

TOWN OF PATTERSON
PLANNING BOARD MEETING
April 29, 2015
Work Session

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PLANNING BOARD

Thomas E. McNulty, Chairman
Ron Taylor, Vice Chair
Michael Montesano
Edward J. Brady Jr.
Robert F. Ladau

**Planning Board
April 29, 2015 Work Session Meeting Minutes**

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

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

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

Chairman McNulty called the meeting to order.

1) Neil Avellino – Change of Use

Chairman McNulty: Hit it.

The Secretary: Okay.

Chairman McNulty: Okay, we're on for the work session for April twenty...For the May 7th meeting. And first on our agenda is Mr. Avellino. And he's here with us tonight.

Mr. Neil Avellino: Yes.

Chairman McNulty: And I don't know the other gentleman. I'm sorry.

Mr. Kevin Callahan: I'm Kevin Callahan. Mr. Avellino hired me. I'm a real estate broker...

Chairman McNulty: Okay.

Mr. Callahan: in Putnam County.

Chairman McNulty: Okay. We all went out to the site; we took a look at it. We're not opposed to getting you this general business zoning as long as we can get this parking and traffic situation under control. And I guess there was a plan...I don't know if it was...I think it was brought by you several years

back to get a loading zone in there for a truck. And we looked at it. Rich sent us all the plans so we did get a good chance to look at it this time. At least I did.

Mr. Avellino: Thank you.

Chairman McNulty: There was a couple plans here. And it looks like by the dumpster, correct me if I'm wrong Rich, there's a place for it. We could probably put a loading zone. Enough room for a truck. I have a big pick-up, I actually pulled in.

Rich Williams: We do actually have a plan with a sketch...

Chairman McNulty: Is this the one?

Rich Williams: showing the loading zone. I don't think it is.

Chairman McNulty: I have two. This one doesn't have any parking on the south end.

Rich Williams: Oh, I'm sitting here saying I've never seen this plan before because...

Chairman McNulty: No, that's my plan.

Rich Williams: you drew it. Yes, that's the one. That is the one where they came in and gave us a detail showing a loading zone for a short box in front of the...

Chairman McNulty: Okay.

Rich Williams: dumpster.

Chairman McNulty: So procedurally on this, do we have a site plan application for an amendment to the site plan?

Rich Williams: We do.

Chairman McNulty: Okay. Because I don't have a copy of it.

Rich Williams: We do.

Chairman McNulty: Not to...

Rich Williams: Right? We do.

The Secretary: No. I think it was just a letter...

Chairman McNulty: Does anybody have it?

The Secretary: that was submitted.

Rich Williams: Was that...That's right. That's right. That's what it was. It wasn't an actual application.

Chairman McNulty: Because you wanted to see where...

Rich Williams: It's just a letter...

Chairman McNulty: we'd go with this, probably, before.

Rich Williams: Well, it doesn't...For a change of use, if he's not making any additional improvements to the site, the Board can act without having a site plan application, as can I. I was not comfortable based on the past history saying, you know, we're going to approve this change of use without having the Board's input. But the Board can act on allowing this without a site plan application unless you're going to tell them to make improvements.

Chairman McNulty: Well, the only improvements that, and you guys speak up when you're ready, is to make sure the parking lot is striped and that the loading zone is designated. ADA space is designated because it's on this sheet down here at the bottom, an ADA. And I guess probably...Do we need a stop sign at the entrance coming out onto Old [Route] 22?

Rich Williams: No, I believe there's a stop already there.

Mr. Avellino: I think there's a stop. But you probably need some type of sign with a loading zone or...

Chairman McNulty: Is there "stop" on the pavement written or...

Rich Williams: You will need to x out the loading zone. You will need a sign saying loading zone. Loading...for loading only. And then the only other thing I think that...

Chairman McNulty: You said something about a truck not pass this point.

Rich Williams: Right. Where the throat narrows up as you're beginning to proceed down and back. I would put sign on either side that says no trucks past this point.

Chairman McNulty: Okay. Again, procedurally, because we're changing the original site plan from office space only to a general business, this is document enough to...

Rich Williams: I think it's documented enough...

Chairman McNulty: Okay.

Rich Williams: if you are of a mind to allow two of the units downstairs to be allowed for customary personal services...

Chairman McNulty: Services.

Rich Williams: You're not going to get to choose what goes in as customary personal services or retail. But if you allow two of those units to go forward...

Chairman McNulty: They fall in the C-1 zoning as personal service.

Rich Williams: Right. And out of this office, we can take care of making sure the rest of it gets...gets implemented.

Chairman McNulty: That's my concern, is to make sure a paper trail is there.

Mr. Callahan: Just...I just...I know you said two units and I'm working for Neil. I mean, right now there are 600 square foot blocks downstairs. Five of them all together. So really, theoretically, 3,000 square feet. And they're 1,200 square feet. Would it be possible...Because I...

Chairman McNulty: See, this is...

Mr. Callahan: Personally, I really don't imagine many retails coming in downstairs. And my goal is working with Neil is to be able to have an opportunity to maybe get a few more people in there. And if a retail is going to come in, it's really going to be someone small. I'm imagining someone has a 600 square foot retail store's probably going to have a UPS delivery. There's not going to be much of anything. Could we leave it, I'm just asking, that I can (inaudible) Neil to come back and talk to Rich if we had someone else who wanted more than 1,200 [square feet]. Blocking it out to one retailer with a maximum of 1,200...If someone else came in and wanted another 600, another 1,200 [square feet], would that be possible? I mean it's...

Chairman McNulty: Well, it would be. But in our discussions that we talked about, is that it would probably require further improvements to the drive through because it was limited by the original board for this reason because it didn't have good traffic flow.

Mr. Callahan: No doubt about it.

Chairman McNulty: So, I was doodling...It's a cost, but it may be an investment for a long term to get a one-way lane out. I'm not saying that's cheap but...

Mr. Callahan: Well, I looked at old plans; my office has some old plans where they showed loading actually coming in on the [Route] 164 side. And from what the drawings I had, and I can bring it to the next Planning Board meeting, really showed it coming in from 164. The amount of parking was, basically, cut in half from what it is today. And the building was further...it was pushed further back to allow larger trucks to load. I believe what happened is now they built the building closer to 164 so making that...going out that way is going to be, in my opinion, maybe very difficult to try and do just because...

Chairman McNulty: Well...

Mr. Callahan: the slope there.

Chairman McNulty: Well, you would need a retaining wall on one side. The other side, the, I guess the west side if you look at that, is up to grade. It would require fill. I don't know what the D.O.T. requirements are to get to 164.

Rich Williams: Well, they would need a driveway opening permit.

Chairman McNulty: And is that something that's...

Mr. Callahan: Yeah. I...

Chairman McNulty: It's just a permit? Is it...

Mr. Callahan: I said I brought some pictures, some aerial pictures, of...if you want to take a look.

Chairman McNulty: So this is what we thought was that we could get you some improvement based on what you have and based on a previous plan. But if we want to get you...you want to get to the spot, we would look for further improvements.

Mr. Avellino: Got you.

Chairman McNulty: Because we don't want to undo what the previous boards thought was right. And for us to do the proper planning. We all agree it's tight when get in and out of there.

Mr. Callahan: It's a challenging...

Chairman McNulty: It is.

Mr. Callahan: piece. There's no doubt about it.

Board Member Montesano: Well, the challenge was originally it was supposed to come out on [Route] 164.

Mr. Callahan: Correct.

Board Member Montesano: The developer decided not to come out there and that's when everything went...

Mr. Callahan: Feel apart.

Board Member Montesano: backwards.

Mr. Callahan: Right.

Chairman McNulty: Are these ours to keep?

Mr. Callahan: That's yours to keep. Absolutely.

Rich Williams: Tommy, we're going to need one for our file so...

The Secretary: Yeah, do you have an extra one?

Board Member Taylor: You can have mine...

Mr. Callahan: Yeah, I've got plenty. Rich, I'm sorry I didn't give you one.

Rich Williams: That's okay. I know the site.

Mr. Callahan: Okay.

Board Member Montesano: Yeah.

Rich Williams: And I know the history.

Mr. Callahan: Okay.

Board Member Montesano: How could you possibly sell that?

Board Member Taylor: But we're talking about phasing here. We're talking about giving you something now. But if you want more in the future, we expect something from you for the future.

Mr. Avellino: Sure.

Board Member Taylor: That you're got to deal with the problems of the site. And we'll let you get away with it now...

Mr. Callahan: Well, it's not...

Board Member Taylor: but...

Mr. Callahan: Sorry. I don't want to interrupt.

Board Member Taylor: But if you want more space in the future, you've got to do something to deal with that traffic plan.

Mr. Callahan: But, I mean, I look at the building and say, I'm not an engineer. I mean, I don't really know what it would take to try and get down onto 164. For the rents that Mr. Avellino gets for the building, I don't really think he can make those improvements and justify them from a feasibility...from an economic standpoint. And I'm just looking to...

Chairman McNulty: Well, that's the assessment that you're going to have to make and look at what you're...I'm in construction. So I have an idea....

Mr. Callahan: Okay.

Chairman McNulty: of what you can do there.

Mr. Callahan: Okay, great. I have...

Chairman McNulty: And I'm not saying it's cheap.

Mr. Callahan: I have no idea.

Chairman McNulty: You know, you're spending sixty, eighty, ninety thousand dollars to get it done.

Mr. Callahan: Well, I was going to say \$100,000, but okay.

Chairman McNulty: But round it off to \$100,000.

Mr. Callahan: Okay.

Chairman McNulty: You're probably not far off. But it may not be as difficult as you think looking at it. Of course there's the engineering cost. It's a cost. But to get the improvement out of the building, that's what you're going to have to weigh. I mean, it was originally approved as such. You didn't build the building, you bought the building?

Mr. Avellino: Correct.

Chairman McNulty: So, you bought into this with these limitations. We want to work with you to get it, but we...

Mr. Avellino: Yeah, I appreciate that.

Chairman McNulty: It's got to work both ways. And I don't know if you've researched any of this to try and do a drive or propose or have an engineer look at it.

Mr. Avellino: Not an engineer, but I've had a couple of people, like yourself, that are in...

Chairman McNulty: Mmhmm.

Mr. Avellino: you know, in construction take a look. And...

Chairman McNulty: Yup.

Mr. Avellino: it's pretty costly and I don't think, you know, the numbers like Kevin was saying would make sense just based on my assessment. But...

Mr. Callahan: I know from, I mean, I'm a numbers guy and I know from the numbers it would take a long time, if ever, because you make the improvements and now you're hoping to have a retailer come in and pay some rent which is you're...I understand what you're saying; the site's difficult.

Chairman McNulty: Yeah.

Mr. Callahan: I'm not going to argue that.

Chairman McNulty: Right.

Mr. Callahan: It is difficult.

Chairman McNulty: Well, this is where we, as a board, right now is offering those...that 1,200 square feet...

Mr. Callahan: Okay.

Chairman McNulty: to improve the general business. But again, to bring up, get a loading zone. Get the striping. Get the ADA in. Whatever signage. I guess we can follow up with a memo or some kind of guideline exactly...

Rich Williams: Yup.

Chairman McNulty: what we would be looking for.

Board Member Taylor: Yeah.

Chairman McNulty: And then...

Mr. Avellino: Yeah, I'd like to (inaudible)...

Chairman McNulty: I mean, that's some improvement. And then history will tell. I mean, if we get six accidents out there, we know we did the wrong thing. If you can't draw any more people, then we got to look at it. But at least give you a couple of spots to try and...

Mr. Callahan: Yeah and it helps because I know when I worked with Neil, it was...I looked at the zoning and it's C-1 and I wasn't even...I was unaware that there was no retail allowed until we started...

Chairman McNulty: It's a restricted C-1.

Mr. Callahan: Until we started talking. And then...

Chairman McNulty: Yeah.

Mr. Callahan: So...

Chairman McNulty: Yup.

Mr. Callahan: And we had someone who has basically has personal services and was willing to come in. So I'm...I appreciate that the Board is at least willing to...

Chairman McNulty: We're willing to give a little bit to see what happens. But we just can't...It doesn't suit. And we want to see good development back.

Mr. Avellino: Thank you.

Board Member Montesano: When the original one was put in, why they changed it is...

Rich Williams: Well, they changed it well before they got site plan approval, but...

Board Member Montesano: Yes.

Rich Williams: they just...

Board Member Montesano: Their idea is...The idea was there for a reason. And when it did get approved with the changes, it was buyer beware. You're doing this. You're asking for the changes. What do you...Because I know quite a few businesses that have tried to survive there and you're out of the way.

Mr. Callahan: I can't...

Board Member Montesano: You can't get people to come in.

- Mr. Callahan: And I will not argue that. And I know how challenging the piece is. I know the building and...
- Board Member Montesano: Why you would take the thing off the main road and stick it on the other side is just...
- Chairman McNulty: The other limitations are with the septic and converting it to retail. I don't know. How's the County get affected by that? You're approved for x amount of space and bathrooms, correct?
- Mr. Callahan: You know...
- Rich Williams: There's probably no difference in the septic generation. And I don't believe there's any approval unless they go to a wet use.
- Mr. Callahan: Yeah, and I don't...and I'm not...
- Rich Williams: They start serving coffee or something.
- Chairman McNulty: Salons or something to that degree.
- Rich Williams: Right.
- Mr. Callahan: We're not really looking to do...
- Chairman McNulty: So I don't know if you've been to the Board...
- Mr. Avellino: Something that uses a lot of water.
- Mr. Callahan: Yeah.
- Chairman McNulty: Yeah, have you been to the Health Department at all to see what you're limitations are there?
- Mr. Avellino: I think there's so many gallons. You know, they did mention that when we asked in the past.
- Chairman McNulty: You may want to investigate that to see if you do make the investments to go further and loosen up more of the zoning that your sewage system will meet...handle that. You know, that may be...
- Mr. Avellino: Without another surprise.
- Mr. Callahan: Yeah, that's in (inaudible – too many talking) location.
- Chairman McNulty: Yeah, exactly.
- Mr. Callahan: Sure.

- Chairman McNulty: Sure. If it does, it may be viable to get a...more business in there and get a better roadway. So, any other comments here?
- Board Member Taylor: No.
- Chairman McNulty: Rich, anything you want to...
- Rich Williams: Nope.
- Chairman McNulty: put in. So...
- Rich Williams: I think you covered it all well.
- Chairman McNulty: we don't need to come back to this next meeting, do we?
- Rich Williams: No. You just need a motion approving the change of use for two store fronts is...
- Mr. Callahan: Roughly 1,200 square feet.
- Rich Williams: Twelve hundred square feet.
- Mr. Callahan: It's roughly 600 a square foot...
- Chairman McNulty: to personal service within the C-1. Okay.
- Rich Williams: Correct.
- Chairman McNulty: So, I'll make a motion in the...Where is it? Get my cheat sheet here. We don't need a public hearing or any of that? Okay. I'll make a...Where's the name of the property?
- Mr. Callahan: 4251 Old Route 22?
- Chairman McNulty: No, is there a name for your...
- Mr. Avellino: No, not...
- Rich Williams: Just use the address.
- Chairman McNulty: Okay. I make a motion in the address of 4251 Old [Route] 22 to grant the personal services use to the lower level, 1,200 square feet of space, with acknowledge...with the guarantee that the improvements will be made to the parking lot to have the necessary signage and markings of ADA parking, and a loading dock...or not a loading dock but a commercial loading space.
- Board Member Taylor: A loading zone.
- Chairman McNulty: And this would be outlined by the Town Planner and noted to you.
- Rich Williams: When do you think you might be able to complete those?

Mr. Avellino: I would say 30 days at the most.

Rich Williams: So 60 days.

Chairman McNulty: Yeah. So we would want this finalized upon those improvements being made.

Mr. Avellino: Okay.

Chairman McNulty: Okay?

Board Member Ladau: Mmhmm.

Board Member Brady: I'll second it.

Board Member Ladau: Second.

Chairman McNulty: All in favor? *Motion carried by a vote of 5 to 0.*

Mr. Avellino: Thank you very much, gentlemen.

Chairman McNulty: We want to want to work with it. If you think you...

Mr. Avellino: Thank you.

Chairman McNulty: Investigate...

Mr. Avellino: Yeah. We'll take a look.

Chairman McNulty: some earth work there and I think it may be more doable than you think if you can get the value out of the property.

Mr. Callahan: We'll if I look at numbers and see if it's...

Chairman McNulty: Well I do that, too.

Mr. Callahan: Yeah. If it's...

Chairman McNulty: So I understand.

Mr. Callahan: It all comes down to numbers.

Chairman McNulty: Let's see. Let's hope that you get a business in there and you can come back to us and say it worked.

Mr. Avellino: Exactly. Thank you very, very much.

Board Member Ladau: Right.

Mr. Avellino: Hey, Rich. When will I get a list of those items with...for the improvements?
You'll send something? [Rich Williams nodded his head yes]. Thank you, gentlemen. Have a great night.

Chairman McNulty: You, too.

Mr. Avellino: Thank you.

Ted Kozlowski: Take care.

Chairman McNulty: Boy, there's a lot of papers for this one.

Board Member Ladau: I mean rent for that area...

Chairman McNulty: Greenland, LLC. That's what I was looking for.

Board Member Ladau: runs about 12 bucks a square foot and tax.

Board Member Taylor: Good thing we went green.

Board Member Ladau: And I don't think they'd get it.

Board Member Taylor: You imagine the stack at the end.

[Laughter]

Board Member Montesano: Just remember, don't try to burn them.

Board Member Brady: This for you is a bad investment.

Board Member Ladau: This application...I actually (inaudible).

2) Maria Mangan – “Salon Sizo” – Sign Application

Chairman McNulty: Alright, next on our agenda is Maria Mangan. It's a sign application.

Board Member Ladau: Dear lord, please don't screw me.

Rich Williams: I did not give you a memo on this tonight. The memo is done I just didn't get to proof it so...

Chairman McNulty: So, you prefer we wait to see your...

Rich Williams: But I did look at the application. The application...The sign that's submitted is fine.

Chairman McNulty: You have any problem if we act on this tonight? It looks pretty basic. This is where that other woman was that had that little gift shop.

Rich Williams: Yes.

Chairman McNulty: Yeah. Okay.

Board Member Brady: Oh, that was the gift shop/coffee shop.

Board Member Montesano: The gift/coffee shop.

Chairman McNulty: The girl came back and added coffee to it.

Board Member Brady: Yeah.

Board Member Montesano: Yeah.

The Secretary: Sol Shine.

Board Member Brady: And she's gone?

Chairman McNulty: Has everybody had a chance... Yeah.

Rich Williams: Yeah.

Board Member Ladau: Yeah.

Board Member Brady: That's a shame.

Chairman McNulty: Yeah.

Board Member Montesano: The coffee ran out.

Chairman McNulty: Everybody here have a chance to look at this?

Board Member Ladau: Yeah.

Chairman McNulty: Any objections?

Board Member Brady: No.

Chairman McNulty: Any questions.

Board Member Taylor: Well my...I think the sign disappears into the building.

Board Member Brady: Yeah.

Chairman McNulty: Yeah.

Board Member Taylor: I...But it's...

Chairman McNulty: Okay by me.

Board Member Taylor: It's her choice.

Board Member Brady: Yeah.

Chairman McNulty: Yeah.

Board Member Taylor: So...

Chairman McNulty: Well, I think she said it's going to be brown.

Board Member Montesano: She's trying to be green.

Chairman McNulty: I think it's going to be this color brown with a cream. I don't think it...

Board Member Taylor: But still.

Chairman McNulty: that sign is the right...

Board Member Taylor: It should stand out.

Board Member Brady: Yeah.

Board Member Taylor: That's up to her.

Rich Williams: The only thing I would ask is...

Chairman McNulty: The lighting?

Rich Williams: that you approve it subject to them providing additional details on the lighting as far as...

Chairman McNulty: I thought the same thing.

Rich Williams: the intensity and design.

Chairman McNulty: Shield.

Rich Williams: Yeah. Make sure it's shielded.

Board Member Taylor: Yeah.

Rich Williams: I've asked her for a cut sheet. She was supposed to get that to me.

Chairman McNulty: Okay.

Board Member Brady: I think it said something about that they were going to be pointing up at the light...at the...

Chairman McNulty: Pointing down...

Board Member Taylor: Pointing down...

Chairman McNulty: on the sign.

Board Member Montesano: Pointing down, yeah.

Board Member Ladau: Pointing down. It's solar.

Rich Williams: It should be fine. You don't get solar that intense.

Board Member Ladau: Yeah.

Chairman McNulty: In the sign application of Sizo Salon at 83 Haviland Drive, I make a SEQRA determination...a negative determination.

Board Member Montesano: Second.

Board Member Taylor: Second.

Chairman McNulty: All in favor? *Motion carried by a vote of 5 to 0.*

Chairman McNulty: And in the Sizo Salon at 83 Haviland Drive sign application, I make a motion to approve the sign as submitted with the stipulation that the lights are shielded in some way and pointed downward at the sign.

Board Member Taylor: And that they supply a cut.

Chairman McNulty: And supply a spec sheet on the particular light they're going to use.

Board Member Brady: Second.

Chairman McNulty: All in favor? *Motion carried by a vote of 5 to 0.*

Chairman McNulty: I love we can get something done.

Rich Williams: You're moving right along.

Chairman McNulty: See...

Rich Williams: Of course now we hit the wall.

Board Member Brady: Motion to adjourn.

[Laughter]

Chairman McNulty: Okay.

Rich Williams: Don't get Sarah excited.

