

TOWN OF PATTERSON
PLANNING BOARD MEETING
June 26, 2014
Work Session

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PLANNING BOARD

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Michael Montesano
Ron Taylor
Edward J. Brady Jr.

**Planning Board
June 26, 2014 Work Session Meeting Minutes**

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

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

The meeting began at 7:01 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Chairman Rogan called the meeting to order.

1) DOUGLAS & KATHLEEN MUNRO – Lot Line Adjustment

Chairman Rogan stated okay, so the first item, good evening everyone...

Board Member McNulty stated good evening.

Board Member Brady stated good evening.

Chairman Rogan stated first item on our agenda is a lot line adjustment for Doug and Kathleen Munro, it's over in Putnam Lake, why don't we open a plan on this one since this is our first time looking at this. In essence what it looks like they're trying to do is swap some property to allow for the replacement of an existing home which is on lot two...

Board Member McNulty stated where are we right now in...

Chairman Rogan stated Put Lake.

Board Member McNulty stated Put Lake, reference to...

Chairman Rogan stated Lake Shore Drive.

Rich Williams stated east side of Putnam Lake...

Board Member McNulty stated the east side, okay.

Chairman Rogan stated okay.

Rich Williams stated southern middle section.

Chairman Rogan stated very close to the Connecticut border.

Board Member McNulty stated yup, are any of these lots in question straddle the border.

Rich Williams stated no.

Chairman Rogan stated so they, it looks like they're taking some property, you see the old line is this, I believe, we believe is this red line right here, right Rich, that goes almost right to the corner of, this line right here.

Rich Williams stated yup.

Chairman Rogan stated yup.

Rich Williams stated the old line...

Chairman Rogan stated right through here.

Rich Williams stated right through.

Chairman Rogan stated because that would have been these lots 2185...

Rich Williams stated and then comes right out to here, I'm sorry, comes right out to here and then right out to here.

Chairman Rogan stated right.

Board Member McNulty stated this looks like it goes back this way.

Rich Williams stated so this lot went from Lake Shore all the way over to Auburn and this is owned by Mrs. Munro and these two are owned by Mr. & Mrs. Munro.

Chairman Rogan stated oh okay. So, Rich say again, you said that this lot used to go all the way over to Auburn...

Rich Williams stated yes, the property lines come right down here and right down here.

Chairman Rogan stated so this, you sure that's not...

Board Member McNulty stated so it had access on two road frontages.

Rich Williams stated correct.

Chairman Rogan stated okay.

Board Member Montesano stated now they're cutting off...

Chairman Rogan stated so what you're saying then is they're removing property that they used to...

Rich Williams stated own and giving it to lot three...

Chairman Rogan stated to, oh, okay.

Rich Williams stated and then in exchange...

Chairman Rogan stated so they're reducing...

Rich Williams stated and in exchange but in exchange they're giving property from lot three, this area, this area...

Chairman Rogan stated right, got it.

Rich Williams stated back so that you know they're...

Chairman Rogan stated so the next swap is this section, I want to hash that...

Board Member McNulty stated you have a highlighter.

Chairman Rogan stated yeah.

The Secretary stated yeah.

Chairman Rogan stated that'd be great.

Board Member Montesano stated so this is not getting any smaller.

Board Member McNulty stated why don't you just toss it.

The Secretary stated yeah, right, my aim is awful.

Board Member McNulty stated thanks.

Rich Williams stated well according to the surveyor, the lot area is going down and it's got be along this property line which is somehow being adjusted but I couldn't tell how it's being adjusted.

Mr. Gainer stated you can't see it.

Rich Williams stated no, you can't.

Chairman Rogan stated so Rich is this what your understanding is that this is the essence of the swap.

Rich Williams stated yeah.

Chairman Rogan stated okay, so this used to be part of, that's, boy that was a weird line.

Ted Kozlowski stated how does that, how do they come up with those lines.

Board Member McNulty stated so they increase this road frontage and they take road frontage away from this lot.

Rich Williams stated not really.

Chairman Rogan stated yeah.

Board Member McNulty stated well they did because they took this away from here.

Rich Williams stated because all there, but the frontage is where, the frontage Tommy is defined as where you gain your access from, so even though they have property boundaries, bordering two roads, their frontage is really still Lake Shore Drive.

Board Member McNulty stated I gotcha.

Board Member Montesano stated so this has enough...

Board Member McNulty stated but they did increase this Lake, this road frontage.

Rich Williams stated absolutely.

Board Member Montesano stated this probably has enough footage for road frontage here, this lot apparently may not have had so they added this little chunk to give them...

Rich Williams stated that I don't believe is their intent what I've been told by the two people who have talked to them is that they plan on putting a garage over on the other property...

The Secretary stated oh, I don't know anything about that.

Rich Williams stated oh well this is what Cheryl said that they plan on putting a garage over on the other side and so, somehow they're going to link these two but you know they're not showing it on the plan.

Board Member Brady stated wow.

Chairman Rogan stated and do you suspect Rich that this triangular chunk property that they're gaining might be for septic system.

Rich Williams stated I don't know if it's for that or just a lot exchange because all the lots are substandard lots.

Chairman Rogan stated yeah.

Rich Williams stated so you can't really decrease the area of any lot.

Board Member McNulty stated would this be buildable under the code now.

Rich Williams stated well that's something that's a sixty-four dollar question here. Teddy, you've got to understand there's a stream on this site.

Board Member McNulty stated right through the middle of it.

Rich Williams stated well there's a stream shown on the plan, so...

Board Member McNulty stated what is this.

Rich Williams stated so what I would request is if you know between now and the next meeting...

Ted Kozlowski stated go out there.

Board Member McNulty stated without topo it's hard to tell.

Rich Williams stated you can go out, take a look and decide whether it's actually a stream or just a drainage channel.

Ted Kozlowski stated can I get a, I didn't get this in my package can I get a copy.

The Secretary stated I don't have another copy, so...

Ted Kozlowski stated oh you don't...

The Secretary stated I can make you one.

Ted Kozlowski stated would you, when you get a chance. Thanks Ron.

Chairman Rogan stated we'll share.

Ted Kozlowski stated got it.

Board Member Taylor stated I guess we'll change it, we'll get more copies. So they want to put a garage here for this house.

Rich Williams stated that's what I've been told, yes.

Board Member Taylor stated so why don't they merge the two lots.

Rich Williams stated I don't know that for certain.

Chairman Rogan stated that's what you were saying.

Rich Williams stated they wouldn't be able to do it on two lots.

Chairman Rogan stated that's what Ron's saying, so the intent is at some point to merge one and three.

Rich Williams stated I would think...

Board Member Taylor stated why don't they do it now.

Rich Williams stated but if that's the intent they're going to do it now.

Chairman Rogan stated yeah, right.

Board Member Taylor stated yeah, alright.

Rich Williams stated and there's too many other issues I think that this isn't approvable if they're trying to get three lots out there and by our Code by operation of law because they're all substandard lots you know two of the lots would be merged, the difficult question is which two.

Chairman Rogan stated so the only reason these two weren't merged previously is because they're technically under different names...

Rich Williams stated correct.

Chairman Rogan stated one is under Kathleen, this one is under Kathleen and Doug...

Rich Williams stated right.

Chairman Rogan stated whereas and it didn't connect over to one which would have also pushed the automatic merge.

Rich Williams stated right.

Chairman Rogan stated they're showing a well and a water tank that will be proposed, maybe inside the new structure because if you notice they're showing taking down the old structure, putting up a new one that's slightly larger which would encompass that area...

Board Member Taylor stated yeah.

Chairman Rogan stated so they either have to prove out what, how they're going to, I mean what happens if the well...

Rich Williams stated would the Health Department approve that.

Chairman Rogan stated I don't know.

Rich Williams stated I would think that the Health Department would require a new well to be drilled on the site.

Board Member Montesano stated good luck.

Chairman Rogan stated and then it's just saying septic tank per owner so you know the existing system possibly is right out somewhere in here but we don't know what the grade is but I'm assuming the grade runs towards the road.

Board Member McNulty stated like this, here's an elevation...

Board Member Taylor stated since they're building a new house...

Board Member McNulty stated here's the elevations.

Chairman Rogan stated oh yeah, wait, where.

Rich Williams stated they're tearing down the existing house, again this all hearsay on my part, they're tearing down the existing house...

Chairman Rogan stated no, no, no, that's lot numbers.

Rich Williams stated and building a new house...

Chairman Rogan stated Put Lake lot numbers.

Board Member McNulty stated oh is that what that is.

Chairman Rogan stated yeah, they're the 20' wide...

Rich Williams stated their mother.

Board Member Taylor stated okay.

Rich Williams stated I'm not sure which mother I think it's her mother.

Board Member Taylor stated but do they need a new septic if they're putting a new house in because they're not following the footprint anymore...

Board Member McNulty stated they may have to upgrade.

Rich Williams stated that's going to be up to the Health Department whether the existing septic system is adequate for the new house.

Board Member Taylor stated okay and lot line setbacks and all that stuff, has anybody evaluated that.

Rich Williams stated they got a variance previously and if they're not changing that property boundary then the variance would stand, they meet all other setbacks for what they're proposing to do.

Chairman Rogan stated it looks like they're not changing the, the setbacks where they probably are insufficient, front and side, the back they may be going, they're obviously going a little bigger.

Board Member McNulty stated they're pulling this corner out.

Rich Williams stated but now you understand the really interesting part about their changing that common property boundary, I don't know which way they're shifting it, it's not clear on the plan.

Board Member Taylor stated yeah.

Rich Williams stated and whether the setback is increasing or decreasing because that would affect the variance.

Chairman Rogan stated what's interesting also Rich is that the two lots 2184 and 83 at one time based on what their showing went right to the corner of almost the back door of this house...

Rich Williams stated right.

Chairman Rogan stated so at some point that was changed, we don't have any idea how long ago that was changed.

Rich Williams stated well I don't know that it was changed so much as...

Board Member Taylor stated but that's, that's these original...

Rich Williams stated you know this was a lot, this was a lot, right.

Chairman Rogan stated correct, so at what point was this area...

Board Member Taylor stated well but they may have bought that.

Rich Williams stated no but I'm saying, no, it went all the way out.

Chairman Rogan stated yeah because it's, oh, oh, oh, so they bought those two lots.

Rich Williams stated so this was a lot, this was a lot, so they bought these two lots and these lots.

Chairman Rogan stated I see, I see, okay and they meet funny just because of the road geometry and, okay.

Rich Williams stated right.

Board Member Taylor stated yeah.

Chairman Rogan stated okay.

Board Member Brady stated sure looks like the intent is to build, be able to build another house here, you know it looks like they're trying to subdivide it to build another house.

Chairman Rogan stated yeah because they could, as Mike said, if they cut this off at some point and leave it with lot three...

Board Member Brady stated right and that might give them the road frontage to...

Chairman Rogan stated you've got 2, 4, 6, 8 lot road frontage.

Board Member McNulty stated our Code doesn't allow to build on a single lot anymore though does it.

Chairman Rogan stated oh this is only 20' wide, the fact is...

Rich Williams stated we don't, those were the original subdivision lots...

Board Member McNulty stated original lots.

Rich Williams stated what happened was over the years they kept showing those lots and people thought that they were individual lots and could sell them off, the reality is, the way the code was structured, the

way everything worked, when they grouped a bunch of lots together and sold them as a lot, that was the lot, it wasn't that you bought five individual lots...

Board Member McNulty stated individually...

Rich Williams stated you bought a lot that was...

Board Member McNulty stated comprised of several.

Rich Williams stated exactly...

Chairman Rogan stated yeah.

Board Member Montesano stated it used to be...

Rich Williams stated and those lot lines should have gone away...

Board Member Montesano stated it was a minimum of five lots that you had to buy when you bought these originally and that goes back to when the Daily Mirror was selling them, the problem was people came up as families and they divided the lots...

Chairman Rogan stated oh.

Board Member Montesano stated so let's say you got five brothers or sisters whatever, they came up here and they bought five lots and then they would put something on.

Board Member McNulty stated that's how it was marketed back then, so.

