

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
*December 29, 2005 WORK SESSION*  
**AGENDA & MINUTES**

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**PLANNING DEPARTMENT**

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

Melissa Brichta  
*Secretary*

Richard Williams  
*Town Planner*

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



**ZONING BOARD OF APPEALS**

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

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Herb Schech, Chairman  
Michael Montesano  
David Pierro  
Shawn Rogan  
Maria Di Salvo

**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Planning Board  
December 29, 2005 Work Session Meeting Minutes**

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

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Rich Williams, Town Planner, and Kozlowski, ECI was present.

Meeting called to order at 7:34 p.m.

**1) WYNDHAM HOMES LOT 28 WETLAND WATERCOURSE PERMIT**

Chairman Schech asked are we finally going to have a public hearing on Wyndham Homes Lot 28.

Rich Williams replied yes.

The Secretary stated I did the notice they got a copy of it.

Board Member Pierro asked is Burdick Farms on the agenda.

Board Member Montesano replied no.

Board Member Pierro stated it goes to the bottom of the pile then. Cingular Wireless when did this come in.

Rich Williams replied the last submission date.

Board Member Pierro asked which was.

Rich Williams stated the memo I just did I just handed you.

Board Member Rogan stated they are on the agenda Dave, number 15.

Board Member Pierro asked when was the last submission date Rich.

Rich Williams asked on Cingular Wireless.

Board Member Pierro replied no for this meeting.

The Secretary stated a week and,

Board Member Rogan stated it would have been a week ago.

The Secretary stated last Tuesday.

Rich Williams asked why.

Board Member Pierro stated just you know last month we had a two page agenda I was just wondering if it may be time to stiffen up the submission date a wee bit so that,

Chairman Schech stated see this that was signed by me on the proper date.

Rich Williams stated I won't touch the agendas anymore.

Board Member Pierro stated it is just my suggestion. Is it time.

The Secretary stated we already did that. We have gone back two weeks and two days and,

Board Member Rogan stated I think Herb's point is that they met the submission date that is why they are on the agenda and that is why he signed it. Is that what you are saying Herb.

Chairman Schech stated yes.

Board Member Pierro stated I know I understand that but what I am suggesting is that maybe we draw back the submission date and make it earlier so that we are not,

Rich Williams stated the issue is that the people are making the submission date that is why they are on the agenda generally.

Board Member Pierro stated yes but if we can change it.

The Secretary stated they are still going to make the date and that puts them on the agenda.

Rich Williams stated they are just going to adjust their schedules to have things in. The problem is especially one engineer in particular they just resubmit whatever they happen to have done at the time whether it is finished or not so I would rather give them as much time and try to find a balance between what we need for time and what they need for time to address the issues in between meetings.

The Secretary stated and it was last year that we backed it up two more days.

Rich Williams stated things are still tight for Gene and I but we seem to be getting pretty much everything done.

**2) KING WETLAND WATERCOURSE PERMIT**

Rich Williams stated there has been no new materials submitted this is a carry over from the last meeting. A public hearing on the wetlands watercourse permit.

Chairman Schech asked so we can have the public hearing on it right.

Rich Williams replied yes.

**3) THE PADDOCK SIGN APPLICATION**

Chairman Schech asked the Paddock that is the restaurant right.

Rich Williams replied that is the former Boomers.

Chairman Schech asked which they were not in the last time.

Rich Williams replied they did not show up last time. I have talked to them in between, I let them know that they were scheduled for this agenda and he said he would be here for this agenda. Anybody that wants to go see what the sign is going to look like just drive by.

Chairman Schech stated the only problem we had was the lighting right.

Rich Williams stated I had raised issues about the lighting that the Board might want to take a look at.

Chairman Schech stated I think we all agreed on that one.

Board Member Montesano stated you can't see. He ought to take it down, take him off the agenda, have him remove the sign and then let him resubmit.

Rich Williams stated Mike; the only thing that I want to bring to your attention is that under Boomers he had been issued a violation. I don't know what ever happened to it but he had been issued a violation for putting that sign up and that sign never came down.

Board Member Montesano stated then it should be resubmitted and he should not be allowed in here if he keeps the sign up.

Board Member Pierro stated I am not for pulling the sign down but I am for having him clear up the previous violation before we react to this one and that we would do as a standard course of conduct in most applications.

Rich Williams stated I could find out from Paul what the status is of that old violation is.

Board Member Pierro stated if the violation is still on going and it is still in court then I think we ought to take it off the agenda based on that.

Rich Williams stated I would like to point out to you though if you take it off the agenda he still has the sign up.

Board Member Pierro stated then we write a new violation don't we.

Chairman Schech stated he still has the sign up.

Board Member Pierro stated if we wrote the first one.

Rich Williams stated and the remedy to the second violation would be for him to come in and get a sign permit, which he is currently doing. It is kind of a catch chasing a stick.

Board Member Montesano stated well that is all right. I don't mind having my tail, chasing around my tail. I think sooner or later we ought to either put the damn laws in or stop wasting time and tell people do what the hell you want and why waste the time coming here and annoy everybody.

Rich Williams stated Mike, I am not trying to get up in your face. I am not trying,

Board Member Montesano stated I am not trying either but it is jus compounding the same crap that we went through on everybody's sign then either take the damn law the hell off the books or don't waste our time having them come in for a sign.

Rich Williams stated and I don't dispute that. I am just saying in this particular instance it is a difficult situation.

Board Member Montesano stated a difficult situation for why, bring it out and let's find out why it is a difficult situation and then amend accordingly.

Rich Williams replied well you have got a meeting with the Town Board you may want to bring it up then.

Board Member Montesano stated but he is here tomorrow or next week before the Board meeting.

Rich Williams stated I will bring it up to him tomorrow.

The Secretary asked what are we doing with this then.

Board Member Montesano stated I am only making a mumbling suggestion. He should not be allowed on the agenda because he still has a violation outstanding, until the court tells us what the hell they did.

Rich Williams stated that is what I am trying to explain to you. If it goes to court, the court is going to suspend the proceeding pending him getting a permit from the Planning Board.

Board Member Montesano stated fine let him go to court and then he can resubmit next month. In the meanwhile, his sign is still up, he ought to be given another violation. The court keeps suspending it sooner or later the court will get tired of watching it too.

Rich Williams stated I will talk to Paul tomorrow about the old violation and suggest to Paul that the Planning Board would like to see a second violation issued.

Chairman Schech stated he has been fairly receptive lately so.

Rich Williams stated listen I am not faulting Paul.

