

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**May 3, 2012**



**AGENDA & MINUTES**

	<b>Page #</b>	
1) <b>Rimaldi Site Plan – Public Hearing</b>	1 – 9	Public hearing opened and closed. Discussion of handicap parking, driveway in the rear of the building and DEP approval.
2) <b>Adam Levine – Fill Permit</b>	9 – 15	Fill Permit denied. Discussion with Xolar Corp.’s attorney.
3) <b>Ice Pond Estates Subdivision – Final Subdivision Application</b>	15 – 20 43 – 48	Public Hearing scheduled for 6.7.12 Discussion on necessity of public hearing and engineering comments, wetland buffer intrusion.
4) <b>Northeast Mesa – Amended Site Plan Concept Review</b>	20 – 27	Discussion of site parking, chemical removal, wetlands vicinity. Site walk date TBD.
5) <b>Matthew Castellano – Wetlands/Watercourse Permit Application</b>	27	Public Hearing scheduled for 6.7.12
6) <b>Dilmaghani – Sign Application</b>	27 – 28	Application tabled pending more information.
7) <b>Ray Merlotto – Fill Permit Application</b>	28 – 31	Discussion of material source, purpose, use. Request for more information.
8) <b>Other Business</b>		
a. <b>Town Code Amendment – Code Violations</b>	32	Recommendation to Town Board for approval.
b. <b>Local Laws – Park Districts</b>	32 – 36	Recommendation to Town Board for approval with revisions.
c. <b>Amalfi Sign</b>	36 – 39	Sign Approval modified to reflect new design and lighting.
9) <b>Minutes</b>	40 – 41	March 1 <sup>st</sup> , March 29 <sup>th</sup> , and April 5 <sup>th</sup> Approved.
<b>George Apap Inc. – Sign Permit Application</b>	41 – 42	Sign Permit granted. Negative Declaration of SEQRA granted.

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

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

**Planning Board  
May 3, 2012 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, Ted Kozlowski, Town of Patterson Environmental Conservation Inspection, Joseph Dopico of the Town Engineer's office Maser Consulting and Mr. Michael Liguori, of the Town Attorney's office Hogan & Rossi.

Chairman Rogan called the meeting to order.

There were approximately 7 members of the audience

Chairman Rogan led the Salute to the Flag.

The meeting was called to order at 7:03 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan stated if everybody could please remain standing for one moment, I would like to ask for a moment of silence for the Sullivan Family who lost four members of their family this, earlier this week to that tragic fire in Carmel.

*Moment of silence ensues.*

Chairman Rogan stated I would ask that everyone keeps the Sullivan's in their thoughts and prayers and thank you. Michelle would you please read the public hearing notice.

**1) RIMALDI SITE PLAN – Public Hearing**

Mr. Ernst Martin of Paggi, Martin, Del Bene and Mr. Giorgio Rimaldi were present.

The Secretary read the following legal notice into the record:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, May 3, 2012 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Rimaldi Site Plan Application to allow for the expansion of the existing retail use and construction of a second building on the site.** The property is located at 2011 Route 22, Brewster, (Town of Patterson) New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated okay, can I have the representatives for Rimaldi Site Plan, good evening.

Mr. Martin stated hi, good evening.

Chairman Rogan stated if you could just please give a brief overview.

Mr. Martin stated yes, good evening, my name is Ernie Martin, I'm the engineer and the surveyor for the applicant, the application before you this evening is the location of the current Panino Deli, location at 2011 Route 22, its proposed to add an additional retail space here of about 4500 square feet. The site will currently have shared access with the property to the north it is intended to keep that particular access together with an exit south only. The area of the site will be expanded to have a total of 32 parking spaces two of which are handicapped. The area is served by an existing well which currently serves the Panino Deli, however the new building will have it's on individual sewage disposal system, the Health Department has been received from Putnam County Health Department. The drainage shall be served by a closed drainage system and shall be funneled to an existing stormwater detention basin, these basins will be slightly enlarged and enhanced to provide additional detention and some water quality treatment, that's it.

Chairman Rogan stated do we have any questions or comments from anyone in the audience in relation to this project, none. Can I have a motion to close the public hearing.

Board Member Montesano stated motion to close the public hearing.

Board Member McNulty 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.

Chairman Rogan stated Ron...

Board Member Taylor stated aye, aye.

Chairman Rogan stated okay, all right, I know we still had some items that we were talking about at the last meeting, I think the garbage dumpster we've kind of settled on, we're going to leave it where it's proposed. There was a conversation about the handicap spaces, anyone want to lead that discussion, I think Ron you were talking about some of those areas at the last meeting, everybody had some ideas about how to make

this work. Rich you had mentioned something about maybe the spaces being located on the opposite side of where they were originally shown, correct.

Rich Williams stated correct, I had made a recommendation that they be moved from the north side of the site into the main main parking area, centrally located, there is going to be a handicap ramp there already and it avoids having to construct the additional ramp that needs to be constructed out there, still need the parking spaces, they just don't have the ADA compliant, as far as I'm concerned he can just you know walk around the block to get to the...

Mr. Martin stated so you mean take these and move them in this area.

Rich Williams stated yup.

Mr. Martin stated okay.

Board Member McNulty stated when we looked at the sidewalks out there, it didn't look like they'd take much work to build a ramp between the buildings considerably less than it would if you had to make a long winding ramp on the end of the building just...

Rich Williams stated I think the ramp is going to be there already.

Board Member McNulty stated in the center, it was a, yeah it was a little heaved up and down, it needed a little modification but...

Mr. Martin stated are you modifying what's there or are you saying...

Board Member McNulty stated no, modify what's there, if I remember right.

Mr. Martin stated I don't follow exactly what you're saying, you want to take these spaces and move them between the buildings but then you would need access to get up on, I mean one of two things, either they would wheel around to this location or they would wheel around to this location or are you saying construct something in this area.

Rich Williams stated well you've got a dropped curb coming in here...

Mr. Martin stated yes.

Rich Williams stated right, and this side walk comes this way and this way.

Mr. Martin stated right.

Rich Williams stated right, so all you would have to do is make sure that and I think what Tom is talking about is there was a little bit of roughness in this area that you might need to look at, that would alleviate the need for constructing all this, this is already here...

Mr. Martin stated that's in place, yeah.

Rich Williams stated but right now you're going to need to construct this, if you can drop this off, keep these parking space people can just come around like this and pick up the side walk but if you've got the handicap ramp here because it...

Board Member McNulty stated it just seemed it didn't work.

Rich Williams stated you know, I mean you're going to have to take a look at it, if it doesn't work, it doesn't work but it just seems an easier way to do it.

Board Member McNulty stated it just seemed more convenient for the ADA parking in between the buildings rather than on the far end.

Mr. Martin stated so put it over in this area and somehow try to get, I mean it would seem logical to get some sort of access in this area.

Board Member McNulty stated yeah, it didn't look like there would be a lot of modifications to do that that is up to you to determine.

Mr. Martin stated I guess my only concern and I guess we'd have to look at it is, like you said is to get that access up onto that ramp and be able to meet within the code.

Board Member McNulty stated exactly.

Board Member Brady stated on the other end where you're proposing the existing concrete walk that's there, the ramp that's there is, I don't think it's up to ADA standards now, so you'd have to rip all that out anyway.

Mr. Martin stated you're saying the existing ramp is not up to standards.

Rich Williams stated it was border line.

Mr. Martin stated pardon me.

Rich Williams stated it looked border line, I mean we, you know...

Mr. Martin stated you mean as far as the grade or...

Rich Williams stated yes.

Board Member McNulty stated yes, I think it was the sidewalk that went out from the building towards the entrance...

Rich Williams stated right.

Board Member McNulty stated not along the building but along the driveway there.

Board Member Brady stated towards the existing handicap spots there.

Board Member McNulty stated this way, in there doesn't meet, this is fine.

Board Member Brady stated yeah, the, along the building is okay, it's this area right here.

Board Member McNulty stated yeah, this ramp here it looked like it would have to be modified anyway and then our thought was if ADA was in this area, this ramp, this sidewalk would, might need less modification.

Mr. Martin stated okay.

Board Member McNulty stated and then it would be more convenient to each building, something to look at.

Chairman Rogan stated then the other issue as I recall was the idea of the loading space to be provided around back and I know there have been back and forth discussions about that, I know that that is not something that you're really looking to do. I want to throw out one thing that we've done many times on site plan, especially with parking is show that it can be done and show it as a proposed, as a proposed loading space with the engineering forts to prove out that it can be done and what that allows is, it allows you to move forward with the plan you have but also confirmation to the Board that it can be done if there is a problem in the future. I'm thinking about problems with other commercial facilities we've seen.

Mr. Martin stated I thought we had something up there but everything you're saying is to demonstrate that this could be constructed by...

Chairman Rogan stated demonstrated as a future loading space...

Mr. Martin stated but not necessarily that it be constructed.

Chairman Rogan stated if needed, yeah, we've done that with some other, with parking issues and such where there's been kind of a discussion about a potential problem but a reluctance on the applicant to provide it, you're saying that we basically don't need that loading space.

Mr. Martin stated okay.

Chairman Rogan stated the beautiful part of us is we prove out that it can be put there and if, let's say a change in the person that rents the space and there is a greater need, maybe that's part of a site plan change to say okay, we're changing the use, now we can put in this, already we know it will be able to be put it, you know that is something that is kind of a compromise.

Mr. Martin stated I think that's...

Board Member McNulty stated in here, something like this.

Chairman Rogan stated yeah.

Mr. Martin stated I think that's a fair approach...

Chairman Rogan stated what does everybody think about that.

Mr. Martin stated because I think Mr. Rimaldi was not really interested in that based on his business right now...

Chairman Rogan stated I agree.

Mr. Martin stated the vehicles don't come in that way.

Chairman Rogan stated right.

Mr. Martin stated so we'll, we will certainly demonstrate it, I mean that's fine with us.

Chairman Rogan stated does that sound reasonable to the Board.

Board Member Montesano stated yeah.

Board Member Taylor stated it also looked to us that it wouldn't take much to come in, you would have to cut out this end side wall there a little but that you can use the existing driveway and continue on down there the grade is not...

Chairman Rogan stated this here.

Board Member Taylor stated yeah you can hug right in there.

Mr. Martin stated I thought we had a detail on here but maybe not but I think we actually show that this in fact would work that you can take a, that that radius would meet like a box truck delivery or something like that.