Rich Williams stated there is one more troublesome issue about this whole application and that's the house on lot one which doesn't currently and never did going all the way back to prior to the house being built, met our zoning requirements.

Board Member McNulty stated as far as setbacks.

Rich Williams stated as far as, yeah, side yard, front yard setbacks, made more complicated by the fact that the Building Department allowed them to put a solar room...

The Secretary stated sunroom.

Board Member McNulty stated sunroom.

Rich Williams stated sunroom, onto the house.

Board Member Montesano stated a lanai, we call it the Florida special.

Board Member McNulty stated so I guess we would need to hear from these people and find out their true intent or what they want to tell us their intent is.

Rich Williams stated yeah, there's a lot of complicated issues here and again I don't know if the Board wants me to reach out to these people, try to get them in before the meeting because you know...

Chairman Rogan stated well I think to clarify the issues and...

Rich Williams stated I would recommend, I would recommend that they kind of take a step back at this point, they've got to show the septic systems on the plan...

Chairman Rogan stated yeah.

Rich Williams stated win, lose, or draw they've got to do that but also based on their obvious intent that they want to you know, tear the house down and put up a new house...

Chairman Rogan stated yeah.

Rich Williams stated that it would be in their advantage to go to the Health Department now and make sure that they can what they want to do.

Chairman Rogan stated so why don't we...

Board Member McNulty stated it almost looks like to, to recommend just to turn it into two lots rather than have three separate lots.

Rich Williams stated yeah, I think that's going to happen one way or the other, there's no choice here.

Board Member McNulty stated yeah.

Chairman Rogan stated so why don't, that sounds like a really good idea.

Ted Kozlowski stated if that's a viable stream that goes into Putnam Lake...

Rich Williams stated or you can wait until next Thursday.

Board Member Montesano stated can you build a house...

Ted Kozlowski stated where are you going to put a septic and a well and all that.

The Secretary stated Tuesday, no, you're meeting is Tuesday the first.

Rich Williams stated Tuesday, oh crap, I'm not going to have time.

Board Member Montesano stated can you build the house over the stream.

Chairman Rogan stated the meeting is Tuesday.

Rich Williams stated they're coming in to you anyway.

Chairman Rogan stated our meeting is Tuesday.

The Secretary stated yes.

Chairman Rogan stated not the 3rd.

Board Member Taylor stated yeah.

The Secretary stated nope, the 1st.

Board Member Taylor stated no, it's the 1st.

Chairman Rogan stated I'm glad you said that, I wouldn't have been here, Tuesday.

Rich Williams stated so they're going to be coming, I'm not going to have time to reach out to them anyway.

Chairman Rogan stated oh no, I didn't mean that I just mean I would have...

Board Member Taylor stated alright, so we'll talk to them at the meeting.

Ted Kozlowski stated wouldn't you guys want to see this, this, don't you want to see this place.

Rich Williams stated we're here Monday, right, well I could call them Monday.

The Secretary stated you could call them tomorrow.

Chairman Rogan stated see what happens, yeah.

Ted Kozlowski stated you know this looks a lot bigger on paper, it's probably going to be...

Chairman Rogan stated it doesn't look that big on paper...

Ted Kozlowski stated no but I'm saying, it's going to be a lot...

Chairman Rogan stated yeah, look at this house it's a, well granted you know, remember what's shown on the plan here as opposed to what it feels like out in the field, the difference between the edge of the road and really what their property is, you notice they have an extra say 15 to 20' to the roadway out front, compared to what's...

Rich Williams stated with a fence, with a fence in the road right-of-way.

Chairman Rogan stated with the right-of-way, yeah...

Board Member McNulty stated I would almost like to see this come across here.

Ted Kozlowski stated that triangular piece you were looking at Shawn.

Chairman Rogan stated no, no, the entire road frontage of Lake Shore...

Ted Kozlowski stated yeah.

Chairman Rogan stated it makes that, this entire swath, right here is the edge of roadway, so they, I mean if they're showing 11' 6" from the property line to the house but when you go out there, it's going to feel more like about 30'.

Board Member Brady stated it's going to be 30'.

Chairman Rogan stated yeah because you're talking about this extra area, I mean look at the stonewall even...

Board Member McNulty stated the buffer.

Board Member Taylor stated yeah.

Chairman Rogan stated you know I'm sure they use, maintain and feel like they own...

Board Member Taylor stated sure.

Chairman Rogan stated rightfully so, all the way out, so.

Board Member Taylor stated now Rich you're saying that they're proposing reducing the area of this lot which is not allowed.

Rich Williams stated right.

Board Member Taylor stated so they can't do this adjustment, no matter, anyway, this line can't change then.

Rich Williams stated unless they combine the lots.

Board Member McNulty stated which lots.

Rich Williams stated one and three.

Board Member Taylor stated this one and that one.

Chairman Rogan stated no, he said one and three.

Board Member Taylor stated one and three, or any of them, unless they combine any of them.

Chairman Rogan stated but combining one and three doesn't improve their deficiencies with the setbacks, in any place.

Board Member Taylor stated no.

Chairman Rogan stated so, interesting.

Board Member McNulty stated just thought if you gave this lot some more room and the septic fail, it would give him some area here, to, if it was suitable.

Board Member Taylor stated yeah, depending on what that stream is...

Board Member McNulty stated well you'd stay below the stream, I mean it's hard to tell from how big it is, this is 20' each.

Chairman Rogan stated yeah, usually it's 20'.

Board Member McNulty stated it's like Rockaway Beach.

Chairman Rogan stated yeah because, it was done by 5 lots would equal a quarter acre with 100' by 100', that's the way that was done, Lake Carmel is the same way right.

Rich Williams stated yeah, same company did it.

Chairman Rogan stated okay. So at least, it sounds like Rich is going to still try to reach out to them tomorrow, today is Thursday and either tomorrow or Monday or even Tuesday some time during the day.

Rich Williams stated yeah, I'll try.

Chairman Rogan stated see what we can clarify on this because if there's no reason for them to come in just to spin their wheels.

Board Member McNulty stated is Tuesday the 1st or the 2nd.

The Secretary stated 1st.

Chairman Rogan stated 1st...

2) FROG HILL LLC – Site Plan Application

Chairman Rogan stated okay, so Frog Hill LLC, we have some amended plans and one of the things, Rich I'm not sure, you and I spoke last night but when you were talking about connecting that, this is a great night for...

Rich Williams stated yeah here's the crazy thing he did, where the heck are we, if I could see, he brought the rocks over...

Chairman Rogan stated oh these rocks here.

Board Member Taylor stated onto the gravel.

Rich Williams stated and brought them in really close to the building, so its tough to get through there.

Chairman Rogan stated oh is that what this, no, no, that's showing gravel surface, this, these are the...

Board Member Taylor stated those are the boulders.

Chairman Rogan stated boulders, right...

Board Member Taylor stated yeah, but he's filled them in.

Rich Williams stated and that and that and that...

Chairman Rogan stated oh these are...

Board Member Taylor stated yeah, yeah.

Rich Williams stated yeah.

Chairman Rogan stated why would he do that.

Board Member McNulty stated what are these, what are these plantings.

Rich Williams stated that's what I'm saying, he brought them in awful close.

Chairman Rogan stated yeah, must be.

Board Member McNulty stated does he have a legend.

Chairman Rogan stated yeah, you know what and maybe, hold on a second, before I speak, before I speak up...

Board Member Taylor stated no.

Chairman Rogan stated why aren't we looking at this.

Board Member Taylor stated the whole page for...

Chairman Rogan stated on a whole page and you know, this page submitted, we understand the property lines and then take you know, it seems so silly not to take this section.

Rich Williams stated not a lot of detail to this and most of it's existing so...

Chairman Rogan stated yeah, I was just, I'm thinking more future, like on future submissions that we have this kind of a clutter.

Rich Williams stated well you know again, I go, it's mostly existing and there's not a lot of improvements so...

Chairman Rogan stated yeah.

Rich Williams stated in this case I don't think it's an issue, we always, you know, when we're looking at these please especially if there's something that's going to be built that significant, you know make sure that they're the appropriate scale so you can clearly understand what they're doing.

Chairman Rogan stated so we're at least looking at moving that boulder back to gain because the whole point was to have access to the back of the building.

Rich Williams stated right, I'd like to see him open the boulders up a little bit...

Chairman Rogan stated yeah.

Rich Williams stated he's showing lights on the outside of the building, he needs to give us details, he got rid of the parking over here for the vehicle storage...

Board Member Brady stated right.

Chairman Rogan stated yeah.

Board Member Brady stated he said it wasn't going to be a garage anymore.

Chairman Rogan stated right.

Rich Williams stated right, and that's...

Board Member McNulty stated what's he call it light manufacturing showroom.

Rich Williams stated yeah and that's about it.

Chairman Rogan stated so that's the, okay.

Rich Williams stated so not a lot of significant changes but you know I think there's still a little bit of clarity that needs to be added to the plan.

Board Member Taylor stated a question was brought up about restoring the disturbed area beyond the boulders, are we going to do anything, require anything there or let it go back by itself.

Ted Kozlowski stated you mean the wetland buffer.

Board Member Taylor stated yeah.

Chairman Rogan stated yeah, to the north.

Ted Kozlowski stated just let it go back naturally.

Board Member Taylor stated okay.

Rich Williams stated it's...

Board Member McNulty stated because it's already been trampled, right.

Ted Kozlowski stated it's open field now.

Rich Williams stated no, it's got two feet of stone on it.

Mr. Gainer stated yeah he's got spoils and stuff.

Ted Kozlowski stated you're talking, I'm looking, we're not looking at the berm.

Board Member Taylor stated behind the garage.

Ted Kozlowski stated with the boulders, isn't that the edge of the grass.

Board Member Taylor stated no, there's a whole...

Board Member McNulty stated these must be plantings he's got shown here, is the berm...

Board Member Taylor stated there's an area.

Board Member McNulty stated is that the berm he's talking about.

Rich Williams stated that's where he's talking about, that's going to be his limit where he's not going to pass, this line back here...

Board Member McNulty stated is that the original or a new plan.

Board Member Taylor stated no, this is the same as that.

Rich Williams stated (inaudible – papers shuffling).

Board Member Taylor stated it's all this stuff, the gravel here beyond the boulders, this stuff, all this stuff that's over here. There was a mention...

Board Member Montesano stated I've got to talk to you before we go home.

Chairman Rogan stated okay.

Board Member Taylor stated that he was going to restore this.

Board Member McNulty stated oh yeah, this is existing gravel.

Board Member Taylor stated yeah, it's existing gravel...

Chairman Rogan stated yeah.

Board Member Taylor stated that's the question but he's got a...

Board Member Brady stated I thought he was putting the boulders back there...

Board Member Taylor stated that's the way he started out.

Board Member Brady stated yeah, I thought he was putting the boulders back there, you and leaving the gravel.

Board Member Taylor stated but now he's talking about not doing that, so the question is should he then restore in behind the boulders.

Board Member McNulty stated or just the move the boulders back.

Board Member Brady stated right.

Board Member Taylor stated or move the boulders back, I mean they keep making these changes that really don't make much sense.

Rich Williams stated I don't want them to move the boulders too far back because we're in the DEC buffer at this point...

Board Member McNulty stated this is a...

Rich Williams stated but I would like to see him move them back a little bit so that you've got better access around the building especially you know for emergency services, god forbid anything happens out there.

Board Member McNulty stated what he's done is he's cut off part of that lot back there.

Chairman Rogan stated yeah, it used to run across here.

Ted Kozlowski stated well he has existing gravel to be removed but he doesn't have, does he have a plan to restore, what is he going to put there instead.

Board Member Taylor stated no.

Rich Williams stated I don't know.

Ted Kozlowski stated I mean I would just remove the gravel, expose the natural soil and seed it and call it a day...

Chairman Rogan stated right.

Ted Kozlowski stated I'm not looking for plantings and stuff.

Board Member McNulty stated you don't want him grading it or tearing it up, do you.

Ted Kozlowski stated I mean, he would just rip up the gravel and expose the native soil, it will be all roughed up and then put ERNST conservation seed on it, it will be meadow.

