

TOWN OF PATTERSON
PLANNING BOARD MEETING
March 6, 2014

APPROVED

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

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**Planning Board
March 6, 2014 Meeting Minutes**

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



Present were: Vice Chairman Thomas E. McNulty, Board Member Michael Montesano, Board Member Ronald Taylor, Board Member Edward J. Brady Jr., Rich Williams, Town Planner, Ted Kozlowski, Environmental Conservation Inspector, Ronald J. Gainer, Town Engineer, and Michael Liguori of the Town Attorney’s office, Hogan & Rossi.

Vice Chairman McNulty called the meeting to order and led the salute to the flag.

There were approximately 7 members of the audience

The meeting was called to order at 7:02 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Vice Chairman McNulty stated hello everyone, I’m Tom McNulty, I’m sitting in for Shawn tonight, he’s absent for a nice little time off. First on the agenda is the AT&T/Nolletti Site Plan public hearing. I want to state for the record on the original, original work session I recused myself because I’m partner in a property within the boundaries but after further review and I neglected to put this on record last week, I have no conflicts at all with this and I just want to put that on the record so.

1) AT&T/NOLLETTI SITE PLAN – Public Hearing

Mr. Joseph Rollins of Black & Veatch was present.

Vice Chairman McNulty stated the site plan, the public hearing is still open, do we have anybody here for it to make any comments, anything from the Board.

Rich Williams stated would you like the applicant to go through the plans and show you any changes they’ve made since the last meeting.

Vice Chairman McNulty stated if you’d like, would you like to.

Mr. Rollins stated the only thing that we, I think you’d asked reduce the height of the, I’m sorry, reduce the height of the fence.

Vice Chairman McNulty stated come up to the microphone.

Mr. Rollins stated hi, Joseph Rollins, Black & Veatch, in, I guess in February we had talked about lowering the height of the fence which we've done and that should be on C-1...

Vice Chairman McNulty stated I saw that, to 6'.

Mr. Rollins stated yeah to 6'.

Vice Chairman McNulty stated maximum.

Mr. Rollins stated and we hadn't, we didn't have the underlying landlord's signature LOA which I believe that was also received as well.

The Secretary stated yes, we did receive that.

Mr. Rollins stated I think you have everything you've asked for.

Vice Chairman McNulty stated does the Board have any other comments while the public hearing's open.

Board Member Montesano stated no.

Vice Chairman McNulty stated make a motion to close the public hearing.

Board Member Montesano seconded the motion.

Vice Chairman McNulty asked for all in favor. The motion carried by a vote of 4 to 0.

Vice Chairman McNulty stated okay, we don't have any SEQRA for this, any questions, we had talked about, sir I'm sorry, I forgot your name.

Mr. Rollins stated Joseph.

Vice Chairman McNulty stated researching for natural gas instead of diesel.

Mr. Rollins stated yeah they're going to go with the diesel that was fine with them as far as you know, the use, as long as its limited, hopefully we won't use it that much at all.

Vice Chairman McNulty stated okay. Rich was there anything outstanding on your notes that you had.

Rich Williams stated no, I reviewed the plans they've corrected the issue with fence which was the big outstanding issue, everything else is fine.

Vice Chairman McNulty stated I guess what we need to do is to get bond calculations for this.

Rich Williams stated generally the improvements out there are of such insignificant nature, we can probably not seek to establish the performance bond for the improvements.

Vice Chairman McNulty stated so we have to waive that here.

Rich Williams stated you don't have to waive it, it's a matter of Code it falls under the thresholds.

Vice Chairman McNulty stated okay, so do we want to, everybody comfortable with this, we can move forward and make a resolution.

Board Member Montesano stated why not.

Vice Chairman McNulty stated okay, I make a motion to approve the site plan as submitted with the necessary changes that were stated earlier for the AT&T, what's the official name of this Rich...

Rich Williams stated the Nolletti Site/AT&T expansion for the generator.

Vice Chairman McNulty stated the AT&T/ Nolletti cell tower site, for the expansion for the diesel generator. All in favor.

Board Member Taylor stated you need a second.

Board Member Montesano seconded the motion.

Vice Chairman McNulty asked for all in favor. The motion carried by a vote of 4 to 0.

Vice Chairman McNulty stated alright, okay, you're all set.

Board Member Taylor stated he's new to this, he's new to this.

Vice Chairman McNulty stated help me out.

Board Member Brady stated you're in the hot seat.

Vice Chairman McNulty stated I'm in the hot seat.

2) PAWLING CYCLE & SPORT – Sign Application

Vice Chairman McNulty stated okay, we have Pawling Cycle Sport which we approved at the work session.

3) PAPA JOHN'S – Sign Application

Mr. Robert D'Orazio, the applicant, was present.

Vice Chairman McNulty stated Papa John's Pizza, sign application, do we have anybody here for that, please come up.

Board Member Montesano stated that's why we almost got football jackets.

Vice Chairman McNulty stated state your name.

Mr. D'Orazio stated Robert D'Orazio.

Vice Chairman McNulty stated okay, we had some issues with this as far as the zoning and the amounts submitted, your square footage was over what's allotted for that building which would require you to go for a zoning variance.

Mr. D'Orazio stated okay.

Vice Chairman McNulty stated have you seen any the notes from the Planning, the Town Planner.

Mr. D'Orazio stated this is the first I saw that, of that.

Vice Chairman McNulty stated so at this point, you're allowed 22 square feet by what we're allowing with Code and you're asking for 30 square feet.

Mr. D'Orazio stated well if you look at when they first submitted a, when we first looked at a smaller sign, it looked off, it didn't look in proportion to the other signs, it looked very small, the other signs looked large and there was two parts of that, one is I felt that it didn't look corrected verse the other signs and I wanted the same type of visibility that they enjoy from customers both on Route 22 and in the parking lot. So that's when we decided to see what we could fit that would be a little larger but not quite the size of Subway but you know...

Vice Chairman McNulty stated okay, well we were going to ask counsel, I don't know where Mike went.

Board Member Montesano stated here he is.

Board Member Taylor stated we don't disagree with you, the problem is that it's been zoned for a certain amount and they're cutting the store fronts into smaller sections...

Mr. D'Orazio stated yeah, it's a narrow store front.

Board Member Taylor stated so in, so if you want the sign that will conform to the other signs, you're going to have to get a variance and we're going to possibly recommend that the owner go to the Zoning Board and seek a variance for the overall site so that the individual renters don't have to do this in the future.

Mr. D'Orazio stated okay.

Vice Chairman McNulty stated also we wanted to refer to counsel because there was a variance given on that space previously, Mike, would that variance for that lessee move forward with a new lessee.

Mr. Liguori stated Tom, I'm looking at the minutes, I have to do a little bit of homework on that, here's why area variances generally run with the land, that's a concept that that is provided for in Town Law, so if you were to obtain an area variance to build a shed and the shed remained in place then the area variance would be there, you could take the shed down, replace, do what you need to do. I need to see if they differentiate, if there is some case law, something I can rely on to differentiate that or not differentiate that with the signage, the language of the variance is granted to Cumpeo Systems Inc., that's the applicant, that's who it was granted to, now let's say the shed example, it can be granted to Tom McNulty and I can come you know, 15 years later and buy the house with the shed and I'd still be continuing the variance but

you know that question I think would come up is what happens when I change the shed and that's the, you know the equivalent here is what do I do when I change the signs...

Vice Chairman McNulty stated yup.

Mr. Liguori stated and the argument is well look if I stay in the exact same dimensions, I'm only changing what's inside those dimensions, you know am I entitled to keep that, I have to see if that corollary remains and if it does then a variance isn't necessary and if you know, if there's something that says yeah, that is a change, the wording of the language, it was for a computer sign, this is a sign for a different business and that's not to say you know, let's say you're one computer business and another one comes in, you know it's not a sign specific to a computer business, it's a sign for Cumpeo. So anyway, so that's, I need to take a look at that, I can do that very quickly and I could do it before Mr. D'Orazio starts spending time and money making the application to you know, the Zoning Board of Appeals, I can render an opinion pretty quickly, it's just doing the research and getting that answer.

Vice Chairman McNulty stated okay, so do you...

Mr. D'Orazio stated we're hoping to be open in 4 weeks and it takes 3 weeks just to make the sign.

Vice Chairman McNulty stated okay, so do you follow what he explained though.

Mr. D'Orazio stated yeah.

Vice Chairman McNulty stated but as the sign is submitted now, that previous variance doesn't move forward with your lease, then you'll have to go to the Zoning Board or reduce the size of the sign.

Mr. D'Orazio stated okay.

Vice Chairman McNulty stated if it does carry through then there'll be sufficient room for your new sign.

Mr. D'Orazio stated alright.

Vice Chairman McNulty stated and the problem with Benderson would be a separate issue, technically.

Rich Williams stated correct, I know timing on this is an issue...

Board Member Montesano stated right.

Rich Williams stated so Rob, would it help if the Planning Board approved one of the signs so you could get a sign up.

Mr. D'Orazio stated you mean one of the two parts of the sign.

Rich Williams stated yes.

Mr. D'Orazio stated no, it's all, actually, actually it's one sign even though it's two parts.

Rich Williams stated well they're two different types of signs, so I assumed they could make them individually.

Mr. D'Orazio stated I think, I spoke to the electrician and it runs on one line, one circuit.

Rich Williams stated true and he could just tie the other sign in I would think.

Mr. D'Orazio stated you're saying could put I part of it but what size would I make it then.

Rich Williams stated well what I would suggest is the Board approve one of the two and approve the second sign subject to the Town Attorney finding that...

Vice Chairman McNulty stated what about a temporary banner.

Board Member Brady stated yeah, that's...

Vice Chairman McNulty stated instead of a, size within the limits.

Rich Williams stated that's up to him, I'm just looking to cut some time off because this has been a long time coming, trying to get in here.

Mr. D'Orazio stated you know because it's a franchise I couldn't tell you yes or no, I have to have their approval you know...

Vice Chairman McNulty stated no, I understand.

Mr. D'Orazio stated so I can ask them but I couldn't just tell you on my own that that's okay.

Vice Chairman McNulty stated because the actually sign and the design and the style of it, I don't think we had any real objections with, it's just that, you know we have to stay in conformity to the code.

Mr. Liguori stated Tom, why don't we put this over to the end, let me take a few minutes and just jump on WesLaw, my research program and I might be able to get an answer before we're done with the meeting...

Vice Chairman McNulty stated okay, you want to wait around a little bit then, we'll come back to it.

Mr. D'Orazio stated yup.

Vice Chairman McNulty stated okay, sounds good.

Mr. Liguori stated can I get on your computer.

The Secretary stated sure.

Mr. Liguori stated just give me a shout if something comes up on something else.

4) SWEET HEART NAILS & SPA – Sign Application

Applicant did not appear.

Vice Chairman McNulty stated okay, Sweet Heart Nails, is anybody here from Sweet Heart Nails to represent it.

Rich Williams stated we're going to hold this one over until the next meeting.

Vice Chairman McNulty stated we're going to table this over, okay so we'll table Sweet Heart Nails.

5) HAVILAND FARM – Site Plan Application

Mr. Peter Wheeler was present.

Vice Chairman McNulty stated alright, Haviland Farm Site Plan.

Mr. Wheeler stated how are you doing.