Board Member Taylor stated I was talking about extending it down, it wouldn't take much to extend it down.

Board Member Brady stated we weren't talking about the radius we were talking about the...

Mr. Martin stated all the way.

Board Member McNulty stated if you flip the page one, it might look easier.

Board Member Taylor stated to the next building. So you could extend it where you could be close to the next building, very easily.

Mr. Martin stated oh you mean this way.

Board Member Taylor stated yeah, easily was out.

Board Member McNulty stated something like...

Mr. Martin stated I mean the contours run, as you know, run this way.

Chairman Rogan stated right.

Board Member Taylor stated yes.

Mr. Martin stated the only thing is that because this has the basement below, these retaining walls are in here, I mean that would be, I think that would be the one obstacle but obviously running this way, you're running with the contour, this is dealing with this issue and of course...

Chairman Rogan stated right.

Mr. Martin stated depending on what we're doing over here.

Chairman Rogan stated right, so I think that, that seems like a nice compromise to be able to show it that it can be constructed if deemed by the Town through the Planning Board, if there is a concern, either that trucks are pulling there and creating all sorts of havoc or a change of use occurs at site and we see that maybe there will be a need for delivery trucks there is the potential shown already on the plan and approved and everyone's on the same page and then that will alleviate some of the future problems if that occurs.

Mr. Martin stated now on this, are you looking for us to kind of demonstrate it kind of in this area...

Board Member McNulty stated here...

Chairman Rogan stated I think that's appropriate.

Board Member McNulty stated look at this, see this hash mark I drew in here?

Mr. Martin stated yeah.

Board Member McNulty stated if you could somehow pull it back, to bring it back to this building.

Chairman Rogan stated the stormwater pond is here.

Board Member McNulty stated we knew it was going to be tight, there was about nine, ten feet there if I remember right, then there is a choke point here.

Board Member Brady stated you're going to have to take some of the wall, you'll have to take some of the retaining wall and return it.

Chairman Rogan stated this is where we can say, that's you're the engineer and you can probably come up with much better ideas than we will.

Mr. Martin stated I hear what you're saying.

Chairman Rogan stated yeah, see what you can come up with on that.

Board Member McNulty stated just to get to that other building, a little closer.

Mr. Martin stated okay.

Board Member McNulty stated Rich, is there any room there in that drop off to modify or is that an approved drainage area, if they needed to take two feet of that drop off, it's a detention pond isn't it.

Rich Williams stated well then you, yeah, I mean the problem with taking two feet of that drop off is that you've got to chase grade then you're taking away capacity from that basin, I would prefer that that basin be larger, not smaller, I think we all agree to that but I think, I still think there is sufficient room in there.

Board Member McNulty stated it gets tight at that one point.

Rich Williams stated it does but I think there's enough room there for, you know you could get a delivery truck in the back.

Board Member McNulty stated I think that was our only real concern.

Board Member Taylor stated that's right.

Chairman Rogan stated I think that's about it, yeah, moving right along. Anything from you Rich.

Rich Williams stated yeah, one quick question, maybe two, did I understand you say that you have Department of Health approval for the septic and the modified well.

Mr. Martin stated yes.

Rich Williams stated do we have that in our...

Mr. Martin stated it should be in your packet, if not I can send another copy.

Rich Williams stated yeah I don't recall it being in my packet that I've seen. Do you have DEP approval?

Mr. Martin stated well they review concurrently, that is what we were told.

Rich Williams stated okay, I thought that was...

Mr. Martin stated when we submitted to them, we had to submit two copies, so one went to DEP...

Rich Williams stated okay, I'll check on that.

Mr. Martin stated but all of our, all our coordination was through the Putnam County.

Rich Williams stated I thought for commercial that had gone by the wayside but maybe not.

Board Member McNulty stated Rich, was this what you're looking for.

Rich Williams stated possibly.

Chairman Rogan stated yeah, that looks like it. Is that signed off, what's the date on it.

Board Member McNulty stated August 2011.

Rich Williams stated is that an application or is that an approval.

Chairman Rogan stated it's a signed off approval.

Mr. Martin stated it's signed on the bottom.

Board Member McNulty stated an approval.

Rich Williams stated all right, then we have it.

The Secretary stated mmhhmm.

Mr. Martin stated thank you.

Chairman Rogan stated anything from anyone else, from our staff, no, okay, thank you sir.

Mr. Martin stated now we, we are planning on resubmitting we will automatically be put back on the agenda.

Chairman Rogan stated sure, absolutely, yeah, let's see if we can get this wrapped up.

Mr. Martin stated okay, good deal, thank you.

Chairman Rogan stated I appreciate your time.

## 2) ADAM LEVINE – Fill Permit Continued Discussion

The Applicant did not appear.

Chairman Rogan stated okay, next item on the agenda is the Adam Levine fill permit on Tammany Hall Road. We received a letter from Mr. Levine's counsel dated May 2<sup>nd</sup>, that says in essence that they're reviewing this and they are trying to come up with remediation plans, admittedly I was confused by this letter because it seemed to indicate to me that they were going to remove all the fill, there was a comment in here that said...

Mr. Rimaldi stated thank you very much, have a good night everybody.

Board Member McNulty stated you're welcome.

Chairman Rogan stated thank you. A comment that said that they felt it was preferable to remove the fill rather than attempt to keep it in place, where I was thrown it wasn't specific to say, I mean we already knew all along that the neighboring property the fill was coming out, that wasn't a question, so to me that sentence was misleading because to me it could only mean that they were also removing the fill from Mr. Levine's property. I am not sure that that is their intention based on this letter, any thoughts on that Rich.

Rich Williams stated the way I read the letter and again having, I've had the benefit of talking to their environmental consultant, their plan is to remove all the fill off of the Xolar property, stockpile on Mr. Levine's property, rough sort it, meaning you're going to take out the logs, the big pieces of concrete, separate that from the fill because those two components of the fill are going to go different locations, most likely and then you know, determine what they're going to be doing with you know the remaining fill...

Chairman Rogan stated yeah.

Rich Williams stated logs and the concrete will be coming off the site and the fill may be at that point, they may propose to leave it on Mr. Levine's property and/or remove it from the site.

Chairman Rogan stated and the frustration among other things for this Board has been that all along we've had conversations and made motions to the effect that we were willing to allow Mr. Levine to keep the material on his property and cap it as per recommendations and requirements of DEC and our professional

staff's recommendations, provided that he worked in a timely manner and I think everyone's frustration is that we don't believe that they've been working progressively in a timely manner. We had set dates for having simple things done like surveys and we haven't had a completed survey done yet and we expected to have at least a remediation plan for review by, I believe it, was last meeting and we haven't gotten that either and now we have these correspondence from Mr. Levine's lawyer saying you know, we want time to review, we've been reviewing there is a lot of information, we've been discussing this case for a couple of years now and certainly there is a lot of information. I think the frustration with that is that we have not received, it's fine if they want time to review but I think there needs to be that good faith effort of continuing to submit the survey, coming up with the remediation plan, they've had a lot of time on this and haven't acted and I believe that's what everyone's frustration is, in a nutshell of course but does anyone want to say anything on this.

Board Member McNulty stated I agree with you.

Chairman Rogan stated well thank you. I see the attorney for the neighboring, sure...

Mr. Sirignano stated good evening Michal Sirignano for Xolar. I agree with your frustration, I don't think the response has been timely and this soil should have been removed from my client's property months and months ago, as promised.

Chairman Rogan stated yeah.

Mr. Sirignano stated having said all of that, I do know John Fitzpatrick, he is a very reputable attorney and he's knowledgeable in this area of environmental law. When I got a phone call from him about ten days ago I thought that was a positive sign, that he could guide Mr. Levine but I still think you need to put a fire under his feet and I don't know whether the Board has that power or whether there has to be a local court prosecution whatever it is...

Chairman Rogan stated yeah.

Mr. Sirignano stated I'd appreciate you speaking with, amongst yourselves and with your legal counsel and whatever you can do that you think is appropriate, we would appreciate getting this soil off our land.

Chairman Rogan stated well and I appreciate you saying that because one of the concerns all along has been that our process and our actions work towards a resolution, not towards just an enforcement action, not just toward say a fine because that doesn't resolve any of the issues, although it may compel Mr. Levine to certainly take an action and certainly I would defer to legal counsel to just, again explain to the Board what a likely scenario or likely outcome could be expected by say a denial of the fill permit that is before us at this time.

Mr. Liguori stated okay, well first and foremost, with regard to the Xolar property there is no fill permit application that is relevant to their property, so that is very important, obviously Xolar is not interested in having any of that on its property, so that's not before the Board. What is before the Board is getting it off that property and then what happens from there and even getting it off that property, you guys really don't have jurisdiction over that, that's, you know, number one primarily a civil matter between Xolar and Levine, there really is no municipal jurisdiction over that, other than the fact that there has been a violation of the fill permit, so we can take a, you know, our Building Inspector could go out there and enforce that, violate, give them an appearance ticket. With regard to denying the application, there has been a circulated resolution for denial, the impact based on the provisions of the resolution the Board would be denying the fill permit on the basis that it hasn't been prosecuted timely, it's not denying it a substantive basis and again

we're just going from the language of the resolution that wanted to be tinkered with to get, to be more substantive than a timeliness issue, but if the fill permit is denied then certainly the Building Inspector would understand that there is no action before the Planning Board and there was nothing preventing him from violating, issuing a violation but out of understanding that there was something pending before the Boards, a possible resolution, I think he's held off, so if there is nothing pending before the Boards then there is nothing holding him off any further, he can issue violations. I suspect what would happen is in a Justice Court proceeding where the Zoning Code calls for fines, which generally, you know, accrue based on you know, every day is an additional violation so on and so forth, I think what would end up happening is representations to the Justice Court that the fill would be removed from the Xolar property and two outcomes potentially, one is the same remediation plan that we would end up looking at and the other is the removal, now we question whether or not the Justice Court has the ability to, that it has the ability to order the removal of the fill, I think that's more likely going to be the jurisdiction of the Supreme Court, so in the Supreme Court action, that's where the Town Board essentially would commence a litigation, a civil litigation against Levine for bringing in the fill, most likely brought by an order to show cause which means you get in front of a judge very quickly and at that point it's up to the court to determine you know what it feels is appropriate for, it's going to have the Town's position.

