

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**May 29, 2014**  
*Work Session*



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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Lars Olenius, Chairman  
Howard Buzzutto, Vice Chairman  
Mary Bodor  
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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 29, 2014 Work Session Meeting Minutes**

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

**APPROVED**

Present were: Chairman Shawn Rogan, Board Member Thomas E. McNulty, Board Member Ron Taylor, Board Member Edward J. Brady Jr., Rich Williams, Town Planner, Ron Gainer, Town Engineer, and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector (Arrived at 7:15).

The meeting began at 7:01 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan called the meeting to order.

**1) DINO RENTOULIS – Parking Area Site Plan**

Chairman Rogan stated okay, good evening everyone, the first item we have is Dino Rentoulis, the site plan amendment for parking that we discussed. It was about two months ago now that he came in, Rich do you...

Rich Williams stated Dino has submitted a revised conceptual plan showing a proposed parking layout done in phases, as a concept plan I think it's acceptable, it address most of the concerns with the possible exception of the light, I'm not real thrilled with the location of the light for the, it's not at the driveway entrance.

Board Member McNulty stated where is it.

Board Member Taylor stated it's right here.

Board Member Brady stated yellow.

Chairman Rogan stated yellow.

Board Member McNulty stated oh.

Board Member Taylor stated because they can't cross this.

Chairman Rogan stated yeah. Will they be able to directionally light from the Old Route 22, can they use a light that they can forecast or shadow across.

Rich Williams stated you know what, now you're forecasting it down the road so that's not something I would ever recommend.

Chairman Rogan stated yeah, right.

Board Member McNulty stated I think our point was to do the entrance and crosswalk, correct.

Rich Williams stated you need, there needs to be some, either no light or a light at the entrance.

Board Member Montesano stated do they have the right to cross the right of way to put a line in.

Rich Williams stated they have the right to go down the road right of way with a highway opening permit.

Chairman Rogan stated so from where they're showing it just...

Board Member Brady stated could they tunnel under the road without having to deal with the owners of that...

Rich Williams stated well no...

Chairman Rogan stated no.

Rich Williams stated that's what I'm saying...

Chairman Rogan stated yeah.

Rich Williams stated they could work within the highway right of way.

Board Member Brady stated okay, so they have to go out into the street and come back.

Chairman Rogan stated out to Old [Route] 22.

Board Member McNulty stated so they can't legally put a crosswalk at their entrance either then.

Rich Williams stated no.

Board Member McNulty stated but they can up here at the corner within the...

Rich Williams stated I don't know that there's enough room to put a crosswalk anywhere.

Board Member Brady stated what happens if they...

Board Member McNulty stated the goal is to get the people from this parking lot to this building, correct.

Rich Williams stated yes.

Board Member Brady stated what happens if they put up a fence.

Rich Williams stated they put up a fence where.

Chairman Rogan stated they meaning the Putnam National Bank.

Board Member Brady stated the National Bank.

Board Member Montesano stated the right of way...

Board Member Brady stated yeah.

Board Member Montesano stated I don't think they can.

Board Member Brady stated well if they put up a fence and this is their property and they put up a fence here.

Rich Williams stated yeah either one could put up a fence and we're probably going to require something along that boundary anyway.

Board Member Brady stated but if they put, if they put a fence up and you have a walkway through here.

Rich Williams stated you can't have a walkway through there.

Board Member Brady stated so that means.

Rich Williams stated if everybody wants to go down that road with the legal challenge that the bank is going to throw at us and the Rentoulis' then that's fine but you will get hit with a legal challenge...

Chairman Rogan stated right.

Rich Williams stated because they've already said nobody is walking through their property.

Chairman Rogan stated so let's approach this a different way then, how do we ensure that the people that park in this area have a safe means getting to the restaurant, where would the natural and logical place...

Rich Williams stated we can give him the right to put a...

Board Member McNulty stated valet parking, settles the whole thing.

Rich Williams stated yeah, we could do it with valet parking, we can do it, if they want to put some sort of sidewalk in alongside the road, in the road right of way.

Chairman Rogan stated on you mean Old [Route] 22.

Board Member McNulty stated can you put a bridge in.

Rich Williams stated because you know here's the bizarre part about this, if I read their easement right and I'm not the attorney, we should consult the attorney but I think if they are, if they walk out to Thunder Ridge Road, Old Route 22 and walk down until they get to then entrance of the...

Board Member McNulty stated yup.

Rich Williams stated Putnam County National Bank, the restaurant has an easement of access across that parcel so as long as they're, they can walk right down the middle of it, there's nothing that says it's got to be a car that drives in. So somebody could walk down...

Chairman Rogan stated yeah oh, I see but the easement suggests that it's access from either of the roads, not through the center.

Rich Williams stated yeah but you can't cross through the lot.

Chairman Rogan stated understood.

Rich Williams stated and you know knowing that...

Board Member McNulty stated so you can walk from this end to this end down the middle you just can't go north and south.

Chairman Rogan stated gotcha.

Board Member Brady stated wow.

Rich Williams stated right, well no you can go north, you can go north, east, and west, you can't go south. You can't cross the southerly property boundary because that parcel is...

Board Member McNulty stated unless you reach the state or town...

Rich Williams stated yeah, if you come in from the state or town road...

Chairman Rogan stated okay.

Rich Williams stated then you can and it's the absurdity of the situation because Ryder's have nothing to say if that's the mechanism that people are using that right of way, that easement but...

Chairman Rogan stated okay.

Rich Williams stated they legally can stop somebody from, if we put a crosswalk in or we say here's the entrance between the guardrails...

Chairman Rogan stated yeah, okay.

Rich Williams stated then they would have something they could challenge.

Board Member McNulty stated how is air space regulated if they built a bridge and the footings are on their property south and north. I'm serious.

Rich Williams stated I have no idea but if you put a bridge in there you're encumbering the access, so.

Board Member McNulty stated not if it's built to height.

Chairman Rogan stated theoretically but...

Board Member McNulty stated it's got be 14' or higher, right.

Chairman Rogan stated alright so...

Rich Williams stated yeah, I would main, I would assume that the property has a certain amount of air rights over the top of it.

Board Member Brady stated yeah.

Board Member McNulty stated that's a question I would ask.

Chairman Rogan stated so with this, with this plan basically the assumption is that people will walk to the Old Route 22 and then come down the right of way to get to the restaurant.

Board Member McNulty stated do we want to look at any kind of, or they can walk down the right of way or do we want to look for them to have a path, some kind of gravel or sidewalk so they're not in the right of way walking.

Chairman Rogan stated so it's not in a...

Board Member McNulty stated I mean I don't want to encumber him but...

Rich Williams stated the right of way belongs to the bank, we can't do anything in the right of way, people can walk down it, they can drive down it.

Chairman Rogan stated he was talking about...

Board Member McNulty stated I'm talking about along here.

Chairman Rogan stated he's talking about to the north, you know this section through here.

Rich Williams stated you can but there's already improvements there, there's already...

Chairman Rogan stated parking.

Board Member McNulty stated there's already pavement there, yeah there is.

Rich Williams stated there's, well there's dividers, we can pull the old site plan, you can see it.

Chairman Rogan stated maybe we're over thinking this, you know.

Board Member Brady stated do we have an obligation to have them put a fence up to force the people to walk to that direction and not go through that property.

Board Member McNulty stated there's nothing that requires us to...

Board Member Brady stated so then that, then you go where they go.

Rich Williams stated I think you had an obligation and Ron jump in here on this one for sure, an obligation to ensure the cars park where they're designated to park...

Board Member Brady stated right.

