

TOWN OF PATTERSON
PLANNING BOARD MEETING
July 31, 2014
Work Session

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PLANNING DEPARTMENT

P.O. Box 470
1142 Route 311
Patterson, NY 12563

Sarah Mayes
Secretary

Richard Williams
Town Planner

Telephone (845) 878-6500
FAX (845) 878-2019



ZONING BOARD OF APPEALS

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

**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

Planning Board

July 31, 2014 Work Session Meeting Minutes

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

Present were: Chairman Thomas E. McNulty, Board Member Ron Taylor, Board Member Edward J. Brady Jr., Board Member Michael Montesano, Rich Williams, Town Planner, and Ron Gainer, Town Engineer

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

Chairman McNulty called the meeting to order.

1) APPOINTMENT OF VICE CHAIR

Chairman McNulty stated okay. Welcome to the work session.

Rich Williams stated welcome to the work session.

[Laughter].

Rich Williams stated first meeting as a full-blown chairman and that's how you start.

Chairman McNulty stated that's how I start.

Rich Williams stated well, going down...

Chairman McNulty stated thank you for the opportunity.

Board Member Taylor stated that's how he rolls, that's it.

Chairman McNulty stated I guess the first thing, I'd like...can I do this here Rich, install a Vice Chair or should I wait until the regular meeting.

Rich Williams stated I would wait till other business, but you can do it now if you want.

Chairman McNulty stated yes.

Rich Williams stated no, I would do it tonight.

Chairman McNulty stated okay. No, I'll do and get business out of the way. I've asked Ron to be my Vice Chair and in discussion I think he's willing to accept.

Board Member Taylor stated yes, I am.

Chairman McNulty stated okay.

Board Member Brady stated I second it.

Board Member Montesano stated third it.

Chairman McNulty stated oh, yes.

Board Member Taylor stated it's not a motion.

Chairman McNulty stated put that into motion.

Board Member Brady stated motion.

Board Member Taylor stated it's not a motion.

Chairman McNulty stated no, I don't think it's a motion.

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

Board Member Brady stated does it have to be a motion.

Board Member Montesano stated no.

Board Member Brady stated no. Okay.

Chairman McNulty stated no, it's an appointment.

Board Member Montesano stated no, it's his appointment.

Board Member Brady stated congratulations to the both of you.

Chairman McNulty stated yes. Thank you, thank you. So...

Board Member Montesano stated just make sure you're here at every meeting, please.

Chairman McNulty stated so I talked to Ron, he's been sitting on the other side of me there and doing his homework and figured that's a good backup. Not that you guys wouldn't be, but figured move him up.

Board Member Brady stated I think it was a very good choice.

Chairman McNulty stated thank you. All right...

Board Member Montesano stated oh, I know it's a very good choice.

2) **FROG HILL, LLC – Site Plan Application**

Chairman McNulty stated moving on to business; Frog Hill. We have a public hearing. Any new developments, Rich. Anything from Harry.

Rich Williams stated there are not. There have been new submissions, no new information other than the DEP letter which rehashed a lot of old stuff that some was relevant, some...most of it wasn't.

Chairman McNulty stated is that DEP or DEC.

Rich Williams stated DEP.

Chairman McNulty stated DEP, so...

Board Member Montesano stated just say New York City and stop wasting time.

Chairman McNulty stated a couple of things, I know we discussed the septic. There hadn't been an application yet to the Health Department. Do we know if it has yet or not.

Rich Williams stated nope.

Chairman McNulty stated and we talked about the sign as being part of the application.

Rich Williams stated correct. It has not been, again, no new submission. Haven't seen it on (inaudible).

Chairman McNulty stated is that something we should require or can they have the option to do it after the fact.

Rich Williams stated well, they do have the option of doing it after the fact but the sign's already up.

Chairman McNulty stated so it should be addressed in the current...

Rich Williams stated which is why I have been pushing to do it now.

Chairman McNulty stated and what is the status. Was that a pre-existing sign. Is that one of these signs that were...we're looking to change. Is it...I can't place the picture...I know it's good sized sign. I can't place it in my head how it looks.

Rich Williams stated it's a sign that the Planning Board considered pre-existing when they approved it. He has since modified it.

Chairman McNulty stated so the sign has been approved in a previous sign application.

Rich Williams stated yes.

Board Member Taylor stated but he's changed it.

Rich Williams stated and he has modified it. Not the size but some of the writing that was on it was never reviewed by the Planning Board. And now he's looking to modify it again with a new tenant that's going in there.

Chairman McNulty stated but he hasn't indicated to what extent.

Rich Williams stated no.

Chairman McNulty stated and he hasn't exceeded what was approved.

Rich Williams stated no.

Chairman McNulty stated so it's just a change in lettering or...

Rich Williams stated change in the lettering and colors, design.

Board Member well, he's in the Town...

Chairman McNulty stated okay.

Board Member Montesano stated he's in the Hamlet so he's got to stick to the colors that...

Rich Williams stated no, he is not in the Hamlet.

Chairman McNulty stated no, he's not in the Hamlet.

Board Member Taylor stated no. He's outside the Hamlet.

Rich Williams stated flea market.

Board Member Montesano stated oh.

Rich Williams stated we haven't gotten that far yet.

Board Member Montesano stated yes, okay.

Board Member Taylor stated you're ahead of yourself.

Board Member Montesano stated I'm ahead of the game.

[Laughter]

Board Member Montesano stated jeez, that's odd.

Board Member Taylor stated do any of these DEP comments change anything.

Rich Williams stated no.

Chairman McNulty stated okay. So at our last meeting, we were pretty good with the latest design. I remember, except for the stones around the back of the building. Was he going to adjust them. Did we agree that he could leave that...I think it left of Jay said he was going to get with Harry and straighten out a few things.

Rich Williams stated and straighten some things out. One of the questions was the stones, where he was placing them...

Chairman McNulty stated the boulders.

Rich Williams stated limited his ability to utilize and access the back of the building. So we had suggested to shift them back a little bit farther. And he was going to get with Harry and work all those details out.

Chairman McNulty stated okay.

Board Member Brady stated yes, he was going to move them to utilize the gravel area that's back there because he was cutting half of it off, wasn't it.

Board Member Taylor stated and we were suggesting that what's behind it should be restored if it's...

Board Member Brady stated right.

Rich Williams stated well, that was the question that was thrown out to Ted, yes.

Board Member Taylor stated yes.

Chairman McNulty stated yes, wasn't it kind of discussed so if they blocked that off, it's going to restore itself to some degree because it's already so much disturbance there.

Rich Williams stated I don't know how much it's going to restore itself with three feet of fill.

Board Member Taylor stated yes, it's...

Chairman McNulty stated okay. Anything else on Frog Hill.

Rich Williams stated no.

3) Barlen Route 311 Center – Sign Application

Chairman McNulty stated okay, we have a new item: Barlen.

Rich Williams stated grab those colored...

Chairman McNulty stated Route 311 Center.

Rich Williams stated photos over there.

Board Member Montesano stated Sauro's.

Chairman McNulty stated not familiar with where this is.

Board Member Montesano stated Sauro's.

Board Member Taylor stated it's Sauro's.

Chairman McNulty stated oh, that's what it's called.

Rich Williams stated well, that's the...

Board Member Montesano stated that's the main name on it.

Rich Williams stated corporation.

Chairman McNulty stated okay.

Rich Williams stated so, he's got an existing freestanding sign out there and he's looking to change it out. He's got, you know, a couple of new businesses that he wants to put on it and, you know, it's certainly is in some disrepair and he wants to replace that. The size of the sign is fine; it meets the...it's less than 25 square feet.

Chairman McNulty stated yes.

Rich Williams stated it's going in the same location. The question is, you know, the design, color.

Chairman McNulty stated is this the actual rendering.

Rich Williams stated no.

Chairman McNulty stated oh.

Rich Williams stated this is something that he did. Do you want to shoot one done to Ron [Gainer].

Board Member Montesano stated here you go.

Chairman McNulty stated here you go, Ron.

Rich Williams stated and, you know, he did it on his computer using Microsoft Office. Just a quick sketch just to, you know, get some ideas. I've...We've reviewed with him the Hamlet colors. The, you know, the dark blue, the burgundy, the green. Gold lettering. He was in here yesterday. He dropped this off [referring to the sketch]. Was it yesterday. Yesterday. And he went through this with me recognizing that, you know, it's only kind of a concept. He's not exactly sure when he's going to get around to doing this sign but he wants to get the approvals in place so that when he's ready, you know, he can. One of the things I did talk to him about, and just so you all know if you haven't got a chance to read the memo, the grey is the best he could do with representing a green, a forest green. So the grey is supposed to be a green.

Board Member Montesano stated well, it starts with "G", right.

Chairman McNulty stated is blue in our color.

Rich Williams stated the dark blue, the burgundy, both in our color with gold letters. That's all fine.

Chairman McNulty stated yes.

Rich Williams stated the only thing I suggested to him is the green may conflict with the red and the blue. I just don't see the green fitting in there.

Chairman McNulty stated well, if it's the right tone of green. If it's that historic green and that burgundy like their doors on their building, I don't see it conflicting.

Rich Williams stated well, that's...Opinions vary, but...

Chairman McNulty stated as long as we get the actual sample of what it would look like.

Rich Williams stated yes.

Board Member Montesano stated is he...what color...what flag is he trying to put in here.

Chairman McNulty stated what are the posts, are they going to stay white.

Rich Williams stated well actually, I was going to suggest white. White with gold letters.

Chairman McNulty stated are the posts going to be white.

Rich Williams stated posts are white, yes.

Board Member Brady stated now does...In there amount square feet he's allowed to have in the sign, he's got the little roof over it. Does that count as part of the sign.

Rich Williams stated no.

Board Member Brady stated so it's just the written area...

Rich Williams stated it's just an architectural feature.

Board Member Brady stated it's just the written area. All right.

Chairman McNulty stated do you know the dimensions of the sign.

Rich Williams stated yes.

Board Member Brady stated yes.

Rich Williams stated yes, it's 17 square feet.

Board Member Montesano stated 17.77 square feet.

Chairman McNulty stated no, I mean the height and width.

Board Member Brady stated it's 64" x 40".

Chairman McNulty stated see, it looks bigger on the plan.

Board Member Brady stated yes.

Rich Williams stated well again, this is just a quick rendering in Microsoft Office. It doesn't represent scale or...

Chairman McNulty stated yes.

Rich Williams stated you know, it just gives a general look at colors.

Board Member Taylor stated well, I think we need the real colors to make a determination.

Chairman McNulty stated yes. I'm sure they'll get them for us. And just clean them...

Rich Williams stated well, it's not so much that he gives them to us, we give...

Chairman McNulty stated we have a sample chart, right.

Rich Williams stated we give them to him. We give him the burgundy. We give him the dark blue. We have the colors over there.

Board Member Taylor stated well, can we dig them out and...

Board Member Brady stated and then he's just got to match that.

