

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**October 3, 2013**



**AGENDA & MINUTES**

	<b>Page #</b>	
1) <b>Lucio Rivera – Wetlands/Watercourse Permit Application</b>	1	Approved at 9.26.13 Work Session
2) <b>Gottwald Subdivision – Concept Review</b>	1 – 6	Site walk to be scheduled. Discussion of wetland buffer & restrictions.
3) <b>Fox Run Condominiums – Site Plan Review</b>	6 – 16	Site walk to be scheduled. Discussion of Town Code, unit count, wetlands.
4) <b>Route 22 Wings &amp; Things Site Plan – Concept Review</b>	16 – 30	Discussion of parking and pending litigation.
5) <b>Route 22 Wings &amp; Things – Sign Application Amendment</b>	30 – 38	Discussion of amended sign, additional signage, and use of the site.
6) <b>A.J. Maxwell – Site Plan Application</b>	38 – 51	Discussion of wetlands, proposed use of the site, and wetland flagging.
7) <b>Boniello Site Plan – Concept Review</b>	51 – 70	Discussion of proposed use of site, site plan, wetlands flagging and fees.
8) <b>Other Business</b>		
a. <b>Windward Holdings Corp. – Request for Zoning Change</b>	70 – 72	Site walk to be scheduled. Discussion of sight distance.
b. <b>Patterson Fire Department – Proposed Local Law</b>	72 – 78	Discussion of recommendation to Town Board.
c. <b>East Putnam Development Corp. – Request for Release of Escrow</b>	78	Granted at 9.26.13 Work Session
9) <b>Minutes</b>	79	July 25 <sup>th</sup> and September 5 <sup>th</sup> approved.

**PLANNING DEPARTMENT**

P.O. Box 470  
1142 Route 311  
Patterson, NY 12563

Michelle Lailer  
Sarah Mayes  
*Secretary*

Richard Williams  
*Town Planner*

Telephone (845) 878-6500  
FAX (845) 878-2019



**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  
October 3, 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, 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 11 members of the audience

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

Michelle Lailer was the Secretary and transcribed the following minutes.

**1) LUCIO RIVERA – Wetlands/Watercourse Permit Application**

Chairman Rogan stated thank you, okay just for the audiences' edification, the first item on the agenda was approved, the wetlands/watercourse permit application at the work session, I'm told...

Board Member McNulty stated yes it was.

Chairman Rogan stated so we're up onto Gottwald Subdivision, is anyone here for Gottwald, come on up please.

**2) GOTTWALD SUBDIVISION – Concept Review**

Mr. Joesph Riina, Mr. Matt Moran, and Mr. Tony Russo were all present.

Chairman Rogan stated good evening.

Mr. Riina stated do I have to put it up on here.

Chairman Rogan stated yes, please do.

Board Member Montesano stated want to open one up.

Mr. Riina stated I'm Joseph Riina, I'm the principal of Site Design Consultants, I'm a professional engineer and we are representing Unicorn Contracting, the owners of what you're calling Gottwald Subdivision, we had called it the Fair Street Subdivision, now, as it was pointed out in Rich's memo, there is already a previous project with that name, so we'll change that name. With me tonight is Matt Moran, he's representing Unicorn [Contracting]...

Mr. Moran stated hello, how are you.

Chairman Rogan stated how are you.

Mr. Riina stated and Tony Russo, he's the environmental consultant on the project. So the site is a 46 acre site, it's zoned R-4, so it requires 4 acre lots, minimum lot size, the site is at the intersection of Fair Street and Fields Corner [Road]. There's currently an existing residence on the property, the Gottwald residence, which is part of, which is one of the three tax lots which comprise the entire parcel. The, one of the tax lots is, this sliver which runs up along the south side of the property here, I'm running out of battery, okay and that is this line here...

The Secretary stated you can pull the microphone out of the stand.

Mr. Riina stated okay, thank you. This line here, is actually, is actually the town line between Southeast and Patterson. The other parcel, tax parcel, is a smaller parcel which contains the residence and then the third parcel is the remaining portion of property. The site for the most part has some rises and falls, it rises up from Fields Corner, there are, to a high point here and then it starts to drop back off on the other side, the Fair Street side, there are New York State DEC wetlands throughout the site, there is also a brook which runs through the site that basically cuts the site into a 2/3, you know 1/3 ratio. All of the residences will be served by septic and well, we have shown some conceptual areas for stormwater management, the particular plan we're showing here, the concept we're showing to avoid impacts, wetland impacts, to avoid putting a Town road we've shown a common driveway with three of the residences coming off the common driveway, the remaining residences will come straight, will have straight access off the Town roads. The, going back to the wetland I just want to mention that the DEC has already been out there and verified the wetland, the line shown on is the actually surveyed wetland line for the property. We did receive the memo, the Planner's memo for the project, I honestly have not had a chance to take a close look at it, I know one of the main points being brought up was the frontage requirement and again, I, you know as I said, to minimize impacts to the wetlands and sensitive areas we use this concept of the common driveway to access the three lots. Tony, do you want to say anything about the wetlands.

Chairman Rogan stated any comment at this point from any of you gentlemen.

Ted Kozlowski stated I will when you're, we discussed it. With regard to the wetland, I was out there too by the way, I'm the wetland, I'm the Conservation Officer for the Town of Patterson and I agree with the wetland delineation, you did a good job and you did an excellent. The stream on that property is classified by DEC as CTS, it's a trout spawning stream and should be highly regarded in this plan and one of the recommendations I'm going to make to the Planning Board, which I've already done is on lots 1, 2, 6, and 7, which have access to the stream, the forested area, all the forested area within the buffer zone of those

parcels, of that stream, I'm going to ask that there is a no-cut zone. In other words, if someone buys lot number 1, I don't want them to think that it would be okay to have horses on that property and clear to the stream...

Mr. Riina stated okay.

Ted Kozlowski stated we want to respect the protection of that stream, we need to keep cool waters, we need to keep it shaded, we need to keep animals out of there, so all those lots have buffers zones, all those buffers zones are natural forest that go to the stream and I would, I'm going to advise this Board that those buffers be respected and that there be no disturbance in those buffers from here on in, so future owners will know this, potential buyers of that property will understand, so there's no misconceptions that it's 4 acres and there for we can clear it all, okay, that would be my recommendation to this Board. I think the DEC is going to back us on that as well because it's a highly regulated stream.

Mr. Riina stated so you're speaking towards a conservation easement, is that what you...

Ted Kozlowski stated I, whatever works for you guys, whatever works between you and the Town of Patterson and the future residents. I see it as a benefit to that property, it's going to be open space, it's going to be green, it's going to be a buffer between them and the neighbors but more importantly it's going to protect that stream and be a benefit to the Town.

Mr. Riina stated okay.

Board Member McNulty stated a couple things we spoke at the work session about was the common driveway is not something we generally like to approve or to look at for the Town and also on lot 7, it seemed to be a pretty impacted site with the wetlands buffers, not to leave too much area in for use for that homeowner.

Mr. Riina stated okay.

Board Member McNulty stated so we can talk a few, you know on a few suggestions and what maybe we can do.

Mr. Riina stated I mean we would be glad to look a conventional approach, you know with a Town road, if that's what you're hinting at, is that what you're hinting at.

Board Member McNulty stated well that would take care of road frontage issues, a dedicated road, I think Rich that's what we prefer right, we talked about that at the meeting.

Rich Williams stated typically we do but this is a very challenged site, certainly with the wetlands, I think I outlined some thoughts in my memo about how to skin that cat a little bit differently...

Board Member McNulty stated okay.

Rich Williams stated but you know, I would suggest to the Board, I've done some preliminary assessment of the project, I think what we really need to do is to get out there on the site, take a look at it, see how things layout...

Board Member McNulty stated I haven't been on the site, so it's hard to comment.

Rich Williams stated so we can better evaluate it.

Board Member McNulty stated yeah.

Mr. Riina stated I think that would be a great approach, we can just set up a site walk and...

Chairman Rogan stated yeah, sure.

Board Member McNulty stated make it...

Mr. Riina stated if you'd like we can rough stake some...

Board Member McNulty stated center lines of the roads and maybe the corners of the houses.

Mr. Riina stated right maybe some house locations, sure.

Chairman Rogan stated okay.

Rich Williams stated yeah, it's laid out in the memo what I recommend for the staking. Typically what you're going to do is stake that out, contact my office then I will coordinate the dates that we go out with the Planning Board.

Mr. Riina stated okay, okay.

Board Member Taylor stated I'd just like to make one additional comment, I think clearly lot 7 is too small to support a house, I think you should eliminate it, make it part of the wetlands, that's all this left.

Chairman Rogan stated typically what we will do with, when we're going through this process and it's very typical to see a project that begins with you know, very hopeful and scale back to something more reasonable, just because of the challenges, not that you're asking for more than you deserve but because of the challenges of that lot and what we will ask for is for you to show some typical house layouts with things like a pool, we've done with Ice Pond Estates just recently...

Mr. Riina stated okay.

Chairman Rogan stated not that we want you to have everybody put a pool in but we'd like to show that area exists for typical amenities that people are going to request or want so that we can see whether they fit and they may not on every lot but we've thought about placement of pool or a shed or things that people would typically want, so that we don't approve a subdivision, you build it and a month later they're in the Zoning Board asking for relief because we didn't think about good planning. So that is something that we'll be talking about, so just along the mindset of thinking about the obvious layout issues, if it can't be squeezed it that doesn't mean it doesn't become a lot but we need to at least consider that and look at a reasonable layout. I would encourage you to take a hard look at the land, just hearing some of the comments tonight and start with a project that you know you can get approved right off the bat and just get through this process as quick as possible because that gets you to the end result. Sometimes we struggle with one lot that just affects the entire logistics of the entire subdivision so I would just say that if the end result is getting as many lots or if the end result is getting through the process quickly, I would just do a very reasonable layout and see what works and you know looking at this stuff, you know already what's going to work and what's not going to work, as our consultants do and we, I think, intuitively know when we get out there and see the restrictions of the land, I think it will be a lot more clear.

Mr. Riina stated okay.

Board Member McNulty stated yeah, I've never been on the site...

Board Member McNulty stated I'm kind of familiar where it is but I've never been out there, I don't think anybody other than Shawn have been there...

Chairman Rogan stated no, I've never been out to that site.

Board Member McNulty stated that helps us a bunch, to get there.

Chairman Rogan stated okay.

Mr. Riina stated alright, so the next step is we'll get things staked out...

Chairman Rogan stated sure.

Mr. Riina stated and we'll call Rich for setting up a meeting for a site walk.

Chairman Rogan stated wonderful, usually once you let us know its staked, we can get out there in a, you know a reasonable time.

Mr. Riina stated usually on a Saturday, that's what you do.

Chairman Rogan stated give or, yeah sometimes, yeah we still have a little bit of daylight after work but Saturdays are typically what we try to do.

Mr. Riina stated okay.

Chairman Rogan stated yeah, alright thank you, thanks for your time, appreciate it.

Mr. Riina stated thank you.

Mr. Russo stated thank you.

Mr. Moran stated take care.

Chairman Rogan stated oh, I borrowed your pen.

The Secretary stated you can have it.

Chairman Rogan stated no, I don't need it, I just needed it tonight, thank you.

The Secretary stated you're welcome.

Board Member McNulty stated is today the 4<sup>th</sup>.

Chairman Rogan stated today is the 3<sup>rd</sup> I think...

The Secretary stated today is the 3<sup>rd</sup>.

### 3) FOX RUN CONDOMINIUMS – Site Plan Application

Mr. Robert Marvin of Marvin & Marvin and Mr. Kurt Johnson of Zarecki & Associates were present.

Chairman Rogan stated the 3<sup>rd</sup>. Fox Run Condos please. Good evening.

Mr. Marvin stated how are you.

Chairman Rogan stated good, how are you.

Mr. Marvin stated very good thanks, good evening everybody. My name is Bob Marvin and I am an attorney, my office is in Pawling, New York, I am here tonight representing RC Enterprises which owns a piece of property, it's about 44 acres in size at 215 Bullet Hole Road. Just by way of background, I know some of you were on this Planning Board a few years ago when I was last here on this project and some of you are new to the Planning Board but we were through a process where we were asking this Board to approve a zone change to change the zoning of this property to multi-family overlay for active adult residences and ultimately this Board did recommend that zone change and the Town Board actually made the zone change in June of 2011. So we're here tonight now with that zoning in place to begin discussion of a site plan which Kurt has prepared, this is Kurt Johnson with Zarecki & Associates and he's going to address you in a moment but I just wanted to sort of go through a little bit of background on that. As I say, that zone change was passed by the Town Board in June of 2011 and what we're proposing now is a active adult residence community of 80 units which is significantly below what the zoning would allow but we think it works on the site and it's, you know would be an improvement to, among the things that will happen if this project goes forward is some improvements will be made to the Fox Run subdivision which is, which you have to pass through that property to get to this property and my client has met with the Fox Run Homeowner's Association recently to solicit their support of this project and they have indicated that they will support the project and he's committed to give them some improvements to their site also which is, you know, frankly going to help us too, so you know one hand washes the other. As I said, Kurt has done, as he'll talk to you about, some concept drawings which have been submitted to you, I hope you've had a chance to take a look at them but you know, his early work on this project has led him to believe that the site will definitely support the 80 units and I'm hoping that after we finish here tonight, you'll kind of give us the thumbs up and tell Kurt to go back and do some more detailed engineering work to prove that out to you, so with that sort of background and introduction, I'll just turn it over to Kurt so that he can...

Board Member Taylor stated I'd like to interrupt you for a minute.

Mr. Marvin stated certainly.

Board Member Taylor stated as the historian on the Board, I would like to add some other history to what you just stated, this discussion that we had pervious in terms of recommending the zoning change was based on a maximum of 48 units, you did a traffic study for 48 units, the 48 units was what the R-4 zone would have supported, the Master Plan for the Town emphasizes reducing density, maintaining the rural character of the Town and allows only, recommends only high density in certain parts of the Town and that's the reason that we were going and when we do multiple overlays on other developments the starting number is always what the total acreage would support for the R-4 zone. The fact that you've come in with 80 units after we had those long discussions and it seemed like it was pretty clear in all the minutes that that 48 [units] was what we were going with, I would say a few of us are rather distressed to see this plan before

us. I know I am not going to give you any consideration for 80 units, I'm going to stick with the 48 [units] I think you should go back and bring us an application that represents the 48 [units] maximum and then we can talk about cutting it down based on other conditions on this site.

Mr. Marvin stated okay, well thank you for those comments, with all due respect, I would ask you to keep an open mind, there was discussion at the time of what the R-4 would allow but the zoning as it's in place now, allows considerably more than what we're even here to talk about now. What we are proposing is entirely consistent with what's already on the Fox Run 1 site, in fact this site originally was approved back in the mid-70's for, I don't have the exact unit count, those approvals have, are no longer valid, I'm not claiming that they are valid but this site was approved for in excess of 100 units at that time and I can get you the exact number, I don't have it at my fingertips.

Board Member Montesano stated you'll find out that the Town has grown considerably since those were approved back in the '70's so you're comparing apples and oranges counselor and it doesn't work.

Mr. Marvin stated well to comment on the traffic report, we have had the traffic study updated, I think Kurt, you have the information tonight...

Mr. Johnson stated yes I do.

Mr. Marvin stated we had the same consultant take a look at it with respect to 80 units and his, I'll let Kurt really address it but his findings on that are essentially that there's no measureable impact of...

Board Member Montesano stated he doesn't live around here, do he.

Mr. Marvin stated well I mean this is what he does, he does traffic studies, he lives in Westchester somewhere.

Board Member Montesano stated reality is different from paper.

Mr. Marvin stated well, I mean, you know...

Board Member Montesano stated sit out here...

Chairman Rogan stated we would obviously need to take a look at that...

Board Member Montesano stated read it.

Board Member McNulty stated review that.

Mr. Marvin stated absolutely, we're going to submit it...

Chairman Rogan stated sure.

Mr. Marvin stated I'm not telling you to take my word for it but we have had him take a look at this and his indication was that there's no change in the traffic, I think it was something like 5 trips an hour or something, at peak time difference.

Mr. Johnson stated yeah, if it's more than 12 then you have to reevaluate.

Mr. Marvin stated so, it wasn't something that's going to significantly impact, what we're proposing is consistent with what's on the adjoining site and these active adult communities, typically are the kinds of communities that most towns and jurisdictions want to have in their town because it adds significantly to your tax base without consuming a tremendous amount of services. I went through this discussion for quite a period of time back a couple years ago when I was asking this Board to recommend that the zoning change be made and at that time I brought in a number of studies that were done throughout the country, that showed the positive tax and economic benefits that these kind of communities provide to the place where they're built. So I think that this is an opportunity here really for the Town of Patterson to take advantage of that, I mean, again without the numbers at my fingertips, the bottom line was, you know, each of these units would pay a significant amount of school tax and because its active adult, it would mean that they have to be owned and occupied by people 55 years of age and above, you get virtually no school children, okay, so they're paying a heavy school tax load and they're not adding to the use of the schools and the cost of the schools, the people that live there many of them, you know they live here, they go to restaurants, they go to the grocery store, they go to the hardware store, they spend their money here, the economic benefits of a community like this really has quite a good ripple effect and I think there's an opportunity here that the Town of Patterson can take advantage of that, so and I understand your comments but I think that you should really take a good look at this and see if it makes sense because we think it does and a number of 48 is not economically feasible, if the unit count is 48 units, this is, we're done, I mean it's not going anywhere.

Chairman Rogan stated why was, we were using 48 [units] in the past because of the R-4 zone.

Board Member McNulty stated based on the R-4.

