

**PLANNING DEPARTMENT**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF  
APPEALS**

Howard Buzzutto, Chairman  
Mary Bodor  
Marianne Burdick  
Lars Olenius  
Martin Posner

**PLANNING BOARD**  
Shawn Rogan, Chairman  
Michael Montesano

David Pierro  
Maria DiSalvo  
Charles Cook

**Planning Board  
December 28, 2006 Work Session Meeting Minutes**

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

Present were: Chairman Shawn Rogan, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Charlie Cook, Rich Williams, Town Planner.

Board Member DiSalvo was absent.

Michelle Russo transcribed the following minutes.

Meeting called to order at 7:30 p.m.

Chairman Rogan led the salute to the flag.

**1) GREEN CHIMNEYS SCHOOL – Public Hearing**

Chairman Rogan stated Green Chimneys School public hearing.

Board Member Montesano stated for the Little People.

Chairman Rogan stated for the Little People, thank you. So we have a public hearing on this, from what I remember everybody was pretty comfortable with the layout we would just need to have the public hearing. Where are they with their plans for us, in other words, after the public hearing what action would the Board take.

Rich Williams stated they have made it through the Zoning Board, a Special Use Permit has been issued, so the Board now is in a position to wrap up their end of the process. I have gone through the plans and there are just a few minor issues that need to be worked out.

Board Member Pierro stated and those are in this memo, those minor issues.

Rich Williams replied yes. Probably the most discussion is going to be the issue about the wetlands and putting some signs up, kind of an educational focus. The Applicant is looking for the Board's direction as far as size and location. Other than that there are a couple of minor comments that I have regarding the dredging of the pond, which I have already talked over with them and they are comfortable. I have done a resolution and it is attached to the memo. The Board can use that and see if they are comfortable with that.

Board Member Cook stated now, the resolution covers all these issues that are pending.

Rich Williams stated the resolution has in it conditions and one of the conditions is addressing the memo that I have done.

Chairman Rogan stated almost always when we do a resolution, if not always, there is always a memo by Gene or Rich or sometimes both. In many cases both have some comments, things that still need to be addressed and so the approval, the resolution always a condition addressing the memos that they have written. If there is anything that the Board needs to decide on, we would need to decide on that before the resolution of course. That would be a condition that we would verbally put into the record. We have done that before, we have introduced resolutions with certain conditions and then added whatever requirements we decided on that night or any special circumstances.

Rich Williams stated there is one mistake in the memo that I just caught. We have done the 239 – M referral to the County.

Chairman Rogan stated the 239 has already been done. So we are just looking at, what about the performance bond. That is a condition of the approval.

Rich Williams stated honestly Gene has not really looked at this, because really we are just talking about two buildings and the dredging of the pond. I didn't think that requesting a performance bond, there really aren't any real site improvements. There is not a parking lot or landscaping. My recommendation is that we are not looking for a bond.

Chairman Rogan stated does anyone have any other questions or comments.

Board Member Montesano stated I am fine.

Board Member Pierro stated Ted was pretty clear about the signage that he thought was adequate and where it would go.

Board Member Cook stated basically on the fourth we will have the public hearing for this and we will vote on the resolution.

Chairman Rogan stated we can have a discussion on the placement of the signs and any other issues that need to be resolved with the Applicant. We will ask for a motion to introduce the resolution and we will go from there.

Board Member Cook stated thank you.

Chairman Rogan stated good questions to clarify.

2) **BREWSTER PLASTICS – Steel Storage Containers**

Chairman Rogan stated Brewster Plastics, this is the one that we had done a site walk on earlier. Charlie, were you on that site walk, it is up on Robin Hill.

The Secretary stated no, he was not.

Chairman Rogan stated okay, a facility that lately it seems that a lot of these commercial businesses have been looking to put these metal boxes for storage.

Board Member Cook stated is it this.

The Secretary stated no.

Chairman Rogan stated no.

Rich Williams stated there is nothing on it.

The Secretary stated there is nothing on it.

Board Member Montesano stated there is nothing on it.

Chairman Rogan stated basically when we did the site walk up there.

Board Member Montesano stated that is the one that we drove up to Robin Hill Corporate Park and we drove down back and I said there is Brewster Plastics, because Maria wanted to show you the metal boxes.

Board Member Cook stated oh yes.

Board Member Montesano stated on both sides and they didn't move them. Well that is the site anyway.

Chairman Rogan stated well we ended up with probably three or four different sites all within a one or two month period with basically the same request, looking to put these temporary, temporary being a loose term, metal boxes to use for their business. The main conversation we had was whether or not it was suitable; whether or not a business, if they were using it for something that we felt was agreeable for a pre-determined amount of time. I need to move these items, put them in a box and store them for six months, something that Board might consider. Overflow from a business, the business isn't big enough, we need to use this for plumbing parts or for something else. The Board, if I remember correctly, felt more that the business should look to expand, so that it is a taxable structure, it is more a permanent part of the facility and correct me if I am wrong, we never came to a resolution on this, we have a great conversation with the Applicant about why he needed this. It is part of, they make air fresheners, if I remember right.

The Secretary replied yes.

Chairman Rogan stated the contract for what they build says you need to store your products completely separate from the other products for.

The Secretary stated it was filters and it was medical.

Rich Williams stated it was filters and air fresheners, if they put the two in the building together it would contaminate.

The Secretary stated it would contaminate.

Board Member Pierro stated they would contaminate each other.

Chairman Rogan stated they would contaminate each other. It was a yearly contract we were kind of, from what I remember we were of the opinion that if this was more long term, we wanted them to expand the building. They were saying they could lose the contract and not renew it three months from now.

Rich Williams stated the Board ultimately issued a waiver to allow them to keep these steel containers on the site but the waiver expires in January. I think after January, they have to get it out. I put it on the agenda just to remind everybody what had occurred and to contact them, which I have already done to remind them that they had until January to get the containers out. They may be in at the next meeting requesting an extension or updating the Board on what they are proposing to do. I know they have a meeting tomorrow scheduled with Dave Raines to walk through some issues on the interior of the building on how to increase their storage. I know that they had thrown out a couple of ideas they are investigating to me about metal sided Quonset huts. I said there are going to be problems doing that with the Code, but they can come in and talk to the Board about whatever their plans are and what they are going to do.

Chairman Rogan stated what I think that this Board needs to take under consideration is about when are we going to allow these containers. Under what circumstances and what to do in this case, do we grant another six month extension, I think there needs to be some reasoning behind it so it is not arbitrary that we give a six month waiver on this guy, but we didn't allow someone else.

Board Member Cook asked how long ago was the original approval.

Chairman Rogan stated just a couple of months, right. Three months maybe, it was September or October, I think.

Rich Williams stated it may have been a little bit before that but it was not long.

Chairman Rogan stated not long.

Board Member Cook stated I came in September, the end of September and I don't remember this one.

The Secretary stated it may have been August.

Chairman Rogan stated well you weren't around for the site walk it might have been your first meeting when we did the waiver but it doesn't really matter. What were the other businesses, there was the plumbing supply.

### **Steel Container Discussion**

The Secretary stated Integrity.

Rich Williams stated Integrity Heating and Air Conditioning and Dilmaghani.

Chairman Rogan stated Dilmaghani.

Rich Williams stated all came in on the same thing.

Chairman Rogan stated we said no to the plumbing supply guy because he was, that was a unique case though, he was putting the storage shed, his version of it was because he was told by the Fire Inspector to store flammables. To make a long story short, he put in this storage container that was half the size of this room, maybe even bigger for four or five little gas cans and then it was filled with plumbing supplies, so really it was an extension of his business. In fact we found out from the Building Inspector that the storage container wasn't even rated for the fire resistance that he would need for the combustibles. It brought up a number of issues, but ultimately we directed him to find other way to talk to the Building Inspector, come up with a storage shed that was appropriate and that we did not want him to have that storage container. Dilmaghani, I don't recall what the action was.

The Secretary stated Dilmaghani was temporary because a store went out or another location was out. There was a time frame put on it.

Chairman Rogan stated we might have given them a time frame on that.

The Secretary stated I am pretty sure you did.

Rich Williams stated if there was, I would have put them on an agenda because that is the only way I am going to remember.

The Secretary stated I can look it up real quick, unless you have it.

Chairman Rogan stated we can move on to another one.

Rich Williams stated do you want me to just go and look it up real quick.

Chairman Rogan stated sure.

Board Member Cook stated I have a question, now Brewster Plastics comes in and they ask for an extension, can we give them an extension, if we wish to give them an extension and say that is it, it is a non-extendable extension, after that.

Chairman Rogan stated I think that the answer is probably yes and no, you can probably say it and that can be your reasoning for denying, they can always request whatever they want to request, wouldn't you agree.

Board Member Pierro stated right.

The Secretary stated yes.

Chairman Rogan stated that you can say look we are going to give you six more months but we are telling you that we are not going to renew it, you need to find another to do this. Six months from now they can come in and say, yes we realize but these are our circumstances and circumstances change. At least we can

go back to our record, I think the important thing is to articulate why we are not going to consider an extension for these reasons, we don't believe this is a proper use of the intent of temporary buildings. I think it is not so much the action but making sure that we articulate why, not opening ourselves up to be arbitrary and capricious.

Board Member Pierro stated why we are not doing this.

Chairman Rogan stated I don't know what is too either, I held that one out.

The Secretary stated let me see it.

Board Member Pierro stated it may be for Apap.

The Secretary stated I believe it is. Yes, see sign on 311.

Chairman Rogan stated that is where Apap is.

Board Member Pierro stated is this the site where the Curves and the liquor store.

The Secretary stated no, it is George Apap's building right behind Mobil.

Board Member Pierro stated oh, George bought that building.

The Secretary stated yes, that is his office.

Rich Williams stated Dilmaghani had to have the trailers by December 31<sup>st</sup>.

Chairman Rogan stated we gave him a short time to get rid of them.

Board Member Pierro stated right.

The Secretary stated right.

Chairman Rogan stated we never did get a resolution, well we told him, remember I don't want to get too far off track, the signs on the front the banner signs out front that we mentioned to him, that were never approved.

Rich Williams stated I thought you said to take them down.

Chairman Rogan stated we did, what I mean is that they never have been taken down.

Rich Williams stated of course not.

Chairman Rogan stated next time, remember this whole tent issue out there, the next time he comes in. We also did the tent issue on a renewal type basis, you know these big tents that they put up.

Board Member Pierro stated were all of those signs his, out in the front.

Board Member Montesano stated yes.

Rich Williams stated he is talking about the banner signs on the building.

Chairman Rogan stated the yellow, open only to the public on whatever day.

Rich Williams stated I am sure if we don't pursue it the containers won't ever go away.

Board Member Montesano stated you are right.

Chairman Rogan stated right.

Rich Williams stated you know it is such a pain in the butt.

Chairman Rogan stated I understand.

Rich Williams stated Bruen's trailer is still there.

Chairman Rogan stated right.

Board Member Pierro stated that property is being sold.

Rich Williams stated is it.

Chairman Rogan stated really.

Board Member Montesano stated what does that have to do with anything, the object is we have no way of enforcing it, we gave the guy and he swore.

Board Member Pierro stated you write a violation now so it will pass through municipal searches.

Board Member Montesano stated that is too bad then it should not pass municipal searches.

The Secretary stated we have to send a letter.

Board Member Pierro stated then it won't close.

Board Member Montesano stated then it won't close.

Board Member Pierro stated and it will get done.

Chairman Rogan stated you guys are in agreement on this.

Board Member Montesano stated and it will get done.

Board Member Pierro stated it will get done.

Board Member Montesano stated and I say do it.

Board Member Pierro stated okay.

Rich Williams stated the problem we are having right now, is that we do not have a full time Building Inspector/Code Enforcement Officer in the building. Dave Raines is holding down two jobs and is trying to do the best he can but he is really pushed to the max, he gets to everything he can as quickly as he can.

Chairman Rogan stated you have to prioritize.

The Secretary stated we can do memos for these tonight.

Board Member Montesano stated we can do it this way, I understand that Dave has a problem, that he is doing two jobs instead of one. The object is what comes into what priority, is it more important for someone to get their Certificate of Occupancy for their house versus having a guy get away with this. Let's do one maybe we don't have to do two, if not then why bother to even go over anything, if we don't have the manpower to do, the hell with it. Let's put up a big sign that says Welcome to Patterson, do whatever the hell you want.

