

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**April 25, 2013**  
*Work Session*

**APPROVED**

**AGENDA & MINUTES**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**  
Lars Olenius, Chairman  
Howard Buzzutto, Vice Chairman  
Mary Bodor  
Marianne Burdick  
Gerald Herbst

**PLANNING BOARD**  
Shawn Rogan, Chairman  
Thomas E. McNulty, Vice Chairman  
Michael Montesano  
Ron Taylor  
Edward J. Brady, Jr.

**Planning Board  
April 25, 2013 Work Session Meeting Minutes**

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

**APPROVED**

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

The meeting began at 7:10 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan called the meeting to order.

Board Member Montesano stated do we have to, do we have to.

Chairman Rogan stated why not, okay, good evening everyone.

Ted Kozlowski stated good evening Mr. Chairman.

Board Member Taylor stated good evening.

Chairman Rogan stated how is everyone doing.

Board Member Taylor stated fine.

**1) IMAD DANIAL – Public Hearing Wetlands/Watercourse Permit Application**

Chairman Rogan stated alright, we will have the public hearing for the wetlands application over in Putnam Lake. Ted had sent around some specific language to be included in the approval and that was the gate, no gate access, correct...

Board Member Montesano stated right.

Ted Kozlowski stated no access to anyone else's, no, he should have no gates in that other than in his front yard.

Chairman Rogan stated there were 2 things weren't there.

Ted Kozlowski stated and no pipes under or through...

Chairman Rogan stated no pipes, no pipes off his property.

Ted Kozlowski stated yeah.

Board Member Taylor stated did he send out the notices, do you know.

Rich Williams stated he's got the mailing list, that's all I could tell you.

Chairman Rogan stated if I remember right, there was some anticipation that he was going to ask for relief from the full list, based on the e-mails.

Ted Kozlowski stated he had spoken to me after the court and he asked me for permission to reduce it and I said I didn't have the authority to do that and I told him to talk to you guys...

Chairman Rogan stated no authority, right.

Ted Kozlowski stated but I said I felt strongly that at least the immediate neighbors should be notified but I, Rich he never came to see you then.

Chairman Rogan stated but at this point, you know.

Rich Williams stated what he is noticing is not 500' as typical but 200' which is what is required by the code.

Chairman Rogan stated oh okay, okay, so then if he's going to do that, he'll be fine.

Board Member McNulty stated if he's within 200', yeah.

Chairman Rogan stated that encompasses all adjoining plus.

Board Member McNulty stated and we don't know...

Ted Kozlowski stated but you haven't heard anything Rich.

Rich Williams stated other than he came in and got the list.

Chairman Rogan stated okay, alright, then we...

Board Member McNulty stated and he did have his court appearance right.

Chairman Rogan stated yeah.

Ted Kozlowski stated he's, I think I filled you guys in, paid a substantial fine to the state and to the Town, he just paid the restitution to our...

Board Member McNulty stated recover our fees.

Chairman Rogan stated yeah.

Ted Kozlowski stated expenses.

Chairman Rogan stated the restitution to the state cleanup fund, is that and if you're not able to say at any point, please don't but is that because of the nature of the way that it occurred, by comparison if it had been a leaking oil tank that nobody, that was truly accidental that insurance would typically cover.

Ted Kozlowski stated generally what the state does, they immediately act to arrest the situation then when they find the responsible party they will cover expenses, whether you're innocent of foul play, if you did it intentionally I'm sure the fine would be higher.

Chairman Rogan stated okay.

Ted Kozlowski stated but if your oil tank leaked and it went into the stream and you had, you know you didn't do it maliciously, you would still be responsible.

Chairman Rogan stated sure, sure. Okay...

## **2) EAST PUTNAM DEVELOPMENT CORP. – Continued Review**

Board Member McNulty recuses himself from the application.

Mr. Thomas McNulty was present the represent the application

Chairman Rogan stated East Putnam Development Corp., I can never remember whose project, what project is this, East Putnam Development Corp., somewhere on [Route] 22.

Mr. McNulty stated somewhere on [Route] 22...

Board Member Brady stated it's only been rejected about 20 times I think.

Board Member McNulty stated I'm going to recuse myself from this.

Mr. McNulty stated my name is Tom McNulty, I want to represent this application for a few minutes, if I could.

Chairman Rogan stated sure.

Rich Williams stated so this a project that came before the Board at the last meeting that had a few cleanup items and we were looking for the bond calculations, the bond calculations came in, they were kind of jumbled, we're struggling through them and since the last meeting there have been substantial revisions to

the plan, including the complete elimination of any stormwater management on the site, so, take a look at it.

Mr. McNulty stated that's not true.

Rich Williams stated is the pond gone.

Mr. McNulty stated the pond is gone but the swale is there. Can I give you some background.

Chairman Rogan stated sure, oh wow.

Mr. McNulty stated you know you're on the record.

Rich Williams stated did I say anything that was incorrect.

Mr. McNulty stated yeah, you said the elimination of erosion...

Chairman Rogan stated the complete elimination of stormwater.

Rich Williams stated there was an elimination of all stormwater management on the site.

Mr. McNulty stated that's not true.

Rich Williams stated it is true.

Mr. McNulty stated no, it's not.

Rich Williams stated you're not managing anything, you're just pushing it off the site now.

Mr. McNulty stated Harry Nichols is the engineer and he came up with this, I'm glad I'm here for your comedic, Harry in his past experience he designed that sediment pond and then when he put the septic together for the Board of Health, he didn't have the separation and designed a clay berm in there. Tthe Board of Health and the other leg of the DEP didn't like that and the DEP, different from the first DEP people he spoke to, said well we want the 50' separation, get rid of the sediment pond and that's why we're at a swale now and they seem to be happy, everybody's happy except for the Town Planner.

Rich Williams stated the Town Planner's happy, he told you to get rid of the pond right from the beginning, did I not.

Mr. McNulty stated you did but the engineer, listen, it's not my expertise, his past experience is, he did it on that, also we changed the phasing plan, the phasing line to incorporate the septic because it wasn't really laid out right in that first plan. And there is, Harry commented, he went through all of Maser's and Rich's notes and he's updated it, unfortunately the plan is not consistent, you'll have changes on one plan but they don't follow through to the other, so some housekeeping on the plans to do, we're just waiting to hear back from the septic, the County...

*Chairman Rogan cell phone rings.*

Mr. McNulty stated waiting to hear back from the County on the septic for approval, also, you commented on the calcs Rich...

Rich Williams stated I really haven't looked at them.

Mr. McNulty stated oh okay, they looked to fine to me so, I went through them, quantities seem to be accurate, may be combined phase 1, phase 2 but they seem to be accurate.

Rich Williams stated hence the jumbled nature of the calculations.

Mr. McNulty stated I thought it was pretty good for the first time I'd ever seen bond calculations. So that's briefly why the stormwater pond is gone and now there's a swale there to keep it off the neighbor's property and flush out to the rear.

Chairman Rogan stated after hours call, I'm on call.

Rich Williams stated yeah, are you okay.

Chairman Rogan stated yeah, it was a hang up, so we're good, I apologize for that.

Mr. McNulty stated that's okay.

Chairman Rogan stated we've had the public hearing, since this changed to the stormwater is less intrusive than the stormwater pond that was proposed, everybody agree we're fine on that, it's not a change that, if it were the other way I would think we could be in a position where we might have to you know, readdress that.

Rich Williams stated the amount of water coming off the site is not significant.

Chairman Rogan stated so...

Board Member Taylor stated the only comments we got at the public hearing was about the parking lot.

Chairman Rogan stated along the neighborly, yeah...

Board Member Brady stated and the shrubs.

Board Member McNulty stated which I gave a letter, Michelle did you get that, I gave it to Sarah.

The Secretary stated yes, Sarah gave it to everybody else.

Board Member Taylor stated yes, it's in the packet.

Board Member Brady stated it's in the packet.

Board Member Taylor stated yes, we have it.

Chairman Rogan stated alright, when can we start, what we'll do is have a little review and make sure all the housekeeping issues are documented, so they can be part of the resolution.

Mr. McNulty stated yeah, I'd love to see a resolution if Rich can find the time.

Board Member Montesano stated yeah, do we have resolutions for anybody in there...

Rich Williams stated not yet you don't.

Board Member Montesano stated no, no, I mean other ones.

Rich Williams stated I've not even talking to anybody, this is the most I'm devoting to any other task until May 1<sup>st</sup>.

Mr. McNulty stated okay.

Board Member Montesano stated I'm glad to hear that.

### **3) PATTERSON AUTO BODY – Sign Application**

Chairman Rogan stated okay, alright, Patterson Auto Body we had a sign application last...

