

TOWN OF PATTERSON
PLANNING BOARD MEETING
September 5, 2013



AGENDA & MINUTES

	Page #	
1) Sol Shine Scentral – Sign Application	1 – 4	Negative determination of SEQRA granted. Sign permit granted.
2) Schulz Subdivision (East Branch Farm) – Initial Application	4 – 11	Discussion of potential wetlands. Site walk to be determined.
3) Other Business		
a. Windward Holdings Corp. – Request for Zoning Change	11 – 19	Discussion of zoning change. Site walk to be determined.
4) Minutes	19 – 20	July 25, 2013 held over to October 3, 2013 Meeting

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TOWN OF PATTERSON
PLANNING & ZONING OFFICE

ZONING BOARD OF APPEALS
Lars Olenius, Chairman
Howard Buzzutto, Vice Chairman
Mary Bodor
Marianne Burdick
Gerald Herbst

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

Planning Board
September 5, 2013 Meeting Minutes

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

APPROVED

Present were: Chairman Shawn Rogan, Board Member Thomas E. McNulty, Board Member Michael Montesano, Board Member Ronald Taylor, Board Member Edward J. Brady Jr., Rich Williams, Town Planner, Ted Kozlowski, Environmental Conservation Inspector, Andrew Fetherston of the Town Engineer's office, Maser Consulting, and Michael Liguori of the Town Attorney's office, Hogan & Rossi.

Chairman Rogan called the meeting to order and led the salute to the flag.

There were approximately 3 members of the audience

The meeting was called to order at 7:00 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

1) SOL SHINE SCENTRAL – Sign Application

Ms. Kirsten Perez was present.

Chairman Rogan stated okay, we have, ma'am are you here for the Sol Shine sign application.

Ms. Perez stated that's me, yes.

Chairman Rogan stated awesome, do you want to come up.

Ms. Perez stated sure.

Chairman Rogan stated since you came all this way, we might as well.

Ms. Perez stated yeah.

Chairman Rogan stated can you state your name for the record please.

Ms. Perez stated Kirsten Perez.

Chairman Rogan stated Kirsten...

Ms. Perez stated Perez.

Chairman Rogan stated Perez, hi Kirsten how are you.

Ms. Perez stated good, how are you.

Chairman Rogan stated great. I like your sign, we were just commenting that it complements that building beautifully...

Ms. Perez stated thank you.

Chairman Rogan stated it's really nice.

Ms. Perez stated I wish I could take credit for the building but I can't.

Chairman Rogan stated no but you can take credit for the sign...

Ms. Perez stated thank you.

Chairman Rogan stated it looks great and this Rich is the stone building in Put Lake by the monument.

Rich Williams stated that's correct, it's right at the corner of Fairfield [Drive] and Haviland Drive.

Chairman Rogan stated so it's the sign that is in the window, all, you know, stenciled on.

Ms. Perez stated yeah.

Chairman Rogan stated is there a building mounted sign, also.

Ms. Perez stated no.

Rich Williams stated no, this is the only sign.

Chairman Rogan stated it looks great.

Rich Williams stated except for a small little placard for a free standing sign.

Chairman Rogan stated any issues Rich with the sign area, coverage or anything.

Rich Williams stated no, absolutely not, this is pretty straight forward; it meets all our code requirements.

Chairman Rogan stated can we ask you to leave the sign ordinance committee to work with all the new businesses to you know, propose signs that complement and...

Ms. Perez stated absolutely.

Chairman Rogan stated okay, that's on the record you know. Any questions or comments for Miss Perez while she's here.

Board Member McNulty stated the only question I had was mounting but I see its right to the window, so...

Chairman Rogan stated it's already to the window.

Board Member Montesano stated wish you a lot of luck.

Ms. Perez stated thank you very much.

Chairman Rogan stated yeah, absolutely, what kind of a business is it.

Ms. Perez stated it's um, it's, I guess more of a gift shop than anything else, it used to be different and I'm trying to, there was a stigma to the shop, there was witchcraft attached to it, crazy stuff, so my whole idea with the window was to bring a refreshing ideal to the store, give people an idea that it's totally different, it's a boutique, it's a gift shop, I try to keep everything under \$20 because of the economy and I do gift baskets and candles...

Board Member McNulty stated do you ship.

Ms. Perez stated I would ship for people, absolutely, I absolutely would ship out, absolutely...

Board Member McNulty stated great.

Ms. Perez stated but I don't have a website yet, so they can't shop online and I think I would be terribly overwhelmed but in the future I am looking to add a coffee shop to it but just strictly coffee, hot chocolate but I'm not ready to present that yet...

Chairman Rogan stated okay.

Ms. Perez stated I need to do some work behind it just to make sure it's copacetic all the way around, so and hopefully I could do that and just have a cute little place right in the center of Town.

Chairman Rogan stated great, that'd be wonderful.

Ms. Perez stated but the business is doing well, I'm making my overhead every month...

Board Member McNulty stated great.

Ms. Perez stated no profit but definitely overhead.

Mr. Liguori stated that's huge.

Board Member McNulty stated welcome to the club.

Chairman Rogan stated so it's a hobby at this point.

Ms. Perez stated yeah, I'm doing good.