Board Member Pierro stated let's do a letter to Costa's, what is his name.

The Secretary stated a letter to Costa's on the trailer.

Board Member Pierro stated and a letter to Dilmaghani.

The Secretary stated okay.

Board Member Pierro stated on the trailers and the signage. I think this guy thinks he is not going to pull those banners down until he puts up a new sign.

The Secretary stated the banner and the containers right.

Board Member Pierro stated and the containers, right.

The Secretary stated okay.

Board Member Montesano stated because unfortunately if you don't make note of this and nothing is done about it, you never do.

The Secretary stated well the letter goes to Dave.

Rich Williams stated we have coming into the Board a list of other projects that we have issues with.

Board Member Montesano stated what Board, this Board, why waste the time.

Rich Williams stated see what you want to do with them.

Board Member Montesano stated we say what you are going to do with them and then nothing is done with it, then why the hell are we wasting time.

Board Member Pierro stated oh boy, next.

Board Member Montesano stated no offence but that is why we get away with it because we don't pursue it.

Rich Williams stated we will pursue it.

Board Member Pierro stated we will pursue it now.

Board Member Montesano stated February we will pursue it.

Board Member Pierro stated okay, let's get on with this meeting.

### **3) TALI ANTIQUES RESTORATION – Sign Application**

Chairman Rogan stated Tali Antiques

Board Member Montesano stated what do you have a date.

Board Member Pierro stated yes, I don't feel good, I'm sicker then a dog.

Chairman Rogan stated you sound a little sick.

Board Member Montesano stated don't go comparing yourself with dogs. There are some decent dogs out there.

Board Member Pierro stated I'll give dogs a bad name.

The Secretary stated the copy on the Tali Antiques the swatch is black but it is really not, it just didn't scan too well, the sign did, the sign scanned pretty well.

Chairman Rogan stated what is the swatch supposed to be.

Board Member Pierro stated it looks alright.

The Secretary stated it is the color green.

Chairman Rogan stated oh, okay, as long as it is the color green we approved, gold leaf.

The Secretary stated yes.

Board Member Pierro stated it is the green, I spoke with the sign guy, I gave him the paint numbers he had knowledge of the company that we got the paint swatch on and he made it as close as he could and I think the sign looks fine.

Chairman Rogan stated and this on, is that why we have the photo of the Bruno Building.

The Secretary stated no.

Chairman Rogan stated that is for a different case.

Rich Williams stated the Bruno Building is for Magnolia's.

Board Member Pierro stated that is Magnolia's.

Chairman Rogan stated that is Jimmy's.

Board Member Pierro stated yes, this is Jimmy's old spot.

The Secretary stated yes.

Chairman Rogan stated that's what I thought.

Board Member Pierro stated this we can approve then, can't we.

Chairman Rogan stated yes, because we had already spoken about this. We were just waiting for colors on this sign.

Board Member Pierro stated I think the sign works out, the size works out fine.

Chairman Rogan stated absolutely.

Board Member Pierro stated in that matter of Tali Antiques Restoration Inc. 11 Front Street, Patterson. I make a motion that we approve the sign as proposed in the documents, the photos with the colors presented, dark green, gold, and white. As presented December 28<sup>th</sup> Planning Board Meeting.

Board Member Cook seconded the motion.

Chairman Rogan asked for all in favor:

Board Member Pierro	-	Aye
Board Member Montesano	-	Aye
Board Member Cook	-	Aye
Chairman Rogan	-	Aye

Motion carried on a vote of 4 to 0.

#### 4) **WIRELESS CONNECTIONS – Sign Application**

Chairman Rogan stated Wireless Connections. This is our Verizon gentleman.

The Secretary stated yes.

Chairman Rogan stated I read the information, the correspondence back and forth that you had given us, did everybody at least get a chance to look at that.

Rich Williams stated I don't know that I provided it to anyone else.

Board Member Pierro stated I don't have it tonight.

Chairman Rogan stated basically we had asked them to provide documentation that is has to say Verizon on there, that it is required. The information that I read anyway, it is wordy, it says that they are expected to, so they use little catch words but it does not say that it is required.

Rich Williams stated I did pursue it he said he was going to get me something more definitive and he did not. He had initially a couple days later sent me in something that said if you are going to use the Verizon logo, it can not be an bigger then this and I said that is not what the issue before the Board was, you said it had to be there, the whole thing was approved conditionally. Can you get me something that says it has to be on your sign, he said yes I get you something different, he sent me something else in and it said just about the exact same thing that if you are going to use the Verizon logo then it can not get any bigger then this percent on your sign. I called him back and I said that is not going to do it for me. I will give it to the Board but it doesn't work, he said well I will get you something else and I will get the guy to say that I have to have it on my sign.

Chairman Rogan stated if he has that for the meeting then what is the Board's feeling. Initially when he came in last month with this, the sticking point for me was that it did not seem to correspond with the signs in the general area.

Board Member Pierro stated the signs in the general area.

Chairman Rogan stated you are promoting a business if the guy changes carriers he is going to be, it just doesn't seem to fit. We just asked him a simple question, does it have to be and he said yes and we said prove it.

Board Member Pierro stated okay.

Board Member Montesano stated at the present time he is not to able to prove.

Board Member Pierro stated let's wait until the meeting.

Chairman Rogan stated okay.

## **5) MAGNOLIA'S RESTAURANT – Sign Application**

Chairman Rogan stated Magnolia's Restaurant sign Application. So all we have on Magnolia's is sign approval, that's it. That is pretty straight forward.

Board Member Pierro stated we have a copy of the Zoning Code. Is this Zoning Code attached to Magnolia's or is this other things.

Chairman Rogan stated what do you have attached.

Board Member Pierro stated I think it is just Zoning stuff attached.

Board Member Montesano stated we got a copy of the check.

Rich Williams stated oh, that is the application and with our application we give them a copy of the Code, that relates to signs and apparently that all got copied back to you.

The Secretary stated we ask the applicant to make copies.

Board Member Pierro stated this is a very poor design that I was looking at.

Board Member Montesano stated the colors on this, what color is that.

Board Member Pierro stated that looks like the green that we just approved.

Rich Williams stated that is why I also gave you the picture of.

Board Member Montesano stated I don't think so.

The Secretary stated the picture of the Bruno Building.

Rich Williams stated the picture of the Bruno Building so that you could compare that to what she is submitting.

Board Member Pierro stated yes, I don't have that.

Rich Williams stated no I just made the one copy, I figured you guys could share it.

Chairman Rogan stated I have the same thing you have attached to it, the application.

The Secretary stated yes, because she made the copies.

Board Member Pierro stated so what site is this. Next to the barber shop.

Chairman Rogan stated twenty-one Front Street.

Rich Williams stated right. (Too many people speaking, unable to transcribe.)

Board Member Montesano stated I thought there was.

Board Member Pierro stated suite A, suite B.

Board Member Montesano stated it is going right here. Right next to the barber shop, you can go and get your hair cut and get something to eat at the same time.

Chairman Rogan stated we are looking at roughly a twelve square foot sign, it is five foot nine inches. We are going to call it a twelve.

Board Member Pierro stated they were given the chart with the colors.

The Secretary stated they weren't given the chart but it is in the regulations.

Rich Williams stated they had initially submitted a sign which didn't comply at all and I think Maria talked to them about changing the sign colors.

Board Member Montesano stated that's what you got.

The Secretary stated you have to also remember she printed on her printer, the green isn't.

Board Member Pierro stated it is not going to be accurate.

Board Member Montesano stated maybe we should ask them to please put down the color in writing.

The Secretary stated we do on the sign application.

Rich Williams stated I know where Mike is going with this, we don't say Benjamin Moore such and such a color, we don't do that because everybody is different.

Board Member Pierro stated but the fact is that we are not different, we are exclusive.

Chairman Rogan stated we could say though, Benjamin Moore green number twelve or equivalent. Then at least it provides a reference, if they want to take that color and match it, we could probably provide some sample or literature.

Board Member Cook stated we certainly want this sign color to match the one down the block.

Chairman Rogan stated because there are building that are only a couple hundred feet away.

Board Member Montesano stated you have his sign here, which is not in this picture. The barber shop has a sign up doesn't it.

Rich Williams stated not in this picture, this was when he was coming in.

Board Member Pierro stated this is from April.

Board Member Montesano stated he gives good hair cuts.

Chairman Rogan stated it probably, this sign would probably look great with the green, the approved green with the gold leaf, that would look real nice on that, instead of the white.

Board Member Pierro stated sure.

Chairman Rogan stated so why don't we just discuss the colors with the Applicant.

Rich Williams stated the other thing you want to talk about it probably the location of the sign.

Board Member Pierro state dyes.

Rich Williams stated she is proposing it right under the windows in the building.

Board Member Montesano stated that is higher up.

Chairman Rogan stated you mean up on the vinyl.

Board Member Montesano stated she has to match.

Chairman Rogan stated I have a problem with that, that building is real difficult.

Board Member Pierro stated I don't like that at all.

Chairman Rogan stated that would look terrible.

Board Member Pierro stated it has to go over the transom.

Chairman Rogan stated yes.

Board Member Pierro stated they may have to shorten the light, is that a light hanging over there Mike.

Chairman Rogan stated we can not start having signs up on that, although they did do it for Allstate at Sauro's.

Board Member Montesano stated if we move the light, what I am looking at is, at the present time the barber pole is here.

Rich Williams stated you live and learn, Cipriano's architecture is coming in, one of my comments was there is no place to put a sign on the building.

Board Member Montesano stated under this circumstance the barber has the barber pole here.

Rich Williams stated do you want her to put a sign perpendicular to the building in addition to the one on the transom.

Board Member Montesano stated well I am wondering can we allow that.

Rich Williams stated yes.

Board Member Montesano stated I think it would be smarter to have it hanging out so you can see it.

Board Member Pierro stated I thought our Code limited us to one sign.

The Secretary stated no.

Rich Williams stated it is limited to a maximum area.

Board Member Montesano stated this is a unique circumstance.

The Secretary stated that actually looks like it goes with the style of the building.

Board Member Pierro stated yes.

Board Member Montesano stated it would be unique because.

Board Member Pierro stated put a sign on the transom and put one on the.

Board Member Montesano stated they could have a small hanger.

Chairman Rogan stated that is a great idea. Whatever that is on the transom, like you said that light might be in the way.

Board Member Montesano stated it is going to obstruct it.

Chairman Rogan stated but you know that is a constraint of the architecture of the building that they are choosing to go into and I don't think that we want to get into sign being up in that area.

Board Member Montesano stated that thing is he does not have a light here, if that light is to be removed.

Board Member Pierro stated if it is a light, I can't tell.

Board Member Montesano stated it looks like a light here and it looks like a light there, but let's say that is a light, say you remove it you can have the electrician tap into that and bring the thing here and put it on this sign where it drops down and doesn't interfere with traffic and it will at least light up the other side so it sticks out, you are going to see that most of it is going to be this way because of the unique design of the building and the location, I think it would look better that way.

Chairman Rogan stated and that kind of sign, Mike, would people walking up and down the side walk which is what we are trying to promote, you would be able to see the sign then walking to and from along the side walk right. Not just when you are out on the street, because we are not intending for all of our commerce to be street traffic.

Board Member Montesano stated because I am looking at this, with that little barber pole here, when you pull into the post office, you look and you see that thing there.

Board Member Cook stated now does he have a sign elsewhere.

Board Member Montesano stated he has a sign over the doorway.

Board Member Cook stated over the doorway.

Board Member Montesano stated which is difficult to see unless you drive in. If you are parking down here or using the train you will see the sign. If you are standing on the corner going into the grocery store then you don't see it.

Chairman Rogan stated the date on the picture, April.

Board Member Rogan stated the sign is hidden away, but you do see that barber pole. When you come out of the Post Office you see it.

Board Member Cook stated what is the Applicant says look, you know I just want to have a sign similar to the barber.

Board Member Montesano stated what, put up a barber pole.

Board Member Cook stated no, no, no.

Board Member Montesano stated that is fine, if that is how they want to conduct their business that is no problem. I am just saying we have option here, where he already has this hanging out on this pole, alright.

Board Member Cook stated I understand.

Board Member Montesano stated I am sure the next question is, would it be alright to hang something similar to that. Then we can say that we already discussed it. Give them the option.

