

## APPROVED

HAROLD GARY  
*Chairman*  
RAYMOND COTE  
*Vice-Chair*

### TOWN OF CARMEL PLANNING BOARD



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MICHAEL CARNAZZA  
*Director of Codes  
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*Town Engineer*

PATRICK CLEARY  
AICP, CEP, PP, LEED AP  
*Town Planner*

#### **BOARD MEMBERS**

EMMA KOUNINE  
CARL GREENWOOD  
JOHN MOLLOY  
JAMES MEYER  
ANTHONY GIANNICO

### **PLANNING BOARD MINUTES** **JUNE 13, 2012**

**PRESENT:** CHAIRMAN, HAROLD GARY, VICE-CHAIR, RAYMOND COTE, EMMA KOUNINE  
CARL GREENWOOD, JOHN MOLLOY, JAMES MEYER, ANTHONY GIANNICO

<b>APPLICANT</b>	<b>TAX MAP #</b>	<b>PAGE</b>	<b>TYPE</b>	<b>ACTION OF THE BOARD</b>
Upper Lake Subdivision	42.-1-57	1	Public Hearing	Public Hearing Closed. Planner to prepare Resolution.
Mehra, Sanjay	75.16-1-27	1	Resolution	Resolution Accepted.
Bavarian Corp. (Ariano's)	75.44-1-70	1-3	Site Plan	Denied to the ZBA.
D & L Realty, LLC.	66.12-2-2	3-4	Amended Site Plan	Referred to the ECB.
New York SMSA Limited Partnership d/b/a Verizon Wireless	65.-1-11	4-5	Site Plan	Waiver of Site Plan Denied & Referred to the ECB.
Woodcrest Garden	76.9-1-19	5-6	Amended Site Plan	No Board Action.
Enterprise Rent-A-Car	75.16-1-25	6	Amended Site Plan	Public Hearing Scheduled.
Dewn Holding	53.-2-28	7	Ext. of Prel. Approval	6 Month Extension Granted.
Putnam Community Foundation	66.-2-57 & 58	7-9	Extension of Approval	Amended Resolution Accepted for PCF/PH Lot Line Adjustment.
Pulte Homes – Terrace Dr.	55.14-1-11.2	10-11	Discussion of Rec Fees	No Board Action.
Minutes – 4/11/2012		11		Approved.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Rose Trombetta

**UPPER LAKE SUBDIVISION – 47 UPPER LAKE ROAD – TM – 42.-1-57 – PUBLIC HEARING**

The consultants had no comments.

Mr. Gary asked the audience if anyone wished to be heard.

Hearing no comments from the audience, Mr. Greenwood moved to close the public hearing. The motion was seconded by Mr. Giannico with all in favor.

Mr. Gary asked the planner to prepare resolution.

**MEHRA, SANJAY – 10 VESCHI LANE SOUTH – TM – 75.16-1-27 – RESOLUTION**

Mr. Carnazza had no comments.

Mr. Gainer had no comments.

Mr. Cleary stated you have a site plan resolution before you.

Mr. Molloy moved to accept Resolution #12-16, dated June 13, 2012, Tax Map # 75.16-1-27 entitled Sanjay Mehra Final Site Plan Approval. The motion was seconded by Mr. Greenwood with all in favor.

**BAVARIAN CORP. (ARIANO'S TRATTORIA) – 18 CLARK PL. – TM -75.44-1-70 – SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to utilize additional space in the existing building including the outdoor patio for the restaurant use. Is there a perpetual agreement to allow the shared parking? The existing Medical Office needs a variance for parking spaces. 13 variances are required from the ZBA.

Mr. Gainer had no comments.

Mr. Cleary stated the primary issue with respect to this application, aside from the variances, is the use of the adjacent parking lot. How will that parking lot operate with respect to the medical office building and how patrons would move across between the two properties safely and efficiently.