Board Member Montesano stated if it is coming through some place, I would like to find out why we are wasting time with signs. If the court isn't going to uphold the Town Law and say the proceeding should go back and go get your sign and call it even that is fine let the Judge state that and it will have to be on record that is all.

Board Member Pierro stated maybe that is something that we can address with the Town Board when we have a joint meeting.

Board Member Montesano stated we have the joint meeting on the 18<sup>th</sup> that is after this one.

Chairman Schech stated the first thing I think is see where Paul is with the violation.

#### **4) MICKEY & MIA PET BOUTIQUE SIGN APPLICATION**

Rich Williams stated this is a new business that is moving into the Patterson 311 Center where Sauro's Deli is. They have a sign application in.

Chairman Schech asked do we have the sign application.

Rich Williams replied you should I also went out and the memo that I did I took pictures, they came out black and white I do have colored if anybody wants to see them. I have colored pictures of all of Sauro signs.

Board Member Montesano asked they match the color combination.

Rich Williams stated maybe I should go get the color copies.

Board Member Montesano stated all you have to do is say yes or no it doesn't match the Town colors that is all.

Rich Williams stated I don't want to make an opinion.

Board Member Montesano stated what did he get his toes burnt. I thought we would start the year off by ended the old with (unable to hear).

Rich Williams returned with the color pictures for the Board to review.

Board Member Pierro asked are you showing us violations in the existing signs.

Board Member Rogan asked is this considered the Hamlet.

Board Member Montesano stated yes.

Rich Williams stated those are the existing signs that are erected. Dave, I was very clear in my memo and approached my wording just right. I am not looking to create waves.

Board Member Montesano asked they are pre-existing, non-conforming right.

Board Member Pierro stated yes except for Allstate we just approved that.

Rich Williams stated Allstate does have a sign permit.

Board Member Pierro stated this lady, Maria and Joe Capasso and I were having coffee at the deli on a Sunday morning when they were gutting the place and somebody did an ask them question and we told them from day one they we had a sign ordinance and there were specific colors. I don't think the pink is acceptable.

Rich Williams stated I am sure it matches her children.

Board Member Pierro stated excuse me.

Board Member Montesano asked are you trying to say they are Pinkos.

The Secretary stated she was in here with her dogs.

Rich Williams stated she wheels them in in a baby carriage.

The Secretary stated it is cute.

Board Member Pierro asked Dave you said the pink would not go are you referring to the red in the sign.

Board Member Pierro asked is that.

Board Member Rogan stated well it is but what I mean that would be acceptable,

Board Member Montesano stated it is a red it is just that it faded a little bit and became pink.

Board Member Rogan stated that would be acceptable if it was in the colonial red. So, we will have them to do the colonial red.

Board Member Montesano asked is their sign up yet.

The Secretary replied no.

Board Member Montesano stated shucks.

Board Member Pierro stated I am presuming maybe wrongfully so that this came right from the sign company and maybe I am assuming wrongfully that their equipment is pretty up to date and the colors would be correct. I think we are going to wind up with a pink sign there.

Board Member Rogan asked where are the limits of the Hamlet geographically in terms of 311 as we go out.

Rich Williams replied down to NYSEG, the Dutchess County line, the high tension lines, we head down 292 and we pick up Meadowbrook Farms, Sonnet Lane, it cuts back up picks up Shirley Drive, cuts down Cornwall Hill Road it picks up Cornwall Meadows and goes almost straight across to the school and back up.

Board Member Pierro stated I think that is the color of the sign that we are going to wind up with if we approve that in that current fashion unless they come and say that is a hue that lost something in the translation. I think we ought to get them to go a little closer to what everyone else has out there.

Rich Williams stated we are having some problems with JCM Granite with them trying to get the right colors. I suggested to her that they have the sign company contact me direct and I can try to work out, there has to be some way to put some numerical values on the Hamlet colors. I was hoping to get the sign company to do that for us rather than me have to try and figure it out. We have got to get some numerical numbers so we can just say these are the numbers.

Board Member Rogan stated green number 12 type thing.

Board Member Pierro stated I think you can do that if you subscribe to one particular paint company. You have to identify it.

Rich Williams stated if I am doing it with soils okay soils you identify soils based on a specific chroma and hue value. I am sure that all colors have a specific chroma and hue value. I just don't know what they are once I get out of soils.

Board Member Pierro stated it has been my experience that companies have their own numerical value and if we can identify a color or a group of colors by number then put a name on it, this company provides this color and maybe even say and the closest thing in the next company is this.

Rich Williams stated and we have done that the paint chips are hanging up on Melissa's board.

The Secretary stated the problem is we don't know what manufacturers the sign companies even use for their colors.

Rich Williams stated and the paint companies change their colors from year to year.

Board Member Pierro stated that may be what we can ask the paint company to do to put some numbers on it or a group of numbers for various companies.

Rich Williams stated right that is what I was looking for the sign manufacturer to do is to find a way to better identify the colors.

Board Member Pierro stated I can have Bobby Grapp give you a call. He is the sign guy that I use.

Rich Williams stated I know Bobby.

Board Member Pierro stated he is local he may be able to help us with that.

Chairman Schech stated this is difficult since the existing sign don't match anything.

Rich Williams stated yes but eventually those signs are going to change. I do know that there has been some discussion about changing out the freestanding sign at Sauro's to make it look more attractive, all of them getting together to do that. I don't know where it stands.

Board Member Rogan asked I wonder how towns have done it in the past where they have gone through in one sweep like down in Mahopac and changed all the signs. They were existing signs but they changed them all at one time frame whether or not that was subsidized by the Town or whether that was just,

The Secretary stated wasn't that part of the Chamber of Commerce when they over hauled the canopies.

Board Member Pierro stated and there was a lot of grant money for that and I think if you got the funds you had to use or you had to go with the color standards.

Board Member Montesano stated the only time we ever got grant money for the Town of Patterson was George Apap. He got, Chairman Schech stated paint. Board Member Montesano stated paint for every house along 311 and re-did but that goes way back.

Rich Williams stated there is a way to set up your Zoning Code so that you can amortize a particular use or even a sign so that these are the new standards within the Hamlet and everybody has x amount of time to get into compliance then it just comes down to enforcement.

Chairman Schech asked what color are we going to suggest to these people the green and gold.

The Secretary stated if they like the red they can use the colonial red.

Board Member Rogan stated replace the red with the approved red.

Board Member Pierro asked was this lady shown the colors.

The Secretary replied when they get the sign application the regulations are attached.

Board Member Pierro asked with the Hamlet colors.

The Secretary replied it does not show the chips but it states it in there.

Chairman Schech stated so they have green or red background.

Board Member Rogan stated or colonial blue. Colonial blue is what the Allstate sign is right.

