

TOWN OF PATTERSON
PLANNING BOARD MEETING
February 24, 2011
Work Session

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Planning Board
February 24, 2011 Work Session Meeting Minutes

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

APPROVED

Present were: Vice Chairman Cook, Board Member Montesano, Board Member McNulty, Board Member Taylor, Rich Williams, Town Planner, Councilman Joseph Capasso and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:00 p.m.

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

There were approximately 6 members of the audience.

Vice Chairman Cook stated good evening everyone, Chairman Shawn Rogan is out of town this week, my name is Charlie Cook, I'll be chairing the meeting this evening.

1) SPRUCE RIDGE CRAFTSMAN – Wetlands/Watercourse Permit Application

Vice Chairman Cook stated first up is Spruce Ridge Craftsman, anybody here for that application.

Ted Kozlowski stated I don't think it's a public hearing, it's an incomplete application Charlie.

Vice Chairman Cook stated right, your letter, you sent this to Mr. Reilly and everything, okay...

Ted Kozlowski stated yes.

Vice Chairman Cook stated so what we have is Ted's letter to the applicant telling him that the application is incomplete and the number of things that he has to do the applicant also has letters from DEC and DEP for points that he has to satisfy them on, so that is where we are with that one. Next up...

Rich Williams stated well by our Code, the Board really needs to acknowledge as a Board that the application is incomplete.

Vice Chairman Cook stated like a resolution.

Rich Williams stated well not a resolution but a motion.

Vice Chairman Cook stated a motion.

Rich Williams stated just acknowledge based on the recommendation of the ECI that the application is incomplete at this time.

Board Member Montesano stated so moved.

Board Member Taylor seconded the motion.

Vice Chairman Cook asked for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Vice Chairman Cook	-	aye

The motion carried by a vote of 4 to 0.

2) **THAI ELEPHANT 2 – Sign Application**

Mr. James J. Troetti was present to represent the application.

Vice Chairman Cook stated next up, Thai Elephant 2 sign application, we have you folks here.

The Secretary stated use the microphone please.

Vice Chairman Cook stated changing, want to come up and introduce yourself.

Mr. Troetti sated James J. Troetti, I'm the owner of the property and partner in the Thai Elephant 2 Restaurant.

Vice Chairman Cook stated okay there are two things with regard to the application, understand that you have a small sign up already, a temporary sign or, okay, we would need to look at that, all right and second is that if you want I'll give it you. Back in January 2010 when you were in, we spoke about the changing of the signs then and in those minutes it talks about if you were to come in once again, we are going to be looking for them to meet the current Code, I understand you have a letter from the Town Planner...

Mr. Troetti stated yes I do.

Vice Chairman Cook stated detailing various activities. So what I would like to do is to ask the Board Members on their own to go out and get an idea of this sign and we can address everything at next week's meeting.

Mr. Troetti stated okay, we were hoping that we could get some sort of feel for where the Board stands on this so we can start construction of the sign, we are almost ready to open the restaurant.

Board Member McNulty stated just a question on the rendering, the coloring is that the actual coloring.

Mr. Troetti stated no, it's not quite that brilliant.

Board Member McNulty stated I mentioned before the meeting to the other Members, I noticed it today when I drove by, it's like a school bus yellow, the background which is okay by me but I think before we act on anything I think the other Board Members will want to see actual colors and...

Mr. Troetti stated the actual material.

Board Member McNulty stated not so much material...

Mr. Troetti stated the color on the material or the color chip.

Board Member McNulty stated the color scheme...

Mr. Troetti stated yeah that is very brilliant, they came out on the copy machine, that's not the yellow that we're planning to use.

Board Member McNulty stated but I did see a sign above, on your awning, above the door and it's like a school bus yellow which I'm sure...

Mr. Troetti stated the color that's on the sign now, is that closer to the color we are planning to use, no, we can get you a color.

Board Member McNulty stated yeah I think that would help a lot.

Mr. Troetti stated okay, we can do that, sure.

Board Member McNulty stated Rich, the requirements for the new sign, what has to take place and bring this up to Code, isn't that what you were saying.

Rich Williams stated our current Code, what is currently allowed within our Zoning Code, is one, a single free standing sign not larger than 25 square feet, that is what's currently allowed in our Code.

Board Member McNulty stated and the problem is we have two signs there, is that...

Mr. Troetti stated we have two, existing signs.

Rich Williams stated there are two signs there yes.

Board Member McNulty stated we can't grandfather those in or its based on our last meeting about bringing it up to Code, what's...

Rich Williams stated well that's the question as to whether you're going to consider those two signs grandfathered and he's just changing the face and he's getting approval for just the face or whether you know, it's a new sign and therefore it needs to meet current Code. At the January 10th meeting, January 2010, when the applicant was last here for a sign, the Board had indicated at that time that any future signs would need to meet our current code requirements, so that is where you stand tonight.

Mr. Troetti stated yeah, I was agreeable to that but...

Board Member McNulty stated I was new on the Board then and I can't remember some things.

Mr. Troetti stated I wasn't aware, I guess it's my fault I didn't understand that it only, we eliminated one sign, I thought it just referred to making the sign no more larger than 25 square feet, the one we have up there now is a 4 x 8, it's 32 square feet, so we are looking to conform with the size of this size but then I'm looking to keep both signs. I mean I have 600 feet of frontage, one sign will be lost and then where do I put it, on the north side or the south side.

Board Member McNulty stated you have two signs now.

Mr. Troetti stated I have one on the north side and one on the south side of the building, of the property.

Board Member McNulty stated the entrances on those ends.

Mr. Troetti stated yeah, the two ends right next to the...

Board Member McNulty stated and you want to keep those two but downsize it.

Mr. Troetti stated downsize it to the 20 [square feet], well it will be 3 x 8, so it will be 24 square feet, as opposed to...

Board Member McNulty stated on this sign Charlie, there's two of these...

Mr. Troetti stated those will be coming...

Vice Chairman Cook stated what's this.

Board Member McNulty stated the awning sign.

Mr. Troetti stated the awning sign...

Board Member McNulty stated the awning is small and how much area is on the awning, I don't think it's...

Mr. Troetti stated well the, if you measure, my calculations are if you measured it outright it would be 40 square feet but then you have to take out the two triangles I came out with about, I can tell you exactly what I did, of course I haven't done trigonometry in quite a while but...

Board Member Taylor stated you don't need trigonometry, what's the size.

Board Member McNulty stated half the base times width.

Board Member Taylor stated how high is it.

Mr. Troetti stated if you squared it out, it's...

Board Member Taylor stated no, don't square it out, just how high is this sign.

Mr. Troetti stated at the peak, four feet.

Board Member Taylor stated and how wide is it.

Mr. Troetti stated almost 10 [feet]...

Board Member Taylor stated that's 40 divided by 2 that is 20 square feet, $\frac{1}{2}$ base times height, is the area of the sign.

Mr. Troetti stated right I can up with 21 square feet, so close. The building, the size of the building is 85 linear feet.

Board Member Taylor stated which would, so you're way under on that one.

Vice Chairman Cook stated okay, the question Rich is really there should be the Code allows two signs.

Rich Williams stated the Code allows a single sign, not greater than 25 square feet.

Vice Chairman Cook stated right and this application is for two signs at 24...

Rich Williams stated correct, to replace two existing signs.

Vice Chairman Cook stated right.

Board Member McNulty stated and these are considered monument signs right.

Rich Williams stated they are considered free standing signs.

Vice Chairman Cook stated free standing.

Board Member McNulty stated free standing, okay, does that change, and can you have additional signage on the face of the building.

Rich Williams stated yes.

Board Member McNulty stated okay because free standing signs fall under a different criteria than the signage on the building, correct.

Rich Williams stated yes.

Board Member McNulty stated okay.

Vice Chairman Cook stated okay, so, the sign on the awning is not part of discussion or it's okay...

Rich Williams stated the sign on the awning, the size of the sign on the awning is acceptable, and the only two outstanding questions are the actual size of the size that's going to be on the awning and the colors.

Vice Chairman Cook stated and whether we will continue to allow the two free standing signs.

Rich Williams stated correct.

Vice Chairman Cook stated versus one.

Rich Williams stated right.

Board Member McNulty stated what is the square footage of the new signs proposed, the free standing.

Mr. Troetti stated 3 x 8.

Vice Chairman Cook stated 24 [square feet].

Mr. Troetti stated 24 square feet.

Board Member McNulty stated okay.

Vice Chairman Cook stated I know what we said at the January 2010 meeting but could we continue to grandfather these signs...

Rich Williams stated I think the Board is safe in either tact it wants to take, you certainly can take, be of the opinion that the signs are pre-existing, non-conforming and they are continuous, they are continuing in that pattern as far as the size and the location go. I think you are equally on safe ground if you wanted to say they're not pre-existing, non-conforming and you want him with a new sign to come into conformance, if where you are right now, you wanted to consider them pre-existing, non-conforming signs and he is currently reducing the size of the signs, that would also be acceptable because he is reducing the non-conformity of the current signs that are out there.

Board Member Taylor stated now are you changing the posts on these.

Mr. Troetti stated I beg your pardon.

Board Member Taylor stated the posts that are holding the signs up, are you changing those.

Mr. Troetti stated no.

Board Member Taylor stated because it says, if you read the minutes, Shawn kind of summarizes it, he says people felt same size, same location, no changes except the wording would be appropriate however else, we got the sense that if you look at it in the future, you or another owner could totally revamp the signage, totally revamp the signage out there, then we are going to look for this to come down to 25 square foot maximum for the site. He's saying if you totally revamp it then we would be looking for changing it. So what are we going halfway toward, is that where we're headed, we're going to be halfway toward conformance...

Rich Williams stated you can put it that way, yes.

Board Member Taylor stated so I don't see, he's keeping the same posts, it seems to me its grandfathered, and can we get a commitment that you will not try to increase the size of the signs in the future...

Mr. Troetti stated oh very definitely.

Board Member Taylor stated it will stay at what it is, okay, so at least we're halfway to compliance.

Board Member McNulty stated just, I think we're, I'm okay with the signs like they are, just pending color.

Vice Chairman Cook stated Michael.

Board Member Montesano stated does, there's two ways to look at it, we now have, theoretically a new restaurant coming in, thereby we can make them conform to what we have now if it's the opinion of the Board that they would like to keep it as a non-conforming, you have that right. The idea to me right now would be when do we, who do we hold accountable the next time around to bring it into conformity of who to keep allowing or are we just going to keep allowing it.

Board Member McNulty stated well I think we follow Shawn's previous comments where if there is a total revamping and remodeling, site work, that type of thing, building changes, alternations, new signs posts then we bring into conformity, conformance.

