

PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

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**Planning Board
May 7, 2015 Meeting Minutes**

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

Present were: Vice Chair Ron Taylor, Board Member Edward J. Brady, Jr, Board Member Michael Montesano, Board Member Robert Ladau, Rich Williams, Town Planner, Ron Gainer, Town Engineer and Michael Liguori, Town Attorney.

Vice Chair Taylor called the meeting to order.

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

There were approximately 4 members of the audience.

Vice Chair Taylor: Good evening. The Chair is away so I am, as Vice Chair, responsible for the meeting. We're going to do some tag teaming tonight. So to begin the meeting, Ed is going to lead us in the Pledge of Allegiance.

Board Member Brady: I want you to know my daughter wanted to do this.

Board Member Brady led the salute to the flag.

1) NEIL AVELLINO – CHANGE OF USE

Vice Chair Taylor: Thank you, Ed. So I guess we have officially called the meeting to order. I'm sure there will be plenty of comments if I do anything wrong. Neil Avellino.

Rich Williams: You did. You want to address that? Neil Avellino is an application down on the intersection of [Route] 164 and [Route] 22. Mr. Chairman, as you remember, we invited Mr. Avellino in and resolved the issues, granted him an approval for the change of use to allow a personal services on the first floor. As directed, my office had sent him a memo giving him specifics so he has that in hand and we requested he notify us when he goes to make the improvements on the site that were requested.

Vice Chair Taylor: Did we get a copy of that memo?

Rich Williams: I don't know if you did or not.

Vice Chair Taylor: Or at least the Chair should get a copy of the memo. He had questions.

Rich Williams: He had questions? Okay.

Vice Chair Taylor: Is a site plan amendment required?

Rich Williams: No.

Vice Chair Taylor: Okay. That was one of his questions. I have a list of questions from the Chairman here. Even though he's gone, he's overseeing the meeting in spirit.

[Laughter]

2) MARIA MANGAN – “SIZO SALON” – SIGN APPLICATION

Vice Chair Taylor: Alright. The sign we approved for Mangan on Haviland Drive.

3) ADAM LEVINE – FILL PERMIT

Mr. Bart Lansky, Lansky Law Group, was present to represent the application.

Vice Chair Taylor: Number three, Adam Levine Fill Permit Application. Do we have anybody here for Mr. Levine?

Mr. Bart Lansky: Yes you do. Bart Lansky for Adam Levine.

Vice Chair Taylor: Okay. Would you like to make a statement before we begin?

Mr. Lansky: I'd like to hear what the Board has to say. I've has an opportunity to read the letter dated April 29th from Mr. Williams. And I, just as a precatory comment, I think everything is substantially correct in his letter. And I agree all of it except for the fact that I have a client who doesn't have the ability to do all of this. And I have...we have some constraints. So, I want to argue any of the technical portion of this or the history; I think it's all laid out very well. But I would like to hear what the Board has to say and I would like to talk about what I think is practical after that.

Vice Chair Taylor: Alright. I have a few questions for you.

Mr. Lansky: Of course.

Vice Chair Taylor: I reviewed your letter. Have you reviewed minutes of previous meetings?

Mr. Lansky: I have.

Vice Chair Taylor: So you...

Mr. Lansky: I have read, not recently, but...

Vice Chair Taylor: Well, these weren't recent.

[Laughter]

Mr. Lansky: There has been ongoing civil and criminal litigation. I've been involved in the civil litigation. As part of that I have read, at one point in time about two years ago, all of the minutes which were involved with Mr. Levine.

Vice Chair Taylor: Alright, so you are aware of the background then.

Mr. Lansky: I am.

Vice Chair Taylor: Alright. Did you make an attempt to contact the owners of the...Xolar property?

Mr. Lansky: I instructed my client to make an attempt. He told me he made several attempts and I see one of the gentlemen is not 100% convinced [referring to the Board Member Brady] but...

Board Member Brady: No.

Mr. Lansky: I...We have had no response. And the no response has been ongoing and, for me, surprising. So...And we don't really have permission to go on their property and I think we're outside...I know you have able counsel here who I've seen before. He might tell you that you're outside of any statute of limitations of giving them a notice or bringing them into this.

Vice Chair Taylor: If...

Mike Liguori: I'm not so sure about that.

Board Member Brady: I think they've been involved.

Vice Chair Taylor: Well...

Mr. Lansky: Have they?

Board Member Brady: Her attorney's been...

Mike Liguori: Yeah. Michael Sirignano is representing her.

Rich Williams: Oh, yeah. They've been here on the record.

Mike Liguori: On the record.

Rich Williams: They granted him permission to go on their property.

Mr. Lansky: Okay.

Rich Williams: And they were notified of this proceeding tonight and we're actually somewhat surprised because they haven't had any communication from Mr. Levine in a couple of years.

Mr. Lansky: Okay, I understood something different from Mr. Levine. And so if I made a misrepresentation I'm going to, you know, apologize. I understood that they were talking about, when I saw your letter, having them get a notice on needing a fill permit. And I thought that statute of limitation basis that this occurred five years ago and you wouldn't be able to bring him on not submitting fill permit five years ago.

Mike Liguori: Who, Levine? Or...

Mr. Lansky: Xolar.

Mike Liguori: Xolar.

Mr. Lansky: Levine's a whole different thing.

Mike Liguori: So...Let me...I just want to make sure I understand this correctly. You're talking about the Town commencing action...

Board Member Ladau: Mike?

Mike Liguori: against Xolar?

Mr. Lansky: Well, that's what I read in the letter from Mr. Williams. And so that's...Maybe I misinterpreted it. But it mentioned something along the lines that Mr. Levine should bring them in. If he doesn't or they're not willing to come in, then maybe the Town should issue and appearance notice for them. And my point on that would be...I don't know, you're the Town's attorney on this matter and I would defer to you, of course, but I don't know that you could bring them in on a fill permit requirement five years ago.

Mike Liguori: Well, there's not estoppel; it's a municipality. So the building inspector, I believe, would be able to enforce.

Mr. Lansky: Okay.

Mike Liguori: I just want to go back to Rich Williams'...Rich's letter. But, that notwithstanding, I don't think there was any confusion on the part of...and I forget Xolar Corp, I forget the name of the fellow that is the owner of that entity. His daughter came here with represented by Mike Sirignano. But I do remember them being very clear and reachable.

Mr. Lansky: Okay.

Mike Liguori: So that's why you're looking...We have a look of surprise on our side because they were...they came here and represented to us that, hey look, you know, somebody put fill on our property and we want it off.

Mr. Lansky: Okay. I didn't get that message and I didn't attend that meeting. I did read the minutes.

Vice Chair Taylor: You apparently didn't pick it up from them.

Mr. Lansky: I...But I did say two years ago and...

Mike Liguori: Alright. Well, look, I think at this point we know that Michael Sirignano is reachable.

Mr. Lansky: Okay.

Mike Liguori: I've never had a problem reaching Michael.

Mr. Lansky: I would imagine he is.

[Laughter]

Mr. Lansky: And I would...I have not reached out to them.

Mike Liguori: Okay.

Mr. Lansky: I have relied on my client to reach out to them and he tells me that they have been unresponsive.

Vice Chair Taylor: Mr. Lansky.

Mr. Lansky: Yes.

Vice Chair Taylor: I would suggest that you personally reach out to the lawyer.

Mr. Lansky: Of course.

Vice Chair Taylor: Or professionally reach out to the lawyer.

Mr. Lansky: Of course.

Vice Chair Taylor: and take care of these...If you want to keep your client out of court again, this needs to move forward. And unfortunately Mr. Levine has a history of delay, delay, delay.

Mr. Lansky: I do want to...May I?

Vice Chair Taylor: Yes. Go ahead.

Mr. Lansky: I am confined a little bit. There's been a foreclosure initiated on the property.

Mike Liguori: Who's the lender?

Mr. Lansky: Trustee for the lender is douchebag. Douche Bank, excuse me.

[Laughter]

Mike Liguori: Deutsche Bank?

[Laughter]

Mr. Lansky: That's not what I meant. How do I pronounce that correct?

Mike Liguori: Deutsche.

Mr. Lansky: Deutsche Bank, I'm sorry.

Ron Gainer: You were close.

Mr. Lansky: Yeah, sorry.

Vice Chair Taylor: We didn't hear that in the minutes.

Mr. Lansky: Yeah, we can go to the...

Mike Liguori: Lansky's not German, right?

Mr. Lansky: Yeah, Lansky fled from the Germans.

[Laughter]

Mr. Lansky: And still fleeds from their language.

Board Member Ladau: Foreclosure on which property, Sir?

Mr. Lansky: 99 Tammany [Hall Road]

Vice Chair Taylor: Levine's.

Mr. Lansky: The Levine property. I know Mr. Levine has had other issues. And part of the reason the responsiveness is not what the Board would like is based upon financial constraints. The fill permit application, which I put together, was what I thought he could do in a quick time within the resources which are available to him. And that's what I assembled. And I understand it's not what everyone would like to see but I'd like to get something done. I'd like to get an improvement. I'd like to get closure for everybody. And I fear that if we go down a different road that there'll be nothing I can do. That I'll be...At some point in time, one of the things I think the Town can do is they can...we can do a deed restriction and the deed restriction could say a number of things and it could constrain the use of the property until certain things are completed. And if that's done, then the bank would even be responsible for doing that. And I think there's a couple of ways to make an improvement for the Town. And I think if there's an expeditious way to get there, it would be beneficial for all of us. And I don't fault any of the analysis. I know your consultants are...have done a wonderful job looking at this. And the Board has also been very patient, but unfortunately I have constraints that I...

Rich Williams: Mr. Chairman, I'd like to hear, you know, exactly what the constraints are. What within the memo he cannot do.

Mr. Lansky: Okay.

Rich Williams: Can't do a survey?

Mr. Lansky: No. If I can go...I'll go in order of your recommendations.

Rich Williams: Sure.

Mr. Lansky: And I just got this an hour ago so I'm speaking a little bit off the cuff. I would...My presumption is we can do the following: We can do the survey. Item two is regarding the slopes. I'm not presuming I can go on the neighbor's property until I actually have authority. I will contact the attorney and see what can be done. The other issue with that, just to be clear, is that most of this fill was placed in 2010 and I know that we have a watershed down below and I know one of the ideas is not to disturb fill above it. And so we now have a lot of growth in that area. And going back in there with machines, I don't know if it's best thing for an environmentally sensitive area.

Rich Williams: Go ahead.

Mr. Lansky: So that's a concern. I'm not saying that we can or can't do this. But there is a preface which is I need the relationship with the neighbor which I don't have yet. So I will reach out.

Rich Williams: There's more than just the area abutting the neighbor's property. Okay go ahead. Keep going.

Mr. Lansky: Any visible logs moved from...If we could say from the Levine property, I can agree with that. Okay?

Rich Williams: Okay.

Mr. Lansky: No additional fill material brought on the site. So I visited the property the day the photos which I attached to the application. And I got that survey which I submitted, which I hadn't had before. And what I saw was the property...The Xolar property with this amount of fill, a certain amount of fill, not a long distance of fill, on the Levine property, and then this concentric ring. And when I walked around that concentric ring and went behind it I saw some loads of broken up concrete and I saw trees: 10 inch by, let's say, 15 feet. You might call them logs or trees, debranched. Covered over with some concrete and other dirt and materials. I didn't see a whole bunch of construction debris in that area. But that's what my eye saw. And when I asked about that, he said the idea was to do the ring and then fill it in after he had raised the well head. And so that material...There's a certain amount of material we'll place there. I...That material I would presume we can remove. We had a defendant, Hickory Homes, who admitted to placing some wood on the property and had given us a letter saying that they would be willing to remove it. Whether or not I can get them to do that today, I don't know. But they said they would be willing to remove that material. So my idea in the fill permit application was to leave that ring there and to kind of raise the wellhead and to fill it in because the problem is if I remove that...Some of this was going to provide lateral support for the materials on the Levine and Xolar property. I can't just cut off the materials which are just over that line on the Levine property because they are supporting the fill materials on the Xolar property.

Rich Williams: So, just to be clear, your client can afford to raise the wellhead. So we can do that.

Mr. Lansky: I...My presumption is that we can raise the wellhead, as well.

Rich Williams: Okay. Alright.

Mr. Lansky: So, Schedule on number 4, let me just make sure I got everything in there. Paragraph five, schedule: of course. Paragraph six: if we remove that concentric ring, there's not much materials on the Levine property to be capped. There is the Xolar property which is...we don't have permission to be on at this point in time. And I will address that when I...after I speak to their attorney. You know...So, that's six. To the extent that there's materials on the Levine property which need to be capped, then yes.

Rich Williams: So you can afford to do the capping.

Mr. Lansky: Well, to be clear, my understanding from speaking with my client was that he was going to borrow around \$30,000 from his father to do this work. To do...Now, it can...We start shifting things around, it can be much more and we might be outside of his range. I'd like to get an aggregate of what the work is. I believe I can do exactly what we submitted as a fill application. We now change it, I need to get an understanding of what the numbers are and make sure that he can...his dad has that amount of money to lend him and he can do it.

Rich Williams: To be clear, the fill application that you submitted though, was to leave that concentric circle.

Mr. Lansky: Yes.

Rich Williams: Correct?

Mr. Lansky: Correct.

Rich Williams: And to bring additional fill on to the site to fill in...

Mr. Lansky: Yes.

Rich Williams: the center.

Mr. Lansky: Yes, correct.

Rich Williams: Right. So your client has the money to bring additional fill onto the site.

Mr. Lansky: Yes.

Rich Williams: Okay.

Mr. Lansky: Well, that...

Rich Williams: So...Now...

Mr. Lansky: wouldn't be...

Rich Williams: my recommendation in that memo is no additional fill be brought in on the site.

Mr. Lansky: Okay.

Rich Williams: That you take that concentric circle with the very steep side slopes...

Mr. Lansky: Yup.

Rich Williams: and you re-grade that towards the house. You raise the wellhead up...

Mr. Lansky: Yup.

Rich Williams: and you keep...just use the material that's already on the site and re-grade that.

Mr. Lansky: Okay.

Rich Williams: And I've actually saved you money now, because you're not going to have to pay for any additional fill. You're still going to have to have the machine. You're still going to raise the wellhead. You're still going to have to remove the wood.

Mr. Lansky: Okay.

Rich Williams: But you're not going to have to spend any more money on fill. So, you're welcome.

Mr. Lansky: Yeah. Thank you. I...

Rich Williams: But I haven't heard...

Mr. Lansky: Again...

Rich Williams: I haven't heard where you can't afford to do it.

Vice Chair Taylor: Okay...

Mr. Lansky: Well, I'm telling you what my discussion was with my client. I'm telling you that he would like to have...Obviously, we're very much interested in improving the property and making it better and having a resolution. And that was...That was about the aggregate. And when we did the numbers and talked to consultants, this is the plan we came up with. I'm happy to make adjustments based upon this and reach out to the neighbor and kind of continue.

Vice Chair Taylor: Okay. Anybody? Comments?

Board Member Brady: Yeah. I feel like when I started on this Board this was an ongoing issue. And it's the same story. It hasn't changed. You know, on March 10th, I guess there was an agreement made in court that you were going to come back...your client was going to come back and resubmit an application to the Board. But, March 10th to now is two months. He could have done a registered letter and showed up here saying that he sent a certified letter to the people that own that property to show us some sort of good

faith that he was trying something. He didn't make any attempt. And this is what we dealt with for years now. And it's...One of the things I said was I think that the...your client should be giving us a bond for the cost of remediating the whole property and that...so that if he doesn't do it, because I honestly don't believe he's ever going to do it, we can call the bond and get it taken care of. I just, you know, we're going around in circles here and it just seems like we're just...I don't know, to me it's just we're wasting our time. And I know you're...

Mr. Lansky: I...

Board Member Brady: you're walking into this blind and I understand that.

Mr. Lansky: Well...

Board Member Brady: But your client should be here.

Mr. Lansky: I'm, you know, I can only work with what I have and that's unfortunate. And I have somebody who, I don't believe, has any net worth and is under foreclosure and had had a recent disability. And, you know, we're doing what can be done and I wish it were more. And I'm sorry it's taken this long and it's been this frustrating. But...where we are.