Board Member Pierro stated right.

## **5) PUTNAM COUNTY NATIONAL BANK SITE PLAN**

Chairman Schech stated Putnam County National Bank wants a four year extension.

Board Member Pierro asked why two, ninety day extensions Rich.

Rich Williams asked you read Theresa's letter.

Board Member Pierro replied yes.

Rich Williams stated she is confusing a site plan with a subdivision. The subdivision requirements are once you get a conditional approval on a subdivision you have the ability to get two, ninety day extensions and one, hundred and eighty day extension for a total of three hundred and sixty days worth of extensions. This is a site plan, it is not applicable, and I did bring that up in the memo that I did to the Board.

Board Member Pierro stated I have not had a chance to read it yet.

Rich Williams stated you can set it at anything you want. I don't know where they stand with the architecture of the building. I did attend a meeting with Mike McCormick, he was brought on as a Consultant. They had not done anything, they had not reached out to him, they had not resubmitted anything to him so we did have a conversation in Mike's office with Mike McCormick and Mike was going to contact them and see what they can work out with the architecture. That was about three weeks ago with the holidays I have not received anything but probably after next week I am going to try to figure out where all that is again.

Chairman Schech stated so they want six months right.

Board Member Pierro stated I am not happy with six months. I think we ought to give them the ninety day extensions and let them know that we want to see them back here.

Board Member Montesano stated well you give them the ninety days twice and that is when they will come back and then they will ask for their hundred and eighty day extension.

Rich Williams stated let me say this I have also had conversations with the DEP on this issue. You know the site they are proposing a Vortech unit to address, no a storm ceptor to address stormwater runoff out there and I had a conversation with someone from DEP who said they were leaning towards telling them that they should be putting in a sand filter. I think I talked them out of it because God only knows where you are going to put a sand filter in out there but they are stuck with DEP right now.

Chairman Schech asked that is for the waste water off of there.

Rich Williams replied that is the stormwater.

Board Member Montesano stated can't we give them one ninety day extension.

Board Member Pierro stated yes.

Board Member Montesano stated give them the one.

Board Member Pierro stated I would like to just give them the one because I want to know what is going on with the project and what is going on with DEP. I want to be able to ask these people questions when they come in. Hopefully, Theresa will feedback some of that information to the Applicant.

**6) DIPASQUALE WETLANDS WATERCOURSE PERMIT**

Rich Williams stated Ted said he was not sure he was going to make it. He was going to try to come but if he did come he was going to come late and I would like to put this off until the end to see if Ted shows up.

**7) KEASBEY SUBDIVISION**

Rich Williams stated Keasbey Subdivision is back in for a final approval no new material has been submitted.

Chairman Schech asked are they ready.

Rich Williams replied pretty much.

Chairman Schech asked they didn't get Charlie's opening permit did they.

Rich Williams replied no.

Chairman Schech asked did they apply.

Rich Williams replied no.

Board Member Montesano asked now if we approve it, she doesn't apply at all ever, and they start using the property what is our recourse if any.

Rich Williams replied she would then be in violation.

Board Member Montesano stated well that does not mean too much.

Rich Williams stated the issue is that she is doing a subdivision she has an option of either bonding it or doing the improvements so the Board I assume would not sign the Final Subdivision Plat until the improvements were installed. That is generally the way we work it. I think I gave you a resolution at the last meeting if not I will get you a new one.

**8) DUNNING SUBDIVISION**

Rich Williams stated Dunning is back in, he has resubmitted. One of the concerns that Gene and I both had at the last meeting them using a single, temporary, sediment trap for the site. They have not backed off on that at all. There are some issues remaining with some of the easements. We have not actually seen an easement agreement. One of the other issues the Board raised the last time was a conservation easement along 292 they did not address that in any fashion so the Board probably wants to talk with them about that. Other than that there is just some minor clean up issues with stormwater practices and such really nothing major. They still have also to submit bond calculations so we can set a bond for the site.

Board Member Montesano stated so we can discuss that with them coming up.

**9) CIPRIANO SITE PLAN**

Chairman Schech asked which one is Cipriano again.

Board Member Pierro replied Route 22 and,

The Secretary stated the Garden Center.

Rich Williams stated Cipriano and the next two, D'Ottavio and Forest View I have not really had a chance to look at. Gene has provided you memos on all three.

**10) D'OTTAVIO SITE PLAN & FOREST VIEW SITE PLAN**

Chairman Schech asked D'Ottavio you mean he has done some work on D'Ottavio.

Rich Williams replied no I did not say that. I have looked at D'Ottavio and Forest View enough to know that he has not addressed Ted's issues on Forest View and he has not addressed Ted's or my issues as it relates to the stream at all. He has cleaned up some of the other details with regards to the stormwater that Gene has been hounding him on. He got a list of forty items from two years ago and he has addressed maybe fifteen of them so far.

Chairman Schech stated so we can put him off until next time again. He does not seem to understand.

Rich Williams stated no and there is no getting through to him.

Board Member Montesano stated well tell him he can't come on the agenda until he finds out what the progress is.

**11) PATTERSON VILLAGE CONDOMINIUMS**

Chairman Schech asked Patterson Village is putting up some more apartments.

Rich Williams replied no they ran into an issue where they need additional storage for equipment for the waste water treatment plant so they brought a shed in temporarily to store that. I did talk to Ted, Ted actually has been out on the site and does not have a real problem with the shed or the location of the shed except for the fact that he was concerned about the materials that they may be storing in the shed. What they are looking for is just a temporary approval to put the shed there until they get a better site worked out because I guess the need is immediate.

Board Member Montesano asked did they give us any information on what type of shed they are going to use.

Rich Williams replied no.

Chairman Schech asked is it there already.

Rich Williams replied yes.

Chairman Schech stated so we can just take a look at it see how simple that is.

Board Member Montesano stated it is a waste of time.

Rich Williams stated they did not realize that they needed site plan approval and Paul was the one that went out there and found the shed and brought it to their attention that they needed site plan approval.

## 12) NEW LIFE CHRISTIAN CHURCH

Chairman Schech stated Ted said the church was supposed to plant trees.