Board Member Montesano stated if we put another pressure treated 4 x 4 up on one side and then the other that you're not doing anything with, just supporting the original sign and we keep going back and forth. I'm just giving you what I'm thinking, so that's what you asked me, that's what I'm saying, whether we want to do it or not, there's the, we have an opportunity to go one way or the other and I have no problem (inaudible).

Vice Chairman Cook stated I think we can go along with continuing the two signs, the two free standing signs, now they are coming down in size, so this would make them great grandfathered in and I would say that the, definitely the next go around any kind of changes you have to get back to conforming to the Code...

Board Member Taylor stated get rid of one of them then.

Vice Chairman Cook stated and relative to the color, unfortunately what we have before us apparently is not the real color of what's up there or will be up there, so you're Tom, you're saying its more of a school bus type color...

Board Member McNulty stated yes, it's not that lime yellow, I termed it a school bus yellow from what I saw on the awning and you're saying that's not it.

Mr. Troetti stated no, not quite, no.

Board Member McNulty stated so I think anything we approve or go forward with tonight would have to be pending a color.

Mr. Troetti stated okay.

Vice Chairman Cook stated can you bring in...

Mr. Troetti stated sure.

Vice Chairman Cook stated before Thursday, we could do a motion tonight and based on approval of the color and...

Mr. Troetti stated today is, I can have it by Monday.

Vice Chairman Cook stated okay.

Board Member Taylor stated we won't be here.

Board Member Montesano stated we won't be here until Thursday.

Vice Chairman Cook stated yeah.

Mr. Troetti stated okay.

Vice Chairman Cook stated you can get it to Rich, this way if anybody happens to be in the neighborhood, they can pop in and take a look at it but we can't commit that we won't see it until next Thursday, depending on people's schedules.

Mr. Troetti stated okay, fair enough.

Board Member Taylor stated we can't vote until next Thursday anyway.

Vice Chairman Cook stated excuse me.

Board Member Taylor stated we can't vote until next Thursday anyway, so, unless we make the motion pending on...

Vice Chairman Cook stated yeah.

Board Member Taylor stated okay.

Vice Chairman Cook stated do that and discuss...

Board Member Montesano stated we make the motion pending on our approval of color.

Rich Williams stated right.

Board Member Montesano stated that means we still have to have a vote to say okay on the color.

Board Member Taylor stated it seems like we would have to, no matter what, I don't see how, or do we sign off on it or something individually...

Board Member McNulty stated I think what the applicant is looking for is, you want to start construction of the sign or the process less coloring, I don't know if that helps you to move that before you have a color approval...

Board Member Montesano stated they can't do anything really...

Mr. Troetti stated yeah, it's really difficult...

Board Member Montesano stated the coloring's got to be on and then the lettering goes on.

Mr. Troetti stated I mean if...

Board Member McNulty stated maybe we just hold off until Thursday, it doesn't hinder you because we don't have a final decision anyway.

Mr. Troetti stated okay we'll get colors to you.

Vice Chairman Cook stated right you know how we feel about the signs, the number of signs, sign wise that's okay, it's just a matter of the color, come back next Thursday, we'll look at the color, if you can get it in here before hand everybody will take a look at it whose in the building...

Mr. Troetti stated we'll get it in before then.

Vice Chairman Cook stated we'll take it from there next week.

Mr. Troetti stated okay.

Board Member Taylor stated now this triangle, is that the actual...

Mr. Troetti stated awning.

Board Member Taylor stated that's the actual awning, my aesthetics sense is, you've got the triangle that doesn't match the triangle or the gable behind it.

Mr. Troetti stated no that's the gable of the roof.

Board Member Taylor stated I understand that, it would be nice if the two aligned but that's the way it is, then that's the way it is.

Mr. Troetti stated there is a roof behind it, that's the house...

Board Member McNulty stated the awning sign, how is that going to made, is that just going to be vinyl letters applied...

Mr. Troetti stated vinyl letters applied on the quarter inch PCV board.

Board Member McNulty stated quarter inch, how is that going to be fixed up there.

Mr. Troetti stated how is it going to be mounted, we were planning to...

Board Member McNulty stated the awning is just canvas correct.

Mr. Troetti stated yeah but it has steel tubing behind it, what we were going to plan to do was use maybe quarter inch carriage bolts and go right through the sign into the steel tubing, right through the steel tubing.

Board Member McNulty stated any lighting on the awning or...

Mr. Troetti stated there is one overhead spot that is existing.

Board Member McNulty stated existing lighting, all the lighting is existing.

Mr. Troetti stated all the, we're not changing any of the lighting.

Board Member McNulty stated okay.

Mr. Troetti stated there is one spot above it that just shines down and it kind of floods the, it also lights up the area on the ground for walking, it serves two purposes.

Board Member McNulty stated my only recommendation is that anything attached to that awning is not to heavy and not going to make it something...

Mr. Troetti stated no, no, the awning is cemented in, steel poles.

Board Member McNulty stated nothing that the wind is going to catch, that's rigid.

Mr. Troetti stated it went through this winter and didn't move an inch.

Board Member McNulty stated it did well.

Vice Chairman Cook stated okay, we'll see you next week.

Mr. Troetti stated thank you very much.

Vice Chairman Cook stated thank you, thank you.

3) PATTERSON PARK – Sign Application

Vice Chairman Cook stated Patterson Park, sign application. I don't think there's anybody here.

Rich Williams stated no I don't think anybody's here for this application.

Board Member Taylor stated are there any problems with it.

Rich Williams stated essentially this is an application for a monument style free standing sign that is going to replace an existing sign out there for Patterson Park and I did take a look at it, it is in conformance with all the Zoning requirements.

Board Member McNulty stated size, square footage everything.

Rich Williams stated yes, fine with that, it's just a question of if the Board is comfortable with the color and the design.

Board Member McNulty stated is there going to be any lighting for these signs, I didn't see any notes.

Rich Williams stated I'm hoping that the snow melts away so I can see if there is any existing lighting out there, I don't see any at this point.

Vice Chairman Cook stated here it says lighting yes, it says fluorescent.

Rich Williams stated right but I don't know if that is going to be behind it or if that's coming up in front.

Vice Chairman Cook stated my only question on the sign application was the line of sight, where they want to place it.

Rich Williams stated its where the existing sign is now.

Vice Chairman Cook stated oh.

Board Member McNulty stated is it smaller or larger than the existing sign.

Rich Williams stated same size, just a different design.

Vice Chairman Cook stated we'll come back to this one, and the site plan...

4) PATTERSON PARK – Request for Site Plan Waiver

Rich Williams stated that is a separate issue, he is looking to establish a number of directional signs within the site. Typically we would approve those when the applicant comes in for a site plan approval, so what I suggested to him was he make an application showing the signs, showing the locations of the signs and the Board certainly can consider a site plan waiver if they felt the signage was appropriate based on the information that was submitted by the applicant.

Board Member McNulty stated is this actually a site plan amendment, so to speak.

Rich Williams stated yes.

Board Member McNulty stated oh, okay, so we don't have an amendment application, it's just one application that blankets everything when they want to make a change.

Rich Williams stated yeah we have, the same application form covers everything, its just that a different box is checked.

Vice Chairman Cook stated again, the site plan application is, it's just the signs going in, correct.

Rich Williams stated correct, so you need to look at the design, the styles, the location.

Vice Chairman Cook stated and the, you're going to look at this also, again relative to line of site, these are new right.

Rich Williams stated these are new.

Vice Chairman Cook stated all new.

Rich Williams stated yes.

Vice Chairman Cook stated so again it would be a question of line of sight.

Rich Williams stated the only one I don't have a definitive answer at this point is he is proposing his own style of handicap signs with a different color and I've talked with Nick Lamberti, our Building Inspector

about the color change and we haven't been able to find anything anywhere that specifies the current codes other than MUTCD, which is for doing road signs we have to default back to Manual of Uniform Control Design, MUTCD...

Board Member McNulty stated I think because these are directional though, they're not actual, well there is a handicap parking but the directional signs I don't think have to be a specific color.

Rich Williams stated they're on a private site.

Board Member McNulty stated so that wouldn't be an issue then.

Rich Williams stated we haven't found it to be an issue as of yet.

Board Member McNulty stated you can't pro, for or against the colors.

Vice Chairman Cook stated are to take it that this is the gray that would be used or is it just from the copy machine.

Rich Williams stated that's just from the copy machine.

The Secretary stated no, there's color on that, those are the colors of the sign.

Rich Williams stated I didn't take those to be, I mean there are colors on there I didn't think it would be the actual colors, I haven't seen a color rendition.

The Secretary stated no, I think that's the actual color rendition, those came as a package and there is color on there.

Board Member Taylor stated their logo is in color, this logo down here is in color.

Board Member McNulty stated it says on here dark gray, light gray.

Board Member Taylor stated yeah, it's gray, they are talking about grays, unless there's too much brown in them gray is gray.

Board Member McNulty stated they have a green line through here.

Rich Williams stated well it certainly is an outstanding question that I had.

Board Member Taylor stated so they'll bring us some chips.

Rich Williams stated right.

Vice Chairman Cook stated okay.

Board Member Taylor stated anybody see other problems.

Board Member McNulty stated you can't get much more bland than that.

Board Member Taylor stated no, I don't see any problem with this.

Vice Chairman Cook stated do we have to have, because this is a site plan application, do we have to have a public hearing.

Rich Williams stated if you're going to consider it a site plan or an amended site plan application you would need to go through the standard process, if you want to waive the requirement that the applicant submits a site plan based on the information you have before then that's all you need to do. The question is whether you feel it warrants a full site plan review or not, I would say not.

Board Member McNulty stated I would waive it.

Board Member Taylor stated I would waive it too yeah, how do you feel Mike.

Board Member Montesano stated its not problem.

Board Member Taylor stated okay.

Vice Chairman Cook stated can we do that at a work session or do we have to wait for a regular meeting.

Rich Williams stated you certainly can take any vote you see, you deem appropriate tonight, if that's what you're asking.

Board Member Taylor stated are they in a hurry.

Rich Williams stated I don't think they're in a hurry, they're not going to do anything until the weather changes.

Board Member Taylor stated do you want to wait until Shawn's back, is he going to be back on Thursday.

Rich Williams stated I believe so.

Vice Chairman Cook stated he indicated to me that he would be.

Board Member Taylor stated do we want to wait until he's here to vote on it.

Vice Chairman Cook stated all right, as a courtesy we could it.

Board Member Taylor stated that's what I mean.

Vice Chairman Cook stated that's all...

Board Member Montesano stated there's no major rush.

Board Member Taylor stated we'll out vote him anyway.

Board Member McNulty stated I say we wait for him, let him get his input.

Board Member Taylor stated and can we get a chip by them, you think.

Rich Williams stated sure.