Rich Williams stated question for the attorney, Michael is it possible that the Planning Board could send a letter over to the Building Department indicating that forward progress has stopped on the Levine matter, we haven't seen him in a while.

Mr. Liguori stated yeah, yeah.

Rich Williams stated and Nick could issue the violation without taking an action on the fill permit.

Mr. Liguori stated that's right, that's right, what you can't do is you can't direct the Building Inspector...

Chairman Rogan stated right.

Mr. Liguori stated you don't have jurisdiction over the Building Department, the only jurisdiction the Planning Board has is over applications submitted to it, in accordance with the Zoning Code, so but again a letter from the Planning Board to the Building Inspector to say there's either no longer a permit, an application pending or something different which is the application isn't being prosecuted in front of, then...

Chairman Rogan stated what concerns me about the letter from the attorney is that it lays out an immediate response or a fairly immediate response for the Xolar property but less clear about Mr. Levine's property, it seems to indicate we want to act quickly to remove the fill from Xolar's property and sort it and figure out what we're going to do with it and then we're going to assess what we're going to do with Mr. Levine's property, I'm a little concerned about that as well because I think as we've said from day one, this is all a holistic action and we need to have a plan that shows not only the removal from Xolar property but where would, are we going to potentially contaminate new areas by creating a stockpile area which is something we spoke about, we certainly don't want to do that, I wouldn't want the limits of disturbance to increase by this action, sir.

Mr. Sirignano stated might I suggest that perhaps in addition to having the Building Department exercise its discretion, perhaps Rich could write a letter to Mr. Fitzpatrick on behalf of the Board telling him that at such and such meeting date the Board is going to consider action denying the applicant's request to cap if Mr. Fitzpatrick, Mr. Levine and their environmental consultants who are preparing the mitigation do not appear with a mitigation plan on that meeting date...

Chairman Rogan stated yeah.

Mr. Sirignano stated maybe that would stimulate all of that to happen on a date certain.

Chairman Rogan stated that sounds very similar to the intent of the letter that you just sent to them, saying the same thing.

Mr. Sirignano stated oh okay, I didn't see that.

Chairman Rogan stated yeah, a month ago we sent it to them, saying that we basically the Board was prepared to act at this meeting because of lack of any significant...

Mr. Sirignano stated right that was before he retained counsel so...

Chairman Rogan stated no, no, he actually had retained.

Mr. Liguori stated I spoke to Mr. Kirkpatrick yesterday.

Mr. Sirignano stated oh, you did.

Mr. Liguori stated I called him up...

Mr. Sirignano stated okay.

Mr. Liguori stated and said...

Chairman Rogan stated and our initial letter from Mr. Levine's counsel, I don't know why I can't remember that name, Killpatrick...

Mr. Liguori stated John Kirkpatrick.

Chairman Rogan stated Kirkpatrick, Mr. Kirkpatrick was that they had just been retained and this was about five weeks ago and they were asking for time to be able to review the information and...

Mr. Sirignano stated okay, I did know of his entry into the case until ten days ago.

Chairman Rogan stated that was about five weeks ago and they said you know obviously there is a lot of information, we have been talking about this for over, about two years so there is a lot to review.

Rich Williams stated we did send that letter to Mr. Levine and copied Mr. Kirkpatrick.

Mr. Sirignano stated oh, okay.

Chairman Rogan stated yeah and...

Mr. Liguori stated just to be safe, I called him myself yesterday morning before this letter came to say heads up, this is what's going to happen.

Mr. Sirignano stated fair enough, fair warning, okay.

Board Member Brady stated hence why you got that letter.

Mr. Liguori stated no, no, no, he was sending this letter anyway.

Chairman Rogan stated my concern with, my only concern with this really is that we are not, our intent is to try to expedite the process and make it come about more quickly and by denying the application, the fill permit application, are we lengthening the process by sending them, by putting it over to Nick to then send it to court, to come back to us to basically end up four months later no close to a remediation plan then we stand today and that to me would be a disservice to the entire process, you look like you want to speak Rich, go ahead.

Rich Williams stated yeah, another facet to this we talked briefly, there are considerable outstanding fees the Town has incurred with this application, I know our Town accountant is all over me about you know, spending this kind of money on an application and I throw it back to Mike, you know, is there any way to recapture those fees with the current application or are we better served denying the application, let him file a new application and somehow pick them up when he comes back in.

Mr. Liguori stated I think that, maybe the, one of the, it's tough but...

Rich Williams stated I think that's something you're going to look at.

Mr. Liguori stated I think that the issuance of an appearance ticket and having that aspect in front of the Justice Court would be critical because that's restitution and they have jurisdiction over paying restitution to the Town, so, regardless of what happens...

Rich Williams stated good point, yeah, good point.

Mr. Liguori stated regardless of what happens in front of the Planning Board, there's really been nothing to prevent our Building Inspector to go out there and issue the violation, so as far as strategy goes and maybe not strategy but compensating the taxpayers for spending money that they otherwise should not be spending then having that in front of our Justice Court would be critical.

Board Member McNulty stated would that be part of our resolution, one of the conditions...

Mr. Liguori stated no.

Board Member McNulty stated is that strictly expedited by the Town Board through the court or...

Mr. Liguori stated that's between the Building Inspector and, well the Town and the Court but primarily the Building Inspector counsel and the court.

Chairman Rogan stated Ted.

Ted Kozlowski stated just to add to that, when I've gone through violations in the Town Court, I'm asked by the Town Attorney you know, what kind of money have we spent and the judge will consider that as part of the penalty to recoup that and the violation, the fine.

Chairman Rogan stated as Rich said, we have spent as a Town and as taxpayers, a considerable amount of money on this so far, I've, I'm sure we've spent more than Mr. Levine has.

Rich Williams stated that may be.

Chairman Rogan stated we've got to be, throw a number out, we've got to be close to twenty thousand dollars on this.

Board Member McNulty stated well no, Rich you calculated it right...

Chairman Rogan stated that wasn't Rich's time and it wasn't our time...

Rich Williams stated I calculated the engineer's, I didn't give you my cost, I didn't give you...

Chairman Rogan stated everyone's time, the attorney's time.

Board Member McNulty stated okay, sure.

Ted Kozlowski stated my time.

Chairman Rogan stated you know, that's a lot of money that I'm glad our dignified and distinguished Town Council member is here to hear some of this but he knows because he sat through a lot of this. So you know, I don't disagree with the actions that the Board is considering, I just want to make sure that they are a means to a corrective action, that's the whole intent here, and so we do we have a resolution prepared, do I have a motion on that resolution.

Board Member Taylor stated first I have to make the resolution; I would like introduce a resolution, I have to switch my glasses, that hereby denies the application for a fill permit submitted by Mr. Adam Levine at, for the placement of fill at 99 Tammany Hall Road. As part of this application we're recommending to the Town Board or requesting the Town Board that they institute legal action to compel the owner to remove the fill from this property and the neighboring property.

Chairman Rogan stated can I have a second on the...

Board Member Montesano seconded the motion.

Chairman Rogan stated okay, without objection the resolution will be entered into the record as though read, the motion on the flow is to deny the fill permit filed by Mr. Adam Levine located at 99 Tammany Hall Road, all in favor.

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 any opposed, did I have an all in favor in that.

Board Member Brady stated yes.

Board Member Taylor stated yes.

Chairman Rogan stated okay, all right, 5-0 vote, motion carries, thank you, okay.

Mr. Sirignano stated so this will no longer be on your calendar unless there is a new application.

Chairman Rogan stated that's correct.

Mr. Sirignano stated thank you.

Chairman Rogan stated thank you, I appreciate your continued participation in our discussions they've been helpful.

Mr. Sirignano stated thank you.

### **3) ICE POND ESTATES SUBDIVISION – Final Subdivision Application**

Mr. Chris Fisher of Cuddy & Feder, Mr. Joe Buschynski and Mr. Rick Lamontane of Bibbo Associates, Mr. Geoff Ringler and Mr. Steve Wise were all present.

Chairman Rogan stated okay, we have Ice Pond Estates Subdivision. This is the longest that somebody, can I have that resolution, I thought that was my copy, you have a copy probably in there, thanks. Good evening.

Mr. Fisher stated hi, good evening.

Chairman Rogan stated how are you.

Mr. Fisher stated I'm well, thank you.

Chairman Rogan stated good.

Mr. Fisher stated Chris Fisher for the applicant, also Rick and Joe you know from Bibbo Associates.

Chairman Rogan stated yes.

Mr. Fisher stated and the client is here, obviously, as well. I am going to brief because we did receive...

Chairman Rogan stated cool.

Mr. Fisher stated comment memos which...

Chairman Rogan stated I'm only kidding.

Mr. Fisher stated that's okay, I appreciate that, levity is always good but I am going to be brief, we are, we're back before the Board and this project has been before the Board previously, obviously in front a preliminary subdivision plat that was approved, what has been submitted is a request for final subdivision

plat approval and at a high level what we've submitted we believe is substantially on cord with what was approved on the preliminary plat, there are some tweaks obviously, as is customary with the a final plat and then there are substantial comments that we've got to go through at least in volume but I believe they are manageable and able to be addressed and having received those today, we're going to have to obviously have Rick and Joe work through with your Town Engineer's and Town Planner's. We can also at some point get started on drafting easements and things like that, whether those would be deemed something subject of a conditional approval or not, we can kind of add that conversation I think offline as well and the other status is that there are permits pending with the Department of Health, DEP, I defer to Bibbo on those aspects but again there's no show stoppers, so we're really, from the applicant's perspective in kind of a procedural process where we've got to work through technical comments, come back before you at some point and from my perspective on behalf of the applicant, I guess the only reason I'm probably here tonight is to suggest that this probably is not something that would rise to the level of needing an additional public hearing, having been through that process previously so that would be our request tonight, just that we get some consensus on that and then move forward and address those comments and keep moving forward to final plat approval.

Chairman Rogan stated any thoughts Rich, comments.

Rich Williams stated well I, you know I would agree as far as the comments, we had talked about this at the work session about Andrew and myself having a conversation with their technical staff, try to get a better understanding about why they are proposing some of the improvements, work out some of the other details that are definitely workable. On the issue of the public hearing, you know I, I am going to put my foot in my mouth a little bit here and I'm going to say that there were quite a few comments and there were quite a few people who were interested in the subdivision but there weren't a lot substantive comments that were received from that public hearing but there were a lot of people that, you know, were concerned and spoke at this.

