo stated the entrance.

Chairman Rogan stated I have to say Mike, all the yelling and screaming you've done about that well, they haven't listened because there are only two rotted old boards, when we looked at that, its amazing the liability that that is to those people.

Board Member DiSalvo stated it had to be over a year ago that we told them...

Rich Williams stated after we came back...

Board Member McNulty stated you said the property is not posted at all, or anything.

Rich Williams stated Andrew did a memo to them saying cover the well.

Chairman Rogan stated great, that's something.

Board Member Montesano stated it used to be Patterson Sports Club.

Board Member DiSalvo stated club, club.

Rich Williams stated right and they called me about what I thought the Board was looking for.

Chairman Rogan stated great, a plate of steel or something over it.

Board Member Montesano stated (inaudible).

Chairman Rogan stated but those, I think if, if I'm missing any major item, those seem like the four items we were basically kicking around.

Rich Williams stated I did throw in there and I wasn't sure because you I'm listening to multiple people out on the site. There was that evergreen stand in the back, you know I did put it in that some of the Board Members thought it might be an important design element just to consider.

Ted Kozlowski stated if they want to save that little conifer forest they have to save it in total, they can't chop it up.

Chairman Rogan stated compartmentalize.

Ted Kozlowski stated because it will just blow right over.

Chairman Rogan stated okay. So, Rich, talk to us for a minute about SEQRA, a specifically about a SEQRA Determination and at what level the Board should be when they make these, especially specific to this project because sometimes I think we forget, if we make a determination can we still then go and at what point should we be before we are doing these sorts of things.

Rich Williams stated the intent of SEQR is for the Board to examine the potential environmental impacts and balance that against social and economic considerations of the applicant and the requirements for SEQR are that you make that determination and I'm being a little bit simplistic here, I understand that but

Tommy is new. That you make that early on in the process and what you are going to do is say either this doesn't have a unreasonable negative environmental impact, issue a negative determination or you are going to say there may be a potential and so you are going to issue a positive determination at which time they have to go do a environmental impact statement...

Board Member McNulty stated that's SEQRA.

Rich Williams stated that's SEQRA, which you are all going to then have to read and I'm doing that just trying to scare them a little bit because you see that up there, those two books...

Board Member McNulty stated I started looking, my book is not that big but I started reading through it.

Rich Williams stated well that is an environmental impact statement on one project.

Board Member Montesano stated that's what you review.

Board Member McNulty stated okay.

The Secretary stated if you'd like it, we have an extra.

Rich Williams stated these are the things we didn't tell you before.

Chairman Rogan stated must like to read.

Rich Williams stated so, what you want to do is you want to take a look, are there potential environmental, areas of environmental concern and based on what you see, are they reasonably mitigated and I will use one that jumps the vine here on this project and that is the road and the potential for traffic. You know, if we can come to, even if there is going to be some sort of impact but if it's reasonably mitigated or can be reasonably mitigated then you would say negative SEQRA determination, however if you think there is still you know, still needs to be some work done, you are either going to say we are going to hold off to see if we can resolve it or we are going to give you a positive determination and we are going to have you do an environmental impact statement.

Board Member McNulty stated and the developer has to then do that.

Rich Williams stated yes, now with doing you know environmental impact statement, the Board has the ability to make it as broad or as narrow as you perceive the impacts may be. Generally in this indigenous society that we live in, that's one for you. No, she's not going to figure out how to spell it, its going to, damn.

The Secretary stated (inaudible).

Chairman Rogan stated you'll be fine.

Board Member DiSalvo stated we did that whole blow out with Burdick Farm with the DEIS and all that stuff and I don't see why we're not handling this large subdivision...

Chairman Rogan stated I remember we started with, even before you and I, when they started with the environmental impact statement and the positive dec, they started at a much higher lot count, it was up in

the eighties, wasn't it, you know, it didn't start as a twenty-five lot subdivision, so you start it on something that had drastic implications.

Rich Williams stated yea, I mean the history on that...

Board Member DiSalvo stated yea.

Board Member Montesano stated also, back then it was like what are reviewing and why, with the size of the properties and the size of the house, the important thing was to learn as much as you could and since it was open area, and with all due respect to some of the Board Members that were there, they were all (inaudible) and some good hunting spots, so they proceeded to say environmentally and as far as natures concerned and et cetera...

Rich Williams stated but I mean really with Burdick Farms...

Board Member Montesano stated it doesn't...

Rich Williams stated because I was Chairman at that point, we walked out on the site, we took a look at the site, we looked at what he was proposing to do and none of us felt as you did with Deerwood, you could get 81 lots on that site.

Board Member Montesano stated yea.

Rich Williams stated and so we basically said the impacts are too great, you think you can get 81, prove it and Michael did the same thing with Randy Laurent back in '89. He walked in and said I'm entitled to 41 lots and Mike said don't think you can get anymore than 39, he said 41, and Mike said, prove it, years later...

Board Member DiSalvo stated other than the...

Board Member McNulty stated and that would be a positive determination, yea it would have to go through the environmental impact.

Ted Kozlowski stated I still think that road is a huge issue.

Board Member DiSalvo stated that's what I'm saying, I'm worried that if we don't issue a positive one, they're not going to do a really good traffic survey, they're not going to do the intersections...

Chairman Rogan stated you know what I'm not sure they need a really good traffic survey if we can get them to commit to some road improvements out there, maybe...

Board Member DiSalvo stated maybe they don't want to.

Chairman Rogan stated they may not but that might be, I won't issue a...

Board Member DiSalvo stated I think that's our only protection right, I think we owe it to the people on that road, don't you and the people buying those houses...

Ted Kozlowski stated I'm telling...

Board Member McNulty stated the people purchasing, yea.

Ted Kozlowski stated I'm just telling you from experience and I'm sorry for repeating this. Big Elm Subdivision, which is 12 houses Rich, not 25.

Rich Williams stated no, its 24.

Chairman Rogan stated so it's the same as this.

Ted Kozlowski stated one less than this proposal.

Board Member DiSalvo stated a little, give or take.

Ted Kozlowski stated one less than this proposal, those folks moved in, into to better, nicer houses than were existing on Big Elm Road...

Chairman Rogan stated yea.

Ted Kozlowski stated as soon as they got in, they marched down to this Town Board and demanded Big Elm be paved and Bill Burdick had to pave it at the Town's expense.

