

**APPROVED**

**TOWN OF PATTERSON**

**PLANNING BOARD MEETING**

**May 26, 2011**

*Work Session*

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**TOWN OF PATTERSON**  
**PLANNING & ZONING OFFICE**

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**PLANNING BOARD**  
Shawn Rogan, Chairman  
Charles Cook, Vice Chairman  
Michael Montesano  
Thomas E. McNulty  
Ron Taylor

**Planning Board**  
**May 26, 2011 Work Session Meeting Minutes**

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

**APPROVED**

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

The meeting began at 7:01 p.m.

Michelle Russo was the Secretary and transcribed the following minutes.

Rich Williams stated the house that Apap just renovated.

Chairman Rogan stated okay, good evening everyone.

Ted Kozlowski stated good evening sir.

Chairman Rogan stated without any objection from anyone, I wanted to add two items to the, under Other Business, item 5c will be Stilwell and 5d will be Alpine and if anyone, unless anyone has any problem with it, we'll talk about Alpine first since we have someone here on that application, any objections...

Board Member Cook stated nope.

Chairman Rogan stated no, okay, David.

**5) OTHER BUSINESS**

**d. Alpine Restaurant (John Rentoulis)**

Mr. David Pierro was present to represent the applicant.

Mr. Pierro stated good evening gentlemen, its nice to see you all again...

Board Member McNulty stated how are you Dave.

Mr. Pierro stated I do miss breakfast, I don't miss the meetings but I miss that.

Chairman Rogan stated we do too, we haven't had breakfast in a long time.

Ted Kozlowski stated we haven't had once since you left.

Mr. Pierro stated really.

Chairman Rogan stated yeah, I think that is probably just about accurate.

Mr. Pierro stated first thing, to eliminate the confusion, the packet that you received from Rich with photographs of the Alpine, (inaudible).

Chairman Rogan stated throw it away, all right...

Mr. Pierro stated don't throw it away, Rich came up with, after looking at that, he came up with the possibility that the easement line may go the edge of that island right of way, we are verifying that with a surveyor, we have to verify the southerly end of that easement line as well for another proposal that may be coming through on this subject property. As you all know this has been in front the Planning Board and the Town ad nauseum for years, my associated John Ravetto, also of Houlihan Lawrence and I, decided to take on the nightmare. John Rentoulis, who most of you guys know, is ill, he's at Westchester County Medical, he's got a bad heart problem and this has been going on for a few months, his son has been trying to run the operation, Rich asked me to look into realigning, if you have the map, realigning the driveway aisle which was something in that laundry list that was provided. In the past, Rich is correct, we may not be able to do anything with that if its on the bank's property, we were interested in cutting this island in half and adding five additional spaces, that may not be for discussion for tonight but keep that in the back of your head, if we find out that's not on the Ryder's right of way, we will address that later on. The other issue and one of the most difficult things for us to get done in that laundry list, I don't know if these guys received that laundry list from the Building Department...

Rich Williams stated awhile ago, yeah.

Chairman Rogan stated yeah.

Mr. Pierro stated the things that I think need to be taken care of quickly is there is a refrigerator box in the back of the building with a roof covering over it and that was highlighted in the memo...

Chairman Rogan stated it's a walk-in cooler is what you're saying.

Mr. Pierro stated it is a walk-in cooler and I have black and white photos for everybody to peruse, as you all know...

Chairman Rogan stated thank you.

Mr. Pierro stated as you all know these were made illegal by Town Code years ago, some of them were grandfathered in, I imagine, this one has a roof over it, the laundry list either prepared by the Building Department or the Planning Department was that the siding on the refrigerator box match the stucco of the building, as you all well know, that stucco is quite expensive to do, its parging applied to Styrofoam, its

difficult to do, we've been looking for somebody to do it, I was going to be here, so I thought I would ask the Board's permission to waive that requirement and allow us to apply a Texture 111 product that is a glossy product, its an enamel coating on the top of it, its very shiny, it could be painted to the color of the building to make the building or we can just put Texture 111 and paint it the color of the building, I have a sample of it at home, if you drive-by my house, my deck, my shed is made out of it, that would be one thing we would address tonight, the other thing I would like to talk about and I look towards the Board's advice on the sign issue, they, Mr. Rentoulis is deciding now whether or not he will apply for a variance for that sign or just take it down. My advice to Mr. Rentoulis was to remove the sign and I think that straightens out a lot problems and it will be a hell of a lot cheaper and we'll let the new owner, hint, hint, build a new sign that is conforming.

Chairman Rogan stated yeah, I think that makes a lot of sense.

Board Member McNulty stated isn't that sign in the island.

Mr. Pierro stated its in the island but a portion of it is on, as you can see here, a portion of it is in fact on Rentoulis' property and we're not sure this line is totally accurate but we have to call the bank and tell them we're taking to sign down, its our sign they are going to have to deal with that.

Chairman Rogan stated the structure around the walk in box is visible from the back parking lot, its on the back side...

Mr. Pierro stated only the back parking lot; it's not visible from the front.

Chairman Rogan stated okay and...

Mr. Pierro stated its behind the, as you can see on the survey I will hand you, it is behind the tattoo shop.

Board Member McNulty stated it's really not visible unless you go around the back of the building.

Mr. Pierro stated right and I can barricade it with fencing, run a straight line off the corner of the...

Chairman Rogan stated oh its here...

Mr. Pierro stated no, this is the dumpster enclosure...

Chairman Rogan stated oh, right, right, right.

Mr. Pierro stated no, this is the dumpster enclosure, the new dumpster enclosure, I can fence that whole thing off, its not intruding on parking, it will sort of screen off that whole back area...

Chairman Rogan stated Dave, where is the walk-in box shown on this map.

Mr. Pierro stated I would have to say that's it, right where my finger is...

Chairman Rogan stated that's in the front, that, no that's the front.

Mr. Pierro stated sorry, here it is.

Chairman Rogan stated so it's this storage enclosure.

Mr. Pierro stated storage in enclosure that is the photo that I handed to you.

Chairman Rogan stated I gotcha...

Mr. Pierro stated it's a metal truck back that's insulated and they keep compressors in there.

Board Member McNulty stated that's for all the kegs right.

Mr. Pierro stated yeah.

Chairman Rogan stated so this view from [Route] 22...

Mr. Pierro stated you can't see it.

Chairman Rogan stated you can't see it, it's you know, you can only see it as you're heading south on [Route] 22...

Mr. Pierro stated really up close, that's a kin to the photo I handed you tonight.

Chairman Rogan stated got it, question, just for point of reference, the walk-in boxes that we've approved or someone approved for sites like Putnam Diner that are just out on their own, aren't they just metal boxes do they have...

Rich Williams stated I don't know that the Putnam [Diner] box ever got approved, I know the Dunkin' Donuts box came on after the fact and the Planning Board wrestled with that issue about the appearance of that, they wanted it painted, they ultimately, the property owner, as memory serves, the property owner argued against painting it for a variety of reasons, insulation, difficulty in getting the paint to adhere, so the Planning Board ultimately let that one go...

Chairman Rogan stated it seems like we talked about Putnam Diner with, was, I don't know why, were they in for site plan for the sewage treatment system, something that we talked about those enclosures, I thought.

Rich Williams stated I don't remember.

Chairman Rogan stated maybe not, I might be totally in any case, I didn't mean to get the Board side tracked but in this case because of the low visibility, what does everybody feel about putting, the color I think is more important that it blends with the color of the building then...

Mr. Pierro stated that was the earlier request that Mr. Rentoulis remembers, that everything has to be the same color and they painted it, somehow over time, I guess because they were doing nothing with the punch list...

Chairman Rogan stated right.

Mr. Pierro stated it became, it evolved into making it the same texture...