Vice Chair Taylor: Okay, Mr. Lansky. Mike, do you have anything more to say or...?

Board Member Montesano: No, no.

Vice Chair Taylor: Okay. First of all, you've pointed out the problem of trying to estimate how much fill there is, how much is needed to fill in the circle and how much, etcetera, etcetera, etcetera. That's one of the reasons we asked for a survey way back when. We need the survey. If anyone's going to make any estimates, there needs to be a survey. You're not competent, I think, to make the judgements on fill that you were making. We had our people were questioning the quantities of fill that you were...that you had in your letter. We would also like to have Mr. Levine hire a competent engineer for us...Not competent, professional engineer who we assume will be competent, to prepare this plan so that these estimates can make some sense. And then you can figure out your dollars and cents and where you're going. Right now, you're shooting blind. We have...I think Mr. Levine long ago exhausted our patience and our consideration for delay. We're requiring that there be a full survey, not just a half of a survey that we have, a full survey for the Levine property and the...

Rich Williams: The Xolar's property.

Vice Chair Taylor: the Xolar property. A survey for the Xolar property already has been completed. And that's so the volumes of fill can be calculated. Survey of the fill; how much fill was in there. That needs to be completed by the next Planning Board submission date. Completed and in here. Signed and stamped. We need...I'm reading from Tom's notes here, so give me a minute. This is redundant. I just said that, but for both properties then. We need that survey for both properties so that we can calculate...and the surveyor's calculation and amounts of fill to be removed.

Mike Liguori: Bart, here's the survey of your neighbor's property. I'll give you that from my file.

Vice Chair Taylor: And we need a site plan that includes a detail showing the removal of the neighbor's fill. All the items in Rich's notes. All the required DEC capping details, restoration of the

buffer at the property line so that's there...Mr. Levine cut down the trees between his property and the neighbor's property. We'd like to see some...possibly see some restoration of...for visual purposes in between. And a finished grading plan. We'd like to...We understand that an engineer won't be able to prepare that but we want a signed contract with an engineer by the next Planning Board submission date and we are setting a deadline for the engineer to have his plan in to us by the July meeting. I'm reading these notes; I assume we're going to discuss this and decide whether this is in fact what we're going to do. Failure to meet any of this timeline or any of the elements would lead to our denial of this application, this permit and referral back to the court. It...I think you need to work out with the court Mr. Levine's financial problems, not us. I think we're in the situation that this fill needs to be capped. That was decided a long time ago. If Mr. Levine can't do it, then I guess we take it up with the bank when they take over the property or whatever.

Mr. Lansky: Well, I don't...I've had some experience with banks and I found them to be even less receptive than Mr. Levine.

Vice Chair Taylor: After five years I think that would be difficult for us to...

Mr. Lansky: I don't know if any of you have dealt with the banks but...

Rich Williams: Yeah, we have and they're a lot more receptive than Mr. Levine has been.

Vice Chair Taylor: Okay. So...

Mike Liguori: Are they not foreclosing because of the fill? Because the foreclosure's been around for a couple of years.

Mr. Lansky: Well, no actually. I just...We sent them a copy of...We sent them the deed some time ago. And it's...To my knowledge, they haven't recorded it. And I recently got a summons, a complaint, which I answered maybe two weeks ago or something like that.

Mike Liguori: Okay. To commence a foreclosure?

Mr. Lansky: To commence a foreclosure.

Mike Liguori: So you guys preempted by...

Mr. Lansky: We sent them a deed...

Mike Liguori: sending a deed in lieu.

Mr. Lansky: Yeah, he's...It's a negative. So...Can I just ask a question of two? So, the survey, which I think we've all looked at which is mostly of the Xolar property...

Vice Chair Taylor: Yes, it's...

Mr. Lansky: It has a small smidgen which goes on to the Levine property. I don't understand why both of them were done upfront. I don't think anyone...any of us do but that said, my visual of the property where I did an estimate, showed that ring of materials. If we removed that ring obviously there'd be no need to survey.

Vice Chair Taylor: You need to survey so you can determine how much material is there that needs to be removed.

Mr. Lansky: I'm just trying to work within a budget so I figured if I could save some money there and I actually remove materials, would I...I think that would be to the benefit of everyone involved.

Rich Williams: So now you're talking about removing all the material off the site?

Mr. Lansky: Well, I'm talking about the Levine property.

Rich Williams: Yes.

Mr. Lansky: Only. I'm talking about if what's surveyed here, if the rest of it can be removed then that might alleviate that and we'd have an accurate number of the amount of fill on site. And I'm...

Rich Williams: So you would be willing to consider removing all the fill of the site?

Mr. Lansky: Off of the Levine property.

Rich Williams: Off the Levine property, yeah.

Mr. Lansky: It doesn't...To my eye, it doesn't appear to be that much material. I know, I saw your letter with your GIS estimates. But, and you know, I'm going to obviously go there this week and talk to my client and kind of address everything. But I wanted to see if that's an option because if he has a...I understand the tenner here is that we want to...the Board wants to give him a hard date and either he meets it otherwise it gets referred back. And I want to see what options we have to really make progress on it. In my head, that's one option: is let's try to get some...a machine in there and some trucks and get some of this material off...out of there. But if that's not something we're interested in then...

[Laughter]

Vice Chair Taylor: Mr. Lansky, we need to know how much fill is there.

Mr. Lansky: Okay.

Vice Chair Taylor: Again, you're shooting in the dark. You don't know what's there. We're...Rich estimates it's up to 10' of fill in areas in there, if not more.

Rich Williams: Wait, we don't have to go by my estimate. That was LADA estimate.

Vice Chair Taylor: Okay.

Board Member Brady: Yeah.

Rich Williams: That was your prior landscape consultant.

Vice Chair Taylor: That was your consultant's estimate. Yeah. So...

Mr. Lansky: Okay.

Vice Chair Taylor: finish the survey...

Mr. Lansky: Okay.

Vice Chair Taylor: and then we can talk about saving money somewhere else, perhaps.

Board Member Brady: This...

Mr. Lansky: Okay.

Board Member Brady: Excuse me.

Vice Chair Taylor: Yes.

Board Member Brady: One of the things that was talked about early on, correct me if I'm wrong, was removing the material from the Xolar property...

Rich Williams: Right.

Board Member Brady: on to the Levine property...

Rich Williams: Correct.

Board Member Brady: and using it...filling in the rest and then capping that all together.

Rich Williams: Right.

Vice Chair Taylor: Yeah, but not all the fill from the one to the other.

Board Member Brady: I don't know, you know, what it adds out to be. But...

Mr. Lansky: I saw...I did see an estimate for that. We had...There was a consultant, Bridgewater. I saw something in the file. I know there was earlier direction with that regard. And the numbers came out to be very high. The plan, as I understood it, was to sort through the fill, do testing, remove whatever was unacceptable. And whatever was acceptable, relocate, in lifts, level and cap and seed. And I think the numbers were, you know, \$350,000 or something like that. And...

Rich Williams: Well, that, I mean, that goes with our prior engineer. No disrespect, Ron [Gainer], but our prior engineer's estimate to remove all the fill was in the neighborhood of a million dollars which is...

Board Member Brady: Right.

Rich Williams: why it's not being removed. And we're more than willing to consider it being capped. So if you want to go back to removing it, I mean...

Mr. Lansky: Well, I was...

Rich Williams: I'm sure they'll all be happy to do that.

Mr. Lansky: You know, my mind's eye had saw a concentric ring of materials which was not that much which...

Board Member Brady: Oh, I think there's quite a bit of fill in there when I walked out there.

Mr. Lansky: But I think I heard the Board and they want a survey and...

Vice Chair Taylor: Yes.

Mr. Lansky: so that's the next step. I don't...

Vice Chair Taylor: Do we agree on those terms?

Board Member Ladau: Yes.

Board Member Brady: Absolutely.

Board Member Montesano: Definitely.

Board Member Brady: The only one thing... You want the survey and the engineer on board for the July meeting?

Vice Chair Taylor: Yeah. No, we want the survey and the engineer on board for the submission for the next meeting, which would be the June meeting.

Board Member Brady: June meeting. Right.

Vice Chair Taylor: And we want the completed...

Board Member Montesano: It would be in May 19th.

Board Member Brady: Completed by the July meeting.

Vice Chair Taylor: plan by the July meeting. Yes. And I would...

Mike Liguori: I'm just going to tell you guys, just so everyone's expectations don't get blown, to get a surveyor out to your site that quickly because of the winter we had and the backlog of work, I know, from... You know, I speak on my project, I don't know Ron if you're suffering from the same thing, but I just want to make sure that it's in the realm of possibility.

Board Member Brady: Well, we asked for it three years ago and...

Mike Liguori: No, I...

Board Member Brady: it's been two months since they were in court. I... You had to know this was coming again.

Mike Liguori: Well, I'm not...

Board Member Brady: Yeah.

Mike Liguori: I'm just telling you.

Vice Chair Taylor: Well, we might accept a letter from a surveyor whose been contracted to do the survey who certifies that they are backlog and won't get to it until such and such a date. Something like that might satisfy us. But try to get the survey done.

Mike Liguori: Look, I'd want that...I like the timeframe, honestly.

Board Member Brady: Yeah.

Mike Liguori: I just...I ordered the topographical work and surveying from...

Board Member Brady: I understand what you're saying.

Mike Liguori: Terry Collins...

Vice Chair Taylor: Yeah.

Mike Liguori: just the other day and kind of ran into a buzz saw. So, you know, I'm sure there's a surveyor out there who maybe isn't...

Mr. Lansky: Well, we...Terry Collins is who we're using because...

Mike Liguori: Okay.

Mr. Lansky: they're the one who did the work.

Mike Liguori: No, look, they don't have start from scratch here, which is fantastic.

Vice Chair Taylor: No, they don't.

Mr. Lansky: It will save us time.

Mike Liguori: But...

Vice Chair Taylor: Yeah, so...

Mike Liguori: Getting a letter from them...

Board Member Brady: So tell them to skip your stuff and go out and do this.

[Laughter]

Mike Liguori: You know what, I'd be okay with that. I'm standing in his spot somewhere else, so...

Vice Chair Taylor: There's one other thing I'd like to add, is something about contacting the Xolar people. That they'd be sent...

Mr. Lansky: Well, I've been given...I'm going to make contact, personally, with the attorney.

Vice Chair Taylor: Alright. I...

Mr. Lansky: And I understand...

Vice Chair Taylor: Bring us something in writing before the next submission date that you've done that.

Mr. Lansky: Of course.

Vice Chair Taylor: And if you can work out whatever legal details the two of you need to work out for an agreement, a written agreement, then get that done as soon as you can. We like to see progress. You'd like to see progress.

Board Member Brady: No, I agree.

Vice Chair Taylor: You got anything else? I think that's enough time for tonight. Anything else, Rich? Okay, let's move on. Thank you, Mr. Lansky.

Mr. Lansky: Thank you. Thank you, Mr. Williams.

4) PATRICK O'MARA & LOST LAKE – Lot Line Adjustment

Mr. Michael Caruso, of Bill Schilling', was present.

Vice Chair Taylor: Okay. Patrick O'Mara and Lost Lake. Good.

Mr. Michael Caruso: Good evening.

Vice Chair Taylor: Good evening.

Mike Liguori: Hey, Mike. How are you, Mike?

Mr. Caruso: How's everything?

Mike Liguori: Good. Yourself?

Mr. Caruso: Mike Caruso, William Schilling's Office, for Patrick O'Mara Inc.

Vice Chair Taylor: So, interesting challenge here.

Board Member Montesano: It's all in your imagination.

Mr. Caruso: I'm sorry.

Board Member Montesano: It's all in my imagination.

Vice Chair Taylor: Have you read Mr. Williams's review?

Mr. Caruso: Yes. I was speaking with Rich a few moments before the meeting commenced. I understand we have a few administrative issues to correct. Leaving those aside, we also have to get a short form EAF to the Board. Unfortunately, our surveyor David O'Dell didn't have that prepared in time and I apologize, as I am filling in for Bill tonight but I wasn't aware of that before I got here. We'll cure that as quickly as possible.

Vice Chair Taylor: So by the next meeting then?

Mr. Caruso: Sure.

Vice Chair Taylor: Next work session.

Mr. Caruso: Yup.

Vice Chair Taylor: Okay.

Board Member Montesano: Bill is going to come in?

Mr. Caruso: Sorry?

Board Member Montesano: Bill is coming in?

Mr. Caruso: I don't know.

Board Member Montesano: Oh.

Mr. Caruso: He's mystical these days. He's an apparition.

Vice Chair Taylor: Okay, questions from Tom. Do we need a site plan amendment in the future?

Rich Williams: I've actually...I've actually already reviewed this with the applicant that there are a couple of additional steps that are going to need to be undertaken after the lot line adjustment. So he is aware.

Vice Chair Taylor: Alright, so we have all those steps then?

Rich Williams: Mhmm.

Vice Chair Taylor: That should be part of the short EAF. Going to address those steps as part of that. Can we declare Lead Agency? Not yet, right?

Rich Williams: No.

- Vice Chair Taylor: Not yet. Site walk? I...He doesn't need a site walk. Do we need a site walk for this? I don't think it's necessary.
- Board Member Brady: No, I don't think so.
- Vice Chair Taylor: Okay. So we don't need a site walk.
- Board Member Brady: Do you need a site walk?
- Board Member Ladau: No.
- Vice Chair Taylor: So you have anything else to say to us.
- Mr. Caruso: You know, I think the application's fairly straightforward. I'll give you just a little bit of background in case you're not already familiar with it. But Mr. O'Mara's property abuts a much a larger tract and basically he's squared off a parking lot and you'll see a small retaining wall that's more or less an appendage to this parking lot which is the basis for the lot line adjustment. It's about a tenth of an acre or so with the consent of Lost Lake; the abutting property owner. And apart from any site planning issues that we may encounter, I'm hopeful...hopefully there won't be any significant adverse environmental impacts. I believe the, you know, the surface...if there's any impervious, that's existing. It hasn't been enhanced, altered or enlarged, materially. I think it's pretty straight forward otherwise.
- Vice Chair Taylor: Alright. So we'll look at it when we get the...the next step, right? We get an EAF.
- Rich Williams: Are you saying you want to look at it?
- Vice Chair Taylor: No, no. We said we didn't want to...
- Rich Williams: Yeah, that's what I thought you said.
- Mr. Caruso: The EAF, yeah.
- Vice Chair Taylor: I'm talking about look at the paperwork.
- Mr. Caruso: Yeah.
- Vice Chair Taylor: When we get to the next step.
- Mr. Caruso: Sure, yeah.
- Vice Chair Taylor: I think...Anything else?
- Rich Williams: Hopefully this is pretty straight forward and we should be able to wrap it up next meeting.
- Vice Chair Taylor: Except for the...
- Mr. Caruso: Hope so.

Vice Chair Taylor: Yeah. Well, you need a zoning change, too, correct?

Rich Williams: Well, what we're going to do is we're going to do the lot line adjustment because it's a totally independent action of all the next steps.

Vice Chair Taylor: Right.

Rich Williams: And we have to do the lot line adjustment before we can do the next step. That will be followed by, you know...I'll go to the Town Board and request a zoning change. And then after we get the zoning change then we can ask the applicant to come back in for a...

Vice Chair Taylor: Site plan.

Rich Williams: amended site plan.

Vice Chair Taylor: Okay. Thank you.

Mr. Caruso: Alright. Thank you very much. Have a good night.

5) NYS SOLAR FARM, INC – Site Plan Waiver

Vice Chair Taylor: Alright. Okay, we approved site plan waiver for New York State Solar Farm at the work session.

6) CARINO HOLDINGS, LLC – Site Plan Application

Mr. Ralph Alfonzetti, Alfonzetti Engineering, P.C., was present.

Vice Chair Taylor: Carino Holdings. Commerce Drive.

Mr. Ralph Alfonzetti: Hello. I'm Ralph Alfonzetti, the engineer for the project.

Vice Chair Taylor: Could you hear him, Sarah? Is he close enough?

The Secretary: Yeah, you could just pull it closer [referring to the microphone].

Rich Williams: You can take the mike out.

