

TOWN OF PATTERSON
PLANNING BOARD MEETING
January 30, 2014
Work Session



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Ron Taylor
Edward J. Brady Jr.

**Planning Board
January 30, 2014 Work Session Meeting Minutes**

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

APPROVED

Present were: Chairman Shawn Rogan, Board Member Thomas E. McNulty, Board Member Michael Montesano, Board Member Ron Taylor, Board Member Edward J. Brady Jr., Rich Williams, Town Planner, and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:02 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan called the meeting to order.

Chairman Rogan stated okay, good evening everyone.

Board Member McNulty stated hello.

Chairman Rogan stated hello.

Board Member Brady stated oh, we're on the record now.

Chairman Rogan stated we're on the record, yeah.

Rich Williams stated and everybody's voices got a little bit quieter.

Chairman Rogan stated yeah, it's amazing, isn't it.

Board Member Montesano stated ne, ne, na, na, nu, nu.

Chairman Rogan stated oh, get to see that in the minutes. So, the first item on the agenda, we have AT&T, the Nolletti site, I think when we discussed this last time, it was such a straight forward...

1) AT&T/NOLLETTI SITE PLAN – Public Hearing

Board Member McNulty stated I'm going to recuse myself from this, so it's noted, with East Putnam across the street.

Chairman Rogan stated okay.

Board Member McNulty stated so.

Rich Williams stated yeah, it is pretty straight forward, I've done a...

Chairman Rogan stated I don't think we're, I don't think you, we're not talking about it.

Rich Williams stated I've done a technical review on it, it's a Type II action under SEQRA so we don't have to do that, we made the referral over to the County but I just picked up on it today, so it's gone out late so we're going to have to wait until next month to make a decision on this. The three big issues are the plans didn't have the engineer's signature or seal, they don't have any signature block for the Planning Board which I've asked them to put on and probably the biggest issue is they are showing a 6' high chain link fence with a 1' high barbed wire top, making a 7' fence. So they are either going to have to get a zoning variance or they're going to have to reduce the height which is typically what most of them do.

Chairman Rogan stated yeah.

Board Member Montesano stated they're proposing a Generac diesel...

Rich Williams stated yeah, well at the last Planning Board it was brought up about them investigating natural gas and they've not gotten back to us yet.

Board Member Montesano stated yes, I was the one, oh okay, I just wanted, I remember talking, hearing about it.

Chairman Rogan stated yeah.

Board Member Brady stated so that's going to go to March.

Chairman Rogan stated well we'll have the public hearing certainly but we can't take an action on approving it. Tommy, you can come back in.

Board Member McNulty stated I never looked at those photos, they're good.

2) **TRIPLE B BBQ – Sign Application**

Chairman Rogan stated Triple B BBQ, this is the original Zergarelli's Pizza, right.

Rich Williams stated correct.

Chairman Rogan stated okay.

Rich Williams stated this is the building that he occupied for many, many years, it's not going to be occupied by a bar-be-que restaurant, they're proposing a very straight forward sign.

Chairman Rogan stated Triple B BBQ, I wonder if they are doing, if they're installing a smoker in the restaurant and the, I know they're in for a sign application but it certainly just since we're talking about this and it's in our Town, I wonder, do you know Michelle, whether they're putting an actual smoker in.

The Secretary stated I don't, the business owner didn't make the application, the sign company did, so I'm not sure.

Chairman Rogan stated okay, okay, alright, separate issue but we have to always be careful, not that it's even under our purview but just for conversation when these things go in, these smoke type places, the one in Mahopac...

The Secretary stated Holy Smoke.

Board Member McNulty stated Holy Smoke.

Chairman Rogan stated Holy Smoke, resident, great restaurant, great owner, residential area, the restaurant has been there forever, it's one of this preexisting nonconforming kind of things...

Ted Kozlowski stated it used to be a German restaurant, right.

Chairman Rogan stated Heidi's Brat House...

Board Member McNulty stated Heidi's...

Board Member Montesano stated right.

Chairman Rogan stated when it went to the smoker place, well you had, you end up sometimes with causing problems for the neighborhood with, you know, with the smoke.

Ted Kozlowski stated with that beautiful smell...

Chairman Rogan stated oh, it's amazing but some people...

Board Member Montesano stated yeah, guys come home, beat their wives, yeah...

Chairman Rogan stated some people hate it.

Board Member McNulty stated you know on a 24/7...

Ted Kozlowski stated I guess if it was constant.

Chairman Rogan stated well especially if you a server asthmatic or something.

Board Member Montesano stated well, you know the guy Walter that's up there on [Route] 22, he used to be here...

Chairman Rogan stated I don't.

Board Member Montesano stated he has the smoke house.

Chairman Rogan stated I don't, sorry.

Board Member Montesano stated he used to be down here somewhere, I can't think of where anymore but anyway, he went up there and that was a whole, he does the smoking right there and...

Chairman Rogan stated yeah. Rich, even though it doesn't relate to the sign, I was asking if we knew whether this Triple B BBQ was installing a commercial smoker in the facility because of the mixed use there with the residential, it could be a big problem.

Rich Williams stated I agree, I don't know and I'm hoping the Building Department picks up on that.

Chairman Rogan stated yeah because that, that's almost and it's hard, it's not a change in use per se but it's a change of the type of use, it's like and this is another thing that I'm trying to keep on my mind for when we do even strip malls, thinking about if we have a nail salon or anything like that proposed having separate ventilation, having separation of that space so there's not shared system because we get tremendous problems with that for the adjoining, you know when you have shared ventilation systems and such.

Board Member Montesano stated well think about it, you've got this one up here and now you're having a pizza place in one place, a sandwich place is over there, they have the A&P with all the food in it...

Chairman Rogan stated that's right, yeah, yeah.

Board Member Montesano stated they came in, we never...

Chairman Rogan stated it's just always thinking about where, you know what the future use might be or...

Board Member Montesano stated it's just, it just never comes in but this is why...

Chairman Rogan stated yeah, it's hard.

Rich Williams stated I certainly will make mention again to the Building Department.

Chairman Rogan stated and it's not that it wouldn't be allowed, it's that we have to at least take into consideration, not we but we whoever's doing the approval that it could cause problems when you have a, when you're in a residential area and now all of a sudden you're blowing all this, while we love the smell of it, all this extra particulate matter and this is coming up more and more when we talk about the, you know, the regulations with...

Rich Williams stated sure.

Chairman Rogan stated the EPA changing with wood stoves, et cetera but...

Board Member Montesano stated well the guy across the street, didn't that cause problems.

Board Member McNulty stated do you want to make a motion on this tonight.

Chairman Rogan stated we can.

Board Member Brady stated why not.

Board Member Montesano stated go.

Chairman Rogan stated if anybody feel comfortable...

Board Member McNulty stated I'll make a motion a SEQRA determination for the Triple B BBQ sign application as a negative determination.

Board Member Montesano seconded the motion.

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

Chairman Rogan stated and on the application.

Board Member McNulty stated and the sign application for Triple B BBQ, I make a motion that we approve it as submitted, as per the document, the picture and the sketch.

Board Member Montesano seconded the motion.

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

Board Member Taylor stated just a question on this, those big lights on the house, do they have them on at night.

Rich Williams stated I would imagine they have them on at night, I don't know how those lights got on the building...

Chairman Rogan stated they are amazing.

Board Member McNulty stated with a ladder, probably.

Rich Williams stated thank you Tommy.

Board Member Taylor stated is that something else for the Building Department.

Chairman Rogan stated that was great.

Board Member Montesano stated and speaking of ladders.

Rich Williams stated Building Department, you know...

Board Member Brady stated he lead with his chin.

Rich Williams stated the problem is I have no idea when they went on, I have, you know, they're not proposing to change them...

Chairman Rogan stated right.

Board Member Taylor stated but if they're a hazard.

Rich Williams stated and are they preexisting nonconforming or are they not, I tried to do some research on finding out when this building first became a commercial site and I couldn't even find anything on it. It

certainly went back, you know prior to the '90's but you know I couldn't even find out when it was originally converted into a commercial site because again, as Shawn picked it seems it's a mixed use, it seems like there's residential upstairs...

Chairman Rogan stated oh yeah, there's residential upstairs.

Rich Williams stated and you know typically our Code doesn't permit that.

Board Member Taylor stated right.

Chairman Rogan stated and I'm not, as we've had conversations with this, I'm not opposed to mixed use in our areas, I think sometimes that makes for a more friendly Main Street so to speak, you know if you had all business and nobody there but anyway, separate conversation but we have to at least consider what use is going into those buildings and how they relate to people living upstairs.

Board Member McNulty stated it is a C-1 property, right.

Rich Williams stated GB.

Board Member McNulty stated GB, general business.

Chairman Rogan stated yeah, like you have right on our main street here, on [Route] 311, you have the, is it like an alternator, a repair shop...

Rich Williams stated yes.

Chairman Rogan stated that's some kind of alternator and apartments upstairs...

Rich Williams stated yeah.

Chairman Rogan stated and I was thinking driving by, depending on the type of businesses that are in those spaces, you can end up with quite a problem for, you know, the residents...

Rich Williams stated the people upstairs.

Chairman Rogan stated the people upstairs, not noise as much because the business are usually during the day but fumes, you know painting, cleaning things...

Board Member Montesano stated you mean the cleaning fluids or electrical apparatus.

Chairman Rogan stated well all kinds of...

Board Member McNulty stated owners' period, yeah. It's a big problem.

Board Member Montesano stated he's been there, that place has been there a long time.

Chairman Rogan stated yeah, well that's when the owner has to make decision, do I want the commercial or do I want the residential, maybe they decide they don't want residential upstairs, you know.

Board Member Montesano stated well the residential is the building next to it, not the shop.

Chairman Rogan stated upstairs.

Board Member Montesano stated there is upstairs.

Chairman Rogan stated yeah.

Board Member Montesano stated okay.

3) **HAVILAND FARM – Site Plan Application**

Chairman Rogan stated okay, Haviland Farm, this is the one we did a site walk on, have you been out...

Board Member McNulty stated I did get to go out there on...

Chairman Rogan stated awesome.

Board Member McNulty stated Tuesday, mid-day and I caught it on a pretty bright, sunny day and coming south on East Branch [Road], those white shelters do give off some bright reflection. The black netted ones though were fine, so and I saw the site notes, the site walk notes from you guys and about the same, I saw where the trees thin out and maybe...

Chairman Rogan stated yeah, down along this area.

Board Member McNulty stated they can do something with that, yeah.

Chairman Rogan stated yeah, a couple of things that we talked about when we walked around this site was one thing that came up pretty quickly as we were walking around the back was they had, there was a promise of putting up some deer fencing as a wetlands limiting factor which Teddy spoke about and then the need for some possible for some stormwater improvements which we were talking about probably them doing somewhere in along this center, I think it was along this center road area and they were going to work on that with Rich and Ted to figure out if we could capture because there was a lot of water flowing down through that drainage, yeah, that must be it right here.

Ted Kozlowski stated sediment.

Chairman Rogan stated a ton of very, very fine sediment in that drainage area and eventually heading into the swamp, the thought was hey let's use this as a possible retention area...

Board Member McNulty stated yeah, I saw those notes and use it for irrigation.

Chairman Rogan stated to you know, they'd have to maintain it but and use it for irrigation and they seemed pretty interested in that idea and then lastly as we were talking to them I think we all got a sense that there was more that they wanted to do but they were afraid to ask for it. We said look, you know this is what the use of the property is, this is, they were saying well if we do this, we probably won't be successful, in other words we need more, we're not going to, we're going to coming back in, in a year or two saying you know, we can't make it, so we said look, why don't you, this is the pet peeve, tell us what you want, show us what you want and let's then take a hard look at it...

Board Member McNulty stated well they have.

Chairman Rogan stated so they have, they drew it in, the full use of the site.

Board Member Brady stated did they.

Chairman Rogan stated yeah, it's pretty packed in.

Board Member McNulty stated my question, I saw Rich had addressed it in his notes was the sewage or any kind of bathroom facility on the property, are there port-a-johns anything...

Rich Williams stated they said they had port-a-johns but you know for the amount of time people are out there, you know I question whether that's suitable or not...

Chairman Rogan stated yeah.

Rich Williams stated I did encourage them to consider putting a septic in out there.

Chairman Rogan stated sure.

Board Member McNulty stated yeah.

Rich Williams stated now whether they're going to get one or not, I don't know and similarly you know, we saw the irrigation pipes in the stream but you know for what they're proposing to do and the amount their growing, they need a more permanent source of water and usually that's coming from the ground, they're going to put wells in but they're not showing anything out there so.

Board Member McNulty stated just, by the way when I went there on Tuesday, I was there around mid-day, around noon and the gate was closed and there was nobody around.

Chairman Rogan stated okay.

Board Member McNulty stated so.

Chairman Rogan stated alright.

Rich Williams stated now, one of the things I do want Ted to weigh in on is the four most westerly units that he's showing, my memory is that that was an area that Ted said...

Chairman Rogan stated no.

Rich Williams stated you know stay out, let it revert back.

Chairman Rogan stated this too.

Board Member Taylor stated yup.

Ted Kozlowski stated yeah, we drew a line, we drew a line in the plastic, we said you know to the right of this or to the east of this line put your cold frames and to the left, leave it alone, let it remain wetland and wetland buffer, so...