Board Member McNulty stated I'm back.

Chairman Rogan stated Tom's back.

Board Member Montesano stated Tom who, oh.

Chairman Rogan stated wearing the Planning Board hat.

Rich Williams stated so I went and saw Jimmy and got the sign dimensions, I have to compare that to everything else that's on the building and...

Board Member McNulty stated yeah, I came up with 37 square feet.

Rich Williams stated what's allowed by code.

Board Member McNulty stated for the new sign.

Rich Williams stated for the new sign, how about all the other signs.

Board Member McNulty stated I didn't have the dimensions, so I didn't...

Rich Williams stated so that's what I've got to do and then make sure that he complies with zoning and then everybody's fine.

Chairman Rogan stated okay.

Board Member McNulty stated I think it said it was LED lights, are they white LED, that's what it says here, lighting type LED.

Rich Williams stated it's within the channel, so they're muted out.

Board Member McNulty stated so it will yellow, whatever the lens is.

Rich Williams stated he's putting LED lights in under the canopy right now.

Board Member McNulty stated okay.

**4) ANNA'S AIRPORT & LIMOUSINE SERVICE – Site Plan Waiver**

Chairman Rogan stated okay, Anna's Airport and Limo, the gas filling, liquid propane filling system, looks like...

Rich Williams stated its back because we've gotten subsequent letter from the Fire Inspector who now maintains that it is all okay with the Fire Code.

Chairman Rogan stated okay, any sense of was it an improper interpretation initially or...

Rich Williams stated I think I'll just move on to the next one.

Chairman Rogan stated fair enough.

Board Member McNulty stated I just have a question on the application, it's submitted a site plan waiver...

Rich Williams stated correct.

Chairman Rogan stated right.

Board Member McNulty stated is it a waiver or is it an amendment to the site plan.

Rich Williams stated he has submitted for a waiver, it is less than 10% of the expansion you have the ability to consider a waiver, now you also have the ability, if you want to ask him to, for a site plan and amend the existing site plan, you can do that as well.

Board Member McNulty stated so the waiver he has to put no formal plan in, he can just ask for it and the amendment would be a formal change, I gotcha, I was trying to be clear on that.

Chairman Rogan stated can we also do the site plan waiver but require an as built sketch that would then incorp, at least show those...

Board Member McNulty stated I think we did or think the Building or I think Dave did, didn't he in his letter.

Board Member Taylor stated there is a sketch but there were problems with the sketch.

Chairman Rogan stated right.

Board Member McNulty stated please include cut sheets and a diagram of setback dimensions, that's in his latest April 12<sup>th</sup> letter.

Rich Williams stated right but that's not what Shawn's looking for, that is something different.

Board Member McNulty stated yeah.

Chairman Rogan stated okay, yeah, I was just thinking of something that codifies on a document.

Rich Williams stated yeah, you know, I don't see why not...

Chairman Rogan stated yeah.

Rich Williams stated I don't see why not and then...

Chairman Rogan stated yeah, I mean right, it's not exhaustive.

Rich Williams stated it demonstrates that you did what you said you were going to do.

Board Member Taylor stated you know, he submitted it, he just needs to correct some of the dimensions.

Board Member McNulty stated so then it wouldn't be a waiver, it becomes an amendment then.

Rich Williams stated no, no, we're going to waive the requirement that he get a site plan approved by the Planning Board on the condition that he submits an as built after it's all installed...

Board Member McNulty stated gotcha, okay.

Rich Williams stated to demonstrate that he's met the requirements that he came in and asked a waiver for.

##### **5) PUTNAM POWER EQUIPMENT – Site Plan Waiver**

Chairman Rogan stated okay, Putnam Power Equipment, it seems like we just approved this.

Rich Williams stated we just approved the sign for this.

Chairman Rogan stated the sign.

Rich Williams stated he is now back in, they are actively getting up and running...

Chairman Rogan stated alright.

Rich Williams stated and what he's finding is he's getting some vandalism outside the building at night.

Ted Kozlowski stated really.

Chairman Rogan stated that was quick.

Rich Williams stated so he is looking to fence in the rear portion of the building, so he can have a secure area to keep equipment.

Chairman Rogan stated see quite a bit of advertisement already for this...

Board Member Brady stated where is he.

Board Member McNulty stated right across from me.

Chairman Rogan stated in the PennySaver and in various print format.

Ted Kozlowski stated he's getting vandalism.

Chairman Rogan stated and it said not affiliated with any other...

Rich Williams stated did it, it really said that.

Chairman Rogan stated yeah, there was something in there, it said not affiliated with any other outdoor equipment business or something, he's trying to separate I guess.

Board Member McNulty stated neighboring businesses.

Chairman Rogan stated okay, so the fence, the request is for a waiver to build the fence, more than 6' high chain link with gates.

Rich Williams stated and there's also an outdoor, there is, he wants to put a box trailer out there, I believe it is on there.

Board Member Taylor stated yes, it's on here, yes.

Board Member Brady stated yes.

Chairman Rogan stated within the fenced area.

Rich Williams stated yes.

Chairman Rogan stated yeah, okay, makes sense, oh I see.

Board Member McNulty stated is that on pavement.

Rich Williams stated yes.

Board Member Montesano stated yeah, that will be on pavement.

Board Member Brady stated yeah, that's paved back there and he's going to put privacy slats in the fence, right.

Board Member Montesano stated so we're going to allow the trailers into the neighborhood.

Rich Williams stated that's the question.

Board Member Montesano stated I have no problem with it especially where the location is, as long as it stays there.

Rich Williams stated yeah, I mean my only condition...

Chairman Rogan stated that's a good point.

Rich Williams stated on trailers on commercial sites was they just needed site plan approval then it's up to the Board whether it's appropriately located, screened, appropriate for the site.

Board Member McNulty stated is it in the screened location where he wants it, it looks like it from the drawing; I'm not that familiar.

Board Member Brady stated it's behind the building and it's within the fence.

Board Member Montesano stated it's behind the building and it's going to be in that fenced area.

Board Member McNulty stated and within the fence, yeah.

Chairman Rogan stated and you know having some discussion and justification for this, does it make sense based on the size of a site to limit the number of storage trailers to one per site, given that they meet those criteria, that they're fenced, that they're not visually obtrusive or anything.

Board Member Montesano stated it's going to be a site by site...

Chairman Rogan stated yeah.

Board Member Montesano stated because if he puts one directly behind this, the building is still out in front, you really...

Chairman Rogan stated yeah.

Rich Williams stated and you have to remember, it's one thing to assist a commercial owner by providing some outdoor storage but at what point should he be expanding that building.

Chairman Rogan stated and that's where I was thinking, on Robin Hill we had the issue, I remember going back to years ago, we talked that we were pushing people to try to get them to increase the size of their whether you want to call it taxable structure or not, their structure up there...

Board Member Montesano stated their footprint.

Chairman Rogan stated to meet the needs of their business, instead of throwing up all these extra boxes.

Board Member Montesano stated with that in mind, we already have one that's gotten to be a pain in the neck in Town, the man that is renting the property doesn't own the property, so how far can he go and if in fact he attempts to buy and gets rejected, what do we do in that situation. If he can get the, let's say he gets the owner's permission that he can put it there if the Town allows it and he can't expand...

Chairman Rogan stated right.

Board Member Montesano stated the building itself, would it be beneficial to the Town to have the business there as long as you don't see the trailer, I mean...

Board Member McNulty stated I think if it's screened properly, you can stack those 3 high though, so.

Board Member Montesano stated it's a lot of mitigating circumstances but...

Rich Williams stated Mike brings up a very valid point and so does Shawn and maybe the answer here is to set a duration for the trailer to be there, 5 years, you know after 5 years he has to come in and renew it.

Board Member Montesano stated renew it.

Board Member McNulty stated or set it to his lease, if he's got to whatever his lease term is...

Chairman Rogan stated see I think, I don't think...

Board Member McNulty stated because if he's got a 2 year lease and leaves in 2 years...

Chairman Rogan stated right.

Board Member McNulty stated and we give him a 5 year duration, then we're stuck with the trailer there.

Board Member Montesano stated well it's got to be under that business.

Board Member Taylor stated well we could say that, it's limited to that business.

Chairman Rogan stated oh that's a good point.

Board Member Montesano stated that business.

Board Member Taylor stated yup.

Board Member McNulty stated yeah, yup, that's good.

Chairman Rogan stated because probably no one would disagree that having a commercial operation having a storage trailer that is not visually obtrusive that you don't see from the road that's behind the business and that supports that business is reasonable but when it gets 2, 3, and 4 boxes, you say okay the business doesn't fit the site.