Mr. Willie Besharat of Rayex Design, representing the applicant stated the first issue is the lease agreement between the two properties. Mr. Charbonneau has it and I think he is fine with it. The second issue was the use of parking being shared between the two properties. He said the two properties are two different operations. The restaurant is mainly evenings and weekends. The office building is mainly weekdays and no weekends. He said with regards to the pedestrian movement between the two parking lots (which are approximately 65 feet apart) we are proposing two pedestrian crossings on Clark Place to make it more visible and safer.

Mr. Meyer asked what is the term of the lease agreement.

Mr. Charbonneau responded it is a 99 year lease.

Mr. Carnazza stated I'm not sure whether or not the zoning board would grant variances without a perpetual agreement. The code says perpetual.

Mr. Charbonneau stated the only other concern with respect to the lease agreement is to make sure it is not violable of the existing site plan for the medical building.

Mr. Carnazza stated it is. They don't have enough spaces to give away to the other building, that's why they need a variance for parking for the existing building.

Mr. Besharat stated we are not asking to take away the parking dedicated for the restaurant. It's a shared parking operation. We will discuss it with the zoning board.

Mr. Greenwood asked if stripping crosswalks would be enough since there are no sidewalks.

Mr. Cleary stated by us approving this site plan and approving the location of crosswalks that don't go anywhere or to a grassy area that would be a liability for use. There would have to be some sort of improvement on that grassy area whether it's a sidewalk or some stabilizing method to allow pedestrians to move across appropriately.

Mr. Molloy said the fact is this is a successful business that is coming to use to solve a problem. There are a number of solutions that available to you (making Clark Pl a one way street, a municipal lot, etc), but we do not have the power or statute to do any of it. He said in the end we will work something out. We have to keep working on it.

Mr. Gary asked if the Town has the right to officially put a crosswalk for pedestrian crossing.

Mr. Carnazza stated I believe the Town Board would have to approve that crosswalk. It is a town road.

Mr. Gary stated we should ask the Town Board to look at that and make it official.

Ms. Kounine stated right now we have an applicant who came to us to make some changes. In the interim, he is also subjecting himself to all of the other changes that needed to be made but weren't for whatever reason. He is willing to make all the changes so that he is up to code and the laws of the town. We should send him to the ZBA, if they get all their variances, then they could come back to us and we could look at this application as a planning issue.

Mr. Besharat said he will go to the Town Board and ZBA simultaneously.

Mr. Gary stated the ZBA will have the same concerns about the safety that this board has. Let the ZBA know that you are trying to make it safely to cross that road. It would be very advantageous for you to do that.

Mr. Besharat stated I will do that.

Mr. Cote questioned the names on the lease agreement.

Mr. Molloy stated he much preferred an easement agreement instead.

Mr. Carnazza said the ZBA might want that also.

Ms. Kounine moved to deny to the ZBA. The motion was seconded by Mr. Meyer with all in favor.

#### **D & L REALTY, LLC. – 130 OLD ROUTE 6 – TM – 55.12-2-2 – AMENDED SITE PLAN**

Mr. Carnazza had no comments.

Mr. Cleary read Mr. Gainer's memo which stated our prior memorandum summarized non-compliances with the original site plan approval. Since the last meeting, Pat Clerary and the writer met with the applicant's consultant on site to review all outstanding issues. Based upon our review of these latest plans, we wish to offer the following comments:

1. As was noted in our earlier memorandum, the buildings as constructed lie within the DEC regulated freshwater wetland buffer. Further, it is noted that a portion of the outdoor storage area encroaches into the adjacent wetland buffer area. None of this was anticipated under the 2001 approval. It will therefore be necessary to pursue approvals from these agencies at this time.
2. The new plan shows the fence and storage areas pulled back out of the wetland buffer area which is in conformance with the prior recommendations of this Department.
3. Following Town guidelines the Applicant will be required to execute and file with the Putnam County Clerk a "Stormwater Control Facility Maintenance Agreement" as specified in Town Code §156-85 to assure long-term maintenance of these treatment devices.

