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**Planning Board
October 28, 2010 Work Session Meeting Minutes**

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



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

The meeting began at 7:30 p.m.

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

Chairman Rogan stated unless anyone has objection I would jump right to item 6 C under Other Business, Local Laws, Fox Run Phase II because we have representation here and I'm assuming we are talking about the traffic study...

6) OTHER BUSINESS

c. Local Law - Fox Run Phase II

Mr. Robert Marvin of Marvin and Marvin, Mr. Joe Zarecki of Zarecki & Associates and Mr. Phil Grealy were present.

Mr. Marvin stated yea, I mean the last time I was before...

Chairman Rogan stated need your name for the record.

Mr. Marvin stated oh I'm sorry, Bob Marvin, I'm the attorney representing RC Enterprises which owns the site.

Chairman Rogan stated thank you.

Mr. Marvin stated and I think that and according to my notes the last time I was before this, the Planning Board was the meeting on the first of July of this year and we were discussing further that application that we have pending before the Town Board to change the zoning here and the issue that was the primary focus

of discussion, my recollection at that meeting was concern about potential traffic issues at and around the site that we are proposing to change the zoning for and so subsequent to that meeting my client retained the services of Mr. Grealy here who is a traffic consultant and he prepared a study and I believe it's been, I got it to your Secretary, I assume it's been distributed to you folks for review and just now Mr. Williams the Planner handed us a memo of some comments which I haven't actually had a chance to read but...

Chairman Rogan stated sure.

Mr. Marvin stated you know Mr. Grealy is here and he is prepared to answer questions or whatever, we also, I know there is a full meeting as opposed the workshop meeting next week where we can be there.

Chairman Rogan stated well since you have a comment letter from the, our engineering firm, it might be possible to have some kind of response ready to those comments by next week.

Mr. Grealy stated absolutely, they are pretty straight forward.

Chairman Rogan stated I mean obviously we won't have a chance to, at the meeting maybe we can go through some of those items because...

Mr. Grealy stated absolutely.

Chairman Rogan stated um I haven't had a chance to really go through them, we just got that today as well...

Mr. Marvin stated okay.

Chairman Rogan stated but maybe what you can do sir is talk us through the finer points of the study and what you found without obviously getting to exhaustive.

Mr. Grealy stated okay, basically just to real briefly what we started with was looking at existing conditions, looking at the existing Fox Run driveway we were initially retained in August to work on the project, so we did some counts in August just to get a feel, we went back in September to do additional counts you know with school in session, et cetera. So we looked at a few of the intersections, Fox Run/Bullet Hole Road, Ice Pond/Bullet Hole Road, I just noticed there are some comments here asking about other intersections but I will kind of explain why we kind of focused on those. Looking at the Fox Run access really is to see number one what is it generating today in terms of traffic, number two is what is the distribution of people coming to and leaving Fox Run and roughly distribution wise it's between 75-80% heading back towards Fair Street, which kind of makes sense and 20-25% depending on what peak hour heading to the east on Bullet Hole Road, in terms, and you see pretty same pattern morning and afternoon, not a lot of difference, maybe a variation of 5% one way or the other. Morning rush hour I think really somewhere around, we basically counted from around 6:45 to 9:15 and I think the peak was, you know if you look anytime from about 6:45 right up to about 8:15, probably the highest in terms of commuter traffic, bus traffic, whatever miscellaneous traffic in the morning. In the afternoon rush hour, pretty much like 4:30 on to about 6:00, 6:15 is pretty consistent probably I think in our study we had actually the highest time period was 5:15 to 6:15 was the actually p.m. peak. In terms of volumes on that section of road, again in round numbers to the west of Fox Run on Bullet Hole Road heading back you know under [Interstate] 84, in the morning you have roughly 100 vehicles, total both directions in an hour, that is a one hour period and in the afternoon it's about 150, on the section of Bullet Hole Road to the east of Fox Run, you know because you're having significant movement in and out of the development, that

number drops down to about 60 vehicles in the morning and about 90 in the afternoon, plus or minus and that would include anybody turning out of Fox Run but the reason why it's lower is you have a lot of the traffic coming from the west going into Fox Run. So that was the first thing we did was to establish what those numbers are, we also looked back at some historical counts that we had over the last 10 years along Bullet Hole Road just to see if anything as really changed significantly and if patterns change and again we found nothing really drastically different. In terms of the site traffic for the proposed use, the proposal is for an active adult development, 48 units, we use the IT trip generations rates to compute the peak hour numbers and typically active adult in terms of peak hours is a little bit lower than just a normal unrestricted age community because what happens is even though people may still be working of course over 55, they tend to be able to juggle their hours a little bit differently, so if you look at the peak hours, the trip generation is typically a little bit lower than a normal multi-family condominium type unit plus you don't have, you know as many school kids typically at that age. In terms of what we analyzed again in round numbers, you're looking at about, at 48 units, peak generation somewhere around 25 to 30 vehicles total in an hour that would be generated by that number of units. We looked at and I think it's in table 1 in our report, we looked at active adult trip generation rates and then trip generation rates based i.e. we're not too far off from what we counted at the existing Fox Run...

Chairman Rogan stated can I ask when you said 40 units...

Mr. Grealy stated 48...

Chairman Rogan stated 48 units, is that 48 bedroom units or 48 units, they are all 2 bedroom, so how many bedrooms...

Mr. Grealy stated total dwelling units, I forget the breakdown of the bedrooms, I'd have to go back and get the information...

Chairman Rogan stated okay because that is pretty important obviously.

Mr. Grealy stated it breaks down, I forget what the mix was of 2 and 1 bedrooms there when we did the calculations but you know looking at 48 dwelling units because and the reason we looked at dwelling units is the way the IT database is set up, it is based on dwelling units most of which are 2 bedroom units in that database. So, again we looked at it both ways and we ended up looking at the higher generation in terms of looking at what potential impacts would be so, again if you take 80% of say 30 trips, if you're looking at somewhere in the order of 24 trips per hour being added to the section of Bullet Hole Road, west of Fox Run and the east of the entrance there, you would looking at roughly 6 trips you know in that order of magnitude of new trips that would be added there. Then we look at what is called an intersection capacity analysis which really just looks at turning routes and the ability of people to enter on to the roadway, based on that the intersections we looked, Ice Pond at the access and Tammany [Hall Road] you know from a turning movement standpoint, so capacity issues there are other issues in terms of site distance along that road, at the entrance to the project which would be via the existing entrance to Fox Run we made a series of recommendations some which are as simple as new pavement striping, double yellow lines because it's a wide entrance and it's a little bit of a free for all there very easily covered with striping. I thought we had recommended a stop sign also but that is one of the comments that your consultant had was to put a stop sign in, it's really bad. We also had recommended some vegetative clearing along Bullet Hole Road just to improve sight line as you're coming up to that entrance and also some signing, you know intersection ahead signing, typically manual uniform traffic control signing that was not found out there when we did our field inspection. At this time of the year the vegetative clearing may not look as bad because you're starting to lose leaves et cetera but in the summertime and fall and spring, you know we think it's important

that that be done and be clear to provide good sight distance at the intersection, that's pretty much what we covered in the study and we wanted to get a feel for you know, what the generation was, what the distribution was and what that would relate to. In just going through you comments, the comments we received tonight, pretty straight forward from Maser's comments, they just wanted to provide the days of the turning movement counts, easy enough, I think the dates are mentioned in the report but we'll get the actual days of the week et cetera. Applicant should provide a stop sign at the Fox Lane approach, no problem, 3, discusses capacity at Tammany Hall Road and Bullet Hole Road, there is not mention of the counts conducted, we will provide that. Item 4, in reviewing figure 2 of 3, it appears that most of the turning movements on Bullet Hole Road occur at McManus Road, please explain why this road was not included as directly connects to [Route 311], I think that the traffic movements that we saw at McManus Road were really generated by McManus Road, so I think that comment really isn't correct but in any event we can address that, the traffic that we saw entering in and out of McManus was just the houses that are along that roadway and in fact I think it says McManus connected to 311 and I don't think...

Rich Williams stated it doesn't.

Mr. Grealy stated you have 2 sections of McManus but it doesn't connect through so yea, item 5, figure 3 westbound through moving that site driveway should indicate 49 not 43 vehicles, we'll check it but that's no problem, oh the volume is correct in the subsequent figure, so what I think what happened there probably was when we did the first counts were in the summer, was the lower number and we may not have adjusted the existing figure when we did the new counts but it was carried through in the other figures. Applicant has not provided the distribution figure, please provide for the, I believe they are figure 6 and 7 in our report show the distributions but we will get a clarification if necessary, uh yea, figure 6 and 7 show arrival distributions and departure distributions and again that is where we are showing the 80/20% at the driveway and I'll talk to them just see, they may be looking for a clarification. Number 8, number 7, the distribution shows no traffic turning on to McManus, okay we already talked about that. Number 8, in accordance with the volume figure 8, most of the site generated traffic is coming to and from the west, please explain why no intersection to the west along Bullet Hole Road were studied, um we can study those, we were looking at really to see what operation occurred, most of the traffic from this site and most of the traffic that is on that section of Bullet Hole Road end up out at Fair Street, so...

Rich Williams stated and I think that was the key intersection, is Fair Street and Bullet Hole Road.

Mr. Grealy stated okay, I mean so that's one we can look at if the Board wants us to look at that...

Board Member Taylor stated I think you should look at Bullet Hole and [Route] 164 also.

Mr. Grealy stated Bullet Hole and 164, okay.

Board Member Taylor stated because you're dumping on to those 2 roads which are the way to go primarily, there is not much traffic going on Ice Pond, if there.

Rich Williams stated just so you know with traffic analysis, if you've got Ice Pond and Bullet Hole, you can usually extrapolate out the traffic as it goes out from there.

Mr. Grealy stated the reason we didn't go any further to the north is because of that distribution split that I talked about, you're talking about by the time it splits 4 or 5 vehicles in an hour that would end further to the east along that roadway, at Fair Street, as I indicated before, you're looking at probably 20 to probably

at least 25 vehicles an hour that would end up at Fair Street and Bullet Hole Road, so you would added to the turning movements there, so I think that is a logical one to look at it...

Chairman Rogan stated more and more people are realizing the Tammany Hall cut-through to get over to the highway and that is being used, I'm amazed because I travel that everyday that is a pretty popular road. I see more people using that coming from Fox Run than going to Ice Pond of course...

Mr. Grealy stated yea, that is where the break off is, so of that 20%, most of it actually disappears before you even get up to Ice Pond...

Chairman Rogan stated and most people don't even take it all the way to 312, where you think they would cut through the Ace Endico, the private, past Unilock and go down through there...

Mr. Grealy stated this is pretty much what you're talking about.

Chairman Rogan stated yup.

Mr. Grealy stated so this would be the intersection, again here is Fox Run, the site we are talking about would tie in roughly in that area, this is Bullet Hole Road at Fair Street so you can kind of, where you have the channelized intersection and this is pretty much the distance that we are talking about from the site out to that intersection and then Tammany and then Ice Pond and that is pretty much the lay of the land.

Chairman Rogan stated I think, I mean obviously it's good to know what the existing conditions are current today, you know 6 months ago let's say and what the anticipation is of what you're contemplating, 48 units et cetera, I think what this Board needs to do and we've discussed this in the past is take into account any existing approvals that also impact on the road, any that we have before us that are far along, like Ice Pond Estates and any undeveloped property with what the existing zoning would allow, if were built out, i.e. if we have a 40 acre parcel in the R-4 zone, you know contemplating what the building out of that property would be as well because what you guys are contemplating at this point is a change in zoning, you're looking for something other than what current zoning shows and my feeling is if we were to say we agree with you, we're going to let you go ahead with 48 units, we are changing the zoning back to multi-family and then in the future we looked at a subdivision that was rightfully zoned for a residential and said well no the traffic on the road is too great and they are going to say it's because you gave Fox Run a by when it wasn't even zoned for it, so I think some of this we need to contemplate the protection of the existing rural undeveloped properties for what they are currently zoned and I think that is only fair to consider those aspects. We've talked about it, we need to do that Town wide actually, its not just for this project but I think in making a determination you know our Board has discussed many times what would the existing zoning allow out there, you know if we were to build it out with single family homes, what would that number be, what would that impact be, let me put it that way and extrapolate out from there...

Mr. Grealy stated I guess the question and I can't remember the numbers off of the top my head in terms of, what was the single family count...

Chairman Rogan stated it was never proven out, I think that's the real...

Mr. Greeley stated the site engineer gave me number that he thought was...

Chairman Rogan stated 10 houses probably, something like that.

Mr. Zarecki stated it was between 8 and 12 depending on how it was laid out.

Mr. Grealy stated so we can just show the generation comparison...

Chairman Rogan stated so I mean I think where this Board is going is you know, the intent is, if it were built out based on what you could, not bulk but just dividing out the area by 4 acres but what would really fit out there and work for all of the laws, whatever that bedroom count is, that is what are looking as being a similar impact if it turned out to be 8 four bedroom homes, you got 32 bedrooms, if you are going 1 bedroom units that 32 units, if you're doing 2 bedroom units, it might only be 16 units. I'm not saying, I'm just saying that there is a thought process there that we need to consider.

