

TOWN OF PATTERSON
PLANNING BOARD MEETING
February 23, 2010 *Work Session*

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Planning Board
February 23, 2010 Work Session Meeting Minutes

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

Present were: Chairman Rogan, Board Member Cook, Board Member Montesano, Board Member DiSalvo, Board Member McNulty, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector and Mr. Tim Curtiss of the Town Attorney's office, Curtiss and Leibell.

The meeting began at 7:33 p.m.

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

There was approximately 1 audience member.

Chairman Rogan stated let me first state that we are going to start the meeting without Tom McNulty, he will be here in a few moments. So I think that, if, unless anybody has any objection we'll start right with, I have to remember the name, Field and Forest is what I've been thinking of it as. What is on here as, it's not on here.

Board Member DiSalvo stated where is it, is it.

Rich Williams stated its under other business, a.

Chairman Rogan stated oh, no it says Green Chimneys Bond.

Board Member DiSalvo stated Green Chimneys Bond.

Board Member Montesano stated Green Chimneys Bond.

Chairman Rogan stated performance bonds, maybe its just a performance bond.

Rich Williams stated I had asked you to add it to the agenda, which I did.

Chairman Rogan stated yea, I have the old one, I'm sorry.

Board Member DiSalvo stated I have an old one too.

Chairman Rogan stated you're okay, you right.

Rich Williams stated now I need another agenda.

Board Member Montesano stated I think we all do, because I still have Green Chimneys and its bond.

Chairman Rogan stated I don't mind starting this discussion without Tom because he hasn't been involved in this process at all and probably wouldn't know the first thing about it. Are we okay?

The Secretary stated you're fine, I just wanted to make sure the volume is up.

Chairman Rogan stated okay.

Tim Curtiss stated we're on.

The Secretary stated yea, we're on.

Tim Curtiss stated I have to move my legs.

Board Member DiSalvo stated have another one.

Chairman Rogan stated you want to take that one back.

Rich Williams stated well it's easier than starting the computer back up.

Board Member Montesano stated copy that.

9) OTHER BUSINESS

a. Field & Forest – Letter of Credit

Mr. Jay Hogan and Mr. Joseph Reilly were present.

Chairman Rogan stated so gentlemen as I understand it, you are in to try to get your, you want to get wrapped up and get your C of O and I know that timing is of the essence. You've got some issues with the bank that need to be resolved...

Mr. Hogan stated yea.

Chairman Rogan stated and...go ahead, I'm sorry.

Mr. Hogan stated yea, we are around, we are in a situation where we have finished construction on the last building, we pretty much satisfied almost everything that we were supposed to satisfy in our obligation to the site plan. There were conditions that we couldn't satisfy due to the in climate conditions.

Chairman Rogan stated understood.

Mr. Hogan stated we've got grass and plantings and some work in an infiltrator that we can't do until the weather turns. We have a letter of credit written on, Mahopac National Bank, that balance left on that, we got it reduced, it was over eight hundred grand at one point in time, we've gotten it reduced once to two hundred and six thousand. Our estimate is that we've got about twenty-five thousand dollars worth work left to do...

Chairman Rogan stated okay.

Mr. Hogan stated there was some concern expressed that the Town would not be interested in stepping in and finishing our project if we decided to hit the road on Mahopac National Bank. I just wanted to express to the Board a distinction between bonds and letters of credit. The letter of credit is a negotiable instrument that if the Town of Patterson decides that at some point in time they aren't satisfied with the timing of what we are supposed to be doing out there, in other words delays and those sorts of things. All the Town has to do is notify the Bank that they are calling, how are you...

Board Member McNulty stated good to see you.

Mr. Hogan stated good to see you, they are calling a negotiable instrument and then what happens is the Town sits on the money, the Bank goes to a contract, has a contractor give it a price, goes out and finishes the job, ask the Town to come out and give an inspection, then Town inspects, once the Town approves the work that was supposed to have been done under the site plan approval, the letter of credit gets released to the Bank and the Bank goes after the developer. So the Town on site plans with letters of credit, private property issues, its not really an issue that the Town has to be concerned with and I think that was the biggest issue that I thought, whether there was going to be enough security to cover what we had to do on the job out there. I would expect the work to be done by the end of May, anything that has to be done would be ready for inspection, am I right, the end of April, some time in May, we'll be ready to have our letter of credit released.

Chairman Rogan stated Tom, I'm sorry that we started without you because this application, this is a bond reduction issue for a project that you know...

Board Member McNulty stated that's fine, is before my time.

Chairman Rogan stated absolutely and so we figured we'd jump right in...

Board Member McNulty stated sorry I'm late.

Chairman Rogan stated that's quite all right and so what we are looking to do here is have a discussion about a C of O issuance. There is a little bit of work that has to still be done but its not appropriate to do it this time of year, like some landscaping and some stormwater work. It sounds like you are confident that you will have this work this done some time in May.

Mr. Hogan stated oh, there is no question but one of the problems we have is that we've got 30 units occupied in there and we've got 12 that have been completed and they are ready for occupancy and I don't know, they've been completed since February 1, anyway, at least February 1.

Mr. Reilly stated yea, we had our inspection the last week of January.

Mr. Hogan stated so it's been approved by everybody.

Chairman Rogan stated okay.

Mr. Hogan stated so we are just, its just a matter of the Town being satisfied with the work that's been done out there...

Chairman Rogan stated right.

Mr. Hogan stated we've got 12 units that we can't collect rent on until we get that C of O, we've got, I don't know I think our nut is probably twenty something a thousand a month, we are paying over there to keep the place running...

Chairman Rogan stated okay.

Mr. Hogan stated and if we go and wait until there are some changes in the law, down the road we are going to be sixty grand behind the eight ball and we'll have the Bank pretty mad at us.

Chairman Rogan stated well let me throw something out to you...

Mr. Hogan stated sure.

Chairman Rogan stated and to Members of the Board, what if we agree that you know, you've done your due diligence in completing the improvements that are within your means at this time and set a date of June 24th, which is the date of our work session in June, before the July meeting, to say that by that time you would need to have the as built dimensions prepared, which is something we spoke about in the past because I know there was a concern about the elevations of the building possibly being changed.

Mr. Hogan stated can Terri do an as built by then.

Mr. Reilly stated we have an as built plan.

Chairman Rogan stated showing all of the, well you don't have the as built showing the stormwater ponds finished because they haven't been finished...

Mr. Reilly stated right.

Chairman Rogan stated that would show those, the plantings that still have to be done, so you have them prepared an as built showing all of the improvements that were contemplated and improved, any changes...

Rich Williams stated can I just jump in here real quick.

Chairman Rogan stated sure.

Rich Williams stated I agree with the as built, to have Terri do an as built showing all the landscaping, that is a pretty huge level of effort...

Chairman Rogan stated that is not normally on there.

Rich Williams stated yea...

Chairman Rogan stated okay...

Rich Williams stated I can certainly certify that the landscaping has been done, it's a little confusing what we even need to do for landscaping out here right now, there is going to have to be some discussion on that...

Chairman Rogan stated okay.

Rich Williams stated so I don't know that you want to show the landscaping on an as built.

Chairman Rogan stated all right, well let's show on the as built whatever is normally required to be shown as part of the as built submission.

Mr. Reilly stated well what would be left would be the final pond...

Chairman Rogan stated okay.

Mr. Reilly stated the pond.

Rich Williams stated Joe, what do you have on the as built now.

Mr. Reilly stated we have all the drainage, the buildings...

Rich Williams stated spot elevations in the parking lot.

Mr. Reilly stated I believe we do...

Rich Williams stated okay.

Mr. Reilly stated I would have to look that your asking but I believe so because she picked up everything, I mean all the catch basins are laid out, so I mean there are elevations on all the parking right there. In talking with the DEP they are okay with everything, the way everything is now...

Chairman Rogan stated okay.

Rich Williams stated you're not going to do much more than that with a typical as built.

Chairman Rogan stated okay.

Mr. Hogan stated so the as built isn't going to be a huge issue to deal with, we just have to have her do the basins.

Mr. Reilly stated the as built is done when we do our final, our work in the basin, she'll just come out.

Chairman Rogan stated procedurally with the C of O, I don't recall, if we do a motion to accept the work that's been done as being sufficient, for the issuance of a C of O.

Rich Williams stated this is where it gets a little tricky, Tim, jump in whenever you want, our Code basically says you know all the improvements have to be complete...

Chairman Rogan stated right.

Rich Williams stated and the Town Engineer certifies that to the Planning Board who acknowledges that and sends it over to the Building Inspector. The reality is that you can't do that because they haven't been complete. So the best you can do is send a recommendation over to the Town Board tomorrow night and we can, if that is what you want to do, we can craft it for the Town Board with whatever requirements or conditions that everybody agrees on. The Town Board as a legislative body has the ability to vary the Code at time...

Tim Curtiss stated or issue a temporary C.O.

Board Member McNulty stated that is what I was going to say, temporary C.O...

Tim Curtiss stated just give them a temporary C.O. for the four months or five months, however long you think its going to take you to do the improvements with the understanding that you know, you'll come back certify that the improvements are done. We'll give you the permanent C.O. and you're done.

Mr. Hogan stated yea, we want, you know I work in the Mahopac National Bank building, that's where my office is, I see these guys everyday I want to get the letter of credit released, how is the building going, how is it going over there, it's constant but I want to get that letter released. We'll get that work done as fast as we can. It just that we have to get the place rented, we have leases but we can't let anybody go in...

Chairman Rogan stated yea.

Tim Curtiss stated this will help, sure.

Chairman Rogan stated any thoughts from anyone.

Board Member Cook stated so what is it that we recommend, that the Town...

Tim Curtiss stated what you are going to do is you're going to recommend that the Town Board issue a temporary C. O. for a specified time, four months, five months. Whatever gets us to the end of June or the end of July with the following conditions.

Board Member McNulty stated isn't that up to the Building Department to do that.

Board Member Montesano stated we can (inaudible).

Board Member DiSalvo stated they can overrule.

Rich Williams stated can I just jump in here, we don't have a provision in our code for a temporary C.O.

Tim Curtiss stated temporary C.O. for commercial.

Rich Williams stated so why don't you just issue the C.O. and acknowledge that we are holding a letter of credit for this duration and the improvements have to be complete.

Tim Curtiss stated okay.

Mr. Hogan stated okay.

Rich Williams stated rather then, because then we are getting into this, we don't have anything in our code...

Tim Curtiss stated right, for a temporary C.O., they can just issue the permanent, subject to the following conditions...

Rich Williams stated the permanent C.O., right.

Tim Curtiss stated you guys understand that the conditions aren't met by July 1st or July 30th, whatever it is, the Town has the right to revoke the C.O...

Mr. Hogan stated that would be awesome.

Chairman Rogan stated Tom, I think you had a question, did you ask...

Board Member McNulty stated they just clarified it.

Mr. Reilly stated I believe we have a letter from the Town Engineer confirming the bond or that...

Mr. Hogan stated its not a bond, it's a letter of credit, let's stop that.

Rich Williams stated we call it a performance bond, whether its, it's performance security whether it's a bond or a letter of credit cash bond...

Chairman Rogan stated and that was for two hundred and six thousand...

Rich Williams stated we term them all the same Jay, usually but...

Chairman Rogan stated that was the amount...

Mr. Reilly stated we have that, we have a letter, I also had Nick write a letter in case it came in hand that he was all set on his end with all the paperwork...

Board Member DiSalvo stated submit in writing...

Chairman Rogan stated okay, so the recommendation is to the Town Board is that the Planning Board agrees with issuance of a C.O. with the conditions that the sediment basins, the stormwater basins be completed and all other requirements from the approved plans by June 24th...

Rich Williams stated with the as-builts.

Chairman Rogan stated including the submission of the as-builts.

Tim Curtiss stated you may want like June 1st for the improvements and June 24th for your as-built.

Rich Williams stated you don't really have to set a date for the improvements...

Tim Curtiss stated as long as they get an as-built in by June 24th.

Chairman Rogan stated okay, so an as-built to be submitted by June 24, 2010 acknowledging that the Town is holding a letter of credit in the amount of two hundred and six thousand dollars on this project to ensure completion, so moved.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Mr. Hogan stated you guys are awesome, thanks so much for working with us.

Chairman Rogan stated thanks for coming out in this weather and...

Mr. Hogan stated are you crazy...

Chairman Rogan stated Joe, we did make you a promise that if you needed anything come to us early and so we wanted to make sure that we acknowledge that and...

Mr. Reilly stated I appreciate it.

Board Member Montesano stated I'm glad you're here before Thursday.

Mr. Hogan stated thanks again, good to see you guys.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated yea.

Board Member Montesano stated all right.

Chairman Rogan stated okay and before we jump into the agenda, we had asked Tim to be here in reference to...

Tim Curtiss stated Meadowbrook and the clubs.

Chairman Rogan stated so why don't we jump into those because...

Tim Curtiss stated Meadowbrook is the easier one, so I will jump into that one first.

Chairman Rogan stated okay, great.

8) MEADOWBROOK FARMS – Discussion

Tim Curtiss stated we have a decision from the Supreme Court basically saying that the easements that were granted originally to by the developer, control the sedimentation ponds at that point in time. Unfortunately the decision is poorly crafted because you know we really didn't have a dog in the fight, we basically said that we don't know what the law is, you have to give us some direction at this point in time. There were some scheduling problems and that is why they did that with the Board and basically said we don't know why we are doing this again but yet they have the right to use these ponds. What they said in there which is subject to the interpretation is the Planning Board shall give them a final approval, now if you read the decision means that they are entitled to come back and issue them a final approval if they have met all the criteria. They initially said to me that that means we walk in and you stamp the plans, I said no, no, no, that is not the way it works. I know you're through the public hearing, I don't know if you reached all the level of technical detail that you need to in terms of the sedimentation pond that I have to talk with Rich. Rich confirmed that yes they are through the Planning Board public hearing part but there are some technical details that they have to come in. When last I spoke with Eric Sauter, he said yes we are going to come back in, we are going to comply with whatever we need to with the Planning Board, move through the process and go from there. I said to him, because first they were kind of balking at it, I said well you know the real hammer that we have is if we file a notice of appeal, it's an automatic stay, which means you don't do anything until that appeal is heard which means we don't prefect for six months, we don't get a decision for a year, I don't want to do that, we have a 30 day window, you have to give me a consent or a stipulation that you are willing to come back in and comply with whatever the additional requests are. He [Eric Sauter] said fine, he said can you give me a list of basically what those requirements are, I said I am meeting with the Planning Board tonight, I am sure that Rich and you can give me a list of what they have to accomplish, he said as long as I know what we have to accomplish, I have no problem convincing my client to do that. So that is where is that is, so if you guys can give me a list of what technical detail is left for them to do, I will include that in the stipulations say look, these are the requirements you have to make, if you meet these requirements, the Planning Board will consider you for the final approval...

Chairman Rogan stated okay...

Tim Curtiss stated whatever site plan approval you have to do.

Chairman Rogan stated Tom, for background Meadowbrook Farms, this is a second phase of a condo complex, they are town houses aren't they.

The Secretary stated no, single-family homes.

Rich Williams stated they are individual single-family houses...

Tim Curtiss stated single-family houses.

Board Member McNulty stated is this up off of [Route] 292.

Rich Williams stated yes.

Board Member McNulty stated are they cluster type housing...

Tim Curtiss stated they are attached, clusters...

Board Member McNulty stated what is it they want to expand...

Tim Curtiss stated their phase II was approved back in '88, '89, that they now want to come back in and basically develop, flip and give it to a builder.

Chairman Rogan stated and one of the issues that came up, that came to the Planning Board's attention was that there was difference of opinions between the Homeowners' Association and the owner of the or the applicant for the phase II whether or not they had the right to use the property, the common property as it were that they were proposing for things like stormwater basins. The Homeowners' Association indicated that you needed majority approval to be able to construct improvements on the property and of course the applicant is saying that they didn't need that that they had the ultimate right to do that so...

Tim Curtiss stated that created these permanent easements that...

Board Member McNulty stated does it go back to the original approval.

Tim Curtiss stated yes and also the original offering plan, they created these easements in their original offering plan, basically saying that they could come back in for phase 2 and do whatever work is necessary for common improvements. That issue became contested between the Homeowner's and the applicant, the Planning Board took the position look, we are not involved in this fight, you guys have to settle this...

Board Member McNulty stated between the Homeowner's (inaudible)...

Tim Curtiss stated between the Homeowner's and the application.

Board Member McNulty stated what about a second turn over, somebody that didn't buy in the original offering plan, how does that work.

Tim Curtiss stated well we haven't gotten to that issue yet, that may be coming down the line, what we said to them is go back and get this straightened out, you're either going to have to sue in the Supreme Court and have it judicial ruling as to whether to can use the easements or you're going to have to make a deal with the Homeowner's...

Rich Williams stated if I could just jump in here though....

Tim Curtiss stated sure.

Rich Williams stated the real issue about whether they have the right or don't have the right, still has not been decided by this decision.

Chairman Rogan stated correct.

Board Member DiSalvo stated right.

Tim Curtiss stated there is another fly ointment out here...

Rich Williams stated the decision was...

Tim Curtiss stated I'm going to get to that...

Rich Williams stated okay.

Tim Curtiss stated I haven't gotten to that yet. So they sued us, basically saying that we have the right to do this and the Town is prohibiting us from doing this, we need a determination as to whether or not we can use these easements...

Board Member McNulty stated they, [being] the applicant.

Tim Curtiss stated the applicant sued the Town, the court came in and said look the applicant has presented us with easements saying that they have the right to do this, we think they do, go ahead and give them their approvals at this point in time because...

Board Member McNulty stated as the Town stands.

Tim Curtiss stated as the Town stands, however when they brought this lawsuit, they never included the Homeowners' Association. Now there is an issue, I don't know if it is going to be litigated or not, from the Homeowner's attorney, as to whether or not he was a necessary party to this litigation and whether or not the decision really binds him. So what he is trying to do just to give you the short version of it, he is trying to negotiate that they need some improvements to the common area, to their water plant, to their sewer treatment plant, they are trying to get the developer to contribute his fair share into those improvements. If they don't get that cooperation from him, they may sue again, they may ask for a stay, they may do something but it is really out of bailiwick at that point but that is still lingering out there, he called me last week and said that he is meeting with Homeowner's [Association] apparently this week, they are going to make a decision as to whether or not they want to bring an action to set aside the decision saying that they were a necessary party, they were never included in the litigation, so therefore they have a right to be reheard.

Board Member McNulty stated and this applicant is the original applicant that built...

Tim Curtiss stated yea, the original developer, Ginsburg, the original developer of the project was Ginsburg...

Board Member McNulty stated oh it was Ginsburg, okay, did they do well the first time around, did he do everything the way he was supposed to.

Tim Curtiss stated no.

Board Member DiSalvo stated no.

Chairman Rogan stated no.

Tim Curtiss stated he was rather...

Board Member Cook stated not according to the HOA.

Rich Williams stated and we had some issues with the road, they did the road improvements, we reduced the bond and then what happened is they didn't finish the road. The road is now deteriorated, so we don't currently hold a sufficient bond.

Board Member McNulty stated can that weigh in our decision...

Rich Williams stated yes.

Tim Curtiss stated basically they, when they initially came in and said to us whatever you need in terms of road improvements we are willing to do. We'll talk to the Homeowner's but we are not going to agree to do anything, we may give them a little bit of money but...

Board Member McNulty stated let them fight it out still.

Tim Curtiss stated they have to still fight it out.

Board Member DiSalvo stated how many more houses was this phase going to be adding, like 30.

Rich Williams stated off the top of my head I don't know.

Tim Curtiss stated I think it was around 30, 30 more.

Chairman Rogan stated yea.

Rich Williams stated the total project was 41.

Tim Curtiss stated yea.

Board Member Cook stated how long does the HOA have to file an appeal.

Tim Curtiss stated 30 days.

Board Cook stated 30, it is 30.

Board Member McNulty stated are they beyond that limit yet.

Tim Curtiss stated no, not yet.

Board Member Cook stated 30 days from the issuance of the decision.

Tim Curtiss stated decision and its entry and service upon them, they may not have been served, so that 30 days may not have run yet, technically your 30 days doesn't start until your adversary serves you with a copy of the decision with notice of entry. I don't know whether they've picked up on the fact that they've, they served me but I'm not sure they've served them, so their 30 days may not have even started yet, that is one of the issues I think they have.

Board Member Cook stated well if you go by the applicant's letter, right, they are saying, not the applicant, the HOA, they have everything...

Tim Curtiss stated right.

Board Member Cook stated the fact that they have a copy doesn't mean that they were served with it.

Tim Curtiss stated correct, it doesn't mean that they were served by their adversary, the fact that they got it from the Court, that doesn't start the time. It's when you get served by your adversary with notice of entry, that is what starts your time because then you are officially on notice.

Board Member Cook stated oh he says, you have provided me with a copy of the courts decision.

Tim Curtiss stated well yea but that doesn't mean, necessarily means that he served them, he could have just them a copy or faxed them a copy, that doesn't do it, that doesn't trigger your time.

Board Member Cook stated proof of serving...

Tim Curtiss stated service, an affidavit of service that I served you on January 23rd or February 23rd, with the decision that starts the 30 day clock.

Chairman Rogan stated so Tim, regardless of what the Homeowners' Association decides to do because we don't have any control over that...

Tim Curtiss stated you don't have control over that.

Chairman Rogan stated you're recommendation to the Town is to appeal...

Tim Curtiss stated no, my recommendation...

Chairman Rogan stated okay because originally that is what it sounded like.

