

TOWN OF PATTERSON**PLANNING BOARD MEETING
November 24, 2009 *Work Session*****AGENDA & MINUTES**

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APPROVED

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**TOWN OF PATTERSON
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ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
Marianne Burdick
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PLANNING BOARD

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

**Planning Board
November 24, 2009 Work Session Meeting Minutes**

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

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

The meeting began at 7:32 p.m.

Michelle K. Russo was the Secretary and transcribed the following minutes.

Chairman Rogan stated if I didn't already say that before...

1) QUAKER MANOR RE-SUBDIVISION – Public Hearing

Chairman Rogan stated Quaker Manor Re-Subdivision, we did set a public hearing at the last meeting for this meeting next week and Rich, do we have anything else on that.

Rich Williams stated you do not, there is nothing new on that.

Chairman Rogan stated that is subdividing out the road from the subdivision...

Rich Williams stated from the residential parcels.

Chairman Rogan stated the residential parcels, thank you.

2) INDINSUMR TAT2 – Sign Application

Chairman Rogan stated the tattoo shop should be coming back in for their sign application.

Board Member Pierro stated have they put up a temporary sign Rich.

Rich Williams stated I, they had the Big Joe's sign on the back side of the building, what the Board approved was not that sign. What the Board approved is a temporary sign that they have not put up, I have no, I've tried calling them three times and I have had no further conversations with them, they are not responding and at this point they have not re-submitted any new design for the sign.

Chairman Rogan stated maybe they are still in their creative process for...

Board Member Cook stated is it appropriate for you to call them and say that the Planning Board approved the sign that went into that box, right, that light box, there is no sign there. There is a sign hanging on the building which was not approved and we have not received anything for us to review as a permanent sign, so until we get that, take off those signs that are hanging, those two signs that are hanging on the side of the building.

Rich Williams stated if that is what the Planning Board wants.

Board Member DiSalvo stated yea.

Chairman Rogan stated seems certainly reasonable, Charles.

Board Member Cook stated it'll get her moving.

Board Member DiSalvo stated start cleaning up now.

Board Member Pierro stated it looks like they've been doing a lot of work there though...

Board Member DiSalvo stated I haven't seen anybody there these last couple of days because I come home that way.

Board Member Montesano stated she's busy (inaudible).

Chairman Rogan stated okay, so Rich, you're going to reach other to them, thank you.

3) NRA WETLANDS/WATERCOURSE PERMIT APPLICATION

Chairman Rogan stated NRA Wetlands/Watercourse Application, Ted do you have anything new on this.

Ted Kozlowski stated no.

Chairman Rogan stated no, this is for the replacement of the stream crossing, the bridge abutment and...

Rich Williams stated right.

Ted Kozlowski stated Rich, is that going to fall under a repair.

Rich Williams stated for who.

Ted Kozlowski stated the wetlands.

Rich Williams stated for us...

Board Member DiSalvo stated probably, it's there already.

Ted Kozlowski stated he's got an existing crossing, right.

Rich Williams stated well it was a crossing that was put in years ago with no permit, there's no analysis, there's no past permit that we can look and see what was done. He is replacing what was there which is basically six by sixes just laid across the stream with some metal plates to them across with an arched culvert.

Ted Kozlowski stated but I'm wondering because it is an existing crossing, do we have to, well he's got to get a DEC permit, right.

Rich Williams stated I would imagine that he would.

Chairman Rogan stated yea, that stream, Stephen's Brook is a trout spawning classified stream, even though we never saw any trout there when we did our site walk, we looked remember.

Rich Williams stated I would not consider it a repair simply because there is no past permit...

Ted Kozlowski stated well is there damage or is he just improving it.

Rich Williams stated the bridge is in such dire condition that it's ready to collapse.

Ted Kozlowski stated I would say we, you know there is no way we can consider denying this permit but because it is a CT stream and because the DEC is going to at least look at it (inaudible).

Rich Williams stated maybe we should do the same as what.

Ted Kozlowski stated look at it, I'm debating whether or not that just falls under maintenance or repair.

Board Member DiSalvo stated he's making it a hell of a lot better.

Chairman Rogan stated we still want to look at the construction phase and the sequencing and how they are going to work on the stream bed because they are going to be pouring concrete.

Ted Kozlowski stated we want to make sure that work protects the stream.

Chairman Rogan stated we want to make sure the engineering is sound behind whatever they are doing because we had looked at that when they were originally proposing the subdivision out there, we had looked at the headwall structure design, you know, if nothing else to at least make sure that the engineers take a look at it and we have a comfort level.

Ted Kozlowski stated you want to make sure whatever he puts there is going to be able to accommodate any kind of vehicle that goes across it.

Board Member DiSalvo stated then he doesn't have to do it again in a couple of years.

Chairman Rogan stated right.

Ted Kozlowski stated right, it has to be engineered so it will take 100 years storm and it will also be strong to support whatever. We don't know what the eventual use of that property is going to be but we are going to have to assume that there are going to be some heavy trucks going up there but I just convinced myself he needs a permit.

Chairman Rogan stated just convinced your self of it.

Rich Williams stated glad we agree Ted.

Board Member Cook stated Rich, has the applicant received a copy of your letter and Maser's letter.

Rich Williams stated I don't know that he has, I don't know if you faxed it, did you fax it up, it was schedule for the last meeting and they didn't show up, I have contacted them since and reminded them that they are on this agenda and to be here. Hopefully they will show up.

Board Member Cook stated it's just good that they have a copy of the letter so that...

The Secretary stated I'll fax it again if you'd like.

Board Member Cook stated if you sent it, then that's good.

Chairman Rogan stated no, they should have it.

Board Member Cook stated they should come prepared to respond to both letters, so.

Chairman Rogan stated okay.

4) WINDING GLADES SITE PLAN – Discussion

Chairman Rogan stated Winding Glades Site Plan on for discussion, they also did a presentation to the Town Board, last week was it...

Board Member Pierro stated Wednesday.

Chairman Rogan stated Wednesday last week, there were a lot of members of the public that spoke out on that project with concerns and we have a letter from the legal firm representing Winding Glades, that I am hoping we'll have a response from Tim Curtiss on...

Rich Williams stated okay, I don't (inaudible).

Chairman Rogan stated I would like Tim to review that and...

Rich Williams stated Carl.

Chairman Rogan stated or Carl, Carl would be fantastic.

Board Member DiSalvo stated it looks like, I think he got a copy of it right, Carl.

Board Member Montesano stated according to this.

Chairman Rogan stated he probably got a copy but wasn't asked to respond. I read through it and I am looking for them to give us their opinion on this legal response to the Planning Board's memo and put it down into a little bit more of lay terms and just basic. Ultimately this is trying to make a case that what they want to do would fall under the definition of a club and be open to a special permit that is what they're saying.

Rich Williams stated that is what they are saying, yes.

Chairman Rogan stated I would like Carl to take a look at that and...

Board Member Pierro stated just for the rest of the Board's edification, Shawn and I were there, Maria were you there...

Board Member DiSalvo stated no, I didn't, I came home and I was so tired...

Board Member Pierro stated the people that spoke about the type of activity, were quite knowledgeable, one in particular was from Whales, he was quite eloquent and I got the sense that the Town Board was not favorable to the project.

Chairman Rogan stated at least one person on the Town Board...

Board Member Pierro stated right.

Bruce Major stated there were only three people on the Town Board...

Board Member Pierro stated right.

Bruce Major stated two appeared to be opposed and one was shifting an opinion.

Board Member Pierro stated right.

Chairman Rogan stated at the end of the meeting the Supervisor just stated to the applicants that given the public's opposition that maybe they ought to look for a different piece of property to propose something like this. I think it caught them a little bit by surprise but he said it anyway, given the public sentiment at this meeting and this was not a public noticed meeting, it was just a word of mouth response.