Mr. Grealy stated the only thing in terms of bedrooms like for sewage and things like that and the other utilities, bedroom comparison is the way to do it, in terms of trip generation, the single family trip generation is higher and typically because you are talking 3 or 4 bedrooms in a single family versus the multi-family which is, probably on average closer to a 2 bedroom, you know you'll have a few 1 bedrooms, you know in some developments maybe you'll have 3 bedrooms but I think if you want to do it on the type of unit comparison...

Chairman Rogan stated I think we are going to contemplate that because I don't think you've sold, we need to discuss that further, not for tonight but...

Mr. Grealy stated the reason I'm saying that is because all the published data that is there does not base it on bedrooms, it bases it on the type of unit that it is...

Chairman Rogan stated I'm saying that is something we'll need our professionals to verify and to weigh in on...

Mr. Grealy stated I mean we could probably do a calculation but what I'm saying is the database doesn't have that when you do the comparison, it is typically the type of unit versus, single family versus townhouse versus apartment versus active adult.

Board Member Cook stated Rich...

Rich Williams stated yes sir.

Board Member Cook stated could you print out for the Board a copy of what Shawn is talking about relative to the roadway and the undeveloped so we can look at that, so we have a visual like because (inaudible) is very large...

Chairman Rogan stated pull out maybe the map that shows the parcels and we can pull out the ones that are vacant, we know what the zoning is, we can overlay that, we can start working towards seeing what the potential is...

Rich Williams stated do you want me to do an analysis for you.

Board Member Cook stated no, just want a picture of the roadway, Bullet Hole Road...

Chairman Rogan stated let's take a tax map representation of that area...

Rich Williams stated okay.

Chairman Rogan stated and pull out the vacant parcels with their zoning class...

Rich Williams stated right.

Chairman Rogan stated and look at their, let's just start doing, let's look at them lot by lot and just try to get a sense, I don't want you to do all the work is the point we want to look collectively at as a Board and try to determine what the build out of the road would be.

Rich Williams stated I appreciate what you're saying but you know there is a lot detail that goes into that, identifying where the wetlands are, identifying what the acreages are...

Chairman Rogan stated understood but we and I'm not trying to belittle that but we have the wetland maps, you have overlays right...

Rich Williams stated yea...

Chairman Rogan stated so you can pull out that, we have, we know it says right on the tax parcel what the acreage is, we can, even if we gave everybody the benefit of the doubt, even if we were very restrictive or very open and said hey it's a ten acre parcel we're not seeing any wetlands, a ten acre parcel we might get 2 lots, it's 4 acre zone, you're not going to get 3, you start to do some just common sense things that say hey if everything works great this is what the build out of this road is and this is what the future potential is because again my feeling is that when you, if you are going to contemplate changing someone's zoning, you have to protect the people who can rightfully build within zoning that they have been paying taxes on all these years.

Rich Williams stated I understand but to come up with maps at an adequate scale for the Board to sit there and start picking apart and looking at is probably more work for me than actually giving you a small scale map and giving you a table saying these are the parcels, identifying where the parcels, identifying the acreage, identifying what acreage might be wetlands and limiting your development than a simple map...

Chairman Rogan stated okay, well whatever...

Board Member Cook stated what's ever easier.

Chairman Rogan stated whatever comes up easier that we can feel, obviously all feel comfortable with that we are contemplating what 15, 20, 30 years from now, you know...

Rich Williams stated you have a particular idea in the back of your head about the area we're talking about, you're looking about...

Chairman Rogan stated one end to the other where Bullet Hole and then the feeder areas that we would contemplate that would add to the congestion to the roads we are contemplating with this.

Rich Williams stated Tammany Hall going over to Holmes Road...

Chairman Rogan stated yup.

Rich Williams stated and halfway down Ice Pond...

Chairman Rogan stated you know, we know what we got on Ice Pond right now, there isn't a whole lot else, we have some other parcels but you know, the good thing is a lot of the Ice Pond traffic we are assuming is going to go away from Bullet Hole because it probably going to go the highway. Most of the traffic, people going to work is going to be, you know heading towards Brewster no towards but anyway, that's what I think we need to do as a Board, I'm not putting that on you...

Mr. Grealy stated I think Rich, if you could also just give me the, what's approved, the unit counts...

Rich Williams stated what's a approved oh...

Mr. Grealy stated in the area that is already either pending approval or approved not yet built so we can add that in also...

Rich Williams stated sure.

Mr. Grealy stated I think that's one of the items the Chairman mentioned.

Rich Williams stated you know there's lots approved but there are no subdivisions approved at this point other than what was it...

Chairman Rogan stated what's the one off of Fair Street that we have the wetlands permit to get to the back, it borders Kent.

The Secretary stated Pond View.

Chairman Rogan stated Pond View.

Rich Williams stated Pond View, you want that included.

Chairman Rogan stated well no I'm wondering if he's not thinking about that because that's, to me that's not going to...

Rich Williams stated that's over off of Fair Street, you want it off of Fair Street...

Mr. Grealy stated I think if you're talking about a few lots, the growth that we have in here, the volume on Fair Street is...

Rich Williams stated 50 lots.

Mr. Grealy stated oh is it, okay, if you can give me the location, I can talk to you...

Chairman Rogan stated it's within a mile.

Mr. Grealy stated I think if I talk to you I can get a handle on this.

Board Member Montesano stated especially it's right by the intersection.

Chairman Rogan stated let me ask this of the Board, does it make sense to do, to pick this project and to do a and I am being arbitrary at this point right now, to pick a 1 mile circle around it, a one mile, so you're getting more than 1 square mile but does it make sense to do a mile and a half, a half mile, is there any reasoning, rather than doing it linear along a roadway to do...

Board Member Taylor stated I think it makes sense to do it linear.

Chairman Rogan stated linear, just along the roadway.

Rich Williams stated that's the way I would...

Board Member Taylor stated unless you think your radius is going to connect into that road...

Chairman Rogan stated well yea...

Board Member Taylor stated which it probably won't in this case, you're not going to run another road in there, you've got no place to put a road, is there...

Rich Williams stated yea, I would draw an arbitrary circle, what I'd do is I would look at the area, look at the road network and see the contributing areas, you know.

Chairman Rogan stated to lay it out on the table, just so we're not spinning each other wheels here, I think my feeling what we've heard over the last 8 months from the Board is that if you were to say as we just said before, this is what would be approvable under the R-4 zone, there probably isn't a person here that wouldn't support a change in zoning to support the same density as that, you're going to have to have fight and prove to us for anything more than that and I think that's what we've kind of said in the past and that is where we are struggling, that we are going to have prove that anything above that density that is currently allowed, would be the way to do, would be the benefit to the Town especially given all the things that we've put on the record with the existing condition and concerns with Fox Run, okay, you guys have anything else for this tonight.

Mr. Grealy stated I guess just if there's any other particular questions, Rich is there anything on the books for Bullet Hole and Fair [Street], I know years ago we looked at that for the County...

Rich Williams stated as far as improvements...

Mr. Grealy stated yea.

Rich Williams stated no.

Mr. Grealy stated the County was, I'll talk to the County about it.

Rich Williams stated it's a County road but I'm not aware of anything.

Mr. Grealy stated because at one time they were looking at whether they should try to key it up, do away with the channelization...

Rich Williams stated you know we are all under struggling budgets as you know and so I doubt it...

Chairman Rogan stated we also had the project that came and went very quick unfortunately because of Mr. Tresch passing but we had remember, we had that multi-family property we had site walked across from Bullet Hole on Fair Street, so that is something, I think that is close enough to this where I think that should be considered...

Rich Williams stated what they wanted to do out there was also a re-zoning if you remember.

Chairman Rogan stated I don't, no.

Rich Williams stated they wanted to re-zone it to multi-family housing, we ultimately put it in the overlay zone but we can take a look at it.

Chairman Rogan stated okay.

Board Member Taylor stated could you explain this table to me a little more, table 2...

Mr. Grealy stated yea.

Board Member Taylor stated are the A's the grades of the intersection.

Mr. Grealy stated those are the grades for the turning movements at the intersections...

Board Member Taylor stated okay.

Mr. Grealy stated the capacity manual, what it does is it computes the average delays for vehicles making turns off of side roads.

Board Member Taylor stated I understand that, so you're talking about A through F, these grades here, all right...

Mr. Grealy stated right, those would be your typically delays...

Board Member Taylor stated yes...

Mr. Grealy stated for example if you come out of Fox Run in the morning, you don't have, I mean you have less than a 10 second delay because the through volume is relatively light, as that volume goes up, as we add in other potential developments those are going to change but it gives you in order of magnitude increase and in this case because the addition that would be added at the driveway intersection, you can see those levels, they are pretty much the same, you may see some increases in the, hence...

Board Member Taylor stated I understand that, I was just unclear in your notation on the table, okay.

Chairman Rogan stated I just realized the other thing that I wanted to bring up on this was, even though we didn't sign off and ultimately approve the 32 lot subdivision for Burdick Farms, we had some roadway improvements that were contemplated as part of that approval based on that density, based on even the 32 lots and I think we should at least consider wherever we end up with this in a comparative manner, in other words if it was a 32 lot subdivision that had X number of intensity and this is half of that, we might be looking at minor improvements, other than say a stop sign because obviously if we had gone through the

due diligence and found out that based on those impacts certain improvements were required a lot of this traffic is going down the same road...

Rich Williams stated right well that...

Mr. Grealy stated I think most of those Burdick Farm improvements were tied into the intersection in terms of the access...

Rich Williams stated exactly.

Chairman Rogan stated okay well then that's what I'm asking...

Mr. Grealy stated I don't remember but it was to make the access to the project work, I believe.

Rich Williams stated right and deficiencies in the geometry of the road in that general area, probably not related, not relevant to this, however you may want to take a harder look at this intersection to see if similar geometric deficiencies are...

Chairman Rogan stated understood.

Rich Williams stated existing in the road that need to be addressed.

Chairman Rogan stated I remember a few of the improvements for Burdick Farms, they were also within properties that they have control over...

Rich Williams stated correct.

Chairman Rogan stated for instance going down past...

Mr. Grealy stated it was a re-alignment...

Chairman Rogan stated re-alignments and also straightening out some curves that had a certain yaw factor, if I remember correct, is the way they put it and um...

Mr. Grealy stated they are elevated the wrong way...

Chairman Rogan stated yea and so, anyway I'm just bringing that up so we should at least make sure we evaluate all of these things. Anybody have anything else on this, thank you gentlemen for your time, appreciate it.

Mr. Grealy stated thank you very much.

Chairman Rogan stated okay, again, unless anybody has an objection I would like to move to 6 A Boniello Site Plan for discussion, we're kind of jumping around the agenda but I think it's...

Mr. Marvin stated Mr. Chairman will we be on next week for further discussion.

Chairman Rogan stated sure, you're on, you're on, sure and we would look for, I think what would be appropriate is if you could respond in writing to the comments that Maser had...

Rich Williams stated absolutely.

Chairman Rogan stated so we have a written record of the response, other than what you said tonight.

Mr. Grealy stated absolutely.

Mr. Marvin stated thanks.

Mr. Grealy stated we'll get started on those new intersections, the intersection of Bullet Hole and Fair Street, we can get that data collected so we can move ahead.

Chairman Rogan stated thank you gentlemen, have a great evening.

Mr. Grealy stated want us to move these chairs back out.

Chairman Rogan stated want to open a set of plans here.

Board Member Montesano stated gee, we could have gotten guys autograph...

Chairman Rogan stated Dr. Phil's autograph.

Board Member Montesano stated he's a PA...

a. Boniello Site Plan

Misters Anthony and Michael Boniello were present.

Chairman Rogan stated we lost Charlie...

Board Member Montesano stated he could have gone back to (inaudible), all right.

Chairman Rogan stated yea, we'll just wait for Charlie to get back in here for a second.

Anthony Boniello stated I hope that's not a big mess.

Chairman Rogan stated I'm sorry.

Anthony Boniello stated (inaudible).

Chairman Rogan stated let's give Charlie a second to come back in so we don't have to say it twice, great.

Board Member Montesano stated have you spoken to the man up here.

Anthony Boniello stated well we had a little bit of a problem with the previous owner...

Chairman Rogan stated you know what, let's just for the sake of argument, let's stick with your site plan for now, we can talk about that at some other time.

Board Member Montesano stated okay.

Chairman Rogan stated okay so we have Michael and Anthony Boniello in tonight for the site plan review, the Board may recall that at the last meeting we had said we wanted to kind of work towards wrapping up the outstanding issues that we had identified those being the handicap access ramp and the parking that would service that, the patio at the front of the building that needs to be shown on the plans, that was constructed the building, building number 2 being shown properly on the map and then there is an issue with the signage that needs to be corrected so let's look at those issues. I met with Mr. Boniello after our meeting a month ago, we tried to look at alternatives to the existing ramp that was shown off of the access way, this is off [Route] 22, we originally had a ramp that I remember when we were originally discussing it the Board wasn't too crazy about because it is already fairly narrow here when the drive aisle is, we had originally 2 handicap parking spots to the southern side of the drive aisle and then the ramp was somewhere in this area on the south side of the building. If you recall the Board said that there might be an opportunity to put a handicap ramp to the back of the building, it looks like Mr. Boniello's technical staff was able to find a spot to put it to the north side of the building which would I'm assuming access the restaurant where the service area is, so that obviously, please understand we're doing this in concept, it needs to go through a review of our technical staff but we are looking at still having 2 parking spaces which was originally contemplated here which I was never crazy about because then those spots would be backing back into the drive aisle to get out, we've got the existing patio shown, this is something that Rich and Andrew will have to take a look at but I know there was a grading issue, I didn't quite understand that fully but bottom line is there was an issue that showed, you called it a bump in grade in essence, an issue where the grading wasn't properly shown for what existed and so they are trying to show that now because that has impacts for the build out of the site.