Rich Williams stated whether that's wheel stops or guardrail or fencing, however you want to do it.

Chairman Rogan stated alright so phase one...

Board Member McNulty stated yeah I think you'd want something so you wouldn't have all those cars pulling right out into the...

Rich Williams stated yeah I mean it could be as simple as line striping too.

Chairman Rogan stated okay. So with this proposal we have a defined area for a phase one parking layout for 49 parking spaces, we do not yet know what the mechanism is for parking stalls whether its striping or concrete...

Rich Williams stated no, that's where we are with this, we don't have enough detail to actual go out and build it and that's what you need...

Chairman Rogan stated right.

Rich Williams stated is the construction details.

Board Member McNulty stated yeah, we don't know if it's going to be pavement there, blacktop, are they looking at gravel driveway.

Rich Williams stated I think initially he proposed gravel.

Chairman Rogan stated we talked about pavement, I thought they proposed gravel but I thought that we...

Board Member Brady stated we talked about blacktop and you know.

Chairman Rogan stated talked about blacktop and that's when we said look if you're doing it in sections, I think he was amendable to that.

Board Member Brady stated yeah because they were talking about doing catering out of here, having women with high heels walking through gravel lots is going to be a mess.

Chairman Rogan stated yeah, weddings and stuff. So we need the construction detail and okay.

Board Member Taylor stated this looks like a good beginning, I mean.

Board Member McNulty stated yeah.

Rich Williams stated it's a great concept plan.

Board Member Taylor stated yeah, so it just, give us the details, give us the details sheet and...

Board Member Montesano stated maybe we can hire that guy with the balloons take him from the parking lot.

Board Member McNulty stated is there going to be drainage required for this amount of surface area, is it pretty level there, it just runs off.

Rich Williams stated its pretty level, we're certainly going to have to take a look at it, I haven't run any numbers, I don't think Ron's run any numbers either as far as area of disturbance...

Mr. Gainer stated oh not at all.

Rich Williams stated because it's just a concept plan.

Chairman Rogan stated yeah.

Rich Williams stated and we would expect their engineer to know what the...

Board Member McNulty stated he told us there'd be valet parking.

Rich Williams stated requirements are.

Mr. Gainer stated this is for him.

The Secretary stated thank you very much.

Chairman Rogan stated yeah.

Rich Williams stated and to design according to the regulatory issues that might come up.

Chairman Rogan stated so the next thing procedurally for them is to file a proper application on this.

Rich Williams stated we have an application...

Chairman Rogan stated oh you do.

Rich Williams stated they just need to start defining the plans.

Chairman Rogan stated okay.

Board Member Taylor stated so do we want to require a light, that's the only thing that's missing, it seems like in terms of...

Rich Williams stated I would think that you know, with Thunder Ridge out there it's fairly well lit.

Board Member McNulty stated it is in the winter for sure.

Chairman Rogan stated for part of the year.

Rich Williams stated maybe just some architectural lighting at the entrance might be fine but you can't always guarantee Thunder Ridge is going to be there.

Chairman Rogan stated right.

Board Member Taylor stated right.

Board Member Brady stated we talked about putting lighting at the entrance when we met with them, I think you were going to go out and look at how far away a pole was from there, if I remember correctly.

Chairman Rogan stated yeah, I think the pole was further down.

Board Member Taylor stated are this poles running along Old Route 22.

Board Member McNulty stated I think they're on this side...

Chairman Rogan stated they're on the other side.

Board Member McNulty stated the other side of the road.

Board Member Taylor stated the other side, okay.

Chairman Rogan stated but as Rich said you can do...

Board Member Brady stated so if he's got to do a road cut, he might as just do the road cut and go back to the building with the power instead of putting up another meter on a pole.

Rich Williams stated right.

Chairman Rogan stated well he was looking to run power to this location anyway that he shows...

Board Member Brady stated right.

Chairman Rogan stated now we're just talking about crossing over along the Old 22 right of way, right.

Rich Williams stated right.

Board Member McNulty stated and even if he did that, if he put it in the center here, he wouldn't even need it here, just put it right here.

Board Member Brady stated right.

Chairman Rogan stated yeah, one light to serve two areas.

Board Member Taylor stated so why don't we say that.

Chairman Rogan stated okay, let's do that with that light and...

Board Member Taylor stated tell him to go ahead.

Chairman Rogan stated get some construction details and is, okay, this plan says Harry Nichols but that's just something he...

Rich Williams stated Harry has been drawing some of this for him.

Chairman Rogan stated oh okay.

Rich Williams stated and I expect Harry's going to continue on with it.

## 2) FROG HILL LLC – Site Plan Application

Chairman Rogan stated okay, well good. Alrighty, we have modified plans from Harry for Frog Hill LLC. Let's see what they've done for us.

Board Member Taylor stated I was thinking we should give Rich a hand of applause, this has come a long way hasn't it, you've been after him for years, it's almost to the end.

Rich Williams stated yeah I wouldn't go that far but...

Board Member McNulty stated Mr. Optimism.

Mr. Gainer stated this is Harry, so.

Board Member Taylor stated yeah but still I mean compared to what we were having...

Rich Williams stated oh yeah and really the applause and the hand needs to go to Nick and Dave who actually pulled him into to court finally, after all this time.

Chairman Rogan stated okay.

Ted Kozlowski stated hi guys, sorry I'm late.

Chairman Rogan stated hi Ted.

Board Member McNulty stated hey Ted.

Chairman Rogan stated how are you.

Rich Williams stated so you know basically he's, Ron and I met out in the field with Harry and we talked about some of the issues and based on those conversations he's redefined some of the areas to reflect what's supposed to be out in the field, in addition he is now showing a gravel area for vehicle storage for vehicles that might be repaired by the public garage.

Board Member McNulty stated where is that, oh here.

Board Member Taylor stated he moved it across the road.

Rich Williams stated yeah, I've got most of the review done on this but I want to go out there and I haven't had a chance yes to go out there with a wheel and actually measure this damn thing off.

Mr. Gainer stated that's a good idea.

Rich Williams stated yeah.

Board Member McNulty stated no notes about removing any of the debris, equipment.

Rich Williams stated nope, nope.

Board Member McNulty stated should we ask for that on there.

Rich Williams stated well you know this is the frustrating part, you know, he comes in every 2 to 3 months, he's committed to clean the site up, he's committed to getting material off of the site and yet he's actually bringing more material on than he's taking off and he only comes in every 3 months and you know these projects should, I mean they're fairly simple, they should be going through the process much, much quicker. 2 months ago the Board did notice of lead agency, I still don't have the materials from Harry to circulate.

The Secretary stated I called and left him a message today, I did not receive a call back.

Rich Williams stated so and this is a site that's in violation and yet they're taking their sweet time trying to get through this process, it's, there's no driving reason for them to do anything other than what they're doing and they're just dragging their feet. One of the issues that you know I'm going to note, is that the fact that the Board in 2000 approved a sign that is bigger than the code allows, he came in for a sign that was supposed 64 square feet and when he got before the Board, he asked them for 82 or 84 square feet and they gave it to him.

Board Member McNulty stated this is flea market sign.

Rich Williams stated for the flea market sign and even with that wasn't enough, it's not only the flea market sign but it's also a business which isn't even located on the site, so and they're just saying, I keep saying put the sign on you know the plan, what you're going to have out there, make sure it conforms to the requirements and they keep saying we're just going to keep what we've got.

Board Member McNulty stated and it says 64 square feet.

Rich Williams stated well the Planning Board approved more than 64 square feet.

Board Member Taylor stated the Planning Board.