Vice Chairman McNulty stated good, how are you.

Mr. Wheeler stated good thanks, Pete Wheeler.

Vice Chairman McNulty stated hi Pete.

Mr. Wheeler stated and I've gone through and I've made the changes that were asked the last time I was here.

Vice Chairman McNulty stated have you seen the latest from the January 30th memo, that's the one, from the Town Planner.

Mr. Wheeler stated January 3rd.

Vice Chairman McNulty stated the 30th, is that your latest memo Rich.

Mr. Wheeler stated well this is the latest, I just was handed this one.

Rich Williams stated February.

Mr. Wheeler stated February 25th.

Rich Williams stated yeah that was prior to this current version, I believe.

The Secretary stated he has the Town Engineer's one.

Rich Williams stated I know, I haven't done one on this plan.

Vice Chairman McNulty stated on this current plan here.

Rich Williams stated on this current plan because really there's only two, for me there's only two major issues, the issue of the location of some of the cold frames and whether they're in the wetlands and that's acceptable or, and the 15' separation, which we're probably going to need Mike for.

Vice Chairman McNulty stated well the first thing, you want to review what you have here what changes you made.

Mr. Wheeler stated sure, I believe it was just a matter of putting a little bit more detail on but you know, I'm this one I'm showing the evergreen hedge or the lack of, like where we're going to you know fill that in a little bit more and then where we're going to continue it on here, just a little bit more detail on where we actually do staging and gravel, gravel roads and stuff like that, so that's not going to change at all. I'm pointing out like where the two the wells are on the property and then you know one of the ones you requested last time was I'm actually showing the sections I'm going to be cutting off of these two existing houses to meet the setback requirements.

Vice Chairman McNulty stated we had waived a number of issues, items, one of the things we didn't waive though was the septic system, now, you don't have any now and I don't think you have anything proposed to install at this point, right.

Mr. Wheeler stated no, nothing, nothing yet really...

Vice Chairman McNulty stated is it required to have a septic system.

Rich Williams stated that would, Ron, jump in any time you want, that would be an issue for the Putnam County Health Department, if they're comfortable and we've seen this in the past with more intensely used commercial site, such as Lea Rome over in Patterson Interstate Business Park, where Health Department has allowed them to operate with a port-a-john.

Vice Chairman McNulty stated so it might not be needed, do we need to waive that requirement as well...

Board Member Taylor stated we can't.

Vice Chairman McNulty stated we can't.

Board Member Taylor stated I don't think we should, I think we should hear from the Health Department.

Board Member Montesano stated Health Department, Health Department's got to, that's their bellyache, we can't...

Rich Williams stated you want a letter from the Health Department.

Vice Chairman McNulty stated yeah.

Rich Williams stated alright, I'll contact Mike Budzinski and get a letter.

Vice Chairman McNulty stated okay.

Mr. Wheeler stated okay.

Board Member Taylor stated you want to waive sewage...

Vice Chairman McNulty stated yeah, that's true, so maybe something from them saying a port-a-john is suitable...

Rich Williams stated sure.

Vice Chairman McNulty stated oh, that way, it relieves us from having a requirement on our, it's stated on the plan, okay.

Mr. Wheeler stated okay.

Board Member Taylor stated and then we still had issues with two of the cold frames certainly, the two that are at the top of the plan in the middle there...

Vice Chairman McNulty stated on that western edge.

Board Member Taylor stated right in the middle, at the top, there, those two.

Mr. Wheeler stated these two.

Board Member Taylor stated yes and then there's a question about the two over, to the right of those...

Mr. Wheeler stated right here.

Vice Chairman McNulty stated yes.

Board Member Taylor stated yes.

Mr. Wheeler stated okay, well...

Rich Williams stated if I could just jump in here, Peter...

Mr. Wheeler stated yeah.

Rich Williams stated the issue is whether they're in the wetlands or you know, they're in some protected area and we had all left it off that Ted, as soon as the snow clears, if it ever clears, is going to go out there and take a look and give an opinion.

Vice Chairman McNulty stated for the two in the northwest corner.

Ted Kozlowski stated right, Peter, I do have to ask you, there's been some discussion about the previous tenant, did he have a septic or any kind of waste disposal on that site.

Mr. Wheeler stated it's always been a port-a-john.

Ted Kozlowski stated it's always been a port-a-john.

Mr. Wheeler stated yeah.

Ted Kozlowski stated so you don't know if had something in one of those buildings that has a slop sink or...

Mr. Wheeler stated well there's a slop sink there but...

Ted Kozlowski stated the only reason I'm asking is because of the relative closeness to a, the wetland and

if you do have to get a septic from the Health Department, it's better to know that before you go to them before they find out if there was something there, so you're sure there's nothing there.

Rich Williams stated again, let me jump in, I could tell you, I was out and toured the whole site today, I was in the office building and there wasn't a bathroom.

Vice Chairman McNulty stated is there a sink.

Rich Williams stated there is a sink but it's just a wet sink.

Mr. Wheeler stated it's basically a slop sink in the well, in the pump house of this room, you know and just use it to wash your hands basically...

Board Member Taylor stated where does it go.

Ted Kozlowski stated so where do it go, to a dry well or something.

Mr. Wheeler stated probably a dry well, yeah, I don't know when it was installed or anything.

Board Member Montesano stated what can you see.

Vice Chairman McNulty stated is that something governed by the Health Department.

Rich Williams stated we'll ask.

Board Member Taylor stated we'll ask.

Vice Chairman McNulty stated okay, so it was the issue of those four units all together, two of which we want to hear back from...

Mr. Wheeler stated right.

Ted Kozlowski stated but you know those units again, these are cold frames and that that, the decision of those two buildings shouldn't hold this application up, this is something that either goes there or doesn't, now or in the future, it's not a...

Vice Chairman McNulty stated if we approve it...

Ted Kozlowski stated this isn't a game breaker those two buildings, they're not even buildings, they're cold frames, so, I wouldn't get hung up on it.

Vice Chairman McNulty stated but if we're approving the plan, we're approve the okay to put those there...

Ted Kozlowski stated right.

Vice Chairman McNulty stated and then if you came back and said...

Ted Kozlowski stated right.

Vice Chairman McNulty stated you know, how does that happen and if you said well we shouldn't put them there do we have to amend the plan.

Board Member Taylor stated we can condition the approval on what you say on those plans.

Ted Kozlowski stated I'm only saying that because he's in the nursery business, I'm very familiar with it, we're coming to spring, they're going to have to get moving and I really don't want to make him wait if that's the only issue, I don't want to make him wait another month and then we're into April, to make a final decision on two buildings that, I mean two cold frames that aren't critical to this operation.

Board Member Taylor stated yeah we're not saying we're going to, the first two cold frames...

Mr. Wheeler stated these up here.

Board Member Taylor stated we had said when we were out there that those should not be there, that they should come off the plan.

Vice Chairman McNulty stated yes.

Mr. Wheeler stated I don't remember that, I remember taking this one off, that one was a little bit close.

Board Member Taylor stated well we walked down, Ted and you and I walked down along the ground cover that was there and Ted was saying everything to the...

Ted Kozlowski stated right he's, Peter's right Ron...

Mr. Wheeler stated I did take this one off that was another one...

Ted Kozlowski stated right, Ron, this is where we took that little stroll and this is the DMZ, if you will, right here. These were never discussed because they weren't presented to us when we were out on the site walk, so now these are showing up on the plans and I would say these two right here are probably more in jeopardy because I think they're right on top of the wetland and we need to make sure that you have a buffer zone between the wetland and your operation.

Mr. Wheeler stated that's fine.

Ted Kozlowski stated okay, so what I'm suggesting is perhaps once we see what the site looks like after the snow goes, can you live with making the cold frames half that size, do they all have to be that length.

Vice Chairman McNulty stated well our discussion, I think at the work session was pretty much to remove those two and the other two were in question based on...

Ted Kozlowski stated no, no, Tom, we didn't discuss this, these were part of, these weren't on the table.

Vice Chairman McNulty stated at our work session though, we discussed it.

Board Member Taylor stated no, we discussed them.

Rich Williams stated we discussed them, I discussed them because I've always been concerned that that's a wetland area and you keep saying it ain't.

Ted Kozlowski stated Rich, all I know is there's snow on the ground and I ain't making any decisions until the snow is gone.

Board Member Taylor stated okay, so we're talking about four frames then not two frames, we need to make that clear, you're looking at four frames.

Ted Kozlowski stated right.

Mr. Wheeler stated these four right here.

Board Member Taylor stated yes, those four, so we can put that as a contingency on the approval then.

Board Member Montesano stated I have a question for you...

Mr. Wheeler stated sure.

Board Member Montesano stated with the construction of these frames, can we space them for arguments sake two feet and then if the other, if it gets where it's not a problem, you can add the other two feet would that benefit you or do you want to wait until it's all done.

Ted Kozlowski stated let's be clear about something else, okay, we're going to pull the 100' buffer zone and almost all of this is affected...

Rich Williams stated it's almost up to the road.

Ted Kozlowski stated okay, they're well within the 100' buffer.

Vice Chairman McNulty stated we understand.

Ted Kozlowski stated so we're looking at, we're looking at buildings that are basically 2' by 4', 2' by 6's by 16' boards with metal frames and plastics, okay, the site has already been disturbed by previous tenants going back a long time, I don't think is a critical issue with regard to the wetland if so long as all they're doing is putting plants in there, we're not looking at chemicals, we're not looking at fill, we're not looking at stuff that's going to significantly impact the wetland, what we're looking at here is a pretty innocuous operation. All I'm saying here is that he needs the room to get in and around the buildings without further going in or jeopardizing the wetland, alright, so.

Vice Chairman McNulty stated so we'll base these four units on condition of you approval.

Ted Kozlowski stated right, well let's just look, see when the site clears up, hopefully in the next few weeks, get that resolved but this, you know, whether the building's here or there, it's still within the buffer zone and it's not a big issue, to me, it's not a big issue.

Vice Chairman McNulty stated okay.

Ted Kozlowski stated alright.

Board Member Montesano stated if they were pouring 40' of concrete, I'd worry.

Vice Chairman McNulty stated now we had other issues with zoning as far as setbacks and discussions at the work sessions with separation...

Mr. Wheeler stated that was the two parcels, you're talking about right.

Vice Chairman McNulty stated no, no.

Rich Williams stated no.

Vice Chairman McNulty stated the actual structures themselves or greenhouses I guess they are...

Board Member Taylor stated no, they're cold frames.

Vice Chairman McNulty stated cold frames, cold frames.

Rich William stated and I think I've got a, the cold frames, our code requires there 15' separation between any structures, meaning there needs to be 15' between...

Vice Chairman McNulty stated well I'm going to bring up a point on that, I went and looked up structure in our definitions in our code...

Rich Williams stated sure.

Vice Chairman McNulty stated and by definition they're not structures.

Rich Williams stated I beg to differ with you, both the Building Department and I which hold sway over this issue, have both determined they're structures.

Vice Chairman McNulty stated the definition would not qualify them as a structure.

Rich Williams sated it absolutely would qualify.

Vice Chairman McNulty stated well let me read it, anything constructed or erected which has or would normally be expected to have a permanent or semi-permanent location on or in the ground or attachment to something having a permanent or semi-permanent location on or in the ground, include patios, decks, stairs and other improved areas, intended as a central location for recreation and leisure activities. That's how structure is defined in our code, these are not for leisure or recreational activities.

