

TOWN OF PATTERSON

PLANNING BOARD MEETING

April 24, 2014

Work Session

APPROVED

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PLANNING DEPARTMENT

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

Michelle Lailer
Sarah Mayes
Secretary

Richard Williams
Town Planner

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



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
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PLANNING BOARD

Shawn Rogan, Chairman
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
Edward J. Brady Jr.

**Planning Board
April 24, 2014 Work Session Meeting Minutes**

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



Present were: Chairman Shawn Rogan (Arrived at 7:20 p.m.), Board Member Thomas E. McNulty, Board Member Ron Taylor, Board Member Edward J. Brady Jr., Rich Williams, Town Planner, Ron Gainer, Town Engineer, and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:01 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Vice Chairman McNulty called the meeting to order.

Vice Chairman McNulty stated the meeting's in session for the Patterson Planning Board work session.

1) LIBERTY PAINTBALL – Sign Application

Vice Chairman McNulty stated Liberty Paintball.

Rich Williams stated the Planning Board has submitted, received an application from Liberty Paintball for the sign that's up on the, the parcel that's owned by Thunder Ridge Ski Area/Patterson, LLC/Wayne and Dean Ryder. The sign that is submitted is 46.6 square feet in area, considerably larger than what's permitted, considerable larger considering Thunder Ridge has now taken up the whole 25 square feet and considerable larger than the recommendation that was sent over to the ZBA by the Planning Board. We put this in front of you just because we've got the application, we wanted to get it on your radar in case you wanted to go look at it or whatever but it is before the ZBA both for an area variance because of the size of the sign, we all knew it was going to have to go over and the ZBA is currently wrestling with both the size of the sign and the recommendation issued by the Planning Board but also the ZBA identified that it's on a vacant piece of property and it requires a use variance as well.

Vice Chairman McNulty stated now we approved an increased amount or we recommended an increased amount to the ZBA.

Rich Williams stated correct.

Vice Chairman McNulty stated but they've submitted over what we've recommended.

Rich Williams stated correct.

Vice Chairman McNulty stated by how much, I don't remember what we approved.

Rich Williams stated I don't know off the top by head, it's about...

The Secretary stated you approved 37.5 square or you recommended, I should say 37.5 square feet.

Rich Williams stated so 8 square feet.

The Secretary stated but you also recommended that potentially for the seasonal Haunted Hayrides sign and for the Paintball sign, so.

Vice Chairman McNulty stated Haunted Hayrides to be included in that, so they're 8 square feet and then leaves nothing for Haunted Hayrides.

The Secretary stated and the Zoning Board did get a copy of your recommendation.

Board Member Montesano stated now paintball runs all year.

The Secretary stated yes.

Rich Williams stated yes.

Board Member Brady stated yes.

Board Member McNulty stated yeah, yeah.

Rich Williams stated they...

Board Member Montesano stated so then we've got to half it.

Rich Williams stated they do close down a little bit in the winter when the ski area is in full...

Vice Chairman McNulty stated not much though.

Board Member Brady stated no, I think they're open all the time.

Board Member Montesano stated yeah but the Haunted ride comes on...

Vice Chairman McNulty stated you can take the ski lift up.

Board Member Brady stated yeah.

Vice Chairman McNulty stated yeah.

Rich Williams stated huh.

Board Member Montesano stated Haunted comes in for what, two months.

The Secretary stated no, just a month, they start the beginning of October and then they're closed before November 1st.

Board Member Montesano stated well if they put a sign over this one, the same size that would be because they'll never take it down, that's the problem.

Rich Williams stated well they do put it up and take it down now.

Board Member Montesano stated well I mean if they left that up, that's fine but as long as Haunted comes in and is going to want the same thing, I think it would be half.

Rich Williams stated well again that's going to be an issue before the ZBA.

Vice Chairman McNulty stated well let's look at it this way...

Board Member Montesano stated give them half, yeah, well.

Vice Chairman McNulty stated we can't really do anything until the ZBA makes a determination...

Rich Williams stated correct.

Board Member Montesano stated makes a decision.

Vice Chairman McNulty stated the only thing we can do is look at the sign, that's outside the Hamlet, right so there's really no code color requirements.

Rich Williams stated no.

The Secretary stated just no neon.

Vice Chairman McNulty stated except we did ask them to paint the pylons, I know it's been cold but maybe that should be reinstated in any future recommendations or decisions.

Board Member Montesano stated if they come in for an approval, if they get whatever they want we can tell them that part of the agreement will be that you have to paint it and expect to have it done.

Board Member Taylor stated that was part of the agreement on approving the sign that was there...

Vice Chairman McNulty stated the Thunder Ridge sign.

Board Member Brady stated the original, right, right.

Board Member Taylor stated that was one of our conditions wasn't it.

Board Member Brady stated yup.

Rich Williams stated new Building Inspector and we can have a conversation...

Vice Chairman McNulty stated that's where I was going with Ron, just that it was part of the previous group.

Board Member Taylor stated previous, it's already there.

Vice Chairman McNulty stated approval.

Rich Williams stated we can have a conversation offline about the rest of that.

Vice Chairman McNulty stated okay, alright, Fox Run Phase II site plan.

2) **FOX RUN PHASE II – Site Plan Continued Review**

Rich Williams stated yes, you've got the traffic study that you were seeking to try to help substantiate whether this should be 80 units for 48 units.

Board Member Taylor stated well if I could jump in, it's actually not the traffic study we were seeking, it's a traffic study, we asked them to give us the build out for non-senior so we could compare that with senior they did not, from what I see, they didn't, they did two seniors.

Rich Williams stated what they did was they tried to justify why their methodology is appropriate for the conditions out there. Yes, there is someone in the room and we're on the tape, so.

Vice Chairman McNulty stated Ron, have you had a chance to go through this.

Mr. Gainer stated oh absolutely I've actually, I'm reaching for the preparer of the document, there is a statement on the bottom of page 21 that talks about them having analyzed the doubling of the project generated traffic, still having no impact but there's no...

Rich Williams stated there's not substantiation.

Mr. Gainer stated back-up for that, right and there's...

Rich Williams stated however, if you look at the numbers they're generating out here...

Mr. Gainer stated yeah.

Rich Williams stated they're using ITE...

Mr. Gainer stated right.

Rich Williams stated standard numbers and that's fine but the traffic numbers they've got in the report are really probably as I read it, twice what the ITE numbers were generating.

Mr. Gainer stated okay, I haven't gotten that close.

Rich Williams stated well the ITE numbers are for AM peak, .2 per unit...

Mr. Gainer stated right.