Chairman Rogan stated it's amazing how stuff grows in the worst of areas...

Board Member Taylor stated yeah.

Board Member McNulty stated give it a little sun and water.

Chairman Rogan stated as long as you don't maintain it at...

Board Member Brady stated I can't get grass to grow in my yard but I can get weeds to grow.

Chairman Rogan stated I'm the same way, they grow in the walkway.

Board Member Brady stated buy a bag of grass seed, I swear it's just weeds in it.

Board Member McNulty stated Rich you still have to do, you still doing a review on this new plan.

Rich Williams stated I'm not going to do anything written because the changes on it are so minor and pulled Ron up...

Chairman Rogan stated so what needs, other than the discussion of this minor issues, what else needs to occur before we can do a...

Rich Williams stated I don't think there's a lot that needs to occur with this, I mean we're down to process...

Chairman Rogan stated want to do a resolution on it.

Rich Williams stated well we have to have a public hearing.

Chairman Rogan stated let's set a public hearing then.

Rich Williams stated we have to get through the lead agency...

Chairman Rogan stated okay.

Rich Williams stated that's out, everybody's sending it back in so we should be in good shape, not this meeting but next meeting to do SEQR and do a resolution if you can get the final issues cleaned up.

Chairman Rogan stated okay.

Board Member Taylor stated I've got a question on the sign, it says the sign design will maintain the approved area, I thought I exceeded the approved area at this point.

Rich Williams stated it does.

Board Member Taylor stated alright, so it should be restore the approved area not maintain.

Rich Williams stated well you know I keep pressing to show us what he's going to do and he keeps saying it's going to be a separate application, you know and I don't see how it can be a separate application at this point because it's up, it doesn't meet our requirements and they're not proposing to change it. It's just, I think their way of kicking the can down the road.

Board Member Taylor stated okay, so we should require that it be addressed before we address this...

Board Member Montesano stated vote.

Board Member Taylor stated does that make sense, it's part of the application, it should be part of the application.

Chairman Rogan stated yeah, give us a sign, a sign application.

Board Member Taylor stated and there was discussion about the fact that he is starting to clean the place up...

Rich Williams stated yes.

Chairman Rogan stated yeah.

Board Member Taylor stated are we going to not then require a timeline or do we still want to require a timeline.

Board Member McNulty stated or do we make it part of the resolution.

Board Member Taylor stated yeah, within three months or with...

Rich Williams stated yeah what I was going to do was build it into the resolution as a condition...

Board Member Taylor stated okay.

Board Member McNulty stated of final.

Rich Williams stated alright then he's, that resolution will establish a timeline, you something different, you want specifics about getting it cleaned up, I know you want those details out.

Ted Kozlowski stated just so you guys know, I stuck my head in there Tuesday, Tuesday evening I went in there, he's cleaned up a lot.

Chairman Rogan stated we told him at the last meeting and Jay was there that that was a big concern that...

Board Member Taylor stated right, I read the minutes.

Chairman Rogan stated for the Board.

Board Member Taylor stated but also he was going to label everything that needed to be cleaned up and put it on the plat, so...

Board Member Montesano stated there's not room for the plants.

Board Member Taylor stated well that's what he said, therefore I will clean it up, if I have to do that, I will clean it up instead.

Chairman Rogan stated I was surprised he took the public garage off the application, I guess he didn't have, probably at some point you throw your hands up and say I just want to get through the process, you know because we didn't throw up that many stumbling blocks about that.

Board Member McNulty stated no.

Board Member Taylor stated something was about the fence, it seems like all of a sudden...

Chairman Rogan stated he just said I really don't need it.

Board Member McNulty stated there's still an issue with water to that building correct. And no drain, remember there's a well and we decided there was no...

Rich Williams stated well he's got water going there now with no septic system.

Chairman Rogan stated not under the plan though.

Board Member McNulty stated but he's got a septic system proposed.

Rich Williams stated proposed but he's got to work those details out with the Health Department and I did have a conversation with Mike Budzinski from the Putnam County Health Department, this week about the water supply system out there and the septic system.

Board Member McNulty stated any comment or...

Mr. Gainer stated did Mike have an application yet or...

Rich Williams stated no.

3) ICE POND ESTATES – Final Subdivision Plat

Chairman Rogan stated okay, Ice Pond Estates, it looks like we have a lot of changes and notes that were amended based on past comments from both Ron Gainer and Rich, so the, the bonds have been done on this...

Rich Williams stated the bond has been done on this, hopefully in getting through this, I've got to be here Saturday, so I'll go through it Saturday, you know they're just cleaning up every, all the last minute details.

Mr. Gainer stated right, this is all just cleaning up admin and technical details...

Chairman Rogan stated yeah.

Mr. Gainer stated for the most part it's just, I think for us we're just making sure the coordination because there's so many details that refer back and forth.

Chairman Rogan stated yeah.

Rich Williams stated they're provided us and you know, one of the many easement that they have that we've reviewed, we've got comments back to them on, they still owe us a number of additional easements for the additional lots,

Chairman Rogan stated I guess my question is what of the cleanup issues are discretionary or that would, the Board would need to be involved in them because I get confused sometimes when people are coming back in when it's this, just exactly what you're saying, it's cleanup issues that probably going to happen and don't need the Board's input.

Rich Williams stated I don't think there's anything at this point that would hold you up from doing a resolution but...

Mr. Gainer stated right.

Rich Williams stated I do need to get through this you know, in detail.

Chairman Rogan stated okay.

Rich Williams stated but standing here right now, I don't think there's anything left.

Board Member McNulty stated I just see the last item here the modifications to Tommy Thurber Lane, yeah, that would be something I think we should probably look at hard. They said that in their phase three...

Mr. Gainer stated yeah, they now defined it as phase three, right.

Board Member McNulty stated of construction modifications to Tommy Thurber Lane...

Rich Williams stated right.

Board Member McNulty stated I don't remember a lot of discussion about what they're doing to that to modify it. Refresh me, please.

Rich Williams stated we're on the record, I can't be smart here. This was worked out in detail between the acting Highway Superintendent and myself and the Planning Board about what the modifications were going to be out there.

Board Member McNulty stated okay.

Rich Williams stated so and they include...

Board Member McNulty stated so it's being handled.

Rich Williams stated yeah, there's a plan in here that shows you the modifications...

Board Member Montesano stated it's under advisement.

Rich Williams stated there's some minor grade changes on the road, some widening, drainage improvements and general cleanup, there's no pavement involved...

Board Member McNulty stated yeah because that's all dirt out there.

Rich Williams stated it's a dirt road right now, it's going to be dirt when it's finished but it's going to be in a condition suitable for paving, for the Highway Department to pave it.

Board Member McNulty stated okay, thanks.

Chairman Rogan stated so I guess to go back to my question or my point, if the issues that remain are just this technical cleanup and getting a few easements, is it necessary for them to come in or would it just make more sense to roll it to next, if you, when you do your review on Saturday and you find hey, there's still some issues, it's not ready for resolution, you know why are they coming in, just so you know it's...

Rich Williams stated there's no reason but I would anticipate we're going to have a resolution.

Chairman Rogan stated well that's my point, so if we aren't, if you find something that says hey there's no resolution, we could always table this and tell them don't come in, come in next month, we'll have the resolution ready upon cleaning up these issues.

Mr. Gainer stated right, you're just waiting...

Chairman Rogan stated it's really just not drawing people out to a meeting for no reason to say hey yes, we're going to do this we'll see you next month and it's all chargeable at, their sitting in the audience and you know, so that was all I was thinking was just minimizing unnecessary time and expense...

Board Member Montesano stated expenditures.

Chairman Rogan stated yeah. Okay, possible reso.

4) PLCT/MANCINI SUBDIVISION – Concept Plan

Chairman Rogan stated okay, we had some information for the Mancini subdivision on Bullet Hole Road, we've only looked at one concept plan so far on this, we haven't done a site walk...

Rich Williams stated it is now staked out and ready to be walked.

Chairman Rogan stated okay.

Board Member Taylor stated Saturday.

Rich Williams stated and they have submitted the EAF, I'm sorry.

Board Member Taylor stated I was saying what about Saturday.

Board Member McNulty stated I'm out for Saturday.

Board Member Montesano stated I'm out Saturday.

Rich Williams stated I'm out Saturday.

Board Member Taylor stated so a week from Saturday.

Board Member McNulty stated or an evening.

Chairman Rogan stated a week from Saturday is the weekend of July 4th.

Board Member Taylor stated oh, that's right.

Board Member Brady stated yeah, that's the day after the 4th.

Board Member Taylor stated alright, that wouldn't work.

Chairman Rogan stated so.

Board Member Montesano stated during the week.

Chairman Rogan stated it will have to be, yeah.

Board Member Taylor stated are they coming in, do you think.

Rich Williams stated I don't know if they're coming, I mean all they submitted was the EAF.

Chairman Rogan stated yeah, okay.

Rich Williams stated so now having said that, it's the same people as Ice Pond, so they will be here for Ice Pond...

Chairman Rogan stated right, or not.

Rich Williams stated unless we tell them to stay home for Ice Pond.

Chairman Rogan stated okay.

Mr. Gainer stated while we're on that subject, just a question because it impacts Fox Run, this is the intersection or one of the intersections of concern, is there any reason to try to visit that issue of a taking at the intersection to see if these guys would be interested in donating property for future realignment, right at the corner.

Board Member McNulty stated Ice Pond and Bullet Hole, right.

Rich Williams stated Ice Pond and Tommy Thurber.

Board Member McNulty stated Bullet Hole.

Chairman Rogan stated wrong, it's the wrong intersection though I think.

Mr. Gainer stated oh, I'm sorry.

Chairman Rogan stated we're on the Ice Pond side, that was the opposite side.

Rich Williams stated oh you're talking about PL...

Mr. Gainer stated I'm talking about.

Rich Williams stated we did that.

Mr. Gainer stated you took property, okay.

Rich Williams stated we took property.

Mr. Gainer stated I thought this was the one up at the other corner.

Rich Williams stated this, no, well PCLT/Mancini is the property right there at the intersection, it's the old...

Mr. Gainer stated Burdick, yeah I know which one it is.

Rich Williams stated I'm trying to think but it's right at the intersection of Ice Pond and Bullet Hole, you're right but we took an acre in that area to realign the road.

Chairman Rogan stated oh, yeah, different area, right.

Mr. Gainer stated okay.

Rich Williams stated we've been busy.

Board Member Taylor stated I have some comments on the EAF...

Mr. Gainer stated as long as it's in the right spot, that's fine and that must show on the plat that you got.

Rich Williams stated yes it does.

Mr. Gainer stated okay.

Rich Williams stated and I can show you the design for realigning the road if you'd like.

Mr. Gainer stated no, as long as you've got it covered.

Chairman Rogan stated you're talking about where the barn was, that whole chunk.

Rich Williams stated where the barn was.

Mr. Gainer stated yeah that whole area.

Chairman Rogan stated and that was all done through.

Rich Williams stated yeah we own the barn...

Mr. Gainer stated okay.

Board Member McNulty stated what was the barn.

Rich Williams stated what was the barn that I was told would never come down and then I was told we'd never get fill in there. It's half filled...

Board Member Montesano stated then the barn got sold.

Chairman Rogan stated yeah.

Board Member Montesano stated round and round we go, where we stop nobody knows.

Rich Williams stated yup and I've got a deal cooking to finish the fill.

Chairman Rogan stated you've got what.

Rich Williams stated finish the fill there.

Board Member Montesano stated to fill 'er up.

Chairman Rogan stated so Ron your...

Rich Williams stated so all we have to do is put the road in.

Board Member Taylor stated just, Rich gave them a list a things in the EAF that they had ignored or had overlooked and there are still a few other, v, i, roman numeral 3, they didn't check anything, that's on page two, page three D 1, A and D. It seems to me that even though technically it's a two lot residential subdivision, one of the lots is not going to be residential, it's going to be dedicated open space or whatever you call...

Chairman Rogan stated yeah, true.

Rich Williams stated right.

Board Member Taylor stated I think they should say that because otherwise it looks like it's, we're approving two lots for a residential development.