Rich Williams stated the Planning Board.

Board Member McNulty stated in 2000.

Board Member Taylor stated how did we approve more.

Rich Williams stated because Jay came in and asked and they said okay.

Board Member Taylor stated they, we're the Planning Board.

Board Member McNulty stated no, in 2000.

Chairman Rogan stated 2000.

Rich Williams stated no, in 2000.

Board Member Montesano stated 2000.

Chairman Rogan stated 14 years ago.

Board Member Taylor stated but the Zoning, how could they legally do that.

Rich Williams stated that's a conversation for perhaps another day.

Board Member McNulty stated can we rescind it at a meeting, saying it was done in error to correct our error.

Rich Williams stated from 2000, I don't know, we could ask Mike about that but I doubt it.

Board Member McNulty stated but it says on the plan it's only 64 square feet. Is that what the existing sign measures.

Rich Williams stated I have no idea what the existing sign measures because it's not what he proposed.

Chairman Rogan stated okay.

Board Member Taylor stated okay, he's got 64 [square] feet on this.

Chairman Rogan stated go back to what the plan, yeah.

Board Member Brady stated in the back of this building where he's got the showroom and the equipment repair...

The Secretary stated did you bring me the old one.

Ted Kozlowski stated no.

The Secretary stated fail.

Board Member Brady stated there was no gravel behind that, was there.

Chairman Rogan stated yeah there was.

Board Member McNulty stated yeah, it was pretty, it was filled in already.

Chairman Rogan stated yeah when we walked around that there was...

Board Member Brady stated I thought it was all overgrown...

Board Member McNulty stated it was kind of overgrown.

Board Member Brady stated yeah, I didn't realize it was gravel.

Rich Williams stated he's not showing it wrapping around and I thought it wrapped around.

Chairman Rogan stated it kind of did.

Board Member McNulty stated well it says existing gravel area, it just doesn't draw.

Chairman Rogan stated yeah, yeah.

Board Member Brady stated and he's going to use it for loading spaces, now...

Board Member Taylor stated they're coming into the corner.

Rich Williams stated but I remember, I swear I remember, where are we...

Chairman Rogan stated here's the front.

Board Member McNulty stated the northwest corner.

Rich Williams stated walking from this gravel area right around through here...

Chairman Rogan stated yeah, it wrapped around like that, yeah.

Rich Williams stated right and he's not showing that.

Chairman Rogan stated it just wasn't well defined as you're saying.

Board Member McNulty stated well it's noted though.

Board Member Brady stated but he, should he be using that as loading spaces, it's, it is a wetlands.

Chairman Rogan stated I think we determined when we went out there...

Board Member McNulty stated we determined, yeah.

Board Member Brady stated it's existing.

Chairman Rogan stated that the area, it was disturbed was able to be used...

Ted Kozlowski stated yes, correct.

Board Member Brady stated okay.

Chairman Rogan stated so Rich you'll have a kind of a laundry list of items that are yet to be resolved...

Rich Williams stated yes.

Chairman Rogan stated on this because like you said Ron, we're making some progress, it'd be nice to...

Board Member Montesano stated oh, do we have the right not to entertain discussing anything with him until he comes up with some proper information and or are we going to keep playing this game.

Rich Williams stated define the information and then I'd say yeah you might have some grounds, you know define what, you have to clearly give him direction...

Chairman Rogan stated right.

Rich Williams stated if he's not following the direction then I would say perhaps you could stop until he does that.

Board Member McNulty stated because he's addressed what we've discussed.

Chairman Rogan stated and here's the funny thing as you said since he hasn't even given the information to circulate for lead agent I think that being on the record, there's a reason why it's not progressing faster and it's not this Board.

Board Member Taylor stated is it time for a timeline, not that it did us any good before.

Board Member Montesano stated yeah but if we don't, if we have a reason not to have him here...

Board Member Brady stated 2025.

Board Member Montesano stated and if he does something then it's a violation.

Board Member Taylor stated yeah.

Rich Williams stated but unless there's an actual violation, you know this is just going to sit forever.

Board Member Taylor stated yeah.

Board Member McNulty stated I think you're going to have to let the violation force the hand, right.

Rich Williams stated you know you always have to, for me, you always have to take a carrot and a stick approach, you know, you can hold the carrot out, it's not going to do you any good unless you've got the stick hanging over their head and that's the problem around here is we have no sticks.

Board Member Taylor stated yeah. So what happened, you said Nick drug him into court, what happened in court.

Rich Williams stated I don't know if it's still pending or it's been wrapped up, I don't know.

Chairman Rogan stated hopefully it's pending.

Board Member Taylor stated it's not pending based on our working it out with him, I mean is that what he's telling the court is that he's working it out with the Planning Board, so...

Rich Williams stated well usually I mean and for a while Nick was coming in and saying what's the status, what's the status, you know and they generally make a submission when they've got to get back to court.

Chairman Rogan stated right.

Rich Williams stated you know but Nick hasn't talked to me about this in a while so I don't know. Things are kind of in a funny state of flux right now.

Board Member Taylor stated sure, yeah, now has he gone before Zoning.

Chairman Rogan stated it looks pretty good to me.

Board Member McNulty stated what was that, this plan.

Rich Williams stated no.

Board Member Taylor stated with the Zoning issues.

Chairman Rogan stated yeah.

Board Member McNulty stated the clean up, he needs to clean it up.

Board Member Taylor stated has he filed with Health Department.

Rich Williams stated he says he's working the Health Department and the DEP, that's the, what their memo says.

Board Member Taylor stated but you haven't seen anything.

Rich Williams stated I haven't seen anything and again they're really not going to do anything until they do, you know do SEQRA, see something from us.

Board Member Montesano stated give them a positive dec and get the whole damn thing in.

Chairman Rogan stated I'm, to be honest, looking at the plan, I'm not clear as to what the deficiencies are, you know I'll look forward to Rich, you and Ron letting us know what the deficiencies are but it seems like a lot of the changes that we talked about two months ago have been made.

Board Member McNulty stated yup.

Rich Williams stated yeah I won't say there's not been progress on the drawing...

Board Member McNulty stated there hasn't been.

Rich Williams stated there has been.

Chairman Rogan stated he said he wouldn't say there's not.

Board Member McNulty stated yeah, here's that water line.

Chairman Rogan stated yeah.

Board Member McNulty stated I know we talked about that he had water and we asked him about a drain, I see they have a proposed septic system.

Board Member Taylor stated yeah well that's what I was asking about.

Chairman Rogan stated that's always been.

Board Member Taylor stated where's the septic system.

Board Member McNulty stated yeah, it's proposed there.

Board Member Brady stated yeah.

Board Member McNulty stated we don't know where he's at with the Board of Health.

Chairman Rogan stated well we can ask him.

Board Member McNulty stated or Health Department I should say.

Chairman Rogan stated thank you.

Board Member Taylor stated any suggestions Rich on how to move him along.

Rich Williams stated I would recommend...

Ted Kozlowski stated can I ask a question.

Rich Williams stated I would recommend that the Board you know sit them down at this meeting and say the site's not getting cleaned up, we want the site cleaned up and we want the site cleaned up by such and such a date, start giving him dates...

Board Member Taylor stated dates, right okay.

Rich Williams stated on which to meet certain things because this is a site that's in violation, it's been in violation and if he's not going to make steady reasonable progress, we're all just spinning our wheels.

Ted Kozlowski stated Rich, can the Town just shut this down until they come into compliance.

Rich Williams stated sure they can, will they, will they...

Mr. Gainer stated that means you have to go to court though.