Tim Curtiss stated my recommendation was if they enter into a stipulation in which they agree to come in and comply with whatever the technical requirements are that are left, we are not going to appeal.

Chairman Rogan stated in essence that basically puts us back to where we were in the review, minus...

Tim Curtiss stated correct.

Chairman Rogan stated the idea of there being some problem with...

Tim Curtiss stated even if they refuse to stipulate I would file the notice, I have no intention of recommending the Town Board perfect an appeal, its way too expensive, its way to (inaudible) just putting that notice of appeal in place, is one sheet of paper, is going to save them from ever, its really going to give me the leverage I need to get to negotiation. I don't think its going to come to that but we'll see.

Board Member McNulty stated does this type of cluster housing fit into the current zoning or because he's approved, he's grandfathered in.

Tim Curtiss stated he was grandfathered, it was eventually approved originally as a two phase project, so it was already approved, I would assume with a (inaudible).

Rich Williams stated the subdivision has been filed, the only thing that is before this Board right now really is a wetlands/watercourse application...

Tim Curtiss stated right.

Rich Williams stated because under current regulations, they had this much area, current regulations they are required to have...

Tim Curtiss stated double the size of the retention ponds.

Board Member McNulty stated my next question is how does that work with septic and everything because I know that has all changed.

Rich Williams stated well...

Tim Curtiss stated they will have to meet the Health Department regs, whatever they are for, they have a sewage treatment plant out there don't they...

Rich Williams stated they have a subsurface sewage treatment system but again similar to the stormwater ponds, they've had to significantly increase the number of fields.

Board Member McNulty stated so that goes back to the Department of Health.

Tim Curtiss stated yea, that goes back to the Department of Health...

Board Member McNulty stated so they will limit how much they can build in this phase.

Tim Curtiss stated they may cut down the size of the units if they can't get the septic that they need out there, they may.

Rich Williams stated and all of this is being done on the common area, that land that's been transferred to the HOA.

Board Member DiSalvo stated which was supposed to be like open space and...

Tim Curtiss stated that is part of the problem. If they need some of that common area to put these fields and they had created these easements where they originally did the offering plans for the units and the issue was. We, I had sent out a request to a title company just to look over their paperwork and to say whether they really had those easements and they came back to us early on and said yea they have the sufficient rights to do this.

Board Member McNulty stated and my question is if they are secondary homeowners they weren't part of the original offering plan.

Tim Curtiss stated yea, that may be an issue that gets raised by the homeowners, you know, technically they bought, according to the title company, they bought subject to all of these easements so they would

have been put on at least constructive notice, if not actual notice if these were replaced, I mean that is the argument.

Chairman Rogan stated Tim, the easements don't follow with the land...

Board Member McNulty stated well if they were written into the title search, if they are not in the title search it...

Tim Curtiss stated no, they are in the title search, they are in the offering plan, they are in the title search, if you search this property you're going to find all those easements (inaudible).

Board Member McNulty stated a secondary person that purchased, if the title company never picked up on that and didn't add the easements into the new owner's policy...

Tim Curtiss stated then they are going to have issue with the title company.

Board Member McNulty stated the title company.

Tim Curtiss stated they'll have a nice [law] suit with the title company; maybe they'll get some money.

Chairman Rogan stated so effectively this puts the ball back in our court to continue our review...

Tim Curtiss stated yes.

Chairman Rogan stated and they are just looking for okay, remind us of where we left off...

Tim Curtiss stated yea, that is what they want, where we were when we left off...

Chairman Rogan stated what are our main issues, yea, sure.

Tim Curtiss stated and then I said to them, what you can do is come into the March work session because they weren't able to do it tonight, let's get everybody to speed and go from there. So if you guys can give me a list of what you need and (inaudible).

Chairman Rogan stated well we can also pull some of the most recent memos that we had before this left our...

Board Member DiSalvo stated (inaudible).

Tim Curtiss stated purview, yea.

Chairman Rogan stated and minus the issues surrounding control of the easement, you know...

Tim Curtiss stated you have to do your stormwater ponds...

Rich Williams stated depending on what happens tomorrow night, I certainly you know, can pull together a list of where we were, what the outstanding issues are but here is the fly in the ointment, the last time this was reviewed, I believe it was reviewed by Stantec.

Tim Curtiss stated oh okay.

Rich Williams stated its been that long.

Tim Curtiss stated yea it probably has been.

Rich Williams stated so Andrew has never looked at this.

Chairman Rogan stated okay.

Tim Curtiss stated okay.

Chairman Rogan stated but...

Tim Curtiss stated I mean we can put that, I can put that...

Chairman Rogan stated past practice is they follow through with what the other, when plans were significantly reviewed, they weren't looking to alter or change the layout, they were looking to just confirm that they were done according to the Town codes.

Rich Williams stated correct but they do have a different perspective on a lot of stormwater improvements that Stantec didn't have, there may be concerns...what I am trying to get at is they may have concerns that have not yet been identified and given the time and the fact that they've never seen this project and they don't have plans, might not be able to do it in two weeks...

Tim Curtiss stated well I think they, that's true, what we will have to do then is tell Ginsburg outfit, JGZ whatever they are, that we do have a new Town Engineer, that they are currently reviewing the plans, this is where we left back in May of 09, they are reviewing it now, they are going to give us an updated list if anything is going to change, be aware that they may but we don't anticipate any radical changes from what is occurring.

Chairman Rogan stated that seems reasonable.

Rich Williams stated its fine, as long as they are on notice.

Board Member McNulty stated back up a second, you said the court did rule in Ginsburg's favor that the easements are accurate...

Tim Curtiss stated easements are already in place they have a right to do that in order to finalize their phase II.

Rich Williams stated I do want to say though that was probably one of the screwiest decisions I have ever read...

Tim Curtiss stated yea...

Rich Williams stated the fact that you say that they said that...

Tim Curtiss stated its an Amelia decision, that is kind an inside joke, Judge O'Rourke has a law secretary, lovely lady, didn't really know municipal law at all, land use or whatever but thank god because they made more money on appeals with this lady than you could even imagine in the Town of Kent, not here, in the Town of Kent. We went round and round with her with Kent Manor but we finally got it straightened out. She does one of these decisions, you said x, you said y, we think its y, doesn't give you any reasons in there as to why she thinks it y, just gives you one of those decisions and basically what she said was you know the Town says this, the applicant says that, we rule for the applicant because they have these easements. One of those things but as I said, we really didn't have a dog in the fight because we were just trying to get a clarification from the court do they have these easements, they do and so, as I said, they still haven't bound the HOA, so we may have another episode before this all over but...

Board Member DiSalvo stated we had some concerns about the additional phase over there, that one of the, talking about maybe making one of the roads wider so a truck could go through, a snow plow, there was some concern with the size of the roadway now...

Chairman Rogan stated they are going to be offered to the Town.

Tim Curtiss stated yes, there was some emergency vehicle road access because they have these loop roads that go off, yea, there was some talk, I was here, I don't know why but I was here last spring when you were talking about it...

Chairman Rogan stated you brought Carl in...

Tim Curtiss stated emergency access areas weren't quite wide enough, you wanted to be able to get a plow and stuff like that...

Board Member DiSalvo stated yea.

Board Member Montesano stated there was another road that was supposed to be a connection to the property next door...

Tim Curtiss stated well that, remember that got changed because the neighbors came in and they were all jumping up and down saying you put an emergency gate in there but there was no connection because there...

Board Member Montesano stated yea.

Rich Williams stated there still has to be a connection going through there, I mean that was...

Tim Curtiss stated I thought it was in, I thought it was an emergency access and they just put like a stone...

Rich Williams stated there is still a section they still have to approve, the issue...

Board Member DiSalvo stated so they can still voice concerns.

Rich Williams stated I recall before the Board, right now we are only slated to take Meadowbrook Lane, going in which will then be changed Sonnet Lane...

Tim Curtiss stated okay.

Rich Williams stated this Merle Lane which was not supposed to be offered for dedication even though its 24 feet wide and 50 wide right of way, then there are those parking areas and loop roads which are only 18 feet wide and the Board felt that those should be upgraded so that they should also be accepted as Town roads. That is somewhat of a difficult challenge because that is going to require Ginsburg working with the property owners to further subdivide those lots out...

Chairman Rogan stated that is going to be a tough one.

Tim Curtiss stated that is going to be tough, that one we may have to call on (inaudible), I don't know. Propose it, you know see.

Chairman Rogan stated in fairness though, that would improve the conditions for the Homeowners' so...

Tim Curtiss stated well yea and it would take the burden of supporting those roads from them.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated and they were some of the people complaining about snow removal in those areas and how difficult it was. So you know, you have to meet us halfway here or something.

Tim Curtiss stated they may be willing to do that because if the Town takes over those loop roads maintenance of them.

Chairman Rogan stated right.

Rich Williams stated I'm thinking the one who is going say why am I spending the money to do this is Ginsburg...

Chairman Rogan stated Ginsburg, right.

Board Member DiSalvo stated yea.

Tim Curtiss stated well, okay, it may be a lot more than it is...it might be more than (inaudible) if you do have to subdivide (inaudible).

Board Member DiSalvo stated to be a town road...

Tim Curtiss stated give them an easement...

Rich Williams stated you're going to take a road, a town dedicated road by easement.

Tim Curtiss stated a loop road, I don't know, we'll see, okay. That is where we are with Meadowbrook.

Chairman Rogan stated okay.

Board Member McNulty stated what item was the first, when Jay Hogan was here.

Chairman Rogan stated 9 a, Field and Forest.

Board Member DiSalvo stated it was down there.

Board Member McNulty stated Green Chimneys bond.

Chairman Rogan stated then we went to number 8.

Board Member Montesano stated we don't have Green Chimneys...

Chairman Rogan stated we jump around a little bit on work sessions.

Board Member Montesano stated we still have Green Chimneys.

Chairman Rogan stated and then Tim, the other item...

Board Member Montesano stated I don't know which one you got.

Tim Curtiss stated you want to do clubs.

Chairman Rogan stated sure.

Tim Curtiss stated clubs is going to be...

Board Member Montesano stated we had Green Chimneys, excuse me.

Tim Curtiss stated okay.

Board Member Montesano stated and they put on one...

Rich Williams stated we have to add one.

Board Member Montesano stated they had to add one which we didn't get yet.

Board Member McNulty stated oh okay, all right.

9) OTHER BUSINESS

c. Clubs

Tim Curtiss stated clubs is going to be the interesting one, I started looking at this and it gets a little more involved. I gave you a couple of memos, the first memo I gave you talked about what action the Town Board took at their January 8th or 10th meeting in which they gave really two different directions, they told the applicant he could go through the process and they kind of sent him to the Zoning Board for interpretation and they told you guys that they are going to refer over to you this new legislation and they wanted you to report back to them as to whether you liked it, disliked it, changes, whatever (inaudible). We then talked about it at the last meeting because you were looking for me, for some guidance as to what was the Town Board looking for, I don't know but I gave you a couple of different angles, when I looked it, after I sent that over on Friday, I kind of looked at it over the weekend and it gets a little more involved

than what I did. What I gave you was really three different standards of conditions that you can put on the special permit use, one is the existing one which is you measure all of the negative impacts at the property line which noise, pollution, dust. The other is a little bit stepped up where you say if the special permit use lowers adjacent property values or lowers values in the surrounding area, that is a factor to be considered and the third is the most aggressive, which says if it creates a public or private nuisance or the factors that would be considered a public or private nuisance you can use that to factor in the determination. However, go ahead, you want to say something...

Rich Williams stated I just wanted to, that is what Kim send over, okay.

Tim Curtiss stated under pinning all this which is what I didn't give you is, we can't just pull this stuff out of the air, we have to justify it by your goals in your Master Plan and that I didn't have but we really have to start at the beginning, look at the Master Plan, look at the goals that were set forth in that Master Plan and then you have to tie this to the goals in your Master Plan because as you get more aggressive in the way you want to regulate you have to have objective criteria and you have to have a rational basis to this whole thing which is why it has to be underpinned by your Master Plan. So my suggestion was, I don't know if all of you want to do it or two of you want to do it, just as a kind of a little research thing we sit down in the next week or two, pull out the Master Plan, summarize what the goals were in the Master Plan because this is going to be a very, I'm assuming we're talking about Winding Glades but this is going to be a very oddball type of thing. You have a very aggressive use in a commercial area, its not going into a residential area and the courts look at that differently because you've already zoned it commercial, which is a less restrictive use than residential. That being the case, the impacts that it is going to create are going to be on basically commercial neighbors, not residential neighbors which means the threshold may be a little bit lower, I don't know. Do they come up against residential side, you're shaking your head yes, no, so they come against, well that is going to be an impact then, if they are coming up against...

Rich Williams stated on two sides.

Tim Curtiss stated if they are coming up against residential neighbors, that may heighten the threshold that you look at that point but these are some of the criteria that the Town Board needs to be advised of and the Zoning Board as to why we are doing this what criteria we want. It appears that Richie's idea that this should really be a special permit type of use fits with overall zoning because the special permit is really set up to do the oddball types of variances, its not a use, you're not going to get 15 racetracks or 15 uses like this in a zone, so it gives you A some flexibility to allow these in, if it is an interest that the Town wants to have come in but yet it lets you regulate them as to what factors you will consider and what factors you won't. There are generally in the limiting conditions of a special permit, there are really four areas that you can look to and I'll give this to you in a memo, I didn't have a chance to do it today but tendency to generate excessive traffic is one factor, potential for a large group of persons, noise whatever to be attracted, such as, you know a zoo or something like that and how you are going to handle that, the detrimental on values of surrounding properties and the fourth is the extraordinary potential for accidents or dangers, such as a racetrack where you have speeding cars and you know you are protecting a public safety type interest at that point. So those are really the four areas you can look to as areas you can regulate on the special permit, the factors that you can use to consider it but it is going to be a little bit more involved than when I first looked at it because we are going to have to start with the Master Plan and as you guys decide how you want to regulate this and how aggressive you want to be in these limiting conditions, we are going to have to set out objective criteria and tie those criteria into the goals that were set out in the Master Plan.

Chairman Rogan stated would, let me just throw this out, Charlie would you and Mike, would you two be willing to, I'm thinking in terms of availability of coming into the office during the day, would you guys be willing to kind of work together on a review of the Master Plan and be able to meet with Tim as his convenience...

Board Member DiSalvo stated ten year old Master Plan.

Tim Curtiss stated and I'll meet you here.

Chairman Rogan stated I mean I want to look at it, I'm planning on looking at it as well, its been awhile since I've looked at it...

Board Member Cook stated yes.

Tim Curtiss stated it's been awhile since I looked at it too, I couldn't really remember all the goals that were set forth but I know Richie would know off the top of his head.

Chairman Rogan stated I was thinking in terms of you as Vice Chairman and Mike being senior member of the Board, also with a lot of experience in this over the years, being able to...

Tim Curtiss stated you were here before the last Master Plan.

Chairman Rogan stated Mike, you should be able to...

Board Member McNulty stated he was here before there was a Master Plan.

Chairman Rogan stated Mike you kind of are the...

Board Member Montesano stated let me put it this way, I can remember when we were going to have the horse track.

Tim Curtiss stated that's right, that's right, yea.

Chairman Rogan stated there you go but I agree with what you said and what I think your referring to what Rich has said that I'm not so concerned with what we call this application but that we, I like the idea of a special use permit as a way of reviewing these kind of (inaudible) and saying what are the impacts and at the end of the day you either pass the test or you don't pass the test and that decides whether or not you can give approval.

Board Member McNulty stated or a special use permit with guidelines.

Tim Curtiss stated yea, you can put more conditions on it too.

Chairman Rogan stated absolutely.

Board Member Cook stated so the review of the Master Plan is a tie in with the proposed changes to the code.

Tim Curtiss stated correct.

Board Member McNulty stated for clubs.

Tim Curtiss stated because that is the underpinning, that is the justification for these changes, these were the goals that we set up in the Master Plan, these changes accomplish those goals, that is really what you, that is how you have to tie the whole thing together.

Chairman Rogan stated that is a great way of looking at it.

Tim Curtiss stated because if you don't, the court is going to say how did you come to this standard and how did you use that and why did you use this, are you just trying to punish this applicant as opposed to another applicant that you might like who is putting in a golf course.

Chairman Rogan stated right.

Board Member McNulty stated (inaudible).

Tim Curtiss stated and you would have to go back and say wait a minute, the legislative authority is in our Master Plan and that is what the Town Board said they wanted to accomplish in this Town and these, this is how we are accomplishing those goals with these regulations, you know, other wise it looks like we are picking on them and you have justify and have some kind of rational basis for what you're doing at that point. So yea, that is why I was just going to suggest, if you have one or two members, we don't want to get into the public meetings law, notice and everything, everybody is willing to come in and we'll certainly dictate a memo and where we are going with this thing because we are going to need your input ultimately but at least I think if we set forth with the Board what the goals were in the Master Plan and what conditions we are looking at that would fulfill those goals and the other thing that is kind of the elephant in the room is we have to update the Master Plan, you know, its ten years out.

Rich Williams stated what is going on with this, everybody is all of a sudden jumped on the Master Plan...

Tim Curtiss stated ten years is kind of the trigger date.

Rich Williams stated have you been talking to Kevin.

Tim Curtiss stated no, I haven't talked to anybody...

Board Member Montesano stated every time there is a census, you're supposed to update the Master Plan.

Tim Curtiss stated yea, really it's a ten year clock, every time you get that, I didn't realize it but we are at that ten year clock.

Rich Williams stated no I understand that but you know I've been because of the Courthouse, because of other things going on...

Tim Curtiss stated yea.

Rich Williams stated the MS-4 program, I have been reluctant to really jump into this, I have been doing some of the things that I need to do to get ready for this but really as I've told Shawn and I've told Kevin, it

really needs to start with a demographic analysis and we are not going to have that data until the census is done in 2011.

Tim Curtiss stated that is really what triggers it, is your census data, that is really the time that you should do it and you know, we are doing one over in Kent, they've done a Master Plan but they are actually doing a Recreation Master Plan so that they can identify what the recreation needs are and try to plan that out which is really something that you guys have to consider too because you've got the Rec Center, you've got some fields, they are utilized tremendously right now but you really, if they are going to do it, they really should take a look at where they are going down the road.

Board Member Cook stated the community that I lived in prior to here, when they did their last review, to my knowledge, the last review of the Master Plan, they took out recreation and had it done as a separate Master Plan.

Tim Curtiss stated yea because its got so many unique issues that you don't get into with the Planning and Zoning and stuff...

Board Member Cook stated exactly.

Tim Curtiss stated and it really identifies different needs to the community.

Board Member Cook stated and it was positive on both aspects...

Tim Curtiss stated yea.

Board Member Cook stated it helped get through the Master Plan and then it helped the recreation area move forward much quicker.

Tim Curtiss stated the reason I am smiling is they just did a survey over in Kent, you're going to love this, everybody took the, it was online, take the survey and the survey came back unanimously, people wanted a Rec Center, people wanted a community pool. When the question came up, what were you willing to pay for, nothing.

Board Member Montesano stated nothing.

Chairman Rogan stated of course.

Board Member Montesano stated didn't we go through that in this place.

Tim Curtiss stated but I mean you really identify, you really want it, if you don't want to pay for it, I guess you really don't want it, so don't spin your wheels trying to get the projects off the ground.

Board Member Cook stated the reverse too is that do you want to keep it.

Tim Curtiss stated you want to keep it...

Board Member Cook stated you want to keep the Town pool or do you want to keep the field...

Tim Curtiss stated you want to keep the fields going, yea (inaudible).

Board Member Cook stated you want less fields...

Rich Williams stated can I just interject something here I don't think you really can separate out recreation and open space out of your Master Plan, I think they are key components. What you are talking about though is a capital improvement program...

Tim Curtiss stated well yea, that's...

Rich Williams stated and you were talking about Kent...

Tim Curtiss stated they talked about that too, yea.

Rich Williams stated different from the comprehensive plan, you look at specific facilities, structured recreational activities...

Board Member Cook stated I'll get a copy of the plan for you.

Rich Williams stated I'd love it.

Tim Curtiss stated it is interesting when you see it broken out because it really does address different issues...

Board Member Montesano stated we had a chance at a Federal grant back in the early 70's to build a Town pool...

Tim Curtiss stated 76.

Board Member Montesano stated in what called the Town park but in fact is not a Town park...

Tim Curtiss stated it's a park district though.

Board Member Montesano stated it's a park district well anyway then at a particular meeting people were discussing it and suddenly they were told if you accept the federal grant...

Board Member DiSalvo stated anybody...

Board Member Montesano stated anybody can come through the door...

Tim Curtiss stated yea...

Board Member Montesano stated the minute that happened everybody just said thank you and close the books, the guys said wait a minute, don't you want, no.

Board Member McNulty stated anybody uses it now anyway.

Board Member DiSalvo stated getting back to the Master Plan, when we did that ten years ago, I remember we sent out little postcards to people and most of the people wanted larger lots, houses on larger lots, three and four and five acres, and I think that is part it...

Tim Curtiss stated it is...

Board Member DiSalvo stated but what happened was people didn't understand cluster zoning, so every time we have a subdivision people come in and say I thought those houses have to be on bigger lot. So this is what their vision was and nobody read the fine print, how are all these big subdivisions getting approved and we have to explain all that to them...

Tim Curtiss stated yea, I think one of your questions, you have to explain cluster zoning, do you want more open space with no development or do you want more of a cookie-cutter type of development.

Board Member Montesano stated and here we are in a situation today where it's not per se development but if you are going to go in there and disturb that property that I use for my kids to play ball in because it's full of water, is that part of what we originally asked for. This is why those fellows in the black robes, still have all the fun.