Board Member Cook stated what was your take from the Town Board Members as to why they were opposed [to this].

Chairman Rogan stated I didn't get, all I got, I didn't get an individual read on anyone, I just got that they were listening to comment and that the Supervisor made that generalized statement at the end, based on the public opposition that was stated.

Bruce Major stated okay.

Chairman Rogan stated I didn't actually read into anyone of the three, I just thought that Mike was making a statement based on...

Board Member Cook stated no I thought maybe had stated something...

Board Member DiSalvo stated how does he have the right to make a statement like that, Kathy Dougherty could have said the same thing with Patterson Crossing, you know.

Chairman Rogan stated um...

Board Member Montesano stated well let the legal minds worry about it...

Chairman Rogan stated yea.

Board Member DiSalvo stated yea.

Board Member Montesano stated because they are the ones that are going to do.

Board Member Cook stated you are correct and you're correct in asking for comments from the Town Attorney because Rich writes his letter, Planning Board letter, lists everything, they come back sighting all sorts of cases and everything else as par of their reasoning why they can do it...

Rich Williams stated well they skirted one of the primary issues that I raised in my treatment of our Zoning Code, in that for me, this is not an accessory use to a club, it's a principal use, they make no bones about their intent, is to have an R and D facility that is setting up rally cars, not a club, they never say club, they say R and D facility. In the applicant's attorney's response to my memo they don't ever touch that issue, they don't ever say that really this is clearly an accessory use to a club, they just say that you can't limit the accessory uses to a club.

Board Member Montesano stated yes but they are going to give you their opinion because that is what they want and then someone else has got and this is where the fun is going to go...

Chairman Rogan stated Rich, procedurally though, so we don't run a foul of our purview, the Zoning Board is going to have to take the information and make an interpretation on this as to whether and then ultimately decided on a special use permit. Where the Planning Board has to ascertain the impacts and whether or not they can be mitigated on the site, we are dealing with site issues and they are dealing with the legal question of whether...

Board Member Montesano stated it can be permitted.

Chairman Rogan stated if it walks like a duck and talks like a duck, then it's a duck.

Rich Williams stated right, they are going to have to take up the issue with a special use permit...

Chairman Rogan stated okay.

Rich Williams stated as to whether it qualifies for a club or does not.

Chairman Rogan stated so us asking for Carl's opinion would probably be necessary for Zoning anyway, we are not wasting that, that information is going to be useful for the Zoning Board as well.

Board Member DiSalvo stated should the Zoning Board request that from the Attorney.

Board Member Cook stated mmhmm.

Chairman Rogan stated I think that is why I'm trying to reason through this.

Bruce Major stated I think the Town Board also needs to see that as well.

Chairman Rogan stated I think everyone is going to need to see that.

Board Member Cook stated it's interesting that you properly copied the Zoning Board on your letter but the response did not.

Chairman Rogan stated so then again, going back to procedures, how far along do we take the site plan review before we bump them over to Zoning for them to do an assessment and a review...

Rich Williams stated its up to them to make an application to the Zoning both for the special use permit and for the variances that they will need because even they admit that there are variances that they will need, that is up to them, clearly you can not grant any sort of approval on the project until Zoning Board has taken the actions they need to take. You can take it quite a way, if I was the applicant I would want to get in before the Zoning Board, get their opinion...

Chairman Rogan stated yea.

Rich Williams stated and probably get some of those permits squared away before coming back to the Planning Board...

Board Member Montesano stated which is another thing.

Rich Williams stated but then we throw SEQR in on the whole thing and typically the Zoning Board doesn't want to do SEQR, the Planning Board does SEQR, so it's going to...for me it would be over to the ZBA, then back to the Planning Board to do SEQR, then back to the ZBA...

Chairman Rogan stated right.

Rich Williams stated to wrap up the special use permit variances.

Board Member Montesano stated that is another question, if we proceed in a normal manner with our bailiwick so to speak, is that going to give them...

Chairman Rogan stated who is them, Winding Glades.

Board Member Montesano stated Winding Glades something to use in the courtroom that the Planning Board went right along with it but...

Rich Williams stated no because you are not the arbiter of that kind of decision. I have some responsibility laid out within the Code as far as designating whether it complies with Zoning or it doesn't, I made that determination, now it is up to the ZBA to say yes or no, it's not up this Board to do that.

Chairman Rogan stated but your point really is do we go down the road spending a lot of time on this without getting them in front of the Zoning Board.

Board Member Montesano stated well my worry is that if they go to court and they show the judge that they have expended X amount of dollars...

Chairman Rogan stated yea.

Board Member Montesano stated was the Town dragging them along to make this expenditure and then suddenly cut us off at the knees.

Chairman Rogan stated right.

Board Member DiSalvo stated well if they keep requesting to be on the agenda...

Board Member Cook stated I think we should say it to the applicant next week, go to Zoning.

Chairman Rogan stated request the applicant to go to Zoning Board, I think that is appropriate, I agree.

Board Member Cook stated and wait until Zoning Board does it's thing...

Rich Williams stated the Zoning Board can not do anything until SEQR is done...

Board Member DiSalvo stated right and that's us.

Rich Williams stated with the exception of if they need to make an interpretation.

Chairman Rogan stated will there be an interpretation on this whole quote, unquote club definition, is that in and of itself something they should be in Zoning, that's not something we're going to decide for them.

Rich Williams stated that is going to be, I mean you certainly have the authority under our Code to send a formal request for an interpretation, I don't know what your basis would be because again its not really an issue for this Board...

Chairman Rogan stated right.

Rich Williams stated when it gets over to Zoning it's going to be up to them whether they you know they want to make some sort of interpretation or they just want to hear the application.

Chairman Rogan stated so it sounds like, if what I'm hearing is correct, that this Board should proceed on this application based on the site and what they are proposing and keep it at that and proceed with our review, recognizing that at some point they are going to have to go to the Zoning Board for their special use permit.

Board Member Cook stated shouldn't we tell the applicant that, right up front.

Chairman Rogan stated I'm sure they know it.

Board Member Cook stated just exactly what you said, that you know we are going to review this and everything but hey you know, you do have to go to the ZBA.

Chairman Rogan stated yea and I'm sure they are full aware of that, they outlined it in their...

Board Member Cook stated okay.

Chairman Rogan stated but it never hurts to state it again.

Bruce Major stated might it also be advisable, I mean you do have council, you discuss this with council.

Chairman Rogan stated absolutely...

Bruce Major stated you know what I'm saying, in other words...

Board Member DiSalvo stated this is work session.

Chairman Rogan stated that is what I was gearing towards with Carl, with Carl giving us a review.

Board Member Pierro stated can we do an executive session at the next, before or after the next Planning Board meeting.

Chairman Rogan stated we can't do an executive session on that kind of an issue.

Rich Williams stated its not that kind of an issue.

Chairman Rogan stated executive session would before personnel issue, you can't go into executive session to talk about a project.

Rich Williams stated you want them to discuss procedures with the attorney.

Board Member Pierro stated yes, that is what I would think.

Rich Williams stated you don't think I'm qualified to do procedures after all the years I've been here, is that what you're saying.

Chairman Rogan stated I think you...

Bruce Major stated what I am suggesting is this, this is the type of project where there can be...

Board Member DiSalvo stated we shouldn't have any input from him.

Bruce Major stated many legal issues raised and you want to have council reviewing...

Board Member DiSalvo stated I think we are all aware of that.

Bruce Major stated the different options. Sometimes it is advisable to pass information on early on and sometimes its not advisable to pass information on. I'm not a lawyer, I wouldn't know but I think sometimes having council...