Board Member Taylor stated and look to see...

Rich Williams stated right.

Board Member Taylor stated whether the green conflicts and...

Chairman McNulty stated is there more than one burgundy and more than one green.

Rich Williams stated nope. No, we went through this a while ago that, you know, with paint samples and the Planning Board picked out the colors...the colors that they liked.

Board Member Taylor stated did they intend all three to go together on one sign.

[Laughter].

Chairman McNulty stated yes.

Board Member Montesano stated you're choice.

Board Member Brady stated actually four with the lettering.

Board Member Taylor stated no, he does. I said did the Planning Board when they picked out the colors.

Board Member Brady stated all four with the lettering though, right.

The Secretary stated they're marked.

Board Member Taylor stated yes, well, the gold will go with anything.

Chairman McNulty stated I think if they're all that dark historic color they're all going to...

Board Member Montesano stated is it 24 carat or 18 [carat] or what.

Board Member Taylor stated I don't think it matters, does it. As long as there's not yellow.

Rich Williams stated and we've got to change that. We can't use that because that...

The Secretary stated it's too...

Rich Williams stated this is the burgundy that we really want. But that is the green.

Chairman McNulty stated as far as any plantings or shrubbery, do we require that around the lights or that's an option to them.

Board Member Taylor stated if it's not needed for shielding, we don't require it, do we.

Chairman McNulty stated yes. I don't think so.

Board Member Taylor stated they're shielded. He said that they were shielded.

Chairman McNulty stated yes, up lighting. So...

Rich Williams stated we're talking about...and I want this back [referring to the paint samples].

Board Member Taylor stated yes.

Rich Williams stated chrome green.

Board Member Taylor stated let's put them next to each other. That's what we need to do.

Chairman McNulty stated I like Essex green, but...

Rich Williams stated burgundy...the classic burgundy.

Chairman McNulty stated I don't think there's a problem.

Board Member Montesano stated jeez, there's grey.

Chairman McNulty stated how's the blue. That's the question.

Rich Williams stated and then you've got the...

The Secretary stated Colonial Blue or something, right.

Rich Williams stated well, on this it's van deusen.

The Secretary stated oh, okay.

Board Member Taylor stated which one is it.

Board Member Montesano stated I like the combination.

Rich Williams stated it's the first one, van deusen.

Chairman McNulty stated that's the last one if you're going left to right.

Board Member Taylor stated well, a little bit dark all together.

Chairman McNulty stated yes.

Board Member Montesano stated well, that's the colors they had available at the time.

Chairman McNulty stated just keep it out Mike, not to drive you crazy, promise.

Rich Williams stated ain't going to work, Tommy.

Chairman McNulty stated I don't have a problem with any of those.

Board Member Taylor stated I don't either.

Chairman McNulty stated they are all rich, historic colors.

Board Member Taylor stated that were...yes.

Board Member Montesano stated but you've got to use Benjamin Moore [paint] for...

Chairman McNulty stated well, you don't have to use Benjamin Moore as long as you match the mix.

Rich Williams stated right. So you're okay blue, green and red...burgundy on the sign.

Chairman McNulty stated sure. As long as all the lettering stays gold.

Rich Williams stated all right. Well, if you want to approve it, we'll let him know.

Board Member Montesano stated in the matter of Sauro's...

Board Member Taylor stated no. Barlen.

Board Member Montesano stated approved as submitted.

Board Member Taylor stated second.

Chairman McNulty stated second. All in favor. Motion carried by a vote of 4 to 0.

Rich Williams stated Mr. Chairman.

Rich Williams stated how about following process.

Board Member Taylor stated we have to do a SEQRA, don't we.

Chairman McNulty stated oh, yes.

Board Member Montesano stated oh. You got to do that.

Chairman McNulty stated make a motion on the Barlen Route 311 sign application to call for a negative determination on SEQRA.

Board Member Montesano stated second.

Chairman McNulty stated all in favor. Motion carried by a vote of 4 to 0.

Chairman McNulty stated thanks for keeping me in line.

Rich Williams stated you're not going to get by me Tommy.

Board Member Montesano stated just keep him on his toes.

Chairman McNulty stated a little new to me.

Board Member Brady stated let me just give you a hint, he likes it when you argue with him.

Rich Williams stated now you want to...Did you approve the sign.

Chairman McNulty stated yes we did.

Board Member Montesano stated yes.

Rich Williams stated okay.

Board Member Montesano stated see, now if you see him getting red in the face...

Chairman McNulty stated on Mike's motion we seconded...

Board Member Taylor stated you just have to direct the Secretary to rearrange those sections.

Chairman McNulty stated that's right. And that's...

[Laughter].

Chairman McNulty stated and that's approved based on the Town colors and gold lettering.

The Secretary stated who seconded that.

Board Member Taylor stated Tom did.

Chairman McNulty stated I did.

Board Member Taylor stated so...

Chairman McNulty stated okay.

4) **ROBERT WEIZENECKER – Fill Permit**

Board Member Taylor stated I didn't find this very useful. It didn't come out where you could see anything on it.

Rich Williams stated what is that.

Board Member Taylor stated it's the...

Board Member Montesano stated Mr. Weizenecker.

Rich Williams stated Weizenecker.

Board Member Taylor stated yes.

Rich Williams stated yes.

Board Member Taylor stated where's the fill. Where's the street. Is this the barn or is this the house.

Chairman McNulty stated this is Weizenecker.

Rich Williams stated it's the house.

Board Member Brady stated this is the house.

Board Member Taylor stated okay.

Rich Williams stated and what he is proposing to do is to basically berm up around the house. He's going to do, and it's been awhile since I've looked at it, either 18" or...I think it's 18". Or 3'. Maybe it's 3', up against the house and then slope it back on a 2 on 1 slope away.

Board Member Taylor stated so he wants the runoff.

Chairman McNulty stated where is this house on [Route] 311.

Board Member Taylor stated right on the corner.

Rich Williams stated it's right at the intersection of [Route] 292. It's the grand big house.

Board Member Taylor stated the...

Chairman McNulty stated oh, it sits there on the right just past the light.

Board Member Brady stated yes.

Board Member Taylor stated yes.

Rich Williams stated yes.

Board Member Brady stated with the barn.

Chairman McNulty stated so is he going to grade back off into the stream.

Rich Williams stated no. He's only going to come back out about 2 to 3 feet from the house.

Board Member Taylor stated okay. And then where is the buffer here. It runs through the house. Is it...

Rich Williams stated well, it runs through the house. But more importantly, the floodplain runs through the house.

Board Member Taylor stated oh.

Board Member Brady stated that's why he's doing it.

Rich Williams stated and so what happened was with this latest remapping and reclassification, he ended up being classified in the floodplain and had to get flood insurance.

Board Member Taylor stated sure.

Rich Williams stated so his flood insurance went... Well, his home owner's insurance went up...

Board Member Taylor stated sure it went through the roof.

Rich Williams stated by about \$3,000.

Board Member Taylor stated yes.

Board Member Montesano stated welcome to Florida.

Rich Williams stated yes.

Board Member Taylor stated oh my god. So this is going to help him.

Chairman McNulty stated is this [Route] 292 on this side. [Route] 22 here.

Rich Williams stated hold it up. I can't see it.

Board Member Taylor stated this is...This is [Route] 311 here, isn't it, on the top.

Chairman McNulty stated it's 311 and 292.

Board Member Taylor stated well, across the stream.

Rich Williams stated yes. No. No.

Board Member Brady stated no, this is it right here.

Rich Williams stated 292 is in the back.

Board Member Brady stated this is...That's 311, this is 292.

Chairman McNulty stated okay.

Rich Williams stated I had Teddy go out and take a look at it. Teddy has issued a memo which basically says as long as he gets a fill permit he's not going to require him to get a Wetlands/Watercourse Permit.

Board Member Taylor stated okay.

Chairman McNulty stated even though he's in the floodplain.

Rich Williams stated it's such a minor intrusion into everything. It's lawn area.

Chairman McNulty stated you've been out to look at this.

Rich Williams stated yes.

Chairman McNulty stated so...

Board Member Montesano stated (inaudible) to me.

Rich Williams stated hi.

Board Member Brady's wife stated hello.

Board Member Brady stated Erin.

Board Member Brady's wife stated how are you. Sorry.

Chairman McNulty stated so you don't see any major problems here and Teddy has no problem.

Rich Williams stated I don't.

Chairman McNulty stated okay. I make a motion on the Weizenecker Fill Permit Application to approve it as outlined with the amount of 30 yards maximum clean top soil.

Board Member Montesano stated second.

Chairman McNulty stated all in favor. Motion carried by a vote of 4 to 0.

Chairman McNulty stated no SEQRA.

Rich Williams stated no SEQRA.

Chairman McNulty stated good. I did it right.

Rich Williams stated well, no. You didn't do SEQRA.

Chairman McNulty stated I know.

Rich Williams stated you always have to do SEQRA, Tommy. Always.

Chairman McNulty stated okay, I make a motion in the Weizenecker...

Board Member Taylor stated unlisted action, right.

Chairman McNulty stated it's an unlisted action. Make a motion in the Weizenecker Fill Permit Application to determine a negative determination on the SEQRA.

Board Member Brady stated second.

Chairman McNulty stated all in favor. Motion carried by a vote of 4 to 0.

Chairman McNulty stated okay. I just want to make a note, Rich, are you going to monitor this at all when as they do it. Is somebody going to keep an eye on this.

Rich Williams stated I am going to monitor it. I will say that, you know, I've been with the Town since 1988. Since 1988, this is going to be the first Floodplain Permit that's ever been issued.

Chairman McNulty stated in the Town.

Rich Williams stated in the Town.

Chairman McNulty stated and Patterson Village isn't in it, the floodplain.

Rich Williams stated well, Patterson Village was done before they really had the floodplain regulations. We didn't really start with the floodplain regulations, I think, till '86.

Board Member Montesano stated something like that.

Chairman McNulty stated you say this particular application is now within the floodplain.

Rich Williams stated it is now, yes.

Chairman McNulty stated yes.

Rich Williams stated so I've got to issue a permit on it.

Chairman McNulty stated do we have the floodplains mapped out for the Town.

Rich Williams stated yes. We don't. FEMA does.

Chairman McNulty stated we don't. But do we have copies of it. Do we know...

Rich Williams stated yes we do.

Chairman McNulty stated yes. I figured you would.

Rich Williams stated yes.

Chairman McNulty stated okay.

Board Member Montesano stated now we've got something else to play with.

Chairman McNulty stated enough to keep track of. Okay.

5) ILLESCAS – W/W Permit Application

Chairman McNulty stated Illescas. Is that how you say that.

Rich Williams stated Illescas. This is on...

Chairman McNulty stated this is...

Rich Williams stated East Branch Road.

Chairman McNulty stated yes.

Rich Williams stated Teddy's reviewed the permit. He is not satisfied with it. So I'm going to let Teddy deal with Mr. Illescas. Teddy is looking for a more comprehensive map.