Chairman Rogan stated the sign is agreeable if it is in the proper colors and the location of the sign they are proposing should be above the doors and then the idea of if they wanted to put an additional sign similar to the barber shop, we would be agreeable to that.

Rich Williams stated there is another issue to consider here, anything that looks like a sign is a sign. So if they want to take one of those big picture windows and turn that into a Magnolia's sign they can do that also.

Board Member Montesano stated but they can not plant Magnolia trees in the front.

The Secretary laughs.

Board Member Cook stated we have options.

Board Member Montesano stated they have options.

Chairman Rogan stated that is right.

Board Member Montesano stated makes it much easier.

**6) GEORGE APAP – Sign Application**

Chairman Rogan stated George Apap Sign Application.

Board Member Pierro stated we have to do SEQR on the sign application.

Board Member Montesano stated yes we do.

**Tali Antiques SEQR Discussion**

Board Member Pierro stated we didn't do SEQR for Tali Antiques.

Chairman Rogan stated do you want to amend that motion.

Board Member Pierro stated I amend that motion on Tali Antiques Restoration, it is a negative determination of SEQR.

Chairman Rogan asked for a second.

Board Member Cook seconded the motion.

Chairman Rogan asked for all in favor:

Board Member Pierro	-	Aye
Board Member Montesano	-	Aye
Board Member Cook	-	Aye
Chairman Rogan	-	Aye

Motion carried on a vote of 4 to 0.

**6) GEORGE APAP – Sign Application**

Chairman Rogan stated George Apap, I don't even know where.

Board Member Pierro stated behind the Mobil station.

Board Member Montesano stated right behind the Mobil station.

Board Member Pierro stated that white colonial house that they have been rehabbing.

Chairman Rogan stated oh yeah, okay.

Board Member Montesano stated they re-did that whole thing. Did he ever get any permits do it.

Board Member Pierro stated I don't think he changed the structure, I think he just fixed it up, just renovated, a couple of windows.

Board Member Montesano stated it is young George, we smacked him around before and we will do it. Just because he grew up, doesn't mean, Dear Old Dad.

Board Member Pierro stated what colors do we have here.

Chairman Rogan stated we don't have any colors.

Board Member Montesano stated black and white.

Chairman Rogan stated we have a diagram of.

Rich Williams stated black and white that is what it is going to be.

Board Member Pierro stated okay.

Chairman Rogan stated outside of the Hamlet.

Board Member Montesano stated yes.

Chairman Rogan stated where are they, give me a visual of where the Hamlet is delineated by.

Rich Williams stated the edge of the Hamlet is the NYSEG power lines.

Chairman Rogan stated that doesn't help.

The Secretary stated what about the.

Rich Williams stated the Croton River.

Chairman Rogan stated okay.

Board Member Pierro stated just before the A & P Driveway.

Rich Williams stated two houses more.

Chairman Rogan stated and then if we go the other way.

Board Member Cook stated where the bridge is.

Rich Williams stated going this way I extended it this way to include Sonnet Lane, Meadowbrook Farms.

Chairman Rogan stated not as far as Sauro's

The Secretary stated past Sauro's.

Chairman Rogan stated past Sauro's

Rich Williams stated The Hamlet, past Sauro's.

Board Member Montesano stated past my house.

Rich Williams stated down past the intersection of 292.

Board Member Montesano stated it goes down to Cross Road.

Chairman Rogan stated that is Brickhouse.

Board Member Montesano stated correct.

Board Member Pierro stated right.

Rich Williams stated and then swung it down over to pick up the condos.

Chairman Rogan stated so really we are looking at location, you know the colors black and white, if that is what they want. Black and white is at least.

Board Member Cook stated why don't we ask if he can make it green.

Rich Williams stated I was a little surprised, he is a painter.

Chairman Rogan stated you would think he'd want to highlight that.

Board Member Montesano stated it's the novelty of it.

Board Member Cook stated I mean I think we should encourage him to do that because, what is it on that side it would be the only sign headed towards the Hamlet.

Rich Williams stated well there is the Welcome to the Hamlet sign and then there is the A & P.

Board Member Cook stated alright.

Chairman Rogan stated location, looks like it is far enough off the right of way. He is just advertising a business that is not generating.

Rich Williams stated no, when he approached me and I signed off on this. What he wants to do is turn this into his office and show room, so he is remodeling the inside so he can bring clients in and say this is the texture and this is the color.

Chairman Rogan stated so do we have to do a site plan on that.

Rich Williams stated no.

Chairman Rogan stated okay. What is the threshold or the trigger. Because this is not a previously approved commercial site, it was a residence.

Rich Williams stated what I did when I re-wrote the Code and talked it over with the Town Board, the initial review is done by me and if somebody needs a site improvement, something added in, new parking something then it has to come back to the Board. If somebody were just talking about a change of use, where there are no additional site improvements then I have the ability on just signing off on that.

Chairman Rogan stated okay.

Rich Williams stated so the threshold is if in the future his business turns into more of a consumer, of a people coming and going and we realize there is a problem with insufficient parking or whatever.

Rich Williams stated if he needs more parking then that is an exterior site improvement and he has to come back to this Board. He is proposing to put up additional buildings for storage out there and that would have to come back to this Board as well as any new site improvements that are going to be installed on the site.

Board Member Montesano stated that is going to be a problem I think, future storage. I don't like the idea of having paint next to the gasoline station.

The Secretary stated not only that but he will set back issues won't he.

Rich Williams stated I don't know, it depends on what he is going to do.

Chairman Rogan stated yeah.

Board Member Pierro stated that is for another discussion.

Board Member Montesano stated we will have another balloon building put up, it just doesn't touch the ground.

Chairman Rogan stated they already have a shed that goes a foot over their property line.

Board Member Pierro stated yes, that is for the charcoal remediation system.

Rich Williams stated the gas station.

Board Member Pierro stated the Mobil, because they have groundwater remediation there.

Chairman Rogan stated is George Apap, is he a local, has been in the area for awhile, is that a name.

Board Member Pierro stated he is a painter.

Board Member Montesano stated well that is George III, Dad had it first, then George took it over.

Chairman Rogan stated so when they are doing painting they are doing house painting, they are not artists.

Board Member Pierro stated yes.

Board Member Montesano stated well that depends on how you pay them.

## **7) PLUNKETT LOT LINE ADJUSTMENT**

Chairman Rogan stated so Plunkett is back in for their lot line adjustment.

The Secretary stated no, a new one.

Rich Williams stated no, for a new lot line adjustment.

Chairman Rogan stated different then the one that we just did.

Board Member Pierro stated this is the one to Putnam County Land Trust.

Rich Williams stated this is the Mylar for the last one and then he is coming back in for another lot line adjustment.

Chairman Rogan stated so this wasn't, we couldn't have done these both on the same plat. Are they two separate submissions.

Rich Williams stated you could have done them all on the same plat if you wanted to. It still would be three separate applications.

Board Member Pierro stated they weren't ready though.

Rich Williams stated I don't really know.

Chairman Rogan stated so the first one we took the property to the east and that went over to the neighbor and now we are taking a chunk of five and one half acres or so and that is being given to the Putnam County Land Trust. Is it contiguous with any other property.

Board Member Pierro stated it is contiguous to this old Luschinsky property.

Rich Williams stated this actually creates a natural corridor between Cornwall Hill Road and it loops all the way around that whole lake, Couch Road.

Chairman Rogan stated behind the Couch Road Subdivision.

Rich Williams stated and when we do the Couch Road Subdivision, it will come out on Couch Road in two different areas.

Chairman Rogan stated okay, is Putnam County Land Trust, we know that Putnam Country Land Trust wants to use this road frontage for any kind of access point.

Rich Williams stated I do not know.

Board Member Pierro stated they have not come through.

Rich Williams stated it is not really suitable for any sort of access.

Chairman Rogan stated that is my point is that I was thinking about in terms of what we did with Edie Keasbey but there we had the road frontage it was more of matter of providing a good place here, there are other access points for that property.

Rich Williams stated there is, in the other one we were creating a new lot so we had to comply with the new regulations, with this it is just a boundary adjustment.

Chairman Rogan stated okay, does anyone have any questions.

Board Member Pierro stated the resolution is in the works on this.

Rich Williams stated there are couple of concerns that I raised that are really minor on this, but yes you can have a resolution on this.

Board Member Pierro stated signature block, Planning Board endorsement, Health Department.

Chairman Rogan stated that is non-jurisdictional.

Board Member Pierro stated SEQR must be done.

Board Member Cook stated prior to the Planning Board's endorsement.

Rich Williams stated the Planning Board will approve it and they can approve it conditionally, when I say endorsement, that means signing the plat.

Board Member Pierro stated the mylars.

Chairman Rogan stated I might be confused on SEQR for lot line adjustments but I thought it came up recently that lot line adjustments don't have to have SEQR determination, it that true or am I confusing.

Rich Williams stated it kind of falls in a gray area.

Chairman Rogan stated it is better to do it and be safe.

Rich Williams stated right.

Chairman Rogan stated okay, fair enough.

Board Member Pierro stated okay.

Board Member Cook stated now on this resolution, does this whole resolution get read.

Chairman Rogan stated no, although they have done it.

Rich Williams stated no, he is new, he has to read the whole thing.

Chairman Rogan stated if you make a mistake you have to start all over again.

Board Member Cook stated excuse me.

Chairman Rogan stated if you make a mistake mid way through you have to start all over again because the record has to be clear and concise.

Board Member Pierro stated we will be with you Charlie.

Chairman Rogan stated on Zoning Board.

The Secretary stated they read them.

Chairman Rogan stated they read the entire resolution, correct.

The Secretary replied yes.

Chairman Rogan stated in Planning, traditionally or routinely, we introduce the resolution giving whatever approval it is giving and then we usually refer to any conditions within it and the way we usually do that is including six general and one special condition and the date of the resolution but it is not necessary to read the whole thing. A lot of these general conditions are the conditions that are used for every resolution.

Board Member Cook stated I wasn't asking if, what you might think that I was to avoid reading the whole thing, I just wanted to understand it.

Chairman Rogan stated no, no, not at all.

The Secretary stated I don't want you to read it either.

Rich Williams stated procedurally it is allowable to waive the reading of a resolution, the way I used to do it when I was chairman was somebody would introduce it or I would introduce it and then you know, without objection we would enter the resolution as read into the minutes and then somebody would second it. That is the way they do it at the State.

Chairman Rogan stated what do they know up there.

Board Member Cook stated I will observe. Then I'll know for the next time.

Chairman Rogan stated Charlie, if you would like to read the resolution, this would be a great one, it is only eight or nine pages, no I'm teasing, it is only a couple of pages.

Board Member Cook stated I don't want to get my hopes up.

Chairman Rogan stated oh now I know what it was, it wasn't SEQR, it is that we do not need a public hearing for lot line adjustments.

Rich Williams stated you do not need a public hearing.

Chairman Rogan stated that is what I was thinking of, I apologize.

Board Member Pierro stated should we do that by waiver.

The Secretary stated no, they are not required.

Rich Williams stated when I re-wrote lot line adjustments are not really addressed at the State, so when I changed the Code I did not put in a provision for a public hearing because it really is an issue between two property owners.

Chairman Rogan stated there is no action, there is nothing created by a lot line adjustment, we are not building anything. The building of something would then possibly require the public hearing or public notification. There is recourse it is just not at this point in the game. Is everyone okay with that.

Board Member Pierro stated fine.

**8) RONAN BROWN – Request for Site Plan Waiver**

Chairman Rogan stated Ronan Brown, this is the Poitin Still, the castle.

Rich Williams stated yes, the castle.

Chairman Rogan stated he wants to put office space, in the basement.

Rich Williams stated this was an issue where when I did the research on this, it was originally set up as a restaurant, over the years other business went in. Most recently those business, those store fronts have been vacant. There is an issue over there with the septic and there is an issue over there with the parking. I got approached by a couple of girls who want to open a real estate office there, I was not comfortable signing a letter saying that the use was previously established, don't need site plan approval, so I said you are going to have to come into the Planning Board and work it out and show that you meet parking requirements and especially the septic and that turned out to be a good thing because it raised some issues with the septic and we are not even sure where the septic is at this point.

Chairman Rogan stated and actually looking on their survey, if they even just look at the potential parking there, it probably doesn't meet the requirements of the Town or the seating of the restaurant. We have a restaurant with fifty-five seats, let's say sixty seats, which would require thirty spots.