Board Member Taylor stated right.

Chairman Rogan stated so you have a business going in where they well I'm going to do this but then they expand and expand and then the site can't support it.

Board Member Montesano stated we have a few businesses like that in Town that we granted to.

Chairman Rogan stated I'm glad they're, you know, doing well or whatever but so you want to look for sites that are going to support...

Board Member Montesano stated well right now he has an opportunity in the sense that, let's say he approaches the owner of the property and they reject him, there's building right in the back that are still available, aren't they.

Rich Williams stated you're talking about DEW and Macal...

Board Member Montesano stated yeah, all the way in that...

Rich Williams stated yeah but they're not really visible from the road...

Board Member Brady stated the one right across the street would be good.

Chairman Rogan stated they're not, yeah.

Rich Williams stated you want something that is going to be visible from the road.

Board Member Montesano stated your sign is visible from the road, people would rather get, especially you come in there with a trailer and you got a tractor on it and you're out of the way but the sign would be there.

Chairman Rogan stated but I like the idea...

Board Member McNulty stated are storage trailers classified as permanent or temporary, like if you back a Whalens...

*Chairman Rogan's cell phone rings.*

Chairman Rogan stated hello.

Board Member McNulty stated or a moving trailer with wheels, is that a different category then a...

Board Member Montesano stated is that theme song from West Virginia.

Chairman Rogan stated I wish.

Board Member McNulty stated seagoing trailer, seagoing container.

Rich Williams stated typically it is but generally on a site plan we have a note on there that says trailers with wheels, if they're left there for more than 30 days then they're not, you know, they're not being used as, they're being used as storage...

Board Member McNulty stated okay, like the one at Texas Taco.

Board Member Montesano stated I got one better than that.

Rich Williams stated well that's somebody hauling her stuff out of there, she's closing.

Board Member McNulty stated oh, well it's been there a week or so that's why I was wondering.

Rich Williams stated she had a lot stuff.

Ted Kozlowski stated she's going of business.

Board Member McNulty stated it's a little place.

Board Member Montesano stated a lot of grass had to go out.

Board Member McNulty stated so you clarified the wheels, after a certain amount of, I just wanted to check on that.

Board Member Montesano stated what about our favorite location for a trailer with wheels on it...

Rich Williams stated who.

Board Member Montesano stated Neubauer.

Board Member Brady stated I think he needs a storage trailer for you know, this time year because he's got all that equipment coming in and it's in crates and then you can just stick it right in there.

Rich Williams stated okay.

Board Member Montesano stated you don't even want to think about it, every time I went into that place I laughed.

Board Member Taylor stated is it a trailer or does he have (*Inaudible –spoken over*).

Board Member McNulty stated no, Tuesday they get it inspected.

Board Member Brady stated no but he's...

Board Member Taylor stated is this a trailer or is it a box.

Rich Williams stated it's a storage container.

Board Member Montesano stated it's the box without the wheels.

Board Member Taylor stated it's a container, it's not a trailer.

Board Member Brady stated right, just storage.

Rich Williams stated it doesn't have wheels.

Board Member Taylor stated right, okay, alright, so that should...

Board Member Brady stated the drop box.

Board Member Montesano stated you've got to have the cradle.

Board Member Taylor stated his plan should be corrected then because he's got trailer written on the plan.

Board Member Montesano stated storage.

Board Member McNulty stated so we're looking at a, you know, are you okay with a properly screened trailer set to the, tied to his business duration.

Board Member Taylor stated for a limited time and only one, if he wants more than one, he's going to come back in, is that all these restrictions.

Chairman Rogan stated alright so...

Board Member Montesano stated one at a time.

Chairman Rogan stated one box, what was the duration we were going to say.

Board Member Brady stated to his business, right.

Board Member McNulty stated his business.

Chairman Rogan stated but was there also a duration or, I think we do both.

Board Member Taylor stated we should, I think we should have both, yeah.

Chairman Rogan stated tie it to the business but also do...

Board Member Taylor stated Rich said 5 years, how do the rest of us feel.

Board Member McNulty stated whatever goes first.

Chairman Rogan stated okay.

Board Member Taylor stated well both, it should be both.

Chairman Rogan stated well right, exactly.

Board Member Taylor stated both, whichever comes first.

Chairman Rogan stated if he's still in business 5 years from now, he comes back in for a renewal, if he goes out of business, it automatically dissolves and...

Board Member Montesano stated dissolves it.

Board Member McNulty stated it has to be removed.

Board Member Brady stated how does that get followed.

Chairman Rogan stated great question.

Board Member Brady stated how do you follow that Rich, you don't right...

Rich Williams stated what.

Board Member Brady stated how do you follow that, that 5 years from now he's got to come back.

Rich Williams stated how do you follow up on it, after it happens.

Board Member Brady stated yeah how do you follow up on it.

Rich Williams stated it comes down to enforcement, it comes down to administrative which is building...

Chairman Rogan stated you can, knowing though...

Board Member Brady stated that means somebody has to have on their calendar 5 years from now or something.

Chairman Rogan stated you need a tickler file.

Rich Williams stated right.

Board Member Brady stated it becomes tough to enforce.

Chairman Rogan stated yeah, you're right.

Board Member Brady stated it becomes tough to you know...

Rich Williams stated but we do that now with other things such as Accessory Apartments, there is a duration on...

The Secretary stated yes, there is a spreadsheet.

Board Member Brady stated oh okay.

Rich Williams stated them and they have to come back in, so we've got a running.

Board Member Brady stated oh, so you're doing it already, so I guess it's not a big deal.

Chairman Rogan stated but it's a really great point to make you know, we create, it sounds great to us and then we create work for others, you know in following up on this stuff.

Board Member Montesano stated that's employment.

Board Member Brady stated yeah because you know, you're trying to follow it up, it's torture to remember it.

Chairman Rogan stated well...

Board Member Brady stated you know unless you have somebody very efficient that can call them.

Rich Williams stated sure.

Board Member Montesano stated let me put it this way, I know that with the thing we just mentioned there are an awful lot of people that suddenly realize it because they have both ends of the stick on that one, you have to deal with the County on part A and part B for the Town, so people are very aware of what's going on with that particular subject, I know.

Rich Williams stated even if we're not monitoring it by setting the condition, you know, moving forward if there is a problem out there...

Board Member Brady stated you have something.

Rich Williams stated at least you have something.

Board Member Brady stated right, okay.

Chairman Rogan stated and I agree with what Mike said, it is a case by case scenario but I think if we have the conversation about okay, there are certain criteria when it's not a problem and there are certain times we've gone to commercial sites where it clearly is a problem, where you go there and there's 7 boxes, they're all over the place...

Board Member Brady stated yeah, right.

Chairman Rogan stated you know, clearly they're outgrowing the site.

Board Member Brady stated no I think this is the ideal spot, it's out of the way; you're not going to see it from the road.

Board Member McNulty stated what are these 2 other squares that are written in next to the trailer.

Rich Williams stated the other trailers.

Board Member McNulty stated huh, I don't have my glasses on either.

Chairman Rogan stated they almost look like dumpsters or something.

Board Member Taylor stated they look like dumpsters.

Chairman Rogan stated dumpsters, don't they.

Board Member Taylor stated yeah that's what they look like.

Board Member McNulty stated well they'll be fenced in.

Chairman Rogan stated it would be tough to...

Rich Williams stated yeah, I don't know.

Chairman Rogan stated well, we'll ask him.

Ted Kozlowski stated these 2 things.

Board Member Taylor stated yeah, they look like dumpsters, don't they.

Ted Kozlowski stated yeah.

Board Member Taylor stated I mean it's on the site plan unmarked, so.

Chairman Rogan stated okay.

Board Member Taylor stated pizza ovens.

**6) PATTERSON FIRE DEPARTMENT – Sign Application**

Chairman Rogan stated Patterson Fire Department has a sign application...

Board Member Taylor stated is this a sign or is this a billboard.

Chairman Rogan stated yes.

Board Member Taylor stated no comment from that end of the table again.

Rich Williams stated I have not really taken a hard look at this but shooting from the hip very quickly. A commercial business in the GB zoning which this is, is entitled to a single free standing sign not exceeding 25 square feet.

Board Member Taylor stated this is 40.

Rich Williams stated my concern that I haven't wrestled with yet is that the Fire Department really isn't a permitted commercial business in this zoning district so I'm not exactly sure what they would even be entitled to in the first place but certainly the sign as presented exceeds the 25 square feet that an otherwise commercial building would be permitted to have and then I'll leave it up to the rest of you as far as...

Board Member McNulty stated are the LED signs permitted by code.

Rich Williams stated LED signs are not prohibited but I think there may be something in our code about neon or flashing signs...

