

TOWN OF PATTERSON
PLANNING BOARD MEETING
May 27, 2010 Work Session

AGENDA & MINUTES

	Page #
1) Patterson Autobody	1 – 2
2) Wireless Edge at Quail Ridge	2 – 7
3) Hudson Valley Trust	8 – 14
4) Meadowbrook Farms – Discussion	14 – 15
5) N.R.A. Realty & Development Corp – Wetlands/Watercourse Permit Application	15 – 16
6) Route 22 Getty – Continued Review	16 – 19
7) Other Business	
a. Fox Run Phase II – Zoning Change	19 – 23
b. Barjac Corp. Site Plan – Discussion	23 – 31
c. Wallace, Dough – W/W Extension	31 – 32
d. Boniello Site Plan	32 – 33
e. Project Update	33
f. Clubs	33
8) Minutes	34
Discussion of Dance Studio Proposal	34 – 36
Discussion of GDC Lot 5	36 – 38
Discussion of T/Kent & T/Patterson IMA	38
Discussion of Oblong Class	39 - 40

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Planning Board
May 27, 2010 Work Session Meeting Minutes

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

APPROVED

Present were: Vice Chairman Cook, Board Member Montesano, Board Member McNulty, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:33 p.m.

Michelle K. Russo was the Secretary and transcribed the following minutes.

1) PATTERSON AUTOBODY – Public Hearing

Vice Chairman Cook stated good evening one and all.

Ted Kozlowski stated good evening Charles.

Vice Chairman Cook stated first item up is we're going to have a public hearing next week on Patterson Autobody, that's for their little expansion in the front of the repair shop and where they sell the cars and what not. The applicant was asked to provide a number of items to the site plan for the property which I understand we have not received as of yet...

Rich Williams stated correct, there has been no new submission.

Vice Chairman Cook stated okay so we will hold the public hearing and depending on how much information comes in to the Town Planner we may or may not have a resolution next week. Take it from there.

Board Member McNulty stated my understanding is there weren't that many items for him to take care of on the list wasn't it a set back line that he had to deal with or parking...

Rich Williams stated there were a number of technical comments that he needed to show on the plan, the only real one that he had to wrestle with I think, the issue about the septic and whether he could actually have a parking display area on top of the septic whether it was designed for H-20 loading and would allow that purpose. It's always better to record this thing if there are plans lying all over the mics.

Ted Kozlowski stated me.

Rich Williams stated oblivious much.

Ted Kozlowski stated I wasn't listening to you.

Rich Williams stated yes, that's N.R.A. no that's not...

Ted Kozlowski stated that's Barjac.

Vice Chairman Cook stated Mike, anything else you want to add for tonight.

Board Member Montesano stated no, if he doesn't have the information that would be fine, I don't see anything coming in.

Rich Williams stated I don't know, you've got the only copy.

Board Member McNulty stated that's fine, I'm with that.

Vice Chairman Cook stated okay.

Board Member McNulty stated I think he wants to move it along so...

Ted Kozlowski stated that looks like a bridge to me.

Vice Chairman Cook stated it's up to him.

Board Member Montesano stated he needs the paperwork.

Vice Chairman Cook stated yea.

Ted Kozlowski stated I think she just wants my comment.

Rich Williams stated this is the original plan.

Vice Chairman Cook stated all right, moving right along...

2) **WIRELESS EDGE AT QUAIL RIDGE – Public Hearing**

Vice Chairman Cook stated Wireless Edge at Quail Ridge, they have provided additional information tonight. Apparently they've met with the ZBA or they...

Rich Williams stated at the last, last Wednesday night they met with the ZBA to update them on the status of the application and where they are with the Planning Board and request that the Zoning Board of appeals acknowledge that they did not want to take lead agency status in the review and would allow the Planning Board to take that status and they, the ZBA did acquiesce and is allowing the Planning Board to do SEQRA on the project.

Vice Chairman Cook stated okay, so I guess what we need to do is review the latest mail from Cuddy & Feder and Rich's project review and we'll have the public hearing and go from there, okay, Thomas, Michael, Theodore...

Board Member McNulty stated well have we decided which entrance we want them to go through.

Vice Chairman Cook stated no.

Board Member McNulty stated will that be determined at the public hearing...

Board Member Montesano stated no, you can discuss it if you wanted to.

Vice Chairman Cook stated they want Garland Drive, okay, we initially asked them to really look at Phillard [Road] and they came back with the cost of going from Phillard [Road] down to the proposed site for the cell tower, it came out to be a hundred and seventy thousand dollars more or something like that, so they are sticking with coming in off of Garland [Road]. So I think in a way to answer your question is that you have to have a public hearing, get the public's input and you know, we have to make a decision...

Board Member McNulty stated make a determination from the public hearing and what kind of comment we get...

Board Member Montesano stated for me personally, I can't see them coming in the way they are asking to, whatever it costs them to build, that's not our, that should not be one of our criteria to give or take, if the people on that road have no problem with it then it's fine whatever the heck, if they come in with comments, then I would still like to see them go back...

Board Member McNulty stated I agree.

Board Member Montesano stated and that is the only way I can put it...

Ted Kozlowski stated can I ask a question, did, when they came off of Garland [Road], the people that lived there, are they going to see this cell tower, did anybody look at that, will there be a visual impact.

Board Member Montesano stated no, I don't believe it's visual.

Board Member McNulty stated maybe in the, they may see some structure or a light I would think in the winter when there's no leaves, they say the light's on a timer, it's what, about 900 feet I think they said from the closest house.

Rich Williams stated it's also a rising hill and the houses for Garland [Road] are going to be sitting lower generally than the hill.

Board Member McNulty stated somewhat buried in there.

Rich Williams stated so maybe the first or the last house in there might...

Board Member Montesano stated the thing that got me is that they are going to send service vehicles, plus you are going to have 6, at least 6...

Board Member McNulty stated carriers.

Board Member Montesano stated carriers, so when we, the first time I had asked that question they said it's only a minimum maybe 1 or 2 a month and I said yea but you're going to have 12 people doing it once or twice a month, that could be annoying, the construction of bringing the tower itself in and building it may go on for another 30 or 60 days of inconvenience and they are going to put it in now and this is the height of the year where everybody is active in their own neighborhood but if the people in there have no problem with it then I will shut up.

Board Member McNulty stated I think the one big drawback depending on what we hear from the public, if they come from Phillard [Road], they still have to come from Garland [Road] with the utilities, regardless. Now that will revert back to natural land at some point but then they are disturbing from both directions.

Board Member Montesano stated your utilities coming in, is like a one shot deal and the utility company, they may send a car but they're here, the thing that is most annoying to is that I'm going to have people coming in and servicing these things...

Board Member McNulty stated the monthly access.

Board Member Montesano stated and they keep coming back and then right now, its at 6, they say that there is no possibility of going any bigger. That Patterson Crossing one that sits up there with generator outside of the fence and that is a huge friggin' generator and that annoys me that it gives kids an opportunity if they find it they are going to do something to it and if they get caught, they'll be in trouble which they should be, but the idea is why are you tempting with it, why is it outside of the fence to begin with I still never found out, they never explained to me why they had to be outside of the fence. They have an enclosure, what is that doing outside, if something happens somewhere else they can probably say its easier than getting a key but it should be inside of that pad, I don't know why it's outside and that is the thing that annoys here, especially down there you've got more kids, more activities, and you're going to get more, that tower is going to be utilized, that tower from what I was lead to believe is more because it covers, it will be more of an access for the Connecticut people as well as here because they are going to be blocked by the mountain from the lake coming out.

Rich Williams stated yea, this tower is just principally for the lake area, it shoots right down the valley.

Board Member McNulty stated Rich, what did you find out with regards to, say they, everything goes as planned and they get access from one direction or another and they start building, are they going to have a utility connection.

Rich Williams stated I don't know, I haven't found out yet.

Board Member McNulty stated Verizon hasn't committed to any kind of...

Rich Williams stated I haven't gotten a hold of them yet, it's just been screwy.

Board Member McNulty stated so I think that's a determination, we don't want something built and then it sits there for 2 years before they...

Rich Williams stated well they say they have to have a T-1 line, they say they have to have fiber optic...

Board Member McNulty stated but T-1 can be copper.

Rich Williams stated how many towers do we already have, how many towers do we already have in the region that didn't have fiber optic, so I don't know what they really need.

Ted Kozlowski stated coming off of Garland [Road] they are going to have to go underground with that, are they going to sever a lot of, I mean what's the trees like over there, I've not seen Garland [Road]...

Board Member McNulty stated along that stonewall, there is a stonewall, its almost like a road was there already, well here's the access but you can't see much.

Ted Kozlowski stated are we going to lose a lot of trees.

Rich Williams stated we're certainly going to lose some trees, it's a new growth forest.

Board Member McNulty stated they're young trees.

Rich Williams stated there's nothing major, there's no tree bigger than, there is no tree probably bigger than 18 inches.

Ted Kozlowski stated quite honestly, I'd be surprised if people don't object to this.

Rich Williams stated well they are, any time your putting something in somebody's backyard, they are going to be upset about it.

Ted Kozlowski stated no just celltowers are...

Rich Williams stated but there is a lot of, you want it here or you want it down on the lake, where do you want it.

Vice Chairman Cook stated well you hear that people that complain about the cell towers are the ones who have 2 cell phones, you know so, unfortunately they have to go someplace and our job is just to, try to make the right decision on this site.