Rich Williams stated no, you're taking that out of context.

Vice Chairman McNulty stated I don't see it out of context.

Rich Williams stated it is anything that attached to the ground.

Vice Chairman McNulty stated well this is all one long sentence, at a central location for recreation or leisure.

Rich Williams stated I mean it, Tommy, under your interpretation of what a structure is, a house probably wouldn't be considered a structure...

Vice Chairman McNulty stated why, it's for leisure and recreation.

Rich Williams stated a barn wouldn't be, a garage wouldn't be considered a structure.

Vice Chairman McNulty stated well that's the way I read it...

Rich Williams stated well.

Vice Chairman McNulty stated and it's not a building because clearly doesn't define that...

Rich Williams stated all I can say Tommy is...

Vice Chairman McNulty stated and a greenhouse has its own...

Rich Williams stated it's not within your purview to interpret the code.

Vice Chairman McNulty stated I just wanted to bring it up because what are we going to do with this as far as zoning goes.

Rich Williams stated well here's what we're going to do with because the drawing is not to scale, in the resolution we're going to acknowledge that there cannot be 15', there has to be a minimum separation of 15' between any greenhouses and if he can meet that and put up all 40 greenhouses, then he's good to go.

Board Member Montesano stated can he get a variance on that.

Vice Chairman McNulty stated well then as that plans then it won't meet that.

Rich Williams stated well the plan's not to scale, it's not drawn...

Board Member Montesano stated okay, can he get a variance on...

Mr. Wheeler stated I'll tell you right now, there's not 15' between any of the existing greenhouses so we'd, I'd have to move those too or like...

Rich Williams stated well that's up to the Building Department to enforce that provision within the Code.

Board Member Montesano stated okay, can that be given a variance.

Rich Williams stated yes, it can be given a variance.

Board Member Montesano stated alright.

The Secretary stated State Code is 10'.

Ted Kozlowski stated and Peter, you should go for the variance because it's a ridiculous requirement...

Rich Williams stated huh.

The Secretary stated State Code is 10'.

Ted Kozlowski stated for an operation that is plant friendly...

Rich Williams stated I thought I was honest by saying its 15'.

The Secretary stated correct but they can't go under 10'...

Ted Kozlowski stated you're not going to have, people are not in that building, they're not residing in it, 15' is excess for cold frames, right I mean, its plastic tents out there, right.

Rich Williams stated well there's legitimate reasons for why there's 15' within the Code...

Board Member Taylor stated this is including, as, this clause is including as central location of recreation and leisure activities, this doesn't go back to these things and it's only part of this clause.

Rich Williams stated and it's a requirement of the Zoning Code.

Ted Kozlowski stated I understand that but this is why you get variances.

Board Member Montesano stated your main reason why you want at least that width is so that you can get fire apparatus through it...

Rich Williams stated no, you can safely pass firefighters.

Board Member Montesano stated alright fine but the object is it's a plastic screening building, it's a piece of plastic, by the time you get there, within reason, it's gone so you don't have to worry about it burning anybody because there's going to be nothing left.

Rich Williams stated that's true but if there were 40 of them on the site and the first one caught, you'd probably get there halfway through the fire and they will burn because I have been in one that did burn.

Board Member Montesano stated oh yeah, I've seen them burn but the object is once they're going, you can put them out too, if you get there, you don't need to worry about the guys because they're not walking in between it, if two of them are burning, they're going to the one that's not burning and try to save that one.

Vice Chairman McNulty stated Peter, what's the minimum separation you need between greenhouses, for snow coming off...

Board Member Taylor stated cold frames.

Vice Chairman McNulty stated cold frames, cold frames.

Mr. Wheeler stated when they're next to one other, the snow comes off, so you need about, a minimum on this size house maybe about 4 to 5', I think we'd go about 6', 5 to 6' between them and that's, that's narrow you know, otherwise the snow just keeps piling up and then it puts pressure on the side, when we get all this snow.

Board Member Taylor stated well it's, unfortunately that's not an issue we can resolve.

Vice Chairman McNulty stated that's the Zoning, Zoning Board of Appeals.

Board Member Taylor stated so we can't approve this.

Rich Williams stated like I said, there's two ways to do this, there's, you can go to the Zoning Board and get a variance for all the structures or we can simply note it in the resolution then it becomes an issue with the Building Department to enforce, if he's not within, if he doesn't meet that separation.

Board Member Montesano stated alright, if we approve...

Mr. Gainer stated they can also take that approval and then subsequently chase a variance, right.

Rich Williams stated yes, he could, he could take that...

Vice Chairman McNulty stated we could approve it with the 15' separation and then you can go to the Zoning Board and ask for a different, a variance.

Rich Williams stated right.

Board Member Montesano stated see if they can, in the meantime...

Rich Williams stated that might be a better way to go.

Mr. Gainer stated right.

Mr. Wheeler stated I don't know what to do because then, then it opens is up to the Building Department to interpret you know like how they want me to continue on building these things.

Board Member Montesano stated now if we approve this tonight...

Rich Williams stated well you can't approve it tonight.

Vice Chairman McNulty stated no, we have to do a public hearing.

Board Member Montesano stated I'm just going on a hypothetical case, okay. If we approve something for you tonight with this thing, by the time you can then apply to the Zoning Board for a variance, they would have the final say but in other words, you'd be able to proceed by putting up something and apply to them at the same time.

Vice Chairman McNulty stated you'd have to meet the setbacks at this point, 15' until you got the variance.

Mr. Wheeler stated well that's what my question was, the houses that are existing, does that put me in violation now with the Building Department.

Rich Williams stated well has the Building Department issued a violation.

Mr. Gainer stated that's a code requirement today, it has nothing to do with your application.

Rich Williams stated yeah.

Mr. Gainer stated if they haven't violated you yet, likely they're not going to look at it.

Board Member Montesano stated so.

Board Member Taylor stated it puts you in the position of a potential violation.

Vice Chairman McNulty stated yes.

Board Member Montesano stated let me put it this way you will be sitting behind a vehicle that can move, it's up to you to step on the gas pedal and see how far you want to get it to go.

Vice Chairman McNulty stated okay, so that was...

Rich Williams stated why don't we get some additional clarification from the Building Department on this issue, in the meantime you can schedule the public hearing for the next meeting and we can move this thing to some sort of resolution.

Vice Chairman McNulty stated and SEQRA, we want to wait until after the public hearing on SEQRA.

Board Member Taylor stated yeah.

Rich Williams stated doesn't matter.

Vice Chairman McNulty stated yeah, so we'll set a public hearing for next month, April 3, 2014.

Board Member Montesano seconded the motion.

Vice Chairman McNulty asked for all in favor. The motion carried by a vote of 4 to 0.

Vice Chairman McNulty stated and you know what you have to do for that Peter, you have to get a list and put a mailing out to notify everybody of the public hearing, Michelle will help you with that.

Mr. Wheeler stated okay.

The Secretary stated Pete, call me tomorrow.

Mr. Wheeler stated okay.

The Secretary stated and I'll walk you through it.

Mr. Wheeler stated alright.

Vice Chairman McNulty stated okay and Teddy you'll get out there when the snow melts.

Ted Kozlowski stated I'm sure I'll be notified.

Vice Chairman McNulty stated look out your window.

Rich Williams stated you're going to get smacked.

Board Member Montesano stated you going to go get your sun lamp or what.

6) PATTERSON LIBRARY – Site Plan Waiver

Mr. Don Ferraro was present.

Vice Chairman McNulty stated okay, Patterson Library's up next.

Board Member Montesano stated Generac generator.

Mr. Ferraro stated good evening, I'm Don Ferraro from the Patterson Library.

Vice Chairman McNulty stated hey Don, okay, you want to put in generator...

Mr. Ferraro stated yes.

Vice Chairman McNulty stated we had a couple issues with it.

Mr. Ferraro stated okay.

Vice Chairman McNulty stated one was the location and setback requirements...

Mr. Ferraro stated alright.

Vice Chairman McNulty stated Rich, did you come up with any more info on that, as far as is it in violation of where it's located.

Rich Williams stated well it doesn't meet our current setback requirements, I believe a variance has been applied for, correct.

Mr. Ferraro stated yes, we applied for a variance for the setback.

Rich Williams stated so the only question at this juncture, whether you feel a site plan waiver is appropriate for this application...

Vice Chairman McNulty stated yup.

Rich Williams stated if so, you can move forward on that, if not, then you know he's going to have to resubmit an application and...

Vice Chairman McNulty stated well I know the request was for a site plan waiver and a question I had brought up were the bollards and details of what you're going to install to protect that generator from the parking, it was just two dots located on the plan.

Mr. Ferraro stated well I spoke to the Building Department about that and the reason that we had asked for the variance is we need to site this far enough back on our property lines to allow for the concrete pad, which is 4' by 6', and then the Building Department explained to us that need 3' between the concrete pad and the bollards, he wanted three bollards that's what that shows and then that gives us 4, a little over 4' from the bollards to the pavement, so that's why we would ask for that, that amount of a variance and we sited it where were sited because of our gas meter, it's more a direct line and we didn't want to put the

generator too far towards the main entrance and we're also, there's a sewer pipe, we're going to trenching for a sewer hookup eventually and that's going to be diagonally towards, away from that, we didn't want them to cross, so that's why we located in that location.

Vice Chairman McNulty stated the only thing I had was detail on the bollards, is that something that has to be included on our site or is that something Building Department will have us...

Board Member Taylor stated we're waiving the site plan.

Vice Chairman McNulty stated a waiver of site plan.

Rich Williams stated if you're waiving it no, the answer is no, if you want a site plan then the answer would be yes...

Vice Chairman McNulty stated no, I...

Rich Williams stated but you know bollards are fairly standard in design.

Vice Chairman McNulty stated I guess my question is does the Building Department have a particular code for bollards.

Rich Williams stated I don't know if they have a particular code, I could tell you, like I said there's a standard design for bollards, there's a little bit of variation here and there but you know...

Mr. Ferraro stated it was explained to me by the Building Inspector that, he told me what kind to put in you know mention is, 4-5" in circumference, steel...

Vice Chairman McNulty stated steel reinforced with concrete.

Mr. Ferraro stated concrete, right and they have to be 3' but he gave me, it was explained to me that this is what you have to do, so that's why I did it, okay, I think on the plan where they were going.

Board Member Brady stated there's two there.

Vice Chairman McNulty stated okay, there's just two on the plan.

Mr. Ferraro stated he said he wanted them on the corners and I suggested we put one in the middle so.

Vice Chairman McNulty stated okay, to waiver a plan, we don't condition it in anyway do we.

Board Member Montesano stated can I ask a question, sir, for a minute.

Vice Chairman McNulty stated sure.

Board Member Montesano stated thank you. The generator is located between yours and the car next door...

Mr. Ferraro stated Cartwright, yeah Cartwright Tents.

Board Member Montesano stated now what I'm looking at is this is the major portion of the parking that comes in, is there any reason why couldn't put it on the other side where there's less traffic.

Board Member Taylor stated the gas line.

Vice Chairman McNulty stated that's where the gas main is, the gas main is on the building right there.

Mr. Ferraro stated the gas main, right on the building would be...

Vice Chairman McNulty stated see the little x...