Rich Williams stated and for AM, or for PM peak .26, there's a number of different studies that have been done to substantiate those numbers and if you look at their numbers, if I'm reading it correctly, they're double those numbers.

Mr. Gainer stated okay.

Board Member Brady stated the, all their surveying was done in one day, it looks me like they did traffic studies where they counted traffic in one day but I didn't see anywhere it said what the weather conditions were, what the road conditions were...

Rich Williams stated yeah, honestly I haven't gotten that far...

Board Member Brady stated okay.

Rich Williams stated what I've been working on right now is I've taken the two past studies that they did that were actually done by Collins and put them in a table to try to, you know, then a normalized all the numbers because Collins second study was based on an analysis of a number of different projects we asked him to take a look at including, that was me, Pond View which is no longer getting built and Burdick Farms which is no longer getting built, so...

Vice Chairman McNulty stated at this time.

Board Member Brady stated right.

Vice Chairman McNulty stated could be built in the future though, right.

Rich Williams stated yeah but at this point Pond View, they've given up all their approvals, they've abandoned the project. Burdick Farms is now, they've got easements, it's gone to the Land Trust, a portion of it's gone to, yeah, a portion of its gone to the Westchester Land Trust. So you know those two projects are not going to get built, so you're not going to get the traffic on the road was analyzed in that second report, so what I did is I backed those numbers out to normalize those numbers, so you know I could look at apples to apples between the three studies.

Board Member Brady stated but you know the things I've questioned is it was done in one day and if they went out there for one day, two hours in the morning and two hours in the afternoon...

Vice Chairman McNulty stated on a snowy day.

Board Member Brady stated was it snowing, I mean, was schools delayed, were...

Rich Williams stated you're absolutely correct, we need to...

Board Member Brady stated there's so many other things, I think it should have been done over a period of time plus I think they should have looked at the road conditions through that whole area and not just, you know...

Rich Williams stated well and Ron, jump in and correct me if I'm wrong but typically they do this on one day but then they do look at the weather and do also, ITE provides numbers that you can, whatever day you're doing it, there's multipliers to actually get to the typical peak.

Mr. Gainer stated you wind up normalizing, any time of year you do the study you're not dependent on working within a specific timeframe but as Rich indicates there's factors that are applied depending on time of year that typically are utilized and then you build the numbers up or down.

Board Member Brady stated but this year, this winter was such a different winter than what we usually get, I just, you know schools were closed so many times, schools were delayed so many times, you know in part of the report it said school bus came through...

Mr. Gainer stated right.

Board Member Brady stated but that could have been, I don't know the school districts that could have been a school district in Westchester picking up, it could have been a school district in Dutchess picking up and not our schools could have been closed and that would change a lot of traffic.

Rich Williams stated yeah and you're absolutely right, we do need to check in on the weather of that date, we absolutely do.

Mr. Gainer stated there's a variety of things in here that you do want to tighten up anyway and I'll make sure I raise that...

Rich Williams stated Shawn is on his way.

Ted Kozlowski stated how did you get home tonight.

Rich Williams stated really.

Vice Chairman McNulty stated yeah, I head 684 was a mess.

Ted Kozlowski stated there's 6 accidents.

Board Member Brady stated 5:35 I got to the school...

Rich Williams stated really.

Board Member Brady stated 684 is shut in both directions.

Ted Kozlowski stated 22, 100, it took me an hour and a half from Katonah to get home tonight.

Vice Chairman McNulty stated okay, let's hurry up through them.

Board Member Brady stated both directions shut, he's gone.

Vice Chairman McNulty stated so is the applicant coming in this week, are they looking for us for...

Rich Williams stated yeah I'm assuming he's going to come in to talk about the report and I'm sure, I don't know how far you've gotten on this, I'm...

Mr. Gainer stated I mean, as I said, I've got a variety of questions, I reached for him, he made one attempt to get to me but I missed the call, I was out. I will make contact, I'll probably reach for him by e-mail and we'll have communications before the formal meeting.

Vice Chairman McNulty stated okay.

Mr. Gainer stated because there's specific issues that they should tighten up...

Vice Chairman McNulty stated I haven't looked at it, so.

Rich Williams stated likewise, I've got to get through a greater depth of analysis to, we'll see where it goes. Ron, you've got any, because you've been you know, forefront on all this, you got anything in particular you want anybody to be looking at...

Mr. Gainer stated no, again I'm hitting this all cold, I haven't seen...

Rich Williams stated I'm sorry, the other Ron.

Mr. Gainer stated I'm sorry, yeah, I haven't seen the earlier studies too that would be of interest so.

Rich Williams stated we did send them over, we did send them over.

The Secretary stated I thought I sent them to you.

Rich Williams stated can you make sure they got over there.

Mr. Gainer stated *inaudible*.

Board Member Taylor stated well I just I mean...

Mr. Gainer stated I believe you my queen, I'll look harder.

The Secretary laughs.

Rich Williams stated well that didn't take long.

Mr. Gainer stated I'm not stupid, I'm not stupid, I've been married twice, I get this, I get this.

Board Member Brady stated yeah, you learn after the first one.

Board Member Taylor stated I just, I'm no expert on any of this stuff, I've no background on this, it just, it strikes me that there's something wrong with the numbers in terms that you're adding all these cars and all these people and yet the volume is increasing by five or something, it just, that strikes me as off and then what I said in the beginning was, we're still not convinced that they're argument that this somehow a restricted community is in fact going to happen. So we had asked them to show if it were a regular a community what would the results be, so we have at least those two extremes that we can weigh, them giving us analysis that says it's not going to have any effect, you know, we've got to listen to the experts I guess but I just, I find that hokey statistics in a way, I mean what's real is what real, you don't adjust to, you know so give us the number, don't tell us it's okay, well that's I guess is my whole thing with all of this, stop telling us it's fine, show us that it's fine. It's like their visual impact thing oh it will be fine, well that's what Raveson said about the white side of the building that now sticks out like a sore thumb, it will be fine, we'll protect it you won't see it, it's illuminated at night and its white, I mean how can you not see it and they, the berm was on top of some place where the trees won't grow and it's the same argument,

let's, so let's look at it in reality without all of the analysis that's going on, that's all, is it here or isn't here, it seems to me like they didn't do it.

Mr. Gainer stated I think what you're saying is the derivation has to clearly identify what their project is intended to be which is seniors but they ought to also identify a clear count as if it was just straight residential...

Board Member Taylor stated yes.

Mr. Gainer stated which is what your request was a month or two ago.

Board Member Taylor stated that's, that's yes...

Mr. Gainer stated and that doesn't come across clear, so that is among other things that he's got to tighten up and make clear.