Board Member DiSalvo stated and that must have been a pretty penny.

Rich Williams stated that is not the way it happened.

Ted Kozlowski stated Rich it happened.

Rich Williams stated that is not the way it happened, the Big Elm Subdivision was going in and the resident on Big Elm Road, all came into the Planning Board and said, we do not want the, our rural character affected, we do not want our road paved.

Ted Kozlowski stated right.

Rich Williams stated all right...

Ted Kozlowski stated exactly.

Rich Williams stated and then the project got built and the amount of dust that was getting on everybody's home, all of a sudden those same homeowners minus one Ted Kozlowski came in and said please pave our road.

Ted Kozlowski stated Rich, I know who did and didn't and most of the people that were in that development, came to this Town Board and demanded the road be paved because they were tired of getting stick in the mud, they were tired of getting pulled out....

Chairman Rogan stated that road was a mess.

Board Member DiSalvo stated and the maintenance it probably more for the Town.

Ted Kozlowski stated you personally pulled me out of that road one time, remember.

Rich Williams stated yea.

Ted Kozlowski stated down by the wetland.

Rich Williams stated oh god yet, I couldn't believe the whole road collapsed.

Ted Kozlowski stated I didn't want it paved because I knew what would happen, the increased traffic and you're going to get that from the local residents.

Rich Williams stated but that wasn't the increased traffic that was causing that, that was the underlying hydrology of the road.

Ted Kozlowski stated oh Rich, you know what's going to happen.

Board Member McNulty stated I think here, we should take the Town off the hook for paving or making improvements that whatever...

Chairman Rogan stated totally agree.

Board Member DiSalvo stated I think the only way to do that is issue a positive, let them do a survey, let them do a traffic survey, let them do the impact of the schools...

Board Member DiSalvo stated didn't they do a traffic survey already.

Board Member DiSalvo stated and everything else on that, I think people have a right to know that...

Board Member Montesano stated they can do a (inaudible)...

Rich Williams stated why don't you let me go back out there because this was plan anyway, before the next meeting, go back out there, take another hard look because I wanted to walk the property, I haven't have a chance to walk the road, just get out there and walk it, measure things off and say this is the length that I think we need to have paved, this is where I think we need to have site distance improvements because its very windy and you can't see cars coming...

Board Member McNulty stated yea, there entrance is kind of on a downward hill there, isn't it.

Rich Williams stated yea.

Board Member Montesano stated we used to close that road because it was a nightmare to get through, if you wanted to go through you better have a four wheel drive and a lot of chain for your winch at one time.

Board Member McNulty stated does all the dirt run their road frontage or does it go beyond, what is there...

Chairman Rogan stated no, right now they have frontage on that entire dirt portion, it goes all the way up to the bend before the parking area, just past Tommy Thurber.

Board Member DiSalvo stated (inaudible)

Board Member McNulty stated I would think you're just going to do a section of it if you're going to do it.

Chairman Rogan stated its not a big section either, from the point that you leave pavement at Bullet Hole [Road] to the point where it turns pavement to go up the hill.

Ted Kozlowski stated the whole road is going (inaudible).

Board Member McNulty stated you put pavement in, now you have drainage, how does that...

Chairman Rogan stated well that's...

Rich Williams stated well and this is an important point, it would be beneficial for the Town for them to pave especially at the entrance going north along their frontage and address the stream channel right there within their SWPPP which has to be approved by the City, so we don't have to do a second SWPPP later on, stormwater pollution prevent plan, is a SWPPP.

Board Member McNulty stated okay, that was coming up but I was letting you finish.

Board Member DiSalvo stated new initials.

Rich Williams stated I was looking at your eyes and saying.

Board Member McNulty stated SWPPP is good with me or whatever you said.

Rich Williams stated yup, so.

Board Member Montesano stated we'll get you all the paraphernalia necessary to interpret all the other letters.

Board Member DiSalvo stated I just feel that the neighborhood is going to be left out on this, the people that live on that road now...

Chairman Rogan stated you mean for lack of information on what the impacts are.

Board Member Montesano stated when those...

Board Member DiSalvo stated all of a sudden the sign is going to go up approved and they are going to be like who knew about this.

Board Member Montesano stated further south, we have a three house development or a guy put in, when we used to go out there for reviews, we had certain improvements that were supposed to have been made that were never apparently...

Rich Williams stated oh Terry's...

Ted Kozlowski stated well...

Rich Williams stated Terry's had to blast out a lot of the bedrock and widen the road.

Board Member Montesano stated he was just three little houses...

Ted Kozlowski stated to answer Maria's question are they going to have to come based on these plans, are they going to have to come for a wetlands permit, do you recall...

Rich Williams stated I don't recall.

Ted Kozlowski stated I think they are because they have to fool around with that buffer. See Maria, if they have to come for a wetlands permit, then those neighbors on the road are going to get notified...

Rich Williams stated they are going to get notified from the subdivision.

Chairman Rogan stated regardless.

Board Member McNulty stated yea, it has to be public, is there a public hearing on it or just a notification.

Chairman Rogan stated they'll get notified for the subdivision and you know what, everybody up and down that road has been seeing backhoes and people parked along Ice Pond...

Rich Williams stated two public hearings.

Chairman Rogan stated going in and out of that thing for two years now, people notice something, there is flagging and you know, you would have to be totally naïve....

Board Member Montesano stated and Richie gets all these phone calls.

Chairman Rogan stated to not realize something is going on with that property but also realize that is a hundred and, we are looking at a piece of property that is almost the same size as Burdick Farm property. You're looking at staying off the ridgeline, you're looking at not impacting on some of those areas that are really steep and really you know, I think if they had started years ago with 25 or 27 homes at Burdick Farms, it probably would have went, it would have been built ten years ago, they started at 128...

Rich Williams stated 120.

Chairman Rogan stated 120 and people flipped of course and they created all of these coalitions we have you know, bottom line is you're starting with something that probably is more in line because they doing land swap with Putnam Land Trust, you are protecting property, you're creating a lot of open space out there that people are using on a daily basis, there are people parked in there every single day to use that property to go to Ice Pond.

Board Member DiSalvo stated how would they get in now.

Chairman Rogan stated same spot, same access, it already exists.

Board Member McNulty stated the open space is going to be granted for some of their property.

Chairman Rogan stated they are doing some swap so basically the developer gets a little bit more usable close to the road area and the open space gets more bulk, that ridgeline we hiked up on...