Chairman Rogan stated number of lots proposed, two, just a little comment.

Board Member Taylor stated that's the same with F then, D 1 F would cover the same thing, page 9, E 1, I think they should check rural, non-farm as one of the things and page 12 E 2 N, roman numeral 3, they didn't complete it, they're talking about the maple forest and it's part of an 18,000 acre community and they're supposed to put how much percent is this and how much percent is that, they just didn't finish filling it in...

Board Member McNulty stated which item was that.

Board Member Taylor stated page 12 E 2 N, roman numeral 3. I mean it looks a little absurd, it's, what is it 100 acres out of 1,800 acres or something but I mean if they're going to fix the form then they should finish the form, that's all, they just left it out, they didn't put a source in on number, roman numeral 2 there.

Rich Williams stated alright, I haven't looked at it all so.

Board Member Taylor stated yeah, so there's just, well you'd gone through it before and given them a whole list of things that they'd missed...

Rich Williams stated yes.

Board Member Taylor stated and these are things they still haven't, that wasn't on your list, that's it.

Board Member Montesano stated I think they have a problem with that, whenever they say yes, that's it, they answered yes, that's all.

Board Member Taylor stated do you want this Michelle, I can give you the notes with the numbers on them.

The Secretary stated it's within the minutes but I'll take it, sure.

Board Member Taylor stated okay, I don't need the cover page.

The Secretary stated thank you and Cheryl got your e-mail and said that's okay.

Chairman Rogan stated okay, so I guess the question is when can we all get together for a site walk on Mancini, you'll have to spray yourself for ticks.

Board Member Montesano stated well the meeting is Tuesday.

Board Member Taylor stated can we do it Monday.

Chairman Rogan stated we could, it's up to you guys.

Board Member Brady stated can we do like 6 o'clock, I know it's late but...

Board Member McNulty stated I can do Monday at 6.

Board Member Taylor stated okay.

Ted Kozlowski stated you want to go to that place in Putnam Lake too, that lot line adjustment.

Rich Williams stated do I want to see the Board go out there.

Ted Kozlowski stated no, did the Board want to see it if we're going to get together.

Rich Williams stated do they want to see it without getting paid.

Ted Kozlowski stated oh.

Rich Williams stated feel free but we can't, you know, on a \$100 application fee.

Board Member McNulty stated let's see what their intent in.

Board Member Taylor stated yeah.

Chairman Rogan stated okay.

Rich Williams stated what, you want to go to Putnam Lake.

Board Member Montesano stated where are we meeting.

Board Member McNulty stated I'll go anywhere you want to go, I'm easy.

Board Member Brady stated I'd rather go to Walsh's.

Board Member Montesano stated we can stagger, I mean we can get there after.

Chairman Rogan stated okay, so we're going to do Monday 6 p.m. at Bullet Hole, I think in this case it makes sense to park on Town property on the, where the barn was there and just walk down because it's only what, 150, 100 yards...

Rich Williams stated yeah, absolutely, yup.

Chairman Rogan stated because there's no parking at this currently, we'd be right on that sharp curve, right.

Rich Williams stated yup, well no, I mean there's no parking there, you're not going to get in.

Chairman Rogan stated no, that's a tough curve.

Rich Williams stated yeah but we'll park up at that property and walk down.

Chairman Rogan stated park up higher up the hill. Okay, under Other Business, just really because I wanted to get Ted's input...

5) OTHER BUSINESS

a) Metro North Cell Tower Discussion

Chairman Rogan stated oh let me first start with the Metro North communications tower that we have the memo on, the...

Rich Williams stated yes.

Chairman Rogan stated I missed when they were talking about it at the Town Board meeting last night, I was thinking about something and I didn't hear what they said but so there's no review by the Planning Board for siting it.

Rich Williams stated correct because their agency that's exempt from our review plus their combining their roll out of this with the State Troopers, another state agency which is absolutely immune to any local review.

Chairman Rogan stated so they notified us just to rub it in, we're putting 150' tower in your town and...

Rich Williams stated well, yeah, basically they're going to say here's what we're going to do, do you have any concerns, thank you very much, have a nice day.

Board Member McNulty stated does the access to the tower come under any review.

Rich Williams stated no, no, no.

Board Member McNulty stated where, where is this proposed.

Rich Williams stated that's the sixty-four dollar question, if you look at the plan, they're putting it on the, at the railroad crossing on [Route] 164, near Bullet Hole Road, they're putting it following the railroad tracks up, they're putting it on the east side north of [Route] 164...

Chairman Rogan stated or north, okay.

Rich Williams stated the east side north of 164 is as wet as you're going to get in the great swamp.

Chairman Rogan stated okay.

Board Member Brady stated yeah.

Rich Williams stated so that can't be where they're going to put it, my opinion, I think they're going to put it on the south side of 164 in the location of the former train station there, where it's high and dry...

Board Member Brady stated is that what the foundation that's there is.

Rich Williams stated it's actually more of a visual impact to everybody and if I remember, you've got the application right there...

Chairman Rogan stated yeah.

Rich Williams stated they have a design drawing on it.

Chairman Rogan stated yeah.

Rich Williams stated I thought the tower was 150'...

Chairman Rogan stated yeah, 150'.

Rich Williams stated yeah, Mike said 120' last night...

Chairman Rogan stated oh, it says 150'.

Rich Williams stated yeah, it's 150', it's one of the taller towers.

Board Member McNulty stated and is it for it common communications or just for Metro North.

Rich Williams stated it's for Metro North and the State Troopers.

Board Member Montesano stated State Troopers.

Chairman Rogan stated 150' tower and a lot of...

Board Member Taylor stated arrays.

Board Member McNulty stated electrical.

Chairman Rogan stated yeah, so they're showing it fenced in, yeah.

Board Member Montesano stated yeah they got...

Board Member Brady stated yeah, it's going to be a good size building.

Board Member Taylor stated nice eyesore, yup.

Rich Williams stated it's going to be a tall tower right there.

Board Member McNulty stated not much you can do.

Board Member Taylor stated no.

Board Member Brady stated yeah.

Board Member Taylor stated we can't do anything, we can't do anything.

Rich Williams stated a big visual impact.

Board Member Brady stated generators or anything...

Board Member McNulty stated it's right up against the hill though, I mean it's...

Chairman Rogan stated yeah.

Board Member McNulty stated that intersection with the railroad at 164 that Bullet Hole hill is, I don't know what that hill is called...

Board Member Brady stated yeah (inaudible – train going by).

Board Member Montesano stated if you argue with them enough, they may put it right here.

Board Member McNulty stated it just seems that it's going to be, not full directional.

Chairman Rogan stated he's talking about you know that steep hill which goes up into Mountain View...

Rich Williams stated yeah.

Chairman Rogan stated so it's blocked the communications obviously are projected out the opposite direction towards [Route] 22 because they're not going to cover anything up and over the other side.

Board Member McNulty stated it's just going to have a north, south, east...

Rich Williams stated it's 22 but it's primarily for the railroad tracks...

Board Member McNulty stated so you get it north south.

Rich Williams stated so you get the north south.

Chairman Rogan stated okay.

Board Member Montesano stated plus that 80...

Rich Williams stated and they want to have line of sight between the towers, so I anticipate there's going to be the next tower right up here someplace.

Board Member Montesano stated 84 is the thruway authority, that's the T-way boys and they don't communicate with the locals unless there's an emergency.

Chairman Rogan stated oh.

Board Member McNulty stated but you're saying the State Police are going on it too, it just seems like it's, they're going to have a limited view, limited coverage but hey they're the engineers.

Rich Williams stated you get enough of them so you can pass signals around, you know, sooner or later you're good.

Board Member Taylor stated yeah.

Board Member Montesano stated they send up rockets.

Chairman Rogan stated and the other...

Rich Williams stated I just think this is going to have a huge visual impact right here.

Chairman Rogan stated and we don't have anything we can do to review it.

Board Member Montesano stated nope.

Board Member McNulty stated I was just somewhere yesterday and I noticed a new tower popped up, I forget where it was, somewhere right around here, Kent, I think it was up in Kent.

b) Wetland Violations – Chory & Illescas

Chairman Rogan stated Teddy had a wetland violation for East Branch Road and there was a response and I thought, I just wondered what...

Ted Kozlowski stated that response has been amended since that letter...

Chairman Rogan stated okay.

Ted Kozlowski stated we have a second East Branch Road violation too.

Chairman Rogan stated different lot.

Ted Kozlowski stated yes.

Chairman Rogan stated oh.

Rich Williams stated different lot.

Ted Kozlowski stated the DEC, there was a lack of communication between the DEC and us on this one because it was joint violation.

Chairman Rogan stated okay.

Ted Kozlowski stated I was under the impression that their habitat assessment person, I can't remember his name right now Doug Gaugler...

Rich Williams stated Doug Gaugler.

Ted Kozlowski stated was to meet with me so we would come up with a uniform remediation plan, instead ENCONN officers went out there and gave them their interpretation of a remediation was, which was not on board with me and we had goings back and forth, back and forth and I met with the woman out there Mrs. Chory, she eliminated a bunch of maple trees and went into the wetland. Her contractor told me he was hired by her to put in a lawn, she told me that she was removing the trees because they were a hazard to her house, so I never saw the trees, they were all removed but they had machinery in the wetlands which is clear disturbance and to make a long story short I came to an agreement with DEC because I didn't want to go to court, here's my interpretation, here's DEC's and the judge is not going to know what to do and I'm afraid she's just going to walk away, so we came to a uniform agreement and with the provision that the DEC would call us in the future, I know Rich is laughing because it doesn't seem to work out with DEC, it really doesn't and I'll be on record for that because it's, we've had a number of cases where they just do whatever and not respect our jurisdiction, however I got a phone call yesterday from an ENCONN assessment person on a wetlands issue in Patterson, we missed each other, I still don't know what it is. Anyways, long story short, the ENCONN officer gave me the court date for Tuesday at 7 o'clock at Town Court, that didn't exist, I came here at 7 o'clock, 6:30, court wasn't in session, I spoke with Laura [Roberts], our attorney and she was shaking her head because court is always at 5 o'clock and this ENCONN officer, I wrote it down as I was talking to him and he hasn't returned any of my calls.

Chairman Rogan stated what's his name.

Ted Kozlowski stated Drake, Draker, Draco...

Chairman Rogan stated Drake.

Ted Kozlowski stated and he just came up from New York City, so this is the real hicks for him, so bottom line is Mrs. Chory's letter was written before we came to a mutual agreement, so this letter really is meaningless that you have. She is to give me another letter agreeing to the latest remedy that I recommended, Laura, our Town Attorney, has that letter and what I wanted to do is the ENCONN officer is taking her to court on a wetlands violation for DEC, we're not going to give her a wetlands violation in the Town of Patterson because it's like double jeopardy or something like that so I agreed to back off as long as we do the right remedy and DEC will get the violation which there's only going to \$250.

Rich Williams stated Laura told you it was double jeopardy.

Ted Kozlowski stated she said just go with this.

Board Member McNulty stated let the ENCONN take it to court.

Ted Kozlowski stated yeah.

Rich Williams stated so did you ever find out the court date.

Ted Kozlowski stated well the 24th was just her plea...

Rich Williams stated the arraignment.

Ted Kozlowski stated the arraignment...

Rich Williams stated right.

Ted Kozlowski stated so now the new court date is July 15th but I'm dealing with Laura, I'm not dealing with ENCONN anymore, I'm just going to work it with our own folks.

Board Member McNulty stated and how did ENCONN get involved.

Ted Kozlowski stated because it's a mutual, is the, it's the Great Swamp, so they have co-jurisdiction on this. What they're supposed to is ENCONN's supposed to give it to their wetland guy to come up with a remedy and he's supposed to call me and we're supposed to talk and be on the same team. ENCONN is just there to enforce the law and write tickets or fight forest fires, they're not supposed to be giving out remediation plans...

Board Member McNulty stated and that's what they've done.

Ted Kozlowski stated that's what they did and they gave, they told her to put rye grass down, you don't put rye grass in a wetland.

Rich Williams stated she cut everything down to build a lawn...

Mr. Gainer stated right.

