

TOWN OF PATTERSON
PLANNING BOARD MEETING
June 3, 2014



AGENDA & MINUTES

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1) Dino Rentoulis – Parking Area Site Plan	12 – 23	Discussion of entrance lighting, parking surface, request for construction plans.
2) Frog Hill, LLC – Site Plan Application	1 – 12	Discussion of auto repair, gravel parking area, and wetlands delineation area.
3) Fox Run Phase II – Amended Traffic Study	23 – 30	Discussion of traffic study, road geometry, accident data request, and resident’s questions.
4) Other Business		
a. S.A. Hebert Properties – Site Walk Comments	31 – 34	Discussion of site work, violations, and health department correspondence.
5) Minutes	34 – 35	Held over until July 1, 2014.

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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PLANNING BOARD

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

**Planning Board
June 3, 2014 Meeting Minutes**

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

APPROVED

Present were: Chairman Shawn Rogan, Board Member Thomas E. McNulty, Board Member Michael Montesano, Board Member Edward J. Brady Jr., Rich Williams, Town Planner, Ted Kozlowski, Environmental Conservation Inspector, and Ronald J. Gainer, Town Engineer.

Chairman Rogan called the meeting to order.

There were approximately 8 members of the audience

The meeting was called to order at 7:08 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan led the Salute to the Flag.

Chairman Rogan stated we have our cell phones on vibrate. Okay, I believe we don't have anyone here yet for the first item on the agenda, Dino Rentoulis, he'll be a little bit late so, is that correct.

Mr. Ravetto stated he's on his way.

Chairman Rogan stated okay, so if we can proceed to Frog Hill LLC...

2) FROG HILL LLC – Site Plan Application

Mr. Harry Nichols, P.E. and Mr. Jay Maxwell were present.

Chairman Rogan stated sorry.

Board Member McNulty stated I have the plan all ready.

Chairman Rogan stated wonderful. Hello Harry.

Mr. Nichols stated evening.

Chairman Rogan stated how are you sir.

Mr. Nichols stated good thank you.

Board Member McNulty stated hey Harry.

Chairman Rogan stated who's this young fellow you brought with you.

Mr. Maxwell stated how are you doing.

Chairman Rogan stated hi Jay.

Mr. Nichols stated that's my grandson.

Chairman Rogan stated your grandson.

Board Member Montesano stated gee what a claim.

Chairman Rogan stated okay. So Harry the last time you were in we discussed a couple of minor changes, it looks like some change has been made to the plan, we had asked Rich to go out and do some field verification, there were some questions he had about some of the gravel areas et cetera and we have a memo from him today, do you want to discuss any of the changes that you've made or where you are with this plan.

Mr. Nichols stated yeah, we can go through those.

Chairman Rogan stated sure.

Mr. Nichols stated I was just discussing this with Jay and if you, when you say there must be 1,000' separation between repair garages, I guess that's what its called in the code, garages to service vehicles. Is that measured from building to building as the crow flies or is that measured from property to property.

Chairman Rogan stated good question.

Rich Williams stated usually we do it from property corner to property corner.

Mr. Nichols stated okay because that make, that makes all the difference.

Chairman Rogan stated sure, this is a large piece of property.

Mr. Nichols stated yeah, alright.

Mr. Maxwell stated well, now I'm a little confused does that mean by the roadway or by the crow flies from corner to building, corner to building.

Chairman Rogan stated no, he said corner of property.

Mr. Maxwell stated corner of property, oh corner of property, oh I gotcha.

Chairman Rogan stated I'm assuming that you believe that from corner of property that there's another repair station within 1,000', is that the one at the border.

Mr. Nichols stated well if you go property to property...

Mr. Maxwell stated property to property, yes it would be.

Rich Williams stated its Stan's...

Chairman Rogan stated sorry, Stan's...

Rich Williams stated Stan's Auto.

Chairman Rogan stated oh, the other way, Stan's and would, what would the relief from that be.

Rich Williams stated they would need to apply for a variance as well.

Chairman Rogan stated through ZBA.

Rich Williams stated yeah and the fact that the garage is so far onto the site would be a mitigating factor that would be evaluated by the Zoning Board of Appeals.

Chairman Rogan stated okay.

Rich Williams stated before Michelle yells at me.

Mr. Gainer stated absolutely.

Mr. Nichols stated if, what do you want to do with that.

Mr. Maxwell stated we'll take the repair garage out of the equation, we'll just keep it for the tile, strictly the whole building for the tile.

Chairman Rogan stated well...

Mr. Maxwell stated get away from that whole scenario, if that comes back, I'll take it up at another time.

Chairman Rogan stated okay, so you're saying you'd rather not go through discussion with the ZBA.

Mr. Maxwell stated no because there's also another area here, this came up, I just learned about this fenced in area. I asked to have a chain link fenced area for any repair equipment that would be there for repair in which that's, I mean this is the first time I heard about was tonight right here when I'd seen it on the plan.

Chairman Rogan stated you're saying that the area shown as fenced in for repair, that's the first, so that's a change that was made that you didn't ask for in essence.

Mr. Maxwell stated yeah, I wasn't aware, I didn't ask for that, it wasn't discussed, I seen it tonight.

Chairman Rogan stated okay, well we didn't add it to your plan.

Mr. Maxwell stated I know you didn't add it to the plan but I guess it was in the code that it had to be there.

Chairman Rogan stated I understand.

Board Member McNulty stated for the storage of vehicles.

Mr. Maxwell stated yes.

Mr. Nichols stated yeah.

Board Member McNulty stated when you're not working on them.

Chairman Rogan stated okay.

Mr. Maxwell stated but that's, when you say not working on them, you mean if you're not working for 24 hours or if you're not working on them for an indefinite time.

Board Member McNulty stated I guess if you're waiting for parts or you know...

Mr. Maxwell stated yeah, alright so, so we'll take the repair shop out of this whole equation.

Rich Williams stated it doesn't have to be there.

Mr. Maxwell stated no, actually it comes down to there's no need for this, I mean...

Chairman Rogan stated so that simplifies a lot of the, a lot of the concerns with this, right.

Mr. Maxwell stated right.

Board Member McNulty stated so that building just becomes part of the...

Mr. Maxwell stated strictly for the tile.

Board Member McNulty stated stone and fabrication.

Mr. Maxwell stated yes.

Chairman Rogan stated Rich do you want to comment on any of the issues you raised from your recent visit to the site.

Rich Williams stated well if we're taking the, I mean I had two big issues I think I raised, one was that area that they were going to put the car storage in and it wasn't all that big of an issue, it was just you know, getting the design on it. The other issue is I, you know, didn't want to get fooled twice, so I went out there and measured off the area of the gravel...

Mr. Maxwell stated right.

Rich Williams stated and the area of the gravel out there is much more extensive than what's being shown on the plans, it actually goes farther back and wraps around the building which you know, is to your advantage. I don't have an issue with it but I think you should you know, show it correctly on the plans.

Mr. Maxwell stated I was assuming just the way what's out there is what's on the plan.

Board Member McNulty stated we're talking about the...

Rich Williams stated what's out there is not what's on the plan.

Board Member McNulty stated gravel to the, just to the east of the building, that says existing gravel area on the north side of the roadway, so you're saying it extends further than shown.

Rich Williams stated yes.

Board Member McNulty stated okay.

Mr. Maxwell stated well the gravel may show more but we have the design as to how far where we were going to be putting that line...

Chairman Rogan stated okay.

Mr. Maxwell stated so the line would be where they take the dimension off the building, I'm sure the gravel goes beyond what it says.

Chairman Rogan stated but you're only looking to utilize what is shown on the plans.

