

TOWN OF PATTERSON
PLANNING BOARD MEETING
December 3, 2009

AGENDA & MINUTES

	Page #	
1) Quaker Manor Re-Subdivision – Public Hearing	1 – 4	Public Hearing opened and closed. Negative Determination of SEQRA granted. Subdivision Approval granted.
2) Indinsumr Tat2 – Sign Application	4 – 39	Approval for Free Standing & Building Mounted signs granted with conditions.
3) NRA Wetlands/Watercourse Permit Application	40 – 50	Discussion of DEC Permit requirements, drainage and bridge design.
4) Winding Glades Site Plan – Discussion	50 – 62	Discussion of site visibility and Zoning.
5) Verizon Wireless at 801 Route 311 – Set Public Hearing	62 – 69	Public Hearing Scheduled for 1.7.10 Meeting. Discussion of screening and trees.
6) Other Business		
a. Tom’s Barbershop – Inspection Fees	69 – 70	Waived at 11.24.09 Work Session.
b. Project Status Updates	70 – 71	Discussion of projects
c. Steger Zoning Amendment	71 – 82	Positive Recommendation made to Town Board.
d. Taxi Cabs Zoning Amendment	82 – 101	Negative Recommendation made to Town Board.
e. 2010 Agenda	101	Approved
7) Minutes	101 - 102	October 29, 2009 Approved.

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
Marianne Burdick
Lars Olenius
Gerald Herbst

PLANNING BOARD

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

**Planning Board
December 3, 2009 Meeting Minutes**

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

APPROVED

Present were: Chairman Rogan (arrived at 7:40), Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Andrew Fetherston from the Town Engineer's office, Maser Consulting and Carl Lodes from the Town Attorneys office, Curtiss and Leibell.

The meeting began at 7:30 p.m.

There were approximately 8 members of the audience.

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

Vice Chairman Pierro led the Salute to the Flag.

1) QUAKER MANOR RE-SUBDIVISION – Public Hearing

Board Member DiSalvo stated I know, its family group.

Vice Chairman Pierro stated Chairman Rogan will be a few minutes late, he is conducting an H1N1 program over in Cold Spring. The first thing on the agenda is Quaker Manor Subdivision, Michelle would you...

The Secretary read the following legal notice in record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, December 3, 2009 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Quaker Manor Re-Subdivision for the Dedication of a Town road.”** The property is located at Quaker Manor Lane, Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Vice Chairman Pierro stated welcome, anyone have any...

Board Member Cook stated let's have a motion to open the public hearing. I make a motion we open the public hearing.

Board Member DiSalvo seconded the motion.

Vice Chairman Pierro asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Vice Chairman Pierro stated do we have anybody here from Quaker Manor.

Unknown Audience Member stated yes.

Vice Chairman Pierro stated come forward if you need to speak, no. Do we need to SEQR on this subdivision.

Rich Williams stated sure.

Vice Chairman Pierro stated okay.

Rich Williams stated sure, let me address the Board on this, this just so everybody is aware, this is a proposed subdivision to break out a road that was created by easement in order to offer the road to dedication to the Town. The Town Board has looked on this favorably, they've reviewed it, they are fine with it, we do have the subdivision plat that we need to make some modification to and get this filed and get this taken care of.

Vice Chairman Pierro stated any questions from the audience.

Board Member DiSalvo stated close it.

Vice Chairman Pierro stated Board Member...

Board Member DiSalvo stated make a motion to close the public hearing.

Board Member Montesano seconded the motion.

Vice Chairman Pierro for all in favor:

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

Chairman Rogan - absent

The motion carries by a vote of 4 to 0.

Rich Williams stated so to answer your previous question, yes before you take any sort of action you would need to address the potential environmental significance of the action.

Vice Chairman Pierro stated Maria, may I have a motion.

Board Member DiSalvo stated in the matter of Quaker Manor Lane, I make a motion that the Planning Board of the Town of Patterson, finds the proposed action will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Board Member Montesano seconded the motion.

Vice Chairman Pierro asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Vice Chairman Pierro stated [any] opposed. Charles, you're up.

Board Member Cook stated whereas the applicant has presented for approval by the Planning Board a final subdivision plat entitled road as-built survey Quaker Manor Road prepared by Link Lane Surveyors, dated October 17, 2009; whereas the Planning Board opened a duly noticed public hearing on the subject application and final subdivision plat at its meeting on December 3, 2009 and closed the public hearing on that same night after receiving comments from the public; whereas the Planning Board has considered the comments of the public and other involved and interested agencies and has reviewed the application and subdivision plat as modified and subject to compliance with such conditions as may required herein for conformance with the terms and conditions of the preliminary plat approval and the requirements of section 138 of the Town Code and article 16 of Town Law. Therefore be it resolved that the application Christina Rizzo for Final Subdivision Approval pursuant to Chapter 138 of the Town Code, the Planning Board finds that the subject application and final subdivision has modified in accordance with an applicable conditions set forth in this resolution complies with all requirements of the Town Law and Chapter 138 of the Town Code and hereby grants Final Subdivision Approval subject to the applicant's complies with nine general and no special conditions within 180 days of this resolution and be it further resolved that this Final Subdivision Approval shall be deemed null and void if the applicant fails to comply with all conditions stated above with the time period set forth above for such compliance, unless such time period is extended by resolution of the Planning Board for good cause shown; be it further resolved that in any event this subdivision approval shall expire pursuant to Chapter 276 [11] of the Town Law, 62 days from date that the plat is signed by the designated representatives of the Planning Board, unless it has been filed in the office of the Putnam County Clerk, in accordance with the provisions of section 276 [11] of the Town Law.

Board Member Montesano stated second.

Vice Chairman Pierro stated may I have a motion to approve.

Board Member Montesano stated oh, you have a motion to approve.

Vice Chairman Pierro stated any second.

Board Member DiSalvo seconded the motion.

Vice Chairman Pierro asks for all in favor:

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

The motion carries by a vote of 4 to 0.

Vice Chairman Pierro stated any opposed, so moved.

Unknown Audience Members stated thank you.

Vice Chairman Pierro stated you're welcome.

Board Member DiSalvo stated took awhile on that one.

Vice Chairman Pierro stated pretty quick. That matter of, number two on the docket...

2) **INDINSUMR TAT2 – Sign Application**

Ms. Gina Marie Scores and Mr. Dominick Dalo were present to represent the application.

Vice Chairman Pierro stated Indinsumr Tat2 Sign Application. Can you both state your names for the record.

Ms. Scores stated Gina Marie Scores.

Mr. Dalo stated Dominick Dalo.

Vice Chairman Pierro stated our last meeting we had an extensive discussion on the appearance of the logos on your sign and we asked you and also we had a discussion on the non-conformance of the existing light box that was there. We asked you to go back to the drawing board and come up with something that might be a little bit more palatable, have you done so.

Mr. Dalo stated yes we have.

Ms. Scores stated well as far as the light box, that has pretty much been an existing, in existence before evidently the ordinance went into effect. So, according to my landlord its been grandfathered in, as far as the light box and the size of it.

Vice Chairman Pierro stated I don't know if that is the case but we can wait for Rich to come back and...

Ms. Scores stated I actually thought that was settled at the last meeting.

Board Member DiSalvo stated so you are just going to have, well that is the light box, just the lettering up there.

Mr. Dalo stated correct.

Ms. Scores stated correct.

Board Member DiSalvo stated okay and the second sheet are what you want...

Mr. Dalo stated that is the post out front.

Board Member DiSalvo stated by the Thunder Ridge sign.

Mr. Dalo stated directly out...

Ms. Scores stated no, right in front of my mail box, right in front o my building. Thunder Ridge is actually two signs over, there is Thunder Ridge, Daniel J's...

Board Member DiSalvo stated is there a sign there now.

Ms. Scores stated no.

Rich Williams stated is there what.

Board Member DiSalvo stated a free standing sign.

Mr. Dalo stated there are the posts.

Ms. Scores stated there is a post for it.

Mr. Dalo stated for the sign but they must have taken their sign down.

Rich Williams stated there are three free standing signs in a row, there's the Thunder Ridge free standing sign, there is the free standing sign for this parcel which was used by Daniel J's...

Board Member DiSalvo stated right.

Rich Williams stated and then at some point in the past, one of the property owners, without getting any approval from the Board, had put a third free standing sign right in a row.

Board Member DiSalvo stated so this would be the third one.

Ms. Scores stated oh.

Rich Williams stated so they are proposing to put it on...

Board Member DiSalvo stated the back one.

Rich Williams stated the four by four posts that were put there by somebody previously.

Vice Chairman Pierro stated this indicates that this is going to go on the free standing sign.

Mr. Dalo stated on the pre-existing sign, yes.

Ms. Scores stated correct.

Mr. Dalo stated that will be on the light box.

Vice Chairman Pierro stated this is certainly an improvement of the last bit, you did see it.

Board Member Cook stated Rich, could you just clarify, there are a couple of questions here while you're in the room, about the light box sign, it's a non-conforming, pre-existing.

Rich Williams stated it is, the light box itself was put up at a time when the Code allowed a light box of that size. All right, our current Code does not allow a light box of that size to be put up, so the light box in and of itself is pre-existing, non-conforming, so the Board has a couple of options here, Carl, jump in, weigh in on this... You can either say that the new sign must conform or you can say old sign, they are just changing the fascia on it...

Board Member DiSalvo stated right.

Rich Williams stated pre-existing, non-conforming they can go back to the old size.

Board Member DiSalvo stated I think that is what we discussed at the last meeting we had.

Mr. Dalo stated basically all we are doing is replacing the Plexiglas that is on that sign.

Rich Williams stated so there is some discretion there on the part of the Board.

Vice Chairman Pierro stated what's you...

Board Member DiSalvo stated how big would this sign be.

Mr. Dalo stated that is a little over 4 by 4.

Ms. Scores stated that's 4 by 4, which goes into Code.

Vice Chairman Pierro stated what are your feelings on the continued use of this sign.

Board Member DiSalvo stated you still got that skull.

Ms. Scores stated come on, you said put flowers, I took out the heart and the dagger.

Board Member DiSalvo stated yea I know, we have it here but...

Ms. Scores stated I took of the heart and the dagger, we did agree to let me have my skull.

Board Member DiSalvo stated what is the other like a little...

Ms. Scores stated it's a swallow.

Board Member DiSalvo stated a swallow, it looked like a (inaudible).

Ms. Scores stated its actually my sons design and of course he didn't finish coloring it.

Mr. Dalo stated the colors will be basically the same...

Vice Chairman Pierro stated she said it's a swallow, it's a bird, its not finished in color yet.

Board Member Cook stated what's your first name again.

Mr. Dalo stated Dominick.

Board Member Cook stated we couldn't get your picture with a rose in the teeth.

Mr. Dalo stated she...

Ms. Scores stated you stood up for me the last time.

Mr. Dalo stated she still insists on the skull.

Board Member Cook stated I what.

Ms. Scores stated you stood up for me the last time, skulls are my signature, I can't, I'm all skulls.

Vice Chairman Pierro stated I have to be honest with you, I can't get over the skull, it just doesn't do it for me, its indicative of fear and fearlessness and its not something I want to see on a sign...

(Tape malfunction).

Rich Williams stated stop.

Board Member DiSalvo stated that was a short tape.

Board Member Montesano stated you're entering the stop...

Board Member DiSalvo stated did she start it from the beginning.

Rich Williams stated go.

Board Member Montesano stated stop.

Ms. Scores stated you're entering the what.

Vice Chairman Pierro stated it's not something I particularly like, entering into our community. Welcome Shawn.

Rich Williams stated it's still running, I don't know what happened.

Chairman Rogan stated thank you, I'm sorry that I'm late.

Board Member Pierro stated I would be ready to approve the whole action if it wasn't for that skull, anybody else's opinion.

Board Member DiSalvo stated I kind of...

Board Member Cook stated Shawn to quickly update you...

Chairman Rogan stated sure.

Board Member Cook stated this is what would go in the light box and this would be a free standing sign for a four by four.

Ms. Score stated four by four.

Chairman Rogan stated okay, I appreciate the time that you took to come up with something, hearing what the Board had said last time, I know that you were a little shocked and so I appreciate you going back and looking at what you were doing. I like that better than what we had with the dagger and you know, I think you've come a long way on it...

Board Member DiSalvo stated but...

Ms. Scores stated it's a tattoo shop.

Chairman Rogan stated it's a tattoo shop...

Board Member DiSalvo stated we do have another tattoo shop in Town, it's a free standing building and...

Chairman Rogan stated is this yours or mine...

Board Member Pierro stated it's yours, its new it just came in.

Ms. Scores stated mine is much prettier.

Board Member DiSalvo stated well and he's been there a few years.

Board Member Montesano stated you're going into a restaurant area, you're going to a ski area, you're going to have kids running through...

Chairman Rogan stated I'm glad it doesn't have a cigarette.

Ms. Scores stated turn over their snowboards, what do you see on the bottom, skulls.

Board Member Montesano stated skulls...

Ms. Scores stated absolutely.

Board Member Montesano stated I don't turn them over, I just look at what I'm going to do when I drive in there.

Ms. Scores stated look at their clothes.

Board Member Montesano stated I see other people with other things, put some skin on him, make a happy face.

The Secretary stated I don't know, hold on.

Board Member Pierro stated time out for a second.

Board Member Montesano stated you look at your tattoos...

Board Member DiSalvo stated something's not right, something's up.

The Secretary stated Mike.

Chairman Rogan stated Mike, hold on a second.

(Tape Malfunction – Change of tape at 7:45 p.m.)

Board Member Montesano stated oaky, you're going into what may be a restaurant, you're going into a ski area, you're telling me the skis are on the bottom, good, if you can put your skull on the bottom of the building, I'd have no problem with either.

Ms. Scores stated I took it off the top of the building.

Board Member Montesano stated I realize that but the object is you're walking in, there are eight million different tattoos, something has to be more artistic than just putting a skull up there.

Ms. Scores stated skulls are my signature.

Board Member Montesano stated then you can have it when you walk through the door and you can show everybody how skulls are your signature, your name is going to be a signature.

Ms. Scores stated this is a new name, my skulls are my signature.

Board Member Montesano stated then we ought to have a new name with a new picture.

Mr. Daló stated at the last meeting...

Ms. Scores stated we were willing to compromise.

Mr. Daló stated we discussed the fact that if we had a skull and we put some flowers around it, then it would be more appropriate. Now we did accommodate the Board by doing just ask you asked, we took the heart and the dagger out, like you asked and we conformed the skull pretty much as you asked too.

Chairman Rogan stated yea.

Ms. Scores stated with flowers.

Chairman Rogan stated I remember having that conversation and...

Mr. Daló stated we did.

Chairman Rogan stated and the Board had said to you that if you, I think Maria, you had said, if you come up with something, with some flowers around it or something...

Mr. Daló stated that it would be more appropriate.

Chairman Rogan stated I will tell you that I'm very happy that you took the smoking and the dagger with the heart out, its not my style of sign but I think you've come a long way on it.

Mr. Daló stated it's also not...

Ms. Scores stated it's kind of like...

Chairman Rogan stated I hope you do very well with your business.

Mr. Daló stated its not something that, its not a scary skull, there is no blood...

Chairman Rogan stated right.

Mr. Daló stated there are no guts, there's nothing scary about that skull.

Ms. Scores stated it's got hearts in the eyes.

Chairman Rogan stated and what's the size, the overall size, this is a free standing sign...

Mr. Daló stated that's four by four.

Ms. Scores stated it has hearts in the eyes.

Chairman Rogan stated well actually...

Mr. Daló stated it's small, it will probably...

Chairman Rogan stated so actually the skull portion is about this big.

Mr. Dalo stated about this big.

Board Member DiSalvo stated it's just so opposite, you have a skull and then you have this beautiful little bird there.

Ms. Scores stated its tattoos, it's tattooing.

Mr. Dalo stated well it gives both aspects, that is exactly what it is, it's a little hard and a little soft.

Ms. Scores stated that skull and top hat is probably a 75 year old vintage tattoo.

Chairman Rogan stated oh we've all seen it before...

Mr. Dalo stated it is.

Chairman Rogan its not something completely new.

Ms. Scores stated its classic to the tattoo industry.

Board Member Montesano stated so is a Model T but they won't let me ride around in it because it runs like hell.

Chairman Rogan stated it's pretty obvious that the entire Board isn't thrilled with the idea and we also realize that its your expression of your business. We did ask for some compromise on this and you came back with something which I think met what we were talking about. The bird, I don't think anybody has a problem with any...

Board Member Cook stated I have a comment.

Chairman Rogan stated yes.

Board Member Cook stated the, what are the dimensions of the light box sign.

Chairman Rogan stated the light box.

Mr. Dalo stated the light box is approximately 29 feet long by 2 feet in height; it's exactly 29 feet 3 inches.

Board Member Cook stated what if this signature skull is included in a reduced size on the light box.

Mr. Dalo stated we figured if we put it on the sign, it would be better for the Board too...

Ms. Scores stated it was originally, I originally wanted it on the light box and I took it off the light box and I said I'll just put it on my sign.

Mr. Dalo stated more agreeable.

Board Member Cook stated yea, I understand but now all of a sudden it's on this four by four...

(Tape Malfunction)

Chairman Rogan stated is the tape actually stopping.

The Secretary stated its stopping and starting again.

Ms. Scores stated I decided too...

Mr. Dalo stated we have to wait for the tape real quick.

Board Member Montesano stated you have to wait (inaudible).

Chairman Rogan stated Michelle, so it's stopping when it beeps and starting back up.

The Secretary stated it's the machine, it's not the tape, you're okay...

Chairman Rogan stated okay.

Board Member Pierro stated the skull...

Chairman Rogan stated let's follow through, Charlie's thought was...

Board Member Cook stated now we have the skull which is better than last time but now its going to go on a 4 by 4 board, to keep the signature of the applicant, if it was on the light box and something else along with the bird went on the four by four sign, at least it keeps the signature, minimizes the...

Board Member DiSalvo stated the skull.

Board Member Cook stated I think that Mike has a good point relative to the fact that it is next to what has basically been a family restaurant, family recreation area and this really doesn't jive with that in my one opinion but maybe to minimize the size of the skull on this 4 by 4 board, if you put it in the light box.

Chairman Rogan stated not to be contradictory but I think the size of that skull, as I'm understanding it...

Mr. Dalo stated it probably be smaller.

Ms. Scores stated they would be bigger...

Chairman Rogan stated would probably be smaller than if it was in...

Mr. Dalo stated it would be bigger on the top, on the light box.

Ms. Scores stated I basically decided let me just take all the graphics off my front of the building to pretty much accommodate that Board and just...

Chairman Rogan stated and have this little sign.

Ms. Scores stated on the little sign do my tattoo and my piercing...

Mr. Dalo stated it's a very small sign, it's only 4 by 4.

Board Member Pierro stated I don't normally disagree with my fellow Board Members but this is a 4 foot sign and these letters are almost ten inches tall, if you were to look at this...

Ms. Scores stated ten inches tall.

Chairman Rogan stated well...

Board Member Pierro stated on a 4 foot sign, these letters are going to be close to ten inches tall.

Chairman Rogan stated they'll have to be quite large.

Board Member Pierro stated and if they are ten inches tall that skull is going to be ten inches to a foot tall.

Mr. Dalo stated about ten inches tall.

Chairman Rogan stated probably 16.

Ms. Scores stated probably 6 ½, 8.

Mr. Dalo stated it would be about this big.

Board Member Cook stated about this because 8 ½ by 11.

Mr. Dalo stated we can all agree on the size.

Chairman Rogan stated so in other words, you're saying that this sign is proportionate to what a 4 by 4 would be, that would probably be about 18 inches tall by about a foot wide.

Board Member Pierro stated right and its still going to be visible.

Ms. Scores stated I would hope so.

Board Member DiSalvo stated what is the size of that.

Ms. Scores stated I'm trying to draw attraction, of course I want it visible.

Board Member Pierro stated if you made it 6 or 8 inches tall and left it on the light box, it might be better to swallow so I'm asking you to go back to the drawing board with this particular design and we appreciate, as we said early on before Shawn came, this is a tremendous improvement. I would ask you to come back with a smaller size skull next to the lettering where it says Big Joe & Sons.

Ms. Scores stated I'll shrink, tell me what size you want it to be, I'll make it smaller on that.

Mr. Dalo stated wait, okay.

Ms. Scores stated board and that's what I'll do.

Chairman Rogan stated why don't we rather than...that is just what I was leaning towards.

Mr. Dalo stated he was just going to say.

Chairman Rogan stated if the Board would accept that drawing...

Ms. Scores stated tell me how big you want it...

Chairman Rogan stated on the light box whether its between...

Ms. Scores stated I don't want to put it on the light box anymore, I want to put it on the free standing sign.

Chairman Rogan stated oh, I'm sorry, I apologize.