Chairman Rogan stated carnival light signs.

Rich Williams stated carnival light signs and more importantly it's in the Hamlet that has its own special unique style of signs which this is nothing like. The library came in, they wanted to do a sign like this a few years ago and they were discouraged, they ended up doing the one they have out there now, which again you have to change the letters out, it's kind of a pain in the backside for them but you know, at least it makes a more attractive appearance.

Board Member McNulty stated I know where they can get a blue one.

Rich Williams stated it's not big enough.

Board Member McNulty stated it's bright enough.

Rich Williams stated by any stretch of the imagination, not big enough.

Board Member Brady stated the Fire Department, is that a government agency or is it a private...

Board Member McNulty stated they're a private corporation.

Board Member Montesano stated a private corporation.

Board Member Brady stated okay, if it was government, they'd be basically exempt, right.

Rich Williams stated no.

Chairman Rogan stated no, they just wouldn't follow the rules.

Rich Williams stated not necessarily.

Board Member Brady stated they wouldn't come here, they wouldn't bother.

Chairman Rogan stated pretty much, right, I mean that's the reality of it.

Rich Williams stated right that's the reality but you know if I just get up on my soapbox for a little bit, even the County who thinks they're wholly exempt is only exempt when they are fulfilling a government interest, if they are doing something that is not in the government, a government interest, if they are buying a piece of property and then leasing to a private business, that doesn't exempt the private business...

Board Member Brady stated correct.

Rich Williams stated and there is a whole 10 prong test that the Town have to go through to make that determination, called the Monroe Test.

Chairman Rogan stated what's it called, the what...

Rich Williams stated the Monroe Test.

Chairman Rogan stated Monroe.

Board Member Taylor stated so somebody, you assume somebody will be before us next week to explain this.

Rich Williams stated they have hired, they have an engineer that's coming next week, yes.

Chairman Rogan stated DC Engineering, oh John Kalin.

Board Member Taylor stated one of my questions about the sign was this change your clock, change your battery, is this a public service, can we exempt part of the, because they're doing a public service thing, is that something we want to think about or are they changing this, the bottom part out, they're going to change their messages.

Board Member McNulty stated that's an electric LED light...

Chairman Rogan stated the intent is...

Board Member McNulty stated so it's computer controlled.

Rich Williams stated it's going to be a scrolling message board right.

Board Member Taylor stated oh, okay.

Rich Williams stated I haven't looked at it but that's...

Board Member Taylor stated they didn't label it, they didn't label it...

Board Member McNulty stated it looks to me like it's a digital or an LED image.

Board Member Taylor stated so this part is digital, okay...

Chairman Rogan stated do ever see when you're driving along the highway and you see these great big billboards that look like a tv...

Board Member Taylor stated it would be nice if they labeled these things, they have this tree labeled.

Board Member McNulty stated well it took me a minute and then I looked at it.

Chairman Rogan stated that's probably what this is.

Board Member Brady stated it's like the sign by your house.

Chairman Rogan stated they program it in, whatever, download the images.

Board Member McNulty stated yeah, let's not talk about that.

Board Member Taylor stated this looks like this is a cut from somewhere else.

Board Member Montesano stated what I'm worried about is are they going to try to sell the space on it...

Board Member Taylor stated right, yup.

Chairman Rogan stated oh.

Board Member Montesano stated if your business wants to rent it for \$30 an hour and wants to put your slogan on it, does that mean the Town is going to have that flashing by.

Board Member McNulty stated internal LED.

Chairman Rogan stated yeah.

Board Member Taylor stated but it doesn't say where it is.

Board Member McNulty stated yeah I'm pretty sure, that looks like similar to the one at the Carmel Fire House.

Chairman Rogan stated where were these.

Rich Williams stated oh yeah, no absolutely.

Board Member McNulty stated this, this.

Board Member Taylor stated that makes sense then, I couldn't figure out, yeah...

Board Member McNulty stated no the style, this LED sign, my concerns are if they have it, we get them to choose colors, maybe it's green or amber, not that neon red.

Rich Williams stated well it will be interesting to see how you handle this because this is completely, my opinion, completely out of character with, you know, the character of the Hamlet.

Board Member McNulty stated the overall sign and frame don't appear to be, the lettering but the electronic part is...

Rich Williams stated right.

Chairman Rogan stated yeah.

Board Member McNulty stated yeah.

Rich Williams stated and certainly if you do this one, I will tell you the library will be right back in here and then I, you know I've been holding Mike Griffin at bay because he wants to do something like this out in front here.

Board Member Taylor stated so just create a red light district and let them do what they want.

Board Member McNulty stated it will bring revenue.

Rich Williams stated it will bring revenue...

Board Member Taylor stated Chinese lanterns up and down the street.

Board Member Montesano stated there you go.

Board Member Brady stated what's the size they're entitled to for the sign.

Board Member Taylor stated 25 [square feet] he said.

Board Member Brady stated 25 square feet.

Rich Williams stated I don't know what size it is but it is definitely not more than 25 [square feet].

Board Member McNulty stated maybe we propose to the engineer other alternatives or something like that.

Board Member Brady stated this is a little bit more than that, huh.

Board Member Taylor stated yeah its 40 [square feet].

Board Member McNulty stated I agree the LED is out of character.

Board Member Taylor stated and this color.

Board Member McNulty stated I know my history on that.

Board Member Taylor stated and letters, what's the height on letters in the code.

Rich Williams stated it's the size of the sign, there is nothing on letters.

Board Member Taylor stated oh okay, I thought you said there was a 3" height or something...

Rich Williams stated 3" for E-911 numbers.

Board Member Taylor stated oh, oh, oh.

Chairman Rogan stated so this part would stay the same...

Board Member Brady stated but there's, there are color requirements too, right.

Chairman Rogan stated and just this bottom part is the LED.

Board Member Taylor stated yes, color requirements.

Rich Williams stated in the Hamlet there is.

Board Member Montesano stated and they're in the Hamlet.

Board Member Taylor stated are they considered to be part of the Hamlet.

Rich Williams stated yes.

Board Member Montesano stated once you pass the flying ducks, you're in the Hamlet.

Board Member Taylor stated that's the Hamlet, they're on the other side of the railroad tracks, so, where I grew up you wouldn't be the Hamlet.

Board Member Montesano stated yeah, well we rearranged that.

Board Member McNulty stated and I assume this is both sides.

Chairman Rogan stated yeah, definitely.

Board Member Brady stated yeah, so doesn't that make it 80 square feet.

Board Member Taylor stated yeah it does, doesn't it, counts, that's going to be fun.

Board Member Montesano stated I'm waiting for the first incident to occur when someone slides across the grass.

Chairman Rogan stated its funny the setback because of the property line is so far off the road, whether it's the right of way or whatever shown on the map, 44' from edge of pavement is what they're showing it.

Board Member McNulty stated so wouldn't that be a distraction, someone looking that far off the road.

Board Member Brady stated which way is it facing, is it facing straight out...

Chairman Rogan stated that back and, it's...

Board Member Brady stated it's east and west, its facing east...

Board Member McNulty stated north...

Chairman Rogan stated perpendicular to the road.

Board Member Brady stated okay.

Board Member McNulty stated yeah.

Chairman Rogan stated yeah.

Board Member McNulty stated they don't have a height of it, either, do they.

Board Member Taylor stated yeah.

Board Member Brady stated top right hand corner.

Board Member Taylor stated 9' 2".

Chairman Rogan stated 8' by 5'.

Board Member McNulty stated 9', that's pretty high.

Chairman Rogan stated yeah but you know, it probably it needs to be...

Board Member McNulty stated it's as high as this ceiling.

Chairman Rogan stated from sitting out.

Board Member McNulty stated almost, as high as the window.

Chairman Rogan stated oh, higher, 9' 2" to the top, yeah it's showing.

Board Member Montesano stated that's so truck drivers can see it as they go by.

Board Member McNulty stated that's the top of the window.

Board Member Brady stated that's a big sign.

Chairman Rogan stated the top of the sign.

Board Member Taylor stated yeah, it's a billboard.

Board Member McNulty stated that's a 10' ceiling right.

Rich Williams stated you think this is a 10' ceiling.

Board Member McNulty stated I'm looking about 3' above the door, a 7' door.

Board Member Taylor stated no, it's not a 10' ceiling.

Chairman Rogan stated 9'.

Board Member Taylor stated maybe.

Board Member McNulty stated well it's up there, that's a big sign.

Board Member Brady stated yeah.

Chairman Rogan stated what are we going to do with this guys.

Board Member Montesano stated that's a big ego.