Board Member Montesano stated the lady right by shore was upset, Maria and I stopped by there, and the woman that live next door to the Castle was very upset because they block her in, when they over flow they park in her back yard and in front of her house. I said the back yard.

Rich Williams stated now the good news is with the real estate office, usually peak hours for traffic at a real estate office significantly differ from the restaurant peak hours. There is a scenario of shared parking if the Board wants to consider something like that.

Chairman Rogan stated they showing about, I think they are showing twenty-eight spots on this little survey, but six of the spots aren't on site they aren't as shown, there is a little island projected off the north side.

Rich Williams stated I have to go out there and take that and.

Board Member Montesano stated they always squeeze in the back, which means that one large car is to park back there it means that the other guy can not get past him.

Chairman Rogan stated yes.

Board Member Montesano stated if I remember correctly there is one, the first piece of property as you are coming in on Haviland, there is a drop and it looks like there are right there on the edge and I don't think there is a retaining wall to hold that up. It could go down into his property and possible into the water on the other side of it. That is what we observed when we were out there.

Rich Williams stated have you heard anything about this in your department.

Chairman Rogan stated this letter right here from Stuart Bates which doesn't really make much sense because it just says that we pumped out three tanks and they seemed to be this much but we don't really know.

Rich Williams stated because he came in and talked to me about this, apparently somebody came in and just installed three big tanks and they handle waste disposal by continually pumping these three big tanks that were installed.

Board Member Pierro stated there are no leach fields.

Chairman Rogan stated so it is even fishier.

Rich Williams stated and he didn't even know this, but when he found this out, and realized that there may be issues and I haven't seen him since.

Chairman Rogan stated I know that that paper from Stuart Bates is in our office and I know that he was told about a water meter, to find out how much water you use. If you can not prove what is in the ground then you are going to have to hire an engineer. They are not going to allow any additional use without knowing what they have. It is one thing to allow a restaurant of the same size, the same business to go in to what was previously there, in lieu of a septic failure they are going to allow that, they are not going to allow an increase in seating without know what is there. Poitin Still was re-opened, rebuilt, and renovated to not be any larger water usage then what was previously there. Beyond that, basement space all that other space, I don't know anything about, I know that he started the conversation but hasn't really had any of the requirements. In a nutshell what I know of this. I have seen the basement space, it has its own entrance, the basement.

Rich Williams stated the original approval was for storage down there.

Chairman Rogan stated oh okay.

Rich Williams stated that's what I'm saying, then it got.

Chairman Rogan stated it was used, I saw it as storage a few years ago, I saw it as nothing more then restaurant storage, tables and chairs and just junk. Really the question is to this Board is whether or not the site can handle the use that they are proposing in terms of parking. They have to prove their case to the Health Department in terms of septic ability and they haven't done that yet, I know that, let me put it that way. They hire an engineer and they can prove what they have and they can prove what water they are currently using, I know I have seen that, because there is a standard that says if you were to build a restaurant brand, you obviously don't know how much water you are going to use, just like a house you don't know how much water your kids are going to use, so build based on a design standard that says we are going to use so many gallons a day and with a restaurant they use the seats and they use a multiplier. The would be fine but in this case since it is established and they have an established business sometimes

they will look at the actual usage and they will say okay, you are using 700 gallons a day what is the capacity of the septic area and maybe in this case it may be less then what they using but somehow it is working, I don't know because no body knows what is in the ground because things have been done illegally over the years, based on this.

Board Member Cook stated so they are going to come right and just did what you said and explain the usage, the proposed usage for here including. The current use is a restaurant.

Chairman Rogan stated yes.

Board Member Cook stated so they are looking, the storage space that you spoke about is where they want.

Rich Williams stated to put a real estate office.

Board Member Cook stated a real estate office.

Chairman Rogan stated exactly, so I guess our question should be geared towards what type of consumer traffic that is going to generate, the real estate office, if it is a real estate office. I don't know much about real estate offices, do all of them have where clients come in and out of.

Board Member Pierro stated I was told this going to be an ancillary office for this group, it is going to be a secondary office for them, but I am also hearing that they are going to put a mortgage broker in there as well and sublet some of that space.

Chairman Rogan stated a good bit of that basement or from what I have seen is already occupied by the restaurant, there is an office, there is dry storage, there is a walk in cooler, there is an area that is related, I would say that one third of that basement is tied up for the restaurant, maybe even more. I have seen the area they are talking about, it is a pretty good size room.

Board Member Pierro stated is it big enough for a couple of desks.

Chairman Rogan stated it is bigger then this area all in here, yeah it is bigger then this. At one time actually the owner, when it is was, what was it called, it is the people that used to run Crossroads Café, the fellow, he ran this for awhile, he was talking about trying to use that for catering parties in the basement, they never did that but that was the intent. That is the intent that would be allowable, it is just part of the restaurant, as long as they don't exceed their seating. Having office space is something a little different.

Board Member Montesano stated the only problem we are really going to have here is traffic problems.

Chairman Rogan stated yes.

Board Member Montesano stated and during football season and whatever.

Chairman Rogan stated and that may be something that we would want to consider because would a real estate business be doing business that time of day. I go there during the day and the parking lot is empty, you go there at 2 o'clock, anything before 4 o'clock in the afternoon.

Board Member Montesano stated if you are a good real estate office you are going to have people coming in all day and then if you get a bite you are going to have people that come at night, because they see the

house or they see whatever it is during the day and then they want to come in at night. You are going to have traffic back and forth. The only conflict is going to be when they have something going on at the restaurant.

Chairman Rogan stated yes.

Board Member Montesano stated then you are going to have a conflict. Like I said, if that woman comes in, she grabbed us as soon as she realized why we were there, and all we did was stop that day to look at it and that was the first thing, that on Saturday and Sunday and during the week when they have something that they park in front of her house, she can't get her own car out. That is the only thing I would worry about the traffic because they park right along Haviland Hollow and that is a scary at night.

Chairman Rogan stated especially with people that had just been drinking.

Board Member Montesano stated I don't even want to consider that.

Chairman Rogan stated anything else other than parking or it just really comes down to whether or not parking for this.

Rich Williams stated parking and septic.

Board Member Montesano stated and the septic.

Chairman Rogan stated and the septic, we can say if we think the parking adequate or not, regardless of what happened with septic, it is really not, that is almost another agency approval, not almost, it is.

Rich Williams stated it is.

Board Member Montesano stated it is.

Board Member Pierro stated if something has to be done to, if it is found that the septic is not sufficient then something has to be done I wouldn't want to lose parking but you are going to lose parking.

Chairman Rogan stated no, because anything they would be doing out there would be under the parking. The whole lot or most of the lot is gravel anyway. They paved more of that now, that back is still.

Rich Williams stated they paved a lot of it.

Chairman Rogan stated bottom line is that they may have to hire an engineer, we have to design a septic area to handle this. That is for them, it might be the kind of thing that sounds great as a proposal but they want to know what they are up against.

Rich Williams stated just understand that our Code says you can't approve it unless everybody else has approved.

Chairman Rogan stated right, so we would be, it would be a conditional approval.

Rich Williams stated could be.

Chairman Rogan stated if parking is acceptable, one of the conditions of the approval is approval from the Health Department.

Board Member Montesano stated either that or have them come back once they get Health Department approval and that gives time to go over it again.

Chairman Rogan stated that is not a bad idea either.

Rich Williams stated you do not know what the Health Department is going to do out there so it might be.

Chairman Rogan stated it might not be a bad idea.

Rich Williams stated right.

Chairman Rogan stated yes, that is actually a real good way to go Mike, we can.

Rich Williams stated he has been working on this for a few months now.

Chairman Rogan stated yes.

Rich Williams stated I gave it to him to work on it a few months ago.

Chairman Rogan stated he called a couple months ago. Ronan is one of the most straight forward people I have probably ever dealt with, he is a tell me what I have to do to get it done kind of person from when he built his restaurant. I have not had the pleasure of working with people quite as good as he was.

Board Member Montesano stated this is what gets used in the conflict, what do you do when a guy comes in asks what do I have to do to keep myself in business and you have to tell him all these little things.

Chairman Rogan stated yes but no one said he can't run a restaurant.

Board Member Montesano stated hey, it gives Henry a job anyway.

Chairman Rogan stated right that is where I met Henry.

Rich Williams stated Zemsky works in there.

Chairman Rogan stated yes, I said who is this guy running for legislature, I met him he's a bartender over at Poin Still. I was over there doing an inspection.

Board Member Montesano stated it keeps him out of the neighborhood for a couple of hours.

Chairman Rogan stated I think it would be good to at least let him know that this is what we are concerned with, is your parking you have to prove it out to us, show us what you are capable of and go get Health Department approval first, because we have grave concerns about what might happen with your septic area.

**9) CAMP RE/MILLWORKS – Lot Line Adjustment**

Chairman Rogan stated we were planning on going out to Camp Re/Millworks for a site walk.

Board Member Pierro stated we are still waiting for some staking I thought.

Chairman Rogan stated so are they on the agenda just as.

Rich Williams stated they re-submitted.

Chairman Rogan stated has it changed, have you had a chance to look at it.

Rich Williams stated I have had a chance to look at it, yes it has changed and they addressed most of my prior concerns. There is one issue that I wanted to run past Tom McGinn because he is a licensed surveyor, I don't know if it is a valid issue but it is certainly a concern and it is that normally when we are doing a lot line adjustment we are showing both parcels and metes and bounds of both parcels so we know. In this case they are only showing one parcel and they are not showing the big camp parcel.

Chairman Rogan stated or not all of it anyway, they are showing part of it aren't they.

Rich Williams stated not really they didn't show any of it, they just showed what they are going to transfer over to that parcel. I asked them at the last review memo to put in at least the intersecting property lines with their metes and bounds if I knew they had metes and bounds I knew that they were going off a survey and they are in the right place and we are good to go. They showed the intersecting lines but they didn't give me any metes and bounds well then I don't know for sure that they know what the property boundaries are of the Camp Re property because the only way they are going to know what the property boundaries are is if they have done the survey, closed the loop, they know what the parcel looks therefore I don't know if those property boundaries are in the right place and if they aren't in the right place then we don't know that.

Board Member Pierro stated we would be creating a nightmare for ourselves.

Rich Williams stated we don't know that the other dimensions are correct on the piece that they are transferring, that is my concern and I wanted to run it past Tom McGinn, he is out this week, he will be in next week.

Board Member Pierro stated do we have time to get to Tom before the meeting.

Rich Williams stated we should, yes.

Chairman Rogan stated it still doesn't matter because we still wanted to site walk it. We wouldn't be taking any action other than conversation. What I would like to do is over lay this with the previous. Did the exchange piece change in area?

Rich Williams stated that did not change. No, they changed up some notes and they provided additional information but pretty much everything else is the same.

Chairman Rogan stated our big concern with this seems to be the designation of the, this is the one where this piece is zoned commercial and this piece is zoned residential. How is that going to be handled, I don't want to create a nightmare on this.

Board Member Montesano stated there is a nightmare on there.

Board Member Pierro stated for the purpose of this.

Chairman Rogan stated for the purpose of this lot line adjustment, it is not.

Board Member Pierro stated it is not really a tremendous issue but in the future if something we were to be done we would have to rezone the previous lot line adjustment that is residential.

Rich Williams stated well, if I go to change the Zoning map again, or do any sort of zoning change, I am going to try to remember to change that boundary.

Board Member Pierro stated right.

Board Member Montesano stated well once we go out there, you will see the problem we are going to run into.

Rich Williams stated Mike has been out there, he has taken a look. The problem is the original plans that we have, the one little building with an addition and then later they came in to get a building permit with no site plan to build a temporary building to burn it down. They were running fire drills in to see how plywood burned. Mike has been out there, apparently there are a number of buildings out there and they are all rented, leased.

The Secretary stated oh god.

Board Member Montesano stated yeah.

Chairman Rogan stated so we are going to have them burnt down.

The Secretary stated so it is a camp.

Rich Williams stated well no, we have no idea when they built these buildings.

Board Member Cook stated there are a number of buildings.

Board Member Montesano stated there are a number of, we took a ride out, Charlie, Maria and I went out, we wanted to see where the tower was going and compare it to next door, because the other tower is right at the bottom here.

Board Member Pierro stated what does the Assessors card look like.

Board Member Montesano stated there are all sorts of small buildings up there, one has a sign, I think it said plumber. I think there were a couple others but there were all sorts of buildings hidden back there including the little hidden dirt we went down.

