

TOWN OF PATTERSON
PLANNING BOARD MEETING
February 26, 2015
Work Session

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**Planning Board
February 26, 2015 Work Session Meeting Minutes**

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

Present were: Chairman Thomas E. McNulty, Board Member Ron Taylor, Board Member Brady, Board Member Robert Ladau, Rich Williams, Town Planner, Ted Kozlowski, Environmental Conservation Inspector and Ron Gainer, Town Engineer.

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

Chairman McNulty called the meeting to order.

1) RP Development – Wetland/Watercourse Permit Application

Chairman McNulty: Okay, work session for February 26th. Have our agenda here. First on the agenda is RP Development. Just got this paperwork tonight. Rich, you want to give us a little overview?

Rich Williams: Yeah, this is an old project. I believe the application was initially submitted probably about two thousand...God. Teddy, 2006? It is, I think, the last remaining lots from the Steinbeck Hill Subdivision. And it has extensive wetlands on it.

Chairman McNulty: Is this the one just to the south of Indian Hill Road? Off...

Ted Kozlowski: Yes.

Chairman McNulty: This has come in front of us before.

Rich Williams: There's been discussions before, yes.

Ted Kozlowski: Yes.

Rich Williams: Right. So they're back. He's got a new engineer and they're looking to finalize development of this lot.

Ted Kozlowski: He, just for the record, he called me the other day and asked to sit down and meet with me to discuss this and I told him I'd be happy to. But he just emailed me everything today. So I have yet to see it. I haven't spoken to him since then.

Rich Williams: Well, it's kind of hard to look at anything right now with all the snow on the ground.

Ted Kozlowski: Right. And there is extensive wetlands and guys, I can't...

Board Member Taylor: So is 90% of this in the buffer? Is that what it...

Ted Kozlowski: It's all in the buffer.

Rich Williams: Ninety percent of... Well...

Board Member Taylor: Or 95% of it.

Rich Williams: I don't know about 90%. But it's... A substantial portion...

Chairman McNulty: This is the wetlands here, right? [Referring to the plans].

Rich Williams: of development of the lot is in the wetland buffer.

Ted Kozlowski: One hundred percent is.

Board Member Taylor: This is the buffer here? So all of this is buffer?

Rich Williams: It's not...

Ted Kozlowski: He's showing it.

Rich Williams: It's not all in the buffer.

Board Member Taylor: Well, he's got...

Ted Kozlowski: Yeah, it is.

Board Member Taylor: a little tiny, in the corner.

Ted Kozlowski: Well, the septic isn't.

Rich Williams: The septic system is not in the buffer.

Ron Gainer: Some of the sanitary, right.

Ted Kozlowski: Yeah, but I mean you got everything else...

Rich Williams: Well, not all of the septic system...

Board Member Taylor: No.

Rich Williams: is on the buffer.

Board Member Taylor: Right.

Ted Kozlowski: He's got no...I'll tell you right now the pool, you know, you've got trees on the edge of that pool.

Rich Williams: Well, and I...Listen. It was my recommendation to show a reasonable development of the lot because I did meet with him; they did come in. So that we don't have this constant, you know, encroachment and...that we're constantly battling against.

Ted Kozlowski: Why is he pushing the house so far back when he's got enough driveway to pull it a little forward so he can have more of a backyard?

Rich Williams: I don't have an answer for you.

Chairman McNulty: And is this all part of the lot here, too? Is this in...

Ted Kozlowski: Yeah.

Chairman McNulty: the wetland?

Ted Kozlowski: Yeah.

Chairman McNulty: Or is it uphill from it? I guess he'd have to...

Ted Kozlowski: This is...By the way...

Chairman McNulty: he'd have to go through the wetland.

Ted Kozlowski: he's showing it, this is New York State DEC wetland as well. So he's going to need to get a permit from the State as well.

Chairman McNulty: Now, has this been previously approved at any point in time.

Rich Williams: It's an approved subdivision lot. Development of the lot has not been approved prior.

Chairman McNulty: But it's an approved lot.

Rich Williams: But it's an approved subdivision lot.

Board Member Taylor: So what rights does that give him?

Rich Williams: I don't know that it gives him any particular rights but it...And you really need to talk more about this with Mike Liguori. If the Board were to feel that the lot was not buildable, we may have a regulatory takings claim.

Chairman McNulty: What does that mean?

Rich Williams: That we've taken the lot by the fact that we've had regulations prohibiting its development.

Chairman McNulty: So the Town would take it over?

Rich Williams: The Town would have to pay him for it. They wouldn't own; they'd have to pay him for it.

Board Member Taylor: We're taking his rights.

Chairman McNulty: Yeah.

Board Member Taylor: And we have to compensate him for it.

Chairman McNulty: It's a one-time fee?

Rich Williams: You could look at it like a one-time fee, yeah.

Chairman McNulty: It's not a monthly or an annual?

Rich Williams: No, no, no.

Chairman McNulty: No.

Rich Williams: It would be, basically, we're buying the value of the lot. We would give him whatever a building lot is worth: \$150,000, whatever.

Chairman McNulty: There's no way of knowing what his motive is for that then.

Rich Williams: For what.

Chairman McNulty: If he's pushing the issue for that.

Rich Williams: He's not pushing the issue.

Chairman McNulty: He wants to build.

Rich Williams: He wants to build. What I'm suggesting to you, if you've got a lot that was created at some point in time by the Planning Board, the owner of that lot or any future owner of that lot...Now, you buy it with all the wetlands, you start losing rights. It's one thing if you got it approved that way and then the regulations came in and changed. But, you know, when you buy it, you know, you lose some of the right to actually make that plan. But again, this is something I would recommend the Board talk about with Mike Liguori.

Chairman McNulty: It's hard to get an idea...Any idea how large this area is that's outside the wetland proper? I mean...

Rich Williams: I can tell how large it is, but not off the top of my head.

Chairman McNulty: It's a three acre lot.

Ted Kozlowski: This...I got a...

Chairman McNulty: I mean, is this an acre's worth of land here?

Rich Williams: No.

Ted Kozlowski: No. I got a... You know, I'm very familiar with this site. This has a history with the owner of the property of the site and myself and Rich Williams, and previous Planning Boards. There's a long history here. Some of it was not pleasant. And I really recommend that the Board wait until the snow melts to have a site walk out there...

Chairman McNulty: Yup.

Ted Kozlowski: to acquaint yourself with it. I know some of you are going to ask, well, look at all that land. It's three acres. What about up into the development?

Chairman McNulty: Yeah, over here.

Ted Kozlowski: I believe that's all wetland up in there.

Rich Williams: It's all wetlands going back.

Ted Kozlowski: Because...

Chairman McNulty: It's not uphill from it? It's just up...

Rich Williams: It's wetlands going back.

Ted Kozlowski: There's...

Chairman McNulty: Oh.

Ted Kozlowski: There's the stormwater detention that's somewhere above that site for the whole lot. There's a reason this wasn't developed and the reason is you've got all the wetlands there. The question is can the Board, can I and everyone else, agree that putting a house there is not going to have a substantial impact on the wetland? And is anybody reasonably going to be able to use that property as a normal homeowner would be able to considering they're going to get 3.5 acres, most of which is unusable. As it...As...Just...This is the first time I'm opening this up and I have a problem with the house where it is because nobody is reasonably going to be able to have a house that's going to go for what, four or five hundred thousand dollars, and they can't use their backyard. There's very little space between the wetland edge and the house.

Chairman McNulty: Yeah, I suppose...

Ted Kozlowski: Now, there's room to move that house, definitely.

Board Member Taylor: Mmhhh.

Ted Kozlowski: And I would think you would want skew it to the southwest a little bit so that you get a little more of a backyard. That's one mitigating thing. As a pool owner, I know it is required for a sun field. It's ridiculous to have a pool where he's locating it because they're going to definitely have to impact the wetland to clear trees.

Chairman McNulty: Well again, I think that's just for clarification.

Ted Kozlowski: Right.

Chairman McNulty: Rich asked me, so...

Ted Kozlowski: Right. I understand. And Rich... We've always asked this: Alright, put the deck, put the garage, put everything so we can get a layout which is a very good thing. But a pool can't go there.

Board Member Taylor: Alright.

Chairman McNulty: Do we know if he's done perc. tests or anything yet? I mean, he's plotted a septic field. I'm assuming...

Rich Williams: These are all questions you're going to have to ask him.

Chairman McNulty: Alright. Do in this week? Next week?

Rich Williams: Yeah.

Board Member Taylor: What's the front yard setback?

Rich Williams: Forty feet.

Ted Kozlowski: And where is the Clough property in relation to that? Is that... That's to the north?

Rich Williams: It's across the street and up the road a little bit more.

Ted Kozlowski: so it's not, like, connected where it would make sense that you could join the parcels. Should there be some sort of...

Rich Williams: Well, A) no there's a road in between so...

Ron Gainer: Yeah, no.

Ted Kozlowski: Right.

Rich Williams: you couldn't join the parcels.

Ted Kozlowski: Well no, it's... Yeah, it's really not.

Chairman McNulty: Okay.

- Ted Kozlowski: So there's a lot of...There's a lot of environmental issues with this site. I'm not saying it's not developable; I've seen far worse. But this is going to be...
- Chairman McNulty: It might end up with a real small house on it.
- Ted Kozlowski: This is going to be a challenge. And maybe two bedroom...reducing the size of the house is more realistic. I don't know.
- Chairman McNulty: So, we're going to need a site work...walk for sure when the snow melts.
- Ted Kozlowski: I would.
- Board Member Taylor: Yeah.
- Chairman McNulty: Yeah.
- Ted Kozlowski: I would highly recommend it.
- Chairman McNulty: I have an idea where the property is. I know this has come up in front of us before, but I have never walked it or...I've never...
- Ted Kozlowski: If you're facing Steinbeck Hill off of Farm to Market, right where Steinbeck Hill Road and...
- Chairman McNulty: Mmhhh.
- Ted Kozlowski: Farm to Market meet, it's immediately to your right, if you're facing uphill. Going to you the south...
- Chairman McNulty: Is that Steinbeck Hill or Indian Hill.
- Ted Kozlowski: Indian Hill.
- Chairman McNulty: Okay.
- Ted Kozlowski: Okay.
- Rich Williams: Steinbeck Hill Subdivision, Indian...
- Ted Kozlowski: Right.
- Rich Williams: Indian Hill Road.
- Chairman McNulty: Indian Road.
- Ted Kozlowski: It's Indian Hill Road but it's that southeast corner, it's right there. And then it goes up the hill.
- Chairman McNulty: Okay. Anybody else have any comment on this?

Ted Kozlowski: I will call Joe Reilly tomorrow. Tell him I got this, I'm reviewing it. I will meet with him and have a conversation similar to what I just said to you folks tonight. And look at what his consultants are saying and we'll try to work to resolve this.

Chairman McNulty: Okay.

2) DG Flowers – Sign Application

Chairman McNulty: We'll move onto DG Flowers, sign application.

Rich Williams: This is a small business. It's a small building right next to Angelo Zegarelli's restaurant in Putnam Lake. They wish to open a flower shop there and they've submitted an application for the sign they wish to hang on the side of the building. I've taken a look at it preliminarily. I haven't seen any issues with it.

Board Member Taylor: So is he going to have obnoxious odors or noise or...

[Laughter]

Chairman McNulty: Is there a change of use.

Rich Williams: If you don't like flowers, you're in trouble.

Board Member Brady: Yeah, there is odors from the flowers, right? I think that may be...

Board Member Ladau: uh-huh.

Board Member Brady: that the Town Board look into it.

Chairman McNulty: This says sign. What is it pointing to? Right here, the window?

The Secretary: Between the window...

Rich Williams: It's something that's not clear right now. I'm not sure if he's going to hang it perpendicular off the building, which would be my suggestion.

Board Member Taylor: That's what it looks like. He's got a bracket on the...

Chairman McNulty: Pretty small sign.

Board Member Taylor: Well...

Rich Williams: Or he's going to hang it somewhere on the...

Board Member Taylor: 2' x 2'.

Board Member Brady: Two feet by two feet.

Board Member Taylor: Yeah, so...I don't see a problem with it.

Chairman McNulty: Is it currently a flower shop? It's currently vacant?