Mr. Dalo stated let him finish, let him finish.

Ms. Scores stated I don't want to put it on the light box anymore, we changed it.

Mr. Dalo stated he is saying what he wants.

Chairman Rogan stated okay so the light box we are looking at is the way you have it.

Ms. Scores stated that is the light box, yes.

Chairman Rogan stated and basically nobody have a problem with the light box.

Ms. Scores stated wonderful.

Chairman Rogan stated so now we are back to this 4 by 4 sign, why don't we say that these images, so that they balance each other can be no more than one square foot in size.

Mr. Dalo stated that's fine.

Chairman Rogan stated so you have a square foot to work with.

Mr. Dalo stated that's fine with us.

Chairman Rogan stated let's call it a day.

Ms. Scores stated whatever you need it to be, I just, you know I need to open, I have four month, I need a C.O., I need to open, I need to get in business.

Chairman Rogan stated I understand, I mean at this point I feel like it is what it is. The applicant did come back with what we spoke about last time about a bit of a compromise.

Board Member Pierro stated granted it is a compromise Shawn but I can't vote to adopt that skull on any sign in the community.

Chairman Rogan stated okay but let's stop and think for a second.

Board Member Pierro stated it's a democracy.

Chairman Rogan stated you were saying to can't vote for that on any sign but you were just about to send them back to the drawing board to put it on the upper sign.

Board Member Pierro stated that is too large, that is too large on that four foot sign, its going to be too big.

Chairman Rogan stated that size of a head.

Board Member DiSalvo stated the sign is lighted.

Ms. Scores stated no, it's not lighted.

Board Member Pierro stated I'm saying if you could...

Board Member DiSalvo stated the 4 by 4, no lights on it.

Mr. Dalo stated it's not lighted.

Ms. Scores stated not lighted.

Board Member Pierro stated put this on the light box next to the smaller letters.

Mr. Dalo stated it's also; the 4 by 4 is also not illuminated at all.

Chairman Rogan stated right, we understand that.

Mr. Dalo stated now the other sign is illuminated.

Chairman Rogan stated this sign is illuminated.

Board Member DiSalvo stated yea.

Board Member Pierro stated you can put this skull on the light box next to Big Joe & Sons or maybe in between, it would be small and it would be not as visible

Chairman Rogan stated the two.

Ms. Scores stated it wouldn't be that small, it would be (inaudible)...

Chairman Rogan stated you should make sure you understand the height of this box. The height of that box is like this.

Ms. Scores stated it would be more than a foot.

Mr. Dalo stated the letters are probably going to be somewhere around 18 inches.

Chairman Rogan stated I just looked at it tonight on my way here.

Board Member Pierro stated that is why I said put it next to where Big Joe & Son's is because its much smaller.

Chairman Rogan stated it's a two foot box.

Mr. Dalo stated it's a two foot box, the skull would conform with the lettering, it would have to 18 inches or bigger than a one foot skull.

Ms. Scores stated at least.

Board Member Pierro stated you can make it any size you want.

Chairman Rogan stated admittedly.

Ms. Scores stated I can make it any size you want on the little one too.

Chairman Rogan stated okay.

Board Member Pierro stated how about 3 ½ by 3 ½ and we'll approve it right now, got a deal.

Chairman Rogan stated that's a deck of cards.

Board Member DiSalvo stated it's a shrunken head.

Board Member Cook stated can you put both of these figures on the same side and something else on the other side that minimizes the size of this, no.

Ms. Scores stated tell me what to minimize it to.

Mr. Dalo we can minimize the size right now.

Ms. Scores stated no, that's my plan, tell me how big you want it.

Mr. Dalo stated you want us to minimize it, we will minimize it.

Ms. Scores stated but I don't want two on one side and one on the other, that is my.

Mr. Dalo stated and even with the family restaurant that will some day probably next door...

Ms. Scores stated which if I have my way it will be a tattoo café.

Mr. Dalo stated that sign is not illuminated at all.

Ms. Scores stated that's what I'm working on.

Mr. Dalo stated the only thing that will illuminate that sign is a car driving by it.

Chairman Rogan stated understood.

Mr. Dalo stated and as for that light box, that will be illuminated all the time.

Ms. Scores stated and I basically took the graphics off the light box because it was such a problem the last time and I didn't agree with it.

Board Member Cook stated Shawn.

Chairman Rogan stated yes.

Board Member Cook stated I'm just guessing, I guess that that board behind them is roughly 4 by 4.

Chairman Rogan stated no, that is about 6 by 4.

Board Member DiSalvo stated 4 by 4 is a half a sheet of plywood.

Mr. Dalo stated 4 by 4 would be about this size right here.

Chairman Rogan stated cut about 2 feet off that board.

Mr. Dalo stated it would be approximately here. That is why we are saying, the skull and the swallow are not even going to be one foot.

Ms. Scores stated its probably going to be about 6 inches.

Chairman Rogan stated you're holding up a foot.

Ms. Scores stated okay.

Mr. Dalo stated the skull will probably be somewhere around 10 inches, and the swallow, somewhere around ten inches. If you require it to be 10 inches then we can do it ten inches that is even under the foot.

Chairman Rogan stated yea, I mean I'm.

Board Member Cook stated that is the size of, this is 8 ½ by 11.

Chairman Rogan stated you're talking about...

Mr. Dalo stated it wouldn't be much bigger than that.

Board Member Cook stated this is 11.

Chairman Rogan stated this big, 10 inches by, about this size.

Board Member DiSalvo stated and it's a two sided sign, right, both sides.

Chairman Rogan stated Rich, let me just take a step away from the skull for a minute and let everybody take a deep breath. We had talked about the size of the sign, the building mounted sign and please remind the Board of the conformity within the Code of the, it's the existing box does not meet the current Code but

it's a pre-existing box. We were talking about working within that and blocking off this area so it did conform with the Code, correct.

Rich Williams stated we had gone through this a little bit earlier before you came in...

Chairman Rogan stated oh, I apologize.

Rich Williams stated in that the sign box was put up prior to the current sizing requirements within our Zoning Code. The Board can look at this two different ways, one you can look at it as the box is pre-existing, non-conforming, they are just replacing the face of that box and the face is pre-existing, non-conforming and you can make a determination to do that or you can say listen we've got this new standard, we want to bring everybody into compliance regardless of the size of the sign box, it's the size of the sign that we are focusing in and we need them to block off either ends to shrink the size of the sign down so it meets our current Code requirements. You have the discretion to make that determination either way I think.

Chairman Rogan stated and the addition of a free standing sign in front of the facility, where do we stand with that.

Rich Williams stated well we've got an issue with the size requirements.

Chairman Rogan stated okay.

Rich Williams stated again, our Code says you can have one free standing sign, you've already got the one existing, the old Alpine sign or the Daniel J's sign.

Chairman Rogan stated right.

Rich Williams stated that are one point when somebody had come in, we had directed them to put it up on that...

Chairman Rogan stated I remember that.

Rich Williams stated then we ran into the problem where we found a provision in our Code from years ago that said you know, everybody has to come down into conformance so that pile on sign which was huge really you know, wasn't supposed to be there anyway and it still was and they were still using it. We had notified them, Daniel J's, of the reduction in size that they needed to comply with and that never happened, on top of that never happening you know they threw the additional flashing sign up which was again, totally outside the scope of our Code and you know, that is the way it's been for a very long time, so.

Ms. Scores stated I don't have any signs on that.

Chairman Rogan stated no, no, we understand that.

Rich Williams stated that was one of the, just to reiterate our Code says that there can be one free standing sign per property, you've got the one big pile on sign that is already there, that is the one sign. The additional free standing sign that somebody put up on your property a long time, wasn't ever there legally because our Code doesn't allow a second sign, all right but it was there for a long time and you saw it there and...

Ms. Scores stated I was told, yea.

Rich Williams stated you figured what the heck, let me just come in...

Ms. Scores stated I was told it was an approved free standing sign and the one on the building.

Board Member Pierro stated it is not and there is a problem with sight distance pulling out of either driveway there when you are looking north, that free standing sign blocks your view.

Rich Williams stated well you know, I haven't looked at the sight distance issue...

Chairman Rogan stated yea, we would have to look.

Rich Williams stated I haven't but you can go a couple of different ways here, you can say the restaurant is gone, that sign has to come down. There is no sign there now, they are in here for a legal sign and approve their sign. In which case later on we are going to have a bit of a problem, we are going to have to wrestle with when a restaurant comes back in.

Chairman Rogan stated when a restaurant comes in, your sign may very well have to go onto their...we may have to move that over.

Mr. Dalo stated that's fine but that is also an issue you have to address...

Chairman Rogan stated address with that property owner.

Mr. Dalo stated that sign is not legal as it is, so that is going to have to be addressed at that time.

Chairman Rogan stated we are going to wrestle with that with the site plan for the new.

Board Member Montesano stated can I ask a question here, while we are going through this.

Rich Williams stated sure.

Board Member Montesano stated all right, if we allow them to put up a sign, can we proportion that sign now with what we anticipate what the restaurant et cetera is going to be...

Chairman Rogan stated I think that makes sense.

Board Member Montesano stated because we have the opportunity, I don't want to see them spending money for a sign and then telling them they have to make it smaller...

Chairman Rogan stated to be able to...

Board Member Montesano stated where if we set it up now, what the standard would be and what the size would be and then they don't have to have a second expense.

Mr. Dalo stated isn't that what you told us, it has to be under 25 square feet.

Rich Williams stated well no, the restaurant sign combined with your sign for the whole site has to be under 25 square feet.

Board Member DiSalvo stated they have 16.

Chairman Rogan stated you've got 16 here, so if we approve this and we follow all the rules for the restaurant, you know everything working within the Code, we would only be allowing them...

Board Member Pierro stated 8 square feet.

Chairman Rogan stated about 8 square feet.

Board Member Montesano stated 8 square feet, whereas if it is going to be a two sign location...

Chairman Rogan stated 9 square feet.

Board Member Montesano stated then twelve and a half each would have to be within reason.

Chairman Rogan stated not even because you were saying proportional, the restaurant is ten times the size, you know.

Board Member Montesano stated well...

Chairman Rogan stated I think the road this is all going down, I don't think anybody has a problem approving this tonight and at least you're in business. The concern is going to be with this, not because of the skull but because say we like the entire sign but the size of it, it wouldn't be very fair to restaurant owner when he comes in for his sign to say we gave them 16 square feet, now you can only have a 9 square foot sign...

Board Member DiSalvo stated he might even take it down.

Chairman Rogan stated when they are the predominant use of the sign.

Ms. Scores stated maybe he'll just put it up and not come here period.

Mr. Dalo stated like he already did.

Board Member Montesano stated (inaudible).

Ms. Scores stated maybe he'll be like me and work it out.

Chairman Rogan stated maybe, so does the Board want to take action on the building mounted sign.

Board Member Pierro stated Mr. Chairman.

Chairman Rogan stated sure.

Board Member Pierro stated I will make a motion to approve the building mounted sign as describe in this you know presentation, within the perimeters of our new Town Code.

Chairman Rogan stated okay.

Board Member Pierro stated so this sign is going to have to get shrunk down a bit on either side, is that what you were talking about Rich. Blocking out to bring this into the new...

Rich Williams stated probably.

Board Member Pierro stated yea, blocking out, maybe blackening it...

Chairman Rogan state well the interesting thing is that its already a black sign, so it might, its kind of a...if you end up with a foot on either side, it's...

Ms. Scores stated I don't even know if I'm going to illuminate it yet, I mean I've got that light box, I've got, what is it, 29 inches of bulb behind that sign.

Mr. Dalo stated 29 feet.

Board Member DiSalvo stated 29 feet, I would leave it the same size.

Ms. Scores stated that's been there, what am I supposed to be do with it.

Board Member Montesano stated block off the two ends and put your sign in the middle.

Ms. Scores stated that looks tacky.

Board Member Montesano stated no it won't.

Ms. Scores stated its tacky.

Rich Williams stated what you would be doing is taking that sign, you would be shrinking it down, say one foot on either end and either end would just be black, black plastic and the sign lettering would start...

Mr. Dalo stated is that, just one foot on either end or is it eight feet on either end.

Board Member Pierro stated it would have to be measured.

Chairman Rogan stated its not that much.

Rich Williams stated its not eight, we'll have...

Mr. Dalo stated what are the requirements...

Rich Williams stated off the top of my head I don't know.

Chairman Rogan stated its based on...

Rich Williams stated I did do a memo on this, you have it.

Chairman Rogan stated I have it here.

Ms. Scores stated I don't understand, what's with grandfathering in, isn't that supposed to be as in existence, I don't understand.

Board Member Montesano stated its never been for the same reason...

Ms. Scores stated I mean I have been grandfathered in, in Westchester County...

Mr. Dalo stated the sign hasn't, the box has.

Ms. Scores stated and whatever I have, remains as is.

Chairman Rogan stated tell you what...

Rich Williams stated I understand what you're saying.

Chairman Rogan stated give you a great example, if a tattoo parlor was not allowed in Patterson but there has been a tattoo parlor in that location for the last 50 years and now they wanted, someone wanted to...

Ms. Scores stated I have it in Mt. Vernon.

Chairman Rogan stated I'm talking about Patterson now, someone wanted to leave and lease it to you now, that would be a grandfathered use, correct.

Rich Williams stated that would be a pre-existing, non-conforming...

Chairman Rogan stated that would be pre-existing, so that is grandfathered, you would take over the business.

Ms. Scores stated so as far as building, whatever is on a building that is not grandfathered in.

Chairman Rogan stated no.

Ms. Scores stated whatever was pre-existing on a building that was built, is not.

Chairman Rogan stated no...it would be like saying if you built something wasn't safe and you say well its pre-existing, yea but its not safe, so you take it down and make it right.

Ms. Scores stated no, it's not safe, that's different.

Mr. Dalo stated that's not true, if you have a house, okay...

Ms. Scores stated I might have a house and they open up a new development, sorry you have to paint your shutters because now everybody else has to have to blue shutters and you can't have these lights because now we did a new development and we have different laws and no, my house was here before you were here.

Chairman Rogan stated you can't both talk at once.

Board Member DiSalvo stated so how much would you trim it down.

Rich Williams stated but that is a great example because most architectural codes when they get really into the fine details about the colors you can have...

Ms. Scores stated they can't make me disassemble by house.

Rich Williams stated no but I'm saying if you have a pink house and you've got a very tight architectural code typically, what they are going to say is if you want to re-paint it pink, you can do that, if you want to change the color, you have to conform.

Mr. Dalo stated absolutely but we are not changing.

Ms. Scores stated right but if you're going to make a change.

Rich Williams stated you're changing the sign.

Mr. Dalo stated no, we're changing the Plexiglas.

Ms. Scores stated no, I'm not touching anything.

Rich Williams stated well that is why when I said what I said to the Board, I gave it to them both ways and it is their discretion.

Mr. Dalo stated right because we are not changing the box.

Ms. Scores stated the Plexiglas still has to fit the box.

Chairman Rogan stated right and we are agreeing with that.

Rich Williams stated it will.

Mr. Dalo stated they understand that.

Chairman Rogan stated okay...

Board Member Pierro stated be clear that the area of the wording has to be shrunk down, correct.

Rich Williams stated right.

Board Member Pierro stated yes...

Chairman Rogan stated so what it would mean is...

Board Member Pierro stated the wording can not occupy the total light box space.

Chairman Rogan stated and you're not proposing it to occupy the whole space, you have dead space on each side. So whether or not there is a foot and half of black on each side before the letter starts.

Ms. Scores stated so I just assume cut the sign and now I have a building that's not complete.

Chairman Rogan stated I'm sorry, what are you saying.

Ms. Scores stated I said so now I just assume cut the sign and now I have a building underneath that's not complete.

Mr. Dalo stated you don't have to do that, they are telling you to put blank Plexiglas in there.

Board Member DiSalvo stated why not just move the sign, the lettering over.

Chairman Rogan stated on your sign that you've showed us, if let's say for the sake of argument you have four inches of dead space before...

Ms. Scores stated what I'm saying is the building was re-finished after the sign box was there...

Chairman Rogan stated that's fine.

Ms. Scores stated I know, you're telling me now I have all this blank space on the outside where I would rather have more building then the sign.

Chairman Rogan stated well that would be more expense to you to change the box, we were trying to save you some money, if you would like to make the box smaller, you certainly can.

Ms. Scores stated I don't want to reduce, I want what's there.

Chairman Rogan stated well it doesn't sound like you're going to get what's there, it sounds like you are going to get what's within the Code on this...

Ms. Scores stated yea, so I see.

Chairman Rogan stated and you are going to have to black out that sign, there is a motion on the floor on that, to be within the requirements with the proposal shown, do I have a second.

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.

Chairman Rogan stated any opposed, this is an approved sign, you can put this up tomorrow, provided that you speak to Mr. Williams about the proportion of the area on each side.

Ms. Scores stated and that one is to be determined.

Rich Williams stated okay, do we have a copy of that for our files.

Board Member Pierro stated we just got it tomorrow.

Mr. Dalo stated she'll make a copy of it and we'll pick it up tomorrow.

The Secretary stated yes, that's right.

Chairman Rogan stated SEQR determination on that sign.

Rich Williams stated you should do a SEQR determination.

Chairman Rogan stated you did the motion, do you want to do a SEQR determination on that sign.

Board Member Pierro stated in the matter of Indinsumr Tat2, I make a motion that the sign application be determined to be a negative declaration of significance, I'm having a brain seizure, I'm sorry.

Chairman Rogan stated it's okay.

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.

Chairman Rogan stated so now we have a proposal for, I'm sorry...

Board Member Pierro stated okay.

Chairman Rogan stated for the four by four free standing sign. The last discussion I heard was the applicant saying they would keep the size of the characters or the images to ten inches in height, no more than ten inches in height, discussion by the Board.

Board Member DiSalvo stated and the lettering will be a little bigger or how would you want to do that.

Mr. Dalo stated it will proportionate with the sign, it's...

Chairman Rogan stated it's going to have to.

Ms. Scores stated the lettering will be bigger.

Mr. Dalo stated we don't know, the lettering will probably be about ten inches, twelve inches too.

Ms. Scores stated if I have to shrink the designs, the lettering will remain bigger.

Board Member DiSalvo stated okay.

Chairman Rogan stated Mike.

Board Member Montesano stated are we going to distinguish the size of the signs that we are going to allow to be put up as a free standing sign, that is going to be something I think we should determine right now.

Ms. Scores stated now I know why everybody does it illegally.

Board Member Montesano stated that is why they shut down real easy.

Ms. Scores stated no they didn't, it's still there, Daniel J's.

Board Member Cook stated I think we have to concern ourselves too...

Board Member Montesano stated the business isn't, the sign may be.

Board Member Cook stated going back to the present sign that is up there, right that is out of sync with everything and somebody new comes in to open the restaurant, that sign basically has to come down, is that.

Chairman Rogan stated it has to conform.

Board Member Montesano stated can I interrupt you Charlie. Can we have that sign removed, since its an illegal sign...

Chairman Rogan stated because the property isn't being used.

Carl Lodes stated its on private property and you can have it removed but you have to go through the process of doing it, you just can't remove it.

Board Member Montesano stated well what I'm saying is right now its illegal, we are putting these people through it because the sign is up there, they were under the impression...

Board Member DiSalvo stated the Daniel J's sign.

Board Member Montesano stated that this is what they could do, the object is this business is now closed, whether its temporary or permanent but the sign is still there so visually when you walk in, you're going to accept that as the size of your sign and we shouldn't have it up there if its not legal.

Chairman Rogan stated you mean as a potential new owner.

Board Member Montesano stated right, the new owner walks in, he's got to have a secondary issue here because the signs have to be made smaller to fit in the 25 [square foot] zone and if we are going to accommodate them...

Ms. Scores stated is the Thunder Ridge sign legal...

Board Member Montesano stated excuse me, can I finish please.

Ms. Scores stated I'm just curious, I'm sorry, I'm just curious because (inaudible).

Board Member Montesano stated if we are going to do something for these people, I would like to get this all taken care of now, not in piecemeal, we have an opportunity, take care of it.

Rich Williams stated I can give you all the documentation.

Board Member Pierro stated the only way to do that is to have the sign design for the Alpine.

Board Member Montesano stated first we have to find out if we can do that...

Chairman Rogan stated what size is the sign.

Board Member Montesano stated addressing, do we have the right to have that thing removed, I don't know.

Carl Lodes stated you can violate them, if its not in compliance with the Code.

Rich Williams stated you have the right to request the process to be initiated.

Board Member Montesano stated I would like to at this time make the motion that we request the process to be taken care of so we can get this order and these people can get in business one way or the other.

Board Member DiSalvo stated and they are still your landlord, so they can come back and tell you to make your sign smaller, we are not taking our sign down, right.

Board Member Pierro stated does that require a second.

Chairman Rogan stated yea.