Mr. Marvin stated yeah.

Chairman Rogan stated I tend to agree with Ron, it probably seemed a bit misleading then for you to continue with that thought process, instead of saying I understand you're doing this based on the 4 acre zone but we have no, we cannot do this project at 48 [units], back 3 years ago that seems a bit, let's do what we need to do now to get the zoning changed and then we'll come in and push for whatever we can get. That's just in good faith, that's kind of what it feels like.

Mr. Marvin stated well we were never committed to any kind of a 48 unit count development, I think that at that time Mr. Zarecki did have a concept drawing with showing the 48 units but it's turned now with the infrastructure costs that are going to be incurred to do, the infrastructure cost doesn't change significantly whether you have 48 units or you have 80 units...

Chairman Rogan stated sure, sure.

Mr. Marvin stated and when you take those costs and you divide them across 48 units, it can't, it doesn't work, it absolutely doesn't work.

Chairman Rogan stated now the sewage system though is already in place, correct.

Mr. Marvin stated it is and it has...

Rich Williams stated potentially, we have, we haven't, we haven't verified that but potentially it's there, yeah.

Chairman Rogan stated okay and that was something that was paid for by the DEP.

Rich Williams stated DEP has upgrade that plant to a new state of the art facility, we've been in it, it's lovely.

Chairman Rogan stated you're sick.

Mr. Marvin stated my understanding and Kurt has information on that that the sewer treatment plant as it exists now, has the capacity to service the 80 units, yes.

Mr. Johnson stated we're actually under the total capacity that's allowed in that system now, we've actually under that number based on bedroom count.

Board Member McNulty stated I was new on the Board back then when you came in front with that plan of...

Mr. Marvin stated yup.

Board Member McNulty stated 48 units or whatever, density was an issue for the Board, I remember that and now the term active adult, is there any legal ramifications...

Mr. Marvin stated yes.

Board Member McNulty stated with that over age qualifying...

Mr. Marvin stated that's...

Board Member McNulty stated because that's what we recommended is age qualified to the Town Board.

Mr. Marvin stated that's right and that is, the active adult residence is a defined term in the zoning law that was approved by the Town Board okay, which requires you know 55 years and older to be the owners and occupants of these.

Board Member McNulty stated I know a lot of discussion went on about 55 and older and they get stuck and they have a 3 bedroom and their daughter gets divorced or for some reason has to move in and now a child is in the place and that was a big concern...

Mr. Marvin stated Federal law will not allow you to prohibit a child from living there, that's against the law but what we can do is require by deed restriction or there are different ways to accomplish it that the ownership has to have at least the person 55 years of age or older but you cannot have a law that says you can't have anybody, say under 21 or something like that, it's age discrimination.

Board Member McNulty stated and I remember that discussion and that became an issue for density and traffic flow, I know you presented a traffic report back then, I don't recall details of it...

Mr. Marvin stated yup.

Board Member McNulty stated but the density is definitely a concern of the Board here, there is going to have to be some compromise.

Chairman Rogan stated if I remember part of the concern revolving around that issue, the traffic control was based on the older resident not making as many trips of course as younger people would...

Mr. Marvin stated that's right, yup.

Chairman Rogan stated and we also said that we wished this was a flip flop property, in other words you put the older people, for a lack of a better term up front closer to the road, so they're not driving through, in this case you have people driving through the other residential areas, it just is the way the lot lays out...

Mr. Marvin stated it is the way it is, yeah.

Chairman Rogan stated I'm not, it's not blameful but it's just it is what it is but I do remember that conversation about trips based on the over 55...

Mr. Marvin stated but the traffic study is based on that dynamic.

Chairman Rogan stated right but based on conversation you're saying though that those number wouldn't really be as accurate because of reality.

Mr. Marvin stated I'm not saying that, I'm saying that you cannot prohibit somebody from having a younger person...

Chairman Rogan stated right.

Mr. Marvin stated reside in the unit, you can't do that.

Chairman Rogan stated right.

Mr. Marvin stated so will that happen, can that happen, if you had 80 units, I would say in all likelihood, there'd probably be a few...

Chairman Rogan stated yeah.

Mr. Marvin stated but there, you know, common sense tells you there's not going to be an awful lot and the statistics which have been done and I can site them to you, don't, again I don't have them here, show that this, that the average school age, the average number of school aged persons that reside in one of these units is something like .1 or something even less than that. Even if you say .1 that would give you 8 school age kids in an 80 unit development and you're paying far, far more school tax than what 8 students in a school system would cost.

Chairman Rogan stated now simply based on traffic, not that I'm expecting you to quote numbers because we haven't done these studies but if you to try to do a traffic study based on these 80 units, for general population, it would be interesting to see what those numbers come out to...

Mr. Marvin stated right.

Chairman Rogan stated in terms of traffic impact to the facility and to Bullet Hole Road et cetera.

Mr. Marvin stated well I'm sure you'll probably get a higher flow of traffic at the peak hours...

Chairman Rogan stated of course, right.

Mr. Marvin stated because you're going to have a lot of people going to work whereas this community will probably have a number of people that are not working anymore.

Chairman Rogan stated yeah.

Mr. Marvin stated you know I don't, I'm not the guy to ask that question...

Chairman Rogan stated fair enough.

Mr. Marvin stated we can certainly have our traffic consultant take a look at that and try to answer, that would just be what my common sense would tell me.

Chairman Rogan stated the gentleman from Zarecki...

Mr. Marvin stated Kurt Johnson from Joe Zarecki's office.

Chairman Rogan stated Kurt, do you want to talk a little bit about what you've drawn up.

Mr. Johnson stated I guess I could do a brief overview; we do have a traffic study just to answer to that since we just spoke there. The traffic study was done in 2010 based on 48 units and what we've done is we've done a cursory review changing companies to a review of that project and looked at it for the 80 proposed units right now and they've basically concluded there's not much change from the original traffic study, we can submit that to the Board if you'd like, I have copies here if you want to...

Chairman Rogan stated sure.

Rich Williams stated if I can jump here, the original report was done by John Collins...

Mr. Johnson stated yes, they are now part of Maser.

Rich Williams stated why wouldn't you simply have John Collins update the report.

Mr. Johnson stated because they are your Town Engineer, I believe, Maser I think took them over.

Rich Williams stated oh yeah.

Mr. Johnson stated so...

Rich Williams stated sorry.

Mr. Johnson stated unfortunately we can't do that.

Rich Williams stated never mind, never mind.

Mr. Johnson stated so, we would have loved to have done that but, so anyway when this was back before the Board a few years ago, with the 48 units, we essentially taken the same portion of the property for

further development out there. We're keeping the easterly portion of the property undeveloped, there is a low point in the property...

Chairman Rogan stated I'm sorry sir, can you just use the microphone because Michelle has to capture this, thank you.

Mr. Johnson stated there is a low portion of the property that runs in here, it rises up on both sides, what we've done, there's an existing somewhat deteriorated asphalt drive that comes up through the property and then also this access to the pool, so we're going to utilize generally this drive that runs up through here, minimize the grading that's in through, take advantage of the flat spots as much as possible to create this units in here. So essentially you have a very similar, they are maybe a little more dense than what was looked at before but they're in the general location that was looked at previously with the zone change...

*Board Members having side conversations that are inaudible.*

Mr. Johnson stated I can show you, just to get a general flavor of what we're looking for architecturally, this is a typical 4 unit building, so it would be, you know keeping it low, somewhat in the vernacular style, the existing buildings on that site, you know we don't want to copy them but...

Chairman Rogan stated thank you.

Mr. Johnson stated but, so we're just trying to you know, I think it will be beneficial for the whole project if we can get this in here and really upgrade everything in the whole aesthetic on the place as well as function. There are 204 units in this layout, this is your existing Fox Run as it is now and there are, yeah, 6 buildings in there 204 units and then we've got 80 over here, we're trying to get the general feel and the flow of this thing, you know we're less units over on this side here, we're proposing to create some passive recreation on the easterly portion of the property in here, stormwater we're going to take and probably work with existing topography in here and the (*inaudible*) sewage plant is down in this location here so we'll be tying into that, the water system would require either upgrades to the existing system or our own system which we're just showing here hypothetically to service the 80 units up in here, what else...

Board Member Taylor stated how are you addressing the issue of the wetland that's on the property.

Mr. Johnson stated well we're really not touching the wetland, we're, we don't want to disturb the wetland, we'd like to work with Ted and maybe enhance that wetland, use it for detention, something like that it's a discussion item but it's not a very large wetland, it's about 8,000 square feet, I believe...

Board Member Taylor stated could you point it out to use.

Mr. Johnson stated it's right here.

Board Member Taylor stated and where is the 100' buffer around it.

Mr. Johnson stated uh...

Ted Kozlowski stated yeah, may I chime in now.

Rich Williams stated well wait, if it's 8,000 square feet it's not regulated.

Mr. Johnson stated yeah, right so it's not...

Ted Kozlowski stated well, that's what you're saying and Kurt, I'd love to work with you, I've worked with you in the past, I need that wetland identified, field identified, flagged, so I can verify whether it is regulated or not but I will say upfront, be aware that there is a vernal pond in there or something, 8,000 feet doesn't mean anything, okay.

Mr. Johnson stated there was a study done in 2004 on this.

Ted Kozlowski stated I need to know what's going on in 2013.

Mr. Johnson stated okay, alright.

Ted Kozlowski stated so, um that's one thing, the other thing is I never recommend putting stormwater in a wetland and you're right on top of that. I don't like lots or units 763 to 771, which is those three units right there immediately on top of the wetland, it looks like you have room to put it someplace else but if that is a regulated wetland then that's under our jurisdiction, I'm going to fully recommend that that wetland buffer be protected because right now the way you have that plan, that's a useless wetland.

Mr. Johnson stated right.

Ted Kozlowski stated that is not a good, positive so let's take a look at it and let's make sure it's not...

Mr. Johnson stated okay, we're pretty sure it's not regulated but we need to discuss that.

Ted Kozlowski stated we need to verify that and you know, if there's anything in there, you know, if there's a vernal pond or anything like that, it's regulated and no matter what size it is, so it's been a long, long time since I've been out on that property and I need to see it.

Mr. Johnson stated and again I think what we're trying to get to a point now, we have a concept plan at 80 units, we'd love to get some sort of, you know, okay from the Board to pursue this to the next step, feeling comfortable that we can take a hard look at this, blow these all up to 50 scale, work with Ted, work with Rich and getting this to the next step, that's where we want to be.

Chairman Rogan stated I think the next step common sense wise would be for us to get back out on the site because many people have not been on the site and as Ted stated, it was almost, it seems like it was quite a few years ago.

Ted Kozlowski stated a long time.

Chairman Rogan stated I remember there being a junkyard on site, running right down the middle, where whenever they did construction, they must have just dumped stuff, so you know I'm sure that's still out there but I think it makes sense just at a minimum to just do some simple staking, maybe the proposed road layout or something, just to give us an idea.

Rich Williams stated stake the two front corners of the building units.

Mr. Johnson stated yeah, I think we have some of that actually in place...

Chairman Rogan stated yeah, real simple..

Mr. Johnson stated I'll verify and we'll get that staked.

Chairman Rogan stated okay, I think it'd be appropriate for us to get out there and really take a hard look at this again because it's been so long ...

Mr. Johnson stated sure.

Chairman Rogan stated and again in consideration that half the Board are new people.

Mr. Johnson stated I think it's a great idea.

Chairman Rogan stated and get a lay of the land and re-familiarize ourselves, there is a lot of history on this that we went through, as soon as I saw you sitting there, I kind of started recalling some of the conversations we had and I think it's unfair of course to ask for a thumbs up at this point in time with this because we do need to take a look.

Mr. Johnson stated fair enough.

Chairman Rogan stated you know, at the end of the day I'm sure the overwhelming goal here is to see what fits, what works, and what doesn't work and I think we'll proceed reasonably even though there is a little bit of mixed emotion here tonight, I think we need to just proceed like you know, we normally would and make sure that we can build these within the restrictions of our code and the confines of the environment and the layout of the land and we'll be reasonable and we expect you to be reasonable also.

Board Member Taylor stated I have a question for counsel.

Mr. Marvin stated yes.

Mr. Liguori and Rich Williams stated which counsel.

Board Member Taylor stated you. He's the engineer, you're counsel.

Chairman Rogan stated no, there was counsel sitting behind him.

Mr. Marvin stated that's me.

Board Member Taylor stated no, that's not our counsel, that's not our counsel.

Mr. Marvin stated not me.

Chairman Rogan stated okay.

Board Member Taylor stated are we now stuck with this 80 units or the discussions we had previously that we thought put a maximum limit on this, can we enforce them.

Mr. Liguori stated we have to follow what's in our code, if our code permits it, then that's what we're obligated to follow.

Board Member Taylor stated and what does the code say on this.

Rich Williams stated did you read the minutes, okay, then you're well aware that at the end of the day the recommendation that went over to the Town Board was to approve the code as it was submitted and that you would wrestle with the density issue when the site plan was presented and you would evaluate the site and see if whatever density they were proposing is appropriate for the site and that's where we are. We need to get out there, we need to take a look, we need to look at the wetlands, we need to look at, you know, stormwater and traffic and all the issues which are really going to dictate the appropriate density for the site.

Mr. Johnson stated and actually as we read the zoning code for the multi-family overlay, the amount of square footage of land that's required for each unit, we're well below that number for unit, you know, 3 bedroom...

Rich Williams stated that's correct.

Mr. Johnson stated yeah, so we're below what the code would allow at this point.

Rich Williams stated right.

Board Member McNulty stated keep in mind we made a recommendation to the Town Board based on previous conversations that we would tackle these issues based on previous R-4 zoning, so we're going to have some concern here that, not that it would be limited to that completely but we're going to look at the density hard...

Chairman Rogan stated and the impacts.

Board Member McNulty stated the impacts of the density.

Rich Williams stated as well they should.

Chairman Rogan stated right, okay, so why don't we, I think we've pretty well kicked this around tonight to at least say that we need to get out on site, some general staking which you believe most of its already there, just make sure that we can get a sense of what...

Mr. Johnson stated and when do we schedule that site walk.

Chairman Rogan stated well we'll schedule it...

Mr. Johnson stated okay.

Mr. Liguori stated okay, getting there.

Chairman Rogan stated and we're usually pretty good at getting around the sites on our own, you certainly can be there but...

Mr. Johnson stated yeah just so we get a heads up just so we can get the proper staking in for you.

Chairman Rogan stated of course, yeah, we do say to communicate with Rich's office.

Ted Kozlowski stated is the wetlands delineated out there, is there flagging out there.

Mr. Johnson stated again it was probably done in 2004, I doubt it's out there now.

Chairman Rogan stated no, it's not out there anymore.

Mr. Johnson stated I'll get you the report at least, so you have the report to take a look at.

Ted Kozlowski stated well let's revise the report, let's have somebody go out there, take a look at it, give us an analysis of what's there and put some flagging up so we can see what you know, let's agree on what that wetland does and needs.

Mr. Johnson stated okay.

Board Member McNulty stated if you let Rich know when you're staked, then we can setup out site walk.

Mr. Johnson stated I think most of its done, I'll just verify.

Rich Williams stated okay.

Mr. Johnson stated centerline of road, a couple building forms...

Rich Williams stated yup and then if you can give me a plan showing where the stakes are.

Mr. Johnson stated definitely. Thank you very much.

Mr. Marvin stated thanks a lot.

Chairman Rogan stated thank you, thanks for your time.

Mr. Marvin stated thank you very much.

#### **4) ROUTE 22 WINGS & THINGS SITE PLAN – Concept Review**

Mr. John Orgoch, the Applicant and Mr. Dino Rentoulis, the Property Owner were present.

Chairman Rogan stated is anyone here for Route 22 Wings & Things, come on up sir. Good evening sir, how are you.

Mr. Orgoch stated good day gentlemen.

Chairman Rogan stated what's your name sir.

Mr. Orgoch stated John Orgoch.

Chairman Rogan stated John.

Board Member McNulty stated hi John.

Chairman Rogan stated how are you.

Mr. Orgoch stated I'm doing fine, sir.

Chairman Rogan stated John, you are.

Mr. Orgoch stated I'm the renter of the old Daniel J's restaurant on Route 22, the new place.

Chairman Rogan stated oh okay, you're the renter and operator.

Mr. Orgoch stated Route 22 Wings & Things...

Chairman Rogan stated your daughter when you came in...

Mr. Orgoch stated Amanda with me also, yes, the whole family is actually there.

Chairman Rogan stated and how's it going so far.

Mr. Orgoch stated excellent, everything's been up and we're just trying to get a little bit more parking space, like I'm limited to 100 people and it should have a 206 capacity and I'm not able to open up the rear dining room to have parties, I have Jehovah's want to rent, I have a lot of people looking to rent the room and I can't move forward here. I'm paying for a building that I can't, you know park any cars outside right now, so I'm having an issue...

Chairman Rogan stated okay.

Mr. Orgoch stated I have permission from the owner on my lease to use the southbound lot, if possible, if I can use it, which the ski mountain used it for many years over there I believe, to see if I can park some cars in there to try to do some valet parking or something like that for the parties, I would like to try, if I can. As well as there's parking spaces in front of the place that I believe that belong to the restaurant owner which is the southbound lot, 3.55 acres there and nothings been put on papers years ago for it but the space is actually there and it is paved, so what I'm trying to do is actually just be able to use the property right now it's in the courts...

Chairman Rogan stated yeah.

Mr. Orgoch stated the property does belong to the southbound lot and I guess the owner of the mountain and as far as a lawsuits going with the owner of the place is another issue in itself...

Chairman Rogan stated you're kind of stuck in the middle.