Chairman McNulty stated yeah, I spoke to Ted. He passed the same word along to me that this just wasn't cutting it.

Board Member Taylor stated yes. I can see why.

Chairman McNulty stated I can't even read it.

Board Member Taylor stated yes, exactly. Where the buffers were and...

Chairman McNulty stated now and formerly.

Board Member Brady stated like I said earlier, he's got, you know, in three different places you've got three different shed sizes...

Board Member Taylor stated yes.

Board Member Brady stated on this application.

Chairman McNulty stated yes, also note that we received from the Building Inspector a note. What appears to be sheds that aren't permitted. So, is that a separate issue the Building Department's going to take care of.

Rich Williams stated kind of. What Mr. Illescas now is proposing with the latest material that he's brought in is he's going to take those two sheds down because they are not conforming with zoning and put up one single shed out there. Which he'll...

Chairman McNulty stated which he'll permit...

Rich Williams stated which he'll take the, you know, he's going to have to get a building permit for it if he gets a wetlands permit for it. And...

Chairman McNulty stated and these sheds are in the wetlands, correct.

Rich Williams stated on this piece of property, everything is within the buffer. The Buffer comes almost up to the road. So no matter what he does, he's in the buffer.

Board Member Brady stated now this is a...this is a...

Chairman McNulty stated so...

Board Member Brady stated I'm sorry.

Chairman McNulty stated no...

Board Member Brady stated this is an existing house.

Rich Williams stated yes.

Board Member Brady stated and a 30' x 60' driveway.

Rich Williams stated well, parts of the driveway are definitely new. Exactly what, because I've never been on the site, I can't tell you. But Mr. Kozlowski indicated that, you know, he had expanded the driveway.

Board Member Brady stated because on this he's asking for 30' x 60'.

Rich Williams stated right.

Board Member Brady stated I mean, it's a parking lot.

Board Member Taylor stated it seems like we should table this until we can hear from Ted.

Chairman McNulty stated so this fill...this wetlands permit is for the driveway, correct. Or does it address the sheds, too.

Rich Williams stated no, it addresses the shed as well.

Board Member Brady stated yes.

Rich Williams stated but at present, Mr. Kozlowski has found it incomplete.

Chairman McNulty stated that I understand.

Rich Williams stated so, we've got to wait, you know, till the Applicant addresses the concerns that Mr. Kozlowski has raised.

Chairman McNulty stated so if he takes these sheds down and complies with whatever Ted asks him to do to restore or fix the area in the wetlands...

Rich Williams stated right.

Chairman McNulty stated does he then have to file another permit to put up a new shed.

Rich Williams stated well, that's what this is. This is to cover the expansion of the driveway and the new shed.

Chairman McNulty stated and the new shed.

Rich Williams stated and the new shed. And what we will do is, you know, if it makes it to the end of the process favorably, the Planning Board would approve it and then the Applicant would take down the old sheds, put the new sheds up and...

Chairman McNulty stated okay.

Rich Williams stated get everything...

Chairman McNulty stated so we're going to address the new shed within this.

Rich Williams stated (inaudible). Yes.

Chairman McNulty stated that was my question.

Rich Williams stated yes.

Chairman McNulty stated all right. So we'll wait for Ted's comment and see where we go from here.

Board Member Taylor stated and he should also say that he's going to do that in here. There's no mention about the other sheds in here.

Chairman McNulty stated no. I didn't see anything. I just...

Rich Williams stated as I think it was noted earlier, we're not even clear as to what shed he was...

Board Member Taylor stated yes.

Rich Williams stated proposing.

Chairman McNulty stated yes.

Rich Williams stated he keeps changing, so...

Board Member Brady stated yes.

Board Member Taylor stated that's why it's incomplete.

Rich Williams stated yes.

6) MUNRO – Lot Line Adjustment

Chairman McNulty stated okay. Munro. Lot line adjustment. I see you reviewed it, Rich.

Rich Williams stated if you all recall, this is the application that was along Lake Shore Drive. They came in last meeting. There were a number of concerns with zoning and the location of the house and subsequent to that, he's been working with this office and the Building Department and he's addressed all the zoning issues. He's now given us a lot line adjustment plat which meets all the requirements. He's combined the two lots into one. And in working through this and working with his builder, he is actually proposing now to tear down the existing house, I believe it was Lot 1.

Chairman McNulty stated Lot 2.

Rich Williams stated Lot 2 and move it to a better location on the lot.

Chairman McNulty stated which is this red area [referring to the plans].

Rich Williams stated yes. In doing so, of course he's encroaching into that area that is...Teddy identified as a stream channel. So Teddy has been out there. He's been working through this with Mr. Munro. Teddy's comments on the whole application was that he needs a list of nearby and adjacent property owners. So...And if he's going to do it...If we're going to go to a public hearing on this, then the office would supply him with the name of the property owners. So, that's not really an issue.

Chairman McNulty stated okay. So the adjustments here. He took this lot, pulled this back to make this all one lot.

Rich Williams stated correct.

Chairman McNulty stated and this is not buildable here.

Rich Williams stated it's not that it's not buildable. It would be difficult to build over there because of the stream.

Chairman McNulty stated yes.

Rich Williams stated he certainly could use it for an accessory building which is, I believe, what he intends to do.

Chairman McNulty stated okay.

Rich Williams stated but again, if he puts up an accessory building he needs a Wetlands/Watercourse Permit.

Chairman McNulty stated is this something we need a walk on, do you think.

Rich Williams stated I don't see why you would and frankly, I don't have the money to pay you. So...

Chairman McNulty stated do you have a google earth view of it that we could look at.

Rich Williams stated sure. I have GIS.

Chairman McNulty stated that...

Rich Williams stated I have google earth as well. It...

Chairman McNulty stated wouldn't hurt just to get a bird's eye view of it.

Rich Williams stated yeah, I mean, if you want to go in my office we could pull it up. But I think the map is fairly clear as to what he's proposing to do.

Board Member Brady stated does it meet the setbacks.

Chairman McNulty stated it's just without the topo it's harder.

Board Member Brady stated with the new lot lines it meets the setbacks.

Rich Williams stated yes. That all meets the new setbacks except for the wetlands issue.

Board Member Brady stated okay.

Rich Williams stated and working through this with Ted, Ted didn't have a problem with moving them. He just wanted them to go through the permitting process.

Board Member Brady stated yes.

Rich Williams stated I did give you a memo. Mr. Munro is looking to do this relatively quickly. Time is of the essence because what they're going to do is they're going to move Mrs. Munro's mother into the house. So they want to get the house up.

Chairman McNulty stated and the septic was all existing. They're going to tie back in.

Rich Williams stated septic's existing. Well is going to remain.

Chairman McNulty stated where is the well again on this.

Rich Williams stated I gave you a memo on this. There is a provision...

Chairman McNulty stated yeah, I haven't looked at it yet.

Rich Williams stated yes. There is a provision in our Code which allows you to waive the requirement for a public hearing if it's really a minor activity. Given this is Putnam Lake and given the condition of the stream, it's really a channelized urban stream. It's not like it's living, you know, existing in a natural corridor. I don't see why the Board couldn't grant some relief. I'm sure you're going to want to talk to Ted next week, but...

Chairman McNulty stated yes. I'm almost reluctant though because it's a dense area not to let the public have an input on it. It's not like it's sitting out there by itself. And I think one other time we kind of waived through a public hearing, it kind of came back at us. I don't recall what it was. Not seriously, but...I don't remember what it was.

Rich Williams stated I doubt if anybody in Putnam Lake even realizes it's a stream.

Chairman McNulty stated well, not so much a stream but the adjustment of the lot and the house.

Rich Williams stated well, that has nothing to...I mean, the house being...

Chairman McNulty stated so it would be a wetlands application would require...

Rich Williams stated exactly.

Chairman McNulty stated a public hearing.

Rich Williams stated that's all you're looking at.

Chairman McNulty stated got you.

Rich Williams stated the lot line adjustment, in recognition of it's really an issue between two property owners, there's no requirement for a public hearing.

Chairman McNulty stated and it's all one property owner basically, isn't it.

Rich Williams stated it is.

Chairman McNulty stated so that doesn't require a public hearing.

Rich Williams stated does not.

Chairman McNulty stated okay. All right, well I'd like to review your notes and look it all over, talk to Ted and...

Rich Williams stated yes. Absolutely.

Chairman McNulty stated before we do anything on that. Okay. Their application are in order.

Rich Williams stated appears to be fine.

Board Member Montesano stated as long as they stay married.

Board Member Taylor stated do we have an EAF for them.

Rich Williams stated I don't know if we do. If not, you will have one.

Board Member Taylor stated okay. I don't see one here.

Rich Williams stated yes, probably not. With a lot line adjustment you don't need one.

Board Member Taylor stated right.

Rich Williams stated we don't require one.

Chairman McNulty stated oh, there is an EAF in here.

Rich Williams stated is there.

Chairman McNulty stated it's a short environmental assessment form.

Board Member Taylor stated for them.

Chairman McNulty stated yes.

Board Member Taylor stated how come I don't have it. I have to find it and look at it. Yes, except it's no longer a lot line adjustment.

Rich Williams stated what.

Board Member Taylor stated they have the listed action as the lot line adjustment. It's not an EAF for a lot line adjustment.

Rich Williams stated no. It's really a wetlands.

Board Member Taylor stated so...

Chairman McNulty stated okay. Good, Ron.

Board Member Taylor stated I don't know yet.

Chairman McNulty stated okay.

Board Member Taylor stated I got to read all the points. Contains wetlands or water bodies regulated by a local agency. That's the issue, right. So this should be yes. Oops. Wrong one. This one.

Chairman McNulty stated thanks (inaudible) I had circled.

Board Member Taylor stated is there a flood plain over there.

Rich Williams stated yes, it's comes right up to the shore.

Chairman McNulty stated yes, they're out of it there, right.

Board Member Taylor stated so they're out of it.

Rich Williams stated they're out of it.

Chairman McNulty stated is it a pretty steep incline on those lots...

Rich Williams stated no. I wouldn't...

Chairman McNulty stated from Lake Shore...

Rich Williams stated say that.

Chairman McNulty stated going up the hill. I don't know the area, so...

Rich Williams stated no, but Putnam Lake is such a large water body to get it to go out of its...

Chairman McNulty stated no, I mean in general, the slope of that...those lots there.

Rich Williams stated on these lots, not too steep. Once you get passed these lots over into Connecticut, then it rises up...

Chairman McNulty stated it rises, yes.

Rich Williams stated pretty significantly.

Chairman McNulty stated because I know some of that side is pretty steep.

Rich Williams stated yes.

Chairman McNulty stated okay.

Board Member Taylor stated so will the proposed action create stormwater discharge.

Chairman McNulty stated I don't think so. Not for the...

Rich Williams stated they're tearing down a house, restoring the area and putting up a new house...

Chairman McNulty stated so it doesn't...

Board Member Taylor stated so does it change.