Anthony Boniello stated that's what (inaudible) this wall was never, there was a wall but not, we put, what's that 2 feet Mike...

Chairman Rogan stated 2 foot and Rich I think one of your comments was the existing wall certainly in an area and it shows it here what's existing versus where the building is going and some of the construction activities.

Rich Williams stated it was in an area where there was scheduled to be some parking I believe and it impacted how the parking was going to layout, whether you could even have parking there.

Anthony Boniello stated well when I discussed with my brother when you look at this, look at the first plan we had the ramp going here where you guys suggested and the ramp being in this building because it needed to be in there. We you know eventually thought about this side and I think this is the best side to go, right Mike, the north side because if we build that ramp out we're going to have like no room here so we moved the parking spot, I guess right, east...

Chairman Rogan stated yea, the back of the building here, closest to the ramp.

Anthony Boniello stated the back of the building.

Chairman Rogan stated Ted the question we would have is the existing, you have a fence on that side of the building, there is a propane tank currently...

Anthony Boniello stated yes but that can be altered...

Chairman Rogan stated it's, obviously we have a wetland issue here, this is already, there is a fence there, this is all within an area that is already fenced in, so it's not, would you have any problem the ramp being shown there, it will be about 3 or 4 foot off the building.

Ted Kozlowski stated no it's all, it's all developed, it's all lawn, it's all...

Chairman Rogan stated okay.

Ted Kozlowski stated it's in the buffer, I mean...

Chairman Rogan stated yea but...

Ted Kozlowski stated the whole place is in the buffer.

Anthony Boniello stated but you see the jog out here, I thought we were going to start at the corner of the property but he couldn't make the grade here so it will come out like...

Chairman Rogan stated okay, so they are going to come up here and do a dog leg up just to gain a little bit of elevation because the slope on a handicap ramp is what 1 inch on a foot...

Rich Williams stated 1 in 12.

Chairman Rogan stated so if you've got to come up 3 foot, you're looking at a 36 foot ramp just there alone, it's quite a ways and there is pretty good grade on that side between your first floor elevation, so you've got quite a bit to make up.

Rich Williams stated there are some limits, just so you know there are also limits as far as the length of the ramp before you have to have a landing area, I don't foresee that to be a real big issue here but you should be aware that there is that requirement.

Anthony Boniello stated there's 2 here now, there's one in the corner...

Chairman Rogan stated and then one at the top.

Anthony Boniello stated and one at the top and if we have to put another one, we'll put another one.

Chairman Rogan stated you wouldn't want it.

Rich Williams stated we'll take a look at it.

Chairman Rogan stated you wouldn't want it because that would extend your ramp because that level area isn't gaining any elevation, I remember having that issue with Clover Lake remember we were on the outside, we talked about that, now as I understand it, the issue with the sign was we wanted to be moved off of the State right of way, correct.

Rich Williams stated the only issue, well it has to be off the State right of way certainly but I thought it was, I don't recall it ever being shown in the State right of way, the whole issue with the sign was the size of the sign...

Chairman Rogan stated right, no that I realize but and I think there is a whole separate way to possibly go about solving that problem, not actually through this Board but I want to make sure we that we nail down what we all collectively agreed were the issues so we can kind of start to review this and move forward with it. The bottom line is if he shows the sign in an adequate location at, what they are showing is 25 square feet or less, we are good with that, we can approve that, keeping the sign the way it exists today can't be done through our Board but it certainly can be done through a process with the Zoning Board through a special use permit for a local retail center and some waivers that would need to be given for some requirements, correct...

Rich Williams stated correct or alternatively he can do an area variance just for the sign...

Chairman Rogan stated okay which would probably just be an easier thing to approach.

Rich Williams stated I believe it's slightly cheaper yea.

Chairman Rogan stated so there are alternatives there, go ahead please.

Board Member Cook stated so for what we've been asking Mr. Boniellos is...

Chairman Rogan stated Boniellos.

Board Member Cook stated is on here...

Chairman Rogan stated it seems to be.

Board Member Cook stated it seems to be.

Chairman Rogan stated yea you know obviously...

Board Member Cook stated and we just need to have Andrew...

Chairman Rogan stated we have to have Andrew...

Board Member Cook stated and Rich look at it and go from there.

Chairman Rogan stated yea.

Board Member Taylor stated what about the parking, you're going to lose some space, I see you're missing 1 and 2 now...

Anthony Boniello stated we put it...

Board Member Taylor stated but you didn't remember.

Chairman Rogan stated I think...

Board Member Taylor stated how many spaces are you supposed to have.

Chairman Rogan stated do you remember how many, does anybody have the old plan because there were spaces shown there and we had 2 here, again I wouldn't want to replace those...

Board Member Taylor stated that's where 1 and 2 are.

Chairman Rogan stated probably but I think we also had, we for this kind of operation we felt like we had enough parking out there...

Board Member Cook stated I think we agreed that with the moving of the 2 handicap spots that there was still sufficient, I think that the handicaps were over and 1 and 2 were over here...

Chairman Rogan stated yea, you're never going to have this many people, I mean you have employees and such...

Board Member Taylor stated are we going to have to do a waiver on these, there's going to need to be a waiver on parking.

Chairman Rogan stated only if it doesn't meet the requirement based on the site, correct, if they say you need 35 spots and we're showing 30...

Rich Williams stated right, that's one of the things we'll take a look at when we review the plans, what's required, what's needed and what's being provided.

Board Member Cook stated I think that probably that these 2 should be relabeled 1 and 2, I noticed that too.

Board Member Taylor stated that would help.

Chairman Rogan stated right, that's very minor, so I mean I think where we're at now is we need to have the hard review done of the changes and make sure that everybody's because it, I mean I'm comfortable with the changes...

Board Member Taylor stated but those belong to this building.

Chairman Rogan stated yea.

Board Taylor stated but they are part of the total parking or is this dead end...

Anthony Boniello stated this is one parcel.

Board Member Taylor stated is this dead end in here...

Chairman Rogan stated yes.

Anthony Boniello stated yes.

Chairman Rogan stated so they're not walking from these spots over to this building, they are walking from these spots to this building per se.

Board Member Taylor stated but that is where 1 and 2 is in terms of numbering.

Chairman Rogan stated yea.

Anthony Boniello stated that's a good point.

Board Member Taylor stated but that doesn't get counted into your parking count right since it's only for this building.

Chairman Rogan stated no, it...

Rich Williams stated it does because...

Board Member Taylor stated oh it does.

Rich Williams stated there are 2 parking spaces that are required for the residential building...

Board Member Taylor stated okay.

Chairman Rogan stated okay.

Anthony Boniello stated okay so it's a...

Rich Williams stated and that figures on the overall site.

Board Member Taylor stated okay.

Chairman Rogan stated okay.

Board Member Taylor stated all right then everything fine then.

Chairman Rogan stated great so then Joel's people did their work, sounds good, I mean I realize you're not building this next month or maybe even next year but you know if we have everything...

Anthony Boniello stated see that's one of the things that me and my brother, you know the ramp we can start pretty quickly you know with the way times are now, this is going to cost us a half a million dollars to put up...

Chairman Rogan stated sure, sure.

Anthony Boniello stated do you want to do it, absolutely but do we have the money, no or do we want to do it...

Chairman Rogan stated Rich, can you remind me and the Board the procedural, after we approve a site plan, I'm thinking back now even to like Steve D'Ottavio and these commercial site plans that we approve, how the renewal process works and...

Rich Williams stated they have a year in which to pull a building permit and then depending on the amount of work that they do, if they do any work, you know that vests their rights if they don't do anything then as the building permit expires, the site plan expires um but the difference is between a site plan and a

subdivision is that a subdivision you have a year you have to do it, you're done, with a site plan the Board has the ability to you know extend the site plan and...

Chairman Rogan stated to what effect through, how, just basically...

Rich Williams stated well that's a very good question because you've got Louie Pescatore Frantell coming back in for another extension...

Chairman Rogan stated he's been quite a few now, it's been years.

Rich Williams stated I think you approved it in 2004.

Chairman Rogan stated okay, that answers my questions.

Anthony Boniello stated oh so shit I've got like 5 years.

Rich Williams stated uhh you're on tape.

Anthony Boniello stated I'm sorry.

Chairman Rogan stated it's all right.

Anthony Boniello stated Shawn, you should have told me that.

Chairman Rogan stated I'm holding the thing here, I'm saying Mr. Boniello for the record...

Anthony Boniello stated oh.

Chairman Rogan stated we're going to, please let the record show that we are going to put a call into Michelle and have her clean up the language...

Board Member Montesano stated clean up the language.

Chairman Rogan stated no, anyway...

Michael Boniello stated so in the first year you get a foundation in...

Chairman Rogan stated not even...

Michael Boniello stated is that...

Rich Williams stated well, yea, I mean at that point you have a building permit as long as you stay in compliance with your building permit then the site plan is going to be valid, if you lose your building permit, it expires you don't renew it, then you automatically lose your site plan as well...

Anthony Boniello stated my biggest fear with the project, Ted I'm sure you can tell me is if the New York State regulates it and say hey listen this is not going to work, he hasn't built anything, can they actually stop the project...

Chairman Rogan stated you mean can they step in while you have a current approval...

Anthony Boniello stated yea.

Chairman Rogan stated but you just haven't started construction, can they change all the rules on you.

Anthony Boniello stated can they say okay, yes...

Rich Williams stated let's back up, when you say New York State do you mean DOT...

Anthony Boniello stated DE...

Chairman Rogan stated he's talking wetlands.

Anthony Boniello stated wetlands.

Rich Williams stated DEC, do you have a permit on this project from the DEC...

Anthony Boniello stated I don't know I guess I should ask you.

Rich Williams stated no, so there is nothing for them to withdraw or change now if they come in and change their regulations...

Anthony Boniello stated change it...

Rich Williams stated and make this a DEC wetland which I don't, it's not a DEC wetland right...

Ted Kozlowski stated he's 100 feet from a DEC wetland.

Chairman Rogan stated across the street, right here yea.

Rich Williams stated right but that, there is where I was going with the driveway improvements but the rest of it is not a DEC wetland so you don't have a permit.

Ted Kozlowski stated that's DEP 8 or one of them and anything within a hundred feet you should get some clarification from them, the reality I doubt very much they would say no, especially in these times.

Rich Williams stated we were very careful in the driveway improvements and not doing any new driveway improvements within a hundred feet of that wetland so...

Anthony Boniello stated yea.

Chairman Rogan stated right.

Rich Williams stated so everything is out of the buffer area...

Anthony Boniello stated okay.

Ted Kozlowski stated yea, I mean you always run that risk I mean DEP, DEC but it's an existing business there and I doubt very much that DEC is going to, I'll go on record they don't do much so...

Chairman Rogan stated it's true.

Ted Kozlowski stated they really don't.

Anthony Boniello stated okay so if this (inaudible).

Ted Kozlowski stated but don't...

Anthony Boniello stated go ahead...

Ted Kozlowski stated but Anthony I want to clear about something here, I can't speak for DEC...

Anthony Boniello stated yes.

Ted Kozlowski stated okay or DEP so whatever they say or do has nothing to do with this Town, this Board, me, anyone that's, they call their own shots.

Chairman Rogan stated I would also think though that would be a great question for your legal counsel to say hey if we have approvals from the Town and they come in 4 years from now, we haven't put shovel to ground but we have the current approvals that we can start any time and they oh we've changed the rules now, you're SOL. I would think that is something that you would want to get an opinion from your legal counsel.

Anthony Boniello stated I would imagine in 2 or 3 years we'll start...

Chairman Rogan stated well let's hope the economy turns and you guys are doing real well next year...

Ted Kozlowski stated you know Anthony the other thing just, I'm just looking at all the sides here, if you do go for a DEC permit, there is a chance they may all of a sudden call this DEC wetland.

Anthony Boniello stated that's, that was my question, you know.

Ted Kozlowski stated so.

Anthony Boniello stated if they...

Board Member Montesano stated are you going to do this ramp.

Anthony Boniello stated yes.

Chairman Rogan stated you mean when is he going to do it, is your question.

Anthony Boniello stated am I on tape.

Chairman Rogan stated yes, when is he going to do it, you mean.

Board Member Montesano stated are you going to do this soon, is what I'm asking...

Anthony Boniello stated if you guys want it done...

Board Member Montesano stated no, I ain't worried about it, you've got to worry about your wife.

Anthony Boniello stated I was hoping.

Chairman Rogan stated no, no, he, my feeling is this is a site plan improvement and it's part that, that ramp is no different than this building right, so...

Board Member Montesano stated I realize that but what I'm saying is if he pulls a permit to put that ramp in does that start process where he's putting in the time to get the permit.

Chairman Rogan stated oh.

Anthony Boniello stated I don't think so, it shouldn't, it's part of this.

Chairman Rogan stated the building permit is, he's because you're saying pull a building permit...

Board Member Montesano stated if he pulls a building permit to put that ramp in, you're going to need a building permit am I correct in that...

Rich Williams stated all right let's back up to the process, he gets a condition approval on the site plan...

Board Member Montesano stated right, okay...