Rich Williams stated Ted is not very happy. Here is the story, and I did do an explanation of it in the memo. Many, many years ago there was a Jewish Community Center over in Putnam Lake that kind of fell into disrepair, it fell apart and the New Life Christian Church came in, there was also a church close to this and the Rock Church came in and purchased the church, came in got site plan approval, never actually finished the site improvements but got site plan approval and built a new church on the site of the old church, bought two parcels across the street, filled in one of them so that they had a parking area, and then purchased the old Jewish Temple in the early nineties. They were allowed by the then Building Inspector to actually completely rebuild and improve the site and use it for a community center. They never did have any site plan approval by the Planning Board and it has been somewhat of a question as to whether it was a pre-existing, non-conforming that never lost its status or because of its lack of occupancy didn't have an pre-existing status and really needed site plan approval. They want to you know it really was a one story structure, they came in they put a truss roof system in with a building permit and now they want to open up the upstairs and begin to use the upstairs. They want to put a deck on for the door coming out the upstairs and all of a sudden everybody felt that triggered site plan approval or at least some review by the Planning Board so here they are, because of the stream and the wetlands on the site and they are also within a hundred feet of that buffer they need a wetlands watercourse permit for putting the deck on also.

Chairman Schech asked is the deck going to give them handicapped accessibility.

Rich Williams replied I think it might to the upstairs. So, then the question is what kind of review do you want to do on it, do you want to do any review.

Board Member Montesano stated we never did one before I think it is about, we ought to know exactly what is there it would be nice just for the record if not let God pick the thing.

Chairman Schech stated if I remember right that was a basement with a roof on it.

Rich Williams stated right.

Chairman Schech stated a flat roof, they never finished it. There were an awful lot of houses like that, summer houses.

Rich Williams stated to give them their due it is a nice looking building.

Board Member Montesano stated it is better than what was there.

Rich Williams stated but now they have got a bridge and a lawn out back and a blacktop walkway going across the stream.

Board Member Pierro stated there has been no inspections in there by the Building Department at all.

Board Member Rogan stated it sounds like they had building permits from what you were saying.

Rich Williams stated for the roof. Paul did the roof so I am sure that was done. He brought me in pictures where they are completely remodeling the upstairs. There is no building permit for the remodeling upstairs. I don't know that there is one needed. I did go through the Building Department files, I did go through the Assessor's. I always do that when a new application is submitted just as a rule of thumb. I am not picking on this guy.

Board Member Pierro stated no but it is a place of public assembly I think it is incumbent upon us,

Board Member Montesano stated definitely so we are not liable.

Board Member Pierro stated to make sure it is up to snuff.

Rich Williams stated sure and I did let Paul know that I mean he did, he brought me in pictures showing that they are remodeling the upstairs and I did let Paul know.

Board Member Montesano asked but he approved them putting on a roof and the walls were okayed by who.

Rich Williams replied he okayed them putting a truss system in for a roof it was a flat roof. They put a truss system in and a whole new roof.

Board Member Montesano stated but tell me something when you put a truss system in isn't there something that the trusses have to lay on like a wall.

Rich Williams replied yes.

Board Member Montesano stated but he didn't approve the walls just the, what did he think God was going to come and just hold it up.

Rich Williams replied I cannot speak to what the Building Inspector used for criteria because I have no training in building and construction.

Chairman Schech stated well he claims that he does nothing without an engineer stamp so if he had an engineer stamp on it safety issues belong to his side not our side.

Board Member Montesano stated yes but since you live in the Town the taxpayer is going to foot the bill when the lawsuit comes in and the building comes down hopefully by God's hands not the other guys.

Chairman Schech asked is this an active church.

Rich Williams replied yes I don't know how active. I am assuming it is an active church.

Board Member Pierro asked is it on the tax rolls here.

Rich Williams replied I don't believe it is on the tax rolls no.

Board Member Pierro stated so it is probably 501C3 status if they are not paying taxes on it.

### **13) CARMEL AUTO SALES INC SITE PLAN**

Chairman Schech stated okay Carmel Auto Sales.

Rich Williams stated Carmel Auto Sales is really Brewster Honda moving to Patterson at least the service part of the new vehicles. This is the site right next to Empire Tool just south of Empire Tool. It is currently vacant, new growth forest and scrub brush. They are looking to put in a service center and parking for roughly three hundred and thirteen vehicles including employees.

Chairman Schech asked whose the owner of the site do you know.

Board Member Pierro stated Enrico Genovese.

Board Member Montesano asked is anybody getting a new car.

Rich Williams stated I am not.

Board Member Pierro stated I wish I was. I am waiting to speak with Tony on this I may recuse myself on this application because Rico has been my father's personal law client for twenty-five years, he was a close personal friend of mine and I have not seen him in a couple of years but I am going to speak to Anthony about it just to let you guys know. I mean I would love to see the parcel developed into a decent commercial entity for the Town.

Board Member Montesano asked I thought we were not allowed to have automotive things.

Rich Williams replied you are by Special Use Permit. There are some additional requirements that the ZBA is going to have to wrestle with as it relates to the Special Use Permit that they are not complying with. One of the provisions we put into the Code was that you could only have blocks of nine thousand square feet of parking they have to be separated by twenty-foot landscaped islands. Nobody wanted to see a sea of asphalt and that is what they are doing out there is one huge sea of asphalt that is about 80,000 square feet of asphalt.

Board Member Pierro stated they were in, I walked in on a meeting that you had with their design people awhile back and you were discussing that with them, they did not come up with the islands.

Rich Williams stated no.

Board Member Pierro stated they think we were going to waive it.

Rich Williams stated I don't know. They give me an application I review it. They ask me a question I give them an answer.

Board Member Pierro asked whose the engineering firm.

Rich Williams replied Bibbo.

Board Member Montesano asked so we are going to have the Brewster Honda coming into Patterson with the name Carmel Auto Sales.

Rich Williams replied no Carmel Auto Sales owns Brewster Honda whose coming to Patterson.

Board Member Montesano stated so we are going to have Carmel Auto Sales that owns Brewster Honda but they changed the name to Brewster Honda but we can't put Patterson in Patterson we are going to use Carmel because they didn't allow it in Brewster.

Board Member Pierro asked do they even need a sign.

Rich Williams replied no they don't.

Board Member Pierro stated because it would be foolish, I mean it would be good business for them but they are going to have people driving in there saying is this a car lot and it is a prep yard.

Board Member Montesano stated beside the point maybe that is what they are trying to do get an extension from where they are to up here and allowing that sign up there would say hey, if you can't find it down here why don't you come up here and get one up here.

Rich Williams stated Mike they would be absolutely legally permitted to do that to bring Brewster Honda up here and actually I did try to encourage them.

Board Member Montesano stated we have Brewster Plastics too.

Rich Williams stated regardless it is retail sales, Board Member Pierro stated it is big money. Rich Williams stated yes it is commercial business in the Town of Patterson so I did try to encourage them to move up here regardless of the fact that it is Brewster Honda. They do not want a retail operation on the site.

Chairman Schech stated they just want parking.

Rich Williams stated they just want to have a place to service their vehicles.