Mr. Alfonzetti: Good?

Board Member Montesano: Just like on Broadway.

The Secretary: Thank you.

Mr. Alfonzetti: Okay, so this is a vacant lot on Commerce Drive. It's 2.6 acres. We're proposing a 6,000 square foot building. We have an area to the left of the building for septic. A well is behind the building. We have stormwater in the front on the right-hand side. We're proposing a gravel drive and a gravel parking lot. It's a pretty straightforward application. We don't have any zoning variances or anything like that. Here to discuss it. Ask any questions.

Vice Chair Taylor: You've seen Rich's review memo?

Mr. Alfonzetti: I did, about 10 to 15 minutes before I got here.

Vice Chair Taylor: Okay. Alright. Anything jump out at you.

Mr. Alfonzetti: The only thing that jumped out at me was the gravel parking lot. The applicant doesn't want to pave it. It's basically gravel now. The driveways gravel now. Parking lot is gravel now. He just wants to leave it alone. The comment about the handicapped parking space, we can pave that space and then have a walkway, an area, to the building if that's an issue.

Board Member Brady: That's a zoning issue.

Rich Williams: That's a definite because the ADA parking space needs to be a hard surface. The rest of it is at the discretion of the Board.

Vice Chair Taylor: Alright. So we can discuss that at a later date, right?

Board Member Brady: Yeah, we're going to...because we had talked about doing a site visit.

Vice Chair Taylor: Yeah, we want to go out and do a site visit so we can look at this. I think we've been to the area and looked at other lots but not this one in particular. So we'd like to look at it especially since there are all these wetland issues.

Mr. Alfonzetti: Yup. There are wetlands on the site. We're not disturbing any of the wetland. The wetlands that are shown on this map are approximate. They were actually traced from the wetland scientist map. But our surveyor has since located his flags in the field. And the next time you see the map, they'll be on there.

Vice Chair Taylor: Okay.

Mr. Alfonzetti: As located in the field. But they're very close to this, what you see here.

Vice Chair Taylor: Alright. And you will put the buffer on here, too.

Mr. Alfonzetti: Yes.

Vice Chair Taylor: Yes. Okay. Okay.

Board Member Montesano: What about the corners of the building?

Vice Chair Taylor: Can you...Yeah. For our site walk, can you mark out...What do we need? We need to see where the driveway's going to come in.

Rich Williams: Driveway's there.

Vice Chair Taylor: Driveway's there. It's just the corners of the building?

Rich Williams: Corners of the building. Maybe center of the septic.

Mr. Alfonzetti: I think in your memo, you wanted center of the stormwater pond.

Rich Williams: Yeah.

Vice Chair Taylor: Alright. Ed, you have any comments on the SEQRA part of it?

Board Member Brady: Well, do you want to do that now or do you want to wait until we're... Wait until everything else is done? I did have some comments.

Vice Chair Taylor: Well, if there's anything that you want them to address.

Board Member Brady: Okay.

Vice Chair Taylor: Is there anything that they missed that they need to...

Board Member Brady: Well, first thing... You know, most of this stuff is stuff that Rich picked up.

Vice Chair Taylor: Rich picked up. Okay.

Board Member Brady: Okay.

Vice Chair Taylor: It's in the comments.

Board Member Brady: You know, filing fees are one of the things he highlighted.

Vice Chair Taylor: Anything else?

Board Member Brady: I'm just looking through. See what's on here.

Vice Chair Taylor: Well, not the application. The SEQRA form. You don't have it?

Board Member Brady: Yes. I had it.

Vice Chair Taylor: You had it.

Board Member Brady: I had it somewhere. Just buried. Just lost.

Board Member Ladau: The application?

Vice Chair Taylor: No. The SEQRA form.

Board Member Brady: The SEQRA.

Vice Chair Taylor: The EAF. The Short EAF.

Board Member Ladau: Oh. Yeah.

Vice Chair Taylor: Is it attached to one of them? Oh, it's attached to the back of the...

Board Member Ladau: Here. Here's the...

Board Member Brady: No, I had comments.

Board Member Ladau: Oh.

Vice Chair Taylor: (Inaudible – too distant).

Board Member Ladau: This paperless society.

Board Member Brady: Yeah.

Vice Chair Taylor: You have comments on yours?

Board Member Brady: Uh...

Vice Chair Taylor: You have written comments or you...

Board Member Brady: No, I just wrote them on the...

Vice Chair Taylor: There it is.

Board Member Brady: EAF. I'm going to have to...

Vice Chair Taylor: Oh, you do have comments.

Board Member Brady: I have comments but it's, you know, I don't...

Vice Chair Taylor: Was there anything major, what you remember?

Board Member Brady: No.

Vice Chair Taylor: No. Okay. So...

Board Member Brady: And here...

Vice Chair Taylor: you don't need...

Board Member Brady: Here it is.

Vice Chair Taylor: to worry about that.

Board Member Brady: Here it is. I got it.

Vice Chair Taylor: He's got it. Okay.

Board Member Brady: We bury these things. Okay.

Vice Chair Taylor: Yes.

Board Member Brady: And this was...I guess these were comments I made the other night, too.
Item 7: Is the site...Is the site of the proposed action located in, or does it adjoin to a state listed Critical Environmental Area? The wetland...That's a Town wetland, right?

Rich Williams: No, Critical Environmental areas is specific, designation that used to exist within SEQRA. It no longer exists within SEQRA. But the Great Swamp south of us is all designate a CEA from the Putnam County Legislatures 1988 action. No other wetlands in the area have been designated as CEA nor has any other specific feature within the landscape.

Board Member Brady: And Item 5 you brought out, also, was the height of the building. They'd have to go for a variance.

Rich Williams: Yeah, I think that's just a typo.

Mr. Alfonzetti: What did it say on there?

Rich Williams: I...

Ron Gainer: Greater than 40.

Board Member Brady: Thirty-five feet.

Mr. Alfonzetti: Oh.

Rich Williams: It's like...The symbol needs to be flipped.

Mr. Alfonzetti: Okay. Typo.

Vice Chair Taylor: Okay.

Rich Williams: Typo.

Board Member Brady: Okay.

Vice Chair Taylor: Alright, so nothing major. Alright.

Board Member Brady: No. Everything...

Vice Chair Taylor: Alright.

Board Member Brady: you know...

Vice Chair Taylor: So I think...

Board Member Brady: Nothing with me.

Vice Chair Taylor: I think we can say that this is substantially complete and we can move on to the next step on this. Okay.

Mr. Alfonzetti: So, site walk's the next step?

Vice Chair Taylor: Yes.

Mr. Alfonzetti: Do we need to be there? Anyone from...

Rich Williams: You do not need to be there. Just stake it out, call my office.

Mr. Alfonzetti: Let you know when...

Rich Williams: Let me know when it's staked out and I'll get them out there.

Mr. Alfonzetti: Alright.

Vice Chair Taylor: And address the comments.

Mr. Alfonzetti: Yes.

Ron Gainer: When you're still here, could you just address the issue of what is the intended use will be for the exterior area to the building. Any equipment storage or exterior storage?

Mr. Alfonzetti: Well, it's going to be a construction office. It's a construction company that owns it. They will have machines parked there. And, you know, their main thing is that they want a small area for the office and then they're going to put some machines inside and keep some of their material inside. I can...

Ron Gainer: Will there be any exterior storage of that sort.

Mr. Alfonzetti: I'm sure there will be some. You know, I would imagine, you know, construction companies they have pipe and whatnot left over from jobs and coming and going. I don't know how long it will sit there, each particular piece.

Vice Chair Taylor: Do we need to designate a storage area then?

Ron Gainer: I think you'd want understand it.

Board Member Montesano: Yeah, you'd want something because if you're going to have a machine sitting out there, and I don't care how new they are...

Ron Gainer: Right.

Board Member Montesano: they do have a tendency...

Vice Chair Taylor: To leak.

Board Member Montesano: to leak.

Vice Chair Taylor: Yup.

Board Member Montesano: And there's got to be a containment for the leakage.

Mr. Alfonzetti: Okay.

Vice Chair Taylor: And the other problem we've had with similar construction yards is people tend to throw things off to the side. In one case we had to have them put up a chain link fence so that they didn't throw things into the wetlands.

Mr. Alfonzetti: Well, we could...

Vice Chair Taylor: So you might consider some kind...

Mr. Alfonzetti: Yeah.

Vice Chair Taylor: of barrier.

Mr. Alfonzetti: We consider some kind of delineation. We're going to have to ward off the wetlands.

Vice Chair Taylor: Yes. Okay.

Board Member Brady: Stonewall might work over there. There's so much stone.

Vice Chair Taylor: Yeah. He'd need an 8 foot...6 foot stonewall.

Board Member Montesano: We also have boats and they're not...They were stored there.

Vice Chair Taylor: You got anything, Rich?

Rich Williams: Nope.

Vice Chair Taylor: Okay. Let's move on. Thank you very much.

Mr. Alfonzetti: No, I think I'll stay here.

Vice Chair Taylor: Oh, you're on the next one, too?

Mr. Alfonzetti: Yup.

Vice Chair Taylor: Okay.

Rich Williams: You're just going to flip that board right around.

Mr. Alfonzetti: Yup.

Board Member Montesano: Oh, look at this.

7) WHITE BIRCH REALTY – Site Plan Application

Mr. Ralph Alfonzetti, Alfonzetti Engineering, P.C., was present to represent the application.

Vice Chair Taylor: How efficient. Okay. We're doing White Birch Realty.

Mr. Alfonzetti: Yes. So this is White Birch. This is a 10-acre site. There's an existing 35,000 square foot building on there. It's the one with the bus garage on it. I don't know if you guys remember or if some of you were not here, but about two years ago we came in with plans for a building on the same site; it was approximately 30,000 square feet. The tenants for the building kind of fell through. They couldn't kind of visualize where it was, how it was going to sit. So we're proposing now to grade out the site and kind of shape it almost to what it is. So kind of do some of the site work now. No impervious, no building, no drainage, no septic. Just grading the site. And then if that approved, we'd come back in and start the process for it to get the building up eventually. But then he can start working on the site.

Vice Chair Taylor: Alright.

Mr. Alfonzetti: And I did see Rich's comments on this, also, about 10 to 15 minutes ago. The only thing I saw on there was I don't think the disturbance is as high as it is in the application. I think that was a carryover from the old application.

Rich Williams: Okay.

Mr. Alfonzetti: I will double check.

Rich Williams: I didn't scale it out so I don't know.

Mr. Alfonzetti: Right. I will double check.

Vice Chair Taylor: Alright. If you address those comments, we'd also like to site walk this. What do we want staked out here?

Rich Williams: Nothing really to stake out.

Board Member Montesano: Nothing to stake out.

Mr. Alfonzetti: I think you had asked in your memo the back disturbance line.

Rich Williams: Yeah.

Ron Gainer: Right.

Rich Williams: I did.

Board Member Brady: Are we...Fees? Are we going to...Do you collect fees before we start doing site walks and stuff like that?

- Rich Williams: We're going to work with the applicant to get the fees in here, yes.
- Vice Chair Taylor: The road: Is the road in there?
- Rich Williams: The driveway entrance is in. And there is a road that cuts through there.
- Vice Chair Taylor: Okay. But this one.
- Board Member Montesano: Oh.
- Vice Chair Taylor: That's already there.
- Board Member Montesano: Yeah.
- Vice Chair Taylor: Okay.
- Board Member Montesano: That (inaudible – too distant).
- Vice Chair Taylor: Okay. Do those two wetlands connect on either side of the driveway?
- Rich Williams: No.
- Vice Chair Taylor: No. One flows one way and one flows the other?
- Rich Williams: Yes.
- Vice Chair Taylor: Okay. So this is continental divide then at this point.
- [Laughter]
- Vice Chair Taylor: Okay.
- Board Member Montesano: There you go.
- Vice Chair Taylor: Alright. One comment from the Chairman. We're concerned about the road, Commerce Drive itself.
- Mr. Alfonzetti: It's always an issue.
- Vice Chair Taylor: And so we're...he's wondering about whether we can establish an escrow for road improvements since we have two of these sites before us at this point. Do something.
- Rich Williams: This goes back...Originally, Commerce Drive was supposed to be a Town road and...You know the history?
- Mr. Alfonzetti: I know parts of it.
- Rich Williams: Okay. For whatever reason the Town was right up to the finish line to accept the road and then backed away. I think it had to do with the fact that there was an illegal landfill at the end of it. Subsequently, the road has fallen, you know...Overtime, it's fallen into some disrepair. A few years

ago, we contacted all the property owners, put them all in a room, and they had generally agreed to come up with a maintenance agreement where they would share responsibility. We've never seen anything subsequent to that. You know, talking with a few of the property owners out there, there doesn't seem to be any additional movement to get that completed. So now might be a good time to talk to the property owners who have property along that road to get that maintenance agreement in place.

Mr. Alfonzetti: Okay, well all I can do is bring it...

Rich Williams: I know.

Mr. Alfonzetti: up to my individual clients and...

Vice Chair Taylor: But that's what we'd like you to do, yes.

Mr. Alfonzetti: And see where it goes.

Vice Chair Taylor: See where it goes. Alright, did you look at the SEQRA for these?

Board Member Brady: Yeah, it's pretty much the same as the other one.

Vice Chair Taylor: No major issues?

Board Member Brady: No.

Vice Chair Taylor: Okay.

Board Member Brady: No, there was nothing major.

Vice Chair Taylor: Alright, so we will see you, I guess, next month.

Mr. Alfonzetti: Okay. Very good. Thank you.

8) STONE FIELD CORNER SUBDIVISION – Continued Review

Mr. Joseph Riina and Mr. Alan Rothman were both present.

Vice Chair Taylor: Alright. Stone Field Corner Subdivision. Do we have somebody here for that?

Mr. Joseph Riina: Yes.

Vice Chair Taylor: Have you seen the 15 page review?

Mr. Joseph Riina: We did get it, yes.

Vice Chair Taylor: Yes. Okay.

Mr. Riina: We just got it.

Vice Chair Taylor: Oh, you just got it again.

Mr. Riina: Yup.

Vice Chair Taylor: Okay.

Mr. Riina: Good evening. Joseph Riina, Project Engineer, Site Design Consultants.

Vice Chair Taylor: Good evening.

Mr. Riina: Good evening. Since the last time we were before you... Well, the last time we were before you, we had submitted a formal application, EAF. You declared yourself lead agency. Since then, we were... we've been off doing our due diligence and design work. We've done our testing with the Health Department. We've done testing with the DEP for all of our stormwater and we've prepared design documents, design drawings. We just received the memo. It just got handed to us so, you know, haven't had a chance to really absorb the comments. So at this point, hoping for any questions that you may have. Otherwise, we will go back and work on the comments. The only thing we would like to ask is the procedure from this point on: Where we think we are as far as... What point should we be considering asking for a public hearing? Are you... After this next review of comments or response of comments? Or can we expect a public hearing sooner than that?

Vice Chair Taylor: I think you need to respond to the comments.

Mr. Riina: Okay.

Vice Chair Taylor: They were pretty extensive.

Rich Williams: I... It's a fairly straightforward subdivision and in any other instance I'd be saying we're ready for a public hearing but, you know, the plans that came in were, you know I can't say it any other way, they were somewhat appalling that, you know, you sent them out of your office without being spell checked and there were numerous spelling errors. There were layers in the CAD drawings not turned on. It was an incredible waste of your client's money to send those in for us to review.

Mr. Riina: Thank you, Rich.

Rich Williams: So... Well, listen. I don't want to see plans like that back here again.

Mr. Riina: Right. I hear you.

Rich Williams: I know you're a better engineer than that.

Mr. Riina: Yup.

Rich Williams: I know you're a good engineer. But, you know, I can't say that we're ready for a public hearing until I'm sure that the plans are, you know, going to be up to snuff.

Mr. Riina: Understood.

Rich Williams: So...

Vice Chair Taylor: Now, is there anything on here that you'd like to point out to us that you've changed?

Mr. Riina: No. I mean, the only thing I'd like to mention was...I forgot to mention we were sent to get a variance for frontage, which we obtained that variance. But in...You know, other than the detail we've added for the septics and, you know, drainage and grading and whatnot, no. There are no changes that we'd like to report that we've made.