Ted Kozlowski stated the thing is again it's the people at Quail Ridge are going to get an economic benefit out of this and they are imposing on some other people that aren't getting anything and you know to me, that's kind of...

Rich Williams stated we all recognize the inherent unfairness of that but then it comes down to it you don't have the utility service up off of Quail Ridge to bring in through this way, so you're going to have to go both ways anyway and the lease agreement isn't there right now that allows them to come off of Phillard [Road]. So if you push the issue you know, the people on Phillard Road may not vote to allow this cell tower to go there.

Board Member McNulty stated you already have one objection from Phillard [Road], there was a gentlemen that came in...

Board Member Montesano stated he wrote the letter.

Ted Kozlowski stated yea, he lives right next door to it.

Rich Williams stated what's your best alternative to no action, if you don't have the cell tower here then you're back down at the edge of the lake and now you've explored every other option...

Ted Kozlowski stated didn't they look at doing it at the church.

Rich Williams stated yea, it got turned down.

Board Member Montesano stated well the church committee...

Ted Kozlowski stated by the church.

Rich Williams stated by the Town, it was turned down by the Town, they thought it could be placed up on Brown Mountain and everybody that's come, we've done extensive analysis and the analysis you know supported going up on Brown Mountain but everybody whose come in since that time has given us an analysis saying you can not go on Brown Mountain.

Ted Kozlowski stated why.

Rich Williams stated I don't know.

Board Member McNulty stated the analysis didn't say why.

Rich Williams stated well they come in with coverage plots and the coverage plots show that there is no signal down in the lake.

Board Member McNulty stated their usage, okay.

Rich Williams stated or the only way to make it work is to go 220 feet in the air, now you've got lights and all sorts of crazyness.

Ted Kozlowski stated well then maybe there is a compromise there, well if they are going to impose on the people on Garland [Road] then maybe there should be some sort of incentive for them to accept it.

Board Member McNulty stated we also had discussion about the type of pole, you brought that up, I think you brought that up does that come after the public hearing or is that something we address...

Vice Chairman Cook stated no, they should...

Board Member McNulty stated we should know what they want to put in, right.

Vice Chairman Cook stated they should show that, if not we should request them to show that.

Rich Williams stated what do you mean type of pole.

Board Member McNulty stated we talked about a monopole verse the one...

Rich Williams stated we had talked about interior antennas versus exterior antennas and I explained to you that really is relative to the height variance...

Board Member McNulty stated and they've already got the approval.

Rich Williams stated and an issue for the ZBA.

Vice Chairman Cook stated yea but I think Tom's point is that, does that get brought up next week...

Ted Kozlowski stated well if you're having a public hearing I would think the people want to know what it's going to look like.

Vice Chairman Cook stated yea, exactly.

Board Member McNulty stated well let's step back a minute thought, it's already been in front of the ZBA to get this type of pole approved and its height, correct.

Rich Williams stated right.

Board Member McNulty stated so it would trigger this process all over again.

Rich Williams stated the ZBA, well now, I'm saying the ZBA has the authority over the height, once it gets up above whatever the height limit is, the ZBA has an obligation to evaluate the impacts and to make a determination whether you know a certain design is or is not appropriate. In this case the decision hasn't been made but the ZBA has been leading them in this direction and primarily because if you want to go a pole with interior antennas, it pushes it up way high and they didn't want to go high, they wanted to keep it lower with exterior antennas. So the design of the tower with the antennas is in your package, so certainly that would be discussed and the public will see that...

Board Member McNulty stated personally my view of what I've seen of the pictures with the balloon test, it seems like it's relatively low, not that high above the tree line...

Rich Williams stated its not.

Board Member McNulty stated currently.

Vice Chairman Cook stated correct.

Board Member McNulty stated and I don't have an objection to that, I would rather see it lower than higher even if it was an interior antenna pole.

Rich Williams stated exterior.

Board Member McNulty stated well if they've got an interior, I would rather see it lower with the exterior antennas.

Vice Chairman Cook stated we got some new information so we should look at that before next week.

3) HUDSON VALLEY TRUST - SEQRA

Vice Chairman Cook stated Hudson Valley Trust.

Rich Williams stated no new information, they are looking for a SEQRA Determination, they appeared last night before the Town Board seeking a variance from the moratorium on Clubs, I will tell you that it was not warmly received but the Town Board did set a public hearing for further consideration.

Board Member McNulty stated when you say it wasn't warmly received, what do you mean.

Rich Williams stated well there were comments made that they didn't want to give one, there are currently two applications, they certainly didn't want to give one application a variance and have the other application come in and be you know stuck in a similar situation and there was an inherent fairness about either they should both be allowed to go forward or neither should be allowed to go forward.

Vice Chairman Cook stated okay, we have not had a public hearing on this.

Rich Williams stated Hudson Valley Trust.

Vice Chairman Cook stated okay, I think we should, are they looking for a SEQRA Determination this evening or...

Rich Williams stated next Thursday.

Vice Chairman Cook stated next Thursday, my feeling of one is that we should just wait until the Town Board has their meeting, public hearing what they are requesting even though its different than the SEQRA and that we should wait on determining this for two reasons, one is until we have a public hearing on it, the Planning Board has a public hearing on it and the second is that after the discussion last meeting, I think its worth another site visit, at least for me individually, I just need to get out there and walk the site one more time.

Rich Williams stated process wise you really want to make your SEQRA Determination before you do your public hearing...

Vice Chairman Cook stated okay.

Rich Williams stated you want to take a look at what the potential impacts are because if there is going to be a lot of impacts you probably want to have a DEIS done before you do a public hearing. You don't want to do a public hearing and then find out that you have all of these environmental issues and you're going to have a do a second public hearing and a third public hearing. So my recommendation always is you look at the environmental impacts, you assess them, you determine whether they are important or not important, make your SEQRA Determination and then do your public hearing.

Vice Chairman Cook stated okay, fair enough, I still feel, I feel the need to take a look at that, I really want to look at that entry way onto [Route] 311...

Rich Williams stated you should go down tonight and see how it's looking.

Vice Chairman Cook stated yea, true.

Board Member Montesano stated there's a bunch of cars parked out there, I don't know how they...

Vice Chairman Cook stated along, on [Route] 311.

Board Member McNulty stated you mean the grass field.

Rich Williams stated in the grass field.

Board Member Montesano stated in the grass field.

Vice Chairman Cook stated in the grass field.

Board Member Montesano stated I don't know how they're going to get out, especially if it gets any darker, right now it's fine you've got light, I'd like, I mean you're going to have people going in there at night since most of the meetings that are held in that building are going to be at night except for Saturday mornings if it's the Red Cross.

Board Member McNulty stated but it's only going to be a research library.

Board Member Montesano stated fine, then we are going to get a lot of students, stupid, people going into the research library but right now I would like to see it at night.

Ted Kozlowski stated you know what, one of the other things I was thinking about, about this thing you know I know there was talk, I think there was talk of no parking signs along that road, so people couldn't park there...

Board Member McNulty stated which, Cann Lane you mean...

Ted Kozlowski stated you know they'd have, yea...

Vice Chairman Cook stated Cann lane or [Route] 311...

Ted Kozlowski stated Cann...

Board Member Montesano stated Cann.

Vice Chairman Cook stated Cann.

Ted Kozlowski stated and while I understand so that would you know keep people from, that are going to that not park there and go down the parking lot, that is going to seriously impact the residents there because if they have a graduation party or if you have more than a few people come to your house, they're not going to be able to park on their own road.

Vice Chairman Cook stated Memorial Day bar-be-que.

Ted Kozlowski stated yea, so you can't do that.

Board Member Montesano stated well can you discriminate no parking unless, what's the heck, what's the thing you usually see on the highway signs when you're driving a commercial vehicle where it says no commercial vehicles unless you're making a delivery.

Board Member McNulty stated loading and unloading.

Board Member Montesano stated so something like that can be done to the sign, no parking on street except for residents.

Ted Kozlowski stated no but Mike say you...

Rich Williams stated no, parking for everybody or nobody at all.

Ted Kozlowski stated you know Mike, say you lived there and you...

Board Member McNulty stated I'm against anymore signs.

Board Member Montesano stated hey I have birthday parties.

Ted Kozlowski stated say you have a birthday party for little Johnny and you got 40 people coming, where are they going to park.

Rich Williams stated we have a sign going up next week that says no more signs here.

Board Member Montesano stated I live across the street from Mr. Taylor, Mr. Taylor used to have all his meetings, all his parties and park on my front lawn, his groups.

Ted Kozlowski stated I think he did that to tweak you a little bit.

Board Member Montesano stated no, no, no he did it to the other people, they didn't even know who the heck the guy was.

Ted Kozlowski stated I'm just saying I think there's a lot of impact to residents there.

Board Member Montesano stated I put in my formal complaint...

Rich Williams stated what you want to do is you want to make sure there is adequate parking for the facility so that they don't have to Cann Lane and appropriate access to encourage the people to use the back parking rather than Cann Lane.

Board Member Montesano stated well if they use a shuttle bus from the Lawlor Building parking lot up, where you can have it on the other side of the bridge, have the people park their cars, walk across the bridge, pick up the bus or whatever the heck else is there and that can be driven up, the only thing is that's going to be when they have heavy meetings, the rest of the people when they have meetings, where there may only be 4 or 5 like the Historical Society has, that's going to be...