Board Member Brady stated didn't we just have the conversation.

Chairman Rogan stated we wish you the best of luck.

Ms. Perez stated thank you so much folks.

Board Member McNulty stated I'll make a motion on SEQRA.

Chairman Rogan stated awesome.

Board Member McNulty stated for the Sol Shine Scentral sign application, that we declare a negative determination.

Board Member Montesano seconded the motion.

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

Chairman Rogan stated and on the application.

Board Member McNulty stated and I make a motion to approve the sign as submitted and displayed in the picture, as approved.

Chairman Rogan stated a second.

Board Member Montesano seconded the motion.

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

Chairman Rogan stated okay, good luck to you.

Ms. Perez stated thank you very much, come visit me.

Board Member McNulty stated good luck, I will.

Chairman Rogan stated welcome to Patterson, thank you.

Ms. Perez stated thank you, thank you so much.

Rich Williams stated you're welcome. No, you're done, go enjoy the night.

Ms. Perez stated thank you.

Chairman Rogan stated excellent, it pays to be first, see that, or even in this case, second.

2) SCHULZ SUBDIVISION – Initial Application

Mr. Michael Miele, the engineer was present.

Chairman Rogan stated do we have anyone here for Schulz subdivision.

Mr. Miele stated which one.

Chairman Rogan stated Schulz, 572 East Branch Road, I probably butchered the...

Mr. Miele stated yes, the last name I wasn't sure, I apologize.

Chairman Rogan stated oh okay.

Mr. Miele stated I was looking at the comments, actually. Do you guys have plans, you want me to put one up on the Board.

Chairman Rogan stated if you can put one up, this is brand new to us, so that would be great.

Board Member Montesano stated all this paper, too much.

Chairman Rogan stated good evening.

Mr. Miele stated how are you, my name is Mike Miele, I'm the engineer for the applicant/owner. This is East Branch Road Horse Farm, are you guys familiar where it is.

Board Member McNulty stated I know East Branch [Road] but I don't know the property.

Board Member Montesano stated the left hand side as you're going towards the lake.

Ted Kozlowski stated is this Laura Parker's property.

The Secretary stated no.

Rich Williams stated no.

Ted Kozlowski stated no.

Chairman Rogan stated no.

Mr. Miele stated up a little bit farther, you're coming out of Putnam Lake Market, make the right and then it's on the right as you kind of come around the turn.

Chairman Rogan stated the turn, okay.

Board Member Taylor stated it's up on a hill.

Mr. Miele stated I was dealing with the owner maybe 7 or 8 months ago, he had recently taken it over, I don't know if he was in bankruptcy whatever, he was trying to kind of clean the place up and we had talked about what he could do here, I didn't hear from him for a while and then I recently got back in touch with him. What he's looking to do, he's not a horse guy, so he owns the property, he's actually put a lot of money into it, he's trying to fix it up and I think it's a family member, I invited them to come if they wanted to, that he's, wants to get the, kind of take care of the property, get it back to the way it used to be. So he wants to cut off one lot, so he can build, he's calling it a caretaker's residence but more it's just for the guy who's going to be running the place will have his own individual lot on-site where he can be there

24 hours a day and kind of watch over what's going on. Where it is, it's wooded now, it's completely separate from everything else that's going on, all of this horse farm stuff is here, it's kind of completely separated. So that is pretty much where we are, we went out, the zoning works, the site distance works, I did some very minimal testing for a septic, I know there are other houses up there, so I don't want to say that I assume it works but we'll get into that as we move forward but...

Board Member McNulty stated you're talking about other houses on the property.

Mr. Miele stated no, on the, there is...

Board Member McNulty stated neighboring properties.

Mr. Miele stated there is an adjacent dwelling here and it kind of goes up the hill so I can't say with conclusion that, yes we can have septic but I'm confident based on everything else we've seen that's there but it's pretty much a basic 2 lot subdivision, cutting off one lot where the person that's going to be there is going to be working there but I don't think that important to, you know, what the subdivision is about. There is a pond in the back...

Board Member Montesano stated there is a house there, isn't there, on the property.

Board Member Taylor stated yes.

Mr. Miele stated there is...

Board Member Montesano stated yeah, okay.

Board Member Taylor stated and a barn.

Mr. Miele stated and there are riding areas and everything else associated with the equestrian activity so, he's starting to do a lot of work, he's starting to fix everything up, he's getting new tenants in there, so. And with that, I invite any comments or...

Board Member Taylor stated Rich pretty well covered a lot of things, I think in addition to Rich's comments, your septic notes 11 and 12, need to revised...

Mr. Miele stated okay.

Board Member Taylor stated or corrected and Rich noted the, the contours don't look correct to me, I mean if you look at an aerial, it looks like there are streams that are running through that property and its...

Board Member McNulty stated is this a wetlands line...

Board Member Taylor stated that's what your comment wasn't it...

Rich Williams stated one of comments was, you know, again we do historical research when a new application comes in, we found on the adjacent property that there was a wetlands/watercourse permit issued in '89 for a stream that appears to go straight across the back on the property and discharge someplace on this lot even though it's not shown anywhere, so I assume the Board at some point is going to want to do a site walk out there and at that point and we usually do that early on...