Vice Chair Taylor: Okay. Then I'd say come back to us with a better plan that addresses the comments. Does he need a written response to the comment? Comment by comment?

Rich Williams: Well, typically...

Mr. Riina: We will. Yeah, we will.

Vice Chair Taylor: Okay.

Mr. Riina: We would normally do that, yes.

Vice Chair Taylor: Alright. And please make it more than comment noted.

Mr. Riina: Yes. Normally we do. Yes.

Vice Chair Taylor: Okay. Anything else?

Mr. Riina: Okay.

Vice Chair Taylor: Did you find the SEQRA on that? Do you know where...

Board Member Brady: On this one, no. This is a year ago. But they...It was submitted a year ago, right? The SEQRA.

Rich Williams: Yeah, the Environmental Assessment Form was submitted a year ago. It was not resubmitted with this latest submission.

Vice Chair Taylor: Right. Well, we'll dig it out.

Rich Williams: Yeah.

Vice Chair Taylor: Alright. Thank you.

Mr. Riina: Good night.

Vice Chair Taylor: Yup.

Board Member Brady: God knows where it is in my house.

Vice Chair Taylor: We'll get somebody to issue you another one. Send it in an email to him. Or to all of us. How about you do that.

Board Member Brady: Yeah.

Vice Chair Taylor: Send us an email with...

Board Member Brady: Sorry, Sarah.

Vice Chair Taylor: the SEQRA.

The Secretary: SEQRA, yup.

Rich Williams: I don't know that we can do that. It's very big.

Board Member Brady: Is it? Yeah.

Rich Williams: We'll work on it. We'll figure out how we're going to do it.

Vice Chair Taylor: What's it, a full EAF?

Rich Williams: The Full EAF.

Vice Chair Taylor: Oh, why'd they submit a full EAF? Well, then we'll hunt for it. We probably have it then.

Board Member Brady: Yeah, I'll have to look for it.

Vice Chair Taylor: Yeah.

Board Member Brady: I mean, I didn't...

Vice Chair Taylor: We'll look for it. This didn't need a folder here. Alright. Well, whatever.

Board Member Brady: Job security.

Vice Chair Taylor: My goodness. Other business.

Board Member Montesano: April 2014.

Vice Chair Taylor: Oh, I should have asked him...

Rich Williams: For what?

Board Member Montesano: He'll be back.

Vice Chair Taylor: Digital drawings.

Rich Williams: We do have digital drawings.

Vice Chair Taylor: Oh you do have. Can you send them to...

Rich Williams: Sure. We're...At this point we're asking everybody to submit drawings digitally...

Vice Chair Taylor: Okay.

Rich Williams: as well as in paper.

Vice Chair Taylor: I...You know, it's nice to have them where you can read them. But, this becomes a little too much.

Board Member Brady: Yeah.

Ron Gainer: You might want to wait for the resubmittal since there's...

Vice Chair Taylor: Yes.

Ron Gainer: so much to change.

Vice Chair Taylor: That's true.

Board Member Brady: Yeah.

9) OTHER BUSINESS

a) Bond Calculations

Vice Chair Taylor: That's true. Okay. Site walk comments.

Ron Gainer: Mr. Chairman.

Vice Chair Taylor: Yes.

Ron Gainer: If I could beg the Board's indulgence, if you could move up the Patterson Crossing issue. I have other obligations tonight I...

Vice Chair Taylor: Okay. Yes.

Board Member Brady: Sure.

Vice Chair Taylor: Yes. We certainly can.

Ron Gainer: Thanks.

Vice Chair Taylor: Okay, bond calcs.

Ron Gainer: I think as the Board is aware, the approving resolution for the Patterson Crossing site identified two obligations of the applicant: One was the setting of a performance bond and the other was the setting of an inspection fee. We've provided to the Board those calculations. The bond itself is...was described as being set in the amount equal to 125% of the cost of the restoration associated with the largest phase of the project. That's what has been done and that's what was included in the calculation you had. Similarly, the inspection fee was defined as being posted in the amount of 5% of the overall site development cost for only the first two phases of the project.

Vice Chair Taylor: Which are?

Ron Gainer: First two phases, you have to go back to the site plan drawings to identify those. But they were identified as a significant number of phases because of the size of the project.

Vice Chair Taylor: Okay.

Ron Gainer: But they're clearly delineated on the very detailed site plan drawings. So those calculations were attached, provided to you. We'd also reviewed them with the applicant's engineer. And the applicant's engineer had no objections to the calculations we provided.

Vice Chair Taylor: Did the applicant sign off on them?

Ron Gainer: I can't tell you. We didn't speak to the applicant. We deal directly with...

Vice Chair Taylor: Yes, I understand. But you'd said the engineer said that he might object.

Ron Gainer: Right. That's right. He had some...

Vice Chair Taylor: You haven't heard anything back?

Ron Gainer: No.

Vice Chair Taylor: Okay.

Ron Gainer: Actually, I spoke with the applicant's engineer again Monday evening and said he had not had any further discussions with him.

Vice Chair Taylor: Okay.

Ron Gainer: But in summary, the restoration bond amount was calculated to be \$200,000. That's the bond to be posted. And the inspection fee to be posted is \$21,100, based on the site plan drawings.

Vice Chair Taylor: Okay. And the procedure for this?

Ron Gainer: You offer...If you can cover the findings, you make recommendation to the Town Board that those amounts be set.

Vice Chair Taylor: Alright. You wrote those amounts down. You want to do the motion? We got any discussion on this?

Board Member Ladau: No.

Vice Chair Taylor: I mean, I think this is between engineers.

Board Member Ladau: Yeah.

Vice Chair Taylor: I mean, it's just kind of pure bailiwick.

Ron Gainer: Right.

Board Member Brady: Yeah, that's what they're here for.

Board Member Montesano: In the matter of Patterson Crossing...

Board Member Ladau: It's only money.

Board Member Montesano: like to go with the recommendation of our Town Engineer for the amount of \$21,800?

Ron Gainer: \$21,100 for the inspection fee.

Board Member Montesano: Oh.

Ron Gainer: \$200,000 for the restoration bond amount.

Board Member Montesano: So moved.

Board Member Brady: Second.

Vice Chair Taylor: All in favor. Motion carried by a vote of 4 to 0.

Vice Chair Taylor: Did you say aye?

Board Member Montesano: I said aye.

Vice Chair Taylor: Okay.

Board Member Montesano: I had no choice. I had my...

Ron Gainer: Thank you very much.

Vice Chair Taylor: Thank you. You should have asked earlier. We could had let you out earlier.

Board Member Brady: Yeah.

Vice Chair Taylor: So, alright.

b) Site Walk Comments

i) RP Development

Board Member Brady: Back to site walk comments.

Vice Chair Taylor: Site walk comments. Everybody reviewed those? You got anything to add?

Board Member Brady: No, I'm good.

Vice Chair Taylor: Okay. Maplewood Open Development Code Section. Okay. Rich's memo. You gentleman are waiting for what?

Rich Williams: RP Development.

Mr. Joseph Reilly: Yeah, I'm RP Development.

Vice Chair Taylor: Do we want to move them up?

Board Member Brady: Sure.

Board Member Ladau: Sure.

Vice Chair Taylor: Okay.

Board Member Montesano: They've been here. Why not?

Vice Chair Taylor: Alright, let's move you guys up. We've got a little bit of...

Board Member Brady: Get you off the hook.

Vice Chair Taylor: Okay. Steinbeck Hill. Introduce yourselves.

Mr. Joel Chase: Good evening. My name is Joel Chase. I'm the project engineer.

Mr. Reilly: I'm Joe Reilly, property owner.

Vice Chair Taylor: Hello.

Mr. Reilly: Hello.

Mr. Chase: I believe the Planning Board walked the property several weeks ago. This is the Farm to Market property. It's at the intersection of Indian...And I read over the comments received tonight. And I saw, you know, we shifted the house from the last submission.

Vice Chair Taylor: Mmhmm.

Mr. Chase: towards the road about...around 20'. We're really kind of trying to squeeze this property in here, fitting the septic system, trying to stay as far away from the wetland as possible and it did help shifting it since the last submission.

- Vice Chair Taylor: Can you bring it farther forward?
- Mr. Chase: I don't know if you can see that right there, but we have the... We don't have the septic fields approved yet. But that's the location that we're shooting for. That's the highest and driest area for them. And we're supposed to be 50' down gradient from the absorption fields, but we're only going to be able to provide about 20'. I showed a 20' setback right there. And shifting it forward, we'd have to shift it down closer to the wetlands a little bit as well. So we've kind of like maximized, well I believe, the position of the property right now.
- Vice Chair Taylor: So you're centered between what you can do.
- Mr. Chase: What we can do. There's not much room to work with.
- Vice Chair Taylor: Have you considered turning the house sideways.
- Mr. Chase: No. That, I'm sure...
- Board Member Brady: I think it's... Well, there it doesn't show, but I thought it was something like it was thirty, thirty... 30' by 30'.
- Mr. Chase: Thirty, around. Yes.
- Board Member Brady: So it's...
- Mr. Chase: I mean, we could play with...
- Vice Chair Taylor: Well, it's not 30' by 30' there.
- Board Member Brady: No, not in there.
- Mr. Chase: No, it's a rectangle. But yeah.
- Mr. Reilly: Yeah, it was a rectangle. Like 48' by 26' I think it is.
- Board Member Brady: Oh, okay. It was. Okay.
- Mr. Reilly: It's 30' by 50'.
- Board Member Brady: I thought it was more square when we were out there looking at it. But (inaudible – too distant).
- Vice Chair Taylor: Alright, we understand the problems of the property. We're just trying to maximize... or minimize the impact of the wetlands.
- Mr. Reilly: Alright, if I could just say something to the Board.
- Vice Chair Taylor: Yes. Yes you can.

Mr. Reilly: I purchased this property about 10 years ago. It's an, you know, it was an approved subdivision lot; part of the Indian Hill Subdivision. And at the time we had the approvals, when I purchased it. I didn't have it approved, it was already approved. So since then, the wetlands line has changed and we had to go back to the drawing board which was, you know, was something that wasn't planned for. So we've been working pretty much about 10 years on this piece of property just to reapprove it to get back to...So I could just move it along. I didn't purchase it to subdivide it. I actually had it sold to, you know, I'm a home builder so I had the house sold to build a home on it. So it's kind of been a long run. And moving the house, I kind of thought after this Planning Board made the walk out there we'd be close to, or if not ready, to go to like a public hearing. We've kind of...I've kind of done anything that's been asked. You know, wetlands. The tree plantings. Pretty much said yes to everything. And just looking to move forward on this. I have a contract that's signed because I thought we were close enough, so I have a customer to build a house for on this piece of property. And kind of hoping to say after this meeting that we, you know, we can move forward or I have to terminate the contract and just be fair with him.

Vice Chair Taylor: Well, we understand that this is a pre-approved...a previously approved lot. But you also need to understand in 10 years things have changed and we're trying to work with you and the changes. The ECI sent us some comments; he wasn't able to be here tonight. He would like to see the house moved as far away south and west from the wetlands as the zoning will allow. You seem to have answered that question that you've got it as far away as you can possibly get it at this point. Unless you get the septic approved a little farther away which is not likely, right?

Mr. Chase: Yes.

Vice Chair Taylor: Okay. He...Permit fee should not be considered a minor fee but a major impact of the wetland buffer zone and assessed at a dollar per square foot.

Rich Williams: If I could just jump in right there.

Vice Chair Taylor: Yup. Go ahead.

Rich Williams: That's not correct. If it's going to be considered a major application, then the wetland application fee is a per square yard.

Vice Chair Taylor: Per square yard instead of square foot.

Rich Williams: Not square foot.

Vice Chair Taylor: Okay.

Rich Williams: Cuts it by nine.

Board Member Brady: Yeah.

Vice Chair Taylor: Okay.

Board Member Ladau: Minor detail, Rich.

Vice Chair Taylor: Yeah, minor detail.

- Rich Williams: To some.
- Vice Chair Taylor: So who makes this determination, whether it's a major or minor?
- Rich Williams: Well, it's Ted's call.
- Vice Chair Taylor: Okay. So...
- Rich Williams: Alright.
- Vice Chair Taylor: he's calling it a major.
- Board Member Ladau: Major.
- Vice Chair Taylor: And then...
- Rich Williams: So...
- Vice Chair Taylor: and it would be a dollar...
- Rich Williams: and I would just work with the applicant on, you know...
- Vice Chair Taylor: Figuring out the fee.
- Rich Williams: identifying what the disturbance is and...
- Vice Chair Taylor: Okay.
- Rich Williams: what the fee would be.
- Vice Chair Taylor: Alright. There should be a stonewall established along wetland line to replace the proposed post and rail fence as this will be permanent and inhibit encroachments. It should be noted that no trees within the wetland will be removed for any future pools or structures on the property. That should be in the deed, is he's saying. That they can't go in the wetlands and do anything in the wetlands.
- Mr. Reilly: Well, on the stonewall, the reason for the fence was Ted's recommendation about two years ago. So, that's why the fence is there now. Stonewall, changing it from his original recommendation which, you know, we had on the plan, being changed now is very costly. So, you know, I'd rather not have stonewall. There's, you know, there is a wetlands...there will be a wetlands line and I can put some kind of a sign on the post rail fence saying that, you know, this is a wetlands: do not disturb.
- Board Member Ladau: The question of course is the fact that a post and rail fence has limited longevity. They don't last very long and we can see easily that within a very short period of time that will disappear and somehow or other there will be encroachment onto the wetlands. How we can get around that...
- Rich Williams: Can I make a suggestion?
- Board Member Ladau: Sure.

- Rich Williams: There's quite a few big rocks out there, aren't there?
- Mr. Reilly: Yeah.
- Rich Williams: Can we take some of those big rocks, move them just on the other side of the post and rail fence, put the signs...mount the signs right on the rocks?
- Mr. Reilly: Yeah, I mean...Well, I mean, if we do put those rocks there, they're not going to be moved. They're going to be put there with a machine so, I mean, I don't know how to mount a sign to a rock. But moving those rocks there I think would be satisfying...
- Rich Williams: Rock drill.
- Board Member Brady: Yeah, you can drill them. You can drill them with a (inaudible).
- Vice Chair Taylor: Alright, well...
- Rich Williams: It's not that difficult to do.
- Mr. Reilly: Okay.
- Rich Williams: I'm sure you can.
- Board Member Montesano: It's been done before.
- Mr. Reilly: Right.
- Board Member Montesano: Believe me or we wouldn't even suggest it.
- Vice Chair Taylor: The issue is not the fence but encroachment.
- Mr. Reilly: Right.
- Vice Chair Taylor: And if you've got enough rocks to prevent encroachment than I think that would satisfy us. Some of this is also Ted's call. He's not here tonight so I can't...
- Mr. Reilly: So then, just...can we just do the rocks rather than the fence? Because he said...
- Board Member Ladau: Yeah.
- Vice Chair Taylor: Yes, I would think so.
- Mr. Reilly: So we could do a boulder wall?
- Vice Chair Taylor: Yes.
- Board Member Ladau: Yeah.

Vice Chair Taylor: Again, we have to confirm that with Ted. But that seems like it... We're trying to...

Board Member Montesano: Reasonable.

Vice Chair Taylor: What he's found is ten years down the road people come in and they want to put a pool in their backyard, the signs that were posted on the trees are gone. The trees are now gone. The fence is gone. He's trying to prevent that.

Mr. Reilly: Yeah.

Board Member Brady: And the pool's in the middle of the wetlands.

Mr. Reilly: Yeah. I know...

Vice Chair Taylor: That...

Mr. Reilly: I know.

Vice Chair Taylor: Yeah. So that's where he's coming from. Alright. You have some expansion fields in the buffer?

Mr. Chase: Yes. The expansion...The lateral...All the laterals will be...Here's the buffer line right there.

Vice Chair Taylor: Yes.

Mr. Chase: We tried to maintain the (inaudible) outside the buffer and we do have a portion of the reserve laterals within the buffer.

Vice Chair Taylor: Well, one of the problems with approval for this is you got to get two more approvals down the road?