Board Member McNulty stated I think that Cann Lane should just be left for emergency access only and make them put in whatever handicap access from the lower level, it just eliminates the problems, you keep it, they have fencing or a wall or whatever they have so you can't park along the side, the improvements

aren't there to make it a throughway for a lot of traffic and keep it for emergency vehicles only and have all the access off [Route] 311, by the stonewall and they'll have to put an elevator or lift or something, they are going to spend...

Rich Williams stated they are already going to put an elevator in.

Board Member McNulty stated then make that the handicap access.

Rich Williams stated that's the silo.

Vice Chairman Cook stated so what you're saying is that have no parking at all in the cul-de-sac like...

Board Member McNulty stated exactly.

Vice Chairman Cook stated okay.

Board Member McNulty stated and leave it for an emergency access only, so if they had to get an ambulance or a fire truck in there, they could do that and they have all that room for access to go around the back of the building, add two more spots. I know they want to limit it to four or six, put your handicap spots there.

Board Member Montesano stated their road configuration...

Ted Kozlowski stated isn't that pushing that onto that guys driveway, is there enough room to go around the building.

Vice Chairman Cook stated on Cann Lane there, you can go around.

Rich Williams stated you come in off of [Route] 311 straight in.

Ted Kozlowski stated aren't you talking about putting the handicap parking behind the building.

Board Member McNulty stated where they want to put their parking spots for their office help.

Ted Kozlowski stated right, isn't that...

Rich Williams stated that's coming in off of [Route] 311.

Board Member McNulty stated from the two stone entrance by, across from Cushman Road.

Ted Kozlowski stated oh so that's the dirt road.

Board Member McNulty stated yea the first 30, 40 feet paved.

Vice Chairman Cook stated right.

Board Member Montesano stated the idea is if he has the influent, you have to put some kind of caution lights on that diamond just as you're making the first curve coming off of in front of the Lawlor Building and then you're going to have to put one up there...

Board Member McNulty stated well it's already an intersection though.

Board Member Montesano stated yea but you want to have the people paying attention to it.

Ted Kozlowski stated you know in nice weather, full sunny day, that's fine but at night, rainy, icy, snow...

Rich Williams stated a street light.

Board Member McNulty stated that's what I was going to say, you're going to have to have a street light there at that intersection.

Ted Kozlowski stated you're going to plow it.

Board Member Montesano stated street light, wait I'm going to complain, it will come through my window.

Ted Kozlowski stated unanswered...

Board Member McNulty stated yea but that's for every road we have, I mean it's...

Ted Kozlowski stated but that's not really a road Tom, it's like an extended driveway that's unpaved.

Board Member McNulty stated its going to be a private access, I think it makes it more sense to have it at Cushman [Road] rather than 100 feet beyond where now you have a second intersection to negotiate, at least you're all at once so when the cars pile up, it's easier to untangle them.

Board Member Montesano stated now you're going to have more coming around the curve and then realizing what a minute there's another intersection and slam on the brakes and take down...

Board Member McNulty stated I think it's a logical spot, Cushman [Road] meets, [Route] 311 meets, you have that other driveway that meets coming from that big house on the hill...

Rich Williams stated you're not going to line it up that way.

Board Member McNulty stated no.

Rich Williams stated Fred Cann's property is right there, so and he comes down, that's why, where you have the entrance right now. They've still got to shift that down a little bit because its actually a little bit on Fred Cann's property.

Board Member McNulty stated but regardless they want to put that entrance there.

Rich Williams stated in that general area.

Board Member McNulty stated I still think that should be there primary entrance, put a street light up, and I don't think its going to be a heavy traffic area, I mean it doesn't sound like it's, the Lawlor Building now, you go by there, there's never more than 4, 5 cars in the place, when I see it.

Board Member Montesano stated not today.

Board Member McNulty stated oh, today it's packed.

Rich Williams stated they are having some sort of an event down there, so and its in and they are having it in the parking lot...

Ted Kozlowski stated whose they.

Board Member Montesano stated Mr. Leibell.

Rich Williams stated and I called them and some wise ass kid said why don't you use your grass parking lot.

Board Member Montesano stated and that's what they were doing.

Rich Williams stated so they are.

Board Member Montesano stated they had some people there, they had sufficient parking in the lower parking lot but it was interesting, today they...

Board Member McNulty stated so do we want to make a SEQRA Determination.

Vice Chairman Cook stated nope.

Board Member McNulty stated no, you want to wait until we have more public.

Board Member Montesano stated we need more input before we.

Vice Chairman Cook stated you mean tonight or next week.

Board Member McNulty stated next week.

Vice Chairman Cook stated I...

Board Member Montesano stated we still have to...

Vice Chairman Cook stated in all fairness, we're missing two members...

Board Member McNulty stated we couldn't do it tonight.

Vice Chairman Cook stated well you know we probably could but I wouldn't do it tonight without and you know next week I think we need to have their input and I think there has been so many questions raised that we ought to...

Board Member Montesano stated wait for the Town Board.

Vice Chairman Cook stated really think about you know this determination and what's the proper timing of it.

Board Member Montesano stated Town Board's waiting to have a public hearing on allowing them to proceed.

Board Member McNulty stated is that because of the club situation.

Board Member Montesano stated yea, so my feeling would be let the Town Board do it's thing without gaining influence to us, if not they are going to send us a letter and ask for our recommendation and we'll go round and round again.

Vice Chairman Cook stated I just thought the Town Board would have said nope, let the moratorium run its course.

Board Member McNulty stated Rich, you said there were two applications that came up.

Board Member Montesano stated one race track and one (inaudible).

Board Member McNulty stated oh I thought you meant for Hudson Valley in particular.

Rich Williams stated no, two applications for clubs.

Board Member McNulty stated okay.

Vice Chairman Cook stated okay, all right, moving right along.

Rich Williams stated the other gentleman has already come in and asked if he could apply for a variance from the moratorium.

Board Member McNulty stated variance to the moratorium.

Vice Chairman Cook stated Rich.

Rich Williams stated yes sir.

4) MEADOWBROOK FARMS - Discussion

Vice Chairman Cook stated Meadowbrook Farms.

Rich Williams stated Meadowbrook Farms, I met with Harry Nichols to go through the design issues.

Vice Chairman Cook stated Mike's going to excuse himself.

Board Member Montesano stated you guys can't talk about it at all.

Rich Williams stated I can talk about it, they just can't act.

Board Member McNulty stated it's only for discussion.

Board Member Montesano stated no acting, I have...

Vice Chairman Cook stated excuse himself from the...

The Secretary stated you recuse yourself.

Board Member Montesano stated I'm excusing myself because you're going to recuse it anyway.

Rich Williams stated there are a number of issues that came up that I can't answer, that are really policy issues, the way it was originally designed Meadowbrook Farms Road was supposed to be a through road with Sonnet Lane, are they going to make that connection, are they not going to make that connection, you know what are we going to do with, the Board has indicated the side road Merle Lane for this new phase was never supposed to be offered for dedication. The Planning Board has indicated that they wanted to take that road now in fairness of people paying the same taxes but then there has always been the outstanding issue of the loop areas, where they are going to take those and the complicated issue of you know, they are not really set up to be taken, are they wide enough, they were all part of the HOA property and they would have to be subdivided out and there were three or four other issues that came up when we were going through the plans and Harry wants to come in and have a discussion and get some answers from the Board.

Vice Chairman Cook stated okay, so is he planning on coming in next week.

Rich Williams stated we're planning on having him come in next week.

Vice Chairman Cook stated okay.

Board Member McNulty stated these items that you had discussion with him, are they comments from a last notice that you sent out.

Rich Williams stated yes.

Board Member McNulty stated I'll find it.

Rich Williams stated if not, I can give you all.

Board Member McNulty stated no, I got it, I've got plenty of paper.

5) N.R.A. REALTY WETLANDS/WATERCOURSE APPLICATION – Continued Review

Vice Chairman Cook stated good, N.R.A.

Rich Williams stated we have new materials on N.R.A. that have been submitted concerning the bridge, I've not had a chance to go through them to see what's involved.

Vice Chairman Cook stated oh...

Rich Williams stated that's all yours.

Vice Chairman Cook stated madam, Michael is back in.

The Secretary stated oh okay.

Board Member McNulty stated nice to see you Mike.

Vice Chairman Cook stated so we have new materials, we have site walk comments from Maser, from the Town Planner and new submission from Zarecki et al with some attachments and you just said you haven't had a chance to look at this.

Rich Williams stated I have not.

Vice Chairman Cook stated okay, so we all should take a look at it and hopefully the applicant's rep will be in next week to have further discussion on this, okay Mike.

Board Member Montesano stated no problem.

Vice Chairman Cook stated Tom.

Board Member McNulty stated yup.

6) ROUTE 22 GETTY – Continued Review

Vice Chairman Cook stated Route 22 Getty, there is...

Board Member Montesano stated we finally got it.

Vice Chairman Cook stated new on that, we have what looks like a new plan.

Board Member McNulty stated I'm not familiar with this project, anybody want to give me a little, I know where Getty is, I'm glad to see the building is getting cleaned up a little bit.

Vice Chairman Cook stated there were a number of issues that came up.