Mr. Miele stated that's fine, I mean what we're here, I mean we're in the preliminary, showing what we're doing...

Chairman Rogan stated sure.

Mr. Miele stated and kind of concept where it is, there is a culvert here, speaking with the owner, it does look like something does come down through here, which we can identify.

Rich Williams stated no, I'm talking about to the, the lot to the south of your proposed lot, there was a, let me show it to you here...

Mr. Miele stated sure.

Rich Williams stated there was a wetlands/watercourse permit filed in 1989, a long time ago, for a stream that seems to come down through here like this, so now I don't know where it goes from here...

Mr. Miele stated okay.

Rich Williams stated but, so, just something we need to take a look at and be aware of.

Mr. Miele stated sure.

Rich Williams stated I don't know how it's going to impact anything or even if it exists...

Mr. Miele stated but let's identify it and address it, sure.

Rich Williams stated yeah.

Board Member McNulty stated the line that goes through the driveway there, with the little circles, those lines, are those wetland flagging's or fences, all throughout.

Mr. Miele stated existing fencing.

Board Member McNulty stated that's existing fencing, post and rail fence.

Mr. Miele stated yes.

Board Member McNulty stated so there may be some wetlands to be determined, from what you're saying.

Rich Williams stated there is definitely a stream that comes down as an outfall to the lake and goes into the culvert but all of that appears to be at this point 100' away from the property boundaries created.

Board Member McNulty stated okay.

Board Member Taylor stated but I think we need to look at the runoff through the property, if you look at an aerial, it looks like there are two watercourses, they may be dry watercourses but, that go through the property and the way you're proposing the grade...

Mr. Miele stated through the proposed lot, okay.

Board Member Taylor stated the way you're proposing the grading, it seems like it's going to change at least one of those and then you've got to ask where that water's going to go, if it's going out to the street then...

Rich Williams stated well no, it's all going to head down to the stream then runs out to the culvert.

Board Member McNulty stated Ron, are you referring to the second page with the grading.

Board Member Taylor stated yeah, yeah.

Board Member McNulty stated where it shows it, where it catches it at the top of the house, push it down the hill around each side.

Mr. Miele stated just around the house and then collecting down at the bottom, so, I mean we'll, we'll definitely get out there and see what's tied to the approval.

Board Member Taylor stated now are they proposing keeping some of the trees along the road, to shield the...

Mr. Miele stated oh absolutely, I I.D.'d the caretaker who is going to be there, wants to kind of be a little bit segregated back towards the back, keeping most of the trees to buffer him, is ideal.

Board Member McNulty stated one of the things we're been looking for on subdivisions and I don't know if we need it on this small of a subdivision, are decks and pools located, do we need to do that to make sure we meet all our setbacks, this lot looks pretty big...

Rich Williams stated I think once you go out there, you're going to realize that this is a relatively flat lot, the slope across the topography, if it's correct, is about 5% and its 4 acres, so I think in this case it's not as critical as it is in some of the other subdivisions, especially when we're doing a cluster subdivision and lots can be a little tight.

Board Member McNulty stated right.

Ted Kozlowski stated Rich, is this a 4-acre zoned area.

Rich Williams stated it is a 2-acre zoned area.

Board Member Taylor stated I looked at the old historic maps and there is nothing was indicated it was ever on this parcel, the original house that was there, it was there a long time ago and a house across the street but nothing in this, where you're proposing developing it.

Mr. Miele stated okay, yeah, it's all wooded.

Board Member McNulty stated Rich, you noted about the septic system not being of standard that is usually approved by Putnam County [Health Department].

Rich Williams stated yeah, you know, in reviewing the plans, there were a lot of little cleanup details relative to an unfamiliarity with the particulars of Putnam County and/or the Town of Patterson...

Mr. Miele stated right and I'll completely...

Rich Williams stated that's always going to happen.

Mr. Miele stated I'll admit that, I mean I was, I don't want to say I was rushing, I wanted to get that plan in but more put the details on, so you knew it was a subsurface and I knew I'd be coordinating with them. I will absolutely clean that up, I more just want to get the concept of what we were trying to do here, so by the next time, based on these comments, I'll get everything cleaned up for you.

Rich Williams stated yeah.

Ted Kozlowski stated have you identified the soil types.

Mr. Miele stated not yet, I mean we did, I walked it and so, not yet, I more want to get in, like I said to show what we have here...

Chairman Rogan stated get the ball rolling.

Rich Williams stated I will tell you off of the soil maps, they are going to be Charlton soils.

Chairman Rogan stated Charlton, Chatfield.

Board Member McNulty stated and with the County road access, does the County require a permit, a driveway permit.

Rich Williams stated yes, they will and in the memo, I've encouraged them both to reach out early to the Health Department and Putnam County Highways to look at the driveway entrance.

Mr. Miele stated that was one I, I just wanted to make sure that I, moving forward I can do that, I wanted to make sure I had the Board's okay to do that.

Rich Williams stated we're going to encourage you to because we don't want to go through a whole process and then we find out that they don't approve it.

Mr. Miele stated that there's an issue, that's fine.

Board Member McNulty stated does the service have to be unground there, for electric.