Mike Liguori: Health Department.

Mr. Chase: Yeah. At least the Health Department.

Vice Chair Taylor: DEC?

Rich Williams: Not D....

Mr. Chase: Wetlands, DEC.

Rich Williams: Yes, that's right. Three approvals: DEP as well.

Vice Chair Taylor: DEP as well. So you've got three approvals. So Health Department's probably no issue with the wetland buffer.

Rich Williams: Minor issue.

Vice Chair Taylor: Moderate issue. But they may have more of an issue with DEC and DEP.

Rich Williams: True. But I don't know how reasonable those other agencies are going to be in recognition of the expansion area. I don't think there's ever been one built out in Putnam County.

Vice Chair Taylor: Alright. So is...

Rich Williams: So, it's just...

Vice Chair Taylor: is it an issue?

Rich Williams: generally an area that they identify just in case.

Vice Chair Taylor: So...

Mike Liguori: I think the septic regulations have...

Mr. Reilly: And that...

Mike Liguori: been reduced.

Rich Williams: Yeah, they have been reduced.

Mr. Reilly: Yeah, they've been reduced. I can't begin really to go through those other agencies until...

Vice Chair Taylor: No, I understand.

Mr. Reilly: we satisfy you guys.

Vice Chair Taylor: No, I understand that. What I'm trying to say, we need to craft something here that will probably go through down the line.

Mr. Reilly: Right. Right.

Vice Chair Taylor: We don't want to...

Mr. Reilly: Yup.

Vice Chair Taylor: approve something here that gets kicked back.

Mr. Reilly: No.

Vice Chair Taylor: There's no point in going with that. So how do we stand on this?

Board Member Brady: Well, let me just throw something out here. And it's probably going to be all financial, I mean, that's fine. But what about going to a two-bedroom house?

Mr. Reilly: Two-bedroom house really isn't marketable.

Board Member Brady: I understand that. It's tougher.

Mr. Reilly: It's... Yeah. And it just isn't marketable and then, again, you know, it's not that kind of a neighborhood...

Board Member Brady: No.

Mr. Reilly: as well. Farm to Market Road and Indian Hill.

Board Member Brady: No, I...

Board Member Ladau: Mmhmm.

Board Member Brady: You know, I'm just trying to reduce the area, that all.

Mr. Reilly: Right.

Board Member Brady: The disturbance area. That's all I'm looking at. And throw it out there, you know, maybe you would have jumped on it and said, yeah we can do that.

[Laughter]

Mr. Reilly: Four bedroom.

[Laughter]

Board Member Brady: Well, no problem.

Vice Chair Taylor: Alright. So where are we on this, Rich, then?

Rich Williams: Next step in the process would be to schedule a public hearing. Applicant would need to...

Vice Chair Taylor: Go...

Rich Williams: do a certified notice. We'll prepare the notice.

Vice Chair Taylor: Okay. And SEQRA? You looked at the EAF?

Board Member Brady: Did I look at the EAF? I don't think there's an EAF with this. I don't think there's an EAF with this.

Vice Chair Taylor: Did you submit an EAF?

Mr. Chase: There may have previously been an EAF, but we can provide it.

Rich Williams: I have to go back and look at the file. I don't know. It's been around for a while.

Mr. Chase: Yeah.

- Board Member Montesano: Yeah, It's only 25, 30 years now.
- Board Member Brady: Yeah.
- Vice Chair Taylor: Well...
- Board Member Brady: Before me.
- Vice Chair Taylor: If it was two years ago...
- Board Member Montesano: I know, very well.
- Vice Chair Taylor: you know, it would have been the old form anyway, right?
- Board Member Montesano: It was never supposed to be a lot.
- Mr. Reilly: Oh, really?
- Board Member Montesano: No.
- Rich Williams: I'd have to go back and check my records as far as where we are with SEQRA.
- Board Member Montesano: Unfortunately...
- Vice Chair Taylor: So if you could submit a new form. Short form. Short form. We don't need a long form on this.
- Mr. Reilly: Can you tell me, what is the difference between a major and minor wetlands?
- Rich Williams: A lot of money.
- Board Member Brady: Yes. Big bucks.
- Mr. Reilly: And what makes the difference between a major wetlands and a minor one?
- Rich Williams: A minor wetland on a residential subdivision is one that is fairly inconsequential to impacts with regard to the wetland. A major is usually one that has a considerable amount of disturbance within the buffer and or the wetland.
- Mr. Reilly: Okay. And what is the fee? How do you calculate it?
- Vice Chair Taylor: A dollar a square yard.
- Mr. Reilly: A dollar square yard.
- Rich Williams: A minor is a hundred...
- Vice Chair Taylor: For the disturbance.

Rich Williams: A minor is \$150.

Mr. Reilly: Okay.

Rich Williams: Alright.

Vice Chair Taylor: And that's for the area of disturbance?

Rich Williams: No.

Board Member Montesano: No.

Vice Chair Taylor: For the whole wetlands?

Rich Williams: It's a \$150. A major is a dollar per square foot for...

Vice Chair Taylor: Square yard.

Board Member Montesano: Square yard.

Rich Williams: disturbance within the buffer plus two-dollars a square foot...a square yard.
Square yard.

Vice Chair Taylor: Right.

Board Member Ladau: Yeah.

Rich Williams: I'm doing the same thing. A square yard for disturbance within the wetland plus three-dollars a square yard for any impervious coverage within the buffer or the wetland.

Vice Chair Taylor: So we got...the well's in wetland, is that correct?

Mr. Reilly: Yeah.

Mr. Chase: It's in the adjacent area.

Vice Chair Taylor: But that's the only disturbance you have in the wetland.

Mr. Chase: Well, no. Everything, as we're showing it, is outside the wetland boundary.

Vice Chair Taylor: Alright, so you're in the buffer then.

Mr. Reilly: We're in the buffer.

Vice Chair Taylor: So you'll be calculating it on the buffer and on the impervious are then.

Mr. Chase: Yeah. We'll come up with the surface areas.

Vice Chair Taylor: Alright, so...I mean, your engineer can calculate that for you.

Mr. Reilly: Yeah.

Mr. Chase: Yes.

Vice Chair Taylor: Alright, then...

Rich Williams: Yeah, generally he'll calculate it because he can calculate it with CAD a hell of a lot quicker than I can...

Mr. Chase: Yeah.

Rich Williams: with my old, style tool.

Vice Chair Taylor: So are we pretty much set then? Moving the road, there was some... That was a site walk comment.

Rich Williams: Moving the driveway?

Vice Chair Taylor: Do we shift the driveway slightly? Or are you hitting up against...

Board Member Brady: Moving it...

Vice Chair Taylor: your septic again?

Board Member Brady: Moving it south...

Mr. Chase: Well, I mean, we're getting close to the septic area out there. I mean, if we shift it, it's going to be 10 feet max. We want to stay away from the fields.

Vice Chair Taylor: Does that help?

Rich Williams: It's really not significant the amount that they're talking about shifting it. Tommy was looking at shifting it much farther up the hill and it would impact the septic system where Tommy wanted to put it.

Vice Chair Taylor: Okay then.

Board Member Montesano: This rain garden...

Mr. Chase: Yes.

Board Member Montesano: Everybody you talk to, it's extremely difficult to maintain a rain garden. And if we have to look at a rain garden with extreme difficulty...

Vice Chair Taylor: Is there an alternative?

Rich Williams: I wouldn't say there's an alternative on this site. If they're going to do anything for stormwater and the other agencies, DEP...

- Mr. Chase: Yeah.
- Rich Williams: They're going to have a hard enough time with DEP as is. If they don't show that they're trying to address some of the environmental impacts with DEP, they're going to run up against a brick wall.
- Vice Chair Taylor: Alright, well...
- Rich Williams: So I wouldn't mess with that rain garden.
- Board Member Montesano: Okay.
- Vice Chair Taylor: Well...
- Board Member Montesano: I guess we'll have to...
- Vice Chair Taylor: You might...
- Board Member Montesano: bow to the other agency.
- Vice Chair Taylor: When you sell it, you might pass out a paper on maintaining rain gardens.
[Laughter]
- Mr. Reilly: Yeah. Well, I have to explain all the house, the rain garden, the boiler. It's a...
- Vice Chair Taylor: So...
- Board Member Brady: It will be an extra 50 pages.
- Mr. Reilly: Yeah.
[Laughter]
- Board Member Montesano: If you go down to Westchester and outside or Yorktown...
- Vice Chair Taylor: So we're pretty much...
- Board Member Montesano: there's a beautiful rain garden right there.
- Vice Chair Taylor: We're pretty much happy with the layout at this point?
- Board Member Ladau: Yeah.
- Board Member Brady: Yeah.
- Vice Chair Taylor: So we can go ahead with setting a public hearing and moving forward. You will get the SEQRA to us, we will look at that. Hopefully this...you don't have any endangered species or anything like that in there, do you?

Mike Liguori: Builders.
[Laughter]

Mr. Reilly: Pretty much these days.

Board Member Montesano: Affordable builders.

Vice Chair Taylor: I don't think that they're on the Federal watch list though.

Board Member Brady: The Clorox took care of everything.
[Laughter]

Vice Chair Taylor: So, alright, let's...Public hearing would be...What's the date?

The Secretary: June 4th.

Board Member Ladau: Which was it?

Vice Chair Taylor: So, public hearing for June 4th.

Mr. Reilly: Okay.

Vice Chair Taylor: Talk to Sarah, Rich about...

Board Member Montesano: Second.

Vice Chair Taylor: getting the list and...Alright.

Mr. Reilly: I'll send out all the...

Vice Chair Taylor: All in favor? Motion carried by a vote of 4 to 0.

Mr. Reilly: You'll give a list...

Vice Chair Taylor: In the matter of RP Development Corporation...

Rich Williams: You'll have to come in and sign that we gave the right list. But yeah, we can give you a list.

Mr. Reilly: Okay.

Vice Chair Taylor: Okay.

Mr. Reilly: I'll sign.

Mr. Chase: Alright, thank you very much.

Vice Chair Taylor: Anything else?

Board Member Brady: What was that? June what?

The Secretary: June 4th.

Mr. Chase: We're all set.

Vice Chair Taylor: Okay.

Mr. Reilly: Thank you.

Vice Chair Taylor: And you're getting your Board of Health approvals?

Mr. Chase: We are going to move forward but we have to...Wetland permit and field testing. I have to redo some field tests.

Vice Chair Taylor: Okay. So you're working on it.

Mr. Chase: We're working on it.

Mr. Reilly: We're working on it.

Board Member Montesano: You're working.

Mr. Reilly: Right.

Vice Chair Taylor: Okay.

Board Member Montesano: It's pending.

Vice Chair Taylor: Yeah.

Mr. Reilly: Okay. Thank you, Board.

Vice Chair Taylor: Yes.

Mr. Chase: Thank you.

Board Member Brady: Thank you. Good night.

ii) Bill Henry Tree Service, Inc.

Vice Chair Taylor: Okay. Now where are we?

Board Member Ladau: Next one is Bill Henry.

Board Member Montesano: Maplewood and Bill Henry.

Board Member Brady: Bill Henry.

Vice Chair Taylor: You see I don't like speaking for other people.

Board Member Brady: Yeah, it's...It's when they start asking questions on somebody else, it's like...

Vice Chair Taylor: Yeah. Oh...Okay. Bill Henry. Bill Henry's not here tonight. We're, basically, we're waiting for them to come back with new plans, aren't we? Okay. Any further comments on the site walk? None? Okay. What's this?

Board Member Brady: I don't know.

Vice Chair Taylor: Oh this is...Oh, he ran them off for us. Okay. Thank you, Rich.

Board Member Montesano: Thank you. More paper.

Board Member Ladau: More paper.

Vice Chair Taylor: More paper. Now, what we could do, if they work in a machine, we could take things like this and bring them back to you. You can take the staple out and you run them through on the other side for future projects [referring to reusing the paper Rich Williams handed out].

Rich Williams: It's double sided.

Vice Chair Taylor: Oh, is it? Okay. I've got a bunch at home that's one sided.

Rich Williams: Right, it is double sided?

Vice Chair Taylor: No. It's one sided.

Board Member Montesano: I think that...

Board Member Ladau: No, this is one sided.

Rich Williams: Well, I hit the double...

Board Member Montesano: I think you ought to get a...

Board Member Brady: Wasteful. You know how many trees you killed?

Rich Williams: I hit the double sided. I'm sorry.

Board Member Brady: You tree murderer.

Board Member Montesano: We're going to have to get everybody...

Board Member Ladau: Are the other half of the reports still in the office?

Board Member Montesano: a computer so that we can sit there and just...And this way we can...

Vice Chair Taylor: Yeah. That won't help. Okay.

Board Member Montesano: The pictures (inaudible).

iii) Maplewood North Homes Subdivision

Vice Chair Taylor: RP Development we did.

Board Member Montesano: Yup.

Vice Chair Taylor: Maplewood...Oh, we skipped. Maplewood North.

Board Member Brady: Right. And Bill Henry.

Vice Chair Taylor: Alright. Now, the Board was supposed to look into open space overlay zones.

Rich Williams: Correct.

Vice Chair Taylor: Did anyone besides me?

Board Member Brady: I did not look.

Vice Chair Taylor: Okay. So then for the next work session maybe we can do that. I'll send out...I downloaded the particular parts and highlighted some of them. I have a few questions for our counsel. Section 138-16: Parkland.

Mike Liguori: I need a second to get caught up.

Vice Chair Taylor: Would this project qualify as parkland if we want to put parkland on this...Maplewood now.

Rich Williams: I'm sure there's area out there that would qualify for passive recreation area.

Vice Chair Taylor: Okay. So that would be one thing to look at. 138-16, now it refers to Town Code 277-4, which apparently defines parks suitably located for playground and other recreation purposes. I didn't have the Town Code, so I couldn't look up that section. But...

Rich Williams: It's Town Law not Town Code.

Mike Liguori: Yeah. I was going to say Town Law.

Vice Chair Taylor: Okay. I'm sorry, Town Law. Correct.

- Rich Williams: You can go up online to a legislative site and all the codes are up there.
- Vice Chair Taylor: I just hadn't downloaded it yet so that's something to look at, too. It's 277-4. The question for you, Mike, is that we had made a recommendation to the Town Board. We'd like to amend that recommendation but we need time to think about what our amendment would be. How do we go about that? Can we table the recommendation for the time being? Or...
- Mike Liguori: So we've been...Which one are we on? Just...
- Rich Williams: Maplewood North.
- Mike Liguori: Okay. Oh, Maplewood North.
- Vice Chair Taylor: Yeah.
- Mike Liguori: Okay. So, just bear with me here for a second.
- Vice Chair Taylor: Yes.
- Mike Liguori: So I didn't bring my file on the application for Maplewood North but...
- Vice Chair Taylor: Okay. Alright, the issue was the open space development law.
- Mike Liguori: Okay.
- Vice Chair Taylor: And we did not...
- Rich Williams: You want me to...
- Vice Chair Taylor: understand the...
- Rich Williams: You want me to jump in here?
- Vice Chair Taylor: Yes.
- Mike Liguori: Would you please?
- Vice Chair Taylor: Please jump in.
- Rich Williams: Yes.
- Vice Chair Taylor: Fill us...Fill him in.
- Rich Williams: The open space open development law requires and minimum and a maximum lot size. Essentially an 80,000 square foot lot size is the maximum size. And it requires applicants who are submitting for subdivisions to cluster the lots into a, you know...
- Mike Liguori: Into the traditional...

Rich Williams: one area and then keep the rest of the area forever green or some sort of parkland.

Mike Liguori: With the max lot size of two-acres.

Rich Williams: Of 80,000 [square feet].

Mike Liguori: Okay.

Rich Williams: In this case, it's a, you know, it's basically a two-lot: one of the lots is going to Green Chimneys. There's been no use shown on that second lot. And he is looking for a variance because he doesn't want to limit the other lot to 80,000 square feet.

Mike Liguori: Okay. And this was the plan we looked at with Joe Buschynski ...

Rich Williams: Yes.

Mike Liguori: that had some confusion of...I remember there was...I had some confusion as to where it was.

Vice Chair Taylor: Yes.

Mike Liguori: I know where that is now.

