

TOWN OF PATTERSON
PLANNING BOARD MEETING
July 26, 2007 Work Session



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TOWN OF PATTERSON
PLANNING & ZONING OFFICE

Planning Board
July 26, 2007
Work Session Meeting Minutes
Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

ZONING BOARD OF APPEALS
Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
Marianne Burdick
Lars Olenius
Martin Posner

PLANNING BOARD
Shawn Rogan, Chairman
David Pierro, Vice Chairman
Michael Montesano
Maria Di Salvo
Charles Cook

APPROVED

Present were: Chairman Rogan, Board Member Montesano, Board Member Pierro, Board Member Cook, and Rich Williams, Town Planner.

The meeting began at 7:33 p.m.

Michelle Russo was the Secretary and transcribed the following minutes.

1) HUDSON VALLEY TRUST – Wetland/Watercourse Application Public Hearing

Chairman Rogan stated first up, Hudson Valley Trust, wetland permit public hearing. We are pretty well set on this since they relocated the bridge to the proper, they didn't relocate it but they, it is where we had hoped it was.

Rich Williams stated I went out and verified the location.

Board Member Pierro stated so we did set up for a public hearing.

Chairman Rogan stated yes.

Board Member Pierro stated oh okay.

Rich Williams stated I can tell you by the phone calls we've received, notice has been done.

Chairman Rogan stated we've received notices.

Board Member Pierro stated notices have been done.

Rich Williams stated people have been calling in saying what is going on, usually we don't get a lot of phone calls but a lot of people from Mountain View [Road] have called up.

Chairman Rogan stated interesting.

Board Member Cook stated with regard to point two here, it says about being in contact with the construction company etcetera, etcetera, we will provide this information to the Board upon receipt, do you know if they have it yet.

Rich Williams stated we have not received anything on that, as far as how they are going to set the bridge and you know bring the material in and get across. I would imagine that some of it is going to be done with a crane.

Chairman Rogan stated it would be good to try and get an update after the public hearing on those points, so if could keep that in the back of your mind that would be great. Okay, anybody have any other discussion this.

2) **2J2B, LLC WETLAND PERMIT APPLICATION**

Mr. Bruce Major and Mr. John Boyle were present for this application.

Chairman Rogan stated 2J2B wetlands permit application.

Rich Williams stated I don't think that we have seen anything yet.

Mr. Major stated no, that is understandable.

Rich Williams stated we've got the plans in, Teddy has not confirmed them of course because he is on vacation. I did take a look at them and it looks like they did pick up the flagging where Ted had it laid out in the field so I am certainly comfortable with it and dealing with a driveway crossing.

Chairman Rogan stated I believe at the last meeting we, is Theresa the engineer consultant on this. We talked basically about just making sure that the wetland is delineated property, that Ted agreed with it and making sure that they modified their plan to meet whatever challenges come up from that. Nothing has changed from my perspective, we are all done.

Mr. Boyle stated well I'm late so you are going to start over again. First off, how was it.

Mr. Major stated we're fine.

Mr. Boyle stated we're fine.

Chairman Rogan stated I don't want to tell you what he said.

Mr. Boyle stated I'm not coming back next time.

Chairman Rogan stated you can read it in the minutes.

Mr. Boyle stated I can't read, that's why I go around with him when I can remember.

Rich Williams stated so if I recall procedurally, we still need to a public hearing on this.

Chairman Rogan stated yeah but we're good.

Rich Williams stated so maybe we can get that out of the way, regardless of whether everybody is okay with the plans or not, at least get the public hearing going.

Chairman Rogan stated so we can set a public hearing for the September meeting, if everyone is amendable.

Board Member Pierro stated on the motion, oh no I can't.

Chairman Rogan stated we'll do it at the meeting.

Rich Williams stated Dave has recused himself.

Board Member Pierro stated I can't you're right.

Chairman Rogan stated somebody was fancy on this one.

Board Member Pierro stated not really.

Board Member Montesano stated on the motion.

Board Member Pierro stated I just want to get this off the record, get it off the table.

Chairman Rogan stated get it off the table, so we'll do that at the regular meeting.

Mr. Major stated thanks so much.

Chairman Rogan stated have a good evening.

Mr. Major stated I'll put the chairs back even.

Rich Williams stated thanks.

Mr. Boyle stated you must have done a wonderful job.

Board Member Montesano stated not in the elevator.

Board Member Cook stated so we'll do it what the September meeting.

Chairman Rogan stated at the next meeting, next week, we'll do a motion for the public hearing.

Board Member Cook stated yes but for September.

Chairman Rogan stated yes, that would be the earliest that we could do it.

Board Member Montesano stated when is our next meeting.

Chairman Rogan stated next week.

Rich Williams stated September 6th.

Chairman Rogan stated oh, you mean, because technically our next meeting is August 2nd.

Board Member Montesano stated I mean I would have come back in September and I would have missed the meeting.

Board Member Pierro I won't be here anyway, as I e-mailed you guys, I am taking my wife.

Rich Williams stated for the August meeting.

Board Member Pierro stated for the August 2nd meeting.

Chairman Rogan stated for next week, okay, alright. So, let me try to get this one.

3) CHARALAMBOUS WETLANDS PERMIT APPLICATION

Chairman Rogan stated Charalambous Wetlands permit application.

Rich Williams stated Charalambous.

Chairman Rogan stated it's not Ch, it's Har.

Rich Williams stated Charalambous.

Chairman Rogan stated Charalambous, so this is.

Rich Williams stated there is no C.

Chairman Rogan stated the wetland permit for the installation of a deck within the 100 foot buffer. I haven't heard anything about this yet, what is the situation here.

Rich Williams stated essentially, they are proposing to do an addition and a deck onto the back of an existing house located along Route 311, approximately 500 yards down the road from Town Hall. The property backs up against the property owned by Patterson Materials that we walked; actually the right of way for Patterson Materials comes out on the side of this property. I have been out there with the Building Inspector and Ted Kozlowski, ECI and we have looked at this site. When I was out there with Ted, and he raised some issues about some things that they had done as far as putting brush in the wetlands and made them take it out but didn't express any real concern about the proposed addition and deck.

Board Member Pierro stated is it, question Rich.

Rich Williams stated sure.

Board Member Pierro stated is the house in the buffer now.

Rich Williams stated there is a two story section and a one story section and the 100 foot buffer line really comes right across the back of two story section and very close to the concrete pad that they have out there. So that one story section is in the buffer, they are proposing to add on to that.

Board Member Pierro stated to add on to that 20 x 20.

Rich Williams stated well here is where it gets a little complicated because depending on the set of the plans that you are looking at, they have submitted a number of different plans. They are either squaring everything off because the one story doesn't go all the way out to the edge of the two story or they are squaring it off and adding three on.

Board Member Pierro stated okay.

Rich Williams stated also the application shows a 16 x 16 deck but the application narrative is proposing a 20 x 20 deck.

Board Member Pierro stated right.

Rich Williams stated so and.

Board Member Pierro stated I noticed that.

Chairman Rogan stated do they need a variance on this 6 ½ foot from the property line.

Rich Williams stated well they got a variance but I'm not sure whether it was really what they were proposing to do because again there are some discrepancies about all the different materials they are proposing. One of the other issues is that they are proposing to do this addition and put a garage under the house and I think what they are really saying is to put it under the second story that is going to be the addition but to do that they are going to have to re-grade and extend the parking area so that they can get into the garage and they are not talking about that, they didn't talk about it with the variance request. I don't know if it would have affected anything but they are certainly not talking about it with the wetland. I did do a memo and I did identify all these within the memo and I would like to reach out to Mrs. Charalambous to you know talk to her about these issues and maybe we can tighten this up before the meeting.

Board Member Pierro stated okay.

Chairman Rogan stated also they need this, this addition application, did they file for a building permit, have they been through Health [Department] yet.

Rich Williams stated Michelle nodded yes.

The Secretary stated they came in for the deck not for the addition.

Chairman Rogan stated because the addition has to go to the Health Department for an addition application. It looks like with the floor plan layout, they are just looking to increase the size of the two bedrooms on that side of the house.

Rich Williams stated I did go out there today with tape and measure some of the things off just to verify the wetland boundary and where it was in relation to everything else and I picked up an interesting thing, they have a fence a stockade fence a permanent fence around the back of their property, the fence appears to be twenty feet on to Patterson Materials property.

Board Member Cook stated oh.

Board Member Montesano stated how could that possibly have occurred.

Rich Williams stated they put up the fence as far as they could go before it got too wet to put the fence up anymore.

Chairman Rogan stated yeah, I think.

Board Member Cook stated this is going to be on the agenda for next week.

Chairman Rogan stated it is on the agenda already.

Board Member Cook stated but are we going to act on this or are we going to wait per your memo.

Chairman Rogan stated my first question was going to whether anybody wanted to take a look at it because I wouldn't mind taking a look at the site.

Board Member Pierro stated yup.

Chairman Rogan stated because we are not going to act on it at this meeting, we will get some information from them, we'll talk about, let's get out there, we have a couple of others, this one won't be too laborious.

Board Member Pierro stated Saturday.

Board Member Cook stated I am not available Saturday.

Chairman Rogan stated can we do another evening.

Board Member Cook stated I can do next week on Tuesday or Wednesday.

Chairman Rogan stated okay, so some of the site walks we have lined up certainly aren't like what we just did, that was the exception of the rule, so in many cases we can do two or three in an evening without cutting into dinner time too much.

Board Member Pierro stated I don't know, Wednesday, but Tuesday I can do. Wednesday I can't do.

Chairman Rogan stated Tuesday I think is the night we are shooting to do, you don't go on Zoning Board site walks do you Rich.

Rich Williams nodded his head no.

Chairman Rogan stated okay, so you want to shoot for Tuesday at this point in time.

Board Member Pierro stated yeah.

Rich Williams stated are they doing a site walk Tuesday.

Chairman Rogan stated I think that is what they are trying to reschedule for.