Rich Williams stated they're not, the Town Board and we're having a rough financial year this year so they're starting to watch their dollars, they're not going to pay the money to go into Supreme Court to get an injunction to close him down.

Ted Kozlowski stated is the Town getting tax money from this site.

Rich Williams stated yes.

Ted Kozlowski stated and it's being paid.

Rich Williams stated yeah, we assess even though they're in violation.

Chairman Rogan stated plus I think the Town would look pretty bad going through that kind of an action when you have a recently revised set of plans in front of you.

Board Member McNulty stated yeah.

Chairman Rogan stated you know like Rich said so okay we have a conversation about doing some of the work that's been promised, identifying the areas that still need to be done, getting some updates on DEP...

Rich Williams stated DEP and the Putnam County Health Department.

Chairman Rogan stated and Health and...

Board Member McNulty stated and cleanup because that's what initially...

Chairman Rogan stated figure out and find out what's going on with the lead agency documents because that's silly, that's two months, so.

Board Member McNulty stated the, the cleanup is that what initiated the violations, the excess equipment or is it the improper use of the building.

Chairman Rogan stated yeah.

Rich Williams stated I don't know he's got a C.O. out there for this building because he came in, he got a building permit and they never came back and got the C.O. and I think that was part of it was they occupied the building without having a C.O. and I don't know that they have a C.O. yet.

Board Member McNulty stated so you might not be able to shut the site down but you can shut the building down. Yeah, that's through a court process but...

Rich Williams stated right, there's real money involved with going into court and getting an injunction.

Chairman Rogan stated yeah, Rich will and Ron, will you gentlemen be able to, Ted, I'm sorry, I didn't mean to leave you out of this, be able to give us some comments for the meeting.

Rich Williams stated yeah absolutely.

Chairman Rogan stated okay well because the meeting is Tuesday now, everybody remembers right, next Tuesday.

Mr. Gainer stated got it.

Chairman Rogan stated guidance, comments.

Board Member Montesano stated if you're not here, we're going to start without you.

Chairman Rogan stated okay.

Rich Williams stated they wouldn't even waste their time giving me something like that. Yes, Ted, everybody has to sign that.

Ted Kozlowski stated no, no, do I give it to you.

Rich Williams stated no, give it to Michelle. Oh, look at her jump up.

The Secretary stated you're really pushing it Williams.

Rich Williams stated hope that made the tape.

The Secretary stated it will.

### **3) FOX RUN PHASE II – Amended Traffic Study**

Chairman Rogan stated okay we have an amended traffic study for the Fox Run active adult residential development.

Board Member Brady stated oh boy.

Chairman Rogan stated we had asked them to go back and look at the road geometry to Ice Pond, Tammany Hall, we had noted at the last meeting that they had looked at the intersections but we were also concerned about the safety of the, those two roadways in particular and it looks like they submitted some new information on some of the road geometry but it sounds like we need a little bit more, huh.

Rich Williams stated well as far as looking at the road geometry throughout the study area, I would say you need more, I would say they addressed some of the issues but not all of them, they addressed some of them in a funny way rather than looking at the traffic generation from you know a typical townhouse project that's not age restricted or what do they call it age qualifying.

Board Member Taylor stated active adult.

Board Member McNulty stated active...

The Secretary stated age qualified.

Board Member McNulty stated age qualified.

Rich Williams stated age qualified. You know they just doubled the numbers and I haven't had a chance to check in, I don't know Ron if you know the numbers off the top of your head, how doubling the numbers would compare to a typical condominium project.

Mr. Gainer stated it looks like it's going to be conservative but I don't know, as Rich describes it, their analysis of just the geometry of things is just generic, I was hoping for more specifics, there was no clear guidance on warning signs or more specifics, they're just talking about stop bars at intersections and the restriping just to clean up some faded markings...

Chairman Rogan stated that I think was, we had already observed, talked about that with the original document but have you had a chance to read through the new submission what they've...

Mr. Gainer stated yeah, no, that's what we're talking about, that's what we're talking about.

Chairman Rogan stated oh okay but how about the information they provided on the actual road geometry of those two roads.

Mr. Gainer stated right, they describe it in very generic fashion...

Chairman Rogan stated generic, so can we come up with.

Mr. Gainer stated I thought it, I was maybe looking for more specifics but...

Chairman Rogan stated yeah, maybe we can put together a document...

Mr. Gainer stated right.

Chairman Rogan stated that gives that, what you're looking for, okay, help us out with that.

Mr. Gainer stated yup.

Rich Williams stated I had had a conversation with Shawn about maybe you and Russ and I, some combination there, just actually going out with a map...

Mr. Gainer stated that's exactly what I wanted to do after tonight.

Chairman Rogan stated yeah.

Rich Williams stated yeah.

Mr. Gainer stated just to ride the roads...

Rich Williams stated yup and highlight the areas of concern.

Mr. Gainer stated alright, we can all do it.

Chairman Rogan stated there is a particular spot on Tammany Hall, if you're heading towards Brewster where you come up such a steep incline that...

Board Member McNulty stated it's a blind spot.

Chairman Rogan stated it's kind of one of those funny things, yeah, going the other way, going into Patterson you have to make such a quick, almost like a rabbit jump kind of turn, where they, I don't know why they didn't just, they should have taken that corner out and it's one of those kind of kind of blind intersections, not intersections but blind areas where I'm amazed there's not more accidents and I'm really concerned about some of those type spots, there's a few that look like they'd be easy to knock out a corner but that road has some serious problems the way it exists.

Board Member McNulty stated might be accidents if you increase the traffic load.

Board Member Brady stated yeah.

Mr. Gainer stated I don't know if you remember Brimstone back in the day with the, with what Burdick did, he did a lot of work on Brimstone and signed the hell out of it and that's really what I was hoping we would get these guys at least define...

Chairman Rogan stated yeah.

Mr. Gainer stated I mean it doesn't have to be absolutely every sign and location but the concept of how to pursue it...

Chairman Rogan stated okay.

Mr. Gainer stated and that's why I figured we could just drive it, we would get a much better listing of suggestions.

Chairman Rogan stated yeah.

Board Member Brady stated they're probably worried that if they do that they're going to get told they'll have to do those repairs to make it work.

Chairman Rogan stated well I mean I think we have clearly identify those issues and then figure out who...

Board Member Brady stated right, who's going to fix it, right.

Chairman Rogan stated bears the brunt of it, you know.

Board Member Brady stated absolutely.

Chairman Rogan stated you know identifying issues, it certainly put a little bit of burden back on the Town, it's a Town road to say hey let's maybe you know try to do one of these every other year or something, make it better over the course of time.

Mr. Gainer stated but if you also get it listed you might be able to force them to throw you a bone.

Chairman Rogan stated right.

Board Member Brady stated right.

Chairman Rogan stated well again that's kind of what happened with Ice Pond Estates, we found a few areas...

Mr. Gainer stated yeah, no, on Ice Pond right, you got what you wanted.

Chairman Rogan stated and we were trying to, the intent was to try to get some repairs done to make the road more ready for paving...

Rich Williams stated correct.

Chairman Rogan stated and I know Russ was asking about that project recently like wanting to know the timing of it because hopefully there will be some intent to, you know it would be silly to make some repairs and get it ready for paving and then...

Rich Williams stated not pave it because you're going to lose all the improvements.

Chairman Rogan stated wait three years to pave, right, you know.

Rich Williams stated one of the things that's going to drive you know identification of where there may be deficiencies in the road perhaps could be the traffic accident reports that we've asked for which they didn't include any of, they said they asked for them, they didn't get them.

Board Member Brady stated right.