3) Adam Levine – Fill Permit

- Chairman McNulty: We have Adam Levine Fill Permit. Rich, appreciate you sending that out last (inaudible) so I can take a look at it. Bob...Ed, were you here for Mr. Levine at any of his hearings?
- Board Member Brady: Did I hear from him?
- Chairman McNulty: Were you here?
- Board Member Brady: Oh, I was here for some of it. But I did read up. I had...I got all the stuff...
- Chairman McNulty: You kind of came in on the tail end of it?
- Board Member Brady: Yes. Yes.
- Chairman McNulty: Bob, you're not aware of this case, are you?
- Board Member Ladau: No. Not at all.
- Chairman McNulty: Do we need a site walk again? Or maybe I can meet this gentlemen one night. Do we need permission to go out there?
- Board Member Brady: I've been out there.
- Rich Williams: I don't know that you would need a site walk.
- Chairman McNulty: You could take a look at some of the prints and you tell us if you want to do a site walk. But, it's been pretty well exhausted by at least Ron, myself and Mike.
- Board Member Ladau: Fine.
- Chairman McNulty: Rich, you want to give detail to these guys?
- Rich Williams: Sure. The bottom line is back in June of 2010...
- Board Member Ladau: Before I was born.
- [Laughter]
- Rich Williams: Probably. The Town became aware that Mr. Levine was bringing fill onto the site. He was actually filling in...He had created...Facing his house on the left-hand side, he had created a path in and then a horseshoe around, coming around, well behind his deck in his lawn area, with the intent that he was going to fill in that gap between that horseshoe...
- Board Member Ladau: Mmhmm.
- Rich Williams: elevation of fill that was about 6 to 10 feet deep.

Board Member Ladau: Mmhhh.

Rich Williams: And then instead of just, you know, filling in that area between that horseshoe and the house, he decided it was better to start filling in all the way on the south for about fourteen hundred...14,000 square feet, which was his neighbor's property.

Chairman McNulty: And cleared trees. Is that what you said?

Rich Williams: Yeah, he cut all the trees down. It was a forested area. He cut all the trees down and then...

Board Member Ladau: His neighbor's trees?

Rich Williams: brought in all this fill and...

Board Member Taylor: Yes.

Board Member Brady: Yeah.

Rich Williams: bringing in logs and...

Chairman McNulty: Give you some perspective [handed Board Member Ladau an aerial photograph of Mr. Levine's property].

Rich Williams: all sorts of crap. So...

Chairman McNulty: Basically, his property line, I believe, is along here.

Board Member Ladau: Yeah.

Chairman McNulty: And this is his neighbor's.

Board Member Ladau: Yeah.

Chairman McNulty: And this is the fill area.

Rich Williams: So when we went out there to see what he had brought in for fill, we found out it was basically bricks, concrete, rebar, tile. Essentially, most of it was coming from Rye School that they had torn down and they needed a place to get rid of the demo debris. So he brought it in and he was filling his property in with it. And then we took tests and we sent them out to a lab. They were all contaminated with POCs, SOC's...

Board Member Ladau: Sure.

Rich Williams: and heavy metals. Typical of old, old buildings.

Board Member Ladau: Yeah.

Rich Williams: So now we have this contaminated material on the site which what are we going to do with it? There's some back and forth between the Board and our engineer at the time was Maser Consulting, and Mr. Levine about the cost removing all the fill and it was very prohibitive. And Mr. Levine seemed to have one excuse after another about why he couldn't do this or do basically anything. Though he always wanted to cooperate, he never seemed to get there. And finally after a considerable amount of time, one board member...

Chairman McNulty: A year and a half.

Rich Williams: in particular came up with a timeline that...and tasks that he had to meet, and the Board agreed with it. They thought it was a good timeline and a good set of tasks and gave it to Mr. Levine and of course that's when he really started failing to do anything. And, you know, it got down to everybody agree that they were going to leave the fill on the site. He was going to take it off the adjacent site. He was going to move it onto his site, get rid of the organic material, cap it with 2 feet, demarcation layer, topsoil and seed it and we were just all going to move on. But we wanted to let any future property owner know. When I say we, the Board...

Board Member Ladau: Yeah.

Rich Williams: wanted to let any future property owner know that...

Board Member Ladau: Yeah, full disclosure.

Rich Williams: there was...Yeah. There was this contaminated fill...

Board Member Ladau: Yeah.

Rich Williams: under the soils so they didn't go digging up to put an in-ground pool in or whatever. And that's when he absolutely said, you know, I can't do that. I'm not doing anything anymore; I'm done.

Chairman McNulty: Kind of walked away...

Rich Williams: And walked away.

Chairman McNulty: and didn't meet the timeline.

Rich Williams: Right. So, Planning Board denied the fill application. Building Inspector issued a notice of violation followed by a violation. They submitted a plan to remove all the fill from the site.

Board Member Ladau: Still hasn't been done.

Rich Williams: Plan didn't have a lot of meat on it. There was a lot of gaps in it. We identified all the gaps. And he didn't do anything and we've been in court now for two years. And finally a few months ago, we went over to a conference. You know, we sat down with Mr. Levine and his father and his two attorneys, even though he's claiming to be...

Board Member Montesano: Broke.

Rich Williams: indigent and he doesn't have any money whatsoever, he brings two different law firms in to represent him. And, you know, at that point we conference it. We work out this settlement that he's going to come back and do what he was supposed to do, you know, way back when in 2012, I think, the fill permit was denied.

Chairman McNulty: Mmhhh.

Rich Williams: And he's supposed to submit a fill application right away. Well of course he takes his time. It should have been before the Board last month. He doesn't get it in until this month. And when he does submit the fill permit, the fill permit says, yeah, I only brought a little bit of fill on and I'm going to cap it but I'm also going to finish filling the property like I wanted to fill it. That's what's before you.

[Laughter]

Chairman McNulty: Okay.

Rich Williams: As long as my memo with the recommendations.

Board Member Ladau: So...

Chairman McNulty: Yeah. And I looked at your memo. I'm good with all your recommendations. I had a couple of questions. But what I want to see from Mr. Levine is a real site plan with DER specs outlaid in it with a grading plan and a true plan. So when he hires a contractor and we have to inspect it as a town, we have a set...a real set of prints to go with it. I'm not going to cut this guy any slack. He's got to do it right or not do it.

Board Member Ladau: Yeah.

Ted Kozlowski: I have to...I've been with this all along, too, and as Environmental Conservation Inspector, this gentleman has cost us a lot of money. Has basically not complied. Had excuse after excuse. I don't...I'm not...I'm saying that for the record. And that this should be by the book. I fully agree with Rich's recommendations. There should be no slack cut. And it's either he comes in with the right information, or he's sent out. There's no discussion because...

Board Member Ladau: And what happens...

Ted Kozlowski: we're going to go back to this same...Every month there's a new excuse and all...He's had his nine lives as far as I'm concerned. And...

Board Member Ladau: What happens...

Ted Kozlowski: that's my recommendation to you.

Board Member Ladau: Ted, what happens if he proceeds doing it the way he wants to do it without formal application to the Board...the Planning Board?

Ted Kozlowski: Yeah. We go to court. We...

Chairman McNulty: Well, you can put a work stop order...

Rich Williams: Well, he's already...

Ted Kozlowski: We...He's issued a summons.

Chairman McNulty: on him because he doesn't have a fill permit.

Board Member Ladau: Okay.

Chairman McNulty: He has to get a fill permit.

Ted Kozlowski: You see, this...

Board Member Ladau: Does he ignore the fact that he doesn't have a...Does he ignore the stop work order?

Rich Williams: Well, he had...Didn't...He's under a stop work order now. He didn't ignore the last stop work order. So we can anticipate...You know, in his best world, he's not going to do anything. He's happy not doing anything. So, what we're imposing on him is something more than what he would like to do.

Ted Kozlowski: And just for the record, and this was a real sticking point for me, as far as I'm concerned, if you look at New York State DEC rules and regulations, this is...this qualifies as a landfill.

Board Member Ladau: Yeah.

Ted Kozlowski: Okay. And the DEC somehow did not...

Chairman McNulty: They washed their hands of it.

Ted Kozlowski: found a way out of this, okay. But this is a land...This is a landfill.

Board Member Ladau: Mmhmm.

Ted Kozlowski: This is not filling in property. He filled above his windows.

Board Member Ladau: Yeah.

Ted Kozlowski: I mean, this is...

Chairman McNulty: He used C...

Ted Kozlowski: This is...

Chairman McNulty: He used C&D debris and covered over his well.

Ted Kozlowski: This is absolutely ridiculous.

Rich Williams: Well, whoa, whoa, whoa, whoa.

Board Member Ladau: Okay.

Rich Williams: He hasn't covered over his well yet.

Chairman McNulty: Well, it's 10 inches...

Board Member Brady: It's just a big hole there.

Rich Williams: He's right up and to the edge with a 10 foot fill section. So his well is going to be...

Chairman McNulty: I stand corrected.

Rich Williams: So he's got to extend the well head.

Ted Kozlowski: This is beyond ridiculous as far as I'm concerned.

Board Member Ladau: Yeah. I mean, I'm listening to this finding it hard to believe and wondering at what point does this become a criminal proceedings as opposed to a...

Ted Kozlowski: Well, it should be and DEC should have taken the lead...

Chairman McNulty: We waited a year for DEC to act...

Ted Kozlowski: And...

Chairman McNulty: and they basically...

Board Member Ladau: But can we act if DEC does not?

Chairman McNulty: Well, we have.

Ted Kozlowski: No, DEC's washed their hands. It's in our hands. It's in our ballpark.

Board Member Ladau: Okay. Could we act?

Chairman McNulty: That's what we're doing now.

Board Member Brady: And it's in the courts now.

Chairman McNulty: It went to court and now it's back to us. And my question, Rich, on a fill permit, what is in our authority to request? Can we request a site plan and a grading plan?

Rich Williams: Yes. Sure.

Board Member Taylor: We just...

Rich Williams: We can... You... In a fill permit, you can request what information you need to make sure the applicant complies with whatever conditions that you're imposing.

Board Member Brady: Okay.

Board Member Taylor: Yeah, no...

Rich Williams: So yeah, sure. You can... You can request a...

Board Member Taylor: Yeah.

Board Member Brady: Yeah.

Rich Williams: a grading plan.

Chairman McNulty: In addition to the grading plan as, you know, to the survey and I agree with you. I think 750 cubic yards is well under what he's probably placed.

Rich Williams: Oh, it doesn't pass the laugh test.

Board Member Taylor: Yeah.

Board Member Brady: No.

Chairman McNulty: Yeah, so...

Board Member Brady: All he's planning on doing is filling his place.

Rich Williams: Yeah, the only thing...

Board Member Brady: and do nothing any place else.

Rich Williams: The only concern I have with having a grading plan is, I mean, they could take what's on his property and figure out how to grade it off so he's got a uniform, sloping backyard. But if we're going to consider what's coming in off of the other site, it's going to be very difficult because of all the organic that's mixed in that's got to go off the site.

Chairman McNulty: Well, that's...

Rich Williams: And if he starts moving it around and he starts finding a couple of stumps here and there, that's got to go off the site. So, at the end of the day, he may not have enough fill to meet any grading plan that you come up with.

Ron Gainer: Right.

Chairman McNulty: But an engineer, if he hires somebody that knows how to calculate that, they should be able to do that with a plus or minus for x amount.

Board Member Ladau: Yeah.

Chairman McNulty: And I'm sure we could work with him to say, well, you run short of the grading plan proposed. Can we modify it or you'll need x amount more fill to bring it up or take it out. Am I making sense with that?

Ron Gainer: Absolutely. An estimate can be made as to what's needed.

Chairman McNulty: Yeah, I mean, I just was on a job where we estimated how much rock had to be removed that wasn't exposed. I mean, and we were pretty close. It can be done. So, my thought is that he issues...hires an engineer. He provides a plan that details these DEC recommendations for a cap with its details, again, following Rich's notes. I'm not...You're right on with that. And give him a timeline to have this plan to us, you know, by next month. If he can't have it by next month, at least a letter from his engineer that he's...an engineer has been retained and is in work on it. And then...And then once we get the plan, then we set a timeline to execute the work.

Board Member Taylor: Well, I'd like to back up a minute to a couple of things. First of all, one of the things we asked him for was a survey.

Board Member Brady: Okay.

Chairman McNulty: Which we never got.

Board Member Taylor: And there's a question to whether this is a survey or not.

Rich Williams: What he gave us was a survey. It just...It was only half the survey you requested.

Board Member Taylor: Right. That's...But he now has...He's added the house to the survey and he seems to think that's sufficient. I think we need to say we still need a survey.

Rich Williams: That's the same survey he gave you originally way back when.

Board Member Taylor: Okay, so he had...Okay.

Rich Williams: He hasn't changed any...

Board Member Taylor: He still hasn't...Alright, so we...

Chairman McNulty: And it's not stamped.

Board Member Taylor: And it's not stamped. Right. So we still the other half of the survey.

Rich Williams: I believe we, at a minimum, we still need the other half of the survey...

Board Member Ladau: Yeah.

Rich Williams: showing the area, the height...

Board Member Taylor: Right.

Rich Williams: and the volume of fill on Mr. Levine's property...

Board Member Taylor: Right.

Board Member Brady: Right.

Rich Williams: which will give us an idea about where we can go.

Board Member Taylor: Okay. Alright.

Board Member Brady: Because this is the existing elevation...I mean, this is the original elevations.

Board Member Taylor: The old elevations, right.

Board Member Brady: This isn't the existing elevations. Right.

Board Member Taylor: Yeah.

Board Member Brady: So he needs to give us an updated...

Chairman McNulty: I thought we need a survey and then we need a site plan on top of it using the survey to calculate what's been placed...

Board Member Taylor: Right.

Board Member Brady: Right.

Chairman McNulty: and where it has to be moved.

Board Member Taylor: Okay. That's...

Board Member Brady: Absolutely.

Board Member Taylor: I just want us to be clear that we need a...This is not acceptable.

Chairman McNulty: Exactly.

Board Member Taylor: We need the survey and then the site plan.

Board Member Montesano: Now, do we want to get...

Board Member Taylor: The other thing...

Board Member Montesano: that other piece of property that he filled in?

Chairman McNulty: Well, we're getting to that.

Board Member Montesano: Okay.

Chairman McNulty: I'm...I was going to bring up that he needs permission to access that property.

Rich Williams: Correct.

- Chairman McNulty: Correct.
- Board Member Taylor: He had verbal permission. The lawyer was here...
- Board Member Montesano: Yes.
- Board Member Taylor: the owner was here and they were willing to give that permission. So...
- Rich Williams: I understand. But now he is claiming that he doesn't have actual permission to go on there. So, the thing to do is to see if the attorney is willing to, again, give permission to Mr. Levine to do it.
- Board Member Taylor: Right. I understand that. But he should not be telling us he doesn't have permission. What he should be saying is I tried to get permission, they wouldn't give it to me. He needs to be responsible for going out and doing this stuff instead of coming to us and making more excuses. That's all I'm trying to say there.
- Chairman McNulty: If we pull the minutes out from that meeting, is that justification to say he has permission?
- Board Member Taylor: We still need written permission.
- Board Member Ladau: No. Still want it in writing.
- Rich Williams: I'm...
- Board Member Montesano: We need written permission.
- Rich Williams: I'm hopeful that the attorney for the adjacent property owner is once again going to tell him that he has permission.
- Board Member Taylor: Yeah. So they need to draft up...
- Board Member Montesano: Now, one other question.
- Board Member Taylor: whatever agreements they need.
- Board Member Montesano: The landowner gives them permission. Do we have to contact Southeast since it's in there?
- Rich Williams: It's not in there. It's all in Patterson.
- Board Member Montesano: Okay.
- Ron Gainer: Right.
- Board Member Montesano: The other part didn't...never went into Southeast?
- Rich Williams: You know, again, I have...

Board Member Montesano: I'm not going to ask the question. Forget it.

Rich Williams: If you look at the survey, it looks like it goes a little bit over into Southeast, but I'm sure they're not going to be worried about it.

Chairman McNulty: Yeah.

Board Member Taylor: Alright...

Chairman McNulty: Also, in the fill permit in regards to the neighbor's property, is it in our authority to ask him not only to remove it but restore that? Or is that between the property owner and him?

Rich Williams: That's really between the two of them. You know, it's going to be difficult working with a third party here because there's going to be some site restoration, there has to be, that we're going to be involved with because it's more than 5,000 square feet of disturbance.

Board Member Brady: Isn't there a stream there, too?

Rich Williams: No.

Chairman McNulty: No. I don't remember...

Board Member Brady: I thought there was a stream there back at the bottom.

Ted Kozlowski: No, there was wetlands and really, really...

Board Member Montesano: No. It would have been...

Board Member Brady: It's been awhile. I mean, I was the... You... Rich, took me out when I first came on the Board.

Ted Kozlowski: I guarantee you, I would have been on that one.

Board Member Brady: I wanted to see it. I just couldn't believe somebody did that.

Board Member Taylor: And then the other thing was, if I remember correctly, we did not say that he could take the adjacent property owner's fill and simply dump it on his property. We had said he would have to remove it. He starts dumping it on his property, then he's going to be above first floor windows as well as his basement windows.

Rich Williams: What...

Chairman McNulty: Well, this is why we need a plan that calculates what's been placed...

Board Member Taylor: Well, but also...

Chairman McNulty: and what he has room for.

Board Member Taylor: I think we need to say that we expect this fill to be removed or any... or an excess that's not required to be removed. He can't just pile it up in his property and get away with that.

Rich Williams: No. I thought what we were talking about at the time was he was going to pull the material off of the neighbors. He was going to sort it.

Board Member Taylor: Yes.

Rich Williams: Take out the big rocks. Take out the woody debris.

Board Member Brady: Right.

Rich Williams: Remove that from the site, let us know where that's going.

Board Member Brady: Right.

Rich Williams: Probably to Tremson, I would think. And then anything that was fill, even though it might be contaminated, he could put on his property.

Chairman McNulty: Because he's going to cap it anyways, so...

Board Member Brady: That's what we were talking about. That the...

Chairman McNulty: Yeah. I remember that, too.

Board Member Brady: I remember that conversation.

Board Member Taylor: Alright. Well, that's...So that's going to be a condition of bulk then.

Board Member Brady: Yeah.

Chairman McNulty: Yeah, if it's in excess of the grading plan he proposes, yes then he's going to have to remove it. And provide...

Board Member Brady: Can we ask for a bond? For him to provide a bond?

Board Member Ladau: A performance bond.

Rich Williams: Probably.

Board Member Brady: Because, you know, look...

Board Member Taylor: But we need a plan first.

Board Member Brady: My father used to say when we were kids growing up, gonna gottas. You've got the gonna gottas. And that's exactly what he's got. He's got: I'm gonna do it. I gotta do it. I'm gonna do it. I gotta do it. And that when I read all the past minutes and when I came on the Board, that's all we got. He's going to do. He's going to do this. He's going to do that. Oh yeah, I've got to do that. But...

Rich Williams: That's true. But I think right now we're in a better position than having a bond. If he doesn't do it...

Chairman McNulty: I mean, he's got the court over his head.

Rich Williams: on a zoning violation...On a zoning violation. He's upset so many people he's going to jail. On a zoning violation. Nobody goes to jail on a zoning violation.

Board Member Brady: I, you know, I don't have a lot of faith in the legal system. I'd rather see him have to make...put a bond up. If the Town has to go in and take care of this problem, there's enough money there to do it.

Chairman McNulty: Well, why don't we see how he responds to our request to get a plan. If he acts...

Board Member Montesano: Well, he has to respond...

Chairman McNulty: timely, puts it together...

Board Member Taylor: What...

Chairman McNulty: Maybe he shows some good faith the second time around.

Board Member Montesano: He hasn't responded yet.

Ted Kozlowski: I think...

Board Member Montesano: And I think he's going to be waiting and if it gets too hot in the pan, he's leaving.

Ted Kozlowski: I think...My advice, next meeting, you don't ask him anything. You tell him what you want.

Chairman McNulty: No, I agree.

Ted Kozlowski: And that's it. There's no discussion.

Chairman McNulty: No, I agree.

Board Member Taylor: Now what did the court say to him? To come back to us or did they give him a timeline?

Rich Williams: Yes. We have another scheduled court date in three weeks, I think, in which this needs to be...You know, at least...

Chairman McNulty: In motion?

Rich Williams: Well, yeah. At least some progress.

Board Member Taylor: And what was the timing in between those two dates? Was it 60 days?

Rich Williams: He had enough time so he could have made the last Planning Board meeting which he didn't. And as a result, I called the Town prosecutor who called his attorney and they had a very short discussion upon which the application was made.

Board Member Taylor: Alright. So again, they're just delaying.

Board Member Brady: Yeah.

Chairman McNulty: Okay. Rich, in your review you had under A(7), Land Development Permit and coverage under NYS DEC General Permit for Construction. He'll have to apply for that with the DEC?

Rich Williams: I have an...Well, yes. It starts...He doesn't apply with the DEC. What he does is he applies to the Town for coverage under the general permit. Then we review and approve the plan.

Chairman McNulty: The Town does?

Rich Williams: I have the application and we have the fee.

Chairman McNulty: So once we as a Board approve the plan, you forward it in for a notice.

Rich Williams: Then I can approve it. I can sign off on it and then he has to submit our acceptance to DEC and file for coverage under their General Permit.

Chairman McNulty: Okay. So...

Board Member Montesano: There's another one.

Chairman McNulty: Just on the...back on the restoration: It's really between the owner of that property to go after him to restore his property. It's not within us to...Can we ask him to restore his boundary on his property?