Mr. Ferraro stated across would be...

Board Member Montesano stated okay.

Vice Chairman McNulty stated that would be a major undertaking.

Board Member Brady stated yeah, you'd have to run the gas line through the building or go around the building outside.

Mr. Ferraro stated yeah.

Board Member Montesano stated you go, well your line runs here...

Vice Chairman McNulty stated no, they have an existing gas main on the building.

Board Member Montesano stated I realize that.

Board Member Brady stated they're not going to let them tap into the gas before the meter and run another meter for that, they won't let them do it.

Vice Chairman McNulty stated from the street.

Board Member Brady stated they won't let them have two meters for the, for the same customer.

Board Member Montesano stated okay, well I just, I prefer it on the other side but that's what we gotta do is worry about the financial situation, alright.

Vice Chairman McNulty stated anybody else have any comments. Everybody comfortable with a waiver for this.

Board Member Brady stated yeah.

Vice Chairman McNulty stated I make a motion we approve the site plan application waiver.

Board Member Brady stated I second.

Vice Chairman McNulty asked for all in favor. The motion carried by a vote of 4 to 0.

Vice Chairman McNulty stated okay.

Mr. Ferraro stated thank you very much.

Vice Chairman McNulty stated you're welcome.

Board Member Montesano stated just get the lights on.

7) GARRETT SITE PLAN – Parking Area for Walsh's Town Tavern

Mr. Jack Walsh was present.

Vice Chairman McNulty stated okay Garrett Site Plan, Walsh's Town Tavern.

Mr. Walsh stated Jack Walsh.

Vice Chairman McNulty stated hello Mr. Walsh, how are you.

Mr. Walsh stated good, how you doing.

Vice Chairman McNulty stated okay we got some notes from you, about whiskey barrels.

Mr. Walsh stated yup, I, yeah I spoke with Rich last week a little bit about you know the parking lot and just what we can do to set it up and make it safe for you know, for everyone. So what I thought about was doing was outlining the area with the resin whiskey barrels, 20 of them around the perimeter of the space, filling them partially with cement and the t-frame, the fence frame and then topping it with some top soil and putting plants in them to make them look decorative out there and then having a reflective rope that we would use to you know outline you know, the parking space in question that could be used and then within there as well, we would look to post signs and they're going to say it's for parking just for the Tavern only. Also will have signs posted to say head on parking only so we would have an organized fashion of where the cars would park and how they would park.

Vice Chairman McNulty stated okay, I know we wanted to make a site inspection but the snow is still pretty thick on the ground...

Mr. Walsh stated yeah it's...

Vice Chairman McNulty stated one of the things we talked about is there's a lone telephone pole sticking up out of the parking lot...

Mr. Walsh stated right.

Vice Chairman McNulty stated did you have any plans to remove that because we were all agreement that we would like to see that cut off at the ground maybe.

Mr. Walsh stated the telephone pole, I mean, you know I mean I would have to talk to Mr. Garrett about that...

Vice Chairman McNulty stated okay.

Mr. Walsh stated I mean if he didn't have objection to it, I mean I'd cut it down you know if it was me but again I would have to ask Mr. Garrett if he would have an issue with that.

Vice Chairman McNulty stated does anybody have any questions about the setup he's proposed.

Mr. Walsh stated you know and also as far as maintenance to the site, maybe it would be part of our opening and closing task, as far as maintaining it...

Vice Chairman McNulty stated I saw that in the notes.

Mr. Walsh stated and going through the, you know having, making sure it's picked, it's neat, and no garbage around, stuff like that.

Vice Chairman McNulty stated the street on the corner there, I can't, is that Locust...

Rich Williams stated Locust.

Vice Chairman McNulty stated not on your corner but on the corner of that parking.

Mr. Walsh stated that's Locust, yup.

Vice Chairman McNulty stated Locust, there's people parked there on the side now, is your parking proposed to turn the corner or is it just straight across.

Mr. Walsh stated no, it's just straight across, it's just straight across.

Vice Chairman McNulty stated you're going to separate that from Locust through with the barrels.

Mr. Walsh stated yes, with those barrels and the roping.

Vice Chairman McNulty stated so all access would be from [Route] 311 in and out.

Mr. Walsh stated yes.

Vice Chairman McNulty stated okay because that curb is cut there for that.

Mr. Walsh stated yeah, there is an entryway off of [Route] 311.

Vice Chairman McNulty stated we need to set a public hearing, correct.

Rich Williams stated yeah, you do.

Board Member Taylor stated next month.

Vice Chairman McNulty stated yup, make a motion to set a public hearing for the Walsh's Tavern parking area for April 3, 2014.

Board Member Montesano seconded the motion.

Vice Chairman McNulty asked for all in favor. The motion carried by a vote of 4 to 0.

Vice Chairman McNulty stated now you'll have to contact Michelle for that...

Mr. Walsh stated yup, will do.

Vice Chairman McNulty stated and send out information and this is Type II so we'll have to do SEQRA on this...

Mr. Gainer stated no.

Rich Williams stated no.

Vice Chairman McNulty stated Type II, we don't need SEQRA, unlisted.

Board Member Taylor stated unlisted.

Vice Chairman McNulty stated yup, okay.

Rich Williams stated so what Mr. Walsh is proposing, nobody has an issue with that, we're all okay.

Vice Chairman McNulty stated no, with the barrels, I had one question on the signs you're going to post...

Mr. Walsh stated yes.

Vice Chairman McNulty stated I don't think you had a dimension in here, are they like a DOT standard sign.

Mr. Walsh stated yeah, the standard like no parking 18" by 12" sign.

Vice Chairman McNulty stated okay, they're going to be bolted to the little T- braces.

Mr. Walsh stated yup, along the way, yup.

Board Member Montesano stated the barrels will be empty.

Vice Chairman McNulty stated I suggest you put tamper proof bolts on them because my signs disappeared when I was on the building there before.

Mr. Walsh stated oh yeah.

Vice Chairman McNulty stated just a suggestion.

Mr. Walsh stated will do.

Vice Chairman McNulty stated okay, so we're, not objections to the proposed plan and we'll look for a public hearing.

Board Member Taylor stated well we've got to do a site walk too.

Board Member Montesano stated we gotta do a site walk.

Vice Chairman McNulty stated and site walk.

Board Member Taylor stated it's hard to make an objection until we see the site.

Mr. Walsh stated until you see it, yup.

Vice Chairman McNulty stated so hopefully between now and the final, we'll get out there when the snow melts.

Mr. Walsh stated sounds good.

Vice Chairman McNulty stated alright, thank you, good luck.

Mr. Walsh stated thank you.

Rich Williams stated we can wrap this up next meeting. Want to go back to Papa John's...

Papa John's Discussion

Vice Chairman McNulty stated yes, we're back to the Papa John's application. Mike, did you get an answer.

Mr. Liguori stated yeah, so just as we were discussing before, there isn't a litigation that's right on point...

Vice Chairman McNulty stated hold on, you want the microphone.

Mr. Liguori stated sure.

Vice Chairman McNulty stated help Michelle out here.

Mr. Liguori stated so there's, we go on this computerized research program and try to find cases and if you're lucky there's a case on point and usually there is, there's very, it's not too often where you encounter something for the first time. So there's not particular case on point with regard to signage but there's others that are similar like sheds and what not and I'm, the short of it is that it does in fact run with the land and the area variance would only not run with the land if the original applicant didn't exercise the variance within the 12 months that you need to in order to, which is the limitation that's put forth in the code, you get a variance, it's good for a year but if you get building permit then put the sign up, now you're entitled to use that variance and I'll read the language because it's pretty clear; it says as the term implies, this is a case of, the question where the use of a mother-daughter apartment, the question is could it be resumed after a number of years after the zoning has changed when a variance was granted to permit it in the first place. It says, the judge writes, as the term implies, a variance is an authorized use, an authorization to use property for a purpose prohibited by the zoning ordinance and a use which is authorized by a variance is not personal or limited to a particular owner of the property but rather runs with the land and it cites Anderson on Zoning, which is our treatise that we go to for guidance on these things, it says a grant of a variance runs with the land and is not a personal license to a land owner, this element whereby a variance runs with the land is an essentially factor which distinguishes it from a mere permit which is personal to the grantee, so when you...

Board Member Taylor stated it's covered.

Mr. Liguori stated yeah, you know, I think it's pretty clean guidance to the Board that that variance is granted and you know, short of that building coming down...

Vice Chairman McNulty stated so that variance for Cumpeo was I believe 17 square feet additional.

Board Member Taylor stated 19.

Board Member Montesano stated 19.

Board Member Taylor stated 19 additional.

Vice Chairman McNulty stated which would bring him in compliance.

Rich Williams stated yes.

Board Member Taylor stated alright, so let's do it.

Vice Chairman McNulty stated so, anybody want to make a motion on SEQRA for this sign application for Papa John's Pizza.

Board Member Taylor stated okay, for SEQRA on, what is this, Papa John's, 3016 Route 22, Patterson Commons, what's the...

Vice Chairman McNulty stated negative.

Board Member Taylor stated negative determination, will not have a significant impact on the environment and hereby issues a negative determination of significance.

Board Member Montesano seconded the motion.

Vice Chairman McNulty asked for all in favor. The motion carried by a vote of 4 to 0.

Vice Chairman McNulty stated and I make a motion on Papa John's sign application to approve it with the overage because it's compensated by the previous variance granted for the previous lease, approved as submitted in the diagram.

Board Member Brady stated I second it.

Vice Chairman McNulty asked for all in favor. The motion carried by a vote 4 to 0.

Vice Chairman McNulty stated okay, you're good to go.

Mr. D'Orazio stated thank you.

Board Member Taylor stated thank you Mike, that was a very good service.

Vice Chairman McNulty stated thanks, yeah.

Board Member Taylor stated good.

Board Member Montesano stated just make sure it goes there.

8) MANCINI/PUTNAM COUNTY LAND TRUST SUBDIVISION – Concept Plan

Mr. Rick Lamontagne of Bibbo Associates, was present.

Vice Chairman McNulty stated okay, next Mancini/Putnam County Land Trust Subdivision, anybody here for that.

Board Member Taylor stated it looks like it. I was scratching my head saying did we have Ice Pond on the application...

Mr. Lamontagne stated we do.

Vice Chairman McNulty stated yeah, yes we do.

Mr. Lamontagne stated I know, me and you guys without Ice Pond.

Board Member Taylor stated you're doing double duty, huh.

Mr. Lamontagne stated Rich Lamontagne for the applicant, who as you say in the memo has, is a little confusing right now and I apologize for having that incorrect, the owner and applicant they kind of, kind of switched, switched roles. Robert Mancini is the applicant, the owner of the property is the Putnam County Land Trust and in the transfer of ownership they granted him one cut of approximately five acres of land, post transfer of their land. So, I will correct all of those issues on that application and again I apologize for that.

Vice Chairman McNulty stated you're referring to Rich's memo, what he pointed out.

Mr. Lamontagne stated referred, yeah, yeah.

Vice Chairman McNulty stated okay.

Mr. Liguori stated I actually worked on that transfer and so what Bob Mancini did was when he conveyed to the Putnam, is this the Westchester Land Trust or the Putnam County Land Trust...

Board Member Montesano stated Putnam County.

Rich Williams stated Putnam County.

Mr. Lamontagne stated we didn't get into the Westchester.