Rich Williams stated I will tell you this, I found it interesting that you know the original studies were done in 2010, here we are 4 years later and the base numbers, the existing condition numbers have dropped, this study the numbers are lower than they were out there on Fair Street 4 years ago and I for one don't believe it. I don't, you know everybody in the area for the most part is still working, we don't have massive unemployment in this area, everybody's still going to work, so...

Board Member Taylor stated so maybe it was one of your snow days.

Rich Williams stated yeah, so that's, I'm trying to figure out why the numbers dropped.

Board Member Taylor stated yeah.

Board Member Brady stated right, you know were schools delayed when they did it in the morning...

Board Member Montesano stated they were there Sunday morning.

Board Member Brady stated and there wouldn't be anything or in the afternoon, you know, it just, to me it just seems crazy that you just go out and do it for two hours.

Rich Williams stated are you going to flirt with everybody.

The Secretary stated yes, don't be jealous.

Board Member Brady stated well, you know

Board Member Montesano stated they did it Sunday after they, you know.

Vice Chairman McNulty stated we'll have to look at it get some advice on this.

Mr. Gainer stated I've just got one, one question for us internally...

Board Member Brady stated and then what day did they do it too because some days are heavier than...

Mr. Gainer stated normally these things look at accident data, is there any reason to have that in this, was it in the prior report.

Rich Williams stated no, it was not and actually you know one of the difficulties is the first report they just did all on their own with no guidance and they left the intersection of Bullet Hole and Fair Street right off.

Mr. Gainer stated yeah I saw that.

Rich Williams stated so we don't have any data from that original study, now the, he's saying they didn't do it but they did it in the next version of their study, so the 2010 study didn't have it, the 2011 study that was updated did have it and they glossed right over that.

Mr. Gainer stated okay because normally one would look at that just in case there's an issue with geometry or whatever that you know may not see it in the numbers but you see it in some physical aspect of problem, so.

Rich Williams stated right.

Mr. Gainer stated so is that an appropriate thing to raise to them.

Rich Williams stated oh absolutely.

Vice Chairman McNulty stated sure.

Mr. Gainer stated okay, thank you.

Vice Chairman McNulty stated any other comments on that.

Board Member Taylor stated do we need to give them a written checklist of what we want.

Rich Williams stated well I assume that Ron and I are both going to generate memos which basically say here's where we have you know, we're seeking additional information or we don't agree with your numbers because of you know the qualifiers or you know our typical review memos, right.

Board Member Taylor stated okay.

Mr. Gainer stated yeah, I was hoping to chat with him directly just through either talking or e-mail communication to see what he would do to respond to issues to talk about how he can clean this thing up before I went to formal with comments but I can issue comments.

Rich Williams stated you know, it's better off if they see what our issues are.

Mr. Gainer stated okay, I'm just trying to help move it along.

Vice Chairman McNulty stated okay.

Board Member Taylor stated that's good but it just seems with these people is that they don't hear us when we say something.

Vice Chairman McNulty stated so in writing is best.

Mr. Gainer stated okay.

Board Member Taylor stated you know, you can say you didn't number 5, 6, 7, and 8, or is, did they send anything else besides traffic.

Rich Williams stated no, this is the only thing we've gotten.

Board Member Taylor stated okay.

3) ICE POND ESTATES SUBDIVISION – Performance Bond

Vice Chairman McNulty stated okay, Ice Pond Estates Subdivision, they're doing bond calcs.

Rich Williams stated they submitted bond calcs, we've got the Town Engineer looking at them.

Mr. Gainer stated I actually have modified their bond calc, typically what I do is ask them to estimate it first as you all understand so I'm sure they know what range they're in, I go through their analysis and verify quantities and then apply what I think are appropriate units for a municipal project and I always add contingencies because you're always going to have some unknown conditions at the end which no one ever anticipates. I've done that calc, I've had it done for a bit, I had sent it to Bibbo just as the end of the day Buschynski called me back to you know advise that he gagged over this a bit but he accepts it and this probably 110K larger than his number but I want to make sure that we both agree before I formally issue it to you and then we get into a cat fight at the meeting, this way when you get to the meeting everybody's clean and they're willing to just accept it, so he's blessed it so now I'll distribute to everybody and it just keeps it simple.

Vice Chairman McNulty stated okay, so you'll get that before the meeting Thursday.

Mr. Gainer stated and it just what I do, and I'll, I could have issued it at the end of the day today but you wouldn't have read it so I'll send it out tomorrow.

Vice Chairman McNulty stated okay, have you seen it yet Rich.

Mr. Gainer stated but it's just under two million, it's just under two million dollars and it includes...

Rich Williams stated I've seen Bibbo's, not Ron's.

Vice Chairman McNulty stated oh.

Mr. Gainer stated yeah, just under two million dollars and it includes the work on Ice Pond [Road], the offsite work.

Board Member Brady stated what's the bond based on, is the bond based on what the perceived value of the cost of the project.

Vice Chairman McNulty stated the site work.

Mr. Gainer stated you estimate, you estimate every aspect of the construction...

Vice Chairman McNulty stated the home building too or just the site work...

Mr. Gainer stated no, no, just public improvements.

Vice Chairman McNulty stated the road, roads.

Mr. Gainer stated public improvements, drainage...

Board Member Brady stated okay.

Mr. Gainer stated you just try to build out the roads to get access, try to build out all the drainage, whatever you need to make that project whole so you, future lot owners are protected and can be assured of access.

Board Member Brady stated and what do you use for the miscellaneous, the contingency, what do you use.

Mr. Gainer stated contingencies I usually run a, depending on the amount of the project, a project this large I would carry 5%, so that's adding about 90K.

Vice Chairman McNulty stated so that's the bulk of your...

Mr. Gainer stated yeah, it's most of what I changed in his number and it's an easy thing because Rich and I have things that, he's got to still refine the plans as you probably recall so he's still got some things to clean up to satisfy us technically, in lieu of trying to regenerate this number again, that's part of their rationale in saying just accept the 5% and let's not get into it a pissing contest over it, so he's gagged and finally said this is fine, it's just simple to get there.

Vice Chairman McNulty stated overall though, his calculations were pretty good.

Mr. Gainer stated very fair, very fair.

Vice Chairman McNulty stated okay.

Board Member Taylor stated you agree.

Rich Williams stated I think Joe's numbers were a good starting point yeah.

Mr. Gainer stated right, he was light on a few but again we all acknowledged he's going to give us contingency to recognize there will be some other uncertainties, cleanup any looseness in his numbers or tightness and, I think you got, you're where you need to be...