Board Member McNulty stated yes.

Chairman Rogan stated that will be all open space, which is pretty cool you know.

Board Member McNulty stated the property looks pretty decent except for some big boulders and up at the cul-de-sac, those two lots in the back.

Chairman Rogan stated which we were talking about pulling that back so, I appreciate what Maria's saying, I think for me the road is an absolutely a number one issue to resolve, I wouldn't be in favor of any kind of a negative dec without nailing down what they doing...

Board Member DiSalvo stated right that's...

Chairman Rogan stated I agree with that because I am absolutely a hundred percent with you. I could see if we don't nail that down, issuing a positive dec based specifically on the road as that being the criteria but I think that they are hearing us and they are not going to push to make a determination of SEQRA when we are hard and steadfast on this road issue being resolved and I am sure Rich is going to have conversations with them about that. The other issues we talked about, you know they've been tweaking lots around and they've been doing you know, if anything, the only thing I fault is maybe myself more than anybody is that we haven't been talking about the road every single meeting, we've been talking about lot layout and I know Rich mentioned its been in some of the correspondence but we are now getting back to that, so it's almost like you lull people into working on the process and we forget about screaming about the issues we are really concerned about because for awhile I just kind of assumed that we had mentioned it, we had talked about the road and you figure that is part of the plan and then all of a sudden you get to where we think we're ready to go here and then you feel like you're...

Board Member Cook stated don't be too critical of yourself Shawn because these guys come in and then go away for eight months and then...

Board Member DiSalvo stated playing us too.

Chairman Rogan stated yea.

Board Member Cook stated they come back and you don't see them again for another seven months.

Chairman Rogan stated you're right.

Ted Kozlowski stated that's true.

Board Member McNulty stated the negative decision...

Board Member Cook stated you can't focus on everything.

Board Member DiSalvo stated so if they come in next Thursday...

Chairman Rogan stated Tom, the thing that always screws me up, in this case a negative is a good, positive determination means its going to have significant impacts...

Board Member DiSalvo stated I always think opposite, more work...

Board Member McNulty stated the requirements...

Chairman Rogan stated it took me years to get that straight in my head.

Board Member DiSalvo stated so say they come in next week right and we are getting a feel that they are anxious for us to make a SEQRA determination, just like they were last time you know...

Chairman Rogan stated sure.

Board Member DiSalvo stated rush, rush, rush and we really haven't addressed the road issue there, they are kind of backing off on, tough noogies, you wait again right.

Chairman Rogan stated basically you say would you like us to...

Ted Kozlowski stated I think the Board really needs to go out there in March, you know when the spring...

Board Member DiSalvo stated the thaw.

Chairman Rogan stated we were just there.

Ted Kozlowski stated right but we were there on a cold day.

Board Member DiSalvo stated what about that rain storm there other day, wasn't that cold.

Ted Kozlowski stated I think the Board should take a look at that road come March when its nice and...

Chairman Rogan stated just drive up and down it once a month, you know.

Board Member Montesano stated nice and muddy.

Ted Kozlowski stated and then visualize 26 homes...

Chairman Rogan stated and you know in reference to Charlie Williams, he did a lot of work on that road about three years ago maybe even two years ago, they widened that out to, in some areas, twice as wide as it was and there are still some sharp knobs that stick out that have to be worked on. We kind of got the sense that he was preparing it for when the budget works for them to pave it, for the Town to pave it but you know, he's done a lot work out there at the Town's expense that will help these people.

Board Member Montesano stated if you go south at Tommy Thurber...

Chairman Rogan stated yup.

Board Member Montesano stated look at some of the improvements to those houses that were done out there, the maximum one that I remember was like three houses in one spot and they did the work, they improved it. They didn't black top it but they widened it and they made it...

Board Member DiSalvo stated who did.

Board Member Montesano stated the house owners...

Board Member DiSalvo stated homeowners.

Rich Williams stated well the developer.

Board Member Montesano stated the developer at the time who was the one guy I knew was the guy that moved into the house allegedly with his kid, built houses there.

Ted Kozlowski stated you have to look at the increased expense to the Highway Department to maintain this road every March.

Chairman Rogan stated honestly, once its, something's done with it, it's going to be savings to the Town once its paved because right now they are out there with graders and (inaudible) all the time...

Ted Kozlowski stated sure but if it's not paved...

Chairman Rogan stated I agree, it's going to fall apart.

Ted Kozlowski stated if its not paved Charlie is going to be out there every other week fixing it.

Chairman Rogan stated people are going to flip out there with doubling the traffic out there.

Board Member McNulty stated quick question on the positive determination, then it goes for an environmental impact study, what are some of the things that, I'm not familiar with it, so what do they find, what would be something that we would be looking for in that study...

Board Member DiSalvo stated it depends on how blown out you want to go.

Board Member McNulty stated that would give us a decision on it.

Rich Williams stated unfortunately because of environmental groups, typically there is a lot of controversy surrounding a project that gets issued an environmental impact statement and the environmental groups are looking to throw up every road block in the world.

Board Member DiSalvo stated endangered species.

Rich Williams stated so we usually create these environmental impact statements that are much more overall encompassing than...

Board Member McNulty stated than is necessary...

Rich Williams stated it was ever intended to be, I mean if you go and look at what the DEC does on some of their environmental impact statements, they can be anywhere from 25 to 3 pages.

Chairman Rogan stated thousands...

Rich Williams stated this is what we are doing, we are looking traffic, we are looking at ground water resources, we are looking at surface water resources...

Board Member DiSalvo stated soil types.

Rich Williams stated soil types, archeological resources...

Board Member DiSalvo stated endangered species.

Rich Williams stated air resources, yea, the bats and...

Board Member Montesano stated excuse me, those are Jehovah's, right...

Rich Williams stated yea.

Board Member Montesano stated okay, you want to see something, that is their environmental impact statements...

Board Member DiSalvo stated that's a suitcase.

Board Member Montesano stated you read that and with all due respect to them they will tell you well three ants crossed the road here and we feel that and its in there because why, they don't pay a person...

Board Member McNulty stated no, they have all their help there.

Board Member Montesano stated they have everybody there and they are so to the point where, if you ask for a leaf, they give you the whole bloody tree and every accompanying tree in the area and they do it and they do a great job of it because it doesn't cost them for print, it doesn't cost them for time.