Rich Williams stated this actually started about 3 years ago when the Fire Inspector/Building Inspector Dave Raines went up, did an inspection and realized that they had basically fenced in, closed off the back area of the building, made additional changes. Are now running a retail operation out of the site which has never been permitted and found the general condition of the site just a horrible mess and fire and safety issues, so he directed them to make certain improvements right away, make some changes to the site to improve the safety and directed them to come back in for Site Plan Approval for some of the changes that they had made without prior review by the Town. It's been a long haul, there is still a mess they...

Board Member McNulty stated have you had a chance to look at this new plan.

Rich Williams stated yes I have, way, way too much. They submitted last July, the Board reviewed, they went out, they site walked, came back in, in September, I believe with a newly revised, no I'm sorry, came in, in July revised the plan, came in, in September again with a revised plan, the Planning Board walked it, they resubmitted 3 sets of plans in October which I reviewed which they addressed the Board's comments but absolutely none of the technical comments so the Board said don't even bother to put them on the

agenda, disappeared, didn't come back, contacted me a few months ago and said whatever happened, a new gentleman is working on it and I explained the whole situation and he said well we're going to take care of everything and sent him down all the memos and everything and he resubmitted this plan which is right back at the very beginning. Taking off some of the changes that they have made to address comments, so we seem to be going back but there is additional detail on there about the signs, the free standing sign that's up there doesn't meet our Code requirements, there are some other issues...

Board Member McNulty stated you're talking about the sign with the gas prices on it.

Rich Williams stated not even getting into the issue about all the ancillary signs, just the, you know they show the 3 principal signs, the 2 building mounted signs and the pile-on sign that's out front that says Getty on it, everything else they've kind of ignored.

Board Member McNulty stated hasn't that been a gas station forever.

Rich Williams stated yes, it has.

Board Member McNulty stated okay, isn't a gas station considered retail.

Rich Williams stated no, it is not, a gas station is defined differently in our Code than retail.

Board Member McNulty stated okay, so it's still a gas station though.

Rich Williams stated yes.

Vice Chairman Cook stated you should take a look.

Rich Williams stated yea.

Board Member McNulty stated I go in there all the time, I'm there regularly.

Vice Chairman Cook stated well walk around.

Board Member McNulty stated oh I know, I've always noticed.

Vice Chairman Cook stated be careful.

Board Member McNulty stated and I noticed that they actually cleaned it up a little bit last summer and I said well at least they're making some improvements, there's no doubt that it needs some work.

Vice Chairman Cook stated that was as a result of the Planning Board going up and the Building Inspector going up and...

Board Member McNulty stated sure.

Rich Williams stated they put in kerosene tanks, no containment, on the property line, propane you know with right on the property line, don't meet the zoning set backs, they've got the back area still fenced off so if there was a fire in the back, you couldn't get back there...

Board Member McNulty stated so basically the problem are, the changes over the last ten years I guess that are out of compliance.

Rich Williams stated right, yea.

Board Member McNulty stated okay.

Rich Williams stated the gas station is fine, the convenience store with no parking there, not so fine.

Board Member McNulty stated there is parking to the side on the north end.

Rich Williams stated but they are not showing it, they are not marking it out and its not sufficient.

Board Member McNulty stated you have to find it, no doubt.

Vice Chairman Cook stated plus the fact that there were at least, I don't know if they are still there, so many cars parked all over the place, plus the fact there was supposed to be a circulation drive you would come in, go around the back, you can't get there, you can't get there from here.

Board Member McNulty stated I understand that, I've seen it.

Vice Chairman Cook stated plus all on both sides cars were (inaudible).

Board Member McNulty stated is this an absentee owner or the people that own that building are the people running it.

Rich Williams stated it's an absentee owner, it's owned by Getty I believe.

Board Member McNulty stated owned by Getty Proper. So, are the tenants responsible or is the owner responsible, I would the owner.

Rich Williams stated ultimately it's the owner.

Board Member McNulty stated okay, I just want to make sure I understand it right, with all these legalities and is there a contact for the owner that we deal with or just the engineer.

Rich Williams stated we are dealing with Tyree mostly and for whatever reason they are not be very responsive and this submission came into the Building Department with a request for the Building Inspector to give him the variances, just for what I thought was a fairly big engineering firm they don't understand the review process.

Board Member McNulty stated so they thought we would just grant everything and just leave it the way it is. Is this on your project updates, I don't remember seeing this project on a project update, that list from last month.

Rich Williams stated I don't know if it was or not.

Vice Chairman Cook stated I don't know.

Board Member McNulty stated maybe we should add it to that list.

Vice Chairman Cook stated we'll be dealing with it on its own, I think the, so where does it like stand now, they have submitted this, so you have to review it and go back to them...

Rich Williams stated I've reviewed it...

Vice Chairman Cook stated okay.

Rich Williams stated so they have comments about, you know...

Vice Chairman Cook stated this very last submission, okay.

Rich Williams stated and hopefully they'll be in and they can talk about it with the Board, if not we'll provide them the comments one more time, the comments basically well you know here's what we gave you way back in August, you still haven't done any of it.

Vice Chairman Cook stated okay.

Board Member McNulty stated so we send them notice to try and appear this week or they sent this in...

Rich Williams stated they sent this in requesting to be on the agenda.

Vice Chairman Cook stated you should have a letter in your packet, Tom from Rich, it's in there somewhere.

Board Member McNulty stated I didn't get a chance to read through all this...

Vice Chairman Cook stated we just got it.

Board Member Montesano stated why not.

7) OTHER BUSINESS

a. Fox Run Phase II Zoning Change

Vice Chairman Cook stated okay, other business, Fox Run Phase II Zoning Change.

Rich Williams stated at the last meeting the Board had requested to get previous schedule...

Board Member McNulty stated he gave this to me, thank you.

Rich Williams stated the comparison table that I had done previously, so you can take a look at that. It ain't pretty but its informative.

Vice Chairman Cook stated so basically we've been asked to get a recommendation relative to the zoning change, the Town Board is reviewing, this is relative to now, the project being 55 plus or however they

define it, units of housing. We had the discussion relative to the number of units at the last meeting, the applicant indicated that he, you know, would be willing to go along with a recommendation that we had relative to that, even if we want to submit that along with our feelings on the zoning changes. So I think what we have to do is review the file and you know come to a determination whether we want to indicate a topside number or we don't, again personally I go for certainly no more than 48 units, we saw the layout how was it 48 units, the traffic. I guess you could call it the 55 plus crowd, is a little bit lower but not that much in my estimation and the writers that the applicant gave us, while its all nice, almost boiler-plate reviews and stuff. I think the fact of the matter is that there are a lot more active folk for a variety of reasons, 55 and older so I think the concern about the number of cars generation is still there.

Board Member McNulty stated I think vehicle, the traffic flow is the big issue here, you have the Homeowner's Association, you have the access through the original condos into this new 55 and plus community which is something I think for them to deal with. As long as the road meets, driveway meets standards but it's the traffic flow for Bullet Hole Road and it's a big disparaging number here from 281 for condos, daily trips to 86 for 9 single-family homes and talking to a friend of mine who lives up there, he stated that the traffic is bad now...

Board Member Montesano stated my thing is...

Board Member McNulty stated that to me is a big stumbling block here.

Board Member Montesano stated we keep discussing the 48 units, they have 9 single-family homes that they can put in there, they want 48, we can have 9 houses, maybe we can get 40 units, why is 48 the number that we are settling for...

Board Member McNulty stated I don't think it is, I think it is just where that general number has fallen at this point.

Vice Chairman Cook stated I said no more than 48 Mike, I'm not saying building up to 48, 24 sounds good too you know.

Board Member Montesano stated yea, no, no, but what I'm saying is, the object is, the idea is that we said no more than 48, so their mind set is that we've got at least 48.

Vice Chairman Cook stated I don't agree with that, I, they came in originally proposing 48 units and we had all the issues with the 48 units so now they want to come back and say, all right look, we're going to have this age restriction thing on their and that should make a big difference and all I'm saying is that I'm not really sure about that, matter of fact I really don't think so and you know I think that the number certainly should not exceed 48, it could be a lot lower.

Board Member Montesano stated I'm looking at impervious surface, its 25,000 roughly square feet more, with their 48 units...

Board Member McNulty stated but you have 38 acres of extra open space, so there are a lot trade-offs.

Board Member Montesano stated 38 acres of open space...

Board Member McNulty stated verse zero.

Board Member Montesano stated you have 38 acres of open space that you can't utilize, not because its dirt but because mainly its rock, steep cliffs, useless piece of property, Arizona was great, I went out there I wanted to buy a lousy half acre piece of property, if I wanted that half acre it was going to cost me a half a million dollars, I have a quarter acre I could build on, the rest is a quarter acre up the mountain...

Board Member McNulty stated I understand.

Board Member Montesano stated and basically that's what you got here, you've got a lot area that really can't be built on, at least not utilized unless you want to have a lawsuit that the Homeowner's Association may end up with because the kids are out there playing anyway.

Vice Chairman Cook stated let's understand, we could also make the recommendation as we don't agree with the change to the Code in changing the zoning...

Board Member McNulty stated from R-4.

Board Member Montesano stated right.

Vice Chairman Cook stated right.

Board Member McNulty stated because that's all their looking for at this point right.

Vice Chairman Cook stated yes, okay, so.

Board Member McNulty stated Rich, is there a way to determine units and this travel, daily trip number.

Rich Williams stated what do you mean units.

Board Member McNulty stated how do you determine, there are 48 units from the 48 units of condos, how do you determine there are 281 daily trips here, I take it there is some kind of formula.