Mr. Cleary read his memo which stated the metal fence behind the existing building has been relocated to follow the wetland setback boundary. The storage area encroachment into the wetland buffer has been pulled out of the buffer. The area will be replaced with topsoil, seed and much. The outdoor storage area has been slightly extended in the southeast corner of the site to follow the wetland buffer boundary. The existing (or new) metal fence will be relocated to follow the entire length of the wetland buffer setback line. The existing outdoor storage has generally be confined to the specific areas indicated on the site plan, and is maintained in a neat and orderly fashion. The gravel surface is appropriate given the limited volume of vehicle traffic as well as the site's proximity to the wetland.

Ms. Theresa Ryan of Insite Engineering, representing the applicant addressed the board and stated we addressed the comments from the most recent memos. We are increasing the outdoor storage outside the buffer area, about the same amount of square footage as the area we are removing from the buffer. She said in compliance with the memo from Jack Karell, with regards to stripping and paving that has been addressed. She said we are now looking for a referral to the ECB.

Mr. Cleary stated whether or not they need a wetland permit, let the ECB make that determination.

Ms. Kounine moved to refer to the ECB. The motion was seconded by Mr. Meyer with all in favor.

**NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS – 675  
ROUTE 6 – TM 65.-1-11 – SITE PLAN**

Mr. Carnazza read his memo which stated the applicant proposes to add additional antenna's to the existing tower at Patterson Blacktop. The map should be labeled "Amended Site Plan ..." (There should be reference to the owner's name or the site plan name on the plat, not just a tenant).

Mr. Gainer had no comments.

Mr. Cleary read his memo which stated the proposed antennas are designated as a "Public Utility Installation" and are permitted pursuant to the criteria established in Section 156-37 of the zoning ordinance. The proposed antennas meet the requirements of section 156-37, with the exception of 156-37 E, which requires that the application be referred to the Town of Carmel ECB, Fire Chief, and the Putnam County Department of Health. This referral can be made at this time. The FCC RF compliance report indicates that the cumulative RF level from the combined Verizon Wireless antennas at the site is more than 80 times below the applicable FCC limit for human exposure from RF emissions. It is not clear if this assessment also included the emissions from the NEXTEL antennas also located on the tower. The applicant should clarify this. Are any new equipment buildings, shelters, etc. proposed?

Mr. Michael Sheridan of Snyder & Snyder, representing the applicant answered Mr. Cleary's question regarding other carriers on the report. He said it does mention other carriers on the tower. It references operations by ATT, MetroPCS, Sprint and T-Mobile.

Mr. Sheridan addressed the board and stated Verizon Wireless is looking to replace and add additional antennas on the existing tower. There will not be a height increase to the tower. He said the applicant is requesting a waiver of site plan pursuant to 156-61L of the zoning code.

Ms. Kounine stated I am not in favor of waiving site plan approval because they are adding more antennas.

Mr. Giannico stated we should know what the RF emission would be for Nextel before we refer this.

Mr. Sheridan stated the report does include all the existing antennas.

Mr. Cleary stated that is basically why we rarely waive site plan approvals for this so we could keep track of what's going on.

Mr. Greenwood moved to deny the request for waiver of site plan. The motion was seconded by Ms. Kounine.

A roll call vote was taken as follows:

Mr. Meyer	For the motion
Mr. Greenwood	For the motion
Ms. Kounine	For the motion
Mr. Giannico	For the motion
Mr. Molloy	For the motion
Mr. Cote	For the motion
Mr. Gary	For the motion

Mr. Greenwood moved to refer to the ECB. The motion was seconded by Ms. Kounine with all in favor.

#### **WOODCREST GARDENS INC – 675 ROUTE 6 – TM – 76.9-1-19 – AMENDED SITE PLAN**

Mr. Carnazza stated this is on for the moving of the detention pond. I have no further zoning comments.