Rich Williams: Yes.

Chairman McNulty: Okay. So maybe we should consider that, too. Because he clearly...

Board Member Taylor: Yup.

Chairman McNulty: went right on through here.

Board Member Brady: Three (inaudible – too distant).

Board Member Montesano: Don't forget to give it back.

Chairman McNulty: Bob, the pictures good enough for you? You're comfortable and...

Board Member Ladau: Yeah, no I...

Board Member Montesano: You good for (inaudible). I mean...

Chairman McNulty: Alright, any other comment on this?

Board Member Taylor: So we're giving him 30 days to the next meeting to have this stuff before us or we send it back to court?

Rich Williams: My recommendation was before the next submission date.

Board Member Taylor: Before the next submission date.

Chairman McNulty: And if he doesn't, would a letter that an engineer has been retained...Because that could be tough for an engineer to get together in three weeks.

Rich Williams: Well, I was talking about the survey.

Board Member Taylor: We need the survey... Well, I was talking about both.

Chairman McNulty: I'm talking about the whole plan.

Board Member Taylor: Well...

Rich Williams: You're not going to get an engineer that quick.

Chairman McNulty: But then I at least want a letter from the engineer that he's been retained...

Rich Williams: That's fine.

Chairman McNulty: And that he's in work on the project.

Rich Williams: That's...

Chairman McNulty: And if he doesn't have that, he broke the timeline. And I want to be clear with him on that.

Board Member Taylor: Okay, so...

Board Member Ladau: Yeah.

Board Member Taylor: the survey and he's signed up an engineer.

Rich Williams: Because the engineer's going to need the survey anyway.

Chairman McNulty: Yeah.

Board Member Taylor: Yeah, alright. So let's say that.

Chairman McNulty: Okay.

Board Member Taylor: And if he doesn't, he's back in court. And we're not going to...

Chairman McNulty: We'll deny the permit.

Board Member Taylor: discuss it.

Ted Kozlowski: Just prepared for excuses as to why this doesn't happen, that doesn't happen.

Chairman McNulty: He didn't meet it.

Board Member Taylor: Yeah. So we just...

Chairman McNulty: Why am I going to go around a year and a half with this again?

Board Member Montesano: My fish had babies and I couldn't just say...

Board Member Taylor: We just send it back to court, that's all.

Chairman McNulty: But the...

Board Member Taylor: But those are our conditions. Alright.

Board Member Brady: This Board's bent over backwards for him.

Board Member Taylor: Second.

Board Member Ladau: I...Second.

Board Member Taylor: No, I just...

Rich Williams: What are you voting on?
[Laughing]

Board Member Montesano: I don't know. Did we make a motion?

Board Member Taylor: In the matter of...

Board Member Brady: I made a motion to adjourn. Is that what we're talking about?
[Laughter]

Chairman McNulty: No. We're not making any motions. We're all in agreement. That's our plan of attack.

Board Member Montesano: Sorry, Bill. Smile.

Board Member Taylor: Alright.
[Laughter]

4) Bill Henry Tree Service, Inc.

Chairman McNulty: Well, we have Bill Henry here with us. We did a site walk on is property. And to not make him sit all of this, any objection to move him up...

Board Member Taylor: No.

Board Member Ladau: No.

Chairman McNulty: and we can discuss it?

Board Member Montesano: I don't. Move up. Come on.

Chairman McNulty: Hello, Bill.

Mr. Bill Henry: I'm up. Hello.

Chairman McNulty: Welcome to our work session.

Board Member Taylor: You want to be after that?

Mr. Henry: What's that?

Board Member Taylor: You want to be up after that?

Mr. Henry: No.

Board Member Brady: Want to buy a house?

Mr. Henry: No.

[Laughter]

Board Member Montesano: How about some property? Trees?

Chairman McNulty: Bill, we did get out...

Board Member Taylor: Yes.

Chairman McNulty: Do we have a copy of your review we can give to Bill?

The Secretary: I just gave him one.

Chairman McNulty: Okay. Alright, Bill we got out to your property.

Mr. Henry: Yup.

Chairman McNulty: We took a walk around. The biggest concern we have is just the screening of the building from [Route] 22.

Mr. Henry: Okay.

Chairman McNulty: And how the building's going to look.

Mr. Henry: Okay.

Chairman McNulty: There was some talk about pulling your building back and the parking lot and the storage.

Mr. Henry: Okay.

Chairman McNulty: Everything back as a whole.

Mr. Henry: Just move everything back.

Chairman McNulty: Because I think there was some room from the setback, correct?

Rich Williams: There was some room from the setback.

Chairman McNulty: To try and gain as much setback from 22 as possible.

Mr. Henry: Okay. Which is fine, I'm just going to have a tough time turning the trucks around, I think, if I lose any of that...

Chairman McNulty: Well, we're not...

Mr. Henry: area.

Chairman McNulty: We weren't talking about shrinking the area...

Rich Williams: We're not talking about that. We're talking about the whole plan, as a unit, sliding forward.

Mr. Henry: Okay. Or back.

Rich Williams: Yeah. Well, yeah.

Mr. Henry: Okay. Yeah.

Ted Kozlowski: Bill, those...

Chairman McNulty: Let's open the plan and take a look at it.

Ted Kozlowski: maple trees along...they're safe?

Mr. Henry: except for the septic and the...

Chairman McNulty: And that was a talk of us...

Rich Williams: Stormwater.

Chairman McNulty: with the stormwater and the septic, that some of that area would be cleared. And it wasn't clear to us how much of that area.

Rich Williams: Have you had an opportunity to review the site walk comments that I just shared?

Chairman McNulty: I looked at them real quick, so if you want to review them with us.

Rich Williams: Yeah, maybe we should start there and make sure that they've covered everything everybody was interested in. And then, you know, there's a couple of decisions because when you go out on the site walk, you know, I'm gathering everybody's information but nobody's out there making a decision, so...

Chairman McNulty: Okay. So you got a copy of this, Bill?

Mr. Henry: It might be a little tough to get those large pines in the back right corner looking from [Route] 22.

Chairman McNulty: Where are they on here? [referring to the plans].

Mr. Henry: It's real close to the...

Ted Kozlowski: The ones that are near the archeries place...

Mr. Henry: Yeah.

Chairman McNulty: That's these pines here?

Mr. Henry: No.

Chairman McNulty: No, right up in here.

Mr. Henry: Yeah. They would be like right here. Where...

Chairman McNulty: Yeah.

Mr. Henry: Where we're proposed to plant. They're about right here.

Chairman McNulty: Yup. So this is a 50' setback.

Mr. Henry: Yup.

Chairman McNulty: And what is the Code setback?

Rich Williams: Fifty feet I believe.

Chairman McNulty: So...

Rich Williams: Rear yard setback.

Chairman McNulty: Rear yard setback...

Mr. Henry: Yeah.

Chairman McNulty: is 50'. So we were looking at you have this much room to...I don't know how this scales out...

Mr. Henry: Yup.

Chairman McNulty: to pull this back.

Board Member Ladau: Want a scale?

Chairman McNulty: And then pull the whole plan back somewhat.

Mr. Henry: Yup.

Chairman McNulty: Just to gain whatever you can for...Because our thought was, then your septic goes and that gets pulled back.

Mr. Henry: Sure. I (inaudible – papers shuffling).

Chairman McNulty: And that retains trees.

Rich Williams: Well, just so you know, generally when an engineer is designing a septic, they're placing it based on suitability of the soils of the grade...

Board Member Ladau: Uh huh.

Rich Williams: and you may not be able to shift that back. Ron?

Chairman McNulty: Okay.

Ron Gainer: Right. No, any subsurface activity, even the infiltration, might be designed based on infiltration values.

Chairman McNulty: Alright.

Rich Williams: So don't count on that getting moved.

Chairman McNulty: Alright. So it's a recommendation of ours...

Ron Gainer: You're looking at the filling of the structure. Right.

Chairman McNulty: So you need to talk to John [Watson]...

Mr. Henry: Oh, I got to re-dig the test holes anyway. So, you know, if I find a better spot, you know...

Chairman McNulty: Mmhmm.

Ron Gainer: What's causing you to lose those evergreens? The building?

Mr. Henry: Oh, yeah. They're real close. Yeah, they're right here.

Ron Gainer: Does it help you if you flop the axis to the north...

Mr. Henry: No.

Ron Gainer: And push that building south.

Mr. Henry: I don't think so.

Ron Gainer: Okay.

Chairman McNulty: Well, that would be...Pushing it south would...

Ron Gainer: No, no. I'm thinking of this guy. Just moving this axis this way. Right. Then the axis coming here...

Mr. Henry: Like right in this plant area.

Ron Gainer: Okay.

Mr. Henry: Yeah, I'm going to replant anyway.

Chairman McNulty: Yeah, you're getting these replanted, right?

Ron Gainer: Nothing that big.

Mr. Henry: Yeah.

Chairman McNulty: No.

Mr. Henry: What's that?

Ron Gainer: Nothing that big.

Mr. Henry: No. Yeah, no. You're losing the bottom almost.

Ron Gainer: No, I know.

Mr. Henry: And the backs are dead.

Chairman McNulty: Alright.

- Mr. Henry: Yeah, I'll have John move it back. I think he did that. He was trying to get me on the agenda for last week or...
- Rich Williams: He had called me right after we did the site walk to tell me that he was moving the building back.
- Mr. Henry: Right.
- Chairman McNulty: Yeah. That was a miscommunication on my part.
- Rich Williams: Yeah, we'll talk about that in a little while.
- Chairman McNulty: Okay. But anyway, just...I wanted to have you in so you could see our observations.
- Mr. Henry: Yeah, no.
- Chairman McNulty: And you could talk...
- Mr. Henry: If nothing...
- Chairman McNulty: with John and...
- Mr. Henry: that's fine. If I could...
- Chairman McNulty: Again, you're going to have to talk to him about this. Our goal is to retain as many of these trees as possible.
- Mr. Henry: As possible.
- Chairman McNulty: And get clear of the [Route] 22 landscaping.
- Mr. Henry: What about planting in that area to try to block...You know, it's going to be tough with maples and pines.
- Rich Williams: I think the...
- Chairman McNulty: Well, that's just it.
- Rich Williams: first goal is the Board's going to try to design the site; the septic, the infiltration and more importantly the buildings to minimize the impact of the viewshed. Trying to keep as much vegetation.
- Mr. Henry: Yup.
- Rich Williams: When that can't occur, then they're going to be talking about screening.
- Mr. Henry: Sure.
- Rich Williams: But step one is to see what you can do with moving the building back.

Mr. Henry: I'm going to try to do the building green so it, like, blends in.

Chairman McNulty: And what style is the building going to be? Do you have any kind of renderings or anything?

Mr. Henry: Just like, I guess, Macaluso's and the DEW building. Yeah, but green.

Chairman McNulty: See, the metal siding's going to be an issue because we don't allow the metal siding anymore. Is that correct? We're not allow it in a commercial or in...

Rich Williams: It is...Yes. Our Code says for architectural standards, metal skinned buildings aren't a permitted use. Now...

Chairman McNulty: That's Code.

Rich Williams: people put up...

Chairman McNulty: Pre...

Rich Williams: metal buildings all the time.

Chairman McNulty: pre-engineered buildings, yeah.

Rich Williams: But then they cover the outside with something different.

Mr. Henry: Right.

Chairman McNulty: Yeah, and I know there's a lot of options for pre-engineered metal buildings.

Mr. Henry: Sure, yeah.

Chairman McNulty: And again, we're concerned about the 22 side.

Rich Williams: Correct.

Chairman McNulty: Not so much the backside.

Mr. Henry: Right.

Chairman McNulty: So, it's the side visible from the streetscape of 22.

Mr. Henry: Okay. That's the west side?

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

Chairman McNulty: It's going to be the north, south...It's going to be three sides.

Mr. Henry: Oh, three sides.

Board Member Taylor: Well, two sides. No. This side's on the hill.

Rich Williams: You've got a good firm over there. They're going to get imaginative with the architecture I'm sure.

Chairman McNulty: Well, that's up against the other business, isn't it?

Board Member Taylor: Yeah, this is (inaudible) so it's just these two side...

Board Member Brady: Yeah. I mean that's...

Mr. Henry: Yeah, but that's going to be screened with the trees.

Board Member Taylor: Yeah.

Chairman McNulty: Yeah.

Board Member Taylor: So it's just...I think it's just these two sides. And not any or all of this one. You just catch the corner of that.

Chairman McNulty: Maybe a barn look. Could you get a pre-engineered building...

Mr. Henry: Like green?

Chairman McNulty: Is that what you're looking at, a pre-engineered building?

Mr. Henry: Yeah, I thought maybe two-toned. You know, four feet up different color just to break it up a little.

Chairman McNulty: Yeah, it's fine. What we're looking...We just don't want the industrial look.

Mr. Henry: Okay.

Chairman McNulty: So whatever you can do to make it blend in to a country look, if it's...If it's a two-toned color that blends. If it's a...

Mr. Henry: Do you want red?

Chairman McNulty: It's a vinyl sided...

Rich Williams: They're looking for a...Generally, everybody for years now, has been looking for a New England-y, country...

Mr. Henry: Okay.

Rich Williams: feel to the buildings that are going up.

Mr. Henry: I like that.

Chairman McNulty: What about the building across in Pawling, where the old Carroll Ford used to be?

Board Member Taylor: Exactly.

Chairman McNulty: That's metal skinned building, but it was done...

Mr. Henry: That looks like a barn.

Chairman McNulty: architecturally... You know the one I am talking about? It's across from the Town Crier.

Rich Williams: Across from the Town Crier?

Chairman McNulty: Yeah.

Board Member Montesano: Yeah.

Chairman McNulty: The old Carrell Ford.

Mr. Henry: He's like a builder.

Board Member Montesano: The old Ford building.

Mr. Henry: Barn builder.

Chairman McNulty: A barn builder...

Mr. Henry: Yeah.

Chairman McNulty: of some sort. You know the building? Can't place it?

Rich Williams: Yeah, no I do know it. It's a very attractive building. But I would never think that's metal skinned.

Ted Kozlowski: I think that's wood.

Rich Williams: I thought it was wood.

Chairman McNulty: I got to double check. I think it's metal.

Board Member Taylor: Well, but...

Ted Kozlowski: I think it's a wooden building.

Board Member Taylor: that's the look we're going for. Something like that.

Mr. Henry: Okay.

Board Member Taylor: In that category.

Chairman McNulty: We want it to fit...

Mr. Henry: I like red.

Chairman McNulty: the New England landscape.

Mr. Henry: Yeah.

Board Member Taylor: Yeah. Well, it doesn't have to be red. It can be brown, too.

Chairman McNulty: You know, New England but into the country. So if you can devise a plan that works for you that...

Board Member Montesano: No camouflage, please.

Chairman McNulty: It gets as much screening as we can from [Route] 22...

Mr. Henry: Okay.

Chairman McNulty: and fits into...Like we recent...Before I got on the Board, a cell tower went in and it went into an old silo. Or they built a silo around it?

Board Member Montesano: No. The silo was there.

Rich Williams: It was an existing silo.

Chairman McNulty: It was a perfect cover for a cell tower. You don't even know it's there. So, that's the kind of thing we're looking to do is keep it as rural as possible.

Board Member Montesano: (Inaudible).

Mr. Henry: You think red and white siding?

Chairman McNulty: Red and white. Even green with white.

Mr. Henry: Green and white.

Chairman McNulty: There's green barns.

Board Member Taylor: Yeah. There're brown barns or yellow barns.

Chairman McNulty: Yeah.

Board Member Montesano: Too...

Chairman McNulty: Not yellow.

Rich Williams: Color's an important consideration, but it's not the only consideration.

Chairman McNulty: Yeah.

Rich Williams: Because I can show you a forest green water tower...

Mr. Henry: Yeah, I think if...

Rich Williams: that really isn't...

Board Member Montesano: Up on (inaudible).

Chairman McNulty: No, like your shirt though. That's a good green.

Mr. Henry: Yeah. Dark green. Blend in.

Chairman McNulty: Yeah.

Board Member Taylor: Yup.

Board Member Brady: I figured you'd be doing red. Aren't all your trucks red?

Mr. Henry: Right.

Chairman McNulty: Well, that's...

Board Member Montesano: Well, look. You get the red...

Board Member Brady: Candy apple red would look...

Board Member Montesano: and you get a British racing green and...

Ted Kozlowski: You're not gloss. You want...

Chairman McNulty: If you have an idea on the two-toned, if you have a... You know, we can't see what you're seeing.

Mr. Henry: Right.

Chairman McNulty: If you can give us a visual...

Mr. Henry: Okay.

Chairman McNulty: You know, something visual...

Mr. Henry: Sure.

Chairman McNulty: of what you want, it would help us all. So...

Mr. Henry: Yeah.

Chairman McNulty: That's where we're at with this. Rich, any other... We just have our site walk comments. You know, and then we have zoning which is a different thing. Anybody else have anything for Bill?

Board Member Taylor: Nope.

Chairman McNulty: You have an idea of what we're looking for.

Mr. Henry: Sure.

Chairman McNulty: Okay.

Rich Williams: You're okay with the site walk comments?

Chairman McNulty: I really... I just kind of briefly looked at them. But I don't see anything jumping out at me.

Board Member Taylor: Do we want to consider an area variance? To tell the architect that he can factor that in when he's moving the building backwards?

Chairman McNulty: Well, we just want to move it up to that 50' setback I think.

Board Member Taylor: Well, that's not a variance then.

Rich Williams: No, that's not a variance...

Chairman McNulty: No, it's not a variance.

Rich Williams: if you move it up to the 50' setback.

Board Member Taylor: And then we'll see from there. Now, can they move...

Rich Williams: Now, you can ask and the ZBA can consider it and the applicant can go if he is so willing, but you can't require it. You can ask.

Board Member Taylor: No, I'm not saying require it. I'm just saying let the engineer know that he's got that as an option.

Rich Williams: That you would give a very favorable recommendation.

Board Member Taylor: Yeah.

Board Member Brady: To move it back further.

Rich Williams: Yeah, that's fine.

Chairman McNulty: And then the other thing is I think you noted about noting the trees on the plan.

Rich Williams: Yeah. That was... That would...

Chairman McNulty: That would help us visualize, too.

Rich Williams: really what I wanted to know, if you wanted the trees actually shown on the plan.

Chairman McNulty: Yeah, have your engineer look at...If he could note what's staying and what's going.

Mr. Henry: Okay.

Chairman McNulty: That would help us visualize, you know, how much screening is left.

Rich Williams: But limit...Because there's a cost of putting these trees on a plan.

Chairman McNulty: Yeah, I know.

Rich Williams: So we're just talking about the big sugar maples in the front.

Mr. Henry: Right.

Chairman McNulty: The [Route] 22...

Ted Kozlowski: And the red cedar.

Mr. Henry: Yeah, I think that one was going to stay.

Chairman McNulty: How about we have it...

Ted Kozlowski: The red cedar?

Chairman McNulty: How about we have it...

Rich Williams: And one red cedar.

Chairman McNulty: the trees that we think would...The trees tagged that would have to be removed. That...

Board Member Montesano: Is that like a black walnut?

Chairman McNulty: It's just to note the trees that would have to be removed to make the stormwater and the sewage treatment work.

Rich Williams: Well what he would do is he would show the trees and then he would show the features that are going to affect the trees so you would know there's a tree in the middle of the infiltration pit and so it's going to be removed.

Chairman McNulty: That's what I'm saying. Do we need to plot every tree? Or just the ones that are going to be...

Rich Williams: Well, that's where I'm trying to guide you.

Chairman McNulty: Yeah.

Rich Williams: You're really just focused on the stand of sugar maples in the front.

Chairman McNulty: Mmhhh.

Rich Williams: Right? They're about three deep, I think.

Chairman McNulty: And the pines on the side?

Rich Williams: And that's the second question: Is do you want the pines on the sides? But you don't want every tree.

Chairman McNulty: Yeah. Okay.

Mr. Henry: Okay. Just the ones I'm going to cut.

Chairman McNulty: Well, no. The...Let's go with the sugar maples and indicate the pines you're going to cut.

Mr. Henry: Okay.

Ted Kozlowski: And the red cedar.

Chairman McNulty: Does that work?

Rich Williams: And the red cedar.

Mr. Henry: And the red cedar.

Chairman McNulty: What, do you want that?

Ted Kozlowski: It's an evergreen it's part...

Mr. Henry: It's big.

Ted Kozlowski: It's helping with the...It's helping with the visual aesthetics.

Chairman McNulty: Okay, do we...

Ted Kozlowski: And Bill Henry will agree, it's very healthy.

Mr. Henry: It is. Alright.

Board Member Montesano: But it makes such a nice chest.

Rich Williams: Does it have a little fungus on it yet?

Mr. Henry: What's that?

Rich Williams: Has it got the little fungus on it yet?

Mr. Henry: I didn't see any.

Rich Williams: I used to love that little fungus.

Mr. Henry: Actually, I wasn't looking. Now, can I keep that fill on the site that I'm going to take out of the back and put it up front?

Rich Williams: Maybe.

Mr. Henry: Maybe.

[Laughter]

Mr. Henry: Depending on how much...

Rich Williams: Usually your engineer is going to design a balanced cut and fill...

Mr. Henry: Okay.

Rich Williams: so that the amount...

Mr. Henry: I think he had me remove it...

Rich Williams: he's taken out... I think he has...

Mr. Henry: I want to try to keep it, honestly.

Board Member Ladau: I'll check with Mr. Levine.

