

TOWN OF PATTERSON
PLANNING BOARD MEETING
April 26, 2012
Work Session



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PLANNING DEPARTMENT
P.O. Box 470
1142 Route 311
Patterson, NY 12563

Michelle Lailer
Sarah Mayes
Secretary

Richard Williams
Town Planner

Telephone (845) 878-6500
FAX (845) 878-2019



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

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Michael Montesano
Ron Taylor
Edward J. Brady, Jr.

**Planning Board
April 26, 2012 Work Session Meeting Minutes**

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

APPROVED

Present were: Chairman Rogan, Board Member McNulty, Board Member Montesano, Board Member Taylor, Board Member Brady, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:01 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Ted Kozlowski stated you can sit down, I'll move.

Chairman Rogan stated good evening.

5) MATTHEW CASTELLANO – Wetlands/Watercourse Permit

Mr. Matthew Castellano was present.

Mr. Castellano stated hello.

Chairman Rogan stated how are you doing.

Board Member McNulty stated hi, how you doing.

Mr. Castellano stated good, how are you.

Chairman Rogan stated you're Mr. Castellano, right.

Mr. Castellano stated yes.

Chairman Rogan stated yeah, okay. Teddy said he had you come in tonight wanted to talk about obviously whatever misunderstanding occurred and see what we need to do to move forward. Ted, do you want to start us off...

Ted Kozlowski stated Mr. Castellano dug a trench in Town regulated wetland at the base of the driveway that we all looked at when we went there, I think we went on a site walk...

Chairman Rogan stated we did.

Rich Williams stated yeah.

Board Member McNulty stated yeah.

Ted Kozlowski stated and he explained to me he had a drainage issue, he has pictures here. I agree there is a drainage issue, the problem is Matt did not do it without getting a wetlands permit.

Board Member McNulty stated wow.

Chairman Rogan stated sure.

Ted Kozlowski stated Rich looked at it, along with me...

Board Member McNulty stated flooded.

Ted Kozlowski stated we feel there is justification for keeping the ditch and just improving it to make it a functional semi-active stream corridor and you know, not really inhibit the functions of the wetland.

Chairman Rogan stated wow.

Ted Kozlowski stated so I have directed Matt to finish this up with appropriate rock and appropriate re-grading, not having any heavy machinery in there, raking out the piles that were placed onto the existing wetland. I went out there last Saturday and he was performing that work with his sons and I guess some other kids and they were bringing it in by foot, so they weren't coming in with machinery or anything.

Chairman Rogan stated it's good to have sons and friends, huh.

Mr. Castellano stated it was just sons actually.

Chairman Rogan stated oh.

Board Member Montesano stated volunteers.

Ted Kozlowski stated because he would have had a wetlands permit, I've asked him to come in, which he has to file a wetlands permit, pay the appropriate fee and go before the Board to get a permit to make this above board.

Chairman Rogan stated the pictures are obviously from back last August when we had the storm.

Mr. Castellano stated we had, yeah, you want me to tell the whole story what happened since September.

Chairman Rogan stated sure.

Ted Kozlowski stated just...

Chairman Rogan stated please.

Mr. Castellano stated well I've had the property a year and I went through last year to get the permit to put the driveway up through it, I pretty much got done with the permit around August, we had the big storm in September...

Chairman Rogan stated right.

Mr. Castellano stated and everything was down, so I said let's take a ride to the property and the driveway wasn't even put in yet there...

Chairman Rogan stated right, see where your item four is not in.

Mr. Castellano stated you can see the grass and it was under water, so I mean, I just said to my wife, I said let's take pictures just in case I put this driveway and then this guy claims later on that the driveway, that I'm flooding his driveway, the next door neighbor. So we took the pictures, I didn't think anything of it. It dried up somewhat, I put the stone in, I actually replaced part of the pipe underneath the driveway, there was a concrete pipe, twelve inch pipe, I changed it over to poly, corrugated poly, went through and it's just after that storm it took sediment and pushed it all over and you can see the one down at the bottom by the road, it literally put sediment all over on the bottom. So I went through and when I did the driveway I actually reached over with the machine and I cleared a corridor after the pipe but it always sat half way to three quarters on the pipe. So came December, we had the one snow fall, everything froze and it was sitting on the pipe and it was actually frozen in the pipe, so at that point, that's when I went in and on the snow, I went in and I cleared the path over, it didn't look bad in the snow but then as we had no winter it looked horrible by the spring.

Chairman Rogan stated so in essence you were trying to grade it so that it would drain to the pipe and not have standing water at whatever the height was.

Board Member McNulty stated get the water away from the pipe.

Mr. Castellano stated I tried to get it because I did notice a crack on his driveway in the winter, right where the pipe was, I'm thinking the whole thing was lifting his blacktop. So I went in and I just, you can see the path the water was taking but I couldn't see under the snow, so I just cleaned it down, I guess I went about six, eight inches, probably went all together almost a foot down into the wetland and I pulled it out and it cleared, it started flowing and then you know of course, it was noticeable so...

Ted Kozlowski stated very.

Mr. Castellano stated he said very, I was in a position, you know I took a few trees down I couldn't even move those trees out of there without driving because the machine would have went right, parts of that are soft, part are hard but it's still the wetland.

Chairman Rogan stated do we have any pictures of the remediation work, do you have anything of what you've been working on or what...

Mr. Castellano stated no I haven't done anything of now.

Chairman Rogan stated current conditions are.

Board Member McNulty stated I happen to drive by and saw it, saw what he's doing, it looked good lining it all up, dry on Saturday, wet on Sunday, huh?

Mr. Castellano stated yeah, yeah, well it worked out well.

Board Member McNulty stated he's using like a river rock to lay in the bottom, from what I saw.

Ted Kozlowski stated it was, he's doing, you know, a fine job.

Chairman Rogan stated okay.

Ted Kozlowski stated but I just feel that you know he should have come before the Board, I don't know whether you want a public hearing or not...

Chairman Rogan stated well is the, what's the relevant impact other than this immediate area. I'm glad you brought in the pictures of the conditions from last September because I can imagine seeing that and saying holy, we have to do something.

Ted Kozlowski stated the only issue is that, if you remember when Matt came for the first wetlands permit, the neighbor has issues...

Chairman Rogan stated yeah.

Ted Kozlowski stated and I don't whether we should go through the formal process of...

Chairman Rogan stated sure.

Ted Kozlowski stated having the public hearing because I don't know if this is going to be an issue...

Chairman Rogan stated I understand.

Ted Kozlowski stated in the future with the neighbor, maybe he should just be notified, be told that restoration has been done, the permit's been you know...

Chairman Rogan stated yeah, at least he knows then that it's being done in the public eye.

Ted Kozlowski stated has he said anything to you.

Mr. Castellano stated no, if anything, I helped him, you know his situation.

Chairman Rogan stated I was going to say, this situation existed before you ever touched the driveway with this overflow of water.

Mr. Castellano stated well as of now, the item four, I am six inches above his blacktop so when I blacktop it, I will probably ten inches so...

Chairman Rogan stated yeah.

Board Member McNulty stated this is two driveways, this existing and this is his new driveway before it was in.

Mr. Castellano stated so yeah at one point, at one point if that ever happened in the future...

Chairman Rogan stated yeah.

Mr. Castellano stated my driveway would be clear and then you would, if you were the neighbor you would say hey I never had this problem before.

Chairman Rogan stated right and I think you're right though Teddy about the process...

Mr. Castellano stated it's...

Board Member McNulty stated it kind of protects everybody.

Ted Kozlowski stated it's probably the right thing to do.

Chairman Rogan stated and the reality is, it's not like we're in November or October right now, going into the winter, it's a different situation and I don't think the intent is to slow down your working with Ted's direction on the remediation.

Mr. Castellano stated no, that's fine.

Chairman Rogan stated so you know...

Ted Kozlowski stated this will probably be finished before the public hearing...

Chairman Rogan stated right, it's a chance to...

Ted Kozlowski stated just because the neighbor had expressed issues, I think we should just...

Chairman Rogan stated yeah.

Ted Kozlowski stated it's in Matt's best interest and probably ours just to...

Chairman Rogan stated if I remember correctly, the issues that were brought up were more relating to the pond and drainage from the pond though weren't they, I mean not that I'm saying not to have a public hearing but...

Ted Kozlowski stated yeah.

Mr. Castellano stated yeah.

Chairman Rogan stated I think since, you know I can understand where you're coming from.

Mr. Castellano stated no, no I...

Board Member Taylor stated now is this your property that you were working.

Mr. Castellano stated yes.

Board Member Taylor stated and where does this water go ultimately.

Ted Kozlowski stated under Route...

Mr. Castellano stated 311.

Board Member Taylor stated 311.

Ted Kozlowski stated 311...

Board Member Taylor stated goes farther down.

Ted Kozlowski stated and then Rich whose property, you know whose property that flows into.

Rich Williams stated yeah, it discharges on to either WRAM's property or Vince Murphy who lives right there and then travels down behind Vince Murphy's property on to Joey Capasso's property.

Board Member Taylor stated yeah, now is this accelerating that flow.

Ted Kozlowski stated the thing Ron is it's more of a storm event flow as opposed to constant flow.

Rich Williams stated it's really not and if I could just add one thing here, if you look at the pictures, when I looked at them because they were e-mailed over, I didn't see that as water flowing across the driveway that was water backing up out of the wetlands...

Chairman Rogan stated just ponding, yeah.

Board Member McNulty stated yeah.

Rich Williams stated so everybody needs to be aware, I looked at the condition out there, I agree that there needs to be some sort of relief for the smaller storm events because it, the drainage comes right down to the neighbor's driveway...

Chairman Rogan stated just a low point.

Rich Williams stated on the west side of Mr. Castellano's driveway and then there's a pipe underneath it and you need to provide some sort of outlet for that drainage, certainly but when you get large storms like this, that's backing up out of the wetland and you're going to get another big storm it's going to back up out of the wetland, my opinion it's going to back up out of the wetlands, this drainage ditch is not going to change that.

Chairman Rogan stated yeah.

Rich Williams stated but...

Chairman Rogan stated that's a tremendous amount water.

Ted Kozlowski stated I agree, both driveways actually, if you got back in time, it's probably wetland that they are crossing.

Board Member McNulty stated if you raise the driveway would it cause a bigger problem or solve the problem.

Ted Kozlowski stated I would think if you go back in time the best thing would probably be some sort of bridge or big culvert to just cross it, this is...

Board Member McNulty stated even if you added ten to twelve inches to it.

Rich Williams stated if you raise the driveway, then you're out of the water but you know we're talking Irene after you know a wet period, the ground was saturated so we got more flooding, is that trend going to continue into the foreseeable future, nobody knows, you may not have that again.

Chairman Rogan stated yeah, that's an unbelievable amount of water.

Mr. Castellano stated I didn't want to go much higher because now as you...

Board Member McNulty stated you'd offset with your neighbor's driveway if you do that.

Mr. Castellano stated yeah because as you said, if I went up higher then he's...

Ted Kozlowski stated then he's got to go higher.

Board Member McNulty stated then you'd be damming his driveway.

Rich Williams stated they would both have to go higher.

Mr. Castellano stated yeah.

Chairman Rogan stated yeah.

Rich Williams stated and right now he's fairly level with [Route] 311, you go up higher now, coming in off of [Route] 311 you've got a hump.

Ted Kozlowski stated and I think this is a good exercise for the Board for in the future when we cross wetland to access another piece of property...

Chairman Rogan stated elevations.

Ted Kozlowski stated and see what these kind of things, how they play out over time, you know the question isn't really crossing the wetland, the question is crossing it the right way and you know, hindsight is better than foresight but it's, those driveways should have been designed a different way.

Chairman Rogan stated well I'm glad that storm is a thing of that past, onto something else, okay so I mean I think procedurally we can set a public hearing for the next, obviously not next week because there wouldn't be time to public notice it but...

Ted Kozlowski stated June.

Chairman Rogan stated for the June meeting and between now and then obviously proceed with the remediation that you're working on with Ted's input.

Mr. Castellano stated I'll come in and get the mail list during the week and I'll do that.

Chairman Rogan stated Michelle can help you with that.

Ted Kozlowski stated now on the wetlands permit, I'm really not going to be looking for functional analysis and septic and you know this is really a remedial action so I just, my concern is just the basics and to make sure that Mr. Castellano does the restoration the right way and you know, it's made all correctly.

Chairman Rogan stated okay anybody have any...

Ted Kozlowski stated Rich do you have any...

Rich Williams stated nope.

Chairman Rogan stated anybody have anything else, no. Okay, Mr. Castellano, thank you.

Mr. Castellano stated thank you very much, any other before we meet again...

Chairman Rogan stated just keep working with, keep working with Ted.

Ted Kozlowski stated I'll be talking to you or Rich might stop by or...

Mr. Castellano stated that's fine.

Chairman Rogan stated and if you could bring, you know what you could do for us though, when you end up coming to the meeting bring the current, take some photos of current conditions as you go and stuff, that would just for our...

Rich Williams stated Shawn, typically what I'm going to do, is I'm going to go out when it's all done and photograph it so we have a record.

Chairman Rogan stated okay, I think it would be even cool to take some pictures of it like over the next few days just so we can kind of get a progression, seeing what, you know what you've done and I think it, I don't think it, we don't necessarily have to go out there for a full site walk but it would be nice, you know, all right.

Mr. Castellano stated that's totally fine, I'll take some pictures, thank you very much.