Board Member Montesano stated hopefully I can walk these.

Chairman Rogan stated I remember hearing, so let's tentatively shoot for Tuesday, we have Montelone, is one we were going go, or no, was that one.

Rich Williams stated well we haven't gotten down that far, the question is yes do you want to go out there and see what White Birch is and Lea Rome is right there.

Chairman Rogan stated White Birch and Lea Rome. At a minimum site walks.

Rich Williams stated and we do have Lea Rome in now.

Chairman Rogan stated that is if you can contact them and they are okay with us getting out there Tuesday night but I am sure they would like because that would be before our meeting. Lea Rome is really the only one prior to tonight that was ready to be walked that we haven't done so far and Montelone if we decide.

Rich Williams stated well we just got the application in on Lea Rome, it is just that Ted was suggesting that that Board go take a look. I just got all the application materials in, we haven't even looked at them.

Chairman Rogan stated okay, anything else on this that anyone wants to discuss.

4) BONIELLO SITE PLAN – SEQRA Determination

Chairman Rogan stated Boniello Site Plan.

Rich Williams stated I have not had a chance to take a look at it, I just started it.

Chairman Rogan stated it looks like we have gotten some responses back from Health [Department] and DEP.

Rich Williams stated we did circulate for lead agency notice. We got responses back from DEP, Health Department and DOT.

Board Member Pierro stated is there any glaring in DEP's note, Rich.

Chairman Rogan stated and DOT.

Rich Williams stated it was, there wasn't anything surprising from DOT except that they are doing their usual about the sky is falling.

Board Member Pierro stated one driveway type of thing.

Rich Williams stated you know, certainly I think that there are issues that the Boniello's are going to have to address with DEP, one of them I picked up on the plat, the wetland goes right down along Route 22 and goes all the way down to Old Route 22 intersection but somehow they are showing it on their plans as not going really past their site so the driveway is out of the DEC/DEP buffer and that is clearly not going to be the case but having said that DEP's letter is typically about you know you are destroying our water quality and too much impervious surface, the whole litany of things. The Health Department simply responded that they should do an evaluation of the septic system to see what's its status is and DEP also said that and also DOT's letter was being as you are combining the parcels you should eliminate one of the driveways.

Board Member Pierro stated is that possible with the plan the way it is laid out for parking in that area.

Rich Williams stated it is not possible the way the plan is laid out, they would have to re-configure and re-design.

Board Member Pierro stated right.

Chairman Rogan stated I noticed on the current plan the big building that they are adding half, well not half, but clearly forty percent of it is as listed at showroom now and I don't remember them talking about that before because the other building is showroom per se.

Rich Williams stated they have always had a portion of the building that was showroom, I don't know if it was quite that much.

Chairman Rogan stated it looks like four repair bays.

Board Member Pierro stated my concern is that you will lose parking by changing the driveway, by combining this driveway here, is that what they are talking about, Rich.

Rich Williams stated yes, eliminating that driveway.

Chairman Rogan stated you know what, the reason that I wouldn't want to eliminate that driveway is because that serves a residence and we are trying to and even though they are going to be on the same parcel, we are trying to divide that in use anyway, by remember were talking about fencing, appropriate fencing, assuming that a young family with two little kids is going to be living there, we want to fence that off from the rest of this acknowledging that they are on the same property but they are clearly separate use. So I agree with leaving the existing driveway and leaving that use all to its own and if we put them together, then we are promoting what we didn't want.

Board Member Pierro stated right, this is storm water isn't it.

Chairman Rogan stated which was for instance, the houses in the back driving through to get to them, so I would leave well enough alone and thank them for their comments.

Board Member Pierro stated is this storm water right there.

Rich Williams stated we don't know what that is, they don't label.

Chairman Rogan stated it looks like a top soil stock pile or something, kind of.

Board Member Pierro stated I don't think so.

Chairman Rogan stated we'll ask Joel.

Rich Williams stated you know here I think the bottom line is that if they are not going to touch the driveways they don't need a DOT permit and DOT can't force them to get rid of it, if they change anything in the DOT right of way they may need to go to DOT and get a permit and then it is a question of how hard DOT is going to push them to eliminate one of the driveways.

Chairman Rogan stated it is what it is but I wouldn't push in that direction.

Board Member Pierro stated okay.

5) MEADOWBROOK FARMS PHASE II – Wetlands/Watercourse Application

Chairman Rogan stated Meadowbrook Farms Phase II.

Rich Williams stated Mike, you were here for Phase I and now you are here for Phase II.

Chairman Rogan stated yeah, give us a little insight here Mike, I can't really think of anything on this because I am not familiar with it.

Board Member Montesano stated please, he knows more about it than I do.

Board Member Pierro stated what is it a ten lot, ten houses.

Rich Williams stated forty, overall I think it was about forty-one houses.

Board Member Cook stated total.

Rich Williams stated they are building out probably the last, fifteen to twenty. They built out the first phase which was a road that was supposed to connect all the way through Sonnet Lane and to 311 [Route], there is currently a gate across right now. They started to build out the second phase, oh God, six or seven years ago and DEP stopped them and said you have to re-design everything and meet our storm water regulations, it has been a long haul for them to get back to where they are now. What they have been forced to do by DEP is take one of their existing storm water basins and it right now if you go out there it is an incredibly deep basin, to make it much more shallower to meet the current requirements and add a second basin and ultimately adding that second basin has pushed it completely in the wetland buffer. So they are coming right up to the stream and that is why they are back in for a wetlands/watercourse, they also have pending before an erosion and sediment control permit to deal with the storm water and erosion control issues on the site. Gene is currently reviewing it and I should be getting it to before the meeting,

ultimately the question is going to be whether you are going to permit that storm water basin and additional disturbance within the buffer of the stream.

Chairman Rogan stated what is the date, not the date, the year that this was approved.

Rich Williams stated '92, I think the plans were signed.

Chairman Rogan stated so this phase has not been built yet but they are working towards.

Rich Williams stated I think Pond View was signed then, it may have been signed in '89.

Board Member Montesano stated when they originally got the approval for the cluster and when they started to put these buildings up there was problem, there were certain.

Rich Williams stated which problems are you talking about.

Board Member Montesano stated the one where the buildings were so close together.

Board Member Pierro stated when I came on the Board with this subdivision.

Board Member Montesano stated the original one, where we couldn't a fire truck between buildings.

Rich Williams stated they were approved with zero lot lines.

Board Member Montesano stated because everything was opened up here but there was a stipulation at one time which apparently was voided out by certain attorneys when they got together, but you were supposed to have enough room between buildings to get a fire truck through there in case of an emergency. So you could sit there and fight the fire and try to keep the second building from going up but apparently they chose not to and then happily I left.

Board Member Cook stated so this entire thing was approved back then.

Rich Williams stated yes, the subdivision was approved way back and the plat was filed creating the lots.

Board Member Montesano stated this was done in the eighties.

Board Member Cook stated what about this part.

Board Member Montesano stated this part.

Rich Williams stated both sides.

Board Member Montesano stated both sides.

Rich Williams stated the whole thing was approved as a.

Board Member Montesano stated as a cluster development.

Rich Williams stated a cluster subdivision and the whole thing was filed with the County so the subdivision lots exist. Now there are some other issues about and I don't know, we need to bring Anthony into this, they have this big open space lot which is for the benefit of all the property owners but now they are using up good portions of that lot to meet their current Health Department requirements for their septic systems, to meet storm water requirements.

Chairman Rogan stated a reasonable person would say that you could look at reducing the number of lots to make up some of that open space.

Board Member Montesano stated the idea was, the reason they got a cluster.

Chairman Rogan stated if they had built it then they wouldn't have needed too.

Board Member Montesano stated was to leave the open space, open space.

Chairman Rogan stated eating up more of it now would be a reduction.

Board Member Montesano stated so now if they are taking over that, how did they get that put in there.

Chairman Rogan stated they didn't that is why we are here.

Board Member Cook stated they just asking for this now.

Rich Williams stated okay, you approve a cluster subdivision, and say you have to keep this as open space and don't put any restrictions on it.

Board Member Montesano stated there were supposed to be restrictions where they could never build on it.

Rich Williams stated we go back into the eighties and the supposed to be's.

Board Member Montesano stated are immense, tell me about it.

Chairman Rogan stated so in other words the intent was there but whether it was put into good.

Board Member Montesano stated the originals were put in, unfortunately by the time we approved and signed for it, there seems to be a lot of them that ended up adjusted.

Rich Williams stated you know what would have really helped you back in the eighties was a really good Planner.

Board Member Montesano stated what would have really helped was if we had outside council available, that would have come to meetings.

Rich Williams stated I mean there are other things, you know we have a nightmare with this subdivision all the time because it is a cluster subdivision, the building set back dimensions are not defined.

Board Member Montesano stated when we did this (unable to hear).

Rich Williams stated Charlie, watch the water behind you.

Board Member Montesano stated Thomas Frederick Herman who was a stickler for getting things right, came in and then what happened was that we never had legal council we always had to defer and then they would the meeting with Board Members and Council in reference to this, that, and the other thing and the more I learned, the more I understand why. Things are nicely done, don't worry about it, I didn't mind washing him [holding a bottle of water].

Board Member Pierro stated I don't think that this engineer is going to be around that long anyway.

Chairman Rogan stated what's that Dave.

Board Member Pierro stated he's got problems.

Rich Williams stated they have Insite doing the storm water so this is another one that you will probably want to site walk, go out and look.

Board Member Pierro stated I haven't been out there in five years, we were there once on a site walk because there were some problems with some driveways and lot lines in between a couple of the houses there. I remember being out there with the Planning Board.

Rich Williams stated okay, we at one point, I don't know if you were with the Planning Board at that point but at one point they had proposed coming back in here and that big open space parcel, spreading the density out through that and bringing the road all the way out to Cross Road and we reviewed that for six months before that went away because ultimately they needed to get, if they are going to use the open space parcel.

Board Member Pierro stated do you know the name of the owner of this current parcel.