Board Member Pierro stated I'm not saying that you're not experienced enough to answer questions but we have council, we should hear what council has to say.

Board Member Cook stated council has copies of the letters, Rich's letter, his position...

Board Member Pierro stated right.

Board Member Cook stated Winding Glades position, we've said that and he's going to be here next week, I think all the players are in place.

Chairman Rogan stated good points all around the table, let's I think my main concern for getting Carl involved was for a review of the letter that was submitted in response to the memo.

Board Member Cook stated I agree.

Chairman Rogan stated in doing that we can also ask any questions at the next meeting of legal council if there is any concern about procedure and where we need to go...

Rich Williams stated most assuredly when I drafted my memo, I worked very closely with the attorneys, they are very aware of what was being written and made changes to it and they most assuredly have a copy of the applicant's attorney's response and they are reviewing that and I'm sure they will be advising everybody of their opinion it.

5) VERIZON WIRELESS AT 801 ROUTE 311 – Set Public Hearing

Chairman Rogan stated okay, let's move along to Verizon Wireless, we have a public hearing coming up, this is the application that we site walked with the Zoning Board. We have a review memo, I shouldn't say that, a site walk comments memo which I think captured the sentiment of all present.

The Secretary stated you have to set the public hearing.

Chairman Rogan stated we didn't set it.

The Secretary stated no, you do not have a public hearing scheduled for this application.

Chairman Rogan stated oh I thought, you know I thought we, okay, thank you. Set public hearing, that is a gentle reminder in there. Thank you. I thought most people that attended the site walk, felt that you know, the location needed some work in terms of shielding and screening and actually we have a memo from Insite with a proposal that they are looking for some feedback on, on some of the screening.

Rich Williams stated correct.

Chairman Rogan stated Rich, any...

Ted Kozlowski stated can I ask a question.

Chairman Rogan stated sure Ted.

Ted Kozlowski stated Rich, what are they trying to screen.

Chairman Rogan stated we asked them to screen the building...

Board Member Cook stated the equipment building.

Chairman Rogan stated which is going, the equipment building, which is going to be about 12 ½ feet above grade.

Ted Kozlowski stated is that going to have a fence.

Chairman Rogan stated it will have a fence and the building they say will be built in the architectural style of the other farm buildings that are on the property.

Ted Kozlowski stated so I guess the fence will be chain link.

Chairman Rogan stated I don't know.

Board Member Montesano stated I think that is what they mentioned.

Board Member DiSalvo stated I think it was.

Ted Kozlowski stated I'm sure its going to be some kind of security fence...

Board Member Pierro stated right.

Board Member DiSalvo stated similar to the other cell tower.

Rich Williams stated chain link with the slats.

Ted Kozlowski stated so how high is the fence.

Board Member Montesano stated six foot.

Board Member DiSalvo stated did they say six or eight, I can't remember.

Chairman Rogan stated six foot.

Board Member Montesano stated I thought he said six foot but I'm not sure.

Chairman Rogan stated okay, assume 6 foot for your thought process.

Ted Kozlowski stated I just don't want to, if you're trying to screen, we don't want Tractor Supply size trees, we want trees that are immediately going to shield the fence, the fence is 6 feet that they are proposing, 6 to 8 foot pines and decent red cedar that's fine.

Board Member Pierro stated that is what they are calling for five to six foot, eastern red cedar, not eight foot but 5 to 6 foot.

Board Member DiSalvo stated (inaudible).

Ted Kozlowski stated who is responsible for maintenance of these trees once they are put in, anybody know.

Rich Williams stated what kind of maintenance do you for see them needing.

Ted Kozlowski stated if they die.

Rich Williams stated that is going to be the applicant, Verizon.

Board Member DiSalvo stated right, should we get that in writing.

Board Member Montesano stated we will.

Rich Williams stated its generally notes we put on the plat, they must be maintained in a good and healthy condition or replaced.

Chairman Rogan stated no different then any plantings on any other site plan we've done.

Ted Kozlowski stated and I presume they will put a planting schematic, mulch that type of thing.

Board Member Montesano stated you want this.

Ted Kozlowski stated I don't see it on here.

Rich Williams stated yea.

Chairman Rogan stated I think the purpose of this...

Rich Williams stated construction detail.

Chairman Rogan stated I think the purpose of this memo was just to get some input on location and species based on the site walk comments. Rich, given, it's hard to looking at this plan and thinking about where the houses are that we were talking about over on, what's the name of that subdivision, Pescatore.

Rich Williams stated there was a house here, there was a house here, there is a proposed house here in the future and there is an empty lot here.

Chairman Rogan stated and then the bigger houses are over here.

Rich Williams stated no, no, this was all open field, this is all WRAM.

Board Member Montesano stated you got a house here...

Board Member DiSalvo stated and you got Hyatt's over here, Hyatt's house.

Board Member Montesano stated you got the trees in between.

Chairman Rogan stated we were standing near that cottonwood, looking out.

Rich Williams stated which is here.

Chairman Rogan stated oh, I thought that was it right here, I'm disoriented. Wait, so they swung around the building where they originally said it was going to be located on this plan.

Board Member Pierro stated it looks like they moved it a little bit.

Rich Williams stated no, this is where it was staked out.

Chairman Rogan stated yea, we were standing here next to this tree when you were talking about it and they had the corner staked out.

Rich Williams stated no, we were standing back here...

Chairman Rogan stated this tree.

Rich Williams stated the cottonwood that was back here, that isn't shown on this plan.

Chairman Rogan stated oh okay, so like this, so then we were standing here.

Board Member DiSalvo stated take the road up...

Chairman Rogan stated no, no, no, the road they said was going to come in around the...

Board Member DiSalvo stated yeah...

Chairman Rogan stated this is that existing tree, there were two trees here.

Board Member DiSalvo stated wherever there arrow is, where that broken trailer was.

Chairman Rogan stated and the corners were staked out where the opening is, there is an opening here to the silo, they said the road would come up and come and turn around. So I think we were standing in this vicinity looking straight out...

Board Member Montesano stated we were parked out here.

Rich Williams stated but the stakes were here.

Chairman Rogan stated no they were, they were around this side.

Board Member Pierro stated right.

Board Member Montesano stated behind the building.

Chairman Rogan stated they were to the right back in here, into the row of multi-florarose.

Board Member Montesano stated behind the silo.

Rich Williams stated I'm looking at the north arrow and you're right, we were standing over here.

Chairman Rogan stated yea.

Rich Williams stated but I thought when we were out here, that the stakes were all in here.

Chairman Rogan stated no, they were around that area.

Board Member Montesano stated they were behind the silo.

Chairman Rogan stated so the screening here is for the houses that exist on the Pescatore subdivision.

Rich Williams stated yes.

Board Member DiSalvo stated and then this is Hyatt next door.

Chairman Rogan stated and then a little bit more, I'm not sure what these, we didn't ask for them per se.

Rich Williams stated well back over here you have Ridgeview, all right, so they work for Ridgeview.

Chairman Rogan stated okay, the existing canopy that was into the wood line helps much more and there a change in grade here of a few too which helps. Okay, what I'm wondering is there would be any houses in line with this hammerhead or should they be putting one or two more out in here.

Rich Williams stated (inaudible).

Chairman Rogan stated remember we are not screening the silo, we are just screening the building.

Board Member DiSalvo stated do another where the hammerhead is, the buildings yea, I would put two more...

Chairman Rogan stated maybe we should put two more at the hammerhead.

Ted Kozlowski stated the rule of thumb is always plant in odd numbers.

Chairman Rogan stated so three at the hammerhead, that makes sense, okay so there is a little bit of feedback, okay.