Chairman Rogan stated all right.

Board Member McNulty stated good luck.

Ted Kozlowski stated Matt you don't have to come, we don't, next week.

Chairman Rogan stated not next week, not.

Board Member McNulty stated no.

Mr. Castellano stated so we'll meet for the June...

The Secretary stated 7th.

Ted Kozlowski stated I'll be in contact with you, okay.

Mr. Castellano stated I'll find out, thank you.

Chairman Rogan stated thanks Mr. Castellano.

Rich Williams stated Shawn, so you know, I've already got a whole suite of pictures on this already.

Chairman Rogan stated oh okay, cool and not that we want you to necessarily print everything out but maybe...

Board Member Brady stated I'm looking at this.

Chairman Rogan stated oh yeah, could you e-mail them.

Board Member Taylor stated we have e-mail.

Rich Williams stated yeah.

Chairman Rogan stated that'd be cool, this way we don't even have to print them, not even one set.

Board Member Montesano stated what's an e-mail.

Chairman Rogan stated yeah, you're going to have to print one out for Mike.

Board Member Taylor stated you may have to do one set.

Board Member McNulty stated just make sure your cans are connected with the string, all right.

Board Member Montesano stated I had to tie a knot in it because somebody broke it.

1) RIMALDI SITE PLAN – Public Hearing

Chairman Rogan stated we have the public hearing next week for Rimaldi, a couple of you were talking about going out and doing the...

Board Member McNulty stated we did.

Board Member Taylor stated we did.

Chairman Rogan stated you did, oh okay.

Board Member McNulty stated yeah.

Board Member Taylor stated there are site walk comments.

Chairman Rogan stated awesome, that's what I'm holding here, site walk comments. What did you guys, you guys have anything you want to discuss.

Board Member Taylor stated it seems it was kind of what we had said at the meeting.

Board Member McNulty stated just the, I think the biggest thing was maybe relocating the handicap parking, seemed to be the biggest thing we...

Board Member Brady stated that and the driveway in the back to access loading and unloading trucks.

Board Member McNulty stated you can look at...

Rich Williams stated just so you all know, the day before I accompanied Andrew Fetherston out to the site as well and looked at these issues.

Chairman Rogan stated okay.

Board Member McNulty stated and he had comments too on the overall plans, I don't know if, you didn't see those.

Rich Williams stated recently he did.

Board Member McNulty stated yeah I think so, April 5th.

Rich Williams stated that was for the last meeting, the last meeting was April 5th, right.

The Secretary stated yes.

Chairman Rogan stated yeah.

Rich Williams stated that was for the last meeting.

Board Member McNulty stated okay.

Chairman Rogan stated you know there's obviously a couple of issues that we've been kicking back and forth, back to the last time they were in which was a few, which I appreciate you bringing back up because that kind of got a little, not contentious but it seemed like they were getting a little frustrated that we were kicking around issues that we were talking about two years and it was nice that Rich pointed out well you never resolved those issues and you kind of went away and never, you know and the timing on that was you know, very good and appropriate. You know, you have three new Board Members and you were gone for a couple of years, you have to expect a little bit of dialogue.

Board Member McNulty stated sure.

Chairman Rogan stated you know, so.

Board Member Taylor stated we had no problem with the dumpster where it was.

Board Member Brady stated yeah.

Board Member McNulty stated the dumpster or the septic pumping I think wasn't a problem.

Chairman Rogan stated okay.

Board Member McNulty stated it was just a matter of maybe placing that ADA parking more to the center and...

Board Member Taylor stated it seemed to make more sense and be cheaper to do that and then there is room in the back to put the other thing in if we want to require that, there is certainly room, it didn't look like a big deal to do, right.

Chairman Rogan stated yeah.

Board Member McNulty stated it just looked like, I don't know if it was going to interfere with this lower entrance, I think we figured it was about eight feet he had there, nine feet, so if he can make the lower ramp and that roadway work, I don't think it would be that big of a deal.

Chairman Rogan stated okay.

Board Member McNulty stated we can certainly ask.

Chairman Rogan stated yeah that's, let's have him in here and have the discussion.

2) **ADAM LEVINE – Fill Permit**

Chairman Rogan stated all right the big topic for the agenda is Mr. Levine, obviously everyone got a copy of the letter that Rich had composed and we sent off to Mr. Levine as per last meeting, notifying him here is where we are, in essence we better see you back in here and move forward otherwise we're not going to be too happy.

Rich Williams stated since then I've had a number of conversations with a firm, gentleman from a firm, Northeast Environmental, who apparently Mr. Levine has hired, who is looking at developing the remedial plan. The conversations have centered along, their opinion is that the material should be immediately coming off of the neighbor's property and has actually been soliciting contractors' I've talked to at least one of them...

Chairman Rogan stated there was one there the other day actually, a big truck parked right in the middle of the road, right in front of Mr. Levine's house, I'm trying to think of who the contractor was, it was a local, it was a somewhat local contractor I think.

Rich Williams stated Amaxx.

Chairman Rogan stated yes, it was Amaxx.

Rich Williams stated and they want to pull all the material off of the neighbor's property, rough sort it and stockpile on Mr. Levine's property until they can get a final remediation plan approved by the Board. That is what they are looking to do and I explained to him that ongoing issues, the Planning Board is ready to make a decision on this, he had until last Tuesday the 17th to get all the plans in, I got a, I explained to him, I have a Board meeting tonight and if you want to gain at least some good graces, you should at least have something in and then we got Ron's e-mail.

Board Member McNulty stated did we get a survey from him yet.

Rich Williams stated no.

Ted Kozlowski stated I liked Ron's e-mail.

Rich Williams stated and I discussed all that with...

Board Member Brady stated I didn't, it didn't open on mine, I couldn't open it but.

Board Member McNulty stated you want to see a copy of it.

Board Member Brady stated no, I got it now, just read it.

Board Member McNulty stated unless some substantial revelation comes about with documentation, I'm with Ron and am ready to move on it.

Ted Kozlowski stated since the last meeting, did he contact you guys or his attorney.

Rich Williams stated Northeast Environmental are the only people that have contacted us, they came in doing some fact finding and you know we've had a couple of dialogues...

Ted Kozlowski stated so Terri Hahn is out.

The Secretary stated we have no information Ted, we've received nothing from him and have heard from no one other than what Rich just said.

Board Member Montesano stated gee, how odd.

Board Member Taylor stated so his lawyer evaporated, huh?

Board Member McNulty stated was there an indication that Northeast Environmental actually had a contract with him.

Board Member Montesano stated is that like an e-mail.

Rich Williams stated no, I haven't seen a contract, he said they were retained by Mr. Levine, I assume that there is a contract, you know I have nothing.

Chairman Rogan stated usually a company won't say they are retained by someone unless they are, though right...

Rich Williams stated right.

Chairman Rogan stated I mean, because they are putting themselves out there as a representative and...

Board Member McNulty stated it wouldn't make the calls probably on this.

Board Member Montesano stated they're only temporary.

Ted Kozlowski stated but you don't know if they've been retained as a consultant just to chat with them...

Chairman Rogan stated sure.

Ted Kozlowski stated or retained to fix it.

Chairman Rogan stated right.

Board Member Taylor stated or make plans which is what we need.

Rich Williams stated well he's working on a plan.

Board Member McNulty stated we still need the surveys.

Ted Kozlowski stated he has for two years now.

Chairman Rogan stated well they need the survey too.

Rich Williams stated no, Northeast Environmental is working on a plan.

The Secretary stated do you know if Mike Liguori spoke to Levine's attorney.

Rich Williams stated I have no idea.

Chairman Rogan stated I mean we don't need it as much as they need it for the remedial plan, you know.

Board Member McNulty stated no but it would be nice for the neighbor to have it...

Chairman Rogan stated right.

Board Member McNulty stated and see exactly the extent of his property.

Chairman Rogan stated you know what the Northeast Environmental is talking about and what I guess whatever contractor removing the material from the neighbor, that's an easy call, anybody can make that because it's all been said that's what going to happen, that's not really debatable, the owner of that property has already made that pretty clear. The concern is what do you do with the soil, is property doesn't have very easy access to areas that are because that is quite a volume of material to stock pile, so you know you try to find a place in your front yard for 1,000 yards of...

Board Member Montesano stated then he's going to cover all those cars he had out there.

Chairman Rogan stated or whatever it is, I don't know.

Rich Williams stated he had indicated that he was going to keep it by the road and I said but it's all vegetated by the road, you're not cutting more vegetation out, so where are you going to put it.

Chairman Rogan stated right.

Rich Williams stated well I don't know, we've got to figure that out.

Chairman Rogan stated yeah.

Board Member Brady stated he has a fill permit application in right now, right.

Chairman Rogan stated correct.

Board Member Brady stated now that fill permit is the one for putting the fill on his property in the first place.

Chairman Rogan stated correct.

Board Member Brady stated okay, now he's moving the fill from somebody else's property and wants to put it on his property...

Chairman Rogan stated right.

Board Member Brady stated does he need a separate fill permit for that.

Chairman Rogan stated I don't think so.

Rich Williams stated we would just amend the existing application to include the additional fill but I don't think anybody has determined whether it's going to stay or not, so...

Chairman Rogan stated and you know the thing is...

Board Member McNulty stated and that would be based on his remedial action plan...

Chairman Rogan stated right.

Board Member McNulty stated if he could come up with a plan to show he's going to do all this then...

Board Member Brady stated yeah it's been two years.

Ted Kozlowski stated yeah.

Chairman Rogan stated I think that's part of it, rather than saying we want to jump now all of a sudden and we want to grab this fill and move it off because we're anxious, the right philosophy is we want to get on this, we're anxious let's get our remedial action plan in so you guys can review and not worry so much all of a sudden about let's pull this fill and I think that's probably the message that needs to come out is to say now all of a sudden you're jumping on a contractor but let's get the plan, the plan should be the priority, not removing fill just to now stockpile it and maybe create another problem.

Ted Kozlowski stated the other, you run that risk where you let him do this, he stockpiles it and there is that sitting there for two years...

Chairman Rogan stated right.

Ted Kozlowski stated all right he got it off the neighbor's property but now it's on his property and we got Mount Rushmore there, I mean...

Board Member Montesano stated he's more worried it seems about them suing him...

Chairman Rogan stated well that's it.

Ted Kozlowski stated but it's...

Board Member Montesano stated rather than the Town.

Ted Kozlowski stated don't you find it curious that, Rich did you hear from their attorney, the neighbor's attorney...

Board Member Montesano stated no, they may...

Ted Kozlowski stated or because they came, they've been coming to the meetings regularly...

Chairman Rogan stated yup.

Board Member Montesano stated but they weren't here last time.

Ted Kozlowski stated their attorney has been showing and they weren't here...

Board Member Montesano stated so...

Rich Williams stated so he missed the meeting, that's not a big, I'm not worried about that, he's still very much engaged.

Board Member Montesano stated I still think that's where the pressure is coming from is that they are going to implement something...

Ted Kozlowski stated well he clearly trespassed on someone else's property.

Board Member Montesano stated well they've got him dead to rights...

Chairman Rogan stated I think...

Board Member Montesano stated plus they can get him for the entire property that he polluted...

Chairman Rogan stated yeah.

Board Member Montesano stated because it's already been proven that the material...

Chairman Rogan stated let's stick to what we want to have happen is the, I mean the priority here is that the action, the remedial plan and if we, you know, you know...

Board Member Montesano stated let's see what happens.

Board Member Brady stated can you stop him from moving the fill to his property until you have a remedial plan and give him a drop dead date and then you issue...

Rich Williams stated yeah absolutely, well...

Board Member Taylor stated we already have a drop dead date.

Rich Williams stated if he starts moving the fill, our, we have a couple of different actions, you know we issue a stop work order, notice of violation and/or an appearance ticket and we can go get a temporary injunction to do it, now you know if he chooses to ignore all that, I'm not sure what we can do after that.

Chairman Rogan stated it's like you think of it from a layperson's perspective, come on guys you didn't like that I put the fill, now you don't like that I'm removing the fill, what the heck, I can't make you guys happy, you know that sort of thing, you know.

Board Member Brady stated well that's what I was thinking, if you tell him no, don't move it until you have a plan in action but.

Chairman Rogan stated yeah, I mean in fairness we could...

Rich Williams stated he was told that.

Chairman Rogan stated if he came in and he had or he had called Rich and said you know what I know we don't have the remedial action plan for my property, can I move forward with a contractor removing the fill on the neighbor's property offsite, we would be saying absolutely as long as these items are met, we know where it's going, you know...

Board Member Brady stated does he have enough property to pile that up.

Chairman Rogan stated so that's the question, so...

Board Member McNulty stated well that...

Board Member Brady stated it's got to be huge because...

Board Member McNulty stated well that's what we don't know.

Board Member Brady stated the property line is very close from what I saw to where his house is...

Chairman Rogan stated right.

Board Member Brady stated and then he's got that drop off in the back where his well is, I believe wasn't, so he can't fill in there.

Chairman Rogan stated and around front drops down.

Board Member Brady stated right.

Rich Williams stated he's got enough property to do it; he's got enough property...

Chairman Rogan stated right.

Rich Williams stated but to do it he's got to clear a new area and contaminate a new area and we don't want to see that happen.

Board Member Brady stated right.

Chairman Rogan stated yeah, so then the message should be that you know, the Board is certainly willing to allow you to have that material removed but not to stay on your property without a remedial action plan to show what you're doing with it, rather than just stock piling it some place so that with some plan to be further determined, if he wants to take it off site...

