

**TOWN OF PATTERSON
PLANNING BOARD MEETING
April 13, 2006**

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
April 13, 2006 Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Rich Williams, Town Planner, Gene Richards, Representative from Town Engineer's Office, Dufresne-Henry, Anthony Molè, Attorney with Curtiss, Leibell & Shilling and Ted Kozlowski, ECI.

Meeting called to order at 6:58 p.m.

There were approximately 5 audience members.

Vice Chairman Montesano took the seat of the Chairman in his absence.

1) WHITE BIRCH REALTY SITE PLAN

Mr. Joe Buschynski, Bibbo Associates and Mr. & Mrs. Monteleone, Applicants were present

Mr. Buschynski stated first we would like to thank you very much for allowing this meeting. Since the close of the public hearing at the last meeting, we prepared responses to comments that have been received from the Board's Consultants and resubmitted plans trying to iron out the final details. I received today a memorandum from Rich Williams. There were two items that he pointed out as needing discussion with the Board. The first one surrounded the matter of the type of lighting fixture proposed on the building. We had proposed on our lighting plan, it is a boxed light, cutoff light with a bracket affixed to the building as opposed to a light pole. It is the same style. Rich is in disagreement with the appearance of that fixture on this building and suggested an alternative. The reason the light was proposed was primarily because of the large back area of parking that fixture provides a very good spread in combination with the pole lights that are proposed at the back edge of the parking. What I would request of the Board as a compromise since those light aren't really visible from the road or the approach to the building, we could as an alternative if we could leave those down lights in the back and on the sides visible go to a wall pack unit that is more compact and shallower. Would that be acceptable. I think if you take a look at LP-1 you will see the fixtures proposed.

The Board reviewed the plans.

Mr. Buschynski stated right next to the pole mounted fixture in the middle of the plan is the same fixture which would be a building attached as opposed to pole attached. If we could reserve those for just the back.

Board Member Rogan asked Joe, the lighting that you have as proposed seems like it would be more down lighting than outward lighting I am surprised it would meet your needs.

Mr. Buschynski stated they have the advantage of both a forward throw as well as a down. They were working with the (could not hear).

Board Member Rogan asked so instead of an eighteen foot pole they would be mounted eighteen feet up on the building.

Mr. Buschynski replied fifteen I think they were.

Board Member Rogan stated okay I am sorry I see it, fifteen foot.

Board Member Rogan asked what are the size of the boxes on this style they don't give dimensions on the plan.

Mr. Buschynski replied I think they were thirteen and a half by thirteen and a half.

Board Member Rogan stated they look bigger on the drawing. So, thirteen and a half plus the mounting hardware they would stick out about two feet off the building.

Mr. Buschynski replied yes.

Board Member Rogan stated it is the back of the building only.

Mr. Buschynski stated an alternative to that is perhaps higher intensity and maybe some additional wall pack type fixtures for the back.

Board Member Rogan asked Vice Chairman Montesano and Board Member DiSalvo what are you guys discussing something that you want to share with the Applicant or us.

Board Member DiSalvo replied just trying to figure out which way the light will flow.

Vice Chairman Montesano stated just trying to figure where the light will go. It is not going to glare out on to anything I can see. I don't see a problem. Does anybody have a problem.

Rich Williams asked you are okay with the lighting fixtures. You are okay front and back.

Board Member Rogan replied they were just talking about the back.

Vice Chairman Montesano stated we were just talking about the back there is no over light that is going to cause any problem to the road as far as I can see. The ones on the side shouldn't be.

Mr. Buschynski stated we can revise the sides and the front.

Vice Chairman Montesano asked the light posts are still going to be in the front.

Mr. Buschynski replied yes the owner was hoping for a decorative fixture along the drive.

Vice Chairman Montesano asked does anybody have a problem or further discussion on just the lighting fixtures.

Board Member Pierro replied no I am fine with the lighting.

Board Member DiSalvo stated I am fine with it.

Vice Chairman Montesano stated I have no problem with it.

Gene Richards asked so are you saying leave it the way it is on the plans.