Mr. Maxwell stated yes, yes.

Chairman Rogan stated okay.

Board Member McNulty stated yeah the boulders would mark it off and it would somewhat restore itself I guess over time.

Mr. Maxwell stated right, exactly.

Rich Williams stated the gravel is already there so the Board's going to have to wrestle with what do you want to do with the gravel area that they don't want to use, how should it be restored but Jay, I mean...

Mr. Maxwell stated just so I'm, we are talking about this section back here.

Rich Williams stated yeah, we are.

Mr. Maxwell stated okay, alright, I just wanted to make sure.

Rich Williams stated but right now you're showing that section as ending so that there's a gap between that and the gravel area on the...

Chairman Rogan stated right where your finger is.

Mr. Maxwell stated oh this area here, no this is all gravel between here, I don't know why it doesn't show it.

Chairman Rogan stated yeah, that's what we agreed.

Mr. Maxwell stated that is all gravel there.

Rich Williams stated right.

Chairman Rogan stated but we didn't, and we didn't have a problem with you utilizing that area, we just, just a tax, show a curb and...

Board Member McNulty stated you just follow the wetland buffer is what you end up doing.

Mr. Nichols stated well that's what we're trying to do.

Mr. Maxwell stated yes.

Mr. Nichols stated shorten it up to the wetland buffer, where we can. Now, this is around the corner of the building the buffer actually goes through the corner of the building...

Chairman Rogan stated right what Ted had said was that...

Mr. Maxwell stated yeah, we made the field trip out there to look at it...

Chairman Rogan stated correct.

Mr. Maxwell stated to see what was existing but no, this gravel area here should, this should right here, this corner right here, should be on the plan shown as gravel.

Ted Kozlowski stated look I, just to chime in, I don't have a problem with the existing gravel area and I think you should probably keep the gravel area around that building for emergency purposes and access, there's no need to restore it back to wetland but you know I think that map, that plan should show what's the in the field.

Chairman Rogan stated sure.

Ted Kozlowski stated not, you know, we're all guessing now...

Mr. Maxwell stated no, no...

Ted Kozlowski stated where things are.

Board Member McNulty stated well maybe a note somewhat if you extended that gravel area because Rich, you're talking about the section to the right of the building is not shown to the full extent, right in...

Rich Williams stated I'm talking about, yes...

Board Member McNulty stated no, yeah, further to east there.

Mr. Maxwell stated no, it's right, this particular area.

Rich Williams stated yeah.

Mr. Maxwell stated right off the building.

Board Member McNulty stated so maybe it takes more boulders so it doesn't, so we secure no one goes in it...

Mr. Maxwell stated oh, no that's...

Board Member McNulty stated and then just make a note, gravel area existing to be, you know abandoned.

Rich Williams stated well that's fine, well it's already there...

Board Member McNulty stated that's why I say existing gravel area to be abandoned as use...

Rich Williams stated I'm somewhat confused because it's already there...

Board Member Brady stated why abandon it.

Rich Williams stated it's already been stated by the ECI he doesn't have a problem with it, why wouldn't you want to keep it.

Mr. Maxwell stated I'm going to have to take this plan and go measure it myself see what's being used because...

Rich Williams stated hey, I'll go out there with you.

Chairman Rogan stated you guys want to meet out there.

Mr. Maxwell stated no, I'm going to have to go out and look at this myself because...

Ted Kozlowski stated Jay, we're giving it to you, take it.

Mr. Maxwell stated I'm in agreement.

Rich Williams stated I'm so confused.

Mr. Maxwell stated but I just want to see what's, what really is.

Mr. Nichols stated I'll buy a new tape this time and do it right.

Board Member McNulty stated put that laser away Harry.

Ted Kozlowski stated we've never had this before.

Rich Williams stated no, I don't want it.

Mr. Maxwell stated so what are other issues.

Chairman Rogan stated we received the lead agency documentation, correct Michelle, it was dropped.

The Secretary stated yes, yeah, yesterday morning.

Rich Williams stated we just got it this week, so it will go out this week.

Chairman Rogan stated okay, so we can start making some progress on some of the other involved agencies, getting a bite at this like Health Department and some others and one of our Board Members specifically, who is not here tonight, asked me to mention there's been a lot of conversation about cleaning parts of this site and we're wondering if some of that has occurred, when that will occur.

Mr. Maxwell stated well I mean once, I know once I get approval to go do it all, I mean I am doing it, I have been taking more stuff out of there, I keep doing it.

Rich Williams stated I can attest to that, I was pleasantly surprised when I went out there the other day that it was much cleaner, there was less equipment out there.

Mr. Maxwell stated yeah.

Chairman Rogan stated okay.

Rich Williams stated so activity is going on.

Board Member McNulty stated the engineer, the Town Engineer noted in item three on his that maybe there should be a note applied that these areas will be cleaned up, I don't know if you have Ron's...

Chairman Rogan stated I do, yeah.

Board Member McNulty stated yeah, I'm talking to Harry.

Chairman Rogan stated oh I'm sorry.

Mr. Nichols stated yes, I haven't had a chance to read it though.

Board Member McNulty stated oh but his item three and he asked to have some kind of note to say the areas where there's collection of debris or equipment noted that it will be cleaned up as part of the plan.

Mr. Maxwell stated oh yeah, I mean we'd have to.

Mr. Nichols stated and I think Jay is on record stating that too.

Chairman Rogan stated yeah.

Board Member McNulty stated yeah but we're looking to get it on the plan.

Mr. Gainer stated you just have to show it on the plan.

Mr. Nichols stated sure, belt and suspenders.

Chairman Rogan stated Ron, engineer Ron, not Planning Board Member Ron, do you have anything that you'd like to mention at this time.

Mr. Gainer stated I had concerns about accidental spills with the vehicle repair area but if that's no longer being considered then that comes off the table. One issue that the Board's raised in the past that we've

continued to seek information on is the adequacy of the on-site well with the sharing of all the uses out at the site, just evaluate that capacity and there is still a need to provide additional construction details for all the improvements planned. And lastly, I just wanted the Board to weigh in one more time on the issue of the boulders could be used for the demarcation of the no disturbance areas, that's acceptable to the Board.

Chairman Rogan stated Jay, the boulders that are proposed to delineate these areas, size and spacing, what are you thinking.

Mr. Maxwell stated well originally, I mean I would assume they're going to be like 25' apart and size would be like average anywhere 2-3'.

Chairman Rogan stated okay, so like this...

Mr. Maxwell stated yeah.

Mr. Gainer stated 25' spacing would be fine, that doesn't fill it.

Mr. Nichols stated that's 50', that's shown at 50'.

Chairman Rogan stated okay.

Mr. Gainer stated you tighten that up, that would be much better.

Chairman Rogan stated 25' is what you were saying Jay.

Mr. Maxwell stated yeah.

Chairman Rogan stated that sounds reasonable.

Mr. Maxwell stated and then I also, I know I discussed it with Harry and I don't know why it's on there but we discussed putting like a berm of soil in between with some shrubs.

Board Member McNulty stated between the boulders.

Mr. Maxwell stated between the boulders, yeah.

Board Member McNulty stated sure.

Mr. Maxwell stated just something to make it, that it would be like with chips and some shrubs, like a holly, something growing all year long.

Chairman Rogan stated any ideas.

Ted Kozlowski stated drought tolerant, you're on a berm...

Chairman Rogan stated drought tolerant.

Ted Kozlowski stated something that's not deer food.

Mr. Maxwell stated yeah, exactly.

Chairman Rogan stated right.

Ted Kozlowski stated I'll get you something or Rich, one of us will get you something.