Rich Williams stated JGZ.

Board Member Pierro stated yeah, I know that but you know who JGZ is.

Rich Williams stated it is a corporation down in White Plains, I believe, the individual who is an employee there is a Stephen Bulduc.

Chairman Rogan stated why do I have two of these.

Rich Williams stated because one is a site plan and the other is a wetlands.

Board Member Pierro stated it just seems very familiar to me.

Chairman Rogan stated you have two also, I can see them from here.

Board Member Cook stated I thought you were talking about different applications.

Chairman Rogan stated Cingular Wireless.

Rich Williams stated Cingular Wireless is the application for the cell tower that was at the Maldunn site and they are back in because they got.

Chairman Rogan stated in the Camp Re area.

Rich Williams stated next to Camp Re.

Board Member Pierro stated they are the ones who floated the balloons.

Rich Williams stated they got their area and use variance, they are back on, he has requested to stay on the agenda and I asked Anthony whether that would be permissible and Anthony said let me get back to you and he hasn't gotten back to me yet. I don't see a problem with putting him on the agenda but they got their approvals from the Zoning Board of Appeals and Camp Re filed an Article 78. One of the reasons they want to be back on the agenda because when last they left the Planning Board there was some, there was an issue raised about the fact that the Maldunn site that there were all sorts of other activities going on out there, we didn't have a site plan for the site and to see what the Planning Board was looking for in the way of a site plan. Whether you are going to limit it just the Cingular area or if you wanted the overall site, including the out buildings rolled into one overall site plan for the site.

Chairman Rogan stated there was a lot going on out on that site, remember the guys loading the drums and everything. What do you guys think that we should do on this.

Board Member Cook stated I'm sorry.

Chairman Rogan stated I am asking for your input, what do you think that we should do on this one.

Board Member Pierro stated Rich when was the last time you had been out there to see it.

Rich Williams stated the last time the whole Board was out there, I was there with you.

Board Member Montesano stated they never gave you an explanation on why they don't mind having it so close, 1500 feet between that tower and the one that is down in Southeast.

Rich Williams stated they went through a whole big explanation to the Zoning Board of Appeals about the proximity of the towers. At that point Mike, I am not saying that you are not entitled to an answer and you should ask the question but that really was an issue for area variance and zoning variance and it is not related to the site plan. Essentially what it is, is that they are saying and you should ask them but I was at the Zoning Board meeting due to the topography there is a gap in coverage that will not be covered by the tower that is down in Southeast at the Brewster Business Park. They are currently at about 55 feet at the Brewster Business Park, on top of the roof and even though there is another tower being proposed there for two other carriers they are not going to be going up on that tower and even if they did go up on that tower, they still wouldn't get the coverage and even if they did get the coverage, eventually they are going to need the capacity.

Board Member Montesano stated what I am looking for as the site plan, one tower here you are 1500 feet from here, that means you have coverage that is wonderful for 1500 feet and if that tower was 3000 feet

away would you get better coverage let's say north because you already have a tower south and still getting a gap.

Chairman Rogan stated but it still maintains that gap.

Rich Williams stated but again that was an issue for the ZBA in evaluating the use variance.

Chairman Rogan stated I guess we don't have much say in that.

Rich Williams stated all you are looking at is sighting the tower on the site.

Board Member Montesano stated alright.

Chairman Rogan stated I wonder how long it is going to be before this technology is out, antiquated and they are going to be using something that covers a more broad area, if it is 20 years, 30 years, 10 years.

Board Member Montesano stated do we have, we have anything in our Code if that technology is removed who is responsible for that tower to be removed. I mean we've got the radio tower which fortunately is in Pawling.

Rich Williams stated the property owner, it is not in the Code, we generally slide it into the resolutions.

Chairman Rogan stated because the question, it is a good question, the question is if the technology becomes antiquated and they don't need it anymore, does it necessarily mean that they have to remove it, it might become the property owners responsibility, do we say somewhere if it is not being used for its current intended purpose, it has to be removed because that would good.

Rich Williams stated actually it was interesting the attorney for Cingular gave us the language, which is better then the language that we've been using to identify that telecommunication company is not used for telecommunications purposes, it comes down.

Chairman Rogan stated excellent, I will volunteer pulling it down with my truck.

Board Member Montesano stated can we make them leave a bond up for arguments sake that the property owner walks away from that tower.

Chairman Rogan stated somebody else will take it.

Rich Williams stated I don't know if we can or not.

Chairman Rogan stated plus the bond would then have to be advertised because whatever it would cost now, isn't going to be the same ten years from now.

Board Member Montesano stated the object would be if all you own is this section where the tower base is.

Rich Williams stated the problem Mike, as I see it is you are asking for somebody to post a bond essentially in perpetuity.

Chairman Rogan stated to remove, yeah.

Rich Williams stated because that tower may be there for one thousand years.

Board Member Montesano stated alright, let me put it this way and I think that it can be found out. Prior to cell phone use by hand held cell phones, the one I used to have in the car, I had to go to Poughkeepsie to have it installed and this was AT&T, or excuse me Verizon or Ma Bell, I could talk in Poughkeepsie fine, I could talk in Westchester and White Plains and I could talk in New York City without a problem but everywhere in between was a gap and now that phone was a good five or six pounds plus the receiving box in your truck was another eight and a half to ten pounds, now the time that we went from that phone to the hand held ones, was less then five years. What I am trying to figure out is and this is just if that tower has the possibility of being lost in ten years and then how many of these towers are we going to have sitting here on your sky line when we can't get of them because.

Chairman Rogan stated oh we'll get rid of them, don't worry, he is going to be retired soon, they'll all come down.

Rich Williams stated it would be a violation of the property owner and the property owner would have to remove it and somebody is always going to have to own real estate, it is not like they are going to give it up and if they do give it up, it will go to the County and then the County will have to take them down, somebody is always going to be responsible for removing the tower.

Board Member Montesano stated as long as it is not the Town, I don't want to see the taxes going up any higher because we've got to take them down.

Board Member Pierro stated well the Town isn't going to do it unless they want to do it voluntarily, they would have to own the property most likely.

Board Member Montesano stated if you have permission to take it down, no matter what happens you are going to have to hire a contractor because we don't have the knowledge or the ability to take that tower down piece by piece, you are going to need a crane, that can be rather expensive.

Board Member Cook stated like Rich said, that wording would be in the resolution.

Rich Williams stated it is already in the ZBA resolutions.

Chairman Rogan stated okay.

Board Member Montesano stated then that issue.

Board Member Cook stated I have a question about, can we act on this or whatever while there is an Article 78.

Rich Williams stated no.

Chairman Rogan stated good question.

Board Member Cook stated even if it is on the agenda, its like well.

Rich Williams stated you can't make a final decision on it while there is an Article 78, because that suspends all the processes. Like I said they are back in basically to find out the direction of the Planning Board what you are looking for, for a site plan. Whether you are going to limit it to what they are currently showing you which is just a cell tower and then fenced enclosure with the equipment shelters or whether you want to extend that to the whole site and pick up all the current uses that are out there and all the buildings.

Board Member Cook stated is that fair to this applicant, to ask them to do the latter.

Chairman Rogan stated I was just thinking the same thing Charlie, there are two ways go about it.

Board Member Cook stated the owner is sitting back getting this site plan.

Chairman Rogan stated that's it, and the only way to hold the owner accountable is to say hey, we want a site plan for the existing uses, there is nothing, there is not merit for them to come in and do it unless they were cited with a violation for not doing so. The only other way to do it is when a new application comes forward, as part of this new application we want to codify everything else that is out there, we have a new application, it is the one that is in front of us, so that is one way of looking at it.

Board Member Cook stated so we ask the applicant to do this.

Rich Williams stated is it fair that we have property owner out there that knows the requirements that when they change the use or they use a building that was never intended to be lease-able space, as lease-able space that they just ignore the Town and don't get a site plan approval for it.

Chairman Rogan stated and by approving this, I guess you are rewarding them for doing things the way they want.

Board Member Cook stated so then we say to the applicant go back to your future landlord and this is what we require, a full site plan showing everything including the cell tower.

Board Member Pierro stated that was our direction, to include.

Chairman Rogan stated and what we can do, is we can always waive some of the standards because there are sometimes our standards and the site plan because they are existing and certain things, say topography for instance, if they are not proposing to build anything in areas, we don't have to require topography to be shown, different things like that. We can make the process easier and still accomplish both goals.

Board Member Montesano stated and I don't say you have to worry about it because the fact that these gentlemen were washing out these barrels. Now for arguments sake all that land, lets theoretically say it was pollutants.

Chairman Rogan stated arsenic now.

Board Member Montesano stated what do we do as a Town when the State comes in or the Federal Government comes in one day says alright you guys approved it, you clean it up.

Chairman Rogan stated you knew it was there.

Board Member Pierro stated did we see them washing out barrels, Mike, I saw them cutting the tops off.

Rich Williams stated I saw them crushing them.

Board Member Montesano stated and they were washing some of them out.

Board Member Pierro stated they were cutting the tops off in order to crush them.

Board Member Montesano stated and the ones that they washed out.

Board Member Pierro stated I didn't see that.

Rich Williams stated I didn't see that.

Board Member Montesano stated there were some that they were washing out because when we walked up, I was standing there looking at them, when they realized that I was standing there and the rest of the crowd came up, they stopped and just continued to crush, they didn't wash them anymore. I don't know what they were washing out of them.

Rich Williams stated I was looking for staining or drips, or pooling or puddling or anything but I didn't see any contaminants on the ground, which surprised me.

Board Member Pierro stated the next time you are out there, can you take a look at that just see if there is any evidence.

Chairman Rogan stated you won't see (unable to hear too many speaking).

Rich Williams stated I will make it a point to go.

Chairman Rogan stated okay, if you do, they wouldn't have done anything with that well would they.

Rich Williams stated that well is done, yeah, I went out and looked at the well. That's right, I did I went out after we were out there and looked at that well because they did that.