Chairman Rogan stated yeah.

Rich Williams stated so they just left that right out and resubmitted the report anyway.

Board Member McNulty stated we asked about a number of issues in regard to this...

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

Board Member McNulty stated but even with the traffic, didn't we ask them about preparing a full EAF at the last meeting, nothing on that.

Rich Williams stated yeah, they didn't do that, nope.

Ted Kozlowski stated why do you suppose, it's very clear you, where you were going to me and I'm not even involved in this, you asked for specific things, they go and spend the money to hand this in knowing full well they didn't answer the questions you asked, so I don't understand the point of this.

Rich Williams stated because they want to creep forward and get little yeses rather than do a whole lot of work and potentially get one big no.

Ted Kozlowski stated so why even read that, if it didn't address it, reject it.

Rich Williams stated I don't know, this has been the argument for years between Ron and myself and others about if they haven't addressed the issues why are they even on the agenda.

Mr. Gainer stated one of my favorite subjects.

Ted Kozlowski stated because I mean reject the document though don't even yes it because if it...

Chairman Rogan stated yeah.

Ted Kozlowski stated if it's not even addressing the questions you bring up, then it's not a complete document and it shouldn't be accepted.

Board Member Montesano stated because in a polite world we don't want to say with all due respect that your engineer is collecting a paycheck and he isn't doing the job we're requesting, so you keep paying him and you're going to go right through the nose.

Mr. Gainer stated my guess is they were focused on just doing traffic, just getting Chazen out of the way.

Chairman Rogan stated yeah.

Rich Williams stated yup.

Mr. Gainer stated get him dead, Zarecki's going to be around forever.

Chairman Rogan stated true.

Mr. Gainer stated they probably wanted Chazen out of the picture.

Board Member McNulty stated the way I see it is it just looks incomplete amongst our request, we have no comment on it, come back with a complete document, we don't reject it...

Board Member Taylor stated yeah well that's why I think we need to go to the EAF because we can say it's incomplete, don't come back until you complete that section and we can also, it will help us I think in terms of clarifying and they've asked for it, they had that one meeting they said that we don't want you to continue to drag this out and add new things as you go along, well we'll dump it all in their lap right instantly.

Mr. Gainer stated you did, last meeting you were very clear you wanted the EAF.

Board Member McNulty stated yeah, I thought so.

Board Member Taylor stated and we can fill out the EAF, can we not.

Mr. Gainer stated and Rich found...

Board Member Taylor stated we're allowed to fill it out, are we not.

Rich Williams stated sure, yes we can fill it out.

Board Member Taylor stated so I think we should start on it, I mean it's not, it's a lot simpler than it, because it's a matter of checking the boxes and then it says to them do more study.

Rich Williams stated well the first part is a little bit more than just checking the boxes, you have to do some analysis and look at some of the, you know the constraints in the area, that wetlands, the steep slopes, things like that...

Ted Kozlowski stated view shed.

Rich Williams stated but it's nothing we can't do.

Ted Kozlowski stated view shed was a big important one.

Board Member Taylor stated and the whole public thing, we don't know. So don't check there is not going to be any public outcry, check there might be and let's find out and...

Chairman Rogan stated yeah.

Rich Williams stated so what, throw a suggestion on the table, why don't we come back in and say they're going to be on the agenda for the next meeting to review the EAF with them and they can have the option of submitting the EAF or we can submit the EAF and I bet you they submit it.

Board Member Taylor stated okay, well let's do that, oh I'm not going to be there on Tuesday, I'm heading west but...

Chairman Rogan stated nice.

Board Member Taylor stated you could say that to them.

Chairman Rogan stated okay.

Board Member Taylor stated I mean I, the other part of the traffic study, if I can say one last thing is that, it, there's a it's not logical but a rational error here, the analysis they were doing they did based on the Town specs so they say Ice Pond is a minor road because it is only so wide but in fact the use of that road is as a corridor no matter what the configuration of the road is and that's what we've been saying that Tammany and Ice Pond are corridor roads despite whatever their layouts are, so if you're talking about the future, we need to be talking about upgrading them to where they meet their uses not continuing to treat them as minor roads.

Board Member Montesano stated you connect three towns on those roads, four if you want to push it.

Rich Williams stated respectfully, I mean you know now we're getting into the street classification hierarchy within roads, major, minor, collector, our Code has major minor, that's basically what it has the concept of a collector road comes out of, not ITE, what's the other one...

Mr. Gainer stated Ashtoll you were saying or...

Rich Williams stated maybe it was ITE, it's not Ashtoll but anyway and I, I personally would classify Tammany Hall as a minor road, not as a collector road, Bullet Hole Road based on the length and number of driveways that access it, I would say is a collector road.

Mr. Gainer stated wind up, right, you really need to make that basis on a count...

Rich Williams stated yeah.

Mr. Gainer stated you need to have some understanding of travelling, we may understand what we think is on that road but...

Board Member Taylor stated well that's all I'm saying...

Mr. Gainer stated I know what they're saying.

Board Member Taylor stated need to be looking at it in terms of use not what it is now, it's like they ignored what we were asking for, there wasn't any traffic data, there wasn't really a new data.

Board Member Montesano stated school buses use Bullet Hole...

Rich Williams stated and I'm with you on this because even as a...

Board Member Montesano stated school buses use Bullet Hole...

Rich Williams stated a minor road trying to meeting those design standards...

Chairman Rogan stated they use Ice Pond and Tammany Hall.

Rich Williams stated Tammany Hall doesn't even come close and to put additional traffic on it would be problematic...

Board Member Taylor stated okay.

Rich Williams stated so I think there needs to be substantial improvements to Tammany Hall.

Board Member Taylor stated and then the other thing Tom's been asking, Tom keeps asking, is there some legal definition for expanding, expanded definition for what these active adult communities are...

Board Member McNulty stated within the state law.

Board Member Taylor stated even if there isn't anything in the law, what we're looking at I think is, or how do I put this, the argument they're making is that the active adult is substantially different in several ways from regular development, traffic is lighter, the tax impacts in terms of schools and so on are lighter and we don't necessarily see that, there's nothing except their word that that is true and I think we would like to see whether they're, how do I, the traffic studies you cited that you thought were good ones one in Delaware and one is Wisconsin or whatever...

Rich Williams stated right.

Board Member Taylor stated those communities that the traffic data is based on, what kind of active adult communities are they, do they have amenities, do they have these, is there some way we can look at that and then compare...

Rich Williams stated I mean I can give you the studies, I don't recall off the top of my head whether they went into any specific detail about all the amenities, they mentioned some I believe...

Board Member Taylor stated so there is something there, I just...

Rich Williams stated yeah, there is something but...

Board Member Taylor stated so we...

Rich Williams stated but understand all the traffic analysis is always based on Institute of Traffic Engineer guidelines, basically they're constantly tracking monitoring traffic generation rates through multiple uses

throughout the country and they come up with these totals and it's all put together in some software, a book about this thick, a big green book, I'll bring it in if you want it, I was stupid enough to buy it.

Board Member Taylor stated but you can't go back to the individual places that they gather this data from to extract that kind of information then.

Rich Williams stated yes, you can and the studies that I talked about were site specific studies, what ITE does is take all these site specific studies and normalize them into one table saying for active adult residences this is what we see as the generation rates to be, that's for ITE.

Board Member Taylor stated okay, right...

Board Member Montesano stated this is metropolitan life insurance telling you...

Board Member Taylor stated I would like to go back the one step, I think that would help us if we could say what are the parameters of those active adult communities that they're basing these things on, then how do those parameters compare to what they're proposing for here. Do they or don't they compare, I mean they've said they're not providing very much.