Rich Williams stated so he's got four too many then.

Chairman Rogan stated yeah, looks like it.

Ted Kozlowski stated four, what is that.

Chairman Rogan stated two and two.

Board Member Taylor stated yeah.

Board Member Brady stated he didn't do anything with the retention pond either.

Board Member McNulty stated what about these here.

Chairman Rogan stated no, they haven't gotten to that yet.

Ted Kozlowski stated that far end Rich, I'm not sure, that wasn't part of the discussion, those last two, it was the black plastic that was on the ground because that yard actually extends further to the west at that point.

Rich Williams stated to be clear the wood chips that they filled in the wetlands, extends farther to the west.

Ted Kozlowski stated I, those two at the end were not part of my conversation with them.

Rich Williams stated okay but...

Chairman Rogan stated to the north.

Rich Williams stated but it's before us now and what I was looking for is, you know are those two acceptable...

Ted Kozlowski stated I got to go back and take a look.

Chairman Rogan stated yeah, we didn't specifically look at that area.

Rich Williams stated okay but that's what we're looking for, are they acceptable or are they too far back into the...

Ted Kozlowski stated and I believe Ron was with me when we were talking about it and it really clearly was on that black plastic that they had put down in this area which is the central part of the property, not that far northern part.

Board Member Taylor stated yeah, that's right but clearly but Ted said it's...

Ted Kozlowski stated we didn't go, we didn't walk behind, beyond the maintenance building.

Chairman Rogan stated no.

Rich Williams stated no, this goes back to when you and I went out originally with them.

Ted Kozlowski stated right but we didn't have any discussions on our site walk about that particular area.

Rich Williams stated no, not on ours but way back when because...

Ted Kozlowski stated yeah and I don't remember that.

Rich Williams stated that's the area we walked back in, they had the irrigation piping in the wetlands and we were joking about what are they going to irrigate.

Ted Kozlowski stated right, I got to take a look, I'll go this weekend take a look over there.

Board Member Brady stated but if this is just winter storage, how much irrigation do they use.

Rich Williams stated it's not.

Chairman Rogan stated well no, it's not winter storage, it's growing during the season they're going to be growing all season long.

Board Member Brady stated oh okay.

Board Member McNulty stated are any of these shelters heated.

Ted Kozlowski stated no.

Board Member Montesano stated no.

Ted Kozlowski stated Tommy these...

Board Member McNulty stated no plan to...

Ted Kozlowski stated these, we have these at my facility and what these are they're overwintering stations. What you generally do is in the summertime, you take the plastic off and they're just open beds of plants. What they're doing here is to overwinter them, that's all, protect them from the, you know...

Board Member McNulty state the frost and the snow.

Ted Kozlowski stated extreme temperature fluctuations and all that, so.

Board Member McNulty stated yeah, they must retain some natural heat.

Ted Kozlowski stated yeah, they are considered in the industry temporary buildings, they're not designed to be permanent but for our intent and purposes they are permanent because they're going to be there more than a few years, so it's really not a facility in which you're going to be using a lot of chemicals and you're going to be using a lot of stuff, it's really storing the plants, maintaining them and then they get shipped out.

Chairman Rogan stated but they start in the spring with seed beds and growing them though, right.

Ted Kozlowski stated they'll grow...

Chairman Rogan stated right, so we're getting into...

Ted Kozlowski stated he was showing me an area where they were going to grow and then they were going to move them...

Chairman Rogan stated right, right.

Ted Kozlowski stated and they're, that's just designed to separate the different species and to keep everything contained.

Board Member Taylor stated I think one of the things that we should be clear about this plan is that we're approving cold frames...

Chairman Rogan stated yeah.

Board Member Taylor stated not greenhouses.

Ted Kozlowski stated right.

Board Member Taylor stated we should make that clear that there is a distinction and we're only approving the one and not the other.

Ted Kozlowski stated right.

Rich Williams stated what's the distinction.

Board Member Taylor stated well greenhouses tend to be heated for one thing.

Ted Kozlowski stated a greenhouse is a growing house that is used year round.

Rich Williams stated no, Ron hit it, the only real difference between a cold frame and greenhouse is a greenhouses is generally heated and a cold frame is not.

Ted Kozlowski stated right, right and a greenhouse is used year round, a cold frame is just used for the cold period.

Board Member Taylor stated but also a greenhouse, you can upscale a greenhouse in terms of glass and all kinds of things which you normally don't do with cold frames, I'm just saying that we should make it clear that we're approving that so they can't come back at some future date and say well you approved the greenhouse, so I've got all these heated greenhouses with...

Ted Kozlowski stated now these are all glass greenhouses with oil burners and the whole...

Board Member Taylor stated yeah.

Rich Williams stated well I think we, my recommendation to the Board as well is they maintain they're going to be temporary structures, the plastic is going to come off in the spring...

Chairman Rogan stated right, I think that be a condition of the approval...

Rich Williams stated but that should be a condition.

Chairman Rogan stated so it's a time, I think I agree with that.

Ted Kozlowski stated and they, you know what, they...

Board Member McNulty stated can a greenhouse be temporary.

Ted Kozlowski stated they have to take the plastic off in the spring and summer, they'll kill their plants.

Rich Williams stated no, greenhouses the material is up year round.

Chairman Rogan stated yeah.

Board Member Brady stated alright.

Ted Kozlowski stated it would be absolutely insane to keep the plastic on, they'll kill the plants.

Board Member Taylor stated but we still should make it a condition for them.

Ted Kozlowski stated right and guys just so you know, I have one of these at my facility, they get extremely hot come the warm weather, they just heat right up...

Chairman Rogan stated plus they're covered in black.

Ted Kozlowski stated nothing will survive in there, so they're got to take them off.

Board Member Taylor stated okay.

Board Member McNulty stated what was it that the comment from the one person that came in the last meeting, that they didn't take them off over the summer or he was getting glare.

Rich Williams stated he said he was getting glare, he wasn't any more specific than that but...

Ted Kozlowski stated no, he didn't do during summer.

Board Member McNulty stated no.

Rich Williams stated you know Teddy, I want to point out that there are greenhouses out there on the site that they have not been taking the plastic off in the summer.

Ted Kozlowski stated right.

Rich Williams stated and he said while we were out on the site, that yes he's going to take the plastic off of most of them but the two closest to the material bins he was going to leave the plastic on year round.

Ted Kozlowski stated then he's probably using them for storage, it can't be for plants.

Rich Williams stated I'm just, whatever he's doing.

Ted Kozlowski stated it wouldn't be for plants, it would be for storage because that's what we do, we put storage in there, we put mowing machines and stuff because we don't have enough storage at my other facility so then we just make it clear that they put the black on it to reduce the glare.

Board Member Taylor stated and then in terms of the line, my understanding of what you were saying is it should be a straight line across there.

Ted Kozlowski stated yeah.

Board Member Taylor stated those indents that go under the, so that we should say to them and then you got to decide about the two down here but at those three are gone now, that the line is now...

Ted Kozlowski stated Ron and I were pretty clear when we walking with Pete, the gentleman from Prospero Nursery, we said Pete one side you can do your stuff, the other side leave it alone.

Board Member Montesano stated you mean where the deer fence we asked about was.

Ted Kozlowski stated no, no.

Board Member Taylor stated even inside of that, closer, closer.

Board Member Montesano stated or something, where those nice little tags are sticking on the tree.

Ted Kozlowski stated look, what they're doing there from the wetlands standpoint is not, the damage has already been done from previous owners, we just don't them to expend, what they're doing there is a green business so it's not terrible.

Chairman Rogan stated anybody want to...

Rich Williams stated the one issue that I do have that you're going to need to wrestle with at some point is we have a requirement for 15' separation between structures and they're not providing that. I understand why they're not providing it and I really don't have a huge problem with what they're doing, even the intensity if we knock off, I think there's a few too many on the site that should, some of them should come off but you know even if we ended up with 35, I think that would be fine.

Ted Kozlowski stated is the 15' distance for firefighting, is that what it is.

Rich Williams stated that's generally why we do it, in this case I mean it's really not the same issue as a wood frame structure...

Chairman Rogan stated right.

Ted Kozlowski stated right.

Rich Williams stated where you know you really want that separation so firemen can get between, safely between two buildings, so it's a unique situation but you know.

Ted Kozlowski stated I don't even think these are electrified, I don't think there's any electric out there.

Rich Williams stated again I don't know what they're doing out there.

Chairman Rogan stated it's not really a life safety issue out here with these buildings so.

Rich Williams stated no, I agree I just, it's a requirement in our zoning code...

Chairman Rogan stated yeah, no, understood, so I think...

Rich Williams stated talk to Mike Liguori, I don't know how to get by it.

Chairman Rogan stated okay.

Board Member McNulty stated can we compromise on it and make, you know tell him he has to have some separation or identify.

Board Member Taylor stated he'd have to go to zoning to ask a waiver, right.

Board Member McNulty stated that's a zoning.

Ted Kozlowski stated well they have to have separation Tommy just for maintenance and to get in and out with the plants.

Board Member McNulty stated they show them pretty tight on the...

Board Member Taylor stated yeah they're pairing them up, is what they're doing.

Rich Williams stated they're not 15'.

Board Member Montesano stated oh they said they were going to make an aisle, if I remember right big enough for the, to run through with the cart.

Chairman Rogan stated yeah, a drive aisle every so often.

Board Member Taylor stated well we could make stipulations, I mean they've got to assure, did they get the setback, it's a little hard to tell where they've got the front and side.

Rich Williams stated they met all the setback requirements except for the two existing buildings and we had had the conversation on the site about they were just going to knock a couple sections off.

Board Member Taylor stated so then it shouldn't be shown on here then.

Rich Williams stated it shouldn't.

Board Member Taylor stated yeah, so that's, I mean so this should go back to them with a list of changes that need to be made.

Board Member Montesano stated since it's a unique, that wonderful word, situation, it's not a human thing it's, unless somebody with a botany degree comes in and scream at you but basically you, we've, there's got to be some way that that can be bypassed or adjusted for the separation.

Rich Williams stated yeah, ZBA can adjust anything you want.

Board Member Taylor stated so either they make them 15' [apart] or they go ZBA, right, is that right.

Rich Williams stated unless Mr. Liguori has another way to...

Board Member Montesano stated another way to go around it.

Chairman Rogan stated there might be another way, like for instance the way they define the structure, structures have, they may say...

Board Member Brady stated yeah a temporary structure.

Chairman Rogan stated well this isn't doesn't meet our definition of structure, something like that, therefore it's exempt, you know.

Rich Williams stated or they butt them against each other and we consider each pair as one structure.

Chairman Rogan stated one, yeah, yup, okay.

Board Member McNulty stated are they on footings, foundations or are they just staked to the ground.

Ted Kozlowski stated no, it's just boards laying flat on the plastic and then they're kind of stapled in and...

Board Member McNulty stated but something anchors the frame down.

Ted Kozlowski stated yeah, they uh, um...

Board Member McNulty stated a spike.

Ted Kozlowski stated spikes down.

Board Member Montesano stated rebar.

Ted Kozlowski stated very inexpensive and...

Board Member McNulty stated so what can we do on this, do we have to wait for Zoning to make determinations or are we making a recommendation to them.

Rich Williams stated well I think you need to bring them back in, talk to them, Ted needs to go out there and look at where the wetland boundary is and compare it with the site plan and what they're proposing to do and make a recommendation, you've got to make some decisions about if there's anything else you want to see on the plan.

Board Member Taylor stated do we want the drainage, push for that.

Rich Williams stated well, yeah I can...

Board Member McNulty stated stormwater pond.

Rich Williams stated let me talk to you a little bit about that, I had made the commitment of reaching out to the Watershed Agricultural Council after our site walk, talking to Pete, it turned out he had already reached out to them the year before and told them thanks but no thanks and he said he had correspondence back and forth with them and I said well before you know, I step in it, let me see the correspondence and I just received that a couple of days ago, so beginning of next week I'm going to reach out to them.

Board Member Taylor stated so it's all pending then.

Board Member McNulty stated well they should show the fence on the plan, at the wetlands. Improvements to the driveway, that was discussed too, it sounded like there's not a real driveway there, just dirt.

Rich Williams stated the one, the main entrance coming in.

Board Member McNulty stated the main entrance.

Rich Williams stated yeah, it's been that way for god only knows how long.

Ted Kozlowski stated and it doesn't...

Board Member McNulty stated is it stable.

Ted Kozlowski stated it slopes down back into the property, it doesn't slope to the road, it's not a road issue.

Rich Williams stated the only real driveway issue is they were showing a quasi-entrance farther down near the southerly property boundary which really isn't there.

Board Member Taylor stated oh this one.

Rich Williams stated yeah.

Board Member McNulty stated is it paved at the entrance, it was snow covered when I was there I couldn't see it, is mud an issue out there in the spring.

Rich Williams stated I don't know that there's any real pavement there, maybe at the cap but not going in.

Ted Kozlowski stated Tom, I've been there a number of times with them and then the previous, I never really noticed an issue.

Board Member McNulty stated okay.

Ted Kozlowski stated it's been compacted over the years.

Board Member McNulty stated I wonder if they make a mess of the road in the springtime.

Ted Kozlowski stated I don't think so.

Chairman Rogan stated I thought it was a course gravel driving in, I thought they had like a gravel or something I can't remember but...