Tim Curtiss stated but that sounds like a work-able solution, I'll be happy to sit down, the first and third weeks of the month, are good for me, I'm really pretty open those, the second and the fourth I'm here with the Town and there are some other things going on at that point in time. I will check with Rich tomorrow, if you guys want to give him your dates, you know I can do it on a Thursday or a Friday, Monday, whatever, Tuesdays and Wednesdays I'm booked a little bit otherwise I'm pretty good, so I will be out (inaudible).

Board Member Cook stated Mike and I can talk about a schedule...

Chairman Rogan stated grab a copy each of the...

Board Member Cook stated and get a copy of the Master Plan...

Tim Curtiss stated I would like to get a copy too so I can take a look at it over the weekend.

Board Member Cook stated each read it separately, sit together and then call you in, I think would work.

Chairman Rogan stated then its going to be on the computer somewhere.

Rich Williams stated I have it on the computer someplace.

Tim Curtiss stated yea it will be on the computer, does anybody have any other questions about that.

Chairman Rogan stated I think that was a real good explanation.

Board Member Cook stated so you'll make this clear when you two gentlemen with the Town Board that this is the direction we are going in, tomorrow night.

Tim Curtiss stated yea, I'll be there tomorrow night, I know they have executive sessions going on, so I will be here for the duration, you won't be here for the duration...

Rich Williams stated they do.

Tim Curtiss stated yea, there is a bunch of stuff on, well I mean everybody on their agenda has an executive session so I am assuming that we have at least five of them.

Board Member Montesano stated you want me to bring the motor home in so you can just park it out here and just stay overnight.

Tim Curtiss stated absolutely, I'll bring my toothbrush, the pajamas and (inaudible).

Board Member DiSalvo stated get snowed in.

Board Member McNulty stated last month's meeting was cancelled, right.

Tim Curtiss stated yea I know, we didn't have anything in the last so have all that left over plus you have to do all the new stuff.

Board Member Montesano stated gee how lucky can you get.

Tim Curtiss stated I don't know.

Chairman Rogan stated so in the mean time with this specific application with Winding Glades, as you had stated, the Town Board directed that that application should continue through the appropriate Board's, they are in Zoning right now for an interpretation.

Tim Curtiss stated correct, they are in Zoning right now for an interpretation, I understand at the March meeting they are going to do that.

Chairman Rogan stated and they are using the definition of clubs that is currently on the books...

Board Member McNulty stated what would happen if...

Board Member DiSalvo stated are they still going to come to us, right.

Chairman Rogan stated they are in front of us but they are not, we've sent them to the Zoning Board so we are kind of waiting...

Tim Curtiss stated kind of staying before you until they get their interpretation and then they'll probably be back before...

Chairman Rogan stated right, so.

Tim Curtiss stated and then you'll have to use whatever is the existing ordinance at that time.

Board Member McNulty stated all right, so they would fall under the old club rules.

Chairman Rogan stated depending the interpretation.

Tim Curtiss stated it all depends on when they pass this stuff, if they pass it ahead of time, they don't have any vested rights at this point so it just depends on the time table here as to when this all comes together.

Board Member McNulty stated gotcha.

Tim Curtiss stated but you know, right now they are under the old code, at that point so, all right guys, I'll take off.

Chairman Rogan stated that's great, thank you.

Tim Curtiss stated you're welcome.

Chairman Rogan stated I hope the roads aren't wet bad out there, I was worried.

Tim Curtiss stated no, they were just wet when I came in, where I am it was starting to snow but we're on the top of Mooney Hill but down here it was fine.

Board Member DiSalvo stated there was an accident on Fair Street this afternoon, I had to go all the way around by the Camp, it was closed.

Board Member Montesano stated no jogging (inaudible).

Tim Curtiss stated that's true, that's true.

Board Member McNulty stated three hours...

Tim Curtiss stated Rich, I will talk to you tomorrow buddy.

Board Member DiSalvo stated take the train.

Board Member McNulty stated its just wet down there.

Board Member DiSalvo stated they didn't get anything down there.

Chairman Rogan stated okay, so, back to the beginning.

Board Member DiSalvo stated (inaudible).

1) CENTERLINE PROPERTIES – Sign Application

Chairman Rogan stated we have a sign application for Centerline Properties which looks pretty straight forward, nice sign actually.

Board Member DiSalvo stated now which building is this in Commerce.

Rich Williams stated Utz Chips...

Board Member DiSalvo stated who.

Rich Williams stated Utz Chips.

Board Member DiSalvo stated oh the chip place.

Chairman Rogan stated yup.

Board Member DiSalvo stated they don't have a sign there now, or its on the building, isn't it.

Rich Williams stated no, I don't think there is any sign there.

Board Member DiSalvo stated something is there that says Utz, maybe I'm looking at the trucks that are parked there.

Board Member Montesano stated all the trucks that are parked there, all 60 of them, all along Commerce Drive.

Board Member DiSalvo stated (inaudible).

Tim Curtiss stated take care everybody.

Chairman Rogan stated good night.

Board Member Montesano stated good night.

Chairman Rogan stated okay, I mean the sign looks pretty nice.

Board Member Montesano stated for an industrial park it looks beautiful.

Chairman Rogan stated and its only 12 square feet, its not overly large.

Board Member Montesano stated we got enough people to come in to hang up five spaces or is that going to be for one person.

Board Member DiSalvo stated my agenda disappeared.

Board Member McNulty stated is this sign lit.

Board Member Cook stated no.

Chairman Rogan stated no.

Board Member DiSalvo stated do you have another agenda...

Rich Williams stated you want me to make it for everybody.

Board Member DiSalvo stated I had it here...

Board Member Montesano stated we had to adjust it, it would make it easier, I had to write these in.

Board Member DiSalvo stated that was a different one, that's an old one.

Chairman Rogan stated oh yea.

Board Member DiSalvo stated we had to add, you have the right one.

Chairman Rogan stated he grabbed mine to make copies while we were, I think held on to one when we started our meeting.

Board Member Montesano stated we started, I think he's still, he made copies, one for you and one for (inaudible). Are they going to provide coffee and dinner and...

Board Member DiSalvo stated so, commercial building with tenants...

Chairman Rogan stated hold on, we have so many people talking.

Board Member DiSalvo stated is Utz the only tenant in that building.

Board Member Montesano stated yea, that's the only one that's in there right now.

Board Member DiSalvo stated do they have room to have five more tenants.

Board Member Montesano stated yes, what happens if Utz leaves and they cut the building up.

Board Member DiSalvo stated I don't know, I've never been in that building, is it big enough to handle more tenants, Utz. Why do they want so many slots for tenants.

Board Member Montesano stated that's a new one.

Board Member Cook stated you have it.

Board Member Montesano stated no.

Board Member Cook stated now you do.

Board Member Montesano stated oh okay, thank you.

Chairman Rogan stated Field and Forest, that was Jay.

Rich Williams stated yup.

Board Member McNulty stated where is that located.

Rich Williams stated across from Brewster Schools.

Board Member DiSalvo stated down that road.

Board Member McNulty stated oh the one we were looking out over when we climbed the mountain that day.

Rich Williams stated yea.

Board Member McNulty stated gotcha.

Chairman Rogan stated Field and Forest, sorry. Rich, Commerce Drive, this sign application, Maria was asking, do they have sufficient space in that building to chop it into five different tenants.

Rich Williams stated it depends on how small they allocate that space.

Chairman Rogan stated they would be allowed to do that or they would have to come in for an amended site plan on that because it could change parking.

Rich Williams stated well no, I mean if its all warehouse right now and then you break it up into five little warehouse areas...

Chairman Rogan stated still.

Rich Williams stated the assumption is, you know, its still all warehouse and your parking demand hasn't changed.

Chairman Rogan stated okay. Let's talk to them when they come in, see what...

Board Member McNulty stated who is Centerline Properties, they own the building.

Board Member DiSalvo stated yea I guess.

The Secretary stated yes.

Rich Williams stated Spano, Trish Spano and Scott Spano.

Board Member McNulty stated they list the colors in the sign somewhere.

Board Member DiSalvo stated white, yellow and black letters.

Chairman Rogan stated oh I see.

Board Member McNulty stated we have an idea of what kind of yellow it is...

Chairman Rogan stated the background is white.

Board Member DiSalvo stated did they give you a sample.

Chairman Rogan stated did they give you a color...

Rich Williams stated (inaudible).

Chairman Rogan stated Centerline.

The Secretary stated you took the application in.

Rich Williams stated I know I did, did I give you anything.

The Secretary stated It's in the file bin.

Board Member DiSalvo stated a rendition of the color.

Rich Williams stated we'll double check and if not we'll make sure we have it.

Chairman Rogan stated okay.

Board Member Montesano stated all right, so that is your review on that, how was that.

2) **REV DESIGN – Sign Application**

Chairman Rogan stated second one, Rev Design is the building, the stone building over in Put Lake past the monument and are looking to put a building mounted sign, about eight square feet. The question that I had and we were talking about it a little bit earlier this evening, the color photo that we have in the application which shows the building mounted sign seems to really stand out from the building which I'm sure that is their intention but I'm not sure if anybody else has any feelings about this sign...

Board Member Montesano stated well...

Chairman Rogan stated maybe it's the background color it almost seems to be something that...

Board Member Montesano stated well if the rest of these people are in that building and they have, the dental offices or retail, mystic...

Board Member DiSalvo stated the dental has a sign on the building there...

Board Member Montesano stated what I'm saying is we have the address, it's in red and silver, the sign that they have is a red background with black et cetera and this guy wants it white to stick it out. I think it would be nicer if he would consider going along with what's on the rest of the building rather than have another version.

Board Member McNulty stated it looks he's got one color tied, the little dashes...

Board Member Montesano stated yea.

Board Member McNulty stated that's the Rev word.

Chairman Rogan stated Rich...

Board Member DiSalvo stated this is what it will look like from a distance...

Chairman Rogan stated refresh my memory on the amount of signage that would be allowed for this building because we have a free standing sign, we have a building mounted sign, now we are proposing a second building mounted sign.

Rich Williams stated the linear distance of the building, which I believe 85 feet...

Chairman Rogan stated right.

Rich Williams stated you would be allowed 1.25 feet for each linear foot.

Chairman Rogan stated so 85 plus a quarter, so you're looking at a hundred plus square foot of signage which they are not even near...

Board Member Montesano stated near.

Chairman Rogan stated so each tenant in there probably could have about the same size and still be well within...okay.

Board Member McNulty stated what if he were to just add a border around that white to a similar color as that monument sign, maybe a four inch border or something just to break up that white stark against the building.

Chairman Rogan stated you see how the bottom is black, we can change that to a...

Board Member Cook stated you see that kind of orange, come around, like that because I mean you know, I think you can look at this well this color here is an earth tone and this color here is an earth tone and here's black.

Chairman Rogan stated yea.

Board Member Cook stated and here's white lettering and here's white lettering...

Chairman Rogan stated yea, I think its just the white background.

Board Member Cook stated I don't have, a real problem with the sign, I think Tom is right about maybe a border, its not a bad idea.

Board Member Montesano stated just on the off chance...

Board Member DiSalvo stated like the brick color.

Board Member Montesano stated there is a flood light over the top of the sign...

Board Member McNulty stated yea.

Board Member Montesano stated once that thing hits, first off the light has to shielded because I'm sure with that blub sticking out the way it does, I think there should be a shield on it but what is it going to do to that white background when it hits that at night, is it going to make it brighter.

Board Member DiSalvo stated a glare.

Rich Williams stated they are not proposing a light for the sign.

Chairman Rogan stated no but its there.

Board Member Montesano stated that light is right there.

Board Member McNulty stated its there.

Board Member DiSalvo stated that is the light for the, the outdoor lights...

Rich Williams stated I didn't see that.

Board Member McNulty stated we can say that you're not going to light it.

Board Member Montesano stated that is why I was going to look at it.

Board Member DiSalvo stated there are other lights on the building outside.

Rich Williams stated listen, his application and when I talked to him...

Board Member McNulty stated it says no lighting.

Rich Williams stated he was not lighting the sign...

Board Member Montesano stated I realize that but...

Chairman Rogan stated its for the stairs.

Board Member Montesano stated the light is over it, the light is already on the building, I'm not lighting the sign but the building turns the lights on.

Board Member McNulty stated it lights the stairs, it probably lights the stairs.

Chairman Rogan stated it's the safety lighting.

Board Member DiSalvo stated I like Tom's idea, making the border for that...

Board Member McNulty stated is this a standard logo of theirs, this is probably what they copied, you know logos are important to people how they want to do it.

Chairman Rogan stated yup.

Board Member McNulty stated but maybe if he took this monument color, this background monument color and made a border to go around and change that black to it or even the black kind of ties in...

Chairman Rogan stated let's...

Board Member McNulty stated just make a frame.

Rich Williams stated it's a good suggestion.

Board Member DiSalvo stated I'm surprised they did the black background on that website address because it kind of...

Chairman Rogan stated disappears.

Board Member DiSalvo stated yea.

Chairman Rogan stated like Tom said maybe they were trying to pull in something from the original sign...

Board Member DiSalvo sated then use that color as a border.

Chairman Rogan stated okay, let's talk to them when they come in, which color did you say.

Board Member McNulty stated the background.

Chairman Rogan stated the background.

Board Member DiSalvo stated the red color, he's making the sign so I guess he can alter it.

Board Member Cook stated that's a good point, you mean like use this color here and...

Board Member DiSalvo stated yea.

Board Member Cook stated come around the border.

Board Member McNulty stated he could even soften the white, he could go with an off-white or something too. Does Putnam Lake have any color restrictions like in the Hamlet here.

Chairman Rogan stated no.

3) PATRICK O'MARA – Wetlands/Watercourse Permit Application

Chairman Rogan stated for Mr. O'Mara we have the application with a functional, a wetlands functional analysis that Teddy was in full agreement with, right Ted.

Board Member Montesano stated what no sign.

Ted Kozlowski stated what, for O'Mara.

Chairman Rogan stated we have a review memo from Rich. Ted, you want to talk for a minute about O'Mara.

Ted Kozlowski stated generally just to remind the Board, is this loud enough Michelle.

The Secretary stated maybe.

Chairman Rogan stated go ahead.

Ted Kozlowski stated generally just to remind the Board, when we ask for a functional analysis for a wetlands permit, we look at how the project might affect the functions of the wetland, so we have to determine what those functions are. Usually it is incumbent on the applicant to determine what the functions are, ecological solutions was the applicant's choice and basically what this gentleman is saying is that the development of the house, the drainage, dealing with the drainage, the removal of trees the septic inclusion and all the other things that go into development of the site, will have absolutely no impact on the functions of the wetland that he is within a 100 feet of. I find that difficult to accept, what am I recommending to the Board, I'm not sure because this is a lot that has been previously approved, eh does have some developable land on it, its not an impossible lot. I don't particularly care for this functional analysis, I am not necessarily in favor of making him re-do it, this is a challenged site, I think whoever lives here, is going to challenging that wetland in the buffer because anything this family does is going to be all within that, so...

Chairman Rogan stated Ted, you've looked at this...

Ted Kozlowski stated I've discussed it (inaudible).

Chairman Rogan stated hold on.

The Secretary stated the beep means stop Ted.

(Side 1, Tape 1 ended – 8:30 p.m.)

The Secretary stated go ahead.

Ted Kozlowski stated yea, I've looked at it, I don't like the idea of a fence, I think that's silly.

Chairman Rogan stated yea, I was thinking the same thing, the fence is shown at the, that was one of notes here, the fence is shown at the limits of disturbance, it just seems more appropriate to put the fence either up...

Rich Williams stated can I interject...

Ted Kozlowski stated I'm not, hold on Rich, I am not even, forget about the fence, the wall is really the wetland...

Chairman Rogan stated that is what we were kind of talking about.

Ted Kozlowski stated that wall should be preserved, it shouldn't be touched, there should be something on the plans to keep that wall forever there, nothing is forever but that wall should remain, that is the delineation and Rich is going to talk to you about the rain garden and all that. This family, whoever moves to this house is going to...

Board Member DiSalvo stated its going to be like the one on Cornwall...

Ted Kozlowski stated right, what are they going to do.

Board Member DiSalvo stated they do pretty good over there, they go their statues out, they have their plants.

Ted Kozlowski stated they dealt with it rather nicely but this you know...

Chairman Rogan stated what I would rather support in this case and I know Rich you had something you wanted to say, was using the wall that is existing, actually having them go in and finish because there are some gaps in that wall and have them bring it up to height of 3 ½ foot wall, so that is a solid you know, you're not talking about them even bringing a wheel barrow through that wall.

Ted Kozlowski stated I think the Board also has to consider the character of the neighborhood...

Chairman Rogan stated yea.

Ted Kozlowski stated this is a like, one of the last undeveloped lots there and all the other houses have a certain look and certain feel and now you're going to, we are going to shoe horn this house into this slot, this challenged lot and by putting that fence up, I think its just going to be aesthetically awful.

Chairman Rogan stated yea.

Ted Kozlowski stated that is not within purview of my review but I think the Board has to look at what the neighbors are going to look at...

Board Member DiSalvo stated right, what kind of fence is it going to be, like a post and rail or a solid...

Chairman Rogan stated post and rail, along limits of disturbance. It just doesn't seem very necessary to crunch these people into such a small box when the grade it pretty slight.

Board Member DiSalvo sated can they use further past the fence.

Chairman Rogan stated my feeling is if we allow them down to the stonewall, let them use it as yard...

Board Member DiSalvo stated then let them use all that.

Chairman Rogan stated put it, keep some of it as forested but put in the wall because right now they are not showing past the limits of disturbance other than the construction of the rain garden, they are not showing clearing of the existing growth.

Board Member McNulty stated wetlands are out here.

Ted Kozlowski stated the wetlands Tommy are really is basically the stonewall...

Board Member DiSalvo stated behind the stonewall.

Board Member McNulty stated does this go out to [Route] 22.

Ted Kozlowski stated [Route] 22 is over here, this is all wetlands, this is a stated wetland.

Board Member DiSalvo stated maybe they'll put a dog in there.

Ted Kozlowski stated the other thing with this functional analysis, for the rain garden to work, you are going to have to remove all the trees for the plants to grow. You know, this is forested wetland buffer hillside, so in order to make all these things work they need sunlight [laughter]. So they are going to have to remove more trees, you know, so that is why this whole functional analysis is so off. So what I am going to do is I'm going to do my own functional analysis and give it to the Board at the next meeting so you really understand but I don't think this permit is approve/deny kind of situation, I think its amend.

Chairman Rogan stated yea, Rich.

Rich Williams stated I have heard a lot of what people have said here and I agree with a lot of what's been said here, I think that having a limit of disturbance delineated by a post and rail fence 18 feet off of the rear of the house is unrealistic as far as creating a rear yard. I think the stonewall is clearly a line that should be maintained within the field and enhanced so there is clearly delineating whether that is going to happen now. This is also subject to a DEC permit, so its going to driven to some degree by what the DEC is going to allow...

Chairman Rogan stated so they may be more restrictive than us...

Rich Williams stated I took a look at the numbers for the stormwater, for the rain gardens, that rain garden is completely undersized, he did not submit any drainage calculations. That rain garden to function the way it is supposed to needs to be incredibly larger than what it is now. My suggestion is you enhance the wall, create that as a line, put a rain garden in front of that which is in order to accept all the run off from a 90th percentile storm, not even what we are looking at to design for, you have to make that rain garden 12 feet wide by the length of the property in the back...

Chairman Rogan stated so that also acts as a barrier.

Rich Williams stated then you've got, then you put your post and rail in front of that, now you've got a double barrier.

Board Member McNulty stated I'm not exactly familiar with what the function of a rain garden is.

Ted Kozlowski stated it is to mitigate, what it does...

Board Member McNulty stated does that create a swale to accept the water...

Ted Kozlowski stated it's a garden of plants and it takes all the rain water, all the stormwater and buffers it before it goes into the wetland in this case.

Rich Williams stated it removed pollutants, it slows down the volume going into the wetland...

Board Member McNulty stated so there is particular planting, vegetation you can put to create that.

Rich Williams stated yes.

Ted Kozlowski stated yes but we are going to have to, I wouldn't want to see all these trees...

Rich Williams stated you've been to Teddy's house...

Board Member McNulty stated can't find it amongst all the trees...

Rich Williams stated okay but around the pool, you know how he has all those high grasses and everything and that was put in, in a depression and those grasses were appropriate for periods of drought and frequent flooding at the same time and there are grasses that will do that. That is what a rain garden would look like.

Board Member McNulty stated so that looks pretty small compared, it wouldn't take much water.

Ted Kozlowski stated Rich, we also have to look at, I mean that is a forest, to make that rain garden work, they are going to have to clear cut that area, do we want to do that.

Rich Williams stated well you're clear cutting right up to the wall, you are making that a yard, that is all going to be on the western exposure...

Ted Kozlowski stated but that is not what he's saying on his plans.

Rich Williams stated no it's not, that's what I'm saying, his plans aren't realistic.

Ted Kozlowski stated right that's why the...

Rich Williams stated now (inaudible)...

Ted Kozlowski stated and now the functional analysis...

Chairman Rogan stated the funny thing is they don't even show...

Ted Kozlowski stated that is based on this and not based on this.

Board Member DiSalvo stated (inaudible).

Rich Williams stated he also has the limit of disturbance shown on the plan and he is clearly clearing past that.

Ted Kozlowski stated yes.

Board Member McNulty stated yea, to create the rain garden.

Rich Williams stated right and the swales.

Board Member DiSalvo stated (inaudible) I'll put a fence up.

Chairman Rogan stated probably.