[Laughter]

Chairman McNulty: How much cut do you think you have? Doesn't it...

Board Member Brady: He could use some.

Mr. Henry: It depends now that I'm moving it, I don't know.

Ron Gainer: Yeah, moving it back you're going to cut down on the amount of material you got to move.

Mr. Henry: Yeah. It goes more up a hill.

Rich Williams: Well, if the...Again, it all depends on whether he's raising the finished floor elevation...

Mr. Henry: Right.

Rich Williams: or he's lowering it or trying to...

Ron Gainer: Yeah, he should be raising, right.

Rich Williams: So...But John's...

Chairman McNulty: Yeah.

Rich Williams: John's going to try to keep you with a balanced cut and fill. He's also going to try to keep you under an acre of disturbance...

Mr. Henry: Right.

Rich Williams: so that you don't have to...

Mr. Henry: Right.

Rich Williams: do all sorts of crazy stormwater stuff. So that's going to influence whether you keep the fill on site.

Mr. Henry: Okay.

Chairman McNulty: If I remember, the top of the site seemed fairly level. I mean, it's sloped down...

Mr. Henry: It's pretty level.

Chairman McNulty: but it's not too bad.

Ron Gainer: Right.

Chairman McNulty: Yeah.

Board Member Brady: No. And especially if you're moving back.

Chairman McNulty: Yeah.

Ron Gainer: That's what I'm saying.

Mr. Henry: Actually...Actually, that first 50' and then it drops off a little.

Chairman McNulty: Yeah. Okay.

Mr. Henry: Alright.

Chairman McNulty: So you know what to go back to John with?

Mr. Henry: I will talk to John.

Chairman McNulty: Okay.

Mr. Henry: And I'll try to get some ideas of building...

Chairman McNulty: If you can give us some kind of visuals of what you're looking to do.

Mr. Henry: Okay.

Chairman McNulty: We can take it from there. But take a look. Now, I can't remember if that building's metal up on [Route] 22. I think it is.

Board Member Montesano: Well, you want to run up and go take a look.

Chairman McNulty: I'm going to check it after the meeting.

Rich Williams: Really?

Chairman McNulty: Yeah.

Board Member Taylor: Yeah, with your flashlight.

Board Member Brady: Dink, dink, dink, dink.

Chairman McNulty: Stop at Darryl's [House] on the way.
[Laughter]

Board Member Montesano: I was wondering. There had to be a reason to go.

Rich Williams: No, no, no, no, no. Don't say anything to him. I'm going to work a deal out with him later.

Board Member Montesano: Uh-oh.

Chairman McNulty: I can't go there.

Ron Gainer: You got to make a bet.

Rich Williams: No.

Ron Gainer: You want to make a bet, go ahead. Win a bet.

Chairman McNulty: I don't know.

Ted Kozlowski: I'm pretty sure it's wood, Tom.

Chairman McNulty: I...We're going to find out.

Ron Gainer: He's pole barn builder.

Board Member Montesano: Bill, why don't you run up there...

Chairman McNulty: Yeah, I know it's a pole barn.

Board Member Montesano: and take a look at the building. Come back with a splinter or a...

Ted Kozlowski: It's a beautiful building.

Board Member Montesano: piece of metal please, so we can have him...

Ted Kozlowski: What is...Is that a commercial? Is it...What is that?

Chairman McNulty: He's a...

Rich Williams: It's a commercial. I have no idea.

Chairman McNulty: He's a pole barn builder.

Rich Williams: Is that what he does?

Ron Gainer: Well that's what he's advertising.

Chairman McNulty: That's what that guy is.

Ron Gainer: He's selling pole barn.

Chairman McNulty: That's what he does.

Ted Kozlowski: Is that what it is?

Ron Gainer: (Inaudible – too many talking) up on the hill. Yeah.

Chairman McNulty: Yeah.

Ted Kozlowski: It's a beautiful building.

Mr. Henry: Yeah.

Chairman McNulty: So...

Ron Gainer: He'll sell...

Chairman McNulty: Alright, you're good Bill?

Ron Gainer: million dollar barns.

Mr. Henry: Yup.

Chairman McNulty: Alright. Thanks for coming in.

Mr. Henry: Thank you.

Board Member Taylor: Okay.

Chairman McNulty: Okay.

Ted Kozlowski: See you, Bill.

Mr. Henry: Have a good night.

Board Member Taylor: Good night.

Chairman McNulty: Alright, so we're going to go back to our agenda.

Ted Kozlowski: See you soon. See you later.

5) Patrick O'Mara & Lost Lake - Lot Line Adjustment

Chairman McNulty: Which is Patrick O'Mara, Lost Lake.

Board Member Montesano: Do I have to go through this?

Chairman McNulty: Now Rich, I looked at this last night...

Board Member Montesano: I'm going to recuse myself.

Chairman McNulty: It looks like there was a little bump out...

Board Member Montesano: I'm afraid Burt will cut my toes off when I go to see him.

Chairman McNulty: from Lost Lake that came up to O'Mara's property...

Rich Williams: Correct.

Chairman McNulty: and Anna's Limousine or Patrick O'Mara covered that section in for parking.

Rich Williams: Yes. At some point, they brought fill in and extended the parking lot onto Lost Lake property. When Lost Lake was doing their survey unrelated to this, they discovered the property...

Chairman McNulty: That little bump was gone.

Rich Williams: Yeah. And as a result, there was negotiations between Lost Lake and Mr. O'Mara and there is a lot line being proposed and Mr. O'Mara's using it anyway.

Board Member Montesano: I'm going to recuse myself from Mr. O'Mara.

Rich Williams: Okay.

Board Member Montesano: Because his brother is going to cut my toes of if I make his brother (inaudible). His brother is a podiatrist that I go to.

Board Member Taylor: Oh, okay.

Rich Williams: Okay.

Board Member Montesano: I don't know...

Chairman McNulty: So you're going to recuse yourself, Mike?

Board Member Montesano: I don't know. I...If Mike was here, I'd find out. But...

Rich Williams: I don't think that rises to the threshold.

Chairman McNulty: Yeah. I don't think it's that big a deal.

Board Member Montesano: Well, you never saw him with a scalpel.

Rich Williams: But, listen, I would be very concerned with my toes.

Board Member Ladau: All eleven of them.

Board Member Montesano: I mean, I've seen him operate.

Chairman McNulty: Have you looked at this yet, Ron?

Board Member Taylor: Yeah.

Board Member Montesano: No. I've got twelve: I've got six on each foot.

[Laughter]

Board Member Taylor: I don't see...

Board Member Montesano: I'll standby. So...

Board Member Ladau: Or seven and five as the case may be.

Chairman McNulty: This little bump out...

Board Member Taylor: Yeah. Yeah.

Chairman McNulty: got covered in.

Board Member Montesano: With him? I'd believe it.

Chairman McNulty: This is the O'Mara property.

Board Member Taylor: Yup.

Chairman McNulty: This is Lost Lake.

Board Member Taylor: Mmhmm.

Chairman McNulty: And now this...

Board Member Taylor: Yup.

Chairman McNulty: where it used to be, and now...So...

Board Member Taylor: I understand.

Chairman McNulty: O'Mara is looking to take this over in the lot line adjustment.

Rich Williams: Right.

Chairman McNulty: It becomes part of his lot.

Rich Williams: Correct.

Chairman McNulty: Is there an involvement with Anna's [Limousine] in this? Is that...

Rich Williams: No.

Chairman McNulty: It's out of the picture. Okay.

Board Member Taylor: Do you want me to turn it up so you can see? You see what's going on?

Chairman McNulty: Did you...You write a review on this? I didn't...

Board Member Brady: Sure. I was looking at this yellow. But let's...

Chairman McNulty: Yeah, I didn't get a chance to look at it.

Ted Kozlowski: I don't know if this is...matters, but...

Board Member Taylor: Yeah, he was...

Ted Kozlowski: you know, that borders right on top of that wetland.

Board Member Taylor: This was the original property.

Board Member Brady: Right.

Board Member Taylor: He decided to...

Rich Williams: Yup.

Board Member Taylor: fill in to the other property...

Board Member Montesano: He's been that way for a long time.

Chairman McNulty: So is there a wetlands application also needed?

Board Member Taylor: line, even though it wasn't his property.

Board Member Brady: You mean (inaudible – too many talking).

Board Member Taylor: Well, he put a parking lot up.

Chairman McNulty: In existing conditions.

Rich Williams: Listen, it's been done for 15 years.

Board Member Taylor: So that it lines up with the other properties.

Chairman McNulty: Yeah.

Board Member Taylor: So...

Board Member Ladau: Oh, well.

Ted Kozlowski: But I think...

Board Member Brady: You can't make this stuff up. That's what he did, huh?

Ted Kozlowski: Is he coming before the Board, Rich?

Rich Williams: What?

Ted Kozlowski: Is he coming before the Board next week for this?

Board Member Montesano: This is the fun of it all.

Board Member Brady: Yeah.

Rich Williams: I would think he's coming in.

Ted Kozlowski: I think he should be reminded that when he bought they went...

Board Member Taylor: I don't think he put any fill...

Board Member Montesano: It will only make things (inaudible – too many talking)

Board Member Taylor: And then the neighbor caught it and says okay, you got to...

Chairman McNulty: That's why I'm questioning procedurally...

Board Member Taylor: You want the land? You can have the land.

Board Member Brady: Now he's got to buy it.

Board Member Taylor: Yeah. So...

Rich Williams: The problem is the Lost Lake is an R-4 zoning district while O'Mara's is a GB zoning district. Essentially, he's built in an R-4 to extend his parking lot back. So in addition to the lot line adjustment, I think the easiest path is the Town is then going to have to undertake a change in the zoning to put the parking in the GB zoning district. And then the question is whether the Board wants Mr. O'Mara then to submit a site plan showing the additional parking that he's now put in.

Chairman McNulty: You got to step back because it just got really...I thought this was easy.

Board Member Brady: Yeah.

Board Member Ladau: Yeah.

Chairman McNulty: And it just got real complicated.

[Laughter]

Board Member Montesano: Nothing he's done has ever been easy.

Board Member Taylor: No, his other...

Rich Williams: Let's start with the...

Ted Kozlowski: And he probably would have needed a wetlands permit to fill that in.

Rich Williams: Did you find the review memo?

Chairman McNulty: No.

Board Member Taylor: Yes.

Rich Williams: Let's start there.

Chairman McNulty: I got it.

Rich Williams: You got it?

Chairman McNulty: I got it.

Rich Williams: Okay. So, where this gets a little complicated, I mean, you know, we've gone through the plan. There's some deficiencies in the plan which the surveyor needs to address. I don't think the deficiencies are very critical; they can be easily addressed. But where this gets complicated is Lost Lake property is in an R-4 zoning district. Mr. O'Mara's property is in the GB zoning district. Essentially what Mr. O'Mara did was to extend his parking...

Board Member Brady: Into the R-4.

Rich Williams: for a commercial site into the R-4 zoning district. So, to finish cleaning all of this up, I think what we need to do is to change the zoning so that Mr. O'Mara's additional property now is in the GB zoning district, so that he can have a commercial use of the parking lot. Because he does need the parking. If you see...If you go back to 1988 when Randy Laurent and Anne Laurent put the addition on the building and expanded the building and look at the parking scenario...

Chairman McNulty: I'm familiar with the parking.

Rich Williams: that was some parking scenario, I'll tell you that.

Chairman McNulty: I'm familiar with it being a customer of Harry's.

Board Member Brady: What is the building? What is it?

Rich Williams: It's an office building.

Board Member Brady: Oh.

Board Member Taylor: Now are the four properties...

Rich Williams: So...

Board Member Taylor: on either side of it also GB?

Rich Williams: Yes.

Ted Kozlowski: You know, you have to clean that up because that's a way of getting around the zoning. You have to...

Chairman McNulty: I would have though the lot line adjustment automatically adjusts the zoning.

Rich Williams: It does not.

Chairman McNulty: So naïve with this stuff.

Board Member Taylor: Yeah, well it makes sense...

Rich Williams: So...

Board Member Ladau: Yeah.

Board Member Taylor: to change the zoning anyway because the other properties extend back that far.

Rich Williams: But there were...When we redid the zoning in 2005, we changed the method of where the zoning lines were. Prior to 2005, they were generally a distance off of the road; 500 feet off of the road. A thousand feet off of the road. And then the question became was it the center of the road? Was it the edge of the traveled way? Was it the edge of the right-of-way?

Board Member Ladau: Yeah.

Rich Williams: You know, it was somewhat confusing. We always said it was the edge of the right-of-way, but people would argue different. We made it go coterminous... Yeah, coterminous with property lines...

Board Member Taylor: Okay.

Rich Williams: so that a person's whole property was, now that made a very jagged line which is easy to do in GIS, but you know, it made for a very jagged line.

Board Member Taylor: Right.

Rich Williams: The whole property was then in that zoning district.

Board Member Taylor: Yeah.

Rich Williams: So there was no more cutting through except for a few exceptions. So, what's before you right now, we're making this very long winded, what's before you right now is a lot line adjustment. It's fairly straight forward. There are some minor corrections that need to be made to the application and the plat.

Chairman McNulty: Do we need a site inspection? I see it on our...

Rich Williams: That's...

Chairman McNulty: I'm familiar with the site so I can picture it in my head. I know what's going on.

Board Member Brady: I'll take a drive over. I don't, you know, it's just, you know...

Rich Williams: And I think you may have other opportunities because as I said, if he's going to, you know, he's extended his parking lot without getting his site plan approval, now he needs site plan approval for this.

Chairman McNulty: So procedurally, we would make the lot line adjustment and then ask him to come in for a site plan amendment?

Rich Williams: Correct.

Board Member Brady: And then he would have to go for the zoning change?

Rich Williams: No... Well, somewhere before he comes in or while he's in, we're going to have to do the zoning change.

Board Member Brady: Okay, so they both basically have to be done at the same time.

Rich Williams: Yeah.

Board Member Ladau: Yeah.

Board Member Brady: Okay.

Rich Williams: Yeah.

Chairman McNulty: He's aware of this?

Rich Williams: Huh?

Chairman McNulty: Is Mr. O'Mara aware of this yet?

Rich Williams: Nope.

Chairman McNulty: No. Okay.

Board Member Brady: He will be.

Rich Williams: It's like a birthday.

Chairman McNulty: What happens if he says, well I'm not going to do this. Just leave it the way it is.

Board Member Taylor: He's going to deal with Lost Lake.

Rich Williams: Talk to Bob [McCarthy].

Chairman McNulty: And then he's got to deal with Lost Lake.

Rich Williams: Talk to Bob. Bob will be happy to meet somebody new.

[Laughter]

Board Member Montesano: Is he going to put a sign on it?

Chairman McNulty: I hate to be laughing at that but...

Board Member Taylor: Well...

Chairman McNulty: Okay.

Board Member Taylor: So can we just proceed with it now?

Rich Williams: I'd rather have him in so we can have a conversation with him.

Board Member Taylor: Okay.

Chairman McNulty: Yeah. And there's SEQRA.

Board Member Montesano: Then we can have a good laugh.

Chairman McNulty: And a public hearing is required for this lot line? Or we can waive that?

Rich Williams: No, there's no public hearing required.

Chairman McNulty: It's on your list. I am in the right review, right?

Rich Williams:
Sarah did the review. On last thing I want you to be aware of, the review that you're looking at,

Chairman McNulty: Nice job, Sarah.

The Secretary: Thank you.

Board Member Taylor: For just this one or all of them?

Rich Williams: Just this one.

The Secretary: Just this one.

Chairman McNulty: Getting warmed up, are you?

Board Member Montesano: A-ha.

Chairman McNulty:
Harry might be in with him. Okay. Alright, so we'll talk to Mr. O'Mara. You expect him in. I guess

Rich Williams: No.

Chairman McNulty: Well, it says Harry Nichols for engineer [referring to the application].

Rich Williams: Yeah, I don't know why that's on there. David O'Dell is the one that's been doing this.

Chairman McNulty: Okay, I've got to review this memo. Okay. Any other comments?

Board Member Taylor: Nope.

Board Member Brady: Nope.

6) NYS Solar Farm, Inc (Putnam Lake Fire Department) – Site Plan Waiver

Chairman McNulty: We'll move on to New York Solar Farm. It looks like we have a site plan application for a waiver to install solar panels on the Putnam Lake Fire Department roof.

Rich Williams: Correct.

Chairman McNulty: Looks like it.

Board Member Montesano: (Inaudible) Pennsylvania?

Chairman McNulty: Well, it's got a New York stamp on it.

Board Member Montesano: That's okay. They've got a beautiful manmade lake out there.

Chairman McNulty: Okay, I took a quick look at this. This building permit application, actually, it looks like a pretty complete plan. Again Rich, I didn't see your memo on this. You did a review? You didn't do a...

Rich Williams: I did not do a review on this.

Chairman McNulty: No. It's just...

Rich Williams: There isn't a lot. It's...It basically comes down to this, that the applicant, Putnam Lake Fire Department, is seeking to put solar panels on top of their roof. There's an architectural impact to that. The Board, as the default architectural board through your authority to grant site plan approval, is obligated to take a look to make sure that the visual impact is reasonable, appropriate and not excessive. My opinion is that it is...Solar panels are something that we definitely want to encourage within the Town.

Board Member Ladau: Yeah.

Rich Williams: And there is a visual impact to doing this on the fire department but it doesn't outweigh the benefits of both fire department and the reduced energy and the community because we are actually...

Chairman McNulty: Yeah.

Rich Williams: paying those energy costs.

Chairman McNulty: And I don't think it points at any one residence at all. And they...

Rich Williams: It points at...

Chairman McNulty: reflect up, so...

Rich Williams: It points at no residences.

Chairman McNulty: Yeah.

Rich Williams: It's all facing the commercial side of the lake.

Board Member Brady: Yeah, they're all flat. They lay them flat usually. They don't...They're not...

Board Member Ladau: No.

Board Member Brady: like built up on an angle. They're usually flat.

Board Member Ladau: But it's (inaudible).

Chairman McNulty: Well, no. They'll be angled with the roof.

Board Member Brady: Very...

Chairman McNulty: If you look at the mountings.

Board Member Brady: Well, that's flat roof isn't it?

Ron Gainer: You're laying (inaudible – too many talking).

Rich Williams: No. It's not.

Board Member Ladau: No.

Board Member Brady: Oh, it's not?

Board Member Ladau: It's a pitched roof.

Ron Gainer: Right on the line of the roof.

Chairman McNulty: The line...Whatever the slope of the roof is...

Rich Williams: Right.

Board Member Brady: Yeah, right. I thought it was a flat roof.

Chairman McNulty: No.

Board Member Brady: That's why I thought it might be laying flat.

Board Member Taylor: No. It's a gabled roof.

Rich Williams: And, you know, the problem regardless of whether they're flat, at certain angles there will be glare. There will be, you know...

Chairman McNulty: I don't think that's going to be a...

Rich Williams: some sun kicking back.

Chairman McNulty: unless you're way up on Fairfield Drive coming down the hill maybe or something. Who knows?

Rich Williams: No. You've got to be over in Lost Lake.

Chairman McNulty: Okay.

Ron Gainer: Yeah, you can't really see it.

Chairman McNulty: Yeah.

Ron Gainer: Unless you're (inaudible).

Chairman McNulty: Yeah, it's kind of a tough thing to...

Rich Williams: And Lost Lake does drop down considerably, so nobody's going to be visually impacted.

Chairman McNulty: Is this something if we're all comfortable...

Board Member Montesano: We'll all have a view on it.

Chairman McNulty: act on this tonight?

Board Member Ladau: Yeah.

Rich Williams: Are you comfortable?

Board Member Taylor: Well, I just...

Board Member Ladau: Yeah, absolutely.

Board Member Montesano: Maybe a low flying plane.

Chairman McNulty: Questions?

Board Member Taylor: I'd just like to make a comment that if we're reviewing this for architectural reasons, what they've submitted to us is inadequate. It's got nothing to do with the architecture. We would need to see them on the slope and some kind of a rendering with angles to see whether they're going to reflect somewhere. No in this case we can say to ourselves it's not going to affect anybody. But just in the future, I think we need to say to people, look I don't care what the bolts are that are attaching them to the roof.

Rich Williams: Right. But they do have architectural things and they're showing the panels on the roof.

Board Member Brady: Yeah.

Rich Williams: So you have an idea of where the panels are going.

Board Member Taylor: Yeah. But it's not in terms of the aesthetics of it...

Chairman McNulty: It's not a rendering. It's not an elevation.

Board Member Taylor: We're talking about the aesthetics of it.

Rich Williams: Mhmm.

Board Member Taylor: There's nothing here to show us the aesthetics of it. That's all I... You know, we could imagine it for this buildings, but for other buildings and...

Board Member Ladau: The panels that I'm familiar with have relatively minimal glare.

Chairman McNulty: They have somewhat of a matte surface.

Board Member Ladau: Yeah.

Chairman McNulty: They're not totally matte. It's not like the greenhouses out on East Branch [Road].

Rich Williams: Absolutely.

Chairman McNulty: But it's...

Board Member Ladau: Yeah, it's... It's pretty benign.

Chairman McNulty: I've passed many. I've never been affected by a glare, so...

Board Member Ladau: Yeah.

Board Member Taylor: So you don't get when the sun is going down it's not going to shine off and hit somebody on the hillside above.

Board Member Ladau: No.

Chairman McNulty: On a low angle.

Board Member Ladau: Because...

Chairman McNulty: I don't think it's that... It's somewhat reflective. I don't know. How are the ones out here on the...