Mr. Cleary read Mr. Gainer's memo which stated the Engineer should provide certification of the following:

- a. Quantity/size of trees which require removal in order to construct the stormwater facilities in this new location. This has been provided in the cover letter and SY1
- b. The area of disturbance has been provided and the proposed relocated basin is substantially the same.
- c. The detention pond volumes are substantially the same.

We recommend a thick layer of woodchips be placed on both sides of the proposed silt fence. Based upon the tree removal plan, these materials could easily be generated on site. We have seen this technique used as an effective E/C tool on recent projects. Locate the existing SMH to the south of the pool. The proposed grass swale should be directed into the detention pond by means of a catch basin/end section and appropriate piping. The swale presently discharges to the west of the detention pond without any treatment. EOS# 1 is proposed in lieu of the previously proposed overflow swale. For safety purposes, a high flow grate should be provided. Following town guidelines the applicant will be required to execute and file with the Putnam County Clerk a "Stormwater Control Facility Maintenance Agreement" as specified in §156-85 to assure long-term maintenance of these treatment devices. Lastly, in processing this application, pursuant to GML 239(m) the application should be referred to the Putnam County Planning Department, due to the proximity of the existing bike path.

Mr. Cleary had no further comments.

Mr. Peder Scott of P.W. Scott, representing the applicant addressed the board and stated Robert Perelli has filed the necessary paperwork authorizing him to speak on behalf of Woodcrest Gardens.

Mr. Perelli stated over the years we have put a lot of time and money into the complex. The place was neglected. Since the approval of the new pool, the after review the board members of the complex agreed that the retention pond on the front lawn will basically de-value our complex. He said it could be seen from Route 6. We do not want an eyesore on our front lawn. He said in his possession he has letters from 65% of the shareholders expressing how they feel about the retention pond on the front lawn. He said in his opinion, it would be more of a hazard to have it at its present location in visible site as opposed to having it hidden. We are willing to do whatever we have to.

Mr. Gary asked where were all the shareholders during the application process.

Mr. Perelli stated there was a lag because we basically meet once a year. We do not go out and poll our entire complex. He said we did look at the underground system, but it was more than we could afford. It occurred to us later, that maybe we could have the pond moved that's why we came back to the board.

Mr. Greenwood asked if they were willing to consider re-opening the entire project.

Mr. Perelli replied yes if that is what we have to do.

Mr. Gary asked again, do you want to start again and change the whole site plan and work it out through the engineer and planner and come back to the board? He said I think we could get the majority of the board to agree to that.

Mr. Perelli stated I think we will do that.

Mr. Scott asked if they could submit an informal sketch to the consultants to evaluate alternatives in a positive sense.

Mr. Gary stated to sit with the consultants, discuss it and come up with a solution and then come back to the board.

Mr. Cleary stated this board will not tell you what to do. It is your job to tell us what you want to do.

Mr. Gary said you have an approval on that site right now. You want to go through the process of an amended site plan and come back to the board and start over. He said you have the right to do that. Isn't that correct Mr. Charbonneau?

Mr. Charbonneau said absolutely.

Mr. Gary asked Mr. Scott if he understood.

Mr. Scott answered yes.

#### **ENTERPRISE RENT-A-CAR – 419 ROUTE 6 – TM 75-16-1-25 – AMENDED SITE PLAN**

Mr. Carnazza stated all variances were granted by the ZBA and are noted on the plat.

Mr. Cleary read Mr. Gainer's memo which stated the existing handicap ramp on the premises is not ADA compliant.

Mr. Cleary stated a public hearing is the next step.

Mr. Gary said to schedule a public hearing.

Mr. Molloy asked the applicant to bring photographs of what the geomat will look like to the next meeting.

**DEWN HOLDING – MEXICO LANE – TM – 53.2-28 – EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL**

The consultants had no objection.