Board Member Montesano stated this is the same people that were trying to use a certain building, a moving company's area for parking cars at one time.

Rich Williams stated yes at one point they were parking their cars because they did not have enough room.

Board Member Montesano stated now they are going to come legitimately and look for a place to service.

Board Member Pierro asked is it mechanical services or is it new car prep.

Rich Williams replied they represented it as new car prep. I don't know if they are going to be prepping their used cars also.

Board Member Pierro asked is it, I mean there is a big difference between an auto repair facility and a prep facility. Does it fit in the Code if it is either or.

Rich Williams replied yes as long as they get a Special Use Permit. They are also proposing a car wash on the site but they are indicating that they are using a recycling system.

Board Member Pierro asked but is it a public car wash or for them.

Rich Williams replied no it is a private car wash. None of this facility is going to be opened to the general public.

Board Member Pierro stated okay I just want to be clear on those issues because there is bound to be some resentment from the community. I just want a proper answer.

Chairman Schech asked resentment in the community.

Board Member Pierro stated sure blacktop anti's.

Board Member Montesano asked are they going on the open property up there or are they taking over an existing piece of property.

Rich Williams replied there is a vacant parcel south of Empire Tool.

Board Member Pierro stated it is all new growth forest. It is all wooded in the front. They have to clear it.

Rich Williams stated yes.

Board Member Pierro asked do they need to clear that tree line along the roadway.

Rich Williams replied they are proposing to leave a landscaped area un-touched because they don't want the site visible from the road.

Board Member Pierro asked do you have any concerns about watercourses on this particular property.

Rich Williams replied there is no watercourses. There is two wetland issues. There is a small wetland that actually extends to the north on to Empire Tool. They are for the most part staying completely out of the buffer. There is an existing well on the site, which I assume they are going to have to put a water line in to the well to tap into.

Board Member Montesano asked is that the old shopping mall, theater site.

Rich Williams replied yes Juddelson's.

Board Member Montesano stated all right I know where we are going. They are near Lake Charles or whatever the,

Rich Williams replied no you are thinking of Putnam Omni. Juddelson was done in the mid eighties, Rich O'Rourke I think was the Attorney for the Juddelson's they were doing at one time it was retail then it was going to go light industrial they were doing a,

Board Member Montesano stated they were doing the royal run around trying to figure out what they were going to put in there for the market.

Rich Williams stated they actually went so far as to have a full blown plan for re-aligning Old Route 22 right in there and doing serious road improvements.

Board Member Montesano asked isn't the lake from the campground back there.

Rich Williams replied no that is farther down.

Rich Williams stated the other wetlands issue Dave just so you know is across the street from this site there is a DEC regulated wetland so any entrance coming out on to Old Route 22 is within a hundred feet of the buffer of that wetland and of course if it is DEC it is Town regulated.

Board Member Pierro asked where are they proposing the entrance.

Board Member Rogan stated Old 22.

Board Member Pierro stated so that would be right up against Boniello's property.

Rich Williams stated pretty close yes.

Board Member Pierro stated the site distance isn't too bad there.

Chairman Schech stated they are going to do the same thing that Green Tree does. They prep and they service.

Board Member Rogan stated what scares me is that they are already showing that they have bigger ideas of utilizing all the site minus the wetlands because they show a potential for future growth across this site and just like doing a piece meal subdivision it might behoove us to look at the entire use of this see what they have in mind. They are showing us a potential future access to rear property for potential use.

Rich Williams stated I did talk to them a little bit and they didn't know if they wanted to subdivide that piece off and let somebody else do something with it or they themselves do something with it and lease it. They had no intention of using it for their car operation but they did recognize that there was a potential of some other commercial business going in there. My opinion that I gave them that I did not see a subdivision of this site.

Board Member Rogan stated no I don't either.

Rich Williams stated because there is no frontage then but there is perhaps a potential of doing something in the back some small operation.

Board Member Pierro stated we are not talking about a very big building here Rich.

Rich Williams stated no.

Board Member Pierro stated 5,000 square feet foot print. How many parking spaces are we talking about.

Rich Williams replied there are three hundred and thirteen. It was actually two hundred and ninety two for vehicle prep cars and then there were additional parking which brought it up to three hundred and thirteen for the employees.

Chairman Schech asked three hundred and thirteen for employees.

Board Member Rogan stated no total.

Rich Williams stated excluding the driveway we are talking about just under two acres of impervious surface.

Board Member Rogan stated that is a lot right at the crest of a DEC wetland. That is a lot of stormwater not to mention the car wash, which was my initial concern when I saw the plans. I know that they recycle the water but there still has to be a net loss. They still have to lose some of the water and whether or not that goes into their septic system or the stormwater that is contaminated water I imagine. It would have to go to some kind of,

Rich Williams stated I am sure it is not going to go into the stormwater system that would be an elicit discharge. I did in the memo say they needed to provide us additional details about the recycling system.

Board Member Pierro asked where does the spoils of that recycled water get dumped later on.

Rich Williams stated that is what I am saying I don't know.

Board Member Pierro stated I am worried about the solids because a lot of that recycled water comes up with salt and other chemicals. That cleanup I don't want the spoils dumped on the site. I wanted it carted out of there.

Rich Williams stated we are going to have to find out what kind of a system they are proposing and all these questions have to be answered.

Board Member Montesano stated you are going to prep the car that means all the chemicals that are coming off of the new car that they use to maintain the white paper that sticks on it so it doesn't get a hood scratch or body scratch, etc, all the chemicals on there once they wash that off. It is going to be catch basins galore.

Board Member Rogan stated and a facility such as this has to be treated just like any service garage because they have the ability to use the oils and the anti-freeze and such so realistically any type of oil-water separators and whatever type of water treatment facilities that would probably be no different than if they were proposing a commercial repair shop.

Board Member Montesano stated you are going to change the oil, you are going to make sure the anti-freeze is okay. Even in new cars it spills and they have got to be able to catch it and hopefully,

Board Member Pierro stated I think we have to insist on reclamation of the used oils most companies are doing that now they are selling the waste oil.

Board Member Pierro stated my concern about leaving the existing the brush and wooded area on the front of the property on the 22 side not only for exposure but for, Board Member Montesano stated aesthetics. Board Member Pierro stated aesthetics and for collecting water that drains off this site.

Rich Williams stated you have got to understand the way that they are going to have to design this site is everything in that parking area is going to have to drain to the stormwater ponds.

Board Member Pierro stated right and their plan is not to use those stormwater ponds as the area to recycle water from the car wash either right.

Rich Williams stated no. A recycling system within a car wash you have very little water it just constantly runs it back through a filter.