Rich Williams stated they're remediation was build your lawn.

Mr. Gainer stated finish the lawn, right.

Ted Kozlowski stated yeah.

Rich Williams stated yeah.

Board Member McNulty stated so what's the problem.

Mr. Gainer stated right, none for her.

Ted Kozlowski stated so it's really...

Rich Williams stated I'm going to tell Edie on you.

Board Member McNulty stated I don't care who you tell.

Rich Williams stated you will.

Ted Kozlowski stated it's really kind of messy but we also have a second violation and this is, this is this guy's fourth violation and this is Luis Illescas.

The Secretary stated Illescas.

Ted Kozlowski stated Illescas. Who, I have been there four times now...

Chairman Rogan stated I recognize the name.

Ted Kozlowski stated and he just keeps doing stuff and the latest one is he put in a gravel parking lot in the buffer.

Board Member McNulty stated and where is this one.

Ted Kozlowski stated just down the road on East Branch Road. The neighbors must love him because he has everything imaginable out there and I've told Nick this and Rich knows about it too, he's got a new shed out there that I'm telling you, I think it's a, an apartment...

Board Member McNulty stated I thought he was going to say garage.

Rich Williams stated he's got a new shed with a storm door.

Ted Kozlowski stated yeah.

Board Member Montesano stated well that's to keep the mosquitos in.

Ted Kozlowski stated and he never got a building permit for that either but I'm pretty sure there's people living in there because he was caught putting a new addition onto his house by the Building Inspector, that's how this all started. There's stuff going on there...

Board Member McNulty stated this is all along the west edge of East Branch Road.

Ted Kozlowski stated if you go past Prospero Nursery...

Board Member McNulty stated yeah.

Ted Kozlowski stated and you keep going down and you're about halfway between Haviland Hollow and Putnam Lake, on the right hand side, he's got everything out there, it's like a carnival of stuff out there. It started out as this little shack and now it's expanded over the years, we've been, I've been to court with him. So, I'm demanding of him, I forget what the date I gave him but he is supposed to be in front of you guys with a wetlands permit for the gravel parking lot. I don't have an issue with the gravel parking lot because he didn't disturb wetland because it was already disturbed and he's got a gravel parking lot but this man needs to...

Board Member McNulty stated get reigned in.

Ted Kozlowski stated yeah and I really think he's got a, I'll be on record for this too, I think there's, this shed is the living quarters for some people.

Board Member Montesano stated the septic system doesn't count, does it.

Ted Kozlowski stated he's all, this whole property is all in the buffer of the Great Swamp and I'm sure when we have storm events, like Sandy, I'm sure his living room was flooded. So you'll be seeing him or his attorney, in the new future.

Board Member Montesano stated is his attorney living in the shed.

Ted Kozlowski stated he had legal help the last time.

Chairman Rogan stated anybody have anything else under Other Business.

Board Member Taylor stated I've got a couple of things.

Board Member McNulty stated go ahead.

c) Fox Run Discussion

Board Member Taylor stated just a few comments on Fox Run, they still didn't answer our question.

Rich Williams stated no, I've got a, I owe the traffic engineer a call back because their response to answering our questions was to send me a proposal for a whole new traffic study.

Board Member McNulty stated so it's not 9° when they do it.

Rich Williams stated so yeah it wasn't a question of you know we've got some cleanup on your report, please clean it up and oh by the way let's go out in the field, Ron, myself and drive around which Joe Zarecki said I understand exactly what you want, in the minutes. It's not a question of that, it's a question of let's do a whole new traffic study to see if we can get it right the second time, for whatever reason.

Board Member Taylor stated okay.

Rich Williams stated so I've got to call him back and I've got to say listen, stop, just stop.

Chairman Rogan stated yeah, that makes all of us a look bad.

Rich Williams stated yeah.

Board Member Taylor stated I went back to the minutes and I can't see how I could have made it any clearer that I wanted an answer to my, a simple answer to my question, what would be the impact of the full and it's still not in there and so it's, that was one thing but also reading the, I read the minutes backwards to see progress, what's going on, sometimes it's disturbing there's not much progress from month to month. What I'm trying to, the way I'm looking at Fox Run, I think is different than the way you two guys are looking at it, you're looking at the specifics of it and I'm trying to look at it globally, the context of Fox Run in the whole area, so one of the things we did with Ice Pond I think, is we kind of established what a decent developer is willing to give to the Town as a give back, \$25,000 for improving the road, another \$20,000 even though it was required, the historic study but they, in a sense they gave it to the Town, they didn't have to, I mean we didn't have to ask them for it but they were willing to, no objection, no question they just, so it's almost \$50,000 they laid out for the 20 whatever units is it, that's \$2,000 a unit, 80 units is \$160,000 we can at least expect out of the Fox Run people, do you see where I'm going with this, I'm trying to get a...

Board Member McNulty stated for road improvements and intersections.

Rich Williams stated I see where you're going with it and you're right we are looking at it different. I look at it in the context of good planning, good engineering and the legal context of mitigating impacts that are created and when you're asking for something, there has to be a reasonable nexus between the impacts that are being created...

Board Member Taylor stated yes, right.

Rich Williams stated and what you're asking them to do and so I don't go down the road of perhaps getting something other than you know...

Board Member Taylor stated I understand that but there are all kinds of impacts that we've talked about in terms of the impacts on the other community there, the impacts on the roads and so on, I just want to try to establish some benchmark that we can refer back to, that's what I'm trying to do with all these things, that I think maybe what we should do, in our own minds, if we conceptualize the process as reviewing residential development without any other, it's just residential development and then one of the mitigations for that impacts could be that it's going to adult, active living, do you see the way that...

Rich Williams stated correct.

Board Member McNulty stated no, say that again, you confused me on that one.

Board Member Taylor stated that we say to them look, give us total impacts for the 80 units, no matter who's living there...

Board Member McNulty stated as a residential unit.

Board Member Taylor stated just as residential units and then you can make your argument that because it's active adult you're going to mitigate some of these impacts but then they're got to kind of justify their mitigation that how being active adult makes a difference, how much mitigation does it make and that's kind of the way I've been thinking about this stuff, if you go other way around, then they're doing what they're doing, they're kind of nickel and diming us all the way along on this stuff. In the Putnam County Planning Study, did these people see that, there's an in Philipstown, there's an active adult community being built...

Rich Williams stated which Putnam County Planning Study are you talking about.

Board Member McNulty stated the one we just got.

Chairman Rogan stated the overview document we just got.

Board Member Taylor stated yeah for the whole county...

Chairman Rogan stated which was a list of all the projects going on, existing or pending.

Rich Williams stated okay.

Board Member Taylor stated I just, it caught my eye, they're building this 54 unit active adult community, if we could get ahold of what that comprises, it would give us something, these guys are essentially...

Rich Williams stated I'm sorry for interrupting...

Board Member Taylor stated yes.

Rich Williams stated Coasstagna's project right up the other side of the, right behind, M&T Bank, back up in there...

Board Member Taylor stated same thing.

Rich Williams stated that is a mixed use development comprised of 100 and some odd adult senior...

Board Member Taylor stated okay, so there's another one.

Rich Williams stated right up in Pawling.

Board Member Taylor stated what are they adding to this mix that would make it active adult, it answers Tom's question about what are you guys doing that somehow makes this different.

Board Member McNulty stated what are the amenities that make it different from a standard.

Board Member Taylor stated yeah.

Board Member Montesano stated right, in other words, is there going to be a gym for an active adult community, is there going to be a meeting hall where they can hold functions...

Board Member Taylor stated right.

Board Member Montesano stated so far their telling you they can use the pool.

Board Member Taylor stated right and are they going to heat the pool.

Board Member Montesano stated wow, it's already there.

Board Member Taylor stated are they going to heat the pool for the seniors in the wintertime, put a cover on it or, you know, just...

Board Member Montesano stated it was a lousy pool to begin with, if you go up there...

Board Member Taylor stated yes.

Board Member Montesano stated when we went up there you never have parking...

Board Member Taylor stated yes.

Chairman Rogan stated or as I think Ron, as you're suspecting, is it just an active adult community based solely on who can buy.

Board Member Taylor stated exactly.

Chairman Rogan stated which is kind of more of what we've been getting a sense.

Board Member Taylor stated yes.

Board Member Montesano stated in order to buy period.

Board Member McNulty stated which turns it into a residential unit.

Board Member Montesano stated that's all it is, it's a residential community.

Board Member Taylor stated and that's that argument, so then we could say well then how are you justifying mitigating these impacts then if that is in fact the case. I just, I want to build a case and I think we need some data to build a case with, so this is some way of doing it. I think it's time to have a public hearing on this, we had the one guy in at the last meeting asking question, they're, we're dealing with 80, we have a conceptual plan, a sketch which we have objections to, one of the big issues that we talked about years ago was the impact of this on the other development and I'd like to hear from the public on this, are they concerned about this.

Rich Williams stated well that may be but procedurally you're not at the point where you can have a public hearing and you don't even have really good design plans upon which to have a public hearing or assess the impacts.

Mr. Gainer stated you don't even have an EAF yet, right.

Rich Williams stated right.

Board Member Taylor stated well but it's supposed to be coming in or if it's not, I think we should fill it out. There are some things certainly, one of the things is are there going to be public oppositions to this.

Board Member Montesano stated yeah but if you jump the gun, we may get slapped in the face and then we double jeopardy.

Board Member Taylor stated well I don't want to jump the gun, I don't want to jump the gun...

Board Member Montesano stated I know.

Board Member Taylor stated I want to follow the regulations but one of the impacts, we talked about, I asked you this the last time, do they have to do a full blown plan in order for us to evaluate it and you said no, we could do some of the EAF in terms of a preliminary plan, they don't have to do all the engineering.

Rich Williams stated no, they don't have to do all the engineering I stand by that...

Board Member Taylor stated yeah.

Rich Williams stated but they've got to do something more than a crayon, a piece of paper, it's got to be somewhere between crayon, a piece of paper and a full blown engineered plan.

Board Member Taylor stated so how much, how much more do we need.

Rich Williams stated I would say they need to lock down their proposal as far as where they're going to have the units and what the impact, you know the driveways and everything else and give it to us on a reasonably sized plan that we can take a look at, so that we know general grades to roads, we, you know...

Board Member McNulty stated and an EAF.

Rich Williams stated and an EAF.

Mr. Gainer stated and you have to do some of that engineering just to get the EAF prepared...

Rich Williams stated yeah.

Mr. Gainer stated that's what Rich is talking about.

Rich Williams stated but not a lot.

Board Member Taylor stated yeah, no, yeah, okay, then so we're not ready for the public yet but I think we should bring the public in as early as we can on this.

Rich Williams stated well we sent them out from day one to go meet with the Board of Directors over there, so and Al Corbyons' on the Board of Directors, that's why he was in here.

Board Member Taylor stated okay.

Board Member McNulty stated so they've made an application, correct.

Rich Williams stated they have an application.

Board Member Taylor stated they have an application.

Board Member McNulty stated so have we sent a letter out, didn't we establish that we'd send a letter out early on in the phase just to let the people know that we have a project here in front of us.

Rich Williams stated correct but I've been kind of holding back on that until we get some of these issues worked out with the traffic and visual.

Board Member McNulty stated well maybe its time to get that letter out and let the people know.

Rich Williams stated you want it out, it'll go out...

Board Member McNulty stated before we get too far along.

Rich Williams stated but now let's talk about who it's going out to, is it okay to send it just to the Board of Directors of the Fox Run Condominium Association and not all 303 condominium units.

Board Member Taylor stated that might be alright.

Board Member McNulty stated and let them disseminate the information.

Chairman Rogan stated do they have posting, we should find out if they have bulletin boards or something.

Board Member McNulty stated because that's our cost out of pocket.

Chairman Rogan stated that they use for community...

Rich Williams stated yeah, I don't know what they do.

Board Member Taylor stated and also, it's their job.

Board Member Brady stated the Board of Directors.

Rich Williams stated there's no bulletin boards though.

The Secretary stated that I know they don't have.

Board Member McNulty stated yeah because they are the legal owner of the property.

Board Member Taylor stated yeah.