Vice Chairman McNulty stated it covers the project.

Mr. Gainer stated right, it's gets to an inspection fee of just under 100K.

Vice Chairman McNulty stated okay.

Mr. Gainer stated it's more than you need.

Rich Williams stated that should cover us.

Mr. Gainer stated yeah, it's going to be more than you need, yeah.

Vice Chairman McNulty stated alright.

Mr. Gainer stated so I'll get that issued tomorrow.

Vice Chairman McNulty stated great, thanks Ron.

4) OTHER BUSINESS

Vice Chairman McNulty stated other business, anybody.

Rich Williams stated the only thing I have is the Board still needs to do a site walk on Herbert.

The Secretary stated Hebert.

Rich Williams stated Hebert.

Vice Chairman McNulty stated that's up in Robin Hill.

Rich Williams stated we might want to wait two minutes for Shawn to get up the stairs.

Vice Chairman McNulty stated oh, okay, is that who just came in.

The Secretary stated Ron, I can't see where I sent you the traffic studies, so I e-mailed them over now.

Mr. Gainer stated thanks mom, I appreciate it.

Vice Chairman McNulty stated it went from queen to mom.

Rich Williams stated queen to mom.

Vice Chairman McNulty stated queen to mom.

Mr. Gainer stated I feel vindicated, I feel vindicated, that's better.

Ted Kozlowski stated you want to fill them in on Boniello, Rich.

Vice Chairman McNulty stated that was a question I had, so.

Rich Williams stated you want to wait for Shawn to get in the room.

Board Member Brady stated no, you know what, I don't want to hear it.

Ted Kozlowski stated I'm good, I've been in the sun all day.

Board Member Montesano stated okay General Custer, we won't talk about the Indians again.

Vice Chairman McNulty stated maybe it's not...

Board Member Taylor stated maybe somebody else came in.

Board Member Montesano stated no, he's in dispose at the moment.

Ted Kozlowski stated you want to temporarily until he comes, temporarily adjourn...

Board Member Taylor stated suspend the meeting, yeah.

Vice Chairman McNulty stated okay why don't you...

Rich Williams stated well listen I'd rather have Shawn in the room for all of it.

Board Member Taylor stated yeah, yeah, there's no...

Ted Kozlowski stated I know but...

Vice Chairman McNulty stated okay, let's suspend the meeting, off the record for a minute.

Meeting suspended at 7:22 p.m.

Meeting recommences at 7:24 p.m.

Board Member Montesano stated we're on.

Board Member McNulty stated alright, we're back in session and our Chairman is here.

Chairman Rogan stated okay, motion to adjourn.

Board Member McNulty stated we were almost there.

Mr. Gainer stated we're up to other business.

Board Member McNulty stated we're on number four...

Chairman Rogan stated I have no idea, I left my stuff at home.

Board Member McNulty stated number four and we were just coming up...

Chairman Rogan stated okay.

Board Member McNulty stated he was...

Rich Williams stated we were talking about Herbert, Hebert...

Board Member McNulty stated which is Robin Hill.

Rich Williams stated and we still have a site walk to do out there.

Chairman Rogan stated we do, yeah.

Board Member McNulty stated how did you make out with him this week.

Rich Williams stated better...

Board Member Montesano stated yeah, he's cleaning up out there.

Rich Williams stated I won't say great but it's better, he cleaned up quite a bit, he's putting the effort in but he's...

Board Member Brady stated oh it's on [Route] 22...

The Secretary stated Jon Barrett Road.

Board Member Montesano stated yeah.

Board Member Brady stated yeah, he did, he cleaned it up a lot.

Board Member McNulty stated Ron, have you been out there.

Mr. Gainer stated not recently, no, I was out there probably...

Board Member Montesano stated well I just drove past.

Rich Williams stated he's being guided by Joe Zarecki, I'll let it go there.

Board Member McNulty stated okay.

Mr. Gainer stated that may not be good, right.

Board Member McNulty stated alright, how about Maxwell, any word on that.

Board Member Taylor stated how about the site walk.

Board Member McNulty stated oh.

Board Member Montesano stated let's...

Rich Williams stated yeah, anybody want to go do a site walk, when do you want to go do it.

Board Member McNulty stated yeah.

Board Member Taylor stated how about Saturday.

Chairman Rogan stated do it Saturday.

Board Member Brady stated yeah, I'm in.

Rich Williams stated Saturday morning is supposed to be crappy, is it not, know the weather.

The Secretary stated yeah, I see rain for Saturday.

Rich Williams stated so but whatever you want to do.

Board Member McNulty stated I'm on.

Board Member Brady stated go to the diner and maybe a decision from there.

Rich Williams stated alright, 7 o'clock at the diner.

Board Member Brady stated okay.

Board Member Taylor stated do we get paid for an hour at the diner.

Board Member Brady stated bring the sign-in sheet.

Mr. Gainer stated what did we say 7, at the diner, Putnam.

Rich Williams stated generally we meet at Putnam at 7 o'clock, have breakfast, and then about 8 o'clock head over for those who don't want to partake in breakfast and fellowship.

Mr. Gainer stated there you go.

Board Member Brady stated and the engineer buys.

Chairman Rogan stated I like the way you said, very nice.

Mr. Gainer stated I'm usually in on that, I'm usually, I make sure they invite me.

Board Member Montesano stated just bring your gear for crying out loud.

Board Member Taylor stated okay.

Board Member Montesano stated boy these guys is terrible, back in the good old days you walked through the rain, the snow.

Frog Hill, LLC. Site Plan – Field Inspection Discussion/Update

Rich Williams stated alright Maxwell.

Board Member McNulty stated Maxwell.

Rich Williams stated Maxwell.

Board Member McNulty stated Maxwell, any changes, any updates.

Rich Williams stated Ron and I did meet out there, we did look, we gave Harry very specific guidance, in fact most of the area had been disturbed but they were taking it farther than what had been disturbed, so we talked about not doing that, not going forward with that, just leaving it where it is...

Board Member McNulty stated so they're going to reduce their outlined area to some degree, okay.

Rich Williams stated yup, yup, and they were all correct, there is not a retaining wall out there on the 3' vertical cut that they've got so I was wrong there.

Ted Kozlowski stated what was that.

Mr. Gainer stated he's only playing, he's just playing.

Rich Williams stated you had to listen to everything I said Teddy.

Board Member Montesano stated nee nee nonny nu nu.

Rich Williams stated and we're waiting for him to come back in.

Mr. Gainer stated yeah, Harry's got plans to clean up, he's got to show reality today, the plans don't look like reality.