Mr. Liguori stated yeah, yeah, yeah, exactly, right...

Mr. Lamontagne stated okay.

Mr. Liguori stated in the transfer document, he reserved himself the ability to carve out a piece to locate a residence and that's, so.

Vice Chairman McNulty stated okay.

Mr. Lamontagne stated and that's why we're in front of you now. Reading through the memo, well let's go back to, it's 99.9 acres of land, 94 [acres] will remain with the Putnam County Land Trust and 5 [acres], 5.1 [acres] right in that area, will go to Mr. Mancini. This is the area of, of least resistance on the whole site so we've located it there but to get back to any of these locations and to follow that, the letter in the deed, the new property, the new parcel would be 5., like I said 5 acres which is clearly over the Open Space Overlay District regulations, requirements, so we are requesting relief from that and I know that would be you guys sending us to the Town Board. There are a few comments in Rich's memo of the animal, filling out the, filling out the full EAF and a couple of responses you know, I just need to make some minor changes to but the a couple of them are regarding the wetlands on site and the animal and plant habitat on site. We were and tell me if I'm way off base but we are hoping to avoid 100 acres of report because this is going to be left undisturbed, that we didn't have to do a full report to disturb this area here, so that was another reason why we wanted to come in with a concept plan to get your feel, get the Board's feel on that, everybody's input on that.

Vice Chairman McNulty stated Rich, if we classify this as a minor subdivision, does that affect that at all.

Rich Williams stated no, no, not what we're talking about here but the issue is whether he has to do a habitat assessment to evaluate...

Vice Chairman McNulty stated for the entire parcel.

Rich Williams stated and identify the endangered species and I would say, you know not for me, you know I agree with him that most of the area and likely most of the habitat that is unique out there is going to be protected but you know, they did identify within the EAF that there were endangered species of plants or animals on the site...

Mr. Lamontagne stated right.

Rich Williams stated and I was just you know, looking for a little bit more information so I knew, jeez are we worried about some plant that's down in the wetlands or are we worried about you know rabbits, you know, the cotton tails or are we worried about bog turtle.

Mr. Lamontagne stated I forget exactly how the State website had the line go through the property but it touched the property so we answered yes on that, that's it's a, on...

Ted Kozlowski stated go ahead, finish, I'm going to look at this.

Mr. Lamontagne stated no, that it's just on the list, that's why we.

Rich Williams stated and if you could maybe take another look at that because I would suspect at what they're going to tell you is the critical habitat is the red maple forest.

Mr. Lamontagne stated okay.

Ted Kozlowski stated did you check with the Natural Heritage Program and DEC.

Mr. Lamontagne stated I did not send a letter up to get there.

Ted Kozlowski stated you can check that online now, so just do to the DEC website, go to the Environmental Resource Mapper...

Mr. Lamontagne stated Resource Mapper...

Ted Kozlowski stated check that, see where you are on that check zone, Rich is probably right, I doubt very much there's anything on that 5 acre parcel...

Rich Williams stated I think that's what we were just discussing.

Ted Kozlowski stated but just do it, just double check.

Mr. Lamontagne stated okay, alright and I'll make sure that you know that's where I got my information, clearly if you know the area and I know everybody does, this is still, has remnants of the tree farm and there's still all planted trees, evergreens all around in this area, so I don't know if the habitat is up in this location but I will certainly tell you where I got my information.

Board Member Taylor stated now there are other houses there, correct.

Mr. Lamontagne stated there's houses here and here.

Rich Williams stated there's three in a row.

Mr. Lamontagne stated three in a row.

Board Member Taylor stated what about the other two parcels that are cut out of there.

Mr. Lamontagne stated this and this.

Board Member Taylor stated yes.

Mr. Lamontagne stated there is a house here...

Board Member Taylor stated okay.

Mr. Lamontagne stated and this is yours, the Town's, right.

Rich Williams stated correct, that's Town property.

Mr. Lamontagne stated right that was part of this.

Board Member Taylor stated that's the barn.

Mr. Liguori stated used to be.

Rich Williams stated used to be.

Mr. Lamontagne stated used to be, yeah.

Board Member Taylor stated alright, so you're talking about there's, you're inserting a house in between other houses.

Mr. Lamontagne stated yes, there's a house here and three in a row.

Board Member Taylor stated okay, so if there is any disturbance, it's going to be the same disturbance that's existing on the site.

Mr. Lamontagne stated just right in a row.

Vice Chairman McNulty stated along the road frontage.

Mr. Lamontagne stated along the road frontage, keeping everything up and keeping all this.

Vice Chairman McNulty stated the one thing the Board wants to do is make a site walk here, so we're waiting for the weather to clear up.

Mr. Lamontagne stated okay.

Vice Chairman McNulty stated I guess understand the issues about this because it's 5 acres and over the minimum or the maximum 4 acre zoning, we have to make a recommendation to the Town Board.

Rich Williams stated correct.

Vice Chairman McNulty stated did everybody see those notes and understand what that was about.

Board Member Taylor stated and then the other issue we had was the septic.

Mr. Lamontagne stated the septic, yes.

Board Member Taylor stated wanted...

Mr. Lamontagne stated Rich wants us to do the procedure...

Rich Williams stated I'm encouraging you to do the procedure anyway, you know I'm always nervous, everybody says well its 5 acres, it's got to be buildable...

Mr. Lamontagne stated right.

Rich Williams stated you know, I remember there's a site up on Birch Hill Road, Joe's not here, Summer, the old Summerfield site that an engineer went out there and spent a good, long time trying to find a place to put a septic system on this 40-50 acre parcel and couldn't find one, so all...

Mr. Lamontagne stated I mean I'd be inclined to say yes but I'll talk to the client and see if he has any issues with it.

Vice Chairman McNulty stated it's really to your own benefit to clear up any problems ahead of time.

Mr. Lamontagne stated exactly and I'm going to be out there doing tests, testing anyway for stormwater, I might as well do it, do it all. So I will bring it up to him, see if he has any issue with it but I will certainly encourage him to do it too.

Vice Chairman McNulty stated okay.

Board Member Taylor stated that was the only issue we had, right.

Vice Chairman McNulty stated yeah and outside of making a site walk to see what else we might find.

Rich Williams stated so actions for the Board tonight, you may want to consider doing as you said declaring it a minor subdivision...

Vice Chairman McNulty stated a recommendation, yeah, okay so for the application of Mancini Subdivision, I'd like to make a recommendation to the Town Board...

Rich Williams stated no, no, no. You want to make a motion to declare the subdivision a minor subdivision.

Vice Chairman McNulty stated I was going on the other end, okay, we've got to do that one first.

Board Member Montesano stated start with A first.

Rich Williams stated you don't want to make a recommendation to the Town Board yet.

Vice Chairman McNulty stated okay, alright, I make a motion to classify the Mancini Subdivision as a minor subdivision.

Board Member Montesano seconded the motion.

Vice Chairman McNulty stated asked for all in favor. The motion carried by a vote of 4 to 0.

Vice Chairman McNulty stated and as far as SEQRA, declare us a lead agency.

Board Member Taylor stated there's nobody else involved.

Rich Williams stated well you can subject to you know, subject to correction of the EAF and submission of an application.

Board Member Montesano stated maybe hold off.

Vice Chairman McNulty stated should we hold off on that recommendation.

Rich Williams stated typically you're going to do a site walk, then you're going to come back and do lead agency.

Vice Chairman McNulty stated okay, so we'll hold off on the lead agency and we'll move forward from there, try to get a site walk scheduled.

Mr. Lamontagne stated you'll call us when you're able to, when you think you're able to come on out.

Vice Chairman McNulty stated yup, the Planner's office will be...

Rich Williams stated wouldn't we rather work it the other way around, you call us when you've got it staked.

Mr. Lamontagne stated when we get it staked, okay, yeah I guess so.

Vice Chairman McNulty stated okay.

Mr. Lamontagne stated I can stake it in an hour, so, I just want to be sure I'm on your next site walk, is all honestly.

Rich Williams stated really.

Mr. Lamontagne stated your next available spot.

Vice Chairman McNulty stated we're going to need the snow to clear up a little more and you can stake it...

Mr. Lamontagne stated certainly, certainly, I will too so I don't fall down the hill.

Vice Chairman McNulty stated okay.

Board Member Montesano stated why, that's fun, personal experience, it was good joke.

Mr. Lamontagne stated alright, thank you.

Vice Chairman McNulty stated okay.

9) ICE POND ESTATES SUBDIVISION – Final Plat

Mr. Rick Lamontagne of Bibbo Associates, Mr. Neil Alexander of Cuddy & Feder and Mr. Geoff Ringler, principal, were present.

Vice Chairman McNulty stated alright, Ice Pond Estates final plat.

Mr. Lamontagne stated you guys know this by heart, do I need to put it up.

Vice Chairman McNulty stated you're back.

Board Member Montesano stated you are?

Mr. Lamontagne stated alright, so we received Rich's comments and just, just now Ron's [Gainer] comments and really...

Rich Williams stated you didn't send them out.

The Secretary stated they were in my pile of stuff.

Vice Chairman McNulty stated it looks like a lot of housekeeping just to...

Mr. Lamontagne stated right, exactly, it doesn't seem like, it seems like the Board is ready to approve it tonight, final conditional approval...

Board Member Montesano stated I love dreamers.

Mr. Lamontagne stated and we'll just sit down with that and...

Vice Chairman McNulty stated you're really trying to get in with Shawn gone.

Mr. Alexander stated it's only been what, 6 years.

The Secretary stated taking advantage.

Board Member Montesano stated don't you share what you smoke.

Vice Chairman McNulty stated two issues I had in Rich's comments, one about the cul-de-sac and the construction phasing of the road...

Mr. Lamontagne stated okay.

Vice Chairman McNulty stated Hinkley, I believe it was...

Mr. Lamontagne stated yeah, it's right up in here, it will be just past where, right where drive is written.

Vice Chairman McNulty stated I think we wanted to have some kind of notation or indication that that cul-de-sac would be put in place during the phasing.

Mr. Lamontagne stated okay, okay, I mean we can do a cul-de-sac, you want a cul-de-sac, can we do a hammer head, a T, because I mean we can incorporate it so it's less destruction out there, we can incorporate it with these driveways and it's only like 80' down or do you want the circle.

Rich Williams stated my preference would be a cul-de-sac that somehow gets squeezed into the right of way, driveways, so that we minimize as much disturbance, you know I'll leave it up to our Town Engineer...

Mr. Gainer stated I prefer a cul-de-sac as well just for emergency services.

Mr. Lamontagne stated and for the temporary cul-de-sac, how, what diameter do you prefer, I can certainly grade one in there I don't it will...

Rich Williams stated it's probably going to serve two driveways and be a short distance up from the cross road.

Mr. Lamontagne stated yeah, it's going to be right here and you know, everything will be...

Vice Chairman McNulty stated that's the end of the first phase.

Mr. Lamontagne stated this will be the end of the first phase right here, where it says drive, yes. So the only thing going up there, I mean the only...

Vice Chairman McNulty stated is there any particular reason why that's the end of the first phase, is there a rock outcrop or something to stop you there.

Mr. Lamontagne stated no, nope, no, we just want to come down and building Mabie Way first...

Board Member Taylor stated first.