Board Member Taylor stated and then there aren't any, then you've just got the lighting issue, can we specify what you have to approve a certain kind of lighting and let it go at that.

Rich Williams stated well with any sort of lighting, unless its neon or flashing, those are prohibited but any other sort of lighting, we just want to make sure there is no off site glare as far as travelling down the highway are not going to be blinded you know by the light that is coming off of the sign. So I'm just not sure and I need to take a closer look at the application (inaudible).

Board Member Taylor stated right but in the resolution we can that...

Rich Williams stated I'll have an answer for you by then.

Board Member Taylor stated oh you haven't, okay, then we don't have, I was just saying that we could say pending your, you can approve whatever the lighting will be so that we don't have to look at it again.

Rich Williams stated I'll have an answer by Thursday.

Board Member McNulty stated and the site plan signs, where they want to add those signs, I don't think there is any lighting involved with those, correct.

Rich Williams stated there is not.

Board Member Taylor stated they say un-illuminated.

Board Member McNulty stated all right.

5) THUNDER RIDGE SKI AREA – Continued Discussion

Mr. John Watson of Insite Engineering and Mr. Robert Ravallo of the DEP were present to represent the application.

Vice Chairman Cook stated okay, Thunder Ridge. Before we start I want to mention to my Board Members as part of full disclosure that after the last meeting, I had a little one on one session with John to kind of go over things to see if he had any questions in what we've been requesting and so on and so forth. Just so, to clarify anything, that was basically it, there were no decision made or any of that kind of stuff, I just wanted to chat within (inaudible), hopefully it will be help when we agree or disagree on what he has given us and however we want to question it and I do have a couple of questions myself, it was more or less just to hope we get on the same page. Good evening.

Mr. Watson stated good evening, how are you tonight.

Vice Chairman Cook stated just for the record.

Mr. Watson stated sure, John Watson from Insite Engineering, I'm here with Robert Ravallo from the New York City DEP.

Vice Chairman Cook stated I don't know my colleagues have had enough time to read everything, I believe that you have provided us with a lot of what we've asked for and I appreciate that, a couple of things for the

Board, again I don't know if my colleagues got to read it but this here was, I asked him to show sort of the line of sight activity between the proposed facility and the surrounding neighbors...

Mr. Watson stated we also submitted...

Vice Chairman Cook stated in other words Ron what you've been asking, an estimate relative to construction costs and basically pros and cons on the other sites and then I also wanted John to show us a schematic of the proposed bridge and how that would look relative to its placement over the stream, which he has done, plus some of the information, we have received Bob Ravallo's letter of February 15th. I will start with, John do you have the map, you provided, if you could just put it, I'll give you this one.

Mr. Watson stated I have that one.

Vice Chairman Cook stated okay.

Mr. Watson stated and it's a full size map.

Board Member McNulty stated that should be fine.

Vice Chairman Cook stated all right, my question is the site that's next to the lodge...

Board Member McNulty stated 14-1-49, the one you are referencing.

Mr. Watson stated yes.

Vice Chairman Cook stated okay, yeah, you also title it on there as alternate, alternative site...

Mr. Watson stated yes.

Vice Chairman Cook stated what about some type of lot line adjustment that would could shift the site how you show it in some fashion to fit there, thereby avoid crossing the stream.

Mr. Watson stated that site, its hard to see at this scale but in order to get, that box is shown there, a corner of that box is right on the stream, so we already, putting the site there puts it right on, right at the edge of the top of the bank of the stream and we can't meet any, we wouldn't meet any front or side yard setbacks.

Vice Chairman Cook stated even if you did a lot line somehow.

Mr. Watson stated yeah, we could grab that back but the front of this is...

Board Member McNulty stated when you say front, which side is front to you.

Mr. Watson stated facing Birch Hill Road, the building would be 20 feet off the front property line, so it wouldn't meet Zoning there and there is not enough room to physically fit everything and get trucks in off the road and into the building and back out. That is one of the ones we looked at years ago before we decided on this site, we did look at that, we tried to do some sketches and present them to the owner and we just couldn't get everything to work there with getting the vehicles off the road and into and being able to turn around in that site.

Vice Chairman Cook stated okay.

Mr. Watson stated if you've been by it, it's a small, they use it as a parking lot, maybe twice as big as this room in...

Vice Chairman Cook stated across Birch Hill Road...

Mr. Watson stated yes.

Vice Chairman Cook stated 4.18-1-4.

Mr. Watson stated yup.

Vice Chairman Cook stated there was a comment or whatever made that years ago there was an application or discussions on putting houses on that side of the road...

Mr. Watson stated yes.

Vice Chairman Cook stated okay was it just within that boundary lines that you should or, and who owns the property above that.

Mr. Watson stated this.

Vice Chairman Cook stated yeah, you...

Mr. Watson stated that is not, there is a residence down here, that's one piece of property with the residence down here, so the Ryder's and the Bank and Thunder Ridge, these are all the properties that I'm aware of that they own in this region, is that...

Rich Williams stated I believe so yeah.

Mr. Watson stated okay.

Vice Chairman Cook stated do you have any knowledge why that application, the houses didn't fly.

Mr. Watson stated I asked Dean [Ryder] what happened with that and he said that he didn't, he didn't even pursue that, the previous owner, Santerelli, is that the previous owner...

Rich Williams stated yes, Robert Santinelli.

Mr. Watson stated Santinelli, who use to operate, what was it called Birch Hill...

Rich Williams stated Birch Hill...

Mr. Watson stated Big Birch, he asked, he knew Dean, he knew the Ryder's owned the property, he pursued that application as a contract vendee applicant on the Ryder's property, so the Ryder's weren't even, they didn't want to develop it, he wanted to, he came into the Board with this application, which often happens and he doesn't know why it didn't go farther, that's all I know about that.

Vice Chairman Cook stated without me having to go back to some of the materials you supplied though, that site you felt was not suitable one, I believe because of the proximity to the houses...

Mr. Watson stated correct.

Vice Chairman Cook stated the current houses that are there and...

Mr. Watson stated retaining wall.

Vice Chairman Cook stated a retaining wall.

Mr. Watson stated correct, yeah the main problems with this site, there are two separate areas on this property where you could on paper site a plant, one I am calling the south area which is this here, as you go along Birch Hill Road, there are three houses here and then the 6.9 acre piece does have frontage on Birch Hill Road, these houses have extremely steep driveways and then this property here gets noticeably steeper than even those properties, so there is really not, this lower area is really not buildable and in order for us to try to put this plant there, we would have to build a retaining wall approximately 200 feet long and 40 to 50 feet high, right off of the road and the building would have to be right on the road, we'd have to get variances there to keep the building, to minimize the cut as much as possible, its if money were no object and if there were no neighbors and if that were absolutely the only spot for this work and we had to do something, we could do something there but it would be expensive and ugly.

Board Member Montesano stated do you remember that property that we're getting asked about when you were on the Board, to have a building...

Rich Williams stated for a subdivision.

Board Member Montesano stated yeah.

Rich Williams stated oh sure, they were looking at 3 lots on that property, they were coming in down off of the lower area with a 15% driveway, the driveway was very steep, 15% the whole way and there was considerable grading involved...

Mr. Watson stated right.

Rich Williams stated and it was very long.

Mr. Watson stated right, so if we were to put the plant here, Rich said we'd have a 15% driveway for several hundred feet to get back up into here and wherever you put the plant here, you're still going to be within a hundred or couple hundred feet of several residences.

Board Member Montesano stated you couldn't build houses on it, you can't...

Mr. Watson stated well...

Board Member Montesano stated so the property is actually unbuildable, according to the statement...

Mr. Watson stated no, the project wasn't denied, the applicant's...

Board Member Montesano stated it wasn't pursued either.

Mr. Watson stated a lot of applicants just stop of one reason or another, we don't know the reason why.

Rich Williams stated it could have been simply, at the time, give the economics, it wasn't viable to pursue.

Mr. Watson stated but never the less, to use, if that were true, it were unbuildable for residences, you can surmise that it's also unbuildable for a plant that has a larger footprint than a house would.

Board Member Montesano stated ones a living space, ones a plant, there's a big difference there.

Vice Chairman Cook stated Tom you want to chime in with anything at this point before I move to Ron.

Board Member McNulty stated no, that's fine, John your information helps a bunch...

Mr. Watson stated good.

Board Member McNulty stated I still have questions though on statements that just kind of blanket reasons why certain parcels are not acceptable.

Mr. Watson stated sure.

Board Member McNulty stated based on this information that you have, the breakdown...

Mr. Watson stated yup.

Board Member McNulty stated I see the parcel, 14.-1-51 and 14.-1-44, to me seems to be very viable, just logically, I'm a contractor, I look at it from a construction standpoint so to speak...

Mr. Watson stated yup.

Board Member McNulty stated they are not that far from the lodge, the 2.8 acre lot, I know the reasons were stated that, its not available for the wastewater treatment plant by the owner, why isn't it available, I know...

Mr. Watson stated just take a step back, if you, I will answer your question...

Board Member McNulty stated okay.

Mr. Watson stated this list is a factors in selecting the current treatment plant building location, this talks about the history sort of how we got to this point.

Board Member McNulty stated is that February 3rd, dated that way, yeah I have that.

Mr. Watson stated I have extra, what that talks about this is, this is not a typical application that you are used to seeing where you have a developer who has a property who wants to develop something and he's coming for you, approval to develop something he wants to do. This is a property owner who is forced into doing something he doesn't want to, so the applicant's here under protest to do something he doesn't want, so he doesn't want this anyway...

Board Member McNulty stated I understand that.

Mr. Watson stated by him putting there, if you look at, I agree with you, there is no denying on our part that you could not physically put it there on either of these, it worked from a construction standpoint, absolutely, no brainer, it works, it fits, its flat, you put it in the middle, its good but if you were to put it here, right now this parcel is used as overflow parking for the ski area, that is very important to them, their parking limited...

Board Member McNulty stated I understand.

Mr. Watson stated and if the ski area goes away and they were to liquidate and sell that parcel, right now it's a vacant flat piece of land, if you put a plant right in the center of it, that destroys any future...

Board Member McNulty stated well I wouldn't put it there, you have 2.8 acres there, you could make it 1.6 acres, I understand what you're saying, he's being forced to put something...

Mr. Watson stated right.

Board Member McNulty stated I also feel that, Mr. Ryder's not here but he's being forced to put something that's going to be an improvement to his property at no cost to him.

Mr. Watson stated but he still doesn't want it, he wants a septic system where its buried underground with no building, he just doesn't want it.

Board Member Montesano stated we're not forcing him to do it, are we, is the Town of Patterson doing it...

Mr. Watson stated no.

Board Member Montesano stated it's the City of New York.

Mr. Watson stated right.

