

TOWN OF PATTERSON
PLANNING BOARD MEETING
December 23, 2013
Work Session



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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

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Michael Montesano
Ron Taylor
Edward J. Brady Jr.

**Planning Board
December 23, 2013 Work Session Meeting Minutes**

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

APPROVED

Present were: Chairman Shawn Rogan, Board Member Michael Montesano, Board Member Ron Taylor, Board Member Edward J. Brady Jr., Rich Williams, Town Planner, and Dave Raines, Town of Patterson Fire Marshal.

The meeting began at 7:00 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan called the meeting to order.

Chairman Rogan stated okay, why don't we start, unless anyone has an objection just for Bob's, Bob you're not waiting for anyone else are you...

Mr. Conklin stated no, no.

Chairman Rogan stated okay, so if, unless anybody minds we'll start with Thunder Ridge sign application, item three, what do we have Rich.

3) THUNDER RIDGE – Sign Application

Mr. Bob Conklin was present.

Rich Williams stated we have a sign application for the sign on the existing pile-on sign which is proposed for 25 square feet, there are a number of outstanding issues which have been there for years regarding the sign and the total square footage.

Chairman Rogan stated will this application clear up any of those previous items.

Rich Williams stated no.

Chairman Rogan stated okay, so what can we do.

Board Member Taylor stated I think we need to look at the last para, last page, top paragraph, read that paragraph, I think that determines what happens tonight.

Chairman Rogan stated requiring certification that there are outstanding fees owed the Town, pursuant to, at this time the certification cannot be made as there are fees owed from a previous application for a waste water treatment plan proposed for the site. Well that's pretty...

Rich Williams stated I want to be clear on that, those are fees owed to us for the DEP's application on behalf of Thunder Ridge...

Chairman Rogan stated okay.

Rich Williams stated for that waste water treatment plant.

Chairman Rogan stated do you happen to know the amount of that.

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

Chairman Rogan stated you have any idea, can you guess within a...

Rich Williams stated no.

Chairman Rogan stated is it \$1,000, \$5,000, \$10,000, \$2,000.

Rich Williams stated you know what; it's been a long...

Chairman Rogan stated you don't know, okay.

Rich Williams stated it's been a long week.

Chairman Rogan stated maybe we can get that answer before the meeting.

Rich Williams stated it's only Monday.

Chairman Rogan stated yeah.

Board Member Taylor stated so does DEP owe us the money or does Thunder Ridge owe us the money.

Rich Williams stated well Thunder Ridge, well it's not even actually Thunder Ridge, it's the Ryder's that owe us the money but what happens is the Ryder's will pay it but they will get reimbursed by DEP.

Board Member Taylor stated so how does this fall under the Code, as written, that we can't...

Rich Williams stated you know, no matter how well we write a Code, there's always those grey areas that this falls into.

Board Member Taylor stated alright, so you, this, you think it falls outside of the explicit wording of the Code.

Rich Williams stated I think there's enough wiggle room that if you wanted to move forward, you could.

Chairman Rogan stated so how, what would the best way be for us, Rich to do both, to get this moving but to also quite, honestly get the Town made whole with the monies that have been owed. We talk about this with a lot of other applications and you know...

Rich Williams stated sure, I think, for me at least, probably that issue is the least of all the issues regarding the application.

Chairman Rogan stated well it depends on the dollar amount, if its \$500, I would agree with you but if it's...

Rich Williams stated I know but I'm still, you know I'm comfortable with DEP...

Board Member Brady stated well we have existing signs that are there that...

Rich Williams stated huh.

Board Member Brady stated there's existing signs that are there that need to be addressed.

Rich Williams stated that's the bigger issue I think, is the fact that okay, we talked about a sign here that is 25 square feet but it is one of a number of signs that end up being mounted up on that, there's the Liberty Paintball sign as well and so really this application is only for a portion of the signage which is up on that pile-on, the rest of it has never been addressed.

Chairman Rogan stated okay, so would it make sense to try to wrap this all into one application since there's an application filed to try to ask Mr. Conklin to, I mean it's kind of silly for us to approve one sign when you have others that aren't...

Mr. Conklin stated oh, I have nothing to do with the other sign, so.

Chairman Rogan stated oh, so you're here for, I'm sorry, I forget that you don't own the property, I apologize. So we have other businesses that operate out there that are not your business, just, you just operate Alpine, I understand.

Mr. Conklin stated no, I operate Thunder Ridge.

Chairman Rogan stated Thunder Ridge, I'm sorry, I apologize, Thunder Ridge. So, the owner is who Ryder, Dean Ryder...

Rich Williams stated Wayne and Dean Ryder.

Chairman Rogan stated Wayne and Dean Ryder, so they have...

Rich Williams stated it's actually Center...

The Secretary stated Patterson Center LLC.

Rich Williams stated Patterson Center LLC.

Chairman Rogan stated alright so they have, Thunder Ridge, okay so Thunder Ridge is one business, who else do we have out there, we have the paintball and who else...

Rich Williams stated and the last, when we initially got this, there was a sign up there for the Haunted Hayride.

Chairman Rogan stated okay, is the Haunted Hayride operated by your company or by some other.

Mr. Conklin stated it's operated by B.Y. Night Productions.

Chairman Rogan stated by who.

Mr. Conklin stated B.Y. Night Productions.

Chairman Rogan stated B.Y. Night, okay, so a third, a third partner, a third interested party, B.Y. Night...

Board Member Taylor stated well...

Chairman Rogan stated okay.

Board Member Taylor stated well aside from that it seems like that the posts, based on what I'm reading here are in the wrong place, is that what you're saying, the posts are in the right of way.

Rich Williams stated the posts are in the right of way, yeah.

Board Member Taylor stated and is that allowed.

Rich Williams stated what's, yeah...

Board Member Taylor stated if we were approving a sign, if somebody came into us with a new sign and they said we're going to put the sign in the right of way, would we allow that.

Rich Williams stated possibly, yes.

Board Member Taylor stated possibly, okay.

Rich Williams stated you did it for John Clancy, right across the street, there's a sign I believe in the middle, there is certainly a divider between the entrance and the exit.

Board Member Taylor stated alright, so that's not an issue.

Rich Williams stated so as long as, yeah, as long as traffic can safely, you know, go through the driveway.

Board Member Montesano stated and the person that has the right of way, do they have any decision to make that the sign, that it's there.

Chairman Rogan stated I guess more, the question would more be if they need to do something with their right of way and the sign is in the way, they're going to do it anyway, sign be damned.

Rich Williams stated well no, understand it's a private right of way, it's a private strip...

Chairman Rogan stated okay, not a DOT right of way, different.

Rich Williams stated it's not a DOT right of way.

Board Member Montesano stated alright.

Chairman Rogan stated and that's probably the uniqueness of that.

Rich Williams stated it's better to phrase it, as a driveway...

Chairman Rogan stated okay.

Rich Williams stated and it's owned by Patterson Center LLC who also owns the underlying property of Thunder Ridge.

Chairman Rogan stated okay, not in New York State DOT or Town right of way, that which would be, that would be precedent setting, I have a feeling.

Rich Williams stated strictly private.

Chairman Rogan stated okay, now in this case, private or DOT.

Rich Williams stated private.

Chairman Rogan stated okay, alright...

Board Member Montesano stated alright, that's cleared up.

Chairman Rogan stated so that, you know, so then it really is just whether or not it encumbers any issues there with the sight distance and...

Board Member Montesano stated could be a hazard.

Chairman Rogan stated okay.

Board Member Taylor stated so do we have the wrong applicant before us, Thunder Ridge doesn't own the right of way, they don't own the sign.

The Secretary stated they have authorization to make application for the sign.

Chairman Rogan stated you just need authorization, correct.

Board Member Taylor stated so we've got one third of what we need.

Chairman Rogan stated basically.

Rich Williams stated well basically that's the problem, is the total signage up on the sign doesn't meet our Code requirements.

Board Member Brady stated so how can you approve another if you've still got the two other ones there.

Chairman Rogan stated remember what Bob said, he's one operator on the property, you have two other operators, our problems, some of our problems are with those other operators...

Board Member Brady stated correct.

Chairman Rogan stated so what we need to do, we need to and this is where the sticky issue is, to get the parcel owner, the Ryder's or the LLC or whomever to either remove the other signs or make application to make them, you know, probably more appropriately...

Board Member Brady stated right.

Chairman Rogan stated make application to make them legit.

Board Member Taylor stated so if this were a store...

Board Member Montesano stated why can't we just take them down if they're not legit.

Chairman Rogan stated we can do that too if you want but we should do it every then, we've got a lot of signs up.

Board Member Montesano stated there's a saying, you've got to start somewhere.

Board Member Taylor stated if this were a storefront...

Chairman Rogan stated say again.

Board Member Taylor stated if this were a storefront say or a, you know like, A&P and they're allowed so many square feet of signs, do we say section that sign based on the number of stores in it, do we section this...

Chairman Rogan stated for, you mean for the main, for the main sign out like Patterson Commons or something, for instance.

Board Member Taylor stated yeah.

Rich Williams stated you certainly could do that, you certainly could say jeez we know there's three operating businesses up there, each sign is going to get X amount of square feet based on what our Code allows, unless they go to the ZBA, get a variance for increasing the total area of signage that they can have on that pile-on sign.

Board Member Taylor stated or we can approve this one and any subsequent signs would have to go to get a variance or can't be erected.

Rich Williams stated correct. The problem is we've had a long standing problem with nobody coming in for those signs.

Board Member Brady stated right, how do you approve this one if you have the issues with the other ones, you need to get them all together in one shot.

Chairman Rogan stated or at least you can't, you shouldn't really, in fairness to Mr. Conklin, you shouldn't penalize him for being the one to come in and make proper application. Maybe what we need to do is figure out what to do with the other two that are more delinquent, you know, I mean that's kind of, I see it as you know...

Board Member Brady stated no, I understand that, I agree with that, yup.

Dave Raines stated Shawn, Mr. Chairman, when you say the other two, I just...

Chairman Rogan stated I like Shawn better, that's alright.

Dave Raines stated sorry, Liberty Paintball and Haunting on the Hill.

Chairman Rogan stated yeah, yeah, that's what they were talking about.

Dave Raines stated and one thing, I've already violated Haunting on the Hill to take down their sign because it was a seasonal, not...

Chairman Rogan stated we're going to have, it's workplace violence, right, not sexual harassment.

The Secretary stated workplace violence.

Chairman Rogan stated okay, never mind, I'm sorry.

Dave Raines stated I didn't get it.

Chairman Rogan stated no, that's okay.

Dave Raines stated I vio, I issued a violation to the operator of the Haunting on the Hill to take the sign down about 6 weeks ago, just as a separate note because...

Chairman Rogan stated oh okay, okay.

Dave Raines stated because we have to come up with some rules moving forward on how they're going to handle that seasonal type...

Chairman Rogan stated I apologize for having my back to you.

Dave Raines stated Liberty Paintball to me falls under a different kind of category because that's a 52-week a year...

Chairman Rogan stated yeah.

Dave Raines stated part of the recreational use up there and I guess I'm jumping in a little late but I guess...

Chairman Rogan stated that's okay.

Dave Raines stated that sign probably should be brought up to Zoning Code, frankly that's clearly a violation as well while we're clearing it up.

Chairman Rogan stated so you're saying the Haunted Hayride should be one of those temporary kind of sign things that is put up and taken down each year.

Dave Raines stated I believe so that's just my, from a zoning perspective, Zoning Enforcement perspective, it should be, they should come in for approval to put a temporary sign for...

Chairman Rogan stated for 30 days or...

Dave Raines stated from September to November, whatever you know, the thing and as a separate, that should definitely come down now and kind of come out of this puzzle...

Chairman Rogan stated yeah.

Mr. Conklin stated it is down, I mean it comes down the day after the...

Chairman Rogan stated okay.

Mr. Conklin stated it's up for two months.

Chairman Rogan stated two months and I wonder can we, on a temporary sign, can we approve a temporary time frame but a more permanent so that people don't have to come in every year, in other words...

Rich Williams stated sure.

Chairman Rogan stated a two month period every year for 10 years.

Dave Raines stated reoccurring approval.

Chairman Rogan stated yeah.

Rich Williams stated yeah, you could do that but you know, you want to take a look at the sign then as a comprehensive package...

Chairman Rogan stated yeah.

Rich Williams stated of all the signage, what's going to be up, what's not going to be up, and you know, clearly everybody wants at least 25 square feet, so you're going to be well over the zoning limitations...

Chairman Rogan stated yeah.

Rich Williams stated so at that point, again, you know similar to what Alpine did, you know Thunder Ridge or the Ryder's or whoever's going to responsible for that sign should be going into the ZBA, getting a similar variance that Alpine did, so that they can have whatever they need up for signs.

Chairman Rogan stated now, the change to the zoning for strip malls, I can't, I know strip malls isn't the right term but to allow greater use...

Rich Williams stated retail areas.

Chairman Rogan stated retail areas but what was the trigger level for the, was it the number of, I just can't remember, I'm sorry, I'm a little tired but the number of businesses, the size of the business, a plaza, I don't quite remember.

Rich Williams stated it was the square footage.

Chairman Rogan stated okay and it needs but it's for retail.

Rich Williams stated it's for retail.

Chairman Rogan stated okay, designed for shopping malls et cetera because these businesses are not all running, you know I think it's, you draw a lot of parallels, in other words you have one building with 5 uses in that building versus 5 different uses one big property, they're clearly different, you know animals, whether they're spatially separated, whether the businesses are clumped together there, you know there's difference there.

Dave Raines stated would it be the intent to, let's assume we went to Liberty Paintball from the enforcement side and said you know, take your sign down, make it right, come in, make application, is the intent to, obviously we don't want to have sign, after sign, after sign, you want to incorporate whatever Liberty Paintball is doing into the same infrastructure of Thunder Ridge, I mean is that the intent.

Chairman Rogan stated it makes sense.

Rich Williams stated that would be fine, that is what they're doing now.

Dave Raines stated right, I understand that but I mean to make it right, I don't know if it's right or not as it is, I don't know if the height, the size, the lighting is right...

Rich Williams stated we don't really have a height requirement, so it really comes down to the area and our Code says maximum 25 square feet on a free standing sign...