Chairman Rogan stated oh I see, I don't remember that.

Mr. Pierro stated I understand that because these guys, they have businesses in lower Westchester, they are overwhelmed, now the father is ill, the kid doesn't know what to do with himself we're holding his hand to try to get things accomplished here and we hope to be able to succeed that.

Board Member Montesano stated would it be easier to T-111 rather than paint over the metal because the metal's not going to...

Mr. Pierro stated the metal is already painted.

Board Member McNulty stated is this stucco here.

Board Member Montesano stated yeah but it's going to be a problem keeping that metal painted.

Chairman Rogan stated you're absolutely right.

Board Member McNulty stated what is this siding on the back of the building.

Mr. Pierro stated I believe that is...

Board Member Montesano stated you're going to open, hopefully a new business.

Mr. Pierro stated stuccoed already but it's the same color.

Board Member McNulty stated I know you don't want to stucco it but we should determine what this is and match what the siding is to the back of the building, is it clapboard...

Mr. Pierro stated no, I don't know about this exact piece here Tom; I'd have to go over, in fact...

Board Member McNulty stated do we have any pictures of the back, just look at here, see how this is clapboard...

Mr. Pierro stated well this is vinyl siding and this was...

Board Member McNulty stated maybe we, what's this up here.

Mr. Pierro stated I believe that's vinyl siding.

Board Member McNulty stated so maybe we vinyl side.

Mr. Pierro stated that's also a possibility, I mean I'm asking...

Board Member McNulty stated make it blend rather than mishmash Texture 111 with vinyl with stucco, why don't we try to...

Mr. Pierro stated for a waiver...

Chairman Rogan stated it sounds like everybody is open to the idea of using something other than the stucco, so why don't we, while we are out there drive past and see what the heck and what would match it. The objective is that it's not an eyesore, that's its maintained nice...

Board Member McNulty stated yeah, make it blend.

Mr. Pierro stated it's not an eyesore now, it blends, and it's all the same color.

Rich Williams stated you want to take a look at this thing, as a drive-by.

Chairman Rogan stated absolutely.

Rich Williams stated okay, that will give us a little bit of time because honestly you're going through the site plan, I don't remember this as being an issue...

Chairman Rogan stated yeah I didn't either, that's why I was surprised.

Rich Williams stated I don't know that this isn't a Building Department issue.

Chairman Rogan stated okay.

Mr. Pierro stated its on the list.

Rich Williams stated its on the Building Department list, so...

Board Member McNulty stated is this list just sent, Rich...

Rich Williams stated excuse me.

Board Member McNulty stated the Building Department...

Mr. Pierro stated May 5.

Board Member McNulty stated yeah, all these items, Building Code, okay I see it, I haven't had a chance to see it yet.

Rich Williams stated so we may want to get Nick to weigh in on this as well.

Chairman Rogan stated oh that would be great.

Mr. Pierro stated okay and Nick was out there with me on Saturday, there was an outstanding boiler permit issue, there was no fire suppression above the new boiler installed, it was an open permit, Dino had to go to Court, he couldn't go to Court because he didn't have power of attorney for his father, so we took care of that issue and straightened it out.

Board Member Montesano stated you took care of that one right...

Mr. Pierro stated I can't see it from here Mike, what is it.

Board Member McNulty stated the toilet.

Board Member Montesano stated the outside exposure.

Mr. Pierro stated that's gone; that's gone.

Board Member Montesano stated well it said private property...

Mr. Pierro stated we had a landscape crew out there this week weed whacking and cleaning up, we are having a trailer load of stuff taken out tomorrow and we've posted signs on the grass lot which is the south lot prohibiting parking for any purposed relative to the ski area because in my client, my client didn't realize that he was being, he was liable for anybody who got hurt on the property and the property is being ruined by the soil compaction of 150 cars out there, so if the Alpine Restaurant ever required a sewage treatment system for their building or potentially new building out on a that three acre field, its going to have to be a built up system, so we've written letters and instructed the ski area directly in person, not to park that, not to maintain it and I've got to tell you, it wasn't pleasant.

Board Member Taylor stated which area is that now.

Mr. Pierro stated this is the south lot...

Board Member McNulty stated if you open that plan you'll see it.

Board Member Taylor stated on the other side of the entrance way...

Mr. Pierro stated yes, all of this.

Board Member Taylor stated I know which way, okay.

Mr. Pierro stated this belongs to Mr. Rentoulis.

Board Member Taylor stated right, I know.

Mr. Pierro stated and that is, this lot and its access will be a question in the future, Rich and I had discussed this a little bit, it's a question in the future. I have and Mr. Rentoulis have been out there photographing the parking access, the occupation of this field lot, all winter every weekend because we expect a good amount of litigation in the future on this property.

Chairman Rogan stated so the two issues for tonight though that we really want to discuss was the...

Mr. Pierro stated the waiver for the parging....

Chairman Rogan stated which sounds like we are all considering...

Mr. Pierro stated and whatever application you'd like, if you want it vinyl sided, Texture 111, whichever.

Chairman Rogan stated why don't we call just drive, your client is okay with us walking around, just pulling in here and looking at this.

Mr. Pierro stated not a problem.

Chairman Rogan stated okay and why don't we do that in between now and the next meeting just on everybody's own and in terms of the sign, it sounds like the ideal would be to agree with that, knock that thing down and have the next owner come in and we'll get something per code and that's cleanest, right...

Rich Williams stated yeah, absolutely.

Mr. Pierro stated that's what I'm, please let me go on the record, that's what I'm trying to convince him to do.

Chairman Rogan stated fair enough. He has the right to apply for a waiver...

Mr. Pierro stated sure he has a right to apply to zoning but I'm not sure that that is the most expedient thing to do under the circumstances that we're having...

Chairman Rogan stated given what you have one you plate...

Mr. Pierro stated yeah.

Chairman Rogan stated I would cut my losses and see how you can get the best bang for your buck, get all these items done and get this thing marketed and into the hands of someone who can use it and get some productivity out of the site.

Mr. Pierro stated absolutely, he installed most of the signs, the drive aisle signs recently but they have to be placed in concrete and that we're having taken care of, we may have to realign this drive aisle, this is what is proposed...

Chairman Rogan stated yeah.

Mr. Pierro stated my idea was to cut it in half and put five spaces in there as I said but apparently this angle was not correct or the Planning Board didn't like this angle, it is actually a T...

Chairman Rogan stated got it.

Mr. Pierro stated so we will take care of that we, we are...

Board Member McNulty stated why is it that you want to cut the aisle, to add...

Mr. Pierro stated if we own it we want to cut it to add five parking spaces.

Board Member McNulty stated and that is because you don't have enough parking now.

Mr. Pierro stated there are fifty spaces on the plan, fifty some-odd spaces on that plan, the more the better but we struggled with getting what we have here, my concern is there is a rear door in the back of the tattoo shop that has a parking space right up against it, I would like to waive that space all together, put the two dumpsters there or one small dumpster there and then add some more spaces over here, if we can do it, if we own the land but that is a question for another night.

Board Member McNulty stated but that's not a paved lot now though, is it.

Mr. Pierro stated no, its grass.

Board Member Montesano stated no.

Board Member McNulty stated so it's really not a lot is it, I mean a line.

Rich Williams stated it's a property boundary, the Ryder's own...

Board Member McNulty stated no, I mean the parking lot itself, its just...

Mr. Pierro stated behind the building.

Board Member McNulty stated behind the tattoo parlor.

Mr. Pierro stated I think its gravel, crushed gravel.

Rich Williams stated it's a gravel parking lot with wheel stops.

Board Member McNulty stated oh okay and that's what was approved on the site plan.