Board Member Montesano stated why doesn't he argue with the City of New York, no disrespect Bob.

Mr. Watson stated it's a law, he is legally required.

Board Member Montesano stated well fine, are we legally required to put it where he wants it without, with the detriment to the Town because we're not asking for...

Mr. Watson stated but we're here, we're discussing both sides.

Board Member Montesano stated yeah but every time we try to get an alternative, we seem like we're hitting that same wall, this is where he wants it, well what if we don't want it there, could we please...

Mr. Watson stated its not fair.

Board Member Montesano stated no, no, its not fair to have someone on the outside come in and tell you what you've got to do and then come to us and ask us to resolve what you want your way. This is the Town we live in, we're not asking you, he's been told he has to do this to keep a business, I have a problem with it but unfortunately there is nothing we can do about it. I do have a question on why it has to be where it says without explaining, fine I don't want to spend the money, I don't want to lose that part of the property, well I understand that but I'm not happy where you're putting it because I think you're taking a

pristine part of that stream and going to destroy it by putting a bridge across, by sticking a plant in it, by putting water into that stream up there which is going to take that pristine designation away, so why should I listen you.

Mr. Watson stated let's discuss the 4 things you just said, you said we're going to destroy the stream by crossing it with a bridge, we can do this without physically touching the stream, so we're not touching the stream.

Board Member Montesano stated you're going to touch the stream, if a truck goes over and starts leaking oil, it may never happen, it could happen the day you open up...

Mr. Watson stated if a truck is driving down Birch Hill Road, serving hundreds of houses up here and drives off the stream, it can happen.

Board Member Montesano stated that's true too but the road is already there, we have no control over that, we can not take the road and move Birch Hill from one side of the country to the other but you still haven't convinced me that the applicant would like to work with the Town even though he's being confined by an outside organization, convince me. Why does he insist on saying its my right, its my property and that's the key...

Mr. Watson stated because you asked for a cost comparison, one of the things we submitted was a cost comparison and it shows he will lose literally hundreds of thousands of dollars in value.

Board Member Montesano stated (inaudible).

Board Member McNulty stated can you explain that because I was a little confused on that chart.

Mr. Watson stated yeah.

Board Member McNulty stated that was a question I had coming up for you.

Mr. Watson stated I don't know if I got to make the point to your initial question was, from a constructability standpoint it can absolutely go there but to put it there, well if its 2.8 acres, put it off on the side but we can't because we have to meet zoning. So to meet zoning and get setbacks off of State roads, you know I don't think you guys would want this building to be stuck up against the property line and there is a restaurant right next, like literally right next to it...

Board Member McNulty stated okay.

Mr. Watson stated up here, this is you know 500 feet to the nearest house all of these other sites have multiple buildings or residences or restaurants within 500 feet.

Board Member McNulty stated I still always go back to the lot 14.-1-51, it's got plenty of distance around it. The issues I have are the additional traffic that is going to be introduced to Birch Hill, even though its maybe once a month, its truck traffic, its daily traffic, it's the stream crossing and it's the amount of pump power to pump up the hill, if there is ever a failure, I know pumps are quite capable of doing it, those are issues that I have with it and I see its not like Mr. Ryder is struggling to make this work on 4 or 5 acres, he owns half the mountain over there, so its hard to say, you have room, there's got to be some give and take and I understand he's looking in his own best interest, if it was my business or my property I would too but

he is getting an improvement to his lodge that's costing him nothing, even though he doesn't want it, in the long run it's a great improvement to his facility and...

Mr. Watson stated and to the Town.

Board Member McNulty stated and to the Town but it just, there is plenty of room there, we are being strangle held to one little spot that...

Mr. Watson stated when we've come back to him and said how about this parcel, he'll say okay, discuss that with me, so I will discuss if it goes here what it would mean, what it would do, we have a, he thinks about it, we have a couple conversations and then at the end of the day he said I can't justify losing that much value of that property. It's not like he says absolutely not I'm not listening, he thinks about it, he considers, we talk about it, we talk about what impact it would be to the property, how would that impact future development and then at the end of the day he's like, each one of these, those are the two only reasonable places for it to go, the two that you mentioned, as alternatives.

Board Member McNulty stated I agree those are the only ones I see that are...

Mr. Watson stated those are, like this one is a 6.8 acre parcel, the back quarter of it is steep slopes, if you were to stuff it on this corner of the property, which we did, to meet Zoning...

Board Member McNulty stated what if you turned it the other direction.

Mr. Watson stated yeah even if, whichever way it is, you're still losing a third of the developable area.

Board Member Montesano stated well they're using for storage of vehicles, I'm sorry.

Board Member McNulty stated the .9 acre of disturbance was your original application, you have 6. acres there, so let's just say it becomes 5. acres, a whole acre is taken, in the overall scheme of that mountain, maybe that's where this comes you can explain the cost, something wasn't making sense.

Mr. Watson stated okay.

Ted Kozlowski stated can I ask a question as ECI here...

Board Member McNulty stated I don't know...

Ted Kozlowski stated you're talking about development and such, let me ask a what if, say the ski lodge, say you put this improvement in, you've got this plant and for some reason the ski area goes bankrupt and they decide to sell the property, subdivide it and turn it into whatever, what happens to that plant.

Mr. Watson stated the plant stays with the lodge or with the property, so they could tear down the lodge and put up a restaurant.

Ted Kozlowski stated so if you put the plant on the acres south there, its an improvement to the property, it stays with the property.

Mr. Watson stated if the ski area goes away...

Board Member McNulty stated it becomes a residential development...

Ted Kozlowski stated yeah so the plant treats the residential development....

Mr. Watson stated if the plant is...

Rich Williams stated no.

Mr. Watson stated right but...

Ted Kozlowski stated all right Rich, whatever but the plant physical stays there or it gets dismantled.

Mr. Watson stated its up to the owner, the plant could stay for future users, is that true Bob.

Mr. Ravallo stated I'm going to have to look at the SPDES permit but I would speculate but not with certainty, they would allow the plant to stay there however if for some reason they didn't want the plant and they gave it up, in other words surrender the SPDES permit, it would be under the current rules, extremely difficult to get a new plant put there because its in a phosphorus restricted basin and then the only way you could get a new plant or an expansion, it would have to be for environmental benefit and if you wanted to do something new that's not, doing nothing is better.

Ted Kozlowski stated again I'm sorry to interrupt you but there are hundreds of acres there; find a way to not have to cross the stream.

Mr. Watson stated Ted to answer your question, there's an important point that I, that may not have been made yet and you asked the question and this answer might help better understand, if the ski area goes away and the parcels are liquidated you could, he could do anything down here, he could put up a restaurant, by keeping the plant up here that is outside of the prime developable area, if you, by keeping it down in any of these areas, these are prime, those are the only two realistic, you mentioned hundreds of acres...

Ted Kozlowski stated John, you now have a plant in a non-developable area, on top of a hill next to a stream we're trying to protect. What are we going to do with that plant if it goes belly up and they put houses there, what are you guys, what is the plant going to do then.

Mr. Watson stated the plant can service something at the bottom or service, well the plant either stays and its operational or its not operational and it's dismantled.

Ted Kozlowski stated just to me, you know, if its prime land and I find it hard to believe Thunder Ridge is going to go belly up but if it does...

Mr. Watson stated Dean needs to come and speak about this because there are a lot of things that he's told me that you guys need to know that I don't, financial...

Ted Kozlowski stated I understand, its just so, John its just so hard...

Mr. Watson stated I know.

Ted Kozlowski stated you've got hundreds of acres there...

Mr. Watson stated but Ted...

Ted Kozlowski stated the Board, every suggestion it seems like there is a road block thrown in front, this is your decision, this is what you want to do, its got to go here and no matter what anybody says there is a reason, an overwhelming reason in your presentation that it can't happen so you know to me, its kind of frustrating to sit here and hear this constantly going around and around, which is it, I mean it doesn't seem like you have spoken to Dean, or maybe you have, I believe you John, you know there is nothing I have against you or Dean...

Mr. Watson stated yup, understood.

Ted Kozlowski stated but can't you guys just sit down and say look let's not cross the stream, let's put it somewhere, its not going to go in the middle of a prime 6 acre flat level area, we'll put it in the corner, you can make this work, you can make this work John, look at me, you can make this work.

Mr. Watson stated I don't enjoy this, we do not, I'm not a fighter, I try to come with something that's approvable on the first submission so that we come in, we shake heads yes, we work out details and get it approved, that's how we operate and we have expended great energy...

Ted Kozlowski stated I believe in you John and I know you can do this.

Mr. Watson stated I know but when you say they own hundreds of acres, I think there is confusion as to them owning hundreds of acres and what's really usable, out of the hundred of acres, this is what's usable, this little blip down here, as soon as you get up into here, right now, we said this before, you can't cross the ski trail with the driveway so that only leaves open the whole stream corridor or anything back here, he'd love to put it back here, so let's put it back here own of the way.

Board Member Montesano stated you can't use the, you can't cross the ski trail.

Mr. Watson stated not with the driveway.

Board Member Taylor stated not with the driveway.

Board Member McNulty stated no, it has daily usage, go ahead Charlie.

Board Member Montesano stated Charlie.

Mr. Watson stated yes, sorry.

Vice Chairman Cook stated what about in here, someplace in here outside of this.

Mr. Watson stated this is a ski trail, this ski trail is extremely steep, this whole area back, see how I have steep slopes written here, this whole area here, this is really not usable, this...

Vice Chairman Cook stated this is an active...

Mr. Watson stated that is an active ski slope, very steep. Really, the only usable, at, this property works well as a ski area because its very steep and as soon as you get out of this lower zone, its very steep.

Board Member McNulty stated it's not steep in the paintball area.

Board Member Taylor stated yeah but there is no access to the paintball area...

Mr. Watson stated you can't get to it; he'll put it there, that's no problem, its just getting there.

Board Member Taylor stated that's the problem.

Board Member McNulty stated your statement, just to address your statement earlier that, that's the only prime land is along that corridor I don't think is really valid because there is plenty of prime land up on top of the hill.

Mr. Watson stated and we looked at that and there are advantages and disadvantages, there is area in the back that's too far.

Board Member McNulty stated I'm not putting the plant way up on the hill either.

Mr. Watson stated but he is, he'd love to put it there if you could just get to it. The pumping has come up a couple times too, I'm sorry to interrupt but these are, we looked at the pumping costs and the way that these MBR plants are set up is you have septic tank and equalization tank and even if the lodge is right next to plant and even if the plant is down hill, you can't gravity into the plant, you have to pump into the plant, into the first treatment process, so even when they're right next to each other, you're pumping into it even if its dead flat. We had the treatment plant engineers, O'Brien and Gere, they looked at the pumping costs, if the lodge was right next to the plant and if the plant was up here and it was about a hundred dollars total electric cost a year because you need a decent size pump anyway just to get it up into the plant and to go this extra distance, even though it seems like its very far, you go up one or two motor sizes that use a little more power and then you're there...