Mr. Orgoch stated yeah, where Putnam court states right now that the property should actually stay the way everything was, so I would believe that would be to the owner's rights of the southbound lot to use the land for parking for temporary right now, until something is done further with it as far as the renter's purposes of it, I would that that would be permitted for now or to move forward with the southbound lot, something there that I would be able to bring some cars in and people can have some fun.

Board Member McNulty stated I think what we discussed at the work session is it's not really the right time for us to make any motions now on this current parking laid out because it's in the courts, correct, we talked about that, not to not use the south lot but as, on this plan laid out in the easement...

Mr. Orgoch stated the um...

Rich Williams stated well that, here's the \$64 question...

The Secretary stated thank you.

Ted Kozlowski stated thank you sir.

Chairman Rogan stated thank you Teddy.

The Secretary stated thanks Ted.

Rich Williams stated I mean that's the \$64 question, I would agree with you that we're not going to have any parking in that driveway road right of way owned by currently Patterson Center LLC but on the southerly lot, if we're clearly on the southerly and even if it's shifted down a little bit, so it's out of any disputed area, that would be fine.

Board Member McNulty stated but not access from the easement.

Rich Williams stated well that's a separate issue, which I addressed in my memo based on correspondence that we had with Robert Lusardi who was representing at the time Putnam County National Bank, who owned the property prior to Patterson Center and honestly Patterson Center and Putnam County National Bank, they're all owned by the same people. It was his opinion in a lengthy memo that the southerly parcel did not have an easement to access that from the driveway, that was his opinion, so you know, you can talk to the attorney about whether that opinion is valid or it's not valid, my direction has always been not to fight the fight because you know, it's just a contracted fight that you may or may not win but simply access the southerly lot from a different direct.

Board Member McNulty stated yeah, that's what we talked about at the work session,

Mr. Orgoch stated but as far as the parking spaces that, see there's a right of way there for the Ryder Brothers that's been there before the Ryder Brothers bought the lot and everything was subdivided many, many years before we were all here and our ancestors, basically when it goes back to...

Board Member McNulty stated that's the issue in the courts, correct.

Rich Williams stated no.

Mr. Orgoch stated well it goes back to basically the lot line in front of you, that property belongs to the south lot, not to the Ryder Brothers, not to anybody else and it states there 32.5' of the Ryder Brothers right of way, there is 67' from the corner of the restaurant out further which gives us almost 22' area to park cars and you only need 12' and the 9' space they said, so that's why we addressed this as temporary situation until this situation is taken care of. The restaurant's been open for 20 years, you guys have been up here, Ming Hoy, everybody's went to it and everybody's always parked in that space, there's never been an issue, Bob Conklin I talked to, had a right and he said we're more than welcome, if it's his property we can park on it, if it was the owner's property and we would still be able to park on it and that's how everybody tries to get along up here, you know as neighborly people. Basically what's going on with the property right now, it does belong to the south lot until the court says different, no one owns it, no one can say that no one can park there and it shouldn't be done that we should not be able to park there because it does belong to the south lot, so the only thing we're trying address is that we can make spaces out of it for now and park cars there to fit us in for now, to see what has to be done with the court and Putnam County...

Board Member McNulty stated we understand what you want to do, it's just...

Mr. Orgoch stated well I'm stating but Putnam County Court has stated also that everything should stay in court, I have the owner with me, if you'd like to talk with him, he can address it a little bit further but I think what we're trying to do here is basically use the property that belongs to the owner of the property, which has the rights to us parking there and I don't see why there should be an issue, 20 years, again we go back to the same problem, it's always been parking for everyone and it was never an issue. This ski mountain parked in the lot, in the south lot, there was never an issue, so.

Board Member McNulty stated I don't think it's a problem, an issue with much of the Board that parking is used, it's just a matter for us to make a motion on it that is some in a legal limbo...

Mr. Orgoch stated right, it's going to be temporary, temporary, something is what I'm basically trying to do.

Board Member McNulty stated that, I guess we need advice from counsel on what to do here.

Rich Williams stated yeah, I mean, I mean...

Mr. Orgoch stated I'm trying to do something temporary until a decision is made with the courts, you know.

Board Member McNulty stated I understand.

Rich Williams stated you need legal and you also need history and the issue is this, with all due respect to Putnam County court...

Mr. Orgoch stated right.

Rich Williams stated they don't set zoning and they have no legal authority...

Mr. Orgoch stated right.

Rich Williams stated to sit there and tell you what is and is not allowable use...

Mr. Orgoch stated correct.

Rich Williams stated unless it's actually adjudicated before them.

Mr. Orgoch stated okay.

Rich Williams stated so, let's forget about Putnam County court...

Mr. Orgoch stated okay.

Rich Williams stated the issue, the whole issue become a problem in the mid-2000's when there was a lot of legal wrangling going on between the Rentoulis', the property owners of both the north and the south property and Thunder Ridge and trying to get the site plan done and then who owned what property to the north, to the south because your father adamantly said we're not going to allow parking on the south, so at

that point there was site plan approved which defined the parking for the Alpine Restaurant, even though traditionally there's always been parking some place out there...

Mr. Orgoch stated right, I mean I'm up here 30 years and everybody's parked there...

Rich Williams stated I always assumed its...

Mr. Orgoch stated in the same place and they parked in the south lot also and nobody bothered nobody, everybody just gets along up here, we don't have fences here, I thought I lived in the City, that's where they have gates and fences.

Rich Williams stated well you know, I grew up in Patterson, I mean you know, it was cow country...

Chairman Rogan stated a long time ago.

Mr. Orgoch stated yeah, it was always land...

Rich Williams stated we could do what we want, go where we want...

Mr. Orgoch stated sure.

Rich Williams stated but as times change, regulations change, the intensity grows, we need to be more aware of what the impacts are and how to properly manage those impacts and that's where we are today...

Mr. Orgoch stated correct.

Rich Williams stated I don't think anybody says that you can't park on the southerly parcel, as a matter of fact, I think we would all encourage you to park on...

Mr. Orgoch stated right.

Rich Williams stated the southerly parcel so you can have full access of the building, I mean...

Mr. Orgoch stated correct.

Rich Williams stated we don't want you to see, we don't want you to have a partially used building, its not benefitting anybody.

Mr. Orgoch stated that's what it's been for 2 months so far.

Rich Williams stated the only question, the only question I think really that needs to be discussed here tonight is how that's going to happen and what you need to do tonight is to define what the improvements are going to be, what they're going to look like, is it going to be grass, is it going to be item four, is it going to asphalt, is it going to marked out, is it not going to be parked out and then what legal mechanism is going to tie that parking permanently back to the north, so that today you know, your lease says you have the right to do it but that's not a long term commitment.

Mr. Orgoch stated correct, correct.

Rich Williams stated for keeping that parking with that restaurant, right, so if we're going to allow you to use that parking and have full use of the building, we, the Town needs to be assured that that parking is going to be there long term and not terminate tomorrow...

Mr. Orgoch stated right.

Rich Williams stated and if it does terminate tomorrow, we need to know that...

Mr. Orgoch stated then it would have to move further into the grass area where the south lot would be and we would have prep something like you're saying.

Rich Williams stated yes that but also that you know, if you don't have those parking spaces then you're not going to have full use of that building, so.

Mr. Orgoch stated correct and as far as the court states right now, that and the land belongs to the south lot, correct, until further...

Rich Williams stated you know what I'm not...

Mr. Orgoch stated that's what I'm trying to understand here, who owns the property, that's basically the bottom line and I guess what I should do...

Rich Williams stated well that's, that's...

Mr. Orgoch stated is I'm going to let this gentleman stand up because I can't do this...

Rich Williams stated I don't think that's really an issue for anybody here right now.

Mr. Orgoch stated why don't you talk because I don't know where to go with this.

Board Member McNulty stated I think we're looking at from the Board is that, we'd like to see the lot get used but it has to be conform with today's codes. Years ago we worked all over, am I right Rich...

Rich Williams stated yeah.

Board Member McNulty stated so what we're looking to do is bring that lot into conformity for a parking lot.

Mr. Rentoulis stated absolutely, gentlemen how are you.

Board Member McNulty stated which means you need to have a plan with signage and drainage and parking with sizes and dimensions and those types of things.

Mr. Rentoulis stated absolutely.

Chairman Rogan stated what's your name sir.

Mr. Rentoulis stated Dino Rentoulis, property owner, I'm John Rentoulis' son, I have power of attorney for my father's business up here in Patterson as well.

Board Member McNulty stated okay.

Mr. Rentoulis stated the reason why we got into this whole legal mess with our neighbors is I started to erect a fence, I came here to get, to update an approval, everything was great except we needed to work out who it belonged to. I started you know, putting in the posts, I already ran the fence the roll, everything and he went to court to put a stop work order on the fence until it was, until we did settle it. As of now, currently the property belongs to us, my father and myself, the Rentoulis family, they are arguing otherwise, they are claiming that A. it belongs to them and B. if A doesn't work, they have adverse possession of parking there, regardless of what we decide or what the Town of Patterson decides, they think that they can just park there, no site plan approval, nothing and the property off from the strip is, they actually paved when the ski ran the gas line from [Route] 22 to Old [Route] 22, I guess they ran the gas line, they ended up paving, I don't know if you recall before it was all dust and rocks, from the perimeter of the restaurant, the 14-1-45 lot, it was rocks and dust and everything and when they ran the line, they ended up paving all the way to the grass area. What didn't know is that part of that section was ours, so all the pavement, everything is already done and another matter that I'd like to bring up is that my father, he had a site plan for the parking lot back in, I believe it was 2004/2005, it was from Salmon Survey and I guess he's stopped the, the, the, the act because people were parking there regardless and he didn't want to make a site plan for a parking that everyone would benefit not just, you know, solely for the restaurant because we had the ski people parking there, other people but we couldn't really differentiate between ski people and customers and this was there from Jimmy O's and from Ming Hoy even before that, I read all of the, the documents and what our neighbors are trying to say is that we have access to the north, aka the restaurant property from that driveway but we don't have access to the south lot from that driveway, quote unquote strip of land, that they own, that the bank owns and I looked everywhere in the history, nothing stops us from crossing that driveway onto the south piece of land, nothing, the only thing that filed with the Town of Patterson are 20 letters from you know the, our neighbor's attorney saying that we can't cross over meanwhile it's okay for them to cross from the ski customers crossing from the main from the strip of land onto the south lot but we can't do it, we meaning the Rentoulis family, can't cross from that strip of land onto the south lot and there's no other way to access it, we could get curb cuts, I've even spoken to people from the Department of Transportation and they don't know why we can't cross onto that, there is nothing that states we can't cross from that easement onto the south lot of our property. So with all that said, I would just like for my tenant for his business to flourish and until you know, all this, the smoke clears, I would appreciate it if he's given the opportunity to park the cars there for increased capacity, you know the place has been vacant for quite some time now, for 3 years.

Chairman Rogan stated a lot has been said but it started out by saying why don't we get a site plan for that parking lot showing a different point of access, why don't we proceed that way, isn't that where we...

Board Member McNulty stated or even a...

Rich Williams stated that, that...

Board Member McNulty stated a real site plan that...

Mr. Orgoch stated that's the southbound lot, if anybody wanted to do anything with that southbound lot and the compact wouldn't be able to issue somebody was saying about the compact being an issue, you want to make it a parking lot, you know then you have to make it for the, why wasn't it done that way years ago...

Chairman Rogan stated what's the compact, what are you talking about.

Mr. Orgoch stated all of a sudden now we have to do something, I can see it's open land, I mean if I go to the flea market down the street on Patterson, you go in and you park your car...

Chairman Rogan stated well we asked you have, we said we didn't know what, sir, sir...

Mr. Orgoch stated they give direction.

Chairman Rogan stated slow down a bit, slow down, you're really getting all over the place.

Mr. Orgoch stated okay.

Chairman Rogan stated but before Mr. McNulty said you know, you need to let us know what you're proposing, are you proposing a grass lot, are you proposing a gravel lot, are you proposing macadam...

Mr. Orgoch stated for the southbound lot, I would need it to be a grass lot for now because that's what the land is...

Board Member McNulty stated okay, this is a concept plan you submitted, we can't...

Mr. Orgoch stated that concept...

Board Member McNulty stated approve this plan...

Mr. Orgoch stated that concept shows the property line with the grass of the paved area, that's paved.

Board Member McNulty stated as, I understand well what we need like anybody else that comes in front of the Board...

Mr. Orgoch stated right.

Board Member McNulty stated is a real plan that shows property lines, shows signage...

Mr. Orgoch stated that has it all on there, that is it sir, it's all shrunk, that's all it is, the property line where you see the parking spaces there, across the line, is all blacktop, that's all blacktop area.

Board Member McNulty stated it shows signage, we're not going to approve a plan based on this plan.

Mr. Orgoch stated okay.

Board Member McNulty stated we need a real plan.

Mr. Rentoulis stated John, I think what the gentlemen are trying to say is that...

Board Member McNulty stated you need to show if there's any drainage involved...

Mr. Orgoch stated okay.

Board Member McNulty stated the size of the parking stalls...

Mr. Orgoch stated okay.

Board Member McNulty stated if you look at our code, it's pretty explicit of what we look for and that's what we just, that's the kind of thing that solves these issue in the future that you're having now, that's what we're trying to get to.

Mr. Rentoulis stated well we do have site plans now that we're in the midst of whole legal matters, surveys and site plans have been submitted to you know, Putnam County Court but I assure you that as soon as all this gets resolved that an actual site plan with the signage and the one ways and the stop signs and the painted lines...

Mr. Orgoch stated and speed bumps.

Mr. Rentoulis stated and the speed bumps, everything will come into play, I just can't now at this point, preform that work and then you know, god forbid it gets overturned in the courts and they say oh well sorry you did all that work for nothing and you spent even more money than you had to.

Rich Williams stated if I can jump in here, we keep trying to mix apples and oranges here...

Chairman Rogan stated exactly.

Rich Williams stated the issue in the court is a property boundary, where that line is drawn, the issue before the Board is parking...

Mr. Orgoch stated temporary.

Rich Williams stated from that line but it can't be temporary, that's the problem, it can't be temporary...

Mr. Orgoch stated okay.

Rich Williams stated but parking, parking spaces from that line, wherever it ends up, ends up to your benefit, ends up to the...

Mr. Orgoch stated right.

Rich Williams stated the bank's benefit, wherever that lines ends up, we're going to design a plan showing parking going south...

Mr. Rentoulis stated correct.

Rich Williams stated that is going to be used by the restaurant, so it doesn't matter what the court does right now because we just can shift that line over a little bit.

Mr. Orgoch stated okay, so basically you're saying we should take the southbound lot and use some of that for parking basically on the grass for now.

Rich Williams stated I'm saying you've got to have a site plan showing the parking...

Mr. Orgoch stated a site plan to park on the grass lot.

Rich Williams stated well assuming they're going to waive everything and allow it to remain grass.

Chairman Rogan stated and we could, going along with what Mr. Rentoulis said, you can have a plan that shows a certain build out of that parking lot in an ideal world then we can phase that plan, you can say that for instance, I mean we've done it with potential...

Rich Williams stated yeah.

Chairman Rogan stated we can say here's what you'd like to have...

Mr. Orgoch stated okay.

Chairman Rogan stated good business, 2 years from, the courts settle, whatever it takes but you say okay now we're ready to put a little bit of money into this, so we can utilize a 220 seat restaurant or whatever it is...

Mr. Rentoulis stated correct.

Chairman Rogan stated you say hey we're going to start out, we have you know grass or gravel or something and there are trigger levels that say here's the plan so that we can do what we ultimately want to do or here's the plan that we have to do if we find out the place is a muddy mess and people are getting stuck, you can have a phased plan. So we need to have that conversation about ultimately because it doesn't make sense to go through this and then a year from now say well now we're ready, now we want to do the full, you know, let's just do it, you already have the plans, they've already, your dad already paid for those plans...

Mr. Rentoulis stated right.

Chairman Rogan stated you just need to expand on them a little bit with the guidance from a reputable engineer and you know...

Rich Williams stated turn it up.

Chairman Rogan stated please.

Board Member McNulty stated I think what you're hearing is the Board's not against you having parking, you just need to do it right and go through the process, I know you're in a rush because your restaurant's open, you want to do it but this is a concept plan, now you have to take it to the next level and bring a true site plan to us and there's where you're going to have to decide do you go for it now, do you want for the court decision and that's your call.

Chairman Rogan stated Mike, please...

Mr. Liguori stated I think, I just want to clarify a few things, one is when I look at this drawing, right, which is an as built survey of what's out there, roughly, okay, my understanding of the litigation from our very brief discussion that we had earlier is that when you come in from [Route] 22 to that strip, okay, so if you come from the south and you make a right hand turn, you're heading north, you make a right hand turn into that driveway, so you make that right, the question that's out there on that, that legal document that's recorded in the land records says you can come into that driveway and you can use that for access to park on the north parking lot which I believe to be this area here, is that right or am I getting that wrong.

Rich Williams stated yes, yes, it's that area, anything to the north.

Mr. Liguori stated anything to the north, okay, so the question that's out there is, is you know, the court is going to decide, if this litigation is still pending, I'm curious if it is or isn't, is it still pending, is there still litigation as of today.

Mr. Rentoulis stated yeah, there's still litigation, yeah I think the, we have one appearance at the end of October, it was actually just brought to my attention that there is word that they may be settling, I'm not sure, my attorney is in contact with their attorney.

Mr. Liguori stated okay so, alright, so right now we don't know if there's a settlement or not but I think what the Board is telling you, I'll put this up so that there's no confusion.