Board Member McNulty stated which brings us back to the, one of the first requests to get the surveys to calculate the volume of the neighbor's fill and he hasn't fulfilled that yet though.

Chairman Rogan stated and you know what though Tommy, in fairness the survey, it's going to show limits of disturbance we don't have, we would need to existing topography in fairness and the new topography to really know, we're just going to know a general idea, right.

Board Member McNulty stated well wouldn't they be able to calculate that though.

Rich Williams stated that's what the surveyor is doing.

Board Member Brady stated yeah, I know that.

Chairman Rogan stated but do we have existing grade or are they just pulling it off of...

Rich Williams stated they can pull it off of historic records...

Chairman Rogan stated oh okay.

Rich Williams stated USGS and that's what Terry was doing, she was calculating the amount of fill that there was on both properties.

Ted Kozlowski stated the thing is he's...

Board Member McNulty stated but we asked for that in January.

Chairman Rogan stated yeah.

Ted Kozlowski stated the thing is he has done no good faith efforts to give anybody in this room the confidence that he is going to follow through on what he projects as a sincerity to appease the Board and his neighbor, it just doesn't happen, it's a constant monthly, he's either not showing now or he's coming in and apologizing and being very nice but you have nothing in front of you that indicates that he's actually doing what he's trying to be sincere about, I just...

Board Member Montesano stated is there any statute of limitations on when we can force him to do something.

Board Member McNulty stated well it's for us to act on the fill permit...

Ted Kozlowski stated yeah, right on...

Board Member McNulty stated we have two scenarios, we can leave the permit open and ride him to get the plan or scenario two is we disapprove the permit, deny it and then what happens from there, that's my...

Board Member Taylor stated then the Building Inspector rides him to get it done.

Chairman Rogan stated who is the more effective approach.

Board Member Taylor stated well we certainly haven't been...

Chairman Rogan stated I know, I was thinking that but...

Board Member McNulty stated well we've tried, I mean what we've tried to do is go through the proper channels with the DEC and we've given him two years of time to do it and now the action has come to him where we, for three months now, we've said this is what you've got to do, none of its happening.

Chairman Rogan stated right.

Board Member Montesano stated we could do this for another two years.

Board Member Brady stated has, when they did the sampling on the fill that was there and decided that it was contaminated, they only tested the neighbor's property, they didn't test his property.

Chairman Rogan stated they only tested his property.

Board Member McNulty stated no, couldn't have...

Board Member Brady stated it was only his property, it wasn't the neighbors.

Chairman Rogan stated no, at that time we didn't even have involvement from the neighbor.

Rich Williams stated we had no permission to go on his property.

Chairman Rogan stated right...

Rich Williams stated excuse me.

Chairman Rogan stated at that time we didn't even have involvement from the neighbor.

Rich Williams stated that's right, we didn't have permission to go on the neighbor's property.

Board Member Brady stated oh okay, so we really, I was thinking that now you're talking contaminated fill and putting it on fill you don't know whether it's contaminated or not.

Chairman Rogan stated right.

Board Member Taylor stated no, it's the other way around.

Board Member Brady stated you know, creating another problem.

Chairman Rogan stated Ed, we had a heck of a time trying to get that neighbor involved, we were trying to impress upon them that we thought that should be involved because there is some serious impact here...

Board Member McNulty stated they're out of state, they're out of country.

Board Member Brady stated yeah.

Chairman Rogan stated and so now they are involved...

Board Member Brady stated they were here at the, at the...

Board Member Montesano stated the daughter lives in Newburgh.

Board Member McNulty stated but she's not the owner.

Board Member Brady stated the February Meeting or the March Meeting.

Chairman Rogan stated correct, yeah.

Board Member Montesano stated she's the representative...

Board Member McNulty stated she's the representative.

Board Member Montesano stated along with their lawyer.

Chairman Rogan stated yeah but...

Rich Williams stated we didn't get them involved until we issued a notice of violation to them.

Chairman Rogan stated yeah.

Board Member Brady stated right.

Board Member Taylor stated but in fairness to them, we said that we would make a decision at this upcoming meeting so they may be planning not to show up until this upcoming meeting because there is no point in them being in the audience...

Ted Kozlowski stated for the decision.

Board Member Taylor stated and paying their lawyer to be in the audience...

Chairman Rogan stated right, right.

Board Member Taylor stated until we're ready to make a decision so we have to see, should we notify them, remind them that we're going to make a decision.

Rich Williams stated I certainly can reach out to them.

Board Member Taylor stated it would be nice to have that lawyer in the audience.

Rich Williams stated on the other hand they may have already worked out a deal with Levine's attorney, which is why he's not here.

Board Member Taylor stated but then we should see the deal, right.

Rich Williams stated I don't think we care about the deal, do we.

Board Member Taylor stated well we want to know what's happening with that property don't we.

Rich Williams stated no, we want to tell him what's happening with that property, don't we.

Board Member Montesano stated well we have to know what part of the Town property...

Board Member Taylor stated well except some of us are unwilling to tell him to do anything without having more information. I'm willing to move the resolution and say let's get him out of here, let's wash our hands of this, I'm not, I'm with Ted, let's stop dealing with this guy.

Board Member Montesano stated we would save a lot of time.

Rich Williams stated that's what I'm saying, you're ready to make a decision...

Board Member Taylor stated yes.

Rich Williams stated you're ready to tell him what to do.

Board Member Taylor stated yeah.

Rich Williams stated you don't want to see what the deal is, you want to tell him what to do.

Board Member Taylor stated yeah, I'm ready to tell him what to do.

Chairman Rogan stated he's not ready, I don't think you're ready to tell him what to do...

Board Member McNulty stated well I think we know what the deal is.

Chairman Rogan stated you're ready to tell him that we're just denying your application that's not telling him anything to do, in fairness.

Board Member McNulty stated no, but it moves the process.

Board Member Taylor stated that's telling him he's got to then deal with the court.

Board Member Montesano stated then its Nick's problem.

Chairman Rogan stated yeah so let's play this forward and I know our attorney is not here but we deny the application, now in essence you're saying that fill's got to be removed, all of it, does that send him to court in anyway, it will eventually if he doesn't remove it.

Rich Williams stated Nick will then have to issue an appearance ticket to go to court because he placed fill on his property without the permits. So then he goes court, pays a fine, judge has not injunctive authority so you know, we can't do anything at that point other than issue another appearance ticket and then keep doing that until he gets the message he's got to get the fill off of the site.

Chairman Rogan stated or he decides paying a couple of hundred dollar fine every year is cheaper than removing the fill.

Board Member McNulty stated it sure is.

Rich Williams stated ah yeah but it goes per...

Ted Kozlowski stated it goes up, it starts going up, Shawn, it's not the same.

Rich Williams stated and it goes per week.

Chairman Rogan stated oh okay.

Rich Williams stated so.

Board Member Brady stated so each week you could issue another violation.

Rich Williams stated each week constitutes another violation for which a fine could be levied.

Chairman Rogan stated but that violation has to be issued, it's not automatic.

Rich Williams stated you know, I've seen clear decisions, clear guidance that says you've got to issue a new violation every week but I've also seen the judges not care and assess, you know going back four or five weeks.

Chairman Rogan stated wow, yeah.

Board Member Taylor stated what's your reading on the court, what they'll do with the situation.

Rich Williams stated I think Anthony is a very good judge.

Ted Kozlowski stated I think you have to, at some point you have to put it in the courts hands because I'm not sure, no matter which way you go or he goes whether you order him to get it out of there or you let him play us along and come up with a remediation plan and do all these wonderful things, I'm not sure if it's ever going to happen so I don't know, you know it's been two years so I think it's time maybe the courts handle this.

Rich Williams stated I think there is a third option in this that I would like to throw out on the table and that's that you can send a letter over to Nick saying you gave him these specific deadlines, this has been going on for two years, he has at this point, failed to meet those deadlines, keep his application open but have Nick issue an appearance ticket anyway, based on his lack of progress.

Board Member McNulty stated what's the benefit of that though.

Rich Williams stated he goes to court, you still have an open permit, so he can still come in and work out the issues, rather than take the fill off the property, still work on coming up with a remediation plan but he's still going to court, he's still being penalized.

Ted Kozlowski stated what about the neighbor, that neighbor wants it off the property.

Rich Williams stated that's a given, that's coming off his neighbor's property, that's a given, the open question here is, it's coming off the neighbor's property to go where, to do what...

Chairman Rogan stated right, right.

Rich Williams stated and the problem you're going to have at a minimum is its mixed fill, mixed with organic material, stumps, you've got to separate that out because they are going to be disposed of in two different places so at a minimum you're going to have to pull it off the neighbor's property, rough sort it...

Ted Kozlowski stated plus you've got a wildcard here which nobody can say they know for sure is once he starts digging, he may hit something...

Chairman Rogan stated don't know what you're doing with...

Ted Kozlowski stated that nobody knew about and then that changes the game plan again, maybe for the better but more likely for the worse.

Rich Williams stated yeah but you know when I was out there, one of the things we did is we did deep hole test in the fill material on Mr. Levine's property down to virgin soil.

Ted Kozlowski stated true but again, you still run the risk of that, you don't know...

Chairman Rogan stated you're seeing 2% of...

Board Member McNulty stated yeah.

Chairman Rogan stated you're getting a nice...

Ted Kozlowski stated you know, hopefully that's not the case.

Rich Williams stated but we've done our due diligence...

Chairman Rogan stated right.

Ted Kozlowski stated right.

Rich Williams stated I mean we have to make some assumptions based on what we saw.

Ted Kozlowski stated but...

Board Member Montesano stated we are the dog chasing our tail, we keep running around in circles, we give him more excuses, more ways out, more this, more that and we keep coming in here hour after hour, talking about it, talking about, talking about it. We've been talking for two years and we seem to have accomplished absolutely nothing except we knew him and we know the other people involved.

Rich Williams stated I want to clarify something because Ed hasn't been here for all this; a good portion of those two years was because we were on hold waiting for the DEC to do something.

Ted Kozlowski stated correct.

Chairman Rogan stated I've said that in the first sentence but...

Board Member Montesano stated so now we give him another out, it wasn't his fault, it wasn't our fault it was DEC's fault, fine...

Board Member McNulty stated as a...

Board Member Montesano stated and tomorrow we can tell about the tea bags that didn't get here from China and continue.

Chairman Rogan stated we did we actually...

Ted Kozlowski stated I love some of his analogies, they just.

Chairman Rogan stated I know, when did we actually start...

Board Member Montesano stated it's about as sensible as this.

Board Member McNulty stated I think June 2010, I remember I was pretty new to the Board still.

Board Member Brady stated what about his bank...

Chairman Rogan stated no, I didn't mean that Tom, I meant us not waiting for the DEC, I mean when...

Board Member Brady stated the value of the house is nothing if it's contaminated.

Chairman Rogan stated that's what they've said.

Board Member Brady stated okay, how about getting them involved and how about his insurance.

Board Member McNulty stated I think that's beyond our role.

Ted Kozlowski stated I don't know if the Planning Board can do that.

Chairman Rogan stated yeah, I do too.

Board Member McNulty stated I think we're looking at the fill...

Board Member Brady stated how about a letter, a letter from the Board.

Board Member McNulty stated a fill permit application and I think as a representative of the Town, we have to think what's in the best interest of the Town at this point and not Mr. Levine.

Rich Williams stated I would ask you to ask the attorney that question.

Board Member McNulty stated I would say at least...

Ted Kozlowski stated Rich, are there cases where...

Board Member McNulty stated eleven months we've been helping him trying to get a guideline.

Ted Kozlowski stated I believe when the state is involved in something like this and they order you to take it off, if you don't take it off they step with their superfund money or they have funds, then they put a lien on the property, if the guy isn't going to pay, you know, they try to get their money back. Does the Town have, Rich, have any kind of setup where...

Rich Williams stated yeah, we can do the same thing.

Ted Kozlowski stated where we eventually have to take it off and then we put a lien on his property.

Board Member McNulty stated yeah but we...

Rich Williams stated we would have to go in, we would have to get a permanent injunction, we would have to get a Supreme court judge to authorize it, then we could lien the property, go in and remove the material. The problem, the question is, right, what is the cost of removing the material versus the value of the property and that has always been the concern here that the value of the property is significantly less than the cost of remediation.

Ted Kozlowski stated and I don't know quite honestly if...

Board Member McNulty stated and does the Town want ownership of that problem, I think we've discussed this before and...

Ted Kozlowski stated if somebody goes to try to buy that property and does any halfway decent research, who would want to buy that property.

Chairman Rogan stated we go back to, we were talking between last meeting and now about the timeline that we gave Mr. Levine but what I mean by that is because we discussed it for a long time but the actual time when he was handed the document and we talked about this in our e-mail because something last meeting just wasn't sitting right with me obviously, I mean, it was pretty clear that I was trying to think of somebody looking at this who doesn't know anything about what we've struggled with nor what Mr. Levine has either done or not done to say okay, the Planning Board ultimately got involved and then gave the man a plan that says you will do x, a number of x's, x, y, z and the other things and that was the February meeting or the March meeting, February meeting...

Rich Williams stated February, I believe.