Chairman Rogan stated yeah, yeah primarily I remember a lot of the concerns were about the roadway and Ice Pond Road and we have certainly shown a number of improvements, at least in the area associated with the subdivision and then there were some comments about how we were going to educate people about bears and wildlife and things...

Rich Williams stated yes.

Chairman Rogan stated and I don't know if you figured that one out yet.

Mr. Fisher stated I haven't and...

Chairman Rogan stated nor have we, actually, I think that would be a blessing for the area but we have more bears roaming around and, but so I don't expect you answer that one but I understand Rich's point, we did have a number of people that showed up for that public hearing, I think that is something that Board should consider.

Board Member McNulty stated procedurally, on a procedure basis, are we ready to go for a final public hearing or do we want to get through these engineer's comments first.

Rich Williams stated I would be more comfortable getting through the engineering comments but having said that I don't think there is anything that's going to change the overall layout of the subdivision plat, I, if you wanted to have the public hearing I think you could do that, as long as the applicant is willing to agree

to a waiver on the time in which the Board needs to act because of course with a subdivision there is a mandatory sixty-two days from the close of a public hearing, you're going to need to act.

Chairman Rogan stated I think the question, it sounds like the question is more towards are we going to require it, not so much does it happen next month or the month after but...

Mr. Fisher stated yeah I don't, the time obviously the project has been pending for some time but I think you're right, it's less about how many days is it going to take us to get to a final plat decision, my concern is this that my recollection from the hearing, there were probably about five or six commentators and again, none of those rose to the level of substantive comments that necessarily changed the decision making and thought process on preliminary plat and we're at a final plat stage where largely any of those comments are going to be irrelevant, I can't even imagine one that would focus us in on changing a lot line or something of that nature...

Chairman Rogan stated I agree with that.

Mr. Fisher stated and because we've submitted a final plat that's substantially in accordance with the preliminary plat, that's really the threshold question, if it's substantially in accordance with, there really is no need for or requirement for a hearing, so that's what we've been looking at.

Board Member McNulty stated my feeling is the public should get a chance to say, it's been considerable time, somebody may have spent some time to review, further in depth certain aspects of this proposal, so I don't think it would be unfair, I think it would be unfair not to have another public hearing, just to get the last say in because we did have a lot comment and it's not to say somebody didn't do their due diligence between now and the past public hearing.

Chairman Rogan stated I understand.

Mr. Fisher stated I respect the comment, the only reason I'm suggesting otherwise is that there was no action taken by any third party so and as a legal consequence of that we're really in a position as the applicant of saying it's down to details, it has nothing to do with substance.

Board Member McNulty stated I agree, I haven't reviewed Rich's comments yet from his memo but it looked like it was a lot of tweaking that had to be done.

Chairman Rogan stated Mike, any feeling one way or the other on that.

Mr. Liguori stated I'm just kind of coming into the project itself, I did take a look at the plans but I wasn't here obviously for when the initial public hearing is, as far as stating the law, the law is, it's as Mr. Fisher, you know, described it to you, it's whether the plat is in, whether the final plat is in substantial conformance with the preliminary approved plat. So I think what's important is for the Board to analyze whether that's in fact the case, tonight, you know if you guys already know that then, then the requirements of Town law are satisfied you know and that's a, you know, strictly legal requirement.

Chairman Rogan stated and they have technically been yeah and I think that, I agree that I don't think there were any comments that came out of the last public hearing that caused any changes to the plan, I think culture and the movement more recently and I applaud this, has been more open government and things being televised and more public opinion being expressed, while sometimes we may not want to hear that public opinion, it's still obviously within the parameters of this Town and this Board to make sure that people do have a chance to comment on things. So I agree with Tommy, as much as I'll take a deep breath

and I do think, I'd agree that you're faulted when you don't give people an opportunity to speak, you may not like sometimes to have to sit through it but in the end at least then you can say we gave people an opportunity to speak and if something did come out that we weren't aware then we had the opportunity to hear that. So I do agree with what you said you know, so probably go either way on this. How about anyone else from the Board.

Board Member Montesano stated well it's a year February that we had a public hearing, we have had some modification to the plan, do the people involved in the area want to know what those modifications are, they could come here to find out but as we had found out previously, if we let them know then they have no complaint after and I don't think the process of another hearing is going to slow us down any on the project.

Chairman Rogan stated no, I don't either, I don't think it's (inaudible – spoken over).

Board Member Montesano stated so I think if we want to have the public hearing, throw it out, we get comments, its covered, in the meantime we're not slowing the process any, by and those that have not been here longer get a chance to familiarize themselves with the project.

Board Member McNulty stated yeah.

Board Member Brady stated I absolutely agree with that.

Chairman Rogan stated Ron.

Board Member Taylor stated I find myself agreeing more and more with Mike on things, so I'm getting worried here.

Board Member Montesano stated time to get the balance.

Chairman Rogan stated do I have to move you to the other side of the room.

Board Member Taylor stated I'll second what you say.

Chairman Rogan stated all right, all right, so given that, do we want to make a motion to set a public hearing, assuming that you would be willing to waive the...

Board Member Montesano stated I make a motion that we set a public hearing, the sixty-two day thing.

Chairman Rogan stated waive the time frame on this.

Mr. Fisher stated well if the Board is going to schedule the hearing, then yes we would ask that it be done immediately, for the next meeting so that we don't lose time.

Chairman Rogan stated yes, sure, sure.

Board Member McNulty stated okay.

Mr. Fisher stated and then we can work out a time schedule on that, I mean you know hear where you're going as a Board...

Chairman Rogan stated sure.

Mr. Fisher stated I hope you understand it's going to be very difficult on us because probably most every comment we're going to hear, we're probably going to say not relevant but...

Chairman Rogan stated politely, you're going to figure out a polite way to say that that it's not, or maybe not say anything and I'll say not relevant, all right. It's never what you do; it's how you do it.

Mr. Fisher stated I totally agree but if that's the request then.

Board Member Montesano stated make a motion we have a public hearing on June 7<sup>th</sup> for Ice Pond Estates...

Chairman Rogan stated for final subdivision.

Board Member Montesano stated for final subdivision.

Chairman Rogan stated since you're in so much agreement.

Board Member Taylor stated I second him.

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 okay, so in the interim for next month, I understand Rich and possibly Andrew and you guys will maybe even get together if need be to sit down and iron out some of the technical stuff that doesn't really concern us.

Mr. Fisher stated yes.

Chairman Rogan stated we're happy to hear that you guys settled all that.

Mr. Fisher stated that'd be great, then we can move...

Chairman Rogan stated then we can move forward with, with progress on this.

Board Member Montesano stated and then that's all uptown...

Board Member Brady stated Shawn.

Chairman Rogan stated yes sir.

Board Member Brady stated we talked about it at the work session, the plans, the small plans, can we get an electronic copy of that because it will make it, my eyes aren't what they used to be, I can't read half of the writing on there, I can't read all the writing on there, I should say.

Board Member Montesano stated you need a bigger magnifying glass.

Board Member Taylor stated if I could, I'd also like to request can you give us an electronic copy of the archeological [study].

Mr. Buschynski stated sure, we can get that for you.

Rich Williams stated more so that what you got today.

Board Member Taylor stated what, you got something today.

The Secretary stated I left a disk in your inbox.

Board Member Taylor stated oh, okay, all right, so we have it, thank you, no problem. I haven't had a chance to review the disk.

Chairman Rogan stated well no, not since today, you just got it.

Board Member Montesano stated its old stuff, don't worry about it.

Chairman Rogan stated anything from anyone else, okay thank you, we respect your time and appreciate it.

#### **4) NORTHEAST MESA – Amended Site Plan Concept Review**

Mrs. Tammy Smith was present.

Rich Williams stated you're by yourself.

Mrs. Smith stated I'm by myself.

Chairman Rogan stated Northeast Mesa.

Mrs. Smith stated that's okay though.

Chairman Rogan stated good evening.

Mrs. Smith stated hi.

Chairman Rogan stated state your name for the record please.

Mrs. Smith stated Tammy Smith.

Chairman Rogan stated Tammy, you're here for Northeast Mesa.

Mrs. Smith stated yes.

Chairman Rogan stated okay, let's see, we have a plan or something, we were out to the site actually a number of years ago when there was a site modification, they started putting all the materials around back...

Mrs. Smith stated yup the walling, yup.

Chairman Rogan stated and we haven't been to the site since, so we want to get a handle, an idea of, I actually was at the site a couple of weeks ago as I had said in the work session, I had, actually went to Unilock for something and they said oh you need to go to Northeast Mesa...

Mrs. Smith stated they sent you to us.

Chairman Rogan stated yup, they were very nice to help me and I think I walked through one of the bays of the area that is part of this application...

Mrs. Smith stated okay.

Chairman Rogan stated that you're going to turn over to a private garage, correct.

Mrs. Smith stated exactly.

Chairman Rogan stated and the main things that we would be concerned about would be an area that was created for a garage that wasn't intended to be with the spilling of oils and things like that...

Mrs. Smith stated yup.

Chairman Rogan stated so we certainly want to have a conversation with you about how we would deal with that, what the runoff would be from the site because certainly the stream is right adjacent...

Mrs. Smith stated yup.

Chairman Rogan stated within throwing stone distance, so we think it would probably be appropriate if we could set up a site walk to meet with the appropriate people...

Mrs. Smith stated okay.

Chairman Rogan stated where we could actually see some of the area, not only outside but maybe inside of how it would be setup and maybe some ways that we could deal with the obviously problems that are associated with some garages, not with all...

Mrs. Smith stated okay.

Chairman Rogan stated with containing of contaminants.

Mrs. Smith stated and I know that outdoor storage was a question that Rich asked about, it's not obviously, other garages in the area have towing services which isn't something that my husband is looking to do, so with towing services, that comes with storage of vehicles which is sometimes where that runoff of oil or stuff, why was that car towed there and issues like that. The garage is a very large area inside...

Chairman Rogan stated yeah.

Mrs. Smith stated so it's big enough to store more than one vehicle if you're working on something and that part is not here today, it certainly could still be store inside while working on another vehicle, so outdoor storage really isn't an issue for us, it's not something that we're looking for...

Chairman Rogan stated right.

Mrs. Smith stated obviously again a site walk, we're not against that, I'm just letting you know that outside storage isn't something that we were looking for.

Chairman Rogan stated has Northeast Mesa said that you would utilize a certain number of parking spots, have they designated, said okay we'll let you use these four for parking your own vehicles and one or two repairs.