Board Member McNulty stated no, they're going to share a pool...

Board Member Taylor stated they're going to share a pool.

Board Member McNulty stated they're going to have a walking trail.

Board Member Taylor stated so it's, I mean if we're going to really assess the impacts of this I think we need some data, we can't say no because we're in a position where we've got nothing we can say no on and I think we need something to say no on, if we're going to say no.

Board Member Montesano stated can we get some information from our illustrious senior citizen organization...

Rich Williams stated AARP.

Board Member Montesano stated no, the one that the County runs where they have the meetings as to how many people are showing up from this general area to these meetings, now you've got Mahopac ground, you've got Kent, you've got Patterson, you've got Carmel, the bus services if they're provided, if no then they use their own cars. If they're using their own cars these, either whatever the heck that senior citizen thing is over in the old Smith building, they would have information as to who shows up or the general area that they're covering and if these people because we're working on the metropolitan life insurance that says if you 5' 9" you should weigh 140 pound and it's always been a general crock of nonsense...

Board Member Taylor stated does it, what...

Board Member Montesano stated the average person.

Board Member Taylor stated so what are you, you're saying there would be statistics.

Board Member Montesano stated with the numbers involved that would say that anybody over 55 and there's quite a few of them that go to these things and those meetings are usually the, unfortunately most of

the time it's the same people but they travel and they're constantly using their cars because the public transportation is limited but they would have numbers on people without giving names but they could say we have 30 people from this general location, 40 people from here and they all meet...

Board Member Taylor stated how does that...

Board Member Montesano stated would that be a benefit to say well you're telling us an average and this is above average, so we want to know you're getting average, I don't know if I'm making this clear or getting muddy.

Board Member Taylor stated no, you're not.

Board Member McNulty stated you just want to see how the County what senior events are within the County, what kind of draw they're getting.

Board Member Montesano stated yeah basically that would be it.

Board Member McNulty stated and then say well if you're going to add another age restricted area of x amount of units, we could be seeing another...

Board Member Montesano stated maybe you'll get 20 cars extra in traffic...

Board Member McNulty stated you're saying within a local level of County because I don't know how, if that helps us though.

Board Member Brady stated I'm moving.

Board Member Taylor stated you're moving in.

Board Member Brady stated I'm moving in with my daughter.

Rich Williams stated I think really it would only be apropos if we did what Mike's suggesting at other age restricted communities within Putnam County or maybe New Fairfield...

Board Member Taylor stated right, somewhere.

Rich Williams stated and I don't know of any around.

Mr. Gainer stated and what they've tried to do is just without clearly defining a basis for their number...

Board Member Montesano stated is to play the game.

Mr. Gainer stated other than going to ITE, they've made the general statement of doubling the analysis and it still runs an A to a C and they should have a basis I think to explain why doubling is the worst case but that's the way I had seen it.

Board Member Taylor stated well I was trying to generalize it beyond traffic.

Mr. Gainer stated because other than that I mean, at the end of the day...

Board Member Taylor stated because we don't have data for anything else, any of the other impacts or we say to them you've got all the way through, you've got to analyze maximum impacts for us on this and then give us some idea of what you think the age restricted level will be.

Chairman Rogan stated going back to the new traffic study that they added with this submission and they talk about Tammany Hall and Ice Pond, while it may not give the specific locations in each case they clearly question...

Mr. Gainer stated they do, they do.

Chairman Rogan stated the condition of the roads and then they in both cases they make a very specific recommendation, they recommend road straightening or they require road straightening as the horizontal curves are sharp and short, now in both cases they use the same language, letter C in their recommendations of what it would be required. My feeling is they've given us the start, their traffic engineer has said both of these roads have significant issues and we need, these are the things we're recommending, that alone says okay now let's identify how to do that and where those locations are. It's started the conversation, it's not the entire conversation.

Mr. Gainer stated I think the comments that we offered a month ago asked him for that.

Chairman Rogan stated yeah, yeah.

Mr. Gainer stated and they've tried to address it here and as I said I see that as a start...

Chairman Rogan stated correct.

Mr. Gainer stated but it's real generic, they ought to, if they just laid out planned...

Chairman Rogan stated it's too generic, yeah.

Mr. Gainer stated the specifics, they could survey locate, we don't know where they're going to be.

Chairman Rogan stated to me that would be the next logical step on them opening the conversation here.

Mr. Gainer stated they could define, they could define what that would entail.

Chairman Rogan stated correct.

Mr. Gainer stated the locations, that's all.

Rich Williams stated and we recognize that within the study they identify one or two specific locations by this guy's mailbox...

Chairman Rogan stated yeah.

Rich Williams stated or you know by this house but neither of us, from what I'm hearing neither of us feel that they went far enough.

Chairman Rogan stated now and I'm not disagreeing with that, I'm saying at least if we can articulate that in way that says okay you've given us some information that says yes there are concerns now let's get to

the specifics of how you think best to mitigate it and where those areas specifically are, that would be a step in the right direction from my perspective on what we're trying to do with this, some of this traffic.

Mr. Gainer stated I think if they gave you that they would have, they would have responded to the Board's inquiry.

Chairman Rogan stated right, so I, I mean I think that's a portion of the crux of what we're trying to get out of this conversation with them.

Board Member McNulty stated the other thing is these recommendations they're making, are they based on volume of traffic or are they making these recommendations purely on the current conditions of the roadways.

Chairman Rogan stated current.

Rich Williams stated they're making those recommendation based on a comparison between the existing geometry and Town standards.

Mr. Gainer stated all geometry, all geometry.

Chairman Rogan stated yeah, an existing state, okay. Alright...

Board Member McNulty stated and it says appendix C, photographs to be forward.

Mr. Gainer stated yeah, we didn't get photos, we didn't get accident data.

Rich Williams stated a lot of stuff they just decided to leave out.

Chairman Rogan stated okay, fantastic.

#### **4) OTHER BUSINESS**

##### **a. S.A. Hebert Property – Site Walk Comments**

Chairman Rogan stated and we have site walk comments that, from our site walk at the Herbert property...

The Secretary stated Hebert.

Chairman Rogan stated sorry, Hebert property.

Rich Williams stated Hebert property. Prepared by both Ron and I.

Mr. Gainer stated you didn't have to do that, you just had to say it.

Rich Williams stated the A personalities were...

Mr. Gainer stated I just wanted you to be all included.

Chairman Rogan stated okay.

Rich Williams stated and so you were.

Mr. Gainer stated I'm sorry.

Rich Williams stated no not at all, I enjoy it.

Chairman Rogan stated does anybody have anything to add to the site walk comments that weren't noted or that we want to...

Board Member McNulty stated I haven't had a chance to look it over yet.

Board Member Taylor stated I think they were kind.

Chairman Rogan stated they were kind.

Board Member Taylor stated they were kind.

Board Member Montesano stated I don't know, you still sinking.

Board Member Taylor stated the only question...

Rich Williams stated not as kind as you think they might have been.

Board Member Taylor stated I had a question about the manhole. Is that safe, is that, does that, are there rules about those things.

Mr. Gainer stated no, he's got all sorts of structural issues to deal with, they're identified in this thing, I mean that, that's just one issue.

Board Member Montesano stated he's got a new front end alignment shop going in.

Board Member Taylor stated well it doesn't question the manhole itself, it questions the access and so on.

Mr. Gainer stated that's enough.

Rich Williams stated yeah well their engineer is either going to have to say I'm putting my stamp on it or I'm not.

Mr. Gainer stated right.