Board Member Taylor stated I think we need to require to have scaffolds on each side so when they put their signs up, they're, the person is protected.

Board Member Montesano stated no, they're going to have the big suction cup holes.

Chairman Rogan stated fall protection and you know.

Board Member McNulty stated on the square footage, is the library and the Town signs within the square footage code.

Rich Williams stated yes.

Board Member McNulty stated we should ask them to stay consistent with the other public buildings.

Board Member Montesano stated its okay with me.

Rich Williams stated the reality is all you can do you know, say we're not going to consider it and send them to the ZBA, it's up to the ZBA what they're going to permit the...

Chairman Rogan stated that's a good point.

Rich Williams stated larger size sign.

Chairman Rogan stated right.

Rich Williams stated you can make a recommendation over.

Chairman Rogan stated the recommendation over would be based on a need though, if you can accomplish the same thing with the 25 [square feet], then you know, you can certainly accomplish Patterson Fire Department No. 1, Inc. but the advertisement, I mean the messages that they are showing that they want to put up there are great public service messages, change your, change your smoke alarms, do those sorts of things.

Board Member Montesano stated yeah but it's not going to be the same sign.

Chairman Rogan stated right, oh, it will be a rotating kind of thing.

Board Member Montesano stated it will rotating, it's got to be.

Board Member McNulty stated it could flash 10 messages a minute.

Board Member Montesano stated yeah, now the whole trick is are you consistent with the rest of the Town or are you trying to prove that you're not.

Chairman Rogan stated are you what, say that again.

Board Member Montesano stated are you going to be consistent with the rest of the community or do you feel you're independent.

Board Member McNulty stated well I'd be up to ask them to think about alternatives, we're trying to create a certain character within the Town, this is out of character, can you come up with an alternative that suits your needs for these messages.

Ted Kozlowski stated can you ask what the purpose is of having such a large sign.

Chairman Rogan stated sure.

Ted Kozlowski stated what is, why, everybody knows where the Fire Department is.

Chairman Rogan stated yup.

Board Member Montesano stated especially the ambulances.

Board Member McNulty stated were the sign colors on there.

Rich Williams stated I've been worried about this day for a very long time, this is the first one in but once this get established, then you know Putnam Lake is going to want one...

Chairman Rogan stated sure.

Board Member Brady stated right.

Ted Kozlowski stated right.

Rich Williams stated the library, Town Hall.

Chairman Rogan stated right.

Rich Williams stated and then it's going to expand to commercial business like Stew Leonard's.

Ted Kozlowski stated who can be bigger, yeah.

Chairman Rogan stated right.

Rich Williams stated you know and Stew Leonard's is great for that type of commercial strip.

Ted Kozlowski stated but what I don't understand from a logistical standpoint, it's obvious it's the fire department, it's obvious, the building is obvious, I don't think it needs a sign, you know there's a sign on the building, why do you need a big, huge sign, it's kind of in your face to me.

Rich Williams stated they're...

Board Member Brady stated they're advertising their functions.

Rich Williams stated yeah, they're looking for a sign not so much to say here's the Fire Department but to say you know, buckle up be safe or looking for additional members or you know...

Board Member Brady stated Relay for Life.

Board Member McNulty stated Carnival in July.

Board Member Montesano stated or this thing is open for rental and...

Board Member Brady stated yeah that will all be part of it I'm sure.

Rich Williams stated whatever messages they want to get out to the community.

Board Member McNulty stated I mean currently they drag out that little trailer with the lights on it, they used to, I don't think they do it anymore.

Chairman Rogan stated that's why they want this.

Ted Kozlowski stated they're part of the community and they should be conform with the community, like the community has to conform with zoning and I don't think anybody should be above that, that's just my opinion.

Board Member McNulty stated well I believe that's fair and what's fair for one is fair for all.

Board Member Brady stated yeah and I think you're absolutely right, the library will be in and we'll just have them up and down the streets after that, it will look like hell.

Rich Williams stated it will certainly look different.

Board Member Brady stated think about it, come back with something else.

Chairman Rogan stated but it's for the children.

Board Member Taylor stated they could all together and maybe have one big sign.

Board Member Montesano stated bologna.

Chairman Rogan stated alright.

Board Member Brady stated a billboard.

Board Member Taylor stated yeah.

Chairman Rogan stated wow, they are back in...

Board Member Montesano stated maybe they can rent a flatbed truck when they need it.

Board Member Taylor stated would they consider separating this sign, they could get rid of the fire department part and just do their advertising part.

Chairman Rogan stated but not in an LED format is what you're saying.

Board Member Montesano stated I have a question, can we put 25% of the sign and then put another 15% on the, at the other fire house and...

Chairman Rogan stated okay, why don't we kick this one around and when next week, looks like Harry's back on this subdivision.

Rich Williams stated yeah.

#### **7) 450 HAVILAND DRIVE SUBDIVISION – Continued Review**

Chairman Rogan stated I just, I think I just said something to him, what's going on up there in Put Lake and he said ahh, you know, like a couple months ago, it's going slow but...

Board Member McNulty stated the housing markets coming back a little bit, that's what it is.

Rich Williams stated yup, so they're back in.

Ted Kozlowski stated yeah 1 more year for us Tom.

Board Member Montesano stated suggestion.

Board Member Taylor stated did you look at this one.

Chairman Rogan stated yes.

Board Member Montesano stated if I recall, there weren't too many of these gentlemen...

Board Member Taylor stated Haviland Drive, he marked the spring.

Board Member Montesano stated out there on this.

Chairman Rogan stated I think it's just Ed who hasn't been out there, Ed you haven't been on this site walk but everybody else was there.

Board Member Brady stated I don't think so, I don't think I've seen this.

Chairman Rogan stated so we'll have to get you out there.

Board Member Montesano stated yeah.

Board Member Taylor stated is this something your concerned about.

Ted Kozlowski stated yeah...

Chairman Rogan stated interesting site.

Ted Kozlowski stated yeah maybe when Ed goes out on the site walk.

Chairman Rogan stated maybe you can coordinate with Rich where you guys can do a run around, after May 1<sup>st</sup>.

Board Member Brady stated this was in here a long time, I guess, huh.

Board Member McNulty stated 2011.

Board Member Taylor stated there, existing spring.

Board Member Brady stated yeah, it might have been before me.

Board Member McNulty stated Canadian company that investing.

Board Member Taylor stated bubbling up right next to this shed, he should have moved the pool over so it could bubble into the pool.

Ted Kozlowski stated that's right.

Board Member Taylor stated I mean is that what you wanted, he marked it.

Board Member Montesano stated that's a good idea.

Chairman Rogan stated yeah.

Ted Kozlowski stated what is this going to be.

Board Member Taylor stated that's a swimming pool.

Board Member Montesano stated the way things are going.

Ted Kozlowski stated it's closer to the swimming pool than it is anything else.

Board Member McNulty stated Rich have you looked at this at all yet.

Rich Williams stated I haven't looked at anything.

Board Member Taylor stated that's what we had asked him to show when we do the layout.

Rich Williams stated not until after May 1<sup>st</sup>.

Board Member Taylor stated but your concerned...

Ted Kozlowski stated springs are covered under the code.

Board Member McNulty stated knew him.

Ted Kozlowski stated that pool would need a permit.

Board Member McNulty stated Teddy...

Board Member Taylor stated and so would the shed.

Chairman Rogan stated May 1<sup>st</sup> a Wednesday, so May 2<sup>nd</sup> is the Board meeting.

Ted Kozlowski stated yeah.

Board Member Montesano stated yup.

Rich Williams stated yeah, that will give me a day.

Board Member Taylor stated so is that, I mean is it supposed to be...

Rich Williams stated I may have to skip a few resolutions but...

Ted Kozlowski stated well he did what we asked but you know we're going to say, we're going to have to note lot 6 is going to need a wetlands permit for that pond, for that thing and not necessarily...

Board Member McNulty stated what should be doing is taking the day off on May 1<sup>st</sup>.

Board Member Taylor stated a buffer, is there a buffer that goes around.

Ted Kozlowski stated oh sure, 100'.

Board Member McNulty stated Harry said he moved the entrance here, I don't remember where the old one was.

Chairman Rogan stated it was closer this way.

Board Member McNulty stated we took it down and over the knoll, the hill like, so we brought it back.

Board Member Taylor stated get away from the...

Chairman Rogan stated closer to the wetland.

Board Member Montesano stated yeah.

Board Member Taylor stated into the wetland actually.

Board Member McNulty stated and you made comments about the existing house...

Board Member Taylor stated so they, I thought they were going to take out the driveway, it sounds like now they're just going to put a, so that nobody can drive through it.

Board Member McNulty stated it just says to be abandoned.