Board Member Cook stated we only went down part way.

Board Member Montesano stated well it was hunting season, I did not want to go any further, I figured there might be somebody there and I didn't have a sign that said car do not shoot. We'll see when we get out there.

Rich Williams stated while we are here to just update the Board, on a slightly related matter, cell tower, I had raised this issue of the cell tower being very visible from 22, you might want to consider other locations. They called me and asked me to meet them out there and see where this tower might go, certainly I am not going to tell them that it has to go or it has to go here because that is really something that the Planning Board and the Zoning Board are going to have substantially input on but I am meeting with them out there to look at where they are putting it and other locations that might be suitable might be.

Chairman Rogan stated that is a hard spot to put you in, in a way because they are saying where do you think it should go, oh how about here and then it goes to Zoning and Planning and they say well wait, we put it where the Planner said, you know I mean, that is kind of.

Rich Williams stated it is everyday that way.

Board Member Montesano stated yes but see, he is giving his opinion that doesn't necessarily mean that everybody is going to go along with it.

Chairman Rogan stated where they put it, he has to review and do a critique on it.

Rich Williams stated you learn to qualify it, you learn to talk to them in way you know, you aren't making the decision on this.

Board Member Cook stated they also owe all of us a copy of what it would look like.

The Secretary stated yes, you asked for the photo simulation.

Board Member Cook stated it could be another caveat day (Papers rustling, unable to hear and transcribe).

Chairman Rogan stated since the train is going by and we can't hear anything anyway.

Board Member Montesano stated we have him put a thing on it and have him fly around and find a spot.

Board Member Cook stated that would be nice.

## **10) PLAZA AT CLOVER LAKE – Continued Review**

Chairman Rogan stated Clover Lake.

Board Member Pierro stated this is the lot line.

Rich Williams stated yes and subdivision.

Board Member Pierro stated and subdivision.

Chairman Rogan stated we site walked it and gave them some ideas about changing the lot around. I am confused at what they did. So they did what we asked from the stand point of making the limits from the lot downhill of that horse barn, correct.

Rich Williams stated yes.

Chairman Rogan stated because we said it was silly for them to have land that they couldn't access. Remember we drove it and we went and looked at the horse barn, we walked down the usable land, originally they were proposing this all the way to the back of the property up into the hills here, this is unusable anyway, it is as steep as, I don't know as forty or fifty percent grade. These are ten foot contours, right, this is steep, I don't think you can even get an appreciation of how steep that it, like fall off the edge of the cliff steep. Now this is the barn we walked and this is the proposed lot.

Board Member Pierro stated how many acres did this wind up being.

Chairman Rogan stated 6.1.

Board Member Pierro stated what is the zoning on this Rich, please refresh my memory.

Rich Williams stated well on the 6.1 parcel will be located in the I Zoning district, most of the remaining property is in the R-4 Zoning district.

Chairman Rogan stated okay, and then lot 2 proposed, it is not really changing much, it exists as eighty-eight acres and they proposing it at eighty-three, so they are just taking off a little bit here and putting that, because they have to maintain the 50 acres for the nursing home.

Rich Williams stated they can not go below 50 acres.

Board Member Cook stated for the senior.

Rich Williams stated one of the issues I've raised is that they have this crazy configuration with the property boundary it goes up, over, up, over, along the lake edge and then you have this gorge strip up in here.

Chairman Rogan stated why are they doing that.

Rich Williams stated I don't know if they trying to maintain exactly fifty acres and they are deciding that they can't go above or what. It was one of the issues I put into the memo that maybe, you gentlemen want to talk with them about why they doing it. If there is a logically reason, then fine, if not it certainly is better for everybody concerned if things are straight.

Chairman Rogan stated this is obvious, the reason they are doing that is because they want their lake frontage for development that makes sense. But you are talking about this back here.

Rich Williams stated but again one of the issues I raised, you are giving people lake rights, lake frontage rights without lake rights. Does somebody then have the right to go canoeing on that.

Board Member Pierro stated probably not.

Chairman Rogan stated does it fall under navigable waters.

Rich Williams stated I don't know.

Board Member Pierro stated no, I don't think so.

Chairman Rogan stated I don't know.

Board Member Pierro stated I sold a couple of properties recently, one up in Pawling goes right up a foot up to the shore line and they don't have lake rights.

Chairman Rogan stated so they can't put dock out.

Board Member Pierro stated they can not put a canoe in.

Chairman Rogan stated so let's get some legal interpretation on it from Anthony.

Rich Williams stated I wanted to talk to Anthony about that.

Chairman Rogan stated because that does seem silly, that would be terrible.

Board Member Pierro stated it would advantageous to provide the lake rights.

Chairman Rogan stated absolutely, they can provide their bulk area in the back here, which is not usable anyway for residential. This is all extremely steep.

Rich Williams stated I don't know why they are doing that lot line, why not just a straight line from the road all the way to back that equals 50 acres, if that is what they are trying to do.

Chairman Rogan stated yes.

Board Member Montesano stated they are trying to get as much money with as much land and keep themselves. In other words they are going to minimize everything so they can sell off the rest.

Chairman Rogan stated but intent here Charlie was that, they are subdividing off or taking off this parcel here of six acres they have to make it up because they have make it up because they still need to maintain the minimum of 50 acres. Also one that we were, oh no, we site walked that we weren't site walking that, were we.

Rich Williams stated no.

Board Member Pierro stated if we make that less then 50, does that require.

Chairman Rogan stated we can't.

Rich Williams stated you would need to go back to the ZBA for a variance.

Chairman Rogan stated if it was 52 acres.

Board Member Montesano stated there is sufficient land there to make it, a 50 plus acres.

Chairman Rogan stated all they would have to do is, they don't even have to mess with the shore line they could just come off of this line here probably and just do something like this, leave the existing lines or even come off here and make a straight line to the back and be done with it. I agree with Rich with what is going on here, we want to find out because that is a little weird.

Board Member Cook stated very weird.

Rich Williams stated yes, it makes no sense.

Chairman Rogan stated unless, you think that they are talking about access and think about what is over here and what might be over here with a subdivision.

Rich Williams stated I think Camp Herrlich is over there.

Chairman Rogan stated Camp Herrlich which is open space property and now if they do something here and they are required to show some open space, they are showing some kind of contiguous access.

Rich Williams stated maybe.

Chairman Rogan stated access between the parcels, I mean I don't know I don't see why.

Board Member Pierro stated maybe there.

Rich Williams stated it is only wide enough to walk on.

Chairman Rogan stated barely.

Rich Williams stated but at least it is there.

Chairman Rogan stated well and it is a steep slope anyway, it's a rocky outcrop.

Rich Williams stated and on this side you have Patterson Interstate Business Park.

Board Member Pierro stated yes, it is steep.

Chairman Rogan stated put it this way, you can not walk from here to here, it is impossible, because it is literally a cliff. I just found that corner there it is blasted into the rock with a big X.

Board Member Montesano stated its fun.

Chairman Rogan stated on a lot of the survey, a lot of the X's in the rocks that are all recent, like in the last couple of years they have been hammered in, probably when they surveyed Wilbur-Herrlich and everything.

**11) BARNES SUBDIVISION – Continued Review**

Chairman Rogan stated Harvey Barnes Subdivision, the last time we had him in, it seemed to just get down to a couple of technical issues. Where do we stand now, Rich.

Rich Williams stated yes, I actually talked to the engineer and told him he was wasting his time even submitting, because right now there are before the Town Board, once they get through that whole process, a public hearing is set for January 10, 2007, presumably the Town Board will approve the action. Then he is back before this Board, the last issues were pretty minor, I wasn't going crazy with everything that is going out there with that storm water pond which they addressed those issues so, at this point we need a conservation easement, we need to do some procedural things and as far as I am concerned he is pretty well wrapped up.

Chairman Rogan stated we could probably at this meeting, because he is on the agenda we could probably set a public hearing for the February meeting though, we would be assuming that he is gets through the Town Board on the 10<sup>th</sup>.

Rich Williams stated right and he would.

Chairman Rogan stated the conservation easements are more the legal end of it, aren't they then what would be the visual in terms of a public hearing. So that is not something that would be discussed at a public hearing anyway.

Rich Williams stated right, and the only other issue is the Lead Agency Notice, we are not, through Lead Agency, I didn't get the plans on this one until a couple weeks ago.

Chairman Rogan stated okay.

Rich Williams stated it didn't get out until a couple weeks ago.

Chairman Rogan stated and that time frame on that is what.

Rich Williams stated thirty days unless everybody sends us a letter back in and they never do.

Chairman Rogan stated okay, so we send out notices to all the other different involved agencies which would be Health Department, State, Planning Department, who else, in this case.

Rich Williams stated it depends on who has an approval over this project.

Chairman Rogan stated DOT.

Rich Williams stated DOT, Putnam County Health Department, DEP, DEC is not, and County, that's it.

Chairman Rogan stated they could write back to us a return that they want to challenge or be the lead agent, which doesn't happen, except I think the only time since I have been on the Board is Patterson Crossing.

The Secretary stated Patterson Crossing.

Rich Williams stated yes.

Chairman Rogan stated more often than not it is more appropriate for the Planning Board to be the lead agency. So them not letting us know, is a default that we become lead agent. They are not challenging it.

Board Member Cook stated so you have sent notice to those folks.

Rich Williams stated I have sent notice, I have actually, when we do this we include a letter, so all they have to do is check the box, sign it and send it back.

The Secretary stated we usually get it back from the Health Department, the others are hit or miss.

Rich Williams stated DEP is good, but DEP does their own memo all the time.

Board Member Cook stated so really it would make sense to set the public hearing.

The Secretary stated February.

Rich Williams stated you could set the public hearing, yes.

## **12) CIPRIANO SITE PLAN – Continued Review**

Chairman Rogan stated our good friends at Cipriano.

Rich Williams stated yes, they are back in.

Chairman Rogan stated help myself and the rest of the Board understand, conceptually we have all kind of agreed on where we are going with this plan. What are the types of modifications they are doing to this plan, are they to address Engineering and Planning comments but things that are not necessarily changing the layout.

Rich Williams stated pretty much. No. but at this point, even though you have six plans in there, there is still a tremendous amount a detail that is missing. There really is no detail on the specifics on the catch basins on the signs, big omissions on the landscaping plan, they provide a lot of detail but there is still a lot of detail missing. Essentially, what I did just to keep the Town Board in the loop is I actually went to the Town Board with the plans showed them because this involves abandoning a section of a Town road which is a positive thing for the Town and I wanted to make sure that they were okay with that. Again, that is one the things we are missing, we need plans showing the boundary adjustments. They have submitted architectural plans with really nice details about things, at least I am not crazy about, some of them, at least one, building 3 doesn't match what they are showing at all, so I am not sure what that is all about.

Chairman Rogan stated building 1 and 2 are looking to be almost the same. There is a lot of roof.

Rich Williams stated a lot of roof.

Chairman Rogan stated they are creating a lot of water aren't they.

Rich Williams stated here is the thing that I haven't really delved into yet, these are two story buildings.

Chairman Rogan stated there are what.

Rich Williams stated two story buildings.

Chairman Rogan stated yes.

Board Member Montesano stated that is probably why the roof is that design.

The Secretary stated for storage.

Rich Williams stated two story buildings you have additional space, you have to additional parking requirements.

The Secretary stated unless it is storage.

Board Member Montesano stated he has to explain what the space is going to be utilized for.

Chairman Rogan stated you know what this reminds me of not architectural, but space, the Panino Deli, you have a deli that is a good size deli with a tremendous roof and upper area that I don't have any clue to as to what it is used for.

Rich Williams stated when they came in and go approval it was just going to be storage.

Chairman Rogan stated it may very well be but it just a huge building relative to the use.

Board Member Montesano stated that is because it is relative to the design, the son in law was the architect wasn't he. The son in law was the architect every time he came in he enlarged the building.

The Secretary stated that might be what this is, all storage too. I would imagine that they know they would need more parking if they are having anything above.

Board Member Montesano stated you would either have office space that could be utilized, if you go up to the Fair Acre Farms, which is what he kept mumbling about, their office space is set as part of their building.

The Secretary stated that is true too, it could be the office for the store.

Board Member Montesano stated so when you go in there.

Chairman Rogan stated we will have to ask, that is a lot of roof.

Rich Williams stated yes it is.