Board Member McNulty stated so he wouldn't have to clear cut though, couldn't he request to tag some of the biggest trees.

Ted Kozlowski stated well you could, I don't know...

Board Member DiSalvo stated do we need a rain garden.

Rich Williams stated there is nothing out there.

Chairman Rogan stated I was going to say, I don't remember there being anything, when we walked the site...

Board Member McNulty stated it looked like 20 year old growth.

Chairman Rogan stated yea, it was scrub...

Rich Williams stated locust.

Chairman Rogan stated locust and some black cherry, yea.

Rich Williams stated there's nothing out there.

Chairman Rogan stated there is nothing out there that we could mark.

Ted Kozlowski stated as you got to the wetland there was ash...

Chairman Rogan stated on the other side of the wall.

Rich Williams stated there was big oak.

Chairman Rogan stated right, with a big tree stand in it, in the corner.

Board Member Montesano stated yea, that tree stand.

Rich Williams stated so unless somebody has an objection, I'm going to send this up to Brian Drum, I am going to e-mail him tomorrow...

Chairman Rogan stated okay.

Rich Williams stated and say this is what we are looking at, you know what are your thoughts. Anybody like what I suggested about the rain garden across the back with the post and rail fence in front of it...

Board Member DiSalvo stated so the rain garden would have to go the whole length of that stonewall you're saying.

Ted Kozlowski stated Rich, we are making a big assumption here, that is that the owner of this house is going to maintain that rain garden.

Board Member DiSalvo stated that is why the fence is in front of it.

Chairman Rogan stated the water that goes into this...

Ted Kozlowski stated now let me ask you something, who is going to enforce that.

Board Member McNulty stated how much maintenance does it need.

Ted Kozlowski stated Tom, any garden needs maintenance, it doesn't matter if it's a cactus garden or if it's a vegetable garden, it needs maintenance, anything alive, growing, needs maintenance.

Chairman Rogan stated why aren't we looking at something like just a level spreader or putting the water into dry wells, I mean all they are picking up is the water what from the driveway and from the roof because the footing drains look like they are not going there.

Rich Williams stated well with the rain garden he's got designed, he's got two swales going into that rain garden...

Chairman Rogan stated okay.

Rich Williams stated he is basically capturing everything that's coming across the site, you are talking about...

Chairman Rogan stated which based on the slope is...

Rich Williams stated 3300 cubic yards of water.

Chairman Rogan stated if it were to sheet flow hit the swales and then go which if it was left forested, there probably wouldn't be any flow that would, I mean you just don't, its not a sloping lot, you don't see the kind of run off, sheet flow...

Rich Williams stated well it is...

Chairman Rogan stated if it was all impervious I would agree, then you've got 33...

Rich Williams stated it is a sloping lot.

Chairman Rogan stated its not 3300 feet of impervious, it's only a driveway and a house of impervious.

Ted Kozlowski stated the other thing is who is going to design this rain garden and put it in.

Rich Williams stated he has the basic design right on the plans, he just has to make it linear.

Chairman Rogan stated a 30 scale.

Board Member McNulty stated is there a guide to a rain garden for 3300 cubic feet of water, is there a translation to how much rain garden you need for that much water.

Rich Williams stated sure.

Board Member McNulty stated okay, that would dictate that.

Ted Kozlowski stated Rich, does he have a planting plan.

Rich Williams stated no, this is Harry.

Ted Kozlowski stated yea, I'm concerned...

Rich Williams stated (inaudible).

Ted Kozlowski stated because...

Chairman Rogan stated well let's back up minute though, we haven't even talked to Harry about this, this is like our first meeting with him on this. Why don't we talk to him, let's get some of these questions answered from Harry and see where we go from there next week. Maybe even before you contact [Brian] Drum...

Rich Williams stated fine.

Chairman Rogan stated just so we know, so we are not all, right now we are throwing out a lot what if's...

Board Member DiSalvo stated assumptions.

Ted Kozlowski stated Drum is going to ask you for the design.

Chairman Rogan stated all right, so let's do that.

Rich Williams stated we all know there has to be a design...

Board Member McNulty stated who is Drum.

Chairman Rogan stated the gentleman from the DEC wetlands

Rich Williams stated to answer your other questions, we deed restrict the property, that is what we would have to do.

Ted Kozlowski stated right but I mean.

Rich Williams stated the thing is, are you going to allow him to have a reasonable back yard, if you are, its going to lawn, that is going to increase the runoff...

Chairman Rogan stated yea.

Rich Williams stated and then what are you going to do to mitigate that runoff before it hits the wetlands, are you just going to let it go or are you going to try and treat it.

Ted Kozlowski stated once again Rich, I am not so worried about this permit and the rain garden and all happenings, its what happens after its all built and everybody walks away...

Chairman Rogan stated right, Teddy...

Ted Kozlowski stated we are going to expect the homeowner to maintain this.

Chairman Rogan stated if we had the wall that is existing...

Board Member DiSalvo stated built up a little more.

Chairman Rogan stated built up, just by hand to make sure that it's a solid wall the full width so that we don't have a bar way through it or anything...

Ted Kozlowski stated right.

Chairman Rogan stated and then we have about a 25 or so foot vegetated buffer meaning leaving whatever is existing, that can stay and then from there up to the house, allow them to put in a back yard.

Board Member McNulty stated can you do a combination or rain garden and drywell.

Chairman Rogan stated well I'm saying can we do something where we don't even need the rain garden where we're, can we look at...

Rich Williams stated there is no requirement to do the rain garden now...

Chairman Rogan stated no I realize...

Rich Williams stated we can eliminate that...

Chairman Rogan stated right.

Rich Williams stated the issue that is confronting all of us at this point being in the East of Hudson Watershed is the amount of phosphorus that is being generated and when you change it from forest to lawn, you increase the amount of phosphorus that is running along when you change it from lawn to impervious area such as roof or driveway, you increase the amount of phosphorus. So what you need to do, is you need to take that run off even though its sheet flowing through and treat it by practices so you bring it back to what the run off would be if it were going through the forest, as far as nutrient reduction.

Ted Kozlowski stated what if, Rich, you know an option out there is, we deed restrict it to the back yard to be forest, no lawn.

Rich Williams stated well I mean you certainly can say...

Chairman Rogan stated just to a point though.

Rich Williams stated you can certainly say you know, here is our limit of disturbance, we are not going past 18 feet past the back of the house.

Board Member DiSalvo stated that's another thing, another thing to enforce. It's too big of a lot...

Ted Kozlowski stated we've done that, there are other houses that have that and it was brought to the guy on Cornwall Hill Road, he's got no back yard at all.

Rich Williams stated nope.

Chairman Rogan stated you know what this lot reminds me of, the lot that we walked, Charlie, this was before you were on the Board on Wyndham Homes where...

Board Member DiSalvo stated the guy with the pool.

Chairman Rogan stated the guy wanted to put the pool in, we had the stonewall that we used and...

Board Member DiSalvo stated right.

Chairman Rogan stated remember we had certain trees we were looking at, granted that was level to the wetland or roughly level...

Board Member DiSalvo stated into the wall.

Chairman Rogan stated but if memory serves me, this is a pretty, I know this is a slope but its not a steep slope down to that wall, I mean it was off the road and just a 10 percent grade or something...

Rich Williams stated yea it's not a (inaudible).

Chairman Rogan stated so really what are we trying achieve here, we are trying to keep this in uniformity of the surrounding character of the community, protect the wetlands, the stonewall does that, you stay a few fee off the stonewall with your natural wooded vegetation, you allow these people to have a back yard. I realize you're always talking about the potential for a pool, the potential for an outbuilding, well on the slopes that are back here, that is all potential, treat it as such now, you know.

Rich Williams stated and not worry about treating the stormwater.

Chairman Rogan stated well no, I'm saying look at treating it by underground means...

Board Member Cook stated drywells.

Chairman Rogan stated put in drywells or, I mean is that...

Rich Williams stated the problem with doing drywells or infiltrators is you need such a massive amount.

Chairman Rogan stated okay, I guess...

Ted Kozlowski stated I'm going to go back there over the weekend...

Rich Williams stated the rain garden is probably the least expensive way to do it because all you're doing is digging a trench, filling some gravel, you're putting a top soil sand mix on top of that and then you are planting it with vegetation and walking away.

Ted Kozlowski stated well Rich, time out, as you guys know I run an arboretum and we have a rain garden, we maintain it with 4 people, I mean we maintain it to the 9th degree...

Chairman Rogan stated right.

Ted Kozlowski stated you don't walk away from a rain garden, sorry. I've got a lot experience with this and it's a lot of, it is work, all right and I think we are making an assumption for a homeowner that is going to have a green thumb and I just you know, I'm a little nervous about that...

Board Member DiSalvo stated so let's ask him what the alternatives are.

Rich Williams stated plan B is you do nothing.

Ted Kozlowski stated plan B is you don't have a lawn.

Board Member McNulty stated what is this limit of disturbance...

Ted Kozlowski stated you don't have a lawn here.

Chairman Rogan stated that is what they are showing as...

Board Member McNulty stated what if we just eliminate the fence, are they building that up with fill or is that just where they are saying they are going to limit the disturbance and put a fence up to delineate.

Rich Williams stated right.

Board Member DiSalvo stated they probably thought they were doing a good thing...

Board Member McNulty stated understand we can do that but just eliminate the fence and just leave it natural, does that solve the problem.

Board Member Montesano stated (inaudible).

Rich Williams stated yea we can but then they have no back yard.

Chairman Rogan stated which what they are showing right now, on their proposed plan they have no back yard, which we are saying is not realistic.

Ted Kozlowski stated the question is up to us to provide a back yard, it's a challenged lot...

Chairman Rogan stated it's up to us, as you've pointed out time and time again to consider that people are going to be coming back in six months after they move in saying hey guys I have all this property that goes down to the wall and then over, I bought 3 acres in the country...

Ted Kozlowski stated we are challenged by stormwater issues here...

Chairman Rogan stated yea.

Ted Kozlowski stated which we are which is going to be easier for a homeowner to deal with, leave it as a natural forest or dealing with a rain garden.

Board Member McNulty stated obviously the natural I would think.

Chairman Rogan stated right.

Rich Williams stated I disagree, I would say dealing with the rain garden, you're asking me whether I can have a rain garden as long as I can have backyard...

Chairman Rogan stated oh yea...

Rich Williams stated or I can't have any backyard, I'm going to say give me the rain garden.

Ted Kozlowski stated I think that is what we tell the homeowner when they come in for a permit to do something, you know, once they buy that property and they find out that they are all within a hundred feet of a wetland, that is our bargaining chip, you want a lawn and put stuff, then you have to put a, you have to deal with this run off, so you are going to have put a rain garden in and maintain it.

Rich Williams stated and I think what you are going to find is they are going to move in, they are going to go clear the trees and then we are going to have an enforcement issue.

Ted Kozlowski stated Rich, there is no doubt in my mind...

Chairman Rogan stated at least to the stonewall.

Ted Kozlowski stated there is no doubt in my mind that this house, once its build, there will be issues, no matter what we do here tonight.

Board Member McNulty stated can the Planning Board issue deed restrictions or is that...

Board Member DiSalvo stated no.

Rich Williams stated yes.

Board Member McNulty stated so we can alter the deed to the house...

Chairman Rogan stated we can add...

Rich Williams stated if there reason that is justifiable, yes.

Board Member McNulty stated if the deed is updated and restricted, is it enforceable that way, by code enforcement.

Rich Williams stated yes, well it's...

Chairman Rogan stated we've gone down this road before, haven't we.

Rich Williams stated it would be a condition of the permit that gives us the Code enforcement, its...

Board Member McNulty stated how do you force it to happen.

Rich Williams stated if you do the deed restriction then its enforceable by other legal mechanisms as well.

Ted Kozlowski stated and you know what, Tom, we are going to have a public hearing on this and I can guarantee you that this neighbor and this neighbor and this neighbor, are all going to come because now this, you know...

Chairman Rogan stated this is where they've been dumping all their brush.

Board Member DiSalvo stated they were all part of the original subdivision.

Board Member McNulty stated but this is a legitimate lot, correct.

Chairman Rogan stated yes.

Board Member Cook stated yes.

Board Member DiSalvo stated what if we, with the Doug Wallace lot up off of Bullet Hole, that driveway is pretty steep, where was all that stormwater going, where was all that run off going.

Rich Williams stated back into the wetlands and there were just four drywells...

Chairman Rogan stated four drywells.

Board Member DiSalvo stated but the house was going to be there...

Rich Williams stated we were only picking up a portion of it.

Board Member DiSalvo stated the house going to be down the end of the driveway...

Rich Williams stated correct.

Board Member DiSalvo stated so where was that, nothing...

Ted Kozlowski stated he even building.

Chairman Rogan stated hasn't gotten through, he just got through us just to go try get through Health Department.

Rich Williams stated a lot of the driveway was running off into the wetlands, some of the driveway going over to the end and the house was going over to a series of drywells that had a surcharge pipe that was then going down to a level spreader.

Board Member DiSalvo stated so we can't do that here.

Rich Williams stated sure you can, you can, I'm just saying that when you are talking about that quantity of water, I would take...

Board Member DiSalvo stated I don't think that would have much as he is going to have, that's a steeper driveway...

Chairman Rogan stated this is, right.

Board Member DiSalvo stated I guess it's the steepness supposedly of the back of the house.

Rich Williams stated the thing with Wallace, here is where it gets complicated, there are different levels of storm events that you that produce different levels of runoff that you want to treat. New York State has come in at this point has come in and said the appropriate amount to treat is the amount of runoff from a one year storm, which a one year storm in this area is about 3.1 inches of runoff and then it gets reduced by the land coverage running over. You can say different percentage of storm, how frequently that storm may hit, 90th percentile, 95 percentile, we used to be using the 90th percentile. One year storm is a very big volume of water, 90th percentile is a pretty big volume of water, in the case of Doug Wallace, we weren't treating either of those volumes, we were treating something much, much less but we were just trying to capture as much as we could and then you get down to things like the first flush which is only a half an inch of runoff compared to your one year storm which is 3.1 inches.

Chairman Rogan stated let's talk to Harry, everybody has a couple of ideas, let's start the ball rolling in terms of discussing them and see where it leads us.

4) JOEY MCKNEELY – Wetlands/Watercourse Permit Application

Board Member DiSalvo stated McKneely.

Chairman Rogan stated Joe McKneely, Joey McKneely wetlands/watercourse permit application.

Board Member DiSalvo stated that's Put Lake, South Lake Drive.

Chairman Rogan stated this is a brand new on for us.

Board Member Montesano stated (inaudible).

Chairman Rogan stated what do you have on this one Rich.

Ted Kozlowski stated I think this one is an easy one for the Board, I don't know if its going to be so easy for the Building Inspector.

Board Member DiSalvo stated oh, I see what he's doing.

Ted Kozlowski stated this gentleman wants to take, I've been to site, he wants to take two existing small houses and convert it to one house. This is not a tear down but a union of two houses...

Board Member DiSalvo stated on two separate lots.

Ted Kozlowski stated one two separate lots, I guess he bought both lots and I guess...

Board Member DiSalvo stated (inaudible) good.

Ted Kozlowski stated he figures it...

Chairman Rogan stated interesting.

Ted Kozlowski stated I don't understand the thinking here but that is not for me to decide, the reason he is in front of the Board is because he is within a hundred feet of Putnam Lake.

Board Member Montesano stated (inaudible).

Ted Kozlowski stated all the worry is...

Chairman Rogan stated you take two houses that are like two bedroom houses a piece, you pull them together or you fill in the space between them, you make a four bedroom house...

Board Member DiSalvo stated close to the property lines.

Ted Kozlowski stated (inaudible).

Board Member McNulty stated I don't see how he's doing that it doesn't line up.

Board Member Montesano stated question, question...

Board Member DiSalvo stated it doesn't necessarily have to.

Board Member Montesano stated is this the property line that he's over.

Rich Williams stated yes.

Board Member Montesano stated now how do we work with someone who is over their property line and wants to take the two houses he can do here, he has to get rid of the deck, all this walk way that's not on his property and all these other things or when we approve it...

Ted Kozlowski stated good one Mike.

Board Member Montesano stated going to accept all of this.

Board Member DiSalvo stated start from the beginning.

Rich Williams stated well first off, the change is not crossing over the property line, second your issue tonight is a wetlands/watercourse permit application, everything else that you pointed out is totally irrelevant to what you're looking at...

Board Member DiSalvo stated it looks like everything is on one floor.

Rich Williams stated that is an issue before the ZBA and he is currently before the ZBA dealing with that.

Board Member Montesano stated I would tell him get an okay before because I don't feel comfortable giving an approval from the Board that is going to allow all this intrusion into what looks like public land, it says park.

Rich Williams stated well its owned by the PLCC and the third issue is you know, its on somebody else's

land, he needs to get an agreement with that property owner for all those improvements on somebody else's land, the PLCC in this case and he has.

Board Member Montesano stated okay so now the improvement that he is going to do by connecting these two houses, is that going over the property line also.

Rich Williams stated no.

Board Member McNulty stated we don't have a plan that reflects that...

Rich Williams stated but there is going to be a zero lot line setback.

Board Member McNulty stated because this doesn't really show the property outline.

Board Member DiSalvo stated we need to see the two separate lots.

Board Member McNulty stated he currently owns both lots.

Rich Williams stated yes.

Chairman Rogan stated its a pretty novel idea though.

Board Member McNulty stated it makes sense.

Board Member DiSalvo stated yea.

Board Member Montesano stated there was one that was done...

Chairman Rogan stated let's face it, there are houses that are built that are this big on some of these small lots, you know when people, I mean...

Board Member Montesano stated what is it, Farm to Market Road, they combined two houses into one over there, its been a mess ever since.

Board Member McNulty stated so anything he is going to do is going to improve it.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated we are going to take a look at this at some point.

Rich Williams stated all right, last thing, he had every intention of being here on the 4th but he is not going to be back in the country by the 4th, so he's going to have to be held over.

Board Member Montesano stated okay.

Chairman Rogan stated okay.

Ted Kozlowski stated I don't think there's, unless I'm not seeing something maybe Richie is, I don't think there are wetland issues here.

Chairman Rogan stated right because its on the lake.

Ted Kozlowski stated its already an existing home, its not a new home.

Rich Williams stated it right on the edge of the lake.

Board Member McNulty stated so that eliminates it from wetlands.

Chairman Rogan stated no it doesn't eliminate it he's just saying he is basically giving a positive recommendation on the application. It's a wetlands permit we also refer to...

Ted Kozlowski stated from a strictly wetlands standpoint, I don't have issues here.

Chairman Rogan stated right.

Board Member Montesano stated all right.

Board Member McNulty stated why don't you...

Ted Kozlowski stated I would like to, to make you happy if that's the case but.

Board Member McNulty stated no, no, I'm just curious because its right up against the lake isn't that a wetland...

Chairman Rogan stated you already have two existing uses, their footprints.

Ted Kozlowski stated it's already an existing use Tom, its not like he's taking a new lot.

Board Member McNulty stated its not a new lot.

Chairman Rogan stated right.

Rich Williams stated are you increasing the impervious coverage.

Chairman Rogan stated yea.

Ted Kozlowski stated yes you are.

Chairman Rogan stated where is all that water going.

Board Member Montesano stated into the lake.

Chairman Rogan stated into the rain garden.

Ted Kozlowski stated that's true, that is a question, where is all the stormwater going to go off the roof, where are his roof drains going...

Rich Williams stated well its going to go right on the back lawn and right over to the lake.

Board Member DiSalvo stated where do they go now.

Rich Williams stated I'd be here sitting here saying the same thing I said on the last application, if there was any area to do anything that was on his property but there isn't.

Board Member DiSalvo stated but where is all that water going now.

Rich Williams stated Putnam Lake.

Ted Kozlowski stated yea, we should ask him where his roof drains are going to go, where is his drainage going to wind up.

Chairman Rogan stated we'll find out when we go take a look at it.

Board Member DiSalvo stated where is the septic, are they going to close one down and use just one.

Board Member McNulty stated he has a lot more footing now.

Ted Kozlowski stated that's true.

Board Member McNulty stated it's probably a low land.

Board Member Montesano stated he's giving it to the PLCC free of charge.

Ted Kozlowski stated actually this property sits up, Shawn, these two house when you go along Lake Shore Drive, its like on a knoll, it sits up above the lake.

Board Member DiSalvo stated beautiful views of that.

Board Member McNulty stated he's got something up...

Ted Kozlowski stated yea, its not way up but it higher than the existing terrain.

Board Member McNulty stated it's got steps.

Chairman Rogan stated taking the property line out of it for a second, I was thinking about what Mike said, because of the common property between the lake and the property, it relates to where I used to live in Mahopac was a private club, where you had your lot but you had a lot of common property around and many times it was necessary for vacant lots especially within the last 10 years to get approval from the Homeowners' Association because they couldn't put say the septic system or they couldn't put a well on their. I don't remember a case where the house was physically off the property but with consent from the Homeowners' Association you were basically treating that property as if it was your own, you know as long as you had approval from the Homeowners', so I think that, you said that he already had that but we just need to confirm that.

Board Member Montesano stated he said we have no worry about it because we can't do anything about it.

Rich Williams stated he submitted it to the ZBA.

Board Member McNulty stated so its one for a wetlands.

Board Member DiSalvo stated and they're only talking two bedrooms.

Rich Williams stated well no, it's, and I haven't looked it...

Board Member Montesano stated look again.

Rich Williams stated its an agreement between the PLCC and this property owner to have improvements on PLCC land.

Board Member DiSalvo stated existing bedroom there...

Chairman Rogan stated they were two small houses.