Board Member Pierro stated that was.

Rich Williams stated I had to do that for the lot line adjustment.

Chairman Rogan stated yup.

Board Member Pierro stated that was basement foundation sealer, those drums, wasn't it.

Board Member Montesano stated it was water proofing of some kind but you don't know.

Board Member Pierro stated I know that if it was a basement sealer of some sort, in order to wash that stuff you need a petrochemical, you need an oil or gasoline.

Board Member Montesano stated I walked up to two guys who were sitting there washing something out.

Chairman Rogan stated okay.

Board Member Montesano stated when we showed up as a group and we pointed out, everything stopped, they were still crushing the ones they had, but even crushing them up. I have never been able to drain a 55 gallon drum completely no matter what you try.

7) 17 COUCH ROAD – Final Subdivision Plat

Chairman Rogan stated alright, 17 Couch Road Subdivision, they are in for final subdivision plat.

Rich Williams stated they have submitted their final subdivision plat both Gene and Tom and I, all three of us are reviewing it at this point.

Chairman Rogan stated okay.

Rich Williams stated you have everybody's comments I believe.

Chairman Rogan stated Rich, how can we in the future try to make things better, when we review these subdivisions and we have the intentions of Open Space Preservation, aesthetic preservation. How can we plan for the inevitable storm water because I think sometimes what is given us, I often wonder if what they show on the plan is what, is trying to meet our needs knowing full well that the DEP is going to slaughter them and they are going to have increase the size of the basin.

Rich Williams stated all I can tell you is that you have to know the regulations, you have to know the requirement, you have to know the design elements, I mean if you remember back when we were talking about doing the conservation easement along the road, I was telling you that it is not going to be there.

Chairman Rogan stated yeah.

Rich Williams stated because water runs down hill and that is going to be the low point and DEP is going to come in.

Chairman Rogan stated but they showed basins though that we at the time. Through Gene were sized appropriately and then it went down to DEP and came back with the basins twice the size so we need to get Gene on the same wave length as DEP to foresee what is going to happen.

Rich Williams stated well Gene really didn't review the basins and we all knew that those basins were going to be increased in size.

Chairman Rogan stated it is a crying shame on this subdivision because I think that when it is all built, what we had intentions of it is even nearly, like you say, you spin your wheels for no reason. I mean when its done, don't get me wrong the property in the back in fantastic, we did a great thing there and I think everybody can be proud of that but that was the obvious save on this one. The better one was to try and keep the rural character of the road which we were shooting for, we were trying to minimize driveway cuts into a common area so there wasn't as much disturbance, all we did with the driveway cuts to be honest

with you was give more room for the basins to be. I am disappointed, when this gets built I am going to be disappointed.

Rich Williams stated understand I mean all you are going to do is to minimize the size of the basins is to reduce the roads, the houses, the number of house, the size of the clearing and we did that as best we could and unfortunately the low point on this property is along the road.

Chairman Rogan stated yeah.

Board Member Montesano stated the unfortunate thing is that we have no control, we can apply but the City of New York controls this for the money, so we have a golf course.

Rich Williams stated well it is not even that anymore, the Town of Patterson would have to do the same thing because we can't allow the pollutant loading to increase because the more it increases the more it is going to cost our existing residents to reduce.

Board Member Montesano stated definitely, but we are on a smaller scale because it would have been appropriate because lets put it this way, the City comes in here because they are worried about their water, that is there whole thing yet if you go into the City and you see them with the fire hydrants wide open, how many pipes do they bust in a day and yet there is not control over them because they have the votes in Albany to do what they want and they get away with it and we have to pay for it.

Board Member Cook stated can I bring up a more mundane comment.

Board Member Montesano stated oh God.

Board Member Cook stated other then what my eloquent colleague here has been deposing. I have said this before there are numerous comments from the Town Planner and the Town Engineer, now is this on the agenda for approval.

Chairman Rogan stated it is on the agenda but we are not even near, we have to have a public hearing on it.

Rich Williams stated and they.

Board Member Cook stated and hopefully they will have time to act on all these.

Rich Williams stated Charlie.

Chairman Rogan stated why don't you actually spear head that conversation at the next meeting if you would to bring it up because I think that it is valid and we want to try and get away from these long winded conditional approvals.

Rich Williams stated the comments that Gene and I have issued on the subdivision plat are not all that significant compared to others that we review.

Board Member Pierro stated but these guys are active participants, it is not like they are dragging their heels Charlie, they are trying.

Board Member Cook stated my only point, I keep bringing this up is that then this has to come back, Rich has to go and make sure everything is done, Gene has to review or whoever and make sure everything is done, type of thing and you know, we rely on these guys, they do a great job.

Chairman Rogan stated absolutely.

Board Member Cook stated Ted included and I think that the applicant comes in here wanting an approval and they have a responsibility also, okay to present to the Town a plan with minimum conditions and to push it back on them, I don't think is being terrible, I really don't I think that we have to take into account what these three guys do for us and then, he goes through all the trouble of preparing this, then they have time to do it, they are pushing us for an approval, then one or two or all three have to go and chase the applicant and make sure that all this stuff is done.

Rich Williams stated and we do and the real problem with the process and why I would like to see you guys tighten it up is not so much, if that was just a punch list and they came and you guys approved it based on that and they could go down bang, bang, bang and they were all clear cut, that would be easy, that would be fine. The problems we have are things like we are going to talk about tonight with Forest View where they were approved but they really didn't have all the design issues worked out now we worked with them as best we can trying to work those things out but here we are where we are going to be talking about the retaining walls and what they want to do different then what they initially said they were going to do when they got the approval.

Board Member Montesano stated okay, you're entitled.

8) POWE SUBDIVISION – Amended Application and EAF

Chairman Rogan stated Powe Subdivision, amended application, what are they amending.

Rich Williams stated well, I should have said application form, it is kind of, I didn't know what else to do with this, Jack, Jack, Jack. The Board had done lead agency and I had asked Jack to submit x number of copies of the plans, the Environmental Assessment Form and the application form that were amended based on my comments. I got the plans and I sat on them, and I sat on them and then finally I just took the old application form and the EAF and circulated them for lead agency and then the next day I get the amended Subdivision Form, the application form, and the EAF, so I threw it on the agenda just to acknowledge that we got. The amended forms, I reviewed, of course he got, he did better than usual, he got 80 percent of the comments but I just threw it on the agenda just to acknowledge that we he did submit the application form but there is nothing new on it, other than that.

Board Member Pierro stated what about the other 20 percent.

Rich Williams stated he is getting a memo.

Board Member Pierro stated okay.

Rich Williams stated Jack, you have to check the box that says you are submitting for a final subdivision application.

Board Member Pierro stated okay.

9) WIRELESS EDGE TELECOMMUNICATIONS TOWER – Initial Application

Chairman Rogan stated Wireless Edge.

Board Member Cook stated that is okay, that is the way I feel, they come in here and they want the approvals and they want everything and yet they want you, Ted, and Gene to do the work for them. You know, that's not right.

Board Member Pierro stated well they want the approval and they want to do the work later, it is typical.

Board Member Montesano stated this is based on (unable to hear, too many talking).

Board Member Cook stated at their leisure but you guys have to approve this now, you have to do it now.

Board Member Montesano stated the engineers that they bring in, they all know the procedure, they are getting paid to do, but they seem to have an extreme difficulty trying to remembering from job A to job B. What they do and then who pays for it is the client, so it makes us look like we are, we keep asking the same thing over and over and then they keep saying to the client.

Chairman Rogan stated Wireless Edge Telecommunications.

Rich Williams stated this is a new application for a 130 foot cell tower at the south end of Putnam Lake right at the dam. The process is, an application coming in, that needs a variance has two mechanisms to get to the Zoning Board of Appeals. One is to go to the Building Department and get denied, the other is to go to the Planning Board, submit a Site Plan application which qualifies them to go to the ZBA for a variance, if somebody is going to need a site plan application, typically I suggest that they come into the Planning Board first because you are going to see it anyway and that gets them to the ZBA.

Chairman Rogan stated so we can start the review and then basically concurrent with our review, they can go to ZBA and do that process, okay.

Rich Williams stated so essentially they submit, kind of pro forma and then immediately go to the ZBA, however in this particular application I am going to suggest keeping them around a little while because the application that they submitted did not show the Town property boundary, which is adjacent and may cut through their proposed area that they are developing that shows the road boundaries as assumed road boundaries, it does not address the DEP issues for impervious coverage and some other things and.

Chairman Rogan stated very basic.

Rich Williams stated I think that it would, it would behoove the applicant and the Planning Board to take a look at the initial plan and the survey and get that tightened up so that we actually know what variances they really need for both the ZBA and other agencies.

Chairman Rogan stated when it becomes appropriate for us to site walk this, should we at that point coordinate with Zoning and do a joint site walk.

Rich Williams stated yes, that has generally been the policy in the past and generally you let it go to the ZBA and then coordinate.

Chairman Rogan stated okay.

10) OTHER BUSINESS

a. §154-18 Penalties

Chairman Rogan stated so under other business, the first item we put on there because, actually Dave had initiated the conversation via e-mail about. You know what, Dave if you would take this because it was something that you had some strong opinions about.

Board Member Pierro stated it just seemed to me over the last year or so we are continually dealing with wetlands/watercourse violations and destruction of sensitive habitat and boundaries and it just keeps coming back to me and I know and I read through §154-18, as directed by Rich because I was not sure where the penalties would be in our Code, so I reviewed it. It just, I keep going back to the old axiom that I learned in college about the definition of lunacy, which is repeating the same conduct over and over and over and over again and expecting a different result and having been out of this area a lot in the last few years, I see different municipalities and I have been starting to poke around to try and find out their motivation and their mechanisms for eliminating what we are constantly going through. I know we have a process and Ted seems to have a handle on it and as Ted has said, numerous times, he doesn't get much satisfaction out of the local court system and as I have said, I don't think that it is proper to go as a legislative body or a quasi legislative body, to go to our Judges and say look, when we write up one of these violations we want a slam dunk. You just shouldn't do that and being part of the judicial system for a lot of years, you shouldn't do that, I think that it might be time for us to start making some recommendations to our Town Board about some real serious non-administrative, non-screwing due process but some real serious ramifications for violating our wetlands ordinances. One that comes to mind is out in Riverhead, New York, if you go near a wetlands or if you destroy a wetlands habitat and I have seen the signs, they are posted along beachy, sandy roads, if you destroy that habitat it is \$15,000 an acre or a half of an acre for an destruction and one side of me says that may be the way to go and the other side of me says that we have some whack job developers out here that will pay the fifteen grand.