Board Member McNulty stated I can understand that.

Mr. Watson stated so it's a hundred, so the additional cost of pumping is a hundred dollars a year which on a hundred thousand dollar a year O & M budget is not a constration.

Board Member McNulty stated and what about a failure of a pump, I know there is redundancy and the back up.

Mr. Watson stated I've discussed that before...

Board Member Taylor stated yeah he has.

Mr. Watson stated and there's, there's a lot of reasons but the fail safe is if a pump goes there are alarms and alarms to tell you that but there is also a full days design flow storage in the tank and design flow is about 3500 gallons a day, a pumper truck is 3500 gallons a day, so if the thing goes, the things could totally blow up and you could just get a pumper truck there once a day, on a peak day and just keep it empty, which is what you do in a situation like this so that's not an issue either.

Mr. Ravallo stated I'd like to say something, if I could, sorry, if I could I would force him to go to an alternative property, I hate to be so brutal okay, my objective is to get this done in a cost effective matter and especially assume its possible, I mean I discussed it with EFC attorneys, can I force him to do and the reason I can't force him to do it, its not, the alternate properties are not part of Thunder Ridge, especially the six point acres, okay, I mean if I could I have leverage, for instance, let's say he refused to do the upgrade, for whatever reason and believe it or not I can't, there are silly people, a very well to do golf

course really kept stringing the DEP along, finally one day checking you know, checking with the powers to be, I wrote a letter essentially said you're terminated, you're not in the upgrade program, I told them you have to meet us at 100 Church Street, that is where the New York City attorneys are and we gave them the real, they wanted to know what that meant, well what it meant was and this would apply to Thunder Ridge if we terminated, if they refused to do the upgrade, they would be immediately in violation of the New York City Rules and Regs and then they would be subject...

The Secretary stated hold on Bob, one minute.

Mr. Ravallo stated sure.

(Side 1 Ended – 7:56 p.m.)

Mr. Ravallo stated you don't want that on record, right.

The Secretary stated I don't know.

Mr. Ravallo stated if we, if that should happen, they would be immediately in violation of the New York City Rules and Regs and they would be subject all sorts of fines, what would happen is they would have to enter into a consent agreement but the killer for them is they would have to pay for the upgrade themselves, everything and that would be millions of dollars and they said well, I remember, they said well how are we going to do that and not only, I mean it came out simultaneous, we said take out a mortgage, we said your property is worth millions and millions of dollars, so I won't be going through this if I could avoid it...

Vice Chairman Cook stated we understand.

Mr. Ravallo stated okay, I mean I just want you to know that.

Board Member Taylor stated I just have a question for you before you sit down. What are we talking about the total cost to construct this.

Mr. Watson stated four and a half.

Mr. Ravallo stated what is it about four and a half million, yeah.

Board Member Taylor stated four and a half million, okay, that's.

Mr. Ravallo stated hopefully that's where it stays.

Vice Chairman Cook stated let Ron go.

Board Member McNulty stated okay.

Board Member Taylor stated I think we're making some progress finally, we have at least these figures in front of us, I think we need to check those, there are legal questions that need to be explored, this whole issue of is it part of Thunder Ridge, is it not part of Thunder Ridge, is it Putnam County National Bank, is it the Patterson Center LLC, was it bought at one time, was it bought at a different time, does that therefore have different impacts on these properties, those are question we can answer but certainly we could get some input on those things. If you look at and I think we have to evaluate these figures, if you look at your

figures, you never answered the question about how you get this, is this the value of the land this center line on your chart, financial impact of future use, is that the value of the land.

Mr. Watson stated yes.

Board Member Taylor stated okay, then if we look at this chart, if you just look at the bottom totals, the proposed site in the 6.9 acre northern site are the same price, so just in terms of cost, that gives us some information. I think you should look more at the 6.9 acre site and we need to consider these other sites as well, as somebody said I think Mike said, its unbuildable, it seems its not a commercially viable site because of all the reasons you stated. If a road can be put in, it would soon be, it would then be a viable site, so that the DEP would be paying to turn that into a viable commercial site because you site the plant and a few other things on it perhaps in the future. It is against the Zoning Code but we could ask Zoning if they would waive the Code in this particular case...

Mr. Watson stated we don't want a 15% driveway for hundreds of feet long going up to a sewer treatment plant.

Board Member Taylor stated you don't have hundreds of people going up to the, I'm not going to discuss that, that's again what you do, you see you come back with something that is irrelevant in a way, you keep saying we've got one truck a day going up, that's what you say, we've got one truck a day going up, that's why its not important to the stream crossing, now you're saying you have hundreds of people going up a 15% driveway...

Mr. Watson stated I said hundreds of feet up a 15% driveway.

Board Member Taylor stated okay I'm sorry then.

Mr. Watson stated its okay.

Board Member Taylor stated whether you want it or not, it might be a better solution than having us turn down the application which says you can not build at all, that's what you need to consider, I'm just laying out these things, you need to consider these different things, that's what we're trying to do, we're trying to balance this with this, we're trying to balance the private interests of this property owner with what we, the public interest we are supposed to be protecting.

Mr. Watson stated I understand.

Board Member Taylor stated that's all we're trying to do, we're trying to balance these different factors, so don't just say we can't do that or we don't want to do that, the cost of doing that is this or technologically, as you said with the different designs of the plant, its impossible. Everybody would be happy if you could bury it in the ground but apparently technologically that was impossible so, that's, those are the response we need.

Mr. Watson stated I honestly don't know what more to say, if you, this advantages and disadvantages list lists out the reason...

Board Member Taylor stated yes, I know.

Mr. Watson stated I was hesitant to do this because you can't look at this and say they are the same price, it's the same project, that's not it, this is one small part of it, if you put the plant here, you're putting it right

in the back yard, less than a hundred feet away from residential property lines, you're within two hundred feet of three houses...

Board Member Taylor stated you have those on here, we will discuss those...

Mr. Watson stated that's, okay...

Board Member Taylor stated all right.

Mr. Watson stated it's not just, that's not feasible for those reasons.

Board Member Taylor stated you have those listed and its very nice that you listed those and we will weigh those factors...

Mr. Watson stated okay.

Board Member Taylor stated but that is for us to weigh, you need to be providing the information of would that be acceptable to Dean, if he didn't care about the neighbors, would it be an acceptable site to him commercially to answer his question about the commercial costs of that site and then can the other factors be worked out, that's what we have to decide, that's what we are all trying to say, we need to work together on this, we are not happy with where you have it.

Mr. Watson stated understood.

Board Member Taylor stated we are trying to see if we can work out some other place, so if you can go to Dean and say well what about this 6.9, the alternate and he needs to consider the alternatives.

Mr. Watson stated I was under the impression that with the driveway that is very steep and doesn't meet Code and putting it in the backyard of all these properties, is a much worse overall impact than crossing the stream, that was my opinion so when I started, that was my opinion, so when I, that was opinion so I apologize if my opinion is not what yours is.

Board Member Montesano stated all right let's look at it from that, we have three people that may because you're telling us how good the plant operates may have a problem, may have a problem. Now up at the site that you prefer or your client prefers...

Mr. Watson stated yes.

Board Member Montesano stated within a thousand feet you have a few more houses than three, plus its an entire community up there.

Mr. Watson stated actually, by putting it here...

Board Member Montesano stated yeah.

Mr. Watson stated you're probably the same number of houses...

Board Member Taylor stated as close.

Mr. Watson stated you're right behind the same number.

Board Member Montesano stated yeah, you're right.

Vice Chairman Cook stated John, I have...

Mr. Watson stated yes.

Vice Chairman Cook stated on your chart, I don't think you wanted to say this, you say property not owned by applicant.

Mr. Watson stated its actually, that is exactly what I wanted to say.

Vice Chairman Cook stated oh.

Mr. Watson stated the applicant here is Patterson Center LLC, the bank is different...

Vice Chairman Cook stated gotcha.

Mr. Watson stated and we're looking at this as, you asked, even though we think its wrong to even consider a property not even owned by the applicant, we're doing that at your request because that is what you wanted us to study.

Board Member Taylor stated who owns the strip of land next to Birch Hill Road.

Mr. Watson stated that is currently owned by the bank but the bank is willing to merge that with the other property.

Board Member Taylor stated so the question is not who owns the property but whether the owner of the property is willing to merge it with...

Mr. Watson stated I think they're both, I think they go hand in hand.

Board Member Taylor stated that's not what...

Board Member McNulty stated its pretty much that strip is unusable.

Mr. Watson stated right, so he doesn't mind giving that up.

Board Member Taylor stated but so is the 6.9 acres perhaps, alright I think we've covered it as far as I'm concerned.

Board Member Montesano stated alright, one question I got to ask, it has always been my impression that in the Town of Patterson party A owns particle A and particle B or property A and property B and they are next to each other they are combined into one person, is that true anymore.

Rich Williams stated if adjacent non-conforming parcels are owned under single and separate ownership by the same corporation, by the same individuals, then by our Code they would be considered merged. They have to be under the same ownership, they have to be non-conforming parcels, you in a four acre zone, have two parcels owned by the same person that are both four acre parcels that are both four acre parcels side by side there is no automatic merge...

Mr. Watson stated what is the parcels are across the street from each other.

Rich Williams stated well if you've got some sort of property in between, they're not adjacent.

Mr. Watson stated okay.

Board Member Montesano stated (inaudible) okay.

Vice Chairman Cook stated anything else Ron, for tonight.

Board Member Montesano stated okay, no I...

Vice Chairman Cook stated Michael.

Board Member Montesano stated no, I think we'll go through it again on Thursday, next Thursday.

Mr. Watson stated okay.

Board Member McNulty stated I'm okay.

Vice Chairman Cook stated do you want to summarize again what you want, relative to next week so...

Board Member Taylor stated I think, I think we go ahead, the way I would pursue it is go ahead with expanding these cost comparisons and we need to look more closely at what you were saying in terms of the other impacts of locating this, one of the questions was, if its put in some area, it would need, the plant would need odor reduction of some kind, what is the cost of putting odor reduction on that plant is that answer to that question...

Mr. Watson stated twenty to fifty thousand dollars.

Board Member Taylor stated so that goes in on that line then, that's the cost of doing that as compared to another plant where it doesn't need to be and then as I said, I think we need some legal advice on this whole mess about three different owners, it seems like you cleared up with Rich the things that have to have lot adjustments...

Mr. Watson stated yup.

Board Member Taylor stated its got to be on the same property, I mean that's something else we need to look at it if we put it on the six acre parcel, what does that mean in terms of the property in between...