Dave Raines stated per business like Shawn was saying.

Rich Williams stated per sign.

Dave Raines stated okay, so if I had...

Rich Williams stated and you get one free standing sign for the site.

Dave Raines stated yeah, see that's, that's I guess...

Chairman Rogan stated that's where it's limiting, if it had seven businesses, it doesn't...

Dave Raines stated yeah, that's, right, that's what I, I was kind of following what Shawn was saying and okay, that's something I guess you need to decide. We don't want an I guess, I don't want to say illegal but an improper sign on what you're going to make a proper, you know and I also think that we need to look at from the standpoint of, if you're going to use the same footprint where the sign is for Thunder Ridge and

it's, if you limit it, the total signage to 25 square feet, that's going to make the Thunder Ridge sign so tiny, I don't know how, do you make it equal...

Chairman Rogan stated right.

Dave Raines stated do you say if Wings & Things assuming was on the same sign...

Chairman Rogan stated right.

Dave Raines stated let's go back and say we have three businesses or even four businesses out there, we're talking 5 square feet per business...

Chairman Rogan stated that's where it becomes ridiculous.

Dave Raines stated and that's where it becomes ineffective and I don't want to get off track but...

The Secretary stated Dino, go grab a chair.

Chairman Rogan stated no but that's exactly the frustration...

Dave Raines stated and we run into a safety issue you know from a, I don't want people coming up upon Thunder Ridge and slamming on their brakes because the sign is you know, I want them to see the sign coming both north and southbound and know where that ingress and egress is, I mean that's part of the whole, you know placement, aside from you know lighting and you know, so and I don't know, I don't have an answer but I, you know...

Rich Williams stated well the answer is this, I mean you know, whatever the business owner or owners, you know, if their tenants and the underlying property owner needs to pull them together, they need to decide what they need for signage and they need to present that to the Town.

Dave Raines stated right.

Rich Williams stated and we can say yeah it meets our Code requirements, no, it doesn't meet our Code requirements, if it doesn't meet our Code requirements, then they have the option of going to the ZBA as the Alpine did...

Dave Raines stated right.

Rich Williams stated and increasing the volume of the signage, the A&P did the same thing.

Dave Raines stated increasing the area, okay.

Rich Williams stated yeah.

Dave Raines stated okay.

Board Member Taylor stated it seems to me that the intent of the sign code was to reduce the number of signs so they don't overwhelm the landscape but make it fair for everyone to be able to advertise, in this case it seems to me that these are existing businesses on large tracts of lands and it seems unfair to expect

them to go with less than 25 square feet but that's not a decision that we can make, I think they need to go to the ZBA, I would suggest that...

Chairman Rogan stated but I agree with you...

Board Member Taylor stated we approve the 25 square feet for Thunder Ridge since they're in here and then anybody else wants to bring in a sign application, they're going to have to go to the ZBA to get the ZBA to enlarge the area that's permitted.

Rich Williams stated and what do you do with the Liberty Paintball sign that's been up there for God only knows how many years with no permit.

Board Member Taylor stated that's an enforcement issue.

Dave Raines stated I think you violate them, you tell them they've got to come in, I honestly, if you guys approve a 25 foot, square foot sign and we maximize under current code and we go back to, to me, the secondary use of that property, it's clearly that, in this case it's easy, it's not like it's three restaurants, you know, pick one...

Chairman Rogan stated that's a good point.

Dave Raines stated it's clearly secondary to the recreation use that's going, you go back to him and say hey listen Thunder Ridge's sign was approved on such and such a date, your sign is not in compliance, here it is, boom and force them through the process.

Rich Williams stated I don't have a problem with that.

Dave Raines stated and just a, you know...

Rich Williams stated and I don't have a problem with that and no disrespect to you Dave...

Dave Raines stated oh no.

Rich Williams stated but you know, the sign has been up there for years...

Dave Raines stated yeah, you're right.

Chairman Rogan stated so why now.

Rich Williams stated you know, I don't have a problem again, I think Thunder Ridge is operating, they need to have that sign up, I agree with that...

Chairman Rogan stated yeah.

Rich Williams stated so I don't have a problem with them approving the sign but my recommendation would be that you approve the sign and the sign doesn't go up until Liberty Paintball comes down and then you're not in violation.

Chairman Rogan stated what about, well the, the problem and I like 99% of what you said...

Dave Raines stated how do we get, I get that but how do we get Liberty Paintball to take the sign down if we don't violate them.

Rich Williams stated the property owner has it taken down.

Dave Raines stated oh okay.

Mr. Conklin stated the thing I'm, I think you should try to be a little productive but if you're saying you would like Liberty Paintball to have 25 square feet, all you have to do is talk to him...

Chairman Rogan stated we weren't saying that.

Mr. Conklin stated no, see what I'm saying is I can't imagine Pete being acceptable to putting no sign up and I don't think that's the intent of this Board either.

Dave Raines stated no, I think we would ask him to come in with a reasonable proposal...

Mr. Conklin stated yeah, the thing I'm saying is I talk to Pete all the time...

Chairman Rogan stated yeah.

Mr. Conklin stated and he would be very acceptable to having a sign that meets the code but if the Code says it's only 12 square feet then that changes things.

Chairman Rogan stated well since you have, it sounds like such a good rapport with Pete, why don't we have you go back and talk to Pete about you both jointly making an application to the ZBA to increase that so you can both have 25 [square feet] because I like what Dave [Raines] said except I'm hesitant to approve anything that leaves the other people zero and by virtue of that you're in essence saying you got squat...

Dave Raines stated no.

Chairman Rogan stated so instead of that, it would seem more fair to everybody involved for actually all, two or all three businesses but even just you and Pete because those are the two primary businesses...

Board Member Brady's cell phone sounds.

Board Members laugh.

Dave Raines stated nice.

Chairman Rogan stated going to the ZBA and saying hey 25 [square feet] isn't enough but we think maybe 50 or 65 [square feet] is enough, 25, 25 and maybe 12 for the haunted Hayride and then call it a day and I think that'd be great, you know something along those lines, maybe you'd want to go for 75 [square feet], I have no idea but it seems like the Haunted Hayride being a seasonal business probably doesn't need the same size sign as you or the paintball but that allows a greater, more reasonable as you're saying for the site.

Dave Raines stated so what do you do from now until February, that's really the matter at hand.

Chairman Rogan stated get on the agenda for January.

Rich Williams stated that's why I said, Liberty Paintball, I don't know how much they're doing this time of year.

Chairman Rogan stated I wouldn't feel comfortable with approving a 25 square foot sign thereby giving the other person zero, you know they, we're giving them no option.

Mr. Conklin stated I would take my application away if that was happening because I have no intention of trying to put Pete out of business.

Chairman Rogan stated no, of course not and I don't get that sense ut...

Dave Raines stated no, I was saying again, I was just saying not to have to take it down and I know what you're saying...

Chairman Rogan stated yeah.

Dave Raines stated I was just saying you know, we'll let the process move forward to get the Thunder Ridge sign approved at whatever the Planning Board feels is the right sign for that location with the stipulation that we go back to the Liberty Paintball's there, okay now we've got to bring you in and we have to do something here whether it's a variance or whatnot but it has to kind of work concurrently, I'm not saying take their sign down...

Chairman Rogan stated it does, yeah.

Dave Raines stated I'm saying to take their sign down and have no sign but the stipulation being that, you know, come March if we're, they're, Liberty Paintball's not in the process then Thunder Ridge's sign would have to be found in violation...

Chairman Rogan stated yeah.

Dave Raines stated and that's, that would allow them to have a sign through ski season that meets, no you're not following that Shawn...

Chairman Rogan stated no, I'm following, I'm not agreeing with it, I'm following it, I understand completely what you're saying.

Dave Raines stated okay, okay.

Chairman Rogan stated does anybody have a Thunder Ridge application in front of them for the sign because I don't seem to...

Board Member Brady stated I don't have one.

Chairman Rogan stated Ron, does anybody have one.

The Secretary stated you guys were given them months ago.

Board Member Montesano stated months ago.

Chairman Rogan stated oh, months ago, oh that's why I don't have it.

Mr. Conklin stated see, months ago.

The Secretary stated you've had it since November at least.

Chairman Rogan stated how come we haven't...

The Secretary stated they didn't show the last time they were on the agenda.

Chairman Rogan stated thank you, I have it sitting in my pile at home, so that makes better sense.

Board Member Brady stated yeah, we've got it right here but why not have the application do Thunder Ridge and the paintball as one sign application together.

Chairman Rogan stated well they're two, I guess they could, you can't put two separate owners on one...

Board Member Brady stated why not, its one parcel.

Rich Williams stated listen, for me I would be more comfortable if they combined the application, they came in; they showed us everything they wanted to do, they went through the process legitimately but that's going to take a few months...

Board Member Brady stated right.

Rich Williams stated and I recognize Thunder Ridge is now up and operating, well if we ever get some cold...

Board Member Brady stated yeah, unbelievable.

Chairman Rogan stated but what about this.

Rich Williams stated and need their sign which is why...

Chairman Rogan stated what about we, what about us approving a three month temporary sign application out there, this way it sunsets on its own, let them go to ZBA for the whole thing, let them put up that 25 square foot sign or whatever but do it as a temporary sign permit.

Rich Williams stated that's, you know what that's fine except that then we're going to have two signs up there and if there's no enforcement, there's no follow-up, we end up in a situation like Levine, where it's been two years in court...

Chairman Rogan stated yeah.

Rich Williams stated you know.

Chairman Rogan stated well yeah but Levine and a sign are clearly two different things, Levine is a contaminated fill.

Rich Williams stated Levine is a situation where we have an attorney...

Board Member Montesano stated we've got a restaurant with a right of way that's been going on for 42 years.

Rich Williams stated who has found a way to drag the process.

Chairman Rogan stated there you go, you know, I want to be reasonable but I'm willing to kind of go along with whatever the rest of the Board wants to do on this one because it's a sign and I don't, I'm not going to live and die this sign. I think any chance we have to legitimize it, whether it's sending them to ZBA to get because I agree, I think they need, 25 square foot for the whole entity out there for three different, two and a half businesses, let's say...

Board Member Brady stated it's too small.

Chairman Rogan stated its way too small and it's a big site, we're not talking about a 1,000 square foot building with three uses in it.

Board Member Brady stated right, oh, I absolutely agree with that.

Chairman Rogan stated as Ron stated.

Board Member Brady stated I like the idea of the temporary...

Dave Raines stated you can kind of set it up with something better.

Board Member Brady stated if we can end it and be out of it.

Chairman Rogan stated you need it for this ski season obviously.

Mr. Conklin stated guys but see you're not, the application was to put in a nice sign, to make it conforming and it's, that's not a temporary sign we were proposing...

Chairman Rogan stated well you know what in all due respect, I wish we would have had this in July or August, in all due respect.

Mr. Conklin stated you had it in September.

Chairman Rogan stated we had it in November I thought, they just said.

Rich Williams stated we got the application the very end of September, passed the deadline date for...

Chairman Rogan stated okay, so October we had it on the agenda.

Rich Williams stated no, the first meeting it could make was November.

The Secretary stated no, it did not make the October agenda.

Chairman Rogan stated okay, so November and nobody showed up and now we're in December.

Board Member Montesano stated right.

Rich Williams stated correct.

Chairman Rogan stated all due respect, nobody showed up.

Mr. Conklin stated no, no, don't say nobody showed up because nobody was invited or knew anything about showing up.

Rich Williams stated everybody was told when they submitted the application...

Mr. Conklin stated no, no.

Rich Williams stated what the date was, everybody was told.

Chairman Rogan stated this is going to get easy very quick.

The Secretary stated I spoke to Mrs. Conklin and she asked me the date of the meeting.

Mr. Conklin stated she called to find out what's going and then she found out but no, that's...

Chairman Rogan stated okay, alright, I'm not in favor of approving a permanent sign for 25 square foot without the ZBA being involved because it doesn't give, it further, even though the other sign is illegal, it doesn't give them any opportunity for any square footage, if the ZBA says no, they're SOL because we already made an approval on a 25 [square foot]. I'd be fine if we said 15 square foot that gives them, that's still the primary business, I agree with that but is it our job to determine who has 50% business, who has 20%, who has, I don't think it is, I don't know, so without the Code specifying that, we're being arbitrary and capricious and so you know, and just on that, I don't have a problem with the sign at all but based on the numbers and based on the way the Code is written, which I can't change tonight, we can't change tonight, I feel like we would be remiss in approving 25 square foot, I really do.

Board Member Montesano stated well, 25 square feet covers three businesses, two of which are not represented.

Chairman Rogan stated exactly.

Board Member Montesano stated so how could you approve 25 square foot sign if the other two businesses are not represented in any way, shape, or form, violation or otherwise.

Chairman Rogan stated Ed, what are you thinking.

Board Member Brady stated I tend to agree with you, I don't think we should give 25 [square feet] because you cut it out and it just opens us up for a big mess in court.

Chairman Rogan stated Ron...

Board Member Brady stated I wish there was something we could do now for the season...

Chairman Rogan stated we can do a temporary...

Mr. Conklin stated we can put the old one back up, that's...

Board Member Brady stated to help Thunder Ridge but you know because I don't want to hurt the business but I don't know.

Rich Williams stated Bob, you do understand if you put the old back up without having a sign permit for it, you would still be in violation.

Mr. Conklin stated well the thing of it is it's been in violations for 40 years, so.

Rich Williams stated yeah, it hasn't been in violation for 40 years.

Mr. Conklin stated how long.

Rich Williams stated it hasn't been in violation, I don't know when you put the sign up originally.

Mr. Conklin stated no, I didn't put the sign up, it was there when we took the property at 18 years ago.

Rich Williams stated when you took the property 18 years ago, with all due respect...

Mr. Conklin stated the sign was there.

Rich Williams stated the name of the mountain was Birch Hill, Big Birch, you took that sign down and changed it to Thunder Ridge, when you did that you needed a sign permit, that was never...

Mr. Conklin stated okay, so then you're saying its 18 years, okay.

Chairman Rogan stated who has the application in front of them.

The Secretary stated Rich has it.

Chairman Rogan stated Rich, can I have a back for a minute, it went around the table, I just want to look at it one more time.