Chairman Rogan stated so we are looking at some type of cedar shake siding, it is hard to tell.

Rich Williams stated my comments are you need colors and you need materials.

Chairman Rogan stated I like the stone, that they are pulling in some stone even though it is only shown for the base of the pillars.

Board Member Pierro stated it looks like they are making a hayloft, did you notice that detail on the side of the building.

Chairman Rogan stated I guess my question Rich, is there anything that this Board is not considering on this project that we should. By that I mean, I don't want to get, this has happened occasionally to us that we get to the eleventh hour that there is a significant component that we really forgot to look at and then we feel that we are stuck into it. Is there anything that we are missing on this, I mean we have looked at layout for the project, you are giving me a puzzled look, I wish I had specifics of the projects.

Rich Williams stated there is a project that we missed something and didn't catch it until the tail end.

Chairman Rogan stated maybe not we, maybe where, do you get a sense of what I am talking about Mike.

Rich Williams stated where I see it coming and you don't.

Chairman Rogan stated maybe, yes.

Rich Williams stated I will give you one, Alpine, Alpine is now putting their parking lot in, so when you gentlemen drive through just take a look at how close you really are to the stream there. I am wondering how many of you realized it was going to be that close. I don't even think Ted realized how close that would be. We are right up to the edge of where it drops off on that. That is fine because all the drainage is going the other way.

Board Member Montesano stated until we find a car in the stream.

Chairman Rogan stated you know what I am thinking of D'Ottavio, there was so much time where Harry wasn't, to be honest where maybe Harry wasn't doing his job that we were in, this was that project that we just approved the architectural on last meeting that we weren't really happy with. There was probably a years time maybe more that the bottom line is that the engineer just wasn't submitting what we asked him to, so while all that was going, I know myself at least kind of wasn't thinking about the project, when at that time we could have been tackling architectural or something maybe.

Rich Williams stated but we did, I mean early on.

Chairman Rogan stated we did talk about.

Rich Williams stated constantly though the whole process we said Steve you have to give us architectural, it was Steve that didn't do it.

Chairman Rogan stated that's true, we got bits and pieces of what they were going to put up.

Board Member Montesano stated Harry still has the same problem, Harry knows if he sticks around long enough and if he keeps avoiding it sooner or later he will be able to get some kind of approval before we realize that we didn't rebound on it.

Rich Williams stated but it doesn't work that way anymore. There are too many people looking, too many technical people looking at this point, it doesn't get missed like it did.

Board Member Montesano stated the problem we have is that Harry keep continually walking in with that all the time and then he turns around and looks at you and he has you saying, alright Harry stop by the office we'll discuss it and that slides it off.

Rich Williams stated often he is coming in here for me to help him out with his plans.

Board Member Montesano stated to do his job.

Rich Williams stated you look at the agenda, where is Harry.

Chairman Rogan stated yes, right, he has not been.

Board Member Montesano stated behind.

Rich Williams stated no, he has been beaten to his back.

Board Member Pierro stated I need rubber bands Melissa.

The Secretary stated there are in this cabinet.

Chairman Rogan stated I was looking for them, and I have them here, I have been holding on to them.

Board Member Cook stated big one or little one.

Board Member Pierro stated probably a big one because that little one broke.

Board Member Montesano stated he is bringing them home to use them as a sling shot.

Chairman Rogan stated okay, so is everyone else set on Cipriano.

### **13) BURDICK FARMS SUBDIVISION – Request for Final Approval**

Chairman Rogan stated Burdick Farms. We do have a lot of plans on it but I think for most of us, has he met the engineers comments.

Rich Williams stated Gene is going through it, I have not heard back yet from Gene. I have not started, I will get to it this weekend and next week and hopefully have a solid answer for you.

Board Member Pierro stated more importantly have a solid answer for Mr. Conditto. This way this guy doesn't have to fly out here if we aren't going to be ready.

Chairman Rogan stated that is a good point.

Rich Williams stated he is going to call me.

Chairman Rogan stated oh yes, it comes down to more of the same technical stuff, do we even need the guy on the agenda, does it become a point where we yank it off the agenda and say look, unless there was a technical issue that we had some purview over. Really, if it comes down to storm water or something that they haven't provided there engineering on, that really doesn't concern us in my opinion. If it comes down to where we are going to sit there say you know you haven't addressed everything you need to go back and finish. I would just assume send them the comments and pull it off the agenda.

Board Member Pierro stated agreed.

Chairman Rogan stated the guy is not going to make the trip out knowing that anyway, so what is the difference. Why have them even show up.

Rich Williams stated Charlie to answer your questions that is the subdivision plat, those are the construction drawing and the storm water report is this thing here.

Chairman Rogan stated these are the good ones.

Rich Williams stated these are the good ones.

Chairman Rogan stated I would rather look at these. It is most of what we need to know is the sweetened and condensed version. So at least by not having a lot of time between now and next meeting.

The Secretary stated no, because of the holiday.

Chairman Rogan stated because of the holiday, you have tomorrow. Tuesday is not a holiday, Tuesday and Wednesday.

Board Member Montesano stated well it is going to rain Monday supposedly, so maybe he'll be in the house then.

Chairman Rogan stated we don't have anything.

Board Member Cook stated pull this from the agenda and.

Chairman Rogan stated if it happens then it will happen last minute, the day of the meeting. It will be something that you probably won't know until you get here that night.

The Secretary stated and you will get a revised agenda in your file bin.

Chairman Rogan stated we go from one to the next.

**14) GREENLANDS, LLC. – Amended Site Plan**

Chairman Rogan stated Greenlands LLC, we don't have anything new on them.

The Secretary stated we have to do something with them.

Rich Williams stated you received everything last meeting, they came in.

Chairman Rogan stated they requested, upon reading the memo, everybody still has it in there last weeks packet.

The Secretary stated yes that was kind of my little, actually I don't know what really happened, because I did verify and it did e-mail so I don't know.

Chairman Rogan stated Rich do you want to.

Rich Williams stated we had talked about that, that may have been a strategy they got the memo and they read and they realized there were substantial issues and they needed more time to address them.

Chairman Rogan stated and that is fine too. It didn't really hurt us in any way.

The Secretary stated but you still have to.

Rich Williams stated have to summarize it because I couldn't tell you what I did.

The Secretary stated they still have, doesn't it matter they still have to make a decision one way or another.

Chairman Rogan stated go back and read through.

Rich Williams stated I know I addressed the issue about customary personal services and parking.

Chairman Rogan stated it is hard with these types of cases you get into legal interpretation, you get into interpretations from Rich, and then what we have discussed and then pulling that all together, this is one that we are all sitting here and saying where are we and what are we doing. It is a little bit difficult because we had Anthony's legal opinion on what we could and could not do.

Board Member Montesano stated the only problem we are running into right now is he is losing money, sooner or later this guys is either going to have to pack up and go home and we are going to get stuck with an empty ugly building sitting there. Do we want to bend?

Board Member Pierro stated before he goes home he is going to file an Article 78. Before he goes home, he's not going.

Board Member Montesano stated I don't blame him because right now it is still a cloudy issue, we have what we agreed to when we originally approved the building this is what it was for. Do we have the right to go over that, yeah we can do and then take the consequences from there but when he comes in and some judge makes the decision is that going to benefit us, you don't know that a judge is going to tell him to do.

Board Member Pierro stated I went down there after this last meeting, after reading some of Rich's comments where Rich said could we make some changes there, for example putting in some more area for truck parking. So that a large truck could park at the site and could unload and I thought that adjacent to the dumpster that is in the left front corner, that would be the far west side where you enter in, you make

the right to go around the back of the building there is a dumpster right in front of you. If we were to offset that maybe take a little bit of that parking lot away, a ten foot strip, take out the curb, put in a stone wall as a retaining wall, maybe move the dumpster in and the stagger an area for a truck to unload that wouldn't take up parking, regular parking. The other thought that I had was on the right hand side of the building was the northernly side of the building, I thought that there may have been, Mike might have answered me on this, why didn't we make a loop in that parking to go around the building. Was it too steep on the right, was there septic on the right.

Board Member Montesano stated septic system.

Rich Williams stated septic, grade, and fill.

Board Member Montesano stated now, how about we think about it this way, we go over to Home Depot, you have that little mall up there, that part with the drug store and the pizza place, he has that steel bar up there, forget about the trucks that is their headache. You ask, you tell him, the only way he is going to get is to put that up, so that trucks can not go in there, they want to make a delivery they will have to unload in the street, it is an inconvenience to have the truck there.

Board Member Pierro stated I think that is poor planning to unload in the street.

Rich Williams stated on Old Route 22, you are going to have a truck stop and unload.

Board Member Montesano stated why not, they don't have the room to put it on the property.

Board Member Pierro stated I would rather, I think you have the room in the front of the building, adjacent to that dumpster location which could be done without a real terrible expense to provide some more truck parking.

Board Member Montesano stated you get a forty-five foot truck.

Chairman Rogan stated that could probably work except that of course any of the deliveries would probably have to go all the way around, they are looking to get them into the back of the building right, the down hillside, so they would have to wheel it down and around.

The Secretary stated they would have to hand truck it.

Chairman Rogan stated hand truck it.

Board Member Pierro stated that is not so difficult.

Board Member Montesano stated they are going to have to back down there.

The Secretary stated if it is a beauty salon or yoga, they wouldn't really.

Board Member Montesano stated you have to look at it this way, if this opens up the door, you are going to have a truck backing down, which he is not going to be able, he is either going to have to back in and unload or back out once he is unloaded and he is going to be stuck one way or the other.

Chairman Rogan stated God forbid if an eighteen wheeler pulled in there, he would never get out of there.

Board Member Montesano stated let me put it this way there are more forty and forty-five footers on the road today than ever before.

Chairman Rogan stated all the more reason that it.

Rich Williams stated I am sitting over at the Putnam Lake Fire Department, down on the bottom, right next, the guy backed up an incline like this, squeezing in a space that was just wide enough for that truck, pulling in off of Fairfield Drive, backed it in right up to the liquor store. He was amazing, absolutely amazing.

Board Member Montesano stated how many, we had a ninety-seven year old man that took a forty-five foot motor home and backed it because he drove trucks all his life, the object is that that is fine for now, that is one what about the other twenty guys or the new kid that comes in with the forty-five footer and relocates.

Rich Williams stated there are two points to what I just said, one is that there are incredible drivers that are going to back into insane places and the fact that people will back in no matter what the conditions.

Board Member Pierro stated I thought that the area that I was talking about adjacent to the dumpster would be easy enough to pull in and there is still enough room on the other side of the driveway to back a truck straight up to pull out because there is no parking, if I find my pen, if the driveway is like this, all the parking is here up against the building, that dumpster location is here, if we were to stagger that and maybe take out a fifteen foot strip here and move the dumpster over to here, this could be freed up.

Chairman Rogan stated so you are saying to push back this paved area closer to Old Route 22.

Board Member Pierro stated this way a truck could pull in there and do one of these to get out which may make the problem a little easier and may provide for more parking at night when they are not picking up the dumpster. When they are not unloading trucks, I thought there was enough area and it wouldn't have been to horrible to fill this here and put a driveway whipping around but if that is where the septic is.

Rich Williams stated the big part of the traffic layout on the property is the fact that there is no loop road that is one of the biggest limitations.

Chairman Rogan stated absolutely.

Rich Williams stated if it looped a lot of the problems would go away.

Board Member Pierro stated I don't know if they are willing to put that kind of fill in that would be required.

Rich Williams stated it is the retaining wall, you know they are going to want to use the same type of retaining wall but that retaining wall is now going to have to fifteen or twenty feet high coming around the corner.

Board Member Pierro stated I didn't think it was that high, I was estimating about six foot.

Chairman Rogan stated each block is three foot, and it is like five or six blocks high.

Board Member Pierro stated I looked at the existing because they have piled it up there pretty well, when I looked at the existing contour going around the side of the building I didn't think it was that high.

Rich Williams stated on the top side its not but on the back side it is.

Board Member Montesano stated this side, if he has the money to put the retaining wall down here maybe another ten or fifteen feet and bring it up there and it is going to be just as ugly because it is there and fill all this in.

Board Member Pierro stated for laughs look at that again, just take a look at it.

Board Member Montesano stated I can do that.

Rich Williams stated one of the things I did give everybody in between, after the last meeting was a list that I maintain.

Board Member Pierro stated I reviewed that, personal services.