Mr. Maxwell stated or plastic ones or something, they won't fall down...

Mr. Gainer stated they'll get killed on the stands.

Ted Kozlowski stated Jay, you were on a roll.

Board Member McNulty stated what'd he say.

Mr. Maxwell stated they stay green, I don't know.

Chairman Rogan stated Rich, anything else that you think the Board should be acting on or discussing tonight on this.

Rich Williams stated no, sir.

Chairman Rogan stated seems pretty straight forward.

Board Member McNulty stated okay, I think the big thing is we'll be looking for, you're coming together with a good plan but we will be looking at you know the cleanup projects for the site.

Mr. Maxwell stated no, I understand, no, I'm well aware of that, there's no question about that.

Board Member McNulty stated okay.

Chairman Rogan stated okay, so now that we're getting.

Mr. Maxwell stated I mean, am I supposed to be going in there full-fledged cleaning without a site plan approval.

Chairman Rogan stated well if it's not shown on your plan here or if you don't intend it to be shown...

Mr. Maxwell stated right, then it shouldn't be there.

Chairman Rogan stated then...

Mr. Maxwell stated then it should be gone.

Chairman Rogan stated unless you, if you have to keep an area then you should probably propose it as such.

Mr. Maxwell stated alright, there's no reason to keep it there.

Chairman Rogan stated alright, okay and I appreciate what Rich said, you're making good progress, that's, thank you for that. So we're doing lead agency notification, we'll get some, you're going to start working with the other agencies on this right...

Mr. Nichols stated yes.

Chairman Rogan stated developing the stormwater plan as Ron mentioned.

Mr. Nichols stated yes, well in order to...

Chairman Rogan stated so next time you come in, we'll have an approval or what.

Mr. Nichols stated next time, we have two agencies to go through but when you thought, there seems to be, we seem to have I think a difference of opinion on the amount of area being disturbed.

Chairman Rogan stated okay.

Mr. Nichols stated typically in working with the State on their requirements, something that was previously disturbed and you're going to go in there and just resurrect it a little bit, you're not really getting, you shouldn't get penalized for a new area of disturbance and I believe we're well under an acre.

Rich Williams stated nobody is disputing that.

Mr. Nichols stated who is.

Rich Williams stated nobody is disputing...

Mr. Nichols stated nobody is, I mean well if you read the memos.

Rich Williams stated nobody's disputing you're under an acre.

Mr. Nichols stated yeah but if you take the overall which appears to be maybe what the comment is about...

Rich Williams stated if you take the overall with the building and everything then you're well over an acre, there's no getting around that but new disturbance on the site, I don't think anybody's disputing that you're under an acre.

Mr. Nichols stated okay.

Rich Williams stated are you, Ron.

Mr. Gainer stated no, nope.

Mr. Nichols stated alright then what would trigger the requirement that we do a full blown SWPPP on it.

Rich Williams stated no, not a full blown SWPPP, a SWPPP, you still have to do a SWPPP if you're disturbing more than 5,000 square feet of area.

Mr. Nichols stated yes, I know that.

Rich Williams stated but it's a basic SWPPP.

Mr. Nichols stated okay, okay.

Mr. Maxwell stated you have write in big letters. So other than that, we're good.

Board Member McNulty stated okay, you're going to make some changes we recommended and you take the garage out.

Mr. Maxwell stated I gotta go look at this plan more.

Board Member McNulty stated okay.

Mr. Maxwell stated and measure it out.

Rich Williams stated give me a call if you want to take a look at it.

Mr. Maxwell stated yeah, alright, I will.

Chairman Rogan stated that's a great idea, yeah.

Board Member McNulty stated get it tuned up.

Mr. Maxwell stated thank you.

Chairman Rogan stated thank you gentlemen.

Mr. Maxwell stated alright, thank you very much.

Chairman Rogan stated Harry, it's always a pleasure to see you.

Mr. Nichols stated likewise.

Chairman Rogan stated thank you.

Mr. Nichols stated and this guy here, how many years have you been on.

Board Member Montesano stated shh, it's a secret.

1) DINO RENTOULIS – Parking Area Site Plan

Mr. Dino Rentoulis was present.

Chairman Rogan stated okay, Dino Rentoulis.

Mr. Rentoulis stated yes. Gentlemen, how are you.

Chairman Rogan stated how are you, doing well.

Mr. Rentoulis stated sorry for the delay.

Chairman Rogan stated it's not a problem.

Mr. Rentoulis stated besides the rain, I saved a turtle that was crossing Route 22, about 2' in diameter, it was a big guy..

Chairman Rogan stated wow.

Board Member McNulty stated is he soup now.

Mr. Rentoulis stated sorry.

Chairman Rogan stated no, he saved him.

Mr. Rentoulis stated I save his life, just now.

Board Member McNulty stated I thought you saved him, what he meant.

Board Member Montesano stated count your fingers.

Mr. Rentoulis stated huh.

Board Member Montesano stated count your fingers.

Chairman Rogan stated okay, so good evening.

Mr. Rentoulis stated good evening, gentlemen the last plan or survey that I showed you I made some alterations, I spoke with Rich, we had a meeting and he gave me some suggestions and I pretty much followed them, I don't know, I kind of color coded it, I know it looks a little childish but...

Chairman Rogan stated no, it's good.

Board Member McNulty stated it's good, no.

Mr. Rentoulis stated it offers a good visual aid. Originally there was a 25 parking space in this area, when you first enter, this is [Route] 22 and this is Old [Route] 22, so Rich suggested I eliminate one parking space for better traffic, better flow of traffic, less congestion, easier to get in and out from Old 22 onto the parking lot, okay. Increase the 24, the center lanes to make backing up easier okay, lighting was an issue, I went to an electrical supply house and obviously I can't cross the strip, the right of way over there but I can, they have some very good solar LED's or even regular standard LED's that you can hardwire either to a pole of there's trees in this parking lot that we have and depending on the size of it, depending on the height, it can give you range of anywhere from 100 to 150 illuminating area. So I think that's more than enough plus the solar ones they have the dusk to dawn sensor, during the day the solar battery stores the energy and then when the sun comes down it kicks on and gets activated.

Ted Kozlowski stated I'd like to add to that on the solar lights at my facility Lasdon Park Arboretium Veterans Memorial, we took out all the electric and all the American Flags that are in the trail of honor are now under these solar LED's, they're on all night, as long as they're getting that sunlight, there really is no problem.

Chairman Rogan stated that's a great, might be a great option for us.

Mr. Rentoulis stated they said if you get a good one, not a lemon or whatever you can have over 50,000 hours of work...

Chairman Rogan stated Dino, let me ask you this...

Mr. Rentoulis stated yes sir.

Chairman Rogan stated since that sounds like a potential option because at the work session we had discussed, obviously we would prefer the light to be where you're proposing the entrance off Old Route 22 to this new parking area and Rich had said that while you're not able legally to cross the right of way, you are able to run utilities within the road right of way, not that right of way that runs between your proposed parking and the restaurant but the right of way that is existing on Old 22.

Mr. Rentoulis stated so on the east side up here.

Chairman Rogan stated correct, correct.

Mr. Rentoulis stated okay.

Chairman Rogan stated so that is an option, what if we proposed or you found out a little more maybe even talking to Ted about some of these solar, what if we proposed a solar light, if you proposed a solar light at the entrance to the, the new parking area but we put a note on the plan stating that in the future if that light was found to be deficient that we show it being swapped out with an appropriate electric light with the power run under that right of way, something to that effect...

Mr. Rentoulis stated right.