Chairman Rogan stated the proposed gravel parking area.

Mr. Pierro stated there are five spaces there but we don't have the room for the five that are in this area, we only have four and that's what the photographs...

Board Member McNulty stated I see, so you want to take this area and put it here.

Mr. Pierro stated if we can, I don't believe we can unless this line actually comes over here. [Mr.] Rentoulis thought the easement was over on this side but we're not sure, we'll verify that with a surveyor after he comes up with the dollars to do that.

Board Member Montesano stated what's the question with the island and the sign.

Mr. Pierro stated we want to, the Planning Board required that that drive aisle be contoured, that's not actual, what's actual is a 90° intersection in the center of the lot.

Board Member Montesano stated on the aisle you have the sign....

Mr. Pierro stated right.

Board Member Montesano stated right, okay, that sign, the property itself is in question.

Mr. Pierro stated a portion of it.

Board Member Montesano stated okay.

Mr. Pierro stated my idea was to cut this in half here but we don't, if my client doesn't own it, how are we going to mandate we can put parking on it.

Board Member Montesano stated well what I'm wondering right now is if your client doesn't own it, how does he get the sign out of there.

Mr. Pierro stated a portion of that sign is on his land.

Board Member McNulty stated if you look at this drawing Mike, you see it, one leg of the sign...

Board Member Taylor stated cut down the portion that's his.

Board Member Montesano stated that's what I'm just thinking.

Mr. Pierro stated we can do that then somebody else is responsible for the clean-up.

Rich Williams stated a portion of it is in the DOT right of way as well.

Board Member Montesano stated that I don't worry about.

Mr. Pierro stated I worry about that.

Board Member Montesano stated that's what I mean, that's going to be your headache, DOT can jump up and down but I don't think they are going to stop you from cleaning it up.

Mr. Pierro stated yeah, I worry about that...

Board Member Montesano stated at least they shouldn't but who knows.

Mr. Pierro stated because I was an investigator who did one of the largest liability cases with a sign in a New York State DOT right of way and the Town got hung out to dry and I would rather not leave that and I think we spent too much time on this gentlemen, let me go...

Chairman Rogan stated well not too much time, we're going to take a look at it between now and next week...

Mr. Pierro stated thank you for your time.

Chairman Rogan stated is this yours, Dave.

Mr. Pierro stated yes.

Board Member Taylor stated and you're going to clean-up the rest of this.

Mr. Pierro stated my god, we are, we certainly are...

Chairman Rogan stated work on it.

Board Member Montesano stated before or after you retire.

Mr. Pierro stated no, I'm partially retired now because there really is no real estate work.

Chairman Rogan stated have a good evening.

Mr. Pierro stated yeah, thank you for your time guys.

**1) ROBERT HOPE – Request for Driveway Waiver**

Chairman Rogan stated we have on the agenda, Robert Hope it is a request for a driveway waiver, what can you tell us Rich about this application.

Rich Williams stated essentially the applicant wants to install something other than black top or concrete and our Code requires that in those instances it needs to come back to the Planning Board for a waiver, I haven't been out there to take a look at it yet...

Chairman Rogan stated okay.

Rich Williams stated kind of an interesting situation in that the house is in Connecticut, the driveway is in New York, we have some other issues that we're wrestling with...

Chairman Rogan stated that's funny.

Rich Williams stated with retaining walls within the Town right of way, which we are going to have to grant him some sort of licensing agreement, we're going to allow him to stay.

Board Member McNulty stated this plan is intact already or this is a proposed plan.

Rich Williams stated the driveway is existing, he wants to surface it with...

The Secretary stated Unilock pavers.

Rich Williams stated Unilock pavers rather than black top because he feels the black top will not hold up as well.

Board Member McNulty stated yeah, I read that but the retaining walls are in place already.

Rich Williams stated some are, he wants to replace them.

Board Member McNulty stated with Unilock.

Rich Williams stated with Unilock.

Chairman Rogan stated which pavers are what we've allowed people that we've given waivers to that wanted to have gravel drives, we said put some kind of pavers for the first twenty, we just did it on Cushman [Road] I think recently for that horse property, so if they want to do the whole driveway in Unilock, it would stand to reason that that would be something that the Board would be...

Board Member Montesano stated yeah I like Unilock.

Rich Williams stated the thing with Unilock though is you've got to watch the grades of the driveway, if the grades of the driveway are too steep...

Board Member Montesano stated you'll slide faster than you will black top.

Rich Williams stated you'll slide and they won't hold up, so that is why you need to take a look at it.

Board Member McNulty stated I think he mentioned too about grass pavers, did he say that in there, I don't remember, I looked at this the other day.

Rich Williams stated I don't but I'm going to take a ride out there and take a look at it, I just haven't had a chance.

## 2) PATTERSON LIBRARY – Wetlands/Watercourse Permit Application

Chairman Rogan stated and Patterson Library we discussed last meeting.

Rich Williams stated after this, I can retire now, its Ted's agenda.

Chairman Rogan stated okay, I remember Teddy at the meeting you had said the area was already disturbed grass area, we were looking to add a copula...

The Secretary stated gazebo.

Chairman Rogan stated gazebo, I'm sorry, did I say copula, gazebo.

Board Member Montesano stated I thought maybe you wanted to go put my copula back.

Chairman Rogan stated a gazebo with a copula.

Rich Williams stated if I could just interject; there is one more little twist in this...

Chairman Rogan stated there always is.

Rich Williams stated one of the trustees for the Library approached me today; they would also like to place a fence along the edge of the driveway area with a couple of gated openings so as to segregate that parking area.

Chairman Rogan stated oh, oh, between the drive area and the grass area.

Board Member Montesano stated they don't want people driving on the grass.

Chairman Rogan stated all right, Teddy any issue with that.

Ted Kozlowski stated at the last meeting, the only, I didn't have any problem with this project it's pretty straight forward, it's on a lawn, all I wanted them to do was just, they did not complete an application and

maybe tonight we all just write on the application what they are really doing because all they put was if you look at the application, a gazebo on a gravel bed and that is not all they are doing there, they are also putting an electric line to the gazebo which is going to come off a pole underground in the grass to it but it is all in the buffer, now they want to put a fence up so maybe we can put that all on instead of making them come back but I, the only thing I told them when I met them at the meeting I had with, what's the guys name.

Rich Williams stated Don Ferraro...

Ted Kozlowski stated who.

Rich Williams stated Don Ferraro.

Ted Kozlowski stated when I met Don I said just put it all down on a piece of paper, on this application so its, tell us everything that you want to do...

Chairman Rogan stated hasn't done that.

Ted Kozlowski stated and here we are now it's you know, now there is a fence, I just wish they would all come together and just tell us what they want to do and let's get it done so I'm not looking to delay them I just wish they would just they have it...

Board Member Montesano stated did you give them a book.

Ted Kozlowski stated I'm sure somewhere, someone in that Library Trustee Board knows what they want to do and should have just put it all down.

Board Member Cook stated Rich have they said how long the fence would be or how high or any of the details.

Rich Williams stated it's about three, three and a half feet, it's a vinyl kind of slow stockade fence that would run along the back perimeter of the drive.

Chairman Rogan stated keep kids out of the parking area.

Board Member Montesano stated that's what's not here.

Ted Kozlowski stated do you want me to go check this tomorrow.

Board Member Montesano stated everything is a secret.

Chairman Rogan stated right.

Board Member McNulty stated yes.

Ted Kozlowski stated is that definitely what they want to do.

Rich Williams stated I'm sorry I said stockade, post and rail, post and rail not stockade.

Board Member McNulty stated there is a big difference.

Rich Williams stated big difference.

Ted Kozlowski stated again, it's all incidental landscaping stuff but...