6) OTHER BUSINESS

a. Tom's Barbershop – Inspection Fees

Chairman Rogan stated okay, Tom's Barbershop, inspection fees, what will there be to generate inspection fees that we have to set for Tom's, you have it under other business.

Rich Williams stated I have it under other business, one of the issues in my memo that I raised was that they hadn't done a calculation for inspection fees if we are going to have inspections out there. They still haven't done that, I've got to contact them tomorrow and push him on so we have some sort of inspection fees; the alternative is I'm not going to have any money to pay the engineers. I mean, there aren't a lot of improvements to do out there you know...

Chairman Rogan stated right.

Rich Williams stated if everybody is comfortable I certainly could just go out and make sure that they are installed, the cost is going to be minimal.

Chairman Rogan stated that...

Board Member DiSalvo stated then he's going to get like a demolition permit for the garage.

Rich Williams stated done.

Bruce Major stated it's done, he has it already.

Board Member DiSalvo stated he has the permit.

Bruce Major stated I'm pretty sure yea.

Chairman Rogan stated there is a voice coming from the back of the room.

Bruce Major stated I was the meeting when they approved it.

Chairman Rogan stated okay, so why don't we just do that.

Rich Williams stated so you know this is on for two things, one is to push him on to get those inspection fees set so that if we are going to do it, the other thing is to consider do we want inspection fees on this.

Board Member DiSalvo stated well ballpark figure, what do you think it could be.

Board Member Montesano stated all he's done is improve the place.

Rich Williams stated it isn't going to be a lot.

Board Member DiSalvo stated a couple hundred dollars.

Chairman Rogan stated all its going to be is parking...

Rich Williams stated maybe.

Chairman Rogan stated its such a straight forward project.

Rich Williams stated we are talking about a fence, we're talking about pavement.

Board Member DiSalvo stated Dave, what do you think the inspection fees would be for Tom.

Board Member Pierro stated I'm recusing, I can't discuss it.

Board Member DiSalvo stated all right.

Bruce Major stated I remember your discussions at the meeting, that it was going to be paved right away or you were going to mark it, that you wanted to see what...

Chairman Rogan stated well that is just because of timing.

Bruce Major stated you weren't going to mark it...

Chairman Rogan stated we were just, she's groaning because this isn't a public meeting and so...

Bruce Major stated I'll keep my mouth shut.

Chairman Rogan stated you're memory is correct, we said to them that...

Board Member DiSalvo stated we discussed all this at one of the other meetings.

Chairman Rogan stated yes, basically that the plan was going to show paving, the blacktop plants are closing down right now, so when they re-open in April or May, they are going to pave it.

Board Member DiSalvo stated they wait until like June or so.

Chairman Rogan stated we had said don't even bother striping at this point, to stripe gravel is kind of silly too, its going to be covered in snow in another couple of weeks.

Board Member Montesano stated cheers.

Chairman Rogan stated I want some snow...

Board Member DiSalvo stated do you want to waive the inspection fees, is that what you want to do.

Chairman Rogan stated its 60 degrees out there.

Rich Williams stated its up to the Board, there really are not going to be a lot of, if the Board in comfortable with me going out and doing what little inspections we are going to need to do to say hey jeez, the fence is up, oh the blacktop is down...

Board Member DiSalvo stated and make sure he puts the fence up for Grady, that Grady is happy with what they agreed on...

Rich Williams stated right.

Board Member Montesano stated I have no problem with you going out to do that because the guy has done nothing but improve the site and it's a 1,000 times better than what it was.

Chairman Rogan stated oh the site looks fantastic.

Board Member DiSalvo stated yea.

Chairman Rogan stated with the fence.

Rich Williams stated I can call him tell him not to spend the time or the money in doing the estimate that we need to do on.

Chairman Rogan stated that's fine Rich, I think everybody is more than comfortable with you doing the inspections.

Board Member DiSalvo stated you want a motion on that.

Rich Williams stated yea, it probably should be done by motion.

Chairman Rogan stated make a motion in the matter of Tom's Barbershop that we waive the preparation and submittal of the inspection fees and have Rich Williams do the inspections needed to finish up the site plan.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

Rich Williams stated I'll do them on my way to Sauro's.

Chairman Rogan stated no really.

Board Member Montesano stated (inaudible).

b. Project Status Update

Chairman Rogan stated okay, Rich had given us, I think at Charlie's request project status update on a bunch of different projects. Is there anything, I don't have it in front of it, it's also at home with Steger and the taxi cab.

Board Member Cook stated I just have a question on three of them, what is our responsibility where, I forget which one is operating...

Chairman Rogan stated well let's start with the first one that you have, Patterson Garden Center, we spoke about this a few months ago, we had work towards a site plan with them and then basically not gotten any progress there. They are operating the site without an approved site plan.

Board Member Cook stated right.

Chairman Rogan stated we had discussed last time this came around about sending it over to the Patterson Court, if I remember correctly...

Board Member DiSalvo stated it looks like the polo place went out, no sooner the sign went up, it came down and now that is another building for rent on that property and I don't know how well the guy is doing with the kayaks.

Chairman Rogan stated oh I thought you meant the big polo place, oh yea, that is going to be a tough business. Rich, the Patterson Garden Center, when we worked on that site plan I thought we were pretty darn close to having something...

Rich Williams stated we approved the site plan...

Chairman Rogan stated but he didn't construct it...

Rich Williams stated he didn't construct it according to the plan, he got 80% of the improvements done, winter hit, over the winter he just made all sorts of changes not reflected on the site plan, the Board came back out and said you have to show these on the plan and that was the end of it.

Chairman Rogan stated okay, so we are at a point where if we want to wrap this up, we need to get this owner back in...

Board Member DiSalvo stated he needs to finish up on that.

Rich Williams stated at this point again, originally it was a landscape place, now its more stone and masonry which is what he wanted to do from the beginning, you don't see a lot of landscape plants there, you see a ton of rock and marble.

Chairman Rogan stated masonry, I'm fine with the rock and marble, if he can do it on site properly, I mean whether its rock and marble or garden center, I could care less as long as the site can handle it and the traffic.

Board Member Pierro stated I think the garden center part of it is seasonal.

Chairman Rogan stated yea.

Board Member Pierro stated I'm telling you, he's doing a lot of rock as Rich has said.

Chairman Rogan stated look on the bright side, you don't have to water rock and you have to water the plants and there is run off and all kinds of issues mosquitoes. Rich can you...

Board Member Cook stated can we just send him a letter.

Chairman Rogan stated that is what I was going to ask, send him a letter asking that we want to wrap up...

Board Member DiSalvo stated final site plan...

Chairman Rogan stated his site plan, we had approved something, we realize that there have been changes made, if he could come in to address those changes and see if we can get him complete and if not the Board is considering sending this over to Enforcement.

Rich Williams stated I'll write a letter identifying the outstanding issues.

Chairman Rogan stated thank you.

Board Member DiSalvo stated he used Insite, right, Theresa presented.

Chairman Rogan stated Eurostyle Marble and Tile.

Rich Williams stated well it was originally started when a gentleman that was with Insite owned it, owned the business. Then what happened was he gave it up, he wasn't doing well so he brought in somebody to help him and that somebody ended up taking it over, Martin Parenti.

Chairman Rogan stated yea.

Board Member DiSalvo stated I thought Theresa was before us a few times on it.

Rich Williams stated she was, she did, helping him out, the original.

Board Member DiSalvo stated oh, I thought it was the second person...

Chairman Rogan stated Rich.

Board Member DiSalvo stated we have something on it at least, right.

Chairman Rogan stated Charlie has a question on Eurostyle Marble and Tile site plan application, we had done a temporary C of O and it expired. Eurostyle Marble and Tile, is that the one in Commerce [Drive].

Rich Williams stated you want the background on that...