Chairman Rogan stated Tom, typically when...

Board Member McNulty stated the study itself doesn't make a determination, its just for us to review until we make a determination...

Chairman Rogan stated it's the information that helps you and typically...

Board Member McNulty stated they are going to tell me there are six old oak trees out there and combination...

Chairman Rogan stated we'll have a scoping type session where everybody will have some input as to what goes into the study, what people's concerns are and the Planning Board will set up a document that says here is what we are going to take a look at and once the information is obtained, there is a lot of back forth in reviewing it to make sure its complete and answers the questions that we've raised and then you take information and you, at that point you can say these are concerns and either yes you can mitigate them

based on what you're telling us or you haven't given us information to mitigate them and it goes on and on and on and on until we've either mitigated things or we haven't and its denied but the process can be exhaustive. Now if there can be an environmental impact statement that is specific to one issue but what Rich is saying is once you get all the public comment involved, it just, it becomes...

Board Member DiSalvo stated a tailspin.

Chairman Rogan stated and I really do believe in this case with this property and what we've seen out there that the impacts are there but they are typical residential home impacts that can be mitigated through engineering practices, you know...

Board Member McNulty stated with my eyes, I didn't see anything of great impact...

Chairman Rogan stated yea...

Board Member McNulty stated it looks like they laid it down, away from that ledge and over the top and just out at the cul-de-sac it was low laying and over, I don't know what we can do about that.

Chairman Rogan stated and we started with something a little bit bigger than what we had, I think lost probably maybe 8 or so lots from the beginning...

Board Member DiSalvo stated yea.

Chairman Rogan stated you know everybody, its negotiation, everybody starts with what they know they're not going to get and they...

Board Member Montesano stated ask for the maximum.

Board Member DiSalvo stated I don't think its so much the subdivision, it's the dumping out of the cars on to the road, that's...

Chairman Rogan stated I agree, that road right now gets a fair amount of traffic as a cut through but nothing like some of the other roads...

Board Member McNulty stated (inaudible).

Ted Kozlowski stated think about oil trucks, there are going to be oil delivery trucks that are going to come through there.

Chairman Rogan stated you know what, I wanted to tell you guys this, two mornings ago, or was it yesterday morning, it doesn't matter I told you guys a school bus goes up there and turns around at Tommy Thurber...

Board Member DiSalvo stated right, right.

Chairman Rogan stated when they were coming back down, we met in a spot that we had to actually back up about 50 feet before we could pass, this wasn't because of snow berms, this was just width of the road with rocks sticking out and everything. I meant to mention that to Rich, remind me when he comes back in but it was not a good spot right there, so we had, that is something that has to be addressed...

Board Member DiSalvo stated and increased traffic maybe someone may not stop of the school bus to make the turn, you know it will just be more traffic.

Chairman Rogan stated you know where we parked, we went up, remember we went up and we turned around in Tommy Thurber and came back down but right below where we all parked, that turn right there, that rock outcrop, that sticks out and that should just be hammered right out there and made a nice gentle curve.

Board Member McNulty stated yea definitely because the entrance to that development is just below that, isn't it. We were looking at cars coming down the hill there...

Chairman Rogan stated right.

Board Member McNulty stated you know there not going to be doing 30 all the time.

Chairman Rogan stated right and you know I know they have to address (inaudible).

Ted Kozlowski stated are they proposing lighting for this by the way.

Chairman Rogan stated I don't know.

Ted Kozlowski stated at the entrance to this.

Board Member Montesano stated there should be a light at the entrance.

Board Member DiSalvo stated there should be.

Chairman Rogan stated like we did with Shkreli.

Board Member DiSalvo stated and Louie Pescatore.

Board Member Montesano stated that was one thing that used to annoy the hell out of me.

Board Member McNulty stated what about on Tommy Thurber Lane, was there a light put there I was in there, that development or is that Southeast.

Chairman Rogan stated I think there, no that's us.

Board Member McNulty stated that's us.

Ted Kozlowski stated Rich do they have lighting on this submission...

Board Member Montesano stated there is one that's down on Tommy Thurber itself.

Board Member DiSalvo stated you know for the main road, coming out on Ice Pond.

Rich Williams stated we haven't gotten that far.

Chairman Rogan stated but by Code, usually we have just like we were talking about some of the other subdivisions, a light at the interchange.

Rich Williams stated we are still on Ice Pond.

Chairman Rogan stated yea, I was telling the Board that yesterday or the morning before, we met a school bus right where they turn around at Tommy Thurber, Rich, are you with us.

Rich Williams stated yes, I am, I'm with you, go.

Chairman Rogan stated and we had to actually back up about 50 or 100 feet back of the rock outcropping, they couldn't get by us, there wasn't enough room, right above the sharp turn, between the sharp turn and Tommy Thurber, up in that section. It was not enough room for the school bus and a regular car to go by, so I thought that was note worthy.

Rich Williams stated okay.

Board Member Montesano stated it should be at least two school buses wide.

Rich Williams stated bad rock outcropping by Tommy Thurber.

Board Member Montesano stated with a park area for each side.

Chairman Rogan stated okay, so everybody sounds like they are kind of on the same page with this one. We did Wireless Edge, Genovese...

5) GENOVESE SITE PLAN

Chairman Rogan stated this looks about our only thing except for Guiding Eyes and then we are done for the night. Rich, we have new stuff on Genovese.

Ted Kozlowski stated stuff from the DEC.

Board Member DiSalvo stated it's a nice big rubber band.

Rich Williams stated you have, they resubmitted, they actually contacted me and asked me how many copies I wanted for the engineer to review because they were done and I said well yes but you know what, we have new Board Members, you haven't been here in awhile, come back with a full submission...

Board Member DiSalvo stated in a year.

Rich Williams stated get before Board, there are some things to clean up...

Chairman Rogan stated okay.

Rich Williams stated and I'm glad that they did. A lot of what you are going to have to talk about is in the cover memo which addresses me previous memo, which is attached to that, so you have them both right there...

Chairman Rogan stated great.

Rich Williams stated that Maria has in her hand. There are some issues that you need to take a look at, back to street lighting, I suggested that they pull the street light right up to the road so that it is at the intersection of Route 22 and the driveway entrance, they have it set back, they want to know if we really want it right out on the road.

Board Member DiSalvo stated how much a glare would it be [Route] 22, would it be, it would just be like a street light, right.