Board Member Ladau: Again, I'm...

Chairman McNulty: the landfill? Are they reflective?

Board Member Ladau: thinking of the panels that I'm familiar with are quite matte finished. They don't glare and they don't... there's not that...

Rich Williams: There's not a...

Board Member Ladau: that bounce that you're talking about.

Rich Williams: Listen, I will give you there's not a mirrored finish.

Board Member Ladau: No.

Rich Williams: But there is a finish that, you know, will catch sunlight.

Board Member Brady: Right.

Rich Williams: And if you've got something like we have at the landfill, if you're at the right angle with that many solar panels, you know, you're going to catch a little glare. I don't think it's...I don't think it's terribly intrusive to the community.

Board Member Ladau: Yeah, I...I mean, I haven't stood next to a bunch of solar panels to check the angle of the sun and, you know, whether there's bounce or not. But I can't say that I've ever experienced anything that really jumps out at you.

Board Member Montesano: The only time...It's not like you're sitting behind the car in front of you who's reflecting the sunlight...

Chairman McNulty: Yeah, it's not.

Board Member Ladau: Yeah.

Board Member Montesano: off his chrome and...

Chairman McNulty: Well, I'm comfortable to move forward with the waiver. I guess we would have to do SEQRA?

Rich Williams: No.

Chairman McNulty: No?

Board Member Montesano: It's only going on one side of the roof.

Board Member Taylor: No. Two.

Chairman McNulty: Two-sided.

Board Member Brady: Two-sided.

Board Member Ladau: Two sides.

Board Member Montesano: Going on...

Board Member Taylor: Going on the shed.

Board Member Montesano: What I'm worried about the other...the backside of the firehouse; that guy that's up on the hill.

Board Member Taylor: Well, it's not going on the backside.

Rich Williams: Well, there's a lot of guys up on the hill.

Board Member Montesano: Yeah, but...

Rich Williams: But you are absolutely correct. It is only going on the southwest side...

Board Member Ladau: Yeah.

Rich Williams: and the...

Chairman McNulty: Oh, I thought it was the other side.

Rich Williams: There's a little side roof that it's going on.

Board Member Taylor: So it's going on the shed.

Rich Williams: But they're basically all on the same side.

Board Member Montesano: Alright.

Ron Gainer: It faces Fairfield [Drive] and Haviland [Drive].

Board Member Montesano: Okay.

Rich Williams: Yeah. Correct.

Board Member Montesano: Yeah, that's what I'm looking at. And I got to see if it's on the backside of it. Okay. That's all I was...

Chairman McNulty: Okay.

Board Member Montesano: Done by me.

Chairman McNulty: I'll make a motion for the Putnam Lake Fire Department to grant site plan waiver for the solar panels as proposed and with the attached documentation in their application.

Board Member Montesano: Second.

Chairman McNulty: All in favor? *Motion carried by a vote of 5 to 0.*

7) Carino Holdings, LLC – Site Plan Application

Chairman McNulty: Okay. Carino Holdings, LLC is next on our list.

Rich Williams: This is a commercial site off of...

Chairman McNulty: Fair Street.

Rich Williams: Commerce Drive.

Chairman McNulty: Alright. Off there.

Rich Williams: Off of Fair Street. It's the third property on the left as you're going on Commerce Drive. You have White Birch Realty, which also has an application in here. You have then Eurostyle Marble and then you have this site.

Chairman McNulty: Is this Pete Monteleone's site?

Rich Williams: No. He has sold it off.

Chairman McNulty: Okay, because he...It looks like this is a wetlands in here. Didn't we look at this a couple of years back?

Rich Williams: Yes you did. There is a wet...an extensive wetlands in the center of the site. We have a general contractor looking to come in and build a contractor's yard.

Chairman McNulty: And I just briefly looked at your review comments.

Board Member Brady: And saw he...In there, he's saying he's putting just a construction trailer in?

Rich Williams: No.

Board Member Brady: It said...

Rich Williams: No, he's putting up a 6,000 square foot building.

Board Member Brady: But in...

Board Member Ladau: That's a big trailer.

Board Member Brady: some of the stuff I was reading, it's a construction trailer it was saying. Now I've got to find it, but...

Rich Williams: In my memo or their memo?

Ron Gainer: I think you should be asking for architectural on that building.

Chairman McNulty: Well, we have on the other buildings that have come before us up there.

Ron Gainer: I would think you'd want to.

Chairman McNulty: Rich, I did briefly look at your memo earlier and b., under zoning, it says the current zoning table shows the height will be greater than 35'.

Rich Williams: Yeah, I think that's just a typo on the architect's part. Do you see it there?

Chairman McNulty: It's on your memo.

Rich Williams: Yeah.

Chairman McNulty: Oh.

Rich Williams: Do you see where he has it?

Chairman McNulty: Thirty-five feet, greater than 35'. Oh, I got you.

Board Member Ladau: No, less than...

Rich Williams: Right.

Chairman McNulty: I wasn't sure what you meant here by the zoning table.

Rich Williams: I think it's just a typo.

Chairman McNulty: Okay.

Ron Gainer: Yeah. It's got to be a typo.

Chairman McNulty: I was...I didn't know you were referring to the plan there.

Board Member Taylor: Or he doesn't understand the symbol.

Chairman McNulty: Yeah.

Rich Williams: Listen, it's a very confusing symbol. We all make that mistake.

Board Member Ladau: Yeah.

Board Member Taylor: Especially if it's sitting by itself instead of with another number next to it.

Board Member Brady: Oh, construction office. I was looking at it that that's a construction trailer and I'm like, what? And then I look at the drawing and I'm like what? Hell of a big trailer.

Board Member Ladau: It's double wide.

Board Member Brady: Yeah.

[Laughter]

Board Member Taylor: I looked that the EAF, I don't see any problems.

Board Member Montesano: It's actually four 40-footers packed together.

[Laughter]

Board Member Brady: I actually had the...

Chairman McNulty: The DEC mapper you went...Oh no, the EAF. The EAF, I didn't see any problem with it either.

- Board Member Brady: I'm not sure where this actually lays out, but is...This is as you go in...It's not all the way to the back of that property, that road.
- Board Member Taylor: No, there's...
- Rich Williams: No, it's not at the end of the cul-de-sac, no.
- Board Member Brady: Where the iron guy was going to be.
- Rich Williams: No.
- Board Member Brady: Okay. Because it said is there any adjoining property subject to remediation or ongoing completed for hazardous waste. And that was...there's that dump back there or something, you know.
- Chairman McNulty: Is this up against that property that was once a landfill on the one edge?
- Rich Williams: No.
- Board Member Taylor: There was one...
- Ron Gainer: No.
- Chairman McNulty: So there is one more lot in between there.
- Board Member Taylor: Yeah.
- Rich Williams: Yes.
- Board Member Taylor: And that one's even more challenged, right?
- Rich Williams: Yes.
- Board Member Brady: But isn't...Number 14, Identify the typical habitat types that occur on or are likely to be found on the project site. Check all that apply. Isn't it...This is...Part of this is a wetland.
- Board Member Taylor: Yes. He should have checked it.
- Rich Williams: Correct.
- Board Member Brady: So...
- Rich Williams: And we've got an extensive report on the wetlands. I have to get Teddy a copy so he could take a look at it.
- Ted Kozlowski: But this is not Pete Monteleone anymore so I can be...
- Rich Williams: No it is not.
- Ted Kozlowski: involved.

Rich Williams: Yes.

Board Member Taylor: You're actually reading it. Very good.

Chairman McNulty: So is this wetlands actually marked, you think, Rich?

Board Member Brady: Huh?

Rich Williams: Huh?

Board Member Taylor: You're reading it. Very good.

Chairman McNulty: The wetlands, is it pretty accurate the way it's marked.

Rich Williams: Yes.

Board Member Brady: Yeah, I did. I read it. I, you know...

Board Member Taylor: Yeah, you did.

Board Member Brady: I've got time.

Ted Kozlowski: Rich, was this the pond. There was a pond there at one time.

Rich Williams: There is a small pond...

Board Member Taylor: Yeah.

Rich Williams: in the center of this. Yes.

Ted Kozlowski: In the center of it.

Rich Williams: Yeah.

Ted Kozlowski: And somebody had it once before and left, right?

Rich Williams: Yeah. Ray Liotta.

Ted Kozlowski: Liotta. That's it. Okay. So this is the Liotta site?

Rich Williams: Yes.

Board Member Brady: And also, six...13(b) would the proposed action physically alter, encroach in to any existing wetland or waterbody. He put down no. Doesn't it encroach into the wetland?

Chairman McNulty: But it said...

Rich Williams: The disturbance to the wetlands has already been created many, many years ago. This current plan, while affecting buffer area, doesn't actually affect anything in the wetland area.

Ted Kozlowski: He's on the pond.

Board Member Brady: Okay.

Chairman McNulty: I think we're going to want to do a site walk on this one.

Rich Williams: Really?

Chairman McNulty: Yeah.

[Laughter]

Chairman McNulty: He's killing us, isn't he?

Ron Gainer: I don't know what he's doing over there. I don't know.

Chairman McNulty: He's having fun.

Ted Kozlowski: Where was he before this meeting? That's what I want to know.

Ron Gainer: He came in late.

Chairman McNulty: Okay.

Ted Kozlowski: Were they serving something?

Rich Williams: I was visiting my good friend Jack Walsh.

Ron Gainer: There you go.

Board Member Brady: How is he these days?

Rich Williams: He's doing fine.

Chairman McNulty: He's a good guy. Rich, any big...

Ted Kozlowski: Rich, the culvert from the pond under the road, the gravel drive...

Rich Williams: It's existing. They're not proposing it.

Ted Kozlowski: It's existing. They're not...

Rich Williams: Yeah. They're not proposing...

Ted Kozlowski: changing anything with that?

Rich Williams: to touch it. The only thing they're going to do is put those infiltration drains in, running up and down the side of the road. And I don't know that that's going to happen, but...

Ted Kozlowski: I would like to see some sort of vegetation along that wetland line. Something established so it doesn't become...

Chairman McNulty: Is there nothing established now?

Board Member Taylor: It's not showing...

Ted Kozlowski: I haven't been out there so I don't know. I'd like to go see it. So...

Board Member Taylor: Do we...Don't...

Rich Williams: Then we should do a site walk.

Board Member Taylor: Don't we need a...
[Laughter]

Ted Kozlowski: Good.

Ron Gainer: He's a contractor, so you're going to want to understand if he's putting equipment outside.

Board Member Taylor: Yeah, I think we need a fence.

Ron Gainer: Contractors are big (inaudible).

Board Member Taylor: We've done this before.

Ted Kozlowski: Yeah, I think the wetlands...

Chairman McNulty: Down along the border.

Board Member Taylor: Yeah.

Ted Kozlowski: I think there should be some sort of...

Board Member Taylor: Can't intrude.

Ted Kozlowski: vegetative buffer.

Chairman McNulty: Now we got to see what it looks like up there.

Board Member Brady: Now, the road going in there, that's been an issue. Part of its collapsing or sinking and they never did a topcoat and...

Rich Williams: The main road.

Board Member Brady: Right.

Chairman McNulty: Yeah.

Rich Williams: The main road was originally set to be dedicated to the Town and that never occurred. And now it is deteriorating, you're absolutely correct. And there is no single entity responsible for doing the maintenance.

Board Member Brady: Who plows it now? Town?

Board Member Taylor: No.

Chairman McNulty: No.

Rich Williams: No.

Board Member Taylor: No.

Chairman McNulty: No, they...

Rich Williams: They can of take turns doing it themselves, working things out amongst themselves.

Board Member Brady: Well, don't we need to get that road addressed if they're we're going to...

Chairman McNulty: Well, I would encourage...

Board Member Brady: if we're going to develop anymore?

Chairman McNulty: I would encourage people to develop to get them in there and hope that they would take an interest to get their road...If we don't get anybody in there, then no one's going to do anything with the road.

Board Member Brady: Right, but I think that...I don't think you're going to get them to do anything afterwards, Tommy. I think it's...

Rich Williams: Is that...

Board Member Montesano: Why? Once it collapses...

Chairman McNulty: Well...

Rich Williams: A number of years ago...

Board Member Montesano: they won't be able to get into work.

Rich Williams: A number of years ago we had this conversation with M&S, and the time, it was decided the Town really wanted to do something before M&S went in and we pulled everybody into a room and...

Chairman McNulty: The owners of the properties?

Rich Williams: All the owners. All the property owners agreed that they wanted to do a maintenance agreement between themselves to ensure the future maintenance of the road. And we have never seen anything subsequent to that. So maybe we've got White Birch in, you're got Carino in...

Board Member Brady: Right.

Rich Williams: Maybe it's a good time...

Chairman McNulty: M&S, I think, you said bought that other property.

Rich Williams: M&S bought that other property.

Board Member Brady: That the...Up at the end on the right?

Chairman McNulty: Yup.

Rich Williams: They made an application...Yes. They made an application to amend it and we're still holding their check. They never came back.

Board Member Brady: Cash it.

Rich Williams: It's been several months. I don't know what they're doing.

Chairman McNulty: Yeah. So, but I think if we can get people in there, that gives more owners, gives a little more...I think we only had a couple...It was only what? Three owners at the time? Four owners? That...How many owners were involved? Do you remember?

Rich Williams: Huh?

Chairman McNulty: How many owners were involved with that meeting?

Ted Kozlowski: Yeah, he is.

Rich Williams: Five? Six?

Chairman McNulty: It was that many?

Board Member Montesano: Nobody's good at...

Ron Gainer: This goes back to Ed Healin thirty years ago.

Board Member Montesano: Oh, jeez.

Ron Gainer: Oh my god.

Rich Williams: Oh yeah.

Board Member Montesano: Now you really want to scrap things up.

Ron Gainer: Come on. It's...

- Chairman McNulty: Well, I think...
- Ron Gainer: It's been a mess.
- Chairman McNulty: Anybody that's going to invest up here and build, it's going to be to their interest to keep the road improved and if we can encourage...How is we, as a Town, encourage this formation of an association to take care of that road?
- Rich Williams: Last time, we threatened to take it over and that scared the hell of them.
[Laughter]
- Rich Williams: I'm just saying.
- Chairman McNulty: I mean, can we incur a fee that goes into escrow towards the improved maintenance of the road?
- Rich Williams: Well, we can. We can create a special improvement district...
- Ron Gainer: Right. You're going to a TID. Right.
- Rich Williams: which is where we were going. We create the special improvement district. We figure out what it's going to cost to put the road in proper working condition, and then we assess that against ever property owner. And at the end of the day, then we own the road when it's all complete. They didn't want us to do that. What they wanted was they were going to work amongst themselves and come up with an agreement, a maintenance agreement, and share responsibility for the road. Unfortunately, they never did the legal work to do that. So, and I've asked them...
- Chairman McNulty: Okay.
- Rich Williams: a couple of times and they just never did it.
- Chairman McNulty: Okay. Well we currently have, I guess, an open application with M&S, correct?
- Rich Williams: Yup.
- Chairman McNulty: We have this application in front of us. It looks like we have White Birch...
- Board Member Taylor: Yes.
- Chairman McNulty: is also in front of us. So maybe it's time to send a letter out to all the owners of those properties again saying there's activity for this development. We want to revisit the formation of how you're going to maintain this road. Or does the Town create this...What did you call it? A TID?
- Rich Williams: Special improvement district.
- Ron Gainer: Transportation improvement, yeah.

Chairman McNulty: And send a letter out. See what kind of response we get.

Rich Williams: Sure. We can do that.

Chairman McNulty: And...Because there's activity here now and we can get some development on the site.

Board Member Montesano: (inaudible).

Board Member Taylor: And they're coming in as far as you know?

Rich Williams: As far as I know.

Board Member Taylor: Okay. Because I think we should say to them, I mean, make the changes according to the memo and let's go ahead.

Chairman McNulty: Yeah. And see some renderings of what the building's going to look like.

Board Member Taylor: Yeah.

Chairman McNulty: Some elevations.

Board Member Taylor: Yeah. And I would add fence to this.

Chairman McNulty: To...Some kind of border to demark the wetlands.

Board Member Taylor: Yeah. Because we had this big thing with...What they put up? Chain link? They' have chain link on that one site, right? Where they were...

Rich Williams: Which site?

Board Member Taylor: Oh, I don't...It's across the street. They were adding fill and he was away in Bermuda or something and his son decided to fill and...

Chairman McNulty: At Commerce Drive?

Board Member Taylor: Yeah.

Rich Williams: Yeah. It's trigger...It's ringing a bell. I'll get it eventually.

Board Member Taylor: But they put a chain link fence up finally, I think, is what they put up. I mean, we need something from...And there's a chain link down at Frank's, right? Is there a chain link along that one?

Rich Williams: No.

Chairman McNulty: No.

Board Member Taylor: No, there's something there.

Chairman McNulty: No, it's just...

Board Member Taylor: What is it, just wood? There's some kind of a barrier.

Chairman McNulty: I think there's like a little wall, a retaining wall or something, for the parking lot there.

Board Member Taylor: Okay.

Chairman McNulty: Isn't there?

Board Member Taylor: Yeah, there's something.

Chairman McNulty: Well, we had the rocks placed up here at...

Board Member Taylor: And we had... Well, I think we need more than rocks here.

Chairman McNulty: Yeah, it would better when I can see it on a site walk.

Board Member Taylor: Yeah, I got...

Chairman McNulty: We can come up with... See how far away it is and...

Board Member Taylor: Or Pete [Monteleone] can put one of his stone walls up there.

Rich Williams: Lea Rome. Lea Rome.

Board Member Taylor: Okay.

Rich Williams: You're right. The son... He was away, the son started filling in the wetlands, according to him. We made him up a chain link fence.

Board Member Taylor: Yeah.

Chairman McNulty: Oh, that's the one next to M&S.

Rich Williams: Yeah.

Board Member Taylor: Yeah. Because they...

Rich Williams: Uh, no. It's across the...

Chairman McNulty: Is it one lot away?

Rich Williams: street. Well, yeah. It's about four down.

Chairman McNulty: Okay.

Board Member Taylor: That's the only thing I see here. I mean...

Rich Williams: Three down.

Chairman McNulty: Yeah.

Board Member Taylor: it seems like Rich has covered everything else.

Chairman McNulty: Any big...Yeah. I didn't go through fully in it, but any big, red flags Rich?

Rich Williams: No. No big, red flags.

Chairman McNulty: Okay. Let's see what they have to say when they come in. We'll do a site walk.

Board Member Montesano: Oh, okay. You really want to have for breakfast (inaudible – papers shuffling).

Chairman McNulty: Yeah, you see I need breakfast.

8) White Birch Realty – Site Plan Application

Chairman McNulty: Okay, so that brings us to...

Board Member Taylor: White Birch.

Chairman McNulty: White Birch Realty.

Rich Williams: White Birch Realty. This is kind of a unique situation, but one I've been encouraging not only for this developer but a couple of others. It's very hard to start marketing sites in this Town if nothing has been done on the sites. If they're just raw land and a lot of rock, you know. So I've been talking with developers about the possibility of them making improvements to the site in anticipation of putting a building up, even if they don't know what the building is going to be or how it's going to lay out, so at least we have a fairly level site in which you can go in and throw a building up. And he's looking to do that. The property owner's looking to do just that.

Chairman McNulty: That helps a whole bunch. I'm looking at this plan last night and I'm trying to figure out what is going here. I just see a big cleared lot.

Rich Williams: Nothing. Nothing is going there. He is leveling the site in anticipation of putting a building there once he finds...

Board Member Ladau: Yeah.

Rich Williams: a use. Somebody who wants to, you know, rent, lease or own the building.

Chairman McNulty: Now this is the lot adjacent to the actual building that's there .

Rich Williams: Yes.

Chairman McNulty: The big, metal building.

Rich Williams: It's all one lot.

Chairman McNulty: Okay. And he's done some clearing there already, hasn't he?

Rich Williams: The big, rusty metal building?

Chairman McNulty: No, I didn't see any rust.

Rich Williams: I'll show it to you when we go out.

Chairman McNulty: We're going to look at the other building, too.

Rich Williams: Wait, you thought that was a metal building out there, so...

[Laughter]

Chairman McNulty: Might be still. I'm still going to go look at it.

Rich Williams: You should.

Ted Kozlowski: I wouldn't bet on that one, Tom.

[Laughter]

Board Member Montesano: The guy builds pole barns. What would you think he's going to put a metal pole barn up?

Ted Kozlowski: I wouldn't bet on that one.

[Laughter]

Ron Gainer: Abort. Abort.

Chairman McNulty: Okay.

Board Member Montesano: Watch out, he's going to get a tin can and put it up to it and say see.

Rich Williams: So, that's what he's looking to do. There are considerable wetlands out there. There's only two Town regulated wetlands; one surrounding the pond and the other one is on the other side of the site. The stream corridor that runs down...

Chairman McNulty: Down the front of the...

Rich Williams: down into the pond.

Chairman McNulty: In front of the other building? The existing building? Is that what you're talking about?

Board Member Montesano: Gee, can we go up and see the salamanders?

Rich Williams: It actually runs all the way down and out to the...

Ted Kozlowski: It goes to Clover Lake, doesn't it?

Rich Williams: Yes.

Ted Kozlowski: That's in front of White Birch.

Rich Williams: Yup.

Ted Kozlowski; That's not effected by any of this.

Board Member Montesano: That was such a good bath lake. Damn it.

Chairman McNulty: So you have had some discussion already here with White Birch.

Rich Williams: Yes, I was the one that... Yes. I've had some discussion...