Rich Williams stated he has to meet those conditions, you sign the site plan, now he's got an approved site plan, he's got a year in which to pull a building permit and start construction...

Chairman Rogan stated but Mike's question is does the ramp in and of itself, if he says Nick, I'm just going to build the ramp I need a permit for that, that is not the permit you're talking about, you're talking about for the major improvements or is one permit for the whole site.

Rich Williams stated he should not do an improvements on the site without a building permit and without an approved site plan.

Board Member Montesano stated he has an approved site plan...

Chairman Rogan stated I understand your question Mike.

Board Member Montesano stated we approve it, now he comes along and says he can't do the building right now so we let that lay but I am going to do the ramp so we can get the hot dogs...

Rich Williams stated right.

Board Member Montesano stated is that step one in the process.

Rich Williams stated well that is certainly step one in the process, if you're asking the question does it vest rights for the rest of the building...

Chairman Rogan stated that's I think what he's asking.

Rich Williams stated it is a very gray area, we have always viewed it conservatively that okay he's doing construction on the site slowly because we don't want to stop anybody from developing their property...

Anthony Boniello stated I will be perfectly honest with everybody in this room, this is not going to be done soon but I didn't want to do no ramp...

Chairman Rogan stated understood.

Anthony Boniello stated when we did this building they wanted that ramp in there which I said okay, if we can get away with it we can but if we can't...

Board Member Montesano stated okay.

Chairman Rogan stated and the other part Anthony is that for you to do this building you have to knock down the other stuff, so you guys have to be, you can't say well we're thinking we're going to do the building we're not sure, we're going to start because you're losing the business out of your other building so when you guys do this it's got to guns blazing go and crank it out and have that thing up in six months...

Anthony Boniello stated well...

Chairman Rogan stated all you have is you, you don't have is your workshops, all you have is your retail...

Anthony Boniello stated oh jeez, now I've been mislead then from my understanding was that this building was going to be up until this building is completely done...

Chairman Rogan stated maybe so but look at your parking.

Rich Williams stated you need to take a look at it, there was a whole sequence...

Chairman Rogan stated construction sequencing...

Rich Williams stated because we had talked about that during the process about are you going to close your business down, you said no, I don't want to close my business, so with this...

Anthony Boniello stated I thought I was going to be able to operate my business while this is going up.

Rich Williams stated right I believe that is the way we laid it out...

Anthony Boniello stated yes.

Rich Williams stated there is a whole sequence of construction that lays out, when the buildings have to come down as the new building is coming up.

Anthony Boniello stated obviously this has to come down for the big one...

Chairman Rogan stated yea but the concern that I would have and I'm not against you on this but the concern I would have is, I understand operating your business while you're building that but if this takes a year and a half, now you're blocking off everything from forward, you have no parking up front, no approved parking...

Anthony Boniello stated when we decide to do this...

Chairman Rogan stated you have to do this because it's money either way, all right, so it sounds like we're all on the same page.

Anthony Boniello stated no, we are definitely, this shouldn't take us more than 6, 8 months to put up, done, when we decide to do it, okay...

Chairman Rogan stated yea.

Anthony Boniello stated when we do it, okay we're going to put it, we got the funding, let's do it.

Chairman Rogan stated it's cheaper to put it up fast.

Anthony Boniello stated you're not going to see 2 1/2 , 3 years putting the building up, that's not going to happen.

Chairman Rogan stated not only that the liability of having people in and out of your yard for business and having a construction site, you know you have to have it all fenced off, like what they're doing out here. All right, it sounds like we're all on the same pages, how many copies were you able to bring.

Anthony Boniello stated there better be 9 there.

Chairman Rogan stated oh awesome, okay, at least we can get some review started on these changes and then we'll go from there but everybody on the same page on this, Tommy's not here but we're going to get him his copy for next meeting, next week.

Anthony Boniello stated for the bond, send this to Rich this is um about the site for the bond...

Rich Williams stated okay.

Anthony Boniello stated is that okay, that's just for the...

Rich Williams stated there are a couple things that are missing from your...

Anthony Boniello stated okay.

Rich Williams stated top soiling, top soil stock pile, seeding, mulch, well you've got hay bales...

Anthony Boniello stated so should I work on that, you got a pen, you didn't bring a pen...

Michael Boniello stated I don't have a pen.

Rich Williams stated you want me to hold on to the...

Anthony Boniello stated (inaudible).

Rich Williams stated you want me to hold on to this and give you the punch list of what's missing.

Anthony Boniello stated could you do that for me and fax it to my brother's office.

Board Member Montesano stated you can always tell an Anthony.

Rich Williams stated fax number.

Anthony Boniello recited his fax number.

Board Member Montesano stated it's your number, how come he knows it so well.

Anthony Boniello stated Mike B.

Rich Williams stated I can actually spell your last name.

Chairman Rogan stated all right.

Anthony Boniello stated we're all set.

Chairman Rogan stated we're all set and I can't imagine that there is no reason for these guys to come in next week this was the point of this, right, we've got the plans, we can take a look at them all right.

Anthony Boniello stated so somebody will get back to me, I can call Joel...

Chairman Rogan stated what we'll do is if there is anything that needs to be done, we're going to generate a memo on it, Joel will, you guys will get a copy but it will get sent to Joel also.

Rich Williams stated so you don't want this reviewed for next week.

Chairman Rogan stated it doesn't have to be reviewed for next week, it needs to be reviewed but we're not going to you know, it's not imperative that it get reviewed for next week, we have to make sure the other items for next weeks agenda are done first obviously and you know, giving you a little bit of leeway here...

Rich Williams stated okay.

Board Member Montesano stated you're starting to spoil him now.

Chairman Rogan stated in fact, especially since we were just, they were just saying we don't want any review memos the night of, they're giving you all the information you need. All right thank you guys, appreciate it, we're going to keep all these, we're going to give all these to Michelle.

Anthony Boniello stated thank you, we'll put them back.

Chairman Rogan stated all right, let's start out at the beginning.

Rich Williams stated I want to talk to you about this before we leave, later off the record.

Chairman Rogan stated all right.

1) DOUG WALLACE – Wetlands/Watercourse Permit Public Hearing

Chairman Rogan stated oaky Doug Wallace, we have a public hearing coming up, anything anybody has on that right now.

Board Member Taylor stated I think we should talk about the pricing a little bit...

Chairman Rogan stated okay.

Rich Williams stated the Board had asked me to do a work up of what I thought, what I did was an average wetland and then kind of qualified for what I thought should have been the expenses related to this particular application, I did a break down so you can take a look at each one.

Board Member Taylor stated so you did an average based on the number of items per meeting...

Rich Williams stated correct.

Board Member Taylor stated and figured out per item that way, what the cost would be.

Rich Williams stated correct.

Board Member Taylor stated I was wondering if we could do it by an hour, as an hourly since items tend to vary which you pointed out.

Rich Williams stated I thought about doing it that way but you know again, how long does it take you know but I certainly could do the breakdown by minutes or you know 10 minute, 15 minutes increments and just one little caveat in all this, you know I established the value of 56.45 per meeting just remember that you have 2 meeting back to back.

Board Member Taylor stated so you doubled that. Now what about attorney's fees, how do they figure in on meetings, you left out Ted and...

Rich Williams stated I left out Ted because I don't, I don't know what his expense are, I left out Andrew because again if you know it varies somewhat, I could come up with a number if you wanted that but with wetland fees we charge the attorney is not really supposed to be involved in most wetland applications because we don't collect that kind of money for it, he doesn't do professional plan reviews, there are exceptions such as Birch Hill...

Board Member Taylor stated no I understand that but he's sitting in the meeting, he's get paid for sitting in the meeting...

Rich Williams stated correct.

Board Member Taylor stated so I just figure if we are doing an average per unit, even if he's not consulted, although we do consult him on just, he should be, it should go back to the thing that the Board is not giving us more money to enforce so it seems like we should look at it what it really costs us to do these things to see if we can recover the costs from that but that is the (inaudible).

Rich Williams stated but that's what I'm saying though, let the train go by. You know there was a and Shawn will attest to this, there was a lot of debate this year about the engineers and sitting at the meeting and how we need to charge that back you know and what's the appropriate mechanism for billing them and not billing them and nobody had a real good feel about how that should be done or how we're doing it now but essentially when the engineer is sitting at the meeting right now for items that he's not really involved in, say a site plan or a subdivision, we are just making believe he's not even there, we're taking that fee and writing it right off...

Board Member Taylor stated right, so it doesn't apply to him.

Rich Williams stated so there is a charge for having him there every time something comes up but that charge is like being ignored and written off and that is the way I phrased it in here is you know I didn't put the engineer in, now I can give that to you if you want to, that's not difficult to do...

Board Member Taylor stated well it just seems to me that if we are going to have to make decision about these cases where the fees aren't prescribed to us, as in this particular case, Levine is going to be another I think where we are going to have deal with fees and times and so on, that if we had some sense of what these costs were, we can decide whether to include them or not and how they get charged, I'm not talking about how they get charged, it's just, it costs the Town a certain amount to do this process, it seems like the people who are...

The Secretary stated hang on Ron, I'm sorry.

Board Member Taylor stated it's all right.

(Side 1 Ended – 8:27 p.m.)

Board Member Taylor stated it just seems that we should be, the people who are causing the cost should be paying the burden of the cost and it is just a way for us, I'm not trying to resolve this issue, it just gives us something concrete to think about rather than so abstract, I mean already it's three hundred and something dollars we're talking about here as opposed to the hundred dollar fee that we originally charged the guy.

Board Member Cook stated but also in the letter from the applicant's whoever, I mean he's already paid in almost forty-five hundred dollars.

Board Member Taylor stated yes I understand that but I assume that forty-five hundred dollars covered the costs of the application way back when.

Rich Williams stated understand my thinking in how we got to where we are, alright there are three ways, there are three tracks you can go with it, you can charge the applicant the full freight for what it would cost for the wetlands permit, you can make a recommendation to the Town Board and say listen this is what we think the fee should be and set it at that or we could have simply classified this now as a residential permit taken the hundred dollar fee. I go back to the June meeting where I walked away from that meeting with the Planning Board saying really this is ministerial I mean I gave you the minutes, at one point Shawn said

well I don't think we should be charging him anything at all, so I was trying to make this as simple and as quick...

Board Member Taylor stated yes.

Rich Williams stated and as easy as possible and that is how that hundred dollar fee came about.

Board Member Taylor stated right, no I understand that, I have no objection to that and I don't think we should be charging him for this kind of discussion, I'm just saying this gives us a way to focus, what he's bringing forward is a way of focus and the question is based on what we see here is the hundred dollars adequate or do we owe him for those fees he's already paid or the fact that he hasn't done this work in 2 years and then comes back to us, is that another charge, I mean we've got to look at that too.

Board Member Cook stated probably that if you wanted to charge him anymore than the hundred dollars, you would take what Rich is saying here I guess, is what he's saying three hundred and sixty-five dollars and you could subtract the hundred dollars and say okay he's owes us two hundred and sixty-five more dollars an additional fee of two hundred and sixty-five more dollars.

Board Member Taylor stated that's what I'm...

Board Member Cook stated is that a logic...

Rich Williams stated I follow your logic and yes that's true but that would have to be a recommendation over to the Town Board...

Board Member Taylor stated right but yes but that's...

Rich Williams stated yes.

Board Member Taylor stated that is my, that's where I'm trying to go with this and then what about your time in this...

Ted Kozlowski stated why don't I just step back a few seconds, when we were looking at wetlands permit fees and how to calculate things, I'm not a salaried Town employee, I get paid by the hour...

Board Member Taylor stated right.

Ted Kozlowski stated back when we were doing the permit fees, I got paid a little less but I'm 37 dollars, that's what it is, when I get an initial application I don't take more than hour to review the application sometimes I will go out to the field to look at the thing, I don't go with the Board, I go on my own...

Board Member Taylor stated right.

Ted Kozlowski stated and I would check the flagging you know sometimes if it's a big huge site, I'm out there for a couple of hours, a lot of times and most of the time you know it's much smaller and it's a half hour deal and that is where we came up with the homeowner fee as you know the minimal, the minor fee, application fee and then the major application fee. In the case of Wallace, he paid a lot of money, the permit expired, he renewed it, there isn't much review, nothing has changed, Rich has looked at it from other standpoints, Town Engineer may have looked at it from other standpoints, I've asked questions so the

50 dollars an hour that I came up with years ago is kind of a balance between my time, you know, you know sometimes it's more than the 37 dollars or the hundred dollars, sometimes it's a lot less, so that was the balance it was kind of, so I don't know if that helps you or explains on this particular case, I opened the plans, 15 minutes, I've spoken more about the application with you guys at the meeting than I have privately, I have not gone back out to the site, wetlands aren't going to change that quick in a year so you know my fee on this particular case, on this particular re-submittal is minimal.

Board Member Taylor stated another 15 dollars or something and the costs are covered, I mean does that make sense...

Chairman Rogan stated I agree with where you're going with this, I think you need a basis and other, in another instance we might say you know based on the amount of work involved we recommend that maybe we make a recommendation to the Town Board to set the fee at 300 dollars but there is a basis for it it's not arbitrary, so I agree with your logic...

Board Member Taylor stated right.