Rich Williams stated yes, then I can send you what you need electronically as far as notes.

Mr. Miele stated okay, that'd be great, thank you.

Chairman Rogan stated it would be great if we could get a site walk planned for when...

Mr. Miele stated sure, I mean...

Chairman Rogan stated do you know when you can just get things staked out, just the proposed lines and there are some notes, I think, in the, Rich's comments about what we typically ask for.

Mr. Miele stated sure.

Chairman Rogan stated centerline of driveway, 4 corners of the building, lot lines...

Mr. Miele stated okay, how much notice do you need, give you, we'll stake it out, give you like a week's notice.

Chairman Rogan stated well once you stake it out, Rich can send around a quick notice to us to say, we usually will do them this time of year on like an early Saturday morning or something.

Mr. Miele stated okay.

Chairman Rogan stated you know.

Rich Williams stated contact the office and I'll schedule it with the Board Members and then I'll need a contact information for who I'm going to call, nobody has to be there.

Chairman Rogan stated right.

Mr. Miele stated as long as it's staked out.

Rich Williams stated just as long as it's staked out but you know, especially since it's an active farm, we want to notify the property owner we're coming out.

Mr. Miele stated sure, no, he's completely on board with what we're doing, so.

Rich Williams stated I hope so.

Chairman Rogan stated I would hope so.

Mr. Miele stated for you coming and visiting to help you know, move the project along.

Chairman Rogan stated fair enough, there you go. Fairly straight forward...

Mr. Miele stated okay, so where we are, I'll, we'll get in touch with County Health, County DPW for road cut, we'll address these comments and we'll get the, you guys to get out there to take a look at it and then we'll go from there.

Rich Williams stated very good.

Chairman Rogan stated awesome, thank you.

Mr. Miele stated thank you.

Chairman Rogan stated thank you guys for coming in. Rich, did you know that the County changed the design standards for new septic to make them more, less stringent, that they...

Rich Williams stated I knew they modified some, I have the February 2013 reviews...

Chairman Rogan stated they went, I think they went from like instead of 200 gallons a day, they changed the design criteria to make them...

Rich Williams stated to 150 [gallons]...

Chairman Rogan stated yeah.

Rich Williams stated yeah, I knew that but...

Board Member McNulty stated when did that go into effect.

Chairman Rogan stated a couple months, six months.

Rich Williams stated I actually sent, I actually sent this over to Mike Budzinski, so, I said what do you think Mike.

Chairman Rogan stated fair enough.

Rich Williams stated so, yeah, I wasn't going to make that call.

3) OTHER BUSINESS

a. Windward Holdings Corp. – Request for Zoning Change

Chairman Rogan stated okay, Rich, under this Windward Holding Corp., we walked this lot when we did Bear Hill Estates right.

Rich Williams stated separately.

Chairman Rogan stated yes, Herb Schech, awesome, that was a real steep, that's the lot that slopes right down to [Route] 311.

Board Member McNulty stated where about on [Route] 311 is this located.

Chairman Rogan stated Bear Hill Estates is directly across from Fair Street.

Board Member McNulty stated Fair Street.

Chairman Rogan stated but this lot is the road frontage downhill, closer to Deacon Smith Hill Road on the right.

Board Member McNulty stated through that S-turn.

Board Member Taylor stated yes.

Chairman Rogan stated kind of yeah and it goes up, steep up the hill and...

Board Member Montesano stated yup.

Rich Williams stated first off, let me say that they property owner who has made the request for the zoning change contacted our office and asked that this be held over until the next meeting...

Chairman Rogan stated the October meeting.

Rich Williams stated to the October meeting...

Chairman Rogan stated okay.

Rich Williams stated because he would like to be here but regardless I felt it's appropriate at least to you know, start the dialogue so you can start looking at you know, what information has provided, has been provided and decide you know, what else you might need, whether you want to do a site walk, you know we can contact him. So, yeah, this was, we originally evaluated this parcel for development many, many years ago, we did the site walk out there, most of the comments that the Board issued at the time are...

Board Member McNulty stated for commercial development or residential.

Chairman Rogan stated residential.

Rich Williams stated it was residential at the time but he was interested at the time in going either way. We found it to be a fairly challenged site with some pocket wetlands on it, first order stream some other things. His current proposal, is to basically take the site and take it down I think about 45' in elevation to level it out and use it for commercial development.

Chairman Rogan stated and this area was, just the property just below was changed to commercial, wasn't it, the old barn...

Rich Williams stated the old Woodward property down below was changed to commercial, C-1 zoning.

Chairman Rogan stated right.

Board Member McNulty stated which was changed, I'm sorry, I missed that.

Rich Williams stated the property next, farther down the hill along [Route] 311.

Chairman Rogan stated the one that sits directly across from Deacon Smith Hill Road.

Board Member McNulty stated is currently C-1.

Chairman Rogan stated yeah.

Rich Williams stated yeah, I believe it is.

Chairman Rogan stated yeah, it changed about 10 years ago.

Board Member Taylor stated yeah but the state owns so it's...

Rich Williams stated I don't know that they own it entirely, there is still a small portion of land down there, I think an 11 acre parcel.

Board Member Taylor stated kept the house out.