Chairman McNulty: Okay.

Rich Williams: with the applicant. Similar to the other site, we did get, a couple years ago, a very detailed report on the wetlands in. So we have a good idea of what we have as far as the wetlands go. Potential implication may be.

Chairman McNulty: Do we have implication here with the DEC wetland? The way he's... What he's proposed?

Rich Williams: There are no DEC wetlands on this site.

Chairman McNulty: So we're all... Just Town wetlands?

Rich Williams: All Town wetlands.

Ted Kozlowski: DEC is on the other side of the road, Tom.

Chairman McNulty: The other side. Yeah. Okay, well hey, if we have a developer that's willing to invest some money and make something saleable...

Rich Williams: I assume you want to site walk this at the same time you take a look at the other one.

Chairman McNulty: Is there a need to? Yes. Yes, I would like to do a site walk at the same time.

Board Member Brady: There's a lot of jabbing going back and forth there.

Board Member Montesano: And here I thought Saturday Night Live was for Saturdays.

Ted Kozlowski: But it seems...

Rich Williams: First off, it's only funny when I do it.
[Laughter]

Chairman McNulty: No, I had a chuckle. It's pretty steep in here. So he's pretty...

Rich Williams: Did you see anybody else laugh?

Chairman McNulty: No, but I heard them. It's pretty steep to the back there. That's that rock...Is that a rock cut pretty much?

Board Member Taylor: Yes. Yeah, he's been...Been working on it for years, right?

Rich Williams: Yup.

Board Member Brady: Yeah.

Board Member Montesano: I still think this works.

Chairman McNulty: Wasn't...Didn't we have a plan that had a building proposed for this site? A cut...

Board Member Taylor: Yeah...

Rich Williams: No, I'm sure you didn't.

Chairman McNulty: No, we didn't?

Rich Williams: No.

Board Member Brady: I thought that was the site that we had the one where they were going through one building tying...using the same septic for the second building.

Chairman McNulty: Yeah. I thought there was a proposed...

Board Member Taylor: Yeah.

Chairman McNulty: building cut right into...

Board Member Taylor: A green building. Yeah. He was going to...

Chairman McNulty: the rock.

Board Member Taylor: he was going to bury it.

Ted Kozlowski: Yeah, that is.

Board Member Taylor: He was going to bury it in the hill.

Rich Williams: I'd have to go back and look and see if there is anything.

Ted Kozlowski: It is, Rich.

Chairman McNulty: Yeah, there was a building...

Ted Kozlowski: It is. He was...

Board Member Montesano: That's cause you didn't take a site walk.

Board Member Taylor: Yeah, so what's the situation with the buffers here? I mean...

Rich Williams: There is a buffer for the wetland around the pond. He is...Most of it has already been disturbed. We'll see that when you go out there. He is doing additional disturbance within so he does require a wetlands/watercourse permit and you can weigh on whether it's appropriate or not. Did I answer what your...Your question?

Board Member Taylor: I'd have to go back and look at my notes. I think this is one of the sites we had talked about trading buffer...

Chairman McNulty: Yeah, I remember trading...

Board Member Brady: Across the street. Going across the street and...

Chairman McNulty: Taking some wetland but reinstating new wetlands somewhere else on the site.

Rich Williams: Yeah. We had talked about this site and...

Board Member Taylor: Yeah, but it's not...You can't do it...

Rich Williams: **Carino** site and...

Board Member Taylor: Right.

Rich Williams: But more importantly, the site next to **Carinha's** site.

Board Member Taylor: But you can't do it a site at the time. What we'd come up with was to take it off of one site and put it...create it on another site.

Rich Williams: Right.

Board Member Taylor: If he goes in here and does this, there's no place that he could move this buffer to.

Rich Williams: No. But, we're talking about eliminating...When we were talking about that, we were talking about eliminating wetland, not so much buffer. A buffer is just an area designated to try minimize any impact to the functions of the wetland. So, if he was going in here and eliminating Town

regulated wetland, it would certainly be of great issue both to you and other agencies, as well, such as the Army Corp of Engineers.

Board Member Taylor: Mmhmm.

Rich Williams: But he's not proposing to eliminate any Town regulated wetland.

Chairman McNulty: It's only within the buffer.

Rich Williams: He's only within the buffer.

Board Member Taylor: But is he proposing to put something in place that would function in place of the buffer?

Rich Williams: No.

Board Member Taylor: That's my question.

Rich Williams: Well, I say no. When you go out there, and you really need to be out there to see how much disturbance there already is on this site. So there's nothing there now. One of the comments that I have is he's got to show us how he's going to give us final stabilization on the site when this is all done. Basically what I'm looking for is a grassed area. You know, he's not just going to leave it and park his construction equipment on it.

Board Member Taylor: Right.

Ted Kozlowski: If I may say something in theory, too...

Rich Williams: No, you can't.

Board Member Taylor: But, yeah...

Ted Kozlowski: He's got to deal with stormwater and he's going to create basins.

Chairman McNulty: This is a stonewall...

Ted Kozlowski: They are going to act as...

Chairman McNulty: that's going to be built?

Ted Kozlowski: They're going to act as...

Chairman McNulty: I don't see any notes.

Ted Kozlowski: as a wetland, Ron.

Board Member Taylor: I don't know, might be.

Rich Williams: But that's potentially in the future. We don't know what he's going to do right now.

Ted Kozlowski: No, but if you're going to develop a site and you've got to do stormwater...

Board Member Taylor: A silt fence and hay bales.

Chairman McNulty: That's all it is?

Ted Kozlowski: You're going to create ...

Board Member Taylor: Yeah.

Ted Kozlowski: something there.

Board Member Taylor: He's got a note...

Chairman McNulty: So that's just...

Board Member Taylor: on the next one. On the next drawing he's got a note.

Rich Williams: What he's doing right now he doesn't have to deal with stormwater. He just needs to deal with erosion control.

Board Member Taylor: Right. And then he's got a third line there.

Chairman McNulty: Rich, this is all hay bales and silt fence along here? Is he proposing...

Rich Williams: Hay bales.

Chairman McNulty: a permanent or just during the construction of it? I'm not following this.

Rich Williams: It's not clear.

Chairman McNulty: Okay. So not clear to you, either.

Rich Williams: It's not clear.

Chairman McNulty: Okay.

Board Member Taylor: Oh, it is a stonewall. That third...

Rich Williams: He is proposing a stonewall around the wetland which...

Board Member Taylor: Yeah.

Rich Williams: which I like that idea. I like the idea that he's kind of fencing off that wetland, but...

Chairman McNulty: This is...

Rich Williams: I'm going to ask for a break in that stonewall...

Chairman McNulty: in the legend.

Board Member Taylor: No, it's not noted in the legend. But you can see...

Rich Williams: so you can get to the pond.

Board Member Taylor: it. It's in the detail on the...

Rich Williams: Because right now he's sealing it way off to get to the pond.

Board Member Taylor: See how he's got little stones drawn in here?

Chairman McNulty: Yeah. That's what I saw on this plan.

Board Member Taylor: Yeah.

Chairman McNulty: That's why I was wondering.

Board Member Taylor: Yeah.

Chairman McNulty: It looked like a...

Board Member Taylor: Yeah, it...

Chairman McNulty: That's a new wall or existing?

Rich Williams: New wall.

Board Member Taylor: No, it's a new wall. He loves these stonewalls.

Chairman McNulty: Yeah, he does.

Board Member Taylor: Yeah.

Chairman McNulty: Well, he's got plenty of stone out there.

Board Member Taylor: Yup.

Rich Williams: He will.

Board Member Taylor: That's...

Chairman McNulty: Okay, so Mr. Monteleogne will be in?

Rich Williams: Should be.

Chairman McNulty: Have to review this memo, too. Rich, in a situation like this, when a...it's not a full-fledged build out. It's to level a pad or set a pad of some sort, are the fees the same? Are we going to...

Rich Williams: Fees are based on what he's proposing to do. In this case, he's not proposing...

Chairman McNulty: So our fee schedule...

Rich Williams: any buildings, so our fees would charge him \$500.00 application fee and a \$2,000.00 professional plan review fee. And then we'd take a look at the disturbance within the buffer and there's a calculation we have to do for that.

Chairman McNulty: Just in the buffer area?

Rich Williams: Mmhmm.

Chairman McNulty: Is that fee schedule in the Code? I know there's...

Rich Williams: No.

Chairman McNulty: a fee schedule. Yeah, I didn't think it was all in there. Okay.

Rich Williams: You want it?

Chairman McNulty: Not this minute. But yeah, if you could send it to me it would be great.

Rich Williams: Okay.

Chairman McNulty: Okay. Any other questions on White Birch?

Board Member Taylor: No.

9) Stone Field Corner Subdivision – Continued Review

Chairman McNulty: Okay, Stone Field Corner Subdivision is back in front of us here. You don't have a review on this one, do you?

Rich Williams: So they are back...Excuse me?

Chairman McNulty: You didn't do a review?

Rich Williams: I have not finished a review on that one yet.

Board Member Taylor: Oh, okay.

Chairman McNulty: Yeah, I'm looking too.

Rich Williams: But they are back, you know, to further the process and move it along. They have been to the ZBA. They have all of their approvals from the ZBA allowing to come back. They've

submitted considerable detail including a Stormwater Prevention Pollution Prevention Plan for us to look at.

(Inaudible – Papers shuffling)

Chairman McNulty: Any change in the lot design? Still...I think there was seven lots originally and we asked them to knock it down a lot or two.

Rich Williams: I don't believe there's any change, but I haven't had a chance to extensively review it.

Chairman McNulty: One, two, three, four, five, six.

Board Member Taylor: Six. Yeah.

Chairman McNulty: Okay. So it's the same.

Board Member Taylor: Yeah, it's the same.

Chairman McNulty: There were seven, we got them down to six.

Board Member Taylor: They moved the driveway so that's taken care of.

Chairman McNulty: Now, this is...Bob...Ed, did you this site walk? You might have been on the Board for this site walk.

Board Member Montesano: Yes.

Chairman McNulty: Yeah.

Board Member Montesano: He was talking about all the deer stands we saw.

Chairman McNulty: Yeah.

Board Member Brady: Oh, okay. Now it...

Chairman McNulty: This is up off of Fair Street.

Board Member Brady: Fair Street, right. That's all that flat...

Chairman McNulty: and what's that, Fields Lane?

Board Member Montesano: Yeah.

Board Member Brady: And Southeast is...

Chairman McNulty: Fields Corners Road.

Board Member Brady: Yes.

- Board Member Ladau: I haven't been there.
- Chairman McNulty: Well, it's a nice property.
- Board Member Brady: That's where we asked them to move the driveway. He had...
- Board Member Taylor: Yeah, he moved it down.
- Board Member Brady: Driveway's coming out...
- Chairman McNulty: There's things we struggled with early on with this application: is that their 4-acre and...large seven acre lots with minimal usage because they're in the wetlands buffer and the wetlands. So, that was part of what we struggled with here. And to finalize so people know they only have so much useable area that can be disturbed.
- Board Member Taylor: Mmhmm. Like look at this one. This is what he can actually use.
- Board Member Ladau: Yeah.
- Board Member Taylor: Whereas his lot is all this.
- Chairman McNulty: Same here on Lot 3.
- Board Member Taylor: Because they're surrounded...There's a...
- Board Member Ladau: Yeah.
- Board Member Taylor: stream that runs all the way around the property.
- Board Member Ladau: Mmhmm.
- Board Member Taylor: So...
- Board Member Brady: Beautiful piece of property.
- Board Member Taylor: Yeah.
- Chairman McNulty: Now did they put the...Is the septic system, did they add the pool and deck on the next page? I haven't looked at these plans yet.
- Ron Gainer: Yeah, they have pools shown.
- Chairman McNulty: Is this the pool or these septic? That's septic, isn't it?
- Board Member Taylor: No.
- Chairman McNulty: Here?
- Board Member Taylor: No. That's too small to be septic.

- Board Member Brady: Here's a septic.
- Board Member Taylor: Oh, that's the pool and the shed. He doesn't show a residence on it.
- Board Member Montesano: There is no residence. A pool and a shed.
- Board Member Taylor: He's got them typed in.
- Board Member Brady: Yeah.
- Board Member Taylor: It's residence, residence. He's showing the circle around them. Yeah. But this is the one to be looking at.
- Chairman McNulty: Oh, okay. Here's the residence. Got you.
- Board Member Taylor: Yeah. So that's...
- Ron Gainer: Technically he's relying on a lot of infiltration...
- Chairman McNulty: This is the buffer.
- Ron Gainer: to deal with stormwater. And that's going to service road and multiple lots. I don't know if that's something the Town would eventually want to take over or how you'd maintain that. Because it's going to be on one lot. Is the homeowner going to be responsible for the magilla? Because we're got the roadway drainage going in and you've got multiple lots going in.
- Rich Williams: Yeah.
- Ron Gainer: I'll have them written down for next week, but...
- Board Member Taylor: He's also got the expansion fields in the buffer.
- Rich Williams: I don't know. I haven't looked at it.
- Board Member Taylor: Okay, he's got all the expansion fields on the other side of the buffer. Look at this.
- Chairman McNulty: Well, this one's not...Where's the buffer?
- Board Member Taylor: Right there. That's the buffer line.
- Chairman McNulty: Yeah, that's the buffer.
- Board Member Taylor: He's got the expansion field on this side. Buffer line, expansion field on this side.
- Ted Kozlowski: Well, that's not good.
- Board Member Taylor: I should mean not all of them, but on...Down in here...

Chairman McNulty: You sure that's the buffer line? What's the legend say?

Board Member Taylor: What's this line? Well, look at the other one. It says buffer on the other one. No, it's not. That's the buffer line. Okay. Different line.

Chairman McNulty: Yeah, here.

Board Member Taylor: This one's the buffer. Okay.

Ron Gainer: Yeah, that there is.

Board Member Taylor: Okay. So he doesn't.

Ron Gainer: Nope.

Chairman McNulty: Yeah, okay. Alright.

Board Member Taylor: Okay. Alright. So this is the topo line he's calling.

Ted Kozlowski: That's a... This is a silt fence here. That's what that is.

Board Member Taylor: Is that what that is? Okay.

Ted Kozlowski: Yup.

Chairman McNulty: Yeah. Yup.

Board Member Taylor: It looks pretty much the same as what we saw.

Chairman McNulty: Roughly, where... Southeast had to get involved with this. Do you know... Because...

Board Member Taylor: No.

Chairman McNulty: Didn't it just go over the Southeast line?

Rich Williams: They have a small, sliver of land on the Town of Southeast...

Board Member Taylor: Yeah.

Rich Williams: side of the property.

Chairman McNulty: Yeah. Do you know if they... Did they have to go to Southeast for anything? They don't. Okay. So we've done a site walk. We haven't done a public hearing or... We didn't do SEQRA or we didn't anything on this, did we?

Rich Williams: I don't know. I've got to take a look.

Chairman McNulty: Okay. I...

Ted Kozlowski: I don't think there was a public hearing.

Chairman McNulty: No, I don't think we got too far. We kind of made some recommendations and this...

Board Member Taylor: Yup. And they're coming back with them.

Chairman McNulty: is the change.

Rich Williams: I'm just...

Board Member Taylor: Well, they had to...

Rich Williams: I'm remembering the women that that came in and I don't remember if that was in regards to the public hearing or not.

Board Member Taylor: No. It wasn't.

Rich Williams: Regardless...

Board Member Taylor: But we listened to it.

Ted Kozlowski: You'll have the neighbor across the street...

Board Member Brady: Yeah, the neighbor across the street came.

Chairman McNulty: Yeah, yeah.

Rich Williams: And Ron, you know, we're going to keep running into this and I really don't know how we're going to address this, but we're always caught between the applicant's need to address the DEC's requirement for runoff reduction volume and the Town's need to have something that's sensible to maintain.

Ron Gainer: Right.

Rich Williams: And...

Ron Gainer: That's the point I was just raising because...

Rich Williams: Yeah. And I don't know how easy...I've got a meeting, I think, Friday, maybe, because the DEC...

[Train going by]

Chairman McNulty: One more (referring to the train horn).

Rich Williams: The DEC wants us with the next round of stormwater improvements to focus on requiring green infrastructure practices, and specifically, they want municipalities to start pushing residents to put in rain gardens. That's great. And then they sell the property and the next guy comes long and takes it out and now I have to enforce it against the resident?

- Ron Gainer: Oh, no. I don't see that. Rain gardens are going to disappear. Whenever I want.
- Rich Williams: Yeah, so...But now we're going to be in a constant enforcement. It's part of their new permit, but now they're trying to push it on to doing the retrofits as rain gardens.
- Ted Kozlowski: Let me tell you something, rain gardens are a lot of maintenance.
- Ron Gainer: Yeah.
- Chairman McNulty: Yeah, we've been through that. Yeah.
- Ted Kozlowski: They are a lot of maintenance.
- Board Member Brady: Well, I got a question: What is a rain garden?
- Ron Gainer: They're going to disappear.
- Chairman McNulty: I don't know. You'll have to go visit Teddy. He's got one down on his site.
- Rich Williams: It's a depression in your yard filled with fancy plants that water sits in.
- Ted Kozlowski: Basically, it's to disperse the water and you got plants in there and they can thrive in semi-wet...period wet conditions. And it's a way of modifying things. Now, if you're a serious gardener...
- Ron Gainer: Yeah, you've...
- Ted Kozlowski: or you run an arboretum, the rain garden works really nice. If you're...
- Board Member Brady: Says my lawnmower.
- Ron Gainer: There you go.
- Ted Kozlowski: That's what...
- Rich Williams: That's your problem.
- Ted Kozlowski; Because they become quickly weed infested unless you...
- Ron Gainer: It works best...
- Ted Kozlowski: you maintain it like a garden.
- Ron Gainer: Yeah, it's a good place for your compost.
- [Laughter]
- Ron Gainer: It will eventually disappear.

Ted Kozlowski: It's a great concept but it needs a lot of maintenance.

Ron Gainer: Compost.

Rich Williams: And DEC doesn't get it. They just will not get it.

Board Member Montesano: Got a new man in charge to come up with these brainstorm.

Chairman McNulty: Okay. So, Rich...

Board Member Montesano: Seventy-five years in school...

Chairman McNulty: you're going to do a review, bring us back up to...

Rich Williams: Ron and I are both doing reviews.

Chairman McNulty: Bring us back up to speed based on these new plans.

Rich Williams: Yup.

Chairman McNulty: The applicant will be in. I guess, if there's any get that to us by Tuesday night. Tuesday afternoon. We'll get a chance to look at it.

Rich Williams: I will do my best.

Chairman McNulty: It's hard to...Got a lot going on on this one.

10) Other Business

Chairman McNulty: Okay, we'll move along to Other Business.

Rich Williams: Oh, great.

a) Site Walk Comments

i) Maplewood North Homes Subdivision

Chairman McNulty: Site walk comments. Maple North Wood Subdivision.

Rich Williams: Maple...What was that?

Chairman McNulty: Maplewood North Subdivision. Isn't that what I said?

Board Member Montesano: North Homes Subdivision. You've got to read the title...

Chairman McNulty: I'm reading right off here.

Board Member Montesano: Oh, alright.

Rich Williams: Alright, so first, let me kind of defer a little bit. I sent everybody a memo about site walks.

Chairman McNulty: Mmhmm. I did get it.

Rich Williams: Alright. Very clearly, when you're going on out on a site inspection like this, you're all going out as individual members strictly for the purposes of observation and gathering of information. That's why I go there with you: Is to record the individual comments because there's not supposed to be any real back and forth between the members. And certainly no real discussion about what's going on out on the site. Now, the reality is, we know, there's some discussion. But in general, there's not supposed to be any discussion of the application out on the site. That would constitute an illegal meeting. And that...

Board Member Ladau: For god's sakes.

Rich Williams: potentially could come back to cause concern for the Town as a whole and anybody who wants to challenge any decision that you want to do. So, I say that because there shouldn't be any individual board member contacting an applicant after you go out on the site walk and giving him any sort of direction about how to change his plans.

Board Member Ladau: That I understand.

Rich Williams: Because when you do that, you know, you open the door for potential law suits, legal challenges. And we don't want to do that. We want to keep our game as tight as we possibly can. Make sure that we're following the process. Making sure it's fair to everybody.

Chairman McNulty: Got you.

Board Member Ladau: I...Just a clarification. I understand not talking with the applicant directly, but in terms of walking through as a group, there...you're talking about minimizing the interaction among the members of the Planning Board as we walk through the site?

Rich Williams: I'm saying if you're talking to somebody who does Freedom of Information...I'm trying to think of the guy's name that drives us crazy all of the time. They're going to tell you, yeah the Planning Board members shouldn't be talking amongst themselves at all.

Ron Gainer: You mean Freeman.

Rich Williams: Yeah.

Ron Gainer: Right.

Rich Williams: Yeah.

Rich Williams: Bob Freeman.

Ron Gainer: Right.

Rich Williams: The reality is that's damn near impossible.

Board Member Ladau: Yeah...

Board Member Taylor: Yeah.

Board Member Ladau: I don't understand how that's going to work.

Rich Williams: And what I'm...

Board Member Montesano: It's easy.

Rich Williams: But what I'm saying to you is you're out there for the purposes of observation and gathering information...

Board Member Ladau: Mmhhh.

Rich Williams: and not about debating the application or the merits of the application. Or...

Board Member Ladau: Okay.

Rich Williams: you know, what's going on. And absolutely not to come to some sort of agreement while you're out in the field about how things should move forward.

Board Member Ladau: Alright.