Board Member Taylor: Currently vacant by the looks of it.

Rich Williams: Yeah, but it has a prior history of customary personal services being in the building.

Chairman McNulty: Is it across the street from the barbeque place? [Referring to Triple B Barbeque].

Rich Williams: Across the street and up the road a little bit.

Chairman McNulty: Up the road a little.

Rich Williams: Yeah.

Chairman McNulty: So there's no big issues to deal with other than the sign.

Rich Williams: Nope.

Chairman McNulty: Colors on the sign? I haven't read this yet, so...

Board Member Taylor: Black and white.

Chairman McNulty: Letter type. White and black. Rich, any issues with this? Can we act on this tonight?

Rich Williams: Well, I'd like to take a better look at it.

Chairman McNulty: Okay.

Rich Williams: You know, I've been busy doing other things this week, so I haven't had a chance to really delve into some of these applications.

Chairman McNulty: He does say anything about lighting, right? No lighting?

Board Member Taylor: No lighting.

Rich Williams: No lighting.

Chairman McNulty: Okay. Alright, so we'll put that on for Thursday.

3) Wilkins Motorsports

Chairman McNulty: Okay, that brings us to Wilkins Motorsports.

Rich Williams: Yup.

Chairman McNulty: What have we found out about pre-existing, nonconforming status of that.

Rich Williams: Pre-existing, nonconforming status?

Board Member Ladau: No, that's the...

Rich Williams: No.

Board Member Ladau: That's the 120'...

Rich Williams: That was not one of the issues.

Board Member Ladau: separation.

Chairman McNulty: Separation. But if it was an existing...

Board Member Brady: Right.

Chairman McNulty: automotive, then it would pre-existing and not come into play, correct?
That's the way I understood it when we left off.

Board Member Brady: Yeah, what she said was that it was empty for quite a while and she said that it...after it's empty for a year it would...

Rich Williams: She's absolutely correct.

Board Member Brady: Okay, and...

Rich Williams: Alright. The question...We have no documentation. I have no documentation, the Building Department does not. And we've had this discussion because I've met with her prior to her coming into the Board.

Chairman McNulty: Who? Mrs. Herman?

Rich Williams: Mrs. Herman. And it was raised at that point. And the Building Department has nothing to document that it was vacant for a year. So, for me that hasn't ever been an issue.

Board Member Brady: Taxes were paid?

Rich Williams: Taxes are all paid.

Board Member Brady: So that was something Michael was supposed to look into.

Rich Williams: So Michael Liguori was going to look into a couple of things, a couple of questions Ron [Taylor] raised.

Board Member Taylor: Well, I think I have a solution to that where we don't have to wait for him. Let me read you a resolution. In the matter of Wilkins Motorsports site plan for 2237 Route 22: This is a two part resolution. Number 1, that the Planning Board accept the part of this survey titled Topographical Survey of Property Prepared for John Moriarty dated February 26, 2004 as a site plan for existing conditions. And that the Board grant a waiver for the following conditions that require site plan: Boundaries and designations of all zoning districts, table of zoning, zoning variances, key map proposal, or proposed provision of water supply and sanitary waste disposal, fire protection, soil types, owner signature block, PC Health Department signature block, E 911 street address, topography reference to benchmark and renderings of buildings...architectural renderings of buildings. That's Part 1. And Part 2, that the Planning Board accept a sketch by the owner of proposed changes to the site that include for the new shed a) footprint dimensions b) it's approximate location c) side yard setback distance and offset distance from existing structures, that's d). And the Board grant a waiver for all the requirements listed under §154-79.

Chairman McNulty: But he has given us that plan of some sort, right?

Board Member Taylor: But he's given us the plan with his notes on it which is the question I raised. It's a survey.

Chairman McNulty: Is it...

Board Member Taylor: You're not allowed by law to modify a survey without going back to the surveyor.

Board Member Ladau: Mmhhh.

Board Member Taylor: So I'd say let's just take this without his notes on it and then have him just do us a sketch separately and then we're covered. I mean, it's a great site plan. It has existing conditions.

Rich Williams: Yeah I'm, again, I go back to what he submitted that I reviewed and I'm not sure where that came from, did not have any engineer seal, any engineer signature, any surveyor's signature or seal on it.

Chairman McNulty: So you're talking about this drawing?

Board Member Taylor: Well, except this drawing is a piece of this. It's a piece of a larger survey.

Chairman McNulty: Well, why don't we just accept this portion of it.

Rich Williams: And that's what we were...

Board Member Taylor: Because we know now that it's part of a survey and it's illegal. You can't just...

Rich Williams: It's not...It's illegal...And that's the question you asked Mike.

Board Member Taylor: Yeah.

Rich Williams: So I'd like to see what Mike comes back.

Board Member Taylor: Yeah.

Rich Williams: Because we do this practice all the time. People cannot make changes to an architect, an engineered drawing or the like, where the architect or engineer has signed and sealed it.

Board Member Ladau: That's right.

Rich Williams: Right?

Board Member Taylor: Right.

Rich Williams: But if they basically took that same drawing, copied it over, redrew it, whatever, take the engineer's seal and signature off and then modify it however they do it, is that still a violation of State Law?

Board Member Ladau: Well, it's a violation of Copyright Law.

Rich Williams: I, again, I...

Board Member Ladau: That I do...

Board Member Taylor: That's what Mike has to look at.

Rich Williams: That's what we're going to ask Mike.

Board Member Taylor: But it seems...

Chairman McNulty: But does the copyright cover it in its entirety? Or...

Board Member Taylor: Well, it's...

Chairman McNulty: a portion of it.

Board Member Ladau: Theoretically, what should be done is that somebody should go out and either remeasure or go to the original surveyor and get him to modify his drawing and stamp it, seal it, bless it.

Board Member Brady: Or do what Ron says and take a sketch from him.

Board Member Ladau: Or take a sketch from him. Either way.

Board Member Brady: And accept his sketch.

Rich Williams: Right. But what constitutes a sketch?

Board Member Brady: Right.

Rich Williams: That's the 64-dollar question. We have never said that Wilkins is submitting a survey or an engineered drawing. It's always been a sketch. Yeah, he basically took what somebody else did. He cut a section out. He may draw a little bit, he may paste some things on it.

Board Member Ladau: Yeah.

Rich Williams: But it's not ever...

Chairman McNulty: So see what Mike says?

Rich Williams: represented as being from an engineer or an architect.

Chairman McNulty: Correct.

Board Member Ladau: That's right.

Board Member Taylor: Well, then he shouldn't have given us this section though; that is the problem.

Rich Williams: Well, I don't...Again, I don't know who gave you that section because I didn't see that...

Chairman McNulty: Yeah, I have it, too.

Rich Williams: go through.

Board Member Taylor: Yeah.

Rich Williams: The problem we have here is he wants to do a shed.

Board Member Taylor: Yeah.

Rich Williams: You know, and we're going to make him go to an architect or an engineer and pay more for an engineered drawing than it's going to cost him to buy a shed and put it on the site.

Chairman McNulty: Yeah.

Board Member Taylor: No, I'm not saying that we're going...That's why I'm saying this is a work around.

Rich Williams: Right.

Board Member Taylor: We accept this and then all we need...We just need the side yard setback and the width for the parking lot. That's what we said in the...

Rich Williams: Right.

Board Member Taylor: outline, you know...

Rich Williams: Right. But that's what, Ron, that's what we were doing.

Board Member Taylor: Well, except he...

Chairman McNulty: Yeah.

Board Member Taylor: put it on the survey. That's...

Rich Williams: I...Again, what we were going to give you to sign...

Chairman McNulty: Originally what we saw was just that top half.

Rich Williams: Yeah.

Chairman McNulty: Yeah.

Rich Williams: Was just a sketch. It wasn't an engineered drawing. But not that's out there, let's wait and see what Mike comes back with.

Board Member Taylor: Yeah, okay.

Board Member Brady: Yeah.

Board Member Taylor: Alright.

Chairman McNulty: And the only thing on your comments there is to waive the 911 address.

Board Member Taylor: Because it's not on here.

Rich Williams: Showing it on the plan.

Board Member Taylor: Yeah.

Chairman McNulty: It's not on the plan.

Board Member Taylor: Showing it on the plan.

Chairman McNulty: Oh, showing it on the plan.

Rich Williams: Showing it on the plan.

Board Member Taylor: Showing it on the plan. Yeah, this is all requirements for a site plan.

Chairman McNulty: If we waive it from the plan, is then...he's still responsible to post it?

Rich Williams: Oh, yeah. Absolutely. You've got to have that...

Chairman McNulty: Okay. That's all I wanted to know.

Rich Williams: E911 address. He's got to post it.

Board Member Taylor: Yeah, well we could put it...I mean, we've already got it on our paperwork, right?

Rich Williams: Yeah, yeah.

Board Member Taylor: Yeah, so...

Rich Williams: Absolutely.

Board Member Taylor: Yeah.

Rich Williams: He's got to already have it up.

Board Member Taylor: That's true.

Chairman McNulty: Yeah.

Board Member Taylor: He's got to have it up. So, no, I was just going through these required for a site plan.

Chairman McNulty: Yeah.

Board Member Taylor: What things aren't on that and what things are.

Chairman McNulty: Okay.

Board Member Taylor: That's all. Okay. So we're waiting for Mike on that, too, then, huh?

Rich Williams: Yup.

Board Member Taylor: Jeez. Mike's got quite a backlog for us, doesn't he?

Chairman McNulty: So we won't be able to act on that this week, or can we? If he declares that sketch is okay...

Board Member Taylor: Then...

Chairman McNulty: then we can move forward on it.

Rich Williams: Right.

Chairman McNulty: Okay.

Board Member Taylor: And if he doesn't, then I'd say let's see if we can do it my way and just move forward. Either way, we've got it covered.

Chairman McNulty: Okay.

Rich Williams: Your way was the way we were doing it. I'm just...

Board Member Taylor: No, no, no. My way is...No. What I was...

Rich Williams: No. Yeah.

Board Member Taylor: is two pieces of paper is what I'm suggesting. The one that is the copy of the survey and another piece of paper where he's drawn his sketch on it. Not drawing on the survey.

Board Member Brady: Tracing.

Rich Williams: Well...

Board Member Brady: Trace it out and put it back on another piece of paper.

Board Member Taylor: Yeah. Or it doesn't even have to be to scale. It just got the dimensions.

Chairman McNulty: I'm hoping that Mike says we can use a portion of it...

Rich Williams: Yeah.

Board Member Taylor: Yeah.

Chairman McNulty: and get it moving along.

Rich Williams: Right.

Board Member Taylor: So...

4) Mancini Subdivision – Final Site Plan Approval

Chairman McNulty: Okay, we have...

Board Member Taylor: Mancini.

Chairman McNulty: Mancini Subdivision Final...

Rich Williams: Yeah.

Chairman McNulty: I thought that's done.

Rich Williams: No, you did the sub... You did the subdivision approval. Whenever we do a subdivision approval, you also need to approve the site plan for it. And I hadn't gotten the resolution done at that point, so...

Chairman McNulty: So you'll have that.

Rich Williams: Yeah.

Chairman McNulty: And we'll just... It's a formality.

Rich Williams: It's just a quick resolution. Yup.

Chairman McNulty: Okay. Alright, so...

Board Member Taylor: I would suggest we move Fox Run to the end, if we can.

Chairman McNulty: Yeah, let's do that.

Board Member Taylor: For this meeting anyway. Not necessary for next week.

5) Bill Henry Tree Service, Inc – Initial Application for Site Plan

Chairman McNulty: Bill Henry Tree Service.

Rich Williams: So...

Board Member Taylor: Poor, Bill.

Rich Williams: Bill Henry owns a piece of property down on [Route] 22 next to Putnam Power Equipment; between that and the sporting goods that he's owned since 2000, thereabouts.

Chairman McNulty: Mmhmm.

Rich Williams: He initially wanted to put his business on the site. His business would be, you know, deemed a contractor's yard. 2005, he still hadn't really made any significant progress when the Town changed the Code and essentially eliminated contractor's yards along Route 22. Since then, the Board, you know, he's been in a few times saying he still wants to develop it. He owns the lot, you know, and he still wants to put his business there. And he's back in with a site plan to do just that. There were some conversations last time he was in about, you know, looking at what he's proposing to do and trying to find a way to modify the Code to allow him to do. So, along with this application there has to be some sort of Zoning Code change to allow him to do this.