Board Member DiSalvo stated this is like a master suite.

Rich Williams stated I've got several of them back there...

Chairman Rogan stated it's only a 2,000 square foot home.

Rich Williams stated within that hundred foot from the lake, they actually have an agreement to allow a septic system.

(Inaudible – too many people speaking).

Board Member Montesano stated he's also go an existing, what is it library or something.

Rich Williams stated what.

Ted Kozlowski stated does he have exclusive rights to that land.

Rich Williams stated I don't know the agreements are.

Ted Kozlowski stated I would be surprised if that was (inaudible).

Chairman Rogan stated interesting.

Board Member McNulty stated he would have to provide insurance of some sort.

The Secretary stated what he is doing with the septic systems.

Rich Williams stated he is abandoning one of the septic systems.

The Secretary stated oh he is.

Chairman Rogan stated it looks like he is keeping just the 2 bedroom house, is what Maria is saying, where previously it looked like he had two 2 bedroom houses.

Board Member DiSalvo stated it looks like he has two master suites as bedrooms.

Chairman Rogan stated nice.

Rich Williams stated he was talking about keeping the other septic system for maybe gray water for washing machines and such.

5) TAGGART ESTATES SUBDIVISION – Continued Review

Chairman Rogan stated okay we have Taggart which I can't even recall.

Rich Williams stated Ballyhack.

Ted Kozlowski stated Ballyhack.

Board Member Montesano stated the one with the trees.

Chairman Rogan stated oh yea, that's right, they were beautiful.

Ted Kozlowski stated this is the property that hooks up behind Empire Tools.

Chairman Rogan stated yea, we were out with Theresa Ryan that morning, you're right, the one with trees.

Ted Kozlowski stated and they removed one of the lots, I believe from the wetland.

Rich Williams stated I haven't looked at it.

The Secretary stated what are they down to 13 lots now.

Ted Kozlowski stated I don't know the number Michelle, but they took that one, it looks, it might have moved, maybe they readjusted lines but remember they had a house right in the wetland area, that's all gone.

Board Member DiSalvo stated was it lot 2.

Ted Kozlowski stated now they are calling it drainage district, that whole wetland area.

The Secretary stated that's good.

Ted Kozlowski stated do you know if that's up yet.

Rich Williams stated what.

Ted Kozlowski stated no, I was talking to...

Rich Williams stated I had one or two other things going on.

Board Member Montesano stated I imagine (inaudible).

Ted Kozlowski stated proposed drainage district.

Chairman Rogan stated that makes a lot of sense because the house that was jammed up into that corner just was really, really tight, so that makes sense.

Board Member McNulty stated the plans that I have like block out this...

Chairman Rogan stated you know what it also does, if they can reach an agreement with Boniello's property, they have an area where they can tie in and still stay off the property line and not impact on that but that's not really our purview.

Board Member McNulty stated what are we exactly reviewing.

Chairman Rogan stated this is an application that is back before us, it was a couple of a years ago and went away, it was a similar layout, we walked this site just a few months ago, was it late fall.

Board Member DiSalvo stated because the trees were just turning...

Board Member Montesano stated the trees were at their brightest.

Board Member McNulty stated where is it currently.

Board Member Montesano stated there are some Japanese maples on it that are unreal.

Chairman Rogan stated in off of Route 22.

Board Member McNulty stated no I mean in limbo with the Board.

Rich Williams stated in the process.

Board Member McNulty stated yea.

Rich Williams stated they had made an application by another individual who owned the property who subsequently decided not to go forward, they sold this off and that was about two or three years ago. Now they are back in with new owners looking to move this forward, we've done a site walk out there but they are really at the beginning of the process for preliminary and because of the number of lots this is going to be a 2 step subdivision process, you do a preliminary approval once that is done then you do a final approval. So they are really at the beginning steps of the preliminary approvals.

Board Member McNulty stated so they are looking for us to grant the preliminary approvals.

Chairman Rogan stated but not next week, you know.

Rich Williams stated there are a few other steps such as doing lead agency for SEQRA, SEQRA...

Board Member McNulty stated that was next question, if it's gotten that far.

Chairman Rogan stated no, we were out on the site and we haven't seen them, this is the first time they've been back since we were on the site walk. We actually had Theresa Ryan from Insite accompany us on the site walk. We should get you out to that site because this is an easy one to walk, you can see more of the lots from the road and then the one walk in is just a natural, we'll see if we can get you out there...

Board Member McNulty stated okay, I'll take a look at the plan too.

Board Member DiSalvo stated and that will be a big impact on that narrow road too, whose widening that narrow road with more houses.

Board Member McNulty stated that is a pretty tight road Ballyhack, isn't it.

Chairman Rogan stated yea.

Board Member McNulty stated that is a town road Ballyhack, its not private, correct.

Rich Williams stated it's a town road.

Board Member Cook stated the historical society also asked the applicant to or recommended that the applicant do a phase 1b survey so we have to remind them of that.

Chairman Rogan stated is that part of what Ron Taylor did for us, in mentioning multiple projects or is that specific to this project.

Board Member Cook stated specific.

Chairman Rogan stated specific okay.

Board Member Cook stated yea.

Chairman Rogan stated Charlie, you are organized.

Board Member Montesano stated he brings all these problems, makes people think.

Chairman Rogan stated you're going to remember to bring that up right Charlie.

Board Member Cook stated I think so.

Board Member DiSalvo stated were there any old structures on that site except for that barn...

Board Member Cook stated the barn with the stone...

Board Member DiSalvo stated the stone hearth...

Board Member McNulty stated that area is not sloped up at the top hill where they want to build, it's pretty level.

Chairman Rogan stated it becomes extremely sloping down off the back...

Board Member DiSalvo stated wet.

Chairman Rogan stated you'll see from the plans there are a lot of steep slopes but not obviously in the area that we are looking to work with. The grade off the road is gentle, almost in a little bit of a valley that goes up through where the main road is proposed and the lots a predominantly off the, well off both sides.

Board Member McNulty stated (inaudible).

Board Member Montesano stated there were two old houses on the property, one on one end and one at the other, so maybe there is some kind of significance with one of those two maybe.

Rich Williams stated the one house down on the eastern end, that was built in the 60's.

Chairman Rogan stated you mean the one we parked at.

Rich Williams stated yea.

Chairman Rogan stated that is pretty much, that is relatively new.

Rich Williams stated the other one burned down.

Board Member Cook stated is this the site that borders up against Winding Glades application.

Rich Williams stated yes sir, Winding Glades actually wraps around this project.

Board Member McNulty stated who gets in first.

Board Member Montesano stated that is a good question.

Chairman Rogan stated Rich maybe you can speak more to what a phase 1 review encompasses.

Rich Williams stated phase 1a is where you do a document research, you know you just take your existing documents, Pelletreau, some of the other...

Chairman Rogan stated Pelletreau.

Rich Williams stated that is a very thick book on the history of Putnam County, you know you go back and you can see, it gives you some guidance as to who lived where and doing what. You do other historical document research, 1b is where you actually go out and start scraping around a little bit, look at the existing cover...

Board Member McNulty stated so it's a historical review of the property.

Rich Williams stated its an archaeological review of the property.

Board Member McNulty stated a physical review.

Rich Williams stated yea.

Chairman Rogan stated so then back to Ice Pond, we are at the point where they've committed to do a 1b, now we are at the point, remember we were talking about it last meeting with Ron...

Board Member McNulty stated yup.

Chairman Rogan stated they did the 1a, we had the written document...

Board Member McNulty stated now they want to go out and scratch around that foundation.

Chairman Rogan stated yea, exactly.

Rich Williams stated right, you're going to dig some test pits...

Board Member McNulty stated did that come through approval through this Board to grant that or...

Chairman Rogan stated the request has come through our Board...

Rich Williams stated there is no approval required for...

Chairman Rogan stated its kind of like your fact finding mission, it helps you gather the information makes sure that you're not losing any resources you want to maintain.

Board Member McNulty stated okay.

Chairman Rogan stated okay, cool...

Board Member DiSalvo stated 56 acres of forested areas.

Chairman Rogan stated it's a nice piece of property.

6) HUDSON VALLEY TRUST – Initial Application

Chairman Rogan stated okay and Hudson Valley Trust is brand new.

Rich Williams stated new application...

Chairman Rogan stated that doesn't come across on to the minutes too well. Let the record show that Teddy Ha,ha,ha'd.

Rich Williams stated this is a piece of property, everybody knows where the Hudson Valley Trust is currently headquartered.

Board Member McNulty stated no.

Board Member DiSalvo stated the old Town Hall.

Rich Williams stated down at the intersection of 164 and Route 311, the old Town Hall.

Board Member McNulty stated the old Town Hall.

Rich Williams stated all right, adjacent to that there is a very large tract of land which actually is two or three parcels, one of them crosses actually over the other side of the railroad tracks...

Board Member DiSalvo stated (inaudible).

Rich Williams stated on the property is an existing barn and what they are proposing to do and just a little bit more the history on this, this was originally a subdivision that was approved back in the 70's, the lots were about 10,000 square feet with a...

Chairman Rogan stated look at the heading on that.

Rich Williams stated yes, I saw that, I don't know where they got that from.

Ted Kozlowski stated the property...

Board Member McNulty stated the stonewall...

Rich Williams stated the application heading is very, very old, includes members such as Russ Shea, Herb Schech as Chairman...

Chairman Rogan stated rest in peace. Melissa Brichta...

Board Member DiSalvo stated they could have just taken the one from when they did the bridge.

Chairman Rogan stated Hudson Valley Trust, they probably had an old copy that.

Rich Williams stated I have no idea, I have no idea.

Chairman Rogan stated sorry I didn't mean to be distracting.

Rich Williams stated anyway the short of it is, they are going to take the barn out there and convert it into offices for non for profit organizations, similar to what they currently do at the existing facility. I am guessing as part of this because there is nothing that alludes to that within their application but...

Board Member DiSalvo stated what are they going to use as a septic.

Rich Williams stated they are going to construct a septic system out there, they are actually proposing, there is an existing septic system on their property for one of the other houses, this property borders Cann Lane...

Board Member DiSalvo stated we looked at that property to buy years ago.

Rich Williams stated they are actually talking about moving that septic next to where they are going to construct a septic for the building. They are going to improve the driveway which is the issue with the wetlands/watercourse permit and place four parking spaces out on the site.

Board Member DiSalvo stated through that little Cann Lane.

Board Member McNulty stated this little bridge access right here.

Rich Williams stated that is separate, at Cann Lane they are proposing to turn that into a lollipop with the center of the cul-de-sac that was, has not been constructed and was proposed would be a center vegetated island...

Board Member DiSalvo stated so they are going to have more traffic going through then, I mean those houses are like right there...

Rich Williams stated and they proposing a couple of parking spaces on Cann Lane...

Board Member DiSalvo stated I mean there isn't enough room there now.

Rich Williams stated once they improve it. One of the issues that is still be wrestled with is that there is an irrevocable offer of dedication for Cann Lane to be a Town road, should it ever get improved, it was never improved to Town road standards. If they do what they are proposing to do, it is unlikely it would ever be a Town road, so they are going to have to get the agreement, my opinion is they are going to have to get the agreement of the adjacent property owners and then go into a long term maintenance agreement.

Board Member DiSalvo stated there are what three houses in there, four around the bend, around the bend with the barn is a house.

Rich Williams stated um...

Board Member McNulty stated does the Hudson Valley people have an easement through Cann Lane to get to the property.

Rich Williams stated no, they front on Cann Lane.

Board Member McNulty stated so they would have to get permission from the property owners.

Rich Williams stated they don't need permission to have access off of Cann Lane they would need permission to do what they are proposing to do with the road because right now all those property owners have a right should they get together bringing it up to Town road specs, to have the Town come in and take it. If Hudson Valley Trust does what they are proposing to do, that road would probably never meet Town road specifications so we couldn't take as a Town road.

Board Member McNulty stated so it would always be a private road.

Rich Williams stated it would always be a private road.

Board Member DiSalvo stated a little...

Board Member McNulty stated do we have to require who is going to maintain it.

Chairman Rogan stated it is required of the...

Rich Williams stated it would be prudent planning to make sure there is a long term maintenance agreement in place. Now one of the things that I did talk to them about with the limited parking that they are proposing, is you know what are they going to do for events and things like that, their plan and I am sure they are going to discuss this more with the Board, is to use the existing parking facility which is more than adequate...

Board Member DiSalvo stated yea and use the bridge.

Rich Williams stated right and use the bridge.

Board Member McNulty stated this bridge here, it's a foot path basically.

Chairman Rogan stated yea.

Ted Kozlowski stated finished.

Rich Williams stated sure.

Board Member Montesano stated oh boy.

Rich Williams stated unless anybody has any questions.

Ted Kozlowski stated Rich, can you explain to me...

Rich Williams stated where is the microphone.

Ted Kozlowski stated right there, I don't have it covered.

The Secretary stated thank you.

Ted Kozlowski stated can you explain to me and this is, I don't understand this, why they are proposing to build a dirt road that is going to go all the way around, go across the wetland, cross the stream and go behind these house to a parking lot when they could just access it from Cann Lane.

Rich Williams stated a couple of reason, I suspect is one, as Maria said, Cann Lane is a residential...

Board Member DiSalvo stated those houses are like right here.

Board Member McNulty stated its tight.

Rich Williams stated street...

Ted Kozlowski stated but this is a 12 gravel access.

Rich Williams stated right.

Ted Kozlowski stated okay, a gravel road...

Board Member DiSalvo stated isn't there a road here now.

Ted Kozlowski stated a gravel road for the public to drive on, to access here, when did we start doing things like that.

Rich Williams stated this is their proposal Ted.

Ted Kozlowski stated okay.

Rich Williams stated all right.

Ted Kozlowski stated I just find it amazing that, amazing that they are going to do all this for a four car parking lot.

Rich Williams stated well exactly do you...

Board Member DiSalvo stated why even have the parking lot.

Ted Kozlowski stated why don't we just have four cars drive on Cann Lane to a parking lot right here...

Board Member DiSalvo stated because kids play on the street there.

Ted Kozlowski stated there's got to be another reason why they are going to go through this whole expense to go back here, I don't understand.

Rich Williams stated how much expense do you see them going through.

Ted Kozlowski stated well Rich they are going through...

Rich Williams stated you do understand that road is there.

Ted Kozlowski stated I understand that but it has to be improved and you're telling the public to drive on a gravel road...

Rich Williams stated right.

Board Member Cook stated Ted, that is a question for the applicant next week.

Ted Kozlowski stated right, I know but I know where this is, I just.

Board Member Montesano stated Ted you're getting upset and you know why you're getting upset. I know why you're getting upset, it isn't going to do any good.

Board Member DiSalvo stated why do we have to have parking there, why can't they just use the bridge, right, let them walk, it supposed to environmental open space, let them walk over there.

Ted Kozlowski stated I'm enjoying it, the other thing is...

Rich Williams stated and I have had some conversations so I can answer part of the question...

Ted Kozlowski stated well no, it's...

Rich Williams stated the only reason they are coming off of Cann Lane is because of grade issues and the need to provide ADA parking.

Chairman Rogan stated gotcha.

Rich Williams stated other than that they wouldn't be coming off of Cann Lane at all.

Ted Kozlowski stated now the other surprising thing...

Board Member McNulty stated just one spot they are going to put for handicap, an ADA spot in the front of the building.

Ted Kozlowski stated this application is incomplete.

Board Member McNulty stated I'm sorry, what are you saying.

Ted Kozlowski stated this, the wetlands application is incomplete because the wetlands were never inspected or approved by this Town and these wetlands were flagged in 2005 and field surveyed in 2006 and Brian Drum with DEC flagged them because its part of DP-22, the Great Swamp. I'm a little surprised because Insite should know this, DEC wetlands and Town wetlands could differ and they have differed many times, so I've never seen the flagging, they have never contacted me and it's the middle of winter, I doubt those flags are still up because it over four years ago, five years ago that it was flagged, its going to have to wait until May for us to...

Rich Williams stated or at least until the appropriate conditions permit.

Ted Kozlowski stated right, which could be June.

Board Member McNulty stated has he already applied for the wetlands application.

Ted Kozlowski stated this is the application.

Board Member DiSalvo stated that's what this is.

Board Member McNulty stated it says initial application, I didn't know.

Rich Williams stated they made a full submission as far as the permits that they received or needed for this Board...

Board Member McNulty stated so the wetlands is fine.

Rich Williams stated which includes site plan and wetlands.

Chairman Rogan stated right.

Ted Kozlowski stated well we can't act on this until the wetlands have been flagged.

Chairman Rogan stated but we can continue our review and have that conversation, spring is right around the corner, didn't you guys hear that.

Board Member DiSalvo stated after the snowstorm.

Board Member McNulty stated 12 plus Thursday night.

Rich Williams stated Tommy, just so you know, typically the ZBA does not want to do SEQRA ever...

Board Member McNulty stated after reading it, I can see why.

Board Members laugh.

Board Member McNulty stated I haven't been through it yet, so we'll have to do one.

Board Member Montesano stated you been hanging out with him.

Rich Williams stated all right so, it's, you know it's, it's like doing maintenance on a car...

Chairman Rogan stated that bad.

Rich Williams stated no.

Board Member McNulty stated I'll do one and I'll let you know.

Rich Williams stated an old car.

Board Member Montesano stated thank you.

Board Member DiSalvo stated let's go back to the dedication.

Chairman Rogan stated anyway.

Rich Williams stated let me just touch on this, they made the application to the Planning Board because typically the Planning Board is going to do their intent for Lead Agency to do SEQRA, to get the Planning Board's input before they make the application to the ZBA for a special use permit for, anybody...

Board Member DiSalvo stated a club.

Rich Williams stated there you go.

Board Member McNulty stated oh.

Ted Kozlowski stated they mention club in the, they are calling...

Board Member McNulty stated are they the owner of the building or do they rent space at the intersection, the existing building.

Board Member DiSalvo stated they own it.

Board Member Montesano stated they own it outright.

Board Member DiSalvo stated but the club doesn't own it.

Rich Williams stated well they are a club.

Board Member McNulty stated Hudson Valley Trust is a club.

Rich Williams stated they have a use permit, yet, they do have a use permit to operate that facility as a club.

Board Member DiSalvo stated but this will not be a club, these will be offices for...

Chairman Rogan stated it is part of a club.

Board Member Montesano stated other clubs.

Board Member DiSalvo stated like what.

Board Member Montesano stated it might be a club such as American Red Cross, they might be in the Boy Scouts if they have them in there.

Board Member DiSalvo stated will those four parking spaces be enough or will they have to expand the building eventually.

Board Member Montesano stated that depends on which way they go in, if they park at the old Town Hall, especially Boy Scouts, they could troop across the bridge into the area.

Board Member McNulty stated this initial application, they want some offices, correct, for their daily use.

Rich Williams stated they haven't been very clear or forth coming about what they are proposing to do out there. In meeting with them in a pre-application meeting, they indicated they were going to have some office space in there...

Board Member Montesano stated didn't they say non-profit organizations, office space.

Rich Williams stated if they are going to be a club, it would have to be a not for profit organizations, they couldn't then do it for profit.

Board Member Montesano stated well that's, that is interpretation.

Board Member Cook stated they are a non for profit.

Rich Williams stated right.

Board Member Montesano stated they are a not for profit organization, which means financing coming in must be spent.

Board Member McNulty stated I haven't really yet.

Ted Kozlowski stated Rich, what is this cul-de-sac, what is that.

Board Member DiSalvo stated that is from the old subdivision I think, right.

Ted Kozlowski stated is that the old subdivision.

Board Member Montesano stated yes.

Chairman Rogan stated is that where that nice stonewall was built...

Board Member DiSalvo stated that shouldn't even be on anymore.

Rich Williams stated yes.

Ted Kozlowski stated yea I know, I don't know why...

Chairman Rogan stated they did a nice job on that.

Ted Kozlowski stated its kind of deceiving because you...

Board Member McNulty stated probably took an old plan...

Ted Kozlowski stated you look at that and you're going what...

Chairman Rogan stated why are they even showing that on the map anymore.

Ted Kozlowski stated yea.

Board Member Montesano stated (inaudible).

Board Member McNulty stated its because they used an old plan.

Ted Kozlowski stated no, this road cul-de-sac why is that...

Board Member DiSalvo stated they superimposed it over...

Rich Williams stated because for all intents and purposes its still there, they are showing it as property lines to be abandoned. If you look at the property line right up close to the road, there is a little small property with a septic on it and you'll see the note there that indicates that line is there to be abandoned, that is why they identified it that way.

Board Member DiSalvo stated so where would the septic, they are going to put a new septic here.

Rich Williams stated I don't where they are going to, I'm not that far into the plan.

Chairman Rogan stated I think they...

Ted Kozlowski stated while you guys were on Meadowbrook, I was looking this over.

Board Member Montesano stated next page.

Ted Kozlowski stated I thought I saw it, maybe not...

Board Member McNulty stated so this falls back to where we have to decide Lead Agency...

Ted Kozlowski stated I would imagine it is going to be back here somewhere.

Board Member McNulty stated is that the next step.

Board Member DiSalvo stated the septic will be back here...

Ted Kozlowski stated I would imagine.

Rich Williams stated well no, the next step is you are going to talk about...

Board Member McNulty stated their intent.

Board Member DiSalvo stated he's not going to alter this one here...

Rich Williams stated their intention of what has been submitted, you may want to do a site walk out there then after that the next step for the Board typically is doing intent for Lead Agency.

Board Member DiSalvo stated is the bridge shown on here.

Board Member Cook stated you can still be part of the site walk.

Chairman Rogan stated oh yea. That bridge looks nice (inaudible).