Board Member Pierro stated on the motion, I second that 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.

Chairman Rogan stated okay.

Rich Williams stated the sign is either in violation or its not in violation regardless of what happens with (inaudible).

Chairman Rogan stated exactly.

Mr. Dalo stated in the mean time...

Board Member Montesano stated you've got one sign cleared, now we are going to try for two.

Mr. Dalo stated that is what I'm asking.

Ms. Scores stated but is the Thunder Ridge sign, because there are 3 actually in a row.

Board Member Montesano stated that is a different piece of property...

Chairman Rogan stated separate piece of property, I wouldn't worry about that for this.

Ms. Scores stated oh okay, I got you.

Board Member Montesano stated that is where the problems come in.

Ms. Scores stated okay.

Chairman Rogan stated Carl...

Board Member DiSalvo stated okay, so we can hold off on that...

Chairman Rogan stated do you and Rich have any recommendations for how the Board would...here this use is a very small proportion of the property, in fact I would say its probably 10 percent of the use of the property maybe even less of the square footage. Typically would it be good for our Board to consider the relative use of a property for what we allow for the sign or would say its two separate buildings and its 50/50.

Carl Lodes stated I don't know if I would do that, I think it would depend upon on how, they were willing to re-do their sign at some point in the future.

Mr. Dalo stated that is what I was going to ask.

Carl Lodes stated why would you tell them to reduce their sign now and (inaudible).

Mr. Dalo stated if we can use out...

Board Member Montesano stated we are trying to get...

Carl Lodes stated it could stay vacant for five years.

Mr. Dalo stated right, if we can use our sign now, we are more than willing to, if need be, come in front of the Board again, if we have to make any changes to accommodate that restaurant.

Chairman Rogan stated is this sign going to be made out of plywood or something and then painted.

Mr. Dalo stated its made out of PVC.

Ms. Scores stated PVC, non lit, very letters, decal pretty much, painted whatever.

Board Member Pierro stated I would like everybody to think about our past experiences with sign in this kind of situation where we have shared usage, we, it seems allow signs to get put up and they never come into conformance, no matter what people promise us in front of a room full of people, they never come into conformance. We approve signs and then we have to go back and violate them again, I am not in favor of this sign at all because its going to have to be shared, I figure we ought to reduce the size of this at present, instead of it being 4 square feet, make it half that.

Chairman Rogan stated four by four by four.

Board Member DiSalvo stated make it two by two.

Board Member Pierro stated instead of 16 square feet, make it half that.

Board Member Montesano stated we have an opportunity to take care of this now, why the heck are we going to wait until later, this is what I don't understand...

Chairman Rogan stated well I think taking care of it now, the hard part is, the unknown is what the next tenant would...Mike, my point is come up with a solution...

Board Member Montesano stated the unknown, if I knew the answer to Saturday's lottery numbers I wouldn't be sitting here.

Chairman Rogan stated Mike, don't go down that road. If you were to say to me, it makes sense since we don't know what the next person is going to want, to say okay, we approve a sign that is x number of square feet which allows somebody else another one, you can't hold up one application, let's say for sake of argument you love the sign, you can't hold up the application to wait a year from now for when somebody else is going to come.

Board Member Montesano stated you're not holding it up, you're going to conform to the law that we are trying to adhere to.

Ms. Scores stated I was promised a 4 by 4 sign.

Chairman Rogan stated but that is not a solution, this would conform to law because there is no application for the other sign. If we approve this sign tonight...

Mr. Dalo stated that is what we are asking, yes.

Chairman Rogan stated if we approve this sign tonight and we ask for the other sign...

Board Member Montesano stated okay, do it that way.

Chairman Rogan stated no, no, no, I'm trying to understand...

Board Member DiSalvo stated we are going to follow through with the violation.

Board Member Montesano stated I realize what you're trying to get me to understand, my problem is that I've been here for 25 years...

Chairman Rogan stated yea, that is why I'm asking you for a solution.

Board Member Montesano stated running around and every time we come up with a, we're going to do this because we are nice guys, it never works out. Then we get the Building Inspector to give a violation, then it goes to a court room...

Board Member DiSalvo stated where it gets dismissed.

Board Member Montesano stated who says oh dismissed and then we sit here saying oh we should have done that the other way and I'm sorry...

Chairman Rogan stated Mike, I am not disagreeing with you what I'm saying is, you said yourself 25 years experience give us a solution that works.

Board Member Montesano stated I'm telling, the solution right now is we have a sign code that says 25 square feet, they have a business that's covering, you want to give them fifty percent then make that the law...

Ms. Scores stated I am here tonight trying to make it work.

Board Member Montesano stated make it a 50/50 deal with two business, each one gets 50/50, not we are going to proportion this and proportion that, make it up.

Board Member Cook stated Mr. Chairman, may I address Mike.

Chairman Rogan stated yes.

Board Member Cook stated Mike, I think that, I understand what you're saying but I think also by passing the motion that you made, that the current sign, okay, we have requested to be on its way out, so that's gone. We have two issues here, we have the size of the sign and we have the graphics of the sign, those are the two issues. We have taken care of whatever comes in the former Alpine/Daniel J's building, okay, that relative to the sign, that sign is non-conforming and needs to be removed, okay, that is a done deal. They have the building mounted sign we approved that, that is a done deal according to the present code, so now what we have to grapple with is the size of this sign and the graphics of the sign.

Board Member Montesano stated okay.

Rich Williams stated if I might throw another twist in on this to you and offer a suggestion.

Chairman Rogan stated sure.

Board Member Cook stated a nice quiet night.

Rich Williams stated they have a sign, you decide that tonight you're only going to let them have a sign fifty percent of the 25 square feet because they have one of two business that is going to be on the site. The new property owner comes in and says yea but I want a bigger sign, I'm going to go for a variance, now you've got a property with a bigger sign or a bigger total square footage than you normally would have allowed.

Chairman Rogan stated yes.

Andrew Fetherston stated Shawn, sitting here listening also, I see the point of having the one sign, I see the point of splitting it 50/50, devil's advocate okay, you have two businesses there today, one is only ten percent of the square footage you said and the other business is larger. Tomorrow Carl moves half of his business into half of that larger piece and I move into the other half, now you don't have 50/50, now you have thirds but you only have half.

Chairman Rogan stated yea.

Board Member Montesano stated what I'm saying is...

Andrew Fetherston stated why didn't you cut it into thirds, you know what I'm saying...

Chairman Rogan stated sure.

Andrew Fetherston stated I don't know that the 50/50 solves it.

Board Member Montesano stated I want specifically to state this is the size of the building, this is the size of your sign, if that is going to be the permanent, major business over there, then they are entitled to X amount but we are not saying that. We are saying that we are going to allow them to put up a sign under this regulation that we are trying to get rid of, which may be 60 percent of the allowable space and they are going to have to change it later. If they choose not to, I'm not going to argue with them for the simple reason that we have an opportunity to say at this time the sign has to be x amount of square feet per thing and we're not. We are allowing them to proceed, then its not their fault, it's ours.

Rich Williams stated Andrew just...

Chairman Rogan stated and I agree with that, that is why, all I was asking you for is give us a solution as to what you think the size of the sign should be, that's all I was asking.

Board Member Montesano stated oh, well then you got a percentage, what percentage of that building compared to the other one...

Chairman Rogan stated its got to (inaudible).

Mr. Dalo stated if you're talking ten percent, then we are going to have two and half square feet.

Chairman Rogan stated like two and half, it's ridiculous.

Board Member Montesano stated then come up with a number, you want me to come up with it, I'm giving you my number.

Chairman Rogan stated I think it, I agree with you but it doesn't really, I agree with the proportion but it doesn't really work for the people.

Board Member Pierro stated I thought our Code.

Rich Williams stated I think what you need to do is, here is my solution, they have agreed that once the new people come in, they are willing to work with the new people...

Mr. Dalo stated absolutely, it might be years.

Rich Williams stated for (inaudible), approve their sign conditionally...

Board Member DiSalvo stated on the condition.

Mr. Dalo stated that's fair.

Rich Williams stated for a limited duration until a second sign application comes in for that site, at which time they are going to have to take their sign down...

Mr. Dalo stated and we'll come back in front of the Board.

Board Member DiSalvo stated where they would get a smaller one.

Rich Williams stated and you're only going to review a sign concept for that site, then (inaudible) everything that is going on at the site.

Chairman Rogan stated that seem reasonable.

Board Member Montesano stated yea, I have no problem with it, I'm trying to...

Board Member DiSalvo stated (inaudible) contingency.

Board Member Montesano stated you want to do it this way, do it that way.

Ms. Scores stated works for me, works for me.

Chairman Rogan stated don't spend that kind of money on this sign though, you're going to paint it all up yourself anyway...

Board Member Montesano stated get your son to do that because he did a nice job here.

Ms. Scores stated we're artists, signs are no big deal, just give me the space.

Board Member Cooks stated now we have to worry about the graphics.

Chairman Rogan stated 8 square feet would be like two and half, three by three would be nine.

Board Member Pierro stated okay.

Board Member DiSalvo stated and four by three would be twelve.

Board Member Pierro stated four by four is 16.

Board Member Cook stated 16.

Chairman Rogan stated 16.

Board Member Pierro stated give them 8 square feet.

Board Member DiSalvo stated half of 25 is.

Ms. Scores stated don't worry I'll do it.

Board Member Montesano stated it's a catch 22.

Ms. Scores stated I'll put it on my word, I promise.

Board Member Montesano stated (inaudible).

Chairman Rogan stated three by three, that's 9, right there, whatever it comes out to.

Board Member Cook stated you might...

Board Member DiSalvo stated its going to be longer than it is wide.

Board Member Montesano stated (inaudible).

Chairman Rogan stated they were proposing a square sign, even though this picture is not...

Ms. Scores stated its 4 by 4.

Mr. Dalo stated 4 by 4.

Chairman Rogan stated okay, I mean, whatever we'll move it along, anybody, everybody somewhat comfortable with this idea.

Board Member DiSalvo stated the decals, there was some.

Chairman Rogan stated the decals, we said ten inches.

Board Member Pierro stated if you're going to reduce the sign in half, those decals aren't going to be ten inches.

Chairman no, all right, let's.

Board Member Pierro stated they are going to be proportionate, they are going to be less than ten inches.

Mr. Dalo stated if we are doing this under a temporary condition, why do we, why are you asking us know on top of everything...

Ms. Scores stated to compromise and compromise and compromise.

Chairman Rogan stated I agree with you in fairness.

Mr. Dalo stated you know, again, you're right, in all fairness, if this is going to be something that...

Ms. Scores stated that is temporary anyway.

Mr. Dalo stated it could be a month, it could be two years, we don't know either.

Board Member Pierro stated in our past experiences, nothing is ever temporary in a sign.

Chairman Rogan stated but that is not fair to them, it's not...

Board Member Pierro stated its not fair to them but let's enforce the law.

Board Member Cook stated wait a second, you compromised and we compromised today because we were originally talking about all the discussion last time on the light box, right.

Ms. Scores stated no, no, we have (inaudible).

Board Member Cook stated okay.

Mr. Dalo stated this is where the skull came in on the free standing.

Board Member Cook stated I thought the skull was on the light box.

Board Member Pierro stated it was.

Mr. Dalo stated we actually had him on both.

Ms. Scores stated I had him on both.

Board Member Cook stated oh okay.

Ms. Scores stated had it on both.

Chairman Rogan stated all right, so let's close this out.

Board Member Cook stated so we have a 4 by 4 sign.

Board Member DiSalvo stated make it a, is it a motion, keep going Charlie.

Board Member Pierro stated that is what they want, I want to cut it in half.

Board Member Cook stated you want a 2 by 2 sign.

Chairman Rogan stated how about 3 by 3, lady and gentleman, that is 9 square feet.

Board Member DiSalvo stated 4 by 3, give them 12.

Chairman Rogan stated so somewhere between you and you.

Mr. Dalo stated let's compromise.

Board Member Pierro stated I'm not making the motion, it's up to you guys.

Ms. Scores stated I was told I was entitled to a 4 by 4.

Mr. Dalo stated no, 5 by 5.

Ms. Scores stated free standing, 5 by 5 free standing sign.

Chairman Rogan stated you're right, you were probably told that because of the lack of the business.

Board Member Cook stated but that is the maximum that is allowed by the Code.

Chairman Rogan stated right, that is for both signs.

Board Member Cook stated that doesn't mean that a 5 by 5 sign gets approved.

Ms. Scores stated 4 by 4, when the other business goes in, I am willing to down size, whatever I have to do to conform because I am a conforming person.

Board Member Montesano stated (inaudible).

Ms. Scores stated that is expression.

Chairman Rogan stated let's stop that right now.

Board Member Montesano stated you stand there and try to stay out of trouble.

Chairman Rogan stated we had on my right side 8 square feet and I had 12 here. I am going to make a motion in the matter of Indin Sumr Inc, Tattoo shop that we approve a free standing sign, not to exceed three foot by three foot, 9 square foot in total, with the character, what would call these...

Board Member Cook stated graphics.

Chairman Rogan stated graphics, thank you, not to exceed ten inches in height as submitted.

Ms. Scores stated so why can't have I have my 4 foot sign and limit my characters.

Chairman Rogan stated you better let me go with this roll or you'll probably never get out here tonight.

Board Member Montesano stated how wide.

Board Member DiSalvo stated temporary.

Chairman Rogan stated 3 by 3.

Board Member Pierro stated 3 by 3, not 4 by 3.

Chairman Rogan stated not to exceed 9 square feet on a temporary basis until the remainder of the site is occupied and we are reviewing signs for that and the two signs then will be brought into conformance with the Code and I will also grant a negative determination of significance of SEQRA in that motion, so moved. Can I have a second, anybody willing to second.

Board Member DiSalvo stated I would go a little bigger.

Board Member Cook stated okay, I'll second it but let's have a discussion.

Chairman Rogan stated this might be history right here, we've never had this kind of discussion on a sign before.

Ms. Scores stated this might be history for me too, I've never done this before either, I just put up the sign.

Board Member Cook stated we can increase that 12 square foot sign, so that can we three by four, four by three, two by six.

Chairman Rogan stated 12 square foot, however they come up with it.

Board Member DiSalvo stated right, by going 12 square feet.

Board Member Cook stated and but in the resolution but also in the resolution also limit the size of the graphics.

Chairman Rogan stated which is what I put in the resolution or in the...

Board Member DiSalvo stated not to exceed 10 inches.

Board Member Montesano stated you said 10 inch high but what is the width on it.

Chairman Rogan stated when you said width; I thought you meant the sign.

Board Member Montesano stated no, no, not the sign.

Chairman Rogan stated ten by ten.

Board Member DiSalvo stated not to exceed 100 square inches.

Mr. Dalo stated 100 square inches.

Chairman Rogan stated for the graphics.

Board Member DiSalvo stated each graphic.

Ms. Scores stated so why can't I have 4 by 4 and it fits in the frame and I limit my graphics.

Board Member Pierro stated I think the graphics are too much.

Ms. Scores stated why can't I do that.

Rich Williams stated if I may...

Chairman Rogan stated yes Rich.

Rich Williams stated if you're going to do that, give me the height and the width, so I know the height and width because you don't want a one foot sign that is 12 feet high, so give me a length and a width on it.

Chairman Rogan stated that is why I kind of liked...

Board Member DiSalvo stated 4 by 3.

Ms. Scores stated 4 by 4 and limit my graphics.

Chairman Rogan stated the motion was 3 by 3 and graphics of no more than 100 square inches, 10 by 10, in total.

Board Member Cook stated 10 inches.

Chairman Rogan stated ten inches but a 100 square inches.

Rich Williams stated there was a second, so either now have to vote or someone has to make a motion to amend the motion.

Board Member DiSalvo stated I think 3 by 3 is a little too small, I mean, it is a business but I don't know.

Board Member Pierro stated but it's a secondary sign Maria.

Board Member DiSalvo stated I know, I know.

Board Member Montesano stated then it can be made larger or smaller.

Board Member DiSalvo stated its going to look lost over there I think.

Chairman Rogan stated that's (inaudible). That's not very good, it is a small building.

Ms. Scores stated come on, I'm paying my rent, the landlord is paying taxes, come on.

Chairman Rogan stated despite all this discussion on the sign.

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

Ms. Scores stated that is discriminatory.

Board Member Pierro stated you may be paying your rent.

Chairman Rogan stated I am going to stop it before it goes any further.

Ms. Scores stated I made a beautiful building over there okay.

Chairman Rogan stated I will tell you that we are very happy to have you in Town, I know there is discussion on the sign but we hope that you do very well in this. We have a motion with a second, are there any other modifications this motion, no.

Ms. Scores stated you don't have any eyesore over there anymore, okay.

Chairman Rogan stated ma'am excuse me...

Board Member DiSalvo stated let's finish this.

Board Member Cook stated Mr. Chairman...

Chairman Rogan stated do you not want us to take a vote on this.

Ms. Scores stated no, I want you to take a vote but I don't want to be discriminated against either.

Chairman Rogan stated I don't think you're being discriminated against but.

Ms. Scores stated I beg to differ, right here, sorry.

Board Member Cook stated Mr. Chairman...

Chairman Rogan stated okay, yes.

Board Member Cook stated so we are talking about what...

Chairman Rogan stated 3 by 3 square foot sign no more than 100 square inches per graphic, that is clear enough, right. We had a second, I agree, I understand you think it should be a little larger, let's take a vote on this...

Board Member DiSalvo stated I'll go with the 3 by 3 just to get it moving, just to get it done.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 3 to 2.

Chairman Rogan stated who is opposed.

Board Member Pierro stated I am.

Chairman Rogan stated who else.

Board Member Montesano stated too.

Chairman Rogan stated motion carries.

Board Member DiSalvo stated smaller.

Chairman Rogan stated I wish you luck in you business, I know this isn't the easiest process.

Ms. Scores stated I wish my sign was bigger, I just put beautiful windows in there.

Chairman Rogan stated okay, thank you for your time, do you want this back.

Ms. Scores stated yes, I do, thanks.

Board Member Montesano stated we're going to need...

Board Member Pierro stated I think we are going to need a copy of that ma'am.

Ms. Scores stated no problem.

Chairman Rogan stated okay.

Ms. Scores stated no I don't, I don't want to.

Chairman Rogan stated who is here for NRA.

Ms. Scores stated that is why you have illegal signs.

Chairman Rogan stated thank you ma'am.

Ms. Scores stated thank you.

Chairman Rogan stated appreciate your time.

Ms. Scores stated wish I could say the same.

Chairman Rogan stated I'm sorry you feel that way.

3) NRA WETLANDS/WATERCOURSE APPLICATION

Mr. Jon Walsh of Zarecki & Associates was present.

Chairman Rogan stated good evening, how are you.

Mr. Walsh stated good evening, pretty good, yourself.

Chairman Rogan stated okay, the wetland/watercourse for NRA, this is the stream crossing, correct.

Mr. Walsh stated yes.

Chairman Rogan stated Andrew, have you taken a look at these plans.

Andrew Fetherston stated yes we have.

Chairman Rogan stated okay.

Andrew Fetherston stated we prepared a memo, last month I believe.

Chairman Rogan stated right, this was a no-show last month.

Mr. Walsh stated yes, unfortunately, we didn't know we were on the agenda.

Chairman Rogan stated understood.

Board Member Cook stated you have received the letters though from the Town Engineer and the Town Planner.

Mr. Walsh stated yes.

Chairman Rogan stated okay, comment from any of you gentleman, Ted.

Ted Kozlowski stated yes.

Chairman Rogan stated you're up, grab a mic.

Ted Kozlowski stated just kind of echoing what Rich said regarding the structure, we would like to see some documentation that it will withstand the one hundred year storm. I would like to see what the DEC says; you're going to have to get a DEC permit for this...

Mr. Walsh stated we've already gotten verbal approval for that.

Ted Kozlowski stated okay.

Mr. Walsh stated of course the time lines, they won't give us the permit until, April, I believe it's April we're allowed to do the work...

Ted Kozlowski stated okay.

Mr. Walsh stated so.

Ted Kozlowski stated any kind of correspondence or whatever submitted to us.

Mr. Walsh stated if I had it I would have submitted it.

Ted Kozlowski stated I'm sure they are going to get you something in writing.

Mr. Walsh stated yea, we've actually, we are going to be altering the design a tad bit based on economics, that's, I brought a copy of what we are planning on doing.

Ted Kozlowski stated well if you're altering that, you're altering the permit application so you are going to have to amend this appropriately.

Mr. Walsh stated yes.

Ted Kozlowski stated you know that. Obviously what the DEC is saying and I'm echoing this, whatever we do there, its going to have to be during low flow, preferable during growing season. If there is any re-vegetation required, its that time of year, most appropriate, probably August is the lowest flow, I'm not a hundred percent sure. I know you said April for DEC but April, you still have some pretty good flows in there.