Rich Williams stated it's going to be the same.

Board Member Taylor stated does it change it.

Chairman McNulty stated not where the stream is.

Rich Williams stated no.

Chairman McNulty stated they're not really in by the stream.

Board Member Taylor stated yes, but the question isn't whether it changes or not, it says whether it creates any. It looks fine so we just got to make the corrections and then we can go through part 2. We shouldn't have any problem with it. Okay.

Chairman McNulty stated all right. We'll get comment on that. Take a look for Thursday.

7) S.A. Hebert – Site Plan

Chairman McNulty stated Hebert.

Rich Williams stated Hebert.

Chairman McNulty stated any progress here.

Rich Williams stated a little bit of progress. We received new plans in and we received the stormwater pollution prevention plan such as it. I don't know, Ron, have you had a chance to look at any of it.

Ron Gainer stated I've been through it. I haven't reduced it to writing. I'm just reading your comments on SWPPP. You've got everyone that I had identified they have a few other...

Rich Williams stated the best one was the last one I think.

Ron Gainer stated no, that was a clear issue.

Rich Williams stated it's...

Ron Gainer stated and he's taking credit for it, for his onsite stuff. I mean, there's got to be a big set aside for that volume.

Rich Williams stated yes.

Ron Gainer stated but, this is Zarecki, so...

Chairman McNulty stated is that...

Rich Williams stated I found it significantly deficient.

Chairman McNulty stated so it does not conform to requirements of Chapter 9. Is that what you're saying.

Rich Williams stated yes.

Chairman McNulty stated but how far off does it not require...Is it way off.

Board Member Taylor stated Rich just said it's (inaudible).

Rich Williams stated yes.

Chairman McNulty stated okay.

Ron Gainer stated yes, you've got to follow the protocols, right.

Rich Williams stated yes. I mean...

Chairman McNulty stated not even close, huh.

Rich Williams stated he's kind of all over the place.

Ron Gainer stated right.

Rich Williams stated he's not...he's not...he's...The way that...to prepare a SWPPP is it's got a whole list of things...a whole list of steps that you have to go through. Looking at your water quality to volume. What you're water quality volume is. You're runoff reduction, channel...channel protection, flood protection, 100 year storm. And he doesn't do any of that.

Chairman McNulty stated he doesn't address any of it.

Rich Williams stated he really doesn't go through any of that. You know, he recognizes that the water quality volume is supposed to be equal to the runoff from a one year storm and then uses the wrong numbers. He doesn't follow Chapter 9 of the stormwater manual which is all about redevelopment which is what he's doing. And as Ron just said, you know, he starts with the existing conditions as they are today, not as they were...

Chairman McNulty stated they were.

Rich Williams stated before so you can...

Chairman McNulty stated which is key.

Rich Williams stated you can look through the steps and see was, you know, what was the size of the basin or what should it have been and where are we today and then what does he have to do to modify considering, you know, the new disturbance they just created.

Chairman McNulty stated is he addressing anything about covering over the septic with all that fill.

Rich Williams stated he says that he's been working with the Health Department and I've asked for the correspondence. He also said that the Health Department wanted him to put in a new manhole, I believe.

Board Member Taylor stated yes.

Rich Williams stated which he went ahead and did.

Board Member Taylor stated but he doesn't provide any details for it.

Rich Williams stated no.

Board Member Taylor stated but he should have, shouldn't he have.

Rich Williams stated yes.

Board Member Taylor stated yes. He says that the fill did not cover the...

Chairman McNulty stated fields.

Board Member Taylor stated expansion area and that the tank, even though it's buried, somehow it's protected. What was that. It's underneath the driveway and yet it's protected.

Rich Williams stated yes, I don't recall what that was.

Board Member Taylor stated yes.

Ron Gainer stated he's trying to say it's not in the travel lane. It's off...

Board Member Taylor stated yes, but it's still under the parking area.

Ron Gainer stated it's off the wheel loading. But, yes, he still put significant fill on it.

Board Member Taylor stated yes.

Board Member Brady stated aren't the fields going down the hill.

Chairman McNulty stated I guess we can expect some notes from you on this one.

Ron Gainer stated yes, right.

Rich Williams stated the fields are down the hill running parallel to the building.

Board Member Brady stated right. Where he put all the fill.

Ron Gainer stated I had a hard time believing these can't be on the reserve area but if they're dealing with DOH that's a possibility.

Rich Williams stated well, the question is, back then, was there even a reserve area set aside and will the Health Department require one now. You know, so those are two open questions. And then, you're right. I mean, the toe of the slope...Which he's not showing anymore.

Ron Gainer stated no. He doesn't show it.

Rich Williams stated he took it right off. It was in the way so it's gone.

Board Member Taylor stated he shows this plan. And there are notes on this plan that say 100% expansion area. And I guess this is a septic tank over here. But he doesn't transfer it from this plan to the previous plan on this one.

Rich Williams stated right.

Board Member Taylor stated so...

Chairman McNulty stated this is the original plan that had the original expansion.

Board Member Taylor stated supposedly. That's what...

Ron Gainer stated there's always hidid data from you, just...

Rich Williams stated but that's not the original plan.

Chairman McNulty stated do we have...

Rich Williams stated that's one that he made.

Chairman McNulty stated do we have a plan that...

Rich William stated yes.

Chairman McNulty stated shows the expansion area.

Rich Williams stated no.

Chairman McNulty stated I think we looked at...No.

Rich Williams stated we have a plan that shows general location for the septic, which is the first trigger for me. But nothing with 100% expansion.

Board Member Taylor stated okay. So he added these notes.

Rich Williams stated yes.

Board Member Taylor stated and he made...then made a copy of it to make it look like it was an old plan. Is that what's the idea. We won't accuse him of anything, but...

Rich Williams stated I'm just saying, he drew it...he drew it and that's the way it came out.

Board Member Taylor stated okay. So it's...Clearly, the application is incomplete, huh.

Rich Williams stated yes. So, there's a number of issues that he needs to address.

Chairman McNulty stated you know if there's been any progress with cleaning up any of that equipment and...

Rich Williams stated there has been some progress. There is less equipment out there.

Chairman McNulty stated okay. Less.

Rich Williams stated 40% less.

Chairman McNulty stated really.

Rich Williams stated yes.

Chairman McNulty stated all right. So he's...He's weeding...

Rich Williams stated yes, last time I was out there which was a month ago...three weeks ago.

Board Member Montesano stated he moved them up to the empty lot.

Chairman McNulty stated so you don't know if...

Board Member Taylor stated on parking, did you come up with the same number of parking spaces required as he did.

Rich Williams stated I think we're both in the same ballpark. You know, one of the questions that I have is originally he was talking about renting the backside of the building for retail; he had brought that up. And that's why he had all that parking back there. And this latest plan, that's gone. And there's only five spots back there which isn't going to sufficient if he's going to rent that out for retail in the back. Probably the biggest question that I think the Board needs to wrestle with right now is what to do with this driveway and parking area. He's going to keep it as Item 4, or, he wants to keep it as Item 4.

Chairman McNulty stated and the other item is how it chokes off pretty good on the south...southeast corner of the building.

Rich Williams stated yes, he's opened that up a little bit. But it still...

Ron Gainer stated yes, it looks...

Rich Williams stated chokes down a little.

Ron Gainer stated looks like it's about 20 feet now. I don't know why it's 24' to come around the west side of the building. You know, he was talking about doing parking there but he can...if he can use 20' around the...

Rich Williams stated he can choke it all down.

Ron Gainer stated and then simplify the grading...

Chairman McNulty stated well, he's got 20' here.

Ron Gainer stated on that slope he disturbed. Right. So you could play with him on that.

Board Member Brady stated I don't understand. He's got two handicapped spots there, in the...on his drawing. And he's so far away from the entrance to the building; they have to walk halfway around the building.

Rich Williams stated well, that's one of my comments. My...One of my comments was the two spots right in front, get rid of them. They're going to look ugly. They're not going to serve any real useful purpose. But if you've got to keep them, then that's where the ADA has to be.

Board Member Brady stated right.

Chairman McNulty stated yeah.

Board Member Brady stated yes, it's, you know, the ADA is so far away from the entrances to the building. It's just, I mean...

Chairman McNulty stated where are the two spots right in front of the building. Right here you're talking about.

Ron Gainer stated yes.

Chairman McNulty stated 20'. Yes, that's where they should be. They don't meet...They can't put them there though. There's not enough room.

Rich Williams stated there is enough room.

Chairman McNulty stated if he makes it one spot. He's got enough room for two spots, ADA.

Rich Williams stated yes, I think so.

Chairman McNulty stated because he's right up against the planter. It's not really like a sidewalk, but...

Rich Williams stated yeah, maybe not because he's got to push out from the building.

Ron Gainer stated right.

Chairman McNulty stated yes.

Rich Williams stated he would have to push out so maybe not.

Chairman McNulty stated he might have room for one. But I don't know if he'd have room for two.

Rich Williams stated well, let's say this: he's got room for two ADA spots but they're not going to be van accessible.

Ron Gainer stated that's new.

Chairman McNulty stated okay.

Board Member Brady stated and he's taking all these drains out. Existing drains to be removed...

Ron Gainer stated but they don't have an outlet. I don't know.

Board Member Taylor stated they were never connected is what he said.

Rich Williams stated well...

Board Member Taylor stated there was no pipe on them.

Rich William stated yeah, I'd find that hard to believe somebody...

Ron Gainer stated not...Can't really believe it.

Rich Williams stated would put the drains in with no pipes.

Board Member Brady stated is there...What do you mean. The drain in the ground has no pipe. It's just a catch basin.

Rich Williams stated that's what he says.

Ron Gainer stated that's what he's alleging. He's alleging that.

Chairman McNulty stated it was a former dry well.

Ron Gainer stated doesn't seem possible.

Board Member Brady stated yeah, I wouldn't think so.

Board Member Montesano stated he didn't have flooding before.

Chairman McNulty stated so what's he going to do with all the water when he gets rid of it.

Board Member Brady stated right. That's a flat roof, right.

Rich Williams stated it's going to sheet flow around the flooding and then over to the catch basins out in front of the building across the parking lot.

Board Member Taylor stated is that permitted.

Board Member Brady stated he's going to let the water...

Rich Williams stated yeah, it's permitted.

Board Member Brady stated he's going to let the water from the roof drain across the parking lot.

Rich William stated well, the roof is being collected and coming down in front.

Ron Gainer stated yeah. He's got it in the front corner. Right.

Rich Williams stated right.

Board Member Brady stated right. But is the whole roof pitched that way or is it...Or is that what this intent is here that these...

Chairman McNulty stated 6"...

Board Member Brady stated drains in the back are for...

Chairman McNulty stated 6" rood leader.

Rich Williams stated no, I think those drains in the back were...If there's no pipe in there, it is probably that somebody got tired of all the water coming down the hill...

Board Member Brady stated oh, just...