Board Member Taylor stated okay.

Rich Williams stated and...

Board Member Brady stated but how do they get in that manhole to pump that, how are you going to pull the top.

Rich Williams stated that whole thing is just insane, so.

Board Member Brady stated yeah I know.

Rich Williams stated but you know just so you know, subsequent to our going out there, even though he was told very clearly to stop, he decided he was going to finish the whole, all the grading on the site...

Board Member Brady stated he did, I know he did.

Rich Williams stated and I did go back out there and post another stop work order and I'm going to issue another violation.

Ted Kozlowski stated my wife works next door and she says their constantly working over there.

Rich Williams stated yeah and you know I'm just fit to be tied, he didn't, I sat in court last Tuesday night for an hour and a half, he never showed up.

Board Member McNulty stated what happens then.

Rich Williams stated and then the next day his, you know, he hired an attorney Bill Shilling who called me up and said so what's going on, I hear you issued a stop work order, I says yeah and I'm all ticked off because I sat in court, oh we were supposed to be in court.

Board Member Brady stated yeah.

Board Member Montesano stated tell him Bill, you're lucky your father's not alive, he would smack you in the back of the head again.

Rich Williams stated so the drama goes on with this guy.

Board Member McNulty stated has he stopped any work.

Rich Williams stated I haven't been out there in four or five days, I didn't see anything going on prior to that.

Board Member McNulty stated so there's a violation in place.

Rich Williams stated there's a violation in place, he's got an appearance, he's got a court date coming up and I'm about to issue a second...

Board Member McNulty stated so there's really nothing for us to address until that's settled.

Rich Williams stated I'm about to issue a second violation.

Board Member Brady stated yeah, so I think we shouldn't even be worried about this guy until clears up the violation and stops the work.

Board Member Montesano stated don't entertain him.

Rich Williams stated but the only way to clear the violation up is...

Board Member Brady stated is to do the work.

Chairman Rogan stated to go through this, right.

Rich Williams stated well no, is to get through this process.

Chairman Rogan stated to get through this process.

Rich Williams stated so.

Chairman Rogan stated so.

Rich Williams stated but you know it's been two month since he's been in here.

Chairman Rogan stated and this is Zarecki coming in, right.

Rich Williams stated right.

Chairman Rogan stated not the owner isn't coming in with him or anything, he hasn't been in with him.

The Secretary stated no.

Rich Williams stated no, it's the same engineer as the one before.

Chairman Rogan stated okay.

Board Member Montesano stated zip-a-dee do da, zip-a-dee day.

Chairman Rogan stated Rich...

Rich Williams stated what'd I do.

Chairman Rogan stated Rich.

Mr. Gainer stated minor detail, let it go, let it go.

Rich Williams stated what did I do.

Board Member McNulty stated oh.

Rich Williams stated holy crap.

Mr. Gainer stated let it go.

Chairman Rogan stated oh you saw it.

Board Member Montesano stated ne ne nonny nu nu.

Mr. Gainer stated first thing.

Board Member McNulty stated he said I'm not getting paid.

Chairman Rogan stated no, he's not feeling a whole lot of love.

Mr. Gainer stated that's why my bills are being held.

Board Member McNulty stated they've been going to the wrong address.

Board Member Brady stated didn't you hear the conversation at the beginning of this meeting, the Town's got a little money issue.

Board Member McNulty stated did you see that other about the barbecue...

Chairman Rogan stated yeah we're going to do that under other business, okay, so we're done with Hebert.

Board Member Montesano stated it's those new rubber band checks.

## 5) MINUTES

Chairman Rogan stated okay, Michelle sent out a whole bunch of minutes, hopefully everybody will have a chance to read through those and scrutinize them.

The Secretary stated yes, I have some corrections on April 3<sup>rd</sup> to make, so will be getting a new copy of them for Tuesday, just want you guys want for the weekend.

Chairman Rogan stated okay.

Board Member Brady stated Friday at 4 o'clock, right.

The Secretary stated oh no, they'll probably be out a like maybe 10:30 tomorrow morning, I won't wait that long.

Chairman Rogan stated okay, the Planning Board is receipt of a letter from Cynthia...

The Secretary stated Danial.

Chairman Rogan stated Danial from 14 Palmyra Road, in essence expressing concerns over the barbecue restaurant in Putnam Lake, you'll recall that we issued a sign permit on that maybe two months.

The Secretary stated no, January I believe.

Board Member McNulty stated November.

Chairman Rogan stated oh okay, 5 months ago. We also, Rich and I also both got a call from another concerned resident in Putnam Lake, who has not submitted something in writing but expressing the same concerns that lives I think adjacent to the property. The Planning Board has no reviewed, there was no trigger in place to review site plan, there was, it's not considered a change of use et cetera but we have question that's being raised about whether or not this is posing noxious odors, those sorts of things. Not necessarily an issue for the Planning Board but what I'm suggesting is maybe that we can have Rich send a correspondence to the Building Department requesting that they do a site assessment and see whether or

not there's any merit to these complaints because it would possible be handled through the Building Department and/or the Fire Code Inspector under some of their various codes and certainly I'm not up on all their codes but it might fall under either Uniform Code or Property Maintenance Code. Regardless of whether a facility is legitimate or not, if it creates concerns for the public, there are options within the Code to allow for resolution of concerns, whether it's changes to the ventilation system, changes to the way the people do business so that they're not impacting neighbors in such a way, anything to add or is that...

Board Member McNulty stated is the Health Department involved in this situation as well or is there no oversight there.

Chairman Rogan stated typically, it's possible for them to be involved, typically the Building Inspectors and I've spoken to a few of them, it's certainly within their codes to look into these sorts of things, you know.

Board Member Montesano stated it's all these vegans, they keep calling up about noxious smells.

Board Member McNulty stated is that a familiar name on this letter.

Ted Kozlowski stated yes, it is.

Chairman Rogan stated yeah, it is.

Ted Kozlowski stated that's who you think it is.

Board Member McNulty stated I thought so.

Chairman Rogan stated whether we had this a case but regardless, I think it's something that we at least need to refer over to the appropriate agency, any other thoughts on this.

Rich Williams stated no, I think your direction is an appropriate one, it's good, I think I've got the gist of what you're looking for me to send over to the Building Department on your behalf and we'll get it done, I'll work with you on it.

Chairman Rogan stated alright, Ron can you think of anything else that we should be doing on this.

Rich Williams stated you know the issue, do you know what we're talking about.

Mr. Gainer stated I've just heard it briefly it when you guys have talked about it at other meetings, I haven't really be down there to see it.

Chairman Rogan stated okay.

Board Member Montesano stated got good food.

Chairman Rogan stated have you tried it.

Board Member Montesano stated that's what I was told because of certain people in the area keep running down there.

Board Member Taylor stated they had a very nice article covering them in the, one of the local newspapers.

Rich Williams stated yeah.

Board Member McNulty stated I've been wanting to try it but I haven't been there yet.

Chairman Rogan stated yeah.

Board Member Montesano stated it's like Walter used to have, remember Walter the guy that used to be up here on [Route] 22...

Board Member McNulty stated with the truck.

Board Member Montesano stated yeah.

Board Member McNulty stated yeah, he's in Wingdale.

Board Member Montesano stated and then he moved up to Wingdale, similar to that, it smokes up a storm and the smoke can be obnoxious.

Rich Williams stated but in that case he wanted to stay in Patterson, he wanted to come to Patterson.

Board Member Montesano stated yeah.

Rich Williams stated he looked at a couple of different sites, he wanted to put an outdoor smoker in and I discouraged him from coming to Patterson because of the potential issues we were going to have with it.