Vice Chairman Montesano stated as long as they are not glaring, they are providing sufficient light there, they are not going to glare into anything as far as traffic is concerned unless we are going to set a standard for lighting fixtures.

Mr. Buschynski stated we will agree to change the front and the side to a more compact fixture they call a wall pack and then if we could leave the,

Vice Chairman Montesano asked these are the pictures you recommended.

Rich Williams asked shown on the plans.

Vice Chairman Montesano stated yes.

Rich Williams replied no. What my suggestion was is these are going to stick out about two feet from the wall and what looks to me anyway more architectural pleasing to the building is lighting fixtures, wall packs that blend in with the building they don't protrude from the building quite as far.

Mr. Buschynski stated I was thinking in consideration of the back of the building and the appearance it would occupants only, visible to the occupants only.

Board Member Rogan asked what about the land directly behind this though who knows what the future holds housing or something back in there and we have a light pollution issue or something.

Mr. Buschynski stated again, these are cutoff lights, down lights they are not to spill. They certainly won't be spilling over the line.

Board Member Pierro stated the extension light in the back of the building will provide more lighting for that rear area and it is going to be fairly dark back there at night. If it is up against the building it reduces some of the lighting as well. I really have no preference.

Board Member DiSalvo stated I think Richie was just concerned from an appearance point of view. Is there a big cost factor involved if you had,

Mr. Buschynski replied no it was just a very efficient fixture because of the expanse of parking that we have in the back, for the pavement.

Board Member Pierro stated I appreciate Rich's view but no one ever accused this place of being the Taj Mahal.

Vice Chairman Montesano stated the back of the building is the back of the building if that is the lighting fixture that would give them what they feel they need for their employees and the other activities back there that is fine. The front and possibly the sides because they are viewable. I can see Richie's point on the small ones. I don't know if we need them on the sides.

Board Member Pierro stated at night in case of an emergency if there is ever any fire personnel or police personnel that go there I see a need to have lighting around the side of the building as well.

Vice Chairman Montesano stated I don't mind the lighting I am just looking at the different fixtures. The back I can understand it is not a problem. The ones up in the front I would lean more towards what Richie was looking at. The sides unless there is activity you are going into there, I like more light at this point in time I think more light is more important so other than the front I would be fine with the lighting you have.

Mr. Buschynski stated we will take care of it.

Board Member Rogan asked what was the second issue you wanted to discuss Joe.

Mr. Buschynski stated a number of meetings ago when the extent of wetlands on the property was kind of up in the air there was discussion of maybe we should have an evaluation of the pond relative to the impact of dry hydrant installation and we looked into procedural methods for installing hydrants a bit further and we put a sequence on the plan that addresses how it would be done and we were wondering if there would be some consideration for abandoning a need for a pond evaluation.

Board Member Rogan asked any comment Ted.

Mr. Monteleone stated we just installed one we have pictures the other day. We have pictures we will show you and in an hour and a half it was done.

Ted Kozlowski stated I believe I have what you are talking about here in this packet.

Mr. Buschynski stated no probably not.

(Unable to transcribe the conversation between the Applicant and Ted no microphones).

The Board looked at the pictures for a few minutes.

Ted Kozlowski stated generally with our wetland applications we do ask for some sort of functional analysis or evaluation of the intrusion and what you are doing. How I feel about it, I believe this is a manmade pond. I don't think it is a natural pond and it certainly is not (unable to hear). I am more concerned to be honest with you of the integrity of that stream and protection of the waters that flows from that site further down stream. I am not opposed to a full fledged study on that pond, I mean I am not opposed

to not doing that however we do want some base line information on that pond, the depth, the water quality. What your Consultant feels what species of wildlife is using that pond. A pretty basic study.

Rich Williams stated that sounds like a regular study.

Vice Chairman Montesano stated Ted come up here please and you can look at the pretty pictures too.

The Board reviewed the pictures of the hydrant installation at another site that the Applicant provided.

Ted Kozlowski stated I am not asking for a study are you.