Chairman McNulty: It's a C-1.

Rich Williams: It's in the C-1 Zoning District. Contractor's yards are not permitted.

Chairman McNulty: And what makes him a contractor's yard.

Rich Williams: The fact that he's a contractor keeping all of his equipment there.

Board Member Ladau: Yeah. He's a tree service contractor.

Ron Gainer: What use is he doing? I mean, he's got a huge building proposed.

Chairman McNulty: He's an arborist, isn't he?

Ron Gainer: He's got a lot of outdoor storage shown. What's he got to store?

Rich Williams: What's he going to be storing? Well, he's got a lot of equipment. A lot of tree equipment: bucket trucks, chippers. He also is...

Ron Gainer: (Inaudible) wood? I mean, heavy logging or...

Rich Williams: He is also looking to process wood on the site.

Ron Gainer: That's what I'm wondering. Would he be grinding stumps or...

Chairman McNulty: Yeah. That's...

Rich Williams: He won't be grinding stumps, but he does do firewood.

Chairman McNulty: Does he do woodchips, too?

Rich Williams: I imagine he might want to store some woodchips on the site.

Board Member Brady: He's got the red trucks, right?

Chairman McNulty: Yeah. Bill does a nice job.

Board Member Brady: They're spotless.

Board Member Taylor: Yeah, they're spotless.

Chairman McNulty: Yeah.

Board Member Brady: Yeah.

Board Member Taylor: Yeah, it's nice.

Board Member Brady: Yeah, it's impressive when you see somebody take care of their equipment like that, you know?

Board Member Taylor: And he's right next door to the power equipment that's got all that equipment sitting out there.

Rich Williams: Right. What's different with this application that you haven't seen before is, you know, in working through some of the issues with Bill, we hit upon the idea and he went out and made it happen, he talked to the adjacent property owners. There's a common driveway that loops in by the sporting goods store and he's gotten permission to access his property off of that common driveway.

Chairman McNulty: So he's going to have no access to [Route] 22 direct?

Rich Williams: So he will not be coming out onto 22.

Chairman McNulty: Will it be behind Putnam Steel or come in right in through the front of the...

Rich Williams: Well, Putnam Steel, just be clear, is just an office. Tri-County Sporting Goods, he's right next to it.

Chairman McNulty: Putnam Steel owns the building though.

Rich Williams: Yeah, he's right next to the sporting goods store.

Board Member Taylor: That's here.

Board Member Brady: So when you're looking at sporting goods stores he...

Board Member Taylor: He could use...

Board Member Brady: the blacktop to the right?

Chairman McNulty: Yeah, he says he's going to come in beyond.

Board Member Brady: The blacktop road that's cut in there...

Rich Williams: Yeah, it's... Well, that's...

Chairman McNulty: You won't even see his place up there.

Rich Williams: the road...

Board Member Brady: That he wants to use.

Chairman McNulty: How's the other guy with the chickens?

Rich Williams: that wants to use.

Board Member Brady: Okay.

Rich Williams: But his lot is to the left.

Chairman McNulty: Does he still have all the equipment up there?

Ted Kozlowski: A lot of it's gone.

Board Member Brady: Oh, so he's going to go up and behind.

Ted Kozlowski: He had a stroke.

Chairman McNulty; Did he?

Board Member Brady: And his lot is on [Route] 22.

Chairman McNulty: Chasing chickens.

Rich Williams: Yes. Fronts on 22.

Ted Kozlowski: He got rid of the chickens.

Board Member Brady: How many acres?

Rich Williams: Two.

Board Member Brady: Oh. Not, enough. Because if he had enough to build in the back and sell off and subdivide that one acre, one lot, and then it's not on 22 anymore, right? Does that change... Would that change the zoning on it?

Rich Williams: No.

Board Member Brady: No.

Rich Williams: No.

Board Member Taylor: It's not on 22.

Chairman McNulty: It's still C-1.

Rich Williams: Still C-1.

Chairman McNulty: So where does this put us? Do we make an initial review to see if it's worth it for him to go to zoning? How is this going to work?

Rich Williams: Well, I would suggest that he do initial review. This, again, the... For him to move forward on this, we're going to have to craft some sort of modification to the zoning ordinance. So, if that modification's going to come back to the Board or it's going to originate with the Board. And being as you have the application and you're looking at it, and you can look at the surrounding properties as well, you know, I would say you need to start the ball rolling with potential zoning change; whether you think it's appropriate or not appropriate.

Chairman McNulty: Mmhhh.

Rich Williams: And...

Chairman McNulty: We'd make a recommendation to him?

Rich Williams: Well, make a recommendation over to the Town Board.

Chairman McNulty: The Town Board?

Rich Williams: Yeah.

Board Member Taylor: Well, how is this different from... I mean, he's a nice guy and he's got beautiful equipment, but how is it different from Boniello down the road who's trying to turn everything into a contractor's yard.

Rich Williams: It's not.

Board Member Taylor: You know, so, I mean, that's...

Chairman McNulty: But he was existing, right?

Rich Williams: So, the question is can we craft something other than contractor's yard that might be palatable to the Town recognizing the issue that the Town had with contractor's yards along Route 22 was essentially the larger truck traffic associated with the contractor's yards and, more importantly, the appearance? You know, I mean, basically contractors are not, you know, well-kept businesses. So, you know, you may say okay we're going to permit some new creature creating new type of zoning that's not really a contractor's yard but, you know, a place where everything has to stay inside.

Board Member Taylor: Yeah, put the woodchips somewhere else. This is rising or falling?

Chairman McNulty: Rising.

Rich Williams: Rising from [Route] 22.

Ron Gainer: Yeah.

Board Member Taylor: Okay. So...

Chairman McNulty: It's right across from my place.

Board Member Taylor: So he's going to be more visible because he's on the rise.

Board Member Brady: Except he's going to put that big building in front of it.

Board Member Taylor: Yeah.

Chairman McNulty: Yeah.

Board Member Brady: So everything will be in the back behind it.

Board Member Taylor: Right.

Rich Williams: Right.

Board Member Taylor: Yeah.

Chairman McNulty: It's just like that other big building that's up there; you can't see it.

Rich Williams: Right.

Board Member Brady: I'd like to see what his proposal is for the building; the look of the building, too. You know, because that's all part of it, the aesthetics of it.

Board Member Taylor: Yeah, but we still got to deal with issue of contractor's yard.

Board Member Brady: Right.

Board Member Taylor: How's it going to be different? Because if it's an office where he's parking...

Chairman McNulty: Well, he proposes an office in an application. Office and storage yard.

Board Member Taylor: Well, that's the...The storage is probably the problem, right?

Board Member Brady: Right.

Board Member Taylor: It's not the office that we would object to.

Chairman McNulty: Contractor's office.

Board Member Taylor: What's T.S.S.? [Referring to the plans]. What's this oval that's a pile of something?

Ted Kozlowski: T.S.S...

Chairman McNulty: Temporary Soil Stockpile.

Ted Kozlowski: topsoil.

Board Member Taylor: Oh, that's just temporary. Okay.

Chairman McNulty: Yeah, a silt fence around it.

Board Member Taylor: Alright, so he's going to turn this all into parking when he's done. Is that...

Chairman McNulty: Proposed parking.

Board Member Taylor: Parking and storage area. That's...Temporary...

Chairman McNulty: 40'x60' building. That's this.

Board Member Taylor: Oh, it's cloth...It's not even a building.

Chairman McNulty: It's one of those...

Board Member Taylor: Cloth building over storage containers and canvas.

Chairman McNulty: Canvas...Canvas hut.

Board Member Taylor: Yeah.

Ted Kozlowski: I will say Bill has...Bill Henry's Tree Service has done work for me personally at my house and is one of the neatest contractor's I've ever...

Chairman McNulty: I've personally known him since he's a kid...

Ted Kozlowski: He's a pleasure to work with.

Chairman McNulty: and he's...

Ted Kozlowski: Yeah.

Board Member Taylor: He's a great guy. He's done work for me, too.

Chairman McNulty: Yeah.

Board Member Brady: Me, too.

Ted Kozlowski: That is...Ed says his...

Board Member Taylor: So...

Ted Kozlowski: His vehicles are always clean.

Chairman McNulty: The problem is changing it in the future, down the road, what happens when he's not there.

Board Member Brady: Right. When he's not there. Right.

Board Member Taylor: Yeah.

Chairman McNulty: His sons are going to take over so it'll be around.

Board Member Taylor: And all the contractor's yards will have been opened, too, along. Well...

Ted Kozlowski: It's true...

Rich Williams: You know, that's one way you can tackle this is right now everything else is C-1; contractor's yards are not permitted. But the two businesses right behind this...

Ron Gainer: Right.

Rich Williams: are both essentially contractor's yards that predate the zoning.

Board Member Brady: Mhmm.

Rich Williams: You could make a pocket of I-Zoning right here and allow Bill Henry to do what he wants.

Ted Kozlowski: What happens if...

Rich Williams: Wouldn't be my recommendation, but...

Ted Kozlowski: What happens if Bill goes out of business or retires or whatever, and he sells it? Can someone else come in there and make it a junk yard or...

Board Member Brady: Sure.

Rich Williams: They could do whatever is permissible by the Zoning Code.

Ted Kozlowski: Right. That would be the only concern I would have, visually, is...

- Board Member Brady: Right.
- Chairman McNulty: Can we put a limit on the zoning that when he no longer occupies it, it change...reverts?
- Rich Williams: No. It has to run with the land.
- Board Member Taylor: That's arbitrary and capricious.
- Chairman McNulty: It was worth a try.
- Ted Kozlowski: Could it stay as a green yard? Or a...I don't know what you would call it.
- Rich Williams: Well, how...Really, you need to craft something that protects the visual integrity of the streetscape along Route 22.
- Ted Kozlowski: Right.
- Rich Williams: So, whether it's a green business or some other type of business, really isn't germane to that. What's germane is, you know, how they're going to store material. Are they going to store material? How are they going to store equipment? You know, what are they going to do in that area between Route 22 and the building?
- Ted Kozlowski: Right. You know, it's just that...
- Chairman McNulty: (Inaudible – too many talking) with it...
- Ted Kozlowski: not everyone is going to be as conscientious and clean as Bill Henry is.
- Chairman McNulty: Sure. That's a concern. Is that done with deed restrictions? Like, there's a number of large trees toward the front of that lot.
- Rich Williams: No. You're not going to do this with deed restrictions. You're going to have to craft something within the zoning.
- Board Member Taylor: Zoning. Yeah.
- Rich Williams: Now again, you know, you may want to make it an as-of-right thing. You'll want to make it a special use permit and setup of very specific design criteria.
- Chairman McNulty: Special use permit associated with the C-1 (Zoning District).
- Rich Williams: Yeah. For example, recognizing that there's a lot of craftsmen within the Town. You know, when I redid the zoning I crafted a section of code that a person could come in if they own a very large lot and actually run their business off of the lot. You know, if it's like a light landscaping, you've got a few pieces of equipment.
- Chairman McNulty: Trailer or something.

Rich Williams: Yeah. You know, or, you know, a carpenter or general contractor. You can actually run your business off of your property with a special use permit if you have a large enough lot and you meet all the other criteria to make sure that you still maintain the residential integrity of that lot.

Chairman McNulty: So we could do something similar with the C-1.

Rich Williams: Right.

Board Member Taylor: I mean, we've got the nurseries.

Chairman McNulty: Yup, we got a nursery. And you have the pre-existing, basically, a contractor's yard above. They keep it neat; they do a nice job up there.

Rich Williams: Mmhhh.

Chairman McNulty: On that large...Have you seen that large building up in the back?

Board Member Taylor: Yeah.

Chairman McNulty: Yup. Is that diner up there now? Did they ever put it up?

Rich Williams: I don't know.

Board Member Taylor: I mean, we've got...

Rich Williams: It wasn't up there the last time I was up there.

Chairman McNulty: The Wingdale diner, the guy bought it...

Board Member Brady: Bought it and brought down. Yeah.

Board Member Ladau: Yeah.