Board Member Taylor stated I hear so many different things here, it seems like part of this issue is the issue we always have of enforcement, we're faced with problems of enforcement and are you saying Rich that you want us to avoid that problem by not considering this application until everybody, all the parties involved...

Rich Williams stated I'm saying whatever you're going to do, you have to recognize as Bob said, the old sign was up for 18 years with no enforcement, how many other signs do we have around Town and you know to defend them a little bit, if we sent them out to do nothing but signs...

Dave Raines stated we'll take them all down Rich because I can guarantee there are six that are approved in your files and the rest have to come down...

Rich Williams stated yeah pretty much.

Dave Raines stated I'm not being, seriously...

Rich Williams stated and they would be doing nothing but signs for six years, seven years.

Dave Raines stated and our courts aren't injunctive, the problem is not in the office over there, it's the court...

Chairman Rogan stated yeah.

Dave Raines stated so once Mr. Conklin gets an attorney, he can probably keep his sign up for three years before it actually getting any place and that's the problem.

Rich Williams stated that's what I was referring to...

Mr. Conklin stated we were trying to make this a conforming sign, is the reason this can of worms is opening up because...

Board Member Taylor stated well just pragmatically then and I, in terms of the legal issues, I think we've got to ask Mike [Liguori] about the legal issues, pragmatically we've got somebody before us who wants to put in a conforming sign...

Chairman Rogan stated true.

Board Member Taylor stated I would say let's go ahead and give them a conforming sign and let the other people deal with the issue with enforcement or however for another 18 years, at least we've got one conforming sign.

Chairman Rogan stated I'm fine with that too, let's just get an opinion from Mike, let's at least have Mike here at the meeting, so we can bounce it off of him so we're not creating one more can of words as Mr. Conklin said.

Board Member Taylor stated yeah we don't want to but if we can do that...

Chairman Rogan stated and that's fine too, like I said, I'm not going to live and die by a sign.

Board Member Taylor stated I would, so we've got one in conformance and the others will either be dealt with or won't be dealt with.

Dave Raines stated I'm not sure what the drawback would be though Shawn, if you move forward like that, if we did violate, in any case, this is...

Chairman Rogan stated does it give the ZBA as much, I mean...

Dave Raines stated no, I mean if we...

Chairman Rogan stated if somebody came to me and said we need a variance to put up a sign because we don't have any option because there's zero square footage left within the Code, that puts a lot of undue burden on the ZBA because there is no alternative, you either approve something or they can't even have a sign, so that's all I was thinking of from that standpoint...

Dave Raines stated yeah.

Chairman Rogan stated you're creating, you're setting somebody up for failure.

Rich Williams stated and to expand on that, the ZBA goes through their review, they determine that it's only appropriate to have a total of 40 square feet of signage up there and now somebody's already got 25 [square feet], they got more than half and is that fair.

Chairman Rogan stated yeah, so that's all, as you said it comes down to pragmatics, it has nothing to do with opening up a can of worms, I'm respectful that you're here with an application, I truly am and you know certainly don't want them to go through without having a sign...

Board Member Taylor stated so let's send him to the ZBA.

Chairman Rogan stated that's fine too, but again...

Dave Raines stated but he's not asking for...

Chairman Rogan stated he's asking for what's in Code.

Rich Williams stated there's nothing in his application to get him to the ZBA.

Chairman Rogan stated right.

Rich Williams stated because his, his is conforming.

Chairman Rogan stated meets.

Board Member Taylor stated so then let's approve his conforming sign.

Chairman Rogan stated let's talk to Mike [Liguori] next week.

Board Member Taylor stated I mean we're going around in circles here.

Chairman Rogan stated no, let's talk to Mike next week at the, as you said, you had the right idea just because this...

Board Member Taylor stated yeah, let's see what Mike says.

Chairman Rogan stated we don't need a public hearing on it, there's no impact environmentally...

Rich Williams stated Shawn...

Chairman Rogan stated yeah.

Rich Williams stated two weeks.

The Secretary stated yes, January 9th.

Chairman Rogan stated regardless, you know...

Rich Williams stated I'm just telling you, it's two weeks.

Chairman Rogan stated thank you but and that's only because we're here so early right now with the holiday, so okay, everybody, yes, no, right, wrong.

Board Member Brady stated I think it's a good idea to talk to the lawyer and find out...

Chairman Rogan stated yeah and then if he says no, go ahead, you know and let them go through it, they're illegal, they're not applying anyway, then I'll be, I'll make the motion on it, I don't, you know, I'm in full support then...

Board Member Brady stated yeah.

Chairman Rogan stated because I agree that, you know, this gentleman's here trying to do the right thing and I don't want to, you know, the sign itself I have no problem with, I think it looks great, so, location seems fine, it's existing, I mean it's a no brainer, so, you know.

Dave Raines stated and I think you should think about these other signs that might come up like Haunted Hayride or something else that might be going on, on the, in the future, how that can incorporate, rather than it being another sign, does it get temporarily placed like you know if we do Haunted Hayride, it's not when Thunder Ridge is open, does that go over the Thunder Ridge sign, you know, does that or should we, you know because these is problematic when we get down to this point because it does create an obstruction...

Chairman Rogan stated aren't they only proposing the top, no I'm asking though...

Dave Raines stated no, no, no, I'm saying to you, I'm saying to you...

The Secretary stated yes, only the top.

Chairman Rogan stated oh, I understand.

Dave Raines stated correct, I'm saying to you as you know, let's say this becomes the Haunted Hayride sign, that's problematic and if we're going to, just something to think about as a, you know, similar to what happened at the Castle, you guys spent a lot of time approving the Castle sign, I went out there to approve it...

Rich Williams stated closer to home, the Wings & Things sign, we had to get them to raise it.

Dave Raines stated but the Castle, after all that discussion put out three signs on the one stanchion and I had to go out and violate them their first week they were open, you know.

Chairman Rogan stated wow, Mr. Conklin, is the top of the sign post your preferred location for your sign or would prefer the center where Liberty Paintball currently is, or doesn't it matter to you.

Mr. Conklin stated it doesn't matter, that wasn't an issue.

Chairman Rogan stated okay, okay.

Mr. Conklin stated and see as you look at it see, we did it so that there would be room for Liberty to make a 25 square feet sign right under that but would not make ours look so small...

Chairman Rogan stated right because it looks out of proportion.

Mr. Conklin stated he could put one and like I said, all we have to do is talk to Pete and he would bring that into, he's...

Chairman Rogan stated what's Pete's last name.

Mr. Conklin stated Release...

Chairman Rogan stated say that one more time.

Mr. Conklin stated Release.

Chairman Rogan stated Release, thank you.

Board Member Taylor stated we've decided the 25 square feet is about the size that that sign should be, that it shouldn't be smaller and if we decide that then there's nothing else we can do at this point, we can't talk about Haunted Hayride unless it goes over the sign, like you suggest, we can't talk about paintball, they've got to go to ZBA, ZBA has got to open up the number of square feet so that we can then deal with that.

Chairman Rogan stated right.

Board Member Taylor stated at this point we're...

Chairman Rogan stated that's going to happen regardless because 25 square feet is not enough for two and a half businesses.

Board Member Brady stated no, not for the size of that place.

Chairman Rogan stated but what is the vehicle to get to the ZBA, that's really the driving question, is it Mr. Conklin, more, hopefully more appropriately it's Liberty Paintball and the Haunted Hayride because again, he's here tonight with us, so...

Board Member Brady stated well if you, if we approve the 25 square foot sign, then those two would definitely have to go in front of the Zoning Board, that would force them to go there.

Chairman Rogan stated yeah, and...

Dave Raines stated and that was my thought Shawn.

Chairman Rogan stated yeah, no, I'm not in disagreement with you...

Dave Raines stated you know, a secondary sign on an approved, you know...

Chairman Rogan stated yeah, I just think let's get...

Dave Raines stated it's a shitty thing to do but, you know...

Chairman Rogan stated well and that's why I just wanted to bounce that off Mike Liguori, okay, everybody's good, okay...

Board Member Brady stated yup.

Board Member Montesano stated yeah.

Chairman Rogan stated alright Mr. Conklin, Happy Holidays to you sir.

Mr. Conklin stated now just to throw out a, should I say to Pete, put in an application at 25 square feet so that...

Chairman Rogan stated tell, if you're, since you're speaking to him, tell him to put in an application for what fits, what would be appropriate for the size of the sign stanchions and based on, it should reflect, like based on yours, if this is to scale, then I agree, it makes your sign look small but I think your sign is appropriately size, his probably is too large, is that a sheet of plywood or is it a professional...

Mr. Conklin stated no, it's bigger, yeah, right...

Dave Raines stated its three sheets of plywood.

Chairman Rogan stated yeah.

Mr. Conklin stated but see he has an arrow on it...

Dave Raines stated it is, its three sheets of plywood.

Chairman Rogan stated yeah.

Mr. Conklin stated and all that, you don't need an arrow to tell you...

Chairman Rogan stated you don't need it, yeah.

Board Member Brady stated you know where you are.

Chairman Rogan stated you don't need the little...

Mr. Conklin stated that's why I say he can downsize that very easily...

Chairman Rogan stated yeah, you're right.

Mr. Conklin stated and...

Chairman Rogan stated your sign it looks, it's nice, it looks great, you know...

Mr. Conklin stated that's what I'm saying that not a, that's not a temporary sign.

Board Member Taylor stated we can't really tell you what to tell him but 25 square feet seems like a good size but he's going to have to talk to the ZBA about it. They're the ones that are going to tell us what the ultimate size is going to be.

Chairman Rogan stated okay.

Mr. Conklin stated thank you folks.

Chairman Rogan stated thank you sir, Happy Holidays to you and your family, please.

Mr. Conklin stated thank you, you too everybody.

Chairman Rogan stated alright, Mr. Rentoulis.

4) DINO RENTOULIS – Site Plan Application

Mr. Dino Rentoulis and Mr. David Pierro were present.

Mr. Rentoulis stated yes sir.

Chairman Rogan stated how are you sir.

Mr. Rentoulis stated how are you folks.

Chairman Rogan stated good, how's your dad doing.

Mr. Rentoulis stated he's good.

Chairman Rogan stated send our regards please.

Mr. Rentoulis stated absolutely.

Chairman Rogan stated thank you. What do we got going on here. Now this is for, is this for Wings & Things or just specific to...

Mr. Rentoulis stated its for both.

Board Member Taylor stated for parking.

Chairman Rogan stated parking.

Rich Williams stated the parking is for the facility regardless of the tenant.

Mr. Rentoulis stated right, right. This is, gentlemen, the restaurant had previously and I dug up, I don't know where I found them but...

Chairman Rogan stated uh-oh, you're scaring me, go ahead.

Mr. Rentoulis stated this is an old copy of the restaurant layout, okay...

Chairman Rogan stated lay it on us.

Mr. Rentoulis stated previous, okay...

Chairman Rogan stated look at that, it says no wetlands within 1000'.

Dave Raines stated must be so.

Chairman Rogan stated plaintiff's exhibit 7.

Mr. Rentoulis stated that's before, now this was the restaurant, I remember when my father first purchased this building, it was Jimmy O's owned by Nancy O'Rourke, before that I found certificates for the Ming Hoy Chinese buffet restaurant, so after Jimmy O's my father changed it to the Alpine, then my father, he put an addition and the tenants after us was Daniel J's and now we have Wings & Things. So it's...

Chairman Rogan stated and what are you trying to show with this survey.

Mr. Rentoulis stated it's an open and closing, this survey I'm showing that...

Rich Williams stated to be clear that's not a survey.

Mr. Rentoulis stated no.

Chairman Rogan stated okay.

Mr. Rentoulis stated it was a map that I found where it was, I guess, a before and after, a before of what was and the after I have new one that you know, you guys must have but I have it with me with the addition on there and this just shows, it portrays and existing restaurant seating capacity of 175, okay...

Chairman Rogan stated okay.

Mr. Rentoulis stated now with and I don't know if it's you know the codes have changed and what not but the site, the current site plan that I have...

Chairman Rogan stated it's not even dated, that's just exhibit...

Board Member Taylor stated I know but that's the only date that's on here.

Chairman Rogan stated that doesn't, this is an undated drawing, alright, okay.

Mr. Rentoulis stated so the problem that we're facing now is my tenants have a restaurant that has a seating capacity of only 100 space, 100 spots...

Chairman Rogan stated seats.

Mr. Rentoulis stated seats, correct, okay and I don't know if why it was done or why it was taken away or lowered down to 100 because...

Chairman Rogan stated well when he came into us he said oh I don't want the whole restaurant, I want to do an auction, he said that to us, he didn't want the full use...

Dave Raines stated the tenant...

Rich Williams stated we're talking about John Orgoch at this point.

Dave Raines stated the tenant.

Chairman Rogan stated yeah, when he came in...

Mr. Rentoulis stated you're talking about John Orgoch.

Chairman Rogan stated oh yeah, when he came into us, he said, we said what are you going to do, he goes well I don't want the whole thing I just want to open up, we can go back to the minutes but he said I want to have maybe, maybe I'll do auctions in the back and all kind of antiques and all kinds of stuff, he wasn't looking for a full blown restaurant, we didn't reduce his seating to 100 though...

Mr. Rentoulis stated right, right, right.

Rich Williams stated the seating...

Mr. Rentoulis stated well that's the first mistake that he even came to you guys.

Chairman Rogan stated I think he was here for a sign.

Rich Williams stated it wasn't John's mistake, the seating got reduced when the addition was put on without getting site plan approval, you then were brought into the Planning Board for site plan approval, your father did this with a couple of different engineers and during the review by the Planning Board, that's when the parking layout and seating capacity of the building were determined.

Mr. Rentoulis stated okay.

Chairman Rogan stated okay, so long story short you want to propose a parking lot on the other property, you have a cut through which isn't using the right of way, right...

Mr. Rentoulis stated right.

Chairman Rogan stated to access, you can still walk through that right, you just can't drive through it...

Rich Williams stated I'm not an attorney, I wouldn't see a problem with it.

Chairman Rogan stated fair enough.

Mr. Rentoulis stated gentlemen, I've looked in, I filled out the FOIL documents, I've looked in the history of our property, I've looked at the history of this right of way which is owned by the Putnam National Bank, okay Mr. Dean and Wayne Ryder. Nowhere, nowhere does it say we cannot access our south lot through this property.