Rich Williams stated I mean it was just something that we discussed early on in the process that as you said this is normally one of the elements that we look for is to identify what the existing conditions are and how they are going to be impacted by installation. Are there salamanders in there.

Ted Kozlowski asked didn't I just say that though.

Rich Williams stated yes but that is a study. That is an analysis of the ecological conditions of the pond, what the impact is going to be and then from that you generally close in the report where you talk about how it is going to be mitigated.

Ted Kozlowski stated I just think that, Beth Evans flagged that for you.

Mr. Buschynski replied yes.

Ted Kozlowski stated I just think that she would have pretty much that information readily at hand.

Rich Williams stated when we had had this discussion I think awhile ago it was acknowledged that they needed to wait for the sprint to actually develop that information.

Ted Kozlowski asked have they performed that work.

Mr. Buschynski replied no not yet. It is on their schedule to do that.

Mr. Monteleone stated they flagged the wetland we hired them to do whatever they can do but based on this time of the year or whatever. Due to time constraints.(unable to hear no microphone).

Ted Kozlowski stated it is not so much that there is an action that is going on around that whole area and we do require it. That is required of the permit and that has been required all along and what I am saying is I am not looking for a year long study but there is some basic information that we should have on record for this site. That shouldn't be an obstruction.

Board Member Pierro asked Ted, if it is just basic information, could you not make that determination with a site walk or. I mean if it is rudimentary stuff,

Ted Kozlowski replied it really should be done by a Consultant. Is that a hold up to this,

Board Member Rogan asked we can make that a contingency of the approval can't we.

Mr. Monteleone stated you can't hold up the project forever. It is already a year and it is an existing building with an original C of O.

Ted Kozlowski stated what I am getting at is unless they find something that is unusually rare or protected or whatever I don't see that as being a problem and I don't think the chance of that happening are very great on that particular pond but again, I have to remind you that this wetlands permit was applied for some time ago and it is clearly in our documentation requesting information of that. It really hasn't been addressed and I am trying right now to make easier for you guys and we just need some base line information to address that.

Mr. Monteleone stated the only thing I have is we did hire Beth Evans (unable to hear no mic) spring or whatever and this thing has been going on since last September.

Ted Kozlowski stated but Sir, their field staff already went to the site, they are trained people, I am sure they have documented stuff and all Joe has to do is call them up and tell them what we need and they probably would have that base line information.

Mr. Buschynski stated yes they were asked to perform,

Ted Kozlowski stated that is not something that is going to be very terribly or costly to acquire. I do have a few other questions since I am up here. It was actually I believe my idea to have the stormwater going to that pond prior to going into the stream again because my feeling is that what leaves the site is more important than that immediate pond. That immediate pond is half surrounded by developed area and I am fairly confident that it is not extremely valuable in an ecological sense as opposed to that stream. So, I am happy about that but the question that I have for you is the riprap that you are proposing to put in just above the stream, how are you going to accomplish that. How is that physically getting there without disturbing the stream and without really damaging the wetland because that is a lot of material that has got to go in there.

Mr. Buschynski stated well we have to excavate to a sub-grade to accommodate a layer of riprap underlay with filter fabric and provide very shallow side slopes it is only a foot deep.

Ted Kozlowski stated understood.

Mr. Monteleone stated we do have an excavator that is a forklift that we can use, put a bucket on it and be forty feet away.

Ted Kozlowski stated that is what I am asking, so you could reach over that whole thing without going into the wetland.

Mr. Monteleone stated we can reach over not over the pond but on the right side.

Ted Kozlowski asked from the road.

Mr. Monteleone stated from the road yes.

Ted Kozlowski stated that is the answer I want.

Mr. Buschynski stated this location appears to be where the pond does over flow when it does.

Ted Kozlowski stated the other thing is there is really no erosion controls so during the actual, physical work,

Mr. Buschynski stated this would have to be cordoned off yes.

Ted Kozlowski stated okay but we need to identify that.

Rich Williams asked Joe, you are talking about doing a caufer dam and diverting the stream.

Mr. Buschynski stated no we would only be coming to the edge of the stream with the riprap but cordon off the work area from the stream, silt fence lined right on the stream bank.