Board Member Montesano: But you can talk to him [referring to Rich Williams]. Just that none of you guys are supposed to be listening.

Rich Williams: Right. And that's what I do. I gather your comments...

Chairman McNulty: Yup.

Rich Williams: individually and put them all into a memo. That's why I'm out there.

Board Member Ladau: Yeah.

Rich Williams: Other than that, I wouldn't be there at all.

Board Member Ladau: You mean...

Rich Williams: Except for the breakfast.

Board Member Montesano: He's the...

Board Member Ladau: our company is not enough to entice you to walk through with us?

Board Member Montesano: No, he's the attorney of records.

Rich Williams: It absolutely is. Now where do I go with that.

[Laughter]

Rich Williams: So, having said that, you know, Maplewood North...

Chairman McNulty: We didn't have any, really, big issues to deal with. It was...

Rich Williams: I didn't hear any big issues.

Chairman McNulty: You commented on the two...the one item I heard, is where the house should be located. To keep it lower...Where it's basically placed on the current plan.

Rich Williams: Right. And the only other question I have for the Board on this application is now having been to the site, you've made a recommendation to refer it over to the Town Board for a waiver from the requirements of the Open Development Area. You know, do you want to make any additions to that recommendation considering the, you know, where the house may be located or, you know, clearing on the site being that it drops off significantly. You know, just something to think about for the next meeting.

Chairman McNulty: Explain that more. One the...We made a recommendation...

Board Member Montesano: No you didn't.

Chairman McNulty: Yes we did.

Board Member Montesano: No you didn't.

[Laughter]

Chairman McNulty: At the last meeting, on the...

Rich Williams: They are looking for...

Chairman McNulty: Open Development...

Rich Williams: Open Development Area.

Chairman McNulty: Plan.

Rich Williams: We have a provision to...

Chairman McNulty: The overlay.

Rich Williams: The over...Yes. The Open Development Area, the overlay zone. We have a provision in our Code that say everybody needs to push their development closely together rather than spreading it out through the landscape so that we save these big tracks of open space. We protect the view shed. We protect biodiversity in the natural corridors, wildlife corridors: It's the whole intent of doing that.

Chairman McNulty: Mmhmm.

Rich Williams: Not everybody can do it so we have a relief valve. We have a mechanism where, where it's appropriate somebody can go to the Town Board and get relief. But in doing that, you still have the intent of the Code of trying to maintain, you know, development from being spread all over the hillside. Maintaining your wildlife corridors. Trying to keep development as densely...closely knit as you possibly can and...So, in making a recommendation to the Town Board when somebody's going over to get this relief, I would encourage the Board to evaluate those criteria and say, well how do we still accomplish the same thing? Is there a mechanism? Can we somehow protect some other areas? Is there a conservation easement? Is there a restriction we want to place so that when they do get the relief, there is also conditions to make sure we're still accomplishing our goals?

Chairman McNulty: So with the relief we recommended, it goes back to R-4 zoning solely, correct?

Rich Williams: Basically you said, yeah. Just, you know, give them relief. Let them go build what they want.

Chairman McNulty: Within R-4? Not an overlay?

Rich Williams: Right.

Chairman McNulty: Okay. But there's only room for two house on here if I remember right, correct? One's a seven acre lot...Am I getting confused with another project.

Board Member Taylor: No. No, you're not getting confused. You're right. I think we all need to review that Code before the next meeting and get it clear in our heads what the Code says. It's not clear in my head what the Code says about that. When I looked at this, the house were closely clumped. There's no disturbances on the rest of...In terms of this one, the rest of the lot. There's no disturbance. The only issue was really this piece, which nothing was happening with on this plan. But if we can say there should be a line here that says you can't do anything up here on the 3 acres above your four or whatever it is. Maybe we should.

Chairman McNulty: Well, it's steep up there.

Board Member Taylor: It's steep up there so it's unlikely to happen. And the other thing is, it's not on top of the mountain. Where'd you really want to conserve it is right here, the next property.

Rich Williams: Yeah.

Chairman McNulty: To protect the ridgeline.

Board Member Taylor: To protect the ridgeline and preserve that corridor...The corridor runs kind of down the other side.

Ron Gainer: And you've got that steep grade going to the east and the south. Right.

Board Member Taylor: Yeah.

Chairman McNulty: Yeah.

Ron Gainer: So you may want to have a no disturbance or a conservation easement so he can't approach that to clear-cut or open up that viewshed.

Board Member Taylor: Yeah.

Ron Gainer: Or else you'll wind up seeing...

Rich Williams: That's one thing that I was thinking of. The other thing is he has no plan right now for putting another house there. Right now. But you've given him relief. There's nothing to say he couldn't do it in the future somehow.

Chairman McNulty: Well, that's confusing me though.

Rich Williams: There's nothing to say...

Chairman McNulty: Because...

Board Member Brady: Come back again.

Rich Williams: There's nothing to say that he couldn't...

Board Member Taylor: Where?

Rich Williams: There's nothing to say that he couldn't have two houses on that site.

Ron Gainer: Right.

Rich Williams: There's nothing to say that he couldn't come back in and subdivide it.

Board Member Taylor: On which site? On this site?

Rich Williams: On Patterson site.

Chairman McNulty: Lot 2.

Board Member Taylor: But he doesn't have enough room to put another house on.

Board Member Montesano: You could always get a variance.

Chairman McNulty: It's R-4 now, correct?

Rich Williams: Huh? But the... What he's going to do is he's going to subdivide it and a piece of it's going to Green Chimneys. There's nothing to say in the future that the piece that Green Chimneys is going to own they couldn't come back in and subdivide it.

Board Member Taylor: Right. You could put a house here, is what you're saying. On [Lot] 5.

Rich Williams: Right.

Board Member Taylor: Okay, yeah. That's...But you can't here. This is 7. He doesn't have enough to put another house there.

Rich Williams: No.

Board Member Taylor: He can't...Yeah. So this becomes the issue then. This little piece here.

Rich Williams: Well, I...Let me be clear. I think he's going to make a 7 acre lot...

Board Member Taylor: Yes.

Rich Williams: So he could actually have two houses on it; he could have an accessory dwelling. He could continue to develop that and Green Chimneys could continue to develop down the line because you've taken all the restriction off of them. Are you with me?

Board Member Taylor: Yeah. I...As I said, I think we need to review that stuff.

Chairman McNulty: Yeah, I'm definitely a little...

Rich Williams: Go take a look at it.

Chairman McNulty: So, on the open development, if we didn't relieve it, they would have to build more of a cluster? It's not R-4 anymore? I thought R-4 is there but the capability to reduce the lot sizes is available. Am I understanding that right?

Rich Williams: He would be limited to having an 80,000 square foot lot instead of a 7-acre lot. And he would have to restrict the rest of the area. What he's doing right now in the Town of Patterson, instead of having a 7-acre lot, he could only have an 80,000 square foot lot. He could have, maybe, two 80,000 square foot lots. And he would have to deed restrict the rest of it so...Or put a conservation easement on so there's no further development.

Chairman McNulty: So even if we did relieve it, he still only has the possibility of a single family home and an accessory dwelling on a 7-acre lot.

Rich Williams: On the 7-acre lot.

Chairman McNulty: So, I'm...

Board Member Taylor: But they could also develop thing.

Chairman McNulty: Yeah. That's...

Board Member Taylor: This was the other...

Rich Williams: There's no limitation.

Board Member Taylor: Right.

Rich Williams: You took all the limitation away. And the question is...

Chairman McNulty: Can you distinguish each lot...

Rich Williams: The question is...

Chairman McNulty: and only recommend one lot.

Rich Williams: is it appropriate?

Board Member Taylor: Well, that's what we need to look at.

Chairman McNulty: Yeah, that's what...

Board Member Taylor: You know...

Chairman McNulty: I don't understand.

Board Member Taylor: If we could still give him the lot, he can have the lot...

Chairman McNulty: Yeah.

Board Member Taylor: but he's got to...Like what we just did with Stone Field Corners.

Chairman McNulty: Yeah.

Board Member Taylor: There's that easement that runs around...You can't touch it, it's wetland.

Rich Williams: Right.

Board Member Taylor: It's an easement because of the wetland. We could put an easement here you can't touch it because of that. Or...And then this one is the one...

Board Member Montesano: John will come up with a way.

Board Member Taylor: Well, not if it's written in the deed which is what Rich is trying to say.

Chairman McNulty: Yeah.

Board Member Taylor: I just...I want to look at the authority to see what we can do. I went out and looked at this in more detail.

Chairman McNulty: Because this was pretty wet down in here, was it not?

Board Member Taylor: It runs right through here.

Chairman McNulty: Yeah.

Board Member Taylor: And then comes out and...It's labeled an intermittent stream farther down. But this...Yeah, it runs right along the fence. The road has a stone fence on either side and it runs along that and down. But this would be a nice historic easement because this is an old, old, old road that's still intact. It's been abandoned so long it looks like it's from 200 year ago. It's an incredible little road. And

there's also, it's not on this property I think, but there a huge stone foundation for a house and two barns just off in this area. And then there's another road that runs, it's not shown here, it runs all the way down to the river down this slope. And one of the property deeds talks about a landing. The road goes to the landing at the river. So, I never knew they used the Croton to float things on but they must have if they had landing.

Rich Williams: Yeah. I know that...

Chairman McNulty: It could have been a canoe landing. You know, that's all...

Board Member Taylor: Well, it could have been a barge.

Board Member Montesano: It could have been...

Rich Williams: Two hundred years ago, it was how people moved back and forth.

Board Member Taylor: Okay, so that's...

Board Member Montesano: It could have been for ice. It could have been for anything.

Chairman McNulty: So what are our option here, Rich?

Rich Williams: Your option... You know, I'm trying to push you down a road without saying things. I was just very concerned at the last Board meeting, you know, he came in, here's my plan. I didn't hear a lot of thoughtful consideration about what the potential impacts were going to be. I just, you know, making a recommendation...

Chairman McNulty: Well, it looked pretty straightforward the way it was brought through. You know...

Rich Williams: Right.

Chairman McNulty: there's all these little...

Rich Williams: So, I'm just concerned that the Board... Again, I think Ron's right on that you need to go back and take a look at that section. Understand why that section is in there, what's it trying to do for the Town...

Chairman McNulty: Mmhmm. Yup.

Rich Williams: and then make sure you're still accomplishing those goals.

Board Member Taylor: Well, can we do it with this plan? Can we reverse ourselves?

Rich Williams: Well, you've just made a recommendation over to the Town Board. You can make a further recommendation.

Board Member Taylor: Okay.

Rich Williams: He's not on the agenda and they haven't acted yet, so...

Board Member Taylor: Alright. So we can. Alright, so then let's...

Chairman McNulty: Okay.

Board Member Taylor: Let's look at that stuff and...

Chairman McNulty: Yeah.

Board Member Taylor: I mean, it's a learning thing for us.

Chairman McNulty: Sure.

Board Member Taylor: I mean, I...

Chairman McNulty: This is what I brought up in January or July when I took over as a training is for us to better understand the Code. The Code is pretty in depth and it's our guideline. So, I try to refer to it whenever I can but only when I know where I have to go look. Now I have a point to go look. So...Okay. So they're not...You don't plan on seeing them this weekend? This is just a...This next meeting?

Rich Williams: See who?

Chairman McNulty: This applicant.

Board Member Taylor: These people.

Board Member Montesano: No, he'll be here.

Board Member Taylor: They're coming back in?

Rich Williams: Oh, he'll be in.

Board Member Taylor: Oh, okay.

Chairman McNulty: Oh, okay.

Board Member Montesano: He'll be in because you've got to realize something with John, with all due respect to him, this is how he does things. If you go back and check, he's always got his finger in the dam ready to...

Chairman McNulty: Okay.

Board Member Taylor: He's a business man.

Chairman McNulty: There's another issue here: SEQRA. Did we determine that Southeast took the lead and made a SEQRA determination?

Rich Williams: Yes, I sent you all of that. Right, Ron? You got it?

Board Member Taylor: No, I didn't get it.

Rich Williams: I did send it.

Board Member Taylor: Well...

Chairman McNulty: Okay.

Board Member Taylor: I got your other stuff. I got the Code stuff and I didn't see the...I'll have to check. I mean, it could well be buried in my emails there, so...

Chairman McNulty: Yeah. Could be. Subdivision classification; what is that in the procedures?

Rich Williams: We have a, how can I say this, you can classify a subdivision in two different ways: a major subdivision or a minor...

Chairman McNulty: Minor.

Rich Williams: subdivision.

Chairman McNulty: Yup.

Rich Williams: Minor subdivisions are typically five lots or less that don't require any new road. Five lots or more are a major subdivision. And we do it that way because the smaller subdivisions, the four...three, four lots, generally, there's not a lot of impact to the community. There's not a lot of new infrastructure that you need to make. So you do it as a one-step process. You get rid of the preliminary subdivision approval. The larger subdivisions, there's a little bit more to risk for the developer. There's a little bit more concern on the part of the community. So you create this two-step process where the developer will go through, basically, an expanded conceptual plan with a lot of details in it: Preliminary Subdivision Plat.

Chairman McNulty: Ice Pond.

Rich Williams: Ice Pond. So that (a) the community gets to look at it earlier on in the process and (b) the developer, if he gets preliminary approval, has some rights before he goes and spends a whole lot of money doing some very complicated engineering.

Chairman McNulty: Okay. So a good contrast is Stone Field.

Rich Williams: Stone Field.

Chairman McNulty: That's a smaller subdivision.

Rich Williams: It's a smaller subdivision but it's still a major subdivision.

Chairman McNulty: Did we declare that yet on that project?

Rich Williams: I think you did.

Chairman McNulty: I think we did, too. I remember discussing this once before. Okay, another area to go look at in the Code. Because that's all in there, major, minor.

Rich Williams: Mhmm.

Chairman McNulty: I think I ran across that once before.

Rich Williams: Yeah, it's in the definitions.

Chairman McNulty: Yeah. You know I love the definitions.

Rich Williams: Yeah, I know you do.

[Laughter]

Chairman McNulty: Okay. Alright, so you're working on a review on this.

Rich Williams: Yes.

Chairman McNulty: Okay.

ii) RP Development

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Rich Williams: RP Development.

Chairman McNulty: RP Development.

Rich Williams: Site walk comments.

Chairman McNulty: Site walk comments. We all had observations about where the house was located towards the wetlands.

Ted Kozlowski: Rich, did he pay a wetland fee? Zoning fee?

Rich Williams: Off the top of my head, I don't know whether he did or not.

Chairman McNulty: I was looking at his sketch and I threw a 12 foot...5 foot change. I don't know if it's enough or if we can squeeze that in. In addition to what he's already moved it.

Rich Williams: So you're keeping it back, just moving it laterally? Moving it from side to side?

Chairman McNulty: Yeah, I thought he had more room to the south. I...

Board Member Taylor: Well, I would move it more to the front, too.

Board Member Brady: Yeah, the road. Yeah.

- Board Member Taylor: Even...
- Chairman McNulty: I thought it got somewhat wet down there.
- Board Member Taylor: Even if it means changing the footprint of that. Well, it's not in the buffer.
- Chairman McNulty: I moved it another five feet forward.
- Board Member Taylor: Houses don't have to be rectangles of three on one side and two on the other. They can design them in different ways. So make the house narrower and longer or something and move it farther forward.
- Rich Williams: Just looking at the streetscape...
- Board Member Montesano: Yeah, but what are you going to do with the rain garden.
- Rich Williams: Ron, it doesn't look good on the streetscape when you do that but it can be done.
- Board Member Taylor: Yeah, I...
- Chairman McNulty: That's what I was looking at.
- Ron Gainer: If you're going to knock it forward...
- Board Member Taylor: For this house, I'm not worried about the streetscape.
- Rich Williams: I'm sorry, Ron, what?
- Ron Gainer: They're only doing a representation of a building. Any building...
- Chairman McNulty: It's a pretty small...
- Ron Gainer: can go in there.
- Chairman McNulty: small footprint, too.
- Board Member Brady: Yeah.
- Chairman McNulty: It only has about 900 square feet there.
- Ron Gainer: That's a small footprint, right.
- Chairman McNulty: Yeah.
- Ted Kozlowski: I have some comments, if I may. I understand this lot has to go through because it was previously approved. But that doesn't make it any easier. This is a lot that certainly in today's world, would not go through. I feel that this house should be a two bedroom house because that will reduce the amount of the size of the septic which will allow the house to be moved further to the south

and as close to the road within the zoning as possible. These people are going to want a backyard and the way it sets right now, they're not going to have a backyard even though they realize they have 3 acres. I really also believe that there should be a stonewall along the entire wetland buffer that's remaining. Not a post and rail fence. Post and rail fence are easily removed. They decay. I really think there should be a strong delineation between what is useable for the future residents here, and what is not. I don't know if fees have been paid but our Code says one dollar per square foot [Editor's Note: Code states square yard not square foot]. There's a substantial fee here, for this wetland permit. I also think that if the individual wants a pool or any kind of amendments...amenities behind that house in the future, it should be stipulated that there's not going to be trees cut for sunlight. Because the trees are all in that wetland buffer. I really think the future owners of that property have to fully understand what they're buying. And to some people, that's going to be a beautiful piece of property because it's all undeveloped, big, it's wetland, wildlife habitat, all that. But if you get a person in there that thinks that they're going to put horses or have an ATV area for their kids to play in, that's going to be a problem for us, this Town, in the future. Specifically, me and the code enforcement officer. So, yes, Mr. Reilly, this developer should be able to put a house there because it's got an approved lot but I really think that there should be very obvious stipulations for all future owners of that property to fully understand that, yes it's nice, but there are limitations.

Ron Gainer: That would warrant some kind of conservation easement or no disturbance area clearly delineated.

Ted Kozlowski: Because we don't want to, you know, you see that, you know, somebody comes in, they're going to want a bridge that crosses the river to the other side of the property. And then, you know, there might be some upland on the other side of the property so why don't we put something there. I just really think, you know, that is part of a State wetland. The State...The DEC hasn't commented. I doubt very much they're going to say anything but they could. I just think that in fairness to the developer, yes, something should go there. But...

Board Member Ladau: Ted, how do you make that notice? How do you make that clear?

Ted Kozlowski: Well, there's an easement. The stone...I really think a stonewall.

Chairman McNulty: Wouldn't that create more disturbance, though, than installing a post and rail fence?

Ted Kozlowski: No, Tom. No. Because a stonewall is not going any further in the wetlands. It's going along the edge of disturbance. He's probably going to kick up a lot of rock. But we're not talking about round boulders, we're talking about stonewall.

Chairman McNulty: Well, that's what I mean. It just sounds like it would be more disturbance setting that up and...

Rich Williams: I think what Tommy's concern is, is if you're going to do a proper stonewall, you have to have...

Chairman McNulty: You've got to put a...

Rich Williams: a foundation under it.

Chairman McNulty: footing under it and there's a lot of rock...

Rich Williams: So you're digging down and there is a considerable amount of disturbance.

Ted Kozlowski: But we all know what a post and rail...

Chairman McNulty: Yeah.

Ted Kozlowski: Or a post and rail fence.

Rich Williams: I'm just telling you...

Board Member Ladau: Lasts two years.

Ted Kozlowski: Seven to ten years it's going to be gone.

Board Member Taylor: The point is not the disturbance at the line of the wall, the point is to keep people out of the wetlands.

Chairman McNulty: No, I understand.

Board Member Taylor: You know, it's...

Ted Kozlowski: Well, it's a clear...it's a clear, solid, lifelong delineation of, yes here is where you...Here's your backyard and...

Board Member Taylor: Right.

Ted Kozlowski: the rest of your backyard is natural area.

Board Member Taylor: Yup.

Ted Kozlowski: So, that's my recommendations to you.

Chairman McNulty: Okay.

Board Member Taylor: Do we have any control over septic? Where it goes? So there's nothing we can say about the size of the septic and the fact that it intrudes into the buffer?

Ted Kozlowski: Only if it's a two-bedroom house compared to a 3-bedroom house.

Board Member Taylor: But we can't...We can't...Can we tell them it has to be two-bedroom?

Rich Williams: Well, let me back-up first. If it's going to be in a wetland buffer that's regulated by the Town, I mean, we can prohibit the septic from going into the buffer.

Board Member Taylor: That's my question.

Rich Williams: Yes, we can prohibit the septic...

Board Member Taylor: Okay, so...

- Rich Williams: from going in the buffer.
- Board Member Taylor: I think that's one thing we should say to them.
- Board Member Montesano: The only thing is you got to have the Health Department agree with you.
- Rich Williams: No, you don't.
- Board Member Montesano: Well, let's put it this way: Legally that may be true. But if I remember right, there were other septics that were put in in areas that we said no septic at all.
- Rich Williams: And nowadays, the Health Department is asking us...
- Board Member Montesano: Oh, okay.
- Rich Williams: to sign off before they will approve a septic system. The reality is that we can't comment on the design...
- Board Member Taylor: Mmhmm.
- Rich Williams: you know. If they want fill in there, we can't comment on that. But we can say that you cannot put it in the wetland buffer.
- Board Member Taylor: So, I would recommend we do that.
- Board Member Brady: And that would be the expansion, too, right?
- Chairman McNulty: So this whole section here.
- Board Member Brady: That wouldn't just be...
- Chairman McNulty: This whole section he would lose.
- Board Member Taylor: Yeah.
- Board Member Montesano: Finally got some teeth.
- Board Member Taylor: That means he has to cut the house down. So, can we tell him that it has to be two-bedrooms instead of three? I thought you said we couldn't say that.
- Rich Williams: Can't say that.
- Board Member Taylor: Can't say that. Alright.
- Chairman McNulty: No?
- Board Member Taylor: But we can put other limitations on that would...may or may not cause him to reduce it.
- Board Member Brady: By the time he does a perc test...