Rich Williams stated yeah, they are.

Board Member McNulty stated the plans cleaned up.

Mr. Gainer stated yeah, there's no reason to talk to him until he does that, so.

Board Member McNulty stated does it look like any of the site's been attempted to be cleaned up yet, I mean there's been no snow for two months...

Rich Williams stated no, not really but the new sign looks nice.

Board Member McNulty stated what sign.

Rich Williams stated yeah, which one, I'm sorry, I should have said which one.

Board Member McNulty stated alright, so there's no real clean up going on yet.

Chairman Rogan stated in terms of cleanup I heard that the mobile food vehicle is no longer on site out there, that that's been removed from the site...

Rich Williams stated oh yeah, that is gone.

Chairman Rogan stated I just read it the other day, someone, one of our guys told me.

Rich Williams stated yeah.

Board Member Montesano stated who'd he sell it too.

Chairman Rogan stated they're going to, they gave approval for the Post 22 to be able to cook some food outside for flea market weekends, so that they can take advantage of that and not have to have, now I'm not saying they won't put another vending vehicle on site but you know...

Rich Williams stated that's probably a decent way to handle the two people that are the crowd.

Mr. Gainer stated right.

Board Member Brady stated yeah.

Board Member McNulty stated no, they had a bunch of people up there Sunday or Saturday, I forget when I passed.

Board Member Brady stated when he has the tool place he's...

Chairman Rogan stated yeah.

Rich Williams stated so.

Board Member McNulty stated was the truck, was the food truck removed because of a violation or just...

Chairman Rogan stated I don't, no, not because of a violation, I think it might have been removed because it was either sold or you know put somewhere else, maybe a better location.

Board Member Taylor stated Thunder Ridge.

Ted Kozlowski stated that was good.

Board Member McNulty stated they're going to make use of that property.

Chairman Rogan stated that'll never make, it was too low.

Board Member Brady stated erase that from that because they'll get the idea.

Rich Williams stated so, you want to talk about Boniello.

Ted Kozlowski stated well you met out there first, go ahead, I'll chime in when necessary.

Anthony Boniello Site Plan – Field Inspection Discussion/Update

Rich Williams stated alright, I met out there with Anthony Boniello and Dominick Accurso and Teddy blew us off.

Ted Kozlowski stated since we're on the record, would you correct what really happened.

Rich Williams stated Dominick never called Teddy to meet him out there.

Ted Kozlowski stated neither did Rich.

Rich Williams stated neither, no, I wasn't, Dominick said he was going to call you and talk to you, so.

Ted Kozlowski stated right and I got a curt phone call from you at 5:05, where are you.

Rich Williams stated that wasn't curt, that was an inquiry, an honest inquiry.

Board Member McNulty stated okay girls.

Board Member Taylor stated yeah.

Rich Williams stated so anyway we looked at moving some things around on the site, we're looking at putting the concrete storage bins behind in the area that is all now re-graded that was buffer is no longer there. He's looking at putting the salt inside one of the buildings so long as the Town will allow him to put a gable end on the garage door, so he can the equipment in and out and then I talked to him about, he had talked to Teddy I guess that weekend before and Teddy was looking for some way to treat the water coming off and they were talking about some sort of pond or something to hold the water back and there's no way you're going to hold that amount of water back...

Ted Kozlowski stated I was actually looking for a catch basin, that's what it was...

Rich Williams stated yeah, well they were telling me pond, you weren't out there because you blew us off and so, so the amount of water that's generated because it's all disturbed, it's all going to be hard pan, there's going to be a lot of runoff, you're going to need an incredibly large area to contain that water, it doesn't make a lot of sense to try to do that, so what I suggested to him is running right along the pond area, just a gravel, a pea gravel berm to act as a filter strip, it will also define the edge so that he can't you know keep pushing stuff over into the wetland and the pond and you know that should help us filter out a lot of the sediment that's getting down in there.

Ted Kozlowski stated the only thing Rich I'm worried about is when he plows in there, that berm will disappear.

Board Member McNulty stated where is this berm going to go, right along the water's edge...

Rich Williams stated yep.

Board Member Brady stated so why don't you have him put some bollards in.

Board Member McNulty stated where the proposed parking is.

Rich Williams stated yeah, that's a good idea.

Board Member Brady stated you know, put some bollards in, that stops him from plowing, he'll knock them over.

Ted Kozlowski stated plowing and driving it over too, with parking.

Rich Williams stated yeah.

Chairman Rogan stated like it.

Board Member Brady stated it's cheap.

Rich Williams stated yup, I like that.

Board Member Montesano stated what kind of bollards.

Ted Kozlowski stated I made out...

Board Member Brady stated steel pipe with, filled with concrete...

Board Member Montesano stated yeah, I'm saying, we better specify because if he puts the block there, he'll just run right over the block.

Board Member Brady stated yeah, no, you put...

Board Member McNulty stated your typical 4'...

Board Member Brady stated 4' high and...

Rich Williams stated you can't put the block there because then you've created a dam and just a bunch of trouble...

Board Member Brady stated a couple feet in the ground, cement, filled with cement.

Rich Williams stated so.

Ted Kozlowski stated Rich and I met out there yesterday and Tony was, Anthony was there and put up the berm and somewhat a stonewall.

Rich Williams stated he put up the earth and stone berm that Teddy wanted along the wetland...

Ted Kozlowski stated yeah.

Rich Williams stated that's what we talked about.

Ted Kozlowski stated along the wetland, it's not the most aesthetic pleasing thing in the world but it's a construction yard and whatever it is so I, the berm is there, you know Rich and I looked over what Rich just discussed and I'm fine with it as long it works. I asked Anthony also, he's got to put some grass seed down, he's got to do some plantings, he's got to fix the dam of the upper pond, it's washed out, he needs to put that all on the plans and come into this Board and show them that he's in agreement with what we discussed and it's on paper. I'm concerned about three above ground oil tanks, one is a waste oil, two are waste oils or one is waste oil, one is regular heating fuel and one is...

Rich Williams stated just lying there.

Ted Kozlowski stated just lying there and there's some fuel, there's something in it, he's got to get rid of that one and then I really, when I, after you left Rich I was discussing with him that I wanted him to construct some sort of well around them, so if they erupt, if they get hit with a truck, if they overflow because they're within feet of the pond, they need to contain any kind of spillage, it can't just go into the ground like it's been going as I'm discussing this with him he says oh yeah DEP just told me to do that same thing, so apparently the DEP was out there that day.

Rich Williams stated he said that somebody reported an oil spill to DEP.

Ted Kozlowski stated whatever, he's blaming a relative...