Chairman Rogan stated sure.

Rich Williams stated he had gotten site plan approval again, he had made that whole big area out in the back as outdoor storage which was never shown on the original site plan so the Board requested him to come back in and show that and show the other changes on the plans...

Board Member DiSalvo stated plantings.

Rich Williams stated that were substantial deviations from the original approved plan as an amended site plan. In the in term he was supposed to finish up everything on the original site plan, he couldn't get it

done before winter so he was given a temporary C.O. with the understanding of he was going to complete all that additional work by June of the following year.

Chairman Rogan stated and now we are back into winter.

Rich Williams stated yup.

Chairman Rogan stated this was the building that we allowed to stay as a metal building.

Rich Williams stated yes.

Board Member Montesano stated yea.

Board Member Cook stated why don't we send him a letter.

Chairman Rogan stated it's got, so in essence are you saying right now that the temporary C.O. is null and void, that he doesn't have a C.O. on the place right now, is that what that means.

Rich Williams stated the last correspondence I had was that he had a temporary C.O., I'm not aware of any changes, nobody has asked me to go out nor the Town Engineer to certify that the final improvements have been done. So I don't know how he would have qualified for a permanent C.O.

Chairman Rogan stated why don't we, rather than send a letter, inquiry with the Building Department whether or not a final C.O. was issued and maybe do a site inspection to see what or where we stand before we send a letter, right Charlie.

Board Member Cook stated what.

Chairman Rogan stated find out where we, what's been done. I can see with a business like that, they are so concerned with getting open that I see signs, sandwich board signs all over the place, out by the highway even for marble design center...

Board Member DiSalvo stated is that his because usually Jungle Gym does all that stuff too.

Chairman Rogan stated yea, it was around election so you'd see election, election, election, election, marble and everything came down except the marble but let's figure out what the current status is on that. Then Charlie has a question about Justin's Auto. I don't think we, we were waiting for them to come and they did not have approval from the owner.

Rich Williams stated right, the owner refused to sign the application allowing them to proceed forward with the site plan.

Chairman Rogan stated in the interim we have Justin's Auto doing exactly what they want, that is the best thing that could have happened to them is for the owner not to sign off.

Board Member Cook stated I think the issue with the owner, its not with Justin, except for the fact that the owner apparently told him he could put up that sign, that free standing sign, in an area where we didn't want it to be, right in the right of way. What do you want to do about Justin or the owner...

Board Member DiSalvo stated I don't think she's well.

Chairman Rogan stated really.

Board Member DiSalvo stated she had brain surgery. She got hit in the parking lot by Trader Joe's, I told you story right, somebody hit her...

Rich Williams stated oh yes you did.

Chairman Rogan stated she was the one that got dragged through the parking lot, did she, amazing she's alive. I don't know what does everyone want to do with this one...

Board Member Cook stated can we just send a letter to the owner I guess outline the outstanding issues and say we would like to wrap this up.

Chairman Rogan stated sure, prod them along, sure.

Rich Williams stated we certainly can send a letter.

Chairman Rogan stated it's not going, I feel like its not going to make any difference on this one.

c & d. Steger Zoning Amendment & Taxi Cabs Zoning Amendment

Chairman Rogan stated we have letter, I'm sorry two drafts for Zoning Amendments for the Town Board to consider and they are asking for our input. One of them is for a Zoning Amendment to allow residential in the Front Street area, I know I'm not referring to the area properly but it directly relates to our review on Steger and the other one is a Zoning Amendment for taxi cabs out of residential areas. Everyone should take a look at both of those before the next meeting and come in prepared to have a lively discussion on those. I had concerns more with the one I read on the taxi cab zoning than the residential amendment but hopefully we can...

Board Member Pierro stated the Steger Amendment, proposed amendment, does that include all of the Hamlet.

Rich Williams stated it includes the GB Zoning District, so that would extend outside of the Hamlet.

Board Member DiSalvo stated into Put. Lake also.

Board Member Cook stated don't we have to give some kind of recommendation on that specific property to the Town Board or was that pulled, remember we got the letter.

Board Member DiSalvo stated its going back and forth.

Rich Williams stated the Town Board had requested, the applicant had proposed amending the Zoning to allow for a single-family structure on the site and the Town Board had referred that back to the Planning Board, you know requesting your opinion on that, I advised the Board that our Code says a single-family is a detached structure and you are now talking about a structure attached to, what is going to be a partially commercial structure.

Board Member DiSalvo stated a store front.

Rich Williams stated and so even if you wanted to change the Zoning and extend the Zoning line for the R-1 Zoning District so it went down the middle of the building then, it still wouldn't be a single-family residence and so he still couldn't do that. The Town Attorney also advised the Board that there are some inherent problems when you move a Zoning line to bisect a building because you are really irregulating the use of the building of the outside, not so much the inside and they could move things around on the inside and have uses which, you know may not be the intent of you know the Zoning Code, so at that point I suggested that maybe the Board wants to consider some alternatives...

Board Member Cook stated which Board are you speaking about, the Town Board or this Board.

Rich Williams stated this Board.

Board Member Cook stated this Board.

Rich Williams stated Michael Liguori had sent in a different version, he took another look based on my conversation with him, took another look at what he was proposing and sent the Board another version, I wasn't real thrilled with that. So I drafted a Zoning Amendment.

Chairman Rogan stated okay.

Board Member Cook stated so as far as that particular request from Steger, that's moot, gone, I mean we are not addressing a recommendation back to the Town Board based on that specific piece of property.

Rich Williams stated I think you are, I think you still but I think your recommendation is going to be or could be you know we looked at it, what he was proposing, you know will not function properly within the GB Zoning District, it will not allow the use of the property as a single-family home because it is an attached structure. We have considered his request and you know we are making this recommendation on a Zoning change to address Mr. Steger's need.

Board Member DiSalvo stated didn't we talk about making it a single-family dwelling and then we could kind of emphasis where the square footage would be for that dwelling we talked about that at one time. Cane we still do that for that building, rather then just make a blanket residence.

Rich Williams stated well that is what I'm saying, if you...to do that, this is what he originally proposed, you're taking the R-1 Zoning line, which is on the back side of the property...

Board Member DiSalvo stated right.

Rich Williams stated and moving it over so it went down the middle of the structure.

Board Member DiSalvo stated or to the end of the original structure before it was added on to.

Rich Williams stated right but you know its still all one structure.

Board Member DiSalvo stated yea.

Rich Williams stated and by moving that line that doesn't allow him to have a single-family dwelling because out Code says a single-family dwelling is only a detached structure and he now has an attached structure with two different uses within the building. So, we can change the Code, we can say you know hey, you know a single-family dwelling doesn't have to be a detached structure, in doing that though you open the door for other people to have combination of uses within residential buildings.

Board Member DiSalvo stated all right.

Board Member Montesano stated what if we, see if I can get this in my little mind...

Board Member Pierro stated what about combination of uses in commercial buildings.

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

Chairman Rogan stated give Mike a shot.

Board Member Montesano stated if we were to...

Board Member Pierro stated I thought it was residential buildings you could have a commercial use, like Tomas the Barber and the building across the street...

Board Member DiSalvo stated well that's flipped anyway.

Board Member Pierro stated that had an apartment upstairs in the upper level for years...

Rich Williams stated right.

Board Member Pierro stated I don't know whether its legal or not but...

Rich Williams stated but in doing that, there are still some inherent dangers, you know in doing that, having mixed use even though its done in a lot of other areas. So I put in some criteria by which to evaluate, you know those areas where you are going to have residential and set it up as a special use permit so the ZBA can take a hard look at whether it's appropriate in the building or not appropriate in the building.