Ted Kozlowski stated or staked hay bales or something,

Mr. Monteleone stated we usually try to do both.

Ted Kozlowski stated and you wouldn't do this in a high storm event. You would do this in the nice dry weather.

Board Member Rogan stated Joe, one last question please if you would relevant to the placement of the hydrant can you just comment on the request for the steamer nozzle, six inch steamer nozzle is that fine.

Mr. Buschynski replied yes.

Board Member Rogan stated they are requesting a six inch steamer instead of a four and a half.

Mr. Buschynski stated yes all that equipment is standard and it is options whatever departments want.

Board Member Pierro asked do you have the new document from the Fire Inspector relative to,

Mr. Buschynski stated yes.

Board Member Rogan stated Rich I noticed now that you included it in the resolution, number five what we were just talking about.

Mr. Monteleone stated we usually go to the Fire Department, what happened before on several occasions they give us that piece and we attach it. (unable to hear no mic). That is what we have normally done. In this case we have to get two from them, pay them before they gave them to us, the Towns were happy that we did the hydrant.

Rich Williams stated if I could just make a suggestion they should coordinate all that with Dave Raines, he is really the one.

Mr. Monteleone stated whoever is in charge of that.

Rich Williams stated there is I believe Gene's memo, do you want to look at it and do the bond recommendation.

Board Member Rogan stated we have that yes.

Board Member Rogan made a motion to introduce the resolution for granting Final Site Plan Approval for White Birch Realty to include the five general and five special conditions and further to make a recommendation to the Town Board to set the performance bond at \$232,000.00 with the \$11,600.00 inspection fees and also to coordinate installation of the dry hydrant with the Fire Inspector, Dave Raines and medication of the front and side lighting to a more applicable fixture to work with Rich Williams on that.

Board Member Pierro stated and to install any necessary erosion controls prior to the installation.

Ted Kozlowski stated and addressing the,

Board Member Pierro stated that is in the resolution.

Board Member Pierro seconded the resolution.

Vice Chairman Montesano asked all in favor.

Board Member Pierro	-	yes
Board Member Rogan	-	yes
Board Member DiSalvo	-	yes
Vice Chairman Montesano	-	yes

All in favor and motion carried by a vote of 4 to 0.

Mr. Buschynski thanked the Board.

2) Site Walks

Board Member Rogan asked are we doing site walks on Saturday. We had planned on it.

Vice Chairman Montesano stated we have two.

Board Member Pierro asked is there anything else that we can do. We can do Leonidas, Bonnielo and Chiera. Did you want to take a look at that.

Board Member Rogan replied Chiera, yes we said we would at least stop by that one.

Board Member Pierro asked anything else Rich for Saturday; Leonidas, Bonnielo and Chiera.

Rich Williams replied I don't believe so.

Board Member Rogan stated Leonidas and Bonnielo are a little bit of walking. We will probably be pretty whooped by then realistically, seven o'clock at the diner.

Vice Chairman Montesano stated as far as I know.

Board Member Pierro stated we will be on Maria time so we will be there at seven thirty.

Board Member Rogan made a motion to adjourn.

The Secretary stated no there are a couple more things.

3) Other Business

Poitin Still Sign Discussion

Rich Williams stated I had one quick issue that I wanted to talk about real quick. The new Irish restaurant over in Putnam Lake had on the bottom of his sign a couple of small signs which says open for lunch and I just wanted to make sure that the Board was okay with that.

Board Member DiSalvo asked did we ever approve his sign.

The Board replied yes the Poitin Still.

Board Member Rogan asked so should we do that in a form of a motion just to take care of it.

Rich Williams stated that would be fine.

Board Member Rogan stated in the matter of the Poitin Still that the Planning Board approves the sign, which I am, pretty sure states,

Vice Chairman Montesano interjected no, we allow the sign. I would not approve it. I would allow it.

Board Member Rogan stated I have seen it. It is approvable it is not a big deal.