Mr. Walsh stated I believe their timeline is, I want to say April to October, I think it is.

Ted Kozlowski stated it is, I'm suggesting August and then Rich brings a very good point, especially if that road gets paved, the driveway, that's going to be a conduit for a rush of water in the future because you are putting walls along that driveway. That is just going to direct runoff into that Stephen's Brook, so some pre-treatment or you can get that water to...

Mr. Walsh stated well our proposal is to have openings within the wall so we are not going to...

Ted Kozlowski stated if you've got a huge, massive storm, I don't know if those openings are going work, it would be nice to have a back up in case they get blocked, in case something happens. If that road gets paved, you're going to have road salts on there at some point, oils, other things and that is a long road and that's a long hill coming up to that site. I would like to see something addressed at the base of that so it doesn't go right into Stephen's Brook and maybe even that culvert that you put in or whatever structure you decide to put in. I'm thinking maintenance and I'm thinking the future of that road, I would think that is going to get paved at some point, right now its gravel.

Mr. Walsh stated if the walls were, I'm just asking, if the walls weren't shown, would that still be a.

Ted Kozlowski stated if you can show that you going to get sheet flow going into the woods and not going right down that driveway into the stream or into the structure, it looks like its going to get right down there.

Mr. Walsh stated we had submitted a drainage analysis that showed even with the walls and the proposed openings, the size, we can discuss the size of the openings but all the water that comes from this direction does not enter this driveway. It's really only this portion here, the end of the driveway.

Ted Kozlowski stated but what about on the driveway, if that driveway gets paved, even if it doesn't get paved, you're going to be channeling the water, where is that water going to go.

Mr. Walsh stated its going to straight through because there are openings on both sides of the wall, so it would hit the grassed area and the wooded area that is on this side before it hits the brook. The water is not going to be centralized to this point.

Rich Williams stated there are some assumptions being made and that is that we have a properly pitched road that stays properly pitched.

Mr. Walsh stated right, we intended to more or less keep the same sort of configuration that the road is right now because the road is slightly pitched to one side. Right now any water that hits this drive, basically from this replacement culvert down is all pitched to this side anyway. So we are going to continue that same, with the wall being proposed and the opening, it will just flow through the wall at the base of it and then hit water the vegetation is existing.

Rich Williams stated there is another issue which I didn't address in the memo which the Board may want to consider and that is one of vehicles using that driveway, you know, vehicle going in, vehicle going out, meeting. You're coming around a blind curve, you do not see the vehicle coming up the drive and then you are going to meet in area where you've got two walls, somebody is backing up.

Chairman Rogan stated very good point.

Mr. Walsh stated if needed we can address that, we can cut into the one side and fill out a piece.

Chairman Rogan stated a lot easier to cut.

Mr. Walsh stated we can cut in and provide a pull off (inaudible).

Chairman Rogan stated what you're saying also Rich is that will strictly limit future use using that driveway for the property. If that was proposed as the only access for a subdivision or something, that wouldn't fly.

Rich Williams stated oh yea, no, its totally substandard.

Chairman Rogan stated yea, so we are obviously other than a plan that we've looked at for the property, which isn't currently before us, we don't know what the future plan of this property is and so anything more than a single lot that is up there, wouldn't be appropriate so I don't know whether they want to plan for that or not.

Mr. Walsh stated well right now the openings between the walls are going to be 24 feet...

Chairman Rogan stated oh they are.

Mr. Walsh stated yea, so it will allow for two lanes.

Ted Kozlowski stated can I ask you, would it be unreasonable to request that when you come down the driveway, just before where that culvert meets, is in the stream...

Mr. Walsh stated okay.

Ted Kozlowski stated if you can put just a dip in the driveway, in the roadway or some sort of thank you ma'am if you will just to, in case as a failsafe.

Mr. Walsh stated we tried to illustrate that the crossing is going to be the highpoint, there is going to be a ditch or a depression on each side...

Ted Kozlowski stated they are like channeling off in case.

Mr. Walsh stated before it hits here, it will be a slight depression in this facility.

Ted Kozlowski stated and it will channel it through some vegetation, rock or something before it hits the stream.

Mr. Walsh stated just this small area of lawn that would be there, its not a large area, it's enough for three cars maybe at the most, before it would hit the stream, the stream is right there.

Ted Kozlowski stated how are you finishing the top of those banks, when its all done.

Mr. Walsh stated we are proposing not to disturb the banks, the intent is to completely the cross the stream as is and not do any disturbance to the banks except for any excavation work would be needed to do the footings. The intent is to stay right outside because it was flagged by Evans & Associates for the subdivision which was previously before the Board, so we are trying to stay out of the boundaries. So our intent is to leave the rock structure that is there intact and only remove the steel plates and large timbers that go across it. The stream crossing right now is about 8 feet, the proposal is to be 15 to 16 feet.

Ted Kozlowski stated and you are making a change.

Mr. Walsh stated I can show it as, it's basically, instead of, the economics of this is starting to turn out to be a little bit of battle and a challenge. So our intent is to basically to create, basically two concrete abutments on each side, span it with a couple of steel beams and then lay two layers of three inch wood mats across it, so it will allow any build of material, I should say precipitation, whether it be snow or rain or whatever to go through the structure into the stream so it wouldn't have to, it would be more or less maintenance free, is the intent behind it.

Rich Williams stated the DEC will allow that for that stream over.

Board Member DiSalvo stated there is one on [Route] 292.

Ted Kozlowski stated DEC is always an adventure, I don't know.

Mr. Walsh stated so that is the intent and we are going to...

Chairman Rogan stated I'm thinking of capturing your runoff...

Mr. Walsh stated mount wood rails which was I believe a comment on guardrails, we are going to mount a wood railing system to that structure so we can still have...

Ted Kozlowski stated what is the limit on this, what is the weight limit on this.

Mr. Walsh stated we are designing it for H-20, the intent is we are doing this remediation so he has access to this site indefinitely but its also for if he ever needs to get a concrete truck up there or a fire truck.

Ted Kozlowski stated oil truck would be able to go up that.

Mr. Walsh stated yup, we actually did something just like this, so.

Chairman Rogan stated Andrew, get a microphone please, thank you.

Andrew Fetherston stated the applicant said that there was a drainage study for the sizing of the opening of the bridge.

Mr. Walsh stated no, not for the opening of the bridge because again we weren't planning on doing anything to the stream bed, so the existing opening, as its been there, since the previous owner were proposing to leave that as is.

Andrew Fetherston stated I looked at the watershed, it looks like it's about between 600 acres and a square mile, its large, it's steep, I suggest you get a peak flow through that, Rich saying the hundred year, I absolutely agree, size that opening and see what happens. If there is a hurricane, debris falls into the stream, gets washed into that bridge, hits that bridge, where is that water going, well its getting taken out, what can you not get up that driveway now. Is there any other access to the site if there is a fire at the same time...

Chairman Rogan stated true.

Andrew Fetherston stated a woman is having a baby, these things happen.

Mr. Walsh stated I can answer a couple of those, right now there is no other access to the site, there is another smaller culvert but it goes through somebody else's property that is not ours and whatever design, the concrete one versus this one. The concrete is going to be a wider opening than what is shown in this sketch but again we are trying not to disturb the stream bank...

Andrew Fetherston stated understood.

Mr. Walsh stated so we are trying to leave what's there, so if this did get clogged what would happen is the water would go around the structure to the depression on each side, again the structure being the high point and what would wash out would be the road.

Andrew Fetherston stated I just wanted to see what would pass, what storm event would pass.

Mr. Walsh stated this design that is here now, passes the 25 [year storm event], I know that.

Chairman Rogan stated Rich, actually Maria had just mentioned, the bridge that was just put in down at the old Town Hall, the foot bridge that was designed...

Rich Williams stated right.

Chairman Rogan stated didn't we do an evaluation there for a hundred year flood on that.

Rich Williams stated yea.

Chairman Rogan stated and that is only a foot bridge that is not something we are relying on for access to a house or to a site.

Rich Williams stated correct and we certainly could use anecdotal information, if we had some basis behind it for the existing bridge, the reality is that this bridge was put in a number of years ago with no design, it was just a couple of six by sixes...

Mr. Walsh stated a couple a boulders and some (inaudible).

Rich Williams stated with some steel plates thrown down.

Mr. Walsh stated I think the steel plates were added as an after thought once what was there fell apart.

Rich Williams stated I agree and we don't even know if that was sized properly and we don't know what would happen in a very large storm event and we need to assure ourselves that it is going to pass.

Mr. Walsh stated our client who has owned this for about a decade now has never seen the water go over the top of the bridge or around the sides of it, so.

Chairman Rogan stated Hurricane Floyd.

Rich Williams stated yea, I was going to say your client bought it after Floyd.

Mr. Walsh stated okay.

Rich Williams stated we don't know what happened at Floyd to that bridge and right now its used for a hunting lodge, he's looking to turn it into a single family home...

Mr. Walsh stated yes.

Rich Williams stated you know there is a big difference between having a hunting lodge and having temporary access and needing that to be able to get emergency vehicles us there.

Mr. Walsh stated yes.

Andrew Fetherston stated Shawn, its just, I looked at the watershed, the size of the watershed and the steepness of the topography of the watershed made me concerned to know...

Chairman Rogan stated sure.

Andrew Fetherston stated I know the quantity of water that can come off of that size and I just wanted to see what would happen.

Chairman Rogan stated yea.

Andrew Fetherston stated when that water hits, when that peak flow hits that bridge, how high and where does it go and what gets and what happens. That is what I'm looking at, what happens.

Chairman Rogan stated right, I know, up stream of this site is some real steep topography on either side of the stream.

Mr. Walsh stated Stephen's Brook is very steep all along, basically to where the proposed entrance for the subdivision was, it is somewhat flattened out, not much but somewhat.

Andrew Fetherston stated its about right there at the bottom.

Chairman Rogan stated you can see all the topography, all the tight contours, coming through.

The Secretary stated I think this one is for real, hang on one minute.

(Side 1 Ended – 8:45 p.m.)

Chairman Rogan stated where the topography comes back down.

The Secretary stated okay, you're back on.

Chairman Rogan stated thank you, its not a property line, see how its connected, the high points, so it's the drainage area, correct Andrew, you're depicting the drainage area that would relatively drain into this.

Andrew Fetherston stated area tributary to the bridge.

Chairman Rogan stated yea, okay, well that is why we have the engineer folks with us, so that you guys can figure out what needs to happen with this so its safe.

Andrew Fetherston stated I would...

Chairman Rogan stated everyone take a look at this.

Board Member Pierro stated seen it.

Andrew Fetherston stated I would just look at the flows, what happens...

Board Member Pierro stated tonight.

Andrew Fetherston stated oh...

Rich Williams stated sorry.

Andrew Fetherston stated yea...

Chairman Rogan stated hi.

Andrew Fetherston stated I would just look at the flows before I did the bridge, I did the opening, just speaking about wood and metal and fastening.

Chairman Rogan stated okay, good, anything else you need from us tonight. It looks like just making sure we take care of these items, I think the project itself, replacing that the Board sounds like they are pretty comfortable, let's just make sure that we make it a safe crossing and that be, I am going to be interested to see what the DEC says about the pervious surface.

Ted Kozlowski stated do you have any idea as to whether they are going to give you a final...

Mr. Walsh stated they were willing to give it to me but I had thrown out the idea of the concrete bridge, so they held off, the only requirement they needed was a short EAF submitted.

Chairman Rogan stated oh nice.

Rich Williams stated while the applicant is here, one of the other issues is the stream crossing with a driveway, which now that they are bringing it up to the standard of a single family home, our Code requires all driveways to be paved, that is a Catch 22 because he is crossing a stream which would require DEP involvement if they go to pave it. I don't know if you're comfortable with the design and making a determination on that now or you want to take a look at it you know to see what you want to do about paving it.

Mr. Walsh stated are there...

Board Member Pierro stated my feeling...

Mr. Walsh stated if I may, are there avenues to allow it to remain gravel but to have a more or less a geotextile put underneath the base of it to add in support instead of having it all paved.

Rich Williams stated you know putting a geotextile underneath it is certainly going to make the road more durable...

Mr. Walsh stated right.

Rich Williams stated but you're still going to have a dirt surface that is going to continually erode and you know the erosion is going to come back down into that stream.

Board Member Pierro stated my only concern is a stopping pad at the bottom of the hill. My only concern with granting a waiver is I would prefer to see some sort of stopping pad that is paved at the bottom of the hill...

Board Member DiSalvo stated the side of the bridge.

Board Member Pierro stated so during icing conditions, it would be easier to stop a vehicle instead of having it slide out on to the road.

Rich Williams stated the low point is the stream, so.

Board Member Pierro stated isn't that stream, isn't the top of the bridge going to freeze, is it going to made of concrete or wood.

Chairman Rogan stated it sounds like its wood now.

Mr. Walsh stated well it would be, the travelled area would be wood.

Board Member Pierro stated right.

Board Member DiSalvo stated there is a bridge similar to this on [Route] 292, when you turn onto [Route] 292, go down about a quarter mile on the left, a nice bridge.

Board Member Pierro stated it is my recollection of that driveway is that it does get iced up on the last bit, on the last bit.

Ted Kozlowski stated you're going to get ice on anything.

Rich Williams stated it depends on water, how its running off, that is going to determine how its icing.

Chairman Rogan stated Mike what do you think.

Board Member Montesano stated as long as it going to be one house, I would have no problem leaving it gravel, possibly with a, depending on how close to the stream, to put a pad in off the road but as long as it's a one family house, if its gravel, that's fine. As long as it's done properly so you can have the drainage.

Chairman Rogan stated any thoughts Charlie, no, Ted do you have a preference, I'm thinking in terms of runoff getting down into the stream at some point at a storm event, whether that section closest to the stream is paved or gravel.

Ted Kozlowski stated well I think my concern is what I voiced earlier, is that and I kind of hinted that its going to have to be paved at some point. I'm just worried that, with pavement, whoever lives there is going to have to salt and sand that road, you know nobody lives there now but once it becomes a single family home, chances are he's going to have some guy that comes in with a plow that salts and sands and that is all going to run off. I know, you know, if, I don't care what's there as long as it doesn't go directly into the stream.

Chairman Rogan stated as long as it's pitched and sheet flows off.

Ted Kozlowski stated so if you've got some...

Chairman Rogan stated it's the same thing we did with...

Ted Kozlowski stated basins on either side of the road to collect that when it settles, that's fine but you know I think from a safety standpoint, you want that.

Board Member Pierro stated Sypko.

Ted Kozlowski stated because all that water that runs off is going to settle right there at that bridge.

Chairman Rogan stated sheet flow.

Ted Kozlowski stated that flat area, that can become a glacier.

Rich Williams stated or capture and treat, use some sort of green initiative practice or some better site design practice that captures and treats before, you leave the gravel but you capture and treat so its being, you know the fines are being taken out before it hits the stream.

Chairman Rogan stated which would require modifications to this plan, to show the treatment method.

Rich Williams stated yes.

Chairman Rogan stated so is it more beneficial to capture and treat or to just show it as paved when it coverts to single family.

Mr. Walsh stated I would have to say that since my client has opposition to it being paved that capture and treat would be a...

Chairman Rogan stated opposition to paving, okay.

Ted Kozlowski stated I'm just curious, DEC is not asking you about what we were just talking about, the erosion and the...

Mr. Walsh stated nope.

Chairman Rogan stated they know that you're here Ted.

Ted Kozlowski stated yea, I guess so.

Chairman Rogan stated they said as long as its in Patterson.

Ted Kozlowski stated I just find that curious.

Board Member Montesano stated who did you get ticked off at you Ted.

Ted Kozlowski stated it must be my wonderful, charming personality.

Rich Williams stated let's ask the next question, who at DEC is doing the review.

Mr. Walsh stated I can't recall the name, not to give you a short answer, I can e-mail it to you or give it to you tomorrow, I just...

Rich Williams stated that would be great, just so we know.

Mr. Walsh stated sure.

Ted Kozlowski stated and this is their classified trout stream and they are not asking these questions, I don't understand and its not your fault, I'm not taking it out on you and the applicant, I'm just.

Chairman Rogan stated so, motion to grant a waiver from paving this driveway...

Rich Williams stated assuming he comes back with a treatment practice.

Board Member Montesano stated make a motion...

Chairman Rogan stated sure.

Board Member Montesano stated if he comes back...

Chairman Rogan stated I'm assuming a green treatment practice that he would have to come back with something acceptable...

Ted Kozlowski stated he has to come back anyway, for the permit.

Board Member Montesano stated you don't even have to...

Chairman Rogan stated okay.

Mr. Walsh stated there is no public hearing or anything right, it's just.

Rich Williams stated there will be a public hearing.

Mr. Walsh stated there will be, okay.

Chairman Rogan stated oh, yea.

Board Member Montesano stated so you want to grant the waiver.

Ted Kozlowski stated we're almost ready to tell you to leave and now you're not.

Chairman Rogan stated it doesn't slow down the process.

Board Member Montesano stated I just want to make sure we were on (inaudible).

Chairman Rogan stated okay, so we are going to look into the capture and treat and we are going to address Andrew's concerns with the capabilities with the size of the opening.

Mr. Walsh stated yes.

Chairman Rogan stated great, see you.

Mr. Walsh stated thank you very much.

Chairman Rogan stated have a nice evening.

Ted Kozlowski stated good night.

4) WINDING GLADES SITE PLAN – Discussion

Mr. David Cooper of Zarin & Steinmetz and Mr. Joseph Barbagallo of Woodward & Curran were present.

Chairman Rogan stated Winding Glades.

Rich Williams stated they are outside, want me to go get them.

Chairman Rogan stated they are outside, no they are coming in. Joe already saw.

Board Member Pierro stated my only concern is the last bit of the apron where it intersects with, by that point you're already taken care of.

Board Member Montesano stated if you blacktop that, that water is going to have a clear trail.

Chairman Rogan stated sailing.

Board Member Pierro stated I'm talking about the apron, at the road.

Board Member Montesano stated yea.

Board Member Pierro stated the other side of the bridge.

Board Member Montesano stated if you look at the apron by the bridge, that gives you a chance to...

Board Member DiSalvo stated we capture and treat my farm (inaudible)

Board Member Montesano stated bypass to either side so the road water doesn't run into the stream and make them...

Chairman Rogan stated good evening, how are you.

Mr. Cooper stated good evening, how are you, good to see you again.

Chairman Rogan stated what's your name sir.

Mr. Cooper stated David Cooper from the law firm of Zarin & Steinmetz, representing Winging Glades, also with me tonight is Joe Barbagallo from Woodward & Curran.

Chairman Rogan stated good evening Mr. Barbagallo.

Mr. Barbagallo stated good afternoon, good evening.

Chairman Rogan stated good evening, how are you.

Mr. Cooper stated we are here to discuss signs, no I'm just kidding, I think I just killed it.

Board Member Montesano stated sorry, next case.

Chairman Rogan stated who is up for Verizon.

Board Member Pierro stated you took comedy in college, huh.

Mr. Cooper stated no, we are here tonight to discuss really two issues that we want to talk to you about, one really being the first opportunity to scope the environmental assessment and the technical assessments that you would like us to go forward with.

Chairman Rogan stated okay.

Mr. Cooper stated and second, obviously dealing with the Zoning memorandum that Rich had submitted. I think what we would ask to do at the end of the meeting is two fold, one its our understanding that it's the Planning Board's inclination to send us over to the Zoning Board to deal with the interpretation matter, so we would ask for a favorable recommendation over to the Zoning Board after tonight so that we can go and deal with the memo in front of them. While we are doing that though, our technical team would still like to start really generating the studies and so what we want to do is rather than lose momentum, use tonight first off to really identify those issues you would like us to look into and also I'm not sure if you are familiar, we have started doing some assessments and we would like to bring you up date, actually that is Joe is here tonight to do, to start that. Let me start off with that first...

Chairman Rogan stated sure.

Mr. Cooper stated really let me bring Joe up and just go from there. We met with the Town Board not that long ago, really to, they were interested in and we wanted to bring to their attention what we had been doing in our assessment so far. Some of you might have been there but what we wanted to do tonight is really bring you through it first, so let me turn it over to Joe and let him take us through it and then go back to Zoning.

Mr. Barbagallo stated good evening.

Chairman Rogan stated good eveing Joe.