Board Member Montesano stated nice to fill it out.

Ted Kozlowski stated what I fear is, you know we're going to fix, what the hell is that...

Board Member Taylor stated (inaudible).

Ted Kozlowski stated you know, I don't know how much easier I can try to make it for them, I don't know if they are going to come to Rich tomorrow and say oh by the way we forgot this, you know.

Board Member Cook stated so really what they have to...

Ted Kozlowski stated where do you want to draw the line, do we draw a line, I don't really care, again it's not (inaudible).

Chairman Rogan stated it is a matter of codifying what they want and what we are approving.

Board Member Montesano stated in all actuality they are the Library, they have book for everything, let them, all it takes is somebody to sit there and fill out what they're going to do, it's not difficult.

Board Member Taylor stated they are proposing a million dollar addition so...

Chairman Rogan stated I hope they do better on, well...

Board Member Montesano stated so if they come up with the second story with the gazebo on the second story we're...

Ted Kozlowski stated I mean we can write it down on the applications right now and call it day.

Board Member McNulty stated I don't know, they should submit the changes we shouldn't make that...

Chairman Rogan stated we really shouldn't it's a bad precedent.

Ted Kozlowski stated I'm a little leery about the fence because where does it begin and end is it post and rail, it is not on the, I mean I know Rich I believe, what they said to you but...

Board Member Montesano stated we need it in writing.

Board Member McNulty stated what about the electric, is that on the plan or in a note.

Rich Williams stated let me say this and we've done this in the past, you don't necessarily need it in writing, they've made a certain representation, you can codify that within the resolution, we not codify it, you can...

Chairman Rogan stated yeah.

Rich Williams stated you can make that part of the resolution to say this is what we're approving, that's it, if you want to do something else you have to come back.

Chairman Rogan stated right.

Ted Kozlowski stated why don't you guys hold off approving until the next meeting...

Chairman Rogan stated we're not approving it tonight.

Ted Kozlowski stated and Rich can you call them tomorrow and just say are you sure, is this it, is this it.

Rich Williams stated I can call them, I can say that in a very tactful way but you know...

Ted Kozlowski stated I think.

Board Member Cook stated all right, hold on...

Board Member Montesano stated then we should...

Board Member Cook stated what I think we need, right is this new information at least on a drawing such as they originally gave us, showing the fence, how long the fence, how high the fence is and where the electric line is going from point A to B...

Board Member McNulty stated we would make John Doe do that so the Library should have to do that.

Board Member Cook stated absolutely.

Board Member Taylor stated yes.

Chairman Rogan stated okay.

Ted Kozlowski stated I mean, I just and I want to reiterate and I want to go on record for this, I really explained that to him, to Don when I met him in the parking lot, I just said tell us what you want.

Board Member Montesano stated that's what it was, did you take him out of the kids section of the library.

Chairman Rogan stated one way or another.

Ted Kozlowski stated I have his phone number and I have no problem calling him and telling this issue.

Board Member Cook stated I think to approve this...

Board Member McNulty stated maybe just send him something in writing.

Board Member Cook stated to approve this application we need this form updated to show that information, end of story.

Board Member Montesano stated end of story.

Board Member Taylor stated yup, if they come back for changes, we charge them a fee next time.

Board Member McNulty stated we did waive the fee right.

Rich Williams stated the fee got waived the first time.

Board Member Montesano stated that's all right we'll just get another increase.

Chairman Rogan stated you guys are really nice.

Board Member Montesano stated hey, we're polite.

Chairman Rogan stated you're all very nice.

### 3) **MATTHEW CASTELLANO – Wetlands/Watercourse Permit Application**

Chairman Rogan stated okay Castellano, wetlands/watercourse permit application, so what is this Put Lake, it says Tulip Road, Brewster.

Rich Williams stated that is his current address, the property is actually along [Route] 311 down across from the WRAM property.

Board Member Taylor stated so is this house built since the plan.

Rich Williams stated no.

Board Member Taylor stated so it's never been built, so what are they doing...

Ted Kozlowski stated Rich, did he sell it and he's building it for this guy or...

Rich Williams stated no, no, no, he bought this piece of property, he would like to build a house there and there was a pond on the property already.

Board Member Taylor stated right.

Rich Williams stated and what he did is he started going in and clearing and doing a little bit of grading and improving the property in anticipation of building a house next year and his neighbor complained, there is more than 5,000 square feet of disturbance, he had to file for an erosion control permit, he had to get erosion controls up and he also did some grading and some improvements within the, well within a hundred feet of the pond and so Ted requested that a wetlands/watercourse permit be filed.

Ted Kozlowski stated Rich, what did he pay, do you know because I don't know...

Rich Williams stated I don't remember, I thought it was a hundred dollars.

Ted Kozlowski stated because it's not on the application.

Board Member McNulty stated where is this property again, I'm still not clear where it is.

Ted Kozlowski stated Tom (inaudible).

Rich Williams stated you go down [Route] 311, you know where the WRAM air property is...

Board Member Montesano stated the airplane club...

Board Member McNulty stated the duplex house right over there, okay, yeah I know where the entrance is, yeah.

Ted Kozlowski stated you can see this from the road.

Board Member McNulty stated its right in there or across the street from there.

Rich Williams stated well it's on the north side of the road, the northwest side of the road...

Board Member Montesano stated so it's opposite WRAM.

Chairman Rogan stated it's opposite.

Rich Williams stated do you know where Vince Murphy lives.

Board Member McNulty stated yeah, across the street.

Rich Williams stated across the street.

Board Member Cook stated what is the purpose of a dry hydrant.

Rich Williams stated to draw water in case of a fire but you have to have some sort of a suction to do, we put the dry hydrants all the time in the pond, they were out by the lake so the fire can (inaudible)...

Board Member Montesano stated the pumper truck hooks up to it and pumps it up.

Rich Williams stated the difficulty is he did it himself, so of course it doesn't meet any of the fire department requirements.

Board Member Cook stated so he has to do it over again.

Board Member McNulty stated I don't understand what he's applying for, he just wants to re-grade.

Chairman Rogan stated he did, it sounds like he did work within a wetland area or a pond area, right.

Ted Kozlowski stated just wait a second.

Chairman Rogan stated all right.

Board Member McNulty stated I feel like I'm home.

Ted Kozlowski stated the only thing, I went up there initially and the pond is interesting and it is on top of a hill and I have never really seen a pond on top of a hill like that, Rich said there is drainage coming a little higher piece of that, it must be where it is coming from. The only thing on this application, this is the first time I'm seeing it because this has been the busiest week of, this period of time at my other job is busy, I haven't had a chance to come in the office. Rich did he indicate to you what he's going to do around that pond because there is nothing on this application...

Board Member Montesano stated can we go out and look at this.

Ted Kozlowski stated he just said re-grading but what is he going to...

Rich Williams stated that's it, he re-graded, he threw the grass down, he put the dry hydrant in, that's it.

Board Member Montesano stated could we go out and look at this to see what the hell he's doing.

Board Member McNulty stated basically this is an application after the fact and what initiated that on his part, he just realize he had to do it...

Rich Williams stated its after the fact, he's already done the work...

Chairman Rogan stated neighbor complained.

Rich Williams stated neighbor complained, Nick went out there and saw it, called Ted or called me and called Ted.

Ted Kozlowski stated my concern wasn't so much the wetland as it was when I called Rich after I had been out to the site I was more concerned about erosion controls and the neighbor below, I just thought that it was a lot cleared and I think that is what precipitated the neighbor for calling.

Rich Williams stated I went out there, he did put erosion controls up, I did ask him to make some modifications but it is very sandy soil and I have been out there in two heavy rains, nothing is moving.

Chairman Rogan stated that's good.