Rich Williams stated and put them in and never finished the job. But it just...It doesn't ring true that somebody would do that and not put pipes in.

Ron Gainer stated right.

Board Member Brady stated right.

Board Member Montesano stated do we have the...We still have the original drawings from the building.

Rich Williams stated yes. It doesn't show anything there.

Board Member Montesano stated it doesn't show anything.

Rich Williams stated it doesn't show any drainage there at all.

Chairman McNulty stated so this plan here is showing how it is now with this 24' drive in the back, correct.

Rich Williams stated his existing conditions plan shows, to some degree, what's out there now.

Chairman McNulty stated yeah, they don't show how much they've cut from the back.

Rich Williams stated there's obvious detail missing out of it; it's not complete. They don't shoe the toe in the front. You know, if you remember the last plan we saw, there was concern about the trees in the front because the toe came right down on to the trees.

Chairman McNulty stated yes.

Rich Williams stated somehow it's moved back twenty, twenty-five feet.

Chairman McNulty stated they must have moved the trees.

Rich Williams stated yes.

[Laughter].

Board Member Brady stated yeah, some job digging up these distribution boxes in the front.

Chairman McNulty stated okay.

Board Member Montesano stated that's where the trees are now.

Board Member Brady stated yeah.

Chairman McNulty stated well, I have to read through all the notes on this. I just got them tonight. Anybody else any comment. You expect them in this week.

Rich Williams stated yeah. He will certainly be in as long as Fox Run's on the agenda.

Chairman McNulty stated Fox Run. Anybody else anything. Okay.

8) M&S Iron Works – Site Plan

Chairman McNulty stated M&S Iron Works. Haven't heard that in awhile.

Rich Williams stated no. As you all may recall, M&S Iron Works proposed a building over in Patterson Interstate Business Park, Commerce Drive, where they were going to move their operation up from, I believe, Peekskill. The amount of time it took the economy and some other factors, they ended up finding another building which is more suitable to their needs elsewhere. They are now looking to redesign this site to, perhaps, use it as a warehousing and/or use portions of it. It's gone from three buildings down to one building. I think it provides for a better layout.

Chairman McNulty stated now, if I remember right, we were pretty close to having this approved on a... They had a three or five phase plan in place.

Rich Williams stated it was all conditionally approved.

Chairman McNulty stated yeah.

Rich Williams stated yeah, he just had a...

Chairman McNulty stated I thought we took it right up...

Rich Williams stated yeah. He just had to meet a few conditions. So they are dropping back and punting.

Chairman McNulty stated how is the square footage coverage compared to their first plan.

Rich Williams stated it's close. It's a little bit less, but it's close.

Chairman McNulty stated is it still the same type of buildings we're looking at. One of them was like an open building, at one point, wasn't it. They could drive...

Board Member Brady stated I think for fabricating...

Chairman McNulty stated trucks in and out.

Board Member Brady stated yeah, for fabricating steel and loading it.

Rich Williams stated yes. No, that's gone. I would say at this point, you know, all the waivers for the architecture that they received so they could put up butler buildings is gone. You've got to reconsider that. You know, there's basically a new application.

Board Member Brady stated now, is he proposing to do this all at one time or is he going to phase it and, you know...

Rich Williams stated I think he's going to phase it the way the building is broken up.

Board Member Brady stated yeah, it looks that way, I know.

Chairman McNulty stated pretty much looks like it's in the same area as the original plan. I thought the buildings were separated. Couldn't you drive between some of the buildings before.

Rich Williams stated yeah. He had the big main building, he had the garage that was all the way in the back where the overflow truck parking is, and the he had a whole nother separate, I think, 20,000 square foot building up against the southerly property boundary.

Chairman McNulty stated has he provided an application, too.

Rich Williams stated yup. Everything's new.

Chairman McNulty stated okay.

Board Member Montesano stated paid new fees.

Rich Williams stated yes.

Board Member Brady stated that was my first site walk to.

Chairman McNulty stated was it.

Board Member Brady stated yes.

Chairman McNulty stated yes, was that two years ago.

Board Member Brady stated yes.

Chairman McNulty stated so you're saying nothing...there's...any part of the previous conditional plan follow through with this.

Rich Williams stated no. The conditional approval expired the end of 2013. They've never asked for a renewal.

Chairman McNulty stated okay. Well, again, I had to go through all the notes and compare. Do you see any... You don't see any major differences, well, other than the a little less square footage and...

Ron Gainer stated he hasn't submitted a lot of the old plans. We don't have architectural...

Rich Williams stated no.

Ron Gainer stated landscaping, lighting, all of that. Did you...Did the original plan give some clear indication of any balance of cuts and fills...

Rich Williams stated no.

Ron Gainer stated or any cross sections because I don't have a clear picture as to changes in grade out here because, you know, on that leading edge, to the northeast corner of the property...

Rich Williams stated this side is...

Ron Gainer stated it's probably at 716; his buildings are all at 724.

Board Member Taylor stated he was going to flatten it, wasn't he.

Rich Williams stated this site is somewhat of an anomaly for the Town of Patterson; it's relatively flat with no wetlands.

Ron Gainer stated although, I just looking at grades, as I say on the existing road, you know, the floor elevations look 8 feet higher than the...when you first enter his property and that seems like a big change in grade for that limited setback in the front. I'm just saying.

Rich Williams stated yes.

Ron Gainer stated so...

Chairman McNulty stated what's it, 721 to seven...724.

Ron Gainer stated well, if you get out to the existing catch basin, that's 716, right. Because right where his...

Chairman McNulty stated yeah. I think that whole...goes up a hill a little bit but it plateaus off.

Board Member Taylor stated but he said he's going to take the hill out, if I remember right.

Ron Gainer stated the buildings are at 724. That's a big change in these...That's not that far back. I believe (inaudible) of the property line.

Chairman McNulty stated can't see it.

Board Member Taylor stated are they not flattening it anymore.

Rich Williams stated yes, I believe their intent is to flatten it. That doesn't mean that...

Board Member Brady stated high point's at 730.

Rich Williams stated all the elevations are right on that.

Board Member Taylor stated okay.

Rich Williams stated I certainly, you know, going through that, the inverts were all over the place when they...

Ron Gainer stated yeah, you got to pick one number or the other. He doesn't get them both right.

Rich Williams stated no, no. So, and this is where I was with the last time with Dan [Holt]. I don't know.

Board Member Taylor stated this is the same engineer.

Rich Williams stated yes.

Chairman McNulty stated yes.

Board Member Taylor stated oh, god.

Chairman McNulty stated now, we looked at this...

Board Member Brady stated got pluses and minuses, I guess, right.

Chairman McNulty stated I remember that...the stormwater for this, has he kept some of that the same. It appears to be. Because we were concerned about that stormwater pond and the runoff.

Rich Williams stated yes. He's got the big basin in the back. He's got a bio filter up front so he's meeting his green infrastructure requirements, I believe, along with the infiltrators. So, he kept all that. He shifted some things around a little bit; he had to. But, you know, he kept the basic concept intact.

Chairman McNulty stated yes, it looks like it.

Rich Williams stated he hasn't gone to Health Department that I'm aware of which still is a big concern to me. Because that septic was in an area where there was a lot of bedrock.

Ron Gainer stated has he filed all that tested data with the application.

Rich Williams stated all the...Which data.

Ron Gainer stated the sanitary disposal. Test pitting data or perks or...

Chairman McNulty stated what's he got, four test pits there.

Rich Williams stated I think he did the last time...

Ron Gainer stated okay.

Rich Williams stated maybe. I'd have to look.

Ron Gainer stated I didn't, yes, I didn't see the paper side of it. I just saw the plans.

Rich Williams stated right.

Chairman McNulty stated do we know how long a...how far along he was with the Health Department on the last application.

Rich Williams stated again, I don't even know if he ever approached them.

Chairman McNulty stated okay.

Rich Williams stated I mean, we notified him through the SEQRA process, but outside of that, that was one of the conditions.

Chairman McNulty stated there's nothing here that indicates how high these buildings are, is there.

Rich Williams stated no.

Ron Gainer stated no. You got architectural the last time but you didn't get them this time.

Rich Williams stated no.

Ron Gainer stated and a lot of the other stuff you'll want, you know, like I said the landscaping and lighting and stuff. They got to come back in.

Chairman McNulty stated I think the initial concept looks fine. I mean, it's not far off where we were before.

Board Member Taylor stated the problem that occurred before, it seemed to me from what I was hearing it was a problem with the engineer not following through timely. Was that the case. Their engineer.

Chairman McNulty stated I think if I remember right, you engineer, Maser, and their engineer, worked from the wrong guidelines.

Board Member Taylor stated no, their engineer started out with the old guidelines.

Rich Williams stated well...I'm trying to be kind on this. I'm not sure how to do it.

[Laughter].

Chairman McNulty stated just tell us like it is.

Rich Williams stated they weren't following the right requirements that the DEC has laid out.

Board Member Taylor stated right.

Rich Williams stated neither of them were.

Board Member Taylor stated oh, okay.

Rich Williams stated and by the time I checked in, because I checked out of the project for a little while because I was busy doing other things, I dropped the ball and realized how far off they were. You know, we lost a lot of time there. We lost three to six months.

Ron Gainer stated jeez.

Rich Williams stated and, you know, that was critical for them.

Board Member Taylor stated so it would seem that it might be productive to have our engineer sit down with their engineer early on in the process and really iron some of this stuff out.

Ron Gainer stated but Rich has got...

Rich Williams stated yes, that's what we did the last time. It didn't work.

Ron Gainer stated yes, Rich got most of that.

[Laughter].

Ron Gainer stated Rich has most of that in the can now because he stepped in and straightened it out.

Board Member Taylor stated yes.

Ron Gainer stated I mean, you've have to make sure that it's been properly replicated. Well, hopefully he gets it.

Rich Williams stated yes.

Ron Gainer stated you know, hopefully he gets it.

Rich Williams stated and, you know...

Chairman McNulty stated looking at this, it doesn't look like he stormwater has changed that much from the...

Rich Williams stated it hasn't.

Chairman McNulty stated original plan.

Rich Williams stated it hasn't.

Chairman McNulty stated and that was the big issue out there, wasn't it.

Ron Gainer stated and again, the building sizes have fairly changed.

Board Member Brady stated and the visual.

Chairman McNulty stated and the visual.

Ron Gainer stated I don't know about the overall impervious, but...

Rich Williams stated but...

Ron Gainer stated what about traffic. Do you have an understanding of traffic here at all. You know, what his use is going to be to...How much traffic generation is going to occur.

Rich Williams stated well, it's going to be basically an office. I mean, not an...As a warehouse.

Chairman McNulty stated a steel warehouse.

Rich Williams stated with some light office in it and possibly some light manufacturing. It's really going to depend on, you know, what he gets for, you know, a tenant versus what he wants to use himself. But it's Commerce Drive. I'm not worried about the traffic on the road. I am worried about the fact that, you know, the ownership of that road is still in question.

Ron Gainer stated right.