Chairman McNulty: and brought it down for...

Board Member Brady: That's right. I forgot that.

Chairman McNulty: (inaudible) for up in the back there.

Board Member Brady: I forgot about that.

Board Member Taylor: And you got the (inaudible) next door and...

Chairman McNulty: That's equipment. Yeah.

Board Member Taylor: We got the motorcycle place down the street and the place next to them where the cars are sitting out front for sale all the time. And, I mean, it's...

Chairman McNulty: That's Wilkins.

Board Member Brady: And then you got that contractor right across the street in that empty house.

Board Member Taylor: Yeah. So, maybe we can craft something that covers all that kind of stuff.

Chairman McNulty: A lot of contractors...

Board Member Brady: With the plow parked there.

Chairman McNulty: It's the son's Jeep. Okay, so we're going to do some...Are you doing any further review before next...

Rich Williams: Oh, yeah. Absolutely.

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Chairman McNulty: Okay. Alright, what does that bring us to? Front Street Patterson. I like to see that.

Board Member Taylor: Wait till you see it. Have you looked at it?

Chairman McNulty: I did look at it briefly.

Board Member Taylor: Boy.

Rich Williams: This is also a new...another new proposal. This is for Front Street. There're the two vacant lots on either side of Lumber Street. They're proposing two new buildings. Their putting some of the parking under the structures. I'm not, me personally, I'm not real crazy about that idea. We have an existing sewer that they're going to connect into. They're going to have to provide potable water on site.

Chairman McNulty: And how do they do that? That's a question I had. And the stay clear of the neighbor's septic.

Board Member Taylor: Neighbor's don't have septic, do they?

Chairman McNulty: Yeah, these houses all around.

Rich Williams: They're going to have to figure out a location for a well if they can. There may be an existing well out there from the old build (inaudible).

Chairman McNulty: Oh.

Rich Williams: But I would imagine Health Department's going to make them put a new well in.

Board Member Brady: Wow.

Chairman McNulty: Are they grant variances for that?

Rich Williams: Health Department?

Chairman McNulty: Yeah. Setbacks from...

Rich Williams: I don't know.

Board Member Brady: Wow. He's going to need a lot of water.

Chairman McNulty: Yes he is.

Board Member Brady: Wow.

Rich Williams: He wants a three-story building: residential over commercial

Board Member Brady: Yeah.

Rich Williams: Two floors are residential.

Board Member Brady: Residential. Yeah. Three bedrooms. Two bedrooms and three bedrooms, right?

Rich Williams: Yup.

Chairman McNulty: Is he going to need...

Board Member Brady: Oh, no. I guess they're one bedrooms and two bedrooms. I'm sorry.

Board Member Taylor: And these...

Board Member Brady: Wow.

Chairman McNulty: He'll need a variance for these setbacks on the sides and the front?

Rich Williams: Well, that's going to be...

Chairman McNulty: How does Front Street work?

Rich Williams: That's the 64-dollar question. Again, this is an interesting application. The building is three stories. Normally we don't go three story and we don't do buildings that are 45 feet high.

Chairman McNulty: What's the height of this building and the building across the street? Are they above 45'?

Rich Williams: The one next door... Well, I don't know if it's above 45', but it's in that ballpark.

Chairman McNulty: Yeah, I would say as long as we stay at that height or less. I would hate to see something start getting bigger.

Rich Williams: But the question then becomes is he going to have to go for area variances for all of these deviations from our Code or do we modify the Code?

Chairman McNulty: This comes into play...What was that zoning called that I brought up? We saw it in the Brewster...

Board Member Taylor: Form based...

The Secretary: Form based.

Board Member Taylor: design.

Chairman McNulty: Form based design code. This would be a perfect application for that, wouldn't it? Can we apply that to our Code?

Rich Williams: It would be, but to be honest with you Tommy, by the time everybody got up to speed and you wrote it, they probably would take longer than if you just did dimensional zoning code.

Chairman McNulty: But if we did it for the Front Street...the entire street, we could be done with it in one shot, too, no?

Rich Williams: I'm saying we could do the same thing with a conventional zoning code.

Chairman McNulty: You know better than me about...

Rich Williams: and it would be quicker. Well, if you're going to do form based zoning, you know, you've got to have all drawings...

Board Member Brady: Boy, that's going to look (inaudible – too many talking) there, huh?

Board Member Ladau: What's that?

Rich Williams: You've got to hire somebody to do it.

Board Member Brady: That's going to look rather (inaudible – too many talking) there.

Board Member Ladau: Yeah.

Chairman McNulty: No.

Rich Williams: No. It's not going to be sufficient.

Chairman McNulty: But I think three stories makes sense. I think because you have to go up because you don't have enough area to go out to make it economically right to build. I just don't want to see out of proportion with the rest of Front Street.

Board Member Brady: Yeah, I think...

Board Member Taylor: Well, I think that's what he needs to do.

Chairman McNulty: Yeah.

Board Member Taylor: He's got to look at how does this look in terms of the streetscape. I mean, historically...

Chairman McNulty: Yeah.

Board Member Taylor: I think this is the height of those buildings used to be along that street.

Chairman McNulty: Pretty close, yeah.

Board Member Brady: You think so, really? You think they're that tall?

Chairman McNulty: Oh, I remember when that one burnt down; the old...

Board Member Brady: Yeah.

Chairman McNulty: (Inaudible).

Rich Williams: This is right next to the Bruna Building.

Board Member Tylor: Yeah.

Ron Gainer: Yeah.

Rich Williams: and I would think...Again, the Bruna Building is three floors. I would think it fits...

Board Member Brady: It just looks like it's...

Chairman McNulty: Similar design.

Rich Williams: Yeah.

Board Member Brady: You know, looking at the picture and picturing that piece of property, it just looks like it's going to be so out of place.

Board Member Taylor: No, I don't think so. I mean, when I saw this I thought, boy this fits right in.

Board Member Brady: I mean...

Chairman McNulty: I thought the same thing.

Board Member Taylor: I could bring some old pictures.

Board Member Brady: I like the design of it. I like the front of it. I think it looks nice. What about parking?

Chairman McNulty: Well, they put it under...

Board Member Brady: He's only showing five parking spaces.

Chairman McNulty: No.

Board Member Taylor: No, he's got more than that.

Rich Williams: He's showing parking...

Chairman McNulty: Under the parking.

Board Member Taylor: And behind.

Rich Williams: Underneath the buildings.

Board Member Taylor: Each building... You've got two sets of buildings.

Chairman McNulty: Yeah.

Ted Kozlowski: Looks nice.

Chairman McNulty: Five, six, seven...

Rich Williams: But then he's got very small retail areas.

Chairman McNulty: eight.

Board Member Taylor: That would be Lumber Street right there. They would do all of that.

Rich Williams: See here. Here's the retail. Here's the parking under the building.

Ted Kozlowski: Wow. It's quite nice.

Board Member Taylor: Judd building sitting right there.

Board Member Brady: Oh, he's doing two buildings.

Ted Kozlowski: Better than what we've got now.

Board Member Brady: So two buildings the same?

Chairman McNulty: Well, it would look sharp.

Board Member Brady: Basically the same.

Rich Williams: Well, they're basically the same.

Board Member Taylor: I think it would look very sharp.

Ted Kozlowski: Who's the...

Rich Williams: This one's bigger.

Board Member Brady: So...

Ted Kozlowski: Somebody we like.

Chairman McNulty: I don't know. Rich, what was the guy's name again? Capalino? No.

Board Member Brady: But how many, you know...

Rich Williams: Ceola.

Chairman McNulty: Ceola.

Board Member Taylor: So...

Ted Kozlowski: Looks nice.

Rich Williams: Anthony Ceola.

Ted Kozlowski: Why does that name sound familiar.

Rich Williams: Built a bridge...

The Secretary: Ceola Manor.

Rich Williams: on...

Chairman McNulty: On Birch Hill Road.

Rich Williams: Birch Hill Road. Thank you.

Chairman McNulty: Yup. They put a nice bridge, too. We walked that driveway. Concrete abutments.

Rich Williams: Where Zarecki wants to build a pond.

Ted Kozlowski: Oh.

Rich Williams: He has since sold it.

Ted Kozlowski: Oh.

Chairman: Now he's got money to build this. It's good.

Ted Kozlowski: Well, they look...They look like nice buildings.

Board Member Brady: They do. It looks very nice. I just, you know...So the parking...

Ted Kozlowski: Is this...

Board Member Brady: the parking's going to be under the building from the back.

Board Member Taylor: Mmhhh. For the residential.

Ted Kozlowski: He's got tenants?

Board Member Brady: Well, what about for the stores?

Board Member Taylor: Well, it would be on the street the way it is now.

Board Member Brady: Yeah, there's no parking.

Rich Williams: Right like that.

Board Member Taylor: Well...But the Judd building, yeah, there's parking. There's parallel...

Ted Kozlowski: Is this residential or...

Chairman McNulty: Residential, mixed use. Retail.

Board Member Taylor: All along there. Post office and then you've got buildings.

Board Member Brady: Oh, that's right. Yes. You're right.

Rich Williams: But then it...

Board Member Taylor: Then you'd have change it.

Rich Williams: the road chokes down.

Board Member Taylor: Right. For the next block it chokes down, yeah.

Rich Williams: Right.

Ted Kozlowski (Inaudible – too many talking).

Board Member Brady: Right. Yeah, right after that.

Chairman McNulty: Not if you charge the right rent.

Rich Williams: He is looking at options. We've had some conversations about other option for parking that he's looking at.

Board Member Brady: I love to see retail, you know, back in there because...

Ted Kozlowski: People.

Chairman McNulty: Yeah.

- Board Member Ladau: Yeah.
- Board Member Brady: Because...I'd love to see the Town look similar to like Pawling is. And man, it would be so nice, too.
- Chairman McNulty: Well done, huh.
- Board Member Brady: And this would be a step in that direction.
- Rich Williams: Yup.
- Board Member Taylor: This is Zarecki. I can't expect...
- Ted Kozlowski: I like the look.
- Chairman McNulty: So parking is a big issue. Water is another issue, because theirs is a lot of water.
- Rich Williams: Stormwater is going to be a bigger issue.
- Chairman McNulty: Is Front Street setup, capable to carry...I mean, how's the stormwater going to change?
- Rich Williams: I don't know what we're going to do for stormwater. But, you know, here's where we're going to run into a problem. Many years ago, 1997, DEP came in with a whole bunch of new regulations and we entered into a long, contracted, negotiation called a Memorandum of Agreement where we set out certain programs. Now, everybody was very concerned about main streets at that time and our ability to continue to build on main streets because DEP regulations said no impervious surface. So, as part of the MOA, DEP had us designate certain main street areas where development would still be allowed as long as they addressed stormwater runoff. They didn't prohibit it on main street. We all signed onto it. We all gave our main street areas. This was our main street area. And now here's where DEP got us. Is because now DEP's position is even if you don't meet any of their regulations, because you're a main street area, you have to comply with their regulations.
- Chairman McNulty: Say that again. If you don't meet...
- Rich Williams: Even though you meet...
- Chairman McNulty: You don't have to meet...
- Rich Williams: You don't have any trigger that would give them the authority to review your project, because you're in a main street area, that in and of itself is the trigger that allows them to review and approve your project.
- Chairman McNulty: Oh.
- Ted Kozlowski: They can't...They...
- Board Member Taylor: So have they approved main street projects anywhere.

Rich Williams: Yeah, they approved Ryder's building. But Ryder had to put in all sorts of stormwater infiltrators in the street and a storm septon.

Chairman McNulty: Which building is Ryder's?

Board Member Taylor: It never was built.

Rich Williams: The vacant lots.

Ron Gainer: Right.

Board Member Taylor: Next to the...

Chairman McNulty: Oh, they're vacant.

Rich Williams: Right.

Chairman McNulty: There is no building.

Rich Williams: Yeah. DEP approved that but they, under the DEP regulations, didn't meet any triggers, didn't need to provide any stormwater management on the site. But because they were in the main street, they had to go to DEP and get their stormwater system approved. They had to install one.

Chairman McNulty: And they did?

Board Member Taylor: No.

Board Member Brady: No.

Rich Williams: Well, they never built it so...

Chairman McNulty: Oh.