Ted Kozlowski stated no, I just, I'm going to call him, I would just like to know what his plans are for that pond and what (inaudible) a natural pond or its going to be a swimming hole, I don't know which. I don't see, Rich unless you feel otherwise, I don't see a need for a functional analysis or anything, it's not a very big pond, about the size of this room...

Rich Williams stated it is a man-made pond and it is not really doing anything...

Chairman Rogan stated oh it's that small.

Ted Kozlowski stated it's not big.

Rich Williams stated and he's not really doing anything in the pond.

Ted Kozlowski stated well he's got one of those pontoon paddle boats...

Chairman Rogan stated he can go around and around.

Board Member McNulty stated how big is this pond.

Ted Kozlowski stated it is like one of those Lionel Train sets that goes in a circle, can't go very far.

Board Member Cook stated does he need a short EAF.

Rich Williams stated I thought he had one.

Ted Kozlowski stated again...

Rich Williams stated we'll take a look at that.

Ted Kozlowski stated I think for the purposes of this permit it is more the erosion controls and just making sure there are no impacts on the neighbor.

Rich Williams stated and understand all the work he did slopes away from the pond, so it is not...

Ted Kozlowski stated but I am going to call him and I was just you know, why don't I report to you on Thursday.

Chairman Rogan stated great.

Board Member Taylor stated now this dry hydrant, in a normal situation where would that fall, would it fall under wetlands or would it fall under building, when they do the building.

Rich Williams stated putting it in the pond would fall under the wetlands but if he's going to do a dry hydrant that is going to be functional, he also needs the review of the Fire Inspector because the Fire Inspector needs to make sure that it meets certain basic requirements.

Ted Kozlowski stated (inaudible).

Rich Williams stated yeah.

Board Member Taylor stated I would say we need to scratch that off the application, we can't approve something that's not in our jurisdiction is it.

Rich Williams stated the fact that he's putting it in the pond is within your jurisdiction.

Board Member Taylor stated okay but then we say he has to get it approved, we're not approving what's existing.

Rich Williams stated well we've already put him on notice that he doesn't meet necessarily the fire department requirements, so it's nice that he did it but if a fire truck pulls and the reality where the house is going to be, the pond is on the other side of the house, so...

Ted Kozlowski stated Ron it's kind of like the same thing with the dams and bridges, so our jurisdiction to

issue the permit, what really need is an engineer to really approve it because of the safety factor and all that, that is a similar thing, he's doing a disturbance within a wetland or buffer and we have to ensure ourselves that the disturbance is not detrimental...

Board Member Taylor stated right.

Ted Kozlowski stated but the hydrant, as Rich says the fire chief's responsibility to verify that it works in case of an emergency. So...

Rich Williams stated so what is going to happen is it's just not going to go on the fire department list of dry hydrants.

Board Member McNulty stated the guy went through a lot of effort...

Rich Williams stated for nothing.

Board Member McNulty stated it won't count...

Board Member Montesano stated oh, did it go for effort or did it go because it was easier to proceed doing it his way and then say hey I'll put this in so...

Board Member Taylor stated well that's what I'm trying to get at...

Board Member Montesano stated right.

Board Member Taylor stated it shouldn't appear that we've approved this dry hydrant...

Board Member Montesano stated I'd like to go out and take a look at it to see if it's even worthy of it.

Board Member Taylor stated we approved installation of a dry hydrant pending the regulations but we haven't approved what he actually has put in and that's all I'm trying to say.

Rich Williams stated no and I understand what you're saying, you're not approving the dry hydrant, you're approving the disturbance to the pond.

Board Member Taylor stated okay.

Chairman Rogan stated the location and the intent.

Board Member McNulty stated and the authorization to go ahead and proceed under the regulations of the Fire Inspector.

Board Member Montesano stated well if he has already disturbed it, I'd like to see what he did because I guess anything.

Ted Kozlowski stated and you know what, Ron has a point because what happens if there is some sort of emergency...

Chairman Rogan stated that's right.

Ted Kozlowski stated and the fire hydrant doesn't work and it's a, you know...

Chairman Rogan stated a lawsuit and they say well it was approved by the Town but now you have to go back and find all the nitty gritty of the record and say well we approved the location of a dry hydrant, one that was already installed that now we've put on the record isn't proper.

Ted Kozlowski stated or you can just, when you do the permit just say we're not, it's not been approved the by the fire department so we're not approving its validity.

Rich Williams stated I will say this that Dave Raines has been running around with the fire department check some of the fire hydrants, if they don't work, they make them put a tag on it saying this doesn't work, so...

Chairman Rogan stated oh wow.

Rich Williams stated so this guy may get tagged.

Board Member McNulty stated yeah, why waste time.

Chairman Rogan stated right, good point.

Board Member McNulty stated don't hook up. So we are approving the disturbance for it and then qualify that the Building Department, fire department have to verify...

Rich Williams stated we have no idea what the suction looks like in that pond, he may have put...

Board Member Taylor stated right.

Board Member Montesano stated how deep is the pond.

Rich Williams stated not deep.

Ted Kozlowski stated I think that pond will put out a camp fire.

Board Member Taylor stated okay.

Ted Kozlowski stated I don't know if it's going to put out a house fire, it's not that big.

Board Member Taylor stated so he needs a bucket and whatever those poles are called.

Board Member Montesano stated can we get a battleship in it.

Rich Williams stated Shawn, we have to talk about...

Board Member Montesano stated I guess we're not going.

Rich Williams stated the last wetlands permit you just approved, (inaudible).

Chairman Rogan stated okay.

Rich Williams stated I just want to get you up to speed.

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

Board Member Montesano stated I'd like to, I'd like to see what was done, I'd like to know what he did and why.

Board Member McNulty stated I would like to hear Ted's feedback before I go running out there and just see...

Chairman Rogan stated oh yeah, absolutely.

Board Member Montesano stated yeah, well.

Board Member Cook stated that's fair.

Board Member Montesano stated we'll let him do his job.

The Secretary stated hey Ted, he did pay a hundred dollar fee...

Board Member McNulty stated can you take 8 x 10 glosses...

Ted Kozlowski stated he did.

The Secretary stated he did.

Ted Kozlowski stated I see little markings a hundred and fifty and then hundred, I don't know what that means.

The Secretary stated the one fifty is for the erosion permit and the hundred is for the wetland.

Ted Kozlowski stated oh, you charge more for an erosion control.

The Secretary stated I don't charge more, the Town Board charges more.

Ted Kozlowski stated I'm going to yell at them.

The Secretary stated I'm just the messenger.

#### **4) CENTRUM PROPERTIES – Wetlands/Watercourse Permit Application**

Chairman Rogan stated okay we have a stream crossing culvert replacement for Centrum Properties.

Ted Kozlowski stated okay.

Chairman Rogan stated shoot.

Ted Kozlowski stated Denis Rocchio, a very interesting individual and you can't help but like the guy because he's kind of nutty and I'm saying that in a nice way but I have been after him to complete a...

Board Member Montesano stated eccentric please.

Ted Kozlowski stated permit application since March...

The Secretary stated February.

Rich Williams stated of this year.

Ted Kozlowski stated how far back does this go...

Rich Williams stated a long time.

Ted Kozlowski stated oh it goes before the winter, right.

Rich Williams stated yeah.

Ted Kozlowski stated this goes back a long way, Denis is an individual, he's not a malicious individual, he's kind of a nice guy but he's, working with him, the pipe is in the stream, its sitting there, it's not causing any problems, I think it's an oversized pipe, its huge, he explained to me the following, he owned Centurm Construction or something like that he did, he was a fairly big contractor, worked at LaGuardia Airport and a whole bunch of places, he has a ton of equipment up there that's front his company, he went out of business five, six, seven years ago, apparently took a beating and had to sell his house and he owned this property, he owned two properties, he lived in Harrison, he had to sell his house and then he moved up here. Now he's only living up there and apparently he wants to access the other side of the stream and his friend, (inaudible) corrugated metal pipe, it's a huge diameter pipe...