Mr. Lamontagne stated and get this all setup here and then go back, so you know you talk the emergency vehicles, nothing's going to, the houses aren't constructed until...

Mr. Gainer stated you have a clear view of what your construction phasing will be, is it going to be filed in phases.

Mr. Lamontagne stated no.

Mr. Gainer stated so you're going to just bond the entire project.

Mr. Lamontagne stated yes.

Mr. Gainer stated okay.

Mr. Lamontagne stated yeah and the construction plan that's part of the set, the phasing plan I mean, indicates that nothing is going to go on beyond this so there should be no reason for anybody to come up and over, we just did it that far to construct the drainage systems that come down through it.

Mr. Gainer stated yeah, there's no point of access then it's not significant to have a cul-de-sac.

Mr. Lamontagne stated that's what I'm saying, there's no other reason to get back there, the only time you get back there is to build this road and these...

Mr. Gainer stated yeah I was waiting to see a formal phasing plan and I didn't know if it was in there.

Rich Williams stated but we have a formal phasing plan.

Mr. Gainer stated right, I realize that's constructability but I was thinking that he would probably phase the plat, he's not phasing the plat...

Mr. Lamontagne stated yeah we're...

Mr. Gainer stated I'll look at it harder but I don't think I'll have a concern.

Mr. Lamontagne stated oh, okay.

Vice Chairman McNulty stated so do want to wait on our recommendation from Ron to, if it's needed.

Mr. Gainer stated well it's construction related, it's not impacting bonding, and it's not impacting the filing of the plat, so I think we can resolve it with all these other technical glitches.

Mr. Lamontagne stated yeah, we can sit down, clearly sit down with you guys and make sure we're hammer anything, is there anything that was really sticking out in your memo.

Rich Williams stated oh yeah, street light.

Mr. Lamontagne stated street light.

Vice Chairman McNulty stated yeah.

Rich Williams stated street light.

Mr. Lamontagne stated okay.

Rich Williams stated I went back through my notes and I went back through the minutes and I raised it in 2009 and said we're going to put a street light out here and I don't see where there was an discussion by anybody about whether were going to do that. Now, it's been a long time, my memory is probably not as good as your memory...

Mr. Lamontagne stated I was under the impression that it was...

Vice Chairman McNulty stated we discussed it at a work session at one point...

Board Member Montesano sated we did that too.

Vice Chairman McNulty stated might have brought it up at Ice Pond Road and Hinkley, to have at least one street light at that intersection.

Mr. Lamontagne stated have a street light, a lamp.

Vice Chairman McNulty stated yeah, a lamp not a traffic light.

Board Member Montesano stated yeah in other words to let people coming...

Mr. Lamontagne not a traffic light, a street light.

Vice Chairman McNulty stated yeah just to light the...

Board Member Montesano stated oh you're volunteering a street light.

Vice Chairman McNulty stated just to light the intersection.

Mr. Ringler stated we would certainly put a street light up there, eclectic.

Mr. Alexander stated silly question, who's going to pay for it yeah, not the light...

Rich Williams stated who's going to pay for installation or who's going to pay for O&M.

Mr. Alexander stated no, no, no, not even O&M, who's going to pay for the electricity, how do we send the bill, it's not a pointed question, it's actually...

Rich Williams stated what's the attorney firm, Cuddy & what. No, what we do after it's installed...

Mr. Alexander stated at this point, we might...

Rich Williams stated after it's installed typically we include it in the Town's lighting district.

Mr. Alexander stated okay.

Mr. Ringler stated okay.

Vice Chairman McNulty stated we prefer some kind of down light, where it's not shedding a glare but just to light the roadway at the intersection.

Mr. Alexander stated that as the only question (*inaudible – spoke over*).

Board Member Montesano stated this way when you're flying down, somebody knows something's coming.

Rich Williams stated we'll give you, we'll give you some details, you're going to have to look at you know, the height of the light and such but we can give you some details because we want to make sure it gets into service class two...

Board Member Taylor stated a standard light.

Vice Chairman McNulty stated yeah, a shoebox light.

Mr. Lamontagne stated speaking of details, that's another thing on both of the memos, I've been working with Vinny from the Fire Department and he is creating a whole new set of standards...

Rich Williams stated well...

Mr. Lamontagne stated he sent me a copy, he said we like them like this but let's talk and work them back and forth. So we've been back and forth, I've been back and forth with him a couple of times on what he wants and what is, what has happened already in the Town, he's trying to find a middle ground.

Rich Williams stated I'm going to reach out to Vinny because everything that the Fire Department is doing should be coming back through the Planning Board, you know...

Mr. Lamontagne stated okay.

Rich Williams stated and at this point I was surprised, I knew that you were reaching out to him and he was getting back to you, I didn't realize it had gone as far as it seems to have gone.

Mr. Lamontagne stated he sent us a bunch of copies of typical tanks that he likes to use and then a write up of what he wants changed to it and so...

The Secretary stated could you forward that to us, please.

Mr. Lamontagne stated sure.

The Secretary stated thank you.

Board Member Montesano stated you're getting a new truck I mean...

Mr. Lamontagne stated so yeah, I will certainly do that.

The Secretary stated please.

Vice Chairman McNulty stated okay and I guess the other big item would be bond calculations get submitted.

Mr. Lamontagne stated yes.

Vice Chairman McNulty stated so you haven't done that yet.

Mr. Lamontagne stated we have, no, we have a lot of the numbers already pulled off but as far as the actual set calculations and such we will be working on those.

Vice Chairman McNulty stated okay.

Board Member Taylor stated I had a question because of the copy we received, it was very difficult to read it, there was a discussion at one point of marking where the historic structures were on the plat so that location could be seen, was that done.

Rich Williams stated there is a detail now...

Board Member Taylor stated there is.

Rich Williams stated on the subdivision drawings...

Mr. Lamontagne stated on the plan.

Rich Williams stated showing how, where it's located and how it's going to be filled in.

Board Member Taylor stated okay, that's, that was my only question, I simply couldn't read it, it was too small...

Rich Williams stated yeah...

Board Member Taylor stated so that's been taken care of, okay.

Mr. Lamontagne stated you got the electronic copies right.

The Secretary stated I believe I forwarded the electronic copies onto everybody, it was a website you had to put a password in.

Mr. Liguori stated bigger screen.

Mr. Lamontagne stated we filled it in like it was suggested and dimensioned.

Board Member Taylor stated good, good, fine, I thought you would, I was just unable to look at it with all, I will look at the copy.

Mr. Gainer stated Michelle, can you send me the link.

The Secretary stated yes.

Board Member Montesano stated in other words, these can only be stretched so far.

The Secretary stated I will make myself a note.

Mr. Gainer stated thanks.

Board Member Brady stated did we ever come to a conclusion of how the wetlands were going to be marked out in the back of the properties, you talked about putting the posts or something...

Mr. Lamontagne stated signs.

Ted Kozlowski stated well I'll post the Town signs that we have, once they get.

Mr. Lamontagne stated yeah, we put the sign detail on the plan.

Mr. Gainer stated yeah, there's a detail shown.

Ted Kozlowski stated oh you put the stone wall detail, right.

Rich Williams stated and the sign detail.

Ted Kozlowski stated you added that.

Mr. Lamontagne stated I did the sign detail prior to and the individual stone wall, the aesthetic wall is copied.

Ted Kozlowski stated okay, so we don't have that yet.

Mr. Lamontagne stated no.

Ted Kozlowski stated okay but once that's erected...

Mr. Lamontagne stated and I noticed Ron, you asked for that too.

Ted Kozlowski stated once that's erected and they're out there in the field, I'll post the signs.

Mr. Lamontagne stated we tried to copy, we found an old wetlands sign and we used the same company and copied their format, they said Town of Patterson, Wetlands...

Ted Kozlowski stated okay, I do that, you don't have to do that.

Mr. Lamontagne stated okay, well like I said, I just put that detail on the plan.

Ted Kozlowski stated okay.

Board Member Montesano stated we don't need an 8" by 10" neon flashing sign.

Rich Williams stated no.

Vice Chairman McNulty stated no neon signs.

Mr. Alexander stated that would obviate the need for the light though.

Vice Chairman McNulty stated the E-911 numbers, this is new to me...

Rich Williams stated yeah.

Vice Chairman McNulty stated does the Town assign that or the County.

Rich Williams stated yes, no, the Town does.

Vice Chairman McNulty stated how does that work, just for my own education.

Mr. Lamontagne stated I know, they're all done, that's good.

Rich Williams stated I've got a dart board in my office hanging up...

Vice Chairman McNulty stated that's what it looks like.

Rich Williams stated really.

Mr. Lamontagne stated yeah, they kind of all over the place.

Vice Chairman McNulty stated yeah the number skip all over, I just didn't know why or how that worked, it works by linear footage or...

Rich Williams stated in general it works that numbers are assigned in 50' increments based on whether they are on the left or north side or right or south side...

Vice Chairman McNulty stated for odd and even.

Rich Williams stated right, I then go to the extra length, I kind of adjust them somewhat because I prefer not to have two of the same numbers within a subdivision so if I've got two, for whatever I end up with 20 Hinkley Pond Road and 20 Mabie Way, I try to adjust one of them so that it, so that I don't have two 20's out there because not always does the postman look at the name.

Vice Chairman McNulty stated yeah it just looked a little random to me.

Mr. Lamontagne stated yeah I was curious myself.

Rich Williams stated yeah, it's not random at all.

Mr. Lamontagne stated okay.

Vice Chairman McNulty stated okay, so layout...

Rich Williams stated I actually have a chart that use.

The Secretary stated it's a science.

Rich Williams stated hmm.

The Secretary stated it's a science.

Rich Williams stated it's a science.

Vice Chairman McNulty stated so I guess we're just waiting for the bond calculations at this point and then to verify all this miscellaneous items get taken care of.

Mr. Lamontagne stated okay.

Vice Chairman McNulty stated based on the Engineer's and the Planner's notes.

Rich Williams stated there's a couple of bigger issues they're going to have to work on.

Mr. Alexander stated I've got a question, or a favor to ask...

The Secretary stated he said the word favor.

Rich Williams stated wait, did you get my email today.

Mr. Alexander stated I did.

Rich Williams stated did you understand it.

Mr. Alexander stated yes, the double entendre was wonderful. I appreciated it, so I've worn out my welcome. Actually, the reason I'm saying couching as a favor is so you've done the rodeo a million times, we're going to have, once the final is granted we're going to have 180 days, we're having a little bit of problems with pushing DEP, you're surprised to hear that I'm sure. We were hoping that we could get an approval, so that we could write a little bit of a more forceful letter to DEP saying we're running against 180 day clock, could you expedite your level of communication since we acquiesce to everything you ask anyway, could you just ask it sooner and it would help us to make a next milestone. I understand if you're not fully 100% prepared to do it right this minute but you're meeting again soon and let's get it and write the resolution the appropriate way to make yourselves comfortable with that but we need a little bit of help to push them along because they're just, they're...

Vice Chairman McNulty stated I think we're close enough to look into that.

Mr. Alexander stated and like I said that's why I couched it as a favor.

Vice Chairman McNulty stated can't guarantee anything but if we see, you know...

Rich Williams stated again, it's housekeeping, I assume that they were going to get the housekeeping cleaned up by the next meeting, we'd have a resolution.

Mr. Alexander stated yeah, that, like I said it was a favor, we all live with this...