Mr. Rentoulis stated right the different access points, the only thing is that when you're coming northbound and you enter the property, there is a huge delta, in the beginning, at the mouth of that...

Chairman Rogan stated yeah.

Mr. Rentoulis stated that easement, that strip, there's a huge delta and it's very easy for vehicles to enter the property and to exit...

Board Member Taylor stated but that's not the issue, that's not the issue, let's let Mike finish what he was saying.

Mr. Liguori stated alright, so you guys want to take advantage of this here but this is what's litigated, right.

Mr. Rentoulis stated correct.

Mr. Liguori stated okay, so what the Board is telling you is if you want to create a plan that avoids this litigated area right now so this guy can use the extra 200, you know the extra 100, you know, seats of capacity that this restaurant has, right, we can make that work if you come in with a parking plan that avoids that for right now, right, if you come in with a fully conforming plan, let's say it's, I can't say if it can be grass or it can't be grass, that's for your engineer to take a look at, follow the zoning code, if you have, let's say a curb cut over here, that makes that work, if you know you're going to have event, you can come in with a plan that has, here's what's going to happen, people are going to use this driveway because that's what's there, it's common sense, right...

Mr. Rentoulis stated right.

Mr. Liguori stated but if you have a plan that had a valet parking system for large events, they'll come in, they'll valet their car, your guy will take the car, put it in here in a conforming spot that's mapped out, that's permanent that will work, okay...

Board Member McNulty stated yup.

Mr. Liguori stated and that's...

Mr. Orgoch stated we can cross their land then, we can go across there with no problem.

Mr. Liguori stated my understanding and look I haven't looked at the document...

Mr. Orgoch stated okay.

Mr. Liguori stated but my understanding of the document says you can come in and park, you can use this access and park to the north, right so you can use this access, leave your car right there...

Mr. Orgoch stated okay.

Mr. Liguori stated and who cares where you park it after that as long as it's not in the disputed area and it's not in the right of way, you hear what I'm saying.

Board Member McNulty stated there's nobody that can tell you can't walk back to Old [Route] 22 and come around the corner.

Mr. Liguori stated come around the corner, right.

Mr. Orgoch stated it's so hard to stand there and stop these people, they come into the restaurant and then I have Nick come over and say they can't park there...

Board Member Montesano stated but that's not your job.

Mr. Liguori stated they don't know what's...

Board Member Montesano stated that's not your job.

Mr. Orgoch stated so what do I tell the person when Nick comes up and wants to ticket the cars or something.

Mr. Liguori stated wait, wait, if you legitimize the use of the south lot, right, then...

Mr. Orgoch stated so I'm going to tell the lady in high heels that she has to go and park into that grassy area and where all the snow is after I plow it out, I'm trying to figure how I'm going to do this, I'm going to be honest with you, you're in a suit right now...

Chairman Rogan stated maybe you should pave it.

Mr. Liguori stated these are the rules.

Mr. Orgoch stated and I have to park in that lot, you know what I'm trying to say...

Chairman Rogan stated you just gave us the reason to tell you pave it.

Board Member Montesano stated now we can tell you to pave it.

Chairman Rogan stated pave it, what are you, you can't argue both sides of it.

Mr. Orgoch stated so basically the way those spaces are right now...

Mr. Rentoulis stated the only problem is the reason why we like to...

Mr. Orgoch stated where those spaces are right now.

The Secretary stated whoa, whoa, whoa.

Chairman Rogan stated whoa, whoa, whoa, one at a time please.

The Secretary stated one at a time.

Mr. Orgoch stated from where the grass, okay...

Mr. Liguori stated I'm not...

Mr. Orgoch stated I would just, a question on something.

Mr. Liguori stated your engineer...

Mr. Orgoch stated yup.

Mr. Liguori stated will tell you...

Mr. Orgoch stated okay.

Mr. Liguori stated where your setbacks are...

Mr. Orgoch stated okay.

Mr. Liguori stated okay, that's not for us to tell you, that's in the zoning code, you can open up the zoning code and your engineer can draw some lines here and say these are the acceptable areas...

Mr. Orgoch stated okay, no problem.

Mr. Liguori stated okay, Harry can do that and then you can submit a plan to the Board, now look the question on you guys which is obvious to everybody is do you wait for this to be resolved or do you go forward, I'm not saying abandoning these, I'm just saying let's leave them aside for now so your tenant...

Mr. Orgoch stated okay.

Mr. Rentoulis stated right, right, right.

Mr. Liguori stated can facilitate the use of this building while you resolve this litigation.

Mr. Rentoulis stated well hopefully its resolved in the next month.

Mr. Liguori stated and look if it's resolved, then great but you guys still need to, you still need to have a plan here...

Mr. Orgoch stated so that was part of coming, okay.

Mr. Liguori stated okay, that's what this Board is telling you.

Mr. Orgoch stated we can address something for the lot, not an issue...

Mr. Liguori stated right and these guys are saying hey look, submit us a plan...

Chairman Rogan stated sure.

Mr. Liguori stated that's conforming, we'll approve it.

Mr. Orgoch stated I thought that this was the southbound's property and I didn't think it would be an issue for us to be temporary parked on it until Putnam Court says 2 more years down the road, why can't we use it right now because it is Rentoulis' property, that's all my question, that's all my question was to find out what I can do.

Board Member Montesano stated well find it in the code.

Chairman Rogan stated we're not saying you can't use it, we're saying give us a plan so we can approve it...

Mr. Orgoch stated I understand, I understand that.

Chairman Rogan stated alright great, thank you, we're done.

Mr. Rentoulis stated I totally understand...

Mr. Liguori stated okay.

Mr. Rentoulis stated that's one option...

Mr. Liguori stated and it's...

Mr. Rentoulis stated right, that was one option that we were thinking but putting different curb cuts to access the property, the only reason why we're banking this strip right here is, let's say we do pave it at some point and someone comes along at some point and wants to purchase it and then they want to develop it...

Mr. Liguori stated oh you guys are, this is the landlord, this is the tenant, this is long term, this is the guy that's got immediate problems right now.

Mr. Orgoch stated that would be a lot adjustment, they'd have to cut off a quarter of an acre and make a parking lot out of it, it's a very simply thing.

Mr. Liguori stated that's between you guys, you guys gotta figure that out, that's not these guys problem.

Mr. Rentoulis stated exactly.

Mr. Liguori stated correct.

Mr. Orgoch stated yeah.

Chairman Rogan stated fair enough.

Mr. Rentoulis stated well anyways gentlemen, I just figure I'd say that on behalf of the tenant, okay...

Chairman Rogan stated thank you, thanks Dino, appreciate it.

Mr. Rentoulis stated have a good evening.

**5) ROUTE 22 WINGS & THINGS – Sign Application Amendment**

Mr. John Orgoch was present.

Chairman Rogan stated let's move on to the sign application.

Board Member McNulty stated good luck.

Mr. Orgoch stated you want to work something to do with the sign.

Chairman Rogan stated we've got a sign application.

Mr. Liguori stated yeah, we're not sending you off.

Mr. Orgoch stated okay, not off, that's what I thought.

Rich Williams stated that's what he said.

Mr. Orgoch stated yeah, one other one.

Chairman Rogan stated so what do we need to do with this sign, what's going on now.

Mr. Orgoch stated we're basically adding, I'm sorry, I'll let Rich talk.

Rich Williams stated they're actually, they've modified the language from what was originally approved so that's an issue, so it's basically the same size as was approved by the Board originally, I did note that they do not have shielded flood lights on...

Chairman Rogan stated you gotta, yeah...

Rich Williams stated you have to put some shields on those.

Mr. Orgoch stated the flood lights on...

Board Member McNulty stated see these lights on the top.

Board Member Montesano stated on the top of the sign...

Mr. Orgoch stated the lights on the top of the sign.

Board Member McNulty stated these need to be shielded some sort...

Mr. Orgoch stated okay.

Board Member McNulty stated some kind of shroud around it.

Mr. Orgoch stated oh okay.

Board Member McNulty stated they make flood lights that have a shield.

Mr. Orgoch stated I didn't think they were in the drivers' issue but I'll check it out, not a problem, they do make them, I understand what you're looking for.

Board Member McNulty stated the approval was to have shielded lights and I thought they were lower lights coming up.

Rich Williams stated they were supposed to, supposed to go...

Mr. Orgoch stated coming from the top, I stated down I think or from the bottom up, bottom up.

Rich Williams stated what was approved, what was approved for the bottom up.

Mr. Orgoch stated okay...

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

Mr. Orgoch stated it worked out better on the top though but I can move them to the bottom and I can still put some shielded stuff and take, I would like to get more lighting in there if I can because it is not enough.

Chairman Rogan stated sir, all their telling you to do is just put shields on and...

Mr. Orgoch stated no problem, I can do that.

Chairman Rogan stated keep it simple tonight.

Mr. Orgoch stated yes sir.

Chairman Rogan stated alright, thank you.

Rich Williams stated I don't think it matters one way or the other.

Board Member McNulty stated yeah, as long as they're shielded.

Mr. Orgoch stated no problem.

Rich Williams stated alright, the only other issue I had with the sign was A. it's advertising the catering hall, I don't know if we have enough parking for the catering hall, it's advertising cruise night, I was hoping John would explain what cruise night is...

Mr. Orgoch stated basically what I was doing was to try to design something where people can bring out their old hot rods and cars and gather people into the field area during the summer as well as to bring more business to the area. I want to do farmer's day out there and I also wanted to do, bring in the local farmers

to bring in a farmer's day on Sundays, that's what I've been trying to do but I've been held up by opening for about 3 months ago I should have been open and it didn't happen until about 2 months due to a couple of different things on updating the building and putting it up to spec, is what I tried to do and everything is done as far as that point, I thought I was up to a capacity for 200, Board of Health came in and said 198, the Fire Marshall came in said do this, this, this, I updated the whole building \$7,000, alarm system, everything's there, up to speed and I'm told I'm only allowed 100 people, so it shut me down right there. So now I'm trying to find some parking spaces, temporary, I have things coming out, I have a grand opening tomorrow night...

Board Member Taylor stated okay, you're getting off topic again.

Chairman Rogan stated we're talking about a sign.

Board Member Taylor stated we're talking about the sign, stick with the sign...

Mr. Orgoch stated okay, no problem.

Board Member Taylor stated no excess background just stick with the sign please.

Mr. Orgoch stated okay the signage rest as of an 8' by 8' sign, we did forget to address Angelina's Catering Hall on it and the only reason why the Angelina's there because someone said I should name it instead of being Route 22 Wings & Things Catering Hall, it should have a name, so I named it after my wife's grandmother, mother, I'm sorry excuse me and car cruise night was basically for the gentlemen to bring out their cars, give them 10% off on the bill when they come in and bring their car, saying hey you know that's my car, beautiful cars outside, trying to gather people in the neighborhood and that's the only reason we addressed it and added it which we should have added it to the first sign and my daughter forgot to add it to there...

Chairman Rogan stated okay.

Mr. Orgoch stated so I did put in a separate application about two or three weeks ago to do that, to add that to the sign, it doesn't exceed its heights or width or anything...

Board Member McNulty stated I think our concern at the work session was where it has upcoming events...

Mr. Orgoch stated and the upcoming events, correct.

Board Member McNulty stated somehow that was going expand or get lower...

Mr. Orgoch stated yes, yes, would be bring more things which would be out to the field, which would bring the farmers' day in that would be farmers' day.

Board Member McNulty stated yeah but our concern is that sign not expand larger than what was approved.

Mr. Orgoch stated it's not, it is 8' by 8', is has enough room for me to do anything what I would want only on the upcoming event area which is going to be, it is 12 by 6' and that area I would be bringing farmers' day in, would be car cruise night...

Board Member McNulty stated do you have removable letters or something you can put in there, how does that work...

Mr. Orgoch stated I have for the area where the update would be, where you're having update, upcoming events would be something there, would be all removable letters that would be taking down and bringing back in which would be the same size and same colors of what's there now which would be white.

Rich Williams stated and again...

Board Member McNulty stated I personally...

Rich Williams stated not trying to get off topic but as this relates to the sign, my concern was the sign is advertising events that are, have a parking demand exceeding what is currently available and he's proposing to do that in the field and as long as everybody's aware of it and comfortable with it, that's fine...

Mr. Orgoch stated that's, yeah...

Board Member McNulty stated I personally don't have a problem with a change in the lettering or of the sign as long as it's within the size that was approved.

Mr. Orgoch stated yes, it is, it would stay that size, it wouldn't get any bigger than what it is right now.

Board Member McNulty stated that was the only question I know that I was talking about...

Mr. Orgoch stated yes and we did forget to actually add that, these were things that we wanted to do over the summer but we never actually got the option...

Board Member McNulty stated yeah, this is the last sign that we approved.

Mr. Orgoch stated because I held back, correct, that is the sign, correct, and on the bottom of that, is basically only adds 2' by 8' would make the whole sign 8' by 8' that I got approved for in the beginning...

Chairman Rogan stated okay.

Mr. Orgoch stated but we didn't know exactly what to put on there and again I did get held up for a little while with some other things to try to get through the summer with the farmers' day I was trying to get out there but we couldn't do it.

Board Member Taylor stated okay, you're getting off [topic] again. There was an issue mentioned at the work session about the height of the sign and things blocking the view of the next store...

Mr. Orgoch stated yeah, we checked that, everything was pretty good I believe.

Board Member McNulty stated I think we said 14' would be the top of the sign and we figured an 8' by 8' sign, so if you're within those limits.

Mr. Orgoch stated you said 4' off the ground I believe, right was the approval, to be 4'...

Rich Williams stated well no, we went back and forth on that.

Board Member McNulty stated we approved 14' to the top of the sign.

Rich Williams stated yeah you did approve 14' and it is at 14'...

Mr. Orgoch stated to be at height at 14' to whatever it would come to at the bottom or you want it 4' off the ground.

Board Member McNulty stated well if it's 8' down then it would 6' off the ground.

Mr. Orgoch stated 6' off the ground, okay.

Rich Williams stated right, the issue the additional sign that's on there which we're not talking about which is the chicken wings, the banner.

Mr. Orgoch stated no, not at all, of the chicken wings banner, the temporary sign that I have the on posts you mean.

Board Member McNulty stated we approved it temporary, I think 60 days was it...

Mr. Orgoch stated yeah.

Rich Williams stated or until the regular sign is up.

Board Member Montesano stated the sign is up.

Board Member McNulty stated oh okay.

Board Member Taylor stated and there are also a number of signs on the lawn.

Mr. Orgoch stated yes sir, there's signs out there for advertisement, that's a very blind space over there for anybody to see.

Board Member Taylor stated you have 64 square feet for advertising.

Mr. Orgoch stated on that sign I do, yes...

Board Member Taylor stated yes.

Board Member Montesano stated on that...

Mr. Orgoch stated but I have things, what I'm trying to do right now...

Board Member Taylor stated no, no, no, no, no, no...

Mr. Orgoch stated is I'm trying to bring in dart night and other things to advertise.

Board Member Taylor stated listen, listen to me...

Mr. Orgoch stated okay.

Board Member Taylor stated you have 64 square feet for advertising...

Mr. Orgoch stated yes.

Board Member Taylor stated period.

Mr. Orgoch stated okay.

Board Member Taylor stated that's what's allowed, period.

Mr. Orgoch stated okay, no problem.

Board Member Taylor stated so you need to figure out how to get it on your sign...

Mr. Orgoch stated can I ask a question...

Board Member Taylor stated you can't scatter signs all over the lawn.

Mr. Orgoch stated can I asked a question...

Chairman Rogan stated you might want to handle that first.

Mr. Orgoch stated am I allowed to pick up that piece of plywood and post it to a van I was told because people have been doing it up and down [Route] 22 because they're not getting permission to put up signs, so my question would be to you, can I take those posted signs or banners and put them on a van and park a van there because I need to advertise for people to see it.

Chairman Rogan stated you're right everybody's doing that, that seems to be the reasoning for everything...

Mr. Orgoch stated and they're doing it for a reason because...

Board Member McNulty stated John you have understand...

Mr. Orgoch stated I'm just trying to find out can I do that.

Rich Williams stated no.

Board Member Montesano stated you can't do that.

Board Member McNulty stated as a Board we follow the code...

Mr. Orgoch stated I'm trying to do that.

Board Member McNulty stated so we start, well you're not with all the extra banners.

Mr. Orgoch stated I understand, you're asking to take it down but I'm asking a question.

Board Member McNulty stated let me finish.

Mr. Orgoch stated okay.

Board Member McNulty stated if you put all the banners out...

Mr. Orgoch stated yup.

Board Member McNulty stated now the guy up the road at Post 22 wants to put all the banners...

Mr. Orgoch stated right.

Board Member McNulty stated and we tell him no, after we let you do it, so...

Mr. Orgoch stated no, I've been taking them down and putting them up, different times.

Board Member McNulty stated you have to understand where we're coming from...

Mr. Orgoch stated I understand.

Board Member McNulty stated so if you want to park a van there plastered with a sign, I don't think there's anything we do about it.

Mr. Orgoch stated okay.

Rich Williams stated you cannot do it, don't suggest you can.

Mr. Liguori stated I'll make it simple.

Board Member McNulty stated okay.

Rich Williams stated don't.

Mr. Orgoch stated my point is is its allowed as what I was told from what I see up [Route] 22, this is different.

Board Member Taylor stated it's not allowed.

Board Member McNulty stated not a permanently parked vehicle, I don't know what's allowed or not.

Board Member Montesano stated if you tell somebody you're going to shoot them, you think they're going to smile at you and let you do it.

Board Member McNulty stated strike that comment.

Mr. Orgoch stated hell no.

Rich Williams stated Jesus.