Ms. Kounine moved to grant an extension. The motion was seconded by Mr. Greenwood with all in favor.

**PUTNAM COMMUNITY FOUNDATION – STONELEIGH AVE – TM – 66.-2-57&58 – EXTENSION OF APPROVAL**

Mr. Charbonneau stated my understanding was a majority of the members of the board had some questions with respect to this application. I would ask a member of the board to make a motion pursuant to Public Offices Law – Section 105-1D and/or Section 108-3 to move this matter into Executive Session.

Mr. Cote moved to go into Executive Session at 8:20 pm. The motion was seconded by Mr. Giannico with all in favor.

Mr. Giannico moved to come out of Executive Session at 8:45 pm. The motion was seconded by Mr. Meyer with all in favor.

Mr. Dan Leary an attorney, representing the applicant addressed the board and stated we have made a written request for an extension of our site for another year to June 8, 2013. As you know, we did get the lot line re-alignment, but that does not become legally operative until it's filed in the County Clerk's office. Right now, we do not have that in place and the sale to the hospital in place. We need to preserve our approval for now to keep it status quo.

Mr. Gary stated I see one flaw. If we grant an extension of approval because you haven't filed with the County Clerk, the Board and the Town run the risk of you doing that and we will never know.

Mr. Leary stated it is a matter of public record once it's filed. He said I am agreeable to putting in a mechanism of notification to you as a condition of this approval.

Mr. Gary asked Mr. Charbonneau if this something that could be done.

Mr. Charbonneau replied it could, but you have a situation where you have two existing site plans for the same property.

Mr. Gary stated, Mr. Leary has said they don't have any approvals, the hospital could back out and they do not want to lose their approval, therefore they want to keep it until they are sure everything is in place. Mr. Gary addressed Mr. Charbonneau and stated that's a big risk and I don't think you would advise us to go that route.

Mr. Charbonneau replied I wouldn't. He said the issue for me is the representations that were made by the applicant on the record. A number of representations were made by the applicant that upon this approval, they would relinquish their previous approval for the 120 senior housing units.



Mr. Leary said I don't agree. I don't remember making those representations.

Mr. Charbonneau said you didn't, Mr. Contelmo did.

Mr. Leary said we also talked about it would be operative upon the filing of the plat. At which time, Mr. Leary referenced the SEQRA documentation that was adopted, which stated the conveyance of land would render the previously approved 120 unit senior housing project on the Putnam Community site null and void. Conveyance of land that's what it says on the negative declaration, that's what you approved. As a matter of law this comes into effect at the time of recording and that would be the same time it is conveyed. Mr. Leary suggested to the board if they are not comfortable with a year extension then maybe they would consider at the time of the recording of the plat we would have to give you due notice, or one year from the date whichever is sooner. He said we are not asking for a blank check, open ended indefinite approval, but in all fairness the standard for an extension really hasn't come into legal effect yet and your documentation says it's at the time of conveyance.

Mr. Charbonneau read what the final subdivision approval said, which was the conveyance of land would render the previously approved 120 unit senior housing project on the Putnam Community Foundation site, null and void. He said that sentence in the approval resolution is holy and consistent with the representations that were made on the record. I have asked the Town Planner to provide an amended final subdivision approval which removed that sentence and replaced it with **this approval renders the previously approved 120 unit senior housing project on the Putnam Community Foundation site, null and void.** He said I have asked the board to consider an amended final subdivision approval in light of the representations that were made by the applicant on the record and in light of my reading of the record.

Mr. Molloy stated for the record I'm prepared to make a motion that we adopt this amended resolution.

Mr. Leary interrupted and asked the board for a favor. He said all I am asking for is if you are looking to vote on the resolution tonight, to please not do so and give me a chance to confer with my team and come back and respond. He said I am totally blindsided by this.