Rich Williams stated we tried to wrestle that a couple of years ago. We got all the property owners in a room, said either you're going to do something with it or we're going to force you to do something with it. And they said okay, we're going to do something with it. And, you know, we've waited for months and months to get the legal agreements from them and never got anything. And here we are again.

Ron Gainer stated yes.

Rich Williams stated can...

Ron Gainer stated then again, I think with respect with to (inaudible) at least get him to define what his expectation is. So if tenants do change, or that activity might change, figure to have some baseline.

Board Member Taylor stated in the EAF, he checked will the proposed action result in a substantial increase in traffic. He checked yes.

Ron Gainer stated he said yes.

Rich Williams stated he did.

Ron Gainer stated he said yes.

Board Member Taylor stated yes.

Ron Gainer stated yes. That's right. That's what I questioned.

Rich Williams stated and I've asked him, well, exactly what does that mean.

Ron Gainer stated right. Exactly. That's what prompts the question.

Chairman McNulty stated but, how does that impact...It says...It is an industrial park. It's laid out with several lots.

Ron Gainer stated you're not going to prevent him from developing. It's just a matter of trying to quantify. That's all I want to see.

Rich Williams stated yes. And we do need to quantify it, I'm not doubting that. But at the same time, you know, if the road was in good condition, traffic, you know, it wouldn't be an issue. We need to quantify it; we need to understand it. But I don't believe it will be an issue.

Ron Gainer stated and the worse part of that is the access for Fair Street.

Rich Williams stated yes.

Chairman McNulty stated yes, that...

Ron Gainer stated which we've had forever.

Chairman McNulty stated as far as the road condition and ownership, that doesn't tie into this application at all, does it.

Rich Williams stated you know, at some point we've got to stop approving things out there until we get that road squared away. I mean, two years ago, I think it was two years ago, the whole catch basin collapsed. Thank god Pete Monteleone repaired it on his own. But...

Ron Gainer stated no, there's been repairs out there with the basins, right. You can see the pavement patches.

Chairman McNulty stated but, I guess my point is though we can't put the road on a single applicant, can we. That's something that would have to be done at a higher level to get all the...

Rich Williams stated well, I can tell you...

Chairman McNulty stated property owners.

Rich Williams stated with this new application I intend to reach out to the property owners again and see if I can't get that resolved because, again, you just can't approving projects forever out there. As the road deteriorates and they're not able to use it and no guarantee that snow's going to be, you know, plowed or, you know...It's not a good situation it needs to be addressed.

Chairman McNulty stated no, I understand it's not a good situation. I just don't know how much of that we can drop on this application to force an issue.

Ron Gainer stated well again, just to put an attorney's hat on, you also have the burden of having approved an almost identical project a couple of years ago. So it's kind of hard to suddenly have a change in precedent because his application hasn't materially changed.

Chairman McNulty stated yes.

Ron Gainer stated so...

Board Member Taylor stated well, the time has passed and he is a part owner in...

Rich Williams stated correct. And we...

Board Member Taylor stated so...

Rich William stated did approve it based on...

Board Member Taylor stated based on...

Rich Williams stated the belief that they were dealing with the situation. They didn't deal with it. So, yeah, I have no problem, you know, seeing if I can't resolve it one more time.

Chairman McNulty stated so we passed a resolution on this conditional. Any chance you can pull that up and send it to us. I'd never know where to find it.

Rich Williams stated yeah, sure. I can tell you what it's going to say. It's got the standard stuff plus it's got...

Chairman McNulty stated what the conditions were.

Rich Williams stated yes, the conditions where they had to address my memo. They had to address Maser's memo.

Ron Gainer stated yes, but you got that in the can. He can send that to you in a heartbeat.

Chairman McNulty stated yes, but I'm assuming that many of those conditions are going to fall right into here, so I don't...No.

Rich Williams stated probably none. It's a new day.

Board Member Taylor stated yes, because generally when we're to that stage, the only thing we allow to be conditional are minor things like change the note on the plan for duh duh duh duh, and so on. Not major stuff like redesigning these things.

Rich Williams stated happy to send it to you though.

Chairman McNulty stated yes. If you would. It can't hurt and then I can compare to your notes and Ron could probably use it, too.

Ron Gainer stated I already got that. Rich was kind enough to send it already.

Chairman McNulty stated okay.

Ron Gainer stated because I was looking for that.

Board Member Taylor stated if I remember...

Ron Gainer stated and I'll put notes together on this thing.

Board Member Taylor stated if I remember, the two main issues we had were the water, which you already talked about stormwater: Keeping it on the site and directing it to the basin, so it gets cleaned up before it goes downstream.

Rich Williams stated and making sure when it went downstream that it didn't impact that vernal pool.

Board Member Taylor stated right.

Chairman McNulty stated mmhmm.

Board Member Taylor stated and then the other thing was the view from the interstate. We talked about the colors of the building, the size of the building, no signs on the building. All those things.

Chairman McNulty stated lighting.

Board Member Taylor stated the lighting.

Board Member Brady stated yes.

Rich Williams stated landscaping, yes.

Board Member Taylor stated yes, so that...Those seem to be our two main concerns.

Chairman McNulty stated so the same issues will come back.

Board Member Taylor stated yes. And then the rest was they had to conform with parking and, you know, all the things they normally conform with. So this is a new application then.

Chairman McNulty stated start from scratch.

Board Member Taylor stated start from scratch. Yes.

9) **Fox Run – Site Plan**

Chairman McNulty stated okay, anybody else anything. Oh, Fox Run.

Rich Williams stated Patterson Crossing.

Chairman McNulty stated I got Fox Run.

Rich Williams stated oh, okay. I thought we'd skip right over it.

[Laughter].

Chairman McNulty stated all right. Did you receive and EAF from them.

Board Member Taylor stated yes.

Rich Williams stated we received a hell of an EAF from them.

[Laughter]

Board Member Taylor stated yes. It's interesting. It's amusing.

Chairman McNulty stated it's amusing.

Board Member Taylor stated oh, it's amusing.

Chairman McNulty stated oh, wow.

Board Member Taylor stated they filled out Part 2 for us; all of our responses.

Board Member Montesano stated oh, that was nice of them.

Board Member Taylor stated all we need to do is sign the form at the bottom and the project's approved.

Board Member Brady stated you're the Chairman, sign away.

Board Member Montesano stated see how nice they were.

Board Member Brady stated sign Shawn's name.

[Laughter].

Ron Gainer stated yeah, Shawn's name. That's it. That's it.

Board Member Taylor stated I don't want to go into any details on this. I went through it in detail but there's no point in repeating myself tonight and the next night.

Chairman McNulty stated oh, they actually have some renderings in here.

Board Member Taylor stated it's clearly incomplete and a number of the questions are inaccurate... Their responses are inaccurate.

Chairman McNulty stated on the EAF.

Board Member Taylor stated yes. On the EAF. The traffic study, they still did not answer our direct question. They expanded the traffic study. They've got, what, six different ways they've looked at it.

Rich Williams stated which direct question didn't they answer.

Board Member Taylor stated okay. That I will go into. Alright, they had talked about the land use as a senior housing detached. Fox Run as senior housing attached. Land use of 252, whatever that is. More active seniors. The ITA hit. Trips generated if it were a condominium like existing condominium. And finally the 100% increase. We asked them simply to tell us what the generation would be and analysis if it weren't active senior; if it were simply...

Rich Williams stated that's the 230, which they called the 330, Code.

Chairman McNulty stated yeah, didn't you read that off on that one.

Board Member Taylor stated no. Condominium town house being the land use presently in existence on Fox Run Lane. Is that what the other would be then.

Rich Williams stated yes.

Chairman McNulty stated yeah.

Board Member Taylor stated is would be condominium town house.

Rich Williams stated yes.

Board Member Taylor stated oh, okay. So they did do it.

Chairman McNulty stated without any age restriction.

Board Member Taylor stated so why did they say being the land use presently in existence. So it's still incomplete in that sense. That wasn't what we asked. We didn't want to know what was presently there, we wanted to know what they were proposing building. But it would have been...it will be the 230 then.

Rich Williams stated it will be the 230.

Board Member Taylor stated okay.

Rich Williams stated they listed in there a couple places as 330, so you have to be careful; it's actually 230.

Board Member Taylor stated okay.

Rich Williams state it's a typo.

Board Member Taylor stated alright. So they need to correct that so it says what it's supposed to say. So they did finally do that then.

Rich William stated so they did that.

Board Member Taylor stated okay.

Rich Williams stated now Ron, myself and Russ toured the roads and identified a number of issues over and above what they've identified in there.

Chairman McNulty stated is that what's on this plan.

Rich Williams stated and...No.

Chairman McNulty stated or is that what they identified.

Ron Gainer stated no. That's their plan.

Rich William stated no, you don't have it yet.

Chairman McNulty stated okay.

Ron Gainer stated yeah, I'm...

Rich Williams stated Ron's still...

Ron Gainer stated I'm still doing that.

Rich Williams stated working on it and I was hoping to take some pictures and haven't gotten out there and now I don't know if I'm ever going to get out there.

Ron Gainer stated yes, they did acknowledge some of the gross things that...Our comments will be more specific and placed on a piece of map.

Chairman McNulty stated okay.

Ron Gainer stated just visual representation so you can see it. It will illustrate (inaudible) on the road. (Inaudible) margins.

Chairman McNulty stated how many units have they proposed in this EAF.

Ron Gainer stated still the 80.

Rich Williams stated 80.

Chairman McNulty stated 80.

Ron Gainer stated 80.

Rich Williams stated they ain't backing down.

Ron Gainer stated right.

Board Member Taylor stated my wife...

Ron Gainer stated they don't want to give up yet.

Board Member Taylor stated my wife made an interesting comment: if it's senior housing, are they ADA approved. Why do they have two stories if it's senior housing. Are you expecting these seniors to go up and down the stairs. That's what makes them active because they have to run up and down the stairs.

[Laughter].

Rich Williams stated well, it's active adult.

Chairman McNulty stated yes, it's not senior housing.

Rich Williams stated yes. It's not like Clover Lake or...

Board Member Taylor stated no, I understand that. But they're playing with the term is what they're doing. They keep talking about how it's going to be seniors and therefore there aren't any kids around and yet...

Board Member Montesano stated (inaudible) incorporating Charlie Chaplin.

Board Member Brady stated can we ask them to make improvements on the roads...

Rich Williams stated if there's...

Board Member Brady stated as part of an...

Rich Williams stated if you can establish a reasonable relationship for the impact that they are creating and the deficiency in the road, then you can ask them to fix it, or you potentially could deny the project based on the fact that the road is deficient.

Board Member Brady stated right.

Rich Williams stated you can't tell them they have to fix it.

Board Member Brady stated right.

Chairman McNulty stated well, that's dangerous, too, because then you set a precedent for anybody else that develops along that area. Don't you.