Chairman Rogan stated I was going to say fifteen grand.

Board Member Pierro stated they will destroy it like up at Commerce Drive, the Italian kid that has the.

Chairman Rogan stated Real Life.

Board Member Pierro stated Real Life, he would pay the fifteen or twenty grand.

Board Member Cook stated well you can say the penalty is fifteen thousand dollars and restore.

Board Member Pierro stated right and restore.

Chairman Rogan stated that's a good point, that is not the price of admission.

Rich Williams stated and we do, our Code is \$10,000 and restore, alright.

Board Member Pierro stated but are they, are we, have you ever heard of it being done, \$10,000.

Rich Williams stated \$10,000 no.

Board Member Pierro stated no.

Rich Williams stated Real Life did seven [thousand].

Board Member Pierro stated seven [thousand] and who, how did that mediate it.

Chairman Rogan stated how was it processed.

Rich Williams stated I kind of spear headed it, I issued the violation, Ted, Paul, and I all went into court and we just pursued it and I think that is one of the problems that I foresee that has been going on with our judicial system and everybody arguing about the Judges.

Board Member Pierro stated right.

Rich Williams stated you need to go into court, you need to recognize that you are going into court, you need to prepare your case, do your due diligence, you go in, you work with the judges, you prove your case and they will make appropriate decisions.

Board Member Pierro stated right.

Rich Williams stated you go in, half ass.

Chairman Rogan stated ill prepared.

Rich Williams stated ill prepared and they throw it out and that is what was happening a lot with other cases with another individual that was doing some things here.

Board Member Pierro stated and that I remember us discussing Real Life and I thought that in the real world, I guess you should be congratulated for the seven grand but in the real world that is a drop in the bucket, you know, it is a drop in the bucket.

Rich Williams stated understand.

Board Member Pierro stated we have to put some teeth into it, some meat into it and we have to advertise that fact and we have to let everybody know, everybody has to be, we have to send the message hard and fast, guys like D'Ottavio, obvious he knew what the hell he was doing.

Rich Williams stated but at the same time the general direction that we get from our legislative body is work with people, not penalize them, fix the mistakes and that is what (unable to hear, too many speaking).

Board Member Pierro stated and that is my point, I understand, but that is my point. I think that it is incumbent upon us to really have a conversation with our body, these are the guys that have to get elected

and I understand but we are just spinning our wheels. Eventually it is going to come to a point where there is going to be a huge one and our continued doing the process as we are doing it now will come back and bite us in the ass. We almost had one with Kessman, I don't think that they did any remediation or any fine whatsoever.

Chairman Rogan stated is the current.

Rich Williams stated that just disappeared.

Board Member Pierro stated yeah.

Chairman Rogan stated the current policy is 10,000 dollars is the maximum fine plus restoration or remediation. \$10,000 is the maximum fine allowable by law.

Rich Williams stated that's in the Code.

Board Member Pierro stated \$10,000 per incident or for a size or for an area of disturbance.

Rich Williams stated per incident, I think it is per week. I think each week counts a separate violation, I believe. Now I have to tell you that that is within our Zoning Code and there are certain sections that say the maximum is 350 dollars and no one has ever challenged that.

Board Member Pierro stated right.

Rich Williams stated and the attorneys don't say you can't do that.

Board Member Pierro stated because it is a violation.

Chairman Rogan stated in our health code we have on almost every violation that exists that we do, it will say maximum fine or up to 1,000 dollars a day per violations per day, so in essence if you had somebody with a failing septic but the thing is, our judge is good at schooling us, sometimes by making an example of us in front of people that are in making sure we do our homework. You can't just say that is started to be in violation on Tuesday and now it is Friday, so it has been in violation for days, you have to site those instances, you have to go out and verify on site and that documentation and if you have all that and you go in and you are prepared, what they will basically do is take strong consideration into your recommendation, how cooperative were the people, how quick did they act when they needed to resolve it and set the because our judge, it is a little different with administrative law, our judge recommends an amount and then we can kind of take what he says and lighten it up, we can lighten the fine.

Board Member Pierro stated up.

Chairman Rogan stated in this case is we had amounts, I agree I think ten is too low.

Board Member Pierro stated its cheese.

Chairman Rogan stated unless, ten would be okay if everything was documented and sited but would it in instances where we feel so strongly about it as a Planning Board, if either one or all of them, well maybe not all because that would be a public meeting, but if one or two of us, Chair and Vice Chair go to the

administrative hearing, you can speak on it and sometimes just your presence gives weight to the fact that it is of serious nature.

Rich Williams stated well when we go into court it is not an administrative hearing, it is a judicial hearing.

Board Member Pierro stated it is a judicial proceeding.

Rich Williams stated it is up to the attorney to call witnesses to prove his case. Anthony goes in and defends the Town.

Board Member Pierro stated time out, unless you are called as a witness and sworn in.

Chairman Rogan stated sometimes that is better.

Rich Williams stated so.

Board Member Cook stated well maybe we should recommend that is should a per day fine, right because if you issue.

Rich Williams stated you'll have to check, it may be per day, I think it's a week but there were a lot of different fines that I wrote within the Code.

Chairman Rogan stated okay.

Board Member Cook stated no but, in changing it, oh you mean the ten thousand dollars.

Rich Williams stated what I am saying is review the code to see if you are satisfied with what's there before you take mine as gospel.

Chairman Rogan stated and that is all in §154-18 or no.

Board Member Pierro stated right, §154-18.

Rich Williams stated it is in §154-18.

Board Member Pierro stated the other, Real Life as an example, we had a similar violation right down here at Lepler's building right here, Doctor Cook's building.

Rich Williams stated yes.

Board Member Pierro stated there was a problem back there.

Rich Williams stated yes.

Board Member Pierro stated I mean, a lot of that may have been caused by natural occurrences or unnatural occurrences or whichever way you look at it by tributaries or dirty water or silted water coming down from the ski area going in but that bridge collapsed there and they destroyed.

Rich Williams stated well they clearly went in there and grading and took all the vegetation out.

Board Member Pierro stated they went through, right, right but now there is a difference, there was a different intent there, Real Life was a probably a more, I am going to try and get away with this on a Sunday, mens rae, criminal intent okay, Lepler thought he had permission.

Rich Williams stated it was not Lepler, so.

Board Member Pierro stated it was that group, Doctor Cook.

Rich Williams stated it was the doctors, it was a community one.

Board Member Pierro stated I mean there is a different intent there and this, these doctors were willing to work with us, they are sharp, they tried to get away, Rich.

Rich Williams stated they were told right up front you can't go near here and they did it anyway.

Board Member Pierro stated and they did it no matter what.

Rich Williams stated and they are restoring the site but Ted felt in this instance, that a violation going into court and getting a fine was not appropriate, let's just work with them and get it repaired.

Board Member Pierro stated but that is one of my points because, you can not, the sure fire way to get your shorts ripped off in State supreme court or in County court is to arbitrary and capricious.

Rich Williams stated selected enforcement.

Board Member Pierro stated right and if you don't do it for one and don't treat everybody the same, we are going to get hammered and there is going to come a time, they are going to get hammered.

Rich Williams stated I don't disagree at all.

Board Member Pierro stated you know, discretion is a wonderful thing but you can't treat people differently and we are doing that.

Rich Williams stated absolutely, whole heartedly.

Board Member Pierro stated whole heartedly.

Rich Williams stated I believe that everybody should be treated the same, regardless of who they are, regardless of what they have done, they should be treated fairly and reasonable and we need to fix the problems.

Board Member Pierro stated fairly and reasonably is wonderful.

Rich Williams stated and that is what I do.

Board Member Pierro stated I know you do.

Rich Williams stated and you know, I don't, if I am going to issue a violation and a fine to one, I am going to do it to everybody, and maybe it will only 25 dollars so that, you know but what's fair is fair.

Board Member Pierro stated there is a difference and this I could tell you with experience, there is a difference between a mistake of the head and a mistake of the heart. Mistakes of the head happen everyday, we all do it, you know. Mistakes of the heart are a different story and that is where I believe discretion should come in, somewhat, let a judge decide but we ought to toughen it up.

Rich Williams stated what is the penalty.

Chairman Rogan stated it says "any person violating § 154-18 or any order the Town pursuant to subsection F(1) above shall, for the first offence, be guilty of a violation punishable by a fine of not more than \$10,000." And then it says "Where the affected area has not been restored to a conditions existing prior to the unpermitted activity, each day's continued violation shall constitute a separate additional violation."

Board Member Pierro stated right.

Chairman Rogan stated "For a second and each subsequent offence by any person within a three-year period." Does that mean different property or a second.

Board Member Pierro stated no.

Rich Williams stated no same property.

Chairman Rogan stated same property.

Rich Williams stated but the way I wrote it was so that we could violate either the property owner and/or the contractor both.

Chairman Rogan stated "The aforesaid shall be guilty of a Class A misdemeanor, punishable by a fine of not less than \$1,000 nor more than \$20,000 or a term of imprisonment of not less than 15 days or not more than six months, or both."

Board Member Pierro stated I don't think that is correct.

Rich Williams stated (unable to hear, too many speaking.)

Chairman Rogan stated and then the rest of it really gets into administrative focus.

Board Member Pierro stated misdemeanors are punishable by up to one year in jail.

Chairman Rogan stated so if somebody really screws up.