Rich Williams: Okay.

Mike Liguori: Okay.

Rich Williams: So, at that meeting, the Planning Board made a recommendation to defer it over to the Town Board...

Mike Liguori: Mmhmm.

Rich Williams: with a favorable recommendation. I've since raised the issue about, you know, the intent of the law and that recommendation not addressing the need to somehow incorporate conditions that would maintain the intent of the law.

Mike Liguori: Okay. Now, has the Town Board acted?

Rich Williams: No.

Mike Liguori: They have not.

Rich Williams: Hasn't even been on the agenda yet.

Mike Liguori: Okay, so then I think it would be if the Board wants to make an amendment, you could either amend it or rescind it and do a new one.

Board Member Brady: Rescind it.

Vice Chair Taylor: Okay. So are we in agreement to rescind it?

Board Member Brady: Yeah.

Board Member Ladau: Mmhhh.

Vice Chair Taylor: Okay.

Board Member Ladau: Yeah.

Vice Chair Taylor: So in the matter of Maplewood North Subdivision recommendation to the Town Board about the Open Space Development Law, we will rescind that recommendation and replace it at a future time. Does that satisfy what we need to do here?

Mike Liguori: Is there...Have you had the opportunity to consider the new information? So, for instance...

Board Member Brady: No.

Vice Chair Taylor: No.

Mike Liguori: So the only question I have for the Board is, you know, would you be making a new recommendation in let's say, June?

Vice Chair Taylor: Yes.

Board Member Brady: Yes.

Vice Chair Taylor: I think. Yes.

Mike Liguori: Okay. Alright. So then what I would do in the motion for the rescission is just to say that the Board is considering the new information which was the basis of the rescission and intend to make a future recommendation within... You don't have to limit yourself to a particular amount of time. I just want you to...I don't want there to be a bare bones rescission without any rationale.

Board Member Brady: Right.

Vice Chair Taylor: Right.

Mike Liguori: So...

Board Member Montesano: (inaudible – too many talking).

Mike Liguori: just say that the motion would be that the Board is in receipt of new information. They're going to rescind the prior and we'll consider that new information. And that's what I'd do.

Vice Chair Taylor: Okay. So moved.

[Laughter]

- Board Member Brady: I second it.
- Vice Chair Taylor: All in favor? Motion carried by a vote of 4 to 0.
[Laughter]
- Vice Chair Taylor: Couldn't have said it better.
[Laughter]
- Vice Chair Taylor: Couldn't have possibly have said it better.
- Board Member Brady: Good god.
- Vice Chair Taylor: From the lawyer's mouth. Okay, the issue to look at is, and this is what's confused me, all these conditions. Then if they're going to do this it's in exchange for...If the developer's going to do something in...to cluster and so on, in exchange for. And the exchange is what's called common open space. Now, how do we work this? The one's I've seen in the past, its conservation easements. It doesn't talk about conservation easements in...
- Rich Williams: Well, that's one way that you could do it.
- Vice Chair Taylor: So that's one of the ways. The other ways is...
- Rich Williams: Fee simple ownership. Deed restrictions.
- Vice Chair Taylor: Okay.
- Mike Liguori: Yup.
- Vice Chair Taylor: Because what the...Let's see, where is it? 138-52: Conveyance and maintenance of open space: Common open space that is to be preserved under this section shall be conveyed as follows: 1) To the Town of Patterson. 2) To a not-for-profit organization. That would be like Ice Pond.
- Rich Williams: Or Green Chimneys.
- Vice Chair Taylor: Or Green Chimneys.
- Board Member Brady: There it is.
- Vice Chair Taylor: Or three was...Oh. To a cooperative of the owners; the homeowners' association.
- Board Member Montesano: Homeowners' association.
- Rich Williams: Right. But typically, when we do that, the Town also takes conservation easement back to make sure that...

Vice Chair Taylor: It's maintained.

Rich Williams: it will not be developed in the future.

Vice Chair Taylor: Alright. So then...So that would be what we'd be looking at. It's...The question is about whether we want to do some of the seven-acres, where the house will be located. And that would be more of an issue of the...keeping trees from being cut down.

Rich Williams: That would be something for the Board to consider.

Vice Chair Taylor: Yeah.

Rich Williams: What, if any, of the seven acres might be appropriate? And why the seven acres, is because they're generally limited to 80,000 square feet. Well, you know, you might want to, you know, keep the house from being up on top of the hill.

Board Member Brady: Right.

Rich Williams: You might want a conservation easement to...

Board Member Brady: Keep it out of the ridgeline.

Rich Williams: protect that ridgeline.

Vice Chair Taylor: And the other part, of course, would be the five-acre parcel that's separate from that. And I did some research on that. There is...It was part of a historic property. There is still the foundations of the historic house there and two barns. A considerable foundation in fact. Larger than the one at Ice Pond. This must have been some house at one time. Doing some research, I'll try to get it done by June and submit it to the Board in terms of family and what the historic background. I thought it might be nice to create a historic easement to protect that; that road and...Some of it is on the adjacent property so if it was ever developed in the future perhaps that piece could be added in to...

Board Member Brady: That's the Green Chimneys property, correct, that you're talking about? That...

Vice Chair Taylor: Yes. Yeah. The very north end of that property.

Board Member Brady: Okay.

Vice Chair Taylor: That runs along the top of that hill. So that's what we can look at. And that piece there, is a very lower terrace at the top that's level and runs down to the Croton. Then there's a steep hillside with wetlands along the western side of it. And then I think it levels out a little bit at the bottom where maybe goes into their agricultural land. Most of it wouldn't be useful for much of anything anyway.

Board Member Brady: Is that where the old road was?

Vice Chair Taylor: The old road runs along the western edge of that, yes. But I think it would be nice to preserve that little section of old road. There's not much of the old road in that property. It's just on the western edge. But there is another road that runs along the whole northern edge of it. But I don't

think it's in the property itself. I think it's on the next property north. But it's...I took some pictures; we can look at that. So if you can, look at these. And you want me to send you these sections?

Board Member Brady: Yeah, please.

Vice Chair Taylor: Okay.

Board Member Brady: That makes it easier. That way I don't have to look.

Vice Chair Taylor: Alright. Then I'll...

Board Member Brady: I'm lazy.

Vice Chair Taylor: Anything else we should be looking at in terms of this, Rich?

Rich Williams: I think you've pretty well covered everything.

Vice Chair Taylor: Okay. I just, you know...Alright. Back to...And did you look at the SEQRA for this one?

Board Member Brady: Green Chimneys?

Vice Chair Taylor: It would be...

Board Member Brady: No, not Green Chimneys.

Vice Chair Taylor: No, Maplewood.

Board Member Brady: Maplewood.

Board Member Montesano: Maplewood.

Board Member Brady: He's got the full?

Vice Chair Taylor: Yeah, he's got the full because they did Southeast.

Board Member Brady: Yeah. It's all filled out.

Vice Chair Taylor: Anything jump out at you?

Board Member Brady: I mean, nothing jumped out at me...

Vice Chair Taylor: Okay.

Board Member Brady: Until I got to the third section and I'm reading that and I'm going...

Vice Chair Taylor: Oh, it's filled out.

Board Member Brady: Wait a minute. They're not...It's already filled out.

Vice Chair Taylor: Yeah, we don't... We just have to decide if we're going with it or not.

Board Member Brady: You know, that's the thing...

Rich Williams: I'll make it real easy. You've already agreed to let Southeast be lead agency and...

Board Member Brady: Be the lead agency.

Rich Williams: they've already made the SEQRA determination.

Vice Chair Taylor: Yeah.

Board Member Brady: Right.

Board Member Ladau: Yeah.

Mike Liguori: Nice work.

Vice Chair Taylor: So the only question...

Board Member Brady: That was easy.

Vice Chair Taylor: The only question I had on it was they note some archeological, I'd like to know what that was. Just whether it's down at Green Chimneys or whether it might be up in our section or not. Just so that we know. I have no idea. They just mention it. But they don't give it a number or anything so I don't know. Okay. So are we almost at the bottom here?

Board Member Ladau: Yup.

Vice Chair Taylor: Lost my...I've got Tom's notes. Must be the end of the evening, I lost the...Okay. Codes, I think that was the last one.

Board Member Brady: No, we have...

Board Member Ladau: Zoning Amendment.

Board Member Brady: No, we also have Bill Henry.

Vice Chair Taylor: That's... We did Bill Henry.

Board Member Montesano: We did Bill Henry.

Board Member Brady: Did we do...No.

Rich Williams: Well, you did Bill Henry at the site walks. At the...

Board Member Brady: At the other night. Okay.

Rich Williams: work session.

Vice Chair Taylor: Yeah, I...

Board Member Montesano: When he was standing there.

Vice Chair Taylor: And then we had no other comments.

Board Member Brady: Okay.

Vice Chair Taylor: So we're waiting for him to come back with...

Board Member Ladau: Yeah.

Vice Chair Taylor: the next...So.

Board Member Brady: Right.

c) Zoning Amendment – Restaurants

Vice Chair Taylor: Okay. So we've got the codes. I'll turn this over to you, Bob.

Board Member Ladau: Oh, good. I...

Board Member Brady: That's it, you used your allotment of time.

Board Member Ladau: What's that?

Board Member Brady: You used your allotment of time.

Board Member Montesano: Well, Ron doesn't have any...

Board Member Ladau: This is the point where we go out and...

Board Member Montesano: on that (inaudible – too distant).

Board Member Ladau: bar.

Board Member Montesano: Mr. Gainer.

Vice Chair Taylor: Is that what you asked him?

Board Member Montesano: Yeah.

Vice Chair Taylor: Okay. Thanks.

Board Member Ladau: I've started to...I went through again, the various definitions. We talked about delicatessen, fast-food, restaurants, restaurants, etcetera, etcetera. And the more definitions I see, the

more uncomfortable I become because it almost seems to me that what's happening is that in identifying each type, what we're doing is, by omission of some type, a hot dog stand, whatever, something like Forest Café on Route 22 which I believe is in Pawling, but...

Rich Williams: It's in Pawling.

Board Member Ladau: It...That kind of thing, I would...I think we're missing the most important points which should concern us. And I almost want to consolidate the Code requirement into something that would cover all retail food establishments. And it seems to me that what we're talking about, the issues, one is the storage preparation and servicing of food and the disposal of any waste materials, regardless of whether it's for consumption on or off premises. And whether...And we should also, I think, make reference to adherence to New York State regulations regarding, you know, food service. And also the environmental impact on surrounding properties: odor, etcetera, that we've been talking about. And I'm just wondering if we can't somehow or other have instead of restaurants, delicatessens, etcetera, etcetera, whether we can simply consolidate that under a retail food establishment provision or definition. I fiddled with this a little bit and I came up with something that in part is plagiarized from other codes, but talking about a retail food establishment. Any premises where in food or beverages are prepared, packaged and sold on site to patrons for consumption either on the premises or for the delivery and consumption off premises. The definition shall also include food service providers such as restaurants, caterers, delicatessens, and establishments that have been granted...and establishments that have been granted an outdoor dining permit. I go on with, such establishments shall store and prepare foods in accordance with applicable New York State rules and regulations, have approved methods of disposal of waste materials from the food preparation process and provide for the sufficient dissipation of odors and fumes from the premises so they are not offensive or detrimental to neighboring properties. I also added to that, and I don't know that this should be part of the definition but I think we should make some kind of reference to the fact that no commercial property shall, and the Planning Board shall not approve, now shall any agent of the Town approve the use of property or change in the use of property or change in a business to a similar type of business which includes one or more processes which are offensive, obnoxious, or detrimental to the neighborhood by reason of vibration, dust, smoke, fumes, noise, odor or obnoxious wastes. So...

Rich Williams: We've already...

Board Member Ladau: I don't know what...

Rich Williams: We've already got that second part setup...

Board Member Ladau: Yeah.

Rich Williams: to go in the Code in a separate area so it covers everything.

Board Member Ladau: Yeah. No, I just...I wanted it in there just for my own, you know...I agree with you.

Rich Williams: That's fine.

Board Member Ladau: But I guess the...The point I'm making is simply to try and consolidate retail food establishments under a single definition rather than having these multiple definitions of, as you said, catering, delicatessens, food service, whatever.

Rich Williams: The...I understand where you're going and...

Board Member Ladau: Yeah.

Rich Williams: again, you know, I...This all started out because we basically took all food service and broke it into two categories.

Board Member Ladau: Yeah.

Rich Williams: We had fast-food and we had restaurants.

Board Member Ladau: Yeah.

Rich Williams: And restaurants covered everything else.

Board Member Ladau: Slow food.

Rich Williams: Yeah. And, you know, then it was well what about catering? What about take-out?

Board Member Ladau: Yeah.

Rich Williams: What about, you know...Is a restaurant a delicatessen? Is it the same thing? And that's why we ended up going down the road of starting to break these up...

Board Member Ladau: Yeah.

Rich Williams: And further define within the Code, you know, various activities so that they could be placed in different zoning districts. You could have a restaurant in a GB, an I, and a C-1 zoning district.

Board Member Ladau: Mmhmm.

Rich Williams: You can't have a fast-food restaurant in a GB zoning district. And we do that because it's kind of a different type of restaurant. You think about, you know, having a Wendy's or a MacDonald's sitting out here on Front Street, you know, is that something you really want with the inherent traffic. You know...

Board Member Ladau: But is that...

Rich Williams: and some of the other issues.

Board Member Ladau: Is that something though, Rich, that can be covered with permitted uses in each zoning district without going through a definition?

Rich Williams: No. Because you take whatever that definition is and you say that's a permitted use in the district. You can't say, you know, we're going to have an all-encompassing, you know, definition for food service and then try to divide it in your permitted uses.

Mike Liguori: Yeah, that's going to be tough.

Rich Williams: Yeah.

Board Member Ladau: Yeah. I just...

Rich Williams: So... You know, Bob, I absolutely agree with you and...that, you know, we should have this big one umbrella for all the types of...

Board Member Ladau: Yeah.

Rich Williams: food services and include take-out and, you know, identify catering and include that. And the sixty-four dollar question is how do you get there?

Board Member Ladau: Yeah. I don't know. But I just have a feeling that in looking at the definitions that we have somehow or other missed certain types of restaurants or food service facility. So, you know, where you're talking do you want a Wendy's on Front Street? No. But then do we want a Forest Café type of operation wedged into Front Street because we have not defined that? It's sort of a...

Rich Williams: You know, it's...

Board Member Ladau: It's a truck that has its tires flattened.

Rich Williams: It's funny you bring that up. If somebody were to come into Patterson and approach me and say, you know, this is what I want to do, I'd say absolutely no way.

Mike Liguori: We had that issue.

Rich Williams: Huh?

Mike Liguori: Didn't we have it already? With the...

Rich Williams: We had something similar...

Mike Liguori: With the rolling pizza, right?

Rich Williams: Twice.

Mike Liguori: Right? Rolling pizza.

Rich Williams: Well, that's the third time, yeah.

Mike Liguori: Yeah. That's...

Board Member Brady: What was that? You had...

Rich Williams: Two of them were permitted by the Planning Board.

Mike Liguori: Okay.

Rich Williams: Alright. So...

Board Member Ladau: Well, I'm sorry. What do we have?

Rich Williams: We had something like the Forest Café. We had three different occurrences within the Town of Patterson where something like the Forest Café was setting up. Two of them...

Board Member Ladau: Yeah.

Rich Williams: Two of them were permitted by the Planning Board; didn't work.

Board Member Ladau: Mmhhh.

Rich Williams: And then we had, you're right, the rolling pizza wagon...pizza truck.

Mike Liguori: Yeah, I forget the...Who did that.

Board Member Ladau: Oh, that's that wood fire...

Rich Williams: Yeah, wood fire pizza.

Board Member Ladau: pizza. Yeah.

Rich Williams: But...

Board Member Ladau: But it's interesting that...

Rich Williams: But I absolutely adore the Forest Café. I'm up there all the time.

Board Member Ladau: Oh, yeah.

Rich Williams: I love the people, I love the food.

Mike Liguori: Where is that? I'm going to...

Board Member Ladau: Yeah.

Mike Liguori: Is that in the Village of Pawling?