Vice Chairman McNulty stated no, we're close here.

Mr. Alexander stated and it's not an attempt to just get to the next hurdle for the sake of the hurdle, it's for the sake of getting DEP to get...

Rich Williams stated it's Mary...

Mr. Alexander stated it is Mary.

Rich Williams stated I'll call Mary.

Mr. Alexander stated that would be wonderful because the line of communication...

Mr. Ringler stated thank you.

Mr. Alexander stated its good, it's just not, it's clear, the line is good it's just the phone doesn't get picked up as often as we need, to carry the metaphor forward, so that would be great.

Vice Chairman McNulty stated Rich, in these, in these situations how does it work with the bond calculations...

Mr. Alexander stated well I don't use my phone, I block my number now.

Vice Chairman McNulty stated can they come after the fact or generally we want that before a final.

Rich Williams stated they can come after the fact, I prefer doing them...

Vice Chairman McNulty stated on a project of this scale.

Rich William stated you know, at the same time because you know then...

Mr. Lamontagne stated what was that for.

Vice Chairman McNulty stated yeah, the bond calculations.

Mr. Lamontagne stated oh okay, yup.

Vice Chairman McNulty stated if you could get those over too as well, so we can that over to the Town Board and...

Mr. Lamontagne stated yup.

Board Member Taylor stated now, anything left can we make them contingent.

Rich Williams stated yeah, you can.

Board Member Taylor stated so...

Mr. Gainer stated and...

Vice Chairman McNulty stated and I think for next month we can and really get a solid resolution and...

Board Member Taylor stated alright so we can...

Mr. Ringler stated yeah, I guess, just a question, I know that you want the bond calculations and if there's anything that sticks out from the memos that we should really focus on before the next meeting, I'd like to, you know deal with it.

Vice Chairman McNulty stated well I think those items we touched on tonight plus...

Rich Williams stated for me, the two big items that are outstanding that they need to wrestle with are the district, forming the district, getting some of that work done and even more the easement, I think there's like 24 lots or 24 easements or, there's more in this subdivision then I've ever seen.

Mr. Gainer stated yeah.

Mr. Alexander stated instead of, I mean I think...

Rich Williams stated you're going to have one easement covering a lot of issues, I understand that.

Mr. Alexander stated no and that is something we have to figure out, I think the, it may be fastest just to get an agreement on form of, instead of nailing down for each one...

Vice Chairman McNulty stated could you come to the microphone.

Mr. Alexander stated I'm sorry, that's fine, yeah and I can just, I think you actually have sent us what the Town uses and we're not looking to deviate from that, you know and especially, municipalities are probably in a better position as to how the paperwork should look for the formal district, so we can dupe it up for us, if you could just re-send the latest one because those things keep changing.

Mr. Liguori stated okay.

Mr. Alexander stated and I know you probably did that with Chris, so I apologize to ask you that.

Mr. Liguori stated no, no, no, I, I'm just trying to think of the last district, we did the Park District...

Rich Williams stated Patterson Commons.

Mr. Liguori stated we did Patterson Commons, yeah.

Rich Williams stated it's just the petition and the map, plan, and report.

Mr. Liguori stated so, right, right.

Rich Williams stated fairly straight forward.

Mr. Liguori stated yeah.

Rich Williams stated is...

Mr. Lamontagne stated so there's a set way up for the drainage district, I just...

Rich Williams stated there's legalese that has to be in there...

Mr. Lamontagne stated right, they have to do what they have to do.

Rich Williams stated yeah.

Mr. Lamontagne stated on my side of it...

Rich Williams stated but there's, yeah a map, plan, and report, you know what that is.

Mr. Lamontagne stated I know what they are individually yes.

Mr. Alexander stated like if we were doing a water/sewer district.

Mr. Liguori stated right.

Mr. Alexander stated basically...

Mr. Lamontagne stated oh okay.

Mr. Alexander stated but for stormwater.

Mr. Lamontagne stated yup, okay.

Rich Williams stated yeah.

Mr. Alexander stated but I want to make, we'll follow how you guys like it done because...

Mr. Lamontagne stated for the (*inaudible*).

Mr. Alexander stated the whole MS-4 is getting so specific but we realize we want to move the timeline so we got to prepare it, if you give us the form, we'll do it.

Board Member Taylor stated I think we're ready to approve this...

Vice Chairman McNulty stated we're ready.

Board Member Taylor stated and have been, it's you guys have get it all done.

Mr. Lamontagne stated we going to get together and wrestle it all out and we'll be back in a month looking for that final and push through.

Vice Chairman McNulty stated yeah, I think we're close, we're right there, just, you know we can't help you with a lot that...

Mr. Alexander stated form stormwater, form the stormwater, form the snow easement...

Rich Williams stated snow easement, what's...

Board Member Montesano stated you can always go on vacation until Mike says their ready.

Vice Chairman McNulty stated regulation that you have there.

Mr. Lamontagne stated I know nothing drainage easements either, so, it's all new to me.

The Secretary stated snow bond.

Mr. Alexander stated right to pile, you're going to own the road, so you're going to also want a right to be able to pile snow...

Mr. Liguori stated the snow.

Rich Williams stated we're not going to own the road until it's all built out.

Mr. Alexander stated right but once you do own it at the very end of the say...

Rich Williams stated yeah.

Mr. Alexander stated sometimes you need snow, well I'll work it back and forth with Mike.

Rich Williams stated we've never taken a snow easement to pile the snow.

Mr. Alexander stated then we won't do it, other places like it, we don't do it, that's fine.

Mr. Liguori stated no, we're going to make you heat those roads.

Board Member Montesano stated that's a good idea.

Mr. Alexander stated okay, so you want, doing a district, do you, you won't need stormwater easements then because the district is going to create the easement and you're going to have the SWPPP, a maintenance agreement, right.

Rich Williams stated we're going to need easements to cross over all the private property to inspect.

Mr. Alexander stated so what you need is like the standard SWPPP orientated maintenance agreement for stormwater, maintenance and monitoring agreement for stormwater.

Rich Williams stated tailored into an easement.

Mr. Lamontagne stated into an easement.

Mr. Alexander stated yeah, yeah, yeah, yeah, yeah, okay. What else, those easements that you want for you.

Vice Chairman McNulty stated basically if you guys can follow along with Rich's and Ron's notes...

Mr. Alexander stated yeah, no, I'm just thinking it through, so that...

Rich Williams stated that, yeah.

Mr. Alexander stated it wasn't really in depth...

Rich Williams stated we've got some conservations we're got to wrestle with.

Mr. Alexander stated okay.

Rich Williams stated and we've got some site distance easements...

Mr. Alexander stated okay.

Rich Williams stated on the four corners. Some access easements that go along with the drainage issues.

Mr. Alexander stated okay, you know what I'm thinking...

Rich Williams stated I've got the list.

Mr. Alexander stated let's, yeah, let's share the list and maybe we should sit down and talk about it because...

Mr. Lamontagne stated thank you, thank you.

Vice Chairman McNulty stated you're welcome.

Mr. Alexander stated I think we need to get an agreement as to which ones...

Board Member Montesano stated don't come back.

Vice Chairman McNulty stated we'll see you next month.

Mr. Alexander stated we refer to first, so that way cross referencing...

Vice Chairman McNulty stated okay.

Board Member Montesano stated you need a robe and...

Mr. Alexander stated okay, good.

Vice Chairman McNulty stated moving along.

Mr. Alexander stated thanks Rich.

Mr. Ringler stated thank you.

Vice Chairman McNulty stated good luck...

10) ANTHONY BONIELLO – Site Plan Application

Applicant did not appear.

Vice Chairman McNulty stated Anthony Boniello, anybody here for Anthony's site plan.

The Secretary stated no.

Rich Williams stated no.

Vice Chairman McNulty stated does anybody have any comments on this plan for tonight, other than...

Rich Williams stated you know what he's going to say, he's going to say Michelle didn't call me.

The Secretary stated no, no.

Mr. Gainer stated he's good, he's good.

Vice Chairman McNulty stated we're waiting for a real plan.

Board Member Taylor stated well I, I think one of the issues that we talked about at the work session was that the plan before us is, is unsuitable, he can't, he simply can't do what he's proposing to do out there, he's got one use that conflicts with another use and he's got one use that probably conflicts with the property and I think it's about time we said that to him and stop entertaining ideas that won't work.

Vice Chairman McNulty stated he needs to come in with a real plan for that use that he, that he...

Board Member Taylor stated we can guide him by saying you cannot have that use on that property, that's what I'm trying to say, I think the materials handling, the bulk storage stuff is incompatible with that property and I think we need to say that...

Vice Chairman McNulty stated as its submitted now, sure.

Board Member Taylor stated in any case...

Vice Chairman McNulty stated well if he removes a couple of buildings there...

Board Member Taylor stated there are wetlands...

Vice Chairman McNulty stated well...

Board Member Taylor stated well but he's not proposing, he's not proposing reconfiguring the whole layout.

Vice Chairman McNulty stated at this time he isn't and I don't think he is either, so.

Board Member Taylor stated so yeah and even if he did, I'm not sure because of the wetlands and everything else, we were talking about is he storing salt there in bulk and if he is then you don't want it there next to the wetlands, is that correct Ted.

Ted Kozlowski stated well if salt is stored in bulk, it has to be protected it can't, it just can't be out in the open.

Vice Chairman McNulty stated he has a sign out front bulk salt.

Mr. Liguori stated it has to be covered, it has to be on a permeable surface...

Ted Kozlowski stated it has to be covered, there's all sorts of regulations that has nothing to do with wetlands.

Mr. Liguori stated right.

Ted Kozlowski stated there's all sorts of regulations on property bulk storage, so.

Rich Williams stated but you would agree it would impact the wetlands.

Ted Kozlowski stated oh absolutely...

Board Member Taylor stated yeah, so that's.

Ted Kozlowski stated everything he's doing there is impacting the wetlands.

Mr. Liguori stated the water will be soft though.

Board Member Taylor stated so I think it's time we said some things definitively to him and I mean...

Vice Chairman McNulty stated agreed, he's got to be directed to where he can go and what he can do.

Board Member Brady stated but shouldn't he be here, you know...

Vice Chairman McNulty stated it would help.

Board Member Brady stated if he's not here, why are you going to entertain it, let him you know, decide to come.

Ted Kozlowski stated where is he, did, Michelle, Rich, did he contact anybody to say he wasn't coming.

The Secretary stated nope, haven't heard from him in probably 3 weeks.

Rich Williams stated no, wasn't it last week or it was the week before that Joel Greenburg, that I talked to Joel Greenburg and send him down the review memo.

The Secretary stated I didn't know anything about that, so, I heard from Anthony about 2 weeks ago, he said that Joel Greenburg was going to call Rich.

Board Member Brady stated on this, if he isn't coming, why even bother.

Vice Chairman McNulty stated well I just want to get our comments on the record.

Board Member Taylor stated well one of the reasons I think is sometimes these projects go on and on and on and we can nip some things in the bud even if the client isn't here by saying look, here or not...

Board Member Brady stated okay.

Board Member Taylor stated this is inappropriate and certainly the three uses he's proposing out there, the fact that he wants to use a garage that's on a different property for the commercial use, I mean that's inappropriate unless he's going to merge the properties and as I said, I think the bulk storage simply is compatible with the property, period. So...