Board Member McNulty stated they are calling for...

Ted Kozlowski stated (inaudible).

Board Member McNulty stated 10,000 of man hours in jobs created, that's a lot of cars right there.

Board Member DiSalvo stated you ever been in that barn.

Board Member Montesano stated that was (inaudible).

Board Member DiSalvo stated it's a nightmare.

Board Member McNulty stated it's a pretty healthy project.

Board Member DiSalvo stated I remember when the deck came off the building, no one knew it, I was driving by one day and I saw this whole deck come like right off the building...

Board Member McNulty stated you saw it happen.

Chairman Rogan stated wow.

Board Member DiSalvo stated and it was hanging and I was like, I called the Building, I called Paul, Paul was here, then I said Paul you better go over there, the deck is like hanging off the building, I think Lopane still owned the property then.

Chairman Rogan stated wow.

Board Member DiSalvo stated and that deck was gigantic, I just saw it, right off the building.

Chairman Rogan stated lucky it didn't take the house with it. Okay, let's move along, oh I'm sorry.

Board Member McNulty stated one quick question, did Insite prepare the application for the site...

Rich Williams stated yes.

Board Member McNulty stated I see a lot of technical questions there, how many tons of sewage, waste...

Chairman Rogan stated yea, typically the engineering firm will prepare those documents.

Board Member McNulty stated well we got it in the beginning, this is good.

Chairman Rogan stated no, it was bound to happen eventually.

7) TOM'S BARBERSHOP – Amended Site Plan Application

Chairman Rogan stated Tom's Barbershop, we spoke with Tom, he wanted to change his parking layout, he wanted to change the septic area, we said fine as long as Health Department approved.

Board Member DiSalvo stated right.

Chairman Rogan stated he wanted to keep the existing shed.

Board Member DiSalvo stated (inaudible) engineers...

Chairman Rogan stated sorry.

Board Member DiSalvo stated I guess he's using the same engineer from last time.

Rich Williams stated that is...

Board Member DiSalvo stated there's no name on here.

Rich Williams stated a very good question because it is not clear to me that he took the existing approved subdivision plat and just pasted something over the top of it and made copies or the engineer did this but either way...

Chairman Rogan stated did you get a stamped plan, yea but that's not, that's photocopied.

Rich Williams stated I don't have...

The Secretary stated wait.

Board Member Montesano stated quiet.

(Tape 1 Side 2 ended – 9:21 p.m.)

Rich Williams stated the original stamped plans nor do I have original signature plans from the Planning Board, if you look Shawn that has already been signed.

Chairman Rogan stated hey, all right...

Board Member DiSalvo stated that was the first go a round.

Chairman Rogan stated good, very good.

Board Member Montesano stated good.

Chairman Rogan stated your investigative ability, you can retire from here and go join the Sherriff's Department because that's really good.

Board Member Montesano stated I think that is a pretty good idea, we should submit it that way and everybody approves it and he already did.

Rich Williams stated I wish that was true but I sure miss that light.

Chairman Rogan stated yea, that's true but you know.

Board Member Montesano stated oh gosh, I don't think that he did it personally but whoever he's got doing the work thought it was great idea.

Chairman Rogan stated well I mean, the guy paid money for plans, he's...

Board Members laugh.

Board Member Montesano stated there is always the possibility, inside joke, we will mention it unofficially.

Chairman Rogan stated okay.

Board Member Montesano stated well let's put it this way, quickly if you realize whose signature appears there instead of, then think.

Chairman Rogan stated yea.

Board Member DiSalvo stated so.

Rich Williams stated it's a pretty straight forward application, I've got a few minor comments on it, one is that I think there should be some protection between the parking lot and the septic fields, the septic still had, the parking is still being shown up here, code requirements and...

Board Member McNulty stated this entire lot is commercial.

Rich Williams stated yes.

Board Member Montesano stated yea.

Board Member DiSalvo stated he's doing all this to keep the garage.

Board Member Montesano stated originally the approval was for these striped lines to be over this way, he would like to have them this way.

Board Member McNulty stated to create a better parking lot, easier access.

Board Member Montesano stated yea well...

Board Member McNulty stated where is the entrance to the parking lot...

Board Member Montesano stated that's it.

Board Member DiSalvo stated it's on Locust.

Board Member McNulty stated they can just pull in, it's just straight in off, and is this whole area is grass or blacktop...

Board Member DiSalvo stated you mean you don't go for a hair cut there...

Board Member McNulty stated I go for a hair cut but I walk, I park in my own lot.

Board Member Montesano stated do you get half price...

Board Member McNulty stated no, I don't get half price.

Chairman Rogan stated Tom, originally...

Board Member DiSalvo stated so these cars are backing out into your spot, they want to save the garage.

Rich Williams stated timing is everything.

Board Member McNulty stated but is this all grass here or is this the garage.

Board Member DiSalvo stated that is that broken down garage.

Board Member McNulty stated I thought that was Frank Grady's garage.

Board Member Montesano stated no, he thought so too but no.

Board Member DiSalvo stated he thinks it is.

Board Member McNulty stated that is why I thought it was.

Board Member Cook stated Rich, in your memo you talk about the proposed parking stalls, as your 8 ½ feet by 14 feet...

Rich Williams stated yes.

Board Member Cook stated and those (inaudible) available for stalls 20 feet and our Code requires a parking space be 10 by 20, so I think that if he goes 10 by 20, he loses a space.

Rich Williams stated yes.

Board Member Cook stated but then...

Rich Williams stated also remember Charlie, he did on this site different parking layout, you gave him a waiver.

Board Member DiSalvo stated yea, the first time around.

Chairman Rogan stated yea because we were trying to fit in the spots.

Board Member McNulty stated so it makes sense, what you're saying.

Board Member DiSalvo stated he did a nice job of the building.

Chairman Rogan stated the configuration of the old spots, everybody said was difficult and we weren't sure it was even going to work, this was more intuitive, its the way people are parking right now...

Board Member DiSalvo stated right.

Rich Williams stated right.

Chairman Rogan stated maybe it will mean less impervious surfaces, there is no reason why we have to pave all this stuff although I think he was hoping to get his car back in there, didn't he say that.

Board Member Montesano stated yea, he was going to try to park his car in there.

Chairman Rogan stated he was going to try to make 6 spots out of this.

Board Member Montesano stated and leave the garage because he doesn't have to pull his car out.

Board Member Cook stated in theory he is the first one in and the last one out.

Board Member DiSalvo stated (inaudible).

Board Member McNulty stated what's over the septic over, is that lawn.

Rich Williams stated it should be grass, yea.

Board Member DiSalvo stated it looks like gravel there now.

Chairman Rogan stated yea, right now its all gravel and...

Board Member McNulty stated is there any reason why we can require him to put grass around the garage because you're going to pack a ton of cars in there.

Board Member Montesano stated I think he left the garage open or the area open so that he comes in, in the morning and parks here...

Board Member DiSalvo stated and if he ever has a tenant upstairs.

Board Member Montesano stated and his customers can park here and then when they pull out and he goes to leave, he'll be the last one out. Then the tenants can probably or something to that effect, I don't remember exactly.

Board Member DiSalvo stated something about the oil tank too (inaudible).

Rich Williams stated now I assume that the Board wants that same sign that we had talked about putting up on the fence in the back relative to tenant only parking, only now we are going to somehow get it on the garage...

Board Member Montesano stated well if you put it, you are going to have to put it on the garage, not on the fence.

Board Member DiSalvo stated being that the garage is staying.

Board Member Montesano stated well he said he would like to keep the garage, if I recall so, rather than a sign that you can't see because they are going to tell you I missed, it was back on the fence...

Board Member McNulty stated the garage is in good condition.

Board Member DiSalvo stated does he know, Tom you weren't...

Chairman Rogan stated it can be salvaged.

Board Member Montesano stated he is going to take care of that.

Board Member DiSalvo stated you weren't at the public hearing, Frank Grady came in and said that he was concerned about people parking there in the evening and going over to Burke's...

Board Member McNulty stated well they do it because they do it in front of my place all the time.

Board Member DiSalvo stated empty bottles in the parking lot.

Board Member McNulty stated it's a mess, all the stuff that I find. I have a little alley way into my shop which is right next to the Hudson Valley Wood refinishers...

Chairman Rogan stated oh okay.

Board Member McNulty stated and I won't tell you what I find.

Board Member Montesano stated this is all Frank, okay, Frank goes up to here.

Board Member McNulty stated what are those little round things, shrubs.

Board Member Montesano stated shrubs, they are supposed to be but this is Frank's and that is what Frank was yelling about because all his bicycles and spare parts were here. It was amazing when we went on that site walk, hey, it's fun.

Board Member DiSalvo stated but he did bring up that point about Burke's their clients.

Rich Williams stated this is just warm up for tomorrow night, what do I care.

Chairman Rogan stated yea I know.

Board Member McNulty stated (inaudible) about making more grass (inaudible) the garage.

Board Member Montesano stated no laughing allowed.

Board Member DiSalvo stated we were saying that maybe he can put up chain at night so nobody goes in there.

Board Member McNulty stated a chain is one thing.

Board Member DiSalvo stated (inaudible).

Rich Williams stated I would like to get down to 50 hours a week.

Board Member Montesano stated why.

Board Member McNulty stated you and me both.

Board Member Montesano stated just think how happy you are doing this.

Chairman Rogan stated okay, so we are looking at the fives spaces but the one detail on this, cobblestone curbing , is that indicating what we were talking about was going to be along this topside.

Rich Williams stated yes.

Chairman Rogan stated okay, we should probably have something like a curbing go around the septic area, is that proposed.

Rich Williams stated we can do that.

Chairman Rogan stated we should do that I think because if he is going to try to get in and out of there, then we should at least protect from people driving, it's easy enough to drive and cut this corner...

Rich Williams stated and that is what I said, you want to put some sort of barrier protection around here whether its stockade fence, you know the cobblestone curbing...

Chairman Rogan stated just the curbing even, something that is a good 6 inch...

Board Member McNulty stated what about wheel stops at space 4 and 5, just to stop people from coming in there.

Chairman Rogan stated yea.

Board Member McNulty stated concrete wheel stops.

Board Member Montesano stated well I think we ought to have them on all of them when you get down to it...

Board Member McNulty stated well that limits what he wants to do to pull his car in.

Board Member Montesano stated all right, I'm talking about 1, what do we have here 1, 2, 4 and 5, leave 3 open.

Board Member DiSalvo stated the middle one.

Board Member Montesano stated yea because that comes right in.

Board Member DiSalvo stated then people will know it's a parking area with those stops there, you know.

Board Member McNulty stated I know if you don't define it, its going to be a free for all parking area.

Board Member DiSalvo stated park all over.

Rich Williams stated well if its blacktop and I am not clear what he's doing here but originally he was going to blacktop it...

Chairman Rogan stated yea.

Board Member DiSalvo stated he wanted to wait.

Rich Williams stated if its going to blacktopped, its going to striped and you really don't need the wheel stops because what are you going to hit, that is the intent of having the wheels stops.

Board Member McNulty stated what is going to keep people from double parking into there and loading up excess cars.

Board Member DiSalvo stated do you see anything like that now going over there, what do you see, do you see a lot of cars pulling and parking.

Board Member McNulty stated what I see they block my garage door.

Rich Williams stated there's not enough room to really stack it up there.

Board Member McNulty stated so this isn't true to scale.

Board Member Cook stated the owner would have to control that.

Board Member Montesano stated usually if I go in, I usually try to park down there so I can swing out this way and back out but I see them, most of people park in here.

Board Member McNulty stated I'm talking about at night, they start to load up cars in there, the more cars to get, the more traffic and just from my own shop, the more junk and debris and hassle you get from people.

Board Member Cook stated what we did talk about last time was this being blacktopped and striped...

Chairman Rogan stated yes.

Board Member Cook stated so there has to...

Chairman Rogan stated absolutely.

Board Member Montesano stated that would be nice though if you could just take a tow truck and park it right there.

Chairman Rogan stated does he has to resubmit clean copies of these for us, if we do an amended site plan he has to get us clean copies of the design or are we just making our amended notes on this set and file them since they are already sign.

Rich Williams stated he is going to have to give us clean sets from an engineer or from his landscape architect.

Chairman Rogan stated okay, all right he is just maybe getting through the process with this.

Board Member Montesano stated the one at Patterson Auto Body.

Board Member McNulty stated so we like the general idea, we just need a finalized set.

Board Member DiSalvo stated a clean one.

Chairman Rogan stated yea.

Board Member McNulty stated it makes sense to me.

Board Member Montesano stated without the signatures.

Chairman Rogan stated all right.

Board Member Cook stated he is also looking for with this amendment waiving of any fees that are associated with this. Now what would those fees be, Rich.

Board Member DiSalvo stated what happened the first time around.

Board Member Cook stated your review.

Board Member DiSalvo stated did he pay fees the first time.

Rich Williams stated yes he did.

Board Member DiSalvo stated so that is why he doesn't want these because he...

Rich Williams stated he paid an application fee, an application fee for an application such as this is going to be \$500 dollars...

Board Member DiSalvo stated ouch.

Rich Williams stated then he paid for the professional plan review and there were missteps in that, so his professional plan review fees were somewhere in the ballpark of \$950 dollars.

Board Member McNulty stated so he is looking for a waiver of the next fee for changing this.

Rich Williams stated yes.

Chairman Rogan stated well the changes though, that we have discussed tonight don't necessitate an engineering review, there is nothing that he is proposed...

Rich Williams stated I was not planning on giving it to an engineer at all.

Chairman Rogan stated so we don't have engineering plan review fee on it, so you are talking about an amended site plan application fee, correct...

Rich Williams stated and my time.

Chairman Rogan stated and then your time, so, you know, I think he should at least pay for the Town's time regardless of whether or not the application fee or not whatever we...

Board Member Montesano stated he changed his mind mid stream...

Chairman Rogan stated yea.

Board Member DiSalvo stated so what are you looking at, give me like a ballpark figure.

Rich Williams stated \$500 dollars...

Board Member DiSalvo stated plus the amended site, plus the amended application fee.

Rich Williams stated the amended application fee is \$500 dollars.

Board Member DiSalvo stated plus another \$500.

Rich Williams stated no, \$500 dollars.

Board Member Montesano stated five.

Board Member DiSalvo stated oh that's it.

Rich Williams stated then the question is, generally we charge my time back also...

Board Member DiSalvo stated right.

Rich Williams stated whether we are going to charge my time back.

Chairman Rogan stated that is what Maria was asking...

Board Member DiSalvo stated that's what I was asking, your time.

Rich Williams stated yea, my time on this, probably a total of 6 hours...

Chairman Rogan stated so that's two grand.

Rich Williams stated so, 200 bucks.

Board Member McNulty stated you come cheap.

Board Member Cook stated I'd waive the fees, I'd waive both of the fees.

Board Member DiSalvo stated I would go that way too.

Board Member Montesano stated I got no problem with it, the Health Department...

Board Member McNulty stated he's done a nice job with the building.

Board Member Montesano stated that is the main thing he did one hell of an improvement on that building.

Board Member Cook stated he's trying.

Board Member McNulty stated well maybe we can waive...

Board Member DiSalvo stated the application fee.

Board Member McNulty stated the amendment fee but I think Rich's time should be compensated.

Chairman Rogan stated okay.

Board Member DiSalvo stated right, want to propose that instead.

Board Member Cook stated that's fine.

Board Member McNulty stated does that have to go to the Town Board.

Rich Williams stated it is a decision of the Town Board.

Chairman Rogan stated so it's a recommendation.

Rich Williams stated yup.

Chairman Rogan stated so the recommendation is being proposed that Mr. Salinas' amended site plan application...

Board Member DiSalvo stated fee.

Chairman Rogan stated can be looked at favorably for a...

Board Member Montesano stated a waiver of...

Chairman Rogan stated waiver of the permit fee but the Town review fees will still be charged.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, basically, we don't have to do a motion on it but it sounds like we are all...

Board Member Montesano stated we just did.

Board Member DiSalvo stated on the fee waiver.

Chairman Rogan stated no, new topic, we don't have to do a motion on it but we are all it sounds like in the same boat on the amendments to the plan that are shown.

Board Member Cook stated with the curbing around the...

Chairman Rogan stated right, so let's get a clean set of plans from the guy, something we can sign, showing those changes.

Rich Williams stated this is a new application, you still have to have a public hearing, you still have to go through the process.

Chairman Rogan stated I was wondering, remember I asked that about whether we had to do a public hearing and I thought you said that it depended on whether the Board felt that the changes were significant.

Rich Williams stated well you can do a waiver, want to do a waiver.

Board Member DiSalvo stated yea because Grady was the only one that showed up and he voiced his concerns and I'm sure he's going to be happy to know the garage is going to stay.

Rich Williams stated then you don't get a new set of plans.

Chairman Rogan stated so why don't we, should we just do that...

Board Member McNulty stated was the fence on the original plan.

Chairman Rogan stated yea.

Rich Williams stated but with a waiver you don't get a new set of plans.

Board Member DiSalvo stated what about the garage.

Board Member Cook stated why.

Rich Williams stated because you are waiving the requirement that he has to submit a site plan.

Chairman Rogan stated an amended site plan.

Rich Williams stated an amended site plan.

Chairman Rogan stated but you can put conditions on that waiver and the conditions can be curbing around the septic area.

Board Member McNulty stated and an engineered plan.

Chairman Rogan stated we have it.

Board Member Montesano stated we have it.

Rich Williams stated for a completely different design.

Chairman Rogan stated right, no, let's get the site plan, let's get the plans on it, showing what's there, showing what they are proposing, let's make it a little bit clearer.

Board Member McNulty stated based on this plan, I would say we should get an official plan.

Chairman Rogan stated let's do that.

Board Member McNulty stated so we can't waive it then.

Chairman Rogan stated so then we'll have a public hearing.

Rich Williams stated you could if you wanted to.

Board Member McNulty stated okay.

Board Member Montesano stated but it wouldn't be sensible because then we end up with that plan...

Chairman Rogan stated all right.

Board Member DiSalvo stated it's only for the better now.

Chairman Rogan stated what's the difference, exactly, and the money he spends on notifying the neighbors...

Board Member Cook stated we'll set that next week for the following meeting and...

Board Member DiSalvo stated and you can attend.

Chairman Rogan stated he can, the money that he saves on the application...

Board Member DiSalvo stated will pay for the postage...

Chairman Rogan stated potentially will pay for the postage plus.

Board Member Montesano stated you may have to recuse yourself anyway because its in proximity of your business.

Board Member McNulty stated and I'm not really up to speed on this one, I can abstain from this.

Chairman Rogan stated yea, all right.

Board Member McNulty stated I don't, it's...

Board Member Montesano stated I am just saying because I remember one person who said no I didn't have to and I thought there was something about a lawsuit...

Board Member McNulty stated you know I don't own the building, I just rent there...

Rich Williams stated you should talk to the attorney about that whole recusal thing, I don't...

Board Member Montesano stated to me all you have to do is make a statement...

Rich Williams stated (inaudible) an issue.

Chairman Rogan stated yea.

Board Member Montesano stated you can make the statement like we did...

Chairman Rogan stated just being near something doesn't in and of itself, I think that is a good idea for all of us to talk to the attorneys once and while, it has more to do with the...

Rich Williams stated whether there is a perceived bias.

Chairman Rogan stated perceived bias.

Board Member Montesano stated what did three of us do that night...

Board Member DiSalvo stated and you've never been exposed to this project and you never made a negative or positive comment about it, so.

Board Member Montesano stated when we were, the attorney (inaudible) something where we had to recuse ourselves...

Board Member McNulty stated I'm at the tail end of this...

Board Member Montesano stated and let's see...

Chairman Rogan stated they appointed a...

Board Member Montesano stated you, me and Dave.

Board Member DiSalvo stated on what.

Board Member Montesano stated on that, what the heck was it, Martins, didn't we...

Board Member DiSalvo stated you had to and you had to but Dave had to.

Board Member Montesano stated yea but we didn't have to, I had to recuse myself Meadowbrook.

Board Member DiSalvo stated Meadowbrook.

Board Member Montesano stated but when we got there, we didn't have to...

Board Member Cook stated Martins.

Board Member DiSalvo stated you never got there.

Board Member Montesano stated Martins we said that we had, we could look at in an object manner and they agreed to go along with that when we set it out there and that was it.

Chairman Rogan stated well we would have had to...

Board Member Montesano stated three members from somebody else.

Chairman Rogan stated somebody from another Board. Okay, Meadowbrook Farm we already discussed, Field and Forest we discussed.

9) OTHER BUSINESS

b. Green Chimneys

Chairman Rogan stated Green Chimney's has a bond issue.

Rich Williams stated they are looking for the release of their bond for the health care center and the barn, which I have gone out and looked at and they are complete.

Board Member DiSalvo stated and they have a C.O.

Rich Williams stated I didn't ask.

Board Member DiSalvo stated (inaudible) are you teasing me.

Rich Williams stated am I teasing you, no I'm not teasing you.

Board Member DiSalvo stated oh.

Rich Williams stated just because there were people in the building and people walking in and out and patients, doesn't mean they have a C.O.

Board Member Cook stated well they asked us for a years extension...

Chairman Rogan stated I don't know where it went.

Board Member Cook stated right, back in the fall.

Chairman Rogan stated well it landed the right way.

Board Member Cook stated to meet the conditions of their final site plan.

Rich Williams stated yes, something like that.

Board Member DiSalvo stated that is not the dormitory section, right this the health, the first phase.

Chairman Rogan stated the health center, I've been in that health center also over the summer with camps, nice building.

Rich Williams stated it's, I'm being coy because of process, I like to be a process oriented guy, I think it keeps us all safe.