Ted Kozlowski stated there is an interesting thing I think it's the Town of Lewisboro, I'm not sure if it's Lewisboro or North Salem whatever, they charge 500 dollars right off the bat, any application that comes in 500 dollars and they take off that 500 to compensate for the Town Engineer, the Town Planner, the ECI, whoever is reviewing and then that applicant may get a refund when it's all said and done but they totally capture whatever costs are involved in the Town and that's not a bad thing, I don't think it would fly in this Town in this economic climate, Lewisboro is a lot different than Patterson.

Rich Williams stated just so you're aware, with certain applications we establish an escrow account and my time and the engineer's time and the attorney's time are all paid back out of that escrow account.

Ted Kozlowski stated right and I am aware of that but not, you know it's kind of unique for a wetland, you're talking about wetlands permits, you're not talking about...

Rich Williams stated most towns do not do that for a wetland.

Ted Kozlowski stated yea, they don't but that is Westchester County, that's another world...

Board Member Taylor stated right, yea.

Ted Kozlowski stated but that's not a bad thing because it does recoup the fees.

Chairman Rogan stated Charles.

Board Member Cook stated let me go back to what I said just a couple moments ago, if it's 365 according to Rich's calculations, he's already paid the hundred, so that brings us down to 365, we add in 35 dollars for Ted and we say it's 300 is the application fee...

Board Member Taylor stated additional.

Board Member Cook stated yea.

Board Member Taylor stated yea, right so do we have to say to the Town Board that it should be 400 dollars and he's already paid a hundred or do we say to them that it should be 300 dollars...

Rich Williams stated no you say, yea you need to say you make a recommendation that it's 400 dollars, he's already paid a hundred so...

Board Member Taylor stated okay.

Chairman Rogan stated and recognize that he's already paid a hundred therefore 300 would be due.

Rich Williams stated yea, administratively we would just look for the additional fee.

Board Member Montesano stated would that be done each time we do this or are we asking them to change the fee...

Chairman Rogan stated no, no it's on an individual basis.

Board Member Montesano stated so every time...

Chairman Rogan stated because we can contemplate what...

Rich Williams stated this is unique.

Chairman Rogan stated yea, we can contemplate the uniqueness of each of these situations.

Board Member Montesano stated what I'm saying is can we base a set fee for everyone and then what we don't use like Ted just said, you can give it back, we don't have to say 500 but why not 400 deal.

Chairman Rogan stated but we said 100 for the, 100 has been set for residential, for the residential ones...

Board Member Montesano stated for this one, oh okay.

Rich Williams stated here is where the problem came up, we do have set fees and in the case of a major wetland application we charge ten dollars a square yard...

Ted Kozlowski stated square foot, square yard I thought it was square foot, I don't know...

Rich Williams stated no square yards, it's a square yard.

Ted Kozlowski stated wait a minute, I have it here, I'll tell you in a second, go on.

Rich Williams stated okay so anyway we have that for a major and then for really minor wetland applications residential homes, it's a hundred dollars because we didn't want to penalize the property owners.

Board Member Montesano stated right, I agree with you.

Rich Williams stated now the difference with this and everything else is he came in for a renewal, the first time he came in, it was a major application, we had a whole different fee structure and he paid a whole different fee. He came in for a renewal and then Ted and I had a melt down over whether it should be a major or a minor application and that is when the Board interceded and said we want to see what it's going to cost but this is a very unique situation, typically this is not going to come up.

Board Member Montesano stated well the main thing is clarifying that it is on a situation by situation basis.

Board Member Taylor stated yes for this particular one.

The Secretary stated case by case.

Ted Kozlowski stated I have the thing here, I'll just...

Board Member Montesano stated thank you.

Ted Kozlowski stated the minor fee is a hundred dollars and it's submitted by a residential property owner for activities which at the discretion of the ECI will not significantly alter or effect the functional values of the regulated wetland within the Town. Such activities may include landscaping, ornamental, pedestrian only bridges and sheds, that's just as an example, that's a hundred bucks, then there is the major application fee, all other applicants shall submit a fee of three hundred dollars plus one dollar for every square yard of disturbance within the hundred foot buffer, then it is two dollars for every square yard in the wetland or within a stream or something and then it's three dollars for every square yard of permanent impervious surface for the driveway, roadway and then the maximum fee would not exceed 8500 dollars because when we instituted these new fees, some of these fees were getting way up there but this was the problem we had with Wallace, with Wallace this wasn't a simple backyard shed thing, this was a renewal of a wetlands permit that was in the wetland and we are going to be probably back to square one a year from now with Mr. Wallace, I doubt very much that is going to get building within a year, so it's you know do we really, if the laws change or the rules change, that is what I brought up at that meeting if they change, we have to look at it from a different standpoint if they don't change and everything is the same then it is basically the same permit so you know the bottom line though is whether it's a maximum/minimum, eyes are looking at it, people in this Town that are getting paid by the Town are spending time on the permit, whether it's talking on the phone with Mr. Wallace or...

Chairman Rogan stated as a taxpayer, you're right...

Ted Kozlowski stated whether they are talking to DEP or whatever their doing or going to site, you guys went to the site, so there is a cost there.

Board Member Taylor stated are you two happy with this proposed solution if we recommend to the Town that they charge him 400 dollars.

Rich Williams stated that is a discretionary decision of the Board, you make your decision and we move on.

Chairman Rogan stated yes but we asked for input.

Rich Williams stated and I gave it to you.

Board Member Taylor stated okay.

Ted Kozlowski stated my feeling is that you know if Mrs. Jones calls me up and I go over there to give her assistance on a particular wetland issue, I may be there more than hour but she doesn't get charged, I don't do anything, she doesn't pay for it and I don't think she should pay for it, I think there is a certain amount of service that we should provide to the public...

Board Member Taylor stated right.

Chairman Rogan stated everything that the Town does isn't job chargeable.

Ted Kozlowski stated right but you know if Doug Wallace or anybody, Anthony Boniello comes in and he's got an existing application before the Board and it's involving our expertise, I think they should pay for it, that's just, that's my thoughts.

Board Member Taylor stated so are we ready to have a resolution on this, can we resolve this tonight.

Chairman Rogan stated yea I'll make a motion that recommend to the Town Board that we set the, you want to do it...

Board Member Cook stated no I was going to say why don't we just do it next week, we have to have the public hearing...

Chairman Rogan stated great.

Board Member Cook stated right, we have to have the public hearing...

Chairman Rogan stated we have to have the public hearing anyway.

Board Member Cook stated close the public hearing, make the recommendation.

Chairman Rogan stated sounds great.

Rich Williams stated I will tell you why it's because the reality is that you really don't have a complete application on which to have a public hearing until you have a fee and the fee can't be established until we get to the Town Board but...

Ted Kozlowski stated I thought the fee was a hundred dollars, I thought that's what he paid, what he was charged.

Rich Williams stated listen, you know when I'm in here taking applications I have to make my best judgment until it's reviewed by you and others, so we had to do something, I took a hundred dollar fee.

Ted Kozlowski stated right but I thought the Board the last meeting said a hundred dollars.

Rich Williams stated no.

Board Member Taylor stated no, that's what this has whole discussion has been about.

Chairman Rogan stated yea.

Rich Williams stated the Board now wants to I believe set the fee at four hundred dollars, actually Charlie I would prefer you do that way I can call up Doug and say listen this is what they are going to recommend, this is likely what the Town Board is going to do, you probably want to get the three hundred dollars in so it doesn't screw up your public hearing and at least we are better ground, we're not on better legal ground but we're on...

Board Member Cook stated okay then what are having a public hearing on.

Chairman Rogan stated on the impacts because there might be a new neighbor that moved in that doesn't know anything about this application and they might bring up concerns that we have not heard in the past, that is the whole point of having the public hearing, it's part of the review process...

Ted Kozlowski stated I think that's fair, I think that's fair.

Rich Williams stated but you set the public hearing before you actually have a complete application because the fee was still outstanding.

Chairman Rogan stated right.

Board Member Cook stated okay.

Rich Williams stated so I would just like to get this cleaned up as best we can administratively...

Chairman Rogan stated yea so...

Board Member Cook stated I understand.

Chairman Rogan stated I'll move that we make a recommendation to the Town Board to set the wetland permit application fee for Mr. Wallace on this application for \$400 dollars and also note or recognize to the [Town] Board that he has already paid \$100, so it would leave a \$300 outstanding balance due on this application, so moved.

Board Member Montesano seconded the motion.

Board Member Taylor stated I would like to amend...

Chairman Rogan stated sure.

Board Member Taylor stated I think we should say how we arrived at the \$400.

Chairman Rogan stated okay.

Board Member Taylor stated it's the cost of our reviewing the application, having the public hearing and so on...

Rich Williams stated so you would like to draft a memo to the Town Board including this, basically as a breakdown so that they understand where it came from...

Chairman Rogan stated I don't, you I mean...

Board Member Cook stated well the Board is going to get a memo from, the Town Board is going to get a memo from the Planning Board stating this resolution, in that memo Rich can add in...

Chairman Rogan stated you can summarize, yea.

Board Member Cook stated how it, how we arrived at that figure.

Board Member Taylor stated yes, that's what I'm saying...

Chairman Rogan stated true.

Board Member Taylor stated yes.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	aye
Board Member McNulty	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Rich Williams stated now I have one last question, this memo that I did, do you want me to revise it and include the engineering fees so you have a better understanding of what the engineer is charging...

Board Member Cook stated you mean for other applications, any application.

Chairman Rogan stated yea, I think yes.

Rich Williams stated so you have it in the future.

Board Member Cook stated yea, I wouldn't do the whole memo, I would just say an addendum to your memo and add in what you have to add in.

Rich Williams stated it is probably just easier to just amend the memo.

Board Member Cook stated what's ever easier.

Board Member Taylor stated the question I have is if you give this whole to the Town Board, is this going to be a stumbling block.

Chairman Rogan stated they're going to be...

Rich Williams stated I wasn't giving the whole thing to the Town Board.

Chairman Rogan stated I think it's a tool for us.

Board Member Taylor stated we don't need the engineer for Wallace.

Chairman Rogan stated no, he's saying just for future.

Board Member Taylor stated for us, yes would you please.

Rich Williams stated yes and then I will maybe not give them all the detail but break it down Planning Department, Planning Board...

Board Member Taylor stated right exactly.

Chairman Rogan stated yea I mean I think you'll be able to just very, be able to concisely summarize that the Board took into account the fees that the Town is paying for these sorts of reviews, that's...

Ted Kozlowski stated can I just...

Chairman Rogan stated Echo Road Telecommunications...

Ted Kozlowski stated I'm sorry.

Chairman Rogan stated no, that's okay, go ahead.

Ted Kozlowski stated I think this fee schedule, this whole discussion that we've been having, this issue, there may be, it might be wise to have a new provision in this fee schedule for renewals because this renewal doesn't really fit...

Chairman Rogan stated okay, yea.

Ted Kozlowski stated it's too easy on the minor and it's too hard on the major so maybe there should be a renewal fee which is a fee based on review...

Chairman Rogan stated and that would clean it up for us to say based on...

Ted Kozlowski stated that would clean up the whole thing because it would be, it can be as minimal as \$37...

Chairman Rogan stated make it a little less arbitrary.

Ted Kozlowski stated my cost or it could be \$1,000 if, I can't think of a situation that would but you know what I mean...

Board Member Taylor stated yes, yes.

Ted Kozlowski stated so there should be a renewal fee which is an open door which doesn't really nail it down but just says it's based on review by...

Chairman Rogan stated it's going to be based on the amount of effort.

Ted Kozlowski stated Town Engineer, Planner, ECI, Building Inspector, whoever...

Board Member Montesano stated a catch 22.

Chairman Rogan stated great, agreed.

Board Member Montesano stated very good.

Chairman Rogan stated let's contemplate that.

Rich Williams stated well the trouble I'm having with that whole concept is it, if I'm understanding what you're saying is you're basically proposing an open ended fee that we really wouldn't know what the fee is until we've actually done the review.

Ted Kozlowski stated it would just be a few that would be a review fee by, if necessary, it might be Mrs. Jones', it could be somebody that wanted to build a house...

Rich Williams stated let me back into this way, Mrs. Jones comes back for the renewal...

Ted Kozlowski stated right.

Rich Williams stated all right and she needs to submit the application for the renewal...

Ted Kozlowski stated to do what though, what is the renewal for, a bridge over the stream, okay.

Rich Williams stated excellent.

Ted Kozlowski stated and that was a hundred dollar fee the first go around, a minor, okay, she wants to renew it, there's no change, there is not change to the local laws or whatever, so that fee you could establish say is \$15 or just an administrative fee.

Rich Williams stated okay but is that fee established in the fee schedule.

Ted Kozlowski stated yea, we'd have to, I'm not saying, we'd have to work on this I'm just suggesting that we have another category which is renewals...

Rich Williams stated and that's fine, I like that idea, I like that idea but...

Chairman Rogan stated um...

Rich Williams stated go ahead.

Board Member Montesano stated Ron...

Chairman Rogan stated what's your name again, Ron has said that...

Board Member Montesano stated senior moments.

Chairman Rogan stated yea, Ron has said that...

Rich Williams stated hey I'm not the only one.

Chairman Rogan stated I know.

Board Member Montesano stated it must be a generation problem.