Rich Williams stated yeah.

Chairman Rogan stated oh the state park took that or acquired that and connected it with Wonder Lake.

Rich Williams stated Wonder Lake.

Chairman Rogan stated oh awesome, I had heard that but I never heard it confirmed, so that's good.

Board Member Taylor stated that's true, right Rich.

Rich Williams stated what.

Board Member Taylor stated the state took some of it.

Rich Williams stated they took most of it, yes.

Board Member Taylor stated yeah.

Rich Williams stated yeah, they took the whole upper portion and attached it to Wonder Lake.

Board Member Taylor stated without consulting with anyone.

Rich Williams stated without...

Board Member Taylor stated without consulting with anyone.

Rich Williams stated well they consulted with someone but we'll not go there.

Board Member Taylor stated no one in the Town.

Board Member Montesano stated no, someone in the Town.

Board Member McNulty stated me, my and I, I me and myself, whatever it is.

Chairman Rogan stated alright, well I think we'll get him in here and we definitely want to take a look at this property and the proposal.

Board Member Taylor stated it's, I'm wondering why it's before us if they need to have zoning change first.

Chairman Rogan stated we're probably a recommendation...

Rich Williams stated because the process is somebody is going to submit for a zoning change to the Town Board and they're going to refer it back to the Planning Board for a recommendation.

Board Member Taylor stated right, okay, so why hasn't that...

Rich Williams stated why hasn't what.

Board Member Taylor stated why are we ahead of the game on this.

Mr. Liguori stated well I...

Rich Williams stated you're not, he's made the application to the Town Board, they referred it back.

Board Member Taylor stated oh he has, okay, so there is an application.

Rich Williams stated there is.

Board Member Taylor stated since we didn't get any paperwork.

Rich Williams stated well yeah you did get what paperwork has been submitted.

Board Member McNulty stated there is a zoning application, correct.

Rich Williams stated there is a request before the Town Board to rezone this parcel from residential to commercial...

Board Member McNulty stated okay.

Rich Williams stated the Town Board took a very brief look at it and referred it back the Planning Board for a recommendation prior to them taking further action.

Andrew Fetherston stated is it spot zoning right from the start.

Mr. Liguori stated no, no, hold on.

Rich Williams stated go.

Mr. Liguori stated just a, I have a few things to say, one is spot zoning is zoning that is not in compliance with your comprehensive plan, you can zone a particular piece of property to a different designation but if it doesn't comply with the Town's existing comprehensive plan, then it would be spot zoning unless the comprehensive plan was amended to contemplate that zone, so that is something that the Town Board is going to have to take a look at. The second thing is that for purposes of disclosure, I've represented Tony Branca on a number of instances, including, in partly for the Bear Hill Subdivision, I have to take a look at this, I've, I don't know, I know Tony, I think is probably the sole owner of Windward Holdings which I think would also preclude me from, would knock me right out from the start...

Rich Williams stated it is, yes.

Mr. Liguori stated so anyway...

Rich Williams stated I didn't know if I should hand you the mic, then he said spot zoning.

Andrew Fetherston stated it's a valid question.

Mr. Liguori stated it is, it's a very valid question...

Rich Williams stated absolutely.

Mr. Liguori stated no, it definitely is but the case law is pretty clear on spot zoning, what it is and what it isn't.

Board Member McNulty stated there's currently C-1 zoning along [Route] 311 there, I didn't realize that.

Rich Williams stated yeah.

Board Member McNulty stated I didn't realize that along there.

Board Member Taylor stated well it's only the one down the hill.

Board Member Montesano stated only one spot.

Board Member McNulty stated but it's there.

Rich Williams stated but the master, actually it skips an area because we have the Bear Hill Subdivision there and then it goes back to the I-zoning district...

Board Member Taylor stated right.

Rich Williams stated and the intent coming out of the master plan was to try to rezone as much of [Route] 311 and Fair Street in that area as we could for commercial, to try to encourage commercial development in that area.

Mr. Liguori stated just another note as far as why it's here, aside from the recommendation, it actually makes sense to, if you're making an application that includes a zone change to, to have it in front of the Planning Board because at the end of the day, if the zone change relates to what you're doing on site, then your guys input is exceptionally critical because if you can't do what you want to do...

Chairman Rogan stated what's the point.

Mr. Liguori stated what's the point, you know.

Chairman Rogan stated yeah and we all know from driving up and down that road it's a challenged area with speed and you know, sight distance and there is the corner, I think I remember where initially they were looking at putting a driveway or something in on that angle, so it will be very interesting to see how this lays out, I'm looking forward to reviewing it.

Board Member McNulty stated we're going to need to go out and see this lot.

Chairman Rogan stated oh yeah, definitely. You have to get a feel for that lot...

Board Member Montesano stated they're going to hire a *inaudible* to come up the hill, so people can get in and out.

Chairman Rogan stated it doesn't seem like it was that long ago though, that was in '05.

Rich Williams stated time flies.

Board Member McNulty stated need a mountain goat.

Chairman Rogan stated 8 years ago.

Mr. Liguori stated I remember reading the Town Clerk's minutes from 1944 to see if Bear Hill Road was dedicated or a highway by use.