Chairman Rogan stated okay, but it was actually but my point is we were working towards survey long before that but what we actually finally said okay here is what we think you're going to do it was at the February meeting and what I had said to Rich was, offline was can you imagine if at, what was last month was the March meeting, we now deny the application. From the record, from the paper trail, even though we've discussed this ad nauseum, from the paper trail it looks a little bit unreasonable, that you hand somebody a timeline and then one month later you deny an application, now here we are two months later, my question and I said this last meeting and I'm not disagreeing with everybody's feelings on this believe me, I'd love for all this fill to get off here is will someone look at our timeline, the time frame it was handed to him and the timeline that we somewhat thinking we're being reasonable set up, would somebody look at that and say well that's your opinion of what is reasonable to get things done, you're not the man going through it, hiring people to do this, that's where I'm just a little, that's where I asked our attorney for advice, I felt we got legal advice but we didn't get an opinion is what I, what I was looking for is hey what do you think we should be doing here, you know from a defense standpoint.

Ted Kozlowski stated but the thing Shawn and you're right, I understand your point and that would make more sense if somebody looking at that would only look at that time frame.

Chairman Rogan stated right.

Ted Kozlowski stated but I would think they would have to really look at when this all started, how this evolved and I think this Board, personally I think this Board went above and beyond bending over for this gentleman and he has not taken advantage of those good graces, he's only delayed this.

Rich Williams stated you're right but Shawn is also right in that the Court or an outsider is going to look at this and say what was he directed to do...

Chairman Rogan stated right.

Rich Williams stated and when was he directed to do it and there has been a long gap with Mr. Levine where the Board has said you've got to do something and we want the DEC to weigh in on this but no substantive direction as far as what the direction was, that didn't come until really December of last year when everybody started talking about the action plan and needing the survey and exact and specifics...

Ted Kozlowski stated Rich that's five months ago.

Board Member Montesano stated well why don't we give him another year.

Board Member McNulty stated it's been three months now though, the other side, we have given a timeline whether it enough time or not, there is no good faith coming back from the other side at this point, there is no survey...

Ted Kozlowski stated he's not even showing up now.

Board Member McNulty stated there is not attempt at a remediation action plan, there is a letter stating he hired an attorney and a phone call by a consultant that, it's not moving in the right direction.

Rich Williams stated I absolutely agree with that as well.

Board Member Taylor stated I think we've got two issues here, that he's violated the schedule in two ways, he not only doesn't have an action plan, he's months behind in giving us his complete survey and I think

we had discussed that if he didn't meet the conditions any of the conditions, we were going to tell him he has to remove everything, we were taking, you only have to do half off the table. Now, when we decide to deny this application or not, I am going to stand firm by that that he's got to remove everything, he's had his chance, he's missed it. So there is no discussion about stock piling it anymore, it's got to go.

Ted Kozlowski stated I think you guys have also, maybe not in writing but at these meetings, I've heard those kinds of, look you need to do this...

Board Member McNulty stated it's documented.

Board Member Taylor stated it was here in writing.

Ted Kozlowski stated you know and you know you have directed him, you have said it...

Chairman Rogan stated yup.

Ted Kozlowski stated maybe it's not you know official timeline and in writing but these words have been mentioned and I'm sure they are in the minutes, you know for a long time.

Chairman Rogan stated yeah.

Board Member Taylor stated I think it's in the, you put it in the timeline didn't you, we have it...

Board Member Montesano stated if I remember right, her lawyer wanted to know what was going on and we explained to him and he was, so he's right there.

Board Member Taylor stated because there is something in the time line.

Rich Williams stated yeah a long time ago.

Board Member McNulty stated we'll have to look at it.

Board Member Taylor stated yeah, it's there, right.

Chairman Rogan stated well because you imagine, their lawyer is just concerned with hey, we want this stuff of our property...

Board Member Montesano stated yes.

Chairman Rogan stated and we totally agree.

Board Member Montesano stated well they have the alternative, they can sue him, and they can take over the property...

Chairman Rogan stated they'd rather not go through that expense probably, you know.

Ted Kozlowski stated they may sue us.

Board Member Montesano stated oh I'm sure they're going to do that too.

Chairman Rogan stated I'm as and I'll say this once again, I'm as frustrated as anybody in this room about this situation and I would love nothing more than for all this fill to be removed because I think the long term effects, none of us will know and I think any time that we know that there is a potential, you know I think that we certainly can act in a protective manner but our protective manner has to be in balance with what is reasonable and you know, so...

Board Member Montesano stated we're worried about reason, okay...

Chairman Rogan stated about reason?

Board Member Montesano stated about reason, being reasonable.

Chairman Rogan stated oh okay.

Board Member Montesano stated we're worried about our being reasonable, I think we've been more than reasonable, I think we've been stretched over backwards I think whatever advice was given to Mr. Levine by his friends, relatives whatever and all we seems to be doing is going further and further and further, nothing has been accomplished by us with all due respect other than giving him plenty of time.

Board Member Taylor stated well we did find out it was contaminated.

Chairman Rogan stated right.

Board Member Montesano stated well the whole thing now is simply how much more time are we going to give him or should we give it to the next guy who has more authority to do something about it.

Board Member Taylor stated right.

Board Member McNulty stated we've given more than enough guidance based on a pretty unique situation so...

Board Member Taylor stated I think it's time we take a vote on this at the meeting and see where people stand.

Chairman Rogan stated sure.

Board Member Taylor stated if it passes, it passes, if it doesn't, it doesn't.

Chairman Rogan stated what I would wonder though is if that's the intent is your document that you put together needs a lot of information inserted into it, correct.

Board Member Taylor stated yes, yes.

Chairman Rogan stated and that is something that we need to get, we can't come up with on our own, it doesn't write.

Board Member Taylor stated right, no, that is the intent of this that it will be like the timeline that I submitted...

Chairman Rogan stated right.

Board Member Taylor stated the lawyer adds to it, Rich adds to it...

Ted Kozlowski stated Rich, Nick takes the lead on the enforcement, Nick...

Rich Williams stated yup.

Chairman Rogan stated I...

Board Member Taylor stated but you were asking about timing, the Terri Hahn memo to us saying that they were going to cap and remove...

Chairman Rogan stated oh that was...

Board Member Taylor stated was June 15, 2010.

Chairman Rogan stated yeah.

Board Member Montesano stated oh, it's only two years.

Chairman Rogan stated and it seems like that was point where we started trying to basically badger the DEC to be and we, you know, and in fairness and I say tongue in cheek in fairness to Mr. Levine, for a long time we were saying to him, not that he was arguing with but we were saying, you, we don't want you to do anything right now, we want to make sure that this is you know, a coordinated effort but...

Board Member Taylor stated we also wanted to make whether, what the contaminants were.

Chairman Rogan stated exactly, exactly, so...

Rich Williams stated so we went through that whole period trying to get the DEC involved, then we couldn't do that...

Chairman Rogan stated yeah.

Rich Williams stated so you went the whole, through that period where we did the testing out on the site...

Chairman Rogan stated yeah.

Rich Williams stated remember I took Maser's guys out there, we did deep holes out there, and I took soil samples out there.

Chairman Rogan stated yeah.

Ted Kozlowski stated did he pay for that Rich or did we pay for that.

Rich Williams stated we paid for everything, listen Maser's bills on this six, seven thousand [dollars] easy.

Ted Kozlowski stated and so we have not been reimbursed by Mr. Levine in any way.

Rich Williams stated no, no.

Ted Kozlowski stated wow.

Rich Williams stated we don't charge back fill permits.

Ted Kozlowski stated so this has already cost the Town an arm and a leg.

Chairman Rogan stated the greater good for the greater number.

Board Member Taylor stated he paid for the lab though didn't he.

Rich Williams stated he paid for the labs.

Chairman Rogan stated yeah.

Board Member Taylor stated yeah, okay, all right that should be added in here how much is cost us to go, it wasn't just you digging it, Maser was out there too, yeah.

Chairman Rogan stated yeah, I think what is adding to everybody's frustration is the year or so plus that we spent this circus, run around with the DEC, frustrated us all, frustrated us for a number of reasons, if we had started this fill permit from the day the Planning Board said we're going to take action on this, we probably wouldn't be half, we'd be frustrated he hasn't met a date but we'd be saying well we're in the process, it's only been a few months, so adding to this whole thing is from day one this has been a very difficult...

Board Member McNulty stated oh with all venues.

Chairman Rogan stated very difficult for this whole...

Ted Kozlowski stated absolutely.

Chairman Rogan stated so.

Board Member Brady stated so from December of 2011 that's when you're saying this really, really got wrapped up.

Chairman Rogan stated it may have even been a little bit before that.

Board Member McNulty stated well we finally got the word that the DEC was out of it...

Board Member Brady stated what's that about.

Board Member McNulty stated we pretty much got confirmation that they were not going to act or they were not going to take control of it and that is when we started to really focus to tell Mr. Levine, this is what has to be done, until then he was in pretty faith...

Chairman Rogan stated Ted would you have ever thought that would go this way.

Board Member McNulty stated working with us but now things have dropped off.

Board Member Taylor stated well but even then he wasn't because we had asked for the survey, that's what we...

Chairman Rogan stated then he only surveyed his own house...

Board Member Taylor stated and he had it, well he also hadn't come back with it.

Chairman Rogan stated right.

Board Member Taylor stated that's when we said okay we have to give him a timeline, we've got to force him to do some things and then he came back with half a survey.

Chairman Rogan stated didn't survey the neighbor's property.

Ted Kozlowski stated he's brought, he's delivered nothing and the Town has spent lots of money.

Chairman Rogan stated yup.

Board Member Taylor stated and he also, during these two years he didn't do anything, he didn't really move to try to help this process along.

Rich Williams stated no, he hasn't done anything.

Board Member Taylor stated he kept complaining how he was the victim and it was costing him too much money.

Chairman Rogan stated yeah.

Board Member Taylor stated so, I just, I think it's time to just, well let's...

Chairman Rogan stated okay.

Board Member Taylor stated so are we willing to go ahead and have this resolution written up in the right form.

Chairman Rogan stated well I think we have to, it has to be because otherwise, we can't, if we're going to do something like this, it has to be proper, you know.

Board Member McNulty stated we'll stick to our timeline; May 3rd is when we make a determination on it.

Chairman Rogan stated I think that, I know that our legal advice was that we were well within our right; I got that that was loud and clear. I think that any resolution that we prepare should just be run by just to make sure because this is going to end up you know...

Rich Williams stated absolutely.

Chairman Rogan stated this is going to end up, well because we don't run every resolution past legal...

Rich Williams stated no.

Chairman Rogan stated you know but in this case.

Rich Williams stated just straight boilerplate resolutions to approve, yeah.

Chairman Rogan stated yeah, yeah, take the intent of Ron's memo, given that you know, in essence the somewhat of a recap of why we're at, why we feel we're at where we are.

Board Member Taylor stated that was what I was trying to do.

Chairman Rogan stated my feeling then is unless he comes in with a completed survey and Northeast Environmental saying even if it's in some draft form saying this is what our intention is then he's got a resolution it sounds like.

Board Member Montesano stated should we put the cost of what the Town has spent so far...

Board Member McNulty stated yeah let's just...

Board Member Montesano stated in this resolution...

Board Member McNulty stated I think so.

Board Member Montesano stated the taxpayers have put in x amount of dollars to support it and you are doing nothing.

Rich Williams stated I can put it in there, I can talk to the attorney about it but my opinion would be if you're going to approve it, you can approve it with the condition, if you're going to deny, it's not going to hold up.

Chairman Rogan stated you just, right.

Board Member Taylor stated run that by me again.

Rich Williams stated if you're going to approve the permit application, you possibly can put it in there...

Board Member Taylor stated put what in there.

Rich Williams stated as a condition that he compensate the Town for the time that the Town took in reviewing it...

Board Member Taylor stated oh, oh, oh, okay, yeah.

Chairman Rogan stated yeah.

Rich Williams stated that, re-compensate the engineer's time.

Board Member Taylor stated yeah, yeah, no, I don't think Mike was proposing...

Chairman Rogan stated I don't, he wasn't...

Board Member Taylor stated he was just...

Chairman Rogan stated he wasn't saying that, just as a, as supporting information for why, for a denial, in terms of the amount of money that the...

Board Member McNulty stated it can't hurt to document it.

Board Member Taylor stated just as another point of...

Rich Williams stated I mean, I can document it...

Chairman Rogan stated it's not a reason to deny, it's just a...

Rich Williams stated it's just a...

Chairman Rogan stated but I understand what you're getting at.

Board Member Montesano stated yeah but the object is why wouldn't it be in...

Chairman Rogan stated you know it says we're spinning our wheels and it's costing the taxpayers a lot of money.

Board Member Montesano stated we've already spend x, we have spent, the Town has spent x amount of dollars, what have you spent.

Chairman Rogan stated a lot of money.

Board Member Taylor stated right, yeah, yup.

Board Member Montesano stated we keep giving you time, giving you time, it's costing the tax payers money every time we do it.

Board Member McNulty stated we as a Board have to represent the Town and its best interests, not Mr. Levine as a sole person.

Ted Kozlowski stated what do you think our tab is so far.

Rich Williams stated it's got to be at least six thousand.

Chairman Rogan stated you add in your time and the Board's time and...

Ted Kozlowski stated for a fifty dollar fill permit.

Chairman Rogan stated all the other things and Michelle because she just got that big raise, didn't she...

Rich Williams stated yeah, she did.

Chairman Rogan stated and we've got to be, I bet you it's probably almost double or triple that amount, right, realistically.

Rich Williams stated when you add the Board's time and everybody else, yeah.

Chairman Rogan stated it's got to be fifteen grand, twenty grand.