Chairman Rogan stated that just like a phasing plan that there might be a trigger that says something here didn't work the way we had hoped, we feel that there is more lighting needed and you know with correspondence with you, it triggers the build out of that portion of the plan.

Mr. Rentoulis stated again that's very good planning, but if I do decide to get an electrical permit and hardwire it...

Chairman Rogan stated yeah.

Mr. Rentoulis stated and I can just trench out to run the wires under the pipe...

Chairman Rogan stated even better.

Mr. Rentoulis stated onto my property.

Chairman Rogan stated right.

Mr. Rentoulis stated just so I don't have to go through the hassle of NYSEG and getting a meter...

Chairman Rogan stated right.

Mr. Rentoulis stated for the vacant lot on the south side...

Board Member Brady stated yeah, a lot easier.

Mr. Rentoulis stated yeah, it's a lot easier and like I said these things the ranges are, their incredible now.

Board Member McNulty stated I think our goal is to get the intersection of your driveway lit, I know in the wintertime with the ski open it's lit, it's bright but in the summertime it's going to be dark.

Mr. Rentoulis stated I actually drove on Route 22 and I think there's one light that belongs to the Town on the road, on the Thunder Ridge Road on this street but it's never on, I don't think it works really.

Chairman Rogan stated and having said that because I know you had said at one time this, the proposal for this parking for some formal events that might happen at the facility in the future, weddings whatever, valet parking, if you run the electric under the Old Route 22 right of way in accessing your property, you may be able to expand on decorative lighting...

Mr. Rentoulis stated right.

Chairman Rogan stated or something that would enhance that.

Mr. Rentoulis stated what you gentlemen have in front of you, that's pretty much just phase one.

Chairman Rogan stated sure.

Mr. Rentoulis stated it's just enough parking spaces to get the restaurant to the increased capacity, okay.

Chairman Rogan stated sure.

Mr. Rentoulis stated I think we needed Rich, what an extra 45 on the plan I have 48 or 49 [parking spaces] and again I included those, maybe I can take another parking space off this area to increase the flow of traffic better. There's a lot of possibilities, obviously just to make it safe and that's pretty, in terms of the material I know that was an issue last time as well. I went to a construction supply warehouse and they said you can use any kind of RAP, the recycled asphalt product, it's a lot more cost effective, it's not item four so it's not going to get messy over time, it goes on just like regular blacktop, regular pavement...

Board Member McNulty stated it gets compacted.

Mr. Rentoulis stated and it gets compacted and it's going to protect the soil and the ground underneath.

Chairman Rogan stated two points to and Rich I'm directing this towards you, the proposed parking spaces closest to the Old Route 22 intersection, do we have, do you have concern with the cars that would be backing out of those first spots closest to the intersection being a safety concern.

Rich Williams stated no, I had addressed that in the last memo and Dino had addressed it on the plan about leaving a, enough of an area for one or two cars to stack up...

Chairman Rogan stated okay, that's what that, so that's where the spaces were removed.

Mr. Rentoulis stated and again Mr. Rogan, I could even eliminate if I feel that it's going to, I could just eliminate another and make it from 24 down to 23.

Chairman Rogan stated understood and do you have any concerns with like a ground asphalt surface because I thought at the last meeting we had talked about paving because we said we're not doing, you're not doing the whole area, doing just a smaller section, phase one...

Mr. Rentoulis stated correct.

Chairman Rogan stated I thought that was the conversation that we had.

Board Member Brady stated we talked about blacktop.

Chairman Rogan stated yeah, that was what I had recalled, that you had committed to blacktopping the smaller area and doing this in phasing.

Mr. Rentoulis stated okay.

Chairman Rogan stated well no, when, you know, I want to certainly discuss it with you.

Mr. Rentoulis stated I mean I'll go to, I have one contractor in mind, I'll got to maybe another one...

Chairman Rogan stated okay.

Mr. Rentoulis stated and see, pick his brain a little bit, see what he feels is the best and most durable, obviously environmental safe, safe so it doesn't damage the ground underneath.

Board Member McNulty stated has anybody in Town used the recycle asphalt and compacted, the loose.

Rich Williams stated yes...

Chairman Rogan stated yeah, Jay.

Rich Williams stated Frog Hill.

Chairman Rogan stated remember we commented how nice it was when we were out there.

Board Member McNulty stated yeah.

Chairman Rogan stated the entry road, yeah.

Board Member McNulty stated I know a lot of people use it.

Rich Williams stated certainly...

Mr. Pierro stated Peckham's grinding it every day.

Chairman Rogan stated oh really.

Rich Williams stated yeah and I've used it at my place, it was great, the road is still there.

Board Member Brady stated good for walking on with high heels and stuff.

Rich Williams stated yeah, it's not bad because it packs in really, really dense, almost so it looks like an asphalt surface, it certainly doesn't have the wear surface that you're going to get out of an asphalt surface...

Board Member McNulty stated so there's a maintenance aspect to it.

Rich Williams stated so there's a little bit of a maintenance aspect and you know certainly plowing, you're going to take it up a little bit, you're going to have to do some repairs in the spring but this is a relatively level site...

Chairman Rogan stated sure.

Rich Williams stated so I have less of a concern with using this material than where you've got a sloping situation where you're going to get more wear on it.

Board Member McNulty stated I know it's being used more and more, I haven't had a firsthand experience, I don't have a problem with it because I know it's being used a lot.

Chairman Rogan stated yeah but we commented when we were site walking Frog Hill, how nice their driveway was holding up...

Rich Williams stated right.

Chairman Rogan stated and that was in the bad part of the year, it packed down beautifully. No, as long as we're all communicating...

Mr. Rentoulis stated I guess, depending on the thickness, he said that he's used it and it's great.

Chairman Rogan stated okay.

Mr. Rentoulis stated and it's cheaper.

Chairman Rogan stated yeah.

Mr. Rentoulis stated so that's a big plus.

Chairman Rogan stated well we are not here to try to cost you money, so...

Mr. Rentoulis stated right.

Chairman Rogan stated you know...

Mr. Rentoulis stated and the areas that aren't level that they do have I guess a little elevation, one concern was what we were going to do with that, that's just going to be dispersed to the remainder of the field, wherever is.

Chairman Rogan stated okay. Anything from you gentlemen. I think the next step we had spoken at the work session about getting new plans now to a level of construction detail, there is a lot more information

that would be required and Rich can certainly guide you through that but as a concept plan I think we're all agreement.

Board Member McNulty stated what's the process that would have to take place to get that right of way for the electric crossing, is that a Town request.

Rich Williams stated well he's going to have to pull electrical permits and he's going to have to pull a street opening permit with the Highway Department.

Board Member McNulty stated okay.

Chairman Rogan stated because it's Old 22, it's not a DOT issue, it's a Town Highway...

Rich Williams stated it's a Town, correct.

Mr. Rentoulis stated right.

Board Member McNulty stated just so you know what has to be done.

Mr. Rentoulis stated alright.

Board Member Brady stated if you go that route, I would throw extra conduits in there...

Chairman Rogan stated yeah.

Board Member Brady stated so that you have, you can expand it later, if you put a 2" conduit in there it may not be big enough to pull another set of wires so you might be better off, even if it's just that driveway area where you're going through...

Chairman Rogan stated sure.

Board Member Brady stated putting a couple pull boxes and having something setup for later on...

Mr. Rentoulis stated correct.

Board Member Brady stated you know, it's cheap to put it in the first time, it's expensive to put it in the second time.

Mr. Rentoulis stated absolutely.

Chairman Rogan stated that's a good point.

Mr. Rentoulis stated in terms of the minor details, what I wanted to ask you gentlemen, the flow of traffic, would it be better for you to have one way to circle all around or would you still is it suitable to have both in and out through the same center crossing space.