Chairman Rogan stated it may not have to say it, that's for the lawyers to, you know, right obviously, there's a lot of things that are unsaid, it doesn't make them legitimate either.

Mr. Rentoulis stated its written in multiple places that there's an easement for here but not for here...

Chairman Rogan stated yeah.

Mr. Rentoulis stated I don't understand, this was an entire, big...

Chairman Rogan stated bizarre.

Mr. Rentoulis stated piece of property...

Chairman Rogan stated it becomes the million dollar questions which for some reason, you guys can't legally resolve.

Mr. Rentoulis stated but they can't even provide legal facts that we cannot access the south lot...

Board Member Taylor stated okay, let's not go back through this again...

Chairman Rogan stated let's just show something otherwise and get you moving.

Mr. Rentoulis stated right.

Board Member Taylor stated we've been through this before, what you're proposing is what we had said to you before, come in with entrance and egress...

Chairman Rogan stated sure.

Board Member Taylor stated that does not cross this parcel so there's no issue in terms of that, you've done that...

Chairman Rogan stated you've done that, beautiful.

Board Member Taylor stated so this is, this is what we need to talk about now...

Chairman Rogan stated right.

Mr. Rentoulis stated correct.

Board Member Taylor stated now this provides the number of spaces you need.

Mr. Rentoulis stated not all of it...

Rich Williams stated not all of it.

Mr. Rentoulis stated no, not all of it...

Rich Williams stated okay, sorry.

Mr. Rentoulis stated because I mean, I don't know and that's why I came here so come time of the meeting in January, I can highlight and I can explain to you further what I wish to do, the reason why I had these boxed off and sectioned off, the circle represents the number of spaces that...

Chairman Rogan stated oh.

Mr. Rentoulis stated can fit in that area...

Chairman Rogan sated okay.

Mr. Rentoulis stated okay, I don't wish to use the entire lot for the parking, I want to do phase by phase, section by section...

Chairman Rogan stated okay.

Mr. Rentoulis stated to increase the capacity of the restaurant.

Board Member Taylor stated but eventually, this is where you want to go, we've got to talk about what you want, what do you want to come out of this and then he's going to have to phase it.

Chairman Rogan stated let's, let's start with this a little different way if you don't mind, let's start with how many spots do you have right now on the parcel around the restaurant.

Mr. Rentoulis stated we are only allowed 100...

Chairman Rogan stated how many spots and please just stick with me here for a minute.

Mr. Rentoulis stated right, right.

Rich Williams stated I'm not, listen, give me the hat, give me the hat.

Chairman Rogan stated there's a reason why, we'll go through this very quickly...

Mr. Rentoulis stated I like that hat Dave, I want it.

Rich Williams stated no you don't.

Chairman Rogan stated alright, this side of the road, how many do you have.

Board Member Montesano stated some people will do anything to become Marshal.

Mr. Rentoulis stated I believe that we have...

Board Member Taylor stated 47.

Chairman Rogan stated 47 okay, that's what 94 seats in the restaurant roughly, is that what it is, two per roughly...

Rich Williams stated generally, that's what the site plan would be.

Chairman Rogan stated alright, let's just assume it's two for tonight.

Board Member Taylor stated alright, so that's about...

Chairman Rogan stated alright, so you're at 94, what do you want to be at for the restaurant, for the whole use of the building.

Mr. Rentoulis stated that's why I'm here, I'd like to speak to Dave what do we need to be able to open the back room.

Dave Raines stated fire sprinklers.

Chairman Rogan stated alright, let's talk parking only right now, Dave.

Mr. Rentoulis stated fire sprinklers, you didn't tell him that first before he put the whole fire station...

Board Member Montesano stated you can have a carwash.

Chairman Rogan stated let's stick with parking though since that's what we're talking about for now, the number.

Board Member Taylor stated what's your capacity.

Rich Williams stated it was either 180 or 188...

Chairman Rogan stated alright.

Board Member Taylor stated so it's close to what it...

Rich Williams stated my memory's coming back...

Chairman Rogan stated alright...

Rich Williams stated the current...

Chairman Rogan stated so you need another 50 spots in essence.

Rich Williams stated I think it was a 188.

Dave Raines stated yeah.

Mr. Rentoulis stated 50 to 80.

Dave Raines stated total, total, total.

Chairman Rogan stated alright, let's say 80, so 80 you had a 179, so you need half of this basically, whether you do it one way or the other, I don't really care but you want to phase this into, you want to phase this into, phase one and phase two, right. Now, septic for this can support, is it still on its own septic...

Rich Williams stated it is still on its own septic.

Mr. Rentoulis stated well Mr. Rogan this is actually, it, you know if you crunch out the numbers I think it's two heads per parking spaces...

Chairman Rogan stated correct, that's what we're talking.

Mr. Rentoulis stated right, okay, good.

Chairman Rogan stated yeah, no, that's exactly what we're talking, that's why I asked, you had 47, we said okay, you're 94 seats so far, you said 180, so we said okay, we need another 50 spots and you said 50 to 80, 80 would be another 60 seats, that would be 240 seats on your restaurant, if you went with the full, 80 additional spots, that's assuming your septic will allow it.

Mr. Rentoulis stated right and on this one, you can see that a few spots were allocated, they have for the building...

Chairman Rogan stated right.

Mr. Rentoulis stated and for the residence also in the back but...

Chairman Rogan stated sure, okay, we're good on that, yup.

Mr. Rentoulis stated because I had to go through the whole ZBA, the variance was taken away.

Chairman Rogan stated right, so currently, based on parking you're looking at only about 94 seats allowed for the restaurant roughly.

Mr. Rentoulis stated yes.

Chairman Rogan stated right and you want that to be double that, at least, so the question for us is parking, that's easy, the bigger question I think is, what is the allowable seating for your septic system for, because you don't have a community system, that usually is your biggest hold, you know I don't know what your approval is, do you...

Mr. Rentoulis stated no.

Chairman Rogan stated you should go talk to the Health Department.

Mr. Rentoulis stated I just know, I just know from what was there previously under the other here.

Chairman Rogan stated well what was there previously.

Mr. Rentoulis stated 175.

Chairman Rogan stated okay, so likely that would probably be your number, I don't think, unless there's been recent failures or something like that, that would cause, now granted it hasn't been use either, so but you should go to the Health Department and get a, something in writing which says what you would be allowed to increase your seating to, what's your max seating, they'll be able to tell you in 5 minutes.

Mr. Rentoulis stated already spoke to them...

Chairman Rogan stated you got it in writing.

Mr. Rentoulis stated they, not in writing...

Chairman Rogan stated okay, who'd you speak to.

Mr. Rentoulis stated but the gentleman, I want to say his name is Mike...

Chairman Rogan stated Mike Luke...

Mr. Rentoulis stated Mike Luke maybe...

Chairman Rogan stated or Mike Budzinski, one or the other.

Mr. Rentoulis stated I think Budzinski.

Chairman Rogan stated okay, Budzinski is the director engineering, that'd be a great person to get that from.

Mr. Rentoulis stated yeah.

Chairman Rogan stated get it in writing.

Mr. Rentoulis stated and he said that what we do is we can set an x amount of seats...

Chairman Rogan stated okay.

Mr. Rentoulis stated but ultimately we abide by what the municipality sets.

Chairman Rogan stated see, that's, I don't believe he told you that, I'm not calling you a liar but I think you might have misunderstood because here's the thing...

Mr. Rentoulis stated well he gave me examples...

Chairman Rogan stated he could say you could have 200 but if he says less of course we have to go with less but if he says more...

Mr. Rentoulis stated exactly.

Chairman Rogan stated that doesn't mean you're going to get more, right.

Mr. Rentoulis stated exactly, well that's what he told me, he said pretty much they base it on what the capacity was before...

Chairman Rogan stated yeah, that's the key point.

Mr. Rentoulis stated but that's exactly what you just said Mr. Rogan...

Dave Raines stated can I just jump Shawn...

Chairman Rogan stated no, please do, even though I've got my back to you, please do.

Dave Raines stated so this, no, no, its alright, so this is what happened, so let's start, let's take a quick step back...

Chairman Rogan stated yeah.

Dave Raines stated so they, Wings & Things came in, they came into me, Nick and I, they said hey we want to reestablish the restaurant and we had the same initial story, we want to reestablish part of it and the other part we're not sure what the use is going to be. So I went to the Health Department, first thing I do is going to the Health Department and said how many bathrooms do you need because the code has changed since the 80's, you know how many water closets, how many urinals, you know based on capacity and I know we don't have enough, so there's not enough stalls and bathrooms there that were operable for the 100, almost 200 maximum...

Chairman Rogan stated yeah.

Dave Raines stated it was 180 something, right Rich, it's always been 180...

Chairman Rogan stated yeah.

Dave Raines stated I found one sign that was 175, I found another one that was like 188...

Chairman Rogan stated for Fire Code.

Dave Raines stated yeah, for Fire Code...

Chairman Rogan stated right, not...

Dave Raines stated which in turn was supported by Health Department going back...

Chairman Rogan stated sure.

Dave Raines stated let's go back to Jimmy O's or even Ming Hoy...

Chairman Rogan state sure.

Dave Raines stated so one of the things we did when we walked through, we looked at what are we renovating was, I said to, I don't know if you were there but I know John was there and I said how many bathrooms are you going to make operable, we need x and I think x was, I think six total stalls and what not, four sinks for the number just to do the two rooms, so to do the bar/restaurant and do the one dining room, we needed that many and I said what are you going to do moving forward because to meet today's code, you have to meet Health Department Code as well as the Fire Code. Health Department Code is going to tell you how many bathrooms you need to do, let's say 188, so that question has to be answered, you have to go back to either Mike or Mr. Budzinski and say you know, we're going to have 188 people potentially, how many bathrooms do I need and you've got to get that approved.

Chairman Rogan stated I think they don't do that...

Board Member Brady stated no, that's in the Plumbing Code...

Chairman Rogan stated that's Building Department.

Board Member Brady stated that's in the Plumbing Code, it's very specific.

Chairman Rogan stated that's Building, we don't set that.

Mr. Rentoulis stated that's what he said.

Board Member Brady stated it's very specific in the Plumbing Code.

Chairman Rogan stated yeah.

Mr. Rentoulis stated what that gentleman, Mike told me and it's exactly what you said Mr. Rogan, is...

Chairman Rogan stated yeah.

Mr. Rentoulis stated let's say that there's, we approve it for 200 but whatever municipality, for example like the Fire Marshal, if they say no, it can only be 150...

Chairman Rogan stated right.

Mr. Rentoulis stated then we will abide by that.

Chairman Rogan stated right and but the obvious reason for that is that nobody's ever going to trump Fire Code and safe occupancy and that's the bottom line...

Dave Raines stated but I can't set, we can't, I know the Plumbing Code inside and out...

Chairman Rogan stated yeah, yeah.

Dave Raines stated I can't set that on a septic system, the thing could be a 55-gallon drum in the ground...

Mr. Rentoulis stated yeah but you, when you...

Dave Raines stated so there's no pre-existing Health Department approval that I can work off to set that.

Board Member Brady stated when you have a...

Chairman Rogan stated well there kind of is in this case because we have, like you said, if we just even go back to the Alpine, I mean I, if I was at the office I could look and know exactly what the...

Dave Raines stated would you be comfortable though...

Chairman Rogan stated no but I'm not an engineer, I wouldn't put my name on it.

Dave Raines stated I mean because if they came in with plans right now and said we want to build a twelve stall bathroom and...

Chairman Rogan stated right...

Dave Raines stated we want to put in you know, banquet tables...

Chairman Rogan stated well you could have 100 bathrooms, it doesn't change how often people go to the bathroom.

Board Member Brady stated right, right, the difference, you could put 50 toilets in there...

Chairman Rogan stated you know the idea being, it's the occupancy.

Board Member Brady stated and only use 20 of them...

Chairman Rogan stated can only pee in one or two at time.

Board Member Brady stated you're not dumping anymore water into the system.

Dave Raines stated well we have two parts to the Code, we have the number of facilities you need...

Chairman Rogan stated right.

Dave Raines stated based on occupancy which is the chart in the Plumbing Code...

Board Member Brady stated right, right that's exactly.

Chairman Rogan stated right.

Dave Raines stated but then we need to ensure that the system, it's a commercial system...

Chairman Rogan stated they only look at seats, they only look at, they'll say it's a bar/restaurant, it's 35 gallons a day per seat, they're going to say the system used to operate at, say 188 seats for sake of argument, 188, did we have, then they'll say did we have any failures, anybody doesn't remember any failures, they may, Mike Budzinski stated may say okay, let them go ahead forward, it was that before, it's been operating...

Dave Raines stated right.

Board Member Brady stated right.

Chairman Rogan stated that's typically the way it goes, if there's been a, if they closed the Alpine, what was the most recent, the Alpine, let's say the Alpine closed with a septic failure, which actually now that we're talking about it, I seem to remember there being an issue...

Dave Raines stated it did, it did, more than once.

Chairman Rogan stated that, so that changes everything though...

Dave Raines stated that's what closed down the kitchen because all the septic was backing up but...

Chairman Rogan stated so there you go, they say whoa, well backing up and failing might be two different things but...

Dave Raines stated well it was backing up because when we opened it, it had no place to go...

Chairman Rogan stated it was greased right up.

Dave Raines stated and then we had to put grease traps in and that didn't work but that's...

Chairman Rogan stated that's huge though, that basically tells them we had an issue, we have to resolve it and we have to be confident it's fixed before we give to 188 back.

Mr. Rentoulis stated right, I think that was done when and this is, I'm basing just everything on my father's memory...

Chairman Rogan stated yeah.

Mr. Rentoulis stated what he recalls, I think that was a large part due to when we put the new bathroom by the bars...

Chairman Rogan stated okay.

Mr. Rentoulis stated because remember had the first bathrooms and then we have the second bathrooms in bars...

Chairman Rogan stated yeah, putting new bathrooms made you use more water.

Mr. Rentoulis stated no, no, no, I guess something with the plumbing.

Chairman Rogan stated oh, okay, alright.

Mr. Rentoulis stated but you know, since then we really have not had any issues...

Chairman Rogan stated but you haven't been using it either.

Mr. Rentoulis stated haven't been using it...