Board Member Montesano stated and how many times a week do you sneak by there to take a look.

Chairman Rogan stated yeah, every day, three times a day, I think.

Board Member Taylor stated all that gas, okay.

Chairman Rogan stated yup, all right, okay.

3) ICE POND ESTATES SUBDIVISION – Initial Final Subdivision Submission

Chairman Rogan stated Ice Pond Subdivision, we have our for final subdivision approval.

Board Member Taylor stated isn't that nice.

Rich Williams stated this is an older project that was granted preliminary approval quite some time ago, they are now back in, ready to proceed forward. I have not had a chance to go through the materials yet that they have submitted, I had a conversation today with Andrew Fetherston, the Town Engineer who, his staff has been going through it, they have found a number of deficiencies and based on the number and severity of deficiencies, didn't feel that he should be reviewing the plans at this time so we had agreed that I would complete my review on the plans, Andrew is going to just mark up a set of plans and then we're going to sit down with Joe Buschynski and go through everybody's comments, instead of taking the plans.

Ted Kozlowski stated you have a magnifying glass.

Board Member Brady stated that's what I was using.

Ted Kozlowski stated did he give us magnifying glasses with these plans.

Rich Williams stated no, are you getting old.

Ted Kozlowski stated I guess so, I guess so.

Board Member Brady stated the bifocals aren't working.

Board Member Montesano stated here you are Ted, you want to borrow mine, it's got the light on it.

Ted Kozlowski stated wow.

Board Member Brady stated I did see some of them have pools plotted out on them.

Chairman Rogan stated yeah, we've been trying to force, force, we've been persuading the applicants to show things that people typically put in like sheds and pools to try because in some of these subdivisions the building envelope didn't allow for anything and we didn't want to create a situation because we thought it was pretty poor planning to create a situation that somebody builds a brand new house and a month later

they are in the ZBA for a variance because they can't fit a pool in their backyard, so we've been trying to get them to show...

Board Member Brady stated that's a good idea.

Chairman Rogan stated area that it exists...

Ted Kozlowski stated some of these...

Chairman Rogan stated and if nothing else then, if they go to the ZBA they can pull this plan and say well you have area here or something to that affect.

Ted Kozlowski stated Ed, a lot of, this came from wetland issues where they would shoehorn a house in full out of the buffer...

Rich Williams stated this came from the Deerwood Subdivision where they had small lots, cluster subdivision...

Chairman Rogan stated yeah.

Ted Kozlowski stated yeah.

Rich Williams stated and then they were allowed to build even bigger houses and then on some of the houses, couldn't even put a deck on and meet setback requirements.

Ted Kozlowski stated decks or garages or, so now we want to look at the whole thing so, you know.

Board Member Montesano stated accessory buildings.

Chairman Rogan stated I mean if you look at some of these lots, even just look at lot one the very first lot.

Board Member Brady stated some of them are less than an acre.

Chairman Rogan stated there is no backyard, I mean there is backyard but it's all septic area, so in reality there is no place within the envelope with the, you know, the zoning law to put anything behind the house and there is no place else to put it where it would meet zoning. So you have a very small area directly behind the house but you know to put a patio or something but, so you know, in some cases we've been saying you know you're creating situations where people aren't going to be able to use their property the way typical...

Board Member Brady stated they would expect to.

Chairman Rogan stated they would expect to.

Board Member Taylor stated we have seven lots where there is no room for a pool.

Board Member McNulty stated yeah, it's a steep incline on 13, 14, 15, 16, right.

Chairman Rogan stated yeah.

Board Member Brady stated what is the zoning, is it an acre.

Chairman Rogan stated its R-4 but this is...

Rich Williams stated no.

Chairman Rogan stated is it an R-4.

Board Member McNulty stated it's an overlay, right.

Rich Williams stated its R-4 with a cluster overlay, a mandatory cluster overlay, which brings it back down.

Chairman Rogan stated part of, Ed, part of this subdivision is that the applicant did a, as part of this subdivision, did a land swap with the...

Board Member Taylor stated the first page that is the whole subdivision.

Board Member Brady stated right.

Chairman Rogan stated with the Putnam Land Trust, so there is quite a bit of property here that is going to be open space.

Board Member Brady stated okay.

Chairman Rogan stated which is kind of the whole point of the cluster subdivision, you know put your impacts in one area, instead of spreading them out.

Board Member Brady stated right, using the whole area.

Ted Kozlowski stated (inaudible – too many speaking at one time.)

Board Member Brady stated (inaudible – too many speaking at one time.)

Board Member McNulty stated I have to go back and hike that again, I've never been back.

Chairman Rogan stated yeah.

Board Member McNulty stated that's my first site walk.

Chairman Rogan stated that was great, yup.

Ted Kozlowski stated this whole area.

Board Member Taylor stated go up on the northern slope of that hill as it comes down, you can see where the quarried the rocks for the fence.

Chairman Rogan stated oh.

Board Member Taylor stated there are all these little pits where they took out a slab...

Board Member McNulty stated oh really.

Board Member Taylor stated a little farther down there is another slab, all the way down the hill, you can see they took slabs out.

Board Member McNulty stated when we walked back down that way I didn't notice it.

Board Member Montesano stated this is where the field trip was, the walk was the other day.

Chairman Rogan stated now the people have a beaten trail right up there, I haven't been up there but you can see it from the road. That property gets used almost more than anyone around, there's you know, a half a dozen cars there every single day which brings up the point about open space and how we talk about parking, remember we did it with Edie Keasbey's thing which probably doesn't get any use but the Turtle Pond here gets pretty good use you know...

Rich Williams stated I don't know if anybody's noticed the preserve, the Land Trust property at the intersection of [Route 164] and Route 3, Farm to Market [Road] and [Route] 164, the guardrail comes down, there is a grassy area and then the guardrail picks up right there on that sharp turn, well they've decided that the grassy area is going to be the parking lot.

Chairman Rogan stated yeah.

Rich Williams stated and they are building trails off of that.

Ted Kozlowski stated yeah I got some concerns about that, that's a tough spot.

Rich Williams stated it is.

Chairman Rogan stated yeah, well they had right on [Route] 164, a couple, maybe two weekends ago, they had about a dozen or more cars parked right on the shoulder there.

Rich Williams stated yeah.

Board Member Brady stated yeah, they did, yeah.

Chairman Rogan stated they had some sign that said something, they were doing an event you know and you know I'm all for that but I think when we look at these open space parcels, we have to consider where people are parking and this Ice Pond...

Board Member McNulty stated there's not much, it's like for two or three cars.

Chairman Rogan stated and they just line up and it hasn't really been a problem but they are but now we're talking about adding thirty houses...

Rich Williams stated yeah but those thirty houses should walk there.

Chairman Rogan stated no, no, I'm saying thirty more houses using the road, more traffic...

Rich Williams stated oh yeah, okay.

Chairman Rogan stated creating a greater burden on the road, you know, there probably isn't fifty houses the whole length of the road, so...

Board Member Montesano stated it can be worse (inaudible – mumbling).

Board Member McNulty stated I don't think they'll be building these houses any time soon.

Chairman Rogan stated no but so anyway that's just something to throw out there in terms of maybe developing a conversation or a, you know, with the Land Trust about adding some gravel parking or something for some of these places.

Board Member Taylor stated wasn't that part of the conversation when they were here.

Rich Williams stated it was part of the conversation to do some road improvements.

Chairman Rogan stated road improvements, not...

Rich Williams stated I don't recall anything...

Chairman Rogan stated not for the Land Trust.

Rich Williams stated to do with the Land Trust property parking.

Board Member Taylor stated I think, I seem to recall that the Land Trust was talking about it, not these people...

Chairman Rogan stated right.

Board Member McNulty stated no.

Board Member Taylor stated the Land Trust was talking about it, how they were going to put some parking in.

Chairman Rogan stated well maybe we can rekindle that conversation with them and...

Board Member Taylor stated because I was thinking like it was part of their, accepting this and one of the conditions almost, I don't know if it was set that but it was almost a condition that they had to provide parking.

Rich Williams stated I don't recall that.

Board Member Taylor stated okay, I just...

Chairman Rogan stated okay, I think that would be great because it's needed there.

Board Member Taylor stated yeah.

Chairman Rogan stated and not that I've ever experienced the parking being a hazard because I travel, you know I'm on Ice Pond [Road] but you know people are, they are unloading gear and they're standing in the middle of the road...

Board Member Taylor stated yup, yup.

Chairman Rogan stated and you know it's Ice Pond Road, it's not traveled very much but you know...

Board Member Taylor stated once it is, yeah.

Board Member Montesano stated it was travelled a lot less...

Board Member Brady stated how big are these houses...

Board Member Montesano stated now it keeps building up more and more.

Chairman Rogan stated wait until Tommy gets back to move on to Northeast Mesa.

Ted Kozlowski stated tired Rich.

Rich Williams stated excuse me.

Ted Kozlowski stated tired.

Rich Williams stated a little.

4) NORTHEAST MESA – Concept Review Amended Site Plan

Chairman Rogan stated okay so Northeast Mesa, what are they looking to do, change part of their facility.

Rich Williams stated this is the first building in on the right off of Commerce Drive, just before Eastern Jungle Gym...

Ted Kozlowski stated they are really squeezed for space there.

Rich Williams stated before all that.

Board Member Montesano stated the big greeny.

Chairman Rogan stated that's tight, remember we did that site plan.

Rich Williams stated what they are proposing, what they are proposing to do...

Board Member McNulty stated they want to build a new building or are they going into an existing building.

The Secretary stated I think they are just looking to change an existing space.

Chairman Rogan stated there you go.

Rich Williams stated there's the building right here, Commerce Drive comes in through the parking, he wants to occupy this area right here, the hatched area as a public garage.

Ted Kozlowski stated public garage?

Rich Williams stated yes.

The Secretary stated auto repair.

Ted Kozlowski stated oh he's changing, Mesa's leaving.

Rich Williams stated no...

The Secretary stated no.

Rich Williams stated Mesa is going to only occupy some of the building.

Board Member McNulty stated no, no, he's just going to lease, sublet it.

Board Member Montesano stated there's the stream, right.

Chairman Rogan stated yeah, right here, sorry.

Board Member Montesano stated so this is where we had the problem.

Chairman Rogan stated sorry.

Ted Kozlowski stated so an auto mechanic kind of thing.

Rich Williams stated mmhhmm.

Board Member Taylor stated where does the gas station go.

Board Member Montesano stated that will be over here in the wetland.

Board Member Taylor stated okay.

Rich Williams stated talking with the people who are looking to do this, everything is, the vehicle storage, the vehicle repair, it's a very small operation so he intends to keep everything on the interior of the building, there is not going to be an outdoor storage of vehicles, repair vehicles, vehicles laying in parts.

Chairman Rogan stated you know it never seems like there is enough room on that site.

Ted Kozlowski stated I know the site is always cramped.

Chairman Rogan stated but in part it's because they always end up stacking brick products...

Board Member McNulty stated yeah.

Chairman Rogan stated where they have parking and things like that just like Northeast...

Ted Kozlowski stated so how are they going to conduct business and have him...

Board Member Montesano stated he's going to go, they are going to stack them up higher...

Board Member McNulty stated they go inside.

Board Member Montesano stated and he's going to go under them, you won't see them because they are going to put a tarp over it.

Chairman Rogan stated you'd have to know they were there.

Board Member McNulty stated if he's a good mechanic you won't need to though.

Chairman Rogan stated you're right, that's true, good point, the customer, people talking, word of mouth is enough when you're good.

Board Member Montesano stated yeah but...

Chairman Rogan stated especially for mechanics.

Board Member Montesano stated every time you work on a vehicle, you plan, you plan and if you don't have the space...

Chairman Rogan stated no, you're right, the parts don't come in...

Board Member Montesano stated suddenly the parts don't come in, the car is something else comes up and you're stuck with that car overnight.

Chairman Rogan stated Rich does the Code or is there a recommendation for each let's say bay of a repair shop that you have an appropriate number of spaces dedicated to...

Rich Williams stated there is a parking demand set up for public garages but there is also you know, parking demand setup for the whole building based on our old Code for light manufacturing and office space and when you apply it to the new Code requirements, separating out the public garage and the office and the warehouse, there is more than enough parking on the site.

Chairman Rogan stated you know I realize now that when I was there, I was there two or three weeks ago, I needed to buy a piece of something from Unilock and apparently Unilock doesn't sell to the public any more, they sent me down here to get this piece of plastic, I needed edging...

Board Member McNulty stated oh really.

Chairman Rogan stated yeah and I walked into this area and it actually is like a repair garage, it doesn't have the lifts in but it's a big garage, is what it looked like.

Board Member McNulty stated a big open bay.

Chairman Rogan stated yeah, a big open bay and so actually and that's what I felt like, wow this doesn't seem like it should be Northeast Mesa, it didn't fit with what they were doing. So it kind of makes sense that they'd want to rent this out to someone who can use it for what it looked like it was more designed for. Let's just see whether it fits.

Board Member McNulty stated Rich, your memo about the special use permit and the distance between garages, where is the other garage at White Birch, across the way.

Rich Williams stated correct, Ciatola's.

Chairman Rogan stated right, yeah.

Board Member McNulty stated which is for the buses.

Rich Williams stated no, it's a separate heavy...

Board Member McNulty stated it's a truck repair type thing.

Rich Williams stated it's a truck repair, right, its heavy duty mechanics.