Ted Kozlowski stated it's, I don't think it's an issue.

Rich Williams stated oh it was definitely item four as you drove in...

Chairman Rogan stated yeah.

Rich Williams stated but right at the road, I think right at the road there may have been a short little stretch, usually the Highway Department will make them do that.

Ted Kozlowski stated do you want to show him, do you want to show the proposed pond on that plan.

Board Member Taylor stated yeah.

Ted Kozlowski stated I think they should show that.

Board Member McNulty stated yeah.

Board Member Taylor stated once he figures out whether they're going to do it, yeah.

Ted Kozlowski stated he can just put proposed or future.

Rich Williams stated yeah bit I'm not even sure where it's going to be, so let's get the Watershed Agricultural [Council] involved and see what they have to say and you know we can decide going forward.

Chairman Rogan stated yeah, everybody done with this one.

Board Member McNulty stated I think so.

Chairman Rogan stated because we have a lot more fun, Fox Run.

4) FOX RUN – Site Plan Application

Rich Williams stated they've basically just submitted an area plan showing all the properties and they went out there and did a report on some soil testing and excavation in the area that the debris that we had found out there to see how extensive and if there was anything really buried and it didn't seem like there was a tremendous amount that was buried but it did seem that there was some indication that you know, some material had been buried in certain locations.

Board Member McNulty stated that one photograph showed quite a bit of debris.

Ted Kozlowski stated 4', did it say 4' of, they went down 4' and they found Jimmy Hoffa.

Board Member Montesano stated well there's one statement in here they...

Board Member Taylor stated they said they were going to dig it all out, so...

Board Member Montesano stated they couldn't get down far because the ground was frozen, so how deep a test can you do.

Board Member McNulty stated well I think they're hitting rock 2-4' down.

Board Member Montesano stated well I'm pretty sure I just read there was a statement in there about hitting frost.

Board Member Brady stated you think there's any rock there.

Ted Kozlowski stated we saw a lot of rock.

Board Member Taylor stated yes, there was one that they hit frost, yes.

Board Member McNulty stated Rich are they required to do any actual soil testing in that where it's really contaminated with debris for chemicals or anything.

Chairman Rogan stated remember the fern we saw up there the first time, cinnamon fern, yeah that was years ago, I remember I'd never seen it before.

Rich Williams stated only what we're going to make them test for, we think that based on this preliminary analysis it warrants further investigation, it seems mostly what they were pulling out is just standard house debris.

Board Member McNulty stated it looked like, yeah a little bit of construction debris and just plain old junk.

Board Member Montesano stated how can you call a vacuum cleaner junk.

Board Member McNulty stated after it's been buried for 10 years, its junk.

Board Member Montesano stated no, then it's a classic.

Board Member Taylor stated do we have, is this a plan at this point or are we still in the conceptual stages.

Rich Williams stated we're still in the conceptual phase would be my opinion, I mean that, you know that's not much of a, you know it's a, there's still a lot of detail that needs to be shown.

Chairman Rogan stated yeah.

Rich Williams stated and usually when we get into a serious plan there's going to be multiple sheets because you can't show everything you need to show on one sheet.

Board Member Montesano stated they still title it conceptual.

Board Member Taylor stated but is this a formal application yet, I guess is what I should have asked.

Rich Williams stated I don't think we've got a formal application though, we certainly have the fees for it.

The Secretary stated I'm sorry, Ice Pond [Estates].

Chairman Rogan stated no.

Board Member Taylor stated no.

Chairman Rogan stated Fox Run.

The Secretary stated no, they've made a formal application.

Rich Williams stated do we have a formal application.

The Secretary stated I believe we do.

Rich William stated I don't know, it's been a while.

Board Member Taylor stated you've got the escrow set up.

Rich Williams stated oh, we've got the escrow set up. We ran into a little bit of fubar. I made them post the \$15,000.00 escrow and they reminded us what happened to our original \$15.00 after they posted the second one and I went back and checked and sure enough they had posted a \$15,000.00 escrow account several years ago and it had never been touched.

Board Member Taylor stated oh okay, well so now we've got \$30,000.00. Well I was wondering, are we ready to go EAF at this point...

Rich Williams stated I'll have an answer for you by the next meeting.

Board Member Taylor stated okay.

Board Member McNulty stated Rich, they commented that they have another traffic survey in there, did you, have you seen it.

Rich Williams stated no, I don't know that they said that, I know they had asked if...

Board Member Taylor stated no, it's the one that they gave us before.

Board Member McNulty stated no, they did...

Rich Williams stated the one that been done originally...

Board Member McNulty stated analysis dated 2013 and they had one 2010.

Board Member Taylor stated right, this is the update that they gave us based on the senior one, saying that there was going to be no additional impact.

Rich Williams stated right.

Board Member McNulty stated yeah, okay.

Rich Williams stated and they were looking to update that again but they ran into a problem because the traffic engineer that they had used originally was bought up by Maser Consulting.

Board Member McNulty stated and what is an LOSA, is that line of sight.

Rich Williams stated level of service.

Board Member McNulty stated level of service.

Rich Williams stated and then you rate your level of service A, B, C, D, E, or F, I think there's an F but I don't recall that we've ever seen that designation but A, B, C, D, E for sure, it gets progressively worse.

Board Member McNulty stated well they gave it an A.

Rich Williams stated of course they did.

The Secretary stated yes.

Board Member Brady stated what's the requirement for adult residential, what's the requirement to get into it.

The Secretary stated its age restriction.

Board Member Brady stated what's the age requirement.

Board Member McNulty stated 55.

Board Member Taylor stated 55.

Board Member Brady stated it's 55.

Rich Williams stated yeah, it's in our Code, you can find it all within our Code.

Board Member Brady stated so me being the oddball I am, I have a 9 year old, if I had 3 kids I could move in there.

Board Member Taylor stated yes, in the three bedrooms.

Board Member Brady stated right, so that's...

The Secretary stated Rich, they did pay the application fee back in September.

Board Member Brady stated I can't see how there's not more traffic, right there, I could bring in three or four more cars.

Chairman Rogan stated 55 isn't as old as it used to be, is it.

Board Member Brady stated no, it's not.

Board Member McNulty stated this is the discussion we've had.

Board Member Brady stated yeah I know, especially when you get into the three bedrooms.

Board Member Montesano stated you cannot legally limit it to 55, you can state it but if someone walks in with their grandkids and they can because it cannot be prohibited, it went to court and they lost.

Board Member Taylor stated well that was the discussion we had with them, they were willing to admit that they could not control it.

Board Member Brady stated right.

Board Member Taylor stated and we were trying to say if you're saying that then that means the impacts that you're giving us are not the impacts that might be there.

Board Member Brady stated aren't true, they're not valid.

Chairman Rogan stated yeah.

Board Member Taylor stated and so Mike was going to research to whether we can require them to do the full impacts on if it wasn't 55 or if it's typical seniors these days who are working until their 65 or 70 and are going off to work at eight in the morning along with everybody else.

Board Member Montesano stated or 75 and going on.

Board Member Taylor stated but until we hear from him, I don't think, we're still in a quandary about that unless...

Rich Williams stated I could give you my opinion, my opinion is you can ask them to evaluate anything that you feel is reasonable, that you have a basis on and if your basis is their statement that you know, people under 55 are going to be living there then you can go that road.

Board Member Taylor stated well yeah, I think, I mean that was the whole discussion we had, right.

Board Member Montesano stated yes.

Chairman Rogan stated it was.

Board Member Taylor stated you know if you're going to do traffic studies, you got to do it with the maximum possible that might be in the site...

Chairman Rogan stated instead of spreading it out throughout the day and off peak hours and...

Board Member Taylor stated yeah.

Board Member Brady stated right.

Board Member Montesano stated their statement reminds me of going for a budget, you ask for the moon and if you get halfway you're ahead of the game and with them...

Board Member Brady stated what's the impact on the schools, I know they're going to say none because adult community but there will be an impact to the schools.

Board Member Montesano stated of course there's going to be an impact.

Board Member Brady stated and there's going to be an impact, you know.

Board Member Montesano stated now here, you tell me an adult impact doesn't have an impact on the schools, in the Carmel School District, if you're over a certain age and live in the district itself, you can go there for night classes at no charge.

Chairman Rogan stated yeah, see for me I think this whole thing comes down to the impacts of this, which is more than what we had initially at least considered with the idea that it doesn't directly access the main road, you have to drive through a whole nother...

Board Member Montesano stated neighborhood.

Chairman Rogan stated neighborhood if you, right and we have roads that are immediately adjacent to this that are pretty in need of improvement, I mean you take that Tommy, I mean Tammany Hall [Road] through, all you have are rock outcrops sticking out and the Town had looked at that a couple of years ago and they didn't really knock anything back before Russ I think they had gone down through there but that...

Rich Williams stated way back when Bill Burdick, when we did the Rosewood Subdivision, we did significant improvements down at the intersection of Tammany Hall and Tommy Thurber, actually reduced the road in certain areas but it still not ideal.

Chairman Rogan stated the geometry of that road is just something else, it's like driving on a rollercoaster.

Board Member McNulty stated it's a true back road.

Chairman Rogan stated yeah.

Board Member Montesano stated yeah.

Chairman Rogan stated which is fine but you starting adding now, it's a great cut through for the highway, you know.

Board Member Montesano stated but they have an internal obstacle course, you're still going through the existing condominiums down there.

Chairman Rogan stated you're right, yeah.

Board Member Montesano stated so we went from 44 [bedrooms] to 80 [units], that's a hell of a jump.

Chairman Rogan stated even and never mind even we went from there, we were saying even at 44 [bedrooms], that's a significant impact you know, that needs to be evaluated and considered, so...

Board Member Brady stated now were they approved for 44 [bedrooms] before.

Board Member Taylor stated no.

Board Member McNulty stated no.

Chairman Rogan stated no.

Board Member Brady stated so where did 44 [bedrooms] come from.

Board Member McNulty stated well it was 48 [bedrooms].

Chairman Rogan stated the zoning, right it was...

Board Member Taylor stated we took the, it was zoned residential...

Board Member McNulty stated R-4 zoning.

Board Member Taylor stated and if you took the 4 acre lots and divided in acreage, it would then yield, and we figured out it would yield about 48 but we said, you know a lot of this hillside, you're not going to be building on the hillside and there's steep slopes so the number would come down but the maximum would be 48, that's where the 48 came from.

Board Member Brady stated and they doubled it.

Board Member Taylor stated and yeah, well because...

Chairman Rogan stated every body's tired today, it's been a rough week.

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

Chairman Rogan stated yeah.

Rich Williams stated one of these days I'll get home.

Board Member McNulty stated now the changes, the changes they've made aren't, don't appear to be that significant from the ridgeline from the view shed.

Chairman Rogan stated well I, right now they haven't made and they're probably not going to.

Board Member McNulty stated no, they did, on this plan they made a...

Rich Williams stated they shifted it slightly.

Board Member McNulty stated very slightly.

Board Member Taylor stated very slightly, they moved it back 20' and they subtracted a few, that's why I was saying is it time for an EAF because that's where we go through and we say this is going to be significant, deal with it, this is significant, deal with it, traffic, view shed, we've still got questions about the water, still have questions about the water supply, don't you, they were going to use the existing water supply.

Rich Williams stated no, they've since backed away, I've encouraged them to back away and do their own water supply. If they tried to tie into the existing water supply, they would have had to double the size of the tank, double the size of the infrastructure...

Chairman Rogan stated impact statement and then...

Rich Williams stated it probably would be cheaper for them to build their own...

Board Member Taylor stated okay.

Rich Williams stated and they're going to have to provide additional wells.

Board Member Taylor stated so...

Board Member McNulty stated and the capacity of the sewage treatment there, is suitable for this 80 units.

Rich Williams stated it is suitable, yeah.

Chairman Rogan stated yeah, that part Rich has said.

Board Member McNulty stated does it leave room or does that max it out.

Rich Williams stated they have an existing plant out there with more than adequate capacity.

Chairman Rogan stated well if I remember right, some of the things we dealt with when we made the recommendation to the Town Board was how this project would be merged with some of the homeowner assets like the pool, like some of the infrastructure, how things would be maintained...

Board Member McNulty stated yeah, I remember that discussion.

Chairman Rogan stated we kind of got all past that by making the recommendation so I'm not as worried about going back to that because we kind of answered those questions. What we're really looking at is now what are the impacts and how are they going to be handled and I think we take, it was view shed, it was street...

Board Member McNulty stated traffic.

Chairman Rogan stated traffic, you know it was those sorts of things that are the primary focus and I personally think traffic is at the top of the list how and it's not even, it's not even as much volume although I think we need to know that it's the you know the way in which they access the roads and the geometry of the existing roads and some of those limiting factors that you're taking okay, maybe 30 or 40 units has a certain impact but now you say you're going to double or even triple that amount, it's very significant.

Board Member Montesano stated well the significance...

Board Member McNulty stated those surrounding properties are all R-4.

Chairman Rogan stated yeah.

Rich Williams stated yes, well no...

Board Member McNulty stated you have the commercial, the industrial behind it.

Rich Williams stated you've got commercial over on the site.

Board Member McNulty stated but down the hill.

Rich Williams stated yeah and it comes out onto Fair Street.

Board Member Montesano stated you're talking about one, two, and three bedroom apartments in a alleged adult community.