Board Member Montesano stated well that would be the Zoning, should be able to if you allow this particular one, because of its pre-existing condition to get a permit from Zoning pertaining to that particular building only, would that be, rather than change a whole group of things where you could...

Chairman Rogan stated it would spot zoning.

Board Member DiSalvo stated yea.

Board Member Montesano stated well in this particular case, you have a post office, you have that and it might be considered but then again it's a unique situation...

Board Member DiSalvo stated pre-existing.

Board Member Montesano stated in that he is trying to...

Chairman Rogan stated would it be unique to that specific property or unique to Front Street. Are you saying its unique to a zone, like a row of buildings.

Board Member Montesano stated well it would be unique to that particular because he's got two things going on at once...

Board Member DiSalvo stated pre-existing and possibly three.

Board Member Montesano stated Front Street is not really residential but yet its not on Front Street.

Rich Williams stated Front Street is heavily residential...

Board Member Pierro stated mixed use.

Board Member Montesano stated okay, it's a mixed use, so we are trying to avoid getting it brought down the street as a mixed use but is that address Front Street...

Board Member Pierro stated (inaudible).

Board Member DiSalvo stated well...

Rich Williams stated it doesn't matter because its in the GB Zoning District, it doesn't matter where the address is.

Board Member Montesano stated because you got the Brunow building having commercial and residential.

Rich Williams stated right.

Board Member Montesano stated is he included in that same district.

Rich Williams stated yes.

Board Member Montesano stated so what are we...

Chairman Rogan stated so what are talking about.

Board Member Montesano stated what are we getting in the middle of a dueling match on words.

Rich Williams stated because Burnow is a pre-existing, non-conforming building.

Board Member DiSalvo stated because it exists already in that spot.

Rich Williams stated Kathy Pettey is a pre-existing, non-conforming building, Steger does not have a pre-existing, non-conforming building.

Board Member Montesano stated but at this point in time, due to the conditions of the area itself, being both commercial with residential, can the ZBA give them...

Board Member DiSalvo stated its' not a new structure.

Board Member Montesano stated an approval on the basis that they are part of a unique area that is pre-existing and let it go at that.

Rich Williams stated no.

Chairman Rogan stated it's a good thought though.

Board Member Pierro stated when we were discussing the Rider building...

Board Member DiSalvo stated been working in the city.

Board Member Montesano stated to me because in my honest opinion, if we go before a judge and he is going to sit there and say you got one, here, here, here, here and you're telling this guy he can't do it, why.

Rich Williams stated because the Zoning says you can't do it Mike.

Board Member Pierro stated one is non-conforming, pre-existing, non-conforming.

Rich Williams stated the Zoning says no.

Chairman Rogan stated that sounds like the argument of you pulled me over but you didn't pull over the other ten people, yes but you were still speeding.

Board Member Montesano stated no, no, no, this is because its there, Zoning now says you can't do it but these are all pre-existing in the zoning so.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated so the alternative is to modify the zoning.

Board Member Montesano stated we are sitting here with the dilemma of trying to figure out how to make an orange into an apple when we do have in all sensibility to (inaudible) included.

Chairman Rogan stated the question...

Board Member Pierro stated when we talked about the Rider buildings, sorry Shawn.

Chairman Rogan stated sure.

Board Member Pierro stated when we talked about the new Rider building, that was going to have a second floor, it was going to be commercial.

Rich Williams stated yes, second floor offices.

Board Member Pierro stated because it was not permitted in the Code for it to be residential, even though a non-conforming, pre-existing, non-conforming was either side of it, right next door.

Chairman Rogan stated brand new construction.

Board Member Pierro stated brand new construction.

Board Member Montesano stated I realize that.

Chairman Rogan stated this is an existing building.

Board Member Pierro stated right.

Board Member Montesano stated but we have a building here that has not been torn down, that exists next to another building that has the situation, we have a Zoning Code that says you can't do it, can the ZBA say well we'll allow it because it's a unique situation and you're part of the community already.

Chairman Rogan stated because it doesn't change the character of the community, well I think, another question, another way of looking at this conversation is look at the Burnow building, look at Kathy Pettey's building, do those uses change the character of Front Street in a way that is negative to the community.

Board Member Montesano stated no, not if you look at the history of it.

Chairman Rogan stated if the answer is no, then maybe the zoning needs to be changed, if the answer is yes then its good that it's pre-existing, non-conforming.

Board Member Montesano stated look at the history of the Town, those have always been commercial/residential, that whole thing, whether it was pre-existing, go back to the history of the Town...

Chairman Rogan stated yea.

Board Member Montesano stated all this area, including going up [Route] 311 has commercial and residential in the same building.

Board Member DiSalvo stated almost all towns are built like that.

Chairman Rogan stated yea.

Board Member Cook stated yes but if you look at this site, this site is far from conducive to be residential, I think the request was to, being it residential...

Chairman Rogan stated specifically because of what Charlie, can you further on that...

Board Member DiSalvo stated he can't rent the buildings.

Board Member Cook stated sure, the driveway, okay, if you look at that driveway, if this was to be re-zoned and you could allow it to be residential, and I think it was asked to be one family residential, so that means that if you say one family, a "typical family" all right, it may or may not include children, it has a public driveway all right, that by the way you can go in and out of on either side...

Board Member Montesano stated yes.

Board Member Cook stated even though most people that I have ever seen go in by the Post Office, come out the other way, you can go in off of that other street and exit by the Post Office. You have a site where there is and we've had this discussion, a Post Office shed and dumpster that is there, for this structure there is no garage or real open, okay, other than across the driveway where that little patch of land is there. Things like that, off the top of my head, those are things that are usually associated with a one family house and this is far from it.

Chairman Rogan stated except that residential dwellings in Front Street type situations are more a kin to small city, urban, thinking of Front Street or Main Street in Brewster, Main Street of any town, those people that rent or live in those units, don't have backyards, its just the nature of the style, some people like that they want to...

Board Member Cook stated right.

Board Member DiSalvo stated they don't want to maintain it...

Board Member Cook stated this is a...

Chairman Rogan stated this one has more open space than...

Board Member Cook stated tough situation where you have this driveway with sheds and dumpsters and its, like I say it could be changed but right now it's a two way...

Chairman Rogan stated yea.

Board Member DiSalvo stated you know in a perfect world, he would have it rented out for office space and everything would be chugging along nice and a nice professional building but the longer we wait, I don't know if anybody has really seen the condition of that house but I'm there everyday because I go to the Post Office and you know the six by six retaining walls are starting to you know fall down and you know litter is starting to pile up around it, its getting very neglected looking.

Chairman Rogan stated that is unfortunate. So take a look everyone at both of this amendments, with the conversation that we've had tonight, specific to the Steger application. So while looking through that Zoning Amendment proposal, consider Steger's property and see how it applies to that.

e. 2010 Agenda

Chairman Rogan stated I don't see in our, I think we got it earlier, the next year's agenda.

The Secretary stated you got your next year's agenda in last month packet.

Board Member Montesano stated yes we did.

Chairman Rogan stated we didn't approve it last month.

The Secretary stated you didn't, there was actually one mistake on it that Charlie and you guys were almost having a meeting on Thanksgiving next year, so thank you Charlie.

Board Member Montesano stated you were bringing dinner I hope.

Board Member Cook stated is the revised date.

Board Member DiSalvo stated probably that Tuesday, I guess.

Chairman Rogan stated probably the Tuesday before.

Board Member DiSalvo stated the 23rd.

Board Member Cook stated what is the revised date again.

The Secretary stated it's the 23rd, November 23, 2010 was the revised date.

Board Member Montesano stated Michelle was going to get us all dinners and everything else.

Chairman Rogan stated that sounds good.

Board Member DiSalvo stated getting back to Steger, are there any possible properties in Putnam Lake that would benefit from this in a negative way for us.