Vice Chairman McNulty stated so we need Anthony, we'll see when he gets back, try and give him a little direction.

Rich Williams stated we'll send him a letter, we'll give him an opportunity to show up at the next meeting.

Board Member Taylor stated okay.

Rich Williams stated that's all we can do.

11) FROG HILL LLC – Site Plan Application

The Applicant did not appear.

Board Member McNulty stated Frog Hill, next on our agenda.

Rich Williams stated that was just a discussion of the meeting that we had, we handled that at the work session.

Vice Chairman McNulty stated so we're waiting to hear back from them and see where they want to go.

Rich Williams stated yes.

Vice Chairman McNulty stated anybody have any comments on that.

12) MINUTES

Vice Chairman McNulty stated minutes for January 30, 2014, any comments, suggestions. Make a motion to approve the minutes from January 30, 2014.

Board Member Taylor seconded the motion.

Vice Chairman McNulty asked for all in favor. The motion carried by a vote of 4 to 0.

Vice Chairman McNulty stated anybody have anything.

Board Member Taylor stated yeah. I've got one thing, I want to talk about Fox Run Phase II a little bit, I didn't make clear, I sent an e-mail around I didn't, I put too many things in the e-mail. I wasn't proposing that we do a traffic study for the client, I was proposing that we ask them to answer certain questions about traffic that was one thing. What I was proposing the study that we do is everything, the impacts hinge on their interpretation of adult, adult, I can't say it.

The Secretary stated age restricted.

Board Member Taylor stated age restricted and our questions are will in fact the people who end up in there even if they are age qualified or age restricted, conform to this interpretation that they're using to establish their impacts, or are we comparing Hudson River Apples to Florida Oranges. Are they using Florida statistics to create this limited impact and Tom you were asking questions about some of these have amenities and that's what keeps people in the site, is the amenities, they're not proposing as what we've seen any real amenities that would keep people on the site if the people are traveling off the site then that changes the impacts. So I was proposing that we have our engineer or somebody look at whether there are national studies about this stuff because it's been changing over the last few years because of the Supreme Court rulings on this so that when they come back in and say well we went back and checked our traffic study and in fact our statistics are correct and it's not going to have any more impact than what we said, we could then go to Ron and he could say well but in this study and in this study and one thing for Tucson, Arizona but it's a whole nother thing for seniors who are living in the Northeast.

Mr. Gainer stated I'll do research and see if there's anything definitive that you can rely on in that regard.

Board Member Taylor stated but that's all I was saying, I mean we do have, we have some money, so it's not like we're sending him out on the Town's dollar, I think it qualifies under what we need to know to, because they keep asking us...

Vice Chairman McNulty stated yeah.

Board Member Taylor stated and we can't answer because we're dependent on their interpretation of this stuff.

Vice Chairman McNulty stated Mike, I had sent an e-mail and I don't know if you saw it and I posed a question, is there a legal definition within New York State Real Property Law of an age restricted community and what it is and what it consists of, does it have a basic outline within the law.

Mr. Liguori stated everything I know about the ability to restrict age comes from the Federal Government as opposed to the State and I'll take a look, there's, it's entirely possible there's something out there and I just don't know about it but the Federal Government is the agency that generally deals with discrimination, the State does as well too but what we have here is, is if you fall within, we have two things actually, we have the Town's Zoning Code definition of the use, which is, that's one thing and then we have, let's call it senior housing for the purposes of the Federal regulations which allow you to discriminate based on age if you meet the following criteria because that's essentially what's happening, okay...

Vice Chairman McNulty stated I guess that's what we need to know, if they put together a prospectus for this community, what are the minimum basics that they have to meet.

Mr. Liguori stated yeah and my last experience with drafting a homeowners' association document for an age restricted housing project was a few years ago over in the Terravest Corporate Park, if you come un Zimmer Road on the right hand side, is the Town Park, right before it is the sewage treatment plant and

there's a gate, there's an area there where there's supposed to be 60 units of age restricted housing and my last interaction was, it needed to maintain a minimum of 80% occupancy within the age classification and we talked about a lot of the things that happen, one person may be 55 but you can have you know, a 3 year old at 55, there's still impacts that...

Vice Chairman McNulty stated was that occupancy, occupancy or ownership.

Mr. Liguori stated it was, that's a good question, I'll go back and certainly take a look, I just, I just had this question come up and I was just gathering information for the Village of Cold Spring that has the Butterfield Redevelopment Project, there's an aspect of that, there's special counsel to the Planning Board on that that preceded my working there. One of the things that we've been talking about is incorporating into the approving resolution the municipalities approval to, obtaining the approval for amendments to the, not only the offering plan but also the homeowner's declaration with regard to a number of items, if it triggers anything regarding age and putting in provisions in the resolution that say you know, if at some point you receive permission to convert from the AG to age restricted house to non-age restricted housing, then you have to appear back before the Planning Board for an amended site plan. Now, that's a good tool but you know what do you do when the horse is already of the barn, you know, it's hard shutting the doors...

Vice Chairman McNulty stated yup.

Mr. Liguori stated that's why we're doing what we're doing now you know...

Vice Chairman McNulty stated okay.

Mr. Liguori stated but yeah I'll take a, I'll definitely take a look and see if it's occupancy versus ownership, my recollection was that it had to be ownership.

Board Member Brady stated what happens after you know, it's built and there's, the age restriction is in effect and its apartment or the condo is sold, is there anybody that watches that to see that there's still an age restriction on that next person coming.

Mr. Liguori stated yeah, the homeowners' association, yeah, it's the association, so.

Board Member Brady stated okay, so you really...

Board Member Montesano stated Florida is loaded with these.

Board Member Brady stated oh, yeah I know they are, gated communities are all like that.

Board Member Montesano stated now the fun is this, when you go down there, you are limited to x, depending on who write your HOA and who enforces it and some of the enforcement has been taken to court because it's get ridiculous. Before you can buy in, you're investigate, I mean you're in Manhattan in a Co-op, they come in and they investigate you...

Mr. Liguori stated they do that in Peaches down in North Salem, they look at your financials, they want three references, it doesn't keep out the crazies.

Board Member Montesano stated what happens is this, once they do this and you get your foot in the door, they sit there and say you've got to have the house, 85% of it's got to be and then they measure the house and they go and say the interior living space, I just through this by the way...

Vice Chairman McNulty stated still though, can they regulate and discriminate against age and stuff like that.

Board Member Montesano stated no.

Vice Chairman McNulty stated they can't.

Board Member Montesano stated no, they put in regulations to try to cover it by saying if a person is under 55 years of age, they can only stay there 360 days a year, so the person take a couple days, a couple of weekends off and goes fishing and comes back and gets comfortable.

Vice Chairman McNulty stated let's take Mike's recommendation on his research and when he comes back and that will help us with decisions.

Mr. Liguori stated I think the best thing you can do is, you do what you have the capability of doing from being a member of the Planning, from the authority that's vested in you as the Planning Board. What ends up happening, may end up happening may be out of your control, so you do the best that you can with what we have available to us you know via, you know the provisions in the, having the continual review or ability to review whatever goes to the AG [Attorney General], you know the homeowners' association, you know things of that natures, and you know whatever studies that we can get them to do that are, would assist us in determining the impact as if this was not an age restricted housing, you know. At some point we're going to loggerheads over this, over various this so, the design aspects I know you know from, let's say I went to go look to buy a house, unless I was going to buy a single floor ranch, you know I have little kids, I want the bedrooms all to be on the same floor, so when you look at the interior designs and you have the masters on the lower floor and the other bedrooms on the top, those are some other types of natural deterrents to, to, you know, making these things more marketable to non-age restricted you know resident. So we'll do whatever we can and that will be it.

Vice Chairman McNulty stated okay.

Board Member Brady stated going back to the traffic studies that that was done when the original phase was built.

Vice Chairman McNulty stated no, they did it...

Rich Williams stated no, these were traffic studies that were done as an evaluation of the proposed zoning change.

Vice Chairman McNulty stated okay.

Board Member Brady stated how old are they.

Board Member Taylor stated 5 years.

Rich Williams stated 5-6 years.

Vice Chairman McNulty stated no, I think they did once since I was on the Board.

Rich Williams stated they updated it when they came back in.

Vice Chairman McNulty stated 2010 maybe '11.

Board Member Brady stated okay.

Vice Chairman McNulty stated anything else on Fox Run.

Mr. Liguori stated do you know, were they going to make the phase three people, were they going to have the ability to use the services that are available for the people that are in the original phases.

Vice Chairman McNulty stated I think they talked about some agreement with the pool...

Rich Williams stated correct.

Vice Chairman McNulty stated I don't know about anything beyond that.

Board Member Brady stated because they were talking about the water and the septic, right.

Rich Williams stated yeah, they've since shied away, the wastewater treatment plant is of adequate capacity to take in this phase, they're going to do their own independent water system because it doesn't make sense to try to tie into this one and other that Fox Run really doesn't have any amenities.

Mr. Liguori stated okay.

The Secretary stated just a pool.

Vice Chairman McNulty stated just a pool there.

Board Member Montesano stated and the pool was inadequate to begin with, if you went up there, there was really no place to park, if you had a large crowd it was difficult to park.

Rich Williams stated yeah, there's not parking up there but it's a nice pool.

Vice Chairman McNulty stated okay, well we'll wait for them to come back in, in the meantime you'll do some leg work for us...

Mr. Liguori stated yeah.

Vice Chairman McNulty stated and Ron if you have any information...

Mr. Gainer stated I'll look and I'll see what I can find.

Vice Chairman McNulty stated that will help us with this.

Ted Kozlowski stated Ron [Taylor] had put an e-mail out about the ridgeline...

Mr. Liguori stated go, go gadget arms.

Ted Kozlowski stated and we had some going back and forth with e-mails on that, so I don't know where that is in your minds but if you want to protect that ridgeline, the way it's proposed now is not going to...

Vice Chairman McNulty stated no, I didn't see it happening...

Ted Kozlowski stated it's not going to buffer those buildings.

Vice Chairman McNulty stated okay.

Ted Kozlowski stated so, just so you know.

Vice Chairman McNulty stated alright, Ted you had written a letter February 25th to Thunder Ridge, in regards of Thunder Ridge...

Ted Kozlowski stated yes.

Vice Chairman McNulty stated any follow-up to that.

Ted Kozlowski stated yeah, they moved the snow piles...

Vice Chairman McNulty stated they did.

Ted Kozlowski stated they've been pushed back and leveled off.

Vice Chairman McNulty stated so they're working with you to...

Ted Kozlowski stated yeah, so now we're waiting for, I'm going to go over there this weekend because it's supposed to warm up, I want to see what's going on and how it's reacting, I'm sure that parking lot is going to be a mess.

Vice Chairman McNulty stated alright, I see we have a fine member of the Town Board in the audience, any comments Mr. McCarthy.

Bob McCarthy stated nope.

Vice Chairman McNulty stated and you lost your partner, I don't know where he went.

Bob McCarthy stated he was, he wanted me to hold the fort up.

Vice Chairman McNulty stated okay, alright, I make a motion to adjourn the meeting.

Board Member Brady seconded the motion.

Vice Chairman McNulty asked for all in favor. The motion carried by a vote of 4 to 0.

The meeting adjourned at 8:31 p.m.