Chairman Rogan stated there isn't a use of the building.

Mr. Rentoulis stated but it was open as, after the Alpine as Daniel J's for 2 years...

Chairman Rogan stated yup, okay, so let's and anyway let's get back to, this is a very simple thing for us quite honestly; the parking is what we asked you to come in with, short of there maybe being any turning radius or any engineering issues which we can resolve. As I see the process, if I were in your shoes, I'd go to Mike Budzinski and say what is our potential use with the existing septic in the existing shape that it's in, whatever, get it in writing, come back to us, as long as that number is lower than what this man is going to give you, because obviously if he says 150 and Mike Budzinski says 180, we have to go with 150 because that's Fire Code, completely different, whatever that number is, whatever his number is, the lower of the two is going to dictate and you, if let's say you want 50 additional spaces, show this as phase one, phase two, phase three, whatever, we approve the phase that you need with the idea that either you choose upon coming back in to expand on it or if we say look, you don't have enough parking out there, we'd say look, you need to do phase two, it's typically the way we've done it in the past, very straight forward, this is a simple concept, doesn't get us going with any of these legal issues, that's what I recommend the process being, does anybody see any fault or problem or...

Dave Raines stated what's the surface going to be, the parking surface.

Chairman Rogan stated well, we'll get to that...

Dave Raines stated oh okay.

Board Member Taylor stated I think you need to define the phases for us, you need 40 spaces now from our calculations...

Chairman Rogan stated at least 40 to 50.

Mr. Rentoulis stated that's why I came here so...

Board Member Taylor stated so tell us in...

Mr. Rentoulis stated I can get a better sense before I actually you know, blow it up and I highlight...

Chairman Rogan stated so I would go to Health Department first.

Mr. Rentoulis stated right but even that, Mr. Rogan...

Chairman Rogan stated yeah...

Board Member Taylor stated but...

Mr. Rentoulis stated what is they say you know, we have the 175, the 188 before...

Chairman Rogan stated yeah, you mean if they say we're okay with that...

Mr. Rentoulis stated right.

Chairman Rogan stated get it in writing...

Mr. Rentoulis stated then if Dave says that it's only at 100...

Chairman Rogan stated well then you have to work with Dave...

Dave Raines stated that's not going to happen.

Mr. Rentoulis stated but then Dave, the reason why I'm here is because Dave has, Dave and Nick Lamberti, you guys have pretty much just said you don't have the parking for that, so I don't know how the parking doesn't affect...

Dave Raines stated no...

Chairman Rogan stated no, no, no, no, forget about that for a minute, Dino, change your mindset, assume all the parking is approved for a minute...

Mr. Rentoulis stated right, right, right.

Chairman Rogan stated say to Dave, what would my safe occupancy based on Fire Code be for this place, that's all, at this point he has to say you don't have the parking for it, you're in here to resolve that, take that issue off the table for a minute, forget about it. Go in and say Dave, what would my safe occupancy be for the remainder of the building or for the full use of the building, whatever we want. He's going to look at how much available square footage is there, what are the size of your exits, correct me if I'm wrong...

Dave Raines stated right.

Chairman Rogan stated whether you need sprinklers or not, regardless, that's not our issue, you get from him what your potential use of the building would be...

Mr. Rentoulis stated right.

Chairman Rogan stated it's probably no different than what it was in the past.

Dave Raines stated correct.

Mr. Rentoulis stated and John actually...

Chairman Rogan stated he could figure that out, you know...

Mr. Rentoulis stated and John actually...

Dave Raines stated it should be *inaudible* – *spoken over*.

Chairman Rogan stated yeah.

Mr. Rentoulis stated one of the clauses for me renting the space out...

Chairman Rogan stated yeah.

Mr. Rentoulis stated you know to comply with the C of O, is a complete centralized fire system, fire alarm which was installed by the tenant and is connected and all that good stuff...

Chairman Rogan stated okay, good.

Mr. Rentoulis stated but I think he was pretty much basing on what you told him to do Dave...

Dave Raines stated yeah, there's no grey area there...

Chairman Rogan stated good.

Dave Raines stated I just, I was concerned that...

Board Member Taylor stated alright, so...

Dave Raines stated we would be approving additional...

Chairman Rogan stated I don't want you to approve it...

Dave Raines stated no, no, no, I'm going back to the Health Department piece...

Chairman Rogan stated I want you to give a proposed, yeah.

Dave Raines stated because going through the file, the umpteen times you've been in the office, there's nothing for me to go by...

Chairman Rogan stated yeah, that's right.

Dave Raines stated and Health Department when I called them had nothing for me to go by to say okay, you know, what's, if they come in and say we want to do this that, that was my hesitancy there...

Chairman Rogan stated I completely agree and I could tell you, if I was in the office in a minute I could tell you what they're previous Health Department approval was but that, based on the way they closed down with these issues, you do need to talk to Mike about that, remind him of exactly what occurred, what you fixed, what's transpired because short of that with a business being closed for how many years...

Dave Raines stated a while.

Chairman Rogan stated two years, one year between...

Rich Williams stated oh, it was a while.

Chairman Rogan stated okay...

Dave Raines stated it was a while.

Chairman Rogan stated with the close down and then this new one starting up, they didn't have a problem because it started up with such a low seating count...

Dave Raines stated right.

Chairman Rogan stated but you say hey I want to open back up for 180 and oh by the way we had septic failures, they're going to say whoa, get an engineer and certify the condition of the system, which is not a big deal to do. You get somebody, you have them, they do some exploratory work, they look at the condition of the tank, they look at the condition of you, hopefully you have 1,000 gallon grease trap outside, those sorts of things and if you don't, you probably ought to put on in because that's probably what ruined the system to begin with.

Board Member Brady stated right.

Chairman Rogan stated a little 20 pound trap is not going to catch grease from wings, especially wings and things...

Board Member Brady stated no.

Chairman Rogan stated it's, you're killing your system without, I mean I'd drop a 1,200 gallon grease trap right in the parking lot, you know that's standard now for almost every restaurant going in.

Mr. Rentoulis stated right.

Chairman Rogan stated so anyway, that's your, but that's your process, potential seating, confirmed septic approval, what you have right now in existing condition, if they say we need an engineer's evaluation, go and do that, in the interim you get those two numbers, you come back, we're going to resolve this, our issue on this is going to be minor, it's going to be a review of your parking and phasing it.

Mr. Rentoulis stated well, well, well, the reason why I did this, you know so quickly is, it is the holidays and...

Chairman Rogan stated yeah.

Mr. Rentoulis stated you know it has been closed down...

Chairman Rogan stated no.

Mr. Rentoulis stated right...

Chairman Rogan stated you're not getting a temporary.

Mr. Rentoulis stated even just for any of the...

Chairman Rogan stated no, not without any of these, I'm honest with you, without the septic approval that to me is more important now because I'm not going to approve you a temporary just so that you have 140 seats open and then you blow your septic system out and then the poor people, Mike Luke is forced to go out there and close your restaurant down because you have blowing septic system all over the parking lot, into the right of way, into the ski area. You've done great by it, you're here, go get those things tomorrow, come back in two weeks, in two weeks from now at the meeting, you could have all this wrapped up.

Board Member Brady stated well I'd like to know what we're, what you're going to use for the parking lot...

Rich Williams stated surface.

Board Member Brady stated is it blacktop, is it going to be gravel, is it going to be item four, is it just going to be grass.

Mr. Rentoulis stated well what was there, it previously was item four and last summer a gas line was installed from [Route] 22 to the ski mountain that I didn't know about, I knew that after the fact when I drove up there and to my surprised I saw that it was all paved and when I mean all paved, I mean this whole right of way...

Board Member Brady stated right of way.

Chairman Rogan stated oh, right, I remember that.

Mr. Rentoulis stated where it opens up to this delta...

Chairman Rogan stated yeah.

Mr. Rentoulis stated I found that all paved so...

Chairman Rogan stated okay.

Mr. Rentoulis stated I went, I looked around and then I saw by the Thunder Ridge sign, I saw a gas hub and some flags, so I contacted NYSEG and they said that in fact there was a gas line installed from [Route] 22 all the way up and actually it grazes the corner of our lot, all the way to ski mountain and I mean, I don't know, I know that if you have to run the gas line it's, it would probably require permits and stuff like that or they...

Chairman Rogan stated hey Dino, can I just cut you off here buddy...

Mr. Rentoulis stated yes.

Chairman Rogan stated I'm not trying to be rude to you but take this line here, you've got 25, 7, 6, 6, 15, and 13, gives you 78 spots, cut it in half, make that your phase B, do the one closer...

Board Member Taylor stated he's got to keep these roads.

Chairman Rogan stated get, just get, can I write on your plan, just...

Mr. Rentoulis stated yeah.

Chairman Rogan stated no, I mean its Ron's...

Mr. Rentoulis stated oh, I'm sorry, I have another one for you.

Chairman Rogan stated just take, take the area that you need right now, assuming that everybody else comes through with your thing, take it, a drive aisle, leave the rest in its natural state, don't do a thing with it, pave this area...

Mr. Rentoulis stated well what should do with these 22.

Chairman Rogan stated well, okay, even reduce this down then, figure out what you need, maybe you draw a line right through...

Mr. Rentoulis stated maybe 11 and then...

Chairman Rogan stated yeah, maybe it's 11, figure out what you need here, maybe the line is here, phase one, pave it...

Mr. Rentoulis stated but Mr. Rogan, I can't really do that until I get the other stuff figured out.

Chairman Rogan stated no, no, I'm not saying do it, I'm saying, please bear with me here...

Board Member Taylor stated do it on paper, do it on paper.

Chairman Rogan stated we're saying do it as a proposal, just tell, you come in and put in writing hey this is phase one, we're going to do from this line over, including a drive aisle for the exits, so you have your

ingress, your egress or vice versa, pave it, leave the rest natural, call it phase two, future parking to be done at a later date if need be, either by Planning Board requirement or by request...

Mr. Pierro stated that could be an additional building site in the future as well.

Chairman Rogan stated fair enough, fair enough, if you don't need it, you don't need.

Mr. Rentoulis stated that's why I don't want to utilize the entire property...

Chairman Rogan stated fair enough, you're not, you probably don't need more, 180 spots out there.

Board Member Montesano stated listen to what's being said.

Chairman Rogan stated we're trying to help you here.

Board Member Montesano stated you're trying, your mind is set.

Mr. Renoutlis stated right, right and that's why I'm here.

Board Member Montesano stated right, do just clear it out and listen.

Chairman Rogan stated this should be very easy.

Board Member Brady stated you're using...

Board Member Taylor stated let's go back to the surface...

Board Member Brady stated I'm sorry, go ahead Ron.

Board Member Taylor stated what surface are you putting in there.

Chairman Rogan stated we're going to pave it, you're paving it, that's it.

Mr. Rentoulis stated at one of the, the last meeting I was at...

Chairman Rogan stated if we're going to phase it, you pave it and be done with it, make it nice, pave it, pave in your entrance, don't be, honestly Dino, you're already going to put gravel down, as soon as the spring comes, even if we approve it now and say look, pave it in the spring, to pave that are, you spend a couple of grand to get it done nice, it will be the best thing you ever did, it accentuates the restaurant, if we were talking, no disrespect to them but parking for ski three months out of the year, gravel, they're in and out, done, it's a little different, this is going to be a beautiful restaurant, you're going to have valet parking, I mean, you're going to want gravel and people mucking around, I mean it, pave it.

Mr. Rentoulis stated so is that different then because one of the options that I came to you gentlemen...

Chairman Rogan stated yeah.

Mr. Rentoulis stated the first time that we met was having a grasslands parking area...

Chairman Rogan stated keep the phase two as grass and if you want take extra on the grass as a phase two...

Mr. Rentoulis stated because what I wanted to, I did this to show you know, fully what we could do with the parking, if I actually own, I mean I know I own it but once all this...

Chairman Rogan stated yeah.

Mr. Rentoulis stated court stuff clears up, this is actually paved right now.

Chairman Rogan stated good.

Board Member Taylor stated yeah but we don't want to talk about that right now.

Chairman Rogan stated we're not worried about that.

Mr. Rentoulis stated no, no, this section.

Board Member Montesano stated for us to give you an approval to get going...

Chairman Rogan stated so it's already paved.

Board Member Montesano stated forget about that, forget about court, listen to what we're telling you, put it in phase A, phase B, but you want it blacktopped, it will enhance the restaurant, if unfortunately you had to get rid of it, you've got an enclosed parking area, right now you've got nothing. You want to have a party in there, women are going to walk in dressed to go to a party, they're not going to happy walking through a mud-infested...

Board Member Brady stated with high heels.

Board Member Montesano stated so think about it, to hell with the road, that's out of the question, we're talking one thing...

Mr. Rentoulis stated that's why the valet is going to have rubber galoshes on.

Board Member Montesano stated take, get him muck boots for the horseman.

Dave Raines stated hey Dino, what happened to that layout that you looked at in my office, that one that had been in the file...

Mr. Rentoulis stated which one.

Dave Raines stated that parking layout for 50-60 cars...

Mr. Pierro stated that's in dispute, that's in dispute until the court case is adjudicated.

Dave Raines stated that's not what I'm talking about Dave.

Board Member Taylor stated that's using this.

Mr. Rentoulis stated well no, that's not the one...

Dave Raines stated that's not what I'm talking about but good try though Dave.

Board Member Brady stated this court case will be over when...

Board Member Montesano stated 20 years.

Mr. Rentoulis stated this is the one, this was one concept...

Dave Raines stated is that the one that was in the file though, yeah that was the one that was in the file.

Mr. Rentoulis stated yes, yes.

Board Member Montesano stated they'll do it just *inaudible – mumbling*.

Mr. Rentoulis stated this is one, you know, let's just take this stuff away so we don't mix up the papers, okay the map that's open now, that was one plan before the most recent site plan that I found in the records downstairs.

Dave Raines stated you remember that.

Mr. Rentoulis stated now, this is not the one that was approved because we...

Rich Williams stated actually I remember seeing this here but I don't remember seeing this before the Planning Board...

Dave Raines stated okay so that narrows...

Rich Williams stated the problem with this, I mean I think this is a great parking layout but the problem with this, is this and this...

Dave Raines stated right.