Board Member McNulty stated 24' wide, that's suitable for two way traffic.

Rich Williams stated yeah.

Mr. Rentoulis stated it's big enough, yeah.

Board Member Montesano stated nobody's going to pay attention to it normally anyway.

Chairman Rogan stated what, oh you mean if you made it one way.

Board Member Montesano stated unfortunately, if you make it one way, they're just going to go back here that way anyway.

Board Member McNulty stated you're going to want to have the signs placed on the plan, what kind of signs you're going to have, how you're going to mark out the spaces, that kind of thing.

Chairman Rogan stated did you Dino, did you have an idea of what you wanted out there or were you just asking to make sure what you were presenting was safe.

Mr. Rentoulis stated whatever was safe.

Chairman Rogan stated okay.

Mr. Rentoulis stated I mean all that it really is, is just how the arrows are painted on the ground and one way signs.

Rich Williams stated well that's the thing, you know if you've got two way traffic, there's no arrows, you don't have to worry about painting and you're not going to have things painted on the ground if it's a recycled asphalt, it's granulated material, you're not going to paint on.

Chairman Rogan stated right.

Board Member Brady stated now does he have to come 10' from the road with blacktop, I know driveways have to be...

Board Member McNulty stated the apron.

Board Member Brady stated the apron.

Rich Williams stated yeah, there's generally a requirement that there's going to be an asphalt apron coming in, you're coming off the Town road, so they always want, actually, it's usually about 25' paved in.

Mr. Rentoulis stated and the spots that are actually on the field, I don't know if you require the cement wheel stops, it's not really leading into anywhere else but over here I can either dress it up with the curb stop, the cement wheel stops or a fence of some sort like you had suggested.

Rich Williams stated you want some sort of barrier to somewhat delineate the parking spaces and some means to delineate the parking stalls, whether you put some sort of you know, wood barrier between the banks of parking and then on the wood rail kind of mark out that parking spaces...

Chairman Rogan stated sure.

Rich Williams stated you know, we're going to have to talk about that, you're going to have to think about what is best for you.

Chairman Rogan stated sure.

Rich Williams stated but there's a number of different ways to delineate the parking stalls from marking off the guardrail to the concrete wheel stops or railroad ties something.

Board Member McNulty stated you can take a look at the Rec Center, the rail they have there, down the street here on Front Street, it goes all around the parking lot.

Mr. Rentoulis stated right, okay.

Chairman Rogan stated and that, is that in lieu of concrete wheel stops.

Board Member McNulty stated they don't have concrete wheel stops, do they, in the parking lot.

Rich Williams stated yeah, they has asphalt curbing.

Mr. Gainer stated they've got curbs yeah.

Board Member McNulty stated plus the rail.

Rich Williams stated mmhmm.

Chairman Rogan stated you had mentioned the use of valet parking for special events, one way to delineate those spots might be numbering them and then that will tie into your, it's going to help you with your valet parking if that ever comes to fruition.

Mr. Rentoulis stated let's hope the tenant that rents it out does that business and I guess they can worry about it at some point.

Chairman Rogan stated sure. You're not going to be running the cars back and forth, a little moonlighting.

Mr. Rentoulis stated no, I will not.

Chairman Rogan stated no. Well it was interesting, I was at an event in Southeast a year or two ago at a restaurant and they had valet parking, this was a very big event, a Cinco de Mayo type event so and when they decided to do valet parking, they took people's keys and they just set them on the wheel of the vehicle and did not record which vehicle was yours and where it went so you went and you asked them and you said, they said well what kind of car do you have and then they went around with a spotlight and a four-wheeler...

Mr. Rentoulis stated oh my god.

Chairman Rogan stated and we actually, once we saw what was going we said well we know where, we know what our vehicle and we found it much quicker, they were like 20 minutes, you know retrieving a vehicle, obviously they hadn't forethought how they were really going to do it.

Mr. Rentoulis stated we got the system over there.

Chairman Rogan stated yeah, it probably made sense at the time but obviously didn't work but okay, so Rich the construction details necessary to bring this plan to a something approvable, you want to touch on some of those types of things so that Dino has a good idea...

Rich Williams stated sure, lighting design, how you're going to delineate the parking stalls...

Mr. Rentoulis stated paint, regular just, marking paint.

Rich Williams stated you're not going to paint a granular surface like that, it's not going to hold up. You know again, we can talk about this, you know what surface is going to be out there, whether it's going to be the recycled or it's going to be asphalt or you know and the depths, how you're going to grade the site, you know you're going to strip off the top soil I'm sure, you've got some other grading out there that you need to do, so you need to show that, you know the trees that you're proposing, if you're proposing trees, variety, size of trees, you know, you got anything else Ron.

Mr. Gainer stated no, you touched on them all, I mean he has to get to a more formal grading plan that's going to identify those construction details for the parking and the fencing you're going to set along the right of way.

Rich Williams stated essentially you're going to go build something and we need to know what you're going to go build and then the last big thing is I haven't run the numbers on how disturbance you've got out there but we certainly need to look at erosion control and possibly stormwater runoff and how that's going to managed off the site.

Chairman Rogan stated I can't help but notice that the plan, the small plan that you've given us that a gentleman who is sitting in the room has his name on, Harry, will Harry be involved with...

Mr. Rentoulis stated yes.

Chairman Rogan stated okay, so it's great that he's hearing this, I assumed that's why you hung around Harry, I didn't think it was just because you liked listening to us but this seems...

Board Member McNulty stated a good start.

Chairman Rogan stated we feel really comfortable with where you're at, so that's good, there's no surprises in this, I don't think unless they come from you.

Mr. Rentoulis stated just straight forward, right.

Chairman Rogan stated yeah so just some details that show how you're going to build thing out in an appropriate manner so we can approve this.

Mr. Rentoulis stated right, so Rich how do they delineate the parking on the other one, the other site.

Rich Williams stated on the other, on the other half of your site.

Mr. Rentoulis stated how do they delineate parking spaces on the other sites.

Board Member McNulty stated the one we commented on.

Mr. Rentoulis stated yes.

Chairman Rogan stated they don't have any, it's just a driveway.

Board Member McNulty stated it's just a roadway.

Mr. Rentoulis stated that's it, just the entrance.

Chairman Rogan stated yeah, we're not that far, that was the gentleman that was in just before you but it's just the entrance roadway where he's using the material and it really seemed to hold up well.

Board Member Brady stated you might find out after you, by the time you're all through with this it might be easier to just blacktop and be done with it.

Mr. Rentoulis stated be done with it, right.

Board Member Brady stated mark the spots and...

Chairman Rogan stated oh yeah, you need to compare your costs.

Mr. Rentoulis stated paint it and then it just disappears, it all falls through the cracks.

Chairman Rogan stated well certainly compare your costs, you have long term maintenance, I'd hate to think that the end of a plowing season you have to go in now and have a contractor come in and reapply and roll, you know.

Board Member McNulty stated the animal hospital I think across from Page Lumber has this type of surface they put in, so you might want to take a look at it to see it installed.

Chairman Rogan stated right up on [Route] 22 here.

Board Member McNulty stated right on [Route] 22.

Mr. Rentoulis stated I definitely will go take a look at that, the hardware store...

Board Member McNulty stated yeah, Page Lumber right up, right across the street is an animal hospital, I'm pretty sure they put a recycled asphalt in around that building.

Chairman Rogan stated okay, alright, thank you.

Mr. Rentoulis stated that's it gentlemen.

Chairman Rogan stated appreciate your time.