Mr. Orgoch stated so my question was, the van thing, I won't ask it, I won't ask.

Board Member Montesano stated don't ask questions *inaudible – too many speaking*.

Chairman Rogan stated hold on, whoa, whoa, whoa, alright, listen we have a sign application, we have a lot of feedback...

Mr. Liguori stated don't violate the code.

Mr. Orgoch stated okay.

Mr. Liguori stated okay.

Mr. Orgoch stated so it shouldn't be on the ground.

Mr. Liguori stated 4 words.

Chairman Rogan stated if you want to come back next month and ask the question, in fairness to the rest of these people, we will do that but...

Mr. Orgoch stated I don't know.

Board Member Taylor stated we will not entertain that question.

Mr. Liguori stated I'm telling you, you either come back with that parking plan...

Mr. Orgoch stated no problem, I'm not doing that.

Mr. Liguori stated these guys are going to be pissed and the Building Inspector is going to be out there citing you and if you get cited for a violation, these guys can't process your plan.

Mr. Orgoch stated I understand.

Mr. Liguori stated okay.

Mr. Orgoch stated alright.

Mr. Liguori stated so.

Mr. Orgoch stated that's what I'm trying to understand.

Board Member McNulty stated make a motion on this, do a SEQRA determination on the sign application for Route 22 Wings & Things, declare a negative determination...

Board Member Montesano seconded the motion.

*Chairman Rogan asked for all in favor. The motion carried by a vote 4 to 0.*

Board Member Taylor stated I'd like to qualify that...

Chairman Rogan stated sure.

Board Member Taylor stated as long as it's 6' off the ground...

Chairman Rogan stated perfect.

Board Member Taylor stated otherwise there is an impact.

Board Member McNulty stated okay.

Chairman Rogan stated perfect, thank you.

Rich Williams stated it is currently 6' off the ground.

Board Member McNulty stated okay.

Board Member Taylor stated okay, well as long as it remains 6' off the ground.

Chairman Rogan stated very good.

Board Member McNulty stated and I'd like to make a motion on the sign application for Route 22 Wings & Things that allows the added verbage, upcoming events and Angelina's Catering Hall as long as the sign does not exceed the 8' by 8' area that was original approved and the 14' height and also to update the lights up above to have shields on them of some sort.

Mr. Orgoch stated not a problem.

Chairman Rogan seconded the motion.

*Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.*

Chairman Rogan stated thank you sir.

Mr. Orgoch stated thank you gentlemen.

Chairman Rogan stated we'll see you as soon as you get going on the parking.

Mr. Orgoch stated thank you sir, thank you, have a good evening.

Chairman Rogan stated alright, thank you. Okay, I lost track of where were.

Board Member McNulty stated Rich, I'll talk to you, I don't know about the vehicles, so I'll talk to you about that.

Mr. Liguori stated you're getting a beating later.

Board Member McNulty stated wouldn't be the first.

**6) A.J. MAXWELL – Site Plan Application**

Mr. Harry Nichols, the engineer, was present.

Chairman Rogan stated do we have any here for A.J. Maxwell.

Rich Williams stated I think he left.

The Secretary stated no, Harry's here.

Chairman Rogan stated okay, we'll get back to him.

Board Member McNulty stated no, Harry's here.

Chairman Rogan stated is Harry here for Mr. Maxwell.

Rich Williams stated yes.

Chairman Rogan stated nobody here for Mr. Maxwell, okay we're going to move on, oh hey Harry...

Board Member Taylor stated too late.

Mr. Nichols stated good evening.

Chairman Rogan stated how are you sir.

Mr. Liguori stated I should have brought my tap shoes tonight.

Rich Williams stated huh.

Mr. Liguori stated I should have brought my shoes tonight, I've never stood up this much.

Board Member Taylor stated yeah alright, that's what we're looking at...

Chairman Rogan stated energy.

Rich Williams stated it's amazing.

Chairman Rogan stated you know, a lot invested, you can certainly appreciate that, you know what I mean.

Mr. Liguori stated these guys are helpless...

*Inaudible - Whispering*

Chairman Rogan stated okay, how are you Harry.

Mr. Nichols stated good evening.

Chairman Rogan stated good evening, it's always nice to see you. What are you in here for tonight Harry.

Mr. Nichols stated well this is a, (*inaudible – mumbling*) looking at what we're trying to put together for a site plan.

Chairman Rogan stated okay.

The Secretary stated I'm not coming in tomorrow.

Rich Williams stated I don't blame you.

Mr. Nichols stated there's a lot of other concerns about this property...

Chairman Rogan stated well let's start with.

Mr. Nichols stated we're basically involved with this 50' by 100' square foot building, we're looking to do light manufacturing which would be countertops be cut and put together...

The Secretary stated Harry, use the microphone please.

Mr. Nichols stated pardon.

The Secretary stated thank you.

Chairman Rogan stated perfect.

Board Member Taylor stated take it out.

Mr. Nichols stated and also to retain some of the prior uses that have been used in there, one being as a repair shop also.

Chairman Rogan stated okay.

Mr. Nichols stated reading through the memo here, I see where you're asking us to divide up the building into the portions that it would, would represent what the intentions are and that's fine and we will certainly take care of that. As far as the tenant who is proposing to do the counter tops, he will need a display area for the pieces of marble that will be used for the top, he has a rack that he stacks them in and this allows the perspective customers to pick the piece of stone that they would like their counter tops manufactured.

Board Member Taylor stated is that this materials display area.

Mr. Nichols stated yes, yes, that's what that is. To get there, there currently is a gravel road that is the main access coming in off [Route] 22, it as a paved apron but it doesn't come in the property very far, we are proposing to reconstruct the grade of the road to make it more accessible...

Chairman Rogan stated okay.

Mr. Nichols stated and that stretch coming down the slope to where it levels out which proposes to put in permanent pavement. Mr. Maxwell is not here tonight but he had a proposal for some manmade material to use as a surface material, it's almost like a rubber, I've represented it as being a gravel road which would be widen to a proper width to handle two-way traffic and I assume that you'd want something a little more substantial than just gravel, however the reason we are proposing gravel because the use of the facilities is going to be limited basically to a few customers on a daily basis coming in for that one building. If the activity increases and by all means I certainly have a hard time saying that he should not pave it.

Board Member Montesano stated trucks coming with the items that this gentleman is going to develop...

Mr. Nichols stated yes.

Board Member Montesano stated are they going to float across or are they going to run on a road.

Mr. Nichols stated they would run on, well a gravel road that's safe.

Board Member Montesano stated so if they come in heavily loaded with certain countertop materials and they rut it out, he's going to redo the road, whenever that occurs.

Mr. Nichols stated if that's the case and it becomes a problem, then we'd obviously have to do something but right now that's pretty, it's been pretty well packed down by the constant use that it's had over the years.

Board Member Montesano stated no one's really come in with a 20 ton truck...

Chairman Rogan stated it's an existing road.

Board Member Montesano stated full of countertop material shall we say.

Mr. Nichols stated so we're not talking about frequent trucks loads coming, we're talking about maybe on occasions it would be a truck delivering the sheets of marble.

Board Member Montesano stated and those trucks are what, they come in with one or two pieces when they come in.

Mr. Nichols stated two pieces, it would be a tractor trailer, I'm sure, a flatbed...

Board Member Montesano stated oh tractor trailers, well they don't weigh much do they.

Mr. Nichols stated yes they do.

Board Member McNulty stated question Rich, we talked about the history of this on...

Chairman Rogan stated don't take it out on Harry.

Board Member McNulty stated at our work session where this was an existing building that burnt down...

Rich Williams stated correct.

Board Member McNulty stated it was used for storage...

Rich Williams stated correct.

Board Member McNulty stated it was rebuilt with a previous Building Inspector and its zoned commercial here.

Rich Williams stated it is in the C-1...

Board Member McNulty stated C-1.

Rich Williams stated yes.

Board Member McNulty stated so the use that's going to be used for this building now, is it C-1 use, does it qualify for that C-1, is this something that has to go through zoning as well because that would determine how we would look at the plan...

Rich Williams stated sure.

Board Member McNulty stated if it's going to be an industrial site, we would look at the plan different as if it was a commercial site, correct.

Rich Williams stated define for me the difference between commercial and industrial.

Board Member McNulty stated it's in our code written somewhere, I'm sure I could look it up.

Rich Williams stated alright, you're going to look at the site based on the intensity of the use of the site, what's going on out there...

Board Member McNulty stated and that's my question, what's the use...

Rich Williams stated right.

Board Member McNulty stated is it conforming use, I mean...

Rich Williams stated let's not worry about commercial versus industrial...

Board Member McNulty stated okay.

Rich Williams stated let's look at you know, is he going to have tractor trailers out there and does he have adequate room to turn them around, is he going to have large consumers out there, are they going to be processing food out there, what's the use of the site and what are the improvements that are necessary to meet the needs of the use. In this case he's proposing to have a light manufacturing operation which is a use permitted in the C-1 zoning district...

Board Member McNulty stated could be retail with a special use.

Rich Williams stated by special use permit by the ZBA, I expect though it's not shown on the plan, he's going to have some sort of retail component to the project because he's going to want customers coming in, he's going to want to be selling out there and the only thing I'm a little bit fuzzy on is the equipment part of the operation and exactly what type of equipment, what's he going to do because our code allows on the C-1 zoning district, you know the repair, restoration, auto body work, car sales, things to do with motor vehicles that are open to the public so it seems like he's trying to do something out there that's different than that, it looks like he's trying to do some heavy equipment repair, though I haven't been out on site, I'm not sure. So that was one of my questions what is the equipment component to this building and then we can go from there.

Mr. Nichols stated so it's my understanding that he has been using for repair of...

Rich Williams stated he's got nothing approved out there except for a warehouse out there for a flea market, so he intends to use it for.

Mr. Nichols stated repair of vehicles that belong to him as well as equipment that he has and some of it is construction equipment.

Rich Williams stated so that is a contractor's yard, not permitted.

Mr. Nichols stated okay.

Ted Kozlowski stated may I.

Chairman Rogan stated hi Ted, of course.

Ted Kozlowski stated Harry, good evening, good to see you.

Mr. Nichols stated good evening.

Ted Kozlowski stated who flagged and approved the wetlands out there.

Mr. Nichols stated who flagged it.

Ted Kozlowski stated yes.

Mr. Nichols stated Dough Gaugler, DEC.

Ted Kozlowski stated okay, this is the first time I'm seeing this, okay and I'm looking at the soils maps...

Mr. Nichols stated yes.

Ted Kozlowski stated and the soils maps show sun soil and fredon, those are extremely hydric soils yet they're not in the wetland and those soils happen to be right next to everything that you're proposing to do so I am going to ask the Board and ask you, I need to see those wetlands on the site, it doesn't make sense to me what is on this paper, okay. I have never seen sun soils dry, they are one of the most hydric, wet soils there is outside of palms muck and yet the wetland is far to the west of that line and that makes no sense to me...

Chairman Rogan stated it's not on this plan.

Ted Kozlowski stated and with all due respect and all, I need to see that in field and I need to see the flagging. When were these wetlands flagged.

Mr. Nichols stated these were flagged about 4-5 months ago.

Ted Kozlowski stated okay, Harry you know, you've been in the Town a long time, you know how we operate, how come nobody ever called me to ask to verify wetlands, that's part of my job, that's what we do, you're not before this Board and the wetlands have not been approved by the Town and you're asking this Board to approve a site plan that 4 or 5 months ago I could have been out there and given you advice and guided people...

Chairman Rogan stated it's too wet.

Ted Kozlowski stated it didn't happen and I just that wetland is going in a straight line, I never see wetlands in straight lines unless there's a reason for it, a person, a manmade obstacle, road, ditch, something but you've got freedom, you got sun and then you've got a straight line wetland, totally to the west of that and it just doesn't make sense to me, I need to see it.

Mr. Nichols stated I understand what you're saying, a lot has transpired on that site over the years.

Ted Kozlowski stated I know Harry and that's why we need to see it.

Mr. Nichols stated and the soil maps don't account for fill that was placed in there.

Ted Kozlowski stated well Harry that's illegal, that's a wetlands violation.

Mr. Nichols stated well and this is what's been, that's what went on in the past year.

Ted Kozlowski stated I'm just saying...

Mr. Nichols stated right, I understand.

Ted Kozlowski stated this is not a good thing and you know, we probably based on what you just said to me, we probably have a major violation out there.

Rich Williams stated let's be clear here, it's illegal if it was done subsequent to 1989, right.

Ted Kozlowski stated well not necessarily if it was DEC wetland.

Rich Williams stated well yeah but that's...

Ted Kozlowski stated DEC wetlands go before 1989.

Rich Williams stated well but Doug Gaugler flagged them...

Andrew Fetherston stated DEC's been out there.

Rich Williams stated he didn't issue a violation so let's, just get on the site and look.

Ted Kozlowski stated we need to take a look at it.

Chairman Rogan stated yeah.

Mr. Nichols stated okay.

Board Member Taylor stated and it seems like Harry you need to address the list of requirements in Rich's memo, just to clarify some of this information.

Mr. Nichols stated yes, yes, this clarifies what I've got to do, I understand, to have a site that is partially used or totally used for one thing and then come back in and try to...

Board Member Taylor stated yeah.

Board Member Montesano stated yeah.

Mr. Nichols stated make it available for other uses, there's a little confusion here as to what's needed and I appreciate the Planner's memo.

Chairman Rogan stated we'll get through it, so let's get out there...

Rich Williams stated so just to be clear...

Chairman Rogan stated the road exists.

Rich Williams stated are the wetlands currently flagged.

Mr. Nichols stated unfortunately we had a few night raiders out there and a lot of the flags, more than half flags were removed.

Chairman Rogan stated wow.

Ted Kozlowski stated what kind of night raiders, Harry, I'd like to...

Mr. Nichols stated whoever likes to steal those orange flags.

Rich Williams stated so then the question I have for everybody here is do we want to wait until the wetlands are flagged and verified or do we want to do a site walk before that.

Board Member McNulty stated well I think we could probably do a site walk and let Teddy take a look at the wetlands, no.

Ted Kozlowski stated guys just remember this is the Great Swamp, DP-22, this is a critical environmental area...

Board Member Montesano stated let them flag it first.

Ted Kozlowski stated the lot edges, this gentleman wants to do something right on top of that, so are we wasting the Town's time and money going out there before these flags, these wetlands flags because we're going to go out there, you're going to see things, you're going to say things, maybe in your mind decide things and then we go back out because the wetlands are not what is on that plan and I'm guessing we're going to have a change on that plan.

Chairman Rogan stated so your recommendation is to get it flagged...

Ted Kozlowski stated my recommendation is get, and again this is not our fault...

Chairman Rogan stated no, I agree.

Ted Kozlowski stated you know these people have been told since I've been ECI since 1990...

Chairman Rogan stated yeah.

Ted Kozlowski stated that let us know when you're going to delineate a wetland because you need our approval and you're coming in 4 months after this is done Harry and what can I say...

Chairman Rogan stated the gentleman who delineated the wetland, you said it was some from the DEC...

Ted Kozlowski stated Dough Gaugler.

Board Member McNulty stated Dough Gaugler.

Mr. Nichols stated Doug Gaugler, yeah.

Chairman Rogan stated now why doesn't and he's from the DEC, or is this something he does on the side.

Mr. Nichols stated no, no, he's DEC.

Ted Kozlowski stated Doug called me when, that's the, the gentleman here from Fox Run, the Gottwald...

Chairman Rogan stated yeah.

Ted Kozlowski stated they called me.

Chairman Rogan stated so why did it not happen in this case.

Ted Kozlowski stated I don't know if, Harry is only told what he's told, okay...

Chairman Rogan stated I understand.

Ted Kozlowski stated I don't know if Doug Gaugler was out there, I don't who's flags are and I don't know who the night raiders are.

Board Member Montesano stated they're not day raiders.

Ted Kozlowski stated day raiders, night raiders.

Chairman Rogan stated okay, okay, so let's proceed and get the wetlands properly flagged, we'll get out there after that's been done, we'll proceed on it, like you said this didn't happen overnight, it's not going to be solved overnight.

Mr. Nichols stated I understand.

Chairman Rogan stated you know.

Mr. Nichols stated yup but what Doug flagged on the surface, I understand what you're saying...

Chairman Rogan stated yeah.

Mr. Nichols stated it doesn't agree with the soil maps.

Chairman Rogan stated because he's not going, he's going by what's visible.

Mr. Nichols stated what do you suggest that we do.

Ted Kozlowski stated I'm going to give Doug a call, I'm going to call him tomorrow and I'm going to ask him about this site. I know Doug, I've been with him...

Mr. Nichols stated sure.

Ted Kozlowski stated I know...

Chairman Rogan stated what's the age of the soil maps.

Board Member McNulty stated that's what I was going to ask, Harry...

Ted Kozlowski stated I don't know.

Board Member McNulty stated but Harry where did you get the soil information from.

Chairman Rogan stated they're pretty old aren't they.

Andrew Fetherston stated yeah.

Mr. Nichols stated this is the current Westchester/Putnam Soil Maps.

Chairman Rogan stated right.

Board Member McNulty stated so there are no cores that have been drilled out there...

Mr. Nichols stated no.

Board Member McNulty stated no verification of these soils...

Mr. Nichols stated these are the soil maps...

Rich Williams stated they just take the soil maps and overlay them onto the plan.

Board Member McNulty stated okay.

Rich Williams stated but let me jump in here on the wetlands, you know we're talking about Doug Gaugler flagging the wetlands, DEC does this all the time, they go out based on DEC's criteria, they flag their wetlands...

Ted Kozlowski stated they don't consider soils.