Rich Williams: they never had to. But...

Chairman McNulty: They just had to...

Rich Williams: But, yes. They got it approved.

Chairman McNulty: So then there's a good shot that this gentleman could get approved. This applicant.

Rich Williams: I don't know.

Board Member Brady: But where would he put the infiltrators?

Rich Williams: Well, that's...It wasn't infiltrators. It was a storm septon.

Board Member Brady: Right.

Rich Williams: It was a filter. I, again, what they were going to do is they were going to put it in the street but, you know, they were playing around with the areas that we had laid out for the sewer lines. You know, this is going to be a whole lot tighter. So I don't know what we're going to do here. It will be interesting going forward.

Chairman McNulty: And we...And a building...Two buildings this size, there's no problems for our Town, wastewater treatment.

Rich Williams: No.

Board Member Taylor: And will they allow it?

Rich Williams: Who?

Board Member Taylor: DEP. Can you add it to the plant? The wastewater.

Rich Williams: It's already part of the district so they can't prohibit it.

Board Member Taylor: Oh, okay.

Rich Williams: They do need to get an approval for the hook-up, but that's basically just how they're hooking into the system.

Board Member Taylor: Alright.

Chairman McNulty: Physically, how they...

Rich Williams: Yeah.

Chairman McNulty: Yeah.

Rich Williams: But they're already part of that district so they can't prohibit it.

Chairman McNulty: So where does this put this applicant? Does he have to go to DEP before we even act on it or...

Rich Williams: No.

Chairman McNulty: We just...

Rich Williams: No.

Chairman McNulty: push forward and...

Rich Williams: Yeah.

Chairman McNulty: and hope for the best with that.

Rich Williams: Mhmm.

Board Member Brady: Approved.
[Laughter].

Ron Gainer: Are the residential lots behind developed? They have residences on them?

Rich Williams: Yes.

Chairman McNulty: Yes. Both of them. One of them is a small house.

Rich Williams: That's up for sale.

Chairman McNulty: It's up for sale. Not in great condition. The other house is a nicer home that, I think, a local gentleman here in Town, I'm not sure who he is, renovated it. And I don't know if he sold it or rents it. But, the house is away from the back of the building, anyway. There's some yard between it. It's not too tight. And then the other yard is even...that corner lot, Bill Rosigner's old house, that's got a nice size distance from the building as well. It's just that one old house. That little house.

Ron Gainer: I'm just thinking if you want screening or some such thing.

Rich Williams: To that little house?

Ron Gainer: I don't know. I haven't been done there, so...

Rich Williams: No.

Ron Gainer: I'm trying to visual it.

Chairman McNulty: Boy, that's been vacant a long time.

Rich Williams: And the other side of the...

Board Member Brady: That might be what he needs to buy to be able to...

Ron Gainer: That's what I was wondering.

Chairman McNulty: Building burnt down (inaudible). Were you here then? The old tractor...What was the name of the tractor place.

Ron Gainer: I hadn't used that for years.

Chairman McNulty: This lot.

Rich Williams: He's working on it.

Ron Gainer: Yeah, okay.

Board Member Brady: Yeah.

Chairman McNulty: It was a tractor supply.

Board Member Brady: Because that would be...

Board Member Taylor: Oh, yeah. That was the old feed store. Yeah.

Rich Williams: It will help to get parking out from under the building.

Board Member Taylor: No, I wasn't here when it burned down.

Chairman McNulty: That was a bright sky that night.

Rich Williams: Which I imagine is going to be a terrible fire code issue for him. I haven't had a chance to talk to Bob yet.

Chairman McNulty: What's that?

Rich Williams: Parking under the building.

Chairman McNulty: I don't see where that would be a Code problem.

Board Member Brady: I've done quite a few jobs like that.

Chairman McNulty: As long as you build a fire...

Rich Williams: Fire (inaudible – too many talking).

Chairman McNulty: rated...Fire rated...

Board Member Brady: Rated ceiling.

Chairman McNulty: structure.

Board Member Ladau: Mhmm.

Chairman McNulty: You know, metal building...You know. Use...

Ted Kozlowski: Sprinkler system.

Chairman McNulty: Sprinkler. It's going to have to be sprinklered. But...

Board Member Brady: Yeah.

Chairman McNulty: you build a rated assembly ceiling.

Board Member Brady: Right.

Chairman McNulty: I mean, they do it in New York City for...

Board Member Brady: Yeah.

Chairman McNulty: corridors and hallways and...

Rich Williams: Yeah, but we ain't New York City.

Chairman McNulty: I know.
[Laughter].

Board Member Brady: Yeah, it's expensive, but...

Board Member Ladau: You think.

Rich Williams: They want to think we are but...

Board Member Brady: Yeah. It's expensive...

Chairman McNulty: But. But...

Board Member Brady: and everything but, you know, it's...

Chairman McNulty: Yeah.

Board Member Brady: the cost of doing the business.

Chairman McNulty: Bob, you could address that. What...Have you ever built any kind of parking underneath a structure?

Board Member Ladau: I've never...

Chairman McNulty: Designed it?

Board Member Ladau: seen that in New York City actually.

Chairman McNulty: No, not in New York City. But in any of your designs over the years or anything you've done? Experience with parking?

Board Member Ladau: Yeah. It's generally been office facilities. And so, yeah, there's fire proofing. There's ventilation that you have to provide. Usually what happens is that it's totally open and the parking structure really is just supported with some columns and then the second floor above acts as the ceiling...

Chairman McNulty: Yup.

Board Member Ladau: for the parking area.

Chairman McNulty: I currently work in a building down in Elmsford, same thing. It's a three story office building.

Board Member Brady: On 9A?

- Chairman McNulty: Back...Right...
- Board Member Brady: On 9A?
- Chairman McNulty: 80 Grasslands Road.
- Board Member Brady: Oh, okay.
- Board Member Ladau: Yeah.
- Chairman McNulty: It's got all parking underneath and its columns, open structure. And it's got nothing but a ceiling tile with sprinklers.
- Board Member Brady: I...
- Board Member Ladau: Yeah.
- Board Member Brady: I did one right next to Wendy's in Elmsford, (inaudible) Shop was right on the other side of it.
- Chairman McNulty: Yeah.
- Board Member Brady: And it was a dry system for sprinklers in the ceiling.
- Board Member Ladau: Yup.
- Board Member Brady: In the parking structure. And at the time, you know, it's going back 25 years ago, what they did they did a suspended ceiling with sheetrock panels in it. Fire rated sheetrock panels.
- Chairman McNulty: This doesn't even have...Well, this may have fire rated...
- Board Member Brady: Fire rated sheetrock panels. They just dropped it right in...
- Chairman McNulty: You can make a fire rated ceiling for something...
- Board Member Brady: which I don't know how that worked because you're breaking that...
- Board Member Ladau: Yeah.
- Board Member Brady: fire rating every panel, but...
- Rich Williams: Yeah, don't misunderstand what I was saying. I mean, I understand they do it in a lot of different places and a lot of different areas.
- Board Member Brady: Mmhmm.
- Rich Williams: I just think in this particular site, in this particular application, it's going to present some challenges for him to do it.
- Chairman McNulty: Now, what are other options for parking? Because what...

Rich Williams: Looking at parking off-site.

Chairman McNulty: And along the railroad tracks across the street from this is all Metro North?

Board Member Taylor: No.

Rich Williams: Yes.

Chairman McNulty: And then it's a Metro North lot at the Rec Center, too, correct?

Rich Williams: Yes.

Board Member Ladau: Mmhhh.

Chairman McNulty: Boy, that's a good deal but it's tough we don't have any other parking.

Board Member Brady: Yeah, Metro North isn't going to give any up. Not going to give up those spots. Those are long-term money for them.

Chairman McNulty: Rich, I think I had a discussion with you once about the other side of the tracks behind the party rental place here.

Rich Williams: Mmhhh.

Board Member Taylor: Can't get in there.

Chairman McNulty: Who owns that property? Is that all Petersen?

Rich Williams: Actually, the party rental place has a long sliver that runs down parallel to the railroad tracks that it might be possible to put some parking in there.

Chairman McNulty: That would be up to this applicant to make a deal with them though.

Rich Williams: Yeah. It would be up to this applicant. But...

Ted Kozlowski: Then you've got a crossing. You've have people...

Board Member Ladau: Yeah.

Ted Kozlowski: they're going to have to walk all the way around.

Rich Williams: Well, you've got...Yes. You've got the railroad crossing. We really don't...I mean, we've got the sidewalks but Metro North is certainly not going to support any application and you're up against the DEC wetland. So, for DEC and DEP to approve parking there is not likely.

Board Member Taylor: Well, there is that house you were saying. It's dilapidated.

Board Member Brady: Mmhhh.

Rich Williams: Yup.

Board Member Brady: The way to go.

Board Member Taylor: Isn't there another vacant lot somewhere in that area?

Chairman McNulty: No.

Board Member Taylor: It's not in the black. But the next block down is...

Rich Williams: I don't know. I'd have to go look.

Chairman McNulty: No, those houses there are old. That's pretty well built up.

Board Member Brady: I thought these lots were owned by the bank.

Board Member Ladau: The closest vacant lot would be...

Rich Williams: No. The lot's just the other side of...

Board Member Ladau: next to where that health place, that...

Rich Williams: this building right here.

Board Member Ladau: holistic...

Board Member Brady: Oh, that's the bank, Ron.

Rich Williams: Right.

Board Member Taylor: Well, yeah. That's vacant. Yeah, those two lots.

Chairman McNulty: That's Ryder's lot.

Rich Williams: Those are the vacant lots that the bank owns.

Board Member Taylor: That's the old Ryder place.

Board Member Ladau: Yeah.

Board Member Taylor: But I thought there was one down. Well, anyway.

Board Member Brady: That they'll never part with. (Inaudible- too many talking) million dollars a lot.

Board Member Taylor: I think the other thing we need to look at is this is a concept plan.

Rich Williams: Yes.

- Board Member Taylor: And we've talked before about limiting concept plans to a certain amount of discussion because they don't pay for concept plans. They haven't paid anything for this, have they?
- Rich Williams: No.
- Chairman McNulty: Application.
- Rich Williams: I don't know if they've submitted checks or not. I don't remember.
- Board Member Taylor: Okay. So that's just something we need to be aware of so they don't drag this out the way they did on other concept plan that was before us for a while.
- Chairman McNulty: This...There's two separate site plans because they're two individual sites.
- Rich Williams: Yes.
- Chairman McNulty: This doesn't...It's an apartment house so there's no subdivision of any kind or anything like that for this?
- Rich Williams: Right.
- Chairman McNulty: Does the Town have any kind of occupancy limits within a structure like that? Per square foot or anything?
- Rich Williams: A number of years ago the Town created a special use permit that would allow somebody to have a single-floor residential over retail. So they could get the special use permit for that. But, they want two floors.
- Chairman McNulty: Total.
- Rich Williams: Total. And they want 45' high building. The max limit is 35'.
- Chairman McNulty: Yeah, I think we could look at that for Front Street though, to bring it into...You know, I say we don't want it bigger than the other buildings, but bring it in proportion with what's out there.
- Board Member Taylor: Yeah, I would suggest to them that they do a streetscape along...
- Board Member Ladau: Yeah.
- Board Member Taylor: so we could see that.
- Board Member Ladau: I was just thinking that.
- Board Member Taylor: I could supply some old pictures to them if you want to see them. What was there?
- Chairman McNulty: Okay. Anything else on that? Alright. So we'll look at that.

7) Other Business

a) Zoning Code – Restaurants

Chairman McNulty: Other business. Zoning Code for restaurants. I think Mike said he was going to write up some verbiage for us. He was going to address what you...enhance what you already wrote up. That's what his comment was. Have you heard anything from him?

Rich Williams: Nope.

Board Member Brady: He's got a lot of work to do for next week.

Board Member Ladau: Yeah.

Board Member Taylor: Mmhhh.

Board Member Ladau: Question, and this is as much procedural, and forgive my lack of experience, but when we're talking about restaurants and change of use, I was in front of Sauro's the other day and a couple of things: Number one, there's a big sign that announces the Town Square Pizza.

Rich Williams: Pizza Café.

Board Member Ladau: Café. That's a change of use because prior to that it was a beauty salon.