Mr. Rentoulis stated see you next month, hopefully.

Board Member McNulty stated good.

Mr. Rentoulis stated to get it approved, alright guys thank you so much.

Board Member McNulty stated you're welcome, good luck.

Chairman Rogan stated Dino, how's your dad doing.

Mr. Rentoulis stated he's good, very well.

Chairman Rogan stated good, please send regards.

Mr. Rentoulis stated definitely will.

Chairman Rogan stated thank you.

Mr. Rentoulis stated thank you.

Chairman Rogan stated okay, we have Fox Run Phase II...

3) FOX RUN PHASE II – Amended Traffic Study

Mr. Joseph Zarecki of Zarecki Associates was present.

Chairman Rogan stated how are you sir.

Mr. Zarecki stated how are you doing. Mike Hartman wasn't able to come because he's coming down from Troy and he had some severe weather coming down here, so he apologizes.

Chairman Rogan stated quiet alright.

Mr. Zarecki stated they had a storm coming down there. Basically we made, he made the submittal...

Chairman Rogan stated can you come up this way a little bit into the microphone.

Mr. Zarecki stated oh okay, yeah.

Chairman Rogan stated you're soft spoken.

Mr. Zarecki stated yeah we made a submittal of the revisions that based on the comments that were made by the engineer and the Town Planner regarding that, got comments tonight and just briefly reviewing them, I don't see a problem with any of the comments there that we can't further address them, it was just, the only one was the more specific detail and we can hone that down a little bit about which intersections, which areas are marked, I guess you want them as identified which ones are they on a map, how many of them or that shouldn't be a problem to do that.

Chairman Rogan stated yeah because I think and Rich did you, we spoke last week about you gentlemen getting together and going out, has that occurred yet.

Rich Williams stated no.

Chairman Rogan stated you and Russ and Ron, okay, what because the initial conversation we had about

the intersection data, you know we discussed and the level of service that was provided et cetera but we were very concerned about some of the road geometry as it exists...

Mr. Zarecki stated right.

Chairman Rogan stated especially Tammany, Tammany Hall and Ice Pond and we were looking for a more detailed identification of the specific points where it mentions it briefly you know this roller coaster ride type effect that occurs on this road and if you travel the road you certainly observe and feel the problem spots and not that we were saying every problem on this on road is going fall back to an application like this but identifying it so that we can study what the impacts would be and see if there are improvements that would significantly increase the safety of that road.

Mr. Zarecki stated right.

Chairman Rogan stated and so Rich and Ron and our Highway Superintendent Russ Goff, were going to go out also and try to from the Town's standpoint, identify those areas and we're hoping that you gentlemen will communicate.

Mr. Zarecki stated if we can do that and we can all do it together and we all agree on it, maybe make because if we do it on our own, it may not be what the Town sees as the same issues out there. If we can do it all together and just, if you want, I mean we're willing to do that so, we do it in one shot, so I do it...

Chairman Rogan stated sure.

Mr. Zarecki stated add this one, we saw this one, you didn't see this one.

Mr. Gainer stated the end product has to be some, some area map of those roadways of concern with specific identification of areas that need upgrade, whatever that is, as well as understanding of what approved signage may be appropriate as well, so...

Mr. Zarecki stated right.

Mr. Gainer stated warn motorists of whatever deficiencies exist.

Mr. Zarecki stated looking forward ahead, how would that information affect the project in a roundabout way...

Chairman Rogan stated sure.

Mr. Zarecki stated I mean that's normally something the Town Highway Superintendent would do with the Town Engineer to find the areas and say these are planned or for future project 10 year plan of what improvements you need to a highway system but after we do that, how is that whole thing relate back to this project,

Chairman Rogan stated well that's the million dollar question isn't it and I don't know that I'm prepared to answer it in a way that will cover everyone's thoughts but as I see it when a project like this is proposed and we're going to increase impacts on a road that we already know we have some concerns with it seems that there may be shared responsibility for either making the road safer or saying that the, until the road improvements are made this is not an appropriate expansion or use on, you know in this area and in other

projects where specific areas have been identified there has been a sharing of thoughts and a sharing of ideas of how to solve and I'm thinking of Ice Pond Estates as one...

Rich Williams stated I know what you're thinking of.

Chairman Rogan stated where some very specific areas of improvement were identified and part of the burden was accepted by the applicant and part of it was accepted by the Town so that the improvements will occur in the most appropriate manner, you know so that it benefits not only you know, the new traffic but the existing traffic as well because on a, as I've said many times, on a daily basis the potential for traffic accidents on those roads is common because of lack of demarcation as the study implies, there's no demarcation, the roadway is very narrow and winding and something that was documented and we spoke about that I never really thought about, you know you drive a road and you know it doesn't feel right but when you think about steep inclines or declines that terminate at sharp curves, you end up with kind of a double whammy you know, you end up where you're, it's a very difficult situation...

Mr. Zarecki stated okay.

Chairman Rogan stated and I don't know if, I didn't probably answer your question very well but...

Mr. Zarecki stated well knowing, yeah, I understand where you're coming from with that...

Chairman Rogan stated okay.

Mr. Zarecki stated but I guess in order to get to the next step we need to identify those areas and if we can do it with the Town Engineer and the Planner and the Highway Super and either myself or somebody on the team, the project team could join you then we'd all be on the same page with what we should mark out and have identified...

Chairman Rogan stated sure.

Mr. Zarecki stated so we don't have to, when we did this, we did it to what we thought we were doing correctly and we did it to the best what we thought you were looking for and obvious it's not and we can curtail the back and forth until we get it right...

Chairman Rogan stated sure.

Mr. Zarecki stated I would appreciate that, if that's possible...

Chairman Rogan stated sure.

Mr. Zarecki stated I have no problem but I understand where you're coming from with this and the level of detail you're looking for.

Board Member McNulty stated another concern we had is we specifically asked as a Board to know what the impacts would be if it wasn't an age restricted community and you doubled the rating I think, of an age restricted community hoping to satisfy that, am I right.

Mr. Zarecki stated I, yeah, to be honest with you I'm not an expert on that and I apologize for that...

Chairman Rogan stated it's okay.

Mr. Zarecki stated but in discussing that with Mr. Hartman he was under the impression that at the last Board meeting when the gentleman that's absent from the meeting tonight, had raised that question, what he specifically asked for, I believe that Mr. Hartman felt that his answering it and doing it in this manner was acceptable to at least that Board Member but I'm not sure that it would...

Board Member McNulty stated yeah, I'm not sure we're comfortable with that after the work session, we were looking for a true comparison to a non-age restricted community.

Mr. Zarecki stated okay.

Board Member McNulty stated now you might find those numbers and they bear out to the doubling effect that you did but...

Mr. Zarecki stated right.

Board Member McNulty stated we still don't have, know because we didn't get it compared to that.

Mr. Zarecki stated okay, I'll bring that back to him and see how he takes care of that, that's not a problem.

Board Member McNulty stated okay.

Mr. Zarecki stated I thought we just addressed it at the last meeting, that's how we did it and he was comfortable with it, so I didn't, we should have polled the Board at the time.

Board Member McNulty stated no, I don't think he was comfortable with it but I'm not speaking for him, I'm speaking on my own benefit.

Mr. Zarecki stated okay, no I was just under the impression why he didn't go further to the next step, I apologize if he didn't address it properly.

Chairman Rogan stated Ron, Rich, anything relating to this traffic study that we have to discuss with this...