Rich Williams stated it would be a street light on [Route] 22.

Board Member DiSalvo stated isn't there one by Justin's, isn't there a light there.

Chairman Rogan stated I mean the purpose is to properly light the intersection.

Rich Williams stated yea and there is one right by Old Route 22.

Ted Kozlowski stated he has it on his building.

Board Member McNulty stated what is this project.

Board Member DiSalvo stated it's a flex building.

Chairman Rogan stated it's a flex building, Genovese was going to do, is that embrod...apparel.

Board Member DiSalvo stated yea but thought he was just going to rent it out.

Chairman Rogan stated oh is he.

Rich Williams stated at this point, I think he's looking to flip it and I think he's (inaudible).

Ted Kozlowski stated where is this thing again, I know its on [Route] 22, is that by Dilmaghani.

Chairman Rogan stated by Justin's isn't it.

Board Member DiSalvo stated by...

Ted Kozlowski stated Dilmaghani.

Board Member DiSalvo stated no, no, by Boniello, remember Brewster Honda was going to do that parking area for the cars.

Ted Kozlowski stated you know where Empire Tools is, to the right of that going south, the south side, the same side on the south side.

Chairman Rogan stated fairly level, go up the slope a little ways off the road and then it kind of like a flat pancake and then there was the...

Board Member McNulty stated black top and build something.

Ted Kozlowski stated not on top, right next door.

Board Member DiSalvo stated and that building is similar to what Pete wanted.

Chairman Rogan stated that is higher than the road by ten or fifteen feet, isn't it.

Board Member DiSalvo stated yea, in this big freeze.

Ted Kozlowski stated I thought Tommy was referring to that...

Chairman Rogan stated the back part of the property.

Ted Kozlowski stated that whole back part.

Board Member McNulty stated have they submitted an actual site plan at all or just notes.

Chairman Rogan stated no, you've got it, that big plan there.

Board Member McNulty stated Charlie is waiting to pump that one.

Board Member Montesano stated I was just going to bring over the whole truck load and dump it at his store.

Board Member DiSalvo stated they changed the building.

Board Member Montesano stated I was going to be polite unless I want to dump it at the house, if I dump the stuff at your house, it would be great because they you can block it right across the school.

Board Member McNulty stated black those lights out, have you seen the lights they put on the outside of the building, its so bright the street light doesn't come on anymore.

Board Member DiSalvo stated what building.

Board Member Montesano stated Carmel School District.

Board Member McNulty stated the school, the administration building.

Ted Kozlowski stated Tommy's got stories to tell you about that school.

Board Member McNulty stated it lights my whole house up, they lit up their parking lot...

Board Member DiSalvo stated how ridiculous, they lit up the whole neighborhood too.

Board Member McNulty stated come by my house...

Ted Kozlowski stated its like a Walmart shopping center.

Board Member DiSalvo stated they don't have to shield their lights.

Board Member Montesano stated no.

Rich Williams stated look at the bright side I'm sure...

Board Member DiSalvo stated bright side.

Board Member McNulty stated I look at it all night.

Rich Williams stated they dim off the sign right.

Board Member McNulty stated they don't even turn the sign on anymore, period.

Rich Williams stated now they can turn it back on because you won't see it.

Board Member McNulty stated you have to see these lights, they are bright, they are on all right.

Ted Kozlowski stated you can't look at the stars anymore.

Board Member McNulty stated I'm telling you the street light wasn't on the other night.

Chairman Rogan stated didn't need it.

Board Member McNulty stated no its so bright at the school.

Board Member Montesano stated you're saving all that money.

Rich Williams stated its just amazing what the schools do.

8) OTHER BUSINESS

b. Guiding Eyes for the Blind

Chairman Rogan stated all right and lastly we have Guiding Eyes for the Blind.

Rich Williams stated essentially they are looking for a little assistance in trying to get that utility pole moved.

Board Member Montesano stated yea, good luck.

Chairman Rogan stated oh okay, my good old buddy Mr. Lincoln.

Board Member DiSalvo stated hey you know whose retiring, John Whitman.

Rich Williams stated is he.

Board Member DiSalvo stated he says 38 years, I'm out of there in 2 weeks.

Board Member Cook stated hold on.

Rich Williams stated I think this is second draft, no, no...

Chairman Rogan stated I want to add, I'm making changes.

The Secretary stated I...

Chairman Rogan stated I'm correcting all the problems Charlie is about to tell me.

Rich Williams stated okay.

Board Member Cook stated I think the last paragraph is too personal, it should be the Planning Board...

Board Member DiSalvo stated I would like...

Board Member Cook stated and please feel free to contact the Town Planner if you have any questions, its not I and me.

Rich Williams stated please feel free...

Board Member Cook stated understand what I'm saying.

Chairman Rogan stated yea, it's the Board, not me as the Chairman.

Board Member McNulty stated I agree.

Board Member Cook stated the Planning Board would like to request that...

Board Member DiSalvo stated would recommend...

Board Member Cook this utility pole be located further to the west to provide for improved visibility (inaudible).

Chairman Rogan stated on behalf, on behalf...

Board Member Cook stated please feel free to contact the Town Planner...

Board Member DiSalvo stated rus.

Chairman Rogan stated of the Planning Board, I would like to request that this utility pole be located further to the west blah, blah, blah, please feel free to contact...

Board Member DiSalvo stated we have to get new letterhead now.

Rich Williams stated well, yea that was a mistake.

Chairman Rogan stated oh yea.

The Secretary stated it's already done.

Board Member Montesano stated it's already done, you're on the Board.

Board Member McNulty stated thanks Michelle.

Rich Williams stated is that right.

Board Member Montesano stated this way I don't want to be shot at alone when he's with us.

Rich Williams stated all of a sudden it didn't look right.

Board Member DiSalvo stated because there's someone underneath me...

Rich Williams stated look at the letterhead and make sure we've got your name right.

Board Member Montesano stated (inaudible).

Rich Williams stated we want the attorneys to be able to spell it correctly.

Board Member DiSalvo stated when we get served.

Board Member McNulty stated they can serve me, I don't care, they can have all my debt.

Board Member DiSalvo stated take me away please, do me a favor, right.

Board Member McNulty stated hey three squares and cable TV, go ahead.

Board Member DiSalvo stated get me out of my nut house.