Board Member Brady stated right.

Chairman Rogan stated but the Board of Directors is an elected position...

Board Member Brady stated and once it's out there, it's going to spread like wildfire anyway.

Chairman Rogan stated within that community to represent them, so that seems reasonable.

Board Member McNulty stated the common property.

Board Member Montesano stated yeah but the object would be, would it be more sensible to send it to at least, somebody in each building.

The Secretary stated who would you send it too in each building.

Board Member Taylor stated as Tom was saying the Board can let the building know...

Board Member McNulty stated yeah.

Board Member Brady stated yeah.

Board Member Taylor stated I'd just like to hear...

Board Member McNulty stated we're notifying the common property that this proposal is in front of us, what about neighboring, what's the distance for other people on Bullet Hole and...

Rich Williams stated we generally do the 500' around.

Board Member Montesano stated 500'.

Board Member McNulty stated 500'.

Rich Williams stated so I'd do the 500', I'd let the people on Bullet Hole know...

Board Member McNulty stated within that range.

Rich Williams stated there will be some on Tammany Hall I would imagine.

Board Member McNulty stated okay.

Board Member Taylor stated I...

Board Member Brady stated it seems like they don't want to do that, they seem like they're holding back, they don't want to throw the money into it until the Board tells them oh the road's okay or the traffic study's okay, and this is okay...

Chairman Rogan stated you're right about that.

Board Member McNulty stated well that's...

Board Member Brady stated you know, I think that's what's holding the whole thing up, I mean they don't want to spend money.

Board Member Montesano stated they keep going around in circles and we don't get anywhere.

Ted Kozlowski stated what about the people that live across, what is it 84, that are going to see that hilltop, do they get notified.

Rich Williams stated generally we go 500 feet Teddy...

Board Member McNulty stated that hilltop...

Rich Williams stated we, you know...

Board Member McNulty stated that's pretty much Patterson Crossing that's going to be there.

Rich Williams stated yeah, I don't think it's many.

Ted Kozlowski stated I mean are those residences more than 500' away...

Board Member Brady stated yeah, that will never be built.

Ted Kozlowski stated they're going to see the hilltop.

Board Member McNulty stated Patterson Crossing will block it.

The Secretary stated it's in the Code Ted as 500' from the property lines, so that's who we notify.

Rich Williams stated yeah, I mean, you know, the question becomes you know who do we notify and who don't we notify and it's can be subjective, it's got to be some sort of standard distance that we do...

Ted Kozlowski stated I understand that but if it's an unusual...

Rich Williams stated I can't say jeez there's a house over there, I've got to notify him but I didn't see that house over there...

Board Member Montesano stated but do we put it on the website for the Town.

Ted Kozlowski stated Rich, if it turns out it's going to look like what they did in Carmel...

Board Member McNulty stated but don't we require a sign as well.

Ted Kozlowski stated that whole hilltop gone.

Board Member McNulty stated to be posted.

Rich Williams stated yeah but you know what...

Ted Kozlowski stated that's disgusting.

Board Member McNulty stated yeah, that's bad.

Board Member Montesano stated yeah but they could post the sign inside there.

Rich Williams stated it is wrong but you know, the Planning Board is the body empowered to review that to make sure that doesn't happen.

Board Member McNulty stated which is what we're struggling with right now.

Rich Williams stated and the Board, this Board is generally very diligent in making sure that doesn't happen. Other Boards, Carmel, wasn't.

Ted Kozlowski stated that's incredible what they're doing...

Board Member Taylor stated so I just...

Ted Kozlowski stated we asked that question about the trees, did we pose that question to them or is that among ourselves because that was a series...

Board Member McNulty stated we brought it up to them.

Board Member Montesano stated no, it's in the minutes that was brought up.

Board Member Taylor stated that was said to them.

Rich Williams stated they were supposed to give us details on the visual impact...

Board Member McNulty stated they actually shifted their design to get it off the hill a little bit on that latest plan...

Board Member Brady stated right, right.

Board Member McNulty stated which didn't look like it was enough.

Board Member Montesano stated do we post this stuff on the Town website, no.

Board Member McNulty stated don't we require in the Code though for them to post a sign, like there's one down the street here.

Chairman Rogan stated closer to the public hearing.

Rich Williams stated when we get to that stage where we're doing a public hearing.

Board Member McNulty stated okay.

Chairman Rogan stated yeah.

Board Member Taylor stated so I just feel like it's time to move this along because they keep coming back to us and it must be eating into our money at this point in terms of the Board because you don't reimburse for the Board, you get whatever comes out of the fee...

Rich Williams stated the application fee...

Board Member Taylor stated yeah.

Rich Williams stated the application fee is a fixed fee and that's it.

Board Member Taylor stated yeah and this is, if we push the EAF and we push some of these issues, I'd like to define what those issues are that's why I'd like to have some input from the public, is there going to be an outcry, we don't know but the Board might, the one guy had some serious questions about the sewer and saying we don't know yet is not an answer to that, what it tells you is there is serious public concern about some of these issues and that's...

Chairman Rogan stated that was about the actual...

Board Member Taylor stated that's a flag in the EAF right away.

Chairman Rogan stated actual line, not the capacity.

Board Member McNulty stated condition of the line.

Ted Kozlowski stated is it definitely 80 units, is that number...

Board Member McNulty stated that's what they've asked for.

Ted Kozlowski stated right and they keep going back to that and we, they keep asking...

Board Member Montesano stated well we started out with 44 if I remember right, and then suddenly...

Rich Williams stated and you're right about, you know one of the issues we're stuck on is what the count is going to be because they've asked for 80, the Board is saying but we're not going to tell you you're going to get 80 out there, it may be some lesser number, prove that you can, you know prove to use that you're

not going to have the impacts, so they can't really go into design until you give them a number that you think might be reasonable to approve.

Board Member McNulty stated well I go back to the discussions I had in the minutes...

Ted Kozlowski stated they keep saying...

Board Member McNulty stated we based our bedroom count on R-4 zoning, for the 16 lots or however many lots there were previously approved there.

Ted Kozlowski stated but don't they keep making the argument that this Board agreed to 80.

Board Member Taylor stated no, no we did not agree to that, the Town Board...

Chairman Rogan stated no, though they are hoping.

Board Member McNulty stated the Town Board, we didn't limit in our referral to the Town Board.

Board Member Taylor stated but we get to review impacts.

Chairman Rogan stated right.

Board Member Taylor stated alright, well, so the, do we look into these other properties to compare them with, to figure out whether there are some amenities...

Board Member Montesano stated it can't hurt, if we can get the information.

Board Member McNulty stated I think the Cold Spring, is a good idea to look into that one.

Board Member Taylor stated and the one that Rich suggested right up in Pawling...

Board Member Montesano stated because we've taken trips to Connecticut on senior citizen housing, back in the good old days when we had one application coming in. We went all the way to, in fact Edie and I went all the way to Connecticut to look at a senior citizen community that we couldn't afford that if our lives depended on it, it was magnificent.

The Secretary stated in Southbury.

Board Member Montesano stated yeah, further.

Board Member Taylor stated and so if we get some of this, then we can say well one of the ways you might eliminate the problem we have about schools taxes is...

Board Member Montesano stated we went all the way to Hartford.

Board Member Taylor stated is set aside some of these units as moderate income, senior housing or whatever the restrictions are for that kind of stuff and then we're guaranteed it's going to be senior housing then and then we don't have to worry about the impacts because then we know it's going to be senior housing. They're not going to want to hear that but at least it gives us, we can start playing with numbers then that's what I'm trying to say. So who does this, is, can this be a part of the consultant.

Rich Williams stated who does what.

Board Member Taylor stated if, to contact Philipstown to find out what that is, to contact the place in Pawling and...

Rich Williams stated our office can do that.

Board Member Taylor stated alright, I'm just trying not to run up our bill too much here.

Rich Williams stated you can, well I wouldn't charge it back to them but you know it is our time, you can, you know the Board certainly can do it as well.

Board Member Taylor stated well I wouldn't...

Board Member Montesano stated who wants to go out and look at an apartment and see what the prospectus looks like.

Board Member Taylor stated I don't want to look at it, I want to see what's in the...

Board Member McNulty stated well I think we...

Board Member Taylor stated if we can get a plat.

Board Member Brady stated yeah, what they submitted.

Board Member Montesano stated if you get a prospectus for it, you should have it in there.

Board Member Taylor stated or, you need a prospectus if they're that far along, is this other place built already.

Rich Williams stated who, Castagna, no.

Board Member Taylor stated no.

Board Member McNulty stated no but I think Cold Spring's under construction.

Board Member Taylor stated it's under construction but whether they have a prospectus or not but something, alright, so that would be one. How about the EAF, are we ready to push them on the EAF.

Rich Williams stated I contacted them after the submission deadline date, I had a couple of e-mails back and forth...

Board Member McNulty stated yeah, I saw that e-mail you asked for it.

Rich Williams stated yeah, so, yeah, I did, I said listen, you know you've got to give us the EAF, the Board requested it, they simply replied they're not ready you know, can you, you know, where do we stand and I don't recall all the detail.

Mr. Gainer stated you've been doing this for couple of meetings, looking for that.

Rich Williams stated yeah...

Mr. Gainer stated so, you all...

Rich Williams stated I simply said that you know if you don't give us, that's what it was, he wanted to know if we wanted an incomplete EAF and I said if you give us an incomplete EAF...

Chairman Rogan stated right.

Rich Williams stated you know, the Board may take it upon themselves to you know ask for it to be completed in ways you're not going to be happy with.

Chairman Rogan stated right, now...

Mr. Gainer stated or you've always got the specter of just the Pos. Dec...

Rich Williams stated well that was what I was referring.

Chairman Rogan stated that's the, yeah...

Mr. Gainer stated the other projects your referring to all went through EIS's, Castagna, Philipstown...

Rich Williams stated yeah.

Board Member McNulty stated are you familiar with those projects at all.

Mr. Gainer stated somewhat in the distant past but yeah.

Board Member Taylor stated so...

Mr. Gainer stated Castagna's been revised over time but...

Board Member Taylor stated so the issue is do we want to push him on that, do we want to say to our consultant start working on the EAF or do we want to say you've got a deadline, get something in here to us.

Mr. Gainer stated you don't need an EAF if you're going to pos. dec. them, if you have opinion that there could be one or more potential adverse impacts, you can almost identify them just in reading your notes, you know you're prior meeting discussions.

Rich Williams stated yeah, what you want to do then is...

Mr. Gainer stated I'm just saying that would, I would offer the specter of telling them they've got to get serious, right, to get something in there, because you've been talking about visuals, you've been talking about any number of things...

Rich Williams stated I was just going to say, where it would go then is you know bypass the EAF all together and just go right to a scoping document outlining what you perceive the impacts might be that they have to address at EIS.

Mr. Gainer stated right.

Board Member Taylor stated okay, well that's...

Chairman Rogan stated Ron, didn't you say a few minutes when we talking about public hearing and we were talking about process, that you would need a better definition of where the units would be located, the access grades, in order to be able to do the EAF.

Mr. Gainer stated I don't know what Rich told them but you want to have that information if you're going to prepare an EAF, you want to understand disturbance, you want...

Chairman Rogan stated but, so aren't and we're pushing for an EAF that you guys are saying they don't have enough information to prepare at this point or am I missing something.

Rich Williams stated yeah, it's kind of the, they're in a somewhat difficult position but if they want 80 units then they should commit to saying...

Mr. Gainer stated right.

Rich Williams stated we're going to try to prove out 80 units, that's what they should be doing.

Chairman Rogan stated right, yeah.

Mr. Gainer stated I think that's what Ron's saying, you're not getting the data.

Chairman Rogan stated okay.

Rich Williams stated but you know they're caught in this, they want you to commit to the...

Board Member Montesano stated 80 units.

Rich Williams stated 80 units, so they can go forward with doing this design work which will give them enough information to do the EAF, right now we're stuck in this whole traffic scenario where they're perception and mine as well is that you're opinion about whether they can have 80 units or not, is going to be based on the traffic impacts and whether they can be mitigated and I don't think that's it...