Board Member Rogan continued with the motion, approving the sign it looks like it is about three square feet maybe a little less to be mounted on two cup holder hooks hanging below the existing sign, no further lighting. It says open for lunch and Dinner.

Board Member DiSalvo seconded the motion.

Board Member Rogan stated and grant a negative determination of significance of SEQRA.

Board Member DiSalvo seconded the motion.

All in favor a motion carried by a 4 to 0 vote.

Appoint a Board Member to sign plans

Rich Williams stated we may plans to sign here relatively quick and at this point,

Board Member Pierro asked we may have what.

The Secretary replied plans.

Rich Williams stated White Birch Realty that you approved.

Vice Chairman Montesano stated and we are going to need a second person to sign.

Rich Williams stated right at this point, we have checked in with the Attorney and the Board is within their,

Vice Chairman Montesano stated realm to have someone else,

Rich Williams stated yes to appoint a second individual because we need two signatures on the plans.

Vice Chairman Montesano asked who is senior.

Board Member Rogan replied senior would be David.

Vice Chairman Montesano asked do you want to sign.

Board Member Pierro stated sure it can be done during the day and I am around. It would be tough for Shawn to get here because he is,

Vice Chairman Montesano made a motion to appoint Dave Pierro to be second in the signing, temporarily,

Board Member Pierro stated temporarily until a new Chair is,

Vice Chairman Montesano stated until we find out what is going on in the world.

Site Walk Policy

Rich Williams stated the last issue is the site walks tonight and how you want to handle it because you guys have to decide how you are going to put in for it.

Board Member Rogan stated I think until a policy is set we go with the previous policy, this is just my opinion and put in for one site walk for tonight.

Rich Williams stated no I mean, there is a couple of different ways you can do it. Generally, what I have been doing is having Herb come in but based on some of the things that happened recently in the past just so everybody understands clearly what is going on my suggestion to the Board is you either do it by motion with the Board or the Chairman comes in or the acting Chairman in this case and we will just have him sign off on the letter which goes in.

Vice Chairman Montesano stated that would make it much easier.

Board Member Rogan stated fine. If you don't mind coming in otherwise we can do it as a motion.

Vice Chairman Montesano stated that is no problem.

Rich Williams stated then we will draft up a letter putting in and you come in and sign it to make sure it is correct.

The Secretary asked just so I am in the loop here the site walk tonight was.

Board Member Pierro stated billable.

Board Member Rogan stated NRA.

The Secretary stated that is fine I didn't know where you went. Mike then when ever you can because it is not going to go to payroll until next week to sign off.

Board Member Rogan stated I think we are going to have a policy on site walks within the next two weeks.

The Secretary stated right but this still falls under the old.

Vice Chairman Montesano stated I could either come in tomorrow or are you going to be coming back here at all Saturday when we finish.

Rich Williams replied yes.

Vice Chairman Montesano stated then I will come in with you Saturday.

Board Member DiSalvo stated so getting back to Rich's memo about the other Towns what they do price wise for their Zoning and Planning Board.

Rich Williams stated I am sorry whose memo.

Board Member Rogan stated it wasn't Rich's memo that was a Town Board memo.

Board Member DiSalvo stated it looks like we are like in the average.

Board Member Pierro stated not now we are not in the average.

Board Member Rogan stated that is why I think my recommendation would be to stick with what we all have kind of discussed as a recommendation.

Vice Chairman Montesano stated we have discussed this and that is it.

Board Member Rogan stated so maybe we should draft something because they were looking after last night's meeting for something to be written. Reiterating being paid for the first site walk and half the amount for any additional site walk that we decide to go on.

Vice Chairman Montesano asked if that is satisfactory with you guys.

Board Member DiSalvo stated I thought you had something else in mind.

Board Member Rogan stated what are you going to do Maria, what do you have got.

Board Member DiSalvo stated no I thought he had said something about limiting to three site walks.

Board Member Pierro stated that is what we discussed.

Board Member Rogan asked you mean like the way the previous policy was.

Board Member Pierro stated right.

Vice Chairman Montesano stated we can limit site walks that is no problem.