Mr. Watson stated that destroys, that really destroys...

Board Member Taylor stated on this south 6 acre parcel...

Rich Williams stated yeah I mean, you know, I'm a little bit with Tom on this about the...

Board Member Taylor stated can you do easements across.

Rich Williams stated northern parking lot, you know I think that probably you could put that plant there with little trouble and you're going to lose some of the parking but oh well, I don't support that simply because now that plant is a property that is going to be potentially in the future owned by somebody else and is a burden to some future property owner, similarly putting it across the street. If we could have done it reasonably, so it didn't have a huge impact on the property which I think has been adequately proven that you can't do, you know I wouldn't want to see it moved up into the center of the property to burden that property in future, you take away all value of the property and you have the plant on a separate piece of property and I certainly wouldn't support that.

Board Member Taylor stated so we need to look at those kinds of issues too and we need some time to think about this and discuss it among ourselves...

Mr. Watson stated okay.

Board Member Taylor stated and just see where we're going and I would appreciate if on next Thursday if you don't come back with the same discussion because we've been kind of repeating the same discussion between work session and regular session and it gets to be redundant and a waste of time but we are going to deal with some new issues and I will try to go through these things and...

Vice Chairman Cook stated you can formulate...

Board Member Taylor stated a specific...

Vice Chairman Cook stated your thoughts, you can e-mail them to us.

Board Member Taylor stated list of, yeah.

Vice Chairman Cook stated and you're okay and Rich can e-mail it to John so he has a heads up before we go...

Board Member Taylor stated I can e-mail it directly if that's all right with everybody.

Vice Chairman Cook stated that's fine.

Board Member McNulty stated I have a question in relation to this chart here with cost, on the 6 point acre parcel, dash 51, this three hundred thousand dollar financial impact for resale of the property, that three hundred thousand, is that basing the whole 6 point acres is no longer usable, is point acres not usable, how do you derive that number.

Mr. Watson stated that was if the property were developed right now, there's, its 6.8...

Board Member McNulty stated 6.8 acres, that's the one next to the restaurant.

Mr. Watson stated right now, as I mentioned before there are steep slopes in the back, so now there's 6.8, you say if it's 5, if you have a 5 acre piece of property, that's developed that's worth some number and then if you take off and you said take off one acre, you would have to take more than that because you, I don't think you'd allow us to put the plant up against the property line, so you take away an acre and a half or two acres of usable because you're not going to want to put anything else right up against the building...

Board Member McNulty stated let's say an acre and a quarter right now, just for arguments sake.

Mr. Watson stated its going to be more than that.

Board Member McNulty stated alright so...

Mr. Watson stated I think its going to be two acres by the time you get it away from the property line and then get whatever you're doing away from that, you go from five down to three acres, so five acre property and a three acre property developed that delta is about three hundred thousand dollars.

Board Member McNulty stated okay but maybe we can determine that we are guessing a lot, to me I only see it narrowed down to two other alternatives and that's the northern parking lot and this lot, I don't know how the rest of the Board feels but maybe you know the sizes of this building, can you plot it, can we get more information...

Mr. Watson stated what building.

Board Member McNulty stated the wastewater treatment plant and actually plot it to those two properties to see how much land we're actually taking...

Mr. Watson stated its on there, we did that.

Board Member McNulty stated so that is an acre and a half right there.

Mr. Watson stated no, that's, what we did was we took the building that we have now and we drew a box around what we have now for the building, the tanks, inside outside and the little parking turn around...

Board Member McNulty stated so that is your overall area.

Mr. Watson stated that's our, I don't even know what that area is to be honest with you, I don't know...

Board Member McNulty stated that's my point, if we can determine what that area is...

Mr. Watson stated but I took that, I took that exact shape and plotted that in all those other places, so you have that.

Board Member Taylor stated he's already done that.

Board Member McNulty stated I see that but maybe we can plot it in the other direction, do you know, do you have the proper setbacks determined here on this plotting.

Mr. Watson stated I believe we did but I can double check.

Board Member McNulty stated that's what I'm looking for just, maybe put an actual plan but an alternative that reflects the zoning and the setbacks, that helps us see your argument that we can't do it, otherwise what we're hearing is it just doesn't work.

Mr. Watson stated yeah, I'm working in order of magnitude, I know that you've got this much area, you take away a third, you go you take away a third of something that has prime road frontage of usable and that's a huge...

Board Member McNulty stated but maybe there's a way the Town could work with you from that aspect to make it work, I know that's the Zoning Board, its another Board but...

Mr. Watson stated right.

Vice Chairman Cook stated hey John one last thing.

Mr. Watson stated yes.

Vice Chairman Cook stated on the site plan there, you see where you have the Watchtower...

Mr. Watson stated yes.

Vice Chairman Cook stated what about right above that, in that area, somewhere in that area there.

Mr. Watson stated that is flat and you probably have the topography in the area to do that but just getting to there, you'd have to either cross the stream where we are now or, you can't get a reasonable driveway anywhere down here up to there.

Vice Chairman Cook stated okay.

Board Member Montesano stated is this a driveway or an opening here.

Mr. Watson stated that's a very steep ski slope and this is very steep from here to here, (inaudible).

Board Member Montesano stated that's where the plant would be if you were to put it on his property, could you also put it...

Mr. Watson stated sure, we can put it right there but if you do that, you're still taking away, if you put it here you take away a third.

Board Member Montesano stated you're losing more space this way because now you're bringing the road across which makes this here useless.

Mr. Watson stated fine, fine, we can leave it.

Board Member Montesano stated you know what I'm saying, it gives us an idea what it would look like there if it would be viable.

Mr. Watson stated yeah.

Board Member Montesano stated I mean you did a nice job on all the other spots.

Mr. Watson stated I'll bring this full size, I, at the time...

Board Member McNulty stated this is, for me this is fine.

Mr. Watson stated okay.

Board Member Montesano stated my glasses will work fine.

Mr. Watson stated two quick questions for you, you mentioned there are legal issues that have to be determined, is that something that you expect us to present something to you, that's...

Vice Chairman Cook stated no, no, no...

Mr. Watson stated you guys will in house and the other was you wanted me to expand the costs and I'm not...

Board Member Taylor stated I'll give you a list, that's what I was saying I would do, I'll go through this and give you a list.

Mr. Watson stated fine, fine, I'm not sure exactly what you, alright.

Board Member Taylor stated I understand that, its hard to, going back through the minutes, it is, its hard to go through the minutes.

Vice Chairman Cook stated and maybe Ron in a separate e-mail to us and Rich, the questions you want to ask Tim Curtiss.

Board Member McNulty stated will Dean be with you on Thursday.

Mr. Watson stated he was planning on coming today, he had a conflict at four o'clock, he apologized but he guaranteed next Thursday.

Mr. Ravallo stated I have a question, right now as you noticed in my letter what we have so far is really not a complete plan, it approximately 65 [percent complete] and the purpose really is the location, short of 100% submission, I am hoping you would make a final decision yea or nay on the proposed location, is that reasonable to expect.

Vice Chairman Cook stated yes.

Mr. Ravallo stated okay, fine, thank you.

Ted Kozlowski stated hey Bob, can I ask you a question.

Mr. Ravallo stated sure.

Ted Kozlowski stated you're going through us, you're going to have to go through DEC and Army Corps, what are you guys going to do...

Mr. Ravallo stated I'm not sure about Army Corps but DEC for the stream...

Ted Kozlowski stated what are you going to do if they say no.

Mr. Ravallo stated excuse me.

Ted Kozlowski stated what are you going to do if they say you can't cross the stream.

Mr. Ravallo stated based on past experience I don't expect them to say no. What I possibly might expect them do is require mitigation, they possibly might require some additional mitigation that John has not proposed, my expectation is that they'll grant it with certain conditions.

Ted Kozlowski stated but if they don't.

Mr. Ravallo stated we might take them to court, I, okay, what am I going to say...

Ted Kozlowski stated if we say no will you take us to court.

Mr. Ravallo stated if you say no...

Ted Kozlowski stated I mean if we say no to that site, we say put it at site A.

Mr. Ravallo stated if you said no and I did not have the legal, I did not have the legal power to force them to go to an alternate site, the first thing I would do is tell the owner its up to you to make this happen now if I can't force them to move it to an alternate site, your attorney at the last meeting also said, he actually quoted me and he said I'm not sure you could force them to move to an alternate site, you know, if you could legally, that solves some problems too. I'm not telling you how to do it all I want, I want it to be done, that's all, okay.

Vice Chairman Cook stated we understand.

Mr. Ravallo stated okay, you know what I don't want to sue people, I really okay, that is not, we've had 106 facilities, there has only been one, two times once East of Hudson and once West of Hudson for extremely good reasons, the stupidity of owners that we breached them and we caused some legal action and within one case, I don't know 48 hours, a week and the other case, almost the same time they did a reversal, our objective is not to do this by suing, it's by talking and trying to come up with technical solutions, just like we're doing right now.

Board Member McNulty stated that's what we want to do too.

Vice Chairman Cook stated okay Bob thank you, John thank you.

Board Member McNulty stated thanks John.

6) 450 HAVILAND DRIVE SUBDIVISION – Continued Discussion

Vice Chairman Cook stated next 450 Haviland Drive, we've got...

Board Member Montesano stated anybody here tonight.

Vice Chairman Cook stated we've got Mr. Harry Nichols response, anybody want to chime in on this one.

Rich Williams stated Mr. Nichols took the information the Board provided at the last meeting, took it back, made some modifications to drawing and I believe showed swimming pools and sheds on each of the lots, (inaudible) one of the issues that (inaudible) the Board to waive the requirement that he submit for a wetlands/watercourse application for the disturbance that will occur within the wetland boundary that result from his removing the driveway that is currently there, so the Board has that to mull over and some of his

responses and hopefully the snow is going to disappear in the next few weeks and you'll be able to get out there and do a site walk.

Board Member McNulty stated he's saying a waiver of that wetlands application is just for the area where the driveway would be removed.

Rich Williams stated he had two basic disturbances on his initial application, jump in any time you want...

Ted Kozlowski stated you're doing fine.

Rich Williams stated he was proposing to construct a new driveway off the new subdivision road for...

Board Member McNulty stated for lot 1 I think.

Rich Williams stated lot 1 and he showed that in the wetland buffer, he has now moved that out of the wetland buffer and realigned it in the direction that was recommended to him, the other disturbance was to remove the existing driveway, restore it in some fashion to the wetlands that surround that driveway.

Board Member McNulty stated okay.

Board Member Taylor stated your feeling on that Ted.

Board Member McNulty stated it sounds reasonable.