Board Member Taylor stated weren't they originally going to remove it.

Rich Williams stated yeah.

Chairman Rogan stated they're going to abandon it.

Rich Williams stated they're not going to abandon it.

Board Member McNulty stated it says on here to be abandoned.

Board Member Taylor stated abandoned but he doesn't talk about turning it back into wetlands.

Rich Williams stated well he will, he'll get there.

Board Member Taylor stated okay, it should be on the plan, shouldn't it.

Board Member Montesano stated you're trying to work pro.

Board Member Taylor stated I mean just abandoning the driveway is not sufficient, right.

Board Member McNulty stated he's going to put the pond from Tommy's place to there.

Rich Williams stated this is Harry, baby steps.

Board Member Taylor stated oh okay.

Board Member McNulty stated no, there's a note, there's a note right here, abandoned drive to be seeded and remain in place.

Board Member Taylor stated right.

Board Member Montesano stated what the driveway being...

Rich Williams stated again this is Harry...

Chairman Rogan stated nature will take care of itself.

Rich Williams stated we'll get a plan.

Board Member Taylor stated okay so with this, the next note is he has to convert it back into wetlands.

Board Member McNulty stated well let me ask you, does it pay to disturb it, then why not just leave it.

Chairman Rogan stated the only thing it might pay to do is to remove the, it's a higher grade, Ted...

Board Member McNulty stated to give it drainage...

Board Member Taylor stated to connect the 2.

Board Member McNulty stated the connection between the 2.

Chairman Rogan stated would it make sense to get in there and...

Ted Kozlowski stated I would rough it up so...

Chairman Rogan stated yeah.

Ted Kozlowski stated natural vegetation can go in there and if there's any asphalt, is it all gravel.

Chairman Rogan stated I think it was all gravel but it's certainly a higher elevation...

Board Member McNulty stated it says gravel drive.

Chairman Rogan stated than the wetland on either side of it.

Board Member McNulty stated what I'm saying is does it do more harm to disturb it with that.

Ted Kozlowski stated but I would make it, I would make it in a condition where people just aren't going to be able to use it because that's what will happen...

Chairman Rogan stated drive, yeah.

Ted Kozlowski stated if you leave it...

Board Member McNulty stated so maybe dig a trench through it.

Ted Kozlowski stated well no, you just...

Board Member Brady stated you said there's one house there now.

Ted Kozlowski stated you make it un-drivable.

Board Member Taylor stated but there's no, Tom's question is, is there any point to connect those 2 wetlands.

Ted Kozlowski stated yeah, I think there's a point and also what I'd be concerned about just thinking about

it right now is if you have that drive there, it's going to make it easy for people to dump in there, to access through that property, there is no reason to keep the road, what's the purpose is that for an emergency purpose.

Board Member McNulty stated my question is, would it create more disturbance to rip it out...

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

Board Member McNulty stated okay.

Ted Kozlowski stated I would make it un-drivable and I would put up some sort of barrier so people couldn't go in there, back in and dump because that could happen.

Board Member Taylor stated but you're also saying they should dig it out, should they dig it out to the limits of the 2 wetlands on the sides.

Ted Kozlowski stated let me take a look at it because I don't remember what the driveway does.

Board Member Taylor stated it's...

Ted Kozlowski stated I think that driveway is pretty low.

Chairman Rogan stated it was pretty low.

Board Member Taylor stated its low but it's above the...

Chairman Rogan stated it was a foot or so higher.

Rich Williams stated Ted's absolutely right, the thing to do is to go out and take another look at what needs to be done to restore that back to a wetland condition.

Ted Kozlowski stated right and I think we want to make it so it's not easy for somebody to go in there and do something bad.

Board Member Taylor stated right.

Rich Williams stated he's going to have to take a portion of the stonewall out to put the road in, take that portion of the stonewall and move it over.

Board Member Taylor stated yeah, he's calling for an earth berm down there, so you move, you put the stonewall back in, okay and then the other thing I noticed was this spring, he marked this spring...

Chairman Rogan stated oh that seep.

Ted Kozlowski stated yeah.

Board Member Taylor stated I was thinking he should move...

Ted Kozlowski stated and he's putting a pool right next to it.

Board Member Taylor stated yeah, he should move the pool over a little bit more so the spring can run into the pool.

Chairman Rogan stated so it would be a Jacuzzi.

Board Member Montesano stated of course.

Rich Williams stated then he can't use the spring for the fountain.

Board Member Taylor stated oh okay, he needs a fountain, alright. Ted was saying he needs a 100' buffer around that so you can't build a house there anyway.

Ted Kozlowski stated he can build a house but it's going to, the springs, I believe springs are covered in the wetlands code, springs, seeps...

Rich Williams stated maybe.

Ted Kozlowski stated I believe it is. I think we had this discussion when we were out there and I think we had this discussion with Mr. Nichols...

Board Member Taylor stated that's why he put it on the plan.

Board Member Montesano stated I don't remember that.

Ted Kozlowski stated he put it on the plan and then he put a pool next to it.

Board Member McNulty stated lot 3...

Board Member Montesano stated but I don't remember that.

Board Member McNulty stated also he's noted lot 3, septic is not going to work, they hit ledge.

Board Member Taylor stated right, they hit ledge, so they, what did they do, they moved it in the front of the house, yeah they moved it in the front of the house.

Board Member McNulty stated okay, we'll have to wait for Rich's comments.

Board Member Taylor stated those are the only changes that I saw and it seemed like it was the same plan.

Board Member Montesano stated where's the tower going to go.

Rich Williams stated there's already a tower over there, we don't need a second one.

Board Member Montesano stated there's one on this side of the street, now we need one over here, how are we going to keep our status.

Board Member Brady stated there's a cell tower over there.

Board Member Taylor stated yeah, in that neighborhood.

Board Member McNulty stated yeah, not far.

Ted Kozlowski stated let me see something.

Board Member Montesano stated yeah, across the street.

Chairman Rogan stated over a 40' rock cut for that building.

Board Member Brady stated whatever happened with the cell tower by the Fire House in Putnam Lake...

Rich Williams stated most of it's done.

Chairman Rogan stated I figured, I heard it for 2-3 years going on.

Ted Kozlowski stated what's the scale of this Ron.

Board Member Brady stated we never heard anything more about that.

Chairman Rogan stated what.

Board Member Brady stated the cell tower in Put Lake by the Fire House, did that die...

Rich Williams stated no, it didn't die but we asked them to prove out certain things and when the results came back in, then they came back at us and said we'll put it on hold until we get out cells located on other sites that the Town has identified and then we'll be back.

Board Member McNulty stated so they found out they could make coverage it sounds like.

Board Member Brady stated yup.

Board Member Taylor stated I think to be clear it only, we told him to intrude with the wetland here with the road.

Board Member Brady stated I think they just throw stuff against the wall and see where it sticks.

Board Member McNulty stated that's quite the project, one story.

Ted Kozlowski stated you're right.

Chairman Rogan stated probably not, it wouldn't do with 40...

Board Member Montesano stated what, these houses.

Chairman Rogan stated do you know how much higher the rock would be above the building, alright...

Board Member Taylor stated you know the property has hills but...

Chairman Rogan stated I don't want to move on until they're done.

Board Member Taylor stated so are we happy with...

Chairman Rogan stated it's a common drive.

Board Member Taylor stated one of things we talked about was him putting pools and sheds on here, so we could see how it would work but we've still got these hills sitting in the, what is 3 lots that have a hill for most of the lot.

Ted Kozlowski stated that's a question Rich, with regard to the pools that they're putting in and I know we asked for this in the past so we can get an idea of what it would look like, when this is approved, is this approved with those exact locations for the pools in other words if I buy the lot...

Board Member McNulty stated those are proposed locations.

Rich Williams stated no.

Ted Kozlowski stated am I locked into that.

Rich Williams stated no, the only thing that is locked in are the houses and the driveways, we are approving a site plan for each individual house and driveway but the additional things, the sheds and the pools, you don't know what the property owner is going to want to do some of those things.

Chairman Rogan stated right.

Ted Kozlowski stated right but does the property owner know that, in other words does the property owner who buys this lot, are they told that this is not a given, this is just a suggestion.

Rich Williams stated that I can't tell you, that I have no idea.

Board Member McNulty stated we do approve these plans, that is the proposed location, correct.

Rich Williams stated for a pool.

Board Member McNulty stated yeah, do they have other options after it's approved.

Rich Williams stated it is a possible location, if they want to put the pool someplace else, then they are going to come in, they are going to submit a plan showing where they're going to put the pool, we're going to look at it, make sure there is not impact from doing that, it meets all the zoning code requirements.