Rich Williams stated right.

Ted Kozlowski stated it seems longer than that.

Chairman Rogan stated oh, it's longer than that.

Ted Kozlowski stated seems to be.

Chairman Rogan stated really.

Ted Kozlowski stated it seems so long ago we were there, I remember that.

Board Member McNulty stated Rich, do you know which tax number, which tax map it is that's being questioned, that's being applied for.

Rich Williams stated I remember that to date, I don't have it in front of me.

Mr. Liguori stated we can have the meeting now or it's going to happen...

Rich Williams stated maybe I do, no I don't.

Ted Kozlowski stated Gene Richards.

Board Member Taylor stated it will come up with the address.

Chairman Rogan stated yeah.

Board Member Taylor stated if you go to the Assessor's site, it will come up with the address.

Ted Kozlowski stated there are only 3 of us left on that whole list.

Chairman Rogan stated no, I was just thinking that, of wait Mike's on the list, 4 of us.

Ted Kozlowski stated Mike's not on the list.

Board Member McNulty stated yes he is...

Board Member Montesano stated nope.

Ted Kozlowski stated nope.

Board Member Montesano stated nope.

Ted Kozlowski stated he wasn't...

Board Member Montesano stated I was on vacation that week.

Chairman Rogan stated oh but you were, okay, but you were still part of the Board back then.

Board Member Montesano stated it was my anniversary week, so we had to go take a ride.

Ted Kozlowski stated on your trip.

Chairman Rogan stated yeah, the work session, at the end of September, I won't be here for...

Rich Williams stated why, he didn't take off. You what?

Chairman Rogan stated I will not be here for the work session, the next work session.

Rich Williams stated okay.

Ted Kozlowski stated where are you going now.

Chairman Rogan stated Colorado.

Ted Kozlowski stated what furry animal are you going to shoot now.

Board Member Montesano stated he's going to get elk.

Rich Williams stated well anyway...

Chairman Rogan stated based on past practice, nothing but I'm hopeful.

Mr. Liguori stated put out fires.

Chairman Rogan stated yeah.

Rich Williams stated would you like me to contact the property owner, see if we can schedule a site walk prior to the next meeting.

Board Member McNulty stated yes.

Rich Williams stated we can work on that.

Chairman Rogan stated sure, great but I will be for the regular meeting, I'm coming back on October 2nd and I think our meeting October 3rd.

The Secretary stated yes.

Board Member Montesano stated unless you get elk.

Chairman Rogan stated give or take 3rd or 4th, I don't know what day it is.

Rich Williams stated the way things are going, we may not have a work session, so what the heck.

Board Member Taylor stated can we also get a better location. He gave us, we don't really need the detail at this point, I couldn't figure out where on the road the building was.

Andrew Fetherston stated I can't figure out where it is.

Rich Williams stated the location of the...

Board Member Taylor stated the proposed building.

Rich Williams stated you know what I can do, I can print something out with the tax maps on it, PDF it, send it around to everybody.

Board Member Taylor stated I know where it is on the tax map but in terms of where he's proposing locating the building along those 16 acres...

Chairman Rogan stated well we'll have them mark that out on the road.

Rich Williams stated yeah, here's my problem, I don't want to misrepresent the applicant.

Board Member Taylor stated right.

Chairman Rogan stated right.

Rich Williams stated alright, so he's shown it where he's shown it.

Board Member Taylor stated but what I'm saying is he's shown it where he's shown it but I don't know where that is.

Rich Williams stated and that's what I'm saying, I can take a look at it, I can assume where I believe it to be and show it on the map and then it turns out to be wrong and...

Chairman Rogan stated yeah.

Board Member Taylor stated I'm not asking you, I'm saying say to the applicant give us a...

Andrew Fetherston stated yeah, you don't want to *inaudible*...

Board Member Taylor stated a larger map with it on the larger map.

Board Member McNulty stated at least with some set backs off the road.

Chairman Rogan stated even more importantly we should have them stake off those areas in the field...

Rich Williams stated the course.

Chairman Rogan stated that's going to be even better than the map because most people don't know what they're looking at on a map.

Rich Williams stated and then we can go from there.

Chairman Rogan stated so, you know, having it on, you know, a location, the four corners in the field...

Board Member Taylor stated but still it would be helpful to be able to, if we're sitting here...

Chairman Rogan stated you see the topography though.

Board Member Taylor stated yeah I know I see the, I drive by there all the time.

Board Member Montesano stated where in the topography is it, that's the whole problem

Chairman Rogan stated so the runoff from this lot will end up down at your house eventually.

Board Member Taylor stated no, I'm on the other side of the street.

Chairman Rogan stated I know, I'm just teasing you.

Board Member Montesano stated we're going to have it cross the road.

Board Member Taylor stated so I'll be fine.

Chairman Rogan stated its close though.

Board Member Brady stated hopefully it doesn't wind up in the pool.

Chairman Rogan stated hopefully.

Board Member Taylor stated no, that's my other *inaudible*...

Board Member Montesano stated well we're going to hit the stream before we hit his house.

Chairman Rogan stated anything from anyone else for the record, Michelle.

4) MINUTES

Board Member McNulty stated minutes, did uh, I didn't see them, so.