Rich Williams: You've never been to the Forest Café?

Board Member Brady: No, I don't know where it is.

Mike Liguori: I've never been there.

Board Member Brady: What is it?

Rich Williams: Oh, wow.

Board Member Ladau: On Route 22, right across from the...

Rich Williams: You know the Getty station...

Board Member Ladau: Getty station.

Rich Williams: right up here.

Board Member Brady: Yeah.

Board Member Montesano: The hot dog truck.

Rich Williams: Right across the road...

Board Member Brady: Oh.

Rich Williams: there's a metal truck.

Board Member Brady: Oh.

Mike Liguori: Oh, okay.

Board Member Montesano: You've got to give back the common terminology.

Vice Chair Taylor: (Inaudible – too many talking).

Board Member Montesano: They've got to get a fancier name. It's the hot dog truck everybody.

Board Member Ladau: For example, you have another hot dog truck in the park and ride.

Board Member Brady: Everybody raves about that place.

Rich Williams: Yes.

Board Member Ladau: On three...

Rich Williams: [Route] 311.

Board Member Ladau: 311.

Rich Williams: Yeah. That's kind of a different situation. First that's a County parking lot and they're not subject to our rules.

Board Member Ladau: Okay.

Rich Williams: Second, the State has exempted veterans who want to operate a hot dog truck from being on State property. So they can set up on the [Interstate] 84 ramps. They can setup on Route 22. Wherever there's State land, they can just go setup.

Board Member Ladau: There used to be a coffee vender on the ramp up to...

Board Member Montesano: Going...

Board Member Ladau: [Interstate] 84.

Board Member Montesano: Going east.

Rich Williams: Yup.

Board Member Ladau: And somebody chased him off. I think that's in Kent rather than us. But...

Rich Williams: No, that's still us where he was.

Board Member Ladau: Oh, is it? Yeah.

Rich Williams: Yeah.

Board Member Montesano: Yeah, well...

Rich Williams: So...

Mike Liguori: Protect the hot dogs.

Board Member Ladau: Huh?

Board Member Montesano: But I don't think he was a vet so he...

Mike Liguori: The hot dog lobby must control.

Board Member Montesano: had no...

Rich Williams: Yeah, so that's the problem that I...

Board Member Ladau: Yeah.

Rich Williams: you know, was handed, that, you know, everybody was not comfortable with the definition of our restaurant because it was not clear that it was completely inclusive for take-out and catering and do we want to separate catering which we did. And...

Board Member Ladau: Is that something that...

Rich Williams: As I've said...As I've said before, the reason I threw the definition for delicatessen, is somebody came back to me and said well jeez, is a delicatessen a restaurant? It meets all the requirements. So, now you have to say...

Board Member Ladau: Yeah.

Rich Williams: well, no it's not.

Board Member Ladau: Is that something though, Rich, that we can...that we can incorporate in, if we were to consolidate under a retail food establishment, is there some way of incorporating into that language restrictions relative to various zoning districts. I don't quite know how to do it. I'd have to think about it.

Rich Williams: Not within the definition. It's not where you structure a code.

Mike Liguori: Right.

Board Member Ladau: Yeah.

Mike Liguori: It's going to be in the bulk table. And that's...So, the bulk table is basically the bus.

Board Member Ladau: Yeah.

Mike Liguori: Okay. And all the different definitions are sitting in the seats. You know, and that's where...

Board Member Ladau: Yeah.

Mike Liguori: That's how you've got to look at it.

Board Member Ladau: I'm just...I hear what you're saying. I'm still not comfortable, though, with the proliferation of definitions. I don't know where to go with it.

Board Member Montesano: Law school.

Vice Chair Taylor: Well, Tom feels the same way.

Rich Williams: I know he does.

Vice Chair Taylor: Yeah, so...

Rich Williams: But I keep throwing it back at you...

Vice Chair Taylor: Yeah, I...

Rich Williams: you know.

Vice Chair Taylor: I don't know either. I...

Mike Liguori: Well, do we want to, you know, sit down, schedule a night in June when it's not, you know, the end of a Planning Board meeting and everybody's tired to, you know, sit down and roll up our sleeves and try to figure this out? Or do you want to...

Rich Williams: I don't know that we're not a loggerheads at this point where...

Mike Liguori: No, I don't think we are. I think it...But...

Vice Chair Taylor: You think we are.

Rich Williams: I think we are.

Vice Chair Taylor: Yes.

Rich Williams: I think, you know, everybody doesn't want to start with...

Mike Liguori: Oh, we're not at... We are...

Vice Chair Taylor: We are at loggerheads.

Mike Liguori: We are. We are, okay. I'm in agreement that we are.

Rich Williams: Yeah.

Vice Chair Taylor: Yes. Okay.

Rich Williams: That, you know, that everybody does not want definitions for individual types of food services, but the whole recommendation to look at changing the definition of a restaurant was because it was not clearly defined and out of that flowed the need to further...

Mike Liguori: Define.

Rich Williams: define other uses.

Mike Liguori: Right.

Vice Chair Taylor: Now can we do both? Can we have...keep restaurant as a general purpose definition and then where we need to, define out other things? Like here fast-food so that you could put those things in the Code otherwise. But we're still, as a food service establishment is covered in a general way so if somebody comes in...

Mike Liguori: Structurally what I'm visualizing is, and our Code may not be set-up the way that I'm...I'm kind of visualizing the bulk table that you see in the...

Rich Williams: We don't have bulk tables...

Mike Liguori: I'm sorry.

Rich Williams: the way you have like in Southeast where they...

Mike Liguori: Yeah, that's what I'm picturing...

Rich Williams: Yeah.

Mike Liguori: the table of use.

Rich Williams: Yeah.

Mike Liguori: Because our uses are listed in our districts.

Rich Williams: Yeah.

Mike Liguori: You would end up doing, you know, let's say we used the... a type of definition as proposed in the district that it would be in it would be permitted except for x, y and z, right? I mean, that's how you would have to do it.

Rich Williams: Yeah. But then you still have to define x, y and z.

Mike Liguori: That's right. That's right.

Board Member Ladau: Yeah.

The Secretary: Thank you.

Mike Liguori: For instance, let's go to the Front Street example, right. Maybe Wendy's isn't appropriate but...so as far as fast-food. But the Chinese food place is probably fast-food.

Board Member Ladau: Yeah.

Rich Williams: It would be under this definition.

Mike Liguori: Right. Right.

Rich Williams: Right.

Mike Liguori: So, you know, Wendy's can't be here but you can have the Chinese food, maybe because it's a walk-up as opposed to...

Rich Williams: Well, it's because it was in there before we really started thinking about these things.

Mike Liguori: Right, right.

Vice Chair Taylor: Yeah, but it's also appropriate, I think, there.

Mike Liguori: So would be a MacDonald's without a drive thru then.

Vice Chair Taylor: Yes.

Mike Liguori: What's the difference? There's no difference.

Board Member Ladau: No.

Vice Chair Taylor: Right.

Mike Liguori: Just a, you know...

Vice Chair Taylor: So we've got to separate fast-food into those that have drive-thru and those you use the door?

Mike Liguori: But this is....

Board Member Montesano: Yeah...

Mike Liguori: We're in Alice in Wonder, you know... That's the box.

Board Member Montesano: MacDonald's would be...

Board Member Ladau: It is becoming Alice in Wonderland.

Rich Williams: Yeah.

Board Member Montesano: Alright, but look at the fun we have. A MacDonald's, which is a national institution in the wonderful country of ours because our kids have been trained that way...

Mike Liguori: Well, maybe not for long, but it will be. I mean, it is, but it...

Board Member Montesano: Everything moves on.

Mike Liguori: Yeah.

Board Member Montesano: Even them. But the trick is a local Chinese take-out place usually you're not getting a guy coming off [Route] 22 to look for a local Chinese take-out place. But somebody locally is looking to get Chinese food, he knows just where to go.

Mike Liguori: Right, exactly.

Rich Williams: And, you know, I throw it back at you, you say that the Chinese place is appropriate for there but is it really? Do you want a Forest Street Café or do you want a fast-food Chinese restaurant sitting there on the corner? Which is the appearance that you want Front Street to have?

Board Member Ladau: Can we answer that after tomorrow's seminar?

Board Member Montesano: Well, we had a restaurant that's no longer there, right?

Vice Chair Taylor: Yeah.

Board Member Montesano: The other guy closed up. That was further down on Front Street.

Board Member Brady: The luncheonette or...

Rich Williams: Yes. Yes.

Board Member Brady: breakfast place? Yeah.

Mike Liguori: Is it...

Board Member Montesano: Because it's... Not that it was inappropriate, but it was sensibly... businesswise, it was no good. And the only reason the Chinese restaurant seems to make out is because his location is right there on the corner.

Board Member Ladau: Mmhmm.

- Board Member Montesano: Everybody coming through...
- Board Member Ladau: See him.
- Board Member Brady: No, he makes out because...
- Rich Williams: I've got, listen...
- Board Member Brady: it's all take-out.
- Rich Williams: I was in there tonight at quarter to six, I was the only order at quarter to six.
- Mike Liguori: Wow.
- Rich Williams: Why they're surviving, I don't know.
- Mike Liguori: Or how.
- Rich Williams: The reason that the other café closed up is because the prior owner really wasn't good at running the business. We're trying to work out...The former owner, the one before that, coming back in there now to get that place back open.
- Board Member Montesano: Well, the Chinese guy, they were doing terrible. They finally got a new cook in there and that brought business back up. And then the one up here on...by Kentucky Fried, they closed up.
- Rich Williams: Hong Kong Kitchen, they're closed.
- Board Member Montesano: And now everybody's coming down here or you have to go into Pawling itself.
- Rich Williams: Well, nobody's coming down here. You're going to Hong Kong Kitchen in Pawling. In the Village.
- Board Member Montesano: Well...
- Rich Williams: Well, no. The Great Wall in...
- Board Member Brady: Yeah.
- Board Member Montesano: Yeah, the Great Wall...
- Board Member Brady: We go to Pawling.
- Board Member Montesano: has food.
- Rich Williams: Great food.
- Vice Chair Taylor: Okay, we're not going anywhere with this I don't think.

Board Member Ladau: Yeah.

Board Member Montesano: We don't have to put that in the minutes so how about we just (inaudible – too many talking) meeting.

Board Member Ladau: The only...

Vice Chair Taylor: I don't see anything coming out of a meeting on this. I think...

Mike Liguori: I was simply throwing it out there because, you know...

Vice Chair Taylor: Yeah.

Mike Liguori: it... We kind of glaze over after, you know...

Vice Chair Taylor: Yeah.

Mike Liguori: a meeting.

Board Member Ladau: Yeah.

Mike Liguori: So to roll up your sleeves and get into something that's highly technical, you might want to just set some time aside and do it.

Vice Chair Taylor: Yeah, but we... You throw that out there, do you think... Would this Code benefit from such a night?

Board Member Montesano: We might but I don't know if the Code would.

Board Member Ladau: Yeah.

Board Member Brady: I don't know. I think maybe Tommy might be the one to really answer that because he's...

Board Member Ladau: Yeah, I'd almost want to defer to the next work session have...

Mike Liguori: Okay.

Board Member Ladau: input from Tom.

Rich Williams: Bob, why don't you send me what you did.

Board Member Ladau: Alright.

Rich Williams: And let me take that and incorporate it in a recommendation.

Board Member Ladau: Alright. The only other thing that I'd like to add regardless of restaurants, delicatessens and so forth, is to add in there the disposal of waste material. I think that's important.

- Rich Williams: In what respect?
- Board Member Ladau: The waste from food.
- Rich Williams: Yeah.
- Board Member Ladau: If you're...If there's prepared food that hasn't been served and you're dumping it, somehow or other care should be taken that doesn't attract vermin. That doesn't create problems to adjacent property owners.
- Rich Williams: Hopefully that would all be set up in the site plan when you do a site plan.
- Mike Liguori: Yeah. I mean that part, our Code is good at dealing with.
- Board Member Brady: Yeah, and I think the Code...The Building Code's going to go after that.
- Mike Liguori: Well, no, no. Not the Building Code. Our site plan provisions will deal with that. You know, I think that, you know...The elephant in the room is the...
- Rich Williams: Barbeque.
- Mike Liguori: the barbeque.
- Board Member Brady: Yeah.
- Mike Liguori: That's really what we're, you know...
- Rich Williams: Well, that's what drove this whole issue.
- Board Member Brady: Yeah.
- Mike Liguori: Right. Right.
- Vice Chair Taylor: Well, I've got a suggestion on that. I was looking at the noxious activities section of the Code. What if we beefed that up? And there's a whole section about noise; noxious noise. What if we put in smell as well? I mean, it's difficult because there has to be three violations issued by the Building Inspector.
- Board Member Ladau: Yeah.
- Vice Chair Taylor: But it seems like that would cover those kinds of things. Somebody complaining about an odor, the inspector...
- Rich Williams: The problem is if you put up a perfume factory, the people that are living right next to the perfume factory hate the odor.
- Board Member Ladau: Have you ever been at a perfume factory? It stinks.
- Rich Williams: Well, taking the reality out of it...

Board Member Ladau: Yeah.

Rich Williams: I was trying to make a...

Vice Chair Taylor: Yeah, make a point.

Board Member Ladau: Yeah, I... Yeah.

Rich Williams: Make a point that, you know, some people love some odors and they'd be...

Board Member Ladau: Yeah.

Rich Williams: I know people that say, jeez, you live next to a barbeque place? How do you stand it? I'd go out of my mind eating all the time.

Board Member Ladau: Yeah.

Rich Williams: You know, I would love that smell. Others can't stand it.

Board Member Ladau: There's a lady in Town who would disagree rather violently.

Rich Williams: Yeah, I mean, odors are somewhat subjective and trying to enforce it, I mean, we can get a smell meter.

Mike Liguori: Well...

Rich Williams: There is a smell meter.

Mike Liguori: I mean, we tried to deal with the noise issue and we, you know, we had Bob out there a couple of times taking noise measurements and it didn't...

Vice Chair Taylor: It didn't register.

Mike Liguori: didn't register.

Vice Chair Taylor: Yeah.

Mike Liguori: So, you know...I mean look, there's sometimes there's some, you know, un...

Board Member Brady: You don't even have to say it.

Mike Liguori: Yeah. Something that actually can't mitigate.

Board Member Ladau: Yeah. Apropos that...

Rich Williams: Why don't you send me your stuff and...

Board Member Ladau: Yeah.

Rich Williams: I'll form a recommendation to...

Board Member Ladau: Fair enough.

Rich Williams: see if that will fly with everybody.

Vice Chair Taylor: Alright. Did anyone think of other things in the future we should be talking about for Code changes? I put together a brief list of some things. We'd already talked about ridgelines. This is stuff that's in the comprehensive plan but it's not in the Code really. Scenic views; whether that...there needs to be something about scenic views. I think we needed to talk about rural. What is rural and a semi-rural character and how to preserve the semi-rural character. We need to define that, I think, a little bit. We've had issue here where, with Ice Pond for example. People were saying...The public was saying, well, why didn't you just build the houses along the road like all the other houses along the road and let that be instead of letting them cluster? But is that look a rural landscape? Is that the look you want? Where you're driving down Bullet Hole and you've got one, two, three a space which soon be a house, four house right on the road.

Board Member Brady: Yeah.

Vice Chair Taylor: And then farther down you got the old farmhouse and farther down you've got the old farmhouse. It's fine with the old farmhouse and the old farmhouse, but you've got three houses right next to each other. Somehow it loses its rural character. But there's nothing in the Code, I think, about...

Board Member Ladau: Is this something that will, if we adopt this form based code, that the form based code would address the notion of character rural setting. Rural, etcetera.

Vice Chair Taylor: Yes it would. But I don't think we're going to adopt a form based code. It's too complicated.

Board Member Ladau: It is complicated, yeah.

Rich Williams: Well, I think that's going to be answered tomorrow.

Board Member Brady: Yeah.

Board Member Ladau: Yeah.

Vice Chair Taylor: But I think it's something we can look at in terms of just that. Do we want to hide things? Do we want to cluster off the road?

Rich Williams: Tomorrow we have training on adopting form based codes.