Board Member McNulty stated does that come to the Planning Board again or just to the Building Department.

Rich Williams stated no.

Chairman Rogan stated I was going to hope not, I was going to say if it meets the requirements, it shouldn't come to us.

Board Member Taylor stated so should there be a note on the drawings, saying that.

Rich Williams stated saying what.

Board Member Taylor stated that only the driveways and house locations are set.

Rich Williams stated usually there is a note on the plan that says no, nothing but the house and driveway, I can't think of the note but we do have a standard note, yes.

Board Member Taylor stated right okay, alright.

Ted Kozlowski stated my concern with the pools again, being a pool owner myself, is you have to have a sun field...

Chairman Rogan stated yeah.

Ted Kozlowski stated you know you put a pool in, you need sun and some of these locations, the distance can be considerable and then now you're going into possible buffer and they may be going to steep slopes, you may be going into a situation where you really don't want to get involved in, so, it could be an issue, like this, on lot 9, that pool is location on the top of a...

Board Member Taylor stated hill.

Ted Kozlowski stated hill...

Rich Williams stated you know his pool.

Ted Kozlowski stated I went through the proper process there.

Board Member Montesano stated I went to Disney and got the design.

Rich Williams stated how is your sun field.

Ted Kozlowski stated my sun field is very good.

Board Member McNulty stated 2 hours a day.

Ted Kozlowski stated now that all the ash trees died, they're dropping like flies.

Board Member McNulty stated you lost trees at your house.

Ted Kozlowski stated oh yeah, Bill Henry came in with a crane.

Chairman Rogan stated wow.

Board Member Taylor stated so are any of these properties within the buffer, does he have the buffer...

Ted Kozlowski stated well that spring.

Board Member Taylor stated well there's the spring yes but any of the others because...

Board Member McNulty stated I think this is the buffer line here, no.

Board Member Taylor stated so he does, he does have...

Board Member McNulty stated it says 100, does that say 100 there.

Ted Kozlowski stated no, that's topo.

Chairman Rogan stated you're right, we'll let the next Board worry about it.

Board Member Taylor stated oh it's a triangle.

Ted Kozlowski stated he actually doesn't have the buffer on there.

Chairman Rogan stated Michael's still here.

Board Member McNulty stated right here.

Board Member Taylor stated no he does because I saw it somewhere.

Rich Williams stated Mike will be the only that's here.

Board Member McNulty stated oh, that's the wetland, that's the wetland.

Ted Kozlowski stated that's the wetland.

Board Member Taylor stated but where's the buffer.

Ted Kozlowski stated 100' from, it might be this...

Board Member Montesano stated we'll see, who knows.

Board Member Taylor stated wetlands setback, a dotted line, it's a dotted line.

Board Member McNulty stated I think it's this line, this line here.

Board Member Taylor stated so he does have some of them running through the properties, so that will become an issue on some of those properties.

Ted Kozlowski stated a bit of an adventure.

Chairman Rogan stated isn't it always.

Board Member Brady stated road trip.

Ted Kozlowski stated you haven't seen this one, have you.

Chairman Rogan stated you need to see this, it's actually really nice property.

Board Member McNulty stated yeah it's beautiful, it is.

Board Member Montesano stated you don't realize it's there.

Chairman Rogan stated we were surprised there was that much property in Putnam Lake, it was a nice chunk of property.

Ted Kozlowski stated it's rolling.

Chairman Rogan stated rolling, it's not really, the topography wasn't bad, there are knobs but it was quite nice, some old, what was the like stone, did we find it was stone structures or something.

Board Member McNulty stated there was a foundation there or something there.

Chairman Rogan stated a big foundation with a perfect chair that somebody sat...

Rich Williams stated we thought it was Revolutionary War but Ron kind of killed that whole dream.

Ted Kozlowski stated did you.

Board Member Brady stated maybe that's where the bear is hanging out that gets the honey.

Chairman Rogan stated probably.

Ted Kozlowski stated I think it's been a dumping ground for the church for a long time there too.

Board Member Montesano stated well it's religious, what can I tell you, it's a religious dump.

#### **8) WHITE BIRCH REALTY SITE PLAN – Preliminary Application**

Chairman Rogan stated why don't we move on to another new, well a new project, White Birch Realty, it's a big...

Rich Williams stated they're back and ready to go.

Chairman Rogan stated 33,000 square foot commercial building set into the rocks.

Board Member McNulty stated where would the septic go.

Rich Williams stated I think it's on the...

Board Member McNulty stated I didn't see it on the plan.

Rich Williams stated inside. They don't have the septic on that, that's not good.

Chairman Rogan stated unless it's under the parking lot.

Board Member McNulty stated now this is the lot we talked about exchanging wetlands 2 for 1, didn't he have an area here he had to or this was all Town wetland.

Chairman Rogan stated no.

Rich Williams stated this was all, this was minor wetland areas, for the most part he's staying out of them as much as they could, small isolated wetlands, contiguous with other water bodies that he's proposing to fill-in but nothing regulated.

Board Member Taylor stated so he's given up on trying to build on the other sites.

Rich Williams stated I doubt he's given up, he's just half a (*Inaudible – background noise*) for the moment.

Board Member Taylor stated yeah.

Rich Williams stated not looking at this as a comprehensive project anymore.

Board Member McNulty stated I take it he might have somebody he's building this for, does he have a tenant.

Rich Williams stated I have no idea.

Chairman Rogan stated Rich, I think Tommy hit it, there's nothing shown for...

Rich Williams stated no septic.

Chairman Rogan stated nothing shown.

Rich Williams stated it was on one of the preliminary plans.

Chairman Rogan stated oh okay.

Board Member McNulty stated can you place it under the driveway.

Rich Williams stated no.

Board Member McNulty stated doesn't leave much space.

Chairman Rogan stated they wouldn't let you do it for commercial, they wouldn't let you do it under, no...

Rich Williams stated DEP you can't do anything...

Chairman Rogan stated they're not doing that anymore.

Rich Williams stated you can't use dry galleys or put anything under pavement.

Board Member McNulty stated you use to be able to, right.

Rich Williams stated yeah.

Chairman Rogan stated yeah.

Board Member Montesano stated maybe you can...

Board Member Brady stated I know you use to be able to do it with storm drains.

Board Member Montesano stated maybe he's going to use the pond.

Board Member McNulty stated did they fail, is that why they stopped it.

Chairman Rogan stated I guess they much have their reasons, I don't know.

Board Member McNulty stated this is the property line here, so he's got...

Chairman Rogan stated yeah, all rock too, this is so steep.

Ted Kozlowski stated no septic.

Board Member Taylor stated that's what he said.

Board Member McNulty stated yeah, I know, I was up there the other day actually.

Board Member Taylor stated where would he put it.

Board Member Montesano stated is he going to connect into next door.

Chairman Rogan stated that's kind of where I was thinking you were going to be going with this.

Rich Williams stated I don't think there's enough next door to worry about.

Board Member McNulty stated but would it good for emergency access though to have a connection from lot to lot.

Rich Williams stated there should be at least an emergency connection, whether it's a break-away gate or...

Board Member McNulty stated because I don't know, oh that's not.

Chairman Rogan stated he'll just have to shift it.

Board Member Montesano stated don't use a chain.

Chairman Rogan stated they get this and this lot is done, wow that's a lot of rock.

Board Member McNulty stated yeah but rock is worth money.

Board Member Montesano stated yes it is.

Board Member Brady stated is that pond existing.

Chairman Rogan stated yes.

Rich Williams stated yes.

Board Member McNulty stated this one is.

Board Member Brady stated the one in the front.

Board Member McNulty stated these have to be created, correct. Although that drive is there, are these other ponds there Rich, the...

Chairman Rogan stated they're wetlands, aren't they, currently.

Rich Williams stated I haven't looked at it so I'm not sure what he's referring to.

Chairman Rogan stated either side of the proposed entrance, they're showing 2 stormwater practices, detention basins of some sort.

Rich Williams stated its small wetlands right in the beginning.

Chairman Rogan stated yeah.

Board Member Taylor stated (inaudible) would be here, the place is not used.

Board Member McNulty stated what's that.

Board Member Taylor stated septic, got no place to put it.

Ted Kozlowski stated oh here it is, 4,000 gallon septic tank...

Board Member Taylor stated oh he's going to pump.

Ted Kozlowski stated it's to the north of the building.

Board Member McNulty stated down the page.

Board Member Taylor stated no fields, huh.

Ted Kozlowski stated see that Shawn, right there, you were pointing at it.

Board Member Brady stated he's got the outlet pitching out of it.

Board Member McNulty stated not as big as you think.

Ted Kozlowski stated it's on that page Shawn.