Board Member Pierro stated there is still a lot of sediment. The one that they had at the Mobil station still had a lot of sediment left over.

Board Member Montesano stated well they had a lot of cars coming through.

Rich Williams stated the one at the Mobil station I mean it is washing dirty cars and so there is going to be a lot more sediment than you are going to have from cars coming off of the trailer and they are just going to do a quick wash down on them.

Board Member Montesano stated you know how many times they changed the filter in that system about once a month or every ten million cars. If you went in early in the morning you can get a clean car. If you went in towards the afternoon,

Chairman Schech stated do you know how much chlorine they throw in that water, which is not very good for, metals.

Chairman Schech stated this will be one of our first site walks.

Rich Williams asked first site walks.

Chairman Schech stated one of our first site walks.

Board Member Pierro stated I thought we had a couple that,

Chairman Schech stated left over yes.

Rich Williams stated bottom of the list because it is the winter and we are having trouble getting out there I am throwing them right on the agenda so everybody can see them so we don't lose track.

Board Member Pierro asked can we knock anything off this weekend. Does anybody want to go out.

Chairman Schech stated I think Eastern Jungle Gym, I drove by there six or seven times I do not have to go back there again. I think everyone should just go by. We have been there two or three times for Christ Sake. How many times you want to go there.

Board Member Rogan stated I have looked as I have driven by and to me the site looks,

Chairman Schech stated the same.

Board Member Rogan stated the same but it looked a lot better than when we were there that one time let's put it that way but I haven't actually,

Board Member Montesano stated well that is because we caught them off guard don't forget they didn't know we were coming and they made a mistake because they had all of the inside of the building outside except the inside of the building was awfully crowded it could be the outside too. I could not figure out where they were going to put the inside of the building.

#### **14) CINGULAR WIRELESS/FRYER BUSINESS MACHINES SITE PLAN**

Rich Williams stated Cingular Wireless,

Chairman Schech asked is going to be renting space from Fryer.

Rich Williams replied yes and the Planning Board approved an amendment to the Fryer Site Plan, Cingular Wireless now wants to put an antenna there. The good news for the Planning Board about all this is you are not the Zoning Board of Appeals. I would imagine this is going to create some issues because this is right up against a fairly high density residential area.

Board Member Pierro asked can you see this from your house.

Rich Williams replied you might. I mean I have got the crest of the hill so maybe not.

Board Member Montesano stated do you realize that there is a street back there, right behind that building are residence you are going to now stick a ninety foot tower sitting above them. They went ballistic when they heard a building was going in there.

Chairman Schech asked don't you have a knoll on the back of your house Rich.

Rich Williams replied yes but I don't think I am going to get them the coverage that they would like. They are pretty specific you know if you look at their, they are all concerned about having seamless coverage but if you look at their layout the towers simply go up 22 and the whole rest of the Town we are not interested.

Board Member Montesano asked are you implying that they are only interested in getting those people who are transients through the area to make sure they don't lose their phone service.

Rich Williams replied basically.

Board Member Pierro stated the other alternative is they were testing over at Kessman's as well.

Chairman Schech stated they never tested.

Rich Williams stated that is not an alternative

The Secretary stated it is not an alternative it is an addition.

Rich Williams stated I was also told that they have got one coming in for each of the fire department sites, Patterson Fire Department sites and what was the third one, the PLCC has been looking at one to put one on the edge of the Lake. That will go over good.

Board Member Pierro stated yes what a lovely view while you are sitting in your boat.

Board Member Montesano stated we have to get a hold of that woman lawyer from Woodstock that fought all of them and beat them.

Rich Williams stated I know who you are talking about Laura Zeisel.

Rich Williams stated specific to the Planning Board and the issue at hand I am concerned about where they are locating it and it appears that they are going to severely limit maintenance access into that stormwater pond. I am also concerned that with this MS-4 Program the Town is going to be required to basically retrofit all impervious areas over a twenty year period. We are going to have to do that and we are going to have to require these guys to retrofit them and putting this cell tower on the edge of that stormwater pond may limit what we can do as far as the stormwater retrofit out there. I think it is a very bad location for the site.

Board Member Montesano asked do we have sufficient information to imply that we do not like the location because of that reason.

Rich Williams stated well they certainly have to provide us additional information because their site plan shows the old Fryer building without a stormwater pond. They are not showing the stormwater pond. They are not showing the septic system. There were some significant details absent from their plan so certainly they have to come in with that but I imagine they are going to end up going to the ZBA first and we are going to make sure that this is the best location to provide the best coverage for the residents of the Town of Patterson with the least visual impact. It may be that there is a better site.

Board Member Rogan stated knowing that all these cell towers are coming down the pipe any ideas from the Board as to where if you had to pick sites that would provide coverage where you would want to see them.

Board Member Montesano stated what I want to know and what I would like to see their engineering supply is we have a tower on 22, we have another tower here on 292 what is the problem with hooking up to one of those towers. Most of the excuses are they don't own it and they would have to pay rent well too bad but it would make it easier for us or as Ted likes to call it, the toilet boil brush on the Hutch as soon as you cross 287.

(TAPE ENDED)

Rich Williams stated they actually prefer co-location. They go looking for co-location rather than fight the fights that they have to fight with the towns but there is a couple of different issues. One, is there is multiple carriers and you can only get so many carriers on a tower and the FCC has found this to be an excellent revenue source for them so they are just out there selling licenses as many as they can sell in an area so you are going to have not just two, three or four companies you could have twenty-five licenses issued which means you have got twenty-five carriers and all of them have to provide relatively good coverage so that they can market their product. The second half of the whole issue is that this is all a phased plan. A carrier will come into Town and it will say for the sake of argument to get coverage along Route 22 I need a tower all the way on the south end and I need a tower all the way on the north end and that will get me coverage in between but I can only handle twenty-five poles going through the Town. That is good to start off because I have only got twenty-five phones that I sold in the Town now fifty people buy phones and all of a sudden the two towers can't handle that capacity. They need to now come in and put a third tower in the center of the Town to handle the fifty calls and then they sell a hundred phones now they have to in fill between those three towers so the number of towers that we are going to see in this community is based on the number of cell phones we are going to have in this community and not whether they can get coverage from just two towers within the Town.

Board Member Montesano asked we have high tension wires coming through the Town with huge towers is engineering feasible to your knowledge they can't utilize those.

Rich Williams replied I do not know. I do know that those lines throw off electric magnetic radiation I don't know if that affects I really don't know.

Board Member Montesano stated because I am wondering you don't have to put it directly but if they want to put a tower up put it there where the power lines are now. I don't know what the engineering is. I don't know how much interference that would have.