Board Member Rogan stated no, no that is not what they are saying. They are saying limiting payment of site walks.

Board Member DiSalvo stated they are looking for a discount.

Vice Chairman Montesano stated right you can limit them but the object is how many do you want to do and when do you want to do them. In other words, we did one tonight, we can do a couple at night which means we don't go out on a Saturday that means Saturday and Sunday are your days. Especially this time of the year we can do it like on a Tuesday, Wednesday, or Thursday.

Board Member Pierro stated I would appreciate going out in the evening one night a week, try to do that because it makes more financial sense for me personally.

Vice Chairman Montesano stated the object is it is summer time you really don't want to give up your weekend if you can help it because you usually you have got somewhere to go.

Board Member Pierro stated plus I work weekends.

Vice Chairman Montesano stated well you work, I am sure that we have all got commitments that comes in on a Saturday and you really don't want to go to a social function.

Board Member Rogan stated just to jump in, when we do the site walks has no bearing on the decision that the Town Board is making.

Vice Chairman Montesano stated our decision has to be the same way they said you can discuss it and bring up another issue. What we are saying is fine if we are going to go along with the fact that the first site walk we go on is full pay and then anything after that should be half.

Board Member Rogan stated on the same day is what we are talking about.

Board Member Pierro stated on the same day.

Vice Chairman Montesano stated what I am looking at is do we know what we are going to get paid on. What is the amount that we are working with.

Board Member Rogan stated what the recommendation last night was that if we decide as a Board to go out on it. It is a site walk if we decide to go out on it as a Board. I tried to make the case that I don't think that we should differentiate between the types of applications,

Board Member Pierro stated absolutely not I agree with Shawn.

Board Member Rogan stated because of the complexity of different applications. We have gone on subdivision application for instance, Barnes which is a very simple site walk. There really wasn't a lot to look at where I think the fill permit that we are going to go look out has a little bit more to look at so I think to differentiate it is a cleaner process to just say that if we decide as a Board which each Board does they decide as a Board whether or not they are going out to a site. The Zoning Board does not go out on every permit application nor does the Planning Board go out on every fill permit or wetlands application.

Board Member DiSalvo asked what are we doing about the fill permit. Are we going to do that on Saturday also or he is not ready yet.

Board Member Rogan stated no they are not ready.

Rich Williams stated that is one last issue I do have for the Board at some point.

Vice Chairman Montesano stated for clarification again, the first one we go on, if we go out on a Saturday morning, the first one is a full pay, the second and third, etc will be at half.

Board Member Rogan stated that is I think,

The Secretary asked is that the recommendation that you are making to the Town Board.

Vice Chairman Montesano stated that is it, so moved.

Board Member Rogan seconded the motion.

Board Member DiSalvo asked and this will be effective as of,

The Secretary stated when the Town Board adopts a policy.

Vice Chairman asked all in favor.

Board Member Rogan - aye.

Vice Chairman Montesano asked I would like to get a roll call on it.

Upon roll call vote;

Mr. Pierro	-	no
Mr. Rogan	-	yes
Ms. DiSalvo	-	yes
Mr. Montesano	-	yes

Motion carried by a vote of 3 to 1.

Board Member DiSalvo asked now the site walks that we have Saturday we are going to do the new landscaping place next to Poppy's we are not going to count that.

Board Member Pierro stated as a site walk yes we are.

Vice Chairman Montesano stated sure.

Board Member Pierro stated yes we are for half pay we are going out.

The Secretary stated wait no.

Board Member Rogan stated that is not part of the new policy Dave, the policy has not been approved yet.

Board Member Pierro stated I thought Maria was saying we are not going to count it. We are absolutely going to count it.

Board Member Rogan stated wait slow down.

Vice Chairman Montesano stated until something is adopted you are walking under the old orifice, our contract has not been voted on at the present time.

Board Member Rogan stated just to bring everybody back to when we had our meeting I thought when we discussed going out there we said look, we are going to be out on two we will swing by,

Board Member DiSalvo stated right that is what I thought too.