Ted Kozlowski stated I don't have a problem with waiving an action where they are going to take away impervious surface and restore the wetland but we have to see what he proposes to do, I mean there would have to be some sort of document that would indicate that he's going to do X, Y, and Z that meets current, accepted practices, you know his idea of restoration may not be what restoration should be, we just want to make sure that's done...

Vice Chairman Cook stated right.

Ted Kozlowski stated the formal permit process is a formality made with that I would just prefer that we all work together to get it done the right way. He's going to eliminate that and restore the wetland that's great, you know, so I don't see making him pay for a permit for that but you can't always see things happen, so I want to make sure that its documented some where.

Vice Chairman Cook stated have you had a chance Ted to look at the revised plans.

Ted Kozlowski stated yeah, I glanced them over but again its very important that the Board, we all go out there because those plans are very deceiving to the site, its very hilly and there is stuff all over the place, you really need to understand how this all fits.

Vice Chairman Cook stated Rich and Ted, would you recommend that when we do go out that that staking be of what each parcel and each house footprint...

Rich Williams stated well typically how we've done it in the past, we stake the center line of the road at 15 foot intervals, we stake the driveway entrances, we stake the centers of the house and the septic...

Vice Chairman Cook stated okay.

Rich Williams stated the stormwater pond if there is a stormwater pond proposed, we'll stake the center of the stormwater pond based on that, features in the field as they are shown on the plans. We should be able to find our way through the terrain.

Ted Kozlowski stated I think you also have to you know, remember that Harry showed swimming pools now and I go through this all the time because I'm a swimming pool owner, a swimming pool represents the square footage of area that will fit the pool, people need sunlight, they need a big swath of area so if he's going to put pools in, then there is going to be a further line of clearing, has to be, no one puts a pool and then is surrounded by trees. So if he's serious about putting pools in...

Rich Williams stated yeah, I mean, I know one house.

Ted Kozlowski stated the, I killed those trees.

The Secretary stated that's on the record.

Ted Kozlowski stated fine, I got the permit, I did it the proper way. I just want to let you know that that may now go into wetland buffer, okay...

Board Member Montesano stated so we should stake out...

Ted Kozlowski stated so Harry really should, does he want to do this, you know...

Board Member Montesano stated then we should also include some kind of reference to where this alleged pool may go and stake that out.

Ted Kozlowski stated well I think you need to establish a clearing line.

Rich Williams stated with site, we also require site plan approval for the houses that go on the site, as well as for the driveways and the road, we know they are going to be locked in but the pools and the sheds, that's going to be an individual choice for future property owners...

Ted Kozlowski stated right.

Rich Williams stated when we're out on the site, we should be able to have to a good idea based on the staking, where the general areas of the pools and sheds are but you know the additional cost of staking our every pool and every shed...

Board Member Montesano stated well then...

Ted Kozlowski stated I don't...

Rich Williams stated it may not be (inaudible).

Board Member Montesano stated then can we come before the Planning Board to have pools approved...

Ted Kozlowski stated but this terrain is so hilly I don't know whether they are going to put pools without major hills.

Vice Chairman Cook stated well that will be one of the eye openers on our little site walk.

Board Member McNulty stated Rich have you have had a good look at these latest plans.

Rich Williams stated I have had a cursory look, I have not had a good look.

Board Member McNulty stated are you going to be putting together comments.

Rich Williams stated you will be getting comment memos on everything.

Board Member McNulty stated that will help a bunch.

Rich Williams stated absolutely.

Vice Chairman Cook stated okay.

Board Member Taylor stated so if he doesn't have a wetland permit, do we have any control over that work that he's doing.

Ted Kozlowski stated we have control over it because he may not get a wetlands permit but he's going to get some sort permission from this Board, you will have control.

Board Member Taylor stated okay.

Rich Williams stated he will have an erosion control permit, he will have a stormwater pollution prevention plan that will include that...

Board Member Taylor stated that area.

Rich Williams stated remedial activity within the wetlands that will have to follow...

Ted Kozlowski stated and don't forget, even if he doesn't have a permit, if he has a violation of the wetland, he's still subject to enforcement.

Board Member Taylor stated but the permit gives us a little cash in advance to offset our costs.

Ted Kozlowski stated right.

Board Member Taylor stated these erosion controls will also do that in terms of...

Rich Williams stated yes.

Board Member Taylor stated okay.

Ted Kozlowski stated I mean the Board decides whether you want to waive the permit or not, it really depends on what he's planning to do and this preliminary plan, its going to change.

Board Member Taylor stated okay.

Vice Chairman Cook stated you okay Ron...

Board Member Taylor stated yeah.

Vice Chairman Cook stated Michael.

Board Member Montesano stated yeah.

Vice Chairman Cook stated Tom.

Board Member McNulty stated yup.

7) **NOLLETTI SITE PLAN – Change of use**

Vice Chairman Cook stated Nolletti Site Plan.

Rich Williams stated this is a site that is across from the Country House or the Steakhouse, that was the subject of the Thai restaurant, the building is currently vacant, its been vacant for a while, the property owners have been actively trying to lease the property. They have a potential tenant that they can lease to which is the religious organization to operate a church on the site, I've taken a look at it based on the available parking that's out there, they could have as many as I believe 74 members in the church and still be compliant within our Zoning Code, currently they are only proposing a membership of about 40 to 45 but of course that can change significantly (inaudible) as they become more known in the area.

Vice Chairman Cook stated now they're not proposing to change the building in any way.

Rich Williams stated they are proposing to make minor architectural changes to clean up the exterior of the building. I would imagine there is going to be some signage put up at some point that they are going to have to get approvals for and of course because they are proposing a church it is subject also to a special use permit by the Zoning Board of Appeals.

Vice Chairman Cook stated churches can go anywhere.

Rich Williams stated correct, they are permitted within any zoning district.

Board Member McNulty stated with a special use permit.

Rich Williams stated with a special use.

Board Member Montesano stated two questions, are they going to use the apartment upstairs as part of the church or...

Rich Williams stated well that was somewhat of a discussion that I had today with the Building Department and it will be going in a memo, essentially it is my understanding that that apartment has been empty for quite some time, it is a pre-existing non-conforming apartment and having been vacant for more than a year, has lost its status, having said that, a church is allowed to have a living area for a cleric.

Board Member Montesano stated okay, next question, since this is going to become a religious function, is the property owner the church or will it still be Mr. Nolletti.

Rich Williams stated the church is coming in as a lessee.

Board Member Montesano stated okay so the tax revenue that Mr. Nolletti pays is still existing?

Rich Williams stated I understand where you're going with this and your concern, I don't know and I have talked to Chris Boryk about it and he was uncertain, however I will caution you that that is probably not a relevant issue for site plan.

Board Member Montesano stated well I realize, I'm just asking this because what I'm looking at is we have the tower on the other side of the property...

Rich Williams stated correct.

Board Member Montesano stated would that also.

Rich Williams stated that's why Chris was not sure, that makes it a little bit more complex.

Board Member Montesano stated alright, I'll let it go at that.

Board Member McNulty stated who does take issue with that topic, its not a site plan, Planning Board issue...

Board Member Taylor stated it's a Town Board isn't it, would it be a Town Board issue.

Board Member Montesano stated its illegal...

Rich Williams stated I would be of the opinion that its been preempted by the Federal Government.

Board Member McNulty stated the lessee pays leases, he doesn't know, a lease fee, he doesn't know what portion of that lease fee goes to what...

Rich Williams stated whether it remains a taxable assessable parcel really is a function of the Assessor and Real Property Tax law.

Board Member McNulty stated I know its not part of this process but I would think its still a commercial lot if its being leased, no matter who its lease to but Real Property Law I guess will determine that.

Rich Williams stated right.

Vice Chairman Cook stated unless I'm missing something, it seems like everything here is existing with exception of new ramp, right...

Rich Williams stated some striping.

Vice Chairman Cook stated alright.

Ted Kozlowski stated does the Church have to conform to ADA requirements.

Rich Williams stated yes.

Ted Kozlowski stated so then he may have to make adjustments to that property to meet ADA requirements.

Board Member McNulty stated he shows a ramp on there.

Rich Williams stated we had talked about that, there was a pervious application for a day care center...

Vice Chairman Cook stated right.

Rich Williams stated and we had talked about the ADA requirements of the site, showing the ramp...

Ted Kozlowski stated but there is no way the bathrooms to would have...

Rich Williams stated that's true, that is something that Nick Lamberti is going to have to deal with, there may be other issues, we don't have a floor plan at this point and again that's not really a relevant issue for the site plan, that's the Building Department.

Board Member McNulty stated and a quick note on the special use permit, can that, for the Zoning Board, can that have stipulations to it to regulate the special use attachments to it or is it a blanket permit that is issued.

Rich Williams stated the special use permit.

Board Member McNulty stated yeah.

Rich Williams stated well it certainly can have conditions but again there's federal law out there at this point that really gives churches a lot of latitude where they can go and what they can do and limits the review by local authorities.

Board Member Taylor stated and does the church occupying the apartment, if they use it as an apartment, does that then bring it back into pre-existing, non-conforming or they can only use until the church leaves and then its no longer an apartment.

Rich Williams stated it doesn't make it a residential apartment.

Board Member Taylor stated so its gone as far as everything's concerned.

Vice Chairman Cook stated okay.

Board Member Taylor stated yup.

8) OTHER BUSINESS

a. Genovese Flex Building – Performance Bond

Vice Chairman Cook stated okay next up is the Other Business, Genovese performance bond, we have the estimate from Terri Hahn, representing the applicant and Andrew representing us. One thing that jumps out is that Terri didn't put in anything for inspection fees.

Rich Williams stated correct and I just need to go through that with Andrew as well.

Vice Chairman Cook stated and it seems like the difference between Andrew's and hers, is that Andrew's is about \$50,000 plus more, so you'll come with a, somebody will come back with a recommendation.

Rich Williams stated yeah, no problem.

Vice Chairman Cook stated next, let's skip to Eurostyle for a minute

c. Eurostyle Marble and Tile

Board Member Taylor stated guess you have it next on yours.

Vice Chairman Cook stated okay, so your letter basically tells them what they still owes and...

Rich Williams stated inviting them in for next week.

Vice Chairman Cook stated inviting them in for next week.

Rich Williams stated correct.

Board Member McNulty stated got any response.

Rich Williams stated no.

Board Member McNulty stated well this is basically a repeat letter of yours correct from several times before.

Rich Williams stated yes.

Board Member Taylor stated and what's the status of the performance bond.

Rich Williams stated as far as I know its still there, I haven't checked in 6 months but it should still be there, I certainly can check before the next Board meeting.

Board Member Taylor stated is this the property, I get these properties confused, is this the property where the bank was saying they wanted to renew the bond...

Rich Williams stated no.