Board Member Pierro stated it is your under writing.

Chairman Rogan stated messes up a wetland and we feel that they knew what they were doing, they don't correct it right away, Richie or Ted, they go out and site them for the violation, the first thing that Ted does is issue a stop work order, which is the first thing he is supposed to do under the administrative sanctions.

He still, based on what I know of the way this works, he still has to go out and site those violations so if he goes back a week later and says well it is still not corrected, do they count that as a second violation or seven violations, I don't know.

Board Member Pierro stated no, I would.

Rich Williams stated the first violation, you have to write the first violation, once you write the first violation, once you write the first violation then you go back out a week and they haven't corrected it, now they have a second violation.

Chairman Rogan stated right.

Rich Williams stated you can't give the second violation until you get the first one established in the time period.

Chairman Rogan stated I understand.

Board Member Pierro stated philosophically our community ought to be sending a message, yeah I guess, you and I understand the politics of it and the politics sitting in your seat where you know, you have a Town Board that wants you to work and try to solve problems and I understand that but for those people that are out there just doing what they want, there has to be, there should be. I feel that there should be a message sent and not in a form necessarily up front, not in the form of an arrest or a sighting but by making it known that we have this on our books, destruction of wetlands up to one acre will a twenty-five thousand dollar fine and we ought to push the Town Board to make a recommendation to expand that. I mean they are all tree huggers now, everybody in Town is a tree hugger, right, everybody wants to be a friend to the great swamp, now maybe the time to advance this.

Board Member Cook stated yeah but the Code says a \$10,000 fine.

Board Member Pierro stated which is, I don't think enough.

Board Member Cook stated alright, then comes the second violation of \$1,000 or is that.

Board Member Montesano stated up to twenty.

Rich Williams stated up to twenty.

Board Member Pierro stated that's if the misdemeanor comes into play.

Board Member Cook stated and what about the third violation.

Chairman Rogan stated well the way I read that was a second violation was not on the same occurrence, if Steve D'Ottavio now we get another wetland violation out there a year from now, that is what that is under, it seems like.

Rich Williams stated or if he hasn't restored it.

Board Member Pierro stated right, right.

Chairman Rogan stated if he hasn't restored it, they shouldn't even do an action, if we put him to a violation in court, they shouldn't even resolve it until it is remedied. Wouldn't the judge say where do we stand on restoration first and foremost.

Rich Williams stated they will take our recommendation sometimes, they will say we want it restored before we are going to issue the final violation and then we are going to tell you how much you are going to have to pay.

Chairman Rogan stated which is usually the way other issues work.

Rich Williams stated other times they will issue, in the case of Labriola, we had the violation issued just to send the message that you have to do something out here.

Board Member Pierro has he done any restoration yet.

Rich Williams stated no, here is the problem with Labriola then, Ted and I got into a disagreement about whether it was more appropriate to remove the fill or leave it in and just let everything go back to nature and as typically happens with wetland disturbances or violations, the longer you let it go the more damage you are going to do if you go in and start trying to fix things.

Chairman Rogan stated nature has a way of recouping.

Rich Williams stated absolutely, at this point, my initial recommendation was he needed to pull some of the material out and he needed to break the upland area, he needed to re-vegetate it, and he needed to re-establish the hydrology the way it was flowing through that wetland. We waited so long and he dragged his feet for so long and we waited so long monitoring the site, that now to go in there and start making some changes would probably do more damage.

Board Member Pierro stated it may be detrimental.

Rich Williams stated yeah, so at this point my recommendation is that we just let it go.

Board Member Pierro stated right.

Rich Williams stated he has the clear message, he has blocked it off, you know.

Board Member Pierro stated what was his intent to put a road through there.

Rich Williams stated he was definitely putting a road through. He was definitely going to put a road through, then he was going to use the wetlands to grow plants to sell and remediate other sites.

Chairman Rogan stated you would think that he would have done that in an area that was way back where nobody could see it from anywhere, here you can see it from the highway, you can see it from Fair Street.

Board Member Pierro stated \$100,000 wouldn't have hurt this buy.

Rich Williams stated but you've got to understand that he was doing this over a long period of time.

Chairman Rogan stated wow.

Rich Williams stated he got away with it.

Board Member Montesano stated he paid ten million dollars for rocks.

Rich Williams stated what happened was, all the leaves fell off the trees and then there was a tow call up there and the guy stopped along the road to tow the car and I knew the guy and looked down and said that looks like a road.

Chairman Rogan stated wow.

Rich Williams stated and that is how it all came out, otherwise we never would have seen it, not until the road was all in.

Board Member Pierro stated shit, it was lucky.

Board Member Cook stated do you ever get the feeling that between what I brought up earlier, what Dave just brought up, it's the tail wagging the dog around here, I mean.

Board Member Pierro stated absolutely and that is my purpose for bringing this up and making a presentation or a request for a policy change to our Town Board, I understand that these guys have to get elected and its getting tougher and tougher.

Chairman Rogan stated but its better to stand to on the side of the environment.

Board Member Pierro stated lets stand on a principal and.

Board Member Montesano stated in 1987 we had a whole book written, I would say that between the Town Engineer, the Town Attorneys that we hired, the engineering firm that we hired, we spent, I would say out of the five Board Members plus the poor secretary, I would say we averaged about 35 hours each a week, reviewing case loads to find out if we took this piece of paper and made you stand it up on end, we found all the cases that pertained to that that we could find so that when we wrote the law it would be able to handle it. We sat there and then the three Board Members that had the majority vote were contacted by certain individuals because we wanted the four acre zoning, we wanted 22 [Route] listed as a property commercial piece of property etc. etc. and by the time we got through with it everything was squashed because they were told they wouldn't get re-elected.

Board Member Pierro stated well.

Board Member Montesano stated then the fun began because then people that were supposed to be friendly and neighborly and people you talk to everyday, suddenly came around and said an accident can happen you are out hunting, I said I don't have to go hunting to make you an accident.

Chairman Rogan stated alright.

Board Member Montesano stated and we went on with that.

Board Member Pierro stated okay.

Board Member Montesano stated and it is all going to be on that and but anyway the main thing is that nothing got done and then were ordered (unable to hear).

Board Member Pierro stated Maplewood.

Chairman Rogan stated well Dave, I think your point also would be the kind of thing we would be proud of is if the developers and the people that were thinking about this, said no, no, don't even think about doing that in Patterson, if you are going to do go down to Brewster, go to Kent you'll get away with it down there but don't even think about it up here you are going to get held to task on it.

Board Member Pierro stated you are going to lamb basted.

Chairman Rogan stated and I think that if we can work towards that.

Board Member Pierro stated and that is my point.

Board Member Cook stated we should all review that and regroup at some point and say here are the changes we think with Rich and Ted.

Board Member Pierro stated what would the proper direction to go. It is something that has to be recommended to our Town Board.

Rich Williams stated I will do it anyway that everybody wants me to do it. If you want a violation issued on one, if you want a ten day waiting period like we do now, you want remediation, whatever you guys want, I don't care.

Chairman Rogan stated well the conversation that we had tonight clearly acknowledges that they are not all created equal, that there are some wetlands intrusions that are mistakes that people truly did just make a mistake, we correct it and we move forward.

Board Member Pierro stated people don't have knowledge and that is what I want to correct.

Chairman Rogan stated the hard thing is quantifying that impact so that it isn't arbitrary and capricious, having some kind of guide lines which is what we have people like Ted and Rich for to say there is an impact, this is the size of the impact but this is the relative impact, this is what it adds up to.

Board Member Pierro stated right.

Board Member Montesano stated what we have to try and explain to people and this has always been a problem in my life is that you come in to develop your property, you hired Joe McDokes here, who has done this 100 times and has a fairly decent reputation, he comes in with his backhoe and goes right across the wetlands and everyday back and forth because he has to get over there and it is too far out his way to go this way. You as the property owner may not know it and the object is and we run into engineers that do the same thing they just keep coming back with the same paper.

Rich Williams stated and that is why I wrote the Code so they can be violated as well as the homeowner.

Chairman Rogan stated they do the same thing with erosion control for the engineers now. They call the engineers in because they are supposed to managing the project and responsible for the being done per the

plans especially, so they call in the homeowner and engineer, they have called in a couple of local engineers that we work with.

Board Member Pierro stated alright.

b. Maplewood North Subdivision – Southeast Meeting

Chairman Rogan stated so we have Maplewood North, we have a letter that basically says that from their perspective it is on a little bit of a hold but we want meet as the two Boards to discuss this project. Does that about cover it.

Rich Williams stated that, did I put in there about the Chairman.

Chairman Rogan stated and the Chairman stepped down or was thrown off, either or, it doesn't really matter.

Rich Williams stated George Rohrman.

Board Member Pierro stated he was thrown off.

Rich Williams stated he was asked to step down.

Board Member Pierro stated really.

Rich Williams stated yes and they appointed somebody else.

Chairman Rogan stated did they appoint somebody from the Board or did they put someone new on as Chair.

Rich Williams stated Tom LePerch has been on the Board for a long time.

Chairman Rogan stated so there is some continuity. I don't think that I have ever met a single person from the Southeast Planning Board nor seen then on Ctec or whatever the cable is.

Board Member Pierro stated me either, it used to be.

Chairman Rogan stated so then we can communicate with them sometime the week of September 10th if we can get a date certain that works for everyone and for them to talk about this.

Board Member Cook stated do you Rich, happen to know if they meet during that week of September 10th.

Rich Williams stated I don't know for sure.

Chairman Rogan stated it would be better to do a separate meeting anyway because if they meet because could you imagine had our normal meeting and then had the whole Southeast Planning Board, incidentally though, this meeting has to be publicized, doesn't it.

Rich Williams stated yes.

Chairman Rogan stated just to make sure, we have to set it up ahead of time and put out public notice.

Rich Williams stated if you guys are going down there it is their responsibility and if they don't do it, that is their head.

Board Member Pierro stated yeah, right.

Chairman Rogan stated good.