Rich Williams stated not that I'm aware of.

Board Member DiSalvo stated okay, so that...

Rich Williams stated essentially what you're doing is you're saying its going to permissible that second story apartments...

Chairman Rogan stated what are you thinking of...

Board Member DiSalvo stated no, I'm just.

Rich Williams stated within the GB Zoning District and there is a caveat in there that would allow Steger to expand that down to the first floor which is unique within the area. I mean, there is already in the Putnam Lake GB Zoning District over Anna's Limo...

Board Member DiSalvo stated right.

Rich Williams stated you know existing residential apartments, not single-family homes but apartments...

Board Member DiSalvo stated no go around the bend like where the Chinese restaurant is and then there is that...

Rich Williams stated above the building, yes.

Board Member DiSalvo stated and where the coffee shop used to be, that boarded up, I mean...

Chairman Rogan stated the Lost Lake Café place...

Board Member DiSalvo stated no, around by the Chinese take-out, there is the old coffee shop that hasn't been and it was deli and its still closed up, can they technically become a one-family residence if they don't make it as a commercial...

Rich Williams stated right now its not permitted in that zoning district, you have a pre-existing residential use on the second floor, you've got the bottom floor previously used for a permitted commercial application in that area, the residence could not extend, as a pre-existing, non-conforming could not extend without Zoning Board approval...

Board Member DiSalvo stated downstairs.

Rich Williams stated down into the first floor...

Board Member DiSalvo stated okay.

Board Member Cook stated since you brought that up, that's, in my first reading of this amendment that you gave us, the amendment to zoning, that is one thing that I didn't like where you could have the apartment above bleed down if you will to the first floor.

Rich Williams stated I understand but I set criteria up there where you have to have a really unique situation that the ZBA has to make a findings, can't use it for commercial space, honestly it was specifically written for Steger. You're not going to find that in anything else, you're not going to find that where you can't, at Burnow's you can't have you know commercial on the first floor because we have experience where there is.

Board Member Cook stated now I know why I didn't like it on my first reading but I will read it again.

Board Member Pierro stated what about the barbershop, the new barbershop.

Rich Williams stated over here.

Board Member Pierro stated yes.

Rich Williams stated what about it, he's got an apartment over the...

Board Member Pierro stated he has an apartment upstairs...

Rich Williams stated right.

Board Member Pierro stated he has a space that was illegally used as an apartment on the first floor...

Rich Williams stated which is now vacated.

Board Member Pierro stated he is trying to rent it as a commercial space, if that doesn't work and we change the zoning, could he convert that, could he with Planning and Zoning Board approval get that commercial space, that secondary commercial space approved for a single-family apartment.

Board Member DiSalvo stated a studio apartment.

Rich Williams stated possibly, yes.

Board Member Pierro stated yea.

Board Member DiSalvo stated doing it like that.

Chairman Rogan stated I have a question though, if the space is separate, has a separate entrance, why would we care whether it was residential or not, if the guy can rent it as residential and not commercial, what difference does it make, I understand parking and the quality of life issues but...

Board Member Pierro stated it doesn't but what I foresee a building like Tomas, getting flipped flopped back and forth...

Chairman Rogan stated understood...

Board Member Pierro stated I can rent it as commercial, it will be commercial now, I can rent it as an apartment, it will be an apartment now. When I originally got involved in that listing, there were seven guys living in a three room unit there and I evicted them, well I did what they thought was an eviction.

Chairman Rogan stated they didn't challenge it.

Board Member Pierro stated and they left, it was the only way I could take the listing...

Board Member DiSalvo stated twisted the arm a little bit.

Board Member Pierro stated I told them, you're out of here, simple.

Chairman Rogan stated I understand that.

Board Member Pierro stated I don't want to see us create something where it can flip flop back and forth, this week its commercial, next month its residential.

Rich Williams stated Shawn, to answer your question, it all comes down to the type of community that you would want to build and I use the example of Front Street, if all of a sudden Brunow's building was entirely apartments on the first floor and if Kathy Pettey's building was entirely apartments through the whole building on the first floor and the picture frame shop was converted into two apartments, you would have an entirely different character to Front Street.

Chairman Rogan stated that's true.

Rich Williams stated and is that the character that would want to promote within your community.

Chairman Rogan stated what I would say is, it would be the character I would want to promote if that was the only that that owner of that building could pay his bills. If it meant the building was going to fall to shit because they can't get anyone to rent the commercial space, people make a community a community, the shops do also. If I was the owner of that building and I was not renting them, I would say hey guys you know I have to pay the taxes so you guys can run a Town, you know...

Board Member DiSalvo stated were those building...

Board Member Pierro stated coming from a community that had this kind of Front Street, you don't even want to see those commercial spaces get converted into residential dwellings.

Chairman Rogan stated they never work out.

Board Member Pierro stated I have to tell you walking a foot beat as a young gendarme, having people living in old furniture stores, they had lawn chairs out on the sidewalks, and it was a nightmare, a nightmare. It creates the wrong kind of what you would desire as a community.

Chairman Rogan stated we have to figure out a way to create some business for these people because these stores are all empty. Everybody says it's a great idea to have a Front Street that's thriving but if you don't have anything in it, you go there everyday because of the Post Office, I never go down Front Street except to go down to the swamp to go into the swamp, I drive down Front Street.

Board Member Pierro stated right, occasionally Magnolia's is a stop.

Board Member DiSalvo stated I don't go to Magnolia's that much, I never know when they are open or closed.

Chairman Rogan stated so, you know.

Rich Williams stated we certainly have some challenging times and we certainly have to take this opportunity to look at ways to you know enhance our commercial areas, we are, I mean we are looking at the Benfield building, we are looking at extending the sewer. One of the problems with Front Street is the signage, I mean people are on [Route] 311, they are zipping back and forth and there is no sign that says Front Street Commercial District this way or Magnolia's this way...

Board Member DiSalvo stated I'll go there.

Rich Williams stated I'm trying to come up with a way...

Chairman Rogan stated that will be a good idea.

Board Member DiSalvo stated business district.

Rich Williams stated well yea, to...

Chairman Rogan stated you can have a sign that is really...

Board Member DiSalvo stated Hamlet of...

Chairman Rogan stated that advertised all of the businesses in way that is similar to what we were talking about for the sign district, putting your advertisement off [Route] 311.

Board Member Pierro stated I know people that drive down 311 everyday of the week and have told me that they do not know that there is a Rec Center and a Post Office down there...

Chairman Rogan stated so that idea is great.

Board Member Pierro stated they just don't know so Rich is correct.

Rich Williams stated right, so we have to get a sign out front that Front Street Business District, this way and then start listing off the sign.

Board Member Pierro stated even if it's got 3 names on it.

Chairman Rogan stated start small, that is a great idea.

Board Member Pierro stated Magnolia's, Rec Center, Train Station.

Rich Williams stated we have to be fair too, we also have to and this is the difficulty...

Board Member DiSalvo stated didn't they do something like that in Rhinebeck, up that way.

Chairman Rogan stated I don't know but it just needs to be done a certain way though.

Rich Williams stated we can't just do it for Front Street, so if we do it, we have to do it for the Hamlet so we have to look at signage for everybody...

Board Member Pierro stated right.

Rich Williams stated we have to keep it fair.

Chairman Rogan stated well that is a great idea.

Rich Williams stated I'm trying.

Chairman Rogan stated you know the sign can be done in a way that it complements the area and it says hey there is something special and then you built with something special.

Board Member Montesano stated maybe the Chamber of Commerce is willing to pay for it.

Chairman Rogan stated okay...wow

Board Member Pierro stated I thought we were going to get away with out it.

(Side 1 Ended 8:29 p.m.)