Chairman Rogan stated we should consider the fact that we have to meet to make a decision on that renewal, it would be different if Teddy was able to say we've already reviewed it, nothing has changed, I have the power within my discretion to say it's a, I've just made sure nothing has changed, done it doesn't have to go back to the Planning Board and I wouldn't be opposed to that if nothing has changed but if the Planning Board has to take an action, we are already meeting for other things but it takes into account that portion, like you had just figured out, normally let's say we have 10 things on the agenda, it costs us 300 dollars to meet, 500 dollars to meet so each item is technically a 50 dollar charge for the Town to hold business so you can almost calculate it based on that, the 100 fee initially for that bridge probably was way too low because if there is any kind of bridge over wetlands you've got major review to be done so that 100 dollars was the best bargain in the world, so actually in that regard it might not have been the best example but it seems like, bottom line is it's a conversation so...

Ted Kozlowski stated (inaudible) right...

Board Member Taylor stated yea...

Chairman Rogan stated all right, let's discuss this further at some next later date.

Ted Kozlowski stated I think we can come up with some ideas and just have a minimum fee/maximum fee...

Board Member Montesano stated but he needs it for next week I believe...

Chairman Rogan stated no, no, we've got it.

Board Member Montesano stated okay.

Rich Williams stated actually Mike...

Ted Kozlowski stated this is for the future Mike.

Rich Williams stated actually I would like the Board to put this off until after the holidays because right now we're in a budget cycle and that's going to go until November 17th and there is enough difficulty around here now...

Chairman Rogan stated fair enough.

Board Member Montesano stated what happened to the good old days when it had to be done.

Rich Williams stated but I think, you know just to wrap this up, you know when we're taking fees in here we need to have a certain fee that we are taking in, I can't guess unless you give me all the discretion in the world and you don't want to do that.

Board Member Taylor stated no, then you charge them the minimum and then refund it...

Chairman Rogan stated it's not fair to you either, it's not that we don't trust you but it's not fair to put somebody in that position...

Ted Kozlowski stated I think charging the hundred dollars to Doug Wallace was correct and then with the proviso that this may change, I'll take (inaudible).

Chairman Rogan stated a hundred dollars makes the application reviewable...

Ted Kozlowski stated you take the application in and then the Board decides where it goes from there.

Chairman Rogan stated that isn't a bad idea, that hundred dollars says okay we've got what we need to put it over to the Board, we have that minimal fee and depending on how you know...

Board Member Montesano stated with that circumstance I like the idea of giving us the 400 dollars because if you decide not to do your project, we can give it back to you but if we've already spent 300 and we can't get the money from you anymore because you no longer want the project, we're out the time.

Chairman Rogan stated okay, so, everybody, this is one of those issues where everybody will have to think about and we'll bring it up in the next couple of months here...

2) ECHO ROAD TELECOMMUNICATIONS TOWER – Public Hearing

Chairman Rogan stated the Echo Road Telecommunications Tower we have a public hearing and there were some issues that the Board had identified that we wanted cleaned up ASAP and they've done some of those, we've got some correspondence over the last month, some clean up issues making the gate secure, sounds like they weren't, in one of the communications they weren't, they were acknowledging that the existing gate was part of the approved plan and they didn't really see any reason to have to do anything and I kind of expected them to say that but we'll see what we can do.

Board Member Taylor stated so you're going to push on that.

Chairman Rogan stated I'm going, I plan on pushing a little bit only because we have a situation that you're expanding on the site, you're not changing, oh they are expanding on the site, the current site wasn't being maintained and the gate is not as attractive or you know, I think the even location can be pushed in a little bit.

Board Member Montesano stated you have an extra piece of apparatus being used by one of the companies and...

Chairman Rogan stated and people coming.

Board Member Montesano stated were we ever notified that they were putting up an additional generator, outside of the enclosed area...

Rich Williams stated well it's a portable temporary generator and Sprint and I haven't been back up there since I went up there with Charlie, they were supposed to have taken it out of there, they are not going to leave it there.

Chairman Rogan stated but...

Board Member Montesano stated well it's been up there from the time Patterson Crossing started...

Rich Williams stated agreed because they just parked it up there and left it even though they shouldn't have.

Board Member Montesano stated yea but what I'm saying is this is what and we are going to have to trust the same people again that it's temporary and they are going to remove it immediately.

Chairman Rogan stated let me approach it this way, how many carriers, if you know the answer, how many carriers currently exist up there...

Rich Williams stated I believe there are 4, this will make it 5 and don't quote me...

Chairman Rogan stated 4, so we are doing a 25% increase to the impact to the site in terms of traffic, 20%, going 40, going 4 to 5, you take 4, that's a 25% increase, right, no...

Board Member Taylor stated 20%...

Chairman Rogan stated if you go from 5 to 4, you're reducing 20% but if you go from 4 to 5 you're increasing 25%, isn't that correct, percent change...

Rich Williams stated regardless.

Chairman Rogan stated regardless you're changing, it's not 5%, it's a 20 or a 25% regardless of who agrees on what...

Board Member Montesano stated 22 and a half.

Chairman Rogan stated increase in the impact of traffic on the site, across the board, and there is a recognition at least from my part on this Board, that the existing gates aren't as beneficial to allow people to get off of blocking people's driveways, to unlock the gate, to do whatever they've got to do and there is some benefit I think to moving those gates a little further into their property to create a loading area or an unlocking area, we're going to make them do that or we are going to try to make them do that, put up some attractive gates that don't look like shit because we already have one on the record.

Board Member Taylor stated we can try to make them do it, it just, we've got, this is time consistent or we can say to them look we're not going to approve this unless you change the gate, if they say we're going to change the gate, they can go ahead anyway, is that, once the time's up, the time's up we have no control over this, do we...

Rich Williams stated if this was the only thing that was holding it up, then yes, you're right.

Chairman Rogan stated yea.

Board Member Taylor stated so, we can certainly vote on it...

Chairman Rogan stated (inaudible) this is not a big issue, you know...

Rich Williams stated I went back up there with Charlie, if I could just throw my 2 cents in there, I'm not so sure I would buy into your argument because maybe that was an argument for the second antenna that went up or the third antenna but you know, five now...

Chairman Rogan stated well I didn't review those, that was different Board and I may not agree with that Board...

Rich Williams stated but however...

Board Member Montesano stated go ahead, finish your statement.

Rich Williams stated Charlie and I went up there and there are 2 issues that I think you need to consider on this, the first is the way it's laid out right now with the gate in it's current location, there is no place to put snow, I don't know how they are doing the plowing up there, there is no snow shelf, there is no snow area, in that regard it would be beneficial to push the gate back about 20 feet, all right and that would open things up so that the highway trucks could plow down that and have a place to push the snow but having said that, pushing the gate back 20 feet, pushes it back into the woods there is enough area there if a few things were moved out of the way, vehicles could jus drive right around the gate, so you would need to extend the gate much, much wider so you would have more fenced area, you would have bollards or something between the trees to block them, so those are 2 of the issues that you need to wrestle with, no snow shelf, moving it back opens it up, you need more improvements.

Chairman Rogan stated great, that's why we have technical people to be able to figure this stuff out.

Board Member Montesano stated for arguments sake, they tell us to go take a hike, I think that they've already proven their lack of concern not only for their carriers as the property owner but because they have broken gates, no locks, open, so to me that gives us a basis of saying oh fine, let's go talk to the judge and let the judge explain to us why they're allowed to just go, let a judge have a mouth on him, he's got to sit there and say under the law, yes sir but they have no regard for the community they are allegedly servicing because they don't even maintain their own safety on the equipment, if someone gets killed your honor, your statement will be that's the law and that's what we want to see in the newspaper. The only way to push a person like a judge is to have him with his name on something that is not nice and the possibility of him not getting a re-election to his 10 year term and that's unfortunate but that's a fact.

Chairman Rogan stated I agree with you...

Rich Williams stated just so you're aware, I don't know if it's germane at this point but I had a conversation with another attorney with Cuddy & Feder, the first attorney, I don't know where he is, I don't know what he's been doing but the first, the second attorney who called me, who apparently is coming in, wasn't even aware it was on the Board, wasn't even aware he had a public hearing and wasn't sure that the public notice had been done.

Chairman Rogan stated probably not so it might be a moot point anyway...

Rich Williams stated so I don't know but then they have paralegals doing that...

Chairman Rogan stated okay, all right, we can move on right...

Board Member Montesano stated all right...

3) TAGGART ESTATES – SEQRA

Chairman Rogan stated Taggart Estates SEQRA Determination, I have to go back to the minutes but...

Rich Williams stated you had received a set of plans that you hadn't completely reviewed, you had received other information out there, you wanted to take a meeting in which to review all that information before you made a SEQRA determination.

Chairman Rogan stated so I guess by next week everybody will have had a chance to look at those.

Ted Kozlowski stated are you talking about Taggart.

Chairman Rogan stated yes.

Ted Kozlowski stated can I...

Chairman Rogan stated you can always jump in.

Ted Kozlowski stated at the last meeting I asked to be on the agenda, for this meeting I wanted to bring up something that Taggart kind of spurred some thought in my head about, it's not so much about the Taggart Subdivision but it's about what they're doing there and maybe I missed the boat, I could have easily missed the boat here but when they, when we went through this whole process, that wetland, there was a house associated with the wetland, the house has been removed which I am happy to see but now there is the wetland and no one seems to own the wetland...

Rich Williams stated that's not the case.

Ted Kozlowski stated I understand the Homeowner's Association is going to own the wetland, who is going to own that wetland.

Rich Williams stated the way they are laying it out right now, it would be the utility lot in which the stormwater ponds would be on, it would be owned essentially by the Town for the benefit of the residents there, so it would be owned by a district.

Ted Kozlowski stated okay, fine, my question is this, that wetland right now exists as a functional wetland, it's going to be surrounded by homes and I have no doubt that there are going to be encroachments one way or the other, whether it's the kids going in there or whatever, invasive species are going to get in there, it could turn into an ugly lot, is the Town going to maintain it as a natural wetland area, who is going to be

the caretaker of that property that is what I'm concerned, what I'm concerned about is it turning into something we don't want it to turn into.

Rich Williams stated just to get up on my soap box for a minute, this is why I argue all the time that the stormwater ponds should be on their own separate lot because if the Town owns them there is less likelihood that a residential property owner who has this pond on his property is going to somehow adversely affect the pond. Similar with this, the wetland, they would be less likelihood that a residential property owner not owning the property would actually impact it but you're still going to have kids with ATV's and everything else, you're absolutely right there is going to be potential for invasive species going up because you're changing the surrounding characteristic, you're letting more sunlight in so that is going to impact that wetland, Ted is absolutely correct in that regard. Is the Town going to do a good job as owner of that property, probably not, we're not doing a good job but we are getting better and that is all I can say.

Ted Kozlowski stated what is the possibility and this is where I was going with this, this is a long shot I know, you know who is it over at the Clough property, is that Save Open Space...

Rich Williams stated yes.

Ted Kozlowski stated you know they have a caretaker, they have somebody that goes around, is there somebody that we can partner with these groups that would get involved, not in the stormwater business but there is more than stormwater at this site, you know, there's a wetland, then there's buffer and there's stuff going on, also what we talked about on Saturday about that so...

Chairman Rogan stated it might be a good (inaudible)...

Ted Kozlowski stated I just fear that when we take that wetland, surround it by development, it's on Ballyhack Road, who goes on Ballyhack Road, when was the last time I was there, I haven't been there in a very long time so, I think we just, we're going to lose track of these parcels and they are going to turn into and then those homeowners are going to be calling Town Hall and saying it looks like crap...

Chairman Rogan stated clean up your Town property.

Ted Kozlowski stated they're dumping, what are you doing about it so it's just thought, it's just discussion, I don't want to go all night on this but I'm just saying I get a little nervous when I see that because it's, it's a nice thought I'm glad Theresa took the house out of the wetland there but now we have another issue. That's my 2 cents...

Chairman Rogan stated damned either, huh.

Ted Kozlowski stated that's it.

Chairman Rogan stated okay, something to consider...

4) LEVINE FILL PERMIT – Discussion

Chairman Rogan stated Mr. Levine's fill permit.

Rich Williams stated Mr. Levine, I am scheduled to go out there and take the soil samples Saturday morning.

Chairman Rogan stated and I guess it begs the question, I am going to have to ask anyway, how did we end up at the point and I don't have, I'm not opposed to it but how did we end up that you're actually taking the samples.

Rich Williams stated well somebody got to do it and I'm the cheapest game in Town.

Ted Kozlowski stated but why isn't he hiring a firm, why is the Town bearing that responsibly.

Rich Williams stated it started off we wanted to be out there to observe, to make sure it was done right in accordance with established procedures...

Chairman Rogan stated and they were actually taken from locations that represented the site and you know, the integrity of the samples, let's put it that way.

Rich Williams stated and you know it was just a short step for me to say you know because the guy's got no money, he's always crying poverty, I mean all we're talking about is me going out there with a soil auger and I've got the soil auger set up to take you know large samples so I could do that and you know just taking a couple soil samples, identifying the locations, identifying the depth and the conditions I take them in and putting them in the jars and then bringing them back here sealed so that there is a clear independent chain of title and then the testing company will pick them up from Town Hall.

Chairman Rogan stated so you maintain chain of custody the whole way through.

Rich Williams stated that's what I meant, chain of custody.

Ted Kozlowski stated can I ask this question Rich...

Rich Williams stated you want to come out...

Ted Kozlowski stated no, I don't because I don't feel I'm qualified to...

Rich Williams stated we're digging holes, anybody is qualified.

Ted Kozlowski stated no I just think there is a certain protocol to follow...

Chairman Rogan stated well I actually brought that up.