Rich Williams stated subjects him to a legal dispute.

Dave Raines stated I understand that, no I just want to make sure that this wasn't something that was because this was in our file and we couldn't really understand what...

Mr. Rentoulis stated right.

Rich Williams stated I have no idea what it is.

Dave Raines stated okay.

Board Member Brady stated yeah.

Dave Raines stated okay.

Board Member Brady stated crumple it up, toss it.

Board Member Montesano stated it might have been...

Dave Raines stated well it was obviously...

Board Member Montesano stated yeah just put it back in the file somewhere.

Dave Raines stated this was an overlay on that other site plan.

Mr. Rentoulis stated right...

Board Member Montesano stated just what we need more *inaudible*.

Mr. Rentoulis stated now is there anything that the Town could do regarding that that ingress and egress from that strip of land towards the south lot.

Board Member Montesano stated don't even talk about that, it doesn't exist.

Board Member Taylor stated no.

Chairman Rogan stated does the Town can do it.

Board Member Taylor stated no.

Board Member Montesano stated it's a non-existent piece.

Chairman Rogan stated Dino, you got a homerun here in front of you, I wish you would step back from it and see it as what it is...

Mr. Rentoulis stated oh absolutely.

Chairman Rogan stated take it and run with it, honestly, go get your approvals, take it and run with it, get the guy the seating he needs, you're talking about a small area to pave, you have a beautiful piece of property, right now you got caught up because you're the owner, in a legal battle in all this bullshit quite honestly that's not our business and its slowing you down to, remembering what the focus is, your primary focus here is full use of this building, this is going to make you the most money.

Board Member Brady stated right and that's going to give it to you.

Chairman Rogan stated do it...

Board Member Montesano stated and that will fill it.

Chairman Rogan stated keep it like you said, like Dave said keep it closest to the building...

Board Member Montesano stated make it easy.

Chairman Rogan stated get the number, if you say hey I only need 40 spots, come in showing 40 as phase one, show 40 as phase two, and 40 as phase three, ingress and egress and call it a day.

Mr. Rentoulis stated well my next thing is, also for safety, that's why I'm asking you gentlemen for safety, a lot of people, when you're driving northbound and let's say I do implement this and you know I'm sorry happy that I could get the curb cut here...

Chairman Rogan stated yeah.

Mr. Rentoulis stated but the truth is a lot of the people, they know, they're coming through [Route] 22 and then they make the right onto the property, they've been doing that for years...

Board Member Montesano stated let's put it this way...

Chairman Rogan stated so they're going to drive through and...

Mr. Rentoulis stated right, exactly.

Board Member Montesano stated what they're going to do is going to go through the right of way, stop worrying about it...

Chairman Rogan stated you can't control people.

Rich Williams stated no but you can put guards up so they stop you.

Chairman Rogan stated and over time, oh I see what you mean for connectivity...

Board Member Taylor stated if these spaces are full, you put a sign up, additional parking around the corner, directing them back into this road and back into your parking lot.

Chairman Rogan stated you got a beautiful spot there, I think you're doing great...

Board Member Taylor stated you can't deal with this strip right now, until you resolve that in court, we can't help you, so stay with this...

Board Member Brady stated I think your biggest issue is going to be when they throw a fence up and stop you from walking across the right of way...

Board Member Taylor stated but that's...

Mr. Rentoulis stated well I actually, the reason why all this started is because I put the fence up about three years ago because we were in the process of selling it and the potential buyers, they came to the site, they said well what do you own, which part belongs to you, I had the previous surveys, I had another surveyor come, marked everything out, and I'm the one, I came to the Board, they gave me the approval for the fence, I started and the gentleman that was here before, he would go with this employees and he'd start ripping it out and then two days later, that's when the judge granted them a court injunction that we remove it because it was during that time period and I'm talking about, I think I personally witnessed one accident at that stop sign and I think there was a total of three because this whole thing, filing that was established just now, that's what I was looking to avoid because I could tell you guys right now they are not insuring my property and they are parking there, they have been parking there for the longest time, they've been parking there ever since we were closed...

Board Member Montesano stated alright.

Chairman Rogan stated we're off topic.

Board Member Montesano stated you see you're talking about legal matters, this Board has nothing to do with it.

Chairman Rogan stated we're looking at parking.

Mr. Rentlouis stated right, right but when he said about the fence.

Board Member Montesano stated no, no, what I'm saying is, you've got a plan...

Board Member Brady stated yeah I think it's a good one too.

Board Member Montesano stated ready to go, do it.

Chairman Rogan stated right.

Board Member Montesano stated don't worry about...

Rich Williams stated alright before we walk away from the plan though, let's resolve a couple of issues here, the plan doesn't show grading, it's a relatively level spot anybody have a problem waiving topography.

Chairman Rogan stated no, anybody have a problem with waiving topography.

Rich Williams stated so...

Chairman Rogan stated make a motion we waive topography for this application.

Board Member Montesano stated second...

Rich Williams stated well I'm not suggesting you do it now until he actually makes the application...

Chairman Rogan stated well we'll do it in preparation of him doing it.

Rich Williams stated the stall widths are at 22', we require 24', the parking stall widths are 19', we require 20'...

Chairman Rogan stated I thought it said 19', oh. You mean the lengths right...

Rich Williams stated yeah, the lengths and the widths, if I scaled it out correctly, they're showing numbers here based on a stall width of about 8 1/2'

Chairman Rogan stated yeah, you should consider while you're laying this out real quick, put in, even if you just put like ten spots full width or even, man I'll tell you, pickup trucks, cannot get in and out of these spots and you're, you know, you've got people that are driving trucks all over the place...

Mr. Rentoulis stated right.

Chairman Rogan stated 9' spots, I'm just, you know, you feel like you're almost scraping your mirrors.

Mr. Pierro stated that's what we did at Tractor Supply.

Chairman Rogan stated yeah and it works beautifully...

Board Member Montesano stated and the handicap spots in there...

Chairman Rogan stated because now people are like awesome.

Mr. Rentoulis stated so it's 10'...

Board Member Brady stated yeah.

Chairman Rogan stated yeah 10' and 20' long...

Mr. Pierro stated that long for trailers as well.

Mr. Rentoulis stated yeah well because Harry did this to try to maximize it...

Chairman Rogan stated yeah.

Mr. Rentoulis stated but listen, if need be, I'll do 10', I'll do 10'.

Chairman Rogan stated if you lose 4 spaces to get a couple extra where you put truck parking or something or, you know...

Mr. Rentoulis stated I'll just take the entire length of this and instead of dividing by 9, I'll do it by 10...

Chairman Rogan stated perfect.

Mr. Rentoulis stated and it will reduce that 25 by maybe like a spot or two.

Chairman Rogan stated yeah, I think you should do that in some places just to give full, you know because man, they're tough...

Board Member Brady stated but he's got enough room here to do it for all of it, really, it looks like he's got plenty of room, space wise.

Board Member Montesano stated oh, yeah there's plenty of room there.

Chairman Rogan stated you won't need, you'll probably never need 179 extra spaces, right but I know you have use.

Mr. Rentoulis stated right well, I know...

Dave Raines stated Rich, what's the rule on handicap per...

Rich Williams stated I don't know...

Mr. Rentoulis stated but that's the thing...

Chairman Rogan stated yeah.

Mr. Rentoulis stated will John, I mean, I don't want to undermine his you know entrepreneurship...

Chairman Rogan stated who.

Mr. Rentoulis stated John, the tenant now, will he get to that, I don't think so, my father rarely got to that and we were, you know, good operators with a good catering hall...

Chairman Rogan stated yup.

Mr. Rentoulis stated we rarely got to that.

Chairman Rogan stated no, I agree.

Mr. Rentoulis stated so will he get to that, probably not...

Chairman Rogan stated I hope so.

Mr. Rentoulis stated I hope so too okay, because he's got to start paying the rent.

Chairman Rogan stated hope so, let's keep positive, oh my, start, that's scary but I appreciate that you're here first, I do appreciate Dino that you're here...

Mr. Rentoulis stated there's a lot of traffic down on 684...

Chairman Rogan stated and, no I just mean here, application in hand, if you don't get a sense we're in your corner, we're working with you and for you to get you this as quick as possible, you have a pretty good idea now of what you need to do, you could come back, our meeting is in two weeks and have all these answers and we could be in a much better position to get this rolling. So, do a little bit of work right after Christmas, run down there, get your stuff, call first, don't waste the trip, make sure Mike Budzinski is going to be in...

Mr. Rentoulis stated actually Mr. Rogan, can you, the office is, where is the office located.

Chairman Rogan stated well you know where DMV is in Brewster...

Mr. Pierro stated Motor Vehicle is up on exit 19.

Chairman Rogan stated Motor Vehicle, exit 19.

Mr. Rentoulis stated exit 19, it's in the same complex, let me know Dave.

Chairman Rogan stated yeah, its close.

Board Member Montesano stated yeah, right upstairs.

Chairman Rogan stated yup, it's closer to 684.

Mr. Rentoulis stated closer, yeah, absolutely, definitely.

Chairman Rogan stated yeah, so you run, but I'd make an appointment truthfully, this way you don't waste your time in case, you know, you come up and then you spent an hour driving up there and then somebody's out in the field, you know.

Board Member Brady stated you got that Plumbing Code book, huh.

Dave Raines stated I want to give him a copy.

Chairman Rogan stated get it writing though, whatever you do, get it in writing, honestly because, you know.

Mr. Peirro stated thank you.

Mr. Rentoulis stated awesome.

Chairman Rogan stated alright.

Mr. Rentoulis stated gentlemen, have a wonderful evening, Merry Christmas.

Chairman Rogan stated Dave, Merry Christmas to you buddy.

(inaudible – too many speaking)

Board Member Brady stated I had the plumbing business right around the corner from him, we used to...

Mr. Rentoulis stated which one.

Board Member Brady stated it was Hartsdale Plumbing back then.

Mr. Rentoulis stated on 119.

Board Member Brady stated no, right on 9A, the brick building right next to Wendy's, we used to go in and fix things for him all the time.

Mr. Rentoulis stated oh by the parking lot over there, did Nick take over the business..

Dave Raines stated so 60, if we go 180 you need 6 handicap spots on the site, if we go 180, occupancy.

Board Member Brady stated Nick, oh, Carpenteri...

Mr. Rentoulis stated yeah.

Board Member Brady stated Nick's on one corner, we're on the other side right next to Wendy's the brick building, I think it's a fish place now.

Rich Williams stated those are going to have to be van accessible.

Dave Raines stated right.

Mr. Rentoulis stated that's another greek guy, I know exactly where you're talking about.

Chairman Rogan stated yeah, so that takes another, unloading area.

Rich Williams stated they have van accessible parking already over there (*inaudible – too many speaking*).

Mr. Rentoulis stated right now it's A&S Seafood, yeah.

Board Member Brady stated we used to swap sandwiches for plumbing working.

Planning Board takes a 3 minute break.

Chairman Rogan stated okay, we're back.

Board Member Brady stated back on.

1) HAVILAND FARM – Site Plan Application

Chairman Rogan stated Haviland Farm, is that what you're on.

Board Member Taylor stated yup.

Chairman Rogan stated yeah, what's going on with Haviland Farm...

Rich Williams stated Haviland Farms is a bit of a challenging application and I'm not exactly sure what to do with it...

Chairman Rogan stated okay.

Rich Williams stated the problem is this, there was an existing site and as I told Ed, the history on this is lengthy and I can do it later on if you want to hear the full history on this site...

Chairman Rogan stated okay.

Rich Williams stated but essentially for many years, it's been a tree farm that morphed into a wholesale nursery and you know, if you know them, you can go in there and buy it off the shelf, there's a retail operation...

Chairman Rogan stated oh.

Rich Williams stated it was recently bought as you're all away by Prospero Nurseries...

Chairman Rogan stated Prospero.

Rich Williams stated they own a big, a big center down in Westchester and they're looking to expand and they came up here and they improved the site and things were going along and all of a sudden they started throwing up greenhouses, more greenhouses at which point Nick and I had a discussion about whether it

was a permanent or temporary structure, we both agreed that it was, a greenhouse was a permanent structure, more so now with some things that came to light today...

Dave Raines stated absolutely, yup.

Rich Williams stated and you know, we stopped them, Nick issued them a notice and said you need site plan approval for the additional greenhouses and in discussing what they needed to come into the Planning Board, I encouraged them to show everything that they were proposing to do out there.

Chairman Rogan stated okay.

Rich Williams stated and so we've gone essentially from 6 to 8 to 10, now potentially 19 greenhouses...

Chairman Rogan stated maybe it's phasing like parking.

Rich Williams stated yeah and they don't want to do all the greenhouses right now...

Chairman Rogan stated there you go.

Rich Williams stated my problem, my problem is this I don't see a big issue with what they're doing out there but if we're going to consider the structures as permanent, the greenhouses as permanent structures, they need to meet setback and they've got most of those...

Chairman Rogan stated that's not a microphone Mike.

Board Member Montesano stated I know, it's the button to shut it off and adjust it, I was wondering if it went back on.

Chairman Rogan stated it's on, I pushed it, yeah.

The Secretary stated it's red.

Chairman Rogan stated yeah, thank you though.

Board Member Montesano stated okay, oh he pushed it, see, he didn't tell me.

Rich Williams stated they don't meet our zoning requirements and the ones that are already up don't meet our zoning requirements, so that's an issue.

Chairman Rogan stated okay.

Rich Williams stated and what I found out today is they're putting in a second generator out there, so that they can provide light, so they can provide electricity...

Dave Raines stated and they're asking for forgiveness again which is part of my problem that I can speak to at a work session, we violated them on the first generator for putting it in without approvals, without proper inspections and then they went ahead and put the second generator in without approvals or inspections and I went back out there today and my only, my only input, we didn't get to talk when I came back was, I'm concerned with separation of the buildings as well...

Chairman Rogan stated that's pretty cool, you've got a badge and everything.

Dave Raines stated yeah, Nick's badge is cooler though, Nick's got like a detective badge, he's got a cool badge but anyway.

Chairman Rogan stated that's awesome, sorry.

Dave Raines stated it's okay.

Chairman Rogan stated the flash caught my eye.