Chairman Rogan stated let us know that we are good to go at the next meeting.

Rich Williams stated yea, I mean I've been out there, I've looked, all the improvements are complete, I did take a look at it, I did not have the Town Engineer go out there because the improvements were fairly straight forward and minor and not structural or you know, there was no drainage or hydrologics.

e. LaDau Correspondence

Chairman Rogan stated the next item on the agenda, Tom had asked that we talk about, he was approached by, I'm assuming...

Board Member McNulty stated Robert LaDau, I know...

Chairman Rogan stated I'm sorry we'll go back to it.

Board Member McNulty stated I know him, he found out I was on the Board and he had sent this letter into Mike Griffin and he never got a response, he told me, so he asked me if I would look into it. I don't know, has it ever come up, this letter or...

Chairman Rogan stated well we received it but because it was addressed to Mike, we never followed through and we never got the background on it and I had asked Rich to take a look into it.

Board Member McNulty stated his concern was you know, with things being approved or having the variances, there are two sites that he specified, one is right next to him which is a kind of difficult lot, I don't know if they consider that front or side...

Board Member DiSalvo stated that corner house.

Rich Williams stated that is the question...

Board Member McNulty stated was there a permit granted for that shed or...

Rich Williams stated I can tell you what I do know and that is we were approached by the property owner, both the Building Department and the Planning Department, well the Building Department brought it in about the potential about putting a garage, our Code allows you to put a garage in the front yard so long as it is not within the, not directly in front of the house, there a specific requirements about where it can go and this met the requirements for that. Now, other accessory structures such as sheds and swing sets and play gyms, can not be put, under any circumstances in the front yard, so if he put up a garage then he is probably conforming, if he put up a shed, which is what it appears he did and did so without a building permit because I did verify, there is no building permit because it may be smaller than what is normally required and my opinion would be he is not in compliance.

Board Member McNulty stated because he is in a front yard because it has road frontage, is that the term front yard.

Rich Williams stated no because it is forward of the house, its in the front yard and...

Board Member DiSalvo stated that's the type of lot (inaudible).

Rich Williams stated you know aesthetically you don't want to see a lot of these sheds...

Chairman Rogan stated yea.

Rich Williams stated and other structures in your front yard, it doesn't create an attractive streetscape.

Board Member McNulty stated so I don't know.

Chairman Rogan stated so secondly Rich, the claim is that the Planning Board approved this structure and I don't...

Rich Williams stated correct, never happened.

Chairman Rogan stated there is no basis to that, so it really becomes a compliance issue with the Building Department.

Rich Williams stated correct.

Chairman Rogan stated okay.

Rich Williams stated I know that Mike had mentioned it to Nick and asked Nick to look into it, you know when I talked to Nick, it seemed like he had other priorities and hadn't gotten to this yet.

Board Member McNulty stated so is this something that Mike will address back to Robert or is this...

Rich Williams stated I can talk to Mike if you'd...

Board Member McNulty stated do you want me to just make a phone call (inaudible)...

Chairman Rogan stated well let me propose this though...

Board Member McNulty stated oh, he has another problem on Cushman Road.

Ted Kozlowski stated is that Werlau barn.

Rich Williams stated I'm not sure which one of the barns it was, there are two barns going up, one of them did receive the necessary variances for being in front of the house and being along the road.

Board Member McNulty stated it's a brand new house being built, I think that is the property I drove by.

Rich Williams stated that is the one...

Board Member McNulty stated and then there is a barn up front.

Rich Williams stated they've got all the variances, they went through the whole process.

Chairman Rogan stated okay.

Board Member DiSalvo stated is that Landau...

Rich Williams stated Landau is the person...

Board Member McNulty stated LaDau, no that's Bob LaDau is the person next door to the shed, I don't know who owns it.

Chairman Rogan stated okay...

Board Member McNulty stated who the property owner is there, Judy Talc...

Chairman Rogan stated so the first half of this letter references this garage or shed that the Planning Board doesn't have, didn't have any approval over. Can you just draft a quick letter to these people from the Planning Board, Planning Department stated that it was discussed at this meeting, that the first instance asking about their information is not correct that and the Planning Board did not approve it and that the information to our knowledge has been transferred or forwarded to the Building Department. The second issued sounds like we did approve...

Rich Williams stated Zoning Board did.

Chairman Rogan stated Zoning Board, okay, just a response though to that effect.

Rich Williams stated okay.

Chairman Rogan stated this way its on record, that even though it was addressed to Mr. Griffin, especially since Tom brought it up, we should at least and because there are claims made from, to our Board.

Board Member McNulty stated on behalf of the Planning Board, yea.

Chairman Rogan stated just short and sweet.

Rich Williams stated you want to sign it, you want me to sign it.

Chairman Rogan stated sign it as the for the Planning Department, just say at the Planning Board Meeting it was discussed and requested that we.

Rich Williams stated Chairman Rogan and the Board Members request that I address this issue...

Board Member Cook stated correct.

Chairman Rogan stated I would say Board Member McNulty...

Board Member McNulty stated sure.

Rich Williams stated okay, fine.

Chairman Rogan stated okay, giving credit where credit is due, because I did see the letter but because it was addressed to Mike I didn't know anything about it, I didn't give it much thought.

Board Member McNulty stated well it's clarification, I think that is really what he's looking for is to...

Chairman Rogan stated yea.

Board Member McNulty stated you know he didn't get a response so he was concerned about it.

Chairman Rogan stated yea, okay back to Performance bonds, I was thinking we had covered...

d. Performance Bonds

Rich Williams stated okay, this kind of goes back to the issue with Field and Forest and other properties, right now the way our Code is structured, our Code says that if you are doing a private site with a site plan that all the improvements have to be certified by the Town Engineer and then acknowledged by the Planning Board and then the Building Department can issue the C.O. and there is really no flexibility in that. I was talking with Nick [Lamberti] and a similar situation occurs all the time with individual residential property owners especially at this time of year. They are out there, they have finished up all the interior improvements, they are ready to move into the house, the lawn is not in, he can't give them a C.O., the driveway is not in, driveways we have something in our Code but driveway doesn't go in, they can't get a C.O. unless the driveway is bonded. So in talking with Nick [Lamberti] we thought it might be appropriate to recommend and have the Planning Board and the Town Board consider amending the Code that would allow the Town to accept a cash bond with stings attached, with criteria for property owners such as Joe Reilly, if he didn't just have the landscaping or Tractor Supply if they didn't have the landscaping in or Tom McNulty so he can get his C.O. and get this client into his house because the lawn is not in, you know minor things like that, that are not related to Health Safety.

Board Member McNulty stated would it, you said earlier that our Code has no temporary C.O. provision, is there a particular reason for that.

Rich Williams stated they are problematic, all right and having said that our Code provides you can have a temporary C.O. but our Code also provides that when you have a site with a site plan, there is a different procedure so my opinion would be that the way it is written that temporary C.O. provision would only apply to single-family residential homes or maybe condominiums, townhouses things like that.

Board Member McNulty stated can that temporary C.O. be tied to these bonds because once you grant a C.O. there is not taking it back, is there, even though there is a bond on the property.

Rich Williams stated I mean there are legal...

Board Member McNulty stated a temporary C.O. would prohibit maybe additional financing or you know a sale of a home because it was never proven. I don't know if these bonds that we are talking about are general to all properties, I guess it is or is it just residential, the bonds.

Rich Williams stated it would be across the board to all properties and to go to a little bit more detail what we are recommending is that the Town set and accept a cash bond at 110% the value of the improvements, all right, now we have cash in our hand...

Chairman Rogan stated didn't we just do this the wetlands over in Putnam Lake...

Rich Williams stated yes, John Petrillo.

Board Member DiSalvo stated Johnny Petrillo.

Chairman Rogan stated Johnny Petrillo, we did even more than a 110%, we did like 200%.

Rich Williams stated right.

Chairman Rogan stated that was a small amount of money for the fence.

Board Member Montesano stated yes.

Rich Williams stated then we also set a time, as we did with Joe Reilly, July 1st it has to be, well if the improvements are not done by July 1st, then that property defaults on that bond. That cash bond becomes an administrative penalty back to the Town and I have to restructure the law, I knew I was pushing the envelope on this and Tim caught me on it and Tim said you can't do it, you can't take more than what the Town needs to take, so we take it as administrative penalty to cover any enforcement cost to get them into compliance. So if now we spend \$5,000 dollars on the attorneys and \$2,000 dollars on Code Enforcement pursuing a violation to get the improvements complete, we are now made whole for those expenditures.

Chairman Rogan stated 110% couldn't that be justified because the cost of doing things can change from time to time...

Board Member McNulty stated you said 110% plus the cost.

Rich Williams stated no, no what I'm saying is, we can set it at a 110% that is not a problem and then we can its an administrative penalty and we take it, so for the sake of discussion, we are talking a twenty thousand dollar cash bond, all right, the cost of our enforcement only comes up to ten thousand dollars, we don't get to keep the additional ten thousand over and above what the administrative and legal costs are, so we would have to then give him back, we would have to do an accounting, we would have to give him back the balance.

Board Member McNulty stated but we tie up his bond until he completes everything.

Rich Williams stated well at that point, we've taken his cash and we are pursuing an enforcement action.

Board Member Montesano stated we, all right, for arguments sake you give a temporary C.O., if there is a form that says temporary C.O. on it, that means he never has an official C.O. for permanency. It's a temporary for, 90 day for arguments sake, after 90 days that is no, it's a temporary C.O., you don't have a C.O., the object is that he can't sell the property without having to come back because he only has a temporary C.O.

Board Member McNulty stated I deal with that. It usually the Building Department that I always dealt with that either grants or doesn't grant a temporary C.O....

Rich Williams stated correct.

Board Member McNulty stated I don't know if that is by the town, set that in place because I never get that far but its always told to me that the Building Department can decided whether you get the temporary C.O. or not. I think it's a question for Tim to protect us in these cash bond, even though it, we take the bond and the guy, we give him the C.O. and he sells the house and the improvements never get done.

Board Member Montesano stated yea well.

Rich Williams stated but we have the cash bond and we have ability to enforcement it. Now...

Board Member McNulty stated but what does that do if the guy sells and runs, then we have a whole new person to deal with.

Rich Williams stated that's right.

Board Member McNulty stated I think that's a question for Tim, if we grant a temporary C.O., I don't think a bank would let the house sell...

Board Member DiSalvo stated no.

Board Member McNulty stated unless it's a cash deal.

Board Member Montesano stated well that is why I said, you...

Rich Williams stated we certainly could tie it to a temporary C.O. but by, first off you can't do a temporary C.O. unless there is something in the Code and we do, so that's there. Second issue, right now we have the ability to grant temporary C.O.'s except on commercial site, well Eurostyle Marble, the Building Department decided on their own that they should grant him a temporary C.O. even though the site improvements weren't done, that was a long time ago. The temporary C.O. expired this past June...

Board Member McNulty stated there is no way to enforce off of that.

Rich Williams stated sure you can enforce but you know that creates a level effort we have to take a business to court, it would be much easier if we had a financial incentive and a means to recover the costs.

Board Member McNulty stated a bond makes sense to me but I just think a question for Tim is to protect us even further with a temporary C.O., how does that effect, it may not be anything, it may not be a legal, there may not be anything legally bonded.

Chairman Rogan stated you bring up some interesting thoughts though, interesting questions, if I had a project and I wanted to get moving and I couldn't finish a part of it but I knew that the work that I had to do was going to cost me ten grand so all I had to do was put eleven grand cash and I could move forward. There's not a whole lot of incentive for me to do that, the work is going to cost me ten grand anyway, you're only holding eleven grand. I can either do or not do the work and I already have people that are now in the house or in the whatever, I'm only out a grand in my mind except for the fact that now the Town is going to potentially come after me.

Rich Williams stated correct.

Chairman Rogan stated yea.

Rich Williams stated but the incentive is if you do the work, you get the money back.

Chairman Rogan stated but all I'm getting back is a grand really because I already...

Rich Williams stated no you're getting back the eleven...

Chairman Rogan stated no my point is...

Rich Williams stated yes, yes.

Chairman Rogan stated theoretically its only the difference of a grand.

Board Member McNulty stated you already spent ten thousand.

Chairman Rogan stated its only a difference of ten percent, so...

Board Member DiSalvo stated so what are you saying 110% isn't enough.

Chairman Rogan stated what I'm wondering is, would it be better for the Town to just, instead of trying to bring someone to court or force someone to do the work to just collect an amount that if the person doesn't do the work the Town has to work done, isn't the whole point of a bond is that the Town can come in and do the work, not that we want to be in that business but...

Rich Williams stated well going back to Tommy's argument that you know we are holding a cash bond and he sells it and he doesn't do the work, well we are still holding the cash bond, we certainly have the ability to give that cash bond to the next property owner for doing the work. There would have to be some legal mechanisms done, it would have to go to court...

Board Member McNulty stated yea because the protection is for the neighbors of that property...

Rich Williams stated right.

Board Member McNulty stated they'll be stuck with a mud pit, per se.

Chairman Rogan stated right.

Board Member McNulty stated my experience in commercial work with the temporary C.O.'s is that they can pull it at any time, if they don't, if they give you a deadline, we just did a job and we needed to have cameras installed for certain things, for security and access to the parking lot...

Chairman Rogan stated yea.

Board Member McNulty stated he said listen, I know they have a deadline advertising, he granted the temporary C.O. but you have a month to finish this.

Chairman Rogan stated and what Mike said, you have that temporary C.O. it might allow that property owner to do what he needs to do but then he decides to sell, he doesn't do all the rest of the work, the C.O. is now off the books and it gets held up through...

Board Member McNulty stated it forces the improvements...

Chairman Rogan stated a sale and I like that, that is a pretty good self regulating kind of mechanism...

Board Member McNulty stated (inaudible) tie it together because this is recommendation back to the Town Board, we are discussing...

Chairman Rogan stated that ties into together the temporary C.O.

Board Member Montesano stated yea well, when you go to sell if the person, especially if you got into the title company...

Chairman Rogan stated yea.

Board Member Montesano stated he wants to see a C.O...

Chairman Rogan stated sure.

Board Member Montesano stated if its only temporary, why is it temporary, it's only got 30 days left to go...

Chairman Rogan stated and it has an expiration date on it because within that time, it's expected that they are going to complete the work and be issued the full permanent C.O., I think that makes a lot of sense.

Rich Williams stated to do it both ways.

Chairman Rogan stated yea.

Board Member Montesano stated yea.

Chairman Rogan stated absolutely.

Board Member Montesano stated it come sin handy.

Chairman Rogan stated you say hey we are going to bond the amount, the cash bond of 125% of the amount of the work or whatever.

Board Member McNulty stated is the Building Department responsible for the bonds or is that something the Planning Department does.

Chairman Rogan stated not a bad idea, it makes sense.

Board Member Montesano stated its something I run into.

Rich Williams stated it's a function of the Town Board and the...

Board Member McNulty stated Town Board.

Rich Williams stated and the money get held by our accountant and it passes through the Town Clerk, everybody makes recommendations. The way I have it structured here, determining the amount of the bond is a function of the Planning Board where you've got a site plan, Building Department, where you've got the individual residents.

Board Member McNulty stated okay.

Rich Williams stated so take a look at the memo I did, we'll continue this discussion at the next meeting if you think its appropriate...

Chairman Rogan stated okay.

Rich Williams stated I'll send it over.

f. Guiding Eyes for the Blind – Landscaping

Chairman Rogan stated Guiding Eyes for the Blind has a landscaping issue.

Rich Williams stated Guiding Eyes for the Blind, they are coming back in, they are wrapping up their plans, they are in pretty good shape and I can pull the plans if anybody wants to see it. If you all recall, coming up the driveway in front of the building, they were putting in a new parking lot...

Board Member DiSalvo stated by the trees.

Chairman Rogan stated yes, trees, generator.

Rich Williams stated and there were some very, very large spruce trees in that area.

Chairman Rogan stated yes.

Rich Williams stated all right and they were going to transplant them, they were going to move them around, all right and then it came to pass well it didn't make a lot of sense to move them around and they had issues with the septic system. So they were going to get rid of them and replace them but you were still going to have some trees there to kind of screen off the building from Route 164 and then as time past and they worked a little bit more on the septic system, more and more trees kind of disappeared...

Board Member DiSalvo stated disappeared.

Rich Williams stated in that area, the latest plan that just came in still has landscaping in that area but nothing high, all the trees are gone so you are going to have a clear view from [Route] 164 up to this building. Now having said that, it's a very nice looking building and it's not your typical commercial looking building so maybe the issue isn't a really big issue but I did want to bring it up to the Board just they're aware, you know at this point there are no large trees that are going to screen off that big building...

Chairman Rogan stated at least not for quite a few years.

Rich Williams stated well there's not going to be any trees planted at all...

Board Member Montesano stated there's nothing there.

Rich Williams stated because the septic is there now.

Chairman Rogan stated oh.

Rich Williams stated so if anybody has any issues with it, you know...

Chairman Rogan stated are the trees already gone, they're all gone.

Rich Williams stated they're off the plan, they are going to...

Board Member DiSalvo stated still there.

Rich Williams stated they are still there but they are off the plan.

Board Member DiSalvo stated their heating bill is going to go up, it's going to be windy.

Rich Williams stated so when they go to do this and they are looking to do this soon, they are going to cut them down.

Board Member Cook stated so what does that mean, they have to come back into us for approval.

Rich Williams stated if you are okay with the landscape plan as it is, without any trees breaking up the view between [Route] 164 and the main building, we're fine. If you want to see something different, then I am going to contact them and have them in at the next Planning Board meeting to talk to you about it.

Chairman Rogan stated from what I remember from the neighbors or from our assessment of the view shed was more for off-site lighting, any of the complaints that I ever heard about that was for lighting and what we found was the existing lighting wasn't shielded and so a lot of that lighting was going to be corrected. I don't remember any concerns specific to seeing the building.

Board Member Montesano stated once those...

Board Member DiSalvo stated because they assume the trees are staying.

Chairman Rogan stated that could be.

Board Member Montesano stated this is, just another, once that lighting is seen and that building suddenly materializes from behind those trees, what are they going to feel.

Rich Williams stated understand as Shawn pointed out, the existing lighting which was on the building wasn't put there with anybody's review or approval...

Board Member DiSalvo stated there is not sound barrier too.

Rich Williams stated doesn't meet our requirements, we've insisted that they change it. Now again the last set of plans that just came in, there are two lights on the building that are not slated for being changed out and I contacted Theresa and I went out there and I took pictures and I said here are the lights, they will be changed...

Chairman Rogan stated yea.

Rich Williams stated so they're going to do that.

Chairman Rogan stated is there any room for plantings on the high side of the parking lot that would shield, no, between the parking lot and building.

Rich Williams stated no, it's pretty tight and you've got the dog runs in there, the dog socialization areas, sorry.

Board Member Montesano stated they are going to do...

Rich Williams stated well this is a very fancy upscale...

Board Member McNulty stated I know they do a nice job.

Chairman Rogan stated between the parking lot and septic area though, there's not ten foot separation.

Rich Williams stated there is practically nothing.

Chairman Rogan stated really.

Rich Williams stated yes.

Board Member Montesano stated all that property there...

Chairman Rogan stated they do need the parking in there.

Rich Williams stated there's you know...

Chairman Rogan stated yea.

Rich Williams stated there six to ten feet and there is barely ten feet, trees in that kind of an area just...

Board Member Montesano stated when they do that road re-work, is there some way to get something, I don't know what that house is going to look like suddenly when people look up and what I, it's good. One way is a positive in that if you are driving along looking for this you are going to see that big building, you're going to know you're at the right place...

Rich Williams stated right.

Board Member Montesano stated you can see that from the road, you can pull right in to the hopefully improved driveway.

Rich Williams stated well and remember the architecture, the architecture wasn't exactly shabby.

Board Member Montesano stated well I realize that but you have to look at the fact that A it's in a residential neighborhood, it is a commercial project, they may not call it that but it is, even if its not profit, so what it is, the opinion of the rest of the people, the people that are there presently have no problems because of the letters, that I recall, everybody was more enthusiastic about having it done...

Chairman Rogan stated yea.

Board Member Montesano stated but what I'm thinking is right now they are not selling their homes, those people that suddenly go to sell and the person walks in and looks across and what the hell is that and there is no breaking up of it, it may look beautiful, a castle may look beautiful but it usually has some kind of space in between that gets broken up, so you don't get that, until you down their driveway, now you are going to be on a public road, you're going to pass by and you're going to look up and here it is.

Board Member Cook stated so the change is eliminating how many trees.

Board Member Montesano stated all of them.

Board Member DiSalvo stated all of those big pines.

Rich Williams stated yea I mean, at this point there is a whole row spruce trees that slowly dwindled down and the last plan before this had a couple of trees in the front and the latest plan has nothing.

Board Member McNulty stated what was the reason to remove them.

Rich Williams stated proximity, the distance between the parking area and the septic, didn't allow for large (inaudible).

Board Member DiSalvo stated root systems.

Chairman Rogan stated and Rich that was a product of septic getting bigger, the parking lot being reconfigured, the generator that, there were a whole bunch of issues but I guess the Board is always frustrated when we start with a proposal that this what we are shown and then it magically changes into something else.

Rich Williams stated it is mostly driven by the septic.

Chairman Rogan stated they have that whole area out there.

Board Member McNulty stated can there be a compromise...

Board Member DiSalvo stated can they move it down further...

Board Member McNulty stated thin the trees rather than take them all.

Board Member DiSalvo stated it's the root system probably.

Chairman Rogan stated just doesn't sound like the area.