Rich Williams stated yea, there is the institute of traffic engineers, they publish formulas, they publish charts which you can see what's being generated by different types of land use.

Board Member McNulty stated right now they are at, if they have 9 single-family home you're looking at 86 trips...

Rich Williams stated yes.

Board Member McNulty stated so as a Board what if, traffic seems to be one of the big issues, what if we get it down to 100 trips or 110 trips, how many units is that and then throw it back at him, does that make sense to you, a way, ultimately its going to be up to him to determine if he can build or not.

Vice Chairman Cook stated right, so its zoned now for the single-family homes, you can say based on this chart you could just say leave it, that's basically what we did last time...

Board Member McNulty stated my feeling is he's just going to leave it because he's not going to build 9 homes because evidently he wouldn't be coming to us if it was worth it for him to build 9 homes.

Vice Chairman Cook stated our thing here is the recommendation to the Town Board, okay, they choose to change the zoning then we have to deal with the applications that come forward. We can say though you've asked us for our recommendation, our recommendation is don't make a change to the zoning.

Board Member McNulty stated so that's where we're at, they are just looking for a recommendation from us.

Vice Chairman Cook stated correct, okay and I went back over what we said to the Town Board and not that much has changed, you know when you put the 48 in, I don't care how much they preach about 55 and over, you still have the traffic generated trips that are high.

Board Member McNulty stated did anybody see the, I sent an e-mail out...

Vice Chairman Cook stated yes.

Board Member McNulty stated from the National Association of Home Builders that just came out last, two weeks ago, in regards to 55 plus and how that market has dropped off in sales, everything has but...

Board Member Montesano stated the lawsuits on a 55 only communities was getting horrendous because people have grandchildren, they came down and they were thrown out or they were brought in and they went to court with it and the judge says you can't do that because its age discrimination and the kid isn't living there and then the kid was living.

Board Member McNulty stated well you think this is at a point where we can make some kind of a recommendation, where do we...

Vice Chairman Cook stated I think that...

Board Member McNulty stated I fee like I would...

Vice Chairman Cook stated we need the full Board discussion but yea, I don't know how the members who are absent tonight would feel about this come next week but you know, I think that we have enough information when you look at what we originally said to the Town Board in turning this down, where this previous application was, what is said here...

Board Member Montesano stated I mean the other two aren't here, they've already made comments about their feelings, if they decide let's say next Thursday, if we decide well would you like to proceed with this or do you need more time, they can make the recommendation, we'd like to have more time, then we just hold it off.

Board Member McNulty stated Rich, do we know what the daily trips are now for the condominium Fox Run Phase I.

Rich Williams stated no.

Board Member McNulty stated because we don't know if...

Rich Williams stated we can guess what they are.

Board Member McNulty stated if we can get a guesstimate because you know if we already have 10,000 trips a day, maybe 281 isn't much, if we only have 500 then 281 is a big number.

Vice Chairman Cook stated peak morning hour trips, right 21 or vehicle trips generation daily, this is based on 48 units, there are already 300 units up there.

Board Member McNulty stated that's what I'm saying, it would be nice to compare what the estimated travel is today.

Rich Williams stated we...

Board Member McNulty stated that road may be over its limit already.

Rich Williams stated just so you know, we had a traffic analysis of Bullet Hole Road done at the key intersections for the Burdick Farms Subdivision, so we can pull that...

Vice Chairman Cook stated that would be good.

Board Member McNulty stated that way because that might be the determining factor to be that Bullet Hole Road should service X amount per day and its already at Y, so that could be the determining factor.

Board Member Montesano stated it's a point.

Vice Chairman Cook stated again it's a recommendation, again...

Board Member McNulty stated no he gave me a pretty good background but do you agree that maybe this traffic analysis and comparison of current conditions might definitely help us in our determination or recommendation...

Vice Chairman Cook stated right, okay, Michael...

Board Member Montesano stated it's okay with me.

Vice Chairman Cook stated all right.

Board Member Montesano stated I am ready to proceed.

b. Barjac Corp Site Plan - Discussion

Vice Chairman Cook stated Barjac, Mr. Williams.

Rich Williams stated yes sir, Barjac, I am not (inaudible) about Barjac.

Ted Kozlowski stated I'll talk about Barjac.

Vice Chairman Cook stated Mr. Ted.

Rich Williams stated I thought he would.

Ted Kozlowski stated I sort of explained this at the last meeting but...

Rich Williams stated go ahead, we're going to talk amongst ourselves here.

Board Member Montesano stated about you.

Ted Kozlowski stated I just want to update you on what I did since the last meeting, I met with Theresa Ryan at the site and it is a bon a fide wetland, I don't understand why its not part of the DEC wetland there because its connected and it is a pond and...

Board Member McNulty stated annual, year round pond.

Ted Kozlowski stated Richie doesn't want to talk about it because we went with the Town Engineer and I'm not going to speak for Richie but what they are proposing to do now is substantially an intrusion into that wetland, substantially because of the elevations, because of the amount of fill that has to go in...

Board Member McNulty stated just for the driveway.

Ted Kozlowski stated yes, this is for a culvert because its rather extensive, now the problem I have with this whole thing and I said this to Theresa out there in the rain when we were out there and I have no, I like the gentleman from Peckham and I understand what he's saying and I have no ill will towards him at all but we made an agreement, this Board worked, how many years ago was it Rich...

Rich Williams stated 2, 3...

Ted Kozlowski stated whatever, I don't know what the time frame but it was awhile ago and it was a long process and during that whole time, you know we went back and forth and we discussed this, we went out there, we made an agreement, we issued a wetlands permit to do a bridge because that was the least environmentally damaging to the wetland and allowed him to do what he needs to do to a horse farm going in the Hamlet which is a tight fit to begin with. The gentleman is now coming back 2 years later saying he can't afford it, now Mike said earlier, its not the Board's responsibility nor mine to come up with an economically, costly avenue for him and I asked Theresa out there last week, you know what is the difference between 2 years ago and now and she quite honestly said that he never really looked at the cost of the bridge 2 years ago. My feeling is, is that the Town's problem, is that my problem and the challenge I have is my job, waiting for the train to go by, my challenge is that my job, my mission is to help the Town protect environmental resources specifically wetlands and streams and watercourses. How can I, and I said this to Rich and I said this to Theresa, how can I agree when I didn't agree 2 years ago to fill in the wetland and put a culvert, how can I agree now because its not cost-effective for him and how do I face people who care very much about the environmental aspects of this Town at all costs, how can I face them and say, it's okay now. You know, when in fact he has another way of accessing that property but I'm told about the trailers and the turning radius, there is a house for sale there, that house can't be more than the cost of the bridge and he doesn't have the issue with wetlands. It's a whole completely different thing but he says every time he approaches them they raise the price because they know he needs the bridge, again, is that my problem, is that your problem, you know, he has access and I've suggested to Theresa, look at that entrance and go behind the houses because he owns that property and come out you know on the other side now that in buffer but and I don't know how much that's going to effect buffer and all this but that is another possibility but again I can not you know based on my mission, my purview, I can't just yea, that's okay, fill it in, I just, you know its, it's the owners responsibility to look at this site, he's hired engineers,

we went through this whole process and I find it really hard to believe that he never calculated the cost of the bridge...

Vice Chairman Cook stated from an environmental, I think I just want to get clear in my mind, from an environmental perspective, what they are now proposing is more intrusive and more, I don't know what the word is, impact-wise than the bridge.

Ted Kozlowski stated absolutely, yes, yes.

Vice Chairman Cook stated now Rich, we approved...

Ted Kozlowski stated a bridge.

Vice Chairman Cook stated, conditional approval on the site that included the bridge, right.

Rich Williams stated correct.

Ted Kozlowski stated now one of the other things we could do is to see how environmentally important that wetland is because it really never was done, they did a functional analysis and the problem I'm having and this isn't with this site, this is in general, is applicant are hiring people to basically tell them what they want to hear and I think if we are going to go this route, I think the Town should tell them, you're going to hire these people to do this analysis, its not going to be your choice at this point because the again, we gave this individual and again I have no ill will to him, I personally like the guy...

Vice Chairman Cook stated we understand.

Ted Kozlowski stated but we gave this individual our ear, we gave him our time, we gave him what we do and we came to a compromise, a handshake, an agreement and now he's coming back and it's a precedent because what happens if Tom McNulty comes in for a wetlands permit in his backyard, okay and waits 2 years and says I can't afford this...

Vice Chairman Cook stated I want to change this.

Ted Kozlowski stated so now I want to fill the wetland because that is my most cost effective way, you know when you do say enough is enough, or when do you say well Tommy can't do it but Mike...

Rich Williams stated enough is enough.

(Side 1 Ended – 8:28 p.m.)

Ted Kozlowski stated so I just from a philosophical, from all that I do and all that you guys do, I just think that its kind of unfair to us to come back and say all this and expect us to oblige that request.

Vice Chairman Cook stated Rich, we have not received any type of a drawing or plan from Theresa or anybody else on this, right, okay.

Board Member McNulty stated question is, what they want to do is put a culvert in, correct.

Ted Kozlowski stated yea.

Board Member McNulty stated what is the impact, does it eliminate the pond, does it eliminate the wetland.

Ted Kozlowski stated this is the issue the Tom, because I don't think you've been to the site.

Board Member McNulty stated no, I kind of have an idea where it is.