Board Member Montesano stated wait until the guy sits here and says did you really request this and he starts writing the answers down.

Board Member DiSalvo stated anything else.

Board Member Montesano stated no, no, psychiatrists don't chase, they just want to see what motivated you to...

Board Member DiSalvo stated do you want to talk about those wetland violations, we have some memos here, the shed on Cushman Road or something.

Ted Kozlowski stated hey Rich, did you mail those out.

Rich Williams stated I did mail those, she called me back she said...

Ted Kozlowski stated who is she.

Rich Williams stated give me a name.

Ted Kozlowski stated is it the one that they were complaining about or was it the (inaudible).

Board Member DiSalvo stated complainant.

Rich Williams stated the one with the shed.

Ted Kozlowski stated the one with shed, she called you.

Rich Williams stated yea she said that she's got photographs of those sheds from the 80's...

Board Member McNulty stated that's good.

Board Member DiSalvo stated what do they look like, are they falling apart.

Ted Kozlowski stated they are not, Maria, this is a classic neighbor against neighbor situation.

Board Member DiSalvo stated okay.

Ted Kozlowski stated just so the Board knows, I got a letter, you got a copy of it, notice its not signed and there is no telephone number...

Board Member DiSalvo stated where...

Ted Kozlowski stated generally when a neighbor, when somebody is making a complaint about somebody, its usually with a phone call and I want to remain anonymous. This one was a letter that was sent to me, that was not signed that said we, Mr. & Mrs., I can't remember the names, our neighbor did all these horrible things on the property and I have photos and blah, blah, blah. Two weeks ago I went down there, I had a suspicion because of the way this letter was written, you'll notice this is not signed...

Board Member DiSalvo stated right.

Ted Kozlowski stated I went to the people that supposedly wrote this letter...

Board Member DiSalvo stated Erika and Paul.

Ted Kozlowski stated they got very upset and said that they never wrote this letter, the woman that this complaint is about is a very good friend of theirs and they wanted a copy of this letter, they think they know who the person is, which is the neighbor between the two of them and there is obvious stuff going on between them...

Rich Williams stated organizational meeting and there was some back and forth (inaudible) said the wrong thing three time...

Ted Kozlowski stated if it's true then this person implicated these two people by writing this letter, it's a whole issue. The bottom line was that I was notified, I went the house that they are complaining about, there are two sheds on the property within the wetland buffer, okay. The sheds are, they look like, I didn't walk on to the persons property, the sheds look like the kind of stuff you would buy up at Martin's

Country, you know where just get a trailer and put it in. I personally don't have an issue with it but in my letter to the woman, I said you know may have needed a building permit for this because I don't know how these things were constructed, I don't know what the overall dimensions are and just check with the Building Inspector and because you are within 100 feet of a regulated wetland, technically you were supposed to get a permit, come to the Planning Board and we'll talk about it. I don't have a big issue with this person because the sheds are on landscaped grass property that happened to be within the wetland buffer and everybody along there has something within the wetland buffer.

Board Member McNulty stated this sounds like it is just a issue of if it's a building code violation.

Ted Kozlowski stated did the Building Inspector look at this at all, I CC'd the Building Inspector, the bottom line folks is that this is a neighbor and they are using the wetlands law to get at, one to get at another.

Board Member DiSalvo stated I know Erika and Paul personally...

Ted Kozlowski stated well Paul was very upset and they thanked me for coming by...

Board Member DiSalvo stated they are not the type of people to do this, they're not.

Ted Kozlowski stated like I said, I met the guy, the guy thanked me, he wanted (inaudible)...

Board Member DiSalvo stated they've got other things going on in their lives to be worrying about a shed.

Chairman Rogan stated Charlie's...

Board Member McNulty stated you were saying somebody wrote this but not the people that are named here.

Ted Kozlowski stated its like me writing a letter using your name...

Board Member McNulty stated because there is no signature, they just put the persons name down.

Board Member Montesano stated they've done that before.

Ted Kozlowski stated its an issue.

Chairman Rogan stated on behalf of the Planning Board (inaudible)...

Ted Kozlowski stated then there is another one I gave you, this woman on Cushman Road, she wants to replace an existing garage...

Board Member DiSalvo stated I think you had mentioned that once before...

Ted Kozlowski stated its an existing garage, she wants to replace it, it's falling down, its within the wetland buffer but again, I don't have an issue with it, I would recommend to the Board that you consider a waiver, as long as its not turning into double the size...

Board Member McNulty stated should we restrict it to its existing footprint.

Board Member Montesano stated the footprint (inaudible).

Ted Kozlowski stated (inaudible) footprint.

Board Member DiSalvo stated so is she going to do a wetlands application and then we'll do it as a waiver.

Ted Kozlowski stated I told her to request you know, come to the Board with the plans, okay...

Board Member DiSalvo stated right.

Ted Kozlowski stated you shouldn't really approve anything until you know what you're approving but if its foot for foot within the footprint of the existing garage, I mean, she doesn't need a wetlands permit, she'll need a building permit and probably a demo permit...

Board Member Montesano stated and then we have to have all the other permits so, we don't raise taxes here, we just charge the hell out of everybody...

Board Member Cook stated you want to comment on Lake Shore Drive.

Ted Kozlowski stated on what.

Board Member Cook stated Lake Shore.

Ted Kozlowski stated and Lake Shore Drive, you guys talked...

Board Member McNulty stated is this Mr. Horn.

Ted Kozlowski stated yes, he, very nice man, young family, they have a little house on a little lot.

Board Member Montesano stated on the prairie.

Ted Kozlowski stated within a hundred feet of Putnam Lake and very close to a stream that feeds Putnam Lake. They just had a little baby and they have quickly outgrown the house, after talking with him, it looks like he wants to go out, put a second story on the house, I again didn't think it was a big wetlands issue, I did warn him though that the would have to go to the Health Department to see if his septic is big enough to take on an extra bedroom, that's not a Town issue, that's a County issue, he would also have to see the Building Inspector to get a building permit and the only thing I suggested was the stream that feeds Putnam Lake is very barren and it looks like there is some erosion going in there, I asked him to clean that up with some landscaping which he was going to do anyway, so again I would probably recommend a waiver based on what plans he comes up with but if he's going up with the building, depending, so you guys with the garage, you really should wait for the plans and with this house wait for the plans, if its all within the footprint, you don't need a wetlands.

Chairman Rogan stated just issue a waiver.