Board Member Taylor stated I didn't see them either, did you send them out.

The Secretary stated I did, I sent them out probably like 2 weeks already.

Board Member McNulty stated I didn't get them.

Board Member Montesano stated July 25th minutes were in the box when I got here.

The Secretary stated well you get a paper copy because you don't check your e-mail.

Board Member McNulty stated did you get a copy.

Board Member Montesano stated I don't do that computer nonsense.

Board Member Brady stated yeah.

Board Member McNulty stated I didn't see them either.

The Secretary stated I'll check my e-mail, I'm pretty sure I e-mailed them but if nobody got them, then...

Board Member Brady stated I got them.

Ted Kozlowski stated I got them Michelle.

The Secretary stated you did get them, alright, thank you Teddy, you and Ed were the only ones apparently.

Board Member McNulty stated I looked all over, I thought maybe I, if you could send them again.

The Secretary stated I will.

Chairman Rogan stated motion to adjourn.

Board Member McNulty stated wait, I had a couple questions.

Board Member Montesano seconded the motion.

The Secretary stated wait, wait.

Chairman Rogan stated what've you got.

Board Member McNulty stated almost got you out. We had the note, your note to Nick about Justin's, did the Town Board take any action.

Rich Williams stated no.

Board Member McNulty stated okay.

Rich Williams stated my note to Nick.

Chairman Rogan stated no, it was actually a memo from Town Counsel.

Board Member McNulty stated Town Counsel to Nick about...

Rich Williams stated that was forwarded to the property owner.

Board Member McNulty stated okay, so there really is nothing moving at that at all and 66 Empire Drive, the fill.

Rich Williams stated has been removed from the site.

Board Member McNulty stated so he cleaned it up.

Board Member Taylor stated did he bring in fresh fill.

Rich Williams stated he used a portion of it as base for the driveway which was permitted and he is not yet, he intends to but he has not yet brought in the fill.

Board Member Montesano stated he can't find any yet, he's waiting for this guy to put the building in.

Rich Williams stated Ron, Ron, he took it off the site.

Board Member Taylor stated ok, well that's progress I guess.

Board Member Brady stated he's grinding it up so it will be a little thinner.

Board Member Montesano stated no, no, we're trying to figure out what site it's going to be moved to.

Ted Kozlowski stated Rich...

Rich Williams stated and on a slightly different note the Board may be interested to know that, we're still trying to confirm this, it has yet to be confirmed but we understand that Mr. Levine has deeded the house back to the bank.

Board Member McNulty stated I've never heard of that being done.

Board Member Taylor stated so we can go after the bank then.

Board Member Brady stated the bank owns it, the bank's got deep pockets because they're going to have to do something with it.

Ted Kozlowski stated that's what I was just going to ask you about it, how's Mr. Levine.

Chairman Rogan stated that's what I just said to him, I was going to ask.

Board Member McNulty stated any work on the neighbor that lives out of the country, are they pursuing any action.

Rich Williams stated no, they are not.

Board Member McNulty stated really.

Mr. Liguori stated it's not worth it for them to spend the money because...

Chairman Rogan stated no, I agree, they're better off subdividing off that chunk and letting it go.

Mr. Liguori stated well yeah, that's one way to, it's one way to accomplish the goal but it's not worth it to pay Mike Sirignano \$350 an hour to go fight when you can spend \$350 an hour on an excavator and just get rid of it yourself.

Chairman Rogan stated oh true.

Board Member McNulty stated or wait until the other forces make him clean it all up.

Mr. Liguori stated yeah, yeah, that's, that's and if the material isn't migrating then they're, you know, if it's migrating there is a real reason...

Chairman Rogan stated right, right.

Andrew Fetherston stated right.

Mr. Liguori stated but if it isn't, then...

Chairman Rogan stated good point.

Mr. Liguori stated the guy Shelley that owns that property that was his daughter...

Chairman Rogan stated right.

Mr. Liguori stated Shelley's got to be 90 years old and lives down in Puerto Rico...

Chairman Rogan stated yeah, the Virgin Islands or something.

Mr. Liguori stated yeah and he's, you know, he's not going to do anything about it, you know.

Chairman Rogan stated the other end of that property is being cleaned up, where the abandoned house is on the Brewster parcel, it's the same property but it's, you know.

Rich Williams stated oh is it...

Mr. Liguori stated oh that's at the Zimmer, right at the...

Chairman Rogan stated yeah because it's all, it's one long piece of property there, it's just some of it's in Patterson and most is in Brewster and they've been in there the last couple of weeks, in fact they were there today with a sickle bar mower, mowing all around it, they threw tarps over certain parts of the house, which was very surprising...

Mr. Liguori stated wow, I wonder if maybe there is some building permit application pending in the Town of Southeast, you know, I'd be curious just to know...

Chairman Rogan stated I bet you there is because...

Rich Williams stated or maybe the Town of Southeast got all over him, about that house, that house was a mess.

Mr. Liguori stated yeah, that's for sure.

Chairman Rogan stated yeah, true but...

Board Member McNulty stated two more quick items, anything back from the Fire Department and the sign.