Ted Kozlowski stated and the thing is that I know in Westchester County, the Health Department, if we had that issue in my facility, the Health Department would be doing that...

Chairman Rogan stated we don't do soil sampling for contaminants, it would all be done by outside reputable certified company that does this. All I said was, to Rich was in order to protect us, giving us credit for the good work that we're doing and making sure that we don't open ourselves up to any litigation is to make sure that we have copies of the standard accepted practice for doing this and make sure that we dot our I's and cross our T's and do this because I think it's great that you're doing it giving everything that

you've got going on I think that Mr. Levine is I'm sure he realizes how fortunate he is to be working with the Town that he works with but if not, we're going to remind him of that but the fact of the matter is, is this guy here Johnny, I mean Ron said, it was an egregious issue that we're dealing with out there and we still have a long way to go on this and I'm glad...

Rich Williams stated and his big cost is yet to come.

Chairman Rogan stated his big cost is yet to come, you're absolutely right, so what's the lab that we're using...

Rich Williams stated Yorktown.

Chairman Rogan stated oh good, okay.

Board Member Taylor stated now are you keeping track of all these charges.

Rich Williams stated well I keep of my time on everything I do through the day, so yes.

Board Member Taylor stated right, so...

Chairman Rogan stated so he's paying the bill directly to Yorktown...

Rich Williams stated I mean he's paying for Yorktown, we're not paying for Yorktown...

Chairman Rogan stated right we're not footing...

Board Member Taylor stated right but at some point we can sit down and say Mr. Levine you have cost the Town this much...

Rich Williams stated there is no real mechanism to go back and back-charge for our time, we have a fill permit application and the application fee established, flat fee...

Board Member Taylor stated how much.

Rich Williams stated 250 dollars...

Chairman Rogan stated but this is a violation issue, it's not so much a fill, it's not so much an application for fill, it's remedying a violation...

Rich Williams stated but a violation...

Chairman Rogan stated hopefully it's not a violation...

Rich Williams stated this is where we get into some problems, there's no violation issue, there's a notice of violation...

Chairman Rogan stated oh that's right.

Rich Williams stated if he remedies the notice of violation, then it all goes away and again we don't collect any money.

Chairman Rogan stated but you know in the end, do you have a date set for that...

Rich Williams stated Saturday morning.

Chairman Rogan stated Saturday morning and then Yorktown will take, it probably takes a week or 2 to analyze that stuff, we're going to get hard copy, certified copy along with Mr. Levine and we are also going to CC the Health Department, Ann Bitner on the results of that...

Rich Williams stated we'll send it over when we get it.

Chairman Rogan stated because that is what they are going to use to determine whether or not any water sampling is required, if there are no hits on anything, they are probably not going to require water samples, okay.

Board Member Taylor stated and the other thing I think we need, we're going to need the lawyer to send a letter to the adjacent property owner the way he did with the DEC saying this is what we're doing, if we don't hear from you, you've signed off on it, you have no recourse to come back at any future date about anything...

Chairman Rogan stated at least to the Town.

Rich Williams stated I don't, I'll talk to the attorney about that but I don't know we can do that simply because we can't stop the landowners rights from you know any future litigation against the individual property owner.

Board Member Taylor stated oh he's going against the owner, I'm talking about the Town.

Chairman Rogan stated about the Town.

Ted Kozlowski stated did the DEC ever answer the Town's letter by the way.

Rich Williams stated no, but just so everybody knows I got the certified return receipt back from Xolar from the Caribbean that says we got the letter, they know.

Chairman Rogan stated that's a good part of that though I think, that just helps build our record.

Board Member Taylor stated okay.

Chairman Rogan stated because hey if they just decide to ignore it, the problem and I don't want to get long winded on this part of it but the problem is that the remedy to this regardless of whether it is contaminated or not we still are somewhat bound until we know what the neighboring property owner wanted done because we can only correct or mitigate or resolve his own property.

Board Member Taylor stated we'll have to slap him with a notice of violation and tell him he has to remedy it.

Ted Kozlowski stated can I ask you a question.

Chairman Rogan stated sure.

Ted Kozlowski stated regardless of what you find there, do you want that fill to stay there.

Chairman Rogan stated well that's a whole nother issue, there's a lot of, I mean we are going to have to make some hard decisions on that but again we can't make a decision one way or the other for the other property owner, he's not before us currently...

Ted Kozlowski stated right, regardless of the other property owner, let's say it's beach sand, non-hazardous, the precedent that sets to allow that stuff to stay there to me is one issue, the other issue is that is a tremendous amount of grade change, who would want to buy a house like that, that's not our concern whether he can sell the house or not but that stuff was put there illegally, it should be pulled out.

Chairman Rogan stated we've had a lot of other situations like that.

Board Member Cook stated let's not forget Terri Hahn's letter stating what they are willing to do, removing all visible wood from the site and all these kind, you know there's like 7 things they are willing to do, so I guess we have to wait until the results from the Board of Health and say if they come back and say if everything is okay...

Rich Williams stated well from the soil testing...

Board Member Cook stated from the soil testing.

Rich Williams stated the Board of Health is not going to weigh in unless there is something very hazardous out there.

Board Member Cook stated all right so they are going to give us the results and then we're going to weigh in.

Chairman Rogan stated we're going to get the results directly.

Ted Kozlowski stated it will be interesting to see if DEC does anything with something hazardous there.

Chairman Rogan stated yea...

Board Member Taylor stated at some point we would address that, yes.

Board Member Cook stated at some point we should pick up on what they are offering to do themselves, the applicant...

Rich Williams stated sure.

Board Member Cook stated and getting it moving on it, right.

Rich Williams stated yea the only thing I want to throw out here, if there is any consideration giving what Ted said you know what Ted has said, doing what Ted has said...

Chairman Rogan stated than why take the soil samples.

Rich Williams stated yea, don't torture the guy (inaudible).

Ted Kozlowski stated well you have to know what's there...

Chairman Rogan stated you need to know what you're dealing with...

Ted Kozlowski stated Rich, you have to know what's there.

Chairman Rogan stated I mean if you have contaminated material, you're not taking it to the same place if you're ripping, my feeling is, I understand what you're saying Tim but we can count, I can count 10 sites we've been to in the last 5 years, even one of them right on your road, remember that long steep driveway where they placed as much fill in a steep location and ultimately we approved keeping it there, remember the road by your house...

Ted Kozlowski stated surround the...

Chairman Rogan stated yea I mean that was a terrible...

Ted Kozlowski stated you find asbestos in that thing, you find lead you find whatever, you know...

Chairman Rogan stated well that's, then our hands are tied, the decision was made for us then, you know, so all right we're going to look forward to getting that result so there is really nothing else then that we need to discuss on this.

Rich Williams stated no.

Chairman Rogan stated okay great...

5) COUNTY LINE GETTY – Continued Review

Chairman Rogan stated County Line Getty, we have I believe a new set of plans, updated plans on this.

Rich Williams stated correct.

Chairman Rogan stated and they are through Zoning.

Rich Williams stated the Zoning Board approved 3 variances for them last Wednesday night, I've talked with the applicant this has been, this is again a pending violation that has been out there for a long time which is why I slid him on to the agenda even though I didn't have plans, I got those plans in today, I've been through them you know, nothing critical, nothing major, a lot of foolish stuff, I think the biggest change is that they have now identified that about 5 years ago DEP and Health Department oversaw a substantial modification to the septic system out there which established a new raised septic system behind the building unbeknownst to anybody in the Town and that was the purpose for having the fence in that area which is what triggered all this when Dave Raines went out there and found they couldn't get around the building.

Chairman Rogan stated makes sense, how ridiculous is that, talk about not working together.

Rich Williams stated yea and it was, there has been a real comedy of errors with this whole thing because then I went to try and get a copy of the septic plan, had to go to, Mike Budzinski was nice enough to go to DEP because the Health Department didn't have and nobody else had it and nobody knew the engineer that designed and then the engineer that designed it turned out to be Tyree.

Chairman Rogan stated how long ago was this done, the '80's.

Rich Williams stated oh no, we're talking a few years.

Chairman Rogan stated oh really, recent.

Rich Williams stated recent.

Board Member Taylor stated was that part of the upgrade that they did to it...

Rich Williams stated no.

Board Member Taylor stated then why did they choose to do it, no explanation.

Rich Williams stated I don't know the history, I can assume that they went out, they found a failed septic system so they made them do a whole new septic and as part of that the Town was never notified, we had no idea that it had gone in even though the material affected you know the site plan.

Board Member Cook stated can you get around the building now.

Rich Williams stated no.

Chairman Rogan stated no.

Board Member Cook stated these plans are dated '08.

Rich Williams stated the initial date.

Chairman Rogan stated they were last revised, it says 10/27, yesterday's date on the revision block...

Rich Williams stated yea they were overnighted.

Chairman Rogan stated yea, item number 2 says revised plan to list fence as to remain for New York State DEC, yesterdays date, see it Charlie, down on the, this part of the plan, it's in your right hand, there you go right at the crease of the top right where your thumb is.

Board Member Taylor stated on the edge, right up there.

Chairman Rogan stated that is where they show the additions.

Board Member Taylor stated so what do we do with this.

Chairman Rogan stated we need something from Dave right.

Rich Williams stated ask far as.

Chairman Rogan stated is he going to accept the fact that now we have no access around the building.

Rich Williams stated I've talked with him and yes he is and if you want that in writing, I can see if I can get it or I can get it from Nick...

Chairman Rogan stated well no even just putting it into the record.

Rich Williams stated it's on the plans though its not on the plans right.

Chairman Rogan stated right, so procedurally, we are basically looking to do a modified site plan, or modifying their site to what is now existing out there and what they are showing these plans.

Rich Williams stated the next step in the process is there is a public hearing.

Board Member Montesano stated okay on the original plans we're supposed to be able to get around the building that was requested if I remember right by the Fire Department so they can have access...

Rich Williams stated all right, just so we're clear I don't know, I don't think we have an original site plan, do we or if we do it's from the bus garage back in the '70's...

Chairman Rogan stated oh wow.

Rich Williams stated this whole issue came when Dave Raines went out doing a fire inspection and found that the exterior of the parking lot was blocked...

Board Member Montesano stated I don't know if I have anything on that anymore, all right I just wanted to know if we ever, if it's blocked off, it's blocked off, if Dave excepts it, its fine.

Rich Williams stated well they've got a septic system in the way and you really shouldn't be driving on the septic system.

Chairman Rogan stated so I guess the bottom line is they can fight fires from one side of the building, the building isn't that wide, they can get a hose around there and...

Rich Williams stated on the other hand if you're looking at the site plan, they have a layout for a car storage area which further restricts mobility around the building so...

Chairman Rogan stated that's an issue.

Rich Williams stated I am going to ask them to move that around.

Chairman Rogan stated do they show access gates in that fence because that might be something we...

Rich Williams stated no they don't but it is in my review memo.

Chairman Rogan stated all right.

Rich Williams stated I did see that, I would like to see gates installed so we can get through.

Chairman Rogan stated (inaudible).

Board Member Montesano stated no, the whole thing to me is I'm not worried about driving over the, if the building is going to go up...

Rich Williams stated but you want to have gates there that the Fire Department can throw open and get around the building.

Board Member Montesano stated I remember when they had a chain across a fire access and they took the brand new truck and drove full tilt into and tore the winch off the front of the truck and messed it all up.

Rich Williams stated I was looking for 4 foot double gates.

Chairman Rogan stated so you'd end up with an 8 foot opening, that makes sense.

Rich Williams stated 2 or 3 locations, I don't know if you have any better ideas than that.

Chairman Rogan stated no, just whatever you think would work to...

Board Member Montesano stated whatever we can get away with.

Chairman Rogan stated great.

OTHER BUSINESS cont...

b. Frantell Site Plan

Chairman Rogan stated okay, Frantell, Frantell Site Plan.

Rich Williams stated I believe they are back in for an extension...

Chairman Rogan stated an extension.

Rich Williams stated because their approvals are again expiring.

Chairman Rogan stated that's all economics I'm sure.

Board Member Taylor stated so what is this.

Chairman Rogan stated Frantell is out on [Route] 22 just before the border on the left, that's funny because for a long time I thought it was being built, it's the one just over the border that has the stormwater ponds up front because that is a very similar kind of...

Rich Williams stated they look very much alike.

Chairman Rogan stated but that's in Pawling.

Rich Williams stated just before D'Ambrozio's it was going to be a 22,000 square foot commercial building for retail.

Board Member Taylor stated all right.

Board Member Montesano stated where the black walnut tree fell down by itself.

Board Member Taylor stated they just want an extension, is that what's going on.

Chairman Rogan stated just to keep everything current so they can build when they want to build for a year.

Board Member Taylor stated so I can excuse myself from that one.

Chairman Rogan stated you can but just for the sake of it I'll make the motion that for Frantell Site Plan we grant a one year extension, so moved.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Taylor	-	recused
Board Member McNulty	-	absent
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

The motion carries by a vote of 4 to 0.

Chairman Rogan stated any opposed, any recusing.