Mr. Molloy stated having made that argument, the board members in their vote on this amended resolution can reflect their position on your argument, so if I offer this amended resolution now and the board members agree with what you just asked for they could vote no.

Mr. Molloy moved to adopt an amended resolution entitled Final Subdivision Approval #12-11, dated June 13, 2012 (this was originally voted and approved on May 9, 2012), Tax Map #66.-2-57 & 58 – Putnam Community Foundation/Putnam Hospital Center Subdivision Lot Line Adjustment. The 2<sup>nd</sup> whereas paragraph in the 2<sup>nd</sup> sentence of the resolution that was voted on in May states the conveyance of land would render the previously approved 120 unit senior housing project on the Putnam Community Foundation site, null and void. In the amended resolution it stated this approval renders the previously approved 120 unit senior housing project on the Putnam Community Foundation site, null and void. The motion was seconded by Mr. Cote.

Mr. Leary interrupted and stated, I don't necessarily legally agree that it is appropriate and I would like the chance to review that as well.

Mr. Gary stated it has been duly motioned and seconded. I will open it up for discussion. He said I agree with Mr. Molloy, but the board has tried to be fair in its decision. He said I think the board should consider it, I am not directing them to do it, but they should consider the fairness in it and you should have an opportunity also, but I also heard the applicant say once the resolution was passed the property would be no more. I would still like to encourage the board to be fair in their discussion.

Mr. Greenwood stated I would also add is it was said certain times. Your representation made clear. I see absolutely no reason for us not to vote on this resolution tonight.

Ms. Kounine stated I think this applicant came in front of us tonight for an extension of approval and in a way we are blindsiding him by saying, we have a whole new resolution because we want to clarify the past one that was already adopted and approved and everyone thought it was okay. She said I don't think it's very fair to have a representative who hasn't really been in front of us before, to stand there and get hit with the resolution is wrong and we are clarifying a certain sentence. I would like to see the other people involved that have been here all along in front of this board. I don't think this has to be done tonight. I don't see the urgency.

Mr. Cote stated I respectfully disagree to the extent that I recall specifically that we were told upon approval the site plan would be a nullity. I am not sure of the exact language, but I remember him presenting it and telling us that. He said this is a ministerial mistake in the resolution and tonight makes it conform to what I thought was the understanding all along. He said I think it is somewhat disingenuous to say you are completely blindsided by this, it's been a long process, it's involved numerous exchanges between the attorney..... The representation has been made on record more than once that when this was approved, the prior site plan approval would go away. I do not feel uncomfortable voting on this tonight based on that.

A which time, a discussion ensued amongst the board members regarding whether or not the amended resolution should be voted on tonight or in two weeks.

Mr. Gary stated the motion has been duly made and seconded.

A roll call vote was taken as follows:

Mr. Meyer	For the motion
Mr. Greenwood	For the motion
Ms. Kounine	Against the motion
Mr. Giannico	For the motion
Mr. Molloy	For the motion
Mr. Cote	For the motion
Mr. Gary	Against the motion

Motion carries.

**PULTE HOMES – TERRACE DRIVE – TM – 55.14-1-11.2 – DISCUSSION REGARDING REC FEES & LITIGATION**

Mr. Cleary addressed the board and stated as you are aware, Mr. Charbonneau and I for the past several months have discussed the Pulte recreation fee issue with you. We discussed the principles behind this and we submitted to you the Town recreation study that was submitted in 2006. Tonight we would like to specifically re-visit the recreation study and talk about the findings of that study. There are four findings that study talks about. It says there remains today a need for parkland, both active and passive parks in the community, there is not enough. The second is regardless of how much parkland exists in this community we need resources to maintain them. The third is the demographics of the community are such that the population is increasing. The fourth is the study was done in 2006 and compared our recreation fee structure of those of other communities and it was concluded that our fees effectively were fair. We have asked the board to review the document in detail and determine if you find these findings to still be relevant and appropriate.