Board Member McNulty stated yeah, it says 54 inches.

Ted Kozlowski stated right, I haven't checked I think it's a Class D or C stream, I don't know how it flows in the summer but I think its oversized for the site, I don't think it's an issue of it blowing out but he appears to have put it in right but what I wanted him to do, I didn't want him to pull it out, I think pulling it out at this point is going to cause more damage than to sure it up but I wanted the Board to make the decision, what he's doing on the other side of the property is there is nothing there, it is getting from one side of the stream to the other. He told me he put it in because his friend gave him the pipe. I don't know if that means something, I don't know if there is some other purpose but he doesn't have much property beyond that, it is not, he's got I think ten acres but most of it is before the stream, yes...

Board Member Cook stated so he's already put this pipe.

Ted Kozlowski stated the pipe went in last year or whenever...

Board Member Cook stated but he has already put in two feet of fill...

Ted Kozlowski stated it's rock.

Board Member Cook stated over the pipe.

Ted Kozlowski stated right, this is definitely an after the fact thing, I have been, when I first discovered the, I was informed of the violation, I went out there, I got a hold of him through Joe Capasso, he called me back, unfortunately the snows came through the winter and I said all right, let's meet in March, March led to April, I met him April, I went out there and that is when this whole permit process started. This is an incomplete application because he doesn't have, I told him to see Michelle, apparently he went to see Donna DiPippo, I was just...

The Secretary stated those two things don't even sound the same Ted.

Ted Kozlowski stated I have to tell you...

The Secretary stated hold on.

Chairman Rogan stated you can't make this stuff up.

(Side 1 Ended – 7:43p.m.)

Ted Kozlowski stated either he's crazy like a fox or as smart as a fox.

Chairman Rogan stated or a little of both.

Ted Kozlowski stated he went to see Donna DiPippo and Donna told him to see Michelle but apparently he couldn't find the second floor, he didn't tell me that but I'm working on it, I, you know we'll get this complete, I do think...

Rich Williams stated I want to interject at this point that he has been storing his equipment on the side for years, doesn't have a site plan to do, doesn't have and yet somehow we never get a violation, we never get the site cleaned-up and if you go up there and look, it's a mess with a lot of equipment.

Ted Kozlowski stated he's also got a very nasty attack chicken.

Board Member Montesano stated I'll bring up my attack goose, we'll have a war.

Ted Kozlowski stated the chicken is named Charlie, so if we go up there on site walk, wear long pants, Charlie is the smallest...

Board Member Montesano stated he's the bantam weight.

Ted Kozlowski stated he's the smallest chicken and he's got an a Napoleonic complex, this chicken.

Board Member McNulty stated he just likes you Ted.

Board Member Cook stated now wait a second now...

Ted Kozlowski stated Denis has got about five loaded guns on this porch, I mean the guy is really funny, I don't know what to tell you, I'm not making this up.

Board Member McNulty stated does the pipe have any erosion problems...

Ted Kozlowski stated no...

Board Member Montesano stated if the application is incomplete...

Ted Kozlowski stated it's an incomplete application...

Board Member Montesano stated what are we doing with it.

Ted Kozlowski stated I am working on it, I went up there to see him Tuesday, he said come on have a glass of wine and Charlie is attacking me and the mosquitoes were horrible, I said Denis, you need to see Michelle, we've got it all worked out, just get the nearby, the adjacent property owners, he had these plans done, he didn't do these plans, he had an engineer do them...

The Secretary stated yeah Ted, there's no stamp on them, we don't know who did them.

Ted Kozlowski stated the engineer wouldn't stamp them.

Chairman Rogan stated yeah.

Board Member McNulty stated who drew it.

The Secretary stated we don't know.

Rich Williams stated (inaudible).

Ted Kozlowski stated the guy, all right...

Board Member Montesano stated under penalty of death.

Ted Kozlowski stated the one who drew it I think is the cousin of Lopane who is his neighbor.

Rich Williams stated do we know why the engineer wouldn't stamp it.

Ted Kozlowski stated actually he's not an engineer, that's why he wouldn't stamp it, he is a landscape architect.

Rich Williams stated well they still have a seal.

Board Member McNulty stated not if it's an architect.

Board Member Cook stated so we're going to wait on this until you look at it again or you speak to him again.

Ted Kozlowski stated well I need to get a complete application, it's not complete.

Board Member Cook stated not complete, so...

Ted Kozlowski stated Michelle, did he pay, and he paid a hundred bucks right.

The Secretary stated yeah he did, he gave me a hundred bucks.

Board Member Montesano stated well if it's not complete, there is no sense in having him here.

The Secretary stated what is he missing other than property owners.

Board Member McNulty stated the plans have to be stamped.

Ted Kozlowski stated I don't know if the erosion controls are the greatest but I don't know, look I told him to put grass seed down which I believe he did, there is no erosion going on right now, there are no real horrible issues, and it's just that he crossed the stream without the permit.

Board Member Cook stated so should Nick go out at the same time with Ted to look at potential violations.

Ted Kozlowski stated I thought Nick had sent him letters because he mentioned he has a collection.

Rich Williams stated there had been an ongoing since Paul Piazza days and I actually don't know where it stands other than the fact that there has never been compliance.

Ted Kozlowski stated I...

Board Member Montesano stated the chicken wins that's all there is to it.

Ted Kozlowski stated I did talk to him about his collection of things, okay, I did say Denis, there is a lot of heavy equipment here and I understand that there are some violations. According to Denis when he bought the property many years ago, he said it was zoned for this...

Rich Williams stated that is correct.

Ted Kozlowski stated I don't know what that means but he said it was zoned for this, the problem with the Town, it was before, actually before your and my time, this goes back a way, so Rich I don't know.

Rich Williams stated it started with Paul Piazza and then it went to Dave Raines and I don't know where it is at this point, it was zoned to allow a contractor's yard with a site plan approval.

Chairman Rogan stated so he's missing site plan approval.

Rich Williams stated we've since changed the zone and so contractor's yards are not allowed in this zoning district anymore.

Board Member McNulty stated what is that zoning district.

Rich Williams stated C-1, so you know you have that issue but the problem is that he never came in and got site plan approval, he just...

Chairman Rogan stated he just started using it...

Rich Williams stated well parking his equipment there and park his you know...

Chairman Rogan stated so it's...

Rich Williams stated excess...

Ted Kozlowski stated and he's also saying he's not a contractor anymore because he's not a business anymore...

Board Member Montesano stated oh he's a collector.

Ted Kozlowski stated it is a collection of stuff, there is a lot of stuff up there the fortunate thing is that you don't see it from [Route] 22 which is nice.

Board Member Montesano stated how long has been there.

Chairman Rogan stated in fairness though, these are 2 separate and distinct issues, we have an application, in incomplete application for a pipe crossing and we have an issue and we should treat them separately, we don't not act on one because there is the other I don't think, if there is an issue with a violation, that is an enforcement issue, that is not our, right, that's what we've been kind of saying...

Ted Kozlowski stated look...

Board Member Cook stated yes and I think we should encourage the Building Inspector...

Chairman Rogan stated I agree.

Board Member Cook stated to go out and do his job at this particular site, we have Ted going back out doing his job...

Chairman Rogan stated getting harassed by a chicken.

Board Member Cook stated saying this isn't, this is not a complete application and let's move on.

Chairman Rogan stated fair enough.