Chairman Rogan stated one of the concerns expressed by the resident that I spoke to on the phone...

Board Member Montesano stated smoke is going to cause problems no matter what.

Chairman Rogan stated is that there don't seem to be hours of operation with this facility, there are for open to the public not in terms of when they can smoke and when they can't smoke so this, to keep up with the demand I guess the facility is doing quite well, they are reported that they are running the smoker 24/7, it will run all night long of course you have to leave the...

Board Member McNulty stated well that's why they need to slow cook it, that's how it's cooked.

Chairman Rogan stated yeah, you have to leave the fire protection hood on so that's a noise issue that didn't exist in the past and those things run they probably sound like small jet engines and so it's creating concerns for the neighbors that were not there with previous tenant, it was a pizza place, it didn't create the same, it's a different, cooking odors from pizza are a lot different from smoking which is creating particulates, so you know I think if nothing else it's we received a complaint.

Board Member Montesano stated can't use hickory, have to use something else.

Chairman Rogan stated I'm sorry.

Board Member McNulty stated mesquite, you can't use hickory, you've got to use mesquite.

Chairman Rogan stated you know they, most of them use hickory, the local because it's locally available. Okay, anything...

Board Member McNulty stated how does that go with wood chips and wood being transferred, because it's bagged you can transport it, I know like fire wood.

Chairman Rogan stated yeah.

Board Member Brady stated yeah, can't transport...

Rich Williams stated certain types of fire wood, there's now a ban on ash but certain types...

Ted Kozlowski stated no, all fire wood.

Chairman Rogan stated all fire wood, 50 miles...

Ted Kozlowski stated all fire wood in New York State, there's a 50 mile limit...

Mr. Gainer stated 50 mile, right.

Ted Kozlowski stated unless its kiln dried and stamped.

Chairman Rogan stated that's right.

Ted Kozlowski stated so these gas stations that are selling fire wood that could be illegal if it's not properly stamped by New York State.

Chairman Rogan stated yeah.

Rich Williams stated when did that go into effect.

Ted Kozlowski stated that law's been in effect since the ash borer and the...

Board Member Montesano stated yeah, it's bee awhile.

Ted Kozlowski stated Asian long horned beetle.

Chairman Rogan stated yeah.

Board Member McNulty stated so how does that affect any of the wood their using to burn.

Ted Kozlowski stated started showing up.

Board Member Montesano stated I know we were at a campground...

Chairman Rogan stated well they have a local source...

Ted Kozlowski stated well if they're getting it within 50 miles, it's fine.

Board Member McNulty stated that's my question.

Ted Kozlowski stated but you can't transport wood, if you cut wood Rich in your backyard...

Board Member McNulty stated is there that much hickory within 50 miles.

Chairman Rogan stated oh yeah, shagbark hickory.

Ted Kozlowski stated you cannot send that 50 miles away from here.

Rich Williams stated not anymore.

Ted Kozlowski stated not anymore, well.

Mr. Gainer stated now that he knows.

Ted Kozlowski stated well you know what's happened, for instance...

Board Member McNulty stated big sign on [Interstate] 84 entering Connecticut yesterday fire wood banned from out of state.

Ted Kozlowski stated case and point the Emerald Ash borers up in the Green County, it's killing all the ash trees.

Rich Williams stated right.

Ted Kozlowski stated the number one fire wood is what, ash trees.

Chairman Rogan stated ash, yup.

Ted Kozlowski stated so all these people are saying come and cut all the ash you want for fire wood...

Chairman Rogan stated sure.

Ted Kozlowski stated so they're coming up from Long Island, all over the place...

Chairman Rogan stated yeah.

Board Member McNulty stated and they're spreading the beetle.

Ted Kozlowski stated cutting the fire wood and then bringing the beetle down.

Chairman Rogan stated and also a lot of these commercial smokers, I don't know what type they have in this facility but a lot of them have, they use things like briquettes that you commercially buy because remember they're looking for consistency with product so especially if you're going to leave something smoking overnight, you need a way to make sure it's consistent. So you know it runs the gamut from you know just split green hickory wood in log pieces some restaurants use to...

Board Member Montesano stated pellet stoves.

Board Member Brady stated we use apple wood.

Chairman Rogan stated to basically pellet stoves, yeah.

Board Member McNulty stated maybe it's something to address to the Building Department.

Rich Williams stated as far as what.

Board Member McNulty stated you know to locate where their wood source is from, who oversees that kind of a violation...

Chairman Rogan stated well that's DEC.

Ted Kozlowski stated I would think it's local.

Chairman Rogan stated yeah.

Board Member Montesano stated we were at a campground and the guy came in with a pickup truck, the family was already setup, the guy came in with his pickup truck with wood in it, the guy coming in the campground told them turn around and get out of here...

Ted Kozlowski stated we do that in Westchester at our campgrounds, you cannot bring firewood in, we will sell it to you, our own...

Board Member Montesano stated this guy insisted, this guy insisted until those funny little blue cars came and then the green car came and then the guy ended up okay, and they took him away.

Chairman Rogan stated anything else for the agenda from anyone.

Rich Williams stated yeah I just want to point out to the Planning Board, we're about to have a change in Building Inspectors, hopefully that's going to bring a new era in trying to create the type of Town that everybody desires to create, one that is attractive and violation free and there are a number of sites out there that seem to forever drag their feet as far as addressing the issues that the Planning Board has identified for them, you know we talked about a couple tonight, you know we've got a couple that again, they're operating for business and we haven't seen anything from them, there's no reason we haven't seen anything from them.

Board Member McNulty stated should we forward our list from a year and a half ago to the new building inspector or does he have it on file.

Rich Williams stated well you might want to review the list, see what you think, see if everything you want on there is on there, prioritize it if you want to prioritize it and when the new building inspector...

Board Member Brady stated first day on the job, he has nothing to do.

Rich Williams stated yeah...

Chairman Rogan stated it might make sense also at some point once the new building inspector takes over to have him into a work session to discuss the projects that you know, that seem to be the most outstanding that aren't in the hopper so to speak.

Rich Williams stated well yeah, give him the list and then we'll bring him in and talk to him.

Board Member McNulty stated get a feel for how he wants to do things.

Board Member Montesano stated no slingshots, no pittylowers, now violence of any kind.

Chairman Rogan stated and that, what Rich said isn't intended in anyway to be a negative about Nick, you know it's just moving forward and let's try to you know...

Board Member McNulty stated yeah it's a change of...

Board Member Montesano stated hey it's a change of command.

Chairman Rogan stated we've had a lot of changes in that office.

Ted Kozlowski stated it's a, you know what building inspector is a tough job.

Chairman Rogan stated yeah.

Ted Kozlowski stated because it's, nobody likes to see him come in and he's got...

Board Member McNulty stated almost as bad as the assessor.

Ted Kozlowski stated force some, you know unpleasant situations, it's not easy for anyone.

Rich Williams stated you know, Nick has been one of the better building inspectors that I've had to deal with in that office...

Board Member McNulty stated he's a good guy in the field, I know that.

Rich Williams stated but you know and I do feel sorry for him right now because he's going through an incredibly difficult in his last few days in here.

Ted Kozlowski stated two from me.

Board Member McNulty stated as far as violation and problems.

Board Member Montesano stated it's the Code Compliance Officer that's got to go.

Rich Williams stated yeah, one in particular.

Chairman Rogan stated okay, anything else for the record.

Board Member McNulty stated make a motion to adjourn.

Board Member Montesano seconded the motion.

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

The meeting adjourned at 8:00 p.m.