Chairman Rogan stated it is.

Board Member McNulty stated no, next one.

Board Member Taylor stated on the last page.

Ted Kozlowski stated extreme upper left.

Board Member Taylor stated the last page of the drawing.

Chairman Rogan stated oh yeah.

Board Member Brady stated and it's just draining, it's showing it drainage out with pitch I wonder where he's going...

Board Member McNulty stated where are the fields, I wonder.

Board Member Brady stated to the other building.

Board Member Taylor stated (*Inaudible*).

Board Member McNulty stated and if he can pull that off, it good with me.

Ted Kozlowski stated what's the next page.

Board Member Brady stated that's another parking lot alongside that.

Chairman Rogan stated yeah.

Board Member Brady stated and he's going into a parking lot with it.

Board Member Taylor stated no...

Board Member Brady stated so he must be going to the other building.

Board Member Taylor stated if I can find the other drawing, is there a building there...

Rich Williams stated something interesting to ask.

Board Member Taylor stated yeah.

Board Member Brady stated another shot here.

Board Member Montesano stated it must be one of those expandable hoses.

Board Member Taylor stated he doesn't have a detail on that.

Board Member Brady stated he's just showing the 2 manholes.

Ted Kozlowski stated interesting going into the side of a mountain.

Board Member Taylor stated yeah, he doesn't have a detail on this section.

Ted Kozlowski stated that's going to be a lot of work.

Chairman Rogan stated they're just ordinary plans...

Board Member Montesano stated the expandable hose type thing.

Chairman Rogan stated and comments, you know.

Board Member McNulty stated that's the first one.

Chairman Rogan stated the intent isn't for them to have it fully designed right now, it's coming in kind of preliminary but you know.

Board Member Montesano stated concept.

Board Member McNulty stated it looks like it fits, if they can make the sewage work.

Board Member Taylor stated he needs a septic field for this, he can't pump.

Chairman Rogan stated 4,000 gallon septic tank.

Rich Williams stated he can pump...

Board Member McNulty stated but there's nowhere to pump to.

Rich Williams stated but he's got to pump to a septic field someplace, I don't know where he intends to pump.

Board Member Taylor stated to a field.

Board Member McNulty stated unless this area is big enough, that's all rock, that's all rock.

Chairman Rogan stated its all rock.

Board Member Montesano stated unless he's going to have a truck there every day.

Ted Kozlowski stated does he show an area where he's going to put all this rock as he's digging that out.

Board Member Brady stated but how could you approve that.

Chairman Rogan stated it's already out.

Board Member McNulty stated he does show some stockpiling.

Board Member Taylor stated yeah but...

Board Member Montesano stated depends, if someone is composting...

Board Member Taylor stated maybe he's going to start leaving it to take it down, he's going to take it down the street.

Board Member Brady stated even with the pump system and a 4,000 gallon tank, it's an off building, is it manufacturing...

Board Member Montesano stated well we don't know yet.

Rich Williams stated we're not going to approve something that he's going to have to pump.

Board Member Montesano stated it's a building.

Chairman Rogan stated not a holding, no...

Board Member Brady stated you know, I mean if it was one bathroom in the building...

Board Member Taylor stated but we've got 2 buildings...

Rich Williams stated still, we've got to have a permanent solution for each septic.

Board Member Taylor stated okay.

Chairman Rogan stated where my friend has his place up in the Adirondacks, they made a point where anything from here forward, everybody has tanks that you have to pump out, they are only holding tanks, so when people are there for the summer, they call a septic company...

Rich Williams stated so that there's no fields.

Chairman Rogan stated there's no fields, they don't allow because they're do close to the lack.

Ted Kozlowski stated that's Lost Lake...

Chairman Rogan stated no, I'm talking about up in the Adirondacks.

Ted Kozlowski stated Lost Lake, they don't have septic.

Chairman Rogan stated yup, and some of them draw their water directly...

Board Member McNulty stated so you have a cesspool basically, they just get it pumped.

Ted Kozlowski stated they don't have a cesspool, they just have a holding tank.

Chairman Rogan stated the lake.

Board Member Montesano stated it's a holding tank, it's got to be pumped out.

Chairman Rogan stated but it's a pain...

Rich Williams stated yeah.

Chairman Rogan stated but it's a pain, pumping it out, so.

Rich Williams stated well that's because it's so close to the lake.

Board Member McNulty stated have a well behind my house caving in...

Ted Kozlowski stated really.

**9) OTHER BUSINESS**

**a. A.J. Maxwell – Appearance Ticket**

Chairman Rogan stated we also have an appearance ticket copy for Mr. Maxwell. This was, didn't he, he had come in once, didn't he come into a work session...

Rich Williams stated he may have.

Chairman Rogan stated Mike, you'd remember, like 6 months to a year ago, didn't Jay Maxwell come in to a work session, talking about wanting to do a garage or a building on the property, remember that.

Board Member Montesano stated I recall him walking in here...

Board Member McNulty stated we did have from January these notice of violations...

Chairman Rogan stated right.

Board Member McNulty stated the number of items, so we don't know exactly what Nick violated him on, which ones.

Chairman Rogan stated yeah, it says uses for which approval is required, use prior to the issuance of a certificate of occupancy, so he has a building that he's using without approval or a C. of O.

Board Member McNulty stated but then in his notes, he refers to two different buildings, one that was under repair and then one with the tile and marble place.

Rich Williams stated right, the one that was under repair is the restaurant, that's fine.

Chairman Rogan stated right.

Board Member McNulty stated okay, which is being renovated, anybody seen it.

Board Member Brady stated oh up here.

Chairman Rogan stated no.

Board Member McNulty stated yeah Amalfi's is out.

Board Member Brady stated yeah, they didn't last long, huh.

Board Member McNulty stated no.

Chairman Rogan stated yeah.

Board Member Brady stated the place is jinxed.

Chairman Rogan stated can't keep doing the same old thing in the same old location and expect it to work, you need to change.

Ted Kozlowski stated Randy Laurent used to...

Rich Williams stated who.

Ted Kozlowski stated Randy Laurent used to come in.

Board Member McNulty stated well he painted it white.

Chairman Rogan stated no, no, change the business, the, you know.

Board Member McNulty stated he's doing a lot of work to it, whoever is doing it.

Rich Williams stated some hard ass came in as Chairman and wouldn't let him come in with Randy anymore.

Chairman Rogan stated doesn't anybody have...

Ted Kozlowski stated Striffler...

Rich Williams stated no.

Ted Kozlowski stated you.

Rich Williams stated yeah.

Chairman Rogan stated we can get off the record.

Rich Williams stated it just didn't look good the engineers walking in, here's your candy...

Board Member McNulty stated I haven't looked at the minutes yet.

Chairman Rogan stated no.

Rich Williams stated and an approval.

Chairman Rogan stated does anybody have anything else they want to discuss on the record.

Board Member Montesano stated nasty, nasty.

Rich Williams stated and if you're going to do it, don't be cheap.

Board Member Montesano stated just Monday there is a Chamber of Commerce that we're all invited to, is anybody going, I'm going to try and go.

Board Member Taylor stated yeah, I'm going to go.

Board Member Brady stated yeah, I'll know tomorrow, I'll send an e-mail.

Board Member Taylor stated we also got this letter from the new Commissioner of Planning for the County, wanting to know if we want training in the fall and what it should be, are we getting ideas on that.

Rich Williams stated Shawn and I had a very nice meeting with Anthony Ruggerio and talked about a lot of the issues.

Chairman Rogan stated it was kind of a get acquainted kind of thing as the new County Planner and he seems very, very interested in trying to be a support role to all the towns, Planning & Zoning to help coordinate and provide any trainings we might want. I thought that was a nice, you know...

Board Member McNulty stated it's efficient if we get all the towns together.

Chairman Rogan stated we told him what we had been doing in some cases to take advantage of our in house staff and their expertise and yeah, he seemed, he basically was just opening up the lines communication and saying let's talk and let's see where we can support each other, so...

Board Member Taylor stated good.

Chairman Rogan stated I think this letter is probably to that end.

Board Member Taylor stated that's what it is...

Chairman Rogan stated yeah.

Board Member Taylor stated so we don't have to go to Saratoga anymore, is that the idea.

Rich Williams stated unless you want to.

Board Member Taylor stated I don't want to.

Chairman Rogan stated yeah.

Board Member Taylor stated you want to go to Saratoga.

Board Member Brady stated no, you guys usually do that stuff in the winter.

Chairman Rogan stated considering that Michelle has to type all this up, why don't we adjourn.

Board Member McNulty seconded the motion.

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

The meeting adjourned at 8:10 p.m.