Rich Williams stated they don't consider soils, they have different criteria than we do. Army Corps has different criteria...

Chairman Rogan stated sure.

Rich Williams stated I mean, we're more aligned with Army Corps than we are with DEC but really what needs to happen here is somebody who is, you know, proficient in flagging wetlands and understanding wetland conditions, needs to flag the wetlands based on Town criteria as well as DEC and...

Ted Kozlowski stated you see we go through this all the time ...

Chairman Rogan stated sure.

Ted Kozlowski stated because it's so easy and the reason, so everybody and including you understand why we have three criteria, we go by any one of the three criteria, you can take a wetland and take a bulldozer and level it, now it's according to DEC it's not wetland anymore because all the vegetation is gone, okay, so that's how people were getting around this for many years, they would just a bulldozer, clear off the vegetation, ah no hydric vegetation, not a wetland. DEC never looked at the soils, you can't change the soils and you don't, it's very hard to change the hydrology so that's why our wetland code has if any one of these three indicators are there, it's a wetland and that's what Army Corps does because this is how people, unfortunately cheat and I'm not saying this person is cheating, I'm just saying those things show very hydric soils, the flagging shows something completely different and it may be entirely possibly that Doug flagged it because he's not recognizing that those wetland soils have been covered over by fill, so when I go out there, I'm going to dig underneath that and that's probably hydric soil and it's probably wetland Harry and this is what people do unfortunately and this is why stuff like this happens, so. My recommendation to the Board is we don't do anything until we resolve the wetland issue out there and it is the Great Swamp, we're not talking about some little pettily wetland.

Board Member McNulty stated you need to get the flagging done.

Board Member Taylor stated so what's this mean.

Board Member McNulty stated so who do we want Doug Gaugler to go back and flag it.

Ted Kozlowski stated I'm going to call Doug but it's got...

Mr. Liguori stated someone has to flag it to the Town's standards.

Ted Kozlowski stated yes.

Mr. Liguori stated they have to hire a wetlands professional to go out there, somebody like Beth Evans or whoever else go flag it, here's the Town regs.

Rich Williams stated and I don't dispute any of that but I do want to remind everybody that this is an existing site that is currently being used.

Chairman Rogan stated exactly.

Board Member Taylor stated is it under Building Department sanctions.

Chairman Rogan stated violations.

Rich Williams stated I don't know for sure, I think it may be in court but I don't know for sure.

Chairman Rogan stated it seems like they had issued violations...

Board Member McNulty stated so does that put us...

Chairman Rogan stated we got copies of the violation, whether or not it's in court or not, I don't know.

Rich Williams stated yeah...

Board Member McNulty stated doesn't that put us back where we don't do anything then.

Chairman Rogan stated well if clearing up, doing this clears up the violations.

Board Member Taylor stated no, it would, this would be resolving the violation but I'm just in response to Rich said something, I'm a little ticked at Rich tonight...

Board Member McNulty stated I don't know what the violations are...

Board Member Taylor stated instead of putting this on us, it's really a Building Department issue to deal with that particular thing, I mean we're trying to work through this as fast as we can, the Building Department needs to stay on their case for whatever violations they had including the signs out front.

Rich Williams stated I don't believe there's been a violation for that.

Board Member Taylor stated so...

Rich Williams stated get it flagged.

Board Member Taylor stated are we done.

Rich Williams stated get is flagged, get the wetlands flagged.

Mr. Nichols stated by Town of Patterson stuff, right.

Board Member McNulty stated yeah.

Board Member Taylor stated good luck Harry.

Mr. Nichols stated okay.

Chairman Rogan stated you might want to stay, might know...

Mr. Nichols stated what's that.

Chairman Rogan stated you might want to stay, there might be some other cases that you might want to hang out for. We still have plenty of things on the agenda and you've already been here all night, where do you have to go now, you know.

Mr. Nichols stated just home.

Chairman Rogan stated no, your wife needs you.

Board Member Taylor stated okay.

Chairman Rogan stated thank you Harry.

Rich Williams stated Harry...

Ted Kozlowski stated Harry...

Rich Williams stated one last thing.

Mr. Nichols stated yes.

Rich Williams stated we do have a provision in our code that if you know, under certain circumstances you can have the ECI actually do the flagging on the wetlands but you're going to have to compensate the Town for doing that.

Ted Kozlowski stated if the applicant will agree to my flagging and re-compensate the Town for my time out there because it's going to, it's really ultimately going to be my decision on whether that's Town regulated wetland or not, according to our standards, so he has that option.

Mr. Nichols stated so no matter what we do out there, we are going to have to satisfy the Town.

Ted Kozlowski stated of course, Harry that's always been the case.

Mr. Nichols stated okay, so...

Ted Kozlowski stated that's always been the case.

Mr. Nichols stated it's not really an option then.

Ted Kozlowski stated no, you have an option to get your own consultant...

Mr. Nichols stated no, I understand.

Ted Kozlowski stated but you'll pay a lot more money.

**Bruce Major** stated you're cheap.

Rich Williams stated you should go talk with your applicant.

Mr. Nichols stated I'll speak with the applicant first.

Chairman Rogan stated low overhead.

Mr. Nichols stated you're familiar with the site, right Ted.

Board Member Montesano stated your name.

Ted Kozlowski stated Harry, I've only been to the flea market, I've never been in the back area...

Chairman Rogan stated right, never been back there.

Ted Kozlowski stated because I've never had reason to be.

Mr. Nichols stated oh, okay.

Chairman Rogan stated never seen this building.

Ted Kozlowski stated I wasn't even aware the building that was in the wetland.

Chairman Rogan stated well it's not, it's in the buffer.

Mr. Nichols stated no it's not, the corner of the building is in the buffer.

Board Member Taylor stated it's on the fill.

Ted Kozlowski stated yeah which they should have got a permit for.

Board Member Montesano stated it was on the fill area, so what do we need.

Chairman Rogan stated they did get a permit, it was revoked.

Ted Kozlowski stated they didn't get a wetlands permit.

Board Member Taylor stated okay, let's move on.

Chairman Rogan stated no, you're right, not a wetlands...

Board Member Taylor stated let's move on.

Chairman Rogan stated in fairness to the people who have been very patient, including you Harry, let's move along.

Board Member McNulty stated thanks Harry.

Mr. Nichols stated okay.

## **7) BONIELLO SITE PLAN – Concept Review**

Mr. Anthony Boniello and Mr. Michael Boniello, the applicants, were present.

Chairman Rogan stated okay, Misters Boniello, right. Mike haven't seen you in a long time, how you doing.

Mr. Michael Boneillo stated how are you going.

Chairman Rogan stated good.

Mr. Anthony Boniello stated you want to sit down.

Chairman Rogan stated you'd think he'd want to stand after sitting for so long.

Mr. Michael Boniello stated not me.

Chairman Rogan stated how are you Anthony.

Mr. Anthony Boniello stated not me. How are you doing gentlemen.

Chairman Rogan stated good, good evening.

Board Member McNulty stated hey Anthony.

Chairman Rogan stated okay, so I have, I am not as well versed in the stuff you submitted yet, I apologize but the rest of the Board has been looking at it. Why don't you walk us through a little bit about what you'd like to do.

Mr. Anthony Boniello stated we have an existing tenant Mr. Accurso, Dominick, who wants to expand into another company selling masonry supply and materials that I was selling before and use the yard for that and basically, waiting, he's going to rent the back building and also rent our yard space for his company and from my understanding he's signed up with Unilock and Unilock will dress up our place, cleanup the whole place for you know, for our real estate I think it would be you know, really, really beneficial to our property.

Chairman Rogan stated if you, when you do this will you have sufficient area to continue to do your work, the power equipment...

Mr. Anthony Boniello stated yes, yes.

Chairman Rogan stated so you just, you're going to eliminate a lot of the outdoor storage of the transitional type stuff.

Mr. Anthony Boniello stated yeah, well I basically cleaned everything up...

Chairman Rogan stated yeah.

Mr. Anthony Boniello stated and you know the storage in the back, he's got plenty of room to do what he wants to do, the bins are there, they've been there and after reading the memo, I did not know it was on my neighbor's property, I know him very well for 20 years and that's not a problem for me, I'll just pull the blocks back but I did not, I just went...

Rich Williams stated until you do a survey you never know.

Mr. Anthony Boniello stated so I got, that's 100% my fault.

Board Member McNulty stated I didn't read Rich's memo.

Chairman Rogan stated Rich, what was that, I'm sorry, I apologize, I didn't read your memo yet.

Rich Williams stated while we were looking at the site plan for the adjacent property to the south...

Chairman Rogan stated okay.

Rich Williams stated when they did an existing conditions survey, they identified that these concrete blocks for the storage units were actually about 5 ½' on their property...

Chairman Rogan stated oh.

Mr. Anthony Boniello stated jeez, I was hoping 5 ½", is it that much.

Board Member McNulty stated so as its shown on the plan, it's not correct.

Mr. Michael Boniello stated no.

Chairman Rogan stated okay.

Rich Williams stated well the location that Anthony has sketched them in...

Mr. Anthony Boniello stated well you can...

Rich Williams stated is not where they currently are.

Chairman Rogan stated got it.

Mr. Anthony Boniello stated it's that far off.

Chairman Rogan stated wow.

Mr. Anthony Boniello stated from which, because I came...

Rich Williams stated you know I'm just, I'm going by what their surveyor did.

Mr. Anthony Boniello stated okay, it must be at the end of it then, I just did it by eye, I just went from the house we own and where it was...

Chairman Rogan stated building to building.

Mr. Anthony Boniello stated what was it, that wrought iron fence that was there and I just followed it, not wrought, the wire fence but that's not a big deal, I can pull it off.

Rich Williams stated 5' is not big...

Mr. Anthony Boniello stated no, it's not.

Rich Williams stated not a big area.

Mr. Anthony Boniello stated but you know he's, you know he's doing a lot for the building and he's done a lot inside already and I just think it's a good idea for him, you know I'm going to help along with it.

Chairman Rogan stated so this is display and storage of his masonry supply business.

Mr. Anthony Boniello stated yes.

Chairman Rogan stated so then he'll be, he'll have crews doing the installation or is this more sale...

Mr. Anthony Boniello stated he's going to be more of a retailer...

Chairman Rogan stated okay.

Mr. Anthony Boniello stated it's up to him.

Chairman Rogan stated so it's like similar to Northeast Mesa over on, they're like an in between person because Unilock doesn't sell to customers anymore, correct.

Rich Williams stated it's very similar...

Mr. Anthony Boniello stated no, he's basically going to be a dealer...

Rich Williams stated that's correct.

Chairman Rogan stated right, yeah.

Rich Williams stated it's just like Unilock...

Chairman Rogan stated yeah.

Rich Williams stated with the exception that there's storage for bulk material.

Mr. Anthony Boniello stated but there is going to be, I'm sorry Rich, there is going to be material on the yard, you know Unilock material.

Chairman Rogan stated right, right and Northeast Mesa had the same, it was, we said don't stack more than so many feet high because it was...

Mr. Anthony Boniello stated correct.

Rich Williams stated right.

Chairman Rogan stated you know, an issue.

Board Member Taylor stated okay, before we got any farther on this I'd like to bring up a point of order, there is an outstanding violation on this and he owes, still owes the Town money...

Mr. Anthony Boniello stated that's correct, for a while.

Board Member Taylor stated I think we are not supposed to be discussing this because of those two issues unless this is going to address either one of those issues.

Mr. Anthony Boniello stated ah well...

Board Member Taylor stated are you proposing removing the patio...

Mr. Anthony Boniello stated with all, with all...

Chairman Rogan stated what's the...

Mr. Anthony Boniello stated well which, you want me to take care of the fees or the patio first.

Chairman Rogan stated let's discuss them both.

Board Member Taylor stated you have two violations, you have two, yes, let's discuss them both.

Chairman Rogan stated let's discuss them both, let's start with any, either one.

Mr. Anthony Boniello stated okay, I'll start with the paying...

Chairman Rogan stated well the patio, is that the one out front, is that the one that was put in...

Rich Williams stated yes.

Mr. Anthony Boniello stated correct, that's basically, you know probably over did it a little bit...

Chairman Rogan stated it looks nice.

Mr. Anthony Boniello stated and yeah but you know, I guess I over did it, so if I need to...

Chairman Rogan stated well so what...

Mr. Anthony Boniello stated so if I need to take it down, you know, I'll take it down.

Chairman Rogan stated what was the issue with that, zoning issues.

Rich Williams stated right, our code says...

Board Member Montesano stated yeah it was supposed to be 6' and 65'...

Rich Williams stated it needs a 65' setback and he only has I think about...

Board Member Montesano stated it has 56'.

Rich Williams stated 56'.

Chairman Rogan stated so the resolution to that is either 1, to cut it back or 2, to get a zoning variance from that setback, so that one you can decide which way to go, you know, so obviously you know, a recommendation from this Board helps with zoning but sometimes I think you're better off going there without, I don't know, I think zoning sometimes they like to just look at things for what they are, so that one probably is not the be all and end all...

Mr. Anthony Boniello stated okay.

Chairman Rogan stated at least in my eyes, I mean I've looked at that patio ten times and you know...

Board Member Taylor stated but a violation is a violation.

Chairman Rogan stated no, no, I'm not diminishing...

Board Member Taylor stated okay.

Chairman Rogan stated I'm saying that I think it's something that one way or another it's, you can resolve, it's not something you can't...

Board Member Taylor stated yes, right.

Chairman Rogan stated it shouldn't stop something from moving forward but you have to take care of it.

Mr. Anthony Boniello stated that was biggest thing, I don't want him to come here and say...

Chairman Rogan stated right.

Mr. Anthony Boniello stated well this is problem, that's a problem, I understand that, as far as the fees, me and my brother got a lot of money invested in the building that we tried to put up and obviously times are times...

Chairman Rogan stated yeah.

Mr. Anthony Boniello stated and there's nothing we can do, I, we, you know, we set something up with the Town and unfortunately me and my brother we couldn't come up with those fees and we're doing everything we can, between doing everything we can and then we're giving as much as we can, you know I've been talking to Emily at Hogan & Rossi and said listen, we need to do something here so you know I've been in contact with her and hopefully we can resolve something with the Town, I'm hoping, you know some kind of money, you know, I gave them some kind of money the first of October and hopefully me and my brother can continue that on a constant basis.

Chairman Rogan stated what was, do you recall Anthony, the when you had setup the payment schedule with the Town, what the payment was supposed to be.

Mr. Anthony Boniello stated yes it was \$1,000 a month.

Chairman Rogan stated \$1,000 a month for how many month it was supposed to be, like 12...

Mr. Anthony Boniello stated back then, it was about \$10,000...

Chairman Rogan stated alright 10 grand...

Mr. Anthony Boniello stated we would have been done within the year and we defaulted.

Chairman Rogan stated and how much had you paid do you figure.

Mr. Anthony Boniello stated I think...

Chairman Rogan stated two or three.

Mr. Michael Boniello stated our original bill was \$16,000...

Chairman Rogan stated oh, it was.

Mr. Michael Boniello stated yeah, we...

Mr. Anthony Boniello stated no...

Mr. Michael Boniello stated the original bill was over \$16,000 but we paid \$5,000...

Mr. Anthony Boniello stated I don't remember.

Board Member Taylor stated so Mike [Liguori], is it in our discretion to decide to waive this condition or not or is that somebody else's call.

Mr. Liguori stated let me just take a look at the code provision and I'll let you know, I just don't recollect off hand what the...

Mr. Anthony Boniello stated well it's not, you know for me and my brother, you know we're going to try to do whatever we can, this is Mr. Accurso, he's very professional, he's very clean, his work is unbelievable, just the Unilock coming in will dress that whole place up.

Chairman Rogan stated Anthony, what I would recommend for from the payment schedule is...

Mr. Liguori stated because if I turn to the wrong two pages you're going to go...

Rich Williams stated I'm not going to say a word.

Chairman Rogan stated if you setup a payment schedule with someone and you say you're going to do \$1,000...

Mr. Liguori stated (*inaudible – speaking to Rich Williams*).

Chairman Rogan stated and times, we all know times are tight...

Mr. Anthony Boniello stated stick with it.

Chairman Rogan stated no, no, no, times are tight, I would come in and say you know what...

Rich Williams stated I'm just trying to help you.

Chairman Rogan stated I can't make the \$1,000 but here's \$400 or \$300 and get the record so it's a consistent pattern of...

Mr. Anthony Boniello stated yup.

Chairman Rogan stated it's not, the money is important because it's all of our taxpayers that go to pay that...

Mr. Anthony Boniello stated correct, correct.

Chairman Rogan stated but it's the pattern of hey, I'm not just ignoring this, if it's you know, to me if somebody owed me money and they came to me and said here \$100 I know it's not \$1,000 but you know it's all I can give you this month, I think that that's important too.

Mr. Anthony Boniello stated you know, we've talking with Emily for a while and I said you know I think me and my brother can come up with \$500 a month, you know and she had said if you can give more, you can give more, if it's less, if it's \$500...

Chairman Rogan stated sure.

Mr. Anthony Boniello stated and we can make that payment that would be great. Like I said this would be big for our place...

Chairman Rogan stated sure.

Mr. Anthony Boniello stated and it would really dress it up and god knows we need it.

Chairman Rogan stated no, I don't doubt that and the other question was your property taxes on the place, are they all up to snuff.

Mr. Anthony Boniello stated which one, the big place.

Chairman Rogan stated well not the one that just came like a month ago.

Mr. Anthony Boniello stated well we're, crap, we've got to go talk to the bank but Mike are we keeping up within that, I know we're behind...