Mr. Barbagallo stated this is a color rendering of the project, just to refresh everybody's memory. We know that from our site walk, that there is definitely noise and from our meeting with the Town Board, it became even more apparent that noise, a robust noise that is going to be a very big part of this project. We also know that the Board was concerned about visual, we talked about spill prevention, we know wetlands, we know stormwater are going to be big issues on this project. What we did knowing about those primary issues coming in and meeting with Town Board, we spent, we did some preliminary work and I know that we provided two preliminary copies to Rich and to Chairman. We will provide this information formally to the Planning Board as part of our next submittal to the Town but I just kind of wanted to kind of walk through, we started with the visual analysis and just to kind of walk through what you are looking here. This is the project site, the visibility within a mile of the site, here is Route 22 and the site shown in yellow on it, again Route 22 and the site, Route 22 and the site and what we chose to do was to and I think you all know how a view shed analysis is done, it was something that Rich had requested and obviously it is the first step towards a real full visual analysis and it's really looking at the topography and just saying based purely on topography, forgetting about the trees, forgetting about the other vegetation, where can you see this from, all right and that is what we are looking at here. So, what we looked at is we looked at the proposed track, so this map represents, there are five points on the track that we identified around the track and the darker the color, okay, so this dark color, okay represents areas where you can see four of those five points, there was no spot where you could see all five points from, okay but there are definitely, there is a large area here where you would be able to see four and you can see as you move up towards Route 22, it becomes less visible and you can see the colors gets real light, meaning that you can only see, the lightest

color representing one point on the track. Similarly as we look at the proposed buildings, so when we looked at the buildings, looking again at the top elevation, looking at you know the four corners and this would be, the darkest colors again being you know four garage locations visible, meaning that you can see the whole building right, and as the color would get lighter, you would see less of the building. Pretty clearly here, again, it's the same area where we are overlapping, there is definitely a view shed and I know this is the area that the Board was concerned about and when we move into this next map, this is the view of the skid pad, meaning the big paved area that we are proposing in front. When I say the skid pad is this, right, the piece that's in front and again we identified the four corners and looked again, where could you see those four corners from, again the darker the color, you can see all four corners, you can see as you come over here its only one point on the skid pad, some three point locations. So, that gives you an idea of the worst case so to speak visual nature or the view shed because again remember we are not taking into account anything other than terrain, right no trees involved. So, obviously the next step is to work through with the Town Planner and with the Town, Planning Board on the methods that we would look to actually refine this analysis, we would start identifying critical receptors through these area where we know its visible and we would work through that methodology and we presume that once, knowing that this is going to be a detailed study that will accompany any SEQRA documentation that we submit, we will have to work out the scope of what that is going to be and I think that that is a longer process than we should probably get into this evening but I wanted to bring you up to date on that. Now one of the things that we did and again this is again very, you know the beginnings of this, we tried to draw a couple of cross sections from some locations, again just looking at the terrain but then what we did is we said okay there was 30 to 60 foot trees, what would that do between you know the point on the proposed track and this receptor and you can see if you were going to draw a straight line, there is a real strong possibility that there is going to be a lot of screening of the project site as a result of the vegetation similarly as you look again, the line of site from that same point, towards the building you can see that there is definitely some vegetation at the 30 to 60 feet, again the limits of this, by the way was taken off of the aerial, so we could see again, obviously we are not counting for trees here, right and then we are looking at where there are trees, once we hit our track, we are not accounting for trees where we hit our track and we are kind of looking at in that and again we recognize this is a very beginning first step but we wanted to give the Board, you know just a general sense of where we thought this was going and similarly when we look at the last location towards the skid pad, you can again see with tree cover there is a great possibility that a lot of screening is going to be done. Clearly as part of the full visual analysis there will be photographs, there will be, we will probably have to do some renderings to show and demonstrate what this is really going to look like but we thought this was a good first step to inform the Board. The next, again initial step that we started to look at was noise, we were curious ourselves as to what the noise profile would look like emanating from the project site, I want to make it very clear that these are instantaneous noise calculations, this is not an average which would be the ultimate methodology that we would use, again in consultation with Rich and the Board but we did try to pick some receptor points and I can talk to you a little bit about the property line analysis as well which we haven't put on here. So we looked at the receptors, we looked at some common, a scale of some things that may be familiar to us, I don't know, its been a long time since I heard a rock band at 50 feet but that would give us about 110 decibels, the Town...

Board Member Montesano stated come to my house...

Mr. Barbagallo stated noise law, Monday through Saturday and daytime, is roughly about 65 decibels, which is probably normal conversation, like this kind of a noise that you're hearing from me right now, other than the microphone in that kind of thing. Our noise consultant, we hired a noise consultant by the way to help us with this because we know how sensitive it and if we are going to have a full acoustical analysis done, this is really just straight line, doubling of the distance and with those who are familiar, that is a very beginning step towards looking at noise and again this is instantaneous measurements. So, not to

you know go into this too much but we looked a couple of different scenarios, like three rally cars full throttle at 40 miles per hour at the house 774 feet away, what would that noise level be, it would be about 43 [decibels] is what, you know again, instantaneous, not the average that we would be looking at.

Chairman Rogan stated Joe, that is the level at a property line per se, it's the decibel level at the cars, correct.

Mr. Barbagallo stated it's the decibel levels as it attenuates to the receptor, the numbers that I am talking about here are at the receptor, not even at the property line and I will speak towards the property line in a second.

Chairman Rogan stated are the receptors off the property line.

Mr. Barbagallo stated they are off our property.

Chairman Rogan stated okay.

Mr. Barbagallo stated yea, so these would, this would be a residence here, we looked at this distance to a residence here, we looked at the you know at end of this, I think we are going to have probably our high speeds but again our receptors are the furthest away, that would be the three rally cars, full throttle at 60 miles an hour at the 1700 feet again, lower than the limits.

Board Member DiSalvo stated you could actually be lower than someone riding a quad out there.

Mr. Barbagallo stated I believe so yes.

Board Member DiSalvo stated which is a common noise out there.

Chairman Rogan stated from the stand point though that I think the difficulty in comparing them is a quad, riding around that track at the same distance is not going to be as loud, you're talking about a quad up close to you...

Mr. Barbagallo stated yea.

Chairman Rogan stated I think that we have to be careful because I think a lot of the public comment, they are concerned, from the Town Board meeting was you were saying the levels are going to be x, they are going to be 40 or 30 or 20, some people take that to mean they are not going to hear them, that is clearly not the case.

Mr. Barbagallo stated right.

Chairman Rogan stated you're saying that they are going to be at level below what the Town Law says.

Mr. Barbagallo stated exactly.

Board Member DiSalvo stated right.

Chairman Rogan stated and that may be within the law but that doesn't mean that isn't going to be as annoying as hell to somebody. So I think that was their concern.

Board Member DiSalvo stated I have that next to me, with noise constantly.

Board Member Montesano stated that's like that train that keeps coming by at 4:30 in the morning, to let you know.

Board Member DiSalvo stated I know.

Mr. Barbagallo stated and the other thing is we did look and recognize that these are two receptors, we also did look at some property boundaries, I think that there is, the noise ordinance is not incredibly clear as to, shall be no closer than the property line. So if we look at that worst case scenario at the property line and we look at these same conditions, these numbers do move up closer to 65 [decibels], they are basically right at the limit and we actually had one or so that were at 66 [decibels], all right now granted, instantaneous measurements, right, these are not averages which is when we actually do the noise study and set up our meters, it will be an average over a period of time, not that instantaneous what is it when that car goes past. Just to give you a sense, we feel very comfortable that we are going to be able to address the noise ordinance, based on this preliminary look, granted there are a lot of demonstrations between here and there, there is a lot of work that we need to do together to scope that study, to look at how we are going to analysis, we recognize that but the initial and our client by the way doesn't want anybody to hear him either and he's very willing and committed to putting any mitigation that we need to do to make that happen. We recognize, as Mr. Zarin said last time we met with Town Board, we recognize that if we can't do this, this project is dead and we understand that.

Chairman Rogan stated okay.

Mr. Barbagallo stated I just wanted to give you an update on the things that we've done that have been done from a technical perspective since our site walk and I guess...

Mr. Cooper stated let me just before we go on to point two, are there any other issues that you would like us to really pursue since we have a really good chance right now to identify them especially since we have Joe here.

Chairman Rogan stated I think that you hit on the general areas that everybody seems to be concerned about, noise visual, containing what we are doing on the site in terms of hazardous materials and such but I think the two biggest focuses are going to be noise and visual and I think noise is at the top of list, I would say.

Board Member DiSalvo stated can you go back to one of those pages where you had the visual where you could see the track, at those point, the first page.

Chairman Rogan stated Joe, those colors would be more helpful if your background maps were black and white instead of shades of gray...

Mr. Barbagallo stated okay.

Chairman Rogan stated because your colors are kind of lost in those grays.

Mr. Barbagallo stated especially here, this even confused me.

Chairman Rogan stated its overlapping with the swamp which is a dense area so you're getting a hard contrast.

Mr. Barbagallo stated right.

Board Member DiSalvo stated you said at one point, you could see the six points of the track, what exactly are we seeing, are we seeing a little bit of the road that is as long as this table, are you seeing the whole curve of the track or...

Mr. Barbagallo stated what this map is telling us, is that based on topography you could see that point, it doesn't get any more, it doesn't have any more description than that, to answer your question, we need to get out and take the photos and really, I can tell you that, especially in the vicinity of the track, we are going to swath through the trees. I doubt we're going to see the track from anywhere really because once you put that vegetation and leave the vegetation around the track, especially even if we put a row of other, you know lower lying because let's face it, a lot of that screening is high, we are going to be able to screen the track. I think once we get up in elevation towards you know the building and the skid pad there is going to be, this is higher in elevation as we recall from the site walk and I think that is why when you look at the building, you see there is a broader area where that is potentially visible from. Is it going to be any more visible than the...

Board Member DiSalvo stated top of a house.

Mr. Barbagallo stated well then the commercial park that could be put there, I think it's going to be less because the building is only 20,000 square feet instead of 100,000 square foot office buildings but those are the comparisons that we obviously need to do as we go through the process.

Andrew Fetherston stated you're going to want to see it at the higher elevations where there has been fill, where there was earth work to be done, we indicate on some of the skid pad, you're going to look at those areas.

Chairman Rogan stated okay.

Mr. Cooper stated okay, all right, thank you. The second issue to take up is how to deal with the zoning memo that is out on the floor. What we understand is that the Planning Board would want us to, would want to refer us over to the Zoning Board, what we ask for is a referral to do that now because it is a professional issue and we want to take care of it, with a positive recommendation...

Chairman Rogan stated the question I would have is the interpretation, I'm not, I don't know how this Board would give either a positive or negative recommendation from the...normally we do send over with, normally a positive recommendation, I can't think of too many that we've sent over with a negative but we are sending over for the interpretation which should clarify whether or not, Rich step in anytime you want but...

Rich Williams stated I am going to refer to Carl.

Chairman Rogan stated okay, Carl.

The Secretary stated microphone.

Mr. Cooper stated a lawyer without a microphone, got you.

Carl Lodes stated Rich's memo deal with the issue of a club and deals with the issue of principal and accessory uses, those are his interpretations of the Code, which Mr. Zarin and his client are challenging and that is the issue before the ZBA.

Chairman Rogan stated okay.

Carl Lodes stated I haven't looked it completely, I reviewed it with Rich, I have not rendered an opinion, (inaudible) referring over.

Mr. Cooper stated if I may, we've gone through the memo ad nauseum and it's a very good memo, put me to work, well written, I think what we are ultimately seeing, the conclusion that the memo comes up with is not supported one by the language of the statute itself and two really by the case law that interprets the term club.

Chairman Rogan stated right.

Mr. Cooper stated one if you look at the Code itself, the case law, there have been numerous cases in other, be it in other towns or other states, saying well what is a club and its pretty universal that the courts will say you must give that term the broadest interpretation possible unless there is specific limiting language in the ordinance. Here, the only limiting language in the ordinance is a reference to the New York non-profit corporation law, VZ Racing will qualify as under those regulations and so, in terms of...

Board Member Cook stated when would that be.

Mr. Cooper stated well..

Board Member Cook stated when will they do that.

Mr. Cooper stated as soon as we go forward with the process, in other words, before, clearly before a building permit would ever be issued, it would be issued to the VZ Racing, non-profit corporation. The issue of course is VZ Racing going to be using this property for they want to, they want to answer that question first but yes they will incorporated under that law and so the term club itself really that is the only limiting language. Also, if you look at the, let me back up to the memo, the memo is saying that the intent is to limit clubs for only passive uses, a club house and passive use of the land but if you look at the language of the statute, the language that is supposed to show the intent, it discusses structure used for recreation and so that interpretation, respectfully I think isn't reflected in the statute that we are dealing with.

Chairman Rogan stated and I think respectfully, we rely as a Board because we are supposed to be a Board of lay people on our professionals and it would be contradictory for us to go against our professionals, if they give an opinion and you give an opposing opinion I think as a Planning Board we generally would support the opinion of our professionals so for us to give a positive recommendation would be going directly against a memo and an interpretation that our Planner, who wrote our Code, has given and Carl, correct me if I'm wrong but my feeling is that I'm very happy to do a motion to send you over, we don't even need a motion, you apply to the Zoning, without either a positive or a negative recommendation but just to send you over and have you go over for that determination so that we can either move forward or not...

Mr. Cooper stated or not, I mean its...

Chairman Rogan stated yea and I think that is just my logic and Carl if I'm wrong...

Carl Lodes stated I agree with you Shawn, you shouldn't.

Mr. Cooper stated okay, obviously I'm not going to press the issue.

Chairman Rogan stated its nothing negative against the project, clearly not.

Mr. Cooper stated right, obviously we have our differences and we'll have it in front of the Zoning Board...

Chairman Rogan stated and if you come with a different interpretation we'll move forward from there with our review, again it doesn't mean that we are looking negatively on the project, this is, we are talking interpretive...

Mr. Cooper stated no, we understand, ultimately what we want to do and as we've said it in our letter is that you know, there are protections and technical questions that are embedded in the special permit statute that once we get back, that is what we want to deal with...

Chairman Rogan stated sure.

Mr. Cooper stated we don't want to hold it up, so that Joe and his team can keep on going but what we will do, my understanding that the next Zoning Board meeting is in January.

Rich Williams stated there is one in December...

Mr. Cooper stated oh.

Rich Williams stated but the deadline, I believe has come and gone.

The Secretary stated the deadline was just this past Tuesday.

Mr. Cooper stated oh, see, so the next one is the third... the third week in January, okay, all right, then the next Planning Board meeting is...

Chairman Rogan stated before that.

Mr. Cooper stated before that, okay, we wanted to make a decision on whether we want to come back and if we have more information...

Chairman Rogan stated sure, you're always welcome.

Mr. Cooper stated just to stay on your agenda and then also.

Chairman Rogan stated sure.

Board Member DiSalvo stated this letter was sent to Shawn with copies to our legal advisor here, have you given a legal opinion of this.

Carl Lodes stated I haven't yet.

Board Member DiSalvo stated oh, we are still working on that.

Chairman Rogan stated and I think that is just from the standpoint of what legal counsel, whether they agree with the memo if they have any points to raise that would help us with the project...

Board Member DiSalvo stated right, right.

Chairman Rogan stated but you're going to have to go Zoning anyway.

Mr. Cooper stated so is it my understanding that this Board is not going to wait for a memo from Counsel before or won't be taking any action on the interpretation issue.

Chairman Rogan stated correct and as Rich had stated, you don't need a motion from us to go to Zoning, you can apply to Zoning and go for that interpretation.

Mr. Cooper stated okay.

Chairman Rogan stated okay, I had said it a little bit earlier and it was based on some of the comments we heard at the Town Board meeting, Dave you were there, I think with your analysis of the noise level, what I would consider, we do have a standard but what I would consider is what people would find objectionable at their properties. I was some place over the weekend, where it was just four-wheelers which are not very loud and I could clearly hear them, they were probably three-quarters of a mile away up on a ridgeline, probably two or three thousand feet, three or four thousand feet away, it was not I'm sure over 65 decibels, in fact I bet it wasn't even half that but if I was sitting on my back, on my property listening to that all day long on a Saturday or a day would I find that objectionable and I think I probably would. It doesn't mean that it shouldn't be allowed it just means its one thing that we have to consider so that 65, I know is a requirement of the Town but we have to look at, just because you can hit them at 65 at your property line does not mean that okay that means that its not going to cause anybody any stress. I know that is a balancing act because we have laws and the laws say that if you can keep certain noise levels below what the Code is that you know...

Mr. Cooper stated its purpose is to make the judgment subjective rather than objective, having one persons...

Chairman Rogan stated and not take that use away from somebody and I understand that we have laws that we need to look at but I think a lot of the concern that came out that was my interpretation of it was that people were thinking that you were saying that it will be below a level and therefore you won't hear it from your house and that is what I kind of got from it and they are saying hey, there is no way, we are going to hear this.

Mr. Barbagallo stated yea, it was something because when I was, we had kind of a discussion before tonight and I said I don't think we did a good job clarifying that to the Town Board that we know you're going to hear it, we are just saying that you are going hear it at levels that are within the Town Laws.

Chairman Rogan stated within the requirements, right.

Mr. Barbagallo stated so, we'll put a lot of meat on that, we'll have to, of course the legal limit is defined at the property line but clearly we should be respectful of the receptor locations, the back decks, people's yard so that they understand, we can define what that sound is going to be like and you know I think the other misconception at the Town Board was that these are just going to be driving around this constantly, every day, all day, 7 days a week, every minute of every hour of every day and that is just not really the case.

Chairman Rogan stated right.

Mr. Barbagallo stated but we may have to address that through certain limitations on the number of hours of usage or something like that which I know our client isn't adverse to, he wants to be a good neighbor too.

Chairman Rogan stated sure and so far I think he has definitely given us that impression, Rich are there things that can be done around, let's say a race track, such as selective thinning of the canopy that is existing to encourage new growth that would help with noise reduction or plantings for instance that would help to buffer because all those things are going to absorb noise.

Rich Williams stated thinning is not something I would recommend, I would recommend trying to keep the existing canopy intact and supplement it.

Chairman Rogan stated supplement it, I was thinking thinning only because of lack of sunlight.

Board Member DiSalvo stated right.

Chairman Rogan stated if you left the entire mature canopy you wouldn't get your supplements to grow.

Rich Williams stated there are shade tolerant supplements that you can throw in there, laurel, Rhodes.

Mr. Barbagallo stated and we would have to look at the aspect too, where the sun is going to come up, the southern exposure.

Chairman Rogan stated sure, sure.

Mr. Barbagallo stated I think if you look at the orientation of the track, its actually, there is going to be an awful lot cleared in that swath right, and we will have a southern exposure, so we can probably get some light inside, in that track area but we may have to do a combination of berms, earth and berms to help deal with the sound and trees and we recognize that.

Chairman Rogan stated sometimes that helps with deflection of sound, to back into the hill or something to that.

Board Member Montesano stated like those planes every Saturday and Sunday, no deflection in the air, they just buzz over the top of you.

Chairman Rogan stated any discussion.

Board Member Cook stated Shawn there's property, I don't know how to describe the location, adjacent to this application that is not developed, we walked it on the same day or have you. We want to make sure that this applicant, right, is aware of that.

Chairman Rogan stated maybe we use the closest proposed residence from that project as a receptor site, would that make sense.

Board Member Cook stated yes.

Rich Williams stated well we also have an existing development going on out there, you know that has house very close to the track, if you go out there and stand at the end of the track, you can see the houses.

Mr. Barbagallo stated right, there is one house, that is right there.

Rich Williams stated and there are other proposed houses in that general area.

Mr. Barbagallo stated our client has brought to our attention that I think there are two building lots in there that are for sale, I think he may be interested in those, I mean that may be down the road as part of, depending upon the path this project takes.

Chairman Rogan stated okay, anything else, no, okay.

Board Member Pierro stated for future, I know it may be premature, if we were to grant an approval on this project could we impose restrictions about that the track surface can never be made impervious.

Rich Williams stated you can impose conditions if there is a reasonable nexus between the environmental areas of concern you are looking to mitigate, so if you can make that relationship, sure.

Board Member Pierro stated okay, honestly my concern would be that if we approve a dirt track for this particular type of use now and then this evolves to a blacktop, hardcore race track for Porsches and Jags and other high end automobiles and/or a testing facility or a club for those kind of vehicles, that would change all of the noise studies that we have done for this type of vehicle, bringing in another type of vehicle.

Board Member Montesano stated but wouldn't they have to come in because if we approve a dirt track, its not a blacktop track, you would have to come back...

Mr. Cooper stated we would have to amend the site plan.

Chairman Rogan stated I think Dave's concern is that all of a sudden it would turn into a blacktop track when it wasn't.

Board Member Montesano stated yea but that is illegal.

Chairman Rogan stated you're right.

Mr. Cooper stated if...

Board Member Montesano stated if you have to do something to amend the site plan that is approved then you are going to have to come back in here.

Mr. Cooper stated that is correct.

Mr. Barbagallo stated and the stormwater would clearly not be adequate if it was impervious so it would require a lot of enhancements from where we would start.

Chairman Rogan stated anything else from your gentlemen from you tonight, anything from the Board.

Board Member Montesano stated nope.