Ted Kozlowski stated it comes off of [Route] 312 and then it drops...

Board Member McNulty stated [Route] 311.

Ted Kozlowski stated [Route] 311 and it drops right down and then it flattens out into a wetland area and then you have open water and then wetland area and then it goes up another steep slope, so they're proposing basically just to put a culvert where the open water is...

Board Member McNulty stated which is how big of an area.

Ted Kozlowski stated which is a narrow area but they are going to fill in a lot of wetland because you've got these steep...

Board Member McNulty stated I understand that, what is the detriment in that though, what does it impact, what will it impact negatively.

Ted Kozlowski stated water quality, one, wildlife habitat, number two...

Board Member McNulty stated water quality for who, the habitat.

Ted Kozlowski stated well, no, the wetlands, think about this, the wetlands in this Hamlet are your ground water filters, you're on a well, correct...

Board Member McNulty stated I am.

Ted Kozlowski stated okay, the wetlands in your Hamlet and the wetlands in Putnam Lake and the wetlands behind my house all contribute to filtering ground water, our well water, okay, so every time we take a little piece of wetland away and there has been a substantial amount of wetland that's been taken away in this Town since the Town was founded in the 1700's, each time you take that away, you're impacting the overall biological filtration...

Board Member McNulty stated but technically are we impacting 10 gallons of fresh water filtration, 100 gallons...

Ted Kozlowski stated I couldn't tell you, Tom I couldn't...

Board Member McNulty stated I think that's something we need to look at.

Ted Kozlowski stated I couldn't tell you.

Vice Chairman Cook stated that's why I had asked Rich, if there's anything submitted...

Board Member McNulty stated so we know the disturbance.

Vice Chairman Cook stated because, right and then Ted can quantify and answer your question...

Ted Kozlowski stated and then you answer your question further, will he pay for the person we send to evaluate, not Ted because I'm biased, you know I'm anti-whatever but you know and I have a person in mind who is a wildlife biologist, let's have that person take a look. See, I think it's a vernal pond, I think...

Board Member McNulty stated what does that mean vernal pond.

Ted Kozlowski stated vernal pond means it's a temporary pond, in other words it fills in the fall, winter spring, it allows amphibians to breed there because it can't support fish, fish are predators of those eggs, of those you know, so a lot of the endangered animals, amphibians in this area have...

Board Member McNulty stated it becomes more than a swamp, it becomes...

Ted Kozlowski stated it becomes an important breeding site.

Board Member McNulty stated my question is like, would be...

Rich Williams stated it is a unique ecological characteristic within your watershed that increases biodiversity.

Board Member McNulty stated life is created.

Ted Kozlowski stated right and again its in this Hamlet and...

Board Member McNulty stated my question is, is if they can pull this off, again we need a plan, we need to know the disturbances, does it ruin it completely, does it take 30% of it, 40% of it, your issue with filtering water is key because it makes sense but are we impacting 10 gallons of fresh water or...

Ted Kozlowski stated it's, but Tom and again you weren't here when we went through this but we went through this exercise...

Board Member McNulty stated I understand that but I don't have a problem with change either, people change...

Vice Chairman Cook stated right we don't either.

Board Member Montesano stated but this is the point, excuse me, we allow you 10% because that's all it affects, he comes in now and says well you gave him 10, I'm going to try to do the same thing but he ends up with 20%, he ends up with 10%, it adds up because let me put it this way...

Ted Kozlowski stated it is cumulative.

Board Member Montesano stated I have been living in this particular part of Town for 40 years or more, I know that when I used to hunt there were certain places you couldn't walk across because of the swamp, now they are dried up because up further they built, down here they built, the water doesn't flow the same,

the properties don't flow the same and we kept and at the time, what are you kidding, we didn't have any regulations so we couldn't tell people what the heck and then sooner or later my biggest kick is Jackson Avenue, right off...

Board Member McNulty stated the Sprain Brook Parkway.

Board Member Montesano stated Sprain Brook Parkway, there used to be a fish business down there, pet fish, he had a whole place, he used to have gold fish, there was a swamp, it was big beautiful swamp, there must have been 10, 20,000 gold fish, if you want a gold fish you can go out there and take all you want because they were all alive and it was beautiful, well somebody down in Westchester came in and a contractor wanted to put a little fill in and he went from where those houses are, I would say, from the post office to here, suddenly got filled in, there's nothing there, you didn't see a fish, you didn't see any water.

Board Member McNulty stated well I understand...

Vice Chairman Cook stated nobody's opposed to change, we went through this process, they came in, we agreed on the bridge okay, now they are coming back, interesting enough if you remember from a prior application there is a cost now involved, that's an issue. So, they have to come with a plan, they did the right thing, meeting with Ted, meeting with Rich, okay, have an understanding about what they want to do, they know, certainly Ted knows right away there is an impact on the wetlands they have to come in to us with some kind of a plan that can be full assessed by the Town Planner, by Ted, by whoever else we want, including ourselves.

Ted Kozlowski stated but Charlie just so you know, here we are telling the applicant to spend more money which he ultimately may be denied again so he has to understand that that...

Vice Chairman Cook stated of course.

Ted Kozlowski stated okay you're going to come in with this, there's a good chance you're going to get denied, so don't, you know how much are you going to spend now to do all this...

Board Member McNulty stated but there's a chance he may not be denied too, if he comes in and we can really look at it, I'm not saying to just shoot from the hip and say yea fill it in but do smart development...

Ted Kozlowski stated but Tom I think you, Tom have you seen the site.

Board Member McNulty stated I'm familiar with it, I haven't walked it...

Ted Kozlowski stated I think you should see it before the next meeting, it's a substantial amount of fill...

Board Member McNulty stated well we don't know that, we haven't seen a plan or anything.

Ted Kozlowski stated Tom, the change in elevation is significant.

Vice Chairman Cook stated I take what Ted is saying is because he knows the site and he was just out there with Theresa from Insite and Rich, they have their own gut feeling on this right now.

Ted Kozlowski stated its not a little fill Tom, its considerable...

Vice Chairman Cook stated now is...

Ted Kozlowski stated would you...

Board Member McNulty stated does it take 50 % of the wetlands, does it take...

Ted Kozlowski stated would you agree.

Board Member McNulty stated that's...

Ted Kozlowski stated I would say its going to take, at least a quarter of that wetland, maybe more.

Board Member McNulty stated so about 25%.

Ted Kozlowski stated that's substantial...

Board Member McNulty stated we need to determine the impact.

Ted Kozlowski stated for a vernal pond, that's substantial...

Board Member McNulty stated you say that but what is substantial in technical terms.

Ted Kozlowski stated but Tom, if its 10% or 5% if that is a productive vernal pond, that's too much, okay.

Board Member McNulty stated but are there guidelines set somewhere to determine...

Rich Williams stated if it's a vernal pond than we need to leave it in its existing condition...

Ted Kozlowski stated without (inaudible).

Rich Williams stated the hydrology (inaudible) the area.

Board Member McNulty stated well that's what we're bonded by, I don't know what we are, the way I'm looking at it, just so you know, I've been here 24 years and I don't see Peckham as a good neighbor, they'd done a lot of good things for the Town and I'm not saying just grant it for that...

Ted Kozlowski stated but Tom you can't, we can't look at it because he's a good neighbor and its Peckham, we have to look at it because...

Board Member McNulty stated we can to a degree...

Ted Kozlowski stated we can't though Tom, that's not fair.

Vice Chairman Cook stated if you look at it as the site, no matter who owns it or whatever, you know it could be Mr. Scrooge or somebody you know, but this is the site and that's what you have to review. Now, is Theresa going to be coming in...

Rich Williams stated I believe so yea.

Vice Chairman Cook stated well she should know the gist of this conversation so that...

Rich Williams stated why, I've known Theresa a long time, she likes surprises.

Vice Chairman Cook stated she likes what.

Rich Williams stated surprises.

Vice Chairman Cook stated oh okay, fine.

Ted Kozlowski stated what I said to you tonight, I said to her on the 18th.

Vice Chairman Cook stated okay, then that's fine.

Ted Kozlowski stated I absolutely said that to her.

Vice Chairman Cook stated then she'll hear that next week that look, for a real determination you have to give us a plan of now what you want to do, however know that you may get turned down...

Board Member McNulty stated if it falls outside the guidelines of what govern these wetlands then they'll be denied but again this is all new to me and I'm just throwing different points of view of.

Ted Kozlowski stated you know what Tom, the other thing is he has an alternate access, now...

Board Member McNulty stated I don't want an alternate access that's going to create a nightmare on [Route] 311 either.

Ted Kozlowski stated I agree but Tom, we have accommodated...

Rich Williams stated let me be clear though, he does not have an alternate access unless he buys and tears down a house.

Ted Kozlowski stated but Rich, you know what, this person is forcing, not forcing, but he is shoehorning a horse farm in the Hamlet and that is a tough thing to do...

Rich Williams stated I've got my own issues with the horse farm, always have but...

Ted Kozlowski stated okay.

Rich Williams stated everybody said he could do it, everybody (inaudible) the special use permit, he got a conditional site plan that said he could do it.

Board Member McNulty stated only if you're down wind of it.

Ted Kozlowski stated you know I mean I live across the street from a horse farm and I hear it every morning at 6 o'clock, the trucks coming in to take the manure out, I don't know if the residents in this Hamlet understand what's going to happen.

Board Member McNulty stated I listen to garbage truck every morning pull into the schools...