Mrs. Smith stated at the right side, if you pull in the driveway, I believe there's, I never counted them and I park there quite often, so maybe twelve spots, then a little catch way...

Chairman Rogan stated do you mean over here.

Mrs. Smith stated no, that's actually behind the...

Chairman Rogan stated you mean over here.

Mrs. Smith stated correct.

Chairman Rogan stated okay.

Mrs. Smith stated that's all parking spots.

Chairman Rogan stated there is about twelve.

Mrs. Smith stated the whole length, yup, and then see that little median where there's the light pole, then go to the left, that's all parking spots, then across from there, that's all parking spots.

Chairman Rogan stated okay, great.

Mrs. Smith stated Northeast Mesa only has three employees, we used to have eight, so there is typically only three vehicles that park there except for obviously when work is slow for us, we park our vehicles, when our guys aren't out working, they leave their vehicles at the shop, so again, the right hand side that you pointed to first, those last eight, I think there's ten maybe...

Chairman Rogan stated about ten spots, it looks like ten.

Mrs. Smith stated those would be designated for him to park vehicles, of course, again he's one guy and I don't see ever ten cars being, although I would love to say that there would be, I don't even see that being an issue.

Board Member Taylor stated keep working.

Mrs. Smith stated exactly.

Chairman Rogan stated got it, okay.

Mrs. Smith stated so.

Board Member Taylor stated what we were...

Chairman Rogan stated there were, I'm sorry go ahead.

Board Member Taylor stated what we were concerned about, not just spills outside but spills inside and water being used to flush the spill or chemicals, how you're separating that out, where does that drainage water go, is there any drainage in the building at the moment.

Mrs. Smith stated there is no drain in the floor in the garage and obviously just like any other garage, I mean don't know how other garages run but obviously EnviroWaste comes, they deliver you a 250 gallon metal drum but it's encased in plastic so god forbid that metal corroded and had a hole in it, it goes, it wouldn't leak on the floor, they come and empty it for free because they use it obviously for...

Chairman Rogan stated and that's the containment for, you drain the oil, you dump it in...

Mrs. Smith stated that's correct.

Chairman Rogan stated that we figured that you would deal with that in a proper manner...

Mrs. Smith stated that's correct.

Chairman Rogan stated I think what and what I've seen in some garages is they put a trench box across the length of the garage and that drains into some kind of a holding tank or something, that pumps out maybe, I don't know, maybe once a year, maybe whatever it is, you know, I don't know.

Mrs. Smith stated I guess I would be curious what they pump out of it.

Rich Williams stated it depends; they pump it out when it fills up.

Board Member Montesano stated it could be, yeah it could be oil, it could be anti-freeze that overflows, it could be oil when you're trying to drain something, a crank case can spill over, anything like that would be washed into there, rather than being flushed outside.

Mrs. Smith stated right and I guess, I mean and obviously husband probably can answer that better than me but I guess my thing would be when you're emptying, when you're changing somebody's oil or you're emptying the transmission fluid, you're doing it into a bucket or something that is capable...

Chairman Rogan stated it's not on purpose; it doesn't go in there on purpose.

Mrs. Smith stated right, so the overflow or when something drops or drips or however you want to look at it, I would hope that no one ever spills twenty gallons of anything on the floor...

Chairman Rogan stated I would hope too that it never happens.

Mrs. Smith stated that just like any other shop, they would use speedi-dry and dry it up and toss it, I don't know, I have never seem, my husband owned a garage in Wingdale for ten years, I've never known him to sweep anything in a drain that they drain once a year, if they do that, I've never seen it.

Chairman Rogan stated yeah.

Board Member McNulty stated the thing to be aware of here though is that you are right up against the wetlands.

Mrs. Smith stated correct.

Board Member McNulty stated so you run a big risk if there was contamination and you need to be aware of that.

Mrs. Smith stated yup.

Board Member McNulty stated okay.

Chairman Rogan stated so I mean I think, were you going to say something.

Board Member Taylor stated I was just wondering, so, are we going to require some kind of a system.

Chairman Rogan stated well I think we need to do a site walk and do an assessment and see what's there and what the, you know, what the lay of the land is and where things would pitch, I think that it is something that we should all be involved with, you know I'm speaking for Ted and Rich and you know, if need be possibly Andrew to come with us just to check out all the opportunities here because this wasn't set up to be a repair shop although it certainly looks like it's pretty easy to modify into one based on the high doors that are there and everything...

Mrs. Smith stated right.

Chairman Rogan stated what was, do you remember what the original site plan for this, when this was built...

Board Member McNulty stated what's this.

Mrs. Smith stated when PureTech was there, I don't know what PureTech used it for.

Rich Williams stated I don't either, it was a light manufacturing approval but I don't know the use and I think there was something before PureTech even.

Mrs. Smith stated yeah and I don't know what was there before PureTech and we bought building from PureTech when we moved in 2000, I don't know what it was before that.

Rich Williams stated the original developer I think was BES

Board Member Montesano stated yup.

Rich Williams stated what they, Mike, you were at that point what did they do.

Chairman Rogan stated yeah Mike, what did you approve.

Mr. Liguori stated what did the cavemen do.

Board Member Montesano stated we had well, the folly was that one of our members designed the building.

Chairman Rogan stated okay, say no more.

Board Member Montesano stated so we had no comment after that.

Board Member McNulty stated Ron did you want to see this.

Chairman Rogan stated okay.

Board Member Montesano stated we didn't find that out until much later.

Chairman Rogan stated so I think that our next step would be to coordinate with you and certainly the owners of the building to gain access.

Mrs. Smith stated yup.

Chairman Rogan stated and maybe we can go out on a Saturday morning and coordinate it through Rich and we can all go out and take a look together...

Mrs. Smith stated okay.

Chairman Rogan stated and maybe your husband can be there to explain.

Mrs. Smith stated my husband just had hip replacement yesterday...

Chairman Rogan stated that's no excuse.

Mrs. Smith stated that's why he's not here, so him getting out there for the site walk will probably a little slow process but certainly my bosses can meet you there and I'm sure answer those questions and we could get Frank there, if need be too.

Chairman Rogan stated okay.

Board Member Montesano stated now he's got an excuse to get a nice John Deere, to drive around on.

Mrs. Smith stated exactly, ride around on.

Chairman Rogan stated well he can sit in the car and pull right into the bay.

Mrs. Smith stated we'll pull it into the bay and he can answer your questions.

Chairman Rogan stated I'm sure you'll do a fine job of answering his, you know, bringing his comments to us.

Mrs. Smith stated yeah.

Rich Williams stated how soon is Frank going to be up and mobile.

Mrs. Smith stated well I really won't know until tomorrow, I would say within the next three to four weeks but I really don't know until tomorrow when they tell, you know about rehab, whether two weeks in rehab or he's coming home Sunday, Monday, they haven't decided yet.

Chairman Rogan stated okay, we can leave it to you to coordinate through Rich.

Mrs. Smith stated yeah.

Chairman Rogan stated and we'll, we're pretty flexible on, we sometimes do early Saturday morning, this way it doesn't cut into the rest of the day.

Mrs. Smith stated okay.

Chairman Rogan stated we could be there at like eight o'clock in the morning.

Board Member Montesano stated we could run one afternoon too.

Chairman Rogan stated that's true that's always...

Board Member Montesano stated its light enough.

Chairman Rogan stated light, you're right, so we could also do it after five o'clock, depending on everyone's...

Board Member Montesano stated five six o'clock.

Board Member Brady stated after six.

Chairman Rogan stated I'm sorry, I forgot, Ed comes all the way up from Westchester for...

Mrs. Smith stated that's fine.

Chairman Rogan stated so I apologize.

Board Member McNulty stated that's all right.

Mrs. Smith stated okay, so I'll schedule it with Rich and he'll let you guys know and we'll meet out there.

Chairman Rogan stated we'll coordinate with Rich and yeah, all right.

Mrs. Smith stated okay, wonderful, all right, thank you.

Chairman Rogan stated what was your name again.

Mrs. Smith stated Tammy.

Chairman Rogan stated last name.

Mrs. Smith stated Smith.

Chairman Rogan stated and what's your husband's name.

Mrs. Smith stated Caleb or Frank.

Chairman Rogan stated okay, just thought you were familiar. Thank you.

Mrs. Smith stated thank you.

Board Member McNulty stated Michelle.

Rich Williams stated Shawn.

Chairman Rogan stated yes.

Rich Williams stated John King's court clerk.

Chairman Rogan stated okay, somehow I keep losing my agenda tonight.

Board Member McNulty stated here.

Chairman Rogan stated what do we got, thanks...

**5) MATTHEW CASTELLANO – Wetlands/Watercourse Permit Application**

Chairman Rogan stated for the audiences edification, at the work session we made a motion for a public hearing for the next meeting for the Castellano application and I still have to find mine because I have notes.

Rich Williams stated that would be Charlie.

Chairman Rogan stated pause for a public service announcement, here we go.

**6) DILMAGHANI – Sign Application**

The Applicant did not appear.

Chairman Rogan stated okay, we had the Dilmaghani sign application.

Rich Williams stated yeah, at this point I'm going to ask the Board to table the application because we still have not received the approval from the adjoining property owner...

Chairman Rogan stated okay.

Rich Williams stated at this point we're waiting for a sign application from the adjoining property owner.

Board Member McNulty stated motion.

Chairman Rogan stated motion to table Dilmaghani until further information is received, so moved.

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.

#### **7) RAY MERLOTTO – Fill Permit Application**

The Applicant did not appear.

Chairman Rogan stated okay and we had the Merlotto fill application.

Rich Williams stated do you have the pictures, do you have keys.

The Secretary stated nope, I'm going to break the door down.

Rich Williams stated I did go out there, I did take pictures of the fill, there are multiple smaller, very small piles of fill scattered throughout this property, some of them have been there quite some time, they're vegetated, two small piles of wood chips.

Chairman Rogan stated regardless of what's stated on the application up to a thousand yards, do you have any sense from Mr. Merlotto how much he's actually planning on bringing in.

Rich Williams stated from Mr. Merlotto or from what's on the site, from Mr. Merlotto, no.

Chairman Rogan stated okay.

Rich Williams stated from what's on the site, I would say two hundred yards.

Chairman Rogan stated yeah.