Board Member Pierro stated but if anything every comes down you take out the power across the State of New York.

Board Member Montesano stated let me put it this way they are taking your right of people to live in a community that they thought would be avoiding these damn things and now they are coming in, they are not doing it out of the goodness of their heart. They don't give a sh - -. They are here for one reason and one reason only to get a profit. The oil company could care less if you only made twenty dollars a week as long as you spend nineteen of it on their product you can drive. Basically, what I am looking at is I don't really want to drive up and down looking at a bunch of stupid towers if we can find some way to control them. They had that whole damn course that day over at the County Office Building one night where we went through this as to why we have as much of a legally right as the Federal Government to say no and prove otherwise.

Rich Williams stated it would be very nice to do what I think Shawn was suggesting that we do and that is to identify where we would like these towers and push the telecommunication companies to go there.

Board Member Pierro stated that could be very expensive too because we would have to then compare where we would like them and their ability to draw a signal. We would have to have an engineer come in and do the testing.

Rich Williams stated and other communities have done that.

The Secretary stated we did it with Putnam Lake didn't we.

Rich Williams stated no.

The Secretary stated we had an RF Engineer we found out there was other places.

Rich Williams stated that was a slightly different thing. The problem with doing that is yes we are setting up a grid for these towers but that does not mean it is going to fit in with towers in adjacent communities and the number of providers and everything else which is why my recommendation always has been to the Town not to do something like that, not to have a law but actually use the authority under a use variance and an area variance which is where we bring the RF Engineers in to actually prove out, make these guys prove out every site that there is no other place that they can go that is going to be less visually impactful or provide us better coverage. We actually beat back the tower at the Sacred Heart Church because not only did we find a better location for it but we found a willing property owner to put it there and God only knows why then Sprint never pursued the tower.

Board Member Montesano stated Sprint as well as the rest of them they all want one thing wherever they want a tower is in the highest point and then they put their ninety feet on top of the highest point or hundred feet or a hundred and fifty feet. The objective is at that seminar that we went to they said there is no need for the tower to be ninety to a hundred and ten feet in the air. You can keep it on the lower end of a mountain so that only the top of the tower clears the mountain and gives the signal out. They would have to allow, maybe they have to put out a more powerful repeater to get that signal out but that is their money. Let them spend it rather than have us looking up and down. When you come up 84 and you are looking up at the top of the mountain now and you see all these stupid towers sitting up there was it necessary because they wanted to cover 84 but they got what they wanted. The idea is that you have an argument legitimately that instead of putting it here, we can put it here and you only see maybe the top thirty feet of the tower and it blends in better with the scenery and it does not disrupt your eye contact with nature. There are ways around it whether that can ever happen I don't know.

Rich Williams stated one of the things that we did with the Sacred Heart Church is we proved out that we could locate a tower half way down on Brown's Mountain which is up near Laura Parker's Equestrian Center and get good coverage from the area that they are looking to cover here and Putnam Lake which this new site cannot cover and put it down on the mountain so it was not visible. We have got those Rf coverage's already that we are going to throw back at them I am sure.

Board Member Montesano stated also there were a lot of parishioners that suddenly found out that the church was putting this huge tower up in their back yards and they didn't like it at all.

Chairman Schech asked so what is the purpose of these people not taking our suggestion where to put the tower.

Rich Williams replied I don't know why Sprint because we proved to them they had to acknowledge that we got better coverage equal or better coverage at this Brown Mountain site and the property owner sent the letter in clearly expressing interest in putting the tower there. The problem then the Town, I mean we had to approve the tower if it came in at that site but Sprint never came back.

Board Member Montesano stated because they would have lost the battle and then it would have been on the record.

Rich Williams stated and honestly Sprint did contact me, they did indicate that they were talking with Laura Parker, I reminded them that we had this other site with a willing property owner and I never heard back from them again. I don't know what their issue is.

## 15) DIPASQUALE WETLANDS WATERCOURSE PERMIT

Rich Williams stated DiPasquale, at the last meeting it came up that there was a possibility that they could move the pool out of the wetland buffer and put it behind the house and there was sufficient area to put it behind the house. I did go back and talk to Paul and what Paul brought to my attention was with the original Planning Board approval with Laura Parker there was a hundred foot bridle path, a hundred foot easement all the way around the perimeter of the property for a bridle path. The bridle path has never really been created and I did pull the agreements that were written by their Attorneys and they are somewhat ambiguous about what you can do and what you can't do. One of the problems that I have is that the house in its current location was not where it was approved on the original subdivision plan so guess where the house is.

Board Member Pierro stated in the bridle path.

Rich Williams stated right. So, from an aerial photo I did this, this is the property line, the red line is actually the bridle path easement and it is still possible to keep that bridle path so you can go through there, put the pool in that hundred foot setback because the house and driveway are clearly already encroaching on that and the lawn area. The only question is what the Board wants to do with it at this point. Whether you are going to say keep it out of the wetland buffer and put it in that area or that area was dedicated for a bridle path.

Board Member Montesano asked what is that big oval shape where the driveway wraps around how big is that area.

Rich Williams replied this it is fairly large.

Board Member Pierro stated that is the front of the house though isn't it.

Board Member Rogan stated yes.

Board Member Montesano stated excuse me, you don't see how much can you see if you put trees across except for where the driveway is of course.

Rich Williams asked are you suggesting putting the pool there.

Board Member Montesano stated put the pool there.

Rich Williams stated it is in front of the house it is not permitted by zoning.

Board Member Montesano stated so he built a house where he wasn't supposed to. He will have to go in and appeal to Zoning to get his pool in.

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

Chairman Schech stated it looks like sh - - when you put a pool in front of the house.

Board Member Pierro stated somebody shows up half in the bag one night, they drive their car right into the pool.

Board Member Montesano stated the thing I am saying is the guy went ahead and put a house where he was not supposed to now what are you going to do. Are you going to bring it around, or give him the right to put the pool in the alleged bridle path but there was a right of way that we created for this purpose and the developer comes in and puts the house right in there.

Chairman Schech asked can the bridle path go around the pool.

Rich Williams replied yes there is still enough room to ride a horse.

Board Member Pierro stated the buffer that we are talking about is already disturbed it is lawn at this point so it is not like we are going to ruin a vegetated wetland by riding horses through it. It has already got a lawn.

Board Member Rogan asked Mike, do you remember the discussions that occurred in reference to the bridle path easement what you guys were trying to accomplish with that.

Board Member Montesano replied to be perfectly honest with you no.