Rich Williams stated oh, not...

Ted Kozlowski stated no, no, the next door, no...

Chairman Rogan stated a relative to the north.

Ted Kozlowski stated I don't want to get into it.

Board Member McNulty stated that triggers DEP or DEC regulation on storage tanks, is it size, any tank...

Ted Kozlowski stated be, no, anything over five, well DEC and the County in Westchester regulate all oil tanks.

Board Member McNulty stated depending, it doesn't matter what size.

Ted Kozlowski stated well if it's a commercial operation or it's a public you know, it's regulated...

Board Member Brady stated residence is done by the Building Department.

Ted Kozlowski stated right, so those tanks are regulated and those tanks are right on top of the stream.

Board Member McNulty stated Putnam doesn't regulate it.

Rich Williams stated nor does DEC regulate those tanks.

Mr. Gainer stated no, it's got to hit 1,100 gallons.

Ted Kozlowski stated no, 500.

Rich Williams stated no, 1,100 for DEC.

Ted Kozlowski stated for Putnam.

Mr. Gainer stated it may be 500 in Westchester but not here...

Ted Kozlowski stated it's 500 in Westchester.

Rich Williams stated Putnam's got their own set, Westchester's got their own set of regulations, DEC regulations are 1,100 gallons or a combination...

Ted Kozlowski stated but that's cumulative to the site.

Mr. Gainer stated that's cumulative, right.

Ted Kozlowski stated so he's got a heating tank for the buildings, right...

Mr. Gainer stated if he hits 1,100 gallons he's done, he's done.

Ted Kozlowski stated so he's, he exceeds it, I'm sure he exceeds it...

Mr. Gainer stated he's got to be registered.

Ted Kozlowski stated because you've got to count the buildings as well.

Board Member Brady stated there are three buildings that need heat.

Ted Kozlowski stated yeah.

Rich Williams stated but they weren't two 500 gallon tanks out there, there were two 250's...

Ted Kozlowski stated no but Rich it's cumulative.

Rich Williams stated I understand but there were two 250's and there was a third tank that was just kind of lying on it's side that he really wasn't using...

Ted Kozlowski stated right but you're not counting the buildings.

Rich Williams stated there was, that was a 250.

Ted Kozlowski stated no but the other buildings, that all counts, it counts cumulative...

Rich Williams stated yeah, I don't know that they trigger it.

Board Member McNulty stated is it, even if it's inside the building.

Ted Kozlowski stated yes it does.

Mr. Gainer stated you're talking about the house on the separate property.

Ted Kozlowski stated no, whatever's on the property, so he's got the building...

Mr. Gainer stated right, he's got the building.

Ted Kozlowski stated he's got the big building where his office is and all that, and that's got to be heated, I'm sure it's oil and then he's got the two other buildings, they got to be heated.

Mr. Gainer stated I mean it's an easy thing to figure out...

Ted Kozlowski stated yeah.

Mr. Gainer stated I mean you see what tanks...

Ted Kozlowski stated Rich, if DEP was there and they're talking to him about the oil tanks...

Mr. Gainer stated that's all the positive, that's right.

Ted Kozlowski stated yeah, he's got to do something with them because that's...

Board Member McNulty stated he's going to have to show them on the site plan.

Ted Kozlowski stated that's one of the problems he has, so.

Board Member McNulty stated right, they'll have to be on the site plan.

Rich Williams stated we don't always show them on the site plan, I don't have a problem with them being on the site plan.

Mr. Gainer stated yeah, unless they're internal, right.

Board Member Taylor stated any discussion of parking.

Rich Williams stated no, we were more focused on the bins and...

Ted Kozlowski stated wetlands and...

Board Member McNulty stated and he's going to move the bins to the rear now.

Rich Williams stated yeah, yeah.

Board Member Brady stated so all the bins on the side...

Rich Williams stated but, but to finish up with Ron, he did show parking on that last plan that came in, I assume if we keep that area unencumbered that's what he's going to. Then, if he moves the bins from the side, he's going to have that additional area for parking. So I'm not so sure at this point that he can't make the site work but we did send him back to his architect/engineer to redraw the plans and show it all.

Board Member McNulty stated Rich, you were going to say something about a dam earlier.

Camp Re – Dam Fail Reconstruction Discussion

Rich Williams stated yeah, this came up today. Camp RE, down off a Ballyhack Road, they had their dam safety inspection and based on what the engineer found out there that was submitted to the DEC, the DEC is requiring them to rebuild that dam.

Ted Kozlowski stated well it's an emergency situation, correct.

Rich Williams stated well I don't know how emergency it is but do...

Board Member McNulty stated how big is this dam.

Rich Williams stated do we want them to get a wetlands/watercourse permit, so that we have all the documents on file that we can monitor what's going on out there...

Ted Kozlowski stated I think we should just be, we should be appraised of what they're doing because DEC is going to make them go through all the same kind of protection measures that we would want see, I mean how much water is that dam, it's got to be holding more...

Rich Williams stated oh, I think it's a Class C.

Ted Kozlowski stated so I think we should at least make them...

Mr. Gainer stated I haven't been out there, I have no idea.

Ted Kozlowski stated I think they should, we should meet with them.

Mr. Gainer stated Class C is serious.

Board Member McNulty stated acre...

Board Member Taylor stated it's a good size, I don't know if it's an acre, it shows up well on the topo...

Rich Williams stated who.

Ted Kozlowski stated who's ever in charge of the project, who is, who's in charge.

Rich Williams stated okay, that's, I didn't know if you were talking about the DEC or...

Ted Kozlowski stated no, no, whoever the person is, you want to give me his number and I'll call him and we'll see.

The Secretary stated sorry.

Rich Williams stated sure, I'll give you his number later.

Ted Kozlowski stated is this, never mind, never mind.

Chairman Rogan stated you guys read your traffic study.

Board Member McNulty stated not yet.

Chairman Rogan stated we can sum it up in three words, four words.

Board Member Brady stated circular file.

Fox Run Discussion

Chairman Rogan stated no, no, it's as expected, I read it, I thought it was as expected, no significant impacts, doesn't mean they're not impacts but they're, you know, what it didn't seem, maybe you guys already spoke about this but what I didn't get from it was a discussion of, it talks about the level of service at the intersections right but does it give a level of service for the road contours and the existing road infrastructure...

Rich Williams stated it doesn't no talk about the road structure.

Chairman Rogan stated because that's really the problem...

Board Member McNulty stated that's what we were talking about.

Mr. Gainer stated and it gets into accidents, right...

Rich Williams stated jeez, I remember that, me having that conversation with somebody else 20 years ago.