Mike Liguori: Oh, oh. Okay.

Vice Chair Taylor: Yeah. Alright.

Board Member Montesano: Now, who wants to volunteer to bring back the papers of form based codes? We're going to have a class on that, right?

Vice Chair Taylor: Yeah, we're going to have a class on that.

Board Member Brady: Yeah.

Vice Chair Taylor: I've got a textbook.

Board Member Brady: And you didn't attend it, so...

Board Member Ladau: Yeah.

Vice Chair Taylor: Well, he gets to read the textbook.

Board Member Montesano: Right. I can look at all the books...

Vice Chair Taylor: And answer the questions at the end of the chapter.

Board Member Ladau: Well, whatever...

Board Member Montesano: and then answer those and then come back...

Vice Chair Taylor: Okay.

Board Member Montesano: and question.

Vice Chair Taylor: The other thing was overlays. We've got the R-4 overlay. We're starting to look at that now in terms of clustering and so one. But we've had this question about defining what is useable area, you know, on a lot. What's a useable area for a lot? What's the minimum that we should be specifying? Because we're in the situation now where four acres is not enough to build on. You take out the wetlands, you take out the steep slopes, you end up with nothing. So I think, again, we've talked about wanting to do that.

Board Member Brady: We did.

Vice Chair Taylor: You...Hadn't you said that at some point you had definitions...somebody had a definition, Southeast or somewhere, where the minimum useable area for a situation like that?

Mike Liguori: Yeah, they...We...I say we. The Town of Southeast has a, and I think you guys have a similar...the resource protection calculation. The table. So we have to...

Rich Williams: I didn't ever go down the road of the resource calculation.

Mike Liguori: Okay.

Rich Williams: Resource protection calculation.

Mike Liguori: Yeah, yeah. That's what we deal with.

- Rich Williams: I was just afraid that was going to be too complicated for anybody to...
- Mike Liguori: Okay.
- Rich Williams: really sink their teeth in. I went down the road we did where I simply said here's the formula: you've got so many acres...
- Mike Liguori: Mmhmm.
- Rich Williams: we're going to assume that, you know, you can build on so much, there's the formula.
- Mike Liguori: Okay. Alright. So, yeah. In the Southeast Code, if you're going to subdivide you start off with filling out the resource protection calculation chart where they...you list the slopes over 25%, slopes over 15%, wetlands, wetland buffers. There's a list of criteria and each of those is essentially given...can be included in your calculation for developable area or really for acreage. That's probably the more appropriate way to categorize it. So if I'm in a one acre zone and I have a four acre piece of property, I still have to prove out that I have 40,000 square feet of developable area.
- Board Member Ladau: Yeah.
- Mike Liguori: And that's much different than a typical bulk requirement, which is do you have one acre, you know, as a minimum standard without consideration of all these factors.
- Board Member Ladau: Mmhmm.
- Mike Liguori: And it's going to be a call for the Town Board, you know, or whomever is...Do they want to go down that road as far as just straight carving out? You can't develop those...You have to deduct those areas from your development capability for bulk.
- Vice Chair Taylor: Is that what...
- Rich Williams: It's complicated.
- Vice Chair Taylor: Yeah.
- Mike Liguori: It's not easy. I mean, you can't...
- Rich Williams: It's complicated.
- Mike Liguori: do it...So for instance, you know, mom and pop, right, if they have three...you know, two acres and they're in a one acre zone and they want to subdivide their house but they're, you know, part of it's in a, you know, is in a buffer and you carve out the buffer then they're going to be nonconforming.
- Board Member Ladau: Yeah.
- Mike Liguori: For no other reason than the fact that there's a buffer there. So my personal opinion, right, is thank you for taking my land. Compensate me know.

Rich Williams: And that was the other half. In 2005, when I was doing this, regulatory takings were really at the forefront...

Mike Liguori: Yeah.

Rich Williams: at that point.

Board Member Ladau: Yup.

Mike Liguori: Yeah.

Rich Williams: There was a couple of big cases going on, one up in Massachusetts. Since then, more and more people have adopted this and people are more accepting of it rather than just suing.

Mike Liguori: Right.

Rich Williams: They're just giving up.

Mike Liguori: Right. That's really what...If those regulatory taking cases...If the economy didn't do what it did in 2006 and '07 and so on and so forth, and we were still on the, you know, the freight train that was running from '05 to let's...from '02 to the middle of '05, the beginning of '06, then you would have seen major cases from Pulte and Toll Brothers and Lennar and anyone else who could afford the fight because at the end of the day it's a taking.

Rich Williams: It's a taking.

Mike Liguori: It's a taking.

Board Member Ladau: Sure.

Mike Liguori: Any way you skin it, you're taking away someone's rights without any form of due process or compensation. So, you know, if you have...If you get to the same place without having to do all the hemorrhaging then, you know, then if you do...

Rich Williams: And I think we're...The direction I took us in, I think we're close. I think, you know, now that we've had some experience with it we can type it up.

Mike Liguori: Yeah. I mean, you know, I look at these things...If you paint it with a board brush with the zoning and now you need to kind of do the, you know, the fine touch ups, then the fine touch ups are going to be more like a ridgeline protection than a, you know, a straight up...Then going to the...

Rich Williams: Resource protection plan where...

Mike Liguori: Exactly.

Rich Williams: where you're looking at your resource and performance base, so...

Mike Liguori: Right, right.

Vice Chair Taylor: Alright, well that's just...I think that's something we talk about for years and it's something we struggle with every time somebody comes in with a new development. I mean, it's what we faced with Stone Field Corners. I mean, it's still...I'm still not happy with the size of those lots. And if we had something in the Code that established a minimum that we're happy with then we could say, well...

Rich Williams: Stoner Field Corners Road.

Mike Liguori: How many lots it that?

Vice Chair Taylor: You know...

Board Member Brady: Seven.

Vice Chair Taylor: There it is.

Mike Liguori: Is that the Joe (inaudible – too many talking).

Board Member Brady: Yeah.

Vice Chair Taylor: You know, this is the number of lots you get.

Rich Williams: The guy I insulted.

Mike Liguori: Yeah, yeah, yeah. But I thought when that project first came in, I thought that you guys thought that it was responsible.

Rich Williams: You know, everybody took a look at the plan and they saw the layout of the lots and they saw the wetland buffers and they said, wow. This is just way too high a density.

Mike Liguori: Okay.

Rich Williams: And then everybody walked out and even though they're flagged as wetlands and wetland buffers, except for the stream channel it's not so easy to pick that up.

Vice Chair Taylor: Yeah.

Rich Williams: And the land, when you get out there, looks entirely different from the way it's shown on there.

Board Member Brady: Yeah.

Mike Liguori: That's what I thought.

Rich Williams: Yeah.

Mike Liguori: That's what I thought.

Rich Williams: Yeah.

Mike Liguori: Okay.

Vice Chair Taylor: So that's...

Rich Williams: Which is why everybody said okay. But now we're still stuck with a plan where they're trying to pigeon hole everything in.

Board Member Brady: Yeah.

Mike Liguori: I see.

Vice Chair Taylor: So, and the other part is the active adult. I think the Code needs to have some things requiring covenant that keeps people who are under 19 [years old] out. And maybe provide some incentive zoning.

Mike Liguori: Hey Ron, I'm working on a...It's ironic how this has come up but I'm in the process of drafting an offering plan. As a matter of fact, I finished my draft offering plan last night for a senior citizen housing project in Carmel. And I borrowed some provisions from some other large developments in Carmel that are partly restricted by senior housing and I'll send up the offering plan to you to take a look at because I think it might allay some of the fear that you have. The offering plan has to be submitted to and approved by the attorney general. And the prospectus has to be circulated to every single perspective purchaser and I have a tie in between the offering plan and the declaration and the bylaws and those have to be tied together...

Board Member Brady: Mmhmm.

Mike Liguori: And the dec[laration] and the bylaws get recorded in the land records. So when you go to buy into one of these communities, if anybody says they don't know, you know, it's a difficult argument to make that you don't know. That you are buying into this particular type of community because of what required by the AG.

Vice Chair Taylor: Right. No, I...But is that always required by the AG?

Mike Liguori: Yes.

Vice Chair Taylor: Is the covenant...

Mike Liguori: Oh, to...

Vice Chair Taylor: no one under 19 required by the AG?

Mike Liguori: No, no.

Vice Chair Taylor: Okay.

Mike Liguori: That's not a standard of law that's set forth.

Vice Chair Taylor: Right. But that's something a lot of these communities put in and that's what keeps...that's what mitigates the impact of children because they have that in there. Oh, that's what I'm saying. I think our Code needs to say that if you're going to do that...

Rich Williams: The problem is we can't...The concern I have is we can't exceed the HUD standards. If we do, we open ourselves up for a developer to come in and challenge us.

Mike Liguori: Right. Now you're...So the federal government is allowing you to discriminate, but to a point. And they've set forth the standards. So now if a developer is going to offer something greater, well then that's fantastic. But for you to make a law that requires it to be greater, that's where I think you're going...which is what Rich is saying, I agree. That's where you're going to have...

Vice Chair Taylor: So we can't require it?

Mike Liguori: Yeah, I don't think that the Town can adopt an ordinance that says no one...If someone wants to offer it, fantastic. They offer it and their approval is contingent upon it, okay. Now if they want to challenge us that's one thing. But nobody forced it on them. They recognized what we were looking for and then offered it to us.

Vice Chair Taylor: Say that again.

Mike Liguori: Okay. So...

Vice Chair Taylor: What you just said.

Mike Liguori: If a developer wanted to challenge us on a...

Vice Chair Taylor: No, no, no. They don't want to challenge us. What you just said about if the developer offers it and...

Mike Liguori: Then great.

Vice Chair Taylor: And the approval is contingent upon them offering it.

Mike Liguori: Yeah, well they've offered it and now we've accepted the offer and that's what the approval says.

Vice Chair Taylor: How do we get them to offer that?

Mike Liguori: Well, there's two ways.

Board Member Brady: Arm twisting.

[Laughter]

Mike Liguori: There's arm twisting.

[Laughter]

Vice Chair Taylor: Alright. Which is what we did. We spent a year...

Board Member Ladau: A kneecap breaking.

Vice Chair Taylor: twisting their arms.

Board Member Brady: Right.

Mike Liguori: Yeah. No, and you would have reached a point with another developer who would have just sued you. They would have said you're...The process is now becoming...You're violation our rights because of...

Vice Chair Taylor: Okay.

Mike Liguori: You're abusing the process.

Vice Chair Taylor: Okay. So that's...Alright, what about incentives zoning to...

Mike Liguori: No.

Vice Chair Taylor: If it's going to be active adult...

Mike Liguori: Let me back up a second. Okay.

Vice Chair Taylor: Okay. Finish. Yeah.

Mike Liguori: I am curious to see if there's any information available about...from the school district and it's a phone call to the administration about headcounts and projected headcounts because if the trend is going where what we're experiencing...I'm living this right now in where I live in New Milford: Newtown, Ridgefield, Brookfield, we're all in the same boat which is the districts have hired independent consultants to come in and analyze trends for the schools. And Newtown is looking...they've trended down. New Milford has. Brookfield has. Ridgefield has and...

Board Member Brady: (Inaudible – too distant) down.

Mike Liguori: Yeah. You know, so New Milford is one of the first in this particular area where we're closing a school. Newtown's going to be replacing the Sandy Hook School but closing another school. Brookfield is not going to close a school but they're going to alter the way that they do business. And I'm curious if we're going to be suffering, you know...The concern about the school...

Rich Williams: This is New York, son. Where all the schools in this area are trending down.

Board Member Ladau: Yes.

Mike Liguori: Okay.

Rich Williams: Every one of them, if you look at the...because I go up on the State Comptroller's website...

Mike Liguori: I was curious if you're trending down the way we are.

Board Member Brady: Yeah.

- Rich Williams: All of them are trending down and all the schools are expanding their facilities.
- Mike Liguori: Huh. That's interesting because we're closing and you guys are expanding.
- Rich Williams: They're expanding.
- Board Member Ladau: Largely because there's State subsidy and...
- Board Member Brady: State money, yeah.
- Board Member Ladau: on the expansion.
- Rich Williams: Largely because of the way the budgets are done in Connecticut.
- Board Member Ladau: Yeah.
- Mike Liguori: Well, the budget process is different in Connecticut.
- Board Member Ladau: Yeah.
- Mike Liguori: You see, the district proposes a budget and then it's up to the town board to approve it, not the district itself. So that's...
- Rich Williams: So they have to be more fiscally responsible over there.
- Mike Liguori: Yeah. Let me give a by way of example, right. In New Milford where I live, we have thirty-two, thirty-three thousand residents along with a significant commercial corridor. Right? Our school district budget is about 57-million. The total...
- Rich Williams: Do we need to keep doing this?
- Mike Liguori: No, no, no. I'm sorry.
- Rich Williams: Do we need to keep doing this?
- Vice Chair Taylor: No. I think we're done. Anything else?
- Board Member Brady: I have just have one thing...
- Vice Chair Taylor: Yeah.
- Board Member Brady: on the Code. Maybe we should get something put in the Code where we...to mark the wetlands like we've talked about putting like a pillar up and monument up and stuff like that. Could we put in the Code where we do that and that's what they have to do?
- Rich Williams: We can do it as a condition of the permit every time.
- Board Member Brady: Yeah.

- Rich Williams: The 64-dollar question is how we're going to mark it out. Originally it started off we made these little plastic...
- Board Member Brady: Right.
- Rich Williams: circles that Ted could go out and tap on the tree and that's expanded now to a formal stonewall. So...
- Board Member Montesano: We have them...
- Board Member Brady: But even a monument, you know...
- Mike Liguori: (Inaudible) monument.
- Board Member Brady: Right.
- Rich Williams: Yeah.
- Board Member Brady: And just...
- Board Member Montesano: Yeah, but a stone monument is not going to stop anybody. They'll just go around it.
- Board Member Brady: Well, yeah. But you know what?
- Mike Liguori: Look, people are going to do what they want to do.
- Board Member Brady: They're... Yeah. Right.
- Mike Liguori: I mean, you know, if I wanted to bulldoze my wall...
- Board Member Montesano: But if it's a stonewall...
- Mike Liguori: I'll go bulldoze my wall. I'll just go move it.
- Board Member Montesano: Yeah, but...
- Board Member Brady: Stonewall's one bucket and you're done.
- Board Member Montesano: Yeah, well... That takes effort and a lot of these people have no effort to begin with.
- Board Member Ladau: Eight foot high reinforced concrete with barbed wire on it.
- [Laughter]
- Board Member Montesano: I know where... Well, let's see. It's a little bit too late. But you...
Rich Williams: To answer your question.
- Board Member Montesano: have a lot of those big steel things...

Rich Williams: We can make it a condition of any permit that we issue.

Board Member Brady: Yeah. Right. I know we've talked about it: we've bounced it around back and forth.

Rich Williams: Yeah.

Board Member Brady: But never, you know, here we are with a stonewall...

Vice Chair Taylor: Okay.

Board Member Brady: and then rocks.

10) MINUTES

Vice Chair Taylor: Minutes. March 26th and April 2nd.

Board Member Brady: Well, I'll make...

Vice Chair Taylor: Any corrections?

Board Member Brady: No. I wasn't here for the April 2nd meetings, so...

Vice Chair Taylor: Alright. So you'll recuse yourself from that. Alright. Do we have a vote for the 2nd minutes then?

Board Member Ladau: Aye.

Board Member Montesano: Aye.

Vice Chair Taylor: Second. All in favor? *Motion carried by a vote of 3 to 0.*

Vice Chair Taylor: With...

The Secretary: Who made the motion?

Rich Williams: Bob made the motion.

Board Member Ladau: I made the motion.

Vice Chair Taylor: I made the motion.

The Secretary: Okay.

Vice Chair Taylor: Bob seconded it. Ed recused himself from...

Board Member Brady: April 2nd.

Vice Chair Taylor: April 2nd. Okay. Any other business? Motion to adjourn.

Board Member Ladau: So moved.

Board Member Montesano: Second.

Vice Chair Taylor: All in favor? *Motion carried by a vote of 4 to 0.*

Meeting was adjourned at 9:04 p.m.