Ted Kozlowski stated and I informed him of that on Tuesday, Monday, I went out there, look I'm getting cooperation from him, the guy is not belligerent by any means, there is a violation but its not a violation where its an ongoing serious problem, its there...

Board Member Montesano stated he's very polite but he's not conforming to the issue at stake here and right now it seems...

Chairman Rogan stated in terms of the pipe we're looking at a complete application and making sure that the, that we're not going to create any kind of hazard...

Board Member Montesano stated I'll lend you my owl pants.

Ted Kozlowski stated I am working to get this into compliance.

Chairman Rogan stated all right.

Ted Kozlowski stated I just...

**5) OTHER BUSINESS**

**a. Levine Site Walk**

Chairman Rogan stated let's hear some good news or bad news but let's hear some news about the Levine site walk, it occurred this week didn't it, Tuesday...

Rich Williams stated June 1<sup>st</sup>.

Chairman Rogan stated oh I thought it was this past Tuesday.

Ted Kozlowski stated with DEC.

Chairman Rogan stated Health Department.

Rich Williams stated supposedly with Putnam County Health Department and DEC.

Ted Kozlowski stated do you know who from DEC at all.

Rich Williams stated I do, it's the guy who says they have no jurisdiction over it.

Chairman Rogan stated what's his name.

Rich Williams stated I don't recall his name.

Ted Kozlowski stated is his name Dennis.

Rich Williams stated listen, I'm dealing with so many DEC people at this point...

Chairman Rogan stated all right so that is forth coming...

Board Member Cook stated will you be going also...

Board Member McNulty stated (inaudible).

Rich Williams stated excuse me.

Board Member Cook stated oh, you'll be going also.

Rich Williams stated yes.

Board Member McNulty stated I was looking through all the notes and I'm looking at the picture and all I could think of was Alice's Restaurant, you've heard that song, it hadn't occurred to me before, have you ever heard that, the guy that dumps up in Massachusetts...

Chairman Rogan stated no.

Board Member McNulty stated I'll get a copy of it.

Rich Williams stated you've never heard Alice's Restaurant.

Board Member Montesano stated gee wiz what are you trying to show everybody your age.

Rich Williams stated that's classic.

Ted Kozlowski stated every Thanksgiving its played almost on every rock station.

Board Member McNulty stated it's the Levine story except there's no diner.

Rich Williams stated I don't know about that...

Chairman Rogan stated but it's a good story to listen to.

Board Member Montesano stated there is a guy out in California, he's got about Mulholland Drive.

Rich Williams stated you have to hear it every Thanksgiving, you have to.

Chairman Rogan stated I probably have and just haven't realized it.

Rich Williams stated you can anything you want at Alice's Restaurant.

Board Member McNulty stated its 15 or 17 minutes long.

Chairman Rogan stated I probably have heard it.

Board Member Montesano stated look at this, hey.

**b. Local Laws Bonds**

Chairman Rogan stated all right and what do we have on Local Law Bonds.

Rich Williams stated I haven't done it yet, I haven't had a chance.

Chairman Rogan stated all right, so Stilwell...

Ted Kozlowski stated Stilwell...

Rich Williams stated well before we get to Stilwell, just so you know, I was asked to present a second local law to the Planning Board for your consideration, one that has to do with allowing gas stations.

Chairman Rogan stated really.

Rich Williams stated really.

Board Member McNulty stated say that again Rich.

Rich Williams stated the Town Board has asked me to prepare a local law and asked the Planning Board to take a look at it that would allow a gas station in the [Route] 311 area and a gas station over in the Putnam Lake area because right now Putnam Lake only has one, they used to have two, one went out of business and over by [Route] 311 and [Interstate] 84, there used to be Bob's, Bob's went out business, Kent is no longer pursuing a gas station on that site and there is nothing in that area for a gas station.

Board Member Taylor stated where was Bob's.

Board Member Montesano stated they had an opportunity to put one in.

Rich Williams stated Bob's was over in Kent, just the other side of [Interstate] 84.

Board Member Montesano stated right next to...

Chairman Rogan stated there's a bar there.

Board Member McNulty stated Tara's...

Board Member Montesano stated where Bloomburg's Market is or was.

Ted Kozlowski stated oh that place, yeah.

Board Member Montesano stated now they had an opportunity, somebody came in ready to buy it in Kent and refurbish it because they were counting on Patterson Crossing and of course Kent said we don't allow that and that was that.

Rich Williams stated I think the hang up was they were trying to restrict trucks from going in there.

Board Member Montesano stated they were trying to restrict because he wanted a 24 hour service station and they said no, the lights will affect the people living up above.

Rich Williams stated they were okay with 24 hour gas station but not 24 hour diesel and the guy said trucks are my business, I'm right there by [Interstate] 84.

Board Member Montesano stated more intelligence, nobody goes to Hess I guess.

Chairman Rogan stated you sound like you were about to say something.

Board Member Taylor stated I was just wondering was, where is this coming from, what is the motivation behind, is this some general economic development plan or is there something else.

Rich Williams stated when I went out and saw Martin Monahan, Eurostyle Marble, Martin was complaining to me about its difficult for him running his business there, running his equipment, you know

people coming in, there is no place to get gas in that area. To get gas in that area you have to come out to [Route] 22 to the Mobil station, you go up to Exit 17 up in Kent, you go all the way down Route 311 and turn in heading towards Carmel before you hit a gas station or you get back on [Interstate] 84 and you go all the way down into Southeast. So he was complaining to me, I brought it back to the Town Board, I said there's a problem, you know, that was expressed to me, what do you want to do, do you want to do anything and that sparked a discussion about well we're hearing the same issues over in Putnam Lake where you know you used to have the gas station coming out of Putnam Lake that everybody stopped at, they've gone out of business, they can't re-open now because it was pre-existing non-conforming, we don't allow gas stations in the Town...

Board Member McNulty stated and at \$4.25 a gallon you don't want to drive six miles to get gas.

Rich Williams stated right.

Chairman Rogan stated the public hearing on this will be much easier for the Putnam Lake side than for the other one and that's a Town border and its going to be considered Patterson shoving it down another Town's throat.

Rich Williams stated I don't know if that's the case.

Board Member McNulty stated are there any lots conducive near the [Interstate] 84 interchange for a service station.

Board Member Montesano stated you'll have...

Chairman Rogan stated (inaudible).

Rich Williams stated and I don't know what the status of the Ryder lot is because the Ryder's frontage is now the County park and ride but the Ryder's have land right there, right across the street there is the (inaudible) property which you can do something there.

Board Member McNulty stated wetlands aren't an issue there.

Rich Williams stated not on those two lots, no.

Chairman Rogan stated you're talking about the Put Lake one.

Board Member McNulty stated no, 84...

Board Member Montesano stated 84.

Chairman Rogan stated oh I'm thinking of the lots right across from Patterson Crossing, the corner lot there that we originally, you know on the Kent side of 84, across the street from Patterson Crossing on the western side of the road, isn't there one lot left in Patterson there, between the off ramp, right where the welcome to Kent sign is, where all the flowers are, that's not...

Rich Williams stated Kent.

Chairman Rogan stated yeah but the entrance to Patterson Crossing and the line I think is further down isn't it.

Board Member Montesano stated it comes across 84...

Board Member Taylor stated between the...

Chairman Rogan stated that's not a triangular shaped parcel that's in Patterson right there.

Rich Williams stated there is but it is very, very small.

Chairman Rogan stated I thought we had a proposal that was being kicked around at one time.

The Secretary stated I think we had something from Kent in that vicinity.

Rich Williams stated yeah that was a proposal in Kent, just the other side of 84.

Chairman Rogan stated I thought, 84 is here, 311, here is the Patterson Crossing site, I thought that we had a parcel right in here that was Patterson, right between the off ramp, right on that, then there is that other strip mall down through there, Dan Doyle's office.