Chairman Rogan stated yeah, you're right, I mean realistically they should be one bedroom apartments.

Board Member Montesano stated three, where the heck you going to need, no, one I could see even two because some people may have a hobby or something like that...

Board Member Brady stated a guest room for guests, visiting.

Chairman Rogan stated oh yeah, good point.

Board Member Montesano stated but a three bedroom apartment, I don't and I go into those communities all the time when I'm out of here, I have yet to see a community that's really, they buy houses with three bedrooms but not a condominium.

Chairman Rogan stated yeah.

Board Member Montesano stated unless you expect your kids to move in.

Board Member McNulty stated curious to know the style as well, are they going to be two story, the ranch style.

Rich Williams stated they gave us some initial plans that were two story.

Board Member Taylor stated two story.

Chairman Rogan stated two story.

Board Member Taylor stated I was wondering if they couldn't do it one story with a drop down, instead of two stories up on the ridge line, you know what I mean.

Board Member Montesano stated the other buildings.

Board Member Brady stated you mean like a basement, half out, half in basement.

Rich Williams stated I honestly don't know why people don't into ground in the first place...

Chairman Rogan stated its more energy efficient.

Rich Williams stated it's so much more energy efficient but the reality is, when you get into areas like we saw out there with that rock going down significantly...

Chairman Rogan stated yeah.

Board Member Taylor stated the fall in the grade is what I meant, I didn't mean digging in the rock but follow the grade downhill so you've got one story here instead of putting a second on it...

Chairman Rogan stated right.

Board Member Taylor stated put the next story down the hill on the grade so you work your way that way and then they can work up the other side maybe the same way, one story and then another one up on the hill.

Board Member Montesano stated some of the older houses are like that and they get water.

Board Member Brady stated and glass, that's what the windows.

Board Member Montesano stated and also you've got problems with...

Board Member Taylor stated again I'm not talking about burying them as basements.

Board Member Montesano stated no, no, if you go in there some of the ones where we parked earlier to walk up there...

Board Member Taylor stated yeah.

Board Member Montesano stated they're down here, there's a staircase going down from the parking area.

Board Member Taylor stated oh okay.

Board Member Montesano stated they're going down because they built along that and you can get a lot of water in there especially if they don't maintain the gutters and...

Board Member Taylor stated coming off the...

Board Member Montesano stated it will come off the...

Board Member Taylor stated coming of the road.

Board Member Montesano and it will swap right in and then what was the original ones were put up with wooden staircases I don't know if they have...

Chairman Rogan stated well let's see, can you tip off, I'm sure Mike should be thinking about this about this anyway though but that will be one of the primary first things we tackle is his interpretation from that question of how, you remember, of the way, how we can proceed with the more restrictive, more impactive analysis.

Board Member McNulty stated limited density.

Chairman Rogan stated yeah, I can't think to put the words together right now, I don't know why.

Board Member McNulty stated that's what it is.

Chairman Rogan stated but anyway and we can, I think before we get into the nitty gritty of the plans, as Ron said we need to really know where we're going with this and they just, just because they've come back

in doesn't mean they've answered the questions, doesn't mean we're, you know we've gotten the information we need. Okay, Ice Pond Subdivision final plat...

5) ICE POND ESTATE SUBDIVISION – Final Plat

Chairman Rogan stated how are we doing with them Rich.

Rich Williams stated they've basically submitted their wetlands/watercourse application is what they've submitted.

Ted Kozlowski stated Rich, I have a question isn't, correct me if I'm wrong, it's been awhile since I looked at what our fee schedule is but isn't the fee a dollar per square foot of disturbance.

Rich Williams stated it's a sliding scale depending on whether it is disturbance or impervious coverage.

Ted Kozlowski stated because they have on the plan, I just looked at it so, saying and I don't know if it's 3,000+ square feet of disturbance in the wetland and buffer but on the wetlands application they are saying that they are disturbing over 3,000 square feet yet the fee they paid is \$700.00.

Rich Williams stated Teddy, honestly, I haven't looked at it, so.

The Secretary stated here.

Rich Williams stated and I and I know...

Board Member McNulty stated yeah I saw that too that 3,000 square...

Ted Kozlowski stated so I don't know where that number came from...

The Secretary stated and it's square yard, it's not square foot.

Rich Williams stated that's true it's every square yard, I keep forgetting that.

Ted Kozlowski stated square yard.

The Secretary stated yes.

Board Member Montesano stated I love the names they picked.

Rich Williams stated you know I'll check that fee and I'll make sure it's correct.

Board Member Brady stated are these the ones you gave me on disc.

The Secretary stated I didn't give you anything on disc.

Board Member Brady stated no, you gave me plans on disc a while ago but I thought these weren't...

The Secretary stated they give us a new set every time they submit so that they have something different on it than the set you have on disc.

Board Member Taylor stated so that may be right.

Chairman Rogan stated its about right.

Board Member Brady stated but you don't, so you don't give them, they're not giving to them, we asked them to give them to us electronically.

Board Member Montesano stated what's Hinkley Pond, is that significant.

Board Member Taylor stated that's the old Ice Pond, that's the name of Ice Pond.

Rich Williams stated if you want them electronically, we'll get them electronically.

Board Member Brady stated yeah because it's easier, I can't read these.

Board Member Montesano stated because I was looking for the pond.

Ted Kozlowski stated 27 square feet right.

Board Member Brady stated if I could get them on a disc, that'd be great.

Board Member Montesano stated and Mabie Way.

Board Member Taylor stated Mabie, that was the other family.

Board Member Brady stated I can throw them on the computer...

Chairman Rogan stated square yard is...

Board Member Montesano stated Mabie Way way.

Board Member Taylor stated that's the problem.

Board Member Montesano stated maybe approved.

The Secretary stated can we have one conversation at a time.

Chairman Rogan stated no, no, no, 3 by 3, a yard is 3, would be 9 square feet.

Board Member Brady stated we're going to pasture.

Chairman Rogan stated (inaudible – too many speaking at one time).

Board Member Montesano stated just stay out of mine.

Chairman Rogan stated so here we go, thirty-six hundred.

Board Member McNulty stated they've asked for a waiver on the functional analysis of the wetland, did you see that Ted.

Ted Kozlowski stated no, like I said, I just looked at this tonight, I did not see that. I will look at, I'll get back to you on this...

Board Member McNulty stated is that in relation to the outfalls their discussing that.

Rich Williams stated yeah.

Ted Kozlowski stated this is the plan that they pretty much stayed out of the wetlands on almost all of this project and that's a good thing.

Board Member McNulty stated isn't this a change to the outfalls, didn't they have the outfalls going through the east edge of the property down the hill and we recommended that they shorten it up.

Rich Williams stated nothing is on the east end. It's on the north and west side, they have outfalls that are discharging into the buffer.

Board Member McNulty stated that could be it, maybe I don't remember but I remember the DEP...

Chairman Rogan stated \$1.00 per square yard.

Board Member McNulty stated had recommended some crazy drainage, was it this application.

Ted Kozlowski stated no, I, Tom...

Rich Williams stated they, their interpretation of the DEP regs had them designing two parallel stormwater collections systems going down to the stormwater pond...

Board Member McNulty stated on the swamp side, on the Ice Pond side, correct.

Rich Williams stated on the road side.

Board Member McNulty stated oh, alright.

Rich Williams stated and both Andrew and I took a look at that and said no, go get an interpretation and when they did, sure enough it wasn't necessary.

Board Member McNulty stated okay, so that part of this changed, correct.

Rich Williams stated I haven't had a chance to look at it yet.

Board Member McNulty stated alright and also for a waiver on street trees.

Board Member Taylor stated yes.

Rich Williams stated yeah.

Board Member Brady stated wasn't the, this another place where we were talking about markers for the wetlands in the back of the property.

Ted Kozlowski stated yeah we were talking about having a stone wall or something so there would not be intrusions into the wetlands and buffer on lots 19, 20, 21, 22.

Board Member Brady stated right, maybe.

Ted Kozlowski stated and they're showing this on the plans, I'm looking at it right now...

Board Member Taylor stated yeah, they have it on there.

Ted Kozlowski stated looks like they have a stone wall going along the buffer.

Board Member Brady stated okay.

Board Member Taylor stated yup.

Board Member Montesano stated it's a question we got to ask Mike...

Chairman Rogan stated \$300.00 plus a \$1.00 per square yard.

Board Member Montesano stated if we put those stone walls up, can we put down that the stone walls cannot be removed.

Chairman Rogan stated the fee is exact actually.

Rich Williams stated we can put them in a conservation easement.

Board Member Montesano stated okay because I know damn well if I had property and there's a stone wall in the way I'll just make myself an entrance, I'll move a couple of the rocks over.

The Secretary stated they called me.

Board Member Brady stated but I think there should be some sort of signage.

Ted Kozlowski stated well yeah, we generally post signs along there, small, innocuous signs that just say wetland buffer with our phone number but people can take that off too Mike.

Board Member Brady stated and we were also talking about putting in at the...

Board Member Montesano stated oh I've seen it, that's because we were looking at them at the tree when we were down in the nursery.

Board Member Brady stated have them put in the deed that there's wetlands and they can't be disturbed.

Board Member Montesano stated that's what I was pointing to.

Ted Kozlowski stated our point was to make a stone wall that would be aesthetic so it would more acceptable to the future owner that hey there's a nice stone wall. We didn't want a bunch of rocks piled.

Board Member Brady stated just don't make it too high so I can't throw all my leaves over it.

Board Member Taylor stated so do you know if they revised the plans besides.

Rich Williams stated I haven't had a chance to look at them.

Board Member Taylor stated because they were going to put the historic stuff on those, that one lot.

Board Member Brady stated these were revised January 17, 2014.

Board Member Taylor stated well but whether they were actually revised...

Chairman Rogan stated but that could have been one...

Board Member Brady stated right.

Board Member Taylor stated because if they did, could you send me just those two...

Chairman Rogan stated could have been a change of one word.

Board Member Taylor stated as digital images.

Rich Williams stated yup.

Board Member Taylor stated then I'll substitute for the others.

Rich Williams stated I'm going to, we're going to get it on disc, I'll send you the whole damn thing on disc or digitally...

Board Member Taylor stated oh you have to burn it, yeah but those two you could e-mail me.

Rich Williams stated if not, I can scan them and e-mail it.

Ted Kozlowski stated Mabie Way.

Chairman Rogan stated it should be Mabie Left and Mabie Right.

Board Member Taylor stated well they gave you PDF's before.

The Secretary stated I made them the last time.

Board Member Taylor stated oh you did.

Board Member Brady stated they have it on...

Chairman Rogan stated you get to a thing it's Mabie Left and Mabie Right, I like that.

Rich Williams stated PDF's of what the small ones.

Board Member McNulty stated the street trees, is that something that's required in our Code for development.

Rich Williams stated I'll call them in the morning.

Ted Kozlowski stated yeah.

Board Member Brady stated because they're making PDF of the small one, that's as big as you're going to get.

Board Member McNulty stated they didn't show that anywhere yet, they're just asking for a waiver on it, it's a pretty wooded area.

The Secretary stated well you can zoom in on it.

Ted Kozlowski stated well so forested...

Board Member Brady stated yeah but it gets blurry them.

Rich Williams stated no, not the way they do it.

Ted Kozlowski stated I'm not sure if you really need them.

Rich Williams stated and what they're doing is they're doing PDF's of the plans and then it's up to you how you want to print them out, you can print these same plans from a PDF file, you know 2 by 3, 3 by 4, whatever.

Board Member Brady stated and it doesn't get distorted.

Board Member Taylor stated no.

Rich Williams stated no because of the way they're...

Board Member Brady stated okay.

Rich Williams stated the resolution is fine on these things.

Ted Kozlowski stated Rich, just for the record Shawn verified that, they paid the proper fee for the wetlands.

Rich Williams stated calculated it out already, did you.

Chairman Rogan stated well I wanted, I was curious to see how you figured but yeah it's \$300.00 initially and Michelle showed me and then it's a \$1.00 per square yard and it works out perfectly. They followed what they were told by our esteemed colleague here.

Ted Kozlowski stated so let the record stand, they paid the proper wetlands fee.

Rich Williams stated Michelle's pretty good about this you know that, so I wasn't overly concerned.

Ted Kozlowski stated they, I have to say...

Chairman Rogan stated I think they've been good through the whole process.

Ted Kozlowski stated they group has been very good with our concerns over the wetlands, they have.

Chairman Rogan stated yeah.

The Secretary stated they did call and asked for the fee so it wasn't like just walked around blind throwing numbers out.

Chairman Rogan stated no, no, they followed Michelle's guidance.

Ted Kozlowski stated then I should have asked you first Michelle, I'm sorry.

The Secretary stated that's okay.

Board Member McNulty stated there's no street lighting proposed within this development, is there.

Rich Williams stated not within the development but typically we're going to require one at the entrance.

Board Member Montesano stated this way when you're speeding down the road bouncing along you can see the light.

Chairman Rogan stated which you were talking about the lights being...

Board Member McNulty stated yeah well that's where I was leading up to, just at the entrance anyway because I didn't see anything on there.

Chairman Rogan stated that is an awfully dark stretch of road, which is nice but you know, it's...

Board Member Brady stated they're asking to waive the public hearing on the wetland application.

Board Member McNulty stated on the wetlands application.

Chairman Rogan stated yeah.