Rich Williams: Yup.

Board Member Ladau: And at the same time, never mind the 150' separation, but it's at what, 6' separate from Mama Angela.

Rich Williams: Mmhhh.

Board Member Ladau: Has this been presented to this Board or am I...

Rich Williams: It doesn't have to be presented to this Board.

Chairman McNulty: Yeah.

Board Member Ladau: Why not?

Rich Williams: Because the process is that they can come into the Town, talk to Bob [McCarthy] or talk to myself and as long as there's no increase in the supporting improvements, Bob or I can sign off on it. I've already signed off on it.

Board Member Ladau: Okay. Now let me raise another thing. Above this restaurant, I don't know, I meant to look this up in terms of the Town Code. I don't know how the Town defines public assembly, but on the second floor of this building, there's a yoga, Zumba, whatever the hell...

Rich Williams: Mhmm.

Board Member Ladau: hall, which 10. 15 people at a time, and they want offices on the other side for some number of people and as far as I know there's only a single means of egress despite the fact that they're putting in pizza ovens, I assume, with all the, you know, fire hazards. And as far as... You know, I don't whether there's been a Building Department Application. I know there's construction going on. As a matter of fact, when I drove down here tonight, they had lights on.

Chairman McNulty: I don't know. They must have had a building permit. They did some major renovation there.

Rich Williams: There's a building...

Board Member Ladau: They didn't...

Rich Williams: there's a building permit.

Board Member Ladau: They didn't when they were renovating for the yoga place. At least none was posted.

Rich Williams: Well, that's...

Chairman McNulty: I think it was a similar dance studio, I think, earlier, wasn't it?

Rich Williams: I'm not going to get into what was on the second floor because nobody's ever asked anybody in this department to take a look at it.

Chairman McNulty: Yeah.

Rich Williams: But there was a building permit for the renovation from whatever it was. I don't even remember what it was at this point to the...

Board Member Ladau: It was an office. There was an insurance office up there.

Rich Williams: No, I'm talking about downstairs.

Board Member Ladau: Oh, downstairs. Okay.

Rich Williams: There was a hair salon.

Chairman McNulty: Yeah.

Board Member Ladau: Yeah.

Rich Williams: It was a hair salon.

Chairman McNulty: It was what's her names?

Rich Williams: Into the current restaurant. There was a building permit...

Chairman McNulty: Alice.

Rich Williams: Huh?

Chairman McNulty: It was Alice's.

Rich Williams: It was Alice, right. I'm aware of the situation with Mama's. I'm aware of the discussions between Mama's and the current owner. The current owner owns the whole building.

Board Member Ladau: Mmhmm.

Rich Williams: The person who is opening up the restaurant owns the whole building and he's been trying to work with Mama's to relocate. He initially thought it was going to be a very simple process which is one of the reasons he thought he was going to open a long time ago.

Board Member Ladau: Mmhmm.

Rich Williams: It hasn't been such a simple process. Mama's has decided that, you know, they didn't want to move so they're not moving.

Board Member Ladau: Yeah.

Chairman McNulty: Should just hire them to make the pizzas at his restaurant.

Rich Williams: Yeah. So...And as far as the yoga goes, we classify that as customary personal service. It's a personal service.

Board Member Ladau: Okay.

Rich Williams: Yeah, that's the way we define it.

Board Member Ladau: Okay.

Chairman McNulty: Okay, so where does that bring us with restaurants and what are we going to do with this? I didn't bring my notes.

Rich Williams: Sounds like you're waiting for whatever language Mike was going to give it, you know, give to you.

Chairman McNulty: Yup. Do you speak to him at all during the week? Maybe he can get it to us before the meeting so we could at least look at it and...

Board Member Ladau: Yeah.

Chairman McNulty: comment that night. Because that's...Do I have that right? Is that what he said he was going to do?

Board Member Ladau: Yeah.

Chairman McNulty: He was going to address the wording.

Rich Williams: I don't know. I...

Board Member Ladau: Mmhhh.

Rich Williams: I...To be honest with you, it was so long ago in my lifetime I've got to go back and read the minutes all the time now to...what do I need to do.

Board Member Brady: Welcome to my worked.

Rich Williams: Yeah.

Chairman McNulty: Okay.

Board Member Brady: Old Timer.

Chairman McNulty: Alright, so that's where we're at with that. We'll move onto Frog Hill.

b) Frog Hill Site Plan – Request for Extension

Chairman McNulty: What is this we have here, Rich?

Rich Williams: Frog Hill Site Plan was approved back in December. They had a 62 day period in which to meet the conditions. That's expired. It expired the first week of February. They're looking for an extension. I know Harry is working on the septic system design with the DEP and right now there's not a lot he can do because of the snow cover. So, you know, my suggestion is to grant them...

Chairman McNulty: Right.

Rich Williams: And extension out till, say, June.

Board Member Taylor: Six months.

Chairman McNulty: 90 days.

Rich Williams: I'd have to sit here and think about what that is.

Board Member Taylor: March, April. May is 90 days.

Chairman McNulty: So...

Rich Williams: Yeah, that's fine.

Board Member Taylor: Why don't we give him 6 months?

Chairman McNulty: Six months.

Board Member Brady: Yeah.

Board Member Ladau: Mmhhh.

Rich Williams: Whatever.

Chairman McNulty: Yeah, get him through the summer.

Board Member Taylor: Yeah.

Chairman McNulty: I make a motion for Frog Hill, LLC Site Plan to grant a six month extension on the site plan approval resolution.

Board Member Brady: Move.

Board Member Taylor: Second.

Chairman McNulty: All in favor. *Motion carried by a vote of 4 to 0.*

c) Frantell Development Corp. – Request for Extension

Rich Williams: Alright, and we briefly talked about this earlier. Frantell is on [Route] 22 just south of Post 22 Restaurant. It was approved for a 22,500 square foot retail building. It was approved in the mid 2000s. And with the conditions he's, you know, he's been marketing the building but he has not found anybody who's willing to build the building or occupy the site. All the other approvals are still in place. Regulations haven't significantly changed that would affect the design. So they're looking for a two-year extension.

Ted Kozlowski: Stormwater has not changed since mid-2000.

Rich Williams: They're grandfathered in.

Board Member Brady: Where is this?

Rich Williams: Up on 22.

Chairman McNulty: It's just passed Mayfield's there.

Board Member Brady: Oh.

Rich Williams: Yeah.

Chairman McNulty: On the left. What's normal for an extension? Two years sounds like something we don't normally do that far out.

Rich Williams: This has been, like I said, this has been going on since the mid 2000s and he hasn't found anybody yet. I will...

Chairman McNulty: I know the feeling.

Rich Williams: I will say this to the Board, you know, if we're looking for economic development in this Town, one of the ingredients that we need is to have projects already approved so that we can go out and sell them; we can market them.

Chairman McNulty: Mmhmm.

Rich Williams: You know, many years ago I was a very strong advocate about pre-approving projects. The problem is most people don't want to invest that kind of money without knowing they're going to get a fairly quick return on their investment. So, when we do have projects like this and a 70,000 square foot building we have down on 22...

Chairman McNulty: By Empire?

Rich Williams: Yeah, by Empire. It's very important to keep them viable so that we can continue to seek people that would occupy those buildings.

Chairman McNulty: Okay. Any discussion.

Board Member Taylor: Nope.

Chairman McNulty: Make a motion in the Frantell Development Corp, New York State Route 22, grant a two-year extension on their Final Site Plan Approval.

Board Member Brady: Second.

Chairman McNulty: All in favor. Motion carried by a vote of 4 to 0.

Board Member Brady: What's going on with that property on 22 by Empire? We had that special meeting. They were all gung-ho to...

Chairman McNulty: Build windows.

Board Member Brady: build windows with...

Rich Williams: Oh, that guy...

Board Member Brady: Environmentally friendly materials and put grass on the roof and everything else. I think he was smoking grass.

[Laughter].

Board Member Taylor: Well, he was shopping around for the best deal.

Chairman McNulty: Yeah.

Rich Williams: Well, it wasn't even that. You know...

Board Member Ladau: And he didn't share any.

Rich Williams: I sent him over to Megan Taylor with Putnam County and Megan Tylor dealt with him extensively and...

Chairman McNulty: Went around in circles.

Rich Williams: I remember she called me up and he was just all smoking mirrors. There was...

Board Member Taylor: Yeah.

Rich Williams: nothing of substance to what he was proposing to do.

8) Fox Run Active Adult Residential Project – EAF Review – Part 3

Chairman McNulty: Okay, that brings us to Fox Run. I didn't get a chance to look at the minutes yet. I don't know if anybody else has.

Rich Williams: Well, let me just jump in here and jump up on my soap box for a little bit.

Chairman McNulty: Okay.

Rich Williams: You know, I can let the Board do what they wanted to do with this and with the environmental assessment form. I thought it would be a good, you know, experience. Good educational experience for the Board to, you know, kind of delve into this. But, you all have to decide what kind of a board you want to be and where you want to take some of these things. And, you know, you look at other towns and some of them, you know, we've got one right to our south and, you know, Carmel, they have a reputation for being overly friendly with the developers. They don't look real hard. We end up with projects like they have over on the hilltop of Carmel.

Chairman McNulty: Oh, yeah.

Rich Williams: Right. Or you can end up being a planning board like we...one of our other neighbors where, you know, you go under that town and they have a reputation nothing gets done.

Chairman McNulty: We don't want to be that reputation.

Rich Williams: So, you know, I've sat on the Planning Board for 10 years. I've sat as the Town's Planner for another 10 years and in all that time we've had, in my opinion, some of the best boards. They recognize that developers are not bad people. We're not looking to beat up on developers. What we're looking to do is beat up on bad development. We want to make sure that the projects are correct and they're done right. That being said, you know, Fox Run: You know, I understand Ron you have some issues with what the Town Board did. You're not happy about that. And I understand that you're not happy about the fact that you felt you were kind of tricked into having a higher density on the site. But...And it was not a bad exercise to go through the EAF question by question, talk about it, go through that. But the time has come, my opinion, to move this project on. You've been looking at the EAF. The original EAF came in in 2013. It's now 2014.

- Ted Kozlowski: [20]15.
- Rich Williams: We just spent months and months going through line by line, item by item. All due respect, Ron, back in November the Board approved Part 2. You're done with Part 2.
- Chairman McNulty: Yeah, that's what I thought; we approved it.
- Rich Williams: It's time to focus on Part 3.
- Board Member Taylor: Okay, then if we did that's fine. I just...Then how did that one thing get in there?
- Rich Williams: Did what one thing get in there?
- Board Member Taylor: Part "g" something that you stuck in. I mean, we...That wasn't part of...I don't know where it came from. That's why I went back to look at Part 2.
- Rich Williams: I'd have to go back and I'd have to take a look at...Item G?
- Board Member Taylor: 3G.
- Rich Williams: 3G. I'll go back and look at item 3G.
- Board Member Taylor: I mean, that was just...Where did that come from? So I went back and looked at 2 and it wasn't on...
- Rich Williams: Which...Are we talking about the soils? What are we talking about?
- Board Member Taylor: I don't remember what was here. I got three. Let me look at what 3G is.
- Chairman McNulty: Let me say, I think it's been good for this Board because we've, really, I've never gone through the EAF to this extent.
- Board Member Brady: No.
- Rich Williams: No. And...
- Chairman McNulty: So it's been good and Ron's diligence has been good to...And he's learning the process. I've spoke to Ron and I understand where he's at. And we want to just make sure that we're covered. But my feeling is we've discussed it and we've rediscussed and I think the applicant, in our defense, maybe didn't step up at first the best he could have with the best project. And it took a little coaxing to get him to come on board with us.
- Rich Williams: Mhmm.
- Chairman McNulty: But I think he's made...
- Rich Williams: There's no doubt.

Chairman McNulty: some substantial changes with the road view and the entry with the pulling the houses...the buildings off the upper hillside. I still think he's got some challenges there with the steep slopes that we'll have to go through. And my thoughts are...

Board Member Brady: And then...