Board Member Cook stated it is their meeting and we are coming.

Chairman Rogan stated and we are invited.

Board Member Pierro stated as long as their meeting is published.

Chairman Rogan stated if they are making coffee, then we'll go to them.

c. Alpine Restaurant

Chairman Rogan stated Alpine Restaurant, we started to discuss, we were talking about putting them on for the sign application, we asked what was the time crunch here and it sounds like they want to have a grand opening or some type of new grand opening.

Board Member Pierro stated yeah.

Rich Williams stated one of the principals was bought, bought the business and is opening it under his own.

Chairman Rogan stated name change.

Rich Williams stated yes.

Board Member Pierro stated yeah, they are changing.

Chairman Rogan stated what is it going to be called, anybody know, I guess we will know in a week.

Rich Williams stated it is in the sign application.

Board Member Cook stated did you give us the sign application.

Rich Williams stated I haven't given you the sign application, I've been waiting to see what you guys want to do.

Chairman Rogan stated okay.

Board Member Pierro stated I thought about it as I e-mailed everybody and I thought about it long and hard and they have been making some attempts there and they have been working towards the end and I discussed today that the dumpster was done, we are still waiting for bollards.

Rich Williams stated what bollards.

Board Member Pierro stated I thought we were putting tractor traps, parking traps up against the stream in the back to.

Rich Williams stated post and rail fence.

Board Member Pierro stated post and rail fence; I knew that there was going to be some sort of abutment to stop people from driving into the stream.

Board Member Cook stated so you want to put the.

Board Member Pierro stated I see no problem with reacting to the sign.

Board Member Cook stated using your discretion do you feel that we should.

Board Member Pierro stated maybe a little bit pregnant.

Board Member Cook stated you can say that.

Board Member Pierro stated discretion, we are entitled to it, in this circumstance, though we have a current application in place, we did the site plan already, we have a huge bond in place, there is a lot of money tied up there.

Board Member Cook stated I see no, I don't have any trouble if you want to put it on for next week and have the applicant in.

Board Member Pierro stated and we can discuss when are you going to do the rest of the stuff.

Board Member Cook stated thank you very much.

Chairman Rogan stated yes, which brings me to the question with this site plan, when does this site plan approval expire if all these conditions aren't met, it has to be coming up here, is it one year.

Rich Williams stated good question.

Chairman Rogan stated yeah, we should know that answer.

Rich Williams stated here is what I am thinking, typically you have a year in which the site plan will expire unless you've pulled a building permit, if you've pulled a building permit then you've got another year and whatever they extend the building permit, alright.

Board Member Pierro stated I don't believe that they need to.

Rich Williams stated our Code says if you don't need a building permit then you have a year.

Chairman Rogan stated that is reasonable.

Rich Williams stated okay, here we have somebody that put an addition on, which is what prompted all this, I don't know if he's got a C.O. or not.

Board Member Pierro stated I don't know where that is.

Chairman Rogan stated well maybe.

Board Member Pierro stated but that is not this applicant though.

Rich Williams stated but it is this applicant.

Chairman Rogan stated it is though.

Board Member Pierro stated it is this site.

Rich Williams stated and I am thinking that, if he is purchasing the building.

Chairman Rogan stated he was a principal, to be honest with you, for the last seven years, the owner/applicant of Alpine for all the paperwork through Health has always been Nick Magliato, I have never seen John Rentoulis on any of the information. I am not saying that they are not co-owners or whatever.

Board Member Pierro stated they're not, I know that, I know that because I saw John Rentoulis.

Rich Williams stated well they acted like co-owners when they were coming in here.

Board Member Pierro stated but Rentoulis is the property owner of record.

Chairman Rogan stated Nick is the, Daniel J's, that is like Jimmy O's, he must have taken the idea. It doesn't matter to me what he calls it but.

Board Member Pierro stated I think that is his grandson.

Chairman Rogan stated Danny J's would go better then Daniel J's.

Board Member Cook stated can you ask him to be at the meeting.

Rich Williams stated I did.

Board Member Cook stated and we can bring up about these outstanding points.

Board Member Pierro stated right, I haven't read your memo yet Rich, interesting.

Board Member Montesano stated that's very nice, we have live entertainment and then for the little people we have live entertainment.

Chairman Rogan stated alright.

Board Member Pierro stated let me find that memo, oh there it is.

Chairman Rogan stated you want to read that now or can we move on to White Birch.

Board Member Pierro stated I just want to breeze through.

Chairman Rogan stated a lot of little things.

Board Member Pierro stated nothing terrible.

Chairman Rogan stated well yeah but taken as a whole they should finish that is the whole point, if they are all little things, jeez just finish them up.

Board Member Pierro stated ADA striping, pre-cast concrete wheel stops. We required some of those, I knew I wasn't.

Rich Williams stated you were saying bollards.

Board Member Pierro stated wheel stops I meant, I'm sorry, tractor traps.

Rich Williams stated bollards are poles that stick in the air.

Board Member Pierro stated I meant tractor traps, you know parking.

Board Member Montesano stated then you put the rails across for the post and rail fence.

Board Member Pierro stated wasn't there supposed to be some paving done as well Rich, or did we waive that.

Rich Williams stated well the plan really didn't show paving but when I was out there today taking some measurements, pulling some tape, I realized that the grass island that the sign is on, isn't correctly shown on the plans and some of it may have to come out and be paved for the access isle and did let Nick know that and Nick said not my problem John, I am holding from John, John has to fix it all.

Board Member Pierro stated cool, holding money, it should show that there is an adversarial relationship there. Okay, Shawn, I'm done.

d. White Birch Realty

Chairman Rogan stated White Birch Realty, it looks like Montelone wanted to have Rich out there try and work towards getting some of his money back for his bond. The memo is six pages and I recommend that we do a site walk on that and take a look at these items.

Board Member Pierro stated I have been out there Shawn and I called Rich and it is not what we wanted.

Chairman Rogan stated and that is why.

Board Member Pierro stated especially for the grassed over area.

Chairman Rogan stated I am sick just looking, I read a few of the parts on here and I am already sick to my stomach to be honest with you.

Rich Williams stated to give him his due, the site looks 1,000 percent better than it did.

Board Member Pierro stated right.

Chairman Rogan stated fair enough but then plan it that way. Then let's deal with the issues, to put parking spaces where we have turning areas for trucks, come on. We have a new expression that we started using are you kidding me, that is the new one that we have been using a lot lately, are you kidding me, come on.

Board Member Pierro stated well maybe some of it will rub off on Lea Rome.

Chairman Rogan stated you can't say that to people but I know.

e. Forest View Apartments

Chairman Rogan stated and then Forest View Apartments, this is an interesting letter, Jay Hogan, Rich do you want to just walk through this and it will be the last issue.

Rich Williams stated sure, one of the design issues that was outstanding when the Planning Board granted conditional approval was the design of the retaining wall which Gene and Harry and there is actually a private and separate engineering firm, I think Civil Technologies. They have been trying to work out the issues on the design of the wall and this has been going on for almost a year and at this point Jay Hogan is incredibly frustrated. Harry is telling Jay that when we go out there and start building, we are going to be hitting rock anyway and we are going to have to redesign everything anyway because nobody does proper testing to evaluate exactly what they are going to need in building those retaining walls of course which is something that should have been done up front.

Chairman Rogan stated do proper testing.

Rich Williams stated it should have been done three years ago and here we stand with a conditional approval that he is tired of getting extensions on and he wants to go build. Jay is suggesting that you know, let's argue about the wall later, give us our site plan, let us start building, the first thing we are going to do on the site is do the testing that we should have done in the first place and figure out what we need to put that wall and then the engineers are going to design it. It is not unheard of, we have done it in the past with Dorset Hollow most notably and we were bit on Dorset Hollow because of Peder Scott who dragged his feet constantly but that is their problem. If the Board is okay with dealing with the design of the wall after the fact, recognizing that we have to go in there and find out how much rock is really there to begin with.

Chairman Rogan stated let me ask a couple of simple questions. Why is the testing that is required to excavate in that area and see what they actually have in that area that are difficult, number one because they could do it probably in a day, number two is if they do that work and they design the wall and then there are field changes because they hit rock, isn't that just a field change, they can call over and say we have to modify this and we don't get involved, my feeling is that they should do it.

Board Member Pierro stated Gene's memo to someone else in his office and then.

Rich Williams stated I gave you guys everything.

Board Member Pierro stated what is the other guy's name.

Rich Williams stated Ron Gainer.

Board Member Pierro stated Ron, and he sounds like a brilliant guy, I have never listened to him speak but he is a sharp guy.

Rich Williams stated Ron is the one who has taught me most of what I know.

Board Member Pierro stated in my travels this week I went over there and I just had to go in and it is still a mess, the place is a shit hole, excuse my language but seeing where, envisioning where I recall that retaining wall being, they have a lot of material to move in order to do this. I can see how it is going to be a nightmare to dig this out, how to stock pile it, in and around while people are living there.

Chairman Rogan stated but they don't have to do that to prove the wall, all they have to do is some test pit holes with core sampling.

Rich Williams stated where the wall is going the building is much further down then where the people are.

Chairman Rogan stated and they have to prove out that design, do they do that design concurrent with all the excavation or I mean, what is the testing that is needed to prove this out.

Rich Williams stated expose the rock. They have to figure out whether they are going to break the rock.

Board Member Pierro stated or build on it.

Chairman Rogan stated I can understand that then but the idea is that they don't know whether the wall will be right foot tall or five foot tall or twelve foot tall.

Rich Williams stated right and it is not impossible to do it, it is not impossible to make an engineering evaluation and design the wall which is what.

Board Member Montesano stated what most people.

Rich Williams stated this is what they have been directed to do from day one and they just keep screwing things up.

Board Member Pierro stated whether they can drill in and put soldiers in to build the retaining wall.