Rich Williams stated personal services, there are a lot of things that are considered personal services.

Board Member Cook stated didn't we have a discussion about asking the Town Board about separating personal services from retail.

Board Member Montesano stated did we get an answer.

Rich Williams stated well you never actually made a recommendation.

The Secretary stated you guys never actually decided if you wanted to go that route.

Board Member Montesano stated like I said if we are going to lose the building and just have it sit there and watch the county take it over.

Rich Williams stated Mike, the way it is laid out it may not economically work. Something will work there economically, he had an opportunity to rent the whole building, he chose not, he chose to break up into store fronts and if you want to pull the plans out there never should have been store fronts there in the first place. Something will work there, it is just a question of what.

Board Member Pierro stated how long does he have to wait.

Rich Williams stated he may have to wait until he loses it and somebody else buys it and does the right thing. The issue really before the Board is, is it appropriate or is it not appropriate. If it is appropriate then by all means he should be allowed to do it and if it is not, if there are substantial constraints that warrant him not having that use on the site then you really can not do it, that is really the question before the Board.

Board Member Montesano stated probably redesign it, it was approved because of the design for what we said he could do and then he changed it around anyway and nobody said anything about it and let him get away with that one and now he wants the whole ball of wax. We approved a building that basically should have never been approved for that size lot but we did that, so that is secondary, now we have it how far do

we want to go to either work with him or not work with him or tell him these are the restraints you have, work within them.

Board Member Cook stated your letter also says that we have to have a public hearing.

Rich Williams stated yes, he is requesting an amended site plan.

The Secretary stated if you are going to allow it.

Chairman Rogan stated we can deny him without a public hearing.

Board Member Cook stated correct.

The Secretary stated it has been months on the same question.

Board Member Montesano stated we had a public hearing on the original one and I was screaming about the people that lived on the road and then nobody showed up, including the one house that sits right there, they had views and everything else.

The Secretary stated yes or no.

Chairman Rogan stated you know that the yes and no's aren't that easy to decide. Some of them are a lot easier than this. Because you need to be able to quantify your concerns, I know I always say articulate them, but you have to be able to say that we don't believe what you are proposing will work because of traffic, safe loading and unloading whatever the case may be. You have to be able to state that not just say we aren't getting the warm and fuzzies about it.

Board Member Montesano stated I mentioned a couple of times that the original design of the building this is what is was designed for not what you are proposing.

Chairman Rogan stated right.

Board Member Cook stated what was originally approve for is not being used that way now.

Chairman Rogan stated some of it is.

Rich Williams stated yes it is.

Chairman Rogan stated it is being used.

Board Member Montesano stated we changed that use.

Board Member Pierro stated it is not retail, it is not supposed to be retail.

Rich Williams stated it is supposed to be an office building.

Chairman Rogan stated if they had doctors offices in there, dentists office in there, could they do that?

Rich Williams stated this was a glitch within the code that we have since plugged, the original intent was not for doctors offices because that really wasn't considered office space.

Board Member Pierro stated it is more of a retail coming and going.

The Secretary stated customary personal services.

Board Member Cook stated that is professional services.

Chairman Rogan stated which are lumped together right now.

Rich Williams stated if you go into Planning, I don't know how to say it other than that, they define doctors offices not as personal services, it is something different like an accountant is not.

Board Member Cook stated professional services.

Rich Williams stated professional services, with the latest changes to the Zoning Code which you all now have, we have expanded the definitions quite a bit, now we define business offices, professional office, personal services, retail, light manufacturing, there are a whole bunch of new definitions where we define them. If they wanted to put doctors offices in there we might be on real shaky ground to tell him no.

The Secretary stated and that would generate a lot of cars.

Board Member Pierro stated even though there would be a lot more traffic generated and a lot more cars.

Chairman Rogan stated a lot of people, we haven't said that we don't think it will handle the cars and the extra traffic, we haven't really said that, it is the larger vehicles and the trucks the deliveries.

Rich Williams stated if you go back to my memo, I tried to lay out the issues for you so you can say that this is a substantial concern this is why we can't allow it or this is a concern that we have to address or this is not really a concern at all. The issues with site design, there is an issue here with the traffic and traffic patterns and the peak traffic, so that the constant coming and going of traffic, there is enough parking spaces on the site to accommodate almost any use.

Chairman Rogan stated right.

Rich Williams stated but then you get into the issue with a regular office building people are driving in, parking for six or eight hours, driving out, with a retail operation people are driving in and turning over every fifteen minutes, you have adequate parking but you have a constant flow of traffic going in and out and with the addition traffic, the layout in there doesn't necessarily meet that kind of a flow.

Board Member Pierro stated my opinion is that we not permit retail but I don't see a terrible hardship or a terrible impact if we were to allow this, the other type of use, the yoga or the exercise store fronts to be allowed there, as long as we don't allow the whole building to transform at the same time.

The Secretary stated but you still can't control.

Board Member Montesano stated you have no way of knowing, if we allow one in there what is going to prevent them from doing three.

Chairman Rogan stated unless you separate.

The Secretary stated that is what I was getting at unless you separate them.

Rich Williams stated unless you separate it in the Code and listen this is my opinion, I have talked about it with the Town Board, the parking is the same, it is a consumer driven business, they are both the same that way they both have the same sign requirements, there is basically no difference, and the way it is defined in our Code right now, they are both the same use.

Board Member Pierro stated I know that but I think that might be a glitch in the code, the I can't compare it to, if I compared it to any other retail operation in the Town, I could not compare the two. You are talking about a client or a customer coming in and maybe staying five, ten minutes or less, a cup of coffee and a pack of cigarettes and you are out the door.

Rich Williams stated with a retail operation or with personal services.

Board Member Pierro stated as a retail operation over a use that they are proposing, like hour if someone is going to stay there for an hour in the parking, I don't think the impacts are going to be that terrible.

Chairman Rogan stated this will be more like Curves for Women, people don't come and go in five minutes, they are in there for an hour.

Board Member Pierro stated I think if we could find a way to limit the amount or the quantity of that particular use to just those two combine store fronts.

Rich Williams stated let's talk about that for a second that was something that I did not initially miss, I did pick up, that yoga studio may not be a personal service. That maybe a health club, it is an entirely different use all together defined in our Code.

The Secretary stated I thought you said at the last meeting it is still the same issue.

Rich Williams stated there are still a lot of the same issues absolutely.

The Secretary stated so what?

Rich Williams stated I am just saying that we may not be in an area where we need to define this a personal service anymore, it is a health club and that has different issues and certainly would have less of a concern if you were to say put a personal service or retail operation in there because a health club is a health club is a health club.

Board Member Pierro stated right.

Rich Williams stated as you see from the list there are a lot personal services and there are a lot of different types of retail. Defining it as a health club may not have the same over all impact.

Chairman Rogan stated it may not have the same impact because it may not open it up to and we made this point last meeting, if we approve it for a particular personal services we have to consider that we are approving it for all personal services and we were clear on that. So you are saying that it now is accepted that this proposed use is a health club, once we get past that point which is what, I am sure what they are

going to come in with next week, we have to decide whether or not we want to move towards a health club being the two store fronts and the good thing about that is that it is more a pigeon hole then, it doesn't open up a can of worms like many of the other do, so it will be interesting to see what happens. The health club we can all certainly agree does not create the same needs from deliveries as almost any retail. I think from Dave's perspective that would be something he would be able to accept more for that site and again we have determined that can allow a use to go within a certain area of the building, twenty percent of the site. Can we be more specific to the actual twenty percent or just twenty percent of the building.

Rich Williams stated I think if you can establish a reasonable nexus, for example, if there is a specific site improvement that is created through that portion of the building.

Chairman Rogan stated as it relates to the building.

Rich Williams stated then it makes sense.

Chairman Rogan stated in this it probably.

Rich Williams stated in this case I don't know.

Board Member Montesano stated you have a yoga class for arguments sake, if you put it on the upper level, that means any business operation on the lower level is going to hear the music, the noise, children, if any do attend, they are going to have some kind of babysitting service or something of that nature, so you are going to have noise constantly going on.

Board Member Pierro stated that really is not our issue.

Board Member Montesano stated what I am trying to say is that if you are going to try to limit to twenty percent or fifty percent, it has to be the lower half of the building there is something that you can work with.

Board Member Pierro stated I think we can make it flexible enough as Rich says, at this stage of the game if they want to use two buildings to limit that to twenty percent on the upper floor of the building. If that use were to change and the it would remit back to two individual office suites, I would be comfortable with allowing that same health club kind of use on the lower level.

Board Member Montesano stated I am trying to make a distinction that seems to be sensible and reasonable, to keep it from the lower level of the building mainly because of an exercise program the noise, if I have a business downstairs and I am the doctors office down stairs and I am examining a patient, I have to have someone dancing above my head.

Chairman Rogan stated the short of it is that the building may not be build structurally to have weight rooms and weight machines on the upper floor. That might be a moot point.

Board Member Pierro stated they may have to go, I don't think that is our issue now.

Chairman Rogan stated alright, we can move on.

Board Member Pierro stated alright.

**15) NEUBAUER SITE PLAN – Concept Plan**

Chairman Rogan stated Neubauer, is this is a brand new concept Rich.

Rich Williams stated brand new concept, there are other plans in there besides that aerial photo.

Board Member Montesano stated he is going to remove the built in trellis.

Board Member Cook stated can you give me some background.

Rich Williams stated not a lot.

Board Member Pierro stated from the last time we looked at this he had acquired the adjoining lot, Rich.

Rich Williams stated yes.

Board Member Montesano stated when we were out there he had that lot.

Rich Williams stated this is a small retail center over across from Watchtower, across from Berkshire Nursery. He does office supplies, business and office machines. It is a fairly challenged site, it drops off steeply in the back, he has since most recently acquired one or two parcels right next to his existing store and is looking to expand the business onto the adjacent lots.

The Secretary stated parking is fun going in and out of there.

Board Member Pierro stated yes and backing a tractor trailer in here has to be difficult.

Board Member Montesano stated let's put it this way he has been doing it for thirty-five years.

Board Member Pierro stated there are a lot of violations here, there are a lot of problems.

Rich Williams stated there is only one violation out there as far as box trucks being used for storage, he has a shed up on stilts.

Board Member Montesano stated you have the building extended over the trailer, should pull the trailer out and see if it stands.

Board Member Cook stated do the violations go away with approval of the application.

Rich Williams stated it would be surprising of the Planning Board would allow them to stay with Site Plan Approval.

Chairman Rogan stated we would correct them.

Board Member Pierro stated does he have access to Wooded Hills Lane.

The Secretary stated yes.

Board Member Pierro stated this is new.

Rich Williams stated he said he does, this is certainly something he is going to have demonstrate.

Board Member Pierro stated I would much rather.

Chairman Rogan stated that is not primary access though, that looks like it is secondary.

Board Member Montesano stated I remember when a certain person (too many speaking, unable to transcribe).

Board Member Pierro stated yes, truck access that is what concerns me.

Chairman Rogan stated isn't that coming out of Wooded Hills Lane kind of tough though.

The Secretary stated it is a little steep.

Board Member Pierro stated it's steep, take a look at it.

The Secretary stated it has that knoll.

Board Member Montesano stated they will survive.

Chairman Rogan stated so this lot initially was built and approved for what it is currently used for years ago.

Board Member Pierro stated it was a single family house.

Rich Williams stated I can not even tell you when it got converted to an office.

Board Member Montesano stated it had to be a good thirty-five years ago.

Board Member Pierro stated it was like a farm building, it was attached to the farm.

Board Member Montesano stated there was nothing there, he attached things, he just expanded on it, it looked like somebody put a bulb in the ground and kept watering and it kept growing. When we walked out there and I have been in there and walked in the back and then I realized that I was standing on top of the trailer park on an extension, there is nothing supporting it, no wonder it felt funny when we were walking on it.

Chairman Rogan stated so basically Mr. Neubauer is looking to expand his business. This is actually a great opportunity based on what you guys have said about this. I have never really looked at the site except from the road. I know you said the site walk but I don't think I have ever been in it and really don't recall being on it, it must have been early on.

Board Member Pierro stated it was so out in left field when we were out there, with all the stuff in the back.

The Secretary stated it is really tight inside.

Board Member Montesano stated when we walked in there, you had a small building on the end of a larger building which was a shed and he used that and then we made the mistake of walking behind it and that is when you saw the trailer that had sunk in, the tires were still on it, it sunk into the ground.