Board Member McNulty stated well I think we made that clear at the last meeting, Ron, especially had some comments, you know put the whole package together or as much as you can.

Board Member Montesano stated they've got 80 units as their cutoff point.

Rich Williams stated yes, you absolutely made clear, you absolutely made that submit the EAF, stop messing around.

Board Member Brady stated they were told that you know nobody was going to commit to 80 units or 40 units or 30 units or anything until you tell us what you want to put in and go forward.

Board Member Montesano stated 80 units seem to be their profit.

Rich Williams stated everybody has constantly said prove it out, prove it out.

Board Member Brady stated right.

Board Member Montesano stated and they haven't done spit.

Board Member Taylor stated can we then, can we set up a timeline for getting an EAF from them or moving to the scoping document.

Rich Williams stated sure I can shoot them an e-mail, I can say at the next meeting the Planning Board is going to adopt an EAF or a scoping document.

Board Member Taylor stated then we can...

Board Member McNulty stated but do we have enough information to do that.

Rich Williams stated well the scoping document just lays out an outline for them to give you the information.

Board Member Taylor stated that's what the EAF does too, I mean that's what the box checks are for.

Board Member Montesano stated we keep going round and round...

Board Member Brady stated that's what it seems like, it just seems like that's going to continue it.

Board Member Taylor stated yeah but this will push, that's what I'm trying to say, if we could just...

Board Member Montesano stated push it out.

Board Member Taylor stated because the process allows this to happen without circulating, they're not going to the process is the problem.

Board Member Montesano stated they keep going around in circles trying to make sure that we're not catching up with them and we keep asking the questions and they go around the corner, we didn't hear that or this is what we thought you wanted, no it's not, so give them the alternative.

Board Member Taylor stated so do we want to resolve to do this, whatever these steps are as a Board...

Board Member Montesano stated I think it would save us a lot of time sitting around discussing it over and over, we seem to agree on something that they don't want to do.

Board Member Taylor stated okay.

Board Member McNulty stated Rich, what was your last correspondence with them, just to we're looking for an EAF at this point, I think I saw that e-mail.

Rich Williams stated yeah looking for an EAF, they shot back at me, do you want an incomplete EAF and I said you know, if you give it to us incomplete, the Board may take further action to make sure it gets complete.

Board Member Brady stated well let them send it incomplete.

Board Member Taylor stated at least it will be a start and we can also react, I think some of the things that they're going to check as no we're going to us uh-uh, you've got to investigate that.

Rich Williams stated yeah, I don't want to put them off the hook, they need to do their job, they're not doing it, you know by sending the message go ahead submit it incomplete then you know I'm going to review it, I'm going to review it a second time, I'm going to review it a third time...

Board Member McNulty stated but by...

Rich Williams stated and then all of a sudden the bills coming out of this are excessive.

Board Member Brady stated and you wind up doing their work for them.

Board Member McNulty stated but that's why we need to force the hand.

Board Member Taylor stated then let's just move to scoping then.

Board Member Montesano stated just make it a positive dec. and tell them there you go.

Board Member Taylor stated alright, so what's the timeline.

Board Member Montesano stated this is it, now you answer the questions or close up your home.

Board Member Taylor stated next month or the month after for the EAF.

Rich Williams stated I would say for the next submission date they're going to have the, this is my recommendation to you, they're going to have a complete EAF before the Board or I will start working on scoping document for the Board for the next meeting.

Board Member Montesano stated sounds like a plan, get them moving.

Board Member Taylor stated okay, everybody agree to that.

Board Member Brady stated yeah.

Board Member McNulty stated sure, I agree with it.

Chairman Rogan stated I agree with it except that I'm still confused that you gentlemen have said that they have a lot of work to do on the site plan before they'll have enough information to do the EAF, so it is un, I'm not saying they're doing their job but my point is, is the timeframe appropriate given the level of detail that you guys are foreseeing as needed to properly develop the EAF, is, or are we just shooting a deadline at them that they can't meet.

Rich Williams stated my problem is I don't know how much work they've done in furtherance of this...

Chairman Rogan stated okay.

Rich Williams stated 80 unit condominium project, townhouse project.

Board Member Montesano stated how much minutes do we have on these that we've discussed, he asks a question we don't get an answer, you ask a question we get around the corner answer, all they keep talking about is 80 units, 80 units, we started out with 44, then we doubled them, they haven't proven anything yet and they keep playing games and every time we come in and say we want a direct answer, okay, oh it turned around, well we did the study.

Board Member Taylor stated or we can also, if we do what we're doing Shawn, in terms of the schedule we're willing to be reasonable...

Chairman Rogan stated right.

Board Member Taylor stated if they come back to us and say look we need this time to do this and then we can give them that time to do that...

Chairman Rogan stated sure.

Board Member Taylor stated but then at least we know we're going to have something besides another traffic study at the end of that.

Chairman Rogan stated right, right.

Board Member Taylor stated if we're going to...

Chairman Rogan stated no, and that certainly seems reasonable and I don't think there's anybody out there that would say that this Board is unreasonable but it's got to, progress has to be made towards the end of proving out the 80 units or not because otherwise you know they keep asking for us something that we would, are not in a position to comment on.

Board Member Taylor stated right, so do we need to do this a resolution or are we agreed on this or...

Chairman Rogan stated I think we have a direction, right.

Rich Williams stated yeah, I was just going to send them an e-mail saying this is the direction I've been given...

Chairman Rogan stated okay.

Rich Williams stated you know, let them be aware of it and then call the traffic consultant and tell him he can, you know, either just clean things up and work with us or he can propose the scope in the EIS.

Board Member McNulty stated you all set Ron.

Board Member Taylor stated yeah, I'm...

d) S.A Hebert Properties

Board Member McNulty stated Hebert on, is that Hebert on Robin Hill.

Rich Williams stated yes.

Chairman Rogan stated yeah.

Rich Williams stated I conferenced with them in court with Mr. Hebert and their attorney, we adjourned for a two month period to give their engineer time to get complete plans in, I explained to them I expected to see steady progress throughout and I expressed by displeasure over the lack of progress from their engineer and told them they were going to be held responsible from the lack of progress from their engineer and they should do something about it.

Board Member Taylor stated are you fining them every week or what are we doing.

Rich Williams stated there are, there is potential for fining them every week hanging over their head, they asked me to take the fines off the table and I said no.

Board Member Taylor stated but you haven't started doing it every week.

Rich Williams stated well, you know, listen, I make a recommendation to the judge, the judge decides whether it's reasonable or it's not.

Board Member McNulty stated so you triggered it, it's just not in effect yet.

Rich Williams stated the fines start from the day I issued the violation, from that day forward we can potentially fine them for every week that they are not in compliance that started back in December.

Board Member Taylor stated you can't issue another...

Rich Williams stated no, I absolutely can and I came very close to it and I told them that I would hold off on issuing a second violation if they actually started to make some progress.

Board Member Taylor stated did they seed it.

Rich Williams stated yeah, it's seeded, it's stabilized, they've stopped, grass is growing but...

Board Member Taylor stated okay so at least the erosion has stopped.

Rich Williams stated but you know the engineer hasn't done anything.

Board Member McNulty stated what about the cleanup of this site, it's more of an industrial site right now than it is a commercial site.

Rich Williams stated they've done some cleanup, he's been trying to get rid of some equipment slowly. And he, he's recognized from day one that's he's going to clean it up.

Board Member McNulty stated okay, that's all I have.

e) Triple B Barbeque

Board Member Taylor stated barbecue, so the upshot is there's nothing that can be done.

Rich Williams stated I don't know at this point.

Chairman Rogan stated I think at the result of last night's Town Board meeting was that Mike Liguori was going to sit down with Bob McCarthy, the incoming Building Inspector, and look at this situation to ensure that Nick's statements are correct and that there's not anything that can be done because it seems like there, you know there's potential for some mitigation upon recognition of a problem, so they're going to sit down.

Board Member Taylor stated didn't this start off with Nick issuing a violation for them putting a cooker that hadn't been approved.

The Secretary stated Dave issued that.

Chairman Rogan stated what's that.

The Secretary stated Dave Raines issued that.

Chairman Rogan stated Dave Raines.

Board Member Taylor stated oh Dave Raines issued that.

Chairman Rogan stated which it seems like based the information we have they bring back whenever they feel like using it, you know.

Rich Williams stated it didn't start off that way...

Chairman Rogan stated right.

Rich Williams stated it started off because they opened the business and started smoking, was, I don't know anybody anticipated and that affected some of the neighbors who then, you know, complained and, you know, we are where we are at this point.

Chairman Rogan stated yeah.

Board Member Montesano stated Levine's got the...

Board Member McNulty stated is that a valid point and the neighbors argument about the operation of the restaurant, do we restrict operations on an hourly operation because it says they're 24/7 with the smoking.

Rich Williams stated well you know that's one of, they brought to light a good deficiency within our Code, in that some of these older developed areas, such as next door that butt up against residential properties, you know at least and this is just Rich talking at this point, you know it's one thing to move into a restaurant that's serving breakfast and lunch and closes at three o'clock and there's very little impact and you're okay and you spend the next ten years like that and you're fine and then somebody else buys it and they turn it into a 24 hour truck stop that's still a restaurant, there's no real change of use under our Code but the impacts are significantly different...

Board Member McNulty stated sure.

Chairman Rogan stated right.

Rich Williams stated and significantly greater to your enjoyment of life, we've got to put some sort of trigger in the Code to make sure that doesn't happen.

Board Member McNulty stated so we don't have anything now that restricts a restaurant's hours.

Rich Williams stated no...

Board Member Brady stated what about.

Rich Williams stated the way we, the way we do it is you know, we define...

Board Member McNulty stated zoning.

Rich Williams stated a list of uses and we've now clearly defined within the Code that a change of use is considered going from one of those uses on the list, to another.

Chairman Rogan stated and in this case it's not so much the hours of operation to the public, it's the hours of operation of the...

Board Member McNulty stated production.

Chairman Rogan stated production, correct which is necessary it seems for this...

Board Member Brady stated and there might be something in the Fire Code because they're probably not there all the time...

Chairman Rogan stated oh of course not.

Board Member Brady stated and they're having this piece of equipment running with wood and burning and stuff and flame that maybe somebody is supposed to be there all the time and that might be you know a way to...

Chairman Rogan stated good point, good question.

Board Member Montesano stated another thing to look into is...

Board Member Brady stated I have to look at the Fire Code.

Board Member Montesano stated just what is the bakery situation, bakeries usually start at two or three o'clock in the morning and they're cooking and the smell of a bakery will come out, it may not offend anybody because of the sweet smelling bread, all that dough...

Board Member McNulty stated but if it's a Dunkin Donuts bakery, it's going to smell greasy.

Chairman Rogan stated right.

Board Member Montesano stated well you go up to Poughkeepsie where they make, where one of their bakeries is and you see the other one is over in Danbury which is a distribution plant but Poughkeepsie, City of, has a large bakery up there and you go up there and it's going 24/7, you drive through the right

area and that smell hits you but then again it's an industrial area, there is residential where the smell comes down but by that time people are happy, I've got to get up and get my coffee and doughnuts.

Chairman Rogan stated something else that we want to be able to capture within our Code whether we have it now or not but we've talked about this over the years is when we have a change in the type of tenant and say for instance, take where Papa John's pizza went in, you have something that might have been a computer store and then you change it to something that may produce odors, whether it's pizza or a nail salon or a hair salon or something along those lines, I think we need to be in a position to be able to say to them this is the concern, we need to have separate ventilation, now from an HVAC point, I know that might be drastic but I walked into the dry cleaners a couple of weeks ago and the place stunk like a restaurant, I think it was Subway or something, you could smell it because I'm sure the air gets drawn up through the system but planning forward for okay we're going to have retail outlet that's going to have you know, vacancies, these are the kind of questions that I've been thinking about over the last 5 or 6 years with different problems that have arisen. What are the potential uses, could a hair salon go in, could a restaurant go in, tanning, you know different facilities that might cause noxious odors to get into other tenant spaces.