Ted Kozlowski stated I'm just saying Tom.

Board Member McNulty stated I mean the Hamlet is a busy place.

Ted Kozlowski stated but Tom, you know when you start stirring up manure, they're going to smell it and they're going to hear it and those big trucks make a lot of noise so you know, maybe it should be a smaller type of horse farm with smaller trucks. I don't know if you can do that or not but where is the compromise here, it's like I want a horse farm and I want everything with it even though this property really can't support all that...

Board Member McNulty stated and there is no access through the Peckham Quarry for this...

Rich Williams stated no, you've got a huge wetland out back that they can't get...

Ted Kozlowski stated I was just looking at this, the cemetery wouldn't have any kind of easement that they would give them would they.

Rich Williams stated were you in the cemetery...

Ted Kozlowski stated well they've got roads going through the cemetery, I mean everybody's dead in there, what do they care if a truck comes by.

Board Member Montesano stated a lot, we can never tell.

Board Member McNulty stated ask their relatives and see what happens.

Rich Williams stated no, there is no way to get a truck into that site.

Board Member Montesano stated now if you wanted a paintball game, I can tell you how the kids do it.

Ted Kozlowski stated the next one.

Vice Chairman Cook stated all right, we will continue this discussion with...

Board Member Montesano stated the full Board.

Ted Kozlowski stated and I'll call Theresa...

Vice Chairman Cook stated no, Theresa next week.

c. Wallace, Doug – Carolyn Way Wetlands/Watercourse Permit Extension

Ted Kozlowski stated and I'll call her again tomorrow to remind her but the next one is Doug Wallace...

Vice Chairman Cook stated yes.

Ted Kozlowski stated and I do have to ask Rich because I'm not sure but I thought and can you research

this, I thought the last time he asked for an extension the Board said this is your last time. This extension has been year after year after year and I thought the Board...

Rich Williams stated I'll go back and look at the extensions.

Ted Kozlowski stated I thought the Board said this was it, either do something or we start all over.

Board Member McNulty stated where is Carolyn Way.

Ted Kozlowski stated you know where Bullet Hole Road is...

Board Member McNulty stated this end.

Ted Kozlowski stated no, the other, going past Burdick...

Rich Williams stated it's in the middle of Bullet Hole Road.

Board Member McNulty stated okay and it's just a single lot, an acre lot...

Ted Kozlowski stated it's a very challenged lot.

Rich Williams stated no it's a subdivision, it's a single lot in the subdivision.

Vice Chairman Cook stated it's an approved subdivision...

Board Member Montesano stated subdivision.

Ted Kozlowski stated its an approved lot that would not have been approved by today's standards.

Board Member Montesano stated today's standards.

Board Member McNulty stated find out why he's asking for an extension.

Vice Chairman Cook stated well I guess we can do their check, well see maybe the last time when it was granted we might have said...

Ted Kozlowski stated I may be wrong but I thought there was something, one of these applications the Board made it fairly clear that look this is it...

Vice Chairman Cook stated well we can certainly wait one week to work on that.

d. Boniello Site Plan

Vice Chairman Cook stated Boniello Site Plan.

Rich Williams stated Boniello Site Plan, just to update that Board, myself, Nick Lamberti, Shawn Rogan and Mike Griffin met with Anthony Boniello concerning the issues regarding the outstanding fees, bonding and apparent changes he has made to his site plan which he's working out. He got a building permit to repair or replace the entryway steps into his building and then took it upon himself to actually build a stone

wall with a patio where he could have outdoor seating for his gourmet hot dogs and in doing so, that wasn't shown on the site plan but also precluded the ability to put the deck and the handicap ramp on. So, he is currently trying to work with Nick Lamberti on how to still do that and they're talking about an outdoor window and some other changes, so he is going to have to come in and get amended site plan approval to wrestle with all that and we are working out a possible way for him to pay his fees off over time, while still being able to move the project forward, so just to update that Board on that.

e. Project Update

Vice Chairman Cook stated okay, the project update...

Rich Williams stated at the last meeting the Planning Board had directed me to pull the information together for the Town Attorney, I got the last few pieces I think that I need today and its really only 4 significant projects I believe, so I'm going to wrap that up and get it to the attorney tomorrow.

Vice Chairman Cook stated okay.

Board Member McNulty stated there was new items that came in here today, I'm sorry...

f. Clubs

Vice Chairman Cook stated Clubs is the next item and you know it's a shame that these 2 members are not here but we need to start reviewing what Rich has proposed as changes and the Town Attorney, Tim Curtiss has proposed to the Code so we can give a recommendation to the Town Board. So, I would ask that if you have ideas and you want to share them tonight we can do that or we can wait certainly until next week and then discuss it but I don't want to keep pushing everything off until next week but in all fairness that we need to come up with whatever changes we want to make or not make and Rich, like I said, Rich and the Town Attorney have provided their input, the moratorium is now what, in its second month and it's a six month moratorium, so I mean we do have time but then again the first two months flew by and before we know it our backs will up against the wall and so the package that we handed out shows the current Code...

Board Member McNulty stated this is it right...

Vice Chairman Cook stated some of the changes like I said from Rich and from Tim Curtiss, what would be or right now is a draft letter to go to the Town Board and also what other communities are doing so I'd like to ask everybody to really read this, I'll pump out an e-mail to Shawn and Maria to, what you call it, you know that we have to have everybody focusing on this so we can wrap this up before it gets too late.

Rich Williams stated in conjunction with all that at Wednesday nights Town Board meeting, they did hire special council, Les Steinman to assist the Town in reviewing this, they are hoping in the very new future to set a meeting with the Planning Board and the Zoning Board to further discuss this...

Board Member McNulty stated is that the gentleman from Pace they were talking about, they have retained his services to help modify this law.

Vice Chairman Cook stated okay.

8) MINUTES

Vice Chairman Cook stated last on this one is the minutes, we received minutes tonight from Michelle, which will get added on to this, you can add it on, the three of us have the minutes.

Rich Williams stated I'm sorry, I've already added it.

The Secretary stated well you didn't give it to anybody else then.

Rich Williams stated no, I haven't gotten that far yet.

Vice Chairman Cook stated so we'll have 4 sets of minutes to review next week. Tom you started to say something else there about what we received.

Board Member McNulty stated just some things that weren't on the agenda, the dog house, not the dog house, Jennifer McPartlin on 231 Fairfield Drive, the dance studio in the old, you send this out, is this going to be on the agenda or is this just for information.

Rich Williams stated just for information, I did take a look at it, I made a determination, there isn't enough parking and flow through the site to adequately address that, she is certainly not happy about that determination and she wants to pursue it, I don't know that she's going to pursue it but she wants to pursue it.

Board Member McNulty stated is that for her or for the landlord to straighten out.

Rich Williams stated well she can come in, the landlord always has to be party to the application as the owner but he can designate somebody else to go through the process for him, so it could be one or the other.

Board Member McNulty stated so, is there anyway that we can look at parking for her or she can look at the parking, propose it but then limits the landlord for further development of the building until he resolves other issues, rather than have a building sit there vacant, somebody has a use for it...

Rich Williams stated well it's not entirely vacant, part of it is already being used...

Board Member McNulty stated okay.

Rich Williams stated and I don't have enough information to know exactly how much is being used but you know I understand where you're going but you get into a sticky situation where you're telling somebody they can use a portion of the building for a use otherwise that would not be permitted but the rest of it has to remain vacant.

Board Member McNulty stated well unless he made improvements to meet further conditions and just in, if we can have somebody who wants to do something viable and make it work I think we should try and see, do whatever we can to make that happen, even if its on a temporary basis until further development of the building comes then it would have to be brought forward as bringing that up to...

Vice Chairman Cook stated I think what we have now...

Board Member McNulty stated he may want to put a warehouse where only 2 trucks are going to come in once a month or one person.

Rich Williams stated and that would be fine, if he wants to layout a building right now where you know half of it is retail space with a specific parking demand and designate the other half as warehouse, which has basically no traffic you know they could do that if they wanted to do that.

Board Member McNulty stated what kind of zoning does a dance studio fall under, just commercial.

Rich Williams stated personal services.

Board Member McNulty stated personal services, does that fit the zoning for that area, for that building.

Rich Williams stated yes, general business.

Vice Chairman Cook stated what we need for this applicant to come in with a formal application, okay. We have to look at it in its totality, we may need to involve the owner in the discussions, may involve after we get a site plan so we know what we're talking about, site visit, all right, so we go back again to get you know a real picture in time of what exists.

Board Member McNulty stated oh I agree with all that, it just see if we can work hard to find a way to make it happen.

Vice Chairman Cook stated right and you know, we have the ability to waive parking spaces.

Rich Williams stated sure.

Vice Chairman Cook stated see, so, but we need to understand...

Board Member McNulty stated exactly.

Vice Chairman Cook stated whose in there now and what are their parking requirements, this person and their parking requirements as it applies to what we think is the total site and that the thing can take. Rich says from 24 to 33 spaces are required.

Rich Williams stated let me give you a little bit more information too, I did take a look at the site, I did try to do a couple of different parking layouts, the best I could get out there was 12 spaces and that wasn't ideal because of the way it is, she is proposing to have a dance studio with about 10 persons, you know for an hour and then they are going to change out and you're going to have another 10...

Board Member McNulty stated you have the overlap.