Ron Gainer stated I think the goal is just to first just identify issues. Make sure everybody clearly understands what the scope of the issues are, and then see if we can just arm wrestle and see if we can get them to the point where they offer.

Rich Williams stated right.

Board Member Montesano stated can you argue with them that because the increase in population, coming down Bullet Hole [Road] itself with emergency equipment may be difficult.

Rich Williams stated you mean the firehouse that's right there around the corner.

Board Member Montesano stated yes. That's beside...But not all the trucks are from there.

[Laughter].

Board Member Montesano stated what do have there.

Ron Gainer stated that's one of the worst curves...

Board Member Montesano (inaudible – too many talking).

Chairman McNulty stated oh, that's a...

(Inaudible – too many talking)

Board Member Brady stated Put Valley responds to the fires over there. Not...

Chairman McNulty stated that's our tough lake.

Board Member Montesano stated no, no. Carmel.

Board Member Brady stated Put Lake. Put Lake, I'm sorry.

Board Member Montesano stated Carmel does. No, what I'm looking at is you have the equipment that's there is not the new, modern equipment, I should say, on their recommendation. But, can you... You're ambulances aren't there; they'd have to come down.

Rich Williams stated we're going to be participating in a pilot program where BLS is taking over.

Board Member Montesano stated fine. Is that not emergency equipment. Is it not going to have to come... If they're coming down Bullet Hole and through that little, narrow street to get down through. We cannot suggest, maybe, something on their property run parallel to it.

Board Member Brady stated I started reading though this and started marking it up yesterday.

Chairman McNulty stated alright.

Board Member Brady stated I just got to a point I said, you know what. I got to stop.

Board Member Montesano stated forget it.

Chairman McNulty stated Ron, have you went through this pretty...

Board Member Montesano stated the easiest thing is emergency equipment; works wonders.

Chairman McNulty stated that's the first time I'm seeing it, so...

Ron Gainer stated well, there's going to be something they offer to you; they're not going to...

Rich Williams stated wait, wait, wait.

Ron Gainer stated think they're getting away clean.

Rich Williams stated I'm not buying that. Turn the page. Turn the page.

Board Member Taylor stated what. No, that's my notes. That's my page of notes.

Rich Williams stated it's just there's got to be more than just one page.

Chairman McNulty stated oh, he didn't...

Board Member Brady stated oh, you think he's slipping.

Rich Williams stated oh, he's slacking.

Board Member Taylor stated no, no. These are notes.

Board Member Montesano stated he's Vice Chairman now, you know.

Board Member Taylor stated they're just notes. They're not...

Chairman McNulty stated now Rich, you talked last meeting about...

Board Member Taylor stated full blown responses.

Chairman McNulty stated possibly putting a scoping document together. But that would have been in lieu of...

Board Member Taylor stated no.

Rich Williams stated right.

Chairman McNulty stated receiving this.

Board Member Taylor stated no. It goes...It's...No, I...In terms of my understanding of the process is EAF, then we put...do Part 2 to determine whether there are any...

Rich Williams stated correct.

Board Member Taylor stated major impacts.

Rich Williams stated correct.

Board Member Taylor stated and then if we determine there are major, then we're going to go do an EIS and we'll do a scoping before the EIS.

Rich Williams stated right. But we'll...

Chairman McNulty stated to identify...

Rich Williams stated one of the things I had said at the last meeting is if they don't want to give us an EIS...

Chairman McNulty stated an EAF.

Rich Williams stated or EAF, we could just go straight...

Board Member Taylor stated skip...

Rich Williams stated to a scoping document...

Chairman McNulty stated okay. That's what it was.

Rich Williams stated or an EIS.

Board Member Taylor stated yes.

Ron Gainer stated see, if you just...Now intuitively, just based on project size, location, whatever, you know, environmental conditions, that's there's potential for an adverse impact, you don't need an EAF. You can go right to scoping as Rich is talking about.

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

Ron Gainer stated so, you know, you're trying to do it on the basis of following protocol, and that's fine.

Board Member Taylor stated well, except they're not trying to follow protocol is the problem.

Ron Gainer stated well, if you look at this, a lot of this was in the can and you've been asking for a long time. Look at the dates on the plans, the dates on the studies. It's last year, it's the beginning of this year.

Chairman McNulty stated well, it's definitely...

Ron Gainer stated and gave no hint what they were doing.

Chairman McNulty stated definite improvement on the information we've been receiving.

Rich Williams stated yes, I would say it's a definite improvement.

Chairman McNulty stated yes.

Rich William stated I agree with Ron that there're...

Chairman McNulty stated moves it along.

Rich Williams stated there are still clarifications and/or corrections that's needed in environmental assessment form. I really didn't look at the plans because I don't know that there's a real need to at this point.

Chairman McNulty stated your review, Rich, I didn't see it yet. Is it...

Rich Williams stated yes, it should...

Chairman McNulty stated a review of this.

Rich Williams stated it's a review of the EAF. I mean, I didn't do too much with the traffic study because I think we've kind beat that horse except for, you know, what Ron's been working on.

Ron Gainer stated right.

Rich Williams stated and, you know, I didn't review the plans except to, you know, very conceptually look at, you know, what...how the layout is. I personally, my big concern is still where they're locating those buildings. They've got this hug site up there.

Chairman McNulty stated it looks like they're high on a ridge still on that one row...

Rich Williams stated they're still up there...

Chairman McNulty stated yes.

Rich Williams stated they're absolutely high on the ridge and I don't know why they need to be there, you know. They're going to...

Ron Gainer stated yes.

Rich Williams stated be moving earth. We went up there, we looked. It drops off significantly. They're going to be moving material all over the site. Move the buildings. It's not like you're trying to save that much from a cut and fill.

Board Member Taylor stated do we want to short circuit this or do we want to draw this out. I mean, if we can go to...If we can look at this and say, okay, there are significant impacts; let's go to an EIS. Do we want to do that or do we want to go through this process of evaluating all these different steps and...

Rich Williams stated listen, if your mind is made up to go to an EIS, go to an EIS.

Ron Gainer stated yeah, I think you should get it over with and...

Chairman McNulty stated well, I think so, too, with the density...

Ron Gainer stated (inaudible).

Chairman McNulty stated they're proposing, there's a considerable impact to that area.

Rich Williams stated you know, for me, I mean, they've dealt with waste water; I don't see an issue there. They...Groundwater is going to be what it is. They're not withdrawing that much. I don't see that as going to be...

Ron Gainer stated no.

Rich Williams stated a big impact. The roads, I'm concerned about the roads certainly. But I...You know, they've done the best traffic analysis I think you're going to get out of them and I think they've demonstrated that, you know, as far as the intersections which is what traffic studies look traditionally look at the intersections, you know, we're not...The intersections are fine for the most part. It's the traveled roads that nobody ever looks at and the geometry of those roads...

Chairman McNulty stated in between these intersections, sure.

Rich Williams stated (inaudible – too many talking) which is something that we're pushing the envelope on. And I think if we sat them down and said listen, we see these as deficiencies in the road that are going to impact your project, we can use the EIS to encourage them to maybe look at repairs off site. And the visual, you know, they either have to move those or there's going to be a visual impact, end of story.

Chairman McNulty stated yes.

Rich Williams stated so, for me, I'm not looking to go to an EIS unless, you know, they want to continue to maintain there's no offsite impacts, there's no visual impacts.

Ron Gainer stated what about the issue they're going into the existing sewer plant. Has a legal basis for that been established.

Rich Williams stated there is...

Ron Gainer stated their agreement's been created.

Rich Williams stated I want more detail on it. I have gone back through the old records. I see where they... You know, what Ron Caplin basically did is he bought the garden apartments then he gave himself the right to continue to use the driveway and the water system and the waste water system, and then subdivided it.

Ron Gainer stated oh, so he owns the existing project. And this is just a separate lot up on top of that hill.

Rich Williams stated well, he basically broke it in half.

Ron Gainer stated but he owns them both.

Chairman McNulty stated when he originally developed it.

Rich Williams stated so... Yeah. And then he sold the garden apartments off to condominiums, created an HOA...

Ron Gainer stated but after he reserved those access...

Rich Williams stated yes.

Ron Gainer stated issues.

Rich Williams stated after he reserved everything.

Ron Gainer stated okay. Alright.

Rich Williams stated so, you know, I've still got to... We've still got some concerns about the infrastructure. And, you know, he's agreed that he's going to put a camera through the pipes and make sure everything's okay. If not, he's going to have to replace them. I've also got some concerns about the wastewater flows. He's showing that he's going to be pushing that plant to within, I think, 3,500 gallons of capacity.

Ron Gainer stated yeah, over 90% capacity.

Rich Williams stated that doesn't account for I&I. So...

Ron Gainer stated no. And he doesn't...

Chairman McNulty stated what's I&I.

Ron Gainer stated he didn't look at existing flows. It would be interesting just to know where existing cue is... or flow is.

Rich Williams stated you know what, I can get that because John from Allied is the operator.

Ron Gainer stated oh, perfect. Okay.

Rich Williams stated so I can get that. I'm very happy...

Ron Gainer stated it might not help us...

Rich Williams stated I'm very happy he didn't look at existing...

Ron Gainer stated yes, no. Right.

Rich Williams stated flows because...

Ron Gainer stated it may help him.

Rich Williams stated you know it's going to probably be less.

Ron Gainer stated although it would help us understand I&I.

Rich Williams stated yes.

Ron Gainer stated and that's why I'd want to see it.

Rich Williams stated yes.

Ron Gainer stated if you see...

Board Member Taylor stated when you do the minutes, Sarah, can you translate what they're saying.

Chairman McNulty stated yeah, because I'm lost at this point.

The Secretary stated I&I, I don't know what that is, but I can find it out.

Ron Gainer stated we're talking too technically.

Chairman McNulty stated yes, I...

Rich Williams stated inflow and...

Ron Gainer stated infiltration.

Rich Williams stated infiltration.

Ron Gainer stated right.

Rich Williams stated yeah.

Board Member Taylor stated which is.

Rich Williams stated it's...When you've got sewer lines there's always an assumption that groundwater is going to seep into cracks in the joints.

Board Member Taylor stated okay.

Board Member Brady stated have I heard it before. Yes. But I...So long ago.

Chairman McNulty stated okay.

Rich Williams stated additional flow and infiltration, so it's additional water in addition to what you assume is going to be generated by a residential unit.

Board Member Taylor stated okay.

Board Member Montesano stated is that some

Ron Gainer stated yes, infiltration is something that comes into the pipe and cracks...

Board Member Brady stated isn't...isn't...

Board Member Taylor stated yes. No, I understand.

Ron Gainer stated inflow is a direct connection, like a catch basin...

Board Member Montesano stated yes, they gave us a manual.

Ron Gainer stated sanitary or your roof leaders. It's always going to be a roof leader.

Board Member Taylor stated I think we understand. It's just the I&I didn't really...

Chairman McNulty stated yes. I thought I was in the Navy again; Aye, Aye.

Ron Gainer stated all you need to do is see a big jump in flow after a rain event...