Rich Williams stated have we had it on the final, again I haven't had a chance to go back and look at this.

Board Member McNulty stated we did a public hearing on this.

Rich Williams stated if we haven't had it on the final...

Ted Kozlowski stated didn't last long.

Rich Williams stated did we do it on the final, I know we were going to do it on the final.

Board Member Montesano stated yeah, I remember those people kept coming in from down the street.

Rich Williams stated so anyway what I wanted to say...

Ted Kozlowski stated really.

Rich Williams stated if we haven't done it on the final then I would just combine the two hearings which is what we always do. If we've already done the final, then I'll defer to Ted.

Chairman Rogan stated yeah.

Board Member McNulty stated do the outfalls affect any neighbors.

Rich Williams stated no.

Board Member Montesano stated yeah the deal with complaining and then there were a couple of foxes in holes.

Board Member McNulty stated I can't read these anyway.

Board Member Taylor stated no that's why I asked for digital.

Board Member Montesano stated we're going to have to have a planting plan...

Chairman Rogan stated I can read them in the morning, not in the evening, my eyes aren't as good at night, it's different, you're tired by the end of the day.

Ted Kozlowski stated lunch.

Board Member Montesano stated do you want certain specific items that they can eat.

Board Member Brady stated they're having a field day at my house, I'm telling you, I'm going to catch them, I'm telling you I'm going to catch them, I got them on picture, I got them on camera.

Board Member Montesano stated the ones by me come in and they drain the bird feeder.

Board Member Brady stated I got one up on my back deck.

Ted Kozlowski stated they're going into a stress period now.

Board Member McNulty stated I'm working down in Croton and there's a ton of robins.

Chairman Rogan stated yeah, they're like birds that are...

Board Member McNulty stated they go away usually.

Board Member Montesano stated yeah, usually they do.

Board Member Brady stated Shawn.

Chairman Rogan stated yes.

Board Member Brady stated I had a deer up on my back deck, it came up on the deck, two, three steps up, walked across the deck and off the other side. I had the tracks out there, I was amazed.

Ted Kozlowski stated (inaudible) is that where they go.

Board Member McNulty stated no that's the swallows.

Board Member Montesano stated that's the swallows, that's where my former neighbor just moved.

Chairman Rogan stated everybody okay to move onto Frog Hill.

Board Member Brady stated yeah.

Board Member McNulty stated yes.

Board Member Montesano stated you getting jumpy.

6) FROG HILL LLC – Site Plan Application

Chairman Rogan stated where did, that just must be his LLC name, Frog Hill, it's not any tie in with that property or anything that...

Rich Williams stated no, I'm not so sure it's not where he lives, not where he works.

Chairman Rogan stated okay, so at this point everybody's been out to the site, had a chance to do the site walk, we looked at the old house or the remains of the old house, don't get too close to that because if the wind blows.

Board Member Brady stated I don't think I was ever up here.

Chairman Rogan stated you didn't go with us this past...

Board Member McNulty stated he might have been hunting then.

Rich Williams stated who.

Board Member Brady stated Ice Pond.

Chairman Rogan stated no we went back, isn't Frog Hill.

Board Member McNulty stated oh no, Ice Pond.

Board Member Taylor stated we're not talking about Ice Pond.

Board Member Brady stated oh, okay.

Chairman Rogan stated we're talking about Frog Hill.

Board Member McNulty stated the flea market.

Chairman Rogan stated the flea market grounds.

Board Member Brady stated oh okay, no, that I went, I thought you were still talking Ice Pond, I'm sorry.

Chairman Rogan stated no, I'm sorry.

Rich Williams stated it was a beautiful snowy day.

Board Member Brady stated yeah.

Chairman Rogan stated yeah golf ball size...

Board Member McNulty stated Ice Pond is actually nice, you would like that site walk, it was my first.

Board Member Brady stated yeah.

Board Member Montesano stated yeah, just don't go in the well.

Board Member Brady stated they covered it up.

Board Member Montesano stated did they.

Board Member Taylor stated they put a stone over it.

Board Member Montesano stated son of a gun.

Chairman Rogan stated okay, so what do we have Rich on Frog Hill.

Rich Williams stated well they've resubmitted plans making some of the modifications that were requested by the Planning Board again with everything else I've been involved with this week, I haven't gotten really to do any sort of in depth review.

Chairman Rogan stated alright.

Rich Williams stated I did do a cursory review, you know, it is what it is, my two, my two, my one big issue that remains is you know, the repair shop and what exactly what they're repairing, they continue to dance around that issue. My other issue at this point that I picked up on is they've got the water supply for the restaurant already connected into this building which I really don't have a problem with until you turn the water on and where's it drain out to.

Board Member McNulty stated the water supply from the restaurant at the road...

Rich Williams stated yes.

Board Member McNulty stated is tied in, shares a well.

Rich Williams stated yes.

Chairman Rogan stated oh I see.

Board Member McNulty stated okay.

Chairman Rogan stated so the well is out here by the restaurant, so it's due north.

Ted Kozlowski stated it's feeding a cottage as well and trailer.

Board Member Taylor stated yeah.

Board Member McNulty stated I guess it goes right into the wetlands.

Chairman Rogan stated oh you're saying it's an existing connection to this proposed building or this building.

Rich Williams stated well it's existing now.

Chairman Rogan stated and where's the, and they're showing it as proposed septic but it may very well be the existing septic, right.

Rich Williams stated yeah, you turn the tap on where's the water go.

Chairman Rogan stated right, an interesting question to ask.

Board Member McNulty stated I'm good, yup.

Rich Williams stated it goes in the proposed septic system that hasn't been approved by the Health Department yet.

Board Member Taylor stated well so they need to get approval, do we require them to put in an oil separator too while we're at it.

Chairman Rogan stated when we were behind, there is some road that must come back, somehow.

Board Member McNulty stated if it's going to be a repair garage.

Rich Williams stated honestly, yeah honestly Ron, for me it seemed fairly apparent that what he wants to do is have a contractor's yard but just call it something different and at the end of the day I don't think that's going to be a use that's going to be allowed out there.

Board Member Taylor stated right.

Rich Williams stated now maybe I'm wrong about the Board and where you're going to go with it but I think when push comes to shove...

Board Member McNulty stated but do we need Zoning to make determinations...

Chairman Rogan stated I wasn't (inaudible – spoken over), I'm sorry.

Board Member McNulty stated here before we really go much further.

Rich Williams stated do you need.

Board Member McNulty stated the Zoning Board.

Rich Williams stated the Zoning Board is not going to make this determination.

Board Member McNulty stated but aren't they in front of Zoning for...

Rich Williams stated for what, no, they have not made an application to Zoning yet.

Board Member McNulty stated I thought I saw something in here.

Rich Williams stated for a special use permit but they don't have to go in for the garage, for the auto repair, well they may have to for the auto repair shop, I shouldn't say that.

Board Member Taylor stated well it certainly looks like a contractor's yard right now, doesn't it.

Board Member Brady stated yeah.

Board Member Taylor stated and a boat supply place, they're storing boats there still.

Board Member McNulty stated well the latest comments say they'll be removing it.

Rich Williams stated well I think the boat is just his personal boat.

Board Member Taylor stated there are three boats out there now.

Chairman Rogan stated there's what, how many.

Board Member Taylor stated there's three, two up front and there's one in the back. They're multiplying, they're going to take one out, they're going to remove the boat.

Chairman Rogan stated well if the wetlands line creeps up a little bit, they're going to launch.

Board Member Taylor stated yeah, that's an idea.

Board Member Brady stated what the remains, where they had the remains of the wood structure, what happens with that, do they, don't they have to tear that down to make it safe.

Chairman Rogan stated Jay was talking about that, didn't he say something about he had offered it to the Fire Department, they didn't want it, it's coming down...

Rich Williams stated it's coming down, it's just a question of when...

Chairman Rogan stated it's not safe.

Board Member Brady stated no, that's what I mean.

Rich Williams stated the Building Department takes an action.

Board Member Taylor stated oh then we should, that should be written on here if we're not approving this as a structure, so.

Chairman Rogan stated yeah.

Board Member McNulty stated also I thought we should get a timeline from him when they're going to clean up.

Chairman Rogan stated before we sign off on these plans.

Board Member McNulty stated yeah.

Board Member Brady stated really. I don't think a timeline, I think they should clean it off before we sign off.

Rich Williams stated it took us like two to three years to get the plans in here with hard pushing...

Chairman Rogan stated right.

Rich Williams stated and it's probably been another year and 18 months that we haven't, we've taken a few little baby steps.

Board Member McNulty stated well we better start now with the timeline.

Chairman Rogan stated yeah.

Rich Williams stated I don't disagree with what you're saying but I'm just envisioning this timeline.

Chairman Rogan stated yeah, well I hear you.

Board Member Taylor stated well we tried that before, didn't we, with the timelines.

Board Member Brady stated no, I think...

Board Member Taylor stated at least we got it out from before us before, although we wouldn't want that to happen with this would you.

Rich Williams stated no but wait...

Board Member Brady stated shouldn't we have them clean it up before we ever go into reviewing this.

Rich Williams stated he's already in court Ron, he's already in court.

Board Member Taylor stated right.

Chairman Rogan stated well take into account what he said, this has been such a struggle to even get him in, so, you know.

Board Member Brady stated so you think he'd just run away.

Rich Williams stated no, I don't think he's going to run away, I think he's just going to walk away slowly.

Board Member Brady stated something is better than nothing.

Chairman Rogan stated but I think right now, I think the promise, well sometimes the allure of getting the approval is more of an actionable thing than the allure that you're going to take a negative action against them because they're like, they know how long the process takes, right now the guy probably is closer to getting some approval for what he wants to do out here than he ever has before. He's before us, we've been fairly positive with him...

Board Member Brady stated right.

Chairman Rogan stated it's just a matter of cleaning up some things, identifying what's there, you know mitigating any concerns.

Board Member Brady stated even if he just went in and started cleaning it up, it would be a step in the right direction.

Chairman Rogan stated exactly.

Board Member McNulty stated a question on the EAF, this new version, item 17, it says will the proposed action create stormwater discharge, either from point or nonpoint sources, what's a point or nonpoint source.

Rich Williams stated a point, believe it or not it's very difficult to try to explain the difference but a point source...

Board Member McNulty stated how should I have not known that.

Rich Williams stated yeah a point source is an industrial discharge or a wastewater treatment plant, with an outfall.

Ted Kozlowski stated we had individual in this Town poor oil in the wetland that was a point source discharge.

Rich Williams stated no, that was not a point source discharge.

Ted Kozlowski stated well yeah.

Rich Williams stated no, it was not.

Board Member McNulty stated alright, applicant wins, its grey.

Rich Williams stated it was absolutely not, as defined by the regulatory codes, it is a defined industrial discharge or the discharge from a wastewater treatment plant, the pipe that comes out the end.

Chairman Rogan stated okay.

Rich Williams stated everything else is a nonpoint source, which is the difficulty in trying to do this, stormwater runoff is a nonpoint source discharge, even though it may be coming out of a pipe, so.

Board Member McNulty stated so that should always be checked yes regardless.

Rich Williams stated no, not always.

Board Member McNulty stated either point or nonpoint, so you have no, you'll have no discharge of any kind on the property.

Rich Williams stated you got to remember the EAF's designed to evaluate a wide range of actions both funding, approval, and development so.

Board Member McNulty stated its just I was confused because I kind of understood it as you explained it without the confusion but it said, he's got it checked here point or nonpoint sources no and then will stormwater discharges flow across the properties, yes. Is that because it flows across, it's not discharging there.

Rich Williams stated yeah, I wouldn't necessarily agree with that answer.

Board Member McNulty stated okay.

Rich Williams stated the other part of this is how do we view this is you know, how do we view this building, is this building a building that was legally put up and therefore everything is already existing out there or preexisting out there and we're just changing the use or is this a building that shouldn't have been put up so we need to consider it as vacant land, you know, yeah, I mean...

Board Member Brady stated Shawn...

Chairman Rogan stated yes.

Board Member Brady stated if he's feeding two buildings or three buildings out of that one water supply...

Board Member McNulty stated that's tough.

Rich Williams stated it is tough.

Board Member McNulty stated yeah.

Board Member Brady stated doesn't that change...

Chairman Rogan stated it's only three connections, I think it needs to be a few more before it becomes a regulated water supply.

Board Member Brady stated oh really, is it.

Chairman Rogan stated its five, five connections yeah, before it's a regulated water supply, I think that's it, right.

Board Member Taylor stated there's four connections now, they got the trailer.

Chairman Rogan stated I thought they said three.

Board Member Brady stated four, I thought there was three.

Board Member Taylor stated no, they got the trailer on there too.

Board Member Brady stated oh okay.

Chairman Rogan stated as a connection.

Board Member Taylor stated yeah, they're split right at the cottage, look at, see it splits.

Ted Kozlowski stated there's the trailer and the cottage.

Board Member Brady stated here's one, two, there's three...

Chairman Rogan stated right here by your, cottage and trailer.

Ted Kozlowski stated you got the restaurant, you got the restaurant.

Board Member Brady stated yeah, four and I wouldn't be surprised if he's not using the water for that trailer up there too, the one up higher.

Chairman Rogan stated the mobile one.

Rich Williams stated that reality is we're sending it over to the Health Department one way or the other.