Chairman Rogan stated thank you Joe, what was your first name again.

Mr. Barbagallo stated thank you very much.

Mr. Cooper stated David.

Chairman Rogan stated thank you. We'll let the sign comment slide for tonight, it wasn't funny at all.

Mr. Cooper stated I can only use it once.

Board Member Montesano stated what did you say, you're coming back in six months.

Mr. Barbagallo stated have a nice evening.

Chairman Rogan stated have a nice evening.

Mr. Barbagallo stated and a great holiday.

Chairman Rogan stated you as well.

Board Member Montesano stated you too, thank you.

Chairman Rogan stated good to see you Joe.

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

Mr. Jordan Fry of Snyder & Snyder and Mr. John Watson of Insite Engineering were present.

Chairman Rogan stated okay Verizon Wireless. Good evening.

Mr. Fry stated good evening Chairman Rogan and Members of the Board.

Chairman Rogan stated how are you.

Mr. Fry stated good, how are you.

Chairman Rogan stated good thank you, thanks for patience tonight.

Mr. Fry stated no problem, as you'll recall we're...my name is Jordan Fry, I'm from the law firm of Snyder & Snyder, I'm here with John Watson from Insite Engineer.

Chairman Rogan stated hi John.

Mr. Fry stated and we are here on behalf of New York SMSA Limited Partnership doing business as Verizon Wireless, as you'll recall Verizon Wireless is proposing a public utility, wireless communications facility at 801 Route 311 Patterson New York. I am happy to report that the Zoning Board of Appeals issued the required variances on November 23rd along with a determination that the facility will not have a significant environmental impact pursuant to SEQRA. Now in connection with the September 3rd Planning Board meeting that we had a couple months ago and the November 18th site visit, we revised the landscaping plan in accordance with comments received and we also submitted a structural certification letter this evening. So, we are here tonight to schedule a public hearing if possible and also we would be happy to show you the proposed landscaping and John can help you out with that.

Chairman Rogan stated and John the structural, you said the letter of structural integrity, that was for the silo.

Mr. Watson stated correct.

Chairman Rogan stated that it is structurally sound and can hold to many years of service.

Mr. Watson stated correct.

Chairman Rogan stated okay.

Mr. Watson stated if I could take a minute to walk you through the landscaping.

Chairman Rogan stated sure.

Mr. Watson stated at the site visit, there were concerns...

Board Member Montesano stated excuse me John, just one second, did we get this just tonight, right.

The Secretary stated yes.

Board Member Montesano stated because these were on the desk.

The Secretary stated yes.

Board Member Montesano stated can we please, if you are going to discuss something I would like to see it in the time schedule so we have a chance to look through it before we get to this.

Mr. Fry stated sure, well...

Rich Williams stated Mike, if I might, the landscaping that he was going to review was something that was requesting by the Board at the site walk.

Board Member Montesano stated I realize that but the object is that the site walk has been a couple of weeks, we could have gotten it last week, not tonight, I can't review it while he's talking to it with my conscience anyway.

Mr. Fry stated sure, we, we apologize, I don't think its, hopefully its not a complicated landscaping plan so hopefully John can just walk you guys through it.

Chairman Rogan stated thank you.

Mr. Watson stated we are not actually looking for approval tonight, it is just for discussion purposes so at...

Board Member Montesano stated I would still like to have it before.

Mr. Watson stated understood, during our site visit, there were discussions for site lines both to the northeast from the subdivision up here and there were also some discussions from Route 311 and what we have done is hopefully addressed all of the concerns, we proposed 16 separate trees, its going to be a mix of eastern white pines and eastern red cedars which are representative of other trees in the area, other native trees and what we have done is we've staggered the white pines here the three bigger trees and then filled it with the eastern red cedars in these areas. So what we've done is basically screened it from all four sides even though you might not have screening issues from all four sides...

Chairman Rogan stated that's different.

Mr. Watson stated we've decided to screen it from all four sides just for continuity's sake.

Chairman Rogan stated the draft we have, you've added screening on that from what we have and it looks...

Mr. Watson stated right there were discussions with Rich Williams that...

Mr. Fry stated so we actually increased the amount of trees.

Board Member Cook stated you added the three, we at our work session talked about adding three trees.

Chairman Rogan stated right, they got them.

Mr. Watson stated yea.

Board Member Pierro stated more.

Mr. Watson stated we've actually added 16, we have 16 total.

Chairman Rogan stated total.

Mr. Watson stated there were several discussions with Rich and I think we've sent him a couple plans to review, he's probably sick of looking at trees but we've ended up with, the dark green circles in this area here. Just for reference this round brown circle is the existing silo...

Chairman Rogan stated this is pretty much what we talked about one site.

Mr. Watson stated this square is our proposed building.

Chairman Rogan stated we don't yet have any architectural on what the building is going to look like, correct.

Mr. Watson stated correct.

Chairman Rogan stated okay and we will get them at some point, we have a drawing here but it doesn't show the architectural. Please, go ahead, just grab a microphone so Michelle doesn't...

Ted Kozlowski stated if you can, what is the size of these trees on this amended plan.

Mr. Watson stated the 13 eastern red cedars are 5 to 6 foot in height and the eastern white pines at 6 to 7 foot height, installed.

Ted Kozlowski stated and the height of your fence.

Mr. Watson stated is 6 [feet].

Ted Kozlowski stated okay.

Chairman Rogan stated great, would anybody like to make a motion set the public hearing for the next meeting.

Board Member DiSalvo stated do you want to wait for the architectural.

Board Member Cook stated I'll make the motion that we set the public hearing on Verizon Wireless at 801 Route 311 for January 7, 2010.

Chairman Rogan stated before I get a second, would it be possible to have architectural renderings for us, just sketch...

Mr. Watson stated yes.

Chairman Rogan stated available for that public hearing.

Mr. Watson stated yes.

Board Member Pierro 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.

Chairman Rogan stated okay.

Mr. Fry stated thank you.

Chairman Rogan stated thank you very much.

Rich Williams stated there is one more quick issue I would like to address, Mr. Fry, after nine o'clock I'm done...

Chairman Rogan stated it's been a long day.

Rich Williams stated you know he indicated that the ZBA had done SEQRA but they did an uncoordinated review so this Board is still going to have to do SEQR as well.

Mr. Fry stated okay.

Chairman Rogan stated I had that question myself after hearing what he had said, I figured that we still had our own review to do.

Board Member DiSalvo stated can get those architectural for our work session.

Mr. Watson stated what is the date of the work session.

Board Member DiSalvo stated we are going to talk about that.

Chairman Rogan stated oh it's coming up.

Rich Williams stated we'll need it at the next submission.

Board Member Montesano stated the 29th.

Board Member Pierro stated we are going to change that date.

Chairman Rogan stated that's fine with...

Mr. Fry stated the next meeting is January 7th.

Board Member DiSalvo stated right.

Chairman Rogan stated that's correct.

Mr. Watson stated do you know when the next submission is.

The Secretary stated its 14 days before the meeting, that's not right.

Mr. Watson stated okay.

Chairman Rogan stated well yea because the meeting isn't until January.

The Secretary stated that's not right, I'm sorry, it's 9:30.

Rich Williams stated I'm thinking 16 days, I'm almost thinking its next week.

Chairman Rogan stated well before you guys leave, do you want to have the discussion about our next meeting, the work session...

Board Member DiSalvo stated the work session.

Chairman Rogan stated so then we have some idea.

Board Member Montesano stated yea we can do that.

Chairman Rogan stated what does it look, what is the discussion.

Board Member Pierro stated we're scheduled for the 23rd.

Chairman Rogan stated and then Ted threw a monkey wrench into right.

Board Member DiSalvo stated right.

Board Member Pierro stated right and then Charlie is out of the town on the 22nd.

Board Member Cook stated he started the process of the monkey wrench because we had a discussion earlier...

Chairman Rogan stated why don't we do the following week.

Ted Kozlowski stated that is the week you normally do it.

Chairman Rogan stated that's why I didn't even understand why we ended up there.

Ted Kozlowski stated I don't know why you're doing it before Christmas.

Chairman Rogan stated why don't we do it the normal Thursday.

Board Member Montesano stated in case you wanted a reason to sneak out of the house to go shopping.

Board Member Cook stated Tuesday the 29th.

Ted Kozlowski stated I thought Michelle said that the 29th is the Town Board...

The Secretary stated the 30th is the Town Board meeting.

Chairman Rogan stated the 29th is a Tuesday...

Board Member Pierro stated Tuesday evening, nothing, no other conflicts that you are aware of Michelle.

The Secretary stated not that I'm aware of.

Chairman Rogan stated then I would say as long as the architectural are in to us by the 28th, just so we have them in hand and then we can review them at our work session.

Mr. Watson stated okay, that's no problem.

Chairman Rogan stated and that gives you guys a little extra time.

Mr. Watson stated no problem.

Chairman Rogan stated it...

Board Member Cook stated it wipes out their holiday but that's okay.

Chairman Rogan stated they are going to pick something out of a catalogue right.

Board Member Montesano stated he used to going on the 24th anyway.

Chairman Rogan stated okay, so our next meeting work session will be Tuesday December 29th, that's perfect.

Mr. Fry stated just to clarify what exactly are you looking in terms of sketch of...

Chairman Rogan stated sketch drawings that will show color and the design elements that are going to tie into the existing buildings on site is what I heard when we were on our site walk.

Mr. Watson stated what we have done here is we've shown partial, we've done two elevations but we just show a partial of the building, I think what you're looking for is all four sides...

Chairman Rogan stated yup.

Mr. Watson stated looking at all four sides even though you can't see it from here because there is a fence but remove the fence, show the building, show where the doors are going to be, show colors.

Chairman Rogan stated materials, even if its just samples, just so we can get a real good sense of what this is going to look like and I'm actually thinking since we are setting a public hearing that is going to be one of the issues, even though we are doing some good screening...

Mr. Watson stated yes.

Chairman Rogan stated hey we are making this blend in with the existing structures out there, you got a silo and its all going to match pretty well.

Mr. Watson stated okay.

Board Member DiSalvo stated and they are not going to conform.

Chairman Rogan stated you're going to have to do your public notices, Michelle if you need any information on that.

Mr. Fry stated thank you very much.

Chairman Rogan stated thank you gentlemen.

Mr. Watson stated thank you.

Chairman Rogan stated great.

Board Member Pierro stated Tom's...

Chairman Rogan stated Tuesday December 29th, okay.

6) OTHER BUSINESS

a. Tom's Barbershop – Inspection Fees

Chairman Rogan stated Tom's Barbershop, we had already covered.

Board Member Pierro stated waived, for the record.

Rich Williams stated if I may, I apologize but I missed a step...

Chairman Rogan stated for Tom.

Rich Williams stated for Tom.

Chairman Rogan stated at the work session we were talking about demolition permits and you said it's already done or down.

Rich Williams stated I thought a demolition permit had been pulled.

Board Member DiSalvo stated yea, it's still up.

Chairman Rogan stated I interpreted it as the building is already down and I drove by and I said the building is still up, I have to call Richie.

Rich Williams stated no but I think the demolition permit's been issued. I've got plans in the office to sign for Tom's Barbershop, so can you sign them before you leave.

Chairman Rogan stated absolutely.

Board Member DiSalvo stated sign them.

Board Member Pierro stated can we appoint Charlie or...

Rich Williams stated and that is the step I missed.

Board Member Pierro stated Charlie or one of the other Board Members to...

Rich Williams stated Dave can't sign.

Chairman Rogan stated yea.

Board Member Pierro stated I recused.

Chairman Rogan stated that's fine.

Rich Williams stated the Board needs to appoint somebody else.

Chairman Rogan stated who is the next senior member on the Board, Mike. Let's appoint Mike to sign off on the plans, is that okay Mike.

Board Member Montesano stated fine.

Chairman Rogan stated motion to allow Mike to sign off on the plans in lieu of Vice Chair.

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	-	recused
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated okay.

b. Project Status Updates

Chairman Rogan stated we did the status updates, Rick drafted, Rick, I'm sorry, Rich drafted three letters to the projects that we had spoken about that had seen via e-mail and said they looked great, basically telling the people that here is where we stand, we would like some action, 30 days or we are going to seek, basically a violation and those projects were the Garden Center...

Board Member DiSalvo stated Justin's.

Chairman Rogan stated Justin's and, anybody remember the third one, I can't, I'm drawing a blank.

Board Member Cook stated Eurostyle.

Chairman Rogan stated Eurostyle, thank you Charlie, okay thank you.

Board Member Cook stated excuse me, I have one comment...

Chairman Rogan stated yes.

Board Member Cook stated Richard...

Rich Williams stated sir.

Board Member Cook stated in that same memo, you mention that Mystic Bonze sign application.

Rich Williams stated yes.

Board Member Cook stated were going to come in tonight or planned on coming tonight.

Rich Williams stated I did contact her and that is what she indicated.

Board Member Cook stated how about drafting her up a memo for the Chairman to sign with the other memos.

Rich Williams stated there is one more issue, I did contact Mr. Raveson, Tractor Supply concerning the white line and stop bar, don't know that we are going to get it in permanently this winter, he had to talk to the people who applied the paint because its getting iffy, its getting late in the season.

Board Member DiSalvo stated yea.

Rich Williams stated if he didn't get it in, they were going to go and put a temporary white stop bar up and then get it done in the spring.

Board Member Pierro stated okay.

Rich Williams stated if they could be painted this year, they were going to get it done this year.

Chairman Rogan stated okay.

Board Member Cook stated thank you.

Ted Kozlowski stated they could have done it today.

Board Member DiSalvo stated too wet probably.

c. Steger Zoning Amendment

Chairman Rogan stated okay, we have the Zoning Amendment...

Board Member Pierro stated Zoning Amendments...

Chairman Rogan stated one is relevant to the apartments, zoning amendment subsection 154-115.1, let's talk about that.

Board Member Pierro stated we had had additional discussion on that earlier and the concern that I had that it wasn't going to change many other sites in Town to allow them to add additional commercial apartments, apartments in commercial locations. The one I was concerned with is Tom's because there has been an illegal first floor apartment, prior...

Chairman Rogan stated prior to him getting...

Board Member Pierro stated prior to him buying the building, when I took that site on as a broker, I made sure that it was vacated and explained to Tom when he bought the building that it is commercial only. The only way that could become residential is if it were tied to the existing upstairs apartment and Rich explained further and I was concerned that that might happen in other locations as long as and then we, Rich sighted the point in the law where only the apartment number can't change, correct Rich.

Rich Williams stated the number of apartments can't change.

Board Member Pierro stated yea.

Chairman Rogan stated it allows you to utilize some area on a different floor but not change the total number.

Board Member Pierro stated right.

Chairman Rogan stated does it allow you to increase the number of bedrooms, well that would be an issue...

Board Member Pierro stated that's a Health...

Rich Williams stated yes it would

Chairman Rogan stated especially over there because that is on sewer.

Rich Williams stated yes.

Chairman Rogan stated yes, okay.

Board Member Pierro stated Steger is on sewer.

Rich Williams stated yes.

Chairman Rogan stated Steger and I was thinking of Tom's.

Board Member Pierro stated no, Tom's not on sewer.

Chairman Rogan stated oh no, that's right we had septic in the back I forgot.

Board Member DiSalvo stated right.

Board Member Pierro stated Tom's not on sewer, right.

Board Member Cook stated see I have a little trouble with where these apartments that are on the second floor be permitted to use a portion of the first floor even though...

Chairman Rogan stated provisions.

Board Member Cook stated provisions in here for the ZBA to act on, I just think that it just opens very dicey area relative to enforcement about people not coming and just doing it, you know, just saying okay I am going to put two apartments on the second floor and oh by the way that second just doesn't fit so I will come down to the first floor. Basically all the discussions we've had relative to commercial properties is that the first floor be commercial, not residential. So...

Board Member Pierro stated I think the law is clear where it says no suitable commercial use exists for the first floor area, that would be subdivision three.

Chairman Rogan stated (inaudible) character.

Board Member Cook stated yea but you know...

Board Member Montesano stated Charlie would you feel comfortable if we request that it be the second floor only for apartments whereas the first floor has to be completely commercial.

Board Member Cook stated I mean, that is what I like and I understand what Dave is pointing out about no suitable commercial exists for the first floor area I mean that is kind of tough to believe...

Chairman Rogan stated yea, there has to be some suitable commercial use for them.

Board Member Montesano stated because if you've got the space, why couldn't you just open it and use it for storage.

Board Member Cook stated or something, I just...

Chairman Rogan stated Rich, I apologize, go ahead.

Board Member Cook stated I just have trouble with the first floor becoming open season to have residential use...

Board Member DiSalvo stated expanding.

Board Member Cook stated okay, even though as we are well aware of, it has been commented earlier tonight with things that go on in Town, when we approve something and things change, people do what they want. This kind of opens it up that well we can do it and they'll do it and then oh but I forgot to get the ZBA approval, you know.

Board Member Montesano stated with that though Charlie, if you think about it if I can't rent my store front, now I'll paint the windows over and make it an apartment because I'm just going to expand from this corner out into the store.

Board Member DiSalvo stated from upstairs.

Chairman Rogan stated and your explanation to the ZBA would say, I know it says here no suitable commercial use exists, well I've tried renting and nobody will rent it from me, so therefore no...

Board Member Montesano stated it's not suitable.

Chairman Rogan stated but I can get rental, this guy wants to rent it as an apartment...

Board Member Montesano stated saved by the bell.

(Side 2 Ended – 9:40 p.m.)

Chairman Rogan stated it has been that I like Front Streets, Main Streets that are a mix of residential and commercial but I can understand that if you lose all of your space that is potential for commercial and turn it into residential, you lose what you're trying to achieve in a Front Street. So that has got me to kind of change the way I am looking at this, I agree with what Charlie is saying about maybe not having it on the first floor but maybe you would have to define the front of the building the store front area as not being residential. If there were apartments upstairs and you had store fronts up front but you have the back of the building and there was a connection between top floor and bottom floor, not going through a commercial space, either a rear exit, a rear entrance then I would be fine with the back portion of the building utilized and that is kind of similar with Tom's Barbershop...

Board Member DiSalvo stated with Tom's, its got the kitchen downstairs.

Chairman Rogan stated it doesn't take away from the commercial use of the building...

Board Member DiSalvo stated right.

Chairman Rogan stated which is what you see from the road...

Rich Williams stated right.

Chairman Rogan stated what is going on in the back and upstairs is secondary to what you know the activity going on up front.

Board Member Montesano sated yea but...

Chairman Rogan stated so some combination of that might be...

Board Member Montesano stated with that note that means, all right, in this particular instance we'll use the building that is there, if I am in the grocery store and I decide that I can't rent the grocery store...

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated and now, what would it take for me to cut a little hole here and put a doorway in and now I got an apartment and I just paint up the window or I put a piece of wood up there, now I have another apartment because I can't use it as an office or anything else right now and since most

of the commercial properties I see, we have quite a few store fronts for rent, in our Town as well as the other Towns you drive through, there seem to be a lot of excess stores.

Board Member DiSalvo stated there are also a lot of empty apartments too, so.

Board Member Montesano stated yea, well.

Chairman Rogan stated so, what I just said is very similar to what you, if not identical to what you wrote in this section A, that a section of the second floor can extend into the first floor, provided it goes through ZBA and they basically find that there is a reason for it and it meets certain criteria.

Rich Williams stated yea, to address your concern about you know putting the apartments in the front of the building that was the intent with number two.

Chairman Rogan stated the first floor area, will not alter or effect the commercial character of either the neighborhood or streetscape, that is exactly...

Rich Williams stated I mean I wasn't sure how to do it because you can always, you know if you say well they can't have access say from Front Street, the main frontage on your commercial area, well they just block that door off and put that door on the back of the building, they have done the same thing.

Chairman Rogan stated right.

Rich Williams stated but by blocking that door off, you've changed your streetscape, so if somebody has a better way to approach this, I'm all ears.

Board Member DiSalvo stated maybe digest this more.

Chairman Rogan stated okay.

Andrew Fetherston stated Shawn, where you said you were concerned to have the front of the first floor be the commercial space and possibly there could be some division, I think if I was trying to work within your Code, I would want to know if there was an area a maximum, forty percent of the floor or seventy percent of that floor needs to be commercial, thirty can be residential. I think you would have to put some kind of a quantity on it to make it work.

Board Member Montesano stated on the accessory apartment...

Andrew Fetherston stated to make it work, you know.

Board Member Montesano stated on that accessory apartment schedule, isn't there a limitation on the size of the apartment that you can have as an accessory in a residential.

Rich Williams stated yes, there are size limitations.

Board Member Montesano stated okay, can we put a limitation of that caliber on...

Chairman Rogan stated on the first floor area.

Board Member Montesano stated on the first floor area.