Dave Raines stated anyway, I have some concerns of how far this will proliferate before it becomes a safety issues as well, their argument to me when I went out there was well, we're not retail but you're wholesale, the public still comes out, so it doesn't matter retail, wholesale, you still have public, you still have trucks coming down in there, loading, unloading...

Chairman Rogan stated sure.

Dave Raines stated and there is no Code, so to speak for greenhouse separation, it's based on the structure, the type of construction of the structure and what not, and really I'm going to leave it up to you guys to what's right...

Chairman Rogan stated sure.

Dave Raines stated you know, you know, 15' at a nominal, because that's our fire separation, it's a combustible structure regardless of whether it's this or that, it's combustible...

Chairman Rogan stated yeah, so can you put two of them butted up and then do 15'...

Dave Raines stated oh absolutely but I don't want to see them, you know bunk houses where you can barely get between then...

Chairman Rogan stated right.

Dave Raines stated just from a fire safety, you know...

Chairman Rogan stated completely agree.

Dave Raines stated perspective and a vehicle fire between then, you know, vehicles loading, unloading whatever, just a thought, I mean I don't know what the right answer is...

Rich Williams stated no, absolute valid thought...

Chairman Rogan stated no, I think it's great...

Dave Raines stated you know if...

Board Member Montesano stated I can borrow a truck, we can just right down and tell him this is what happens...

Chairman Rogan stated get in and out of the site safely, if they can keep proper separation, let's get out there and do a site walk, it's a great opportunity.

Rich Williams stated just so you're all aware, what prompted us being aware they were putting up more greenhouses is the neighbors complaining...

Chairman Rogan stated oh.

Rich Williams stated because the clear opaque plastic puts off a lot of glare...

Dave Raines stated yeah it reflects, it reflects.

Rich Williams stated especially when the sun gets over on the west.

Chairman Rogan stated is there an alternative coating that you could, we can figure out, other than the clear.

Rich Williams stated and if we do a site walk you will see it because I've had them cover them in black, initially they said they were going to use black plastic because they didn't need to have any sort of sunlight coming which I was concerned with...

Board Member Montesano stated that's medical stuff now.

Rich Williams stated and it turned out that the people working there have varying opinions on this, the other one said you gotta have sunlight going through, so they put a black shade mesh over it...

Chairman Rogan stated only if they want to grow stuff, you know...

Board Member Montesano stated you don't need a lot stuff.

Dave Raines stated there are options, there are options with the different opaque Lexan's and things, there are options...

Board Member Montesano stated no, no, no, you put the lights that are proper for those plants.

Board Member Taylor stated and what would setbacks do to this plan.

Rich Williams stated it would shove everything back.

Board Member Taylor stated does it move into this...

Chairman Rogan stated the wetland.

Board Member Taylor stated the swamp.

Rich Williams stated well here's the other thing, everything's in the wetland buffer.

Dave Raines stated I was going to say it's already...

Chairman Rogan stated oh, well...

Board Member Taylor stated already.

Rich Williams stated everything's in the wetland buffer, period.

Chairman Rogan stated having said that greenhouses are probably on the list of less intrusive compared to some of the other things people want to build in wetlands...

Board Member Montesano stated depends on...

Chairman Rogan stated I mean, greenhouses.

Board Member Montesano stated how the greenhouse is built too.

Dave Raines stated I...

Rich Williams stated it's a nursery Teddy has been very favorable with them...

Dave Raines stated I'd like you guys to also ask in part of your, as their volume increases there, excuse me, there's a number of support buildings, so that's something else to ask because the sheds are popping up and the sheds are pretty big sheds, they're not sheds, they're barns...

Chairman Rogan stated yeah, yeah...

Board Member Brady stated well he's supposed to have permission for all this stuff then.

Chairman Rogan stated you can't get an Ag exemption for a commercial or a retail operation, right.

Rich Williams stated you cannot get an Ag exemption for a retail operation, that is absolutely correct and they're before the legislature now to put that in the Ag district...

Chairman Rogan stated really, that's not the, that wasn't the...

Rich Williams stated yes and the Town is sending a letter and objecting...

Chairman Rogan stated yeah.

Rich Williams stated none the less...

Chairman Rogan stated yeah.

Dave Raines stated we'll see.

Rich Williams stated it's very likely they're going to be in the Ag District very soon and this all goes away.

Chairman Rogan stated that kind of was my next question, is how, what the impacts would be, okay, so when the decision on it be made.

Rich Williams stated clearly under State law, I mean they actually have it, black letters State law, we can't talk about greenhouses.

Chairman Rogan stated really, okay.

Dave Raines stated really.

Rich Williams stated really.

Dave Raines stated interesting.

Board Member Brady stated once they're in the Ag District.

Chairman Rogan stated if, if and when.

Rich Williams stated once they're in the Ag District.

Board Member Montesano stated so that you know, this way if you have the lights inside and the plants are growing and it's medical.

Chairman Rogan stated very rarely properties get denied, that's, you're going out shopping tonight, huh.

Dave Raines stated no, I just have a couple things to do.

Chairman Rogan stated I still have to build a few things tonight.

Board Member Brady stated some states.

Board Member Montesano stated New York, medical, we're going to get it approved.

Board Member Taylor stated so is this moot or do we have to go ahead with this and we're wasting money if we go...

Chairman Rogan stated well we have an application.

Rich Williams stated you have an application before you, I can't tell you what the legislature's going to do.

Chairman Rogan stated well we can talk at next meeting and in the New Year we'll schedule a site walk for January and with the way the snow's been going we should be able to do fine.

Rich Williams stated Ron, I will tell you this, they have an unwritten policy that they will not put anybody in the Ag District if there's an existing violation and there is an existing violation.

Board Member Brady stated then let's violate them.

Chairman Rogan stated oh.

Board Member Taylor stated violate them some more. So, do we know where the wetland boundary is on this.

Rich Williams stated I believe it's on there.

Chairman Rogan stated it's on there, isn't it, isn't that what this is.

Board Member Brady stated this, I don't know.

Board Member Taylor stated it says edge of cleared staging area.

Chairman Rogan stated oh.

Board Member Taylor stated is that wetland boundary, doesn't seem to be, it's going, not following this contour.

Chairman Rogan stated yeah, you're right and that would be a hell of a wetland boundary anyway, even Teddy wouldn't delineate one that screwy.

Board Member Montesano stated well it depends on how the tiki was...

Rich Williams stated yeah, he would and that's pretty much it...

Board Member Brady stated but if you have these greenhouses now...

Rich Williams stated but that's pretty much it.

Board Member Brady stated if you have sheds out there that they've not gotten building permits for, they should be violated.

Board Member Taylor stated yeah.

Board Member Brady stated if you have greenhouses out there that they haven't permits for...

Chairman Rogan stated the generator bothers me more, stuff like that you don't mess around with and not inspected and...

Board Member Brady stated and the generator, well the generator they should be...

Dave Raines stated they're violated, they're violated on the generator.

Board Member Brady stated the generator, they should be told to shut it down and not use it.

Chairman Rogan stated yeah, that's, you'll burn the place down or electrocute someone even worse, you know.

Board Member Taylor stated no, okay.

Board Member Brady stated because it's supposed to have electrical permits and underwriters inspections on that.

Dave Raines stated right, correct.

Rich Williams stated generators no, permits. First one, I'll tell you...

Board Member Brady stated they're a nightmare.

Chairman Rogan stated sorry, sorry, no I'm sure...

Board Member Taylor stated and what are they doing for septic...

Dave Raines stated non-stop, it's, we've been doing nothing but zoning enforcement.

Board Member Brady stated and you get down in Westchester putting those in...

Chairman Rogan stated that's that mentality of begging forgiveness instead of asking permission...

Board Member Brady stated there are a lot of communities that won't even let you put them in anymore because the houses are too close and you're putting them next to the neighbors bedroom.

Board Member Montesano stated well they get, they were told they could do it, it's as simple as that.

Dave Raines stated exactly.

Board Member Montesano stated the other guys used to get away with it when they first started.

Board Member Brady stated and it's hysterical get snuck in and we're gagged.

Chairman Rogan stated oh, no I'm talking about *inaudible*, I thought we were going to...

Board Member Montesano stated I thought we got rid of the deadwood, never, it keeps growing back.

Dave Raines stated so Richie, does the little grass mean the wetlands, is that what this, is this...

Board Member Brady stated yeah.

Dave Raines stated this is actually...

Board Member Brady stated that's swamp grass.

Dave Raines stated this is actually wetland, I mean it's here...

Rich Williams stated this is the wetland...

Dave Raines stated right.

Rich Williams stated this is the wetland boundary.

Board Member Taylor stated that.

Rich Williams stated and it's that way because that's where the wood chips are that were filling in the wetlands.

Dave Raines stated right, these are actually swales.

Board Member Montesano stated have they planted the bamboo yet.

Board Member Taylor stated now is this, that's, so this is wetland and this buffer then.

Rich Williams stated 100' off of this line is the buffer.

Board Member Taylor stated okay, but this the wetland itself.

Board Member Brady stated so then all this stuff, everything's in the buffer.

Board Member Taylor stated everything's in the buffer but not in the wetland, now if they do the setbacks...

Board Member Montesano stated that's what it was originally approved.

Board Member Taylor stated does the setback push them into the wetland.

Rich Williams stated oh yeah, no not into the wetland, they could probably get away, I don't know what's the number right there.

Board Member Taylor stated 133.3'.

Rich Williams stated okay, so you know, there's right there is about 40', this is probably conforming.

Board Member Taylor stated okay, so they could line them up.

Rich Williams stated right, so, it's not, this one is out of line, these 4 and these I think are already up.

Board Member Taylor stated alright, so it's not impossible for them to do what they're proposing.

Board Member Brady stated what do they make that, what are the structures made of that are up.

Rich Williams stated they're metal frames, covered in poly.

Board Member Taylor stated they said...

Board Member Brady stated so it's like one of those portable garages, instead of having the canvas on them, they have poly.

Board Member Taylor stated cement posts.

Dave Raines stated correct, this is aluminum, this is aluminum.

Rich Williams stated I think there's cement foundations and they have footings.

Board Member Montesano stated yeah, the footings I think are...

Board Member Brady stated there's footings under them...

Rich Williams stated I believe there's cement footings under them.

Board Member Brady stated the footings are wire...

Board Member Taylor stated sometimes they don't put the post.

Board Member Brady stated yeah and the worm going in the ground.

Dave Raines stated yeah, this is the only wood frame building on the site right now, I think.

Board Member Taylor stated do they have septic out here.

Rich Williams stated that's the office building, isn't that wood frame.

Dave Raines stated that says aluminum.

Board Member Brady stated aluminum or administration.

Dave Raines stated wood ties, aluminum building.

Board Member Brady stated now, would you require building permits for these greenhouses that are there.

Dave Raines stated what did Nick say, Nick said they were structure, no...

Rich Williams stated he didn't require building permits but he did decide that they were structures.

Board Member Brady stated well if their structures, shouldn't they have permits.

Rich Williams stated I can't tell you what the Building Code requires.

Board Member Brady stated yeah, I don't know.

Dave Raines stated that's a really good question, it doesn't say, I looked it up earlier, I looked up everything on the agenda today so I was little bit educated, I talked to Nick for a while...

Board Member Montesano stated when the original one went in...

Dave Raines stated it doesn't say, there's no, it's one of those grey areas, it doesn't say since it would be considered a pre-fab'd...

Board Member Brady stated well if I put a shed up at my house, then that means I don't need a permit for it.

Dave Raines stated no you do, as long as its...

Board Member Montesano stated no, no, if, what they get away with that is that they can take it down without devaluating the property.

Board Member Brady stated well I could take a shed down without devaluating the property.

Board Member Montesano stated and they could take the plastic and all it is, is just a metal structure that can be taken down or put up or moved, theoretically...

Dave Raines stated Richie what's it on, what are they sitting on, are they sitting on cement.

Rich Williams stated no, I don't think they're on slab but I think they're on metal foundations though, I think.

Dave Raines stated really, a metal floor type thing, like a metal floor.

Rich Williams stated no, no metal floor, just they put down black plastic tarp.

Dave Raines stated oh.

Board Member Brady stated yeah, right on the dirt.

Rich Williams stated right on the dirt.

Dave Raines stated I would say we'll do some homework but I'm saying no, they probably won't need building permits, they would need site plan approval for...

Board Member Brady stated right, for them, right.

Dave Raines stated for these, size, height, you know...

Board Member Brady stated right, which bring it to us but the question is, so they're in violation now because they didn't get site plan approval.

Board Member Montesano stated well they got two generators, that's next to an approval.

Board Member Brady stated well that you can get an electrical violation...

Dave Raines stated we violate them and we went to the County and we told the County to stop issuing electrical permits for them. Cheryl talked to the Underwriters this morning...

Board Member Brady stated oh, the inspector.

Dave Raines stated whoever's in the office there, I don't know who she spoke to directly.

2) NYSEG – Site Plan Application/Site Walk Comments

Chairman Rogan stated okay so, NYSEG we all agreed is a cluster, I don't think we, I think we need to get them back in here on that.

Dave Raines stated can we give it to the Town of Kent, it's close enough, right.

Chairman Rogan stated we can.

Rich Williams stated I met with them, last Friday, yes I met with them last Friday out on the site, all the representative NYSEG and the engineer who is designing the plans, we went through what the issues were, I think they understand, you know, I encouraged them to move everything to the front. She did notice that, you know, a couple years ago they had taken down some very big white pines that were right there on the corner overhanging everything and the neighbor got very upset, who was a landscaper...

Board Member Montesano stated yeah.

Rich Williams stated and so NYSEG had gone in and planted 5 or 6 nice little white pines, you know 5, 6' tall...

Chairman Rogan stated okay, on that back property line.

Rich Williams stated on the property line and they were all gone.

Chairman Rogan stated it's possible they got used as Christmas trees or got but down because they died...

Rich Williams stated or they got reused.

Chairman Rogan stated but you know what, you don't put that toe of the slope right into, oh yeah, could be...

Rich Williams stated re-purposed.

Board Member Brady stated popped out real quick.

Board Member Montesano stated recycled real easy.

Chairman Rogan stated then they should plant them on their, oh they did plant them on their own...

Board Member Montesano stated in fact they never took them out of the buckets.

Board Member Brady stated yeah, they come out real easy when you do that.