Chairman Rogan stated there you go.

Rich Williams stated and let them give us an opinion.

Board Member McNulty stated right here.

Board Member Brady stated right.

Chairman Rogan stated exactly.

Board Member Taylor stated to the well would be the fifth.

Rich Williams stated we know that's coming too.

Board Member Taylor stated so would be five.

Ted Kozlowski stated one, two, three, four.

Chairman Rogan stated Ted asked how they accessed the cottage and the trailer, I remember seeing the cars in there but they access from another site don't they.

Board Member Taylor stated he said they're going to Health Department anyway.

Chairman Rogan stated there's not, there's a driveway through here.

Ted Kozlowski stated do they just...

Rich Williams stated I think so.

Ted Kozlowski stated where does it show on the plans.

Board Member Brady stated what is that this trailer over here.

Ted Kozlowski stated yeah.

Board Member Brady stated I don't know how they get there, I don't remember seeing a way to get in.

Board Member McNulty stated no septics to any of these connections.

Chairman Rogan stated yeah, I thought it came off another site or something.

Board Member Montesano stated it's a helicopter.

Rich Williams stated this trailer over here, you come down through here.

Board Member Taylor stated that's going to hit them, well we've got 4 years left.

Board Member Brady stated you can come up past the wood structure.

Board Member Taylor stated the conforming stuff has got to be opened up.

Rich Williams stated you come down through here, the gate is down here...

Board Member Brady stated yeah.

Rich Williams stated come down through here and you turn off here.

Chairman Rogan stated and you go in just past this side here.

Board Member McNulty stated yeah, brought up to grade.

Rich Williams stated yeah

Chairman Rogan stated oh okay, yeah I remember seeing some drive...

Board Member Brady stated there is a drive.

Board Member Taylor stated I have that problem at my house.

Ted Kozlowski stated who's living there.

Chairman Rogan stated markings but I didn't you know.

Board Member Montesano stated where the trucks used to go.

Board Member Brady stated but it's five, you think it's five.

Board Member Taylor stated can we just say.

Chairman Rogan stated I believe it's five or more connections.

Ted Kozlowski stated yes, that's what I was going to ask you.

Rich Williams stated what.

Board Member Taylor stated can we just go through a list of things that need to be added to the plan and or the stuff we're waiting for, we need to hear from the Health Department on the sewer and whatever else.

Rich Williams stated well when I said we're going to refer it over, I would assume we're going to do...

Chairman Rogan stated yeah.

Rich Williams stated circulate for lead agency.

Board Member Taylor stated okay.

Rich Williams stated and at that point we're going to send it over to them.

Chairman Rogan stated yeah, just as a normal.

Board Member Taylor stated so are we ready to do that.

Chairman Rogan stated I'd say absolutely, I mean we're going to be the lead agent on this we have the formal application, we have the plans, we've done a site walk, we have an idea of what we're doing.

Board Member Taylor stated because this, this isn't bad considering where you were a year ago, right.

Chairman Rogan stated yeah, I mean.

Board Member Taylor stated so I think we can forward and just make it a regular process.

Chairman Rogan stated sure.

Board Member Taylor stated understanding that it may never conform to what we tell them to do but...

Board Member McNulty stated does he need to show proposed septic or septic for these other items that have water connected to it, the trailer.

Rich Williams stated the proposed septic is for the new building.

Board Member McNulty stated yeah but you've got water to these other structures and there's no septic shown other than the restaurant.

Rich Williams stated they're not shown, that doesn't mean they're not there, those buildings have been there for a very long time.

Board Member Taylor stated well he just...

Board Member McNulty stated is that something we should ask for...

Board Member Brady stated probably a leaching pit.

Board Member McNulty stated we're making this site plan can we, you know even if it's an existing system...

Rich Williams stated if you think it's important, if you think it's important to show...

Board Member McNulty stated well if we're establishing a plan that seems to be one of the key elements in all our issues.

Chairman Rogan stated it would be easier, not (inaudible – spoken over).

Rich Williams stated I was focused on the building, I anticipate that when this goes to the Health Department they're going to want to know and their either going to know or they're going to say show it on the plans.

Chairman Rogan stated cool. We need a motion on lead agent to refer this...

Rich Williams stated no, no, no, we're not even, we're not quite there yet.

Chairman Rogan stated no, I know, I'm just, procedurally though, sometimes we do it and sometimes it's like it seems like it happens without...

Rich Williams stated but again we want to make sure that the application is where we want it to be and that the environmental assessment form has been reviewed and is where we want it to be and honestly I haven't done that.

7) GARRETT SITE PLAN – Parking area for Walsh's Town Tavern

Chairman Rogan stated yeah, okay, just curious. Okay, so we have a parking plan, Garrett Site Plan, this is a parking plan area proposed for Walsh's Town Tavern, which as we all know is the old Burke's Pub proposed now to be a 30 seat bar/tavern. Similar to what was there really, I mean in essence right.

Rich Williams stated right.

Board Member McNulty stated he's going to have food.

Board Member Montesano stated and it's going to have cleaner.

Chairman Rogan stated well they had permits for food, they just didn't really choose to exercise those.

Board Member Montesano stated its cleaner.

Board Member McNulty stated it used to be potato chips and pretzels.

Chairman Rogan stated yeah, you know what they did occasionally some stuff because I inspected there years ago...

Rich Williams stated I thought it was hamburgers and whatever.

Chairman Rogan stated and they did hamburgers and fries and wings and stuff like that, they just didn't do a lot of it.

Board Member Brady stated the kitchen must be tiny.

Board Member McNulty stated yeah, okay.

Board Member Brady stated kitchen must be tiny.

Chairman Rogan stated it is, it is tiny. So it sounds like they want to use some of what was previously the parking where your building burned down.

Board Member McNulty stated my leased space.

Chairman Rogan stated and they met with Rich and they said Rich said well show it on the plan, we need to approve something, a site plan for that, yes it might have been approved but let's delineate it and define it and know what we have, so it sounds like that what, oh and the kicker on this is that it's a month to month lease.

Rich Williams stated it is a month to month tenancy.

Chairman Rogan stated tenancy.

Rich Williams stated its supplemental parking out there, it certainly can't be used to expand or extend that restaurant area, the seating within the restaurant area, so you need to be very clear about that, especially in your approvals out there. For me, the big issue is access out on to the road because it's on intersecting roads, one of them being [Route] 311, signage to you know identify clearly that it is for the patrons of the Walsh Town Tavern and most importantly is the delineation out there of where the parking is and some sort of barrier, I would think a fence to make sure that people going to their cars don't unintentionally walk past their cars and into the area of the site that has not been further restored...

Chairman Rogan stated right.

Rich Williams stated and leveled.

Board Member McNulty stated and they mentioned site cleanup, did they elaborate on what they would do for the site cleanup.

Rich Williams stated I don't recall anything that did but we're always hopeful that the property owner...

Board Member Montesano stated area would be roped...

Rich Williams stated Mike Garrett is going to do more of a cleanup out there.

Board Member Montesano stated he's got area will be roped.

Chairman Rogan stated yeah, they show that on the plan.

Rich Williams stated yeah, that's what he's proposing.

Board Member McNulty stated is that like a big 2 1/2" mooring line or is it a piece of yellow 5/8.

Rich Williams stated I don't know.

Board Member Montesano stated it's the Dollar Store special.

Rich Williams stated he's got one run of a 100' on a rope that's not going to cut it in any way, shape, or form.

Chairman Rogan stated no.

Rich Williams stated even if he put flags on it.

Chairman Rogan stated but what's the big deal, throwing, chopping through whatever that surface is and throwing a couple of 4' by 4's into some concrete every 20' or something, you know, whatever, knowing that it's a temporary, may be a temporary thing...

Board Member Montesano stated goes and calls the fence company.

Chairman Rogan stated I mean I'm sure the ultimate use of this site, the person is not intending to just have parking for a restaurant but for the time being, you know.

Board Member Montesano stated yeah, he's going to put a kitchen there.

Rich Williams stated there is a telephone pole out there that I would like to see come out as well, if we can possibly...

Board Member McNulty stated yeah it was right in front of the building.

Board Member Brady stated is that the one with the siren on it.

Board Member McNulty stated no.

Rich Williams stated no and then I'd like to see this pushed back a little bit because he's tight to the road.

Chairman Rogan stated yeah.

Board Member McNulty stated the elevation changes there on the slabs though, where old building is.

Rich Williams stated right, so you've got to stay in front of that.

Chairman Rogan stated well Rich, you...

Board Member McNulty stated well that 100' run from Locust [Street] across, how far does that go, right up to the end of the property before it meets Burdick's property, it shows 100'.

Rich Williams stated it was short of the property line but it was close.

Board Member Taylor stated but on the aerial he circled Burdick's, hasn't he.

Board Member Brady stated I think they should open the bar and then go do the site walk.

Board Member McNulty stated no, Burdick's is this spot here, this is basically where my shop used to be, right here.

Board Member Taylor stated but the 100' run should end here shouldn't it.

Chairman Rogan stated I don't think so.

Board Member Taylor stated this is not parking right.

Ted Kozlowski stated this is the old Burke's Pub.

Board Member McNulty stated yeah that's, yeah that, this is paved right up to here.

Ted Kozlowski stated that's a dirty kitchen.

Board Member Taylor stated alright, so it's not very clear.

Board Member Brady stated was it.

Chairman Rogan stated you know it was just, you walk in and normally a pin would drop.

Board Member McNulty stated I think that's where, there was a pad with concrete out there...

Chairman Rogan stated you wouldn't go there unless you were a regular because you didn't feel welcome.

Board Member McNulty stated that might be where the concrete was and the blacktop stopped.

Board Member Taylor stated here would be the line.

Board Member Brady stated my wife said we walked in there, when we were up here looking at the property and houses and we walked in the door and people looked at us and we just turned around and walked out.

Board Member McNulty stated I think that, I'm pretty sure it's paved right up to that point.

Chairman Rogan stated it's amazing.

Board Member Brady stated I keep telling her I must have been drunk because I don't remember ever going in there.

Rich Williams stated this is fairly close so I would encourage everybody...

Board Member Brady stated but she pegged it so we probably did.

Rich Williams stated to you know, take a stop by on your way going through Town, take a look at it and maybe we can have a more substantial conversation next week.

Board Member Montesano stated you can get your computer checked or your haircut.

Board Member McNulty stated I know it.

Rich Williams stated do you.

Ted Kozlowski stated I went in there once...

Chairman Rogan stated so Rich the side of this plan that says entrance with the sidewalk, Route 311, so they're proposing that the entire length of this be the entrance not a common point but everybody pulls in wherever they want, right.

Rich Williams stated that's the way it's shown on the plan.

Board Member McNulty stated it's a curb cut there, there's a curb cut there...

Chairman Rogan stated so the sidewalk is the entire curb cut.

Board Member McNulty stated I think from about this point, maybe 10' over from the corner, I forget where the curb cut starts but...

Chairman Rogan stated yeah.

Rich Williams stated I'm hoping this weekend that the snow melts...

Board Member Taylor stated so we can see it.

Chairman Rogan stated it's supposed.

Rich Williams stated and I can actually see what's out there.

Chairman Rogan stated yeah, no, it's supposed to be warm, maybe like 40.

The Secretary stated whoa, heat wave.

Chairman Rogan stated it's going to be a heat wave, we're going to be out there in shorts.

Board Member McNulty stated how does this work with our zoning and for the property, are we looking to grant waivers on this...

Chairman Rogan stated well for the size of the parking.

Rich Williams stated you can't grant waivers on zoning per se...

Chairman Rogan stated right.

Rich Williams stated you can on the parking stall size...

Board Member McNulty stated yeah.

Rich Williams stated but you know, we're kind of into a grey area typically you need to have parking as a principal use, as an accessory use, you generally don't have parking as principal use but there is a section of Code that says you can have parking on a site away from your business to support that business, I mean it is in there.

Chairman Rogan stated good.

Rich Williams stated so I'm kind of going down the road...

Board Member McNulty stated well anything that...

Rich Williams stated it is in there so I'm kind of going down the road that if you have site plan approval on vacant piece of property to have parking on it, similar to what we're doing with Dino Rentoulis or we might do with Thunder Ridge or this property, that you know is permitted under our Zoning Code.

Chairman Rogan stated and look, remember this place and previously had whatever they had for seating, they parked up and down the road because there's no real delineated, so you know I want this to work because from the standpoint of the customers and our patrons, it's safer, they have a little delineated area, they can walk the sidewalks, you know from there to the place and not be parallel parking up and down [Route] 311 causing problems.

Board Member Brady stated right.

Chairman Rogan stated so I hope they're successful, I mean we want that business to thrive, so.

Board Member McNulty stated also, if it cleans up the site...

Chairman Rogan stated exactly.

Board Member McNulty stated it would be a bonus too.

Chairman Rogan stated so you know, if we can make some simple adjustments on this with delineations rather than just a 100' length of rope, figure out the safe aspects of it and make it work, well what's the difference, you know, this is something that could 6 months from now they could come up with a plan or even 2 years from now for the site, which we would also be in favor of. We want to see this site come back to life, you know instead of being a burned out, I mean it's not burned out anymore but a vacant parcel right on [Route] 311.

Board Member Montesano stated maybe Mr. Walsh will move and put a building up.

Board Member McNulty stated I agree.