Chairman Rogan stated that sounds reasonable. You take the same, so in other words your commercial is still your primary use of the first floor and under review you can use a certain percentage, passing these criteria to apply. What is the accessory, it's a third...

Rich Williams stated yes but rather than using a square footage, I would rather use a percentage.

Chairman Rogan stated yea.

Rich Williams stated yea.

Chairman Rogan stated definitely.

Board Member Montesano stated well our accessory apartment is listed as square footage...

Chairman Rogan stated it's a percentage, a proportion of your total area, if I have a 2,000 square foot home, I can have an accessory structure of a third of that.

Rich Williams stated but there are also specific size limitations.

Chairman Rogan stated oh yea, okay.

Rich Williams stated not greater than, not less than.

Chairman Rogan stated that is defined in some of your other text here that talks about no apartment shall consist of a single room, you've got numbers in there so you've got some...

Rich Williams stated I do.

Chairman Rogan stated criteria that captures that. So, obviously you're not going to have a room on the first floor in the back that is only a 60 square foot room because not only does it not meet Fire Code for a living space but you know, the room still has to meet all the building standards and have fire escape size windows and exits and the whole thing.

Board Member Montesano stated there is no limitation of square footage in the room, am I correct.

Chairman Rogan stated as a maximum or a minimum.

Board Member Montesano stated either way...

Chairman Rogan stated well there is a on minimum, sure.

Board Member Montesano stated all right, what would be the maximum, in other words...

Rich Williams stated there is no maximum.

Chairman Rogan stated the maximum would be the proportion of the total ground floor area, right.

Rich Williams stated right.

Board Member Montesano stated so if I have, for arguments sake, 4,000 square foot building and I make a one room apartment and the apartment is now 2,000 square feet...

Chairman Rogan stated that would be too large, based on what we are saying, that would be fifty percent.

Board Member Montesano stated that's what I'm...

Chairman Rogan stated yea, if we use, let's say whatever...

Rich Williams stated but if he's got a two story, two story 4,000 square foot building and he makes the upstairs one whole 2,000 square foot apartment, that's fine.

Chairman Rogan stated we're talking about not the bulk area, we are talking about the footprint area for the first floor, so if he has a 2,000 square foot first floor, he can a 2,000 square foot second floor apartment with up to whatever a third of 2,000 is 650 square foot of that back area of the first floor, attached to that...

Rich Williams stated I don't have a problem putting a percentage in here but would you leave it up to me what the percentage is going to be.

Chairman Rogan stated sure.

Board Member Montesano stated yea, I'm just playing devil's advocate...

Chairman Rogan stated isn't it a third.

Board Member Montesano stated you run into these and I'm getting good at that kind of thing.

Board Member DiSalvo stated so how would this effect Steger let's go back...

Board Member Montesano stated you're not supposed to...

Chairman Rogan stated you don't want to say that.

Board Member Montesano stated you never want to say that.

Board Member DiSalvo stated I'm not saying that, a situation...

Board Member Montesano stated you just did.

Rich Williams stated I don't know.

Chairman Rogan stated yea, okay.

Board Member Montesano stated thank you.

Rich Williams stated I don't know, I've got to take a look. This Code right now would allow Mr. Steger to do what he has requested to do...

Board Member DiSalvo stated okay.

Rich Williams stated placing additional limitations within the Code...

Board Member DiSalvo stated all right.

Rich Williams stated I don't know how that would effect him.

Chairman Rogan stated okay.

Rich Williams stated I would have to take a look at it.

Chairman Rogan stated can I ask, I'll ask the dumb question of the night, what does overt mean, the entrance to the apartment shall not be overt.

Rich Williams stated obvious.

Board Member Pierro stated obvious.

Chairman Rogan stated oh, to make it obvious.

Board Member Montesano stated overt is technical, (inaudible).

Chairman Rogan stated shall not be overt and shall blend, obvious.

Board Member Montesano stated you can not take an overt action against the compliant because...

Board Member DiSalvo stated don't you want to be obvious so people know for 911.

Board Member Montesano stated in case he needs to know how to read the dictionary.

Chairman Rogan stated they have to know where to...

Board Member DiSalvo stated in an emergency.

Chairman Rogan stated for 911 but they have to know where to delivery the mail to.

Rich Williams stated I don't know if its going to be obvious but I'll look some things.

Board Member Montesano stated go to Roger and come up with something.

Chairman Rogan stated Rich, section C, letter E and it might just be, it says no apartment shall consist of a single room, unless the single room can provide a minimum floor area, I'm assuming its not less than 200 square feet, correct.

Board Member Cook stated I just read that three times to myself...

Board Member DiSalvo stated its small.

Chairman Rogan stated so no apartment shall consist of a single room unless its at least 200 square foot, does that mean that an apartment, a studio apartment can be 220 square foot or does it mean that no room within the apartment can be less than 200 square feet because it wouldn't be, I don't think it would say that.

Rich Williams stated it means that you can't have a studio apartment, less than 200 square feet.

Chairman Rogan stated less than 200 square feet, so then it's the not less than that's, okay.

Rich Williams stated right.

Chairman Rogan stated I assume that is the way it read but I wanted to ask.

Board Member Cook stated so of not less.

Chairman Rogan stated area of not less than 200 square feet, are there Uniform Building requirements for a studio apartment, is that 200, do you know.

Rich Williams stated I don't know.

Board Member DiSalvo stated go back to Watchtower.

Chairman Rogan stated because that might be interesting, we wouldn't want to put 200 is they said...

Board Member Pierro stated it could be contradictory.

Chairman Rogan stated you know 300 or something.

Board Member Pierro stated right.

Board Member DiSalvo stated that doesn't apply to boarding houses.

Rich Williams stated there are minimum requirements and we meet the requirements for a bedroom...

Chairman Rogan stated right, right, okay.

Rich Williams stated and for living space, a studio apartment (inaudible).

Board Member Montesano stated yea because you can get a Murphy bed and a foldable kitchen and good old Manhattan style.

Chairman Rogan stated and I'm not seeing it right now but Rich I think had asked you somewhere in here doesn't it state that the assumption is that a bedroom would potentially serve three people and I wanted to, remember I had mentioned to you that does that conflict with the idea if the Health Department looks at two people for water usage for a bedroom, are we being contradictory to that (inaudible).

Rich Williams stated what it says is that a bedroom shall be at least 81 square feet for one person and at least 75 square feet for each additional person...

Chairman Rogan stated okay.

Rich Williams stated and that is in compliance with both the Building Code, New York State Building and Fire Code and PUD requirements.

Board Member Montesano stated what about the dog.

Chairman Rogan stated do you remember me asking you about the three person thing, was that a prior revision to this...

Rich Williams stated maybe.

Chairman Rogan stated remember the conversation we had...

Rich Williams stated yea, I do.

Chairman Rogan stated I'm not finding it so maybe it was a prior draft.

Board Member Montesano stated does the Health Department include a dog.

Chairman Rogan stated as long as they don't flush down the toilet no.

Board Member Montesano stated you never saw a Saint Bernard before, one of them little dogs.

Chairman Rogan stated any other comments from the Board.

Board Member Pierro stated wait for a revision.

Board Member Cook stated Rich, you're going to come up with a percentage for the first floor, get that to us and...

Board Member DiSalvo stated (inaudible).

Rich Williams stated well that's the question, you want this revised, if you want to make a recommendation subject to those revisions, what do you want to do. What's the Board's pleasure.

Board Member DiSalvo stated I didn't digest it too much.

Chairman Rogan stated I'm sorry, what did you say.

Rich Williams stated again.

Chairman Rogan stated yes, I apologize.

Board Member Montesano stated yes...

Board Member Pierro stated he was talking.

Rich Williams stated I said do you want to make a referral over to the Town Board subject to the revisions being made or would you prefer me to make the revisions and re-submit, it doesn't matter to me either way.

Board Member DiSalvo stated let's make...

Board Member Cook stated we have two...

Board Member DiSalvo stated make revisions.

Board Member Cook stated revisions, the big one is the percentage of the first floor.

Rich Williams stated yes.

Board Member Cook stated and the second one is adding the word not to number eight.

Chairman Rogan stated well that's not a, that is just a, it's more like a typo than a revisions...

Board Member Cook stated yea, okay.

Chairman Rogan stated so all we are talking about is the one then, I'm comfortable.

Board Member Pierro stated you can make the revisions and refer over to...

Chairman Rogan stated I feel comfortable referring it over.

Board Member Pierro stated I'm happy with that.

Board Member Cook stated that's fine.

Board Member Pierro stated what about these things.

Board Member Montesano stated yes you do.

Board Member DiSalvo stated I'm looking at this.

Board Member Cook stated maybe you can e-mail us the percentage number.

Rich Williams stated yea, of course.

Board Member Cook stated we'll take a, we'll have pool.

Board Member Pierro stated yea.

Board Member Montesano stated (inaudible).

Chairman Rogan stated all we are talking about is the proportion of the building, the Town Board is going to have a run through this. So subject to that revision, make a motion that we make a positive recommendation on the referral to the Town Board on this.

Board Member Pierro 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.

Chairman Rogan stated okay...

d. Taxi Cabs Zoning Amendment

Chairman Rogan stated this next zoning amendment is for the livery service. Rich, do you just want to give the Board a synopsis of what the intent of this is and what we are looking to do, why this was brought up, you know.

Board Member Pierro stated I think that is sort of...

Board Member DiSalvo stated can he say it.

Chairman Rogan stated well no, I mean.

Board Member Pierro stated he's going to tiptoe around this one.

Chairman Rogan stated okay, fair enough.

Rich Williams stated at the...

Board Member Montesano stated the request of.

Rich Williams stated suggestion of one or more of the Town Board Members, I was asked to draft a change to our Zoning Code, which would permit taxi or livery services to operate out of a single family residence.

Chairman Rogan stated okay.

Rich Williams stated so I did that, I reviewed this with one of the Town Board Members, made some corrections, essentially this local law will allow by special permit, the ZBA to grant a special use permit to allow, I guess that's it, to allow a taxi service or livery service to operate, it allows for I believe one employee, it puts other restrictions, it defines what a livery vehicle is and then in drafting this legislation and reviewing applicable relevant codes, I found that in fact taxi services in Putnam County are not regulated anywhere. So, typically that is done either by a taxi commission or a police department, we have neither of which, so I did put some general guidelines in here for how the taxi service would need to conduct themselves...

Board Member Montesano stated (inaudible) taxi commission.

Board Member DiSalvo stated do we have a taxi commission...

Rich Williams stated I don't know how enforceable that is going to be. Also, a provision in here if you're going to run the taxi service out of your home that you are going to demonstrate you've got adequate parking for the additional vehicles.

Chairman Rogan stated okay.

Board Member Pierro stated back to that issue...

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated about enforcement, in the State of New York you have to have a hack license to, a driver's license that specifically permits driving a taxi or livery.

Rich Williams stated you have to have a chauffeur's license.

Board Member Pierro stated yes.

Rich Williams stated correct.

Chairman Rogan stated wouldn't you have to in this case as well.

Rich Williams stated yes.

Board Member Pierro stated but we have to, if we are going to permit this activity then we ought to be able to verify that that license exists but the property owner who is applying for this, this...

Board Member Montesano stated (inaudible – mumbling).

Chairman Rogan stated well it says you can have one employee, to play devil's advocate, if I wanted at my house to have a livery vehicle and hire Dave to be the driver, Dave has to be licensed, not me.

Rich Williams stated correct.

Chairman Rogan stated you just own the vehicle and you...and maybe that's not the intent of what we want to do but I am just trying to play it out.

Board Member DiSalvo stated would you have one of those license plates.

Board Member Pierro stated I don't think that is the case, I think the owner in the State of New York and its been a long time since I looked at vehicle traffic law but I think the owner has to be permitted chauffer as well.

Board Member Montesano stated well not necessarily, well New York City anyway, you can be the owner of the company and hire qualify people to drive.

Board Member DiSalvo stated drivers.

Board Member Pierro stated I'll check, I mean I...

Board Member DiSalvo stated and you would have to have a special license plate...

Board Member Montesano stated you have to have a chauffeur's license.

Board Member DiSalvo stated T & L Commission, T & L license plate.

Chairman Rogan stated right.

Board Member Montesano stated for the state you're in, unless you're going out of state.

Board Member Pierro stated Charlie...

Board Member Montesano stated that is another point, even with a chauffeurs license, if you get a chauffeurs license confining yourself to New York State, does that mean if I get a call at my house to pick you up in Connecticut, I'm violating the law because A. you need a federal license to cross state line...

Board Member Pierro stated probably.

Board Member Montesano stated chauffeurs license federal, you can get either one...

Chairman Rogan stated okay.

Board Member Montesano stated because that is a difference in control.

Chairman Rogan stated let's assume for the purposes of this Code, that we have guy that wants to run taxis only in the Town of Patterson.

Board Member Pierro stated I think we ought to have it in the Code that he must demonstrate that he has a proper license.

Rich Williams stated section E 1, the owner/operator must maintain a valid New York State chauffeurs license.

Board Member Pierro stated okay, I didn't get to that Rich.

Rich Williams stated so that would be...

Chairman Rogan stated owner/operator though.

Rich Williams stated right.

Chairman Rogan stated could I be the owner but he's the operator...

Rich Williams stated you both need to have a chauffeur's license under this law...

Chairman Rogan stated okay.

Rich Williams stated and the person making the application would need to demonstrate that to the Zoning Board of Appeals.

Chairman Rogan stated I want to say up front that...

Board Member DiSalvo stated I don't know if that (inaudible).

Chairman Rogan stated I think you can have all the parking in the world at your house, I'm not in favor for this being for any more than one vehicle because I am thinking of the increased traffic on residential roads, coming out of your driveway. If you were sitting, legally, according to this, if I was sitting in the driveway as a taxi cab and I waited for the call to come in and I was in my house and I said oh I have to run to Brewster and pick somebody up and drive them around. On some of the rural streets where you may only have two or three houses or a few houses, that back and forth trip could potentially double the traffic on that road very easily just by if I went back and forth out of my house five times a day that is much more than what you would normally have with people going to and from. Rich, correct me if I'm wrong but I think this allows for, you said owner and one employee, so does that mean that by that default that you would have no more than two vehicles on site, assuming there is parking for them.

Board Member DiSalvo stated assuming the site can handle it.

Chairman Rogan stated or can I have four vehicles because I may not, I may use a limousine for one and a taxi cab for another and a shuttle van...

Board Member Montesano stated I got one more...

Chairman Rogan stated I can understand somebody having a business, okay.

Board Member Montesano stated what if my house is a state road and I am running cars, in other words, I don't come out on a Town or County road, I come directly out on to a state road.

Chairman Rogan stated well but that is an issue of licensure...right.

Board Member Montesano stated what I'm wondering is, is the state going to get involved in this situation.

Rich Williams stated no.

Board Member Montesano stated we hope.

Chairman Rogan stated but I think that has to do with licensing, our issue is whether or not it conforms to the uses in a residential area, this you know livery service and I am not particularly...people should have a right to make a living and one, we allow businesses in peoples' houses where they are not drawing, like an accountant or somebody where they are only drawing a limited number of people, you're not, you don't have people coming in and out every day but...

Board Member Montesano stated well New York City, if you own, you can own one cab with a medallion, if its your cab, you can bring it to your home and park it, now depending on the area, you may have to have it garaged, so its not seen...

Chairman Rogan stated okay.

Board Member Montesano stated or you will rent a space in a commercial garage...

Board Member DiSalvo stated or a gas station.

Board Member Montesano stated or a gas station and you will leave it there because we did both.

Chairman Rogan stated yea.

Board Member Montesano stated we used to have a standing garage that would rent you a space; you park your cab, pull your car out, park the cab and then go home.

Chairman Rogan stated there is a big difference between a guy that owns a limousine that is going to take people to the airport once a day, once every other day versus somebody waiting for a cab call. That is a lot more traffic in and out depending on the residential area.

Board Member Montesano stated oh sure, even that limousine service, he's waiting for that call.

Chairman Rogan stated right.

Board Member Montesano stated because you've got executives that will call you and expect you to come from your house to them immediately.

Board Member Pierro stated is there, do you think there is a requirement in here, I mean, this is pretty extensive, it seems like you got a hold of a local municipality taxi ordinance...

Rich Williams stated I do my research, several of them, yes.

Board Member DiSalvo stated Brewster's.

Board Member Pierro stated should there be a provision in here about who is, what Town employee is going to do the required inspections to verify that these individual items are in place.

Rich Williams stated it is a revision to our Zoning Code, it would be subject to our Code Enforcement Officer, reviewing compliance.

Board Member Pierro stated Code Enforcement of Code Compliance.

Rich Williams stated Code Enforcement.

Board Member Pierro stated oh boy so the Building Department has to go check on taxis now.

Rich Williams stated yea.

Board Member Pierro stated oh boy.

Board Member Montesano stated fine, you want to get hack bureau.

Board Member Cook stated and they are also going to keep copies of the paperwork and renewal of permits...

Board Member Montesano stated driver on record.

Board Member Cook stated I think there has to be a section here about who is going to do this...

Board Member Pierro stated that was my point.

Board Member Cook stated yea, I think it has to be there.

Rich Williams stated that is what I'm saying, it's a section, it's a subsection within our Zoning Code that places the responsibility on the Code Enforcement Officer, unless somebody else is designated.

Board Member Cook stated okay.

Rich Williams stated certainly that is not going to be me.

Board Member Cook stated my other question is...

Rich Williams stated Andrew.

Andrew Fetherston stated Code Enforcement, no, that's not me.

Board Member Cook stated Richard...

Rich Williams stated sir.

Board Member Cook stated are livery service and taxi cab service interchangeable.

Rich Williams stated a taxi cab is a livery but a livery is not a taxi cab.

Board Member Cook stated okay because...

Rich Williams stated by the definition.

Board Member Cook stated throughout the write up, there is the term livery service with little mention of taxi cabs, is that, so...

Rich Williams stated it was intended that way.

Board Member Cook stated that was the intent.

Rich Williams stated yes.

Board Member Cook stated okay.

Board Member Montesano stated the taxi cab can call off the street and livery is supposedly telephone only...

Board Member Pierro stated right.

Board Member Montesano stated unless they change the law again.

Board Member Cook stated is there any need to have the Putnam County Sheriffs Department review this, since they are mentioned in here about interaction with them and requesting them for stuff.

Rich Williams stated the only mention in here I believe is that if somebody would leave some personal effects in the taxi cab, it has to be dropped off at the Sheriffs Office, my understanding is that is the current practice for most items.

Board Member Pierro stated is there a fee for the special use permit.

Rich Williams stated that is set by the Town Board, if they don't change, if they don't set any special fee for this then it would five hundred dollars.

Board Member Montesano stated okay would the Sheriff's Department...

Board Member Pierro stated and is there a fee for the...

Chairman Rogan stated it's five hundred.

Board Member DiSalvo stated that would be an annual fee.

Board Member Pierro stated there is not going to be a local taxi license in other words.

Rich Williams stated no.

Board Member Pierro stated okay.

Rich Williams stated I didn't go to that step because we have nobody that is actually going to administer and enforce that.

Chairman Rogan stated right.

Board Member Montesano stated Rich, the Sheriff's Department do they have anyone in the department itself do we know that deals with Brewster or Carmel, as far as cabs are concerned...

Chairman Rogan stated I'll find out on Saturday.

Board Member Montesano stated the thing would be, do they investigate the hack licenses, other than with an accident you would expect it...

Board Member Pierro stated as Rich said, there were not licensed taxi services in Putnam, correct.

Board Member DiSalvo stated what about Brewster Taxi.

Rich Williams stated they are not licensed.

Board Member Montesano stated you have taxi services...

Chairman Rogan stated well they are here but you are saying licensed by the municipality, the County...

Board Member DiSalvo stated oh.

Chairman Rogan stated they may be licensed, they are licensed as a livery service but there is not Town or County ordinance that permits them per se.

Rich Williams stated they have chauffeur's license.

Chairman Rogan stated right.

Board Member DiSalvo stated yea.

Chairman Rogan stated they are licensed but it...

Board Member DiSalvo stated Pawling Taxi too, what do they do in Dutchess.

Rich Williams stated they have a chauffeur's license, there are no rules and regulations similar to what they have down in Port Chester, New Rochelle, New York City, where you either a police department or a local saying you know you've got to come for an annual fee, you've got to provide all this documentation, you know on you and your employees.

Chairman Rogan stated and these criteria, these items that would have to be followed, these would apply not only to the residential special permit but to Anna's Limousine, any other taxi service in a commercial property.

Rich Williams stated no.

Chairman Rogan stated why not.

Board Member DiSalvo stated only in residential.

Rich Williams stated it's not...well...

Chairman Rogan stated it they are good for a taxi cab that somebody is running out of their home, they should be good for all taxi cabs in the Town.