Chairman Rogan stated right, driving down the center of road, right because...

Rich Williams stated I still tell that story.

Chairman Rogan stated obviously on of the worst roads is Tammany Hall as you take it over towards Brewster, almost on a daily basis because I do drive that road a lot, you've got all these blind curves and you end up with people, just the geometry of the road stinks, now as I always say with these projects, one project does not mean that hey we've got to fix that road but where is it incumbent upon the Town to know what the lever service is for the road and make future plans for, hey we need to do some, we need to knock out a couple of corners, we need to start to, not that you want to increase the speed on it but you want to make it safe and there's a few...

Rich Williams stated and that goes back to something Ron had said early about generally in these traffics studies you want to look at accident data and they haven't done that for the road.

Chairman Rogan stated yeah.

Rich Williams stated and that usually starts to identify issues with geometry.

Ted Kozlowski stated how could...

Board Member McNulty stated the discussion that came up is what, what were the weather conditions that day and what day was it, Ed brought it up, you know...

Chairman Rogan stated it said what day in there, it said the date and time.

Rich Williams stated it did say the date.

Board Member Brady stated it was, yeah it was March 6th.

Chairman Rogan stated Thursday or something I think it said.

Board Member Brady stated it was a Thursday yeah...

Chairman Rogan stated they did morning rush hour and evening rush hour, two hours each window I think.

Board Member Brady stated there was no what was the weather, were the schools open, were they closed.

Chairman Rogan stated school was in session it said.

Board Member Brady stated well it was said there was a school bus came by but that doesn't mean school...

Rich Williams stated no, it did say school was in session.

Chairman Rogan stated no it said school was in session, regular school day.

Board Member Brady stated oh did it, oh okay.

Chairman Rogan stated yeah.

Board Member McNulty stated regular day, not delayed or anything.

Chairman Rogan stated yeah.

Rich Williams stated see that it didn't say, it just said school was in session and...

Board Member Montesano stated which school.

Board Member Brady stated yeah, I'm not seeing that.

Ted Kozlowski stated I didn't read this thing but they did a traffic study and they don't look at frequency of accidents.

Chairman Rogan stated they were looking, what they looked at was actual traffic at the intersections that were indicated which were like Fair Street and Bullet Hole, Bullet Hole and Fox Run, Bullet Hole and Tammany Hall and Bullet Hole and Ice Pond, if I remember correctly, right one end to the other and they counted, they send somebody out there like they do and they spent, well probably four people and as the cars went by, they log them in and so they show how many cars go this way, how many go this way, the trips generated and then what they do is they say okay, here's present conditions, here's when we think if we got our approvals our project would be built, so here's our 2017 building scenario at 80 units or however many units, here's our no build in scenario in the same year frame, 2017 under a no build scenario and they throw it all through these engineering models to say whether or not it's significant and what they end up saying in three words or less is not significant.

Ted Kozlowski stated but they don't account for if there's a curve and there's 15 accidents a year there...

Chairman Rogan stated I didn't see anything like that in there.

Ted Kozlowski stated they can't anticipate that well this will increase the number of accidents because it will be, I just...

Chairman Rogan stated it seemed to give, they were focusing on well the length of the time people normally queue up at an intersection...

Board Member McNulty stated purely volume.

Chairman Rogan stated to wait to make a turn and how it would impact that, that was the way I read it anyway, I didn't you know read every word of it but I...

Mr. Gainer stated no it just relates to traffic generation and then intersection impacts, that's all they looked at.

Chairman Rogan stated yeah and then there were a couple of recommendations they made and they were basically on site, providing a stop sign and a stop bar, the painted bar right, at their intersection of Fox Run

and Bullet Hole to get people slowing down there and then there might have been one other thing, I can't quite remember what it said, it was just two little blurbs.

Board Member Brady stated more markings on the road, I think edge markings or something.

Mr. Gainer stated more markings out on Fair [Street], right at that intersection.

Chairman Rogan stated yeah, yeah, correct, you're right because the markings out there are virtually nonexistent but...

Mr. Gainer stated they should be done by the Town.

Ted Kozlowski stated it's kind of funny because today it took me an hour and half to get here for a normal twenty minute ride and 684 had one accident and then the whole thing, the whole scenario changed and then there were five accidents recorded and that's because of the increase of the traffic and people just trying to squeeze in here and there...

Chairman Rogan stated yeah.

Ted Kozlowski stated I mean it only makes sense that if traffic is going to increase the chances of an accident is going to increase and that's not taken into account...

Board Member Brady stated especially on those roads because none of them are very good roads.

Chairman Rogan stated not that I saw.

Ted Kozlowski stated it's very strange.

Chairman Rogan stated so certainly what would be helpful with the review is not only the information they provided but if we could create a list of information that wouldn't, that would help out.

Mr. Gainer stated yeah Rich and I talked about that. What I had done in going through this is immediately reached for the engineer that's got his name on the report, I was, I have interest to chat with him just to understand...

Chairman Rogan stated sure.

Mr. Gainer stated what his charge was and what we can do to get improved data, more detail so that it better explains conditions.

Chairman Rogan stated yeah.

Mr. Gainer stated I still want to chat with him first but then Rich and I will generate something and then that will give them a checklist to work against before you move it forward.

Chairman Rogan stated great.

Board Member Taylor stated and the no build, did they keep it as current or did they allow for increased development.

Mr. Gainer stated the no build they looked at a, I think was a 2% growth over the three years to their build condition.

Board Member Taylor stated so that's just a projection and not...

Chairman Rogan stated so just general.

Board Member Taylor stated based on the...

Rich Williams stated yeah, that's their standard projection, it's not looking at any other project in the area...

Mr. Gainer stated yeah, 2% is standard and nothing new.

Rich Williams stated they did recognize that the Ice Pond Subdivision is in the area but they said that would all be absorbed in that 2% which is probably correct.

Board Member Taylor stated 2%.

Chairman Rogan stated and there was another out on Fair Street, right, they acknowledged that as well.

Rich Williams stated yeah, we had given them those two but...

Board Member Taylor stated cause Shawn had said the last time they were in, not the last, you know years ago when they were in that what should get them to project is what would the build out, the potential build out in that area...

Rich Williams stated right.

Board Member Taylor stated and compare it with that, was that some of what they did in their second study.

Rich Williams stated no, it was not, well yes it was done in the 2011 study, we had given them a list of projects and a list of potential development that we expected might occur from several projects who are within in the area and interestingly enough, they did their analysis on that and the projects we gave them are now dead and buried. Burdick Farms, Pond View...