Board Member McNulty stated what about the shed issue.

Ted Kozlowski stated the shed issue that's again up to the Building Inspector but because she's within the wetland, I told her she should write to the Board and see if you want to do a waiver, you might want to take a look at it, we'll see what happens.

Board Member DiSalvo stated there are wetlands up there because those houses are up a hill.

Ted Kozlowski stated they are up a hill but there is a wetlands, a state wetland up there that comes in through that goes to what's his name that clear cut the wetland, Werlau, that is all part of Werlau, the new horse farm on Cushman [Road].

Board Member DiSalvo stated but where does that water because Erika's house is up.

Ted Kozlowski stated yes that flows from Erika's house under Cushman Road and into Werlau's property.

Board Member DiSalvo stated oh okay.

Ted Kozlowski stated then into Vinny Leibell's property.

Board Member DiSalvo stated it goes that way too.

Ted Kozlowski stated yea.

Board Member Montesano stated is it authorized.

Board Member McNulty stated sure it is.

Board Member DiSalvo stated what is going on with the Powe Subdivision, whatever happened with that.

Board Member Montesano stated his kids, him and him had a big fight and they couldn't get (inaudible).

Ted Kozlowski stated how many, you know we've had so many wetlands permits approved there is nothing out there.

Board Member DiSalvo stated all the money too, a little short on cash.

Board Member Montesano stated the thing was just to it approved, is there a time duration on those.

Ted Kozlowski stated one year.

Board Member DiSalvo stated its expired.

Board Member Montesano stated too bad.

Chairman Rogan stated Charlie, you wanted to bring up, let's bring it up because I think everybody is getting a little punchy, no let's bring it up and get it over with.

Board Member Montesano stated bring it up.

Board Member Cook stated I was just curious that we have not heard back from people like Eurostyle, Justin's the owner on the letters that were sent to them about...

Ted Kozlowski stated our friend on Commerce Drive.

Board Member Cook stated responding...

Rich Williams stated let's talk about Eurostyle, Eurostyle is my fault, I just haven't had the time to get out there and hand deliver the letter.

Chairman Rogan stated oh okay, they haven't been served.

Rich Williams stated mailed it out, it came back, we mailed it out to where is he supposedly paying his taxes and it came back.

Board Member McNulty stated I remember you saying that.

Ted Kozlowski stated what about the other guy Rich.

Chairman Rogan stated Justin's.

Board Member McNulty stated what's up with...

Rich Williams stated Steve Leardi.

Ted Kozlowski stated LeaRome.

Chairman Rogan stated but the background on that is kind of interesting because we have Downey, Joe Downey, who is a heck of a nice guy...

Board Member McNulty stated Justin too because I was talking to Justin...

Chairman Rogan stated a nice guy.

Board Member McNulty stated he's having a hell of a time with the landlord, he won't cooperate or answer to anything or...

Ted Kozlowski stated Wunner.

Board Member McNulty stated I guess there's a family feud there.

Rich Williams stated but you know, this has been ongoing. The problem was, they had a gas station and the Code allowed the gas station in an NS-1 zoning district and then they tore the pumps out and made it a garage but for whatever the Code at the time said you can't have a garage in an NS-1 zoning district, so essentially they...

Board Member McNulty stated but you can have a gas station.

Rich Williams stated but you can have a gas station, listen, I don't ask sometimes, we just do...

Board Member McNulty stated okay.

Rich Williams stated so essentially he created a not a legal non-conforming use which wasn't permitted by zoning, so he didn't vest any rights, then it sat idle for a very long time and you know Justin then moved in and then Justin moved out and it sat idle for a very long, they came in and saw me, somebody came in...

Board Member McNulty stated Joe Downey was there and then he moved out.

Board Member DiSalvo stated he moved to Pawling.

Rich Williams stated real estate people were coming in and said you know what can we do there and I said you can do all these things but subject to site plan approval, including a garage because at that point we had changed the Code to allow for a garage but he had no established vested rights. The intent of having a site plan is to create the boundaries by which you know the applicant is going to use the property safely and everybody is going to be able to use it safely. It's a good thing, you can make it as simple or as complicated as you really want to make it, then the Wunner's said...

Board Member DiSalvo stated they didn't say.

The Secretary stated hold on.

Board Member Montesano stated the Wunner's said.

The Secretary stated wait, wait, wait.

(Tape 2, Side 1 Ended – 10:12 p.m.)

Rich Williams stated the Wunner's said, it's been a garage, it's always been a garage, we don't need any site plan, we're not doing it.

Board Member McNulty stated so what is the recourse then.

Rich Williams stated take them to court, the problem is, Paul Piazza did that one time, they appointed special council, they transferred it down to Southeast and between the special council and Paul Piazza they so messed up the case, that the judge says I'm dismissing it, it looks like you may have pre-existing non-conforming, I don't know but I'm dismissing it without prejudice so you can re-file.

Board Member McNulty stated and that is for this particular property.

Rich Williams stated and that is for this particular property but the record is clear, I mean its black and white, everybody wants to work with him and clean it up and Justin I think is doing a fairly nice job with it...

Board Member McNulty stated he's trying but he's so frustrated with the landlord, I guess the mother was ill and had a good relationship...

Board Member DiSalvo stated yea, she had an accident.

Board Member McNulty stated with and then the two brothers are split, one is not involved and the other one is just...

Board Member Cook stated we are just trying to get a site plan from him right.

Rich Williams stated right.

Board Member Montesano stated yea.

Rich Williams stated but Mitch is adamant he is not going to let anybody file a site plan.

Chairman Rogan stated so where does that leave us.

Rich Williams stated court.

Board Member DiSalvo stated and it will probably go to Southeast again.

Chairman Rogan stated which is you want to be court against the owner, not against Justin.

Board Member Cook stated yea.

Board Member McNulty stated yea.

Rich Williams stated well you file against the owner.

Chairman Rogan stated right.

Ted Kozlowski stated Justin has nothing to do with it, it's the owner.

Board Member McNulty stated better than having to fit a big building there.

Chairman Rogan stated yea.

Board Member DiSalvo stated yea.

Board Member Cook stated Patterson Garden Center, that's another one.

Rich Williams stated yup.

Board Member DiSalvo stated that is another Tela Cook.

Board Member Cook stated we haven't heard from those guys either.

Board Member DiSalvo stated did Tela Cook get the letter.