Rich Williams stated I hear what your saying, because this is a special use permit, all right, if it was a section of our Code that talked about a permitted principal use or you know not a use but an activity and a separate subsection then it would be applicable across the board but because this is a special use permit, its only applicable to those who get a special use permit.

Chairman Rogan stated but should we not be at least considering a modification to the Code to allow taxi cabs or these types of services in commercial districts using the same criteria, not for approval but for maintenance and the items listed. If they make sense here, I think they make sense Town wide for the items you've listed, the logs, all this stuff.

Board Member Montesano stated what I'm looking at basically is if I have chauffeur's license or per se a 7 passenger school bus, which you can get, I don't have to apply to the Town for anything, I can just go and do it. I don't want a special use permit, I got a car and I got a license from the State, does that mean I don't have to apply.

Chairman Rogan stated as long as you're not running it out your home.

Board Member DiSalvo stated right.

Rich Williams stated well...

Board Member Montesano stated how are you going to know.

Chairman Rogan stated well I'm just following...

Rich Williams stated because we have limitations on the size of the vehicle that you can keep at your home and the type of vehicle.

Board Member Montesano stated I don't know, I've seen people out here with Hummers...

Ted Kozlowski stated (inaudible).

Rich Williams stated so the answer is possibly, depending on the size of the vehicle.

Board Member Montesano stated oh, if, I remember that.

Rich Williams stated you know that is one of the issues because right now we have a number of people that have limousines that they are running out of their homes, its not regulated, nobody is saying anything about it.

Board Member Pierro stated Rich, it may be...

Board Member Cook stated does this cover those limousines.

Rich Williams stated yes, this would cover those limousines.

Board Member Cook stated that's the livery service.

Rich Williams stated that is the livery service.

Chairman Rogan stated yea, it maybe that I'm reading this wrong Rich but under section D, under Livery Service, section D, number 2, it says day glow, fluorescent or bright colors shall not be exhibited on the livery vehicle or any lettering, numbering or design thereon. That seems to indicate that there should be nothing on the vehicle, lettering, numbering or design the way it is written, which would be in direct conflict with item 9, F 9 which says the taxi must have printed on both front doors everything, the...

Board Member DiSalvo stated that might be (inaudible).

Board Member Pierro stated it can't be day glow.

Chairman Rogan stated so then 2 needs to be modified to include what the intent of D 2 is then that, no day glow or fluorescent or bright colors shall be exhibited on the livery vehicle, including the lettering, numbering and design can not be day glow, is that what the intent is.

Board Member Cook stated its...a good point Mr. Chairman.

Rich Williams stated the intent in number 9...

Chairman Rogan stated number 9, okay.

Rich Williams stated all right, is you know to have identification that this is a taxi.

Chairman Rogan stated understood and that is written very clearly.

Rich Williams stated the intent of number 2 is to set standards for any sort of lettering or advertisement that its not going to be of the type that people might find offensive, i.e. day glow colors.

Chairman Rogan stated oaky, so then item number 2 just needs to be re-phrased to that the lettering, numbering and design is inclusive of the day glow, it just, right, okay, fair enough.

Board Member Montesano stated we're not allowing for magnetic signs, we want this printed on a door, am I reading that correctly.

Rich Williams stated that is not in here. Somebody could slap a magnetic sign on the door, as long as that sign is there while they are using it as a taxi cab.

Board Member Pierro stated yea.

Chairman Rogan stated go get a commercial space.

Rich Williams stated and also...

Board Member Pierro stated I think magnetic signs are preferable because people can remove them and park it in a residential neighborhood and you know.

Board Member Montesano stated you are still supposed to have a livery label on your cab, on your plates, so you're going to be able to see that.

Board Member Pierro stated that's okay but you're not going to see a magnetized sign on the side of a car if somebody is going to a house party and they can take the sign off.

Board Member Montesano stated I think if you drove up with a, you took a taxi to come to the party.

Board Member DiSalvo stated a private car service.

Board Member Montesano stated now you're not going to drink right.

Board Member Cook stated you have a form that goes along with this, is there a permit form.

Board Member Montesano stated oh jeez.

Board Member DiSalvo stated poor Richie tonight.

Rich Williams stated it's a special use permit.

Board Member Cook stated I have to tell you, this is going to be a nightmare...

Board Member DiSalvo stated its getting worse and worse.

Board Member Cook stated to administer...

Board Member Montesano stated you do a very nice report, you're going to be making another one.

Chairman Rogan stated I think we should all say up front that the research that was done and the work that went into it was excellent.

Board Member Cook stated oh, absolutely.

Board Member Pierro stated it was very good.

Chairman Rogan stated I am not in favor of this being more than one vehicle and I don't like setting something up where the Town has more in enforce.

Board Member Pierro stated Rich, suggestion.

Rich Williams stated I also want to say one thing too, one of things that came up at the ZBA is they were a little concerned about there is no limitation on the hours of operation.

Ted Kozlowski stated if I may.

Chairman Rogan stated yea, please.

Ted Kozlowski stated I've noticed Brewster Taxi, which is a commercial operation...

Board Member DiSalvo stated right.

Ted Kozlowski stated they've got radios...

Chairman Rogan stated but they are all parked on public property a lot of the times.

Board Member DiSalvo stated but they are park at the train station.

Ted Kozlowski stated each vehicle has a radio, a two way radio and the operator is in location but the owner is at another and at four o'clock in the morning, hey Joe, go pick up Shawn Rogan. I don't want to hear that as a neighbor...

Chairman Rogan stated I agree.

Ted Kozlowski stated as I'm in a residential zone, I don't want to hear this crap.

Board Member Montesano stated you don't want to hear that fly car when he's running down [Route] 311 screaming at the top of his lungs.

Board Member Pierro stated Mike, in my experience Ted, those two radios are a thing of the past.

Board Member Montesano stated all night long.

Ted Kozlowski stated I'm just saying, the possibility exists, you know.

Board Member Pierro stated in my experience the guys that I know down in Westchester all use Nextels.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated quack, quack, quack.

Ted Kozlowski stated but the driver is waiting on his driveway to pick somebody up at the airport, he's listening to the ball game, he's talking on the phone with his girlfriend, I don't want to hear that at four o'clock in the morning.

Chairman Rogan stated I'm with you.

Board Member Montesano stated go to sleep.

Ted Kozlowski stated it's one thing if the neighbor does it occasional but this is a business...

Chairman Rogan stated (inaudible).

Ted Kozlowski stated at my neighbors house and he's got a noisy drive on his driveway all night long, that would really bother me, that would really piss me off I'm sorry.

Chairman Rogan stated and if you lived on a main road, maybe the traffic up and down is typical but in rural Patterson, a lot of these little subdivision roads where you don't have comings and goings, people do pay attention to others, where they say hey, something's going on, there is a car up the road and there normally isn't.

Board Member DiSalvo stated you can hear a pin drop sometimes its so quiet.

Chairman Rogan stated now you have a guy going up and down the road, I wouldn't want it my, I'm at the end but still...

Ted Kozlowski stated I live across the street from a horse farm, there is a taxi...

Board Member Montesano stated (inaudible).

Ted Kozlowski stated going everyday several times a day in front of my house because there are illegal workers there that are being picked up in Brewster and dropped off and that taxi is racing up and down my road every day.

Board Member DiSalvo stated those snot nose kids up there too.

Board Member Pierro stated see me at the end of the month, I have a recommendation for a very experienced retired law enforcement officer, that is an expert on taxi cabs.

Board Member DiSalvo stated who.

Board Member Pierro stated I love to enforce the law.

Rich Williams stated you're looking to be the Code Compliance Officer.

Board Member Pierro stated you never know, you never know.

Board Member Montesano stated he might want to be our new hack inspector.

Board Member DiSalvo stated hack inspector.

Chairman Rogan stated Charlie, do you have anything further with this at this point, no.

Board Member Montesano stated we can get him a whole thing hack, inspector...

Rich Williams stated what do you want me to do with this.

Board Member DiSalvo stated we have to digest it more.

Chairman Rogan stated I think, I don't know...

Board Member Montesano stated tell them to mind their own business.

Chairman Rogan stated I'm not even in favor of it at all but I wouldn't probably be able to consider if it was just strictly one vehicle but I think a lot of good points were raised. It's not like a business out of your basement where you are doing accounting or something where nobody is coming, it's a whole different. This is something that is impacting your neighbors, the road, traffic, it has a lot of potential, if its done the right way maybe nobody knows but if its done the wrong way they say what did you guys do to us...

Ted Kozlowski stated you're right.

Chairman Rogan stated I don't like it, I'm not a fan of it.

Board Member Montesano stated I think it opens up more liability than its worth.

Board Member Pierro stated I think if it's aimed at the sole practitioner so to speak, the one person with a hack...

Rich Williams stated well it was originally written as owner occupied as the only one that could do it...

Board Member Pierro stated right.

Board Member DiSalvo stated now its snowballing.

Rich Williams stated and they wanted employees.

Board Member Pierro stated you limited it to one employee.

Chairman Rogan stated can we send a negative recommendation.

Board Member Pierro stated you limited it already to one.

Rich Williams stated I did.

Board Member Pierro stated so if I decide to get the special use permit and operate a hack out of my house, you know I could have my daughter do a fill in and get a chauffeur's license as well...

Board Member Montesano stated but then you can't be the hack commissioner.

Chairman Rogan stated Andrew.

Andrew Fetherston stated I think you have to make it personal, we all live in different areas, somebody lives on 70 acres, I live on a half acre, put yourself in your own home, do you want it next door, it's interesting.

Chairman Rogan stated I agree.

Ted Kozlowski stated yea, I don't want it.

Board Member Montesano stated don't you want to go to Long Island.

Andrew Fetherston stated it's a (inaudible).

Rich Williams stated my concern is not the individual doing it, my concern is what happens when you get into an area like Putnam Lake that is very dense and you have five neighbors with five special use permits...

Ted Kozlowski stated everybody's doing it.

Chairman Rogan stated oh yea, I agree with you.

Board Member Montesano stated (inaudible).

Chairman Rogan stated you don't write these laws for one person, you write them for the community.

Board Member Cook stated I live in a condo complex, townhouse complex.

Board Member DiSalvo stated oh yea.

Rich Williams stated so...

Board Member Cook stated so 95 people could be operating.

Rich Williams stated (inaudible).

Chairman Rogan stated if you have your heart set on being in this business then you get a commercial space and you do it that way.

Rich Williams stated that is the alternative...

Chairman Rogan stated you know, there is an alternative.

Rich Williams stated right.

Board Member Pierro stated if the site is...

Board Member Cook stated that's how we solve the commercial space that we don't have to put apartments in.

Andrew Fetherston stated you may have come up with your own solution maybe you put a time limit on it.

Board Member Cook stated maybe somebody on Front Street.

Andrew Fetherston stated there are...

Board Member DiSalvo stated Tomas can rent that little office for Dave.

Board Member Pierro stated there was about, the old (inaudible).

Chairman Rogan stated let Andrew finish his thought.

Andrew Fetherston stated over in Orange County they just started something called a business incubator, you have three years, if you're a new up and coming like a website designer or something, whatever the business is. You have three years, you can get reduced rent et cetera, use the facilities which is an administrative assistant, copy machines, telephones, everything is a very reduced rate to try and promote new businesses. Similarly, you do it out of your home for two or three years, if it picks up, you get a commercial space, maybe a time limitation is on it, you don't want it forever.

Board Member DiSalvo stated yea but then you have to handle things (inaudible).

Board Member Montesano stated is that the same thing that gives you the ten year no taxes...

Chairman Rogan stated (inaudible).

Board Member Montesano stated so that after 9 years you leave.

Board Member Cook stated Mr. Chairman, people who own commercial space on Front Street...

Chairman Rogan stated perfect of that.

Board Member Cook stated perfect, so there is a use.

Chairman Rogan stated perfect, I agree.

Board Member Pierro stated but let's put it in reality, Tomas, what's his name...

Chairman Rogan stated Salinas.

Board Member Pierro stated Tom the Barber...

Chairman Rogan stated right.

Board Member Pierro stated moved out of Front Street because he was paying eleven hundred dollars a month.

Chairman Rogan stated okay.

Board Member Pierro stated and he bought his own building at close to a hundred and invested another fifty or seventy after that...

Chairman Rogan stated doesn't matter.

Board Member DiSalvo stated (inaudible).

Board Member Pierro stated you think a one man shop is going to go into a place on Front Street to run a hack, you're going to need seven cars to pay eleven hundred dollars a month rent.

Rich Williams stated but there are other smaller commercial businesses and this would not create a limitation of only having one employee, you might have two or three employees, you might run it in a couple of different towns.

Board Member DiSalvo stated Hampshire Court has office to rent.

Chairman Rogan stated let me ask you a question, does, if somebody had a place to park the vehicle, for that matter, let's say they take it home with them but they are not operating out of their house and when they operate, they have a commercial space, they get an MTA parking or they have a spot somewhere, they are not in sitting on a residential street, can't they run, couldn't I run a taxi cab if I was properly licensed without having a commercial store front, I mean I don't need a commercial store front to have a taxi, I can sit in the car, park it out on a public road...

Board Member Montesano stated if we have a hack bureau we (inaudible).

Chairman Rogan stated and wait for my call and hopefully be out and around.

Rich Williams stated yea...

Chairman Rogan stated I mean most taxi cabs get business by being out and around, right.

Rich Williams stated absolutely.

Board Member DiSalvo stated right.

Rich Williams stated the problem would become an enforcement problem, where there was a chronic problem with you being at your home, where it wasn't permitted.

Chairman Rogan stated right and then there might be a County idling law, so you have to be careful.

Board Member Montesano stated (inaudible) electric car for you.

Rich Williams stated is there a County...

Chairman Rogan stated what, they've been working on.

Board Member DiSalvo stated there is a diesel one.

Chairman Rogan stated for diesel but not for regular vehicles, they have been working on an idling law for Putnam for awhile.

Board Member DiSalvo stated that may be tough for senior citizens.

Board Member Montesano stated State says you can't idle your truck for more than x minutes.

Chairman Rogan stated couldn't get it out of the law department though.

Board Member Montesano stated (inaudible).

Chairman Rogan stated all right...

Rich Williams stated you want to make a recommendation, you want to think about it, what do you want to do here.

Board Member DiSalvo stated think about it.

Chairman Rogan stated I think let's think about it because it doesn't sound like we have a whole lot of support for it, you know.

Board Member Montesano stated I think more research is needed.

Board Member DiSalvo stated research.

Chairman Rogan stated I'm not in favor of it...

Board Member DiSalvo stated the more research we get the more complicated it gets.

Chairman Rogan stated and that is nothing against the way it was written, it has absolutely nothing to do with that, I just...

Board Member Cook stated the whole intent.

Ted Kozlowski stated Rich was asked to do it.

Rich Williams stated I'm not in favor.

Chairman Rogan stated I understand, I mean I...

Ted Kozlowski stated I think...

Chairman Rogan stated I would be comfortable with a negative recommendation.

Board Member DiSalvo stated what situation brought this to this point.

Board Member Montesano stated consensus seems to be no.

Rich Williams stated a Town Board Member was approached by a resident who wanted to do this at his home and the resident was told that he couldn't do it because it wasn't permitted by our Code.

Chairman Rogan stated okay.

Board Member Montesano stated I make a motion that due to the circumstances that we have been given, that it is a negative recommendation.

Board Member Cook seconded the motion.

Chairman Rogan stated can we, before we do that, can we make sure that expand on that motion to include the reasoning, due to the circumstances is kind of open.

Board Member DiSalvo stated enforcement.

Chairman Rogan stated enforcement was an issue brought up, the idea of the impact on traffic and noise and...

Board Member DiSalvo stated neighbors.

Chairman Rogan stated neighbors to residential areas, okay.

Board Member Montesano stated that's it.

Board Member DiSalvo stated yea.

Chairman Rogan stated all the things that we discussed, I wanted to make sure that was part of it.

Board Member Montesano stated everything that we discussed will be part of the minutes of this meeting.

Chairman Rogan stated did someone second it.

Board Member Montesano stated yes, Charlie.

Chairman Rogan stated Charlie seconded.

Chairman Rogan asks for all in favor:

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

The motion carries by a vote of 4to 1.

Chairman Rogan stated any opposed.

Board Member Pierro stated I am opposed, I think we ought to review it more, I honestly do, I don't think...

Chairman Rogan stated well the Town Board is going to be reviewing it.

Board Member Pierro stated I don't think that this is as big an impact as we are making it out to be.

Ted Kozlowski stated one car Dave, is not but this has potential to grow.

Board Member Pierro stated well then the law, if someone goes above and beyond the law that is written, then its an enforcement matter but one car, one man, one woman who loves in a home, who wants to answer a telephone to go pick up somebody to drive them around would be an added service, especially elderly.

Board Member DiSalvo stated they can do that now.

Ted Kozlowski stated if I'm allowed to talk here, that is fine, that's one example but that is not the reality is...

Board Member DiSalvo stated (inaudible).

Ted Kozlowski stated and I have seen this, I've seen this in other places, Baldwin Road is one, okay, there is all sorts of noise associated with it, its not a little old lady sitting in the house and say okay, we'll pick you up at the airport at six o'clock, its two o'clock in the morning, prom night, whatever. It's noisy and then there's the guy, the car is dirty, I have to clean it and there is the vacuum going on at four o'clock in the morning.

Chairman Rogan stated good point.

Board Member Pierro stated not to dispute.

Board Member Montesano stated is that what you've been doing on the side.

Board Member Pierro stated people do drive all hours of the day and night, I back out of my driveway at three o'clock in the morning to go hunting.

Ted Kozlowski stated but you're not doing that seven days a week and you don't have a hired driver going in and out, who doesn't really care about the neighbors, he's there to do a job.

e. 2010 Agenda

Chairman Rogan stated we have 2010 Agenda that we reviewed and spoke about at the work session. There was one typo on that, that we correct.

Board Member Montesano stated yes.

The Secretary stated there was, your November meeting, you were going to meet Thanksgiving, it wasn't right.

Chairman Rogan stated we correct that so...

Board Member Montesano stated I thought we'd have a dinner.

Chairman Rogan stated motion to approve the 2010 Agenda with the one correction.

Board Member Montesano stated so moved, second.

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.

7) MINUTES

Chairman Rogan stated and minutes, all we have I thought were October 29th from the work session, approve, so moved.

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.

Chairman Rogan stated motion to adjourn is anybody has any...

Board Member Montesano seconded the motion.

Chairman Rogan stated yes.

Andrew Fetherston stated if I can have one minute of your time.

Chairman Rogan stated all right.

Andrew Fetherston stated I probably have the furthest drive, so I can have one minute. Your next meeting is in 2010, Maser...

Chairman Rogan stated oh next meeting...

Andrew Fetherston stated next meeting is 2010, Maser Consulting's current contract at the end of the year, I have submitted a letter to the Town Board seeking re-appointment as the engineer, because I don't want to end up like this.

Board Members laugh.

Board Member Montesano stated you want a top hat.

Board Member DiSalvo stated and a rose.

Chairman Rogan stated Andrew I just want to go record as saying that you have been a gentleman to work with and I appreciate all of your effort and I am in favor of continuing to work with you.

Andrew Fetherston stated great.

Board Member DiSalvo stated so am I.

Board Member Cook stated and I mean we should (inaudible) the livery taxi cab business.

Chairman Rogan stated thank you very much.

Board Member Montesano stated have a good holiday by the way.

Board Member Pierro stated can we shut off comedy central now, I make a motion to adjourn.

Board Member Montesano seconded the motion.

Chairman Rogan stated hold on.

Board Member Pierro stated oh come on Rich.

Rich Williams stated I don't care.

Chairman Rogan stated okay.

Rich Williams stated the issue with the taxi cabs...

The Secretary stated wait, were you adjourning or were you not.

Chairman Rogan stated no, not if he is going to talk about taxi cabs.

Board Member Pierro stated he's talking about the taxis.

Rich Williams stated you've got enforcement; you've got impact on neighbors.

Chairman Rogan stated impact on neighbors in multiple areas, I think, impact on traffic that is impact on neighbors, the increase in traffic.

Board Member DiSalvo stated (inaudible).

Board Member Montesano stated and enforcement.

Board Member Cook stated enforcement, noise.

Chairman Rogan stated enforcement is a huge issue.

Board Member DiSalvo stated impact on....

Chairman Rogan stated don't write the rules if you don't have anybody to enforce them.

Board Member Montesano stated licensing, et cetera, et cetera, et cetera.

Board Member DiSalvo stated excessive businesses opening up in their residence.

Board Member Montesano stated how you limit the quantity of businesses opening up, such as (inaudible).

Chairman Rogan stated the only way I would even support it is if we ratcheted it down a couple of those items but one vehicle.

Board Member Montesano stated we don't want three hot dog trucks.

The Secretary stated hold on.

Rich Williams stated adjourn.

The tape ended at 10:25 p.m.

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 10:26 p.m.