Mr. Gainer stated I think the prime issue remains to be this field evaluation and you summarized it, you characterized it accurately, there's going to be an impact from the project on those area roads and we are not assigning any responsibility but you at least want to understand given that potential impact, what areas of those roadways warrant upgrade and specifically what kinds of upgrades, that can be done reasonably inexpensively but you just want some overall list so you have a target and then you can determine the appropriateness of the, any sharing of improvement.

Rich Williams stated the only thing I want to add in is Joe we can go back and forth on this traffic study until the end of time if you want, for me we've got some very specific questions related to the original study, it's not adequate for your consultant to simply say we'll address them if we think it's appropriate, address them.

Mr. Zarecki stated okay, alright.

Chairman Rogan stated or comment noted.

Mr. Zarecki stated comment noted, right. And I guess he noted that he's trying to get the information from accident study was in there that he didn't get any response back yet, so we'll keep on that also.

Chairman Rogan stated yeah, okay.

Mr. Zarecki stated alright.

Chairman Rogan stated thank you sir.

Board Member Brady stated that will be very interesting to see.

Board Member McNulty stated as far as the project goes too, we in the original plans that were put forward, there were issues of view shed, density and other things, has there been any more items addressed on that, are we ready to move toward an EAF...

Rich Williams stated I actually got an e-mail, I believe the next day from Kurt out of Mr. Zarecki's office saying they are working hard on getting us the EAF, so...

Board Member McNulty stated okay.

Mr. Zarecki stated well that's what we would like to...

Rich Williams stated at the work session at the last Town Board, Planning Board meeting and at the work session again, I think it was the direction of the Planning Board that they really wanted to see that EAF soon...

Mr. Zarecki stated revised.

Rich Williams stated and that if you weren't going to find the time to do it, they were going to ask others to.

Mr. Zarecki stated okay.

Chairman Rogan stated right, that was Ron's specific comment.

Board Member McNulty stated okay.

Mr. Corbyons stated excuse me, I'm very sorry...

Rich Williams stated Shawn Rogan.

Chairman Rogan stated yes sir.

Mr. Corbyons stated I live in Fox Run, my name is Al Corbyons...

Chairman Rogan stated yes sir.

Board Member McNulty stated please come up sir, to the microphone.

Chairman Rogan stated come on up so we can get you on the record.

Mr. Corbyons stated this is my first board meeting and I don't know the protocols.

Chairman Rogan stated what are your questions sir.

Mr. Corbyons stated will I affect the meeting if I do that, is this on.

Chairman Rogan stated yes, there you go.

Mr. Corbyons stated I just need for my own education...

Chairman Rogan stated sure.

Mr. Corbyons stated how many units are in that new...

Chairman Rogan stated the proposal that is contemplated right now is, I believe right now 80 units.

Mr. Corbyons stated 80 units.

Chairman Rogan stated and that would be, they were roughly 2 to 3 bedroom units if I remember correctly but that's, that's the number that the applicant is proposing, we are really trying to assess the impacts to area and there's been a lot of back and forth on this going back years ago to when the zoning change was recommended to the Town Board.

Mr. Corbyons stated would it be safe to say there would be two cars per unit or it could be more.

Chairman Rogan stated I think that would be safe, yeah.

Board Member McNulty stated it is an age restricted proposal for these units, so.

Mr. Corbyons stated 55 or something or older.

Chairman Rogan stated yeah.

Board Member McNulty stated that's what's proposed.

Chairman Rogan stated and sir you should know that the Board, this Planning Board has been very concerned that the reality of keeping it at 55 and over type of rental is in question that certainly one person might own the unit but they might have their children move in with them, their grandchildren move in with them and so when you heard Board Member McNulty ask about a doubling effect or effect of traffic, the intent all along has been to approve this, or to, or to review this as some of the worst case scenarios with traffic because we see the traffic coming and going out of Fox Run every day and the concerns that are out there and we've been on site several times and we've been talking about issues over the years that go the whole gamut from how are the, how is the facility going to be set up for a sharing of the existing services such as the pool and the sewage system which we know has recently been upgraded.

Mr. Corbyons stated well I do have a main concern personally about the sewage problem.

Chairman Rogan stated sure.

Mr. Corbyons stated what are the, are you going, how are you going to tie in the sewer pipes to the, you know the...

Board Member McNulty stated we're not there yet.

Chairman Rogan stated we're not at that point yet.

Mr. Corbyons stated you're not at that point.

Chairman Rogan stated no, no sir that would be premature.

Mr. Corbyons stated okay, I have a major concern because I think Joe, you're Joe right...

Mr. Zarecki stated yes.

Mr. Corbyons stated I think the first time we met, I had asked the question, you know you're going to be up on the hill pretty high and you're going to have new sewer pipes and are they going to be attached to the old sewer pipes to go to the plant and to me that seems crazy. We have a 42 year old infrastructure and this is a main concern as far the sewer pipes and the water pipe, so I don't know, I don't know how you...

Mr. Zarecki stated I believe what we would do when the time comes to do that to determine whether the existing pipes are adequate for tying into and the condition of them would be to take a video camera and do video inspections of the sewer lines to determine if there's any damage or breakage and just before we tie in, that would be something we would undertake when, at the time. We send a camera through the sewer pipe to locate any damages that may occur or have, or are there of if they can what the condition of the pipe whether it's suitable, if there's sections of the pipe that need to be repaired then it would be included in the design drawings.

Mr. Corbyons stated I am just concerned and it's just out of my ignorance, who takes care of Fox Run I, in other words, who's looking out that it's not going to be a negative effect on us...

Chairman Rogan stated sure, sure.

Mr. Corbyons stated alright, in other words the sewer pipes are 42 years old...

Chairman Rogan stated sure.

Mr. Corbyons stated if any pipe is going to rupture, which one is going to rupture, you're coming down the hill at god knows what force and like I say, I'm not an engineer but these concern me.

Chairman Rogan stated sure.

Mr. Corbyons stated and I'm just wondering who takes care of Fox Run, in other words, who protects us.

Chairman Rogan stated understood.

Mr. Corbyons stated everybody seems to be doing what Fox Run II wants to do and how to get this going and maybe I don't know, maybe someone is looking out for us but is there someone that says well this is not going to work for Fox Run I.

Chairman Rogan stated well I think that and that's the whole point of this process and that's part of the process that was done several years ago when we, when this was initiated, was to start to look at those sorts of things and we had a gentleman in here from the Homeowner's Association I remember from the public hearing, they were talking about some of the issues and the concerns out there because when we've been out to Fox Run some of our observations are that the facility needs a lot of work, that the existing conditions of the Fox Run community when they were talking about building upgrades and problems with the...

Rich Williams stated a lot of that's been done and it looks much nicer out there but you know certainly the road surface that needs work...

Chairman Rogan stated needs more, yeah...

Rich Williams stated and yeah you know, you know I take care of the water system so I am well aware of the condition of the pipes out there...

Mr. Corbyons stated yeah that's another point.

Rich Williams stated you know they're definitely a concern.

Mr. Corbyons stated we're on a well system Rich and...

Rich Williams stated they're not going to touch your system, they're going to do an independent water system.

Mr. Corbyons stated I just need a warm feeling personally...

Chairman Rogan stated sure.

Mr. Corbyons stated that someone is take care of Fox Run.

Chairman Rogan stated sure, well all I can assure you at this point is that we thank you for bringing up the concerns because just by you stating them they'll be on our brains and they'll be on Rich's brain as we progress with this and what I would also encourage you to do even though you voiced them very eloquently tonight, is I would encourage you to put something in writing, this way it's for the file, we'll have the minutes but if you think of something that you didn't express tonight, please put that in writing so we can put that, it will be part of the record and encourage you to keep tabs on the meetings and when this is on the agenda.

Mr. Corbyons stated thank you very much.