Chairman McNulty: Pretty small house right now though...

Board Member Brady: he might have to...need so much...

Chairman McNulty: at 900 square feet.

Board Member Brady: fields there that he won't be able to 3 bedroom house.

Chairman McNulty: I don't know if he can...I don't know how he's going to get three bedrooms in there.

Board Member Taylor: Well, but that's his problem.

Rich Williams: Well if, you know...

Board Member Taylor: If it doesn't prove out, it doesn't prove out.

Board Member Brady: Right.

Rich Williams: You have to remember at some point, you know, our Code dictates the minimum size of a house. I think it's 750 [square feet] but...So, you're not...You can't get it that much smaller than what he's proposing.

Chairman McNulty: No.

Ted Kozlowski: But you know, he could build a very pretty cottage-like house that could be very attractive to somebody.

Chairman McNulty: Well, that's about what he's building here. It's only...

Ted Kozlowski: Right.

Board Member Brady: Yeah.

Chairman McNulty: 900 square feet.

Ted Kozlowski: But it really depends...You know, a lot is going to depend on the...

Chairman McNulty: He's got no garage.

Ted Kozlowski: what the aesthetic value...or the aesthetic appeal of the house. If it's going to be a raised ranch box, it's going to be a lot different than a cottage-like kind of building. So...

Board Member Brady: My hunting camp I'm building, there's almost 400 square feet.

Board Member Montesano: Maybe we can restrict to 55 or older.

Board Member Ladau: Not to mention the camera house.

Chairman McNulty: Rich, I didn't get...look through your...Any other big, red flags other than the wetlands? That's a pretty big one but...

Rich Williams: The only other issue is that shed that was out there and the proximity to the property line.

Chairman McNulty: Is that his shed?

Rich Williams: Don't know whose shed that is.

Board Member Montesano: No.

Rich Williams: Well, no. It's not Joe Reilly's shed. It's not the owner's shed. But the question is...

Chairman McNulty: What...Whose property is it on?

Rich Williams: Whose property is it on? So...

Chairman McNulty: Because it shows a shed here [referring to the plans].

Board Member Taylor: Yeah, that's almost where it is.

Chairman McNulty: Yeah.

Rich Williams: Yeah, so I raised the issue about, you know, where is the shed in relation to the property line. You know, hopefully they'll go out and they'll show it on a drawing.

Board Member Montesano: The lady was nice; she waved at us. Now she may not.

Board Member Taylor: Slide her shed back, that's all.

Chairman McNulty: Do we have a...Is this the only plan we have or do we have more on this?

Rich Williams: I've got more on it.

Chairman McNulty: I don't know what I did with it. I can't find it.

Board Member Ladau: Yeah, I...

Chairman McNulty: It's lost in my office paper somewhere.

Board Member Montesano: It's up on the wall.

Chairman McNulty: Okay. Any other comment on this? I guess we'll discuss this with Joe when we see him and bring up the ECI's concerns and our concerns with the wetlands and location of the house and the septic system.

b) Zoning Amendment – Restaurant

Chairman McNulty: Okay, next we have Restaurants – Zoning Amendment.

Rich Williams: Restaurants. I threw it back on the agenda because after the last discussion that we had, and Tommy sent me what you all were thinking about.

[Train going by – blowing the horn]

Rich Williams: What's with the trains tonight?

Chairman McNulty: Oh, that's a long one.

Board Member Brady: We planned it that way.

Chairman McNulty: It's a long meeting.

Rich Williams: Did you? That's good. You know, I mean, I will send it over the way the Planning Board wants it sent over but there are still a number of concerns which I think what you've recommended to the Town Board, it doesn't work. For example, one of the issues is, and just so you...a little background, we have a permissive code. If it's not listed in the Code, you technically can't do it. So, one of the issues that came up was take-out. Can a restaurant do take-out food? You know, we tried...I tried to address that within the definition. Your definition has nothing on take-out. So, it's a standard practice among restaurants. It really needs to be addressed by the Town in some fashion. You know, are you going to let restaurants continue to do take-out or are you not. Likewise, this past Friday, we had somebody come in...It this past Friday, I think.

The Secretary: Yeah.

Rich Williams: Wanted to do a cabaret. He asked me, you know, can I do a cabaret in Town? You know, a restaurant with entertainment. I said under our current definition no because it's not listed as a permissive use. You know, sometimes it's very difficult to craft these...

Chairman McNulty: No doubt.

Rich Williams: definitions to make them as simple as possible. As flexible as possible, but still incorporate everything you need to incorporate. So, I threw it back on the agenda to see if you want to take another look at it.

Board Member Ladau: You mean, you want to add to the definitions cabaret?

Ted Kozlowski: Could I ask you, Rich, and I know Daryl's house is not in Patterson, but wouldn't Daryl's House be, or the former Town Crier, it's entertainment and dinner?

Board Member Ladau: Yeah.

Ted Kozlowski: What would that fall in in this Town? And say they wanted to do...Town Crier wanted...

- Chairman McNulty: Well, Daniel J's. The...
- Rich Williams: When you have a band...
- Chairman McNulty: Rentoulis, they have a band. Now...They used to have a band now and then.
- Rich Williams: Mmhmm. They used to. And again, you know, when I crafted the original definition of restaurant, you know, I was trying to be as open and as flexible as possible and, you know, we were allowing all those things. Well, now somebody's come up and said, yeah but it's not listed and I don't want him to do it. So that's what's opened the door on all of these issues.
- Chairman McNulty: How do we change the Code so it's not setup that way?
- Rich Williams: That's what I'm asking you. I mean,
- Chairman McNulty: The overall Town Code where it's not...So we don't have that if it's not listed it's not permissive. Because how do you technically...
- Rich Williams: You can't.
- Chairman McNulty: list everything or we just have the capability to mold the Code as we go?
- Board Member Brady: Right.
- Rich Williams: We mold the Code as we go. You don't want to open the door to say, you know, if it's not listed it's okay to do because...
- Board Member Brady: Right.
- Rich Williams: you're going to get things you never even thought of.
- Chairman McNulty: Okay. So, if we mold the Code by adding definitions to the Code like catering for example...
- Rich Williams: Correct.
- Chairman McNulty: Is that molding the Code?
- Rich Williams: Yes.
- Chairman McNulty: So if we leave...Just take, for example, the...What we recommended for restaurants.
- Rich Williams: Right.
- Chairman McNulty: As basic as possible and then use the definitions to define it. We have fast food establishment defined. We have...
- Board Member Taylor: Catering.

- Chairman McNulty: catering defined now, or recommended it...
- Rich Williams: Right.
- Chairman McNulty: to be defined.
- Board Member Taylor: Take-out.
- Rich Williams: So, I can...
- Chairman McNulty: Can we define take-out?
- Rich Williams: Yes. I can define take-out. I can define take-out. But then, if it's not part of the definition, if it's own separate, this is what take-out is. This is what a cabaret is. You know, I can detail and give you definitions for fifteen types of restaurants. If they're not all inclusive in that one, when I go to write the permitted uses in the zoning district, I can't say just restaurant. I have to list off restaurant, delicatessen, take-out...
- Chairman McNulty: Which is defined in or definitions.
- Rich Williams: fast-food. Yeah, they're all defined. So, if I don't do it here, I do it over there. That's what I'm telling you.
- Chairman McNulty: Well, I think it gives us more flexibility to keep, like, restaurant, which is a general term...
- Rich Williams: Right.
- Chairman McNulty: flexible. And use the Code, as we're talking about, to define it. At some point fifty years from now, we may have forty-two items listed in the C-1 zoning for restaurant. These types of restaurants are allowed.
- Rich Williams: Yeah, we can do it that way if you want to do it that way. If the Town Board agrees with doing it that way. I mean, I'd rather just come up with a good, solid definition of restaurant...
- Board Member Taylor: Restaurant.
- Rich Williams: and make it work.
- Board Member Ladau: Yeah.
- Chairman McNulty: Yeah, but then are we...
- Board Member Brady: Because once you start breaking it out, you're restricting what you can do.
- Board Member Taylor: No. Well...
- Chairman McNulty: Well, it becomes restrictive within a body, too though.
- Board Member Brady: It doesn't give you any flexibility with this stuff.

- Board Member Taylor: Well, but he...
- Board Member Brady: You want the flexibility, you know, to be able to...there's something that's...If you are specific with the different items, and somebody comes in with something you go, oh that's good. But, you know, that's not there. You don't have any flexibility anymore.
- Board Member Taylor: Well, we still don't. Unless it's named in the Code, it's not permitted.
- Chairman McNulty: Yeah.
- Board Member Taylor: I mean, that's the...
- Chairman McNulty: That's the...
- Board Member Taylor: I mean, that's one side of the problem.
- Board Member Brady: Right.
- Board Member Taylor: The other side of the problem is when a use turns into a nuisance and that's not covered.
- Rich Williams: Right.
- Board Member Taylor: I mean, we've had it on both sides. So it's...I mean, how do you craft it? I...
- Chairman McNulty: I almost think with take-out though, we have to look at the definitions, does it apply to more than restaurants? It applies to fast food. It applies to delis. It doesn't apply to catering because we're not...We don't want that to apply to catering.
- Rich Williams: Within the definition of fast food, it's implied that that's take-out.
- Chairman McNulty: But we don't define take-out.
- Rich Williams: We don't say take-out in there, but everything that they're doing in there is basically take-out.
- Chairman McNulty: Well, that's what I'm saying. But a restaurant does take-out as well.
- Rich Williams: Correct.
- Chairman McNulty: So if we add that into restaurant, and it's not listed in fast-food, are we contradicting ourselves? It's permitted in one area but it doesn't specifically say take-out under fast-food. So I'm saying do we just add it as its own definition and it can be applied to restaurants, fast-food, restaurants.
- Board Member Brady: Would Dunkin Donut, that would be fast food?
- Chairman McNulty: I would consider...Well, they have tables but they don't have waitress service.

- Board Member Brady: Right. And they don't have...
- Rich Williams: Yes. I would say Dunkin Donuts would be.
- Board Member Brady: Would be fast-food because...
- Chairman McNulty: I would say so.
- Board Member Ladau: Yeah.
- Board Member Brady: they microwave everything.
- Chairman McNulty: Yeah.
- Board Member Brady: It's, you know, it's not cooked on premises. They bring it in.
- Rich Williams: Most of it's take-out.
- Board Member Brady: Yeah. It's all take-out.
- Rich Williams: You know?
- Board Member Brady: For the most part. The one thing I did comment on your last go around with this was in one of the definitions there was tables, for four tables.
- Rich Williams: Mhmm.
- Board Member Brady: I sent you an e-mail, I don't know if you saw it.
- Rich Williams: Yeah, I did.
- Board Member Brady: But you could have four ten-person tables. Or you can have four twenty-person tables. And that, you know, would go against what you're really looking to accomplish.
- Rich Williams: That was in the definition of delicatessen.
- Board Member Brady: Delicatessen. Okay.
- Rich Williams: Yeah.
- Board Member Brady: You know, and somebody would try and use that and say, okay well I'll put all these tables in there. You know, big, huge tables. You might want to make a limit.
- Chairman McNulty: But we're limiting the square footage, so you might not have room for all those tables.
- Board Member Montesano: Well, that depends. You can open good and plenty.
- Board Member Taylor: Yeah, and are they wet tables or dry tables?

[Laughter]

Rich Williams: What's a wet table or a dry table?

Chairman McNulty: Well, a steam table.

Board Member Taylor: Well, we had a problem with wet chairs and dry chairs.

Board Member Brady: Got a sink at it.

Chairman McNulty: Steam table.

[Laughter]

Board Member Montesano: One's got linoleum...

Chairman McNulty: How would a hibachi work where you cook everything at the table?

Ted Kozlowski: A restaurant.

Chairman McNulty: They don't really have a kitchen.

Board Member Taylor: They're...

Ted Kozlowski: It's a restaurant.

Board Member Taylor: It's a restaurant.

Rich Williams: I would say it's still a restaurant.

Board Member Brady: Yeah.

Board Member Taylor: They're still cooking.

Board Member Brady: And they have kitchens. They still have kitchens.

Chairman McNulty: Yeah, they prepare.

Board Member Brady: They prepare food, too.

Rich Williams: Right.

Board Member Taylor: Yeah.

Rich Williams: And I would say the hibachi is still an area used for seating.

Chairman McNulty: Yes. Definitely.

Board Member Brady: Cabaret.

Chairman McNulty: But there's not waitress service.

Rich Williams: At a hibachi?

Ted Kozlowski: Yeah there is.

Board Member Brady: Sure there is.

Chairman McNulty: Oh, yeah. It's for drinks. For drinks.

Rich Williams: I don't know. I just got served. I had three servers waiting on me at the hibachi place.

Chairman McNulty: Good.

Rich Williams: In addition to the guy that was cooking.

Chairman McNulty: I haven't been to one in a while.

Rich Williams: I went to the one over in Mahopac. Very nice.

Chairman McNulty: The one right on the lake?

Rich Williams: Yes. And very good margaritas.

Chairman McNulty: I heard that was a good place over there. Okay, so...

Ted Kozlowski: I designed his rain garden.

[Laughter]

Board Member Brady: I'm going to send my lawn mower over.

Chairman McNulty: Okay.

Ron Gainer: Just send your mulch.

Board Member Taylor: Well, let's... We'll look at them some more.

Chairman McNulty: We'll look at this and have some more discussion at the next meeting.

Rich Williams: Really, you don't want to sit here and discuss it tonight? Sarah's having fun.

Chairman McNulty: No, I know. Trying to keep her awake over. I'm watching for the nod.

Board Member Montesano: Don't you dare.

[Laughter]

Chairman McNulty: Any other comment on this zoning amendment?

Board Member Taylor: Nope.

c) Zoning Amendment – Commercial Trade Operations

Chairman McNulty: We also have zoning amendment for commercial trade operations.

Rich Williams: Correct. You had suggested some changes. I made the changes, forwarded them back to you. One of the things is Mike Liguori was going to do some research on that. So we're waiting for Mike.

Chairman McNulty: Okay.

Board Member Taylor: Well, I suppose we table that until the full meeting when Mike is there.

Chairman McNulty: Yeah.

Board Member Taylor: Okay.

Chairman McNulty: Okay, we'll wait to get Mike's input.

d) Patterson Crossing – Set Performance Bond

Chairman McNulty: And then we have Patterson Crossing, set performance bond.

Rich Williams: Correct. We...

Chairman McNulty: We...

Rich Williams: We've never actually set the performance bond based on the approvals that were granted. They've now submitted all the details to Ron, so Ron's formulating a recommendation on a performance bond.

Ron Gainer: Oh, just got a response from them.

Chairman McNulty: Okay. So we're looking to have that for the meeting?

Rich Williams: Yes.

Chairman McNulty: Ron, do you have any comment on a performance bond for...

Ron Gainer: Yeah, numbers have been calc-ed. I just today heard that the...Heard from Insite that they were accepting my calcs. And they're higher than his but, you know, whenever we do this, we negotiate back and forth.

Chairman McNulty: Mmhmm.

Ron Gainer: He signed off his acknowledgement. The developer (inaudible) still object. It's just the developer but at least two engineers agree on the numbers. So...

Chairman McNulty: Okay. So it's looking like we can move forward at the meeting to set this and refer it to the Town Board. Is that what we do?

Ron Gainer: Be prepared to hear something from Mr. Camarda but, I mean, his own engineer has acknowledged that our values are reasonable.

Chairman McNulty: So you're comfortable enough you can get it sent out to us so we can all review.

Ron Gainer: Actually, I issued it today. When I got back to my place...

Chairman McNulty: Okay.

Ron Gainer: this evening, I saw the response from Insite so I released it. I'm actually going to re-release it; there's an error in the math. But the numbers are done. It's signed off.

Chairman McNulty: Okay.

Ron Gainer: And Camarda will (inaudible – too distant).

11) Minutes

Chairman McNulty: And we have minutes which I haven't looked at yet. So we'll...

Board Member Ladau: I didn't.

Chairman McNulty: hopefully get that on the meeting. Any other comments?

Board Member Taylor: Well, I...

Chairman McNulty: Motion to...Oh, I'm sorry Ron.

Board Member Taylor: Just, I was wondering, and this is something we talk about every six months or so. We talk about changing other codes. And since Rich was saying it's such an expense to change to Code, do we want to start dealing with those things now so that all these things can go through when these other changes.

Rich Williams: What other Code change are you considering?

Board Member Taylor: Well, one of the things we'd always talked about was a minimum lot size so we're not always negotiating about how much area for the pool and how much area for the shed. I think Mike was...had said that he would bring in some codes from other places that had minimum lot sizes in them. He probably has forgotten that but...

Chairman McNulty: We don't have a minimum lot size for residential?

Rich Williams: We actually do have a minimum lot size.

Chairman McNulty: I thought we did.

Rich Williams: But I think I know where Ron's going with this. Yeah, I mean, our minimum lot size used to be 40,000 square feet and 80,000 square feet. Now it's 4-acres. You know, in some zones it's 1-acre. In some places it's 2-acres.

Chairman McNulty: But you're talking about useable lot size.

Board Member Taylor: Yeah. That's...

Board Member Montesano: Right.

Board Member Taylor: Like the...

Rich Williams: But...Right. He's talking about useable lot area and coming up with a formula so you actually create a box...

Board Member Taylor: Yeah.

Chairman McNulty: So whether you have 10 acres...

Rich Williams: of useable land.

Board Member Taylor: Right.

Chairman McNulty: or four acres...

Board Member Taylor: Right.

Board Member Brady: A building envelope.

Chairman McNulty: what the minimum...

Board Member Montesano: What can be...

Chairman McNulty: useable would be.

Board Member Montesano: Right.

Board Member Brady: Yeah.

Board Member Taylor: Yeah.

Rich Williams: Right.

Board Member Taylor: Yeah.

Board Member Montesano: That was done once before.

Board Member Taylor: Because, I mean, we're always negotiating with the developers about this stuff.

Rich Williams: Right.

Board Member Taylor: If we just had that, we could say you don't have to put the pools on anymore. You don't have to put the sheds on anymore. Give us that and that's it. And if it doesn't fit within the buffers or the steep slopes or...eliminate it as a lot. That's one thing. I don't know. I've got to think. We're...Things always come up that we say, well it's...Ridgelines for example.

Rich Williams: Ridgelines.

Board Member Taylor: It's not in the Code.

Rich Williams: Nope. We don't tell anybody to stay off the ridgelines.

Board Member Taylor: Yeah.

Rich Williams: If we could stay where you were, just so you're aware, with horses, one of the things I did with horses is I defined useable area.

Board Member Taylor: Mmhmm.

Rich Williams: And then defined that. The property owner...It used to be you could have one horse for every two acres regardless of the land that you had. So people would be coming in with 10 acres of wetland and putting 5 horses on...

Board Member Taylor: Right.

Rich Williams: a quarter acre. So now, our Code does just what you're talking about doing with residential. It says this is what useable land is. You need so much useable land for a horse.

Board Member Taylor: Okay. So we've already got the beginnings of it.

Rich Williams: Yeah.

Board Member Taylor: Yeah.

Rich Williams: So it's fairly simple and straightforward to do.

Board Member Taylor: Yeah. So I was just, you know, if we could think of other things like that...

Chairman McNulty: Well, RP Development...

Board Member Taylor: that we coming up against.

Chairman McNulty: is an example of that. Basically, if we had a minimum lot size...

Board Member Brady: We wouldn't be doing this now.

Board Member Taylor: They're pre-approved though.

Chairman McNulty: They're pre-approved, I understand. But...

Board Member Taylor: That's...

Chairman McNulty: if I was a new application coming towards us...

Board Member Taylor: Yeah, a new one. Yeah.

Chairman McNulty: it would...

Board Member Montesano: We did...

Chairman McNulty: If it was in a new subdivision...

Board Member Taylor: Yeah.

Chairman McNulty: application...

Board Member Brady: It would never be...fly.

Chairman McNulty: That lot would never fly. It wouldn't fly anyway now, anyway.

Board Member Taylor: It wouldn't fly anyway now. No.

Board Member Montesano: Originally when we came up with four acre zoning, we had all of that defined as to what was useable. If you had a 75,000 square feet of rock that unless you were going to take it out, you couldn't use it. If it was a...If it was 90 degree slope, you're not taking it out. And we had all that done but it was never allowed because the powers that be decided that's not what they wanted.

Board Member Taylor: Well, but maybe now we can get them to...

Board Member Montesano: So hopefully we can do that...

Board Member Taylor: to do it. Yeah.

Board Member Montesano: again.

Chairman McNulty: Okay. Well, let's... We have talked about it a bunch.

Board Member Taylor: Yeah.

Board Member Brady: Yeah.

Chairman McNulty: Is this something we should include, Rich, and propose it to the Town? Or...

Rich Williams: It's certainly going to have discussions about it. And see if you can formulate a recommendation over to the Town Board.

Chairman McNulty: Okay, well we have some plans in front of us. Some good examples where we can look at. Any other comments?

Board Member Ladau: Nope.

Chairman McNulty: Make a motion to adjourn.

Board Member Ladau: Moved.

Chairman McNulty: All in favor?

Ron Gainer: Ed was there hours ago.

Chairman McNulty: Yeah. *Motion carried by a vote of 5 to 0.*

Meeting was adjourned at 9:24 p.m.