Board Member Taylor stated I am recusing myself.

d. Jay Maxwell Concept Plan

Chairman Rogan stated okay, and we have, we did Fox Run, Jay Maxwell is on because he called me and he spoke to Rich and also I guess Nick and I put him on the agenda because he may come in next meeting kind of to just explain to the Board what he's thinking about doing on the site to get some, you know some guidance as to how to proceed. It sounds like he wants to do and I think really it's more appropriate for him to tell us what he wants to do but he told me he would like to do some type of a mechanic shop in an existing building, there is a 50 by 100 foot building on the Prisco property and some installation of snow plows and salt machines for winter maintenance on vehicles. He's, I guess in negotiations to buy that property or has bought one or the other and so you know I asked if he had a current survey and he was going to get that all together because he needs it anyway, so that is basically what it's on there for. Rich, you had conversations with him and I know he went, he said he was going to talk to Nick, so...

Rich Williams stated yes, we had conversations about what the process that he needed to follow and what he was going to do out there.

Chairman Rogan stated great, okay so that's basically all that is and Fields Corner...

e. 144 Fields Corner Road Wetlands/Watercourse Permit

Chairman Rogan stated we just kind of added that under E Other Business just for comment, you guys don't have it we just discussed it, we are adding an E, an Other Business item that Ron wanted to bring up...

Board Member Taylor stated it just, we reviewed well Rich was very nice in pulling all the documents relevant to that lot, it seems pretty clear that the survey is incorrect in the language that it says, what does it say, building envelope limits, that terminology is not used on any of the other documents, everywhere else it's referred to as limit of disturbance, I think we should if and when whatever comes back on this...

Chairman Rogan stated boy, you have the timing.

(Tape 1, Side 2 Ended – 9:17 p.m.)

Board Member Taylor stated for them to correct and re-file the survey with the correct language on it because it's misleading to property owners. The second thing, the language and this was very well written I thought that Ted and Rich got this into everything, it's all the way down and included as part of the deed, it says clearly no construction activity or maintenance activity is supposed to take place in that buffer area, that means when...

Rich Williams stated if I could just clarify.

Board Member Taylor stated yea, go on.

Rich Williams stated not the buffer area but the water quality swale...

Board Member Taylor stated the vegetative water quality whatever it's called.

Rich Williams stated area, yea.

Board Member Taylor stated yes.

Rich Williams stated because the house itself is in the buffer.

Chairman Rogan stated right, okay, good point.

Board Member Taylor stated that vegetated, in that area so when we were out there talking about what we need to give them room to drive around the house or to work on the house, that's forbidden, that's not allowed in the deed, so we would, I think we would have to require them if they are going to build, we would have to set some kind of line for maintenance and construction off of that limit of disturbance line...

Chairman Rogan stated understood.

Board Member Taylor stated be it 5 feet or 10 feet whatever we decide makes sense and I think that would be not just foundation but in the overhang because you're talking about getting around it, the overhang would obstruct you...

Chairman Rogan stated probably need 10 feet.

Board Member Taylor stated so I think we need...

Chairman Rogan stated I mean 10 feet is not very...

Board Member Taylor stated no and then the third thing...

Board Member Montesano stated its wide enough to put a bus through.

Board Member Taylor stated the plans clearly, the site plans clearly say that that line that limit of disturbance line is supposed to be demarcated in the field by a fence or boulders, it never was so I think again we should require that as part of this application that they put some kind of a fence up.

Chairman Rogan stated some kind of a demarcation...

Board Member Taylor stated now it doesn't have to be the spilt rail that was called for in the plans, the site plan or it certainly, the boulders would be inappropriate but some nice attractive fence that would, where you physically can't get in there. I just wanted to go on record with those remarks so that if someone does back then we could, we would have those as part of the review process before I forget them.

Chairman Rogan stated okay, thank you.

Rich Williams stated 2 more items.

Chairman Rogan stated f and a g.

Rich Williams stated I don't know.

Chairman Rogan stated go ahead.

Patterson Auto Body Site Plan Discussion

Rich Williams stated all right, very quickly just so the Board's aware, I was approached by Jimmy Byron, in architecturally designing the building and trying to develop the areas he needs for the rooms plus the hall he found that he was overly constrained with the width of the building and needs another 3 feet to make the rooms and the hallway work. So I drew up a little sketch, based on our discussion what I thought it might look like, procedurally we just want to clarify how the Board wants to handle it, my recommendation and after talking with Shawn would be you know that Jimmy gives us a letter describing what the issues are and what he wants to do, come back in with a plan showing what he wants to do and the Board can sign off on the changes.

Chairman Rogan stated pretty straight forward.

Rich Williams stated go ahead.

Board Member Taylor stated so he's pushing the front out even more.

Rich Williams stated another 3 feet.

Chairman Rogan stated 3 feet.

Rich Williams stated and I have suggested to him, he's going to have to reconfigure this to make sure that he has sufficient distance between the corner of the building and that bull nose.

Board Member Taylor stated why don't they round off the corner of the building.

Board Member Montesano stated then you're going to lose that 3 feet which he's trying to get.

Chairman Rogan stated yea.

Board Member Taylor stated yea but it's a corner, if he's using it for corridor...

Chairman Rogan stated he's not using a corridor there, he's using a corridor in the center of the building somewhere and that's bumping everything out.

Board Member Montesano stated eliminate this and do this.

Board Member Cook stated this is it, right.

Chairman Rogan stated that is correct.

Board Member Montesano stated we can mark it out, how about we do this and this and this.

Chairman Rogan stated okay so you're going to communicate to Mr. Byron and...

Rich Williams stated yea.

Chairman Rogan stated okay, let me put it this way, at least he's talking to us about this, a lot people it wouldn't get caught until the as-built, you know.

Board Member Montesano stated that would be an engineering (inaudible).

Chairman Rogan stated oh budget, okay.

Budget Discussion

Rich Williams stated all right, just to keep the Board apprised of what's going on, the Town Board is of course you know currently reviewing the budget they are cutting substantially in a lot of different areas, one of the areas they are cutting are the training lines, they are also very adamant that this year's budget we are going to try to hold the line on any expenditure, right now they've cut everybody training line, those that have them.

Chairman Rogan stated okay.

Board Member Taylor stated so does that mean I should get my training in quick before the end of the year.

The Secretary stated yes.

Rich Williams stated no because you're already nine dollars over.

Board Member Taylor stated I'm already nine dollars for this year.

Rich Williams stated yea, for the Planning Board and I have to talk to Trish about that because I don't know how that happened.

Board Member Cook stated thinking about training, 2 things, for the record I think the Planning Board expresses it gratitude to Ted for hosting a little seminar last Saturday which we all attended on the Planning Board...

Chairman Rogan stated at no cost to the Town.

Board Member Cook stated at no cost to the Town...

Board Member Montesano stated second the motion.

Board Member Cook stated I think if I was right, it really came down to about a 2 hour session.

Rich Williams stated 3 hours.

Chairman Rogan stated about 3 hours, I said about 3.

Board Member Cook stated we're required for 4, right, so I guess I would ask either Rich or Ted to come up with an additional house for at least the 3 of us...

Chairman Rogan stated we did something, I saw on the list you had something we did earlier on the year.

Rich Williams stated we will, tomorrow or Monday, Monday we will e-mail everybody that we can...

Board Member Montesano stated I get e-mails from my super duper deluxe Chairman...

Rich Williams stated I don't have your e-mail address, I can't e-mail you.

The Secretary stated and I can't find it in my computer right now.

Chairman Rogan stated I'll forward it to you.

Board Member Montesano stated oh, but nobody said that to me boy...

Chairman Rogan stated I send you stuff.

The Secretary stated Tommy sent it to me.

Rich Williams stated what...

Board Member Montesano stated yea, he sends me stuff, I told you I went out and bought a new computer.

Chairman Rogan stated I didn't know I just always keep (inaudible).

Board Member Cook stated let's get back to where we have to go, if we have to go anymore.

Rich Williams stated we will e-mail you where you are with you're training, we have it all in a schedule so you'll all know where you are and what hours you have and then we can work on whatever you want to do after that.

Chairman Rogan stated filling in, yea. I think we all attended something back, not all but most of us, attended something in June, I don't think you went to that but you get good attitude credits, they are at a boy credits right but no I do agree with what Charlie said and do want to thank you Ted for the time you spent with us because not only was it a great training but I think it was a great team building day, I think we need to do more things like because it pulls us together as a Board and makes us a more cohesive group so I'm looking forward to next year doing some additional work like that.

Ted Kozlowski stated I think it's nice to see things in the field as opposed to sitting there seeing it in black and white on paper.

Chairman Rogan stated and it's...

Board Member Cook stated like I said it takes it from the abstract to this is what it really looks like.

Chairman Rogan stated yea and it's nice to see it when it's not on a particular application, you don't have the stressor of having to make decisions on it, you know.

Ted Kozlowski stated right.

Chairman Rogan stated so, I don't have to forward that to you, you got it.

Board Member Montesano stated he always keeps sending me stuff.

7) MINUTES

Chairman Rogan stated and we have minutes that were sent to us via e-mail, we don't have them in writing, correct, they were just sent e-mail.

The Secretary stated Charlie and Mike have them in writing, do you need them in writing.

Chairman Rogan stated no, not that, normally I would like because I don't read stuff on the computer to well.

The Secretary stated I will start printing copies again.

Chairman Rogan stated and...

The Secretary stated Ron would like hard copies of minutes.

Board Member Taylor stated no thank you, I'm fine, I'm fine.

Chairman Rogan stated any other business anybody want to bring up tonight.

Board Member Taylor stated just one quick, two quick things, I think we should start thinking about revising the fence code.

Rich Williams stated the fence code.

Board Member Taylor stated the fence code, fences can only be 6 feet, it seems like there are a lot of waivers for security fences and requests for deer fences and things, that just came up again on Ted's nice deer fence down there, it wouldn't be allowed in Patterson. It's just something to think about...

Rich Williams stated you feel it should go to 8 feet.

Board Member Taylor stated I think it should be more flexible, it should go to what's reasonable for what the fence is for, if it's a security fence then what's the standard security fence, 8 feet, it should be better defined I think, if somebody wants to put a deer fence up, if you can see through it...

Chairman Rogan stated those deer fences disappear.

Board Member Taylor stated yea and I think again, I just think it needs to be a little more flexible than what it is, it seems like there are every time something comes up we're waiving a fence height because of something...

Rich Williams stated you can't waive a fence height so I'm not sure where that's coming from, they would need to get an area variance...

Board Member Taylor stated well that's what I mean.

Chairman Rogan stated yea you mean through Zoning.

Board Member Taylor stated I don't have the right language, I'm still the rookie here but that's what I mean.

Rich Williams stated and they don't get very many area variances for fence.

Board Member Taylor stated that maybe also be part of the problem then, people request them and have good reason to request them and then they are denied, it's not something for now, it's just something to think about.

Rich Williams stated especially with trash enclosures.

Chairman Rogan stated you don't have the history on that one, you don't want to know, don't open that can of worms right now.

Board Member Taylor stated and I have 2 quick questions, N.R.A. Realty did they build a bridge...

Rich Williams stated it is under construction.

Board Member Taylor stated okay good, so they actually got that done and Field and Forest Apartments what's the address there.

Rich Williams stated what's the address.

Board Member Taylor stated yea, where is it.

Ted Kozlowski stated it's across from Brewster High School, you want to go there Ron...

Chairman Rogan stated oh across from Foggintown [Road].

Board Member Taylor stated I don't really want to go there, do you have an address, is there an address.

Rich Williams stated do you want directions how to get there.

Board Member Taylor stated no, I just want an address.

Board Member Cook stated off of Farm to Market Road.

Rich Williams stated yes I do have an address, I can e-mail it to you, it's on my computer.

Board Member Taylor stated okay, all right, but it's down off of Foggintown [Road]...

Rich Williams stated it's off of Farm to Market.

Board Member Montesano stated it's off of Farm to Market.

Chairman Rogan stated this is Farm to Market going towards Patterson, this is Brewster, [Route] 312, this is Foggintown [Road], it's right here.

Board Member Taylor stated I can look it up, you don't have to send it to me.

Board Member Montesano stated actually the entrance is in Southeast but the property is in Patterson.

Board Member Taylor stated okay, I'll look it up on the map.

Chairman Rogan stated which is a long road right here.

Board Member Montesano stated which created a big problem.

Chairman Rogan stated the driveway goes way in.

Board Member Taylor stated okay.

Chairman Rogan stated and if you go past the light then you get into that little unique park area.

Rich Williams stated is that what you're looking for is directions to [inaudible]...

Chairman Rogan stated he's got it.

Board Member Taylor stated no, I just want an address.

Rich Williams stated okay because the address is actually a range...

Board Member Taylor stated okay that's fine with me.

Chairman Rogan stated yea because of the...

Rich Williams stated I can give you the ranges.

Board Member Taylor stated no, I can pull it off a tax map.

Board Member Montesano stated we tried microwaves that didn't work.

Rich Williams stated I don't know they are...

Board Member Taylor stated I can close enough, all I want to do, I want to file my paperwork by address, that's all.

The Secretary stated the road is Field and Forest Court.

Board Member Taylor stated okay, so that's all I really need to know because I'm getting tired of trying to remember what's Schoen and Greenfield and you guys have all got this history and it makes no sense to me.

Board Member Montesano stated no, no, no, we've had to request that when you get a copy of a report that they pick a name that we know because sometimes we get official reports from the attorney who says it's case number, our own engineer case number 1477 and what the hell is that...

Board Member Taylor stated right okay I understand but an address makes more sense to me.

Chairman Rogan stated motion to adjourn.

Board Member Montesano stated so moved.

The meeting adjourned at 9:31 p.m.