Mr. Charbonneau addressed the board and stated this matter involved litigation involving the planning board and the applicant. Ultimately, the Appellate Division remitted this matter back to the planning board for purposes of determining whether or not the recreation fees that were approved by this board were in fact appropriate. The means by which to do that is to go back and review the 2006 recreation fee schedule. I have asked that copies of the study be distributed to the planning board members and I have asked Mr. Cleary to review it so the board could engage in a discussion relative to the imposition of those fees for purposes of logistics. He said following the boards discussion of that, I would ask the Chairman to kindly schedule a public hearing so we could afford the applicant an opportunity to come in and discuss the recreation fee study report as well as the imposition of those fees. Ultimately, I would ask that the board direct the Town Planner to prepare a resolution either modifying those fees or reducing those fees.

Mr. Cote stated he reviewed the fee study from 2006 and as a resident of Carmel since 1991, I believe it is true today as it was in 2006. It reflects the makeup of the Town of Carmel, especially when you consider the people that have come in front of the board from Pulte with comments. We need more recreation in this town for the citizens. I believe the report is accurate and I agree with everything in the report.

Mr. Molloy asked a question to Mr. Charbonneau. He said the statute 274A subdivision 6 refers to a fee established by the town. He asked do we have the authority to offer a fee less than what was approved by the Town Board?

Mr. Charbonneau replied in this instance that's the analysis the Appellate Division is asking the board to undertake. The reasonableness of the imposed fee. If you disagree with that fee then we would have to address that with the Town Board as what they determine is statutorily reasonable. He said in conducting that analysis I would ask you take a look at the portion of the report that details the recreation fee amounts that are imposed in surrounding communities as well.

Mr. Molloy stated the decision from the Appellate Division seems to indicate that we could change a fee greater than what the Town Board has approved.

Mr. Cleary stated in my opinion you can't change the fee. It's the Town Board that would change the fee. I think you could recommend to the Town Board to change the fee because it is inappropriate.

Mr. Meyer asked if we agree with the previously set fee, then we don't have to go to the Town Board. It's only if we are going to reduce it or increase it.

Mr. Charbonneau stated that's correct. If you have a recommendation that is different than what's statutorily imposed by the Town Board you may want to bring that to their attention. If you agree based on the findings in this report that the fee is justifiable in this instance there is no need to reflect on that.

Mr. Gary stated it is the planning board that recommends to recreation fees to the Town Board. The Town Board adopts the fees and they have never not taken the advice of the planning board.

The four findings of the study were reiterated by Mr. Charbonneau and Mr. Cleary.

Mr. Gary suggested to Mr. Charbonneau and Mr. Cleary that the Planner and three members of the board meet with him and then come back with a report to the Town Board. A report on how they came up with those fees, should the existing fees be higher or lower.

Mr. Cleary stated what we could do is have a sub-committee of the planning board and write a report effectively on the findings on behalf of the board. We will then send it to the Town Board.

Mr. Gary stated to Mr. Charbonneau you could utilize this in arguing the case for the fee schedule.

Mr. Charbonneau stated that's fine. The only modification to your suggestion is rather than sending it to the Town Board, ultimately we will use it as part of a resolution by the board to satisfy the Appellate Division. We can duly track it and get it to the Town Board as well.

Mr. Cleary asked for three members of the board to volunteer their time.

Mr. Cote stated he would volunteer.

Mr. Gary thanked Mr. Cote and said he will send a list to the secretary and she will notify the members. He said to Mr. Cleary you will be leading the group.

Mr. Cleary stated will do.

## **MINUTES - 4/11/2012**

Mr. Molloy moved to approve the minutes. The motion was seconded by Mr. Greenwood with all in favor.

Mr. Greenwood moved to adjourn the meeting at 9:30 p.m. The motion was seconded by Mr. Giannico with all in favor.

Respectfully submitted,

Rose Trombetta