Mr. Michael Boniello stated the property taxes are with the bank, through the mortgage.

Mr. Anthony Boniello stated yeah.

Chairman Rogan stated through the bank, okay.

Mr. Anthony Boniello stated there are small issues, that's why we...

Chairman Rogan stated I mean, I, you know, there isn't a single person in this room that wants you to fail...

Mr. Anthony Boniello stated yeah.

Chairman Rogan stated and I believe that you know, everybody wants you to be in business and doing a good thing, if we can figure out a way to help you out here, obviously everybody is reasonable but we have to just make sure that we...

Board Member McNulty stated I have a comment, Rich you noted that not all the improvements on the plan are going to be updated.

Rich Williams stated basically what Mr. Boniello did was he took a former plan and sketched on it some improvements that he wanted to do but he didn't take off some of the other things like the parking, you look at the plan, I mean, he's got the building where the parking is so nobody could even back out of that space, it became obvious that you know, he doesn't all and essentially he doesn't want to do any of the parking which is why I highlighted in the memo, I did, what he did want to do.

Board Member McNulty stated this came about before I got on the Board, so there is an approved site plan, correct...

Mr. Anthony Boniello stated it's not approved.

Rich Williams stated there was an approved site plan...

Chairman Rogan stated there was.

Rich Williams stated it was a conditionally approved plan that lapsed quite some time ago.

Board Member McNulty stated is this what this plan is based on.

Rich Williams stated no.

Board Member McNulty stated okay.

Chairman Rogan stated it had demolition of some buildings, it had construction of one larger building...

Rich Williams stated yes.

Chairman Rogan stated if I remember correctly, it was quite extensive.

Board Member McNulty stated so where does that put us as a Board, are we acting as an amendment to a plan or is this going to be a new site plan.

Rich Williams stated no, it's a new plan.

Board Member Montesano stated it's a new plan.

Rich Williams stated it's a new proposal.

Chairman Rogan stated yeah.

Mr. Liguori stated on the provision is §154-133.1 and that provision says that the Town Planner, this is outstanding and unresolved violations, shall certify, any application to the Planning Board or Zoning Board needs to come with a certification from the Building Inspector that there's no violations, that's number one. Number two is a certification by the Town Planner that there are no outstanding violations of Chapter 87, which is fees. The Planning Board or Zoning Board of Appeals shall not review any application for a property which has any outstanding or unresolved violations of the New York State Building and Fire

Code, the Patterson Zoning Code or of Chapter 87 unless approval of the application or permit by said Board would cure the violation. So that's that we'd have, that's what we have to look at, is...

Chairman Rogan stated so if the site plan shows the patio for instance as either being conforming or shows it out of conformance with the idea that it needs a variance to get that conformance that would be one way or another resolving that...

Mr. Liguori stated that would resolve the patio.

Chairman Rogan stated the fees are really in essence you're saying fees need to be paid or...

Mr. Liguori stated before you can guys can process...

Chairman Rogan stated some other mechanism set in place that the Town says...

Mr. Liguori stated unless you go to the Town Board and the Town Board says, you know this isn't a provision that the Zoning Board could waive.

Chairman Rogan stated right.

Mr. Liguori stated it's not an area variance or anything like that, it would have to be by the Town Board.

Board Member McNulty stated in this case we need something from the Building Department and from the Planning Office.

Chairman Rogan stated well not from the Building Department, no because the site plan would rectify the patio issue.

Board Member McNulty stated oh okay.

Rich Williams stated on the site plan you would need to show the patio as being conforming, cut back...

Chairman Rogan stated right.

Rich Williams stated or removed...

Chairman Rogan stated or...

Rich Williams stated or it would need an area variance.

Chairman Rogan stated identify it as an issue...

Mr. Liguori stated exactly.

Chairman Rogan stated like many other projects that need variances.

Mr. Liguori stated right.

Chairman Rogan stated this second issue, point of order...

Mr. Liguori stated the fees issue, the only person that can deal with is the Town Board.

Chairman Rogan stated would be the fees to go to the Town, so maybe the idea is to go to the Town and say look, I set up a plan, this is what's going on, this is my intent and if you can get through them...

**Bruce Major** stated public, can the public speak or no...

Chairman Rogan stated go ahead...

**Bruce Major** stated to this issue.

Chairman Rogan stated sure, go ahead.

**Bruce Major** stated Bruce Major, 166 Somerset [Drive]. The only reason why I'm coming up is as you know I go to all the Town Board meetings, I am aware of a couple things, one that Mr. Boniello has submitted letters to the Town Board looking for a payment schedule, it took the Town Board a year, yes a year to finally agree to a payment schedule. I think Rich will verify that...

Rich Williams stated yeah...

**Bruce Major** stated he sent a series of letters.

Rich Williams stated I can't verify that because I'm not aware that they ever came up with a payment schedule.

**Bruce Major** stated well no, they agreed to a payment schedule and it was, subsequently he did not make the payments, the Town Board then directed the Town Attorney to take legal action, okay, to get the money. I believe that according to what I heard Anthony say just now, is that he's been working with the Town Attorney to come up with a revised payment so I would think that if in fact he's working with the Town Attorney, who is working on behalf of the Town Board if the Town Attorney comes up with a satisfactory payment plan, then I think you'd probably okay to go forward as long as he's making his payments but that's sort of the history so that you know that...

Chairman Rogan stated thank you.

**Bruce Major** stated the Town Board did in fact approve a payment plan, thank you.

Mr. Anthony Boniello stated thank you, thank you Bruce. I didn't want to say basically that because like I just submitted the check so...

Mr. Liguori stated I just saw him today, yesterday, today.

Mr. Anthony Boniello stated yesterday, today.

Rich Williams stated today, this morning.

Mr. Liguori stated today.

Chairman Rogan stated long day.

Mr. Anthony Boniello stated okay, so I did but I'm not going to put Emily at Hogan & Rossi to the point where...

Chairman Rogan stated sure.

Mr. Anthony Boniello stated okay, I'm going to tell you I gave them the check.

Chairman Rogan stated right.

Board Member Taylor stated so we need to...

Mr. Anthony Boniello stated it's up to the Town to say okay we accept it and we move forward or if Emily says the Town is not going to accept it then me and my brother have to come up with a different solution but it wasn't for me to say but Mr. Major, thank you.

Board Member Taylor stated so we need a letter from the Town Attorney.

Chairman Rogan stated just something to clarify.

Board Member Taylor stated no...

Mr. Liguori stated well no, we don't, it's...

Board Member Taylor stated we need some clarification.

Mr. Liguori stated we don't speak for the Town Board...

Mr. Anthony Boniello stated she's going to provide it.

Mr. Liguori stated we take orders from the Town Board, so the question to the Town Board...

Mr. Anthony Boniello stated is if they can...

Chairman Rogan stated can we proceed with a...

Mr. Anthony Boniello stated yes.

Mr. Liguori stated is from the Boniello's to the Town Board to say would you permit while we're making these payments, would you permit us to process this application, do you agree to waive this provision while we're in this period of payment, it's not from the Town Attorney is not, we don't speak for the Town Board until the Town Board...

Chairman Rogan stated sure.

Mr. Liguori stated says this is what you can say.

Mr. Anthony Boniello stated that's why I said you know I didn't want to tell you...

Chairman Rogan stated sure.

Mr. Anthony Boniello stated that I'm making payments because it's got to go through them.

Board Member Taylor stated alright, so do we have a second for that resolution.

Chairman Rogan stated yeah, I thought that was well said, I'll make that motion to request that of the Town Board...

Board Member Montesano stated hypothetically. Second the motion.

*Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.*

Chairman Rogan stated and so then, the other issue becomes...

Board Member McNulty stated in regard to a concept plan.

Rich Williams stated wait, wait, wait, did you, Michelle did you get the resolution...

The Secretary stated no.

Rich Williams stated do you know what they did.

Chairman Rogan stated yeah.

The Secretary stated I'm actually not 100% sure what you guys just made a motion on.

Rich Williams stated I don't know what you guys just did either.

Chairman Rogan stated okay, the resolution and we were using what Mike said so eloquently...

The Secretary stated okay.

Chairman Rogan stated because we can never repeat it quite like that was to ask of the Town Board is we can proceed with reviewing a site plan application while Mr. Boniello, Misters Boniello are making payments. In other words there's an outstanding fee but we want to make sure that that we're able to proceed.

The Secretary stated okay and right now you know you have just a concept in front of you.

Chairman Rogan stated yes.

The Secretary stated okay.

Chairman Rogan stated thank you, what we need to do on this plan, is show what you actually want to do and not, right now we're, it's not, we're starting from scratch in a sense but we're also acknowledging that a lot of work was done previously, we had a lot of wetlands review, we know what the impacts were, we delineated a defined area, this is a scaled down version of that, we're not looking at constructing buildings, so to me this is a more simple application, we need to make sure things are of course on your own property, et cetera but if we can get those issues resolved, we would be remiss not to review this application based on its merits.

Board Member Taylor stated as long as we're allowed to.

Chairman Rogan stated exactly.

Board Member Taylor stated you also need to clean this up, you need to get rid of the things...

Chairman Rogan stated well this, this is I think just a, exactly.

Board Member Taylor stated that aren't going to be there that are drawn on there now, you know white out some of this stuff before you go drawing on new things.

Mr. Anthony Boniello stated well it's basically...

Rich Williams stated well let's, before we start whiting things out he's got a plan that's drawn by an engineer...

Chairman Rogan stated right, he's needs to...

Rich Williams stated you can't change that, you can't change a plan that was drawn by a surveyor...

Chairman Rogan stated he can change it, he just can't submit it with a stamp on it, I mean you know.

Rich Williams stated well if he wants to draw a plan...

Chairman Rogan stated and then bring it to his...

Rich Williams stated if wants to trace it and draw a plan, whatever he wants to as long as it doesn't have the engineer's seal and signature on.

Board Member Taylor stated yeah.

Mr. Anthony Boniello stated I should have cut that out, sorry.

Chairman Rogan stated cut that out, oh.

Mr. Liguori stated cut out the any alteration of this plan...

Rich Williams stated so no white out.

Chairman Rogan stated yeah and whether or not it's appropriate at this time to use Joel to, because a lot of the work was done, personal decision, whatever, whatever gets you to the end of your process the fastest to get in place to legitimize what you want to do, that's a personal decision but again you do have a lot of this stuff in Auto CAD and it's plug and play. Now you know, wetlands standpoint, we covered a lot of impacts and a lot of things first go around on this, Teddy, do you see anything based on what the initial information on what is being proposed.

Ted Kozlowski stated I have not seen this plan.

Chairman Rogan stated okay.

Ted Kozlowski stated this just came, this was not in front of me at the last meeting so I don't know.

Chairman Rogan stated it wasn't before any of us.

Rich Williams stated it's all basically in the same area that's currently being used, there's no expansion of that, there's no change in runoff.

Ted Kozlowski stated Anthony, this is all within the paved area...

Board Member McNulty stated Anthony, I...

Mr. Anthony Boniello stated where you put those...

Ted Kozlowski stated so everything, most of his business within 100' of the buffer but it's been like that, so.

Chairman Rogan stated its impacted.

Board Member McNulty stated Anthony, I have a question...

Mr. Anthony Boniello stated sure.

Board Member McNulty stated you mentioned that they're going to clean it up, would that Unilock itself or your tenant.

Mr. Anthony Boniello stated I...

Board Member McNulty stated and when you say cleanup, what do you mean by that.

Mr. Anthony Boniello stated well Unilock from what he says, when he came to me and said they're going to you know, we're going to put patios out and dress the whole place up, as far as cleaning up, I mean by, if somebody came into a commercial building and said listen I'm going to Unilock here, I'm going to put patios here and that's all display that you know...

Board Member McNulty stated well that should probably be on the plan then, correct, its going to be outside the footprint of the building.

Mr. Anthony Boniello stated it's kind of on, I, you know...

Chairman Rogan stated yeah, he did draw a little bit but...

Board Member McNulty stated yeah, I saw that.

Chairman Rogan stated you want to define that, don't let him do anything though, don't let him go to quickly on anything because you may end up with a patio situation because it's all, you know, it's all going to affect the way water flows and you end up with a beautiful existing patio that doesn't meet code, you want to delineate on here, okay they're going to put like for instance you have Unilock displays out on the north side of the building, great its on the plan, we can as, make sure there's no impact to the wetland et cetera plastic pond display, that used to be, wasn't there, what was the busy you had there at one point...

Mr. Anthony Boniello stated the fence company.

Chairman Rogan stated fence, it was all the fence things out there, I'd rather see a plastic pond than a fence personally but just make sure we don't jump too quick...

Mr. Anthony Boniello stated okay.

Chairman Rogan stated don't let him go doing, cleaning up too much or can always remove mowers and...

Mr. Anthony Boniello stated no as far as what I mean by cleaning up, I'm cleaning up the back and getting rid of all the scrap and not having that stuff laying there no more...

Chairman Rogan stated yeah, yeah, right, sure, okay.

Mr. Anthony Boniello stated but I want to be able to say listen, you know, this is what we're going to do...

Chairman Rogan stated yeah.

Mr. Anthony Boniello stated make sure it's cleaned and tight and...

Chairman Rogan stated when you have people coming back there to buy products you want it to look...

Mr. Anthony Boniello stated yeah.

Chairman Rogan stated you know a little landscaping...

Mr. Anthony Boniello stated the way it used to look.

Board Member McNulty stated are you going to stockpile Unilock material as well or is it just displays.

Mr. Anthony Boniello stated he's going to have to...

Chairman Rogan stated store here.

Mr. Anthony Boniello stated displays but I think he's got an excellent idea because he's going to be the closest one to Unilock, even the Unilock rep said to him, you don't have to stock so much, we're right here.

Chairman Rogan stated right.

Mr. Anthony Boniello stated so...

Chairman Rogan stated just enough for display.

Mr. Anthony Boniello stated so he just shoots up and comes back.

Chairman Rogan stated yeah.

Mr. Anthony Boniello stated you know, I think he's got a great idea.

Chairman Rogan stated it's a great product.

Mr. Anthony Boniello stated and it's great product and it's right here.

Board Member Montesano stated it is.

Mr. Anthony Boniello stated what.

Board Member Montesano stated it is.

Mr. Anthony Boniello stated maybe not.

Chairman Rogan stated it's expensive but you get what you pay for I guess.

Board Member Montesano stated my driveways made of it and the walls.

Mr. Anthony Boniello stated I guess the biggest issue is the front porch and...

Chairman Rogan stated well that's not, to me that's not the biggest issue, it's an issue you have to resolve but it's not the biggest, it's an important issue, it's not the biggest issue.

Mr. Anthony Boniello stated okay.

Chairman Rogan stated the biggest issue is how the site lays out making sure you have safe, you're not putting a pile of Unilock stone and it's impacting on anybody getting in and out of the site, making sure that safety is achieved.

Mr. Anthony Boniello stated I think the most stock he's going to have is going to be in the rear.

Chairman Rogan stated so you know, delineating that area is important, having him involved in the conversation so you're not saying we're going to do it here and he says Anthony, that's stupid I got to do it, you know he's going to know the business.

Mr. Anthony Boniello stated the bins are there already...

Chairman Rogan stated yeah.

Mr. Anthony Boniello stated and obviously that whole front is going to be parking and where the bins are but the stuff that he's going to stock...

Board Member Montesano stated when he gets deliveries, is the truck going to be able to turn around and not back out on to [Route] 22.

Mr. Anthony Boniello stated if he can't do it, I'll do it for him.

Chairman Rogan stated yeah, that's important, yeah right, it's true.

Mr. Anthony Boniello stated no, he, usually they all back in...

Chairman Rogan stated that's true, we see that all the time.

Mr. Anthony Boniello stated but they could pull in and back up, there's plenty of room but they don't.

Rich Williams stated I know but it's not something you should ever encourage.

Chairman Rogan stated no of course not...

Mr. Anthony Boniello stated what's that.

Chairman Rogan stated he's saying, I was said they do it all the time, it's horrible, they back, they pull into spots and they can't turn around and they back, back out and...

Rich Williams stated or vice versa, they back in.

Mr. Anthony Boniello stated I gotta tell you maybe once a year a guy pull in but he can get out, I tell the guys pull in, no, no, I'll back up and [Route] 22 is tough but they're good...

Chairman Rogan stated rough, yeah. alright, so we're going to get that information...

Mr. Anthony Boniello stated okay.

Chairman Rogan stated I would recommend you either talk to Joel or someone else who can take the information and run with it, you know...

Mr. Anthony Boniello stated okay.

Chairman Rogan stated to get this because we are going to need it in obviously proper format that we can because you're going to then have an approved plan.

Mr. Anthony Boniello stated okay.

Chairman Rogan stated you know, it's not going to be what you had previously but you're not looking to do that right now, the times aren't what they are...

Mr. Anthony Boniello stated no.

Chairman Rogan stated you can go back to that plan, god willing you know when things are better.

Mr. Anthony Boniello stated oh I hope so.

Chairman Rogan stated you know...

Mr. Anthony Boniello stated it will better, faith, what are you going to do.

Chairman Rogan stated I appreciate that you're in here and we're talking about it...

Mr. Anthony Boniello stated okay so...

Chairman Rogan stated because that's the only way we're going to get anywhere on this is to have a conversation.

Mr. Anthony Boniello stated okay, for the next, get everything on paper...

Chairman Rogan stated I think you gotta get somebody, you have to submit...

Board Member McNulty stated you need a solid plan...

Chairman Rogan stated start planning it out.

Mr. Anthony Boniello stated okay.

Board Member McNulty stated show us what you want to do...

Mr. Anthony Boniello stated okay.

Board Member McNulty stated boundaries...