Chairman Rogan stated you know and they also make some assumptions like I'm sure you have to do with projecting these things, they'll say that they would foresee that people leaving Fox Run would head over towards Fair Street to get to the highway and that may be the case but boy most of the people I see, they're shooting right out and they're going right on to Tammany Hall to go over towards Brewster to get, towards Home Depot and all that, they're using that, that road has really increased in the last three or four years, amazing.

Mr. Gainer stated that's another question that I wanted to ask them, at least for my, my way of thinking, I'd like to see them try to stress that traffic generation and see what happens if it's a different distribution, what is the impact and they do have a view as to where they think people are headed but, they have to apply a different scenario or different percentages to see if that creates stress but again if I could chat with the kid.

Rich Williams stated because what happens is it starts to back up at the Bullet Hole/Fair Street, so all of a sudden everybody starts going a different way.

Board Member Taylor stated you get the back up at Route 6 too, that's a bad intersection sometimes, just to make that turn.

Board Member McNulty stated also Ron brought up...

The Secretary stated I heard somebody come up the stairs.

Chairman Rogan stated that could have been Maryann but I don't, she's sitting in the car...

Rich Williams stated is she here.

Chairman Rogan stated she was sitting in the car but I don't that that was her.

Board Member McNulty stated Ron brought up that we asked to compare that wasn't a seniors, if it was just a regular condo and they didn't do any of that.

Chairman Rogan stated regular traffic, you know.

Board Member McNulty stated yeah.

Chairman Rogan stated it seemed like we went round and round with the attorney on that last time about, he was on, I think he implying well we're not allowed, we're supposed to review it a certain way and we were saying yeah but we're asking you to do the, almost like a worst, most impactful scenario, I'd have to go back to the minutes on that but...

Board Member McNulty stated I'm still not convinced that what they're proposing is a true age restricted development.

Board Member Montesano stated I honestly believe that if they get approval they're going to be changing it because they're not going to get the people that they think they're going to get in there...

Board Member McNulty stated well then it will have to be re-approved.

Board Member Montesano stated because you're going to get the single grandparent that comes in and buys and then comes in with his kid and his grandkids.

Board Member Taylor stated it would have to be (*inaudible*).

Board Member McNulty stated gotcha.

Mr. Gainer stated you're going to wind up having, in this you know society, kids moving back and you're not going to restrict them...

Board Member Brady stated yeah, if you went over there when they're building and you asked for one of the supervisors, you'd get it.

Board Member Montesano stated well, under Federal, you can't.

Rich Williams stated yeah, no but HUD has since revised the rules so we actually can, can't discriminate but HUD and the Federal Government have recognized that you can do age restricted communities.

Board Member Montesano stated you can build them and then the laws get violated when you go into court.

Mr. Gainer stated but then, the reality is they still need that and you're going to take action.

Rich Williams stated yes, I agree with that.

Mr. Gainer stated you look at both these developments in Carmel, I mean I don't say that it's widespread there, they've got kids living with you know, their older 55 parent, you know they've either lost their job and they've moved back out of the city and they're back with mom and dad, no I'm serious...

Board Member Brady stated yeah, I'm over 55, I've got a 10 year old, I mean it could, I could move in there.

Mr. Gainer stated I'm familiar with all that I mean it's just happening and what are you going to do...

Board Member Brady stated and in 6 years she'll be driving.

Mr. Gainer stated somebody is going to complain and people have boldly complained but it's a process you have to go through but the reality is they're still there, your vehicles are still there, they're still moving.

Board Member McNulty stated Rich, I had ask Mike about a legal description of an age restricted, did he ever get back, back to the Board or to you with any kind of, is there a legal description of an age restricted community.

Rich Williams stated I mean, the legal description for us is within our code because we created it...

Board Member McNulty stated no but I mean in the real property law so we know what they're proposing as a development does truly meet...

Rich Williams stated there's nothing that I'm aware of in New York State law anywhere.

Board Member McNulty stated well that's why I asked Mike, I was just wondering if he got back to you.

Rich Williams stated there is in HUD.

Board Member McNulty stated okay.

Rich Williams stated HUD recognizing age restricted communities but you know...

Board Member McNulty stated because doesn't a prospectus have to be proposed to the state for a condo association.

Rich Williams stated if a condo association is forming, then you need a prospectus...

Board Member McNulty stated to the Attorney General, correct.

Rich Williams stated and it needs to identify what you're doing out there, that all needs to be in the prospectus.

Board Member McNulty stated that's what I'm saying, is there some kind of State guideline that would fall and that would help and to me it would help me understand what they're proposing, does it meet the guidelines of an age restricted community.

Board Member Montesano stated is there a difference...

Rich Williams stated well then I'm going to refer you back to the zoning because that's the guideline that you have to use. That's the one the Town Board has said we've created for you to review this by and to make sure what they're building out there is what our intent was.

Board Member McNulty stated well no, you're missing my point whereas if the Attorney General, if there is a State law that says an age restricted community provides six amenities different from a normal condominium maybe they have hiking trails, maybe they have a pool, maybe they have a rec center...

Rich Williams stated you're not going to find that anywhere.

Board Member Montesano stated is there a difference between an...

Board Member McNulty stated I don't know, that's why I'm asking.

Rich Williams stated you're not going to find any sort of authoritative source that's going to say for age restricted communities, these are the amenities that you need to provide or these are the parking spaces you need to provide, you know, no...

Board Member McNulty stated that would all be local code, huh.

Rich Williams stated yeah, you create it.

Board Member Montesano stated do we have a difference between a co-op and co-ops, they have them.

Rich Williams stated we have, no we have multi-family and single family.

Board Member Montesano stated because I'm wondering if the co-op situation where you own the building but not the property, is there a difference in the code that they can circumvent if they want to.

Rich Williams stated we consider that a condominium form of ownership.

Chairman Rogan stated yeah, for Planning purposes, why wouldn't you, yeah it would, you know, it's got different legal implications...

Board Member Montesano stated this is what I'm trying to.

Chairman Rogan stated buffer impact on society and planning. Interesting, so what are we going to do, Saturday we're going to wear our rain gear and go check out the, that sounds like a good idea...

Board Member Montesano stated bring your hail boos.

Board Member McNulty stated eggs and coffee.

Chairman Rogan stated yeah, we were overdue for that.

Board Member McNulty stated okay, yeah, we haven't had a site walk in a while, really a morning site walk.

Chairman Rogan stated for the purposes of Michelle's handiwork, so anybody have anything else for the...

Board Member McNulty stated no.

Chairman Rogan stated motion to adjourn.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 5 to 0.

The meeting adjourned at 7:52 p.m.