Rich Williams stated he built it up and there is no way to get that box trailer out of there, you would have to cut it out.

Board Member Montesano stated then cut it up and we can sell the aluminum.

Board Member Pierro stated I will try to take a run down there before the meeting just to get a better idea of that at that time.

The Secretary stated he must be doing a good business still if he wants. It is tight in there.

Board Member Montesano stated he is the only guy that does repairs, everybody else tries to sell you new equipment.

Rich Williams stated and nobody else does big plans.

The Secretary stated he does all our big plans, the copies.

Chairman Rogan stated oh really.

Rich Williams stated he does them for a lot of the engineers.

Chairman Rogan stated really.

Board Member Montesano stated he does the school districts because they have equipment in there.

Chairman Rogan stated I always wondered where they made those copies.

Board Member Pierro stated that is where I go for subdivision maps to make for clients and surveys. He is the only guy that does it.

The Secretary stated because they can do the big plans.

Board Member Montesano stated he came up and wanted me to work for him because I had the old IBM stuff.

Chairman Rogan stated why do we have a contractors' sale document.

The Secretary stated it is from Neubauer, because he just recently acquired the property.

Board Member Montesano stated that is what it was, he had just bought that house next to him and that is when he came in and asked us to come take a look at it for concept that is when we found all that.

The Secretary stated for fill.

Rich Williams stated he was going to fill.

Board Member Montesano stated you also have to look when you go out there and remember, I don't know if he has it on the plans but the trailer park is right there, you roll down that hill and its there. There has to some way to retain the property from rolling down to the trailer park.

Board Member Pierro stated I am going to take this out there and take a ride out there just to familiarize myself with it.

Chairman Rogan stated alright.

#### **16) OTHER BUSINESS**

- a. Kessman Subdivision**
- b. Frantell Site Plan**

Chairman Rogan stated what do we have on Kessman Subdivision?

The Secretary stated an extension.

Board Member Pierro stated an extension.

Rich Williams stated they are both back in, both Kessman and Frantell looking for extension.

Board Member Pierro stated was there one other extension, Frantell that was the other one.

Chairman Rogan stated is there anything else that anyone has questions on or wants to talk about.

Board Member Pierro stated no sir.

Chairman Rogan stated I think the biggest one.

Board Member Cook stated what did you say on this.

#### **14) GREENLANDS DISCUSSION**

Chairman Rogan stated I think the biggest one that we need to go back and look at our minutes on, in my opinion is Greenlands.

The Secretary stated it has been going on a long time and it is the same question. They are eventually going to say.

Board Member Montesano stated we have to make a decision that is acceptable to us and then the Town Board has to come up with something.

The Secretary stated the Town Board doesn't have to come with anything, unless you were going to separate out.

Board Member Montesano stated well this is what, it depends on what decision we make.

The Secretary stated you have the right to approve that percentage space, Greenlands. The only way you need the Town Board is if you are going to separate personal services from retail.

Rich Williams stated that would constitute a change in the Zoning Code.

The Secretary stated it has been the same question and the same, it has been this way for four month, five months maybe.

Chairman Rogan stated although it has been, it's not fair, it has been the same question but we did not have a lot information that we now have, up until last month.

The Secretary stated yes, because Rich provides you site specific information.

Rich Williams stated there are all the construction drawing for Burdick Farms.

Board Member Montesano stated when you need them you can always come here and look at the picture.

Chairman Rogan stated that is one hell of a yuletide log.

Board Member Montesano stated but you can't burn it.

The Secretary stated what a waste of money.

Chairman Rogan stated that is a lot of money right there.

The Secretary stated that is a lot of money.

Board Member Montesano stated and it is all toxic materials so you can't burn it in a fireplace anymore.

Board Member Pierro stated it will burn my chimney.

### **Woodward Zoning Discussion**

Board Member Cook stated what about the zoning for Woodward.

Rich Williams stated this is a parcel that is down by the old Town Hall off of Route 311. In 2003 Ed Heelan, god rest his soul, was still around and we looking, 2002-2003, we were looking at zoning changes, and the Town recognizing that there were certain benefits to commercial and that we have quite a bit of

residential. I was directed to consider any parcel that might be suitable for commercial development. This was one I contacted Orator Woodward and I contacted Ed Heelan and they were excited about the prospect of changing it to commercial. So when we did the 2003 changes we changed it to commercial, shortly there after Ed Heelan came back in, well I want to do a combination of commercial and residential and I informed him that we changed it from residential to commercial and that is when I found out that they didn't want it changed from residential to commercial, they wanted both residential and commercial. Essentially they wanted everything on the property.

Board Member Pierro stated and then he turned down 1.9 million for it, stupid jerk.

Rich Williams stated Orator Woodward, has since been marketing it and claims that he can not market it as commercial, so they came in with a concept to do mini estates out there geared at horse owners, subsequently come in with a concept plan that was prepared by Putnam Engineering that showed the concept. The concept was this, there were four small commercial lots along the frontage they were talking about doing stables at one or two of the small commercial lots right along Route 311, they were going to break off a big piece of the back which is very steep in topography, which really isn't build-able as open space. And then they were going to break the rest of the lot into four acre lots, that was their idea of mini estates. The position of houses, the environmental constraints, the easements they need to put on for drainage, there was only, out of the twelve or fourteen lots, four that would be suitable for having one or two horses on them, most of the land is not suitable for pasture, essentially what he was doing was wooing the Town with a scenario of doing mini estates which, there are some benefits to that and then doing a conventional four acre subdivision with keeping the parcels along the frontage as commercial. The Town Board has asked me to do a couple of memos initially just to do what I thought conceptually at the proposal of the property and then subsequently to review the plan that he did and I think that is the second memo that you have, it goes into detail about the concept plan that they submitted. I think there is some desire on the part of the Town Board to consider changing the zoning to possible do mini estates, but my recommendation to them is if you are going to do something like that to encourage equestrian users, that you want to look at lots of eight to ten acres minimum.

Board Member Cook stated how many acres is the entire site.

Board Member Pierro stated one hundred eighty.

Board Member Cook stated one hundred and eighty acres.

Board Member Pierro stated that is not all usable though, there is some steep slope in the back Rich said.

### **Greenlands Discussion**

Chairman Rogan stated can we, is everyone set on this one. Missy was talking about our options on Greenlands, let's just real quick, for two minutes let's go over what our options clearly are on this and the different ways we can proceed though because I think all of us are a little bit confused about what we can do on this. First option is that we can deny it, their proposal based on it's short comings and outline it's short comings to try to help us, so that when we are sued. Second option is we can approved the proposed use with certain conditions, conditions either being whatever we deem appropriate to meet the needs of the proposal.

Rich Williams stated to mitigate any potential impacts.

Chairman Rogan stated those are the words I was looking for, to mitigate any potential impacts. Third option, where does the Town Board separating out personal services and retail come in, if the proposed use is considered one of those and of we wanted. At one point we were talking about.

Board Member Pierro stated if we don't consider the health club aspect of it.

Chairman Rogan stated this was back when it was the barber shop or a salon when that came up.

Board Member Pierro stated then we would ask the Town to separate personal service.

The Secretary stated if it is a personal service use, which if you consider a yoga studio or a health club.

Chairman Rogan stated that came up more when it was, when the proposal was for a salon.

The Secretary stated the health club just came up the last time around.

Chairman Rogan stated that is why I am talking about it, we go back to when they were proposing a salon, we said well a salon is more of personal services versus retail, do we want to have the Town Board separate the two that is where that thought came up, we are not there anymore because they have changed the proposal, but it is worth to at least talk about because if they were proposing what we deemed a personal services and we were thinking of being more limiting by allowing a personal services or considering allowing a personal services but not retail.

The Secretary stated not retail.

Chairman Rogan stated that is why we were thinking Town Board separate the two so at least then we are keying in on personal services as opposed to all the other retail operations that is not even an option at this point because of the proposal being.

Board Member Pierro stated because they are not applying for that.

Chairman Rogan stated they are applying for the health club.

The Secretary stated you don't know that they are.

Rich Williams stated they have not changed their application for a health club. Having reconsidered the proposed use that they have come up with, this may not be personal services, it maybe more of a health club issue.

The Secretary stated you have to hear what she says because at the end of the meeting she wasn't fully convinced that they were going go for a health club.

Board Member Cook stated a yoga studio.

Chairman Rogan stated let's say for the sake of argument.

The Secretary stated they don't want to ask for a health club.

Chairman Rogan stated for the sake of discussion they come back in next meeting we are going back to the idea of a salon that we first started with personal services. We are back at the point where do we deny it do we approve and then try to get the Town Board to separate the two, I guess what I am trying to do is to get Rich to talk us through what all of our options are on this so at least we have something we can look at.

The Secretary stated you can approve it with the percentage.

Rich Williams stated I can do.

Board Member Cook stated if you go back to the site was approved for office space.

Chairman Rogan stated correct.

Board Member Cook stated that is the on the books approval.

The Secretary stated right.

Rich Williams stated as you pointed out, you can deny it or you can approve it or you can approve it with conditions and when you get into the approval aspect of it you have to define what you are going to approve. You can approve it saying that retail and personal service together are appropriate out on the site you can limit it as far as area. You can say that we think it is appropriate to have personal services on the site but not retail in which case they need to be referred to the Town Board for a Zoning Change. At that point you should be considering a recommendation to the Town Board about why you think those two uses are separate and how should it be addressed.

The Secretary stated the only condition then you are limiting, if you approve it. Say you approve it the only valid condition it the percentage of space, that is the only valid condition.

Rich Williams stated well, yes at this point, that is first one that comes to the top of my head, I am not sure that there might be others. The other issue is that you can then approve it as a different use then permitted within that Zoning District such as a health club.

Board Member Pierro stated can we limit it, can we approve it for a health club and limit it to a maximum of two combine store fronts.

Rich Williams stated you can but I will coach on you this, whatever decision you make when you place a condition or a limitation there has to be a justification for it and you really need to spell that justification out. If you are going to say we are only going to allow this building to have fifty percent as a health club, why are you limiting it. I am not saying that there isn't substantial justification.

Board Member Pierro stated I think there would be but if the whole site were to be converted to a health club if would fit, the whole entire project would fit because I think there is adequate parking for fifty people in there to be working out.

The Secretary stated they don't make it. They don't make it.

Chairman Rogan stated who doesn't make what.

The Secretary stated a lot of the health clubs don't make it. Look at even World Gym up in Pawling is struggling, they go through their ups and downs, they don't make it.

Board Member Pierro stated it is seasonal business. Gold's is doing phenomenal down in Brewster, that one down in Carmel.

Rich Williams stated I want to address something you said before we close this discussion because I would not be surprised if they came back in and asked for a salon. Then your question is what are they really asking for.

The Secretary stated personal services.

Chairman Rogan stated personal services.

The Secretary stated and that is what they are going to stick with.

Rich Williams stated because, I am trying not to do this on the record but it is my belief that it is their intent that they wanted retail from day one and they are going to sue their way to get it one way or another. That is their game plan here, it is not so much that we want this and we want that, we want anything that we want and I think that is the game plan.

Chairman Rogan stated yes, I have from the beginning of this, I have reservations about anything on that site other than what we originally approved because the site is limited. I drive in and out of that place when it is empty and I find it to be cumbersome.

Board Member Pierro stated cumbersome to get out.

Chairman Rogan stated getting in and out onto Old 22, it is not and if we were planning this from the beginning we would not have planned this site at all like this for any amount of traffic.

Board Member Montesano stated let me put it this way, I go in there on occasion, somebody parks on the end with an SUV, it is very awkward trying to get around that first and second spot and there is a handicap spot there and then you go down to the end and you watch some of these people who have been there to that sell me place and back out and all of a sudden they realize that thing is behind them and they slam on the brakes. Now they have to make a U-turn, you put a couple of cars in there, you will have someone sooner or late hit the back of that thing.

Board Member Pierro stated that is my reasoning for pulling that corner out of there with the dumpster and putting that further up, it widens the corner there.

Board Member Montesano stated not even that when you have to back out you have the space between the store front and the rail fence that is there. When you back out with those SUVs, if this guy has an SUV and this guy does, when you pull out they are way out.

Tape and Meeting ended at 9:28, Motion to Adjourn was not on the record.

Board Member Pierro made the Motion to Adjourn.

Board Member Montesano seconded the motion.