Rich Williams stated no, I have no seen anything requesting to be on the new Town Board agenda as of yet. I don't know if they are going to be on or not.

Board Member McNulty stated anything from Mr. Monteleone on that last building he proposed.

Rich Williams stated I have had a conversation with Mr. Monteleone, who has asked if I can find a way to structure the escrow and application fees into a payment schedule...

Board Member McNulty stated do we have that option.

Rich Williams stated not presently.

Board Member McNulty stated what would it take to make it.

Rich Williams stated I don't know, I've got my thinking cap on.

Board Member Taylor stated like a layaway plan...

Rich Williams stated yeah, something like that or pay as you go.

Chairman Rogan stated all the control you have...

Board Member Montesano stated you been to Kmart...

Chairman Rogan stated would be you don't issue an approvals until it's paid but you, if you do more than what they pay and then they go away, you know, that's...

Andrew Fetherston stated it's not the Town's risk, it doesn't appear to be anyway, it appears to be the consultants risk...

Mr. Liguori stated right.

Rich Williams stated to be honest with you, to be honest with you, I don't necessarily agree with the fact that if a consultant works and earns at the direction of the Board that he shouldn't get paid just because the applicant doesn't pay up...

Chairman Rogan stated no, that's true, right.

Rich Williams stated so that's not the way I would do things.

Chairman Rogan stated I agree.

Andrew Fetherston stated that's commendable.

Rich Williams stated well you know, you do what you're asked to do and then you're told too bad...

Board Member Montesano stated trick is to *inaudible*.

Rich Williams stated no, that doesn't work.

Andrew Fetherston stated it happens.

Chairman Rogan stated yup but it shouldn't.

Andrew Fetherston stated it happens.

Rich Williams stated I know it happens but you know, my concern is within the process, there's supposed to be timeframes and you know, once you start a process, can you really legally stop that process because somebody doesn't pay a bill and I don't know that that's ever been challenged and decided.

Board Member McNulty stated well maybe there can be a scheduled payment process to a certain point where we get to public hearing or SEQRA and then it's like because it isn't moving forward, now you have to complete the fee schedule.

Rich Williams stated or do we change the process to comport to a payment schedule, you know, re-structure the process.

Chairman Rogan stated this might be the stupidest question all night but can you bond something like that to put up some surety that covers a certain value, if they walk away, then the Town can pull what's owed to them or something, no.

Rich Williams stated it's going to cost the Town a hell of lot more than we're ever going to get for what they owe us.

Mr. Liguori stated it's not worth it and no insurance company would sell it.

Chairman Rogan stated oh, okay.

Mr. Liguori stated you know, you just, might as well just go get a credit card and max it out, that, honestly, that's the best way to...

Rich Williams stated oh yeah.

Mr. Liguori stated that's what I'd be telling, hey, your credit company sends you checks every month, you know, go buy this at 8% for one year, you know.

Board Member McNulty stated another way to look at it, are the taxes up to date on the property.

Rich Williams stated I don't know.

Board Member McNulty stated if they are, there's been plenty of taxes paid in with no resources used.

Mr. Liguori stated yeah but then you have...

Board Member McNulty stated just looking at balancing it out that way, you know to work with him...

Mr. Liguori stated if everybody did that then...

Rich Williams stated yeah, I don't know that anybody would see it your way Tommy.

Board Member McNulty stated well I can bring it up, there may be someone, there have been a lot of taxes paid to the Town and that hasn't cost the Town anything at this point.

Board Member Taylor stated did, has M&S been back.

Chairman Rogan stated this is a lot that already has a use on it.

The Secretary stated no, they just did their extension on their approval but we haven't heard anything since.

Rich Williams stated right.

Chairman Rogan stated he's looking to do more on the lot.

Board Member McNulty stated yeah but who's paying all the taxes.

Board Member Taylor stated part of the extension was saying that they were ready to come back but they haven't, okay.

Rich Williams stated not yet.

Andrew Fetherston stated what happened to the steel fabricator...

Rich Williams stated that's what he just asked.

Andrew Fetherston stated that was it.

Rich Williams stated we just did an extension on them and they're still looking at doing something soon.

Andrew Fetherston stated this is in the approval process or...

The Secretary stated no.

Rich Williams stated well they've got a conditional approval, they have to pay the fees and such I think.

Mr. Liguori stated I think one of the challenges that many people face, I know my clients face it daily, it findings a lender...

Board Member McNulty stated it's the economy, that's exactly it.

Mr. Liguori stated yup, I mean to go to a commercial lender, you're going to leave a pound of flesh on the table...

Board Member McNulty stated I know.

Mr. Liguori stated and by the time you're done, you don't need the bank anymore.

Chairman Rogan stated right.

Mr. Liguori stated you know, you're just signing up to pay interest. So, it's very difficult, I have a lot of clients going to private lenders...

Board Member McNulty stated I know.

Mr. Liguori stated and they're paying 10, 11, 12%, they're rather borrow it at 10, 11, 12%...

Chairman Rogan stated easier process, right.

Mr. Liguori stated because you don't have to go through the hoops.

Chairman Rogan stated yeah. Motion to adjourn.

Board Member Taylor seconded the motion.

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

The meeting adjourned at 7:35 p.m.