Chairman McNulty: and he stepped up to mitigate, the 19 and older only. And that was a big change. Yeah, I don't think any of us were happy with the density situation when it first came out. I know I was a little perturbed by it as well. But, at this point, they've presented a project that on a concept plan seems to work. They seem to have gotten our message that we want a quality project. I think it's a win-win for the existing condo complex. I haven't heard from the people there, but the initial letter that they wrote says they're going to improve the driveway, the rec house, the pool. The project's shaping up to be a good one. So, to Ron's comments, and I appreciate what he's done, is that he wants to make sure we've done our diligence and the EAF's are done properly. Now, I...My understanding we were done with the EAF [Part] 2 and we noted the items of large or moderate impact which were addressed in EAF 3...Part 3.

Rich Williams: Sure.

Chairman McNulty: And what you wrote up I reviewed. I was comfortable with that. And I know Ron had some semantics. I see you guys went back and forth...

Rich Williams: Well, there...

Chairman McNulty: with words and...

Rich Williams: There are three parts. Ron's comments, I think, took 3 parts. There was the part about the way I formatted it. You know, I've read the workbook. I understand the way they did it. They did it on general summary. I specifically didn't do that because I wanted to be very clear that the questions from Part 2 that you identified as being moderate to large, I wanted you to be able to see in Part 3 where they were being answered so it was crystal clear. So, you know, we didn't have well, that really wasn't clear that that was answered or...So, that's why I did it that way rather than just write kind of a narrative summary. The second part goes to the question about saying "will" versus "must". Well, what you're doing here is you're saying based on the information you have, there will not be an impact. If you can't say that, if you think that there may be some significant impact, the threshold is very low. You're obligated to pos dec the project. You can very narrowly define the scope and move forward with an EIS. But, you've got to be at a comfort level where you can say, you know, based on what we know, construction techniques, how this is going to be built, there will not be an unreasonable impact. One that is high level of magnitude, long duration. So, that was the semantics between will and must.

Board Member Taylor: No, I...

Rich Williams: If...

Board Member Taylor: I could see on that.

Rich Williams: Yeah.

Board Member Taylor: I mean, but that's what we've got to decide.

Rich Williams: Right.

Board Member Taylor: So that's fine. I'm not...

Chairman McNulty: Which way will we go?

Rich Williams: If we were...If this was an unlisted action, we had had this conversation...

Board Member Taylor: Then we could do it.

Rich Williams: then you could say and not, again, not as part of the Part 3 but break those issues out and say this is what the mitigation's going to be as part of a conditional negative determination.

Board Member Taylor: So I would say we go back to your wording for that. I've got no...

Rich Williams: Right.

Board Member Taylor: problem with that. I just think the Board needs to be clear on what we're saying...

Rich Williams: Right.

Board Member Taylor: if we approve it, that we're accepting that they're going to do this stuff.

Rich Williams: Right.

Board Member Taylor: And we've got to be careful in the site plan that they do it.

Rich Williams: Right.

Chairman McNulty: And that's my...

Board Member Taylor: Yeah.

Chairman McNulty: question: If we outline this Part 3, it's become part of the resolution?

Rich Williams: Basically...

Chairman McNulty: On a...

Board Member Taylor: Our determination...

Rich Williams: what you're doing is a Part 1...

Chairman McNulty: negative...

Rich Williams: Part 1, Part 2, Part 2, are an evaluation of the environmental concerns of the project. And then you finish off...

Chairman McNulty: From there we make a determination.

Rich Williams: Part 3 with a determination made by the Board that there will not be, and it's going to be a negative determination of significance, or there may be, and it's going to be a positive determination of significance. So...

Chairman McNulty: Yeah, but if it went negative, do we have that document to fall back on to guide the site plan how we want it?

Board Member Taylor: Yes.

Rich Williams: Yeah.

Chairman McNulty: Yeah.

Board Member Taylor: That's what the determination is.

Chairman McNulty: Okay. I just want...

Rich Williams: Well...

Ron Gainer: The determination refers back to those three documents.

Chairman McNulty: That's how...I just want to be clear on that.

Rich Williams: Right. Now...

Chairman McNulty: Okay.

Rich Williams: if you say...You go through all of this and you say, nope there's not going to be an impact because this is what he's proposing to do and you issue a negative determination and he doesn't do this, then your recourse is to say you didn't do based on what you said you were going to do. Now we're going to go back and redo SEQRA and go a different direction.

Chairman McNulty: If you have that option.

Rich Williams: If you have that option.

Ron Gainer: Yeah, you can reopen SEQRA down the road. And again, if the final site plan drawings don't satisfy these concerns as you understand them to be mitigated, you can...

Chairman McNulty: Okay.

Ron Gainer: stop the process and get back to SEQRA.

Chairman McNulty: Well, I think we've done our diligence in our discussion and we can move forward on this next week.

Rich Williams: Well, the third part was some grammatical stuff. Some semantics, if you want. And I'm going to make those changes and I'm going...

Chairman McNulty: Okay. I didn't see all of Ron's notes. So...

Rich Williams: Yeah.

Chairman McNulty: I don't know what they are.

Rich Williams: And then I'm going to get it back out to everybody.

Chairman McNulty: Okay.

Rich Williams: Alright?

Board Member Taylor: I think there are two issues we haven't decided yet and we've discussed about them. One is the well and the contamination from the landfill. Are we willing to go with the Health Department's going to take care of it and leave it at that? Or do we want to require periodic checking? I think we need to take a vote on that. That's just...We just...We've discussed it but we've never made a decision from what I remember.

Rich Williams: I don't know that you can. I mean...

Ron Gainer: That's not your purview.

Rich Williams: You're talking...

Chairman McNulty: Yeah, I...

Rich Williams: You're talking about a potable water system that's regulated by the Health Department. Their jurisdiction supersedes your jurisdiction and what they...

Chairman McNulty: I thought we talked about that and...

Rich Williams: test.

Chairman McNulty: that's what we determined.

Board Member Taylor: But can we add to it?

Rich Williams: No. No.

Board Member Taylor: Can we flag it?

Rich Williams: Well, you certainly can...Yeah. Flag it depending on how you're going to flag it.

Board Member Brady: You'd make a recommendation that...

Board Member Taylor: Well, that's what I'm just saying.

Board Member Brady: periodic testing being or something.

Board Member Taylor: Do we even care at this point? I mean...

Chairman McNulty: I think the Health Department's going to cover it. They're not going to grant a well that's contaminated. I'm sure they're going to do...

Board Member Taylor: That's not what I'm saying.

Rich Williams: Let me give you...Let me try to sway your concerns this way, alright? We managed the Alpine Water District. Alright. You know where that is? It's all the way on the back of Alpine Acres. I have to test for SOCs and other constituents within the water because of the proximity to Stan's Autobody. Think about how far away that is.

Chairman McNulty: Wow.

Rich Williams: The Health Department still makes me do...They run anywhere between six and fourteen hundred dollars to do those tests because I'm that close to Stan's Autobody.

Board Member Taylor: Right. Okay. I...And you said this before. I'm just saying because all of time we also hear, you bring us information about agencies that don't do what they're supposed to be doing. I'm just saying if we're concerned about this as a possibility, do we then make note of that.

Rich Williams: Listen, if it's a big concern then it wouldn't hurt to send a letter over to the Health Department saying we've got this application. By the way, don't forget about the landfill that is there.

Board Member Taylor: Right. Right. So, that's the question for the Board. Are we concerned or aren't we concerned? You know, it's within the threshold. You know, the threshold's is 1,500 feet. It's 1,000 feet so it's within the threshold. Geology tends to say it's not going to be a factor but who knows about the geology is what I was trying to say. We just need to make a decision. You know, if...

Board Member Brady; I would think it's the Health Department's responsibility.

Chairman McNulty: Yeah, and I agree with that. I don't have a concern with that because we have an agency in the County that's going to oversee it and...

Board Member Taylor: And you don't think we need to bring it to their attention?

Chairman McNulty: I don't have a problem with what Rich is suggestion, to write them a letter to say we have an application. As far as test wells and telling the Applicant that he has to do additional work above and beyond what the Health Department require, I'm not in favor of that.

Board Member Taylor: Okay.

Chairman McNulty: But I don't have a problem when we...

Board Member Brady: A letter to just bring it to your attention.

Board Member Taylor: Alright, so then...

Board Member Ladau: Yeah.

Board Member Taylor: So that's what we would put in the determination, that we see this as a potential problem or...and...

Rich Williams: Yeah, please don't put it in the determination. Just do the letter.

Ron Gainer: Yeah, you're not putting it in the determination. No.

Chairman McNulty: No, we could just...

Board Member Taylor: Alright, so we would take it out...

Chairman McNulty: make it as recommendation to the Health Department.

Board Member Taylor: We just take it out. We've decided it's...

Board Member Brady: Yeah. Just do a letter. Rich, you write a letter to them and...

Rich Williams: (inaudible – too many talking).

Chairman McNulty: We can make that recommendation right now.

Board Member Brady: Yeah.

Board Member Taylor: So we could just drop it out then and so that one goes out. The other thing is the, and the Applicant solved this, it's the 19 and under.

Board Member Brady: Yeah.

Chairman McNulty: Yeah. He's committed.

Board Member Taylor: I mean, that's the big thing.

Board Member Ladau: Mmhmm.

Board Member Brady: I've got to say when, you know, being a newer member, when this first came out when I first saw this I was like, are you out of your mind? You can build five houses and now you want to put 40 apartments in there, condos. And listening to the consultants coming in in the beginning and, you know, like wishy-washy and not answering questions. Since you had a little talk with them late on this process, we were trying to explain to them you need to beef this up and give us more information, it's really...they've stepped up finally. They...

Board Member Taylor: Mmhmm.

Rich Williams: Yes.

Board Member Brady: finally stepped up and are starting...I guess because they're starting to think that they might get the approvals they want so they've started to put effort into it.

Rich Williams: Well, I hope you took that to heart what I did. I mean, I let you go down the road you wanted to go down, again, as a learning experience.

Chairman McNulty: Yup.

Rich Williams: But most of what you're going to do here is not about looking at every question and making sure answered right to get the best development...

Board Member Brady: That's your job.

Rich Williams: for this Town. No, it's also your job to...

Chairman McNulty: Yeah, that's our job.

Rich Williams: I was doing it as Planning Board Chairman before I would...ever sat in this seat. Ken Johnson used to do it for Pawling. Bob Johns...Bob Johnson used to do it for Southeast...Who's your friend from Southeast, planning board chair? [Asking Ted Kozlowski]. Callahan.

Ted Kozlowski: Bob Callahan.

Rich Williams: Bob Callahan.

Ted Kozlowski: You know, he passed away.

Rich Williams: Oh, no.

Ted Kozlowski: Yeah.

Rich Williams: I didn't know that. We'll have to talk after. He was the one that I took all my cues from on doing stuff like this. I mean, he was phenomenal down at Southeast. It was the Planning Board chairman that would sit with the applicants and negotiate out a lot of these issues.

Chairman McNulty: Sure.

Rich Williams: How are we going to work through them? This is what we want. We know where you got to get.

Chairman McNulty: Communication.

Rich Williams: Communication.

Chairman McNulty: Communication.

Rich Williams: And that...That did so much more than, jeez did we check the right box?

Chairman McNulty: Well, I think we're a little more formal in this setting like this. And nobody wants to say the wrong thing or put us...

Board Member Brady: Right.

Chairman McNulty: behind the eight ball.

Rich Williams: You don't.

Chairman McNulty: And...

Board Member Taylor: So, again, so we feel that the 19 and under covenant, and I've asked Mike to see if there's any questions about it.

Chairman McNulty: Yeah, I saw that note.

Board Member Taylor: Legal questions about it. Is sufficient to deal with that...those impacts that we had identified.

Ron Gainer: Well, you've seen it from two sources now, right?

Board Member Taylor: Yes.

Ron Gainer: It's in [Robert] Marvin's commitment. It's in another existing...

Board Member Taylor: Yeah.

Chairman McNulty: Yeah. Well, you sent us that information that was helpful for (inaudible).

Ron Gainer: It seems like it's going to be a go.

Chairman McNulty: Yeah.

Board Member Taylor: So that's...We just need to say that we feel that this is enough to satisfy those impacts and...

Board Member Brady: I think so.

Board Member Taylor: we're done.

Board Member Brady: I mean, I do think so.

Board Member Taylor: Yeah.