Board Member Cook stated the other one is Getty, right, we haven't heard from Getty.

Rich Williams stated nope.

Chairman Rogan stated well isn't...

Board Member McNulty stated which is Getty, up on 22 here.

Chairman Rogan stated Patterson Garden Center, did we approve a site plan and they just haven't constructed it.

Rich Williams stated we approved the site plan.

Chairman Rogan stated that's a little different, we have a site plan, we just don't have a constructed site plan.

Rich Williams stated we approved the site plan, with conditions and x amount of time to meet those conditions, not only did they not meet the conditions but they completely deviated from the site plan if you remember, so at that point, everybody recommended that they do an as built so we know where everything got moved and shifted and everything else and that is where it ended. He wasn't doing an as built, we're done.

Chairman Rogan stated it's a mess, what do you want to do.

Board Member McNulty stated we determine that now or at the public meeting.

Chairman Rogan stated just something to think about.

Rich Williams stated yea could I suggest that you wait until the attorney is in the room.

Chairman Rogan stated sure, yea let's talk about it then.

Rich Williams stated because if you are going to go to court, then he is the one that is going to depend you in court.

Board Member Cook stated should we send him a follow up letter, each of these.

Board Member DiSalvo stated did you send it certified.

Board Member McNulty stated (inaudible).

Board Member Cook stated say hey we haven't heard from you and...

Chairman Rogan stated oh you mean since we originally were working on these.

Board Member McNulty stated yea, Charlie's brought it up, how long has its been since...

Board Member DiSalvo stated they don't come back, so that means they are getting it.

Board Member McNulty stated the follow up letter would probably be...

Ted Kozlowski stated it would probably be...

Chairman Rogan stated no we sent the letter about two months ago.

Board Member DiSalvo stated it was a funny time of year too, you know...

Chairman Rogan stated saying come to us within 30 days and let us know what you're planning on doing.

Ted Kozlowski stated and everybody said (inaudible).

Board Member McNulty stated talk to the attorney and send them a letter, whatever the attorney recommends, we'll send them a letter.

Board Member DiSalvo stated people at my barn are going away, whose going to Bahamas, whose going here, whose going there...

Board Member Cook stated I would just think that we should send them a follow up letter...

Board Member DiSalvo stated and I'm like a slave over there.

Board Member Cook stated give them another 30 days and then we should really decide what we want to do here.

Chairman Rogan stated is it court.

Ted Kozlowski stated is that handled locally, local court, Town court.

Rich Williams stated mmhmm, is should be handled locally in Town court, yes unless the judge decides that he has some conflict and needs to ship it elsewhere like he did with Wunner's, I have no idea what it was but...

Ted Kozlowski stated that's King.

Rich Williams stated yea.

Ted Kozlowski stated so it will happen again.

Rich Williams stated it might have been Tricinelli but I think it was King.

Board Member Cook stated so you're okay with (inaudible).

Chairman Rogan stated let's talk, let's go on the record with, let's talk to Carl, council, next week and just run it by him and see if, this way he has all the information, we'll send a follow up, saying this is what our plan is, if we don't hear back now we are sending it to the courts, which is kind of what we said last time but...

Rich Williams stated just so you're clear, I mean the best you can do is request that the Code Enforcement Officer issue a violation, if Nick decides not to...

Chairman Rogan stated okay.

Board Member DiSalvo stated so it looks like Getty is getting a little cleaned out there. The guy that runs the gas station, I see him at the bank, I see him, I was in there the other day...

Board Member McNulty stated I noticed they cleaned up the front of the building...

Board Member DiSalvo stated yea it looks like some of the cars have been removed from where the body shop is, around the other side, it looks like some vehicles have been taken out but the tractor trailer body is still way back there.

Board Member Cook stated you still can't drive around it though...

Board Member Montesano stated no.

Rich Williams stated it's late, I'm cranky...

Board Member DiSalvo stated we all are.

Rich Williams stated the Code Enforcement Department told him to get rid of all the stuff so that you can vehicles around behind for fire safety...

Board Member McNulty stated you should be able to get completely around the building...

Chairman Rogan stated end of discussion.

Rich Williams stated absolutely and that six, eight months ago.

Chairman Rogan stated right.

Board Member Montesano stated and they haven't done a thing.

Rich Williams stated what.

Board Member DiSalvo stated well that's these big corporations, Getty owns it...

Chairman Rogan stated summertime.

Board Member Montesano stated it's not so much that...

Board Member DiSalvo stated it's just in a file somewhere.

Board Member Montesano stated is that...

Board Member McNulty stated Getty owns the building.

Rich Williams stated yea.

Board Member Montesano stated well they own the franchise, do they own the building or they own the franchise.

Board Member DiSalvo stated yea, they own the building, they are from Long Island, right there is an address from Getty out in Long Island.

Rich Williams stated I thought Tyree was representing Getty.

Board Member Montesano stated is that just the gas or the building itself...

Rich Williams stated Getty owns the building and Tyree is representing them...

Board Member Montesano stated oh okay, I didn't know if they bought the building.

Rich Williams stated but its nice that they clean some of it but why, in this time, why haven't they cleaned all of it up, I mean it's a health safety issue, it's the same with the, they put the lotto satellite dish up on top of the roof and secured it with concrete blocks.

Board Member McNulty stated that's how they are done everywhere though, anywhere you...

Rich Williams stated that's what they said.

Board Member DiSalvo stated is that how they have it in their manual to install.

Board Member McNulty stated it is, they'll take, rubber roofs, flat roofs, you'll see that all the time, that is a common practice.

Board Member DiSalvo stated the satellite dish on the roof, remember we saw the two cement blocks...

Rich Williams stated its not a flat roof.

Board Member McNulty stated its not a flat roof...

Rich Williams stated no.

Board Member McNulty stated okay...

Ted Kozlowski stated somebody is going to have a headache.

Board Member DiSalvo stated its getting slop.

Board Member McNulty stated Mobil, I think if you look at Mobil, theirs is down with concrete block too, I see it all the time on jobs, its common.

Board Member Montesano stated that's because of they don't pay the bill to the State, they come and take them away.

Chairman Rogan stated in fairness to Michelle, motion to adjourn.

Rich Williams stated I've got several other...nevermind.

Board Member Montesano stated motion to a second.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 5 to 0.

The meeting adjourned at 10:18 p.m.