Chairman Rogan stated just like you saying about treating everybody the same, by and large every dealing we have had with Jay Hogan the guy is a quintessential gentleman, he seems to follow through on what he does. Sometimes the people he hires don't do the work the way we would hope they do, but I am apt to say on this do the work and design it so we know that it is going to work based on, we end up walls that were built differently then what they are designed. We have had some notable cases in the past before Charlie was on the Board where they design one thing and just put in another and we just have to suck on it.

Board Member Pierro stated I think that we are aware of this one now before hand and I am sure that this is going to be watched very closely.

Chairman Rogan stated no doubt.

Rich Williams stated things are different, Paul was, I think that Paul was a great wake up to everybody to heed what I have been saying is that Building Inspectors don't deal with site issues.

Chairman Rogan stated right.

Board Member Pierro stated right.

Rich Williams stated and we are going through this with Deerwood and for the first time I actually heard Mike Griffin at a Town Board meeting say, maybe we actually have to have somebody else out at the site, maybe we actually have to have Rich go out because we have problems out on Deerwood.

Chairman Rogan stated so what is everybody's feeling on this, of those present, anyway, Mike.

Board Member Montesano stated well.

Chairman Rogan stated you have more experience with this kind of stuff then anybody on the Board.

Board Member Montesano stated I would like to see something planned on a piece of paper and once it is planned there and Gene gets a chance to go over it and gives it a feasibility, then I can say okay, this is what you are going to put in.

Chairman Rogan stated in other words give us something based on anticipation.

Board Member Montesano stated I mean you have engineers that are there, they can theoretically.

Rich Williams stated okay, we do have something planned, we do have something that has been reviewed for a year and it isn't right but its part way there.

Board Member Pierro stated and in order to make it right they have to go in there and get some work done.

Chairman Rogan stated by rights though you can use the same thought process for anytime somebody builds a house and says well we are going to do this and we are going to do footings and we are going to do walls but then you don't know whether they dig for the house if they are going to hit ledge.

Board Member Pierro stated we are going to build a raised ranch, not you are not going to build a raised ranch, not without blasting.

Board Member Cook stated go back to what you were saying about field changes, right, that is what we are talking about, so.

Chairman Rogan stated so design it based on what you anticipate.

Board Member Cook stated go ahead and then come in with field changes.

Board Member Montesano stated do we get a chance to see field changes.

Chairman Rogan stated not if they are minor.

Board Member Montesano stated because, lets put it this way, you get the approval from the Town Building Inspector who can or used to be able to approve field changes, so the driveway we approved here is now over there because he approved a field change.

Board Member Cook stated okay but with this one, the applicant is waiving a red flag saying look, I know I have this design.

Chairman Rogan stated but it isn't going to work.

Board Member Pierro stated he knows in advance.

Board Member Cook stated now it looks like it may not work and I want to alert you.

Board Member Montesano stated with Jay in there, I have no problem.

Chairman Rogan stated well let's be clear.

Board Member Montesano stated what I am looking at is that we are doing it for, we are going to do it for others and they may not be as conscientious.

Board Member Pierro stated and that is a judgment call we have to make at that time.

Chairman Rogan stated well let's be clear though at what our issues would be with the wall because we are looking at it from how the site is utilized whether it is safe or not. So we have a wall that is going, we already know the location, we know the intended purpose to hold back the grade behind this building if I thinking it is the right wall and then the septic is up above that, the primary area, the long narrow septic area. What would our concerns be, the wall is going to be engineered and be safe regardless because Gene is going to take of that, so our issues isn't whether the wall is going to be safe it is whether or not the wall is going to a four foot tall wall or a thirty foot tall wall and if we thought of it as a four tall wall and approve it as such in our minds and then it turns out being a thirty foot tall wall, I am using extremes, but now we are doing something that we aren't prepared to approve because we don't know how that looks on the site and it comes back to ultimately when it is build how the site is going to function. That is my only concern is know what our finished product is going to be within reason.

Board Member Cook stated but then can't we say to him that okay, you have raised the caution flag here that this may not work, now when you get in there and you see it isn't going to work, you come back to us or come to Rich, I mean that is a condition of.

Rich Williams stated they definitely have to come to the engineer because it is an engineering issue. When something like this happens in a field change and it comes back to Gene or is comes back to me or is comes back to Tom, then we make a judgment about whether it is so substantial it does not effect the Planning Board's original intent, and if it does not, we want you to look at it.

Chairman Rogan stated that is exactly my point, is if.

Board Member Cook stated we can't give him a blank check.

Rich Williams stated and that is White Birch, I went out there and looked at the parking layout, it isn't what you guys approved.

Chairman Rogan stated that is why we are going back out.

Rich Williams stated he has to come back to you.

Chairman Rogan stated and it may be when we look at it, part of it we say hey this is fantastic, you should have proposed this in the beginning if this is what you wanted he may have gotten out there and have been doing work and said wow this works but this would even be better and it would have been better if he had come to use but this is the way it works. So, I am not sure, I can understand that we get a design on the wall or a general standard design and they say look, this is the type of wall we are going to use, we don't know yet though because of how deep we are going to be and that is going to alter the engineering but I am a little bit uncomfortable about this.

Board Member Cook stated is the engineer starting from scratch now.

Board Member Pierro stated this doesn't scare me.

Chairman Rogan stated hang on.

Board Member Cook stated he is using his current design.

Rich Williams stated essentially there are two remaining issues that aren't all that substantial, one is the individual who is designing the wall, has to create a greater slope on the wall, if I recall what Ron said and the other issue is that Harry's grading plans do not match the grade of the wall shown by the wall designer, so Harry has to grade his slope down to the top of the wall that the wall designer is showing and those are really the two issues that are outstanding and the problem is that it is Harry.

Board Member Pierro stated the problem is that it is Harry, and he is working out of the basement of his daughter's house.

Rich Williams stated he called me today, I couldn't believe it, there had to be 30 screaming kids behind, I don't know where he was.

Board Member Pierro stated unbelievable, I heard what his problem was about the.

Chairman Rogan stated no.

Board Member Pierro stated he just.

Board Member Cook stated so what do we do, this says he is looking for.

Rich Williams stated if you want to let it go then I will develop some notes and they will put them on the plat so that we are going to deal with the wall after the plan is signed and we will make it tight so that everybody is aware and if you are not comfortable and you want to see the plans designed fully.

Board Member Cook stated if you could add something that keeps him on the hook that if some how if it becomes, I don't know how to define this, a major change or something, then he comes back.

Rich Williams stated then he doesn't get a C.O.

Chairman Rogan stated I understand your point, it comes back to Planning so we can get a sense of how the change is going to impact on the site layout, I agree with you, that is reasonable.

Board Member Pierro stated because Harry has to do his job, it is reasonable.

Chairman Rogan stated its not even Harry, Harry is only finished grade work, the design is someone other than Harry.

Rich Williams stated the problem and just, I think that this will work would be okay in the this situation, we have looked at this hard enough but in doing this generally, the thing you always have to remember is that they are under construction at that point, if they come back with a major change, that could effect their other, it could be a ripple effect and then they are going to mad because they don't want to deal with the ripple effect, they just want to keep it isolated.

Chairman Rogan stated I think that it behooves us though to have some of this conversation with Jay Hogan so that he gets a real sense of how we are struggling with this, that it isn't a simple.

Rich Williams stated do you want him in here.

Chairman Rogan stated yes, he should be here.

Board Member Cook stated leave him on the agenda and that will be it.

Chairman Rogan stated alright.

Site Walk Discussion

Board Member Cook stated are we going to go see, we talked about going to one place for the site walk.

Board Member Pierro stated three.

Chairman Rogan stated which is it.

Chairman Rogan stated the new application of the wetlands permit which is Charalambous, the Lea Rome, and White Birch Realty are in the same.

Board Member Pierro stated across from each other, White Birch is the bus garage.

Chairman Rogan stated which would it make sense to meet at first of the three, White Birch, Lea Rome, and Charalambous.

Board Member Pierro stated Charalambous is close to everybody, we can start.

Chairman Rogan stated where is that.

Board Member Pierro stated right on 311 [Route], near the horse facility.

The Secretary stated they are right down here.

Rich Williams stated there is no real parking there.

Board Member Pierro stated okay, so park at Sauro's.

Rich Williams stated or here and then everybody can try to carpool.

Chairman Rogan stated so we meet here at 4:15, I can get up here in fifteen minutes.

Board Member Pierro stated we can park at the church, I can arrange that, so we have no problems parking.

Rich Williams stated it is a long walk from the church.

Chairman Rogan stated we can just carpool, we'll talk two cars.

Board Member Pierro stated that is right next, am I thinking about the same place.

Rich Williams stated if we are going to park in one place and hike over, Tommy McNolty's place, the furniture store, there is parking there.

Chairman Rogan stated but at 4:15 on a weekday they might still be using that.

Board Member Pierro stated there is nobody in the church at that time and its not that far, its only 200 yards.

Rich Williams stated hey listen, I don't mind a good stretch of the legs.

Chairman Rogan stated church.

Board Member Pierro stated Patterson Presbyterian Community Church , next to Sauro's, come on.

Board Member Cook stated why not Sauro's.

Chairman Rogan stated Mike, will you be talking to Maria you think or Rich, one of you.

Rich Williams stated lets go to Sauro's and park in front of the van.

Chairman Rogan stated we don't have to do minutes right now, so we will meet there at 4:15.

The Secretary stated there are no minutes to do.

Chairman Rogan stated there will be, you'll have these done for next week.

Board Member Pierro stated then we run over to Commerce drive where we have two site walks.

The Secretary stated I'm still typing from last meeting, I've been in the Building Department.

Board Member Cook stated are we meeting in the church or in Sauro's.

Board Member Pierro stated it's the same thing, I am going to park at the church because Sauro's gets a little busy.

Chairman Rogan stated motion to adjourn.

Board Member Pierro seconded the motion

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member Pierro	-	aye
Board Member Montesano	-	aye
Chairman Rogan	-	aye

Motion carried 4 to 0.

The meeting adjourned at 9:06 p.m.