Rich Williams stated so you know, her opinion was they didn't need a lot of parking there because people are going to you know pick their kids up and then the next crew is going to come in and just drop them off and leave but you don't have a lot area right there for people to pick up and drop off, my experience is there is overlap, there isn't...

Board Member McNulty stated well maybe we have to stipulate you have an hour separation between classes...

Rich Williams stated yea but that's...

Board Member Montesano stated it's not going to happen.

Rich Williams stated you can't impose unenforceable conditions, you can say that and if she just doesn't do it, how are we going to enforce it...

Board Member McNulty stated lock the doors.

Rich Williams stated it doesn't work that way.

Board Member McNulty stated that's what the state does when you don't pay your sales tax.

Rich Williams stated and we can't put a Code Enforcement Officer out there to...

Board Member Montesano stated the state can do what it want.

Ted Kozlowski stated not anymore.

Vice Chairman Cook stated so we have to wait until she comes in...

Board Member McNulty stated we have to wait to see specifics.

Vice Chairman Cook stated and she if she wants this site.

Rich Williams stated anything else.

Board Member McNulty stated Lot 5, GDC Subdivision.

Rich Williams stated Lot 5 GDC Subdivision...

Ted Kozlowski stated yea, nice pictures.

Rich Williams stated did you figure that out...

Ted Kozlowski stated yea I did.

Board Member McNulty stated where is Theodore Trail.

Rich Williams stated I took those today, this was project that was an absolutely nightmare for the Board, Tommy...

Ted Kozlowski stated it was one the worst concrete pouring jobs we ever saw.

Rich Williams stated the developer moved the house and then twisted it so the house got pushed back into a wetland buffer that was also designated water quality buffer with a conservation easement by the DEC and the DEP...

Board Member McNulty stated already it sounds very complicated.

Vice Chairman Cook stated ugly.

Board Member McNulty stated where's Theodore Trail.

Rich Williams stated incredible this big stonewalls...

Ted Kozlowski stated end of Bullet Hole Road, the very end of it.

Board Member McNulty stated this end.

Ted Kozlowski stated Carmel.

Rich Williams stated Fields Corners Road...

Board Member McNulty stated okay.

Rich Williams stated and the corner of the house had a very sharp drop off on it and it was so bad that there was no way to get a ladder up to any sort of work or repair.

Ted Kozlowski stated it was a real hazardous situation.

Rich Williams stated so.

Board Member McNulty stated so this is just a general information letter tonight.

Rich Williams stated well that started it off and since then he's been actively working to wrap things up, I went out and took pictures about how its turned out because he's just about done and it came out pretty nice.

Ted Kozlowski stated well it is an improvement.

Vice Chairman Cook stated we came upon this all of these wrong doings, had the guy in several times, told him what he needed to do...

Board Member Montesano stated went out there several times.

Vice Chairman Cook stated went out there several times with different options, so this is basically like an update letter on to what he's been told to do and how he's progressing.

Rich Williams stated he ended up cutting the corner of the building off.

Board Member McNulty stated wow...

Board Member Montesano stated hey fence is nice.

Board Member McNulty stated so he's complying with the request of the Town.

Vice Chairman Cook stated you got anything else.

Board Member McNulty stated Patterson/Kent IMA agreement.

Rich Williams stated yes, Kent, there's been quite a bit going on with Patterson Crossing for those who have been following it.

Ted Kozlowski stated mazel tov.

Rich Williams stated you say that did you. Kent...

Board Member McNulty stated they are running out of time, Kent, aren't they.

Rich Williams stated Kent, they are running out of time but Kent approached the Town of Patterson with an intermunicipal agreement for overseeing and ensuring that the future stormwater practices out on Patterson Crossing are adequately maintained. We reviewed it, we didn't see any harm in entering into it and the Town Board did it last night.

Board Member McNulty stated sounds sensible.

Rich Williams stated so that is no longer a stumbling block over in Kent.

Vice Chairman Cook stated I'll tell you something that is interesting that Kent prepared this, right...

Rich Williams stated yea.

Vice Chairman Cook stated and the references are to the Town of Kent and other town property, does that mean Patterson.

Rich Williams stated well here's the thing, they had two similar situations in adjoining Towns, where they have the driveway entrance coming in from Kent off of a State road, on to lands in another Town, one in Patterson, one in Carmel. So they did this for both Town's.

Board Member McNulty stated Kent or Carmel.

Rich Williams stated Kent has the driveway in Kent, the traffic in Kent, the project in Patterson in one part, so two separate projects.

Board Member McNulty stated oh okay.

Rich Williams stated so they did one IMA for both of them.

Vice Chairman Cook stated so the Town Board approved this last night.

Rich Williams stated (inaudible) the county legislature and everything.

Board Member McNulty stated and then I just have one other minor issue, just not even issue, Front Street, where the two open lots are, the old tractor supply, anyway we can get a hold of someone to mow the grass there, it's chest high.

Rich Williams stated yes.

Board Member McNulty stated great.

Vice Chairman Cook stated one thing, this seminar or what have you, is being held up in Pawling, work shop, is this something that you have experience in this type of work shop that its worthwhile to Planning Board members.

Rich Williams stated I was thinking about going myself...

Ted Kozlowski stated what is it.

Rich Williams stated it's a seminar on how to do a conservation density, the girl, Sybil Gilbert, do you know her, called me up, she says I think Pawling is the only town around here who does something like this and I said Sybil its been mandatory in our Code since 2004, we've got a few of these, oh really.

Vice Chairman Cook stated okay, so if somebody wants to go, do they just go straight to this Sybil Gilbert.

Rich Williams stated yea, you can.

Board Member Montesano stated would it be easier if we went, if you go through it as the Town.

Board Member McNulty stated yea I have one.

Rich Williams stated its your choice, if you know you want to go and you want us to take care of the arrangements...

Ted Kozlowski stated its free right.

Board Member Montesano stated I think we should discuss it with the...

Board Member McNulty stated yes (inaudible).

Board Member Montesano stated I would like to let the other 2, and if we can do it maybe next week...

Rich Williams stated there is a timeliness in this, I don't know if you can wait.

Board Member Montesano stated all right, then I'll go.

Board Member McNulty stated I think they'll let everybody in.

Board Member Montesano stated you going Tom.

Board Member McNulty stated what date is it.

Board Member Montesano stated Tuesday the 8th of June.

Vice Chairman Cook stated the 8th.

Board Member McNulty stated I doubt it, it's my son's birthday.

Board Member Montesano stated they're not going to let Tom in, he shows up we throw him out because he's going to be home with his kid.

Vice Chairman Cook stated where is the Lathrop Center.

Board Member McNulty stated its just north of Pawling, it used to be the YMCA camp.

Board Member Montesano stated he wouldn't know.

Board Member McNulty stated you know Charles (inaudible) Boulevard.

Board Member Montesano stated don't worry about it, if we go I'll show you.

Board Member McNulty stated where McKinney and Doyle is, just go north straight north past Town Hall...

Board Member Montesano stated past the old rubber factory, the Town Hall.

Board Member McNulty stated and you'll come to a 4 corners stop sign, straight out on that road on the left.

Board Member Montesano stated its on the left.

Rich Williams stated its very easy, its right at the intersection of 4 corners.

Board Member McNulty stated what's that road, Cross Road, River Road.

Rich Williams stated no but that runs into River Road.

Board Member McNulty stated its straight out on Charles Coleman...

Vice Chairman Cook stated put me down.

Board Member Montesano stated speaking about going out, are you done.

Vice Chairman Cook stated I'm done.

Board Member Montesano stated Mr. Chairman, we've, except for you two guys, I know the other three members of this Board have attended at one time or another, myself, Maria and Shawn but New York Planning Federation has a conference then end of September, you go up there for what is it, 2 nights and 3 days, you go up there Sunday night, you'll be in classes Monday and Tuesday, then you come home Tuesday, its up to you. If you guys would like some, Planning Federation is a hell of a lot better than going down to the City, 99% of the time, the city is very good to make connections, they have some, when they change the classes down there, you can get a good person but the Planning Federation Classes were always in my opinion a lot better because they were strictly Planning and Zoning. I don't know if you got one of these things...

Board Member McNulty stated I did, does it say the date, well I look at that dates.

Board Member Montesano stated its on the back, it should be the back page but then you'd have to check with Richie and Shawn, if there's enough, if anybody is going if they are allowing it but this is a hell of a lot cheaper than the city one, 26th through the 28th, like I said, if you guys have an opportunity to try it, it's a lot better than the classes in the city, the city is good because they got a lot of the big engineering companies...

Board Member McNulty stated where is it, Syracuse...

Board Member Montesano stated it might be up in Lake George...

Rich Williams stated Lake Placid.

Board Member Montesano stated Lake Placid, bring your fishing rod, you can sit in the class room.

Vice Chairman Cook stated okay, anything, Thomas.

Board Member McNulty stated I have nothing else.

Vice Chairman Cook stated Richard, Michelle, Theodore, Michael...

Board Member Montesano stated no sir.

Vice Chairman Cook stated motion to adjourn.

Board Member Montesano stated motion to adjourn.

Vice Chairman Cook stated can I have a second.

Board Member McNulty seconded the motion.

Vice Chairman Cook asked for all in favor:

Board Member McNulty	-	aye
Board Member Montesano	-	aye
Vice Chairman Cook	-	aye

The motion carried by a vote of 3 to 0.

The meeting adjourned at 9:01 p.m.