Chairman Rogan stated so, you know, alright...

8) BONIELLO PLAZA – Sign Application

Chairman Rogan stated and Boniello sign application, Boniello Plaza sign application.

Board Member Taylor stated the first question we have to ask ourselves is can we review this.

Chairman Rogan stated well I think, well didn't we answer that...

Board Member McNulty stated well the sign, we just recently approved a sign.

Chairman Rogan stated with the site application, site plan application we were talking about reviewing.

Rich Williams stated it was all kicked back over to the Town Board.

Chairman Rogan stated oh right.

Rich Williams stated the Town Board said that if he makes steady progress on his payments on his past bills which he has been doing, I think everybody's been comfortable with that and if he pays all the application fees for his current proposal that the Planning Board would be allowed to hear it. So now we've been very diligent in making sure because we have had to be very diligent.

The Secretary stated yes, yes we have.

Rich Williams stated in making sure he's been paying his fees.

Chairman Rogan stated let me ask a question, just throw this out, is an, is a sign application which advertises business which have not yet been approved via the site plan, a premature application, in other words, should this application be rolled into the site plan application.

Rich Williams stated typically they are.

Chairman Rogan stated you know I'm just thinking in terms of and a lot of times these signs are already up and I don't know if it that's the case here.

The Secretary stated no, it is not.

Chairman Rogan stated okay.

Board Member McNulty stated Accurso is...

The Secretary stated you guys approved Accurso's previously so it's just sign up there right now...

Chairman Rogan stated right, okay, just Accurso.

The Secretary stated yes, what he's proposing are those 4 signs, apparently Campanella Fence is a function of Accurso Construction, so that is already I guess something that's there.

Board Member McNulty stated the display is up.

Chairman Rogan stated Patterson Equipment and Rental is his, is Boniello's business, right.

The Secretary stated I honestly don't know.

Chairman Rogan stated yeah, I think so, I think he, he has, oh anyway and I think so the new one.

Rich Williams stated we have nothing to support to that so we can't say affirmatively...

Chairman Rogan stated oh okay and I'm guessing at that.

Rich Williams stated the only business would be the masonry yard.

Chairman Rogan stated okay, so you know my main thing was in other words if all the contents of this sign application were all for the proposed site plan, roll them together or make this a condition of the site plan approval so that they're, so we're not approving a sign for and you know it's kind of, halfway it seems...

Rich Williams stated no, I would agree with you because if you want to jump into the site plan, you know...

9) ANTHONY BONIELLO – Site Plan Application

Rich Williams stated you know I've got two big issues with this, one is he's still got the violation with the patio...

Chairman Rogan stated the patio, right, right.

Rich Williams stated the patio in the front and my other big concern with this is if he's just doing, you know the Unilock block which is where this all started.

Chairman Rogan stated right.

Rich Williams stated that would be fine because they're actually still going over to Unilock to pick up, you can make that a condition of the site plan but...

Chairman Rogan stated right.

Rich Williams stated but they now want to keep those big bunkers and sell bulk storage material off of there, well that is going to be fairly large size trucks coming in to make the pickups but also frequent tractor trailer visits to bring the material in and there's no place on that site to maneuver a tractor trailer.

Chairman Rogan stated yeah and we know what happens, is they park out on the shoulder of the road and they unload with those little three-wheeled, I don't know what they're called.

Rich Williams stated no, they're going to back in off of [Route] 22 right into the bulk storage areas.

Board Member McNulty stated this isn't bagged mulch.

Board Member Brady stated this is 40 yard...

Chairman Rogan stated no I realize, yeah okay, I see what you mean.

Board Member Brady stated dumpsters.

Board Member Montesano stated yeah you're going to back, you're going to stop on [Route] 22, spin it around block the road and back right in.

Rich Williams stated yeah.

Chairman Rogan stated so they're going to, so in other words they don't have the ability to pull head on in and turn around in the site so they're going to stop and back in...

Rich Williams stated right.

Chairman Rogan stated which is what we see them doing way too frequently.

Rich Williams stated I mean, you know, had we known you know, we probably never would have approved Guiding Eyes for the Blind but they were doing that for years, now we made them change the site so now a tractor trailer can pull in.

Chairman Rogan stated right.

Rich Williams stated they're still not doing it but at least they have the ability.

Chairman Rogan stated yeah, so it seems like a futile attempt almost.

Board Member McNulty stated can we back up a second, you said there's a violation with the existing patio in the front.

Chairman Rogan stated yeah.

Rich Williams stated yeah.

Board Member McNulty stated there's an open violation.

Rich Williams stated well no, get them to write something but it's not...

Board Member McNulty stated oh, I just wanted to clarify that because if it was, that would kind of stop us in our tracks.

Chairman Rogan stated right, we...

Board Member Taylor stated no, this might solve it.

Rich Williams stated yes it would, well it would clean it up we would have to...

Board Member McNulty stated well nothing on this indicates that it would solve it.

Rich Williams stated we would have to send it to the ZBA.

Chairman Rogan stated we were going to go, we were telling him go to ZBA, we would make a positive recommendation to the ZBA on this, it would just the front patio was built and it was a site, it was a front yard, it was too, it was built too far away from the building, correct, so it...

Board Member McNulty stated patios aren't allowed in the front...

Rich Williams stated it encroaches into the front yard setback.

Chairman Rogan stated correct.

Board Member McNulty stated yeah.

Chairman Rogan stated so it's a few feet into the front yard, so you know.

Board Member Taylor stated what, we've discussed this with him before, did we not, that he either had to go to ZBA or take the damn thing down.

Chairman Rogan stated right.

Rich Williams stated correct.

Board Member Taylor stated and he said yes.

Chairman Rogan stated yeah.

Board Member Taylor stated so...

Board Member Brady stated take it down.

Board Member Taylor stated or go to ZBA, one or the other, get, deal with it.

Chairman Rogan stated make an application to ZBA.

Board Member Taylor stated that should be a condition of this.

Board Member McNulty stated yes.

Chairman Rogan stated it is a condition of our, I think it is a condition, it's something that would have to be resolved as part of the, our whole process here, whether he does it now or at the, you know, he still has to do it.

Board Member Taylor stated yeah.

Rich Williams stated alright, now while we're on this, he did drop off coloring renderings I think of the patio, he seemed to think that I had requested them, I didn't request them.

Chairman Rogan stated of the patio.

Rich Williams stated yeah.

The Secretary stated I think they are the paver displays that he proposing for Unilock, that's what I think they are.

Chairman Rogan stated bet you're right, yeah...

Board Member Taylor stated oh okay, that would make sense.

Chairman Rogan stated his outdoor display areas probably.

Board Member McNulty stated this proposed mason three supply, is that an existing building or is just an area.

Rich Williams stated yes, all the buildings on there, I believe, are existing.

Chairman Rogan stated he's trying to show what he's planning on doing.

The Secretary stated I'm making that assumption, yes.

Board Member McNulty stated because it doesn't say but the other buildings do say existing but this one didn't. Proposed use for materials...

Board Member Brady stated and he's talking about on the north side of building two that's where he's going to do his displays.

Chairman Rogan stated oh I see, because this is the one, this is the one that has the zoning problem out front.

Board Member Taylor stated yes.

Board Member Brady stated what displays.

Board Member McNulty stated Unilock.

Board Member Taylor stated that's what she's got there.

Chairman Rogan stated that looks nice though.

Board Member Taylor stated Unilock, we'd talk about that before.

Chairman Rogan stated yeah, alright, so here's Route 22, you pull in, here's the one that he needs the zoning variance for, for the front yard setback...

Board Member Brady stated and this is the display.

Chairman Rogan stated and this is the display.

Board Member McNulty stated and this is where the fences are.

Chairman Rogan stated correct, the fence is in here.

Ted Kozlowski stated and that line of trees is the wetland, stream.

Board Member Brady stated even the fence displays, is he allowed to do the fence displays.

Chairman Rogan stated we previously approved that years ago.

Board Member Brady stated oh yeah, okay.

Chairman Rogan stated yeah.

Board Member Taylor stated so is he encroaching with his display too close to the...

Chairman Rogan stated those like little fire pits and stuff, it's awesome.

Ted Kozlowski stated oh everything is within 100' that whole building is within 100' of the stream.

Board Member Taylor stated no I understand that but in terms of your concern about the stream, is he getting too close.

Ted Kozlowski stated no, he's, that's, it's lawn, it's not going to be.

Board Member Taylor stated okay.

Chairman Rogan stated look at that, Teddy that looks like you on the picture, look.

Ted Kozlowski stated could be, in a dress.

Chairman Rogan stated no, no, the guy next to the girl in the dress, throwing stuff in the fire.

Ted Kozlowski stated you're pointing to the one in the dress Shawn.

Chairman Rogan stated no, I just pointed in general, I was just teasing you.

Board Member Montesano stated you're a general.

Rich Williams stated Teddy, you know we have to keep reminding you, we do near verbatim minutes.

The Secretary stated and I will probably laugh just as hard when I listen to it again.

Rich Williams stated and when you type it.

The Secretary stated and when I type.

Ted Kozlowski stated you do.

Chairman Rogan stated I like the...

Board Member McNulty stated he used a lot of ink.

Chairman Rogan stated I know, they're nice looking photos.

Board Member Brady stated yeah.

Board Member Montesano stated it was new machine he just got it.

Board Member McNulty stated they're well done.

Chairman Rogan stated I like that.

Board Member Taylor stated okay, so the tractor trailer issue, if we go back to that...

Chairman Rogan stated oh I see what you're saying.

Board Member Taylor stated it sounds like he can't be allowed to have that use here because of the requirements for deliveries.

Chairman Rogan stated who would like to...

Rich Williams stated well, I mean you know, this is my opinion, you can evaluate it for, on your own, if you think I'm right...

Chairman Rogan stated I like it, I like the green from all the snow that we have right now.

Rich Williams stated then he's got an issue, he's either got to figure it out or he can't do it.

Board Member Taylor stated well don't we have engineers who do that kind of evaluation for us.

Rich Williams stated I'm sure you're going to get a recommendation from the engineers.

Board Member Taylor stated okay, so.

Board Member McNulty stated is this lot actually in place now, I didn't think so, none of this, these parking spaces here...

Rich Williams stated no, nope.

Board Member Taylor stated no, it's all junk now right, he's still got the machines out there, yeah.

Board Member Brady stated yeah the lawn mowers all piled up out there.

Board Member Montesano stated yeah the price of metal went down so he's waiting.

Board Member Taylor stated so that's got to be another condition of all this is...

Chairman Rogan stated yes, even though I wasn't listening, I thought we were talking about something else.

Board Member McNulty stated well I was asking if this parking lot is actually in place, I mean this plans been coming around since I first got on the Board.

Board Member Brady stated is that a Ford or a Chevy.

Chairman Rogan stated whatever's shown on there, if it, whatever he proposes on the site plan that isn't currently constructed, has to be constructed to, you know...

Board Member McNulty stated to get a final.

Chairman Rogan stated yeah, well no, not to get a final, you need the final before you build it right.

Rich Williams stated yes.

Chairman Rogan stated it's not a condition to build the site to get approval for the site, it's, you know.

Board Member McNulty stated yeah, it needs to be approved before you build.

Chairman Rogan stated approve it, get the permits in place, build it, get it inspected, give a certificate of construction compliance or occupancy, whichever is appropriate.

Rich Williams stated yeah, we're going to have to figure this one out.

Chairman Rogan stated yeah.

Board Member Brady stated he's showing the patio, the wall in front of the building here...

Chairman Rogan stated that's the one that's in, that's too close.

Board Member Brady stated is that the back, that's the one that's in the front yard.

Chairman Rogan stated that's existing.

Board Member Brady stated right, that's what's in violation.

Chairman Rogan stated correct.

Board Member Brady stated okay and he's showing it here in this finished product.

Chairman Rogan stated yeah because he told us he wants to keep it, he wants to go Zoning as a...

Board Member Brady stated but he hasn't done anything with it.

Chairman Rogan stated no.

Board Member Brady stated okay.

Board Member Montesano stated if you offer him a free okay, then he'll come.

Chairman Rogan stated so, alright.

Board Member Brady stated nice.

Board Member McNulty stated so what do we do with the sign, do we bring it back to, do we approve what's...

Rich Williams stated no, I think Shawn nailed it that...

Board Member McNulty stated brought up a valid point.

Chairman Rogan stated let's just wrap it in, the other signs are already out there...

Board Member McNulty stated into the site plan.

Rich Williams stated into the site plan.

Chairman Rogan stated so let's just wrap it into the application's there.

Board Member Taylor stated okay, I've got one problem with the sign. He's allowed 25 square feet.

Rich Williams stated he is.

Board Member Taylor stated he has a top on the sign right now that says Boniello Plaza that is outside of his 25 square feet, are we going to allow that or are we going to tell him to take it off.

Rich Williams stated on the sign application he submitted.

Board Member Taylor stated no, no, what's out there.

Rich Williams stated no, well what's out there is going to have to come down and he's going to have to put that up.

Chairman Rogan stated I see what you're saying.

Board Member Taylor stated okay, we need to make that clear to him, we can't just drop these into the existing, I mean it's very nice.

Board Member McNulty stated unless he shrinks that down and encompasses the 25 square feet all as one.

Board Member Taylor stated I mean its nice looking, I must but it exceeds, have you seen it, have you seen the sign, it's a little...