Board Member Rogan stated maybe we can look at that and see,

Rich Williams stated well I can tell you because I was all a part of that. They were looking at creating a hundred foot setback around the whole perimeter of the property. It was going to remain undisturbed that people would be able to ride their horses around the perimeter. I distinctly remember the conversation because I was not in favor of it because a good section of it went through a wetland and you were basically encouraging a horse trail going through a wetland. Having said that when it all came out on the subdivision plat and the easement documents I went back and took another look it really wasn't clear. What I am proposing to do if the Board is okay with doing that putting it in that area what I am going to do is I am going to pull it all together so you guys have it and let the Attorneys take a look at it and then we can take it to the next level but I didn't want to spend a lot of time on this so the Board could come in and say no we don't want it in the bridle path.

Board Member Rogan asked is the area delineated between the property line and this red line that is the hundred foot you are saying.

Rich Williams stated yes.

Board Member Rogan asked could that be used as a means from getting from one property to another property or is this just a dead end.

Rich Williams replied no it goes all the way around through all the properties.

Board Member Rogan stated okay but we don't have the left or the right side of this property so it is hard to tell what use that path is through that area. In other words does it connect to other private parcels that also have a path going through them.

Rich Williams replied it goes all the way out to East Branch Road.

Board Member Rogan stated okay so it goes here and down through.

Rich Williams stated right and then it goes all the way behind Laura Parker's barn, around Laura Parker's barn, down past the other two.

Board Member Montesano asked would it be easier to detour that around the driveway on this side of the house if it is going to interfere where the pool is.

Rich Williams replied the easement is the easement. It is where it is at this point. The only question is whether the pool is going to significantly obstruct it and whether it still can be used for its intended purpose.

Board Member Pierro stated but they don't have to use the easement. If they guy gives them permission to go across his front lawn so be it.

Board Member Montesano stated you approve an easement, we are always talking about the legal ease involved, and we approved an easement, it said for arguments sake it is twenty minutes that is where we approved it.

Board Member Pierro stated he has got to know that he is going to be near the you know. He has to be made aware of that.

Board Member Montesano stated now that easement that easement cannot be vaulted by the homeowner to say I am not going to disrupt.

Rich Williams stated I mean everybody that owns property in this subdivision is a party to that easement. The easement was not approved by the Board per say it was created by the property owner and it was shown on the subdivision plat and the Town has no right to go in and enforce that easement but the individual property owners have a right to enforce it against each other.

Board Member Montesano stated okay what I am saying is,

Board Member Pierro stated the house is in the easement correct.

Rich Williams stated it looks like it yes.

Board Member Montesano stated the object is if I say I am not going to prohibit you from crossing my property but I would like to have the easement moved from point 'a' to point 'c' can I legally do that as the property owner without interfering with going to court, etc, etc.

Board Member Rogan stated good question.

Board Member Montesano stated I am not denying you the use of an easement I am just going to tell you,

Board Member Rogan stated modifying it.

Board Member Montesano stated I am just going to tell you you have to use it here.

Rich Williams stated all the individuals that are benefited by the easement and that are a party of it would have to agree to the change but they can change it.

Board Member Montesano stated I know we ran into that once where the developer came in on a project the people had the right of way and their right of way according to them was right down the middle of the property, split the property in half. The guy said no I am putting a building here and we went back and forth with the lawyers the gentleman came in and said I am not going to deny an easement. I am not arguing that you don't have the right to cross my property. I am telling you that once we start developing the property you are going to have to go this way.

Rich Williams stated yes but that was O'Hara versus Giaquinto, it was across Giaquinto's property and the easement was a right to cross the property. There was no set area in the easement. This there is a set area.

Board Member Rogan asked Rich, you said that the easement was a little bit vague or ambiguous the way it was written, was it written to not allow each property owner to do anything within that hundred foot easement.

Board Member Rogan stated because it may be the way it was written that a pool within that easement is allowed but there still allowing access through.

Rich Williams stated to be honest with you the way it was written I could not tell you if it was meant to allow horses in it or keep them out.

Board Member Rogan stated so I guess what I am saying is that having a pool in this area may in fact not hurt the easement at all because there is a wooded strip that runs through there.

Rich Williams stated right.

Board Member Rogan stated it may be that having that pool in there is a non-event.

Chairman Schech stated let's tell him put the pool in there but first get your Attorney's approval on what to do with the easement.

Rich Williams stated I think if you bring the Attorney's in any Attorney is going to be overly conservative.

Chairman Schech stated on this property how can you the whole thing is screwed up. This is one of those things that will never go away, this Laura Parker and friends.

Board Member Pierro stated at least get his neighbor's to sign off that he is putting a pool or his house was misplaced and he is blocking the easement.

Board Member Montesano stated if we are going to get off the hook he has got to get an approval from every person that has a right to use that easement.

Board Member Pierro stated that might be the way to do it

The Secretary stated isn't it that it is either a wetland permit or not though and it would not matter.

Rich Williams stated let's bring this back though to where we are. He has got a pending wetlands application the issue before the Board is are you going to approve that wetlands application or deny it because you believe he has a reasonable alternative.

Board Member Rogan stated so the reality is we don't get caught up in that if we tell him he has a reasonable alternative.

Rich Williams stated right and then it is up to him.

Board Member Rogan stated he can seek that reasonable alternative or he can seek a wetlands permit.

Rich Williams stated and that is up to him whether he wants to get permission from the property owners or he wants to address it.

Board Member Montesano stated as long as we are not going to be held liable for it.

Board Member Rogan stated us telling him to do it outside the wetlands and not needing a permit does not make it necessarily make it approvable where he wants to do it that is up to his own,

Board Member Pierro stated very well said.

Board Member Montesano stated as long as we are not going to be liable for anything we are off the hook that is the main thing.

Chairman Schech stated Ted is not coming I take it.

Rich Williams replied I guess not.

## **16) SITE WALKS**

Board Member Pierro stated I will get over and take a look at Eastern Jungle Gym.

Rich Williams stated I am not going to be around for the next two weekends I will tell you that.

Chairman Schech stated they don't have to be done immediately, bad weather.

Board Member Rogan asked this Merlotto one, wasn't that the one that we have been hanging on for quite a long time though.

The Secretary stated yes but he has not responded I think.

Rich Williams stated I said you need to give us a sketch showing where you are going to put the fill, (too many talking at same time unable to transcribe).

Chairman Schech asked is that one bringing it from Brewster.

Rich Williams replied I don't know where he is bringing it from.

Chairman Schech stated I would say that anything that comes from Southeast forget it because that is all contaminated down there anyway.

Board Member Pierro made a motion to adjourn the meeting. Board Member Montesano seconded the motion. All in favor and meeting adjourned at 8:52 p.m.