Board Member Brady: I mean, you know, they're going to put it in the Homeowner's Association. It's going to be in that and it's also in the covenants...

Board Member Taylor: The deed.

Board Member Brady: and restrictions. The deed which, you know, the homeowners can change it. But the deed's a whole different ballgame to change, you know.

Board Member Taylor: Yeah.

Board Member Brady: And I would think that would probably wind up back here if they started changing that and tried to change it in the deed which...That, to me, is like fantastic. You know, we got rid of that. That was a big concern.

Board Member Taylor: Alright, so I think we've worked through it. I think...

Chairman McNulty: I think we've worked through it, too. I think it was a learning experience for all of us.

Board Member Brady: Absolutely.

Chairman McNulty: I know it was for me. I know Ron's done his homework and let's put it together.

Rich Williams: Well moving forward, I mean, when you get these documents somebody else is going to prepare them. Your review should be limited to boxes and check right. Check it differently. And you should be able to go through this whole environmental review in under three months. Because if you're not doing it in under three months, you're dragging developers out and nobody's going to build in the Town of Patterson.

Chairman McNulty: No.

Board Member Taylor: Well, being fair to us though...

Chairman McNulty: Yup.

Board Member Taylor: We actually did not initiate this. We forced them to come to this in September. They were the ones who were dragging it out, it wasn't us.

Chairman McNulty: They were dragging it out.

Rich Williams: Right. Listen...

Board Member Taylor: And we finally said look, you've got to give us an EAF. So it's been September, October, November, December and then we did some negotiating with them. SO, I don't think you're being fair to us in that sense.

Rich Williams: I'm not...

Chairman McNulty: You're setting the tone.

Rich Williams: Wait, yeah. I'm not trying to be unfair to you.

Chairman McNulty: He's not...

Rich Williams: I'm trying to bring you along.

Board Member Taylor: Right. I understand.

Rich Williams: Right? So...

Board Member Taylor: But the other part of that...

Rich Williams: You know, I understand the whole history here and if it didn't go the way it went, I probably would have stepped in sooner. But being the Applicant went the way they did, and I understand, you demanded them to submit the EAF because they weren't.

Chairman McNulty: Yeah.

Rich Williams: They submitted the first one in 2013.

Chairman McNulty: No, they wanted commitments.

Rich Williams: They didn't modify it till 2014.

Chairman McNulty: Yeah.

Board Member Taylor: Right.

Rich Williams: I get that.

Board Member Taylor: Okay. So I just think that what we need to know in the future is we say to these people right away like we got this concept plan, we're not going to spend a year discussing a concept plan with you. These are the steps you need to take. Get us the EAF, deal with the zoning issues before we talk again.

Rich Williams: Mmhmm.

Board Member Taylor: You know, if it takes you...

Chairman McNulty: Yup.

Board Member Taylor: four years to come back to us, that's fine.

Rich Williams: Well...

Board Member Taylor: But we're not going to...

Chairman McNulty: And that's...

Board Member Taylor: spend four years discussing it with you.

Rich Williams: And I absolutely agree with you as it pertains to the plan. But separate from that, I think you need to wrestle a little bit with the issue of whether you're going to make them go get area variances for everything. And I'll give the list. By next meeting, I'll give you the list.

Board Member Taylor: Yeah.

Rich Williams: Or whether you're going to look at, you know, some sort of zoning change.

Board Member Taylor: Yeah.

Rich Williams: Or you really want to...

Chairman McNulty: Or special use.

Rich Williams: tackle the form based codes.

Chairman McNulty: Yeah, I don't know what's involved with that. Are you experienced with it? You just...Do we do all of Front Street? Do we do Front Street and [Route] 311 and put it all in a form based code? Do we tackle it in one shot?

Rich Williams: Again, my experience with it is basically being commercial area. You know, again, what I've read from the form based code site and what I get from APA, American Planning Association. You know, and that it is more about the appearance of the streetscape. It gets down to the particulars of the appearance of the streetscape.

Chairman McNulty: Again, what I read though...

Rich Williams: And how it was going to look.

Chairman McNulty: it was more than that.

Rich Williams: Well, yeah. It's absolutely more than that.

Chairman McNulty: Yeah.

Rich Williams: But you know, you still need some sort of Euclidian based zoning behind it to support it. That's my experience.

Chairman McNulty: It's just nice if we could put it all into a package where we didn't have to tackle it every time it came up for a new lot. Maybe we covered from [Route] 22 right through to the light.

Rich Williams: I...And I think it's perfectly apropos for Front Street while we're doing Front Street. The problem is we have such a limited amount of development that's going to occur on Front Street that...

Chairman McNulty: Yeah, after these two lots not much left.

Rich Williams: you know, if this is what you want, you approve this and the next guy that comes in you simply say this is what we want.

Chairman McNulty: Yup.

Board Member Brady: Yeah, go buy this plant...

Chairman McNulty: No, I'm looking at streamlining it the...

Board Member Brady: go buy the plants from him.

Chairman McNulty: best we can. I didn't know if form base could be a way of streamlining things.

Rich Williams: I think form based is going to be a long process to get it into the Code so that it can be applied.

Chairman McNulty: And does it become part of the Code or the Master Plan?

Rich Williams: Well, it becomes both.

Chairman McNulty: Yeah.

Ron Gainer: Yeah, you'd have to start with the comp[rehensive] plan. Yeah.

Rich Williams: Yeah.

Chairman McNulty: Yeah. So that could be complicated.

Ron Gainer: It will take you a long (inaudible). Rich is saying, it's...And you just don't have enough to development to bring in...

Board Member Taylor: Justify it. Yeah.

Ron Gainer: on Front Street. It's just...

Chairman McNulty: Yeah.

Ron Gainer: It's a lot of effort for a little (inaudible) here.

Rich Williams: Yeah. And we could move things much quicker.

Ron Gainer: Yeah.

Chairman McNulty: Okay. That's why...

Ron Gainer: But you still get to the same end.

Rich Williams: Yup.

Chairman McNulty: Alright. Okay, comments on anything else?

Board Member Ladau: Nope.

Chairman McNulty: Any old issues to talk about? Any...

Rich Williams: I will mention this. Something came up last night. The Building Department decided...Well, the Building Department was requested to take a look at their fee structure because they were sending a lot of people for variances and the Town Board was concerned...Not variances, but waiver of fees. And the Town Board was concerned so they asked them to take a look and maybe come up with a...amendments to their fee structure that would deal with the issue that the people are having and why they're going in for the waivers. In response, the Building Department came back in and asked to hike up all of their fees. So, I don't...

[Laughter].

Chairman McNulty: That's been a...

Rich Williams: It was amusing but while they're standing up there, they're saying that, jeez, well our fees aren't the problem. All the complaints that we hear are from the Planning and Zoning Department and our fees. So, I asked Mary to start pulling the fees from all the other towns and put them into a table that, you know, we're going to take a look at our fee structure as compared to everybody else. Now, I absolutely agree with what the Town Board said is that we really don't care what Pawling or Kent or Southeast are charging. What we care about is our fee structure covers our costs and is done in an appropriate manner. And that's what we're also going to be looking at. So...

Chairman McNulty: That sounds good. There was a...I know we have this all boards meeting coming up...

Rich Williams: Mmhmm.

Chairman McNulty: And that was as an issue I was going to bring up on the Planning Board's side, are our fee structure which I'm really not that familiar with even though going through it. I'd have to look it up. I don't know it off the top of my head.

Rich Williams: It's all online. It's all on the...

Chairman McNulty: Yeah.

Rich Williams: website.

Chairman McNulty: And in bond calculations, you know, we issue bond calculations that create another fee and then set the criteria for the fees, correct?

Rich Williams: Well, there's two parts to that.

Chairman McNulty: Yeah.

Rich Williams: One is the bond, which is assurity, which is a guarantee that you're going to do what you say you're going to do.

Chairman McNulty: Yeah.

Rich Williams: And four or five years ago the Town Board said, jeez, we're not going to go on somebody's private site and build a site for them so we're not going to ask to bond all the improvements. We're only, if anything happens, going to go in and stabilize the site so we're only going to get an erosion control bond. But, along those lines, we are still going to be having people out in the field inspecting the improvements as they're being constructed to make sure they're done in accordance with the design drawings. So, we really need to still base those inspection fees, which is the second part...

Chairman McNulty: Mmhmm.

Rich Williams: on the full value of all the improvements of the site.

- Chairman McNulty: Why not just the...Because the building permit would cover the whole site, but the site development would just be on erosion and the site itself, correct?
- Rich Williams: No. No.
- Ron Gainer: No. Building...
- Rich Williams: The building permit covers the building; the four walls in.
- Ron Gainer: It doesn't look any beyond...anywhere beyond that.
- Chairman McNulty: I understand that.
- Ron Gainer: Yeah.
- Rich Williams: Right. The inspection fees cover all your drainage work, your catch basins, your parking lot, putting down the right base. You know...
- Chairman McNulty: And I guess the bond calculations are only on that amount. Are only on that...
- Ron Gainer: Yeah. And it excludes the building.
- Chairman McNulty: site work.
- Ron Gainer: Yeah.
- Rich Williams: Right.
- Ron Gainer: It excludes building. So...
- Chairman McNulty: That's it.
- Ron Gainer: Building Department has theirs, you have the site.
- Chairman McNulty: Because that's what I've heard from people, too, is that just the cost to get a bond on property. The bond is being based on an approved property and sometimes you can't get a bond because it's...the property's not worth that yet. It's a catch 22, so to speak. You pay more...You have to pay more for that bond...
- Ron Gainer: Depending on who it is, I mean, if it's a reputable builder he's not spending anywhere near the face value of the bond to get that bond, right?
- Chairman McNulty: That's not what I'm hearing.
- Ron Gainer: Well, it shouldn't be.
- Rich Williams: Well...
- Chairman McNulty: You know, I know my bond is...It's like \$600 to renew the bond for a year.

Rich Williams: But you know, what you're saying, we're looking not for \$150,000 bond from you for all of your site improvements, but a \$20,000 bond from you just so we have some guarantee that we can pull some money and go in and stabilize the site. So, what you're saying is...

Chairman McNulty: But the bond's on the bond calculations.

Rich Williams: The bond is on the erosion control portion of the value of the property. The inspection fees are on the whole cost. The inspection fees...

Chairman McNulty: I...2% or whatever they are.

Rich Williams: 5%?

Ron Gainer: 5%, right.

Chairman McNulty: 5%.

Rich Williams: Yeah. And they are setup...They're not a payment to the Town...

Chairman McNulty: No, they're an escrow.

Rich Williams: They're an escrow. So you know what, you go out, you do your job right. We don't have to go out there a lot of times to do a lot of crazy inspections and re-inspect and re-inspect, you get money back. You don't, then you're going to owe us more.

Chairman McNulty: Yeah. Well, maybe that's something that can be looked at as well. Maybe over the last three years. Five years. Have there been ten projects, fifteen projects, and always a surplus within that escrow? Maybe we can charge 3.5%...

Rich Williams: But not a great...

Chairman McNulty: instead of 5%.

Rich Williams: But not a great surplus, the few that we've had.

Chairman McNulty: That's what I don't know. I don't know the information.

Ron Gainer: Yeah, when you're dealing with return of the unpaid, I mean it's an upfront cost but you're going to get it back. And 5% is not unreasonable. I have municipal clients that sincerely charge 10% so they don't get into that bind where they're fighting with the developer for more inspection money. And you get it back.

Chairman McNulty: No, I understand that. It's just...

Ron Gainer: And 10% I've never heard of, but there's one that takes it. Everyone else is 5 [percent].

Chairman McNulty: Yeah.

Ron Gainer: They used to be 4 [percent] but, I mean, overtime they snuck up because you need to deal with things.

Rich Williams: The engineers keep raising their price.

Ron Gainer: There you go. It happens.

[Laughter].

Chairman McNulty: So...Okay.

Rich Williams: They're not all reasonable like Ron.

[Laughter].

Ron Gainer: You (inaudible – laughter) now.

Chairman McNulty: Ron and Harry? Any other comments tonight? I make a motion to adjourn.

Board Member Ladau: Move.

Chairman McNulty: All in favor? *Motion carried by a vote of 4 to 0.*

Meeting was adjourned at 8:26 p.m.