Board Member McNulty stated and he's a little different, is he truck repair too this...

Rich Williams stated no he does light, like cars.

Board Member McNulty stated so a somewhat different application, okay.

Rich Williams stated yes.

Board Member Montesano stated Ferrari's, Maserati's, minor things.

Board Member Taylor stated and it's an industrial park, so.

Chairman Rogan stated yeah.

Board Member Taylor stated now what about this stuff about drainage and oil separators and all that kind of stuff.

Rich Williams stated well as I pointed out in the memo, they didn't believe that there were any floor drains, any way for oily materials to escape the garage area, everything was being kept on the inside. I asked them to confirm that, I believe the owner is going to be coming, regardless I still think that you know if this gets approved, it gets approved with the condition that the Nick would go out there and confirm that there are no floor drains discharging outside of the building.

Chairman Rogan stated or take a five gallon buck of water and pour it in the middle of their floor and see where it goes, for slope.

Rich Williams stated yeah.

Ted Kozlowski stated have you ever seen a mechanic...

Board Member Brady stated it's easier to smoke test it, pump smoke into it.

Ted Kozlowski stated have you ever seen a mechanic place that didn't have cars piled outside the garage. I have yet to see one.

Chairman Rogan stated no, you're right.

Rich Williams stated so you know I don't care what they've done in the past, all I care about is what the Board is going to establish as conditions.

Ted Kozlowski stated but I'm just...

Rich Williams stated in that regard one of the other things, you know I think you should consider, which I put in the memo, is car washing, to make sure that they're not going to be washing cars there. I don't know if anybody else can come up with anything else that would be a concern.

Board Member McNulty stated just outside storage, I think of any bulk fluids.

Chairman Rogan stated I think you have to show the storage.

Ted Kozlowski stated well the outside storage, well if it's a mechanic he's going to have stuff out there.

Rich Williams stated that's what I'm saying, he's not proposing any outdoor storage.

Chairman Rogan stated but I think we, I think what the feeling is, is that based on experience with typical repairs shops that even good planning you still might end up with a few cars that have to be parked somewhere, so to make sure that the ability is there to have, if it's two bays, four spots or whatever but one thing I remembered Rich was, remember they had so much of the brick stacked all over the place...

Rich Williams stated the Board was concerned with there being three tiers...

Chairman Rogan stated right.

Rich Williams stated and wanted it limited to two.

Chairman Rogan stated but what I remembered was that they would chew up a lot of their space and I wasn't paying attention to it when I was there a few weeks ago, I was just trying to get in and get out but just seeing how the site is currently being utilized, if you kind of drive by when you're in the area.

Rich Williams stated well if you've got a, if you remember a couple of years ago, also, they had that wetlands violation because they put the driveway in and ultimately the Board which is not reflected on that plan, I'm tired, I'm sorry.

Board Member Montesano stated what else I'm worried about is this, we don't have a floor drain, I know we used to wash our floors at the end of day and all that garbage would go into a drain.

Rich Williams stated they have all this for outdoor storage, for block...

Chairman Rogan stated right, right.

Rich Williams stated and I confirmed with the applicant, they're not looking to put vehicles there.

Chairman Rogan stated this is a good picture, it doesn't show any of them using any of these spots for...

Board Member Taylor stated so Mike's point is, if they have an oil spill or they have a chemical spill.

Chairman Rogan stated where does it end up.

Board Member Taylor stated yeah.

Board Member Montesano stated yeah you may put the chemicals down to absorb it and that's fine but when you get done, you don't want a possible customer walking in and seeing big blotches all over the floor even though it is, so you're going to wash it, I want to know where it's going to drain to.

Rich Williams stated why don't you take that up with them.

Board Member Montesano stated all right.

Chairman Rogan stated yeah, let's ask them where these, where water or material, you know, liquids would drain if they went out the front door basically, what's the pitch here, I think it's...

Board Member Brady stated then you get into oil interceptors and...

Chairman Rogan stated yeah.

Board Member Montesano stated well the idea is...

Chairman Rogan stated well they could, even if they don't put floor drains in the actual facility, they could do them right at the first, like a curtain, right in the beginning of that...

Board Member Montesano stated you could make a drain off the front of the building of some kind and the car will be able to get in and out to catch any water from going this way or getting it in the proper direction so you don't have it going into the stream.

Chairman Rogan stated the openings are over here.

Board Member Montesano stated and beavers don't like get oiled up, they have enough of their own.

Board Member McNulty stated I would think so, it looks like the driveway is back there.

Chairman Rogan stated it looks like this grass area.

Board Member Brady stated once you put a drain in the garage, you're going into all sorts of other requirements...

Chairman Rogan stated right.

Board Member Brady stated that you're going to have to have because you can't just let it run out.

Board Member Montesano stated it's got to be pumped out, it's got to have...

Board Member Brady stated it's either got to be...

Chairman Rogan stated is that the way they work when the water goes into them and then they...

Board Member Montesano stated you can have them pumped out, you can have a separator.

Board Member McNulty stated a separator.

Board Member Montesano stated which means the water, the oil will go one way and the water theoretically goes the other.

Board Member Brady stated right unless there is too much of a volume.

Rich Williams stated you put a hood on it...

Chairman Rogan stated okay.

Rich Williams stated and in theory you have the invert set so there is always a pool of water and the oil always sits above the hood so it can't escape and then periodically you have to go and suck it all out.

Chairman Rogan stated oh.

Ted Kozlowski stated how would flow with traffic, Northeast Mesa has their thing going on, they are shipping and delivering, now you have an auto mechanic next door, how does a customer, is that going to create issues for a customer coming in with a car.

Board Member McNulty stated it doesn't sound like a big operation, I think it's pretty minimal.

Chairman Rogan stated you know what I got from Northeast Mesa which was interesting was what they'll do is and they almost specifically deal with Unilock now, somebody, you're going to do a job at your house and you hire Tommy to be your contractor...

Ted Kozlowski stated Ed would never do that.

Chairman Rogan stated I know but I just wanted to give him a pat.

Board Member McNulty stated because he wants it gratis all the time, that's why.

Chairman Rogan stated Tommy goes to Northeast Mesa and orders your product but he picks it up from Unilock, he doesn't pick it up from here or he has it delivered from Unilock, it doesn't, they are like the middle man in essence...

Board Member McNulty stated the showroom.

Chairman Rogan stated they are the showroom because Unilock doesn't want to deal with the contractors nor the public anymore, they just want to manufacture and have Tommy or I'm sorry Northeast Mesa be the middle person, even money wise, you don't pay Unilock, you pay them...

Board Member McNulty stated distributor.

Chairman Rogan stated and then they cut a check, I thought that was pretty interesting.

Rich Williams stated yeah I did too because I ran into the same thing, I'm trying to do a Unilock walk out in the park.

Chairman Rogan stated yeah.

Rich Williams stated they wouldn't talk to me.

Chairman Rogan stated I bought a pile of stuff from Unilock about five years ago...

Ted Kozlowski stated really.

Chairman Rogan stated and they said of that's about when we quit doing it, you know.

Board Member Taylor stated so what is this stuff.

Chairman Rogan stated that's probably things that they have either from other manufacturers that they dealt with you know, that are lesser and they do stockpile a little bit, odds and ends that are left over but I'm wondering if they are going to phase out some of this.

Board Member Taylor stated so you're saying they don't, they're not going to have a lot of deliveries in here.

Chairman Rogan stated I don't believe so but we can certainly have that conversation, it doesn't appear based on the way the lady was describing the business and the way it works these days but...

Board Member Taylor stated I think that's certainly a valid point.

Chairman Rogan stated because that's tight around back here you notice.

Board Member Taylor stated because you know, you can only come in and out right through there.

Chairman Rogan stated that's right and that's narrow, they probably this is probably all brought back here with like a fork lift or something, not a big truck because you could never navigate that turn of that building in the back corner, that's very tight.

Board Member Taylor stated well then, but then the truck has got to be parked here while they're unloading it.

Chairman Rogan stated out in here, they park right in front of everything.

Board Member Taylor stated then it's in the way of...

Chairman Rogan stated make it (inaudible).

Board Member McNulty stated they could back it in along the building.

Board Member Montesano stated they'd back up.

Chairman Rogan stated yeah but like you said, at least they are in a corporate park, they are not out on...

Board Member Taylor stated yeah.

Board Member McNulty stated yeah, yeah.

Chairman Rogan stated you know like we've been worried about with Rimaldi or something where the trucks pull into deliver and they are blocking everything but all right well.

Ted Kozlowski stated that is within one hundred feet of a regulated wetland.

Chairman Rogan stated yeah.

Ted Kozlowski stated so you're going through a wetlands permit on this.

Rich Williams stated no.

Ted Kozlowski stated and the reason is...

Board Member McNulty stated it's an approved site plan, right.

Rich Williams stated it's, yeah, he's not doing any exterior changes or improvements.

Ted Kozlowski stated that's an existing building.

Rich Williams stated it's an existing building.

Chairman Rogan stated it is all existing...

Board Member Taylor stated except we were just saying that maybe we should put an exterior drainage.

Rich Williams stated in which case then he needs to go for a permit.

Chairman Rogan stated I think this is one that we probably will want to all go take a look at, when they can open up, you know just get a sense of the space and how it works and...

Board Member Brady stated I would think you would want interior drainage so if something spills inside the garage that's where you'd want, not exterior...

Board Member McNulty stated or a skirt drain at the edge of the apron.

Board Member Brady stated at the edge...

Chairman Rogan stated well that's kind of what you were saying rather than having jack hammer doors.

Ted Kozlowski stated is he going to put lifts in this garage, do you know.

Chairman Rogan stated probably portable lifts.

Rich Williams stated you're going to have to ask him what his operations are.

Ted Kozlowski stated because if he's going to put lifts, then he's got to go into the ground.

Board Member McNulty stated no, no, they are electric, surface mounted.

Chairman Rogan stated no they do the portables.

Board Member Montesano stated no, they have surface mounts.

Ted Kozlowski stated but you don't know that, that's a question ask.

Chairman Rogan stated right.

Rich Williams stated yeah, I can tell you because the old ones were all hydraulic oil poured into the ground, they are not permitted anymore.

Board Member McNulty stated no one uses them anymore.

Rich Williams stated everything is electric lifts.

Board Member McNulty stated go down to Justin's he's got five of them jammed in there.

Board Member Montesano stated you can get scissor lifts, you can two for four.

Board Member Taylor stated so these are all questions we need verified.

Board Member Brady stated I had a guy where I used to live, neighbor of mine who ran his mechanic shop out of the house and he had one in a regular garage and he did all his work.

Chairman Rogan stated oh yeah.

Board Member Montesano stated yeah well when Donald Trump...

Board Member McNulty stated hydraulic lifts.

Board Member Brady stated no, an electric.

Board Member Montesano stated took over a certain property in New York it used to be a parking garage.

Ted Kozlowski stated how long ago was that.

Board Member Montesano stated he was giving them away because nobody wanted them because they were all hydraulic.

Board Member McNulty stated they have safety's on them, they lock in place.

Chairman Rogan stated all right.

Board Member Taylor stated so if he does internal drainage...

Board Member McNulty stated you can always let it down, you wouldn't get able to get it back up.

Ted Kozlowski stated (inaudible) with a battery.

Board Member Taylor stated it's got to drain outside somewhere, right.

Board Member McNulty stated even if they lost power, it would still come down.

Board Member Taylor stated does he then have to get a wetlands permit.

Rich Williams stated there are a couple of different ways you can do it on the interior, you can just vault it and have it pumped out...

Board Member Taylor stated so he can make it self-contained...

Rich Williams stated yeah.

Board Member Taylor stated where does the water go then.

Rich Williams stated you have to have it all pumped out.

Board Member Taylor stated oh, both things, okay.

Chairman Rogan stated oh I've seen that in some of the County Highway garages...

Rich Williams stated yeah.

Chairman Rogan stated have that, it's like that drain, it's the full length of the shop and it's a certain point and they come in and they pump them out routinely.

Board Member Brady stated yeah, a storage tank and then they pump them out, they consider it like waste oil and stuff.

Board Member Taylor stated right.

Board Member Montesano stated but don't, you know you don't put all the holes in.

Board Member Taylor stated but if he does anything outside, he's got to do a wetlands permit, is that what you're saying.

Ted Kozlowski stated it's just that the waste garages (inaudible).

Board Member McNulty stated it alters the building.

Rich Williams stated yeah that whole section of the building is within a hundred feet of the wetlands.

Board Member Taylor stated okay, so you've got to, we would...

Chairman Rogan stated you know the funny thing about, I guess sometimes this is a little bit confusing from our perspective but, and maybe this is a good discussion Ted for you to help us out with. We are talking about if they did x would they need the wetland permit and from the Board's perspective we're reviewing it regardless to whether they need the permit or not, like the review to us kind of seems the same, it's just different, you know because we would still get your input on it, so is it just because, I mean in this case we're doing a site plan review and because there would potentially be impacts to the wetland, you might now pull in that wetland permit but it's not like there is no review and we're saying well we have to do the wetlands permit so that enables us the review, you know, in this case you're just tagging on to it, it seems like. The review from our perspective doesn't seem different whether they do a wetlands permit or not, you would still provide the same information, right.

Ted Kozlowski stated yeah.

Chairman Rogan stated so I mean it's more of just a procedural thing.

Ted Kozlowski stated yes but again, I just with this particular thing I, hopefully next week when they, they are coming in next week, right.

Rich Williams stated yeah.