Rich Williams stated the trees where they are, they are in the septic area, those trees have to go.

Board Member McNulty stated they'll get bigger.

Rich Williams stated the question is whether there needs to be other landscaping augmenting the loss of the those trees.

Board Member Cook stated so they have to go because now there is a parking lot that is approved will go in and now it's come to light that...

Board Member DiSalvo stated commercial.

Rich Williams stated the distance between the parking lot and the septic system as it is currently configured does not support having large trees in that area.

Chairman Rogan stated I actually, it sounds like we are all thinking the same thing, ask Theresa to supply us with a, unless you have a copy of the approved plan versus what is currently proposed showing the areas, just those areas, do you have them, do you want to pull them out. We can see what the difference in the plan is you know...

Rich Williams stated yea.

Chairman Rogan stated because I think that is what everybody is wondering, is how does this change from what we approved, which worked.

Board Member DiSalvo stated they can't pull that septic downhill more.

Board Member McNulty stated (inaudible).

Board Member Cook stated why.

Chairman Rogan stated because the septic whole yard is between...

Board Member McNulty stated (inaudible) substantial change.

Board Member Montesano stated we did a lot of and now it's a matter of them, you started out with a four foot, now its 6 foot, 8 foot, 10, and this happens.

Chairman Rogan stated well that area between the road and the closest neighbor to the right seemed like a tremendous area...

Board Member DiSalvo stated I know.

Chairman Rogan stated and so how big is that septic that its jamming up close to this parking lot, that is what I would like to know.

Board Member Montesano stated well what they are running into is they go up the mountain...

The Secretary stated Mike.

Chairman Rogan stated I didn't hear it beep.

(Side 1, Tape 2 Ended – 10:04 p.m.)

Board Member Montesano stated okay where their property runs in the back is almost up into the hills so they can't move back there without an additional expense of leveling that out, so they keep moving closer

and closer to the roadway because they do have some open space but now they have that, if you drive by the trees are still there, there is a nice line of trees...

Rich Williams stated I have to get back in behind you Michael.

Board Member Montesano stated then suddenly we are going to lose all of them, that's still.

Board Member DiSalvo stated and we are just so positive about other applications, how we kind of insist on landscaping you know that...

Board Member Montesano stated yea well, it may be beautiful only to the beholder of the architectural design. Today there...

Rich Williams stated why isn't it here, don't you say something...

The Secretary stated what, you're looking for something (inaudible).

Rich Williams stated I was in the wrong drawer.

The Secretary stated oh I'm sorry, I didn't know what you were doing, the tape is running.

Board Member Montesano stated we're on break, we had a five minute break.

Ted Kozlowski stated Michelle...

Board Member DiSalvo stated are we going to talk about the cell tower, I didn't even remember.

Ted Kozlowski stated this is a long meeting.

Board Member DiSalvo stated I know.

Rich Williams stated plans, make lists.

Ted Kozlowski stated I don't know how you...

Board Member McNulty stated (inaudible).

Board Member DiSalvo stated didn't they give us like colored visuals of what that, of what the new building was going to look like and I'm sure the trees are on it.

Rich Williams stated probably not actually.

Board Member McNulty stated [Route] 164 is out here.

Rich Williams stated yes. This is the area we are talking about here.

Board Member McNulty stated this is a new plan.

Rich Williams stated this is the latest, yea.

Ted Kozlowski stated good.

Board Member DiSalvo stated we need to go take a picture of that (inaudible – too far from microphone).

Rich Williams stated they are all evergreens that (inaudible – too far from microphone).

Board Member McNulty stated take every other one out.

Rich Williams stated can you see the septic, can you see how tight it is.

Board Member DiSalvo stated (inaudible – too far from microphone).

Rich Williams stated here is what we were looking at a year or so ago...

Chairman Rogan stated okay.

Rich Williams stated we have all these trees in here and now you have basically nothing, you still have a little bit but these are, understand that these are not big growing trees, they are more ornamentals...

Chairman Rogan stated none of these are the existing trees that were up in here.

Rich Williams stated these are all rhodies and ilics, short.

Chairman Rogan stated but the tall trees...

Rich Williams stated they're gone.

Board Member Montesano stated I don't see...

Chairman Rogan stated we have to require...

Board Member Montesano stated that annoys me, they've got all time and money to waste on how to expand a mistake that they made or was that their original plan.

Chairman Rogan stated what I'm confused about Rich, is they are showing this is septic area, this is expansion, so this is all primary down in here.

Rich Williams stated I'm not sure which is the primary and which is the...

Chairman Rogan stated but I mean it's septic area.

Rich Williams stated its septic, yea.

Chairman Rogan stated and it can't be...

Rich Williams stated because of the stream.

Chairman Rogan stated ah.

Rich Williams stated I didn't do the deeps I don't know.

Chairman Rogan stated yea...I understand that, physically having the area, I think we need to just ask Theresa, to the casual person, they are going to say, why wouldn't they be able to put trees here, there is all this open lawn, they are not going to say that we've got this funky septic design.

Rich Williams stated you can plant trees here.

Board Member Montesano stated yea you can.

Rich Williams stated you can.

Board Member McNulty stated maybe they (inaudible).

Chairman Rogan stated they can't do anything to shield the building or do the intended purpose because of the slope though.

Rich Williams stated they will get up there eventually, I mean you have to remember...

Chairman Rogan stated they need to be closer to the building actually.

Rich Williams stated you're here on [Route] 164 the trees are going to be here and the building is going to be here and the building is going to be here so the trees you know looking up...

Board Member McNulty stated it will break up as you (inaudible).

Rich Williams stated at least as you're driving by...

Board Member Montesano stated the site line is going to get broken up, if they are even in this road, when you come by your eye is going to hit that tree and then look up above it, you're not going to see just a staunch...

Board Member McNulty stated it will break up.

Board Member Montesano stated and then eventually they should get big, mine did, I'm trying to get rid of them (inaudible).

Rich Williams stated maybe the Board needs trees...

Board Member Cook stated and they can replace them with like trees...

Chairman Rogan stated similar growth characteristics.

Board Member Cook stated these are 20 feet high, then 20 feet high over here.

Rich Williams stated well these, those trees that are there now are long since gone, these are re-planted trees that they are proposing here...

Board Member McNulty stated oh, they're not existing trees.

Rich Williams stated there are existing trees here, all right.

Board Member McNulty stated spruces, you said.

Rich Williams stated spruce...

Board Member Cook stated which they want to take out.

Rich Williams stated and they, a long time acknowledge that those trees are not going to be able to stay and they are not going to be able to transplant them. So as alternative they are replanting these trees right here but these are not the 20 foot trees that were out there, these are all new plantings...

Board Member McNulty stated which would be 12 feet.

Board Member Montesano stated probably about 5 feet.

Rich Williams stated probably bigger than that...

Chairman Rogan stated what would your height be.

Rich Williams stated spruce trees...

Chairman Rogan stated we should put in some, even though they are slow growing, put in some red oaks or pin oaks something that, they are slowing growing but they...

Rich Williams stated (inaudible).

Chairman Rogan stated pin oaks are beautiful...

Board Member Cook stated I think they have to...

Rich Williams stated you want them around here.

Chairman Rogan stated yea.

Board Member Cook stated they have to put in something, pick a height but they...

Board Member DiSalvo stated they are going to say that they use this to walk the dogs.

Rich Williams stated I love oaks.

Board Member Montesano stated no, let them move the dogs up the hill.

Chairman Rogan stated we have time. Don't write on her calendar, she's really into her conversation, she'll pick it up in the minutes, sorry Michelle.

The Secretary stated we're still on the record, so.

Chairman Rogan stated yea, I know.

Board Member Montesano stated it's all right, we got him writing on your calendar, is that all right.

The Secretary stated it's all right.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated I said don't write on her calendar, she didn't bat an eye, engrossed in your conversation.

The Secretary stated sorry.

Chairman Rogan stated it's all right, okay...

Board Member DiSalvo stated I don't have a pen, that's all right, I can remember no trees.

Chairman Rogan stated so we'll get some relocation plantings.

Rich Williams stated all right.

Chairman Rogan stated let's...

Board Member DiSalvo stated Fox Run.

Chairman Rogan stated reasonable.

Board Member Montesano stated I snuck my one already.

g. Fox Run Phase II

Chairman Rogan stated Fox Run phase II.

Rich Williams stated I apologize, I forgot all about this; the Board had reviewed the potential of changing the zoning out there to allow multi-family housing. You had made a recommendation back to the Town Board, the recommendation basically was not favorable to making the zoning change, it appears the Town Board is going to consider it anyway. There is...

Board Member DiSalvo stated didn't we suggest it to the engineer that night for commercial, remember we had made a suggestion about that.

Chairman Rogan stated so you're saying the Town, say it again now, the Town Board, we made the recommendation to the Town Board, which I recall...

Board Member DiSalvo stated keep it, it is commercial now.

Rich Williams stated right.

Chairman Rogan stated to deny their request for the re-zoning.

Rich Williams stated correct.

Chairman Rogan stated and the Town Board is...

Rich Williams stated going ahead to make to consider a proposed zoning change...

Chairman Rogan stated to...

Rich Williams stated to allow multi-family housing on the site.

Chairman Rogan stated okay, so if the Town Board does that, its back to us for a review...

Rich Williams stated right...

Chairman Rogan stated of their proposal.

Rich Williams stated and we have a draft proposal out there that I wanted to get before the Board so you can start considering it because it probably going to have to come back for another recommendation, you know being this is a revised law.

Chairman Rogan stated how about...

Rich Williams stated what.

Chairman Rogan stated well its not a revised law, isn't it...

Board Member McNulty stated where else would they build in there.

Chairman Rogan stated just a revised change to that parcel.

Rich Williams stated yea, it's a zoning change.

Chairman Rogan stated so that is not a change to our code.

Rich Williams stated yes it is.

Chairman Rogan stated oh because that parcel was determined or...

Board Member DiSalvo stated here we go again changing the zoning on something.

Rich Williams stated the zoning I currently R-4 on the site.

Chairman Rogan stated right.

Rich Williams stated they would like to be rezoned to allow multi-family.

Board Member Montesano stated so we are going to have spot zoning in certain areas again.

Chairman Rogan stated but it comes back to us, our recommendation was that we don't think it should be...

Rich Williams stated its not spot zoning.

Chairman Rogan stated for reasons we stated.

Board Member Montesano stated for what, change.

Board Member DiSalvo stated it's the same thing all over again.

Rich Williams stated if you don't want to consider it, you don't have to.

Chairman Rogan stated if we don't want to consider, they are asking...

Board Member DiSalvo stated (inaudible).

Rich Williams stated they haven't asked anything...

Chairman Rogan stated okay.

Rich Williams stated all right, they've got your recommendation on whether to do.

Board Member McNulty stated which was no.

Board Member DiSalvo stated right.

Rich Williams stated which was no.

Chairman Rogan stated which was we didn't think the area could support it...

Board Member DiSalvo stated well we did like a comparison of what they have proposed...

Chairman Rogan stated for what its zoned.

Board Member DiSalvo stated of private homes and how many more units, something (inaudible).

Rich Williams stated no it was more than that.

Chairman Rogan stated more than that.

Board Member McNulty stated okay.

Chairman Rogan stated yea.

Board Member DiSalvo stated and we did a comparison with traffic and main roads, improvements to the road, the place is falling apart now, no parking, no recreation there.

Board Member Montesano stated and if they get the housing in there they are going to be able to put housing in and the poor people in the front, if anybody is foolish enough to buy back there, they are going to come through, to me what looks like a poverty area...

Board Member DiSalvo stated right, they didn't even have a sign for where the pool was.

Board Member Montesano stated because they are not going to finish any improvements.

Chairman Rogan stated so procedurally Rich you're saying that the Town Board is considering the idea of not following the Planning Board's recommendation but going ahead with a request for re-zone to multi-family.

Rich Williams stated correct.

Chairman Rogan stated okay and that would typically then be kicked back to the Planning Board for...

Rich Williams stated I don't know necessarily that that is the case because you've already made a recommendation.

Chairman Rogan stated that is where I was confused.

Rich Williams stated right.

Chairman Rogan stated okay.

Rich Williams stated but there is this proposed law floating out there and I wanted to throw it past the Planning Board if you wanted to comment on it, there has been no direct referral...

Chairman Rogan stated oh.

Board Member DiSalvo stated we already made our recommendation.

Board Member Montesano stated I think we already did this.

Chairman Rogan stated I don't want, my opinion won't change on it.

Rich Williams stated okay, then we're done.

Chairman Rogan stated if the Town Board says nope, we're making it multi-family, obviously we are obliged to review then the proposal...

Board Member DiSalvo stated then they have to go through public hearings for that zone change.

Rich Williams stated yes.

Chairman Rogan stated right, yea, okay, fair enough and is this Chiappa...

h. Chiappa Wetland/Watercourse Waiver

Rich Williams stated yes, Chiappa, this was the one where Ted wanted you to grant the waiver.

Board Member McNulty stated is this the one where the garage is coming down.

The Secretary stated yes.

Rich Williams stated wait, wait, wait, were you not in here last meeting recommending to the Board to grant a waiver...

Ted Kozlowski stated provided nothing changed.

Rich Williams stated yea.

Board Member DiSalvo stated and it changed.

Ted Kozlowski stated and it changed.

Board Member McNulty stated yes.

Ted Kozlowski stated so I went...

Board Member DiSalvo stated they bumped the building out like four feet or whatever.

Board Member McNulty stated all the paperwork.

Chairman Rogan stated I can't remember.

Ted Kozlowski stated I spoke to Mrs. Chiappa who is coming in next week, okay...

Board Member DiSalvo stated (inaudible).

Ted Kozlowski stated her architect changed the plans...

Board Member McNulty stated she extended the footprint a little.

Ted Kozlowski stated right and she doesn't want to do that because she doesn't want to increase her costs. I talked to her about if you are making the building larger than you may be effecting your driving radius to get into the garage, you may have to enlarge that driveway and now you are going to be in wetland and all...

The Secretary stated when did you speak with her.

Ted Kozlowski stated I spoke with her Monday, yesterday.

The Secretary stated oh okay, I spoke with her on the 16th, when she sent the letter in, so things have changed since then.

Ted Kozlowski stated things have changed.

The Secretary stated okay.

Ted Kozlowski stated I spoke with her Monday, I'm a little nervous because I'm not sure exactly what she wants to do so I told her to come to you guys and tell you exactly what she wants to do. I told her many times the reason why we do this and we have to know what you're doing, if it is just replacing the building in kind fine but we've had cases where a garage is replaced by a three story building and we just have to make sure that you know, the Building Inspector knows what she's doing and the Board does. So if the garage is just being replaced, same footprint, just tearing down the old garage and putting a new one up, I don't have anything with the wetlands but however if that building changes and everything else has to change with it, then she is in the wetlands.

Board Member DiSalvo stated so she made eventually go back to the original plan.

Ted Kozlowski stated yes, I'm not sure exactly what she is going to say next Thursday.

Board Member Montesano stated according to this, the roof line is higher...

Chairman Rogan stated yea, well.

Ted Kozlowski stated all right, so...

Board Member Montesano stated the foot print is slightly larger.

Board Member DiSalvo stated that is a different date on that letter as opposed to yesterday.

Board Member Montesano stated February 16th.

The Secretary stated that is from when I spoke to her, Ted spoke to her yesterday.

Chairman Rogan stated yea.

Board Member Montesano stated I have to find that paper.

Ted Kozlowski stated so I'm not sure what she's coming in with, I'm really not.

Chairman Rogan stated stay tuned.

Board Member Montesano stated tune in tomorrow...

Board Member McNulty stated so right now she intends to keep the foot print the same.

Ted Kozlowski stated I believe so Tom but it could change.

Board Member Montesano stated at this point in time, we are breathing. Hey, we have to go back to those old times though, sometimes they come out very true.

Board Member DiSalvo stated where is my big rubber band.

Chairman Rogan stated yea I have it.

Rich Williams stated do you want to see that...

Chairman Rogan stated do it right now.

Rich Williams stated do you want to let him know its there, next week, you want it back (inaudible)...

Chairman Rogan stated that is the one we were just talking about, didn't you mention it before.

Board Member Montesano stated yes.

Rich Williams stated no, this is the (inaudible).

Chairman Rogan stated oh.

Rich Williams stated you want me to go through it real quick.

Chairman Rogan stated oh, yea, one last issue real quick.

Rich Williams stated one last issue real quick, based on recent occurrences, you know and things that have come up in the past, I think that the Planning Board needs a policy, a written policy on who gets to approve, or who gets to make what changes to plans once the Planning Board has approved it. When items that are going to be changed on the site plan should be coming back to the Planning Board and so I've drafted something for the Planning Board to take a look at, that if you feel is appropriate you know, make what changes you think are appropriate and you might want to adopt it and distribute it to everybody who is out on the site, directing applicants on how to proceed with construction.

Chairman Rogan stated everybody has a copy of that memo.

Board Member McNulty stated date today.

Chairman Rogan stated today.

Rich Williams stated yup.

Chairman Rogan stated let's take a look at it and...

Board Member McNulty stated changes to approved plans.

Chairman Rogan stated right and I meant to put something in writing but you just reminded me of something I wanted to really, since Tom is brand new on the Board, it doesn't come up often but occasionally, we do all these site walks, occasionally, if someone can't make a site walk, we do them, for instance we would like to get you out to a site you haven't been to yet...

Board Member McNulty stated okay.

Chairman Rogan stated but even for scheduling purposes, occasionally it comes up where someone can't make a site walk and that happens and that is understood, we all try to make it as best we can or schedule around everybody's schedule. The policy we put in a couple of years ago, really straight forward and this is because I personally want people to get credit for the work that they do and get paid for it. is that if you miss a site walk and you go either with Rich or with someone else, that we just get something in writing, it can be e-mail but something physically in writing that we can attach to the file, that gives you credit for being there and also gives them the documentation they need so we can get paid. So in the past, what people have done is they either e-mail me a quick a letter or something and all I am looking for is on this date, you know we went to such and such site and here are my observations and that builds the record...

Board Member McNulty stated okay.

Chairman Rogan stated it allows us to put in, that has never been a problem in the past, I know a question came up recently, it was resolved, it wasn't a big deal...

Board Member DiSalvo stated yea with Dave (inaudible).

Chairman Rogan stated yea but basically that was something we've always followed and its never been a problem in the past for, you know I think we still try to do them all together but it doesn't happen every time...

Board Member McNulty stated sure.

Chairman Rogan stated so it's a pretty simple thing.

Rich Williams stated one last issue, those request ultimately have to come into this office...

Chairman Rogan stated right.

Rich Williams stated and they have to come in, in a timely fashion, we can't get the notices, two, three, six months after you've done the site walk.

Board Member Cook stated okay.

Chairman Rogan stated you know what has come up but isn't really a Planning Board issue but its an issue for the way Town does things though with fiscal, is when we do get our paychecks, there is no mention of what we are getting paid for, that has been a problem in the past...

Board Member DiSalvo stated yea there is no nothing in the memo line.

Chairman Rogan stated we don't, usually I'll try at home, on my calendar, I'll write down what we do...

Board Member Montesano stated right.

Board Member McNulty stated I have no, I just get the checks, I'm like okay.

The Secretary stated what I submit, what I submit to Trish, it says where you went on a site, you had a regular meeting and the date, you had a work session and the date, if you guys want copies of that, I can get that to you...

Chairman Rogan stated oh I have no doubt.

Rich Williams stated do you want copies of that...

Chairman Rogan stated yea, why don't, you want to do that...

The Secretary stated if that is what you'd like.

Chairman Rogan stated if its not an imposition...

The Secretary stated I'll just...

Board Member McNulty stated it works both ways, if there is a problem you know I would say, listen I wasn't there that date or I was there that date and didn't get it, however it works.

Chairman Rogan stated the um...

Board Member DiSalvo stated because what happens, I know last year, we did get issued some checks for certain site walks but I never got the check and I had to like re-create it for her and she had to put a stop payment on it and all this stuff and then I got a replacement check like 9 months later for it.

Chairman Rogan stated yea, also...

Board Member DiSalvo stated she says did you get that check, I'm like what check.

Board Member McNulty stated back to the site walks, so the couple site walks that I went on, you would need something in writing or is it when I miss the scheduled site walk...

Chairman Rogan stated correct.

Board Member Montesano stated right.

Rich Williams stated wait, just so we are clear on this, if you are all out there, if three or four of you are out there and I'm out there, generally I'm going to come back in and I am going to document who was out there and what the date is, so those you don't have to do...

Board Member McNulty stated okay.

Chairman Rogan stated there will be a memo on that so...

Board Member McNulty stated I understand.

Chairman Rogan stated it's also the Town Board changed the way that they pay us for site walks and the way that they do it is, in any particular calendar month, we get paid just as if it was a meeting for our first site walk, so if we go on a Saturday and we do two site walks, they will pay us after it was a full rate for one and a half rate for the other. If we go out on two separate days but they are within same month, it is the same month, it is the same way, it will be full rate for the first one and then half rate for any subsequent one within that calendar month. That was just something that they looked at the fees and the things that they

were paying out what was that two years ago now, a year and a half, two years ago and made some changes.

Board Member DiSalvo stated I think that is when somebody suggested a raise and then we got demoted.

Chairman Rogan stated lovely.

Board Member McNulty stated like I said, I got appointed, I didn't know it was paid, so.

Chairman Rogan stated there you go, so it's a bonus, it's a bonus.

Board Member McNulty stated I'm here in Town.

Chairman Rogan stated so um, that's it. Motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

Motion carries by a vote of 5 to 0.

The meeting adjourned at 10:25 p.m.