Chairman Rogan stated I appreciate it, thank you, okay, alright, thank you Joe.

Mr. Zarecki stated okay, thank you.

Ted Kozlowski stated Rich, shut it off.

Chairman Rogan stated okay, sir are you here for the Herbert...

4) OTHER BUSINESS

a. S.A. Hebert Properties – Site Walk Comments

Mr. Joseph Zarecki was present.

The Secretary stated Hebert.

Chairman Rogan stated I always mispronounce that, the Hebert property, no.

Board Member McNulty stated Hebert.

Chairman Rogan stated okay, we have site walk comments on item 4a on the Hebert property, we were expecting, are you, you're here for that.

Mr. Zarecki stated I've been working with Mr. Hebert on that plan.

Chairman Rogan stated okay.

Mr. Zarecki stated I had originally, I'm sorry...

Chairman Rogan stated no, that's okay.

Mr. Zarecki stated I originally had submitted a site plan which we had engineer comments on and other planning issue comments on that we're working on, we haven't, I didn't think I'd have it in for this submittal anyway...

Chairman Rogan stated okay.

Mr. Zarecki stated but I just knew from the last meeting what we had to do and since there's time I believe you had a site walk and with talking with Rich about the erosion control issues we have there and I think there's a meeting scheduled this week. Anyway, Mr. Shilling has been retained by Mr. Hebert to deal with the...

Chairman Rogan stated the violations.

Mr. Zarecki stated the violations that are on that thing...

Chairman Rogan stated okay.

Mr. Zarecki stated so hopefully we can get those resolved and move on and continue with the site plan approval process.

Chairman Rogan stated great, yeah the items outlined in the site walk comments should be referred to.

Mr. Zarecki stated right, yup, we'll also add these to, some of these are what we also had...

Chairman Rogan stated sure.

Mr. Zarecki stated the septic system and things like that. We did a FOIL search but I haven't gotten together with the Health Department yet to discuss how we're going to change that septic tank that's very, very, very deep and but we'll take, we'll make sure we take care of them all.

Rich Williams stated so do we have an idea of when you're going to get an answer from the Health Department and do we have an idea when you're going to be moving on this because I've got a disturbed site out there...

Mr. Zarecki stated right.

Rich Williams stated and you know I'm not happy about that and I'm certainly not happy that he's continued to work on the site and I've concerned about the status of the progress out there and I'm fully prepared to give your client proper incentive to move faster.

Mr. Zarecki stated right, okay, like I said Mr. Shilling's on there, so I would rather him address it at a meeting he has, in regard of the violation, I don't, I can't speak for what Mr. Hebert's going to do...

Chairman Rogan stated sure.

Mr. Zarecki stated but I still am working towards getting site plan and I'm hoping to get another site plan in for the next meeting.

Chairman Rogan stated and those types of conversations don't have to wait for a Planning Board meeting, if Mr. Shilling wants to clarify you know something with Mr. Williams, then have him call him, you know not wait until we have another meeting.

Mr. Zarecki stated I think this is just reason, it was my understanding talking to Mr. Hebert tonight that there was going to be a meeting setup with Mr. Williams.

Chairman Rogan stated okay.

Mr. Zarecki stated and I don't know if that had happened or not, I'm just stating when I talk to him.

Rich Williams stated the meeting doesn't need to be between and the attorneys because the attorneys are not going to fix the site.

Mr. Zarecki stated right.

Rich Williams stated the meeting needs to be between me and you and you know your progress on getting this all resolved and if they're holding you up, based on any legal proceeding then I would encourage you to go back and let them know to call me and I'll be happy to explain to them that that's not best tact to take.

Mr. Zarecki stated okay, I will certainly do that Rich, I'm between a rock and a hard place here...

Chairman Rogan stated understood.

Board Member McNulty stated yeah, well...

Mr. Zarecki stated we're, he understands all the comments I did sit down with him with all the comments and figured out what we need to do and he is fully prepared to do a site plan that will meet the requirements of the Planning Board.

Chairman Rogan stated great.

Mr. Zarecki stated the issues with the grading and whatnot, that's, I didn't run the machines.

Chairman Rogan stated understood.

Mr. Zarecki stated and we're trying, he's going to try to get them cleaned up.

Chairman Rogan stated nobody is certainly blaming you for site conditions...

Board Member McNulty stated but the plan...

Mr. Zarecki stated still, I'd like to see it cleaned, I'd like to see it graded and grass seed on it also.

Board Member McNulty stated but your plan will correct all these issues.

Mr. Zarecki stated correct.

Board Member McNulty stated so it sounds like he's eager to have you do that, so hopefully next month we can see that plan.

Mr. Zarecki stated we'll try to get a revised plan with all the comments addressed.

Rich Williams stated but even before that, he's got a lot of bare soil out there right now that is not being stabilized, I don't see any grass coming up on it.

Mr. Zarecki stated right, so but well I don't want to go into the erosion, the permit violation part of...

Board Member McNulty stated yeah.

Mr. Zarecki stated but he's not, anyway I just leave that to Mr. Shilling to talk with us about and see what, let it go that way.

Board Member Brady stated Rich isn't, is each day a separate violation if you wanted to go that route.

Rich Williams stated I think it's each week.

Board Member Brady stated each week.

Rich Williams stated and right now they're running the risk of whether they can get addressed or I issue a second violation and as soon as I find the time I'm issuing a second violation.

Chairman Rogan stated alright.

Mr. Zarecki stated alright.

Chairman Rogan stated thank you sir.

Mr. Zarecki stated thank you.

Board Member McNulty stated good luck.

Mr. Zarecki stated thanks.

5) MINUTES

Chairman Rogan stated we have quite a pile of minutes that Michelle was gracious enough to provide us.

Board Member McNulty stated they work well to...

Chairman Rogan stated worked her fingers to the bone.

Board Member McNulty stated put me to sleep, it's our comments she has to type.

Board Member Montesano stated we have to get some pictures on there, you know.

Mr. Gainer stated nice touch, nice.

Chairman Rogan stated anyone have any comments on the minutes.

Board Member McNulty stated I haven't reviewed them yet.

Chairman Rogan stated you haven't reviewed them yet.

Board Member Montesano stated no.

Chairman Rogan stated okay.

Board Member Brady stated I've only read through one.

Board Member McNulty stated I tried.

Chairman Rogan stated I was going to approve them, I thought they were a work of art.

Board Member Brady stated I did, you know the one I completed was the revised, was it April 9th...

The Secretary stated 3rd.

Board Member Brady stated 3rd.

Board Member Montesano stated will we approve April 3rd.

Board Member Brady stated that was the revised one she sent out, finished that one.

Chairman Rogan stated Tommy, you haven't...

Board Member McNulty stated I haven't even...

Board Member Brady stated she's got to make them shorter so I can read them during lunch.

The Secretary stated well that's up to you guys.

Board Member McNulty stated no, we have to stop talking, it's not Michelle.

Chairman Rogan stated well given that, let's either approve them or make a motion to adjourn, unless there's other topics.

Board Member McNulty stated we have to talk about the letter from the barbecue

The Secretary stated no.

Chairman Rogan stated well we discussed that at the work session, we had a, and Rich had drafted a letter to the Building Department, we have a copy of it and in short we're just asking for some...

Rich Williams stated *inaudible*.

Board Member McNulty stated the Building Department to address it.

Chairman Rogan stated some investigation in what might be able to happen on this.

Board Member McNulty stated okay.

The Secretary stated can you punch him on his way out.

Mr. Gainer laughs.

Board Member McNulty stated make a motion to adjourn.

Board Member Brady seconded the motion.

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