Chairman Rogan stated yes.

Ted Kozlowski stated maybe when they explain, this, maybe this is a high tech mechanic that deals with super-duper cars and it's just one car at a time and you know, I don't know but I even the best of garages, they have issues and even you know the most best intent and this is right on top of a wetland so you know my radar goes up on something like this.

Chairman Rogan stated they leak, yeah, sure.

Ted Kozlowski stated the guy could be the greatest mechanic in the world, it's still...

Board Member Montesano stated that's why we have erasers on pencils.

Rich Williams stated and Shawn if I could just jump in here. Procedurally, I mean for the Board, it may not look like there is an elevated level of effort but in reality there is, you're looking at more forms, you've got to go out you've got verify the wetlands, do the flagging, so there is an elevated level of effort in an action with a wetlands permit versus one without.

Ted Kozlowski stated for instance are we going to want on this application the wetland identified, I think you should; now it might be straight forward it's just the edge of where development ends...

Board Member McNulty stated well...

Chairman Rogan stated right.

Ted Kozlowski stated but we need to really...

Board Member McNulty stated but it's an approved in existing zoning correct, for what he wants to do.

Rich Williams stated yes.

Chairman Rogan stated well we have an approved site plan from a few years back that we modified, so.

Board Member McNulty stated and the zoning is proper for this type of business, I mean that building is approved, the zoning...

Rich Williams stated the building is all approved.

Board Member McNulty stated outside of the special use permit.

Rich Williams stated exactly.

Board Member McNulty stated so is it within our right though to ask for a wetlands.

Ted Kozlowski stated well I just think on this particular case because we have history on Commerce Drive with another individual, where I really think you have to document where the wetland line is.

Rich Williams stated wait but we've already gone through that.

Ted Kozlowski stated with this property.

Rich Williams stated 2003 he put all that...

Chairman Rogan stated right.

Rich Williams stated he put all that, the driveway...

Ted Kozlowski stated right.

Rich Williams stated and the outdoor storage in the buffer area without a permit. You issued a violation...

Ted Kozlowski stated right.

Chairman Rogan stated that's right.

Rich Williams stated he went to court, brought him in, he did a wetlands permit application, we went through that whole process, we have a plan, we know where the wetland is...

Chairman Rogan stated right.

Ted Kozlowski stated right.

Rich Williams stated but there is an additional disturbance within the wetland buffer now that needs to be evaluated if he has to put in a drain, if, if he has to put in a drain.

Board Member McNulty stated if.

Ted Kozlowski stated and we also need because 2003 is ten years ago.

Rich Williams stated right.

Ted Kozlowski stated and I haven't been on that site since then so I don't know if things have changed.

Chairman Rogan stated well that would be a great time to when we do a site walk to have the old plan, yeah...

Ted Kozlowski stated right so when we do a site walk, we need to just hopefully it's, there are no issues here and it goes fine but...

Chairman Rogan stated you remember we had some work to do, actually right in the stream bed was that the back of the Jungle Gym...

Ted Kozlowski stated that was Jungle Gym.

Board Member Montesano stated Jungle Gym.

Rich Williams stated it was Jungle Gym.

Chairman Rogan stated because it was really close right back there to both of these places.

Board Member Montesano stated yeah Jungle Gym.

Ted Kozlowski stated Jungle Gym's parking lot was built on wetland.

Chairman Rogan stated right, oh yeah.

Rich Williams stated which by the way we never finished that site plan either, so.

Chairman Rogan stated really.

Rich Williams stated yeah, they went away and never came back...

Chairman Rogan stated yeah.

Rich Williams stated they are still using the site, the equipment is still parked on the septic system they are now back behind the building by the stream...

Chairman Rogan stated we're going to leave that to the next Board.

Rich Williams stated where they weren't supposed to be.

Chairman Rogan stated Mike and I will be retired when they deal with that one, all right.

Board Member Taylor stated what I think what's important here is that we be aware if, when we ask these questions about washing in chemicals and stuff that we have to confine them, to him doing something in the building...

Board Member Brady stated yeah.

Board Member Taylor stated and make him aware that if he does anything outside the building, it's creating a whole other level of the process so we need to be...

Board Member McNulty stated that he understands that.

Board Member Taylor stated yeah and...

Ted Kozlowski stated you know he's going to have waste oils...

Board Member Taylor stated yeah.

Ted Kozlowski stated he's going to have waste materials, you know.

Chairman Rogan stated sure.

Board Member Montesano stated now take that into consideration, we don't know if he's doing but let's say hypothetically you do an oil change, now you have an interior container that you can use for the waste oil but now we bring in Joe McDokes, Joe comes in with his tanker truck and he plugs in that and he vacuums it all out and some gets here and some gets there, which we don't have right now but we get a little bit of contamination that nobody so we wash it up because there's no drainage it's going to go right into that stream.

Chairman Rogan stated into the wetland.

Ted Kozlowski stated well is that truck going to be able to go in there and turn around.

Board Member Montesano stated well let me put it this way, I can put the truck out here and run a hose off, I may be like your oil delivery, I may have to put an extra ten foot extension on it, I'll get it in the building, my problem is I've seen them where they are pumping it out of the tank and the hose does a little squirt here or a little squirt there are the connection...

Board Member McNulty stated or he may have a waste oil furnace and not need a truck.

Rich Williams stated yeah.

Board Member Montesano stated that's a possibility too.

Board Member McNulty stated so you know there are a lot of assumptions we can make...

Chairman Rogan stated right.

Board Member Montesano stated like I say...

Board Member McNulty stated all we can do is ask some questions.

Board Member Montesano stated all we can do is ask the questions.

Ted Kozlowski stated and this is a site walk.

Chairman Rogan stated yup, absolutely.

Board Member Montesano stated you have to ask.

Board Member Taylor stated okay.

Chairman Rogan stated all righty, good deal, Rich...

Board Member Montesano stated now just remember who is going to remember to ask questions.

Chairman Rogan stated well Ed was taking all the notes I thought, right Ed, you were taking all the notes on this.

Board Member Brady stated I have notes.

Ted Kozlowski stated he's got it.

Board Member Brady stated I've got some.

Ted Kozlowski stated he's got pages of notes here, I'm watching him.

Board Member Brady stated I've got scribble.

Chairman Rogan stated good, okay.

Ted Kozlowski stated he's got his wife's shopping list, he's picking up milk at the end of the night.

Board Member Brady stated yeah.

Board Member Montesano stated fourteen donuts.

Board Member Brady stated you can read that.

Chairman Rogan stated do we have anything on the Town Code Amendment or the local law, I know a lot had gotten sent around.

Rich Williams stated they don't have the new agenda.

The Secretary stated no, you only made one copy.

Rich Williams stated and I put it out on the server.

Chairman Rogan stated oh, that's right, the two things we added in.

Board Member Montesano stated oh.

Chairman Rogan stated sorry, I knew that up here and I just don't have it on my agenda.

Rich Williams stated we have two additional things.

Board Member McNulty stated I have one comment on the code for the parks.

The Secretary stated we have two different things before that.

Chairman Rogan stated wait on that just a second.

Board Member Montesano stated all right.

Chairman Rogan stated yup it's not your...

6) DILMAGHANI – Sign Application

Rich Williams stated we received an application a couple of days ago, Dilmahani rug...

Chairman Rogan stated right.

Rich Williams stated down on [Route] 22 right next to Rimaldi, everybody with me, know where we are.

Board Member Taylor stated yeah.

Chairman Rogan stated yup.

Rich Williams stated came in and made a request for a sign, the sign in and of itself is fine I believe, where we ran into a bit of a problem is when, in reviewing the application I realized that he was not putting it on his property.

Board Member Taylor stated really.

Board Member Montesano stated minor, minor thing.

Chairman Rogan stated okay.

Rich Williams stated he has to get to his business, he has an easement to drive over his neighbor's property and he wanted to put where the driveway was and so I did contact Mr. Dilmaghani and explained the situation and explained that he needs to get an easement or licensing agreement or show us that he has the right to do this and hopefully we're going to have that worked out before the next meeting.

Chairman Rogan stated great.

7) RAY MERLOTTO – Fill Permit

Rich Williams stated the second application came in over the winter the Board will remember they issued a fill permit for Ray Merlotto.

Chairman Rogan stated yes.

Rich Williams stated on Flint Road.

Board Member Taylor stated yup.

Rich Williams stated he is now back...

Board Member McNulty stated we went out there right.

Rich Williams stated yes.

Chairman Rogan stated the three legged deer.

Board Member McNulty stated yeah, yeah.

Chairman Rogan stated yeah.

Rich Williams stated he is now back in, he has a vacant piece of property up off Empire [Road], Cadwell [Road].

The Secretary stated it was Zurich [Road] and Hazel [Drive], I don't think that that's Caldwell [Road], Cadwell [Road] whatever it is.

Rich Williams stated but it is, the property's address is 6 Cadwell [Road] anyways it's in the back sides of Putnam Lake and he has actually already brought the fill onto the property and Nick went out and talked to him...

Board Member Brady stated you want to test it.

Rich Williams stated and said you have to get a fill permit so he came in and made the application for a fill permit and...

Chairman Rogan stated future grading.

Rich Williams stated I was intending to go out tomorrow and get pictures of this unless the Board is doing a site walk on it.

Chairman Rogan stated no, not unless you, it's vacant property, it's not a, I mean, the only thing is where it's coming from, the last time we got fill and it looks like it says Habitat for Humanity, it's usually fill that's coming right off of a clean site, so, all right. A picture is worth a thousand words in this case. Oh, do you want to, does the Board want to set, we didn't actually formally set it, do we want to set the public hearing for Mr. Castellano for the June meeting.

Board Member McNulty stated yes, seconded.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member Montesano	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

Chairman Rogan stated so we don't even have to talk about that next meeting.

8) OTHER BUSINESS

b. Local Laws – Park District

Chairman Rogan stated okay we're into Town Code, I'm sorry Tommy, you had...

Board Member McNulty stated oh that's all right, just one question Rich and I don't know if it's anything for us to comment on but they added in comments about the Advisory Board and that the Town Board can remove an Advisory Board Member with or without cause...

Rich Williams stated okay.

Board Member Brady stated yeah.

Board Member McNulty stated it seems a little over, unless that's a legal term where I don't understand it.

Rich Williams stated no, it is not a legal term, typically, especially with your Zoning Board and your Planning Board, they are fairly autonomous boards and you want to take the politics out of it, so you know you set up your laws so that you appoint your Planning Board and you can only remove a Planning Board Member for a cause, meaning they would have to violate some statute or have an ethics issue or something and that's the way it was originally written for, again the Park Advisory Boards, both of them, the Town Board wanted to have the ability to remove them at will.

Board Member McNulty stated well just for me on the record, Tom McNulty, that's totally wrong, they should remove that clause because that makes them judge, jury, executioner.

Board Member Brady stated I absolutely agree with that.

Ted Kozlowski stated yeah, I agree with you too.

Rich Williams stated well then maybe that's a recommendation you want to send over to the Town Board, I don't know if you have any others on the law that you want to.

Board Member McNulty stated no, it just stuck right out at me, I went wow, it's wrong.

Ted Kozlowski stated that's really, to me, Ted Kozlowski, that's politics, that not fairness, that's politics.

Board Member Brady stated control.

Board Member McNulty stated this is the people's Town.

Board Member Taylor stated I agree in manner of, I don't if we'll be taking a vote on this...

Board Member McNulty stated I don't know if it's in our role to say it or if I go to the public hearing and make the statement, I figured I'd have a say here.

Rich Williams stated well no...

Chairman Rogan stated we've been asked to have comment on it.

Ted Kozlowski stated we're Town residents.

Board Member Taylor stated well they asked.

Ted Kozlowski stated we have opinions, this is wrong.

Board Member McNulty stated but as a Board I mean.

Board Member Montesano stated it's an ax over your head...

Board Member Taylor stated well they asked for our opinion as a Board.

Board Member Montesano stated if you get somebody offended then all they need are three votes and you're out.

Board Member McNulty stated and it was the same thing on the, for both parks, it was, so I just...

Board Member Montesano stated it would take the same three votes to get you back in.

Chairman Rogan stated what do you suggest they do there.

Board Member McNulty stated I found it rude.

Board Member Taylor stated so is somebody dealing with the grammar on this thing...

Board Member Montesano stated presumptuous.

Rich Williams stated yes.

Board Member Taylor stated okay.

Rich Williams stated that would be me, why?

Board Member Taylor stated look at my comments, there is so much bad grammar in it.

Board Member McNulty stated that is an area I can't comment.

Board Member Taylor stated tenses are wrong and clauses are wrong.

Rich Williams stated are you going to send them over.

Board Member Taylor I sent one, yeah, all marked up.

Rich Williams stated I haven't received it unless you sent it tonight.

Board Member Taylor stated no, I sent it a couple of days ago.

Rich Williams stated nope, I haven't received it.

Chairman Rogan stated re-send it.

Board Member Taylor stated I'll send it again.

Board Member McNulty stated I didn't see anything, I don't know if you copied anyone.

Board Member Taylor stated no, no, I sent it back as reply.

Board Member McNulty stated okay.

Board Member Taylor stated okay, all right.

Chairman Rogan stated the, I was teasing Rich on one of my e-mails back and forth with him that it said something about no fishing in the park district and I know it was the one component was for the Town park, not you know, I said boy a park district you can't even take your kid fishing...

Board Member McNulty stated you can't fish in the pond at Veteran's Park.