Chairman Rogan stated I have but I haven't paid attention to it.

Board Member Taylor stated it's a little arc on the top that says Boniello Plaza, it's very nice done.

Board Member Brady stated right, right.

Chairman Rogan stated yeah.

Board Member Taylor stated especially compared to what he used to have out there.

Board Member Montesano stated does he have to get a permit, a burning permit.

Board Member McNulty stated can we determine how many square feet that is and maybe grant him a waiver.

Chairman Rogan stated or ask him to apply to Zoning for a waiver, a variance on that or is that us.

Board Member McNulty stated because it does look nice and it's preexisting.

Rich Williams stated no, it's them.

Board Member Taylor stated it's not preexisting.

Chairman Rogan stated talking to a couple that, I feel like I guess and I agree with what's Ron saying, it's a point of what is allowed and not allowed but we also, sometimes I feel like you know we're tripping over dollars to pick up pennies, right now the biggest thing is we're trying to get this site into compliance and approved for what they want to do and have an official site plan which we almost had years ago but then it kind of fell apart so you know, sometimes, I would be certainly willing to, on any site be willing to give a positive recommendation to the Zoning Board to allow three or four more square feet if it's aesthetically pleasing, if it's not gaudy.

Board Member Taylor stated well the, so he...

Board Member Montesano stated is he actually going to plant grass like that and make it look like that.

Board Member Taylor stated well that would look nice.

Board Member Montesano stated and the burning permits.

Chairman Rogan stated but...

Board Member Taylor stated it's just you know, we have these issues with signs, these people with signs are always pushing the envelope.

Chairman Rogan stated yeah well look at what we got, some, we approved the sign without the other one coming down and a day later, right.

Board Member Taylor stated yeah, so that's all I'm trying to say.

Chairman Rogan stated it's frustrating, no I agree.

Board Member McNulty stated they did take down the Haunted Hayride sign.

Rich Williams stated and I think the Building Inspector is looking to see what you want to do.

Chairman Rogan stated yeah.

Rich Williams stated and just so you're all aware, we made it a point to get the memo out to the Building Department, to the Conklin's, and to the Bank on exactly what the Planning Board approved for that sign the next day, so they had it in their hands when they did it.

Chairman Rogan stated yeah I think you copied us on it, yeah it was...

Board Member Montesano stated burning permits.

Board Member Taylor stated oh yeah.

Chairman Rogan stated whether somebody reads something or what they, alright.

Board Member Montesano stated well he's going to have gas in here, that's for sure.

Board Member McNulty stated well it looks better already, the sign out there.

Board Member Montesano stated oh yeah.

Board Member Taylor stated this is nice but what happened to the other buildings.

Board Member McNulty stated well you can't paint the posts until the weather gets warmer.

Board Member Montesano stated there in the back.

Board Member Taylor stated behind the hedge.

Board Member McNulty stated just stating a fact, they took down the Haunted Hayride...

Board Member Brady stated did they take it down.

Board Member McNulty stated yup, they just need paint, Liberty Paintball to come in with the sign app.

The Secretary stated no, they need to go for a variance.

Rich Williams stated they need to take it down.

Board Member Montesano stated there's no buildings here.

Board Member McNulty stated they need to take it down and put up the proper size that we allotted.

Rich Williams stated the approval you granted was that your approval was conditioned on Liberty coming down so in essence both of those signs are in violation.

Board Member McNulty stated I agree.

Board Member Taylor stated so then, so Nick should violate them.

Rich Williams stated they're both in violation.

Board Member McNulty stated they're both in violation but it does look better than it did.

Rich Williams stated and Tommy you signed an oath of office, swearing to uphold the Town Code.

Board Member McNulty stated yeah but that doesn't mean I can't say it looks good, I'm still, I agree with you, it's in violation but it looks better, it's a step in the right direction.

10) OTHER BUSINESS

a. NYSEG Site Plan – Request to be Tabled

Chairman Rogan stated okay and, so this is kind of interesting that the next item we were talking about over on Terry Hill Road, NYSEG and you know they have opportunities to adjust the plan at this point it sounds like they're going to back to the drawing board, redesigning, looking at things.

Rich Williams stated yes, absolutely.

Chairman Rogan stated right, which, you know.

Rich Williams stated once we went out there and they really saw what they had to work with.

Chairman Rogan stated yeah, yeah well you know and people sometimes say oh there was a substation there when the people bought the house and that might have been the case but there was a smaller substation, now all of a sudden you're looking to increase this thing which we're not depriving them of that opportunity, we're just saying do it in a more, you know amendable way for the neighborhood and I think putting it in the back there we would have done the biggest disservice to those neighbors.

Board Member McNulty stated well let's wait and see what kind of plan they come back with.

Chairman Rogan stated well...

Board Member Montesano stated just for a point of reference that building that the phone company has here...

Chairman Rogan stated right here, yeah.

Board Member Montesano stated they came in one day, the man was, we redid the house of the owner of the property, they came in, condemned it, took it over, bulldozed the house, all within less than three days and it took 12 years of court before he was left with \$50 because the rest of it went to attorneys.

Chairman Rogan stated wow, hey where is Jon Barrett Road, I'm drawing a blank on where that is.

Rich Williams stated down on [Route] 22 just south of Route 164 its the short office park...

The Secretary stated [Route] 22 by [Route] 164.

Ted Kozlowski stated where Jeanne works, National Fire Sprinkler.

Chairman Rogan stated oh, oh, oh yeah, yeah what's that called, the corporate park.

Rich Williams stated Robin Hill Corporate Park.

Board Member Montesano stated Robin Hill.

Chairman Rogan stated and so the specific, the letter from the, from Nick Lamberti about to Mr. Stephen Hebert, what property, what project is that, what...

Rich Williams stated it is the first building in, on the left hand side, opposite Duchon's building...

Chairman Rogan stated okay, okay.

Board Member McNulty stated right out on [Route] 22.

Rich Williams stated across from...

The Secretary stated Werlatone.

Rich Williams stated Werlatone's building.

Chairman Rogan stated and then the next one above that is the plumbing.

Rich Williams stated no, the next one above that is National Fire Sprinkler.

Chairman Rogan stated oh, okay.

Rich Williams stated so yeah he's got multiple violations, I am going to send him to court next week. 20 Jon Barrett Road because he, he in essence went out and dug out the whole bank behind the building to expand the site and pushed it all over onto Route 22 and if you go by, it's milled like crazy, it's unstable.

Board Member McNulty stated yeah I've been watching.

Rich Williams stated you know, he just doesn't want to comply, he doesn't want to come in for site plan approval, he doesn't want to stabilize it.

Chairman Rogan stated and these are the things when we talk about that gets everybody wound up because you give everybody the opportunity for good information, here's what you need to do, Ted goes out and meets with people, you go out and meet people you talk to them and then they just do whatever the heck they're going to do because they believe that the and it's been proven that they're not really punished for it, they go through, we get people in court and historically, maybe not now but historically it was kind of, there was no real result, you know.

Rich Williams stated yup.

Board Member McNulty stated now where the Frantell Site, on Route 22.

The Secretary stated going north, before Post 22.

Chairman Rogan stated right at the property line, property line, right at the Dutchess/Putnam County line.

Rich Williams stated its south of Post 22.

Board Member Montesano stated just where...

Chairman Rogan stated oh it is south, it's south of that.

Board Member McNulty stated oh okay, it has a sign for sale.

Board Member Montesano stated yeah between that and the old...

Ted Kozlowski stated for sale, approved 40,000 square feet, it's been that way for years.

Board Member Brady stated I saw your sign out there.

Rich Williams stated alright, are we almost finished.

Chairman Rogan stated we are, we're waiting for you.

Rich Williams stated I have two pieces of other business for you, last night the Town Board appointed a new member to the Zoning Board of Appeals, his name is Mike Carinha, he lives down off of Ballyhack Road.

Chairman Rogan stated oh okay, congratulations Mike.

Rich Williams stated writing it down, it's C-A-R-I-N-H-A and the other thing that the Town Board did last night is they appointed Ron Gainer as Town Engineer.

Chairman Rogan stated okay, welcome back Ron.

Board Member McNulty stated wow, no more Andrew.

Rich Williams stated no more Andrew.

Chairman Rogan stated Ron Gainer, is it Ron Gainer, is it just him on his own or does he have company with support staff.

Rich Williams stated he has a company, he had two individuals that he uses for support but for the most part it is Ron working out of his home, right here in Town.

Board Member Montesano stated Mooney...

Ted Kozlowski stated Baldwin...

Board Member Montesano stated Baldwin Place.

Rich Williams stated yeah, I wasn't going to put that in the record.

Chairman Rogan stated who else was interviewed Rich, who else was interviewed last night.

Rich Williams stated no one else, oh they interviewed a woman for the Board of Assessment Review.

Chairman Rogan stated no, I mean for engineering.

Rich Williams stated nobody.

Chairman Rogan stated oh okay.

Board Member Taylor stated so you've worked with him before.

Chairman Rogan stated oh yeah.

Rich Williams stated Ron has a long history with the Town, he started in 1986 as Slayton Engineering...

Chairman Rogan stated remember Gene Richards, remember Gene that worked with us, our Town Engineer Gene Richards, he wasn't an engineer but our Town the guy that was, he was kind of quiet, tall..

The Secretary stated tall, super tall.

Board Member Taylor stated oh okay.

Chairman Rogan stated yeah he worked for Ron, I'm sorry I didn't mean to jump in Rich.

Rich Williams stated no, that's fine.

Ted Kozlowski stated Ron's had a long history with us.

Chairman Rogan stated yeah, he knows the ins and outs of the Town.

Ted Kozlowski stated good, favorable, very positive.

Board Member McNulty stated is he a good engineer.

Board Member Montesano stated yes.

Ted Kozlowski stated he's a good guy too.

Board Member Montesano stated he's a nice person.

Board Member Taylor stated does he have the resources that the other guys had.

Rich Williams stated Maser, no.

Chairman Rogan stated no, no way.

Rich Williams stated no but honestly, I, you know, two years ago we spent \$120,000 on Maser...

Board Member Taylor stated yeah.

Rich Williams stated last year we spent under ten. You know, my concern with changing anybody at this point was the fact that we weren't going to get anybody of quality because we're not generating the kind of business they're looking for.

Board Member Taylor stated yes, sure.

Chairman Rogan stated yeah. Alright, let's, does anybody have anything else for the minutes, for the record, no...

Board Member Taylor stated I just wanted to say something on Thunder Ridge, the sign that we did last time, I don't think we made it clear. We asked Mike the questions and he never really responded to them about the problems with us reviewing a sign for a lessee when the owner is in arrears or violation and I just

wanted to say for the record, that it seemed at least for me that the reason we were doing it was number one it was an improvement toward what we were trying to get done for the whole site, that was one thing and we also felt like that we were making the distinction between the owner and the lessee and didn't want to penalize the people who are doing the business out there because the owner has problems.

Chairman Rogan stated also I think once everyone realized the amount of money owed, I think when we heard there was money owed to the Town, I was thinking five, ten thousand dollars and it sounded like it was \$300 or something, it was a very small amount.

The Secretary stated you said \$400 but I don't know if that's...

Rich Williams stated yeah I don't know it's a big amount...

Chairman Rogan stated yeah.

Rich Williams stated I don't know its \$400...

Chairman Rogan stated but you know, not that, owing the Town money is owing the Town money but it sounded like it was about ready to be resolved you were, that was the impression I was given.

Rich Williams stated well really its, its money as part of the upgrade program with the DEP...

Chairman Rogan stated yeah.

Rich Williams stated really...

Chairman Rogan stated so it's a little convoluted.

Rich Williams stated right, the Bank is just kind of a pass through for the money.

Board Member Taylor stated no I understand that, I just, I'm just, we have a tendency I think to do things because it makes practical sense to do things and yet the Code says...

Chairman Rogan stated right.

Board Member Taylor stated and so I think when we do that we need to say why we're doing it...

Chairman Rogan stated you're right.

Board Member Taylor stated we need to make it clear why we're doing it, that there are reasons.

Chairman Rogan stated yeah.

Board Member Taylor stated because at some point, somebody could come in and sue and say but you did that for these guys...

Chairman Rogan stated right.

Board Member Brady stated you did that.

Board Member Taylor stated and that's again, the Boniello sign...

Chairman Rogan stated you're exactly right.

Board Member Taylor stated it's the same thing, yeah it's only a small area but it's...

Chairman Rogan stated you have to have your...

Board Member McNulty stated we have to quantify it, clarify it.

Chairman Rogan stated yeah.

Board Member Taylor stated you know you can shrink his sign to make it fit.

Chairman Rogan stated yeah, well and again the reality is we can't change those, it's the Zoning Board.

Board Member Taylor stated right.

Chairman Rogan stated so but you're right and that's something I'm sure that they're very cognizant of.

Board Member Taylor stated that's all I, just on record so it was clear that we did have a position, or at least I had a position and we didn't, I think we need to take votes on these things instead of just, we kind of discuss them, come to an agreement...

Board Member Brady stated right.

Board Member Taylor stated and then move on and it never shows up in the record really.

Board Member Brady stated so then it was never approved.

Rich Williams stated it's up anyway.

Chairman Rogan stated motion to adjourn.

Board Member McNulty seconded the motion.

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

The meeting adjourned at 8:35 p.m.