Rich Williams stated but I think this is a long term process for Mr. Merlotto, this has been on going on this site for a long time, dating back to the 90's with Joe Dapuzzo when they had issues.

Chairman Rogan stated well the reason I ask is because he referenced in the application he was getting the fill from the Habitat [for Humanity] site which is done now and I hear they are ready to move into that house soon, so he's not getting any more fill from that site which would mean that they, he would have provide another source for where he's getting it and that's why I bring that up.

Rich Williams stated so then you may want to just, you know, limit Mr. Merlotto to the fill already contained on the site.

Chairman Rogan stated yeah.

Board Member McNulty stated what's his intent for the fill.

Chairman Rogan stated making a mountain, a ski slope.

Rich Williams stated he's got, yeah he's raising the grade but...

Board Member McNulty stated is there anything that's going to cause a big issue there with runoff and drainage.

Rich Williams stated no.

Chairman Rogan stated is he raising it to the point that eventually he'll be able to get seven foot deep test holes.

Rich Williams stated he might be. Listen, my familiarity with the property from back in the 90's which is a long time ago, was that it was a depression compared to the surrounding topography, there were ponded areas of water in the area, I'm sure the percs were terrible on the site.

Chairman Rogan stated so slowly over time, he's filling it in. Ted, any wetland issues with this lot.

Ted Kozlowski stated I haven't looked at it yet.

Chairman Rogan stated haven't looked at it, okay.

Ted Kozlowski stated no.

Rich Williams stated Putnam Lake, you're hard pressed to find a half acre wetland and there are no streams on the lot.

Chairman Rogan stated what does the Board want to do with this.

Board Member McNulty stated I don't know, I don't feel like I know enough about it to say anything.

Board Member Taylor stated I'd say go ahead. So, do we need to go out and look at it, I would take Rich's recommendation and go ahead.

Chairman Rogan stated approve it just for the material that's already on site.

Board Member Montesano stated don't move.

Chairman Rogan stated is that what you're, well Mike if you say it I know you've already got two votes, so, sorry, just teasing.

Board Member Brady stated he's saying the amount of fill is 999.

Rich Williams stated I know because that's how much he can put before he has to go to the next level of...

Board Member McNulty stated do we need to look at this.

Board Member Montesano stated it's only 999, you can't get to the...

Board Member McNulty stated it's a half acre lot.

Rich Williams stated its small, yeah.

Board Member Montesano stated ten dollar bill, yeah.

Chairman Rogan stated it looks like that one pile is what he brought it, the others have been there, well...

Rich Williams stated and if you're, I don't know that it's a half acre lot, no.

Board Member McNulty stated and he's just spreading it around to raise it.

Rich Williams stated well he's not even, if you look some of those piles of fill have been there a considerable amount of time, he's got a machine on the site but he doesn't appear to be spreading anything.

Chairman Rogan stated why don't we do this, let's call or put a letter...

Board Member Montesano stated grease.

Chairman Rogan stated ask Mr. Merlotto to put in writing what his intention for the fill is, that it seems to be that it's fill that's placed with no, you know there is no idea of what he's going to grade it out to or anything, what is the intent before we approve something with just you know...

Board Member Montesano stated I'd like to remove my motion please.

Board Member McNulty stated does he have.

Chairman Rogan stated okay, so moved.

Board Member McNulty stated does he have any documentation that all the fill is from Habitat for Humanity or it's just a statement.

Rich Williams stated just a statement.

Board Member McNulty stated maybe we should ask for that documentation, is that within our...

Rich Williams stated what documentation would there be, it's not like you're going...

Board Member McNulty stated trucking fee.

Rich Williams stated he's probably trucking it himself with his truck, so he's not going to have tickets.

Chairman Rogan stated the good thing is, I'm assuming your visual inspection did not show the kinds of things that we saw on other possibly contaminated fill.

Rich Williams stated I was not concerned with the material that was on the site.

Chairman Rogan stated the material looks good.

Ted Kozlowski stated but is that it for the material or is there more coming.

Board Member McNulty stated that's what we're trying to determine.

Chairman Rogan stated he'll take all he can get.

Rich Williams stated I'm sure he wants to keep hauling fill there for as long as he can keep hauling fill there, up to 999 yards.

Chairman Rogan stated and I think that's the point of this.

Ted Kozlowski stated so the question is if Habitat is done...

Chairman Rogan stated on this particular house.

Ted Kozlowski stated it's got to coming from someplace else.

Chairman Rogan stated is there another house in Patterson they're working on, no but that's why I think if Mr. Merlotto puts in, sorry Charlie, puts into writing a plan for this, I want to bring in 999 yards of fill to do x and here's the limits of disturbance and whatever, we could then say okay, you've only brought on two hundred but we'll approve you up to that thousand, to execute this plan and the fill is coming from these site, or clean sites or whatever, that would certainly then allow the Board to know what they're approving and have some assurance that you know, instead of just approving this and then he bring another three hundred yards on and we've back here six months from now.

Ted Kozlowski stated I think you really ought to identify where it's coming from.

Chairman Rogan stated the same.

Board Member Montesano stated right, to give him a carte blanche of 999 [yards]...

Chairman Rogan stated yeah.

Board Member Montesano stated doesn't seem because then he can go over to a certain person who wants to get rid of stuff and bring it up there and bring it.

Chairman Rogan stated okay, let's get all that from Mr. Merlotto, it doesn't sound like this is, time is not of the essence in this case on this application, all right.

Board Member McNulty stated should we ask him too in the letter if he can just verify where all the fill is coming from somehow.

**8) OTHER BUSINESS**

**a. Town Code Amendment – Code Violations**

Chairman Rogan stated we have, we spoke about the Town Code Amendment, which I think, didn't we do a...

Board Member McNulty stated Michelle, Michelle.

The Secretary stated thank you.

Chairman Rogan stated motion on that, don't remember.

Board Member Taylor stated we agree to it.

Rich Williams stated I actually don't remember either.

Board Member Montesano stated I don't think we did.

Board Member McNulty stated what was your question.

Chairman Rogan stated on the Town Code Amendment for Code violations, that was to allow, the language had been re-done to allow, what you had wanted, if...

Board Member McNulty stated we didn't make a motion but I think we all agreed that it was correct now and we were satisfied with the way it was written.

Rich Williams stated I had revised it as per Ron's recommendation.

Chairman Rogan stated and so we would make a recommendation to the Town Board that we agree with the changes.

Board Member Taylor stated so moved.

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.

**b. Local Laws – Park Districts**

Chairman Rogan stated all right and we had the packet on the Park District local laws, you had some...

Board Member Taylor stated did you get my...

Rich Williams stated I did get your e-mails, I've gone through them, you know minor changes I'm all through with them.

Board Member Taylor stated right, I had no objection just his grammar.

Chairman Rogan stated it was just cleanup.

Board Member Taylor stated Tom was the one who had substantive objections.

Board Member McNulty stated yeah I had...

Chairman Rogan stated very good.

Board Member McNulty stated I have a couple comments about this.

Chairman Rogan stated okay.

Board Member McNulty stated where are my notes, I just thought the in section 115-3 and I believe 116-3 E the with or without cause to remove an Advisory Board Member by the Town Board I thought was a little overbearing, a little out of line to be with or without cause, I just thought that was pretty strong language.

Chairman Rogan stated with cause.

Board Member McNulty stated yeah, it should be with cause. It shouldn't just be judge, executioner to remove someone from the Board. Also, the proof of use of the parks, I had a comment about, in 115-7 point b it talks about all non-residents applying for permits. I think somewhere in there, there should be some kind of sponsorship of resident to allow non-residents to use the park rather than just open our parks up to the general public.

Rich Williams stated now this is the general parks, this is not Veteran's Memorial or Putnam Lake...

Board Member McNulty stated well I found it in 115-7, I think that was the general parks...

Rich Williams stated correct, that was general parks and that's in there somewhat for organizations like FrOGS and the Putnam Land Trust.

Board Member McNulty stated yeah but the way it's worded, non-resident, somebody from Danbury with their soccer club can come over and rent the park.

Rich Williams stated you're absolutely right, as long as their registered.

Board Member McNulty stated registered, what do you mean by registered.

Rich Williams stated well they have to register with the Town Clerk...

Board Member McNulty stated well I just think that's opening up our parks to the world, do we want to do that, or should there be some kind of a sponsorship of a resident.

Rich Williams stated I will tell you, that's already, that language is in our Code today, nobody is issuing permits...

Board Member McNulty stated I didn't see it in the new Code but I didn't read everything.

Board Member Taylor stated I think some of our parks we want to open up to the world, we want tourists coming to Town to utilize the natural sources we have.

Board Member McNulty stated okay, I could understand but this covers Putnam Lake Park and it doesn't cover Veteran's Memorial Park.

Rich Williams stated it doesn't cover the Putnam Lake park district lands and it doesn't cover Veteran's Memorial Park, those are exclusive to district residents and users.

Board Member McNulty stated because reading through, I was confused with that, I couldn't quite make out, if that was limited to those what I read it said non-resident permits...

Rich Williams stated yeah, it essentially is the Environmental Park, it is Clough Park off of Farm to Market Road and it is Club Court Park over in Putnam Lake.

Board Member McNulty stated are those all district parks or those are Town wide parks.

Rich Williams stated they are not district parks, they are Town wide parks.

Board Member McNulty stated so Town wide parks are open, okay that's...

Rich Williams stated two of them are passive, one of them is active.

Board Member McNulty stated all right, so within our district parks, Putnam Lake and Veteran's Memorial, it's not open for non-resident use.

Rich Williams stated not at this point with one little caveat, well the problem we have over in Putnam Lake is certain people out of state residents have deeded lake rights, so we've had to include them as out of district users.

Board Member McNulty stated I saw that specific.

Rich Williams stated right, there is also the caveat with Veteran's Memorial Park that sports organizations can apply for a permit regardless of where they're from.

Board Member McNulty stated I think that might be where I read, do we want to have a sponsorship in there, again, do you have somebody from Danbury coming or out of state or anywhere to use the soccer field with a proper permit.

Rich Williams stated we don't...

Ted Kozlowski stated you're not going to get that in some of these parks, the parks are not conducive to that.

Rich Williams stated but we do have Carmel and Kent organizations coming over.

Ted Kozlowski stated using the Environmental Park and Clough, you're not going to have soccer or...

Rich Williams stated no, no, no...

Board Member McNulty stated what I'm saying, the way the Code is being written...