Chairman Rogan stated property, right, on NYSEG property, well regardless.

Rich Williams stated so they're revising the plans and...

5) AT&T/NOLLETTI SITE – Site Plan Application

Chairman Rogan stated okay and AT&T/Nolletti site what've we got going on here, another tower or something.

Rich Williams stated no, no...

Chairman Rogan stated oh good.

Rich Williams stated the new requirement is that they all have backup generators on the site and they're installing a backup generator up there...

Chairman Rogan stated okay.

Rich Williams stated which is requiring a small expansion of the compound, no real big issue.

Chairman Rogan stated that's going to be a lot easier than this one on Terry Hill Road I'm assuming.

Rich Williams stated oh yes.

Chairman Rogan stated alright we'll take a look at that.

6) OTHER BUSINESS

a. Frantell Development – Request for Site Plan Approval Extension

Chairman Rogan stated Frantell, we have a request, Frantell, that's been on a long time, right.

Board Member Montesano stated Louie.

Dave Raines stated where is that, Rich.

Rich Williams stated that is up on [Route] 22 to the south of Post 22...

Board Member Montesano stated Louie Pescatore.

Chairman Rogan stated oh right, right, yeah.

Board Member Montesano stated Fransmell.

Chairman Rogan stated wow, expired on, so it's, they'd need a 24 month, 12 months to get them in Code and 12 months, gives them only about 11 months from now.

Board Member Montesano stated it's a year and he finally woke up.

Board Member Taylor stated so what's the date of the original approval on Frantell.

Board Member Montesano stated oh jeez, that's got to go back...

Chairman Rogan stated maybe 5 years.

Rich Williams stated you want to give me some time, I'll take a look at it...

Chairman Rogan stated yeah, we can do it at the next meeting, we don't have to do it now.

Board Member Montesano stated I think it was, let me put it this way, the black walnut disappeared and it never grew back...

Rich Williams stated 2006.

Chairman Rogan stated yeah.

Board Member Taylor stated that's...

Chairman Rogan stated that's a beautiful, that's that nice flat site though, right up on [Route] 22, right.

Board Member Taylor stated it just seems to me that with some of these...

Board Member Montesano stated it's all wet.

Board Member Taylor stated there should be a 10 year limit or something, it's like...

Chairman Rogan stated well you know what though...

Board Member Montesano stated but we don't have...

Chairman Rogan stated let me, let's fundamentally talk about that, if we approve something and the conditions haven't changed, why do we care whether they build it or not, if it's approved, why would we, unless significant codes change...

Board Member Taylor stated because...

Chairman Rogan stated that would be different.

Board Member Montesano stated well the whole thing is this, we've had people come in from the '80's...

Board Member Taylor stated yeah, the wetland.

Chairman Rogan stated right, right.

Board Member Montesano stated telling us that they have the right to do something and that's ridiculous.

Chairman Rogan stated no, you're right and I'm just, I was shooting from the hip but unless and actually that's where I say when we do significant code changes, we put all the Town on notice that if this is going to impact you, you have two years or whatever to get done what you're going to get done or else it's all bets off, you know with certain things.

Board Member Montesano stated I mean...

Board Member Taylor stated yeah but we're just, I mean if it's been a long time, I think it should be reviewed with some of those things in mind.

Board Member Montesano stated it should be brought up to today's codes and standards.

Chairman Rogan stated sure.

Board Member Taylor stated right, that's all I would say.

Board Member Montesano stated if after, you want to give it a 10 year limit, fine...

Chairman Rogan stated no, I'm, I don't even know what you're saying.

Board Member Montesano stated no, no, I'm just saying.

Board Member Brady stated one of the things that Rich said earlier was when I asked about it was the fact that, you know, you have now sites that are ready to build on...

Chairman Rogan stated yeah, that's true.

Board Member Brady stated they're approved sites ready to build on...

Board Member Taylor stated but we have...

Board Member Brady stated we have a couple of them on [Route] 22 now...

Chairman Rogan stated you're right.

Board Member Brady stated you know, it's...

Chairman Rogan stated this is a retail, if I remember right, right.

Board Member Montesano stated this particular site...

Board Member Brady stated it's a nice thing to have that...

Chairman Rogan stated sure.

Board Member Brady stated you know, we have sites ready to build.

Chairman Rogan stated good point.

Board Member Montesano stated alright, this particular site...

Board Member Brady stated you want to come to Patterson and build, we have it ready, you can go build and that's a nice, that is a nice point.

Board Member Montesano stated Ted had a lot of problems with his site, didn't we.

Board Member Taylor stated but we do have other ones...

Chairman Rogan stated yeah.

Board Member Taylor stated that are a lot more recent than this one.

Chairman Rogan stated like the one that's up for extension next.

Rich Williams stated I've got two other approved projects, unless I'm...

Chairman Rogan stated you've got D'Ottavio's both lots, commercial lots, they may have expired but I mean they were approved.

Rich Williams stated yeah, I wonder where the status of those are.

Chairman Rogan stated well but still, you had them shovel ready at one point, he missed the market on those, Steve...

Rich Williams stated yeah.

Board Member Montesano stated this one Frantell...

Chairman Rogan stated that was a beauty.

Board Member Montesano stated with so much water around it, if I remember right, Ted was having a problem, the guy couldn't, he was supposed to put a building that started out with like 60,000 square feet and then ended up with like 15,000 square feet.

Rich Williams stated 22 [thousand square feet].

Chairman Rogan stated oh yeah, 22.

Board Member Montesano stated 22.

Chairman Rogan stated alright...

Rich Williams stated but yeah there's a lot of wetlands on this site.

b. East Putnam Development – Request for Approval Extension

Chairman Rogan stated alright, on the 6 b, I want to move that we move, we make a motion for a 12 month extension on East Putnam...

Board Member Brady stated I'll make a motion to extend East Putnam for 12 months.

Board Member Montesano stated alright, second.

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

Rich Williams stated you're going off on Frantell.

Chairman Rogan stated yeah we...

Rich Williams stated what do you want.

Chairman Rogan stated Ron specifically asked you to do a complete and full analysis, citing all chapters and verse from the Bible, no, just to do a quick double check on it and make sure that there's nothing that's changed or anything you want to do, we can always approve it at the next meeting.

Board Member Brady stated can you e-mail it to us tomorrow morning.

Rich Williams stated I can tell you right now, the only thing that's changes are the stormwater regulations, he's currently grandfathered in under old stormwater regulations. What has changed though is the new stormwater regulations, if he came in under today's requirements would require him to look at green infrastructure, you know techniques for the site and do analysis about the ability to push a substantial amount of the increase in runoff back into the ground, as recharge.

Chairman Rogan stated that sounds good.

Rich Williams stated the only thing that would change but he is right now grandfathered in under the old regs.

Chairman Rogan stated with the 22,000 square foot building that's currently, had been previous approval, would those technologies for stormwater be possible without altering the size of that or would it be a cluster, based on that site, gut feeling, I don't even want a 100%.

Rich Williams stated gut feeling, we might be able to change the basin on the south end of the site to rain garden...

Chairman Rogan stated okay.

Dave Raines stated that's a commercial building right.

Chairman Rogan stated yeah, retail.

Rich Williams stated yeah.

Dave Raines stated so it's going to need all sprinklers, so they should really think how they're going to manage that when they get to it, it's going to need all sprinklers under the current code, I mean it's...

Rich Williams stated okay, it doesn't have sprinklers on it, I'll tell you that...

Dave Raines stated no, I understand that...

Chairman Rogan stated no, no, but when they go to pull a permit.

Rich Williams stated they'd have to put a tank under, we'd have to put a tank under the parking lot.

Dave Raines stated I'm just saying it's going to, they're going to have to, you know...

Chairman Rogan stated yeah.

Dave Raines stated talking about capturing, a lot of these new things, its all about rain water capturing, you know just when we get to it, you know when we get to it...

Chairman Rogan stated yeah.

Rich Williams stated sure.

Dave Raines stated because he's not, there's not going to be a grey area, when they submit a plan to develop that it's going to have to be sprinkled and we're going to have to come up with, you know...

Chairman Rogan stated yeah.

Rich Williams stated and in conjunction with putting the underground tank and the tank under the parking lot we could also put infiltrators under the parking lot.

Dave Raines stated alright, just, you know.

Rich Williams stated because I think there were some hallway decent soils there but you get into the back and on the side...

Board Member Brady stated they work great, those infiltrators under parking lots, they work great.

Chairman Rogan stated yeah, well speaking about what Ron brought up though, I think that these are great ideas to put on the record to say to someone, even if it's sending them a letter saying, look, we extended it for 12 months, well 24 months, 12 months past and 12 months future but know that if this project isn't built within the next three years, you will have to comply with the new stormwater, something where because as you said, at some point you do have to catch up with the technology.

Board Member Montesano stated well we have to check with Mike to see what we can get away with it.

Chairman Rogan stated I don't know what the time frame is, we should hash this out at a later date but maybe we want...

Board Member Montesano stated yeah, we gotta check with Mike to see what legal or, we have...

Dave Raines stated which is the current regulations...

Chairman Rogan stated I totally agree, remind me to bring it up though at the next meeting, makes sense right.

Board Member Taylor stated right...

Dave Raines stated expiration on how, like if you were approved under a 2009 DEC standard...

Board Member Taylor stated and I don't, based on what Rich just said, I don't see a problem with this.

Chairman Rogan stated you making a motion.

Dave Raines stated or DEP standard, how long can you own that until...

Board Member Taylor stated I just, the ones I worry about are the ones like these little lots...

Rich Williams stated I think approvals are 5 years on DEC permits and they're in the process right now of renewing.

Board Member Taylor stated that never fit to begin with...

Chairman Rogan stated right.

Board Member Taylor stated and at some point we should just say, you can't do it...

Chairman Rogan stated yeah.

Dave Raines stated so that's really up to the DEC whether they'll renew it the permit under the old standards.

Rich Williams stated yes..

Dave Raines stated if the standard hadn't change, we probably wouldn't, they'll probably allow it.

Board Member Taylor stated you know you're, it's not going to work.

Chairman Rogan stated well there should be a reasonable amount of time to build based on, I mean maybe it's 10 years, maybe it's 15 years, whatever that is, we should at this some point...

Board Member Montesano stated we're not the only ones because Kent has gone through this...

Chairman Rogan stated yeah.

Board Member Montesano stated development over here, what did we have 303 units...

Dave Raines stated so Shawn...

Chairman Rogan stated yes, sir.

Dave Raines stated I'm working diligently with Thunder Ridge, with Haunted Hayrides and with everybody else...

Rich Williams stated for Rosebud...

Board Member Montesano stated yeah.

Board Member Brady stated I wonder if you couldn't give them the year back extension and the year ahead extension and then say at that point we won't extend it again you know what I mean or...

Board Member Montesano stated 303 units, that was a nightmare.

Dave Raines stated to clean up the mess out there, which I know was a question...

Chairman Rogan stated let's, can we wait for one minute.

Board Member Montesano stated alright...

Dave Raines stated I'm sorry, I'll wait until you're done.

Board Member Brady stated we'll give you one more one extension after this and that's it.

Chairman Rogan stated well, hey guys...

Dave Raines stated my bad.

Chairman Rogan stated can we just, real quick, let's do a motion on this though, I'll move for this application 24 month extension for Frantell, can I have a second.

Board Member Montesano stated 24 month you want to give them.

Chairman Rogan stated yeah because it's, they're requesting because it's already 12, 13 months expired, so it only put them 11 months from now...

Board Member Montesano stated oh yeah, they got to get it.

Board Member Taylor stated well except we were working on some language to go with that motion.

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

Board Member Brady stated we were just talking about you know, maybe making it where we do the 24 months or the 23 months whatever it is and in that say that they can only extend it one more time for a 12 month period or...

Chairman Rogan stated alright, so let me table that, let me pull that off the table, let's talk to Mike next meeting.

Board Member Montesano stated we gotta talk to Mike about it, right.

Board Member Brady stated right, right, right...

Chairman Rogan stated I apologize, I was...

Board Member Brady stated because I think that, you know, maybe there is a time limit where we need to say...

Chairman Rogan stated okay.

Board Member Brady stated he's been in there for a long time and say, okay, you know or get off the pot.

Board Member Montesano stated you can do that on Wednesday.

Chairman Rogan stated I think in order to do that, we have to know, I think we should know all the outstanding approvals that we've been doing renewals on in fairness to everybody...

Board Member Brady stated that makes sense too, right, no, I agree.

Chairman Rogan stated because he might, he's relatively new compared to some of them...

Board Member Brady stated is he, yeah.

Chairman Rogan stated but I think it's a good conversation to have and I think we absolutely need to have it.

Board Member Montesano stated but the thing is this, he's already 12 months behind...

Chairman Rogan stated right.

Board Member Montesano stated so why are we even going to, I mean if you can't keep up with your own project, why are we being held responsible.

Chairman Rogan stated well because we're nice people Mike, we're really nice.

Board Member Montesano stated yeah but that...

Board Member Brady stated yeah, I mean...

Chairman Rogan stated along those lines then...

Board Member Brady stated I don't want to kill the project, I really don't, I mean I want to keep it going but...

Board Member Montesano stated I want the walnut tree back.

Board Member Brady stated I think it needs to come to an end sooner or later whereas maybe it will push him to start building the project.

Board Member Montesano stated no, no.

Chairman Rogan stated okay.

Rich Williams stated I would say your question before you right now is having reviewed the project, do you think it's an appropriate project for the Town, if it is extend, if it's not an appropriate project then you don't.

Board Member Montesano stated and since we don't really know what the project is going to be other than...

Rich Williams stated I'll go back to what I tell you, the biggest benefit we have to economic development in this Town is to have shovel ready projects...

Board Member Brady stated it made very good sense.

Rich Williams stated we don't have shovel ready projects for the most part, people won't come in and do shovel ready projects, they come in, in anticipation they're going to have some economic value immediately getting the approvals and then find out they don't...

Chairman Rogan stated right.

Rich Williams stated and so they just kind of linger...

Chairman Rogan stated sure.

Rich Williams stated such as Genovese.

Chairman Rogan stated I was thinking of that one, yeah. Motion to adjourn.

Board Member Montesano seconded the motion.

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

The meeting adjourned at 8:42 p.m.