Board Member Taylor stated that was a different property.

Rich Williams stated the applicant came in and requested the bond be released...

Board Member Taylor stated be released, yeah.

Rich Williams stated right that was at least a year ago.

Vice Chairman Cook stated not done right, that has not been done.

Rich Williams stated there has been no action on the part of this Board or the Town Board to release that bond.

Vice Chairman Cook stated okay.

b. Pre-notification of Applications

Vice Chairman Cook stated the pre-notification of applicants, applications, we talked a little bit about that a meeting or two ago. I for one think its still a good idea, I think we have to come to terms with on what type of applications we need to do this for and start it up probably the 450 Haviland Drive one is one that we should consider so the rest, if you just take tonight's agenda, you know, anything is needed there, I don't think the Nolletti site plan Rich would need that, right, I mean its, one day its...

Rich Williams stated I don't know, you can set additional notification requirements for different types of applications, having said that, that's probably where it should stop, you shouldn't start picking and choosing the site applications that you're going to give pre-notification to...

Vice Chairman Cook stated right, that's what I meant, no the type of application that comes in for arguments sake, if it's a site plan or something, that gets it is...

Board Member Taylor stated if its subdivision.

Vice Chairman Cook stated subdivision, that gets it.

Rich Williams stated right.

Vice Chairman Cook stated sign, no, whatever. So we understand okay, we can talk more about that with our fearless leader, anybody have anything else.

Board Member McNulty stated the cell tower for Putnam Lake that's coming up in front of us, I was curious to know, I would like to know...

Rich Williams stated go ahead.

Board Member McNulty stated get the fine print of the FCC Regulations and Laws.

Rich Williams stated sure.

Board Member McNulty stated because last time it came up with the FCC, you know well all looked at each other, well the FCC says we have to do it, we talked to counsel and the counsel says I advise that we just move forward with it but I think with another tower coming in close proximity to the existing tower we just approved or to be existing, we should know the fine print of this law.

Rich Williams stated I can give you a CD.

Board Member McNulty stated it's that big huh...

Rich Williams stated on design and review of cell towers and the FCC regulations and problems, there have been a couple of recent amendments to the regulations but we are going to have to pull them off separately but I do have a fairly good CD...

Board Member McNulty stated so we have the fine print of that regulation to know as a Board what we're up against. I mean do we just take counsel's word and say no you can't fight them, its not or should we know that there is a loop hole in there that says if you have one approved within three miles, you don't need another one, I'm just making this up.

Rich Williams stated I've read the regulations, I would suggest that you take counsel's word for it but I'll be happy to get you the regulations.

Board Member McNulty stated yeah, that's fine, I trust your judgment but I'd still like to see it.

Vice Chairman Cook stated can we trust that after you read this five to eight hundred page document that you will summarize it for the rest of us, basically in a one or two page document.

Board Member McNulty stated two letters.

Board Member Montesano stated and Tom, I don't want you contacting certain attorneys that have a business of fighting these towers because sometimes they can lead you astray.

Board Member McNulty stated no, I don't talk to attorneys unless I'm forced to.

Vice Chairman Cook stated anything else.

Board Member Taylor stated I just, I heard that M&S is requesting a change or reduction in their application fess.

Vice Chairman Cook stated we have a letter on that.

Board Member Taylor stated we do.

Board Member McNulty stated is that what initiated your letter to the Town Board, M&S.

Rich Williams stated yes.

Board Member McNulty stated Ron have you seen that letter with the comparisons with the other towns.

Board Member Taylor stated it must have come in, in my box tonight because I didn't...

Board Member McNulty stated where are you at with the Town Board...

Rich Williams stated just so you all know, let me first say and I apologize for this, I was pressured to get that all out, the excel spread sheet, I didn't change some of the formulas, I'm sitting here playing with the formulas, I didn't change some of them so some of the numbers on the excel spreadsheet are incorrect, the correct numbers are in the body of the text and I'm going to re-issue that memo so everybody has the corrected numbers. The Town Board did take up the issue last night, they've asked me to propose a revised fee schedule to meet some target numbers and I hope to have a meeting with a couple of Town Board Members next week to review those numbers.

Board Member McNulty stated what are we looking at lowering them as the original letter indicated...

Rich Williams stated yes.

Board Member McNulty stated that would be great.

Vice Chairman Cook stated okay.

Board Member Taylor stated so do we have comment on that or are we out of loop on this.

Rich Williams stated that's strictly up to the Town Board...

Board Member McNulty stated you did send us it to us (inaudible).

Rich Williams stated certainly you can comment on anything you feel appropriate.

Councilman Capasso stated we'll listen to any of your comments, I was going to call Shawn but I hear he's on vacation but I was going to contact you...

Board Member Taylor stated I've got some comments, I'll send them around.

Vice Chairman Cook stated anybody has comments, e-mail them into Rich.

Rich Williams stated and I'll do a memo back to the Board, the Town Board.

Vice Chairman Cook stated okay, bring them next week and you wouldn't act on it until...

Councilman Capasso stated next meeting.

Vice Chairman Cook stated two weeks from now, right. Yes, sir.

Ted Kozlowski stated I have two quick things for you guys.

Vice Chairman Cook stated wait one second, Michael do you have anything else.

Board Member Montesano stated yeah, I would just like to clarify our meetings, we have a work session and a meeting, so far the last couple of work sessions we have gone through the process of dealing with the public and the applicants that come in, now with that in mind, I don't mind it as much as the fact that the next meeting which is an official meeting, we have to go through the same situation and so if we are going to have a work session, we ought to have it with the public not being involved unless the majority of the Board agrees to it or make it two meetings and eliminate the word work session so that we are prepared to come in without and knowledge of what's going on until we read it to do something.

Vice Chairman Cook stated okay, basically the one application that you're talking about is Thunder Ridge, I mean they've been and there's been a lot of discussion and in some cases there has been some repetition at the regular meeting plus we've asked them for certain information and they've come back to us with it whether we agreed or not. Tonight our friends from the restaurant just showed up, I think other than that, there really hasn't been...

Board Member Montesano stated the thing is we allowed this, the thing is they came in tonight Thunder Ridge and gave us new information, I'm trying to read it as John is trying to talk and that's not fair to me or him because now I'm going to argue with him without having the full facts in front of me and sometimes that makes you look a little dumb and the thing that these people come in, we did entertain them, they walked in I'm sorry, you're not following the procedure that's got to be done, you're not allowed to. We're polite all the time but we're the ones sitting here and I didn't read anything prior to tonight about whether the two elephants have the truck up or truck down, I'm looking at his yellow sign, hey fellas give me a break, its sign yeah but we had a nice discussion with it and they'll probably be in next week because he's going to come in and he expects us to vote on it and I would prefer...

Vice Chairman Cook stated well we led him to believe we were going to do it, so I think we should do it one way or the other...

Board Member Montesano stated the object is we're in, putting ourselves in a situation, I'm, when I come in with the mentality that I have which may be limited at this time, I walk in going for working, which means I'm going to get a chance to read this and now I don't and yet I'm told well what do you want to do with, wait a minute, how am I making a sensible decision here, so...

Board Member McNulty stated are work sessions truly public meetings.

Ted Kozlowski stated everything open...

Board Member Montesano stated everything's open to the public but we don't have to entertain them.

Rich Williams stated right, not public hearings, you don't have to entertain any comment from anybody.

Vice Chairman Cook stated they can site, listen, end of story or you could acknowledge them if in the discussion the thoughts...

Board Member McNulty stated as we have done.

Vice Chairman Cook stated something would benefit the discussion. Mike, point well take.

Board Member Taylor stated I agree with him, we've also encountered it with Fox Run, that guy came to some work sessions and ended up kind of interrupting...

Vice Chairman Cook stated yes.

Board Member Taylor stated I see it not just as a duplication but we need to be able to talk among ourselves, to evaluate these things and we keep getting interrupted by somebody trying to make another point and another point and another point...

Board Member McNulty stated I agree with that.

Board Member Taylor stated and I think Mike is right that we need the work session really to contemplate these things and discuss what we are doing.

Vice Chairman Cook stated Ron, point well taken.

Board Member Taylor stated okay.

Vice Chairman Cook stated seriously.

Board Member Montesano stated and now that I've taken off my collar for the night.

Vice Chairman Cook stated how about a motion to adjourn.

Ted Kozlowski stated I...

Board Member Taylor stated just ignore him.

Ted Kozlowski stated just two quick responses to you asking me for information...

Vice Chairman Cook stated yes.

Ted Kozlowski stated I wrote two letters, one November 1st to Frank Amendola who lives on Farm to Market Road, apparently the Building Department was dealing with a machine on his property, they informed him, he informed the Town that he was going to do some work near a wetland, I got involved, I sent Frank this letter on November 1st, Frank did call me, he was very sick with a heart condition, told me its very unlikely he's going to be doing anything in the foreseeable future and then several days before Christmas because I live close to his house on my way to work there was an ambulance there and a lot of state troopers and I haven't heard anything and quite honestly I'm not going to do anything for awhile because I don't know what happened and he sounded sick, so I'm just going to let that go for now...

Vice Chairman Cook stated okay.

Ted Kozlowski stated the machine I believe is gone anyway.

Vice Chairman Cook stated good.

Ted Kozlowski stated the other one is Dennis Ruccio, Riccio, Centum properties he lives across the street from the new Thai restaurant, in the fall I was notified that he has a stream crossing, there's a culvert, I sent him this letter, he responded to me, I went to his house, its way in the back under 10 feet of snow, we both agreed that this could wait until the spring, what I observed there's nothing bad happening now, he may have to come in and get a permit...

The Secretary stated hang on Teddy...

(Side 2 Ended – 8:44 p.m.)

Ted Kozlowski stated ready...

The Secretary stated yeah, go ahead.

Ted Kozlowski stated I just, we're going to meet in a few weeks to a month and I'll fill you on what goes on from there, he was very cooperative, okay.

Vice Chairman Cook stated okay, thank you. Richard, anything. Joe...

Councilman Capasso stated nope.

Board Member Montesano stated motion to adjourn.

Vice Chairman Cook stated wait, Michelle.

The Secretary stated you have two sets of minutes, January 27th and February 3rd.

Rich Williams stated they will be on the next agenda.

Board Member Montesano stated make a motion, did anybody get a chance to read them before we make a motion.

Board Member Taylor stated no, no, next week.

Board Member McNulty stated no I didn't.

Vice Chairman Cook stated motion to adjourn.

Board Member Montesano stated motion to adjourn.

Board Member Taylor seconded the motion.

Vice Chairman Cook asked for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	aye
Board Member Montesano	-	aye
Vice Chairman Cook	-	aye

The motion carried by a vote of 4 to 0.

The meeting adjourned at 8:45 p.m.