Rich Williams stated we're talking about Veteran's Memorial.

Ted Kozlowski stated oh.

Board Member McNulty stated there are no teeth in there to limit anyone; it's just wide open for non-residents, organizations.

Rich Williams stated now having said that, we issue permits for those organizations, I'm sure that the Park Advisory Board would give priority to local organizations or organizations that have Patterson kids participating in it.

Board Member McNulty stated so they have that authority to approve and deny permits. Okay, I just don't want see them be limited and being able to control who uses the parks. That's all I had.

Chairman Rogan stated anyone else, so really the one, not change but the one recommendation that came out of this was that section about getting right of Park Advisory Board Members that said with or without cause, and we think that should be...

Board Member McNulty stated with cause.

Chairman Rogan stated looked at to just with cause and I think the whole Board agreed that that seemed appropriate.

Board Member Taylor stated yes.

Chairman Rogan stated so with that one modification I make a motion that we recommend to Town Board our acceptance approval of the park laws as written.

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.

Ted Kozlowski stated we're talking about you.

Chairman Rogan stated yeah I know...

**c. Amalfi Sign**

The Applicant did not appear.

Chairman Rogan stated the Amalfi sign we have something new on this.

Rich Williams stated we do, I received, late today a sketch by the property owner for some changes they would like to do to the site and site lighting for that sign. They would like to keep the tall pole sign and face it backwards away from the road they would also like to take up some of the blacktop, landscape around the bottom and put two flood lights down at the base, pointing up.

Board Member McNulty stated which is what they have now, correct.

Rich Williams stated no, they have two flood lights on the sign, they want to put them on the ground in the landscaping.

Board Member McNulty stated oh okay.

Chairman Rogan stated yeah, second page is much better.

Rich Williams stated and they are proposing arborvitae up against the fence and then down by the sign, low growing rhododendrons and boxwood, that's what I said.

Ted Kozlowski stated arborvitae is going to get chewed up by deer if there is a deer issue.

Rich Williams stated well there's not a deer issue here but...

Board Member McNulty stated either that or they're going to get hit by a semi on [Route] 22.

Mr. Liguori stated I was just thinking that.

Board Member McNulty stated then you'll have fresh venison for dinner.

Board Member Montesano stated just think how much you're going to have of venison steaks.

Mr. Liguori stated well this is, this off property behind the restaurant...

Board Member McNulty stated my concern is with all the lighting.

Rich Williams stated yeah, not so much.

Chairman Rogan stated they're saying the vegetation will shield it.

Board Member McNulty stated not according to that because of the bushes behind it.

Chairman Rogan stated well that's just the drawing. Rich, the intent of this drawing with the bushes, the second page, is that intending to show that the lights will be behind the greenscape instead of in front of them.

Rich Williams stated yes, yes.

Chairman Rogan stated okay.

Board Member Taylor stated that's not what it shows though does it.

Chairman Rogan stated it's the way the person drew it, it's a non-professional rendering.

Board Member Taylor stated and these cuts, they are so, they are proposing the top light will be the high pressure sodium and the smaller lights will be the incandescent, I assume.

Rich Williams stated yes.

Board Member Brady stated with a motion of that (inaudible).

Board Member Taylor stated singles or doubles, single.

Rich Williams stated and the incand, well no, let's back up here...

Board Member McNulty stated they should get photo sensitive.

Rich Williams stated yeah they are all incandescent, no their not, high pressure sodium, I don't have my glasses on.

Board Member McNulty stated two hundred and fifty watt.

Rich Williams stated so the tall pole mounted that's pointed now back on the property is the high pressure sodium, the other ones are incandescent.

Board Member McNulty stated now he's got light there now that's pointed back toward the building...

Rich Williams stated correct.

Board Member McNulty stated I've passed there are night, now that he's turned it, it's not really evasive at all to the driving on [Route] 22 but how does this new light compare, is it much brighter.

Rich Williams stated this is the new light, this light that's up there.

Board Member McNulty stated this is the light that's up there.

Rich Williams stated this is the light that's up there.

Board Member Taylor stated it looks fine to me.

Chairman Rogan stated Rich, any issues with what you see in this.

Rich Williams stated I'm concerned with some of the planting but I, you know I went through that with the applicant and explained that it's on him to keep the planting in good condition other than that, no.

Chairman Rogan stated yeah, would by approving a modified sign permit to allow what's been shown to us tonight, should we put a condition on the approval that if the landscaping is not maintained and now because if let's say they don't maintain the landscaping and it dies, now we have no shielding on the lights and they cause a glare issue. Would our Building Department office or our Town just be able to go out and say look, you know it's not doing the job it was intended to do without us doing a condition on the approval.

Rich Williams stated yeah, you would condition it on there being adequate landscaping in good condition to provide sufficient shielding so the lights are not visible.

Ted Kozlowski stated Rich did he specify the sizes of the materials he's planting.

Rich Williams stated no.

Ted Kozlowski stated so it could be seedlings.

Rich Williams stated it's not going to be seedlings.

Ted Kozlowski stated we hope.

Rich Williams stated trust me.

Ted Kozlowski stated we hope.

Rich Williams stated listen, we've got their attention, trust me.

Chairman Rogan stated okay.

Board Member Taylor stated well we can make that a condition too, I mean they're going to be big enough to cover the lights, if they are supposed to cover a light, so I mean that's...

Chairman Rogan stated yeah, specifying they planting, that's a good point, yeah, okay.

Board Member Montesano stated we can borrow that little flower.

Chairman Rogan stated Rich, on a modified sign, we should do another SEQRA determination or no because we did it originally, it's not substantially...

Rich Williams stated it doesn't hurt.

Chairman Rogan stated so we have a modified or a modification to the Amalfi sign permit that we previously approved a month or two ago, I make a motion in the matter of this sign application for Amalfi that the Planning Board approves the revised sign application for the screening and lighting of the sign previously approved with the condition that the landscaping properly and adequately shield the lights so as to not cause a glare issue to the roadway...

Board Member McNulty stated and be maintained.

Chairman Rogan stated and be maintained to continue to do that in the future and also issue a negative determination of...

Mr. Liguori stated that's what I was going to say, vote on that first and then...

Chairman Rogan stated I was going to do that, so on the vote on the neg dec, do I have a second.

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.

Chairman Rogan stated and a vote on the sign modified.

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.

Chairman Rogan stated all right.

Rich Williams stated did you get that Michelle.

The Secretary stated mmhhmm.

Rich Williams stated you're better than I am.

Chairman Rogan stated yeah, she's good.

Board Member Montesano stated that's why she's the secretary.

Board Member McNulty stated how times will you listen to that one.

The Secretary stated probably two or three.

9) MINUTES

Chairman Rogan stated and we have minutes, we have minutes of March 1<sup>st</sup>, 29<sup>th</sup> and April 5<sup>th</sup>, to approve.

Board Member Taylor stated boy that was a lot of minutes to read.

Board Member McNulty stated yeah.

Chairman Rogan stated I know, did you read them all.

Board Member Montesano stated it took us more than a minute.

Ted Kozlowski stated it took me a long time, she does a good job.

Board Member McNulty stated seventy something pages, sixty pages.

The Secretary stated it's a lot of minutes to type.

Board Member McNulty stated I'll make a motion to accept the minutes from March 1, 2012, March 29<sup>th</sup> and April 5<sup>th</sup>, all 2012...

Chairman Rogan stated Ed, I'm assuming some of these...

Board Member Brady stated I have to abstain from the March 29<sup>th</sup> and April 5<sup>th</sup>, I wasn't here.

Chairman Rogan stated okay, so let's do a, okay motion on March 1<sup>st</sup>...

Board Member Montesano stated I'll just second the motion and make it a lot easier for all three there.

Chairman Rogan stated all in favor on March 1<sup>st</sup>.

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 all in favor on March 29<sup>th</sup>.

Chairman Rogan asks for all in favor:

Board Member Brady	-	abstain
Board Member Taylor	-	aye
Board Member Montesano	-	aye
Board Member McNulty	-	aye

Chairman Rogan - aye

The motion carried by a vote of 4 to 0.

Board Member Brady stated abstain.

Chairman Rogan stated okay, Ed abstained and April 5<sup>th</sup>.

Chairman Rogan asks for all in favor:

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

The motion carried by a vote of 4 to 0.

Board Member Brady stated I abstain.

### **George Apap Inc. Sign Application Discussion**

Chairman Rogan stated very good, all right and seeing is how we finished up so early tonight, does anybody want to entertain the very simple application that Rich had asked us whether we wanted to look at tonight, what was that, you brought it in.

Board Member Montesano stated can we see the application.

Chairman Rogan stated let's take a look at the application.

Rich Williams stated there was an application that was submitted...

Chairman Rogan stated we don't have to approve it.

Rich Williams stated very late today by George Apap Inc. for a modified sign, he already has a sign up, he's looking to modify the existing sign by adding an additional sign board at the base, no lighting, the sign is black and white, he's not proposing any changes.

Chairman Rogan stated it's a nice looking sign.

Board Member Brady stated oh you got it.

Board Member McNulty stated I got it.

Rich Williams stated you got it.

Chairman Rogan stated yeah.

Ted Kozlowski stated the peanut gallery wants one.

Chairman Rogan stated I wish all of our signs looked this great, they've done such a nice job.

Board Member Brady stated he did do a nice job.

Rich Williams stated he...

Board Member Montesano stated free carpenter to make it up and...

Rich Williams stated he was initially approved for just a hair over ten square feet, he is proposing to increase that area to a little over, I think it's fifteen point three square feet...

Board Member Montesano stated in the matter of George Apap's sign application, I make a motion that it be approved.

Chairman Rogan stated negative dec first.

Board Member Montesano stated we'll do the negative dec too.

Chairman Rogan 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.

Board Member Montesano stated and the sign.

Chairman Rogan stated okay, he's got a motion to approve the sign as submitted, I'll second.

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 see that was painless. Ted what do you have on your mind this evening.

Board Member Brady stated oh yeah, let me tell you.

Ted Kozlowski stated I'm going to follow up with a memo and I just want to go to Ice Pond Estates for one second.

Chairman Rogan stated sure.

Ted Kozlowski stated early in the process when we were first looking at this, I generated a memo to the Board specifically about lots 19 through 23, now the plans clearly show that they are out of the wetland buffer but I want you gentlemen to look at these plans and reflect upon this as compared to what we went through with Deerwood and some other big subdivisions.