Chairman Rogan stated I wanted to state for the record the comments that were stated earlier for Tractor Supply, you guys had some thoughts on that, do you want to...

Board Member Pierro stated we would like to see white line stripe installed that is called for on the plans.

Chairman Rogan stated okay, that's...

Board Member DiSalvo stated entrance and exiting.

Board Member Cook stated dividing the ingress and egress traffic and a bar for the stop sign, the ground bar, white paint.

Board Member Montesano stated yea, oh, a white painted bar, okay.

Board Member Cook stated yes.

Board Member Montesano stated what about clarification on that other entrance.

Board Member Pierro stated on both.

Board Member DiSalvo stated its only one way coming down.

Board Member Montesano stated if they are using the one entrance as up and down, we need that striped.

Chairman Rogan stated right.

Board Member Cook stated absolutely.

Chairman Rogan stated and...

Board Member Montesano stated and the other one should either designated as such or if that is the usually one.

Board Member Cook stated I think there are one way signs out.

Rich Williams stated out on the road is says no entrance.

Board Member DiSalvo stated yea.

Chairman Rogan stated oh, okay, so the right hand side is two way traffic and the other side, the left side as you're looking at the building is exit only.

Board Member Montesano sated do they have something across there so someone...

Chairman Rogan stated I knew it was exit only, I just didn't know the other one was two way.

Rich Williams stated there is signage out in front that says no entrance.

Board Member DiSalvo stated on top of the hill.

Board Member Montesano stated yea, on here.

Rich Williams stated oh no.

Board Member DiSalvo stated I never even think of going do that way, going out that way.

Board Member Montesano stated I'm sure somebody will because its there and they see a road and they'll go.

Chairman Rogan stated I did, I went out that way.

Bruce Major stated yea but he can go out that.

Chairman Rogan stated yes.

Board Member Cook stated there should be something also, that is a good point, at the top of the driveway by the building, if you are coming out that way, you can also go in that is says exit only or something, that one, what would be that one lane, perhaps.

Chairman Rogan stated to the right hand side, you mean.

Board Member Pierro stated to the far east side, the east side right.

Chairman Rogan stated right.

Rich Williams stated if you put signs like that up, you them at the entrance so people don't drive in. You aren't really concerned up at the top if they drive out that way because its permissible.

Chairman Rogan stated I think when the white stripe is there...

Board Member Cook stated we don't want them going like Maria, bearing over to the left there, you know thinking that...

Chairman Rogan stated its going to be painfully obvious.

Rich Williams stated you're talking about the other side of the white line.

Board Member Cook stated yea.

Rich Williams stated okay, I'm sorry.

Chairman Rogan stated okay.

Board Member Montesano stated because the guy was up there with the horse trailer and he came down and...

Board Member Pierro stated I caught myself the other night, when we were on our way from one spot to another, during site walks...

Board Member DiSalvo stated you going on the wrong side of the road, coming down.

Board Member Pierro stated yea, I got over on the right, there were cars stopped to make the left hand turn and I got over to the right and I said gee I can see this happening...

Chairman Rogan stated I did the same thing.

Board Member Pierro stated I got over, we both did, I did it carefully, I know there was no car coming but I could see going to the right...

Chairman Rogan stated and having somebody come out.

Board Member Pierro stated to pass vehicles that are stopped and having somebody come down...

Chairman Rogan stated I thought the same thing.

Board Member Pierro stated that is one of the other reasons why the white line has to be down there on the bottom because at least people will stop there if they don't stop there and they get involved in an accident you know... self defense.

Chairman Rogan stated you're right because they are backing up waiting to make a left into the A&P plaza, the natural tendency, everybody always goes out and around and now you are right into the entrance and exit of that Tractor Supply, good point. So I think some delineation out there will help things a lot.

Board Member Pierro stated and I can also envision somebody stopped at that, making the left into the A&P...

Chairman Rogan stated getting T-boned.

Board Member Pierro stated and somebody coming around them, making a right into Tractor Supply and at the last moment, you got somebody in the car who, probably being male...

Board Member DiSalvo stated who changes their mind.

Board Member Pierro stated oh, forget it, I'll go to Tractor Supply and whips the wheel to right and goes in and gets hammered on the right side by a car who is cutting around, it could happen.

Chairman Rogan stated yea, okay, let's everybody look at the 2010 Agenda with the one correction noted and we have minutes to take a look at and we have our meeting December 3rd, next Thursday, correct.

Ted Kozlowski stated can I ask a question.

Chairman Rogan stated sure, the floor is yours Ted.

Ted Kozlowski stated are you folks sure you want to have a Work Session December 23rd, I don't know about you but I am going to be really tied up.

Chairman Rogan stated what's that day of the week.

Board Member Pierro stated for the January 7th meeting.

Ted Kozlowski stated it's actually...

Board Member Pierro stated the day before Christmas Eve.

Ted Kozlowski stated don't you think it would be better to have it between Christmas and New Years.

Board Member DiSalvo stated anybody going away.

Board Member Cook stated are you talking about this year or next year.

Board Member DiSalvo stated next month.

Ted Kozlowski stated this, I'm looking at, on the thing here.

Board Member Cook stated oh.

Ted Kozlowski stated December 23rd is your next Work Session, Christmas Eve, eve.

Chairman Rogan stated anybody have a problem, I don't really have a big deal, no problems.

The Secretary stated the other option for that if you would rather not have it that Wednesday would be that Tuesday the 22nd or Tuesday the 29th, the 30th is a Town Board meeting.

Chairman Rogan stated okay, one thing, if we change this, we are not changing the time though because nobody remembers.

The Secretary stated no, never.

Board Member Pierro stated and I see a couple shoppers in the room, so you know they are going to be doing last minute stuff.

Board Member DiSalvo stated you want to do it the 22nd.

Board Member Pierro stated let's change it to the 22nd.

Chairman Rogan stated as long as everybody is...

Board Member DiSalvo stated the 22nd.

Board Member Pierro stated yes, thank you Ted.

Chairman Rogan stated it doesn't matter to me, the 22nd.

The Secretary stated change it to the 22nd.

Board Member Pierro stated yes.

Board Member DiSalvo stated so we'll make a.

Bruce Major stated the Town Board added a meeting for the 30th.

The Secretary stated the Town Board's year is the 30th and its been scheduled that way all year.

Ted Kozlowski stated what's wrong with the 29th.

Board Member DiSalvo stated do you want it Christmas week.

Chairman Rogan stated that's two days before New Year's.

Board Member DiSalvo stated that's two eves before New Year's Eve.

Ted Kozlowski stated New Year's is a lot different than Christmas.

Board Member Pierro stated that's up to them.

Chairman Rogan stated you know what...

Board Member DiSalvo stated that's not good either the 22nd.

Ted Kozlowski stated that week, I'm all over the place I won't be here. I'm just saying the 29th...

Chairman Rogan stated the 22nd is fine.

Ted Kozlowski stated is after everybody's holiday.

The Secretary stated whatever you guys want.

Chairman Rogan stated the 22nd is...

Board Member Pierro stated the 22nd.

Board Member Montesano stated gives me an excuse to get out of the house...

Board Member Pierro stated you're right.

Board Member DiSalvo stated spoiled right.

Board Member Pierro stated right.

Chairman Rogan stated one less day for submittals...

Rich Williams stated one less day for submittals.

Chairman Rogan stated for reviews is what I meant.

Board Member DiSalvo stated yea.

Rich Williams stated for reviews.

Chairman Rogan stated whatever we have, we have.

Ted Kozlowski stated anybody make a motion to adjourn.

The Secretary stated nope.

Chairman Rogan stated motion to adjourn.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 5 to 0.

The meeting adjourned at 8:39 p.m.