Board Member Rogan stated and we kind of said it with the context of we were not going to put in for it but as a Board then we should vote on it but reality is we have got two very long site walks, we have not adopted a new policy so we are on the old policy.

Board Member Pierro stated let's do it that way. I am not in a very generous mood.

Malizia Fill Permit

Board Member Rogan stated Rich wanted to talk about the fill permit.

Rich Williams stated the Applicant for that last fill permit was in over in Putnam Lake.

Board Member Pierro asked Malizia.

Rich Williams replied yes.

Rich Williams stated they had contacted a couple of engineers, it is going to be a considerable cost to them plus you know a considerable amount of time and they were in looking to see if there was any other way to do this. I said I would talk to you. I would ask the Board if you wanted me to go out and take a look at it first.

Board Member Rogan stated boy, Rich I don't want to put you in that situation on this one because I think this I know it has to be done but I think this has the potential not that I don't trust your judgment but I think that is,

Board Member Pierro stated that is an accident waiting to happen.

Board Member Rogan stated that is asking a lot from you.

Rich Williams stated I am not an engineer I am not going to design something for them but I might be able to go out there and say here is a better way to skin the cat. Here is another way to do it. You are never going to get something in the back here, you want to limit it to this area.

Board Member Pierro asked is he ready for a site walk.

Board Member Rogan replied no because we asked that they layout the limits of where the terracing would be.

Rich Williams stated no we don't know what we are doing out there yet.

Board Member Rogan stated I would be more than happy to recommend that you go out there and take a look I just don't want to put you in a situation where you are designing something for someone.

Rich Williams stated I am not designing anything I am not licensed to design anything.

Board Member Pierro stated the potential for future liability there is phenomenal.

Vice Chairman Montesano stated that is what I am worried about.

Board Member Rogan stated especially in a parking area.

Board Member DiSalvo asked have they been there long or did they just purchase that house.

Vice Chairman Montesano stated I am going to make a recommendation to you Richard,

Rich Williams stated five or seven years I think.

Board Member DiSalvo stated so they have been through the erosion process there, living there.

The Secretary stated Ted said it is dangerous.

Rich Williams stated well Ted said the wall is dangerous and (hard to hear) that is going to fall over maybe. Certainly, the wall is a problem but if you look at the pictures from the embankment, the embankments are all stable.

Board Member Rogan stated true.

Board Member DiSalvo stated he needs about six mafia blocks.

Vice Chairman Montesano stated can I ask a question and this is just, would it behoove you to contact Anthony and just ask if you go out there with your opinion, and not an engineer should you get them to understand that in writing that you are there to look at it because let me put it this way if the Town gets sued, they get sued. You can get nailed personally because (a) you are listed as a Town Planner, you have knowledge and ability I don't want to see you get,

Rich Williams stated I am indemnified as a Town employee so as long as I am acting within my role then I am okay.

Board Member Rogan asked are you making that recommendation.

Vice Chairman Montesano stated I am not going to make it an official thing he is over twenty-one. The object is I am worried about him walking out there giving somebody,

Board Member Rogan stated I understand,

Vice Chairman Montesano stated you are doing somebody a favor and you are going to get nailed.

Board Member Rogan stated I agree.

Vice Chairman Montesano stated so if he wants to take that on himself that if fine I wouldn't to be perfectly honest with you. I would have a cup of coffee with you but then I know damn well if it ever hits the fan the first thing the lawyer is going to say is who can we get for you and they are going to come looking for the Town.

Board Member DiSalvo asked there is no kind of grant money to get for them.

Rich Williams stated no.

Vice Chairman Montesano stated if he wants to take it I have no problem with it.

The Secretary stated you are all going there you will see if the wall is in danger or not you will all be together.

Vice Chairman Montesano stated I don't know I am not qualified to say danger.

Board Member Rogan stated the problem is getting to the point that we want to be at to go on the site walk. We wanted to have a better understanding of what they were doing which they don't have and without having the engineering or a good look at it they can't so we are putting the cart before the hors.

The Secretary stated you set a public hearing, which is not going to happen.

Board Member Rogan stated no that is not fault either.

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 7:40 p.m.