Board Member Montesano stated you mean the sheds and pool situations.

Ted Kozlowski stated everything is right on the edge of the wetland buffer, okay, there is re-grading, there is stuff that is going to go on that I feel is going to violate that buffer zone, more importantly I feel that those future homeowners are going to go into that buffer zone. They have done it in every subdivision I have ever been involved with. So I had originally asked that when this thing be laid that they use the buffer line as the property line, so the property owners would not have to own wetland buffer that they can violate. That wasn't done and so what I'm going to ask and I'm going to put this in a memo is that when the construction begins, I want to come up with some imaginative ways how we're going to protect that buffer zone and you know I'm going to insist that fencing go up before anything happens, our posted signs go up and that it is clear that that land is not going to become playgrounds, lawn, and other things. I know Rich what you're going to say but we go through this all the time.

Rich Williams stated you don't know what I'm going to say.

Chairman Rogan stated didn't they mention somewhere about using large boulders for some of these demarcations.

Rich Williams stated thank you Shawn.

Chairman Rogan stated oh, see I read that in the...

Rich Williams stated they, this was originally agreed to a long time ago that they were going to put up large boulders along the buffer line as a demarcation...

Chairman Rogan stated yeah.

Rich Williams stated for the buffer line and it's shown on the plans.

Chairman Rogan stated right.

Ted Kozlowski stated what I'm concerned about Rich though...

Rich Williams stated I...

Ted Kozlowski stated how those boulders get there.

Chairman Rogan stated yeah.

Ted Kozlowski stated look we've been through this, we've been doing this for a long time, I know what happens, we just...

Chairman Rogan stated yeah.

Ted Kozlowski stated I don't want to be going after the future landowners that move in there because those properties are going to be compromised, no matter how this is painted, those are compromised parcels and those people are going to want to make use of that land and we run into conflicts all the time, so you know, I want to make sure that before this all gets approved that somehow everybody is aware that that's going to be a no fly zone.

Board Member Montesano stated are you going to send a copy of this to Mr. Buschynski.

Ted Kozlowski stated yes but I've brought this up early on...

Board Member Montesano stated I know.

Ted Kozlowski stated and Rich has repeated it but those lots scare me.

Board Member Taylor stated you're proposing a fence, what kind of fence.

Rich Williams stated no, they're not proposing a fence.

Board Member Taylor stated no, I'm saying he proposing a fence.

Ted Kozlowski stated I want a fence up before they, even before they bring the boulders in because those boulders might come from the wetland.

Board Member Taylor stated what kind of fence.

Ted Kozlowski stated no, a pre-construction fence because quite frankly that grading they're going to step over that line, you know what happens.

Chairman Rogan stated of course they are.

Board Member Taylor stated again, can you specify what kind of fence.

Ted Kozlowski stated construction fence, you know it's temporary for the...

Rich Williams stated orange construction fence.

Board Member Taylor stated just temporary.

Ted Kozlowski stated yeah before, you know...

Board Member McNulty stated silt fence.

Ted Kozlowski stated they're going to have to put in septic, they are all sorts of grade changes and it goes right up to the edge.

Chairman Rogan stated it is staked...

Board Member McNulty stated this line here.

Chairman Rogan stated staked silt fence is what it says. Have we ever made any head way, we've talked about this over the last so many years about putting some notes that the owner would receive at a closing to let them know about these sorts of concerns on their lots.

Mr. Liguori stated it would have to be on the Mylar.

Chairman Rogan stated on the Mylar.

Ted Kozlowski stated well we're going to have our signs up but they get pulled out.

Rich Williams stated yeah and I think...

Mr. Liguori stated separate and apart from the construction drawings, the actual document that gets recorded, for instance if you wanted to require some of the construction, proposed construction plans to be overlaid on to the subdivision plat and then have that marked up with appropriate notes, that would be one way for a prospective purchaser to become aware of the fact that there is wetland on that property and those notes would get picked up in your title report...

Chairman Rogan stated okay.

Mr. Liguori stated when you purchase.

Ted Kozlowski stated now Albano...

Board Member Taylor stated we did it with that house, we went down to look at that house, they wanted to add a garage...

Chairman Rogan stated right.

Board Member Taylor stated that was on the plat...

Chairman Rogan stated that was on, the dirt road there.

Board Member Taylor stated yeah but that was...

Ted Kozlowski stated the Albano property that's on...

Board Member Taylor stated yes, the same thing.

Ted Kozlowski stated on Old [Route] 22...

Chairman Rogan stated yeah, the same thing.

Ted Kozlowski stated I posted our little signs along the wetland edge but people pull them down or whatever but we just, I just want to make sure that we do all we can to avoid what I feel is the inevitable, I would just, we go through this all the time.

Board Member McNulty stated we'll remind them that it is on the plan, it is displayed.

Rich Williams stated and Shawn we do have a note that we typically require now that and I'll double check that it's on, that says the owner has to get a copy of the subdivision plat.

Chairman Rogan stated okay, the problem is, is as you are probably full aware, somebody gets a copy of the plat and they don't know what they're looking at and they look, oh look at that, this is our place and maybe they can't even find their lot within the subdivision. We were talking about something that would be clear that somebody would get a copy of when buy a particular lot that has infringements on it like these wetlands issues that were kind of glaring that said just me, I mean in an ideal world it would be great if they that lot sold and Ted our Wetlands Inspector is invited out to go and meet with the people and hey welcome to Patterson, you're moving into your house and just so you're aware, there's this line here and you know you have that conversation but I don't know what the mechanism or you know, you can't really do that but it would be great.

Mr. Liguori stated no but you do the best you can with the warnings that are on the map, you hope that the buyers attorney conveys that information to their client, that's you know that's always a critical feature that in the mix of borrowing the most amount of money you've ever borrowed in your entire life, then you find out you know...

Ted Kozlowski stated you can't use the property.

Mr. Liguori stated I can't use the property.

Chairman Rogan stated I own this whole hill, yeah you own two acres, yeah the whole hill.

Mr. Liguori stated right but really the bigger issue and I can understand where Ted is coming from, I see it all the time and they, to me the bigger challenge is and I come across this a lot is hey I know it's there but I just do what I want anyway.

Chairman Rogan stated sure.

Mr. Liguori stated that's, those are the...

Chairman Rogan stated yeah, this section is right along the road where you're talking, its visible right from Ice Pond [Road].

Ted Kozlowski stated it's just you know, these lots always scare me.

Board Member Brady stated the Levine property is a perfect example.

Board Member Montesano stated Mike, question...

Rich Williams stated it is also abutting the PCLT property and they are going to be there, remember that.

Board Member Montesano stated is there...

Chairman Rogan stated maybe not there but that's...

Board Member Montesano stated I know it would have to end up bring legislation but I don't know if the County can get away with it, the Town, when you get your closing, is there way that something could be

issued with a wetlands, you are hereby notified that you have wetlands on your property, with a seal on it that they have to sign and admit that they saw...

Mr. Liguori stated the only thing that comes close to that is a notation that's required in the agricultural markets law that says if you sell a property, if you are the seller's attorney and you prepare a contract for a piece of property that is in Ag District, you are required to put this notification in the contract, that's the only thing I've ever seen that's even close to something like that.

Rich Williams stated DEC and DEP I've seen it too, are requiring as part of their approvals that notations be included in the deed.

Mr. Liguori stated right, that's true, that's true, I wasn't even thinking of that and I just did one, you have to file, when you get a DEC wetland permit they make you file what's called a confirmation deed to record that restriction.

Ted Kozlowski stated now the thing with this, the wetland edge, I know they talked about boulders but if you were buying that property, would you rather look at a nice stone wall, because they are going to dig up a lot of stone or do you want to look at boulders in your backyard. Is it better to just have them erect stonewalls along that buffer line.

Board Member Montesano stated can we put that kind of restriction on and make it...

Rich Williams stated can you require that kind of an expense.

Board Member Montesano stated yeah.

Rich Williams stated it's not cheap.

Chairman Rogan stated no.

Mr. Liguori stated you can do it; you can make somebody relocate an intersection and put up a street light for two hundred grand...

Ted Kozlowski stated I think it's more of a selling point for the property to have a stonewall as opposed to big, giant, ugly boulders...

Chairman Rogan stated sure.

Ted Kozlowski stated just baked potatoes sitting in the back lawn.

Chairman Rogan stated yeah, they look horrible.

Ted Kozlowski stated I just think you know, that's cheaper.

Chairman Rogan stated yeah and you can go between the potatoes.

Ted Kozlowski stated yeah I think that...

Board Member McNulty stated you can put a split rail fence up in front of it.

Ted Kozlowski stated I think having a stonewall is...

Board Member Montesano stated did you ever see my boulder, I had this little ant and he had a big boulder.

Mr. Liguori stated well look at this, there is going to discussion about a stonewall, how many traditional stonewalls have we seen across Putnam County which are the piled stones.

Chairman Rogan stated yeah, right.

Board Member Montesano stated well there's quite a few on that property.

Mr. Liguori stated you know, what is here, this is what's here in Putnam County.

Chairman Rogan stated they didn't build them for aesthetics, they just built them to get rid of the stones.

Mr. Liguori stated that's right.

Chairman Rogan stated you're right, they were single walls, not built the way we build them with the, you know.

Mr. Liguori stated I mean that can't be that expensive, you don't have to hire a mason I don't think.

Ted Kozlowski stated no you're not looking at concrete and poured stone, I mean but I just think, I think aesthetically if I were a property owner, I would rather have a stonewall, I think that's not going to hurt the value of the property.

Chairman Rogan stated well that's true, well let's have that discussion with them as we get into, after we get through the...

Board Member McNulty stated well it may to developer because they will be spending more to do it making less off of it.

Ted Kozlowski stated the developer doesn't care, once he's gone, he's gone and we pay for the rest.

Board Member Montesano stated he's not going to worry, it will add to the price of the house.

Ted Kozlowski stated we pay the rest of the price, I don't feel sorry for him, sorry.

Board Member Montesano stated I have never seen a developer lose money.

Board Member McNulty stated I'm not asking you to feel sorry for him, just something to consider.

Ted Kozlowski stated I don't feel sorry for him.

Chairman Rogan stated anything from anyone else, or our esteemed colleagues, anybody, motion to adjourn.

Mr. Liguori stated oh, Charlie.

Rich Williams stated Charlie.

Board Member McNulty 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 8:27 p.m.