Mr. Anthony Boniello stated okay.

Chairman Rogan stated the...

Board Member McNulty stated that's something we can work with.

Mr. Anthony Boniello stated okay.

Chairman Rogan stated the person that you get, that you hire and the way in which you proceed can make or break the whole thing, you can be this much of time or you can be what happened previously and it...

Mr. Anthony Boniello stated okay.

Chairman Rogan stated you know what I mean is that you want someone who is going to say here's the information that I need to and they nail it on one submission or two submission, one submission they get a couple comments, we do see that happen occasionally, it doesn't happen a lot because a lot of people don't take the time to really nail it down. They need to understand what you want to do, what this gentleman wants to do and what the Town requires and if there are things that can't be met then we need to know that up front, you say hey I need this parking spot to be you know, 12' long or whatever it is.

Mr. Anthony Boniello stated okay.

Board Member McNulty stated use Rich's memo too, he outlines it, he tells you what we're looking for.

Chairman Rogan stated so...

Mr. Anthony Boniello stated and actually I got a question for Ted...

Ted Kozlowski stated yes.

Mr. Anthony Boniello stated were you, where I've been using the property for 20 years, with the block, am I able to go with the border because he wants to go around that border with the block...

Ted Kozlowski stated Anthony, why don't I come over and see you...

Mr. Anthony Boniello stated okay.

Ted Kozlowski stated okay, you know I haven't been to your place in a long time...

Chairman Rogan stated it's been so long, haven't been there in...

Mr. Anthony Boniello stated okay.

Ted Kozlowski stated so, are you around this weekend, what are you doing.

Mr. Anthony Boniello stated absolutely, what am I going to do.

Ted Kozlowski stated you're always...

Mr. Anthony Boniello stated yeah, I'll be here.

Ted Kozlowski stated you're around.

Mr. Anthony Boniello stated thank you very much.

Chairman Rogan stated thank you.

Mr. Anthony Boniello stated anything else, any other issues.

Chairman Rogan stated no, appreciate you coming in.

Mr. Anthony Boniello stated thank you for this.

Chairman Rogan stated thanks very much. Alrighty, what are we doing here...

Mr. Anthony Boniello stated that was nice of you Ted.

Chairman Rogan stated everything tonight is interesting.

## **8) OTHER BUSINESS**

### **a. Windward Holdings Corp. – Request for Zoning Change**

Chairman Rogan stated Other Business, Rich...

Rich Williams stated yes sir.

Chairman Rogan stated Windward Holding Corporation request for zoning change, what do we have there.

Rich Williams stated the property owner was in at the work session and the Board agreed to do a site walk after he staked it out, he has not yet notified us.

Chairman Rogan stated oh, that's right.

Board Member McNulty stated this is an area going up...

Chairman Rogan stated Fair Street...

Board Member McNulty stated [Route] 311 to your right, no, on [Route] 311...

Chairman Rogan stated oh, I'm thinking across from Fair Street.

Board Member McNulty stated going up the hill from [Route] 164 on the right, south of Bear Hill Estates.

Chairman Rogan stated Bear Hill Estates, yeah.

Board Member McNulty stated I have a comment on that is, I think we need to be up front with the owner, Mr. Branca, I travel that road often, residents travel it, my family travels it, until, unless there's major sight improvements to [Route] 311. You know, the concept I'm not objecting to, look at [Route] 22 southbound, northbound, 4 lanes at [Route] 164 and there's a number of accidents there, I think statistics would back that up. [Route] 311 to have a commercial driveway in and out on that hill is going to be awful tough without some major State road improvements.

Chairman Rogan stated does the property own enough of [Route] 311 on his side of the road anyway to make it, I mean I haven't been out there...

Rich Williams stated there is a considerable run of frontage.

Chairman Rogan stated there is, so the potential is there in terms of knocking back corners and things if it's feasible, I haven't looked at, I mean it hasn't been staked so...

Rich Williams stated yeah, I don't know that corners need to be knocked, we've got to go out there.

Chairman Rogan stated yeah.

Board Member McNulty stated yeah.

Chairman Rogan stated because I do remember us walking that down to the road and it was severe and steep...

Rich Williams stated well he's not proposing to leave it severe.

Chairman Rogan stated right, no, I know, yeah.

Board Member McNulty stated no, he wants to change it from R-4 to Commercial...

Chairman Rogan stated no, I know, yeah.

Board Member McNulty stated but it's the access on and off of Route 311...

Chairman Rogan stated yeah.

Board Member McNulty stated on that hill that's, if you're putting a single driveway in is one thing, to put a commercial building...

Chairman Rogan stated yeah.

Board Member McNulty stated that's another issue.

Chairman Rogan stated look at the cuts that were proposed on Commerce [Drive] weren't they 40' cuts into the hill, the rock that Mr. Monteleone was proposing on that new building, it was something like a 40' cut.

Rich Williams stated yeah, something like that.

Chairman Rogan stated and that's already gone I think.

Rich Williams stated these are greater.

Chairman Rogan stated are they.

Rich Williams stated oh yeah.

Chairman Rogan stated yeah, that's a big hill.

Board Member Montesano stated well you're going to hid, I told you he's going to hire the gravel truck and your guys going to keep making circles all day long.

Board Member McNulty stated his plan was to make a, so it's story in the front and drive up to the other level behind it.

Chairman Rogan stated right, there's a rock blast in Mahopac on Route 6, just past Villa Barone on the right was, until Town sewer's went through there, forget about it and they've been crushing rock off that site, it's next to the Dellamire building...

Board Member McNulty stated for year.

Chairman Rogan stated and that is, you've seen, you know that place across from the D'Agostino's...

Mr. Liguori stated yup.

Chairman Rogan stated and that looks like 150' cut, its every bit of it, they've just been crushing and removing stone and when they're all done I'm sure they'll end up with a small level commercial lot but...

**b. Patterson Fire Department – Proposed Local Law**

Chairman Rogan stated and Patterson Fire Department, the proposed local law. I'm going to start with Ron, you had some great ideas and information on...

Board Member Taylor stated I just wrote up an analysis of the exception to the code that they're proposing. It seems to me after you look at it, consider all of the factors, I don't think we should support it, the

Planning Board should say no, we don't approve this change to the code, I mean it's not for us to whether it gets changed or not but I don't we should...

Chairman Rogan stated recommendation wise.

Board Member Taylor stated yeah, that's...

Board Member McNulty stated at least as it's written now.

Board Member Taylor stated yeah because they are really overstepping what they're proposing as, what they're saying of their purpose which is for emergency notifications and then they go way beyond that in terms of the use of the sign...

Rich Williams stated [*referring to Mr. Bruce Major*] you know I just love this, little creep steps, little creep steps, little creep steps.

Chairman Rogan stated you have good peripheral vision.

Rich Williams stated I'm sorry Ron but yeah, I hear what you're saying.

Board Member Taylor stated okay, that's all, I mean I laid it out...

Chairman Rogan stated no, I think you outlined very well.

Board Member McNulty stated I reviewed Ron's notes as well that he wrote today and I'm in agreement with as he's written it, I couldn't put it any better but...

Chairman Rogan stated no.

Board Member McNulty stated I just think it's such a blanket change...

Chairman Rogan stated basically saying let us do whatever we want.

Board Member McNulty stated it just takes everybody out of the pictures, it's not right, I understand the purpose, I don't have anything against that.

Chairman Rogan stated so we'll keep the purpose, then we'll modify all the rest.

Board Member McNulty stated well for safety and what delineates safety and emergency information, how much can you read on a scrolling sign, who's riding around in an emergency disaster anyway.

Board Member Montesano stated the same person that's working the generator.

Rich Williams stated crazy people on motorcycles usually.

Board Member McNulty stated not in a disaster. On a, the last time when Sandy hit...

Board Member Montesano stated his head is a disaster.

Board Member McNulty stated how did the disseminate their information, was it a hotline number, was there...

Rich Williams stated well we had a couple...

**Bruce Major** stated that was a disaster also.

Board Member McNulty stated okay, well I was trying to understand how that disaster...

Chairman Rogan stated says the voice from somewhere in the room.

Mr. Liguori stated I can't tell if Bruce the Town's subconscious or conscious...

**Bruce Major** stated I try to be both...

Chairman Rogan stated yes.

Board Member McNulty stated Rich how was that done.

Rich Williams stated we had a couple of message boards...

Board Member Montesano stated he encompasses everything.

Rich Williams stated radio, however we could do it but it was mostly the radio and the two message boards, we have one in Putnam Lake and one out from here.

Board Member McNulty stated is there a phone number that the Town call, you can call the Town and get information.

Mr. Liguori stated that's...

Rich Williams stated we are, that's a very good question we are, we have been requesting the County come over because we have to go through the County to do this, I can't go straight to the State and adjoining to a program called New York Alert whereby people can register their cell phone numbers, home phone numbers, email accounts...

Mr. Liguori stated your text messaging...

Rich Williams stated yeah.

Chairman Rogan stated I get them all.

Mr. Liguori stated because you can get, you can be cut off from phone service and get texts, so there's all...

Board Member Montesano stated you can get Amber alerts on your phone.

Chairman Rogan stated I get them all the time.

Mr. Liguori stated yeah there's different technology that's out there.

Board Member McNulty stated question as well, the Rec Center itself, is it a designated emergency shelter...

Board Member Montesano stated shelter.

Board Member McNulty stated for the Town.

Rich Williams stated it can be used as an emergency shelter.

Board Member McNulty stated is that something the Town can really designate and dedicate so if somebody doesn't have phone service, they don't have access to the road, no electricity, they could go to that location and pretty much guarantee that there will be some information there for them, is that something the Town could look...

Chairman Rogan stated answer is not yet but it's a great idea and it's something that I think the Town is interested.

Board Member McNulty stated to dedicate and make...

Rich Williams stated well I think the Town, I think the answer is yes because we...

Board Member McNulty stated it's a dedicated emergency shelter.

Rich Williams stated yeah, I mean, we have our certifications from Red Cross, we've got, you know full emergency backup with the shelter and the kitchen and everything is fully functional...

Chairman Rogan stated it's a great facility.

Board Member Montesano stated showers and everything else.

Rich Williams stated after a cataclysmic event so and the last storm we worked with the County at one point to put beds down there, so...

Board Member McNulty stated yeah my point going there is that a simple sign could display, Rec Center emergency center...

Rich Williams stated yup.

Board Member McNulty stated you know not much more need, you'll get all, you're out in front of this building or the fire house or the library to see that, you're hundreds of yard away from that center so how much information, more information has to be disseminated, that's just my point, the sign...

Board Member Montesano stated eh, you're too close to the center.

Chairman Rogan stated you're up.

Mr. Liguori stated raise your hand too.

**Bruce Major** stated am I up, okay, hi I'm Bruce Major, 166 Somerset [Drive]. This topic is the reason why I have come to the meeting thing evening, I have been at the Town Board meetings. The issue is not

just the Fire Department wanting the sign but we have a library that wants a sign and the Town Board has suggested that maybe they should have a sign too. Now, that's all well and good but I think us taxpayers fund all three of those units, the concern I have is who's controlling these signs and I have recommended to the Town Board that they institute either a local law, I think they'd have to institute a local law, designating someone within the Town as being the emergency manager for the Town, so that any, if there is an emergency that that individual or his designee or her designee can ensure that the information needed for the public can get out there. The concern I have also about three electric signs in a short stretch on [Route] 311 adjacent to a railroad track, creates a hazard because an electronic sign you're looking see, what's there, barriers come down the person who has already seen the sign from yesterday sees the railroad coming, light come on, steps on his brake, I'm looking at the sign because I wasn't here yesterday and there is a rear end collision. Having three of those type, three of those signs up there would be foolish and probably unsafe and I would hope that even if you were going to consider it that you would consider but one sign somewhere for that purpose not three and I would also hope that you would consider using, I think we have a safety board here, safety/traffic board, to also do some research because I'm just going by my own experiences, we all get distracted and we almost hit the car in front of us, we've all experienced that. I think those signs create distractions and I would hope that some good forethought goes into it and I'm hoping that the Town decides to designate someone for emergency management purposes and the reason why I laughed earlier is as you know the Town's generator could not run the phone system so when there's a storm and you want to call the Town to find out where the dry ice is, no one will answer. Thank you for taking my time.

Chairman Rogan stated thank you.

Rich Williams stated no it's not that.

Chairman Rogan stated oh.

Board Member McNulty stated so do we want to...

Rich Williams stated bad planning.

Mr. Liguori stated I think the solution here is to move either the library or the fire house across the street from, so that they're on the same side of the road and then they can share a sign.

Rich Williams stated well you know, they have been from time to time at the same side of the road.

The Secretary stated in the same building.

Ted Kozlowski stated I just, you know...

Board Member Montesano sated same building.

Ted Kozlowski stated do we really need a sign, to me, in this day and age with e-mail, computer, cell phones, people on Birch Hill, I live down in south Patterson, I'm not going to come up here to look at a sign...

Chairman Rogan stated of course not.

Ted Kozlowski stated and I just see these signs as advertisements for carnivals, music, fundraisers, all sorts of stuff which is not the purpose of the sign and to take it completely out of the Town's control and give it

to an organization that we have no oversight on, is a mistake and I think it's an ugly, aesthetic minus, not a plus in a Hamlet that we're trying to retain some sort of aesthetic standard in and that's just my personal feeling. I just think it's not, not necessarily, completely unnecessary.

Board Member Montesano stated I think that if the taxpayers of the Town of Patterson are going to pay for three signs that are going to be doing the same thing, it is a little ridiculous, I don't like particularly like looking at Atlantic City as I'm coming down [Route] 311, with all these signs flashing and blasting away and the liability that's going to be caused by it because oh I was trying to read the sign when he hit me or I hit him, this is ridiculous, you're talking about safety of people but you're going to create an accident situation. I had the misfortune of having a brand new City of New York car with these large red booms on them, full of lights and we stopped at an incident and the gentleman that hit us, when we ended up in court said what red lights and basically you're looking at something that's going to create a major problem and with all due respect to our senior population, they can get distracted and they can step on the brake more times than the gas pedal, that's wonderful but they seem to hit the gas pedal first and that's my feeling on it.

Board Member McNulty stated so do we want to move with a recommendation to the Town Board, I know we talked about the work session putting some notes together, I did not get a chance to do that, I know Ron did.

Rich Williams stated well I had made the suggestion that if you all want to put some notes together, e-mail them to me, I'll put them into a comprehensive document as a recommendation back to the Town Board, next meeting you can review it, edit it and...

Chairman Rogan stated let's do that.

Rich Williams stated you know...

Chairman Rogan stated because I really, I liked some of what I read, I didn't read it all, I was reading it while I was walking in.

Rich Williams stated so it's up to you or if you want to do it a different way, let me know.

Chairman Rogan stated no, I think that makes a lot of sense.

Board Member McNulty stated no that's fine with me.

Board Member Montesano stated you got notes on that...

Board Member Taylor stated Michelle will have to give you a copy...

Board Member McNulty stated should I recuse myself.

Chairman Rogan stated from what.

Board Member Taylor stated Mike needs a copy.

The Secretary stated I didn't get it as of 5 o'clock this afternoon.

Rich Williams stated from what.

Board Member McNulty stated on that letter that you received.

Board Member Taylor stated I did, oh maybe you're not on my list.

Rich Williams stated it's not on the agenda.

Board Member Taylor stated you should be on my list.

Rich Williams stated it's on the agenda.

Board Member McNulty stated it was discussed at the work session.

The Secretary stated you...

Rich Williams stated yeah, the discussion at the work session was don't put it on the agenda.

Board Member Taylor stated I sent it out as an e-mail Mike.

Board Member McNulty stated oh, I didn't know, no one filled me in.

Mr. Liguori stated why don't you recuse yourself so we can go take a vote to close this thing and not have you get in the way.

The Secretary stated they still have to do minutes, sorry.

Board Member Taylor stated well I did, so you should have it in your e-mail.

Board Member Montesano stated oh okay, I'll take a look.

Board Member Taylor stated just check your e-mail.

Board Member McNulty stated I don't know it...

Board Member Montesano stated I was on it this morning and I didn't...

Board Member Taylor stated no I sent it out in the middle of the day.

The Secretary stated there was a new agenda at the door.

Chairman Rogan stated was it on there.

The Secretary stated yes.

Board Member McNulty stated was it on there.

The Secretary stated on the new agenda, yeah.

9) MINUTES

Chairman Rogan stated gentlemen, we have minutes from July 25<sup>th</sup> and September...

Rich Williams stated you put it on the agenda.

The Secretary stated yeah.

Board Member McNulty stated oh, I'm going to recuse myself.

Chairman Rogan stated from minutes.

Board Member McNulty stated no, from...

The Secretary stated you're already done, they did it at the work session.

Board Member McNulty stated oh they did, help me out here.

Mr. Liguori stated Rich's word wasn't good enough, when Michelle said it, that was it, there was like..

Board Member McNulty stated I'm back, I'm no longer recused, I'm back.

Chairman Rogan stated alright.

Board Member Taylor stated no problems with the minutes, they were very nice, short and sweet.

Chairman Rogan stated perfect.

Board Member McNulty stated I had no problem either. I make a motion to approve the minutes of July 25, 2013...

Board Member Taylor seconded the motion.

Chairman Rogan stated you don't want to do September 5<sup>th</sup>...

Board Member McNulty stated and September 5<sup>th</sup>.

Chairman Rogan stated seconded on both.

*Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.*

Chairman Rogan stated motion to adjourn.

Board Member McNulty seconded the motion.

*Chairman Rogan asked for all in favor. The motion carried by vote of 4 to 0.*

The meeting adjourned at 9:16 p.m.