Rich Williams stated I don't think so but I can pull the map easy enough if you want to look.

Chairman Rogan stated sure, why not.

Board Member Montesano stated just to be nosy.

Chairman Rogan stated you have that fancy computer, you might as well get some use out of it.

Board Member McNulty stated Michelle is going to beat you.

Board Member Taylor stated the only reason I raise that question is does that, are there other sites then that we should be thinking about.

Chairman Rogan stated right.

Board Member Taylor stated you know, 22 has any number of stations running down 22 so that's, and we've got these stations, there are plenty of stations other than 311 and 22 here...

Board Member Montesano stated we have 3 in Town, 4, one over in Putnam Lake which should be the Texaco station that's right before the Connecticut line, you've got the, let's see Patterson...

Board Member Taylor stated Patterson Auto Body.

Board Member Montesano stated you've got the Mobil and then you've got the Getty, so we've got the 4 stations in Town, we used to have one here where Sauro's is...

Chairman Rogan stated really.

Board Member Montesano stated yes, that's used to be George McEkrin's, jeez that was a hundred years ago...

Board Member Taylor stated there was one by where the Post Office is.

Board Member Montesano stated then Tony Gato took it over and then Mike took it over...

Board Member McNulty stated Mike, that's who I know, Mike.

Board Member Montesano stated oh boy, let me tell you, well Delta...

Board Member McNulty stated squeeze in two little lots in front of the building, pumps.

Board Member Montesano stated oh let me tell you, that was Town Hall for years, Donald B. Smith Senior, lived there, all the Town records were on his dashboard and if you wanted to get an appointment...

Rich Williams stated that's Town Hall.

Board Member Montesano stated if you wanted to talk to Don or find out information, you had to go George's, get your gas and then you could sit and talk with him because he'd be there oh your file, one minute, he'd go on his dashboard and pull the thing out and you'd tell gee what security we have in this Town.

Board Member Taylor stated what about going out 292 toward Holmes, where is there gas out there.

Board Member Montesano stated there's nothing, 292 you've got, you had one, you have, yeah there was but he's closed right past the Post Office, he closed years ago right.

Board Member McNulty stated oh yeah, burned down.

Board Member Montesano stated he closed years ago, so the nearest one you have after that is across Whaley Lake to 55.

Board Member Taylor stated so should we think about something out there too then.

Board Member Montesano stated the Patterson line I don't think there is any real property...

Board Member McNulty stated Mooney Hill to Ludintonville you have...

Board Member Taylor stated it would have to be in, over the line.

Board Member Montesano stated Mooney Hill; we don't have the property for Patterson to put a gas station.

Board Member Taylor stated okay.

Board Member McNulty stated I'm saying that road connects you over to Ludingtonville about 3 miles to the closest...

Board Member Montesano stated there are two gas stations there...

Board Member Taylor stated there is no place, you're saying to put it so...

Board Member Montesano stated yeah, Mooney Hill I doubt very much that there would be any place that you can really put it, it's all residential and to stick one of those things in. 292, you'd have to go into Holmes because there is nothing there.

Board Member McNulty stated want one of those.

Board Member Montesano stated the next would be because when we had Delta, Patterson Auto Body now, we used to get so much business.

Chairman Rogan stated well bottom line is you don't have...

Board Member McNulty stated 164 and Towners, that old market that's falling down.

Board Member Montesano stated yeah.

Board Member McNulty stated it's kind of residential there...

The Secretary stated Reed's place.

Board Member Taylor stated there's not enough traffic there for a gas station.

Chairman Rogan stated the corner I was thinking about is just a sliver of land, it's not a whole lot.

Board Member Montesano stated it would have to be on this side, let's see there was a big water problem because of 84...

Board Member Taylor stated just instead of...

Board Member McNulty stated good point.

Rich Williams stated on what lot.

Board Member Montesano stated on 311 as you're going into Kent on the left hand side...

Board Member Taylor stated theoretical...

Board Member Montesano stated that whole area just as you come off the ramp and you make the right hand turn...

Chairman Rogan stated bottom line is...

Rich Williams stated there is a big DEC wetland there.

Chairman Rogan stated this is something that needs to be considered and...

Board Member Montesano stated I remember when certain organizations...

Chairman Rogan stated public information and public comment, you know.

Board Member Montesano stated some worked then.

Chairman Rogan stated have to give the people what they want.

Board Member McNulty stated well that station next to the Putnam Lake Market is still there, correct, its just for sale, it probably needs a remediation and everything.

Rich Williams stated well they pulled the tanks out and everything.

Board Member Montesano stated well that's okay, they'd have to pull them out anyway with the new laws, and replace them.

Rich Williams stated oh yeah.

Board Member Taylor stated can't keep doing this.

Board Member Montesano stated you have to replace them and its and expensive.

Rich Williams stated are we doing Stilwell now.

Chairman Rogan stated yes, Stilwell.

Board Member Montesano stated all right.

**d. Stilwell Dam – 480 Route 164**

Ted Kozlowski stated this is the little pond that became big dam project and I got a call from Paul Lynch earlier in the week, probably Monday, when did this come in Rich.

Rich Williams stated this came in this week.

Ted Kozlowski stated okay.

Rich Williams stated actually I think the plans came in yesterday.

The Secretary stated the plans came in yesterday; the application came in the day before.

Ted Kozlowski stated okay, he called me on Monday to tell me that he didn't need a DEC permit and I was surprised because he said he was surprised too but DEC changed their rules and regulations. Now I haven't had time to check it...

Rich Williams stated they made them more stringent.

Ted Kozlowski stated its on my list for tomorrow, I want to check the DEC website on dam permits and stuff, so he's saying it's in our laps, DEC has nothing to do with this so if that is the case them we'll go

forward with a fully fledged wetlands permit application and I am just seeing these plans for the first time tonight, I will review it and I will report back to you next Thursday at the meeting on whether Paul is accurate or not. I'm surprised, usually DEC gets you know, when they change rules, it usually gets tougher.

Rich Williams stated it did get tougher.

Ted Kozlowski stated Rich, I don't know, this is what he told me and I said okay, if that's the case then submit the plans but you know, all right so this is, I have to look at it...

Board Member Taylor stated do a coordinated review...

Ted Kozlowski stated you know, you're not acting on this tonight.

Chairman Rogan stated on this, this is I think the first...

Board Member Cook stated you have a lot homework to do.

Ted Kozlowski stated I do, I'm looking forward to it.

Chairman Rogan stated Stilwell, all we've done on this so far was we approved dredging, right...

Rich Williams stated yeah.

Chairman Rogan stated originally.

Ted Kozlowski stated what happened, as it was explained to me when they did the dredging, they lowered the water of course and they had an engineer check the dam the dam is very bad and is cracked and needs to be replaced, according to them.

Board Member McNulty stated is it an earthen dam.

Ted Kozlowski stated no, it is concrete, poured concrete but it was, when I was out there back in the winter I did a quick inspection...

Chairman Rogan stated type two action, the dam.

Ted Kozlowski stated it looks like it was done a real long time ago and...

Chairman Rogan stated unlisted, that's what I meant.

Rich Williams stated unlisted.

Ted Kozlowski stated I don't think it was a professional job, I think it was a farmer putting a dam up.

Chairman Rogan stated okay.

Ted Kozlowski stated so I don't disagree that it needs to be replaced.

Chairman Rogan stated okay, anybody have anything else they want to discuss, no. Motion to adjourn.

Board Member Cook seconded the motion.

Chairman Rogan asked for all in favor:

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

The motion carried by a vote of 5 to 0.

The meeting adjourned at 8:05 p.m.