Chairman Rogan stated it was for the beach area, right.

Board Member McNulty stated oh.

Rich Williams stated it was for the beach area.

Board Member Montesano stated the worms don't like sand.

Ted Kozlowski stated you don't want to be fishing in there.

Rich Williams stated wait a minute, wait a minute, it is a Health Department requirement.

Chairman Rogan stated within the defined beach because of hooks and that I understand but I think the park is...

Board Member Brady stated hey my daughter loves fishing.

Rich Williams stated apparently they don't allow them to fish at the park pond at all, regardless.

Chairman Rogan stated is that because it's so small, maybe, any area is cast-able to the...

Board Member Brady stated I fish, my daughters fish there numerous time. All you have to do it drop a hook in, you don't even have to put anything on it and they jump right off.

Chairman Rogan stated really.

Board Member Montesano stated put your toes in.

Rich Williams stated but you, the park rules are that there is no fishing.

Board Member Brady stated yeah.

Board Member Montesano stated so there's no fish in the pond.

Board Member McNulty stated I don't remember the exact wording either I saw...

Chairman Rogan stated they should have a little derby there for the kids.

Board Member Montesano stated usually Memorial Day we have it at the fire house.

Board Member McNulty stated yeah, did the Park Board allow out of, non-resident people apply for permit use of the park, if I read that right. I don't understand that.

Rich Williams stated the new law says that non-resident...

Board Member McNulty stated which I found odd because you have to resident to use the park...

Rich Williams stated not in Veteran's Park but that law encompasses Veteran's Park and all the parks, environmental park, Clough, all the park lands, so on other park lands environmental park, non-residents use them as long as they've got a permit.

Board Member McNulty stated but that doesn't include Veteran's or Putnam Lake park district.

Rich Williams stated I don't think so.

Board Member McNulty stated okay, I didn't read this because it was getting late and I didn't read through the whole thing.

Rich Williams stated now when you're reading Putnam Lake, we allow out of district users to use the Putnam Lake if they have deeded lake rights because if they have deeded lake rights there is only so far we can infringe on those deeded lake rights.

Board Member Montesano stated see that's why we don't have a pool.

Board Member McNulty stated and that's because it straddles Connecticut.

Rich Williams stated yes.

Board Member Montesano stated in the Town park because the fear back in the '70's when the Federal Government was giving money out, if you wanted, they were going to put a pool in there and then they read the regulations, the regulations state that you take the Federal money, it is open to any person that lives in the United States, so they immediately said...

Chairman Rogan stated they didn't take the money.

Board Member Montesano stated we don't need to pool, we'll use the pond and that's a fact.

Chairman Rogan stated that's interesting...

a. Town Code Amendment – Code Violations

Chairman Rogan stated okay and we have an item on the sign that we approved, the sign application that we approved.

Rich Williams stated well before we go too much further, the Board asked for some changes on the proposed code amendment for code violations.

Board Member McNulty stated violations.

Chairman Rogan stated oh yeah.

Rich Williams stated you have a memo, everybody is okay with those changes.

Board Member McNulty stated yeah, I didn't, I looked at it, I didn't, I looked that it included the owner, applicant, lessee and tenant.

Chairman Rogan stated I didn't see the memo. You guys were okay with the memo, just curious when I see something that you guys.

Board Member Brady stated I didn't see that, what's that attached to.

Board Member McNulty stated the latest change, version.

Chairman Rogan stated what.

Rich Williams stated I didn't give it to you Ted, it eliminates the ECI position.

Ted Kozlowski stated I figured that was coming sooner or later.

Chairman Rogan stated I'm sorry back here.

Rich Williams stated three years.

Board Member Taylor stated you'll get a good retirement bonus though.

Ted Kozlowski stated three.

Chairman Rogan stated three years.

Board Member Montesano stated right, you get the used Wheaties box tops.

Board Member McNulty stated you and Rich start your own consulting firm.

Chairman Rogan stated these are the changes you guys discussed. Everybody is fine with those changes.

Board Member McNulty stated yeah I was okay with it.

Chairman Rogan stated I mean that's what you guys had asked for and discussed.

Board Member Brady stated now they have to look, make sure there is nothing, no violations on the property that exist, I'm surprised that wasn't in there all along.

Chairman Rogan stated yeah.

Board Member Brady stated inaudible – spoken over.

Rich Williams stated that's what another Board said, we've been doing this all along, and it's not there.

Board Member McNulty stated really.

Chairman Rogan stated yeah.

Board Member Taylor stated is the Town Board going to approve this, you think.

Chairman Rogan stated it's only a problem when you get challenged.

Rich Williams stated yeah, absolutely.

Chairman Rogan stated in fairness.

Ted Kozlowski stated Rich do other Towns mimic this.

Rich Williams stated South, this is based on a, little bit...

Board Member McNulty stated combination.

Rich Williams stated Town of Southeast and Town of North Salem, it was provided to us by Mike Liguori.

c. Amalfi Sign

Chairman Rogan stated okay so we have a memo that you had sent to operator of the restaurant.

Rich Williams stated are we talking about Amalfi.

Chairman Rogan stated yes.

Rich Williams stated subsequent to my sending that letter over to them, they pulled the sign off of the sign, the four by fours and then kind of v'd it in and leaned it on the fence...

Board Member McNulty stated had it up on top of the fence.

Rich Williams stated and left the lights and Nick when up and talked to them and I went up and talked to them and as a result of our talking to them they put it back on the four by fours that they have out there, still have no address the, I won't say that they haven't addressed the lights...

Board Member McNulty stated they turned it.

Rich Williams stated the big tall light, they have now spun so it points back onto the property, so it's not really functional, it's lighting the back of the property and not the parking lot.

Board Member McNulty stated well, I pass there at night and it shines down more than it does out because when it was turned the other way it was not intrusive driving up [Route] 22, it was, it's a down light situation, I'm not saying it doesn't cast out but it casts down as well.

Rich Williams stated regardless it should be shielded and you know what, and as I explained to them, if they want to keep it, you know, right now the Planning Board resolution says it has to go, if they want to keep it, they have to come back to the Planning Board and get your approval, you can impose whatever conditions you want but they can't just keep doing whatever they want to do.

Chairman Rogan stated it's not a good way to start out.

Board Member Montesano stated a number ten can shielded.

Board Member McNulty stated plus it looks better back the way it is, I was stuck there in traffic this week, there was a three care pile up on. I was there for a half hour right in front of the sign and I'm looking at it saying why would they move it back and now it's back on the post, it looks much better from a marketing standpoint but I thought the bottom lights were gone, I'm going to go by there again, I could swear the lights on the bottom we asked him to shield, were gone.

Board Member Montesano stated but we're not in the marketing business.

Rich Williams stated but also remember we asked him to shield it after he submitted cut sheets showing the shielding before he put it on.

Board Member McNulty stated I know, I understand.

Rich Williams stated so he hasn't done that, he hasn't done anything, so, Nick was going to issue a violation today, take them to court.

Chairman Rogan stated we saw two violations on that, didn't we.

The Secretary stated they were issued to Maxwell...

Ted Kozlowski stated these guys just started a business, nice...

Board Member Montesano stated they were across the street, weren't they.

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

Rich Williams stated on the sign.

Chairman Rogan stated yeah, yup

The Secretary stated yeah, site plan and sign.

Board Member Montesano stated weren't they across the street.

Board Member Brady stated what is this, this is...

Board Member Montesano stated in Pawling.

The Secretary stated they were issued to Jay Maxwell, last Friday I think...

Board Member Montesano stated before they moved, before they have septic problems again.

Board Member McNulty stated Maxwell, he's the owner of the property, his tenant has the restaurant.

Board Member Montesano stated at that restaurant.

The Secretary stated one is for the sign.

Board Member Brady stated but what's the place, where is it.

Board Member McNulty stated next to the park.

Board Member Montesano stated it's been there for years and years and more years.

Board Member Brady stated oh.

Ted Kozlowski stated there is a restaurant that changed hands.

The Secretary stated one conversation at a time please.

Chairman Rogan stated guys, guys, this is all on tape, let's in fairness to Michelle, and we can talk all we want as soon as we shut the tape off.

Board Member Montesano stated motion to adjourn.

Rich Williams stated these are notice of violations, these are not violations.

Chairman Rogan stated they're not.

The Secretary stated those are violations, a notice of violation is a violation, it is not an appearance ticket, it is a notice of violation.

Chairman Rogan stated it's not an appearance ticket.

Rich Williams stated well that's what I'm talking about, they are issuing appearance tickets.

Chairman Rogan stated okay, one point.

Board Member Taylor stated I just has one question, do we have any update on the Alpine/Thunder Ridge controversy.

Rich Williams stated we do not.

Board Member Taylor stated okay.

Board Member Montesano stated is it skiing season.

Board Member Taylor stated no but they were in court.

Chairman Rogan stated wait for November, November it will be hurry up, hurry up.

Rich Williams stated I will tell you this, there is a proposal right now for the A&P shopping center to tie into the waste water treatment plant, run a line all the way down [Route] 22...

Board Member Taylor stated yes.

Rich Williams stated the Thunder Ridge people heard about that and they are re-evaluating the potential of tying into the sewer line coming down, rather than building a waste water treatment plan over there, I don't know where that stands.

Board Member Taylor stated okay.

Board Member Montesano stated well, how about that.

Board Member Taylor stated fine.

Board Member McNulty stated it's good by me.

Board Member Taylor stated yeah.

Chairman Rogan stated anything from anyone else.

Board Member Taylor stated that's what we were saying to begin with.

Board Member McNulty stated what about this Dodd/Fallman...

Ted Kozlowski stated what the building...

Board Member McNulty stated is that on our agenda, is that...

Rich Williams stated it is not on your agenda...

Board Member McNulty stated then it's just...

Board Member Taylor stated it's just information.

Rich Williams stated notices of violation have been issued to two property owners for doing a lot line adjustment, they did a lot line adjustment and then filed and then decided they didn't want to do it for specific reasons so they basically just felt they could undo it all by themselves, so they have been issued a notice of violation and we are trying to encourage the attorney who undid it, to do it properly and we think, according to Mike Liguori that that can be done by the Town, the Planning Board approving, I forgot what the legal document is that you'd have to approve, it's not really a subdivision plat but it's...

The Secretary stated a declaration or something like that.

Rich Williams stated a declaration.

Chairman Rogan stated is that like a dissolving of the action...

Rich Williams stated yeah.

Chairman Rogan stated something to that affect.

The Secretary stated it's a declaration to dissolve...

Board Member Montesano stated we make a declaration we absolve everybody of doing anything in the Town of Patterson that they want to, next.

Board Member Brady stated what's Anthony Boniello.

Board Member McNulty stated that could take a while.

Rich Williams stated boy, yeah, you really know how to kill a night.

Board Member Brady stated well I just saw it and you know...

Board Member Montesano stated we've had our luck.

Board Member McNulty stated that goes beyond past me.

Board Member Montesano stated that seventy-five years and running.

Board Member Taylor stated he did exactly what you said, he's paying it a month at a time, that was what you had recommended, right.

Rich Williams stated yeah.

Chairman Rogan stated yeah, you're right.

Board Member Taylor stated so, you know.

Chairman Rogan stated that's true.

Rich Williams stated Anthony Boniello is Empire Tool, Anthony Boniello wanted to improve his site with a new building which everybody thinks is a great idea, we had problems getting him through the process, I'm not going to elaborate on why we had problems getting him through the process but we did...

Board Member Montesano stated hot dogs didn't sell.

Rich Williams stated and it was over an extended period of time, during which his fees built up, his fees that he owed the Town and it was always Anthony is a good guy, wait when it's all done, then he's going to finance it and he's going to catch up, and so they build exorbitantly. We got to the end of the process and he didn't go forward and it's been languishing out there and now the Town Board is taking a harder stance with him getting the permits and in the interim he was allowed to do certain things which violated our Zoning Code, so now he's still getting, he's got an area variance he's got to chance, an amended site plan he's got to chase and it's just one big...

Board Member Brady stated I shouldn't have asked.

Rich Williams stated yeah, it's one big (inaudible – spoken over).

Chairman Rogan stated no, it's all right.

Board Member McNulty stated no you should ask because you.

Board Member Montesano stated Ed.

Chairman Rogan stated so the Town Board gave him a payment plan which was higher than what he feels this economy will support, he did what he's doing as Ron said, what we kind of recommended, make a monthly payment. The intent is there, you know, if you could pay a grand a month, you're going to get rid of that bill I mean, you know...

Board Member McNulty stated he's making an attempt.

Chairman Rogan stated it's more than what we've gotten in the past.

Board Member Taylor stated yeah the Town said you have to make two lump payments of six thousand, spaced out over six months or something.

Rich Williams stated yeah.

Chairman Rogan stated is...

Board Member Taylor stated so he said I can't afford that, I'm going to pay them a thousand a month.

Chairman Rogan stated in the end you'll have the same amount.

Board Member Taylor stated yeah.

Chairman Rogan stated okay anything else for the record.

Board Member Brady stated take what you can get.

Board Member Taylor stated yeah.

Ted Kozlowski stated I got a call from Raymond See, he's going to be starting next week.

Rich Williams stated you got a call from Raymond See.

Ted Kozlowski stated yeah, did you, you didn't.

Rich Williams stated no, I'll call him tomorrow.

Chairman Rogan stated okay, motion to adjourn.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member Montesano	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

The meeting adjourned at 8:34 p.m.