Board Member Brady stated most, most of the time they, those buildings like that, like the shopping center, each tenant has it's own rooftop unit and it's completely separate because they're responsible to replace it rather than the owner.

Chairman Rogan stated yeah, I'm not finding that to be the case though in a lot of these situations but that would be great.

Board Member Brady stated a lot of the old ones.

Chairman Rogan stated yeah.

Board Member Montesano stated we have...

Board Member McNulty stated Rich, one last question on the neighbors and the owners of the barbecue place, are they in discussion at all, do they talk...

Rich Williams stated that's the sixty-four dollar question...

Chairman Rogan stated yeah, that came (inaudible – too many talking).

Rich Williams stated we don't know the answer to that.

Board Member Montesano stated we're unique in the sense that here we have a commercial area on a major road then we have businesses in the Lake which are right next to a residential...

Chairman Rogan stated right.

Board Member Montesano stated and that's where the unique problem comes in.

Board Member McNulty stated no, I understand.

Chairman Rogan stated yeah.

Board Member Montesano stated so they want the local newspaper per se but now it's a restaurant that people are telling you how great the food is but they don't live there...

Chairman Rogan stated right.

Board Member Montesano stated now the person that does live there is getting upset, so we've got a unique situation, we've got to balance rules and regulations on that.

Board Member McNulty stated we have Walsh's down the street, it's been a bar/restaurant for how many years but they really haven't cooked there for years...

Board Member Brady stated yeah.

Chairman Rogan stated true.

Board Member McNulty stated and now it didn't trigger us at all to ask, you have an apartment house behind there or a two-family house or, the building itself has got residential in it, correct.

Rich Williams stated yup.

Board Member McNulty stated you know so where does that balance come, where does it, when do we ask.

Board Member Montesano stated well this is the whole thing.

Chairman Rogan stated well in Walsh's case, the previous tenant wasn't restricted from cooking, they just chose not to because it wasn't part of their business...

Board Member McNulty stated yeah, exactly.

Chairman Rogan stated but they always had the approvals and the permitting to do but like you said somebody could move in say...

Board Member McNulty stated so there's not much for us to say stop.

Chairman Rogan stated well the place was there, it wasn't and now all of a sudden there's a restaurant, so you're right and I think what Rich is basically hinting at is that looking at our Code to see can we build in some triggers to allow us to say hey there's something going on, maybe it's not before the Planning Board but maybe we can trigger something so it does come before the Planning Board, before somebody is completely invested in a project and has already renovated it and spent all kinds of money which unfortunately is the case now, you know they got approvals, they got a sign permit from us, they got approvals for work they did inside to the ventilation system for the, from the Building Department, from Dave Raines, they've modified this I guess this ancil system and the fire protection hood but I don't think that was done with the idea of reducing emissions for odors, it was fire safety related...

Board Member Brady stated right.

Board Member McNulty stated it was just to upgrade the restaurant conditions.

Board Member Brady stated just an exhaust going out and that's it, there's nothing.

Board Member Montesano stated that's going to be a lot of fun because the research to do what other towns do, is going to be a lot. The object is with all due respect to peoples' personal ideals of what their life should be like...

Chairman Rogan stated yeah.

Board Member Montesano stated now you've got this guy sitting here and if everybody there is suddenly a vegetarian of some sort and they happen to have a house there that one person is going to be really upset...

Chairman Rogan stated yeah.

Board Member Montesano stated over smelling this stuff every day so how do you compensate...

Chairman Rogan stated yeah, okay well I mean the end result was that counsel is going to meet with the building, meet with the new Building Inspector and go through this under some of the codes that exist and we'll see what happens with that. Anything else for the record.

Rich Williams stated yes, one thing.

Chairman Rogan stated yes.

f) Windward Holdings Traffic Analysis Discussion

Rich Williams stated the Board had received a while ago an application for a zoning change up near Bear Hill Road and you now have a traffic study before you, I don't know if you want talk about it, I don't know if you'd like to invite the applicant for the next, for next week's meeting or the following meeting, any thoughts.

Chairman Rogan stated that was the one that was created by Maser for, I briefly saw they suggested shifting the entrance further up the hill and a smaller building...

Board Member Taylor stated does that answer our question though.

Board Member McNulty stated where up the hill did they answer the...

Chairman Rogan stated that's the...

Board Member McNulty stated they still have a separate intersection onto [Route] 311.

Board Member Taylor stated yes.

Rich Williams stated basically where we said it should be shifted to.

Chairman Rogan stated yeah.

Board Member Montesano stated I, it sounds to be a ridiculously extreme situation for somebody with a piece of property, that traffic on that is, I mean in the morning you run into it with the loaded truck going

up the hill and there's no way anybody's coming out of anything or getting in there, that means somebody's going to be coming down the hill trying to make a left hand turn into that and it's going to be a nightmare.

Board Member McNulty stated well if I recall we asked to see what a DOT survey would do for that and realized they wouldn't really do a survey, right...

Rich Williams stated right.

Board Member McNulty stated we didn't want to leave ourselves open to them saying well it's fine.

Board Member Montesano stated well it's a rough hill.

Board Member Brady stated and that's basically what the traffic study said, it's fine.

Board Member Taylor stated it would...

Board Member Brady stated that's fine, 500', 500' sightline, 500' sightline or something.

Rich Williams stated it gave you the sightline, it gave you the safe stopping distance which is standard Ashtoll for 45 miles per hour...

Board Member Brady stated yeah.

Rich Williams stated it's 360'.

Board Member Brady stated I'd like to know who does 45 miles an hour on that road, maybe if your behind a truck...

Board Member Montesano stated what I want to know is...

Board Member McNulty stated in the morning going up.

Rich Williams stated well I'd like to see somebody stop on a wet road in 360'.

Board Member Taylor stated yeah, at that steep...

Board Member Montesano stated the state comes down with a fully loaded salt truck...

Rich Williams stated well yeah at that incline.

Board Member Montesano stated and it's going to be coming down that hill and of course they're all doing the speed limit especially with load and I want to see who's going to stop first.

Chairman Rogan stated well here's the thing we had an application before us which showed something that the Board all agreed we need better information on, they've provided information, we should certainly do a review on it and proceed with the application, whether it's to say we don't agree with the findings, or here are the deficiencies in the findings because saying what we're saying right now is, the study said it's okay but we all feel that it's not okay is somewhat arbitrary...

Board Member Brady stated right.

Chairman Rogan stated so we need to, as Ron was saying with the last application we need to...

Board Member McNulty stated address it.

Chairman Rogan stated the specifics.

Board Member Taylor stated and we discussed a left turn lane though, no matter where they put it on the road.

Rich Williams stated well everybody felt that there should be some sort of additional turning lanes in there but...

Board Member McNulty stated yeah, that's what I remember.

Rich Williams stated it's a state road, this goes back to Tommy's concern that it's a state road and we're not going to know what the DOT, their opinion of this is until there's an actual application made to DOT, I mean you know, we're running into this now with the crossing, you know we want to do the repairs on the crossing, Metro North does, DOT wouldn't even talk to them about the process and what the requirements were going to be for doing the crossing out here and whether they could close [Route] 311 until they made an actual application with a detour plan.

Board Member Taylor stated right. Well, so if that's the case, can we make this application contingent upon the approval of a left turn lane.

Rich Williams stated well right now all that's before you is the zoning change, whether you think it's appropriate to change that piece of property from residential to commercial.

Board Member McNulty stated which puts us in the Fox Run, we made a recommendation that got twisted around and now we're dealing with it.

Board Member Taylor stated right.

Board Member McNulty stated I don't see any added commercial driveway on that stretch of road without turning lanes of some sort added.

Rich Williams stated do you see a residential driveway.

Board Member Taylor stated there are.

Board Member McNulty stated I'd rather not but I would think that would be easier. You're talking about one single family home, residential...

Rich Williams stated yup, with limited traffic versus a commercial project that potentially could do road improvements.

Board Member McNulty stated I think a commercial project has to have it. Residential you're one car...

Board Member Brady stated right.

Board Member Taylor stated well there is one up the road, they put that real steep driveway in...

Board Member McNulty stated and it's currently approved residential.

Rich Williams stated and spent \$100,000 on sight distance improvements.

Chairman Rogan stated wow.

Board Member Taylor stated yeah, so I mean...

Rich Williams stated yeah.

Board Member Montesano stated well...

Board Member Taylor stated do we have the option to say that.

Board Member McNulty stated well it's currently residential, correct.

Rich Williams stated its currently residential, yeah.

Board Member Taylor stated right.

Board Member McNulty stated so.

Board Member Taylor stated and its not arbitrary then is it, we're just saying that it should stay residential and...

Board Member Montesano stated because residential theoretically can still come out on Bear Hill Road, which means it's still one entrance coming on to [Route] 311.

Chairman Rogan stated oh, it has access to Bear Hill.

Board Member Montesano stated so it doesn't have to...

Rich Williams stated yes.

Chairman Rogan stated oh.

Board Member Montesano stated it's got access to Bear Hill, so you make the driveway into Bear Hill, then you don't have to deal with the DOT.

Board Member Taylor stated alright, so we should review it but I mean...

Board Member McNulty stated recommend it stays residential unless turning lanes are installed on [Route] 311.

Chairman Rogan stated we need Ron and Rich to...

Rich Williams stated you're not going to be able to get away with doing that.

Chairman Rogan stated right, I was going to say you need, you gentlemen though to be able to articulate based on the traffic study and, you know...

Mr. Gainer stated I'm sure we can poke holes in that study, that study is not significant at all.

Board Member Montesano stated I'd like to see two turning lanes, one coming down the hill but one going up the hill, so that there's enough room for the traffic to go by it.

Board Member Taylor stated well you can do one of those median dividers, where you can turn...

Rich Williams stated suicide lane.

Board Member Taylor stated yeah, so at least there's another lane.

Board Member Brady stated yeah...

Board Member Montesano stated right.

Board Member Brady stated suicide line on that road.

Board Member McNulty stated at least you can go around.

Board Member Montesano stated but I was going to make the turn when I hit the guy.

Board Member Brady stated wow, can you imagine, you might as well just park the ambulance right there.

Chairman Rogan stated okay.

Board Member Montesano stated well maybe they'll give the property to fire department and make it an ambulance right there.

Chairman Rogan stated let's get a thorough review of that traffic study they sent and see where the deficiencies are...

Board Member McNulty stated yeah.

Chairman Rogan stated not spend any money having them go back and do more...

Board Member Montesano stated I do not perceive deficiencies as I read it.

Chairman Rogan stated just saying based on what they provided, this is what we feel would be necessary for us to give a positive recommendation of a zoning change, done, right.

Rich Williams stated yeah, I'll be right up with, right up front I mean this is certainly not in my expertise, the only deficiency I saw in the whole thing was the fact they didn't address the road geometry.

Mr. Gainer stated right.

Rich Williams stated you know, the incline, the grades.

Chairman Rogan stated okay.

Board Member Montesano stated and that was stiff, I remember.

Rich Williams stated that they did, just kind of ignored.

Chairman Rogan stated so I guess, are you saying that based on your initial review that we don't have sufficient cause to say we don't agree with supporting a zoning change based on that.

Rich Williams stated I would say that the, in my opinion, the traffic impact analysis that was done out there is deficient in a number of different areas and doesn't fully support change to commercial.

Chairman Rogan stated okay, okay.

Rich Williams stated it's up to them whether they're going to revise that.

Chairman Rogan stated okay. Anything else for the record.

g) Minutes

Board Member Taylor stated minutes, are we ready to do minutes.

Board Member McNulty stated I can do some of them, I can't do all of them.

Board Member Taylor stated okay, we're going to do some of them.

Chairman Rogan stated up until which ones.

Board Member McNulty stated I can do through May 1st.

Chairman Rogan stated so March 27th, April 3rd, April 24th and you said through May 1st...

Board Member McNulty stated yup.

Chairman Rogan stated to approve.

Board Member Taylor stated including.

Board Member McNulty stated to include.

Chairman Rogan stated can I get a second.

Board Member Montesano seconded the motion.

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

Chairman Rogan stated motion to adjourn.

Board Member McNulty seconded the motion.

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

The meeting adjourned at 8:32 p.m.