Board Member Brady stated right.

Ron Gainer stated and then you know what your issue it. So...

Board Member Brady stated yeah, right.

Chairman McNulty stated how about their supply water. Didn't they talk about tapping off the existing wells there.

Board Member Taylor stated they changed them.

Rich Williams stated yes. I convinced them otherwise.

Ron Gainer stated yes, they're drilling new.

Chairman McNulty stated so...Okay.

Board Member Brady stated did...

Rich Williams stated they're doing a whole new system.

Board Member Brady stated but going back to treatment plant, isn't there a guidelines that you...there has to be a certain percentage; that you don't max out.

Ron Gainer stated yes, when you pass 90% you've got to be doing a plan for expansion. At 95% you have to commit to, you know, getting ready to fund it. But again, and like Rich is saying, the cues are...

Rich Williams stated you also...yeah. You also have to have emergency plans in for overflows...

Ron Gainer stated right.

Rich Williams stated and some other things.

Ron Gainer stated and they're running the number right near capacity. That's what Rich is telling you.

Board Member Taylor stated well, that's what we need...I mean...

Board Member Brady stated you mean they're running right near capacity with the new building.

Rich Williams stated yes. With the new buildings.

Ron Gainer stated the cue is...yes. If you take their flows...

Board Member Brady stated right.

Board Member Montesano stated so...

Ron Gainer stated for the new...

Chairman McNulty stated the new 80 units.

Board Member Brady stated and that's without any...

Ron Gainer stated exactly.

Board Member Brady stated that's without knowing what the real flow is right now.

Board Member Montesano stated we don't want another Patterson Village.

Ron Gainer stated no.

Board Member Brady stated the real flow might be higher.

Rich Williams stated but...Yes. I will tell you that we designed a plant that was supposed to be an 80,000 gallon per day plant based on what everybody was supposed to be generating. I'm running at 40, 41.

Board Member Brady stated oh. Okay.

Ron Gainer stated I know, but the difference is this is a plant form when, 70s, 80s.

Chairman McNulty stated no, it's...

Rich Williams stated (inaudible) that.

Ron Gainer stated what.

Rich Williams stated that's a brand new plant.

Chairman McNulty stated yes, this plant's brand new.

Rich Williams stated it's brand new.

Board Member Montesano stated yes, they...

Ron Gainer stated no, the plant it. I'm talking about the infrastructure. For the...

Rich Williams stated the piping is not.

Ron Gainer stated right. The piping is where we're going to get I&I, right.

Rich Williams stated yes.

Board Member Brady stated right.

Ron Gainer stated right. And that's all I'm saying. I mean, that piping is suspect to me because of the age.

Board Member Brady stated and that might not even show up in the camera going through it anyway.

Ron Gainer stated modern facilities, we can drag I&I to next to nothing.

Chairman McNulty stated yes.

Ron Gainer stated if we get it, you know, people are making illegal connections.

Rich Williams stated but even with an aging plant, I mean, I&I is not going to double your flows. It shouldn't. If it is, you're in trouble.

Chairman McNulty stated we've got problems.

Ron Gainer stated I've got existing municipal plants that I deal with, more than double. They go passed hydraulic capacity, which is like two and half times design.

Rich Williams stated really.

Ron Gainer stated yeah.

Rich Williams stated from I&I.

Ron Gainer stated yup.

Rich Williams stated and nobody's doing anything.

Ron Gainer stated everybody's getting pounded. I mean, DEC...

Rich Williams stated okay.

Ron Gainer stated does that. No, but the point is that it happens on older plants. Not plants, but collection systems.

Rich Williams stated collection systems. I'm...

Chairman McNulty stated the infrastructure to the plant.

Board Member Brady stated when I worked down in Yonkers treatment plant, if you got a bad storm...

Ron Gainer stated see, that's a classic right there.

Rich Williams stated but that's a combined overflow.

Board Member Brady stated yes.

Rich Williams stated that's a combined sewer.

Board Member Brady stated and they would just... Yes, but they would just pump...

Ron Gainer stated but it doesn't happen to...

Board Member Brady stated chlorine into it and send it out to the river because they couldn't handle it.

Ron Gainer stated doesn't have to be combined. You deal with the problem. It's an older system. I'm saying that, you know, Fox Run's old enough...

Rich Williams stated I never thought I&I would jump like that.

Ron Gainer stated yes. Tremendous. Tremendous.

Chairman McNulty stated Ron, in the EAF, is there anything about amenities for this.

Board Member Taylor stated no.

Chairman McNulty stated is that part of the EIS.

Board Member Taylor stated it can be, yes.

Ron Gainer stated site plan they do show the pool that they're going to use and they show a new access road to it.

Chairman McNulty stated well, it's the existing pool.

Rich Williams stated well, they show a walking trail.

Board Member Taylor stated but no comment. They don't make any comment and they don't make any commitments...

Ron Gainer stated well that's...No, they've got a road in there now with new parking.

Rich Williams stated yeah.

Chairman McNulty stated just kind of drawn in.

Ron Gainer stated okay.

Rich Williams stated but they also...they also show a walking trail.

Ron Gainer stated yeah. Okay. Right. They've got a walking...that's right.

Rich Williams stated yeah.

Board Member Taylor stated and I think the...Besides traffic and what you guys are saying about the waste line...

Ron Gainer stated whatever we're talking about.

Board Member Taylor stated there's still the major issue back at the beginning that we had with the whole concept that this...Somehow this senior housing, because they call it senior housing, is going to change the nature of who lives there.

Ron Gainer stated you've got to stop saying senior though. You've got to say...

Board Member Taylor stated or active adult.

Ron Gainer stated adult. Right. There you go.

Board Member Taylor stated whatever you call it. But...

Chairman McNulty stated they're saying it's going to limit the impact and limit the impact on schools and...

Board Member Taylor stated right.

Chairman McNulty stated limit the impact on traffic.

Board Member Taylor stated right. And I...We don't see anything in the design to this point that would make it any different from regular housing. Just putting a sign up saying this is active adult is not going to necessarily change the people who are living there.

Rich Williams stated it's a Code requirement. So it's going to be a requirement of the Code, therefore it's going to be a requirement of the prospectus that they're going to have to do for the project.

Board Member Taylor stated but they've already admitted that there's no way they can control that population. And that means they can't control the impacts. I'm talking about impacts now.

Rich Williams stated yes.

Board Member Taylor stated so, what I would say, one of our big questions about impact is you haven't proven that you're not going to have impacts. You need to do that. That's why we need and I.N....I...

Chairman McNulty stated EIS.

Rich Williams stated EIS.

Board Member Taylor stated EIS on that. You need to prove to us that this active adult is somehow different for the impacts in these areas where we're concerned. Otherwise, it's just...

Ron Gainer stated I haven't seen any detail information on...and any hard look on demographics which is what I think you're getting at, to illustrate why they can tell you those things. But at some point you're going to get that data. That's not...

Board Member Montesano stated well, legally...

Ron Gainer stated in here.

Board Member Taylor stated well, but that's why...

Ron Gainer stated it's not in here.

Board Member Taylor stated yes. And they're not going to provide those for us.

Ron Gainer stated they've got to look at other existing, what they term, active adult projects and...

Board Member Montesano stated legally, they cannot limit the age.

Ron Gainer stated (inaudible – too many talking). Right.

Chairman McNulty stated and when do...

Board Member Montesano stated they can say it but if someone brings them to court they're going to lose because it's already been proven.

Chairman McNulty stated when this zoning change went into effect, our Code changed, correct. So we have an outline for active adult in our Code.

Rich Williams stated the way it is, is active adult is basically a paragraph that's defined within the definition section. And then there's another bulleted item over, under multi-family housing that says, you know, in this area along Bullet Hole Road, you can only have active adult multi-family housing. So, there's not a lot meat on that.

Board Member Taylor stated no when...They did they come before the Town Board and argue why that change should take place the way they came before us and argued why the change should take place.

Rich Williams stated well, they appeared before both the Planning Board and the Town Board.

Board Member Taylor stated and they made an argument of why they wanted the zoning...

Rich Williams stated yes.

Board Member Taylor stated okay, so then...

Rich Williams stated and there's been some demographic datas, you know, submitted both to the Planning Board and everybody else. We can probably pull that up.

Board Member Taylor stated well that's...that's, I mean, that's what we need to do because unless they can prove this...They're simply saying there aren't going to be any impacts. There's going to be impacts on the school. There's going to be impacts on recreation. There's going to...And so on, and all down the line unless they can prove that, I think we can say...Or we need to say you got to prove it because we can't judge the impacts without you establishing and in fact the impacts will be what you're saying they're going to be.

Rich Williams stated sure. And, you know, I think the tact that you took was a good one, that, you know, give us the active adult data, you know, traffic generation, but also give us a standard condominium traffic generation so we can compare the two to see what the impacts might be. And they did that.

Chairman McNulty stated and that's in here. Yes.

Rich Williams stated they did that.

Board Member Taylor stated right.

Rich Williams stated and if you look at those numbers, you know, not a big difference, you know.

Board Member Taylor stated right. Well, I think that's what we need to do on the other things, too.

Rich Williams stated visual, it's going to be the same regardless of whether it's...

Board Member Taylor stated right.

Rich Williams stated one or the other.

Chairman McNulty stated yes.

Rich Williams stated and I think it's going to be the same on water and everything else.

Chairman McNulty stated can we get a copy of that Town Board resolution or motion they made to make the change; the debate they might have had that night about this.

Rich Williams stated I could tell you, there probably wasn't a lot of debate. We can get you the minutes.

Board Member Taylor stated minutes. Yes, look at the minutes.

Chairman McNulty stated yes.

Rich Williams stated but...and they're up online if you want them. We could go...

Chairman McNulty stated if you could send me the date and I'll find...

Board Member Taylor stated yes.

Chairman McNulty stated them from there.

Rich Williams stated yes, we can go find them.

Chairman McNulty stated yes. Just so you don't have to send the whole minutes, just the date so we can review.

Board Member Taylor stated and the same when they came before us; if you can pull up those minutes. Just tell us where they are and...

Chairman McNulty stated yes, I probably have them in storage somewhere.

Rich Williams stated make a package and ship them all out to everybody.

Chairman McNulty stated well, at least the dates anyway. We'll...

Board Member Taylor stated yes, that's all we need. Just the dates.

Chairman McNulty stated yes. Don't...We'll find it. Had another thought, too. Oh, I had asked Mike Liguori for information about how active adult is defined within New York State Law or Code.

Rich Williams stated it is not.

Chairman McNulty stated it's not at all.

Ron Gainer stated that was his answer.

Rich Williams stated it is not.

Ron Gainer stated right.

Rich Williams stated it is a term of heart from HUD.

Ron Gainer stated and the feds.

Chairman McNulty stated how does HUD define them.

Rich Williams stated oh, it's been so long since I've looked at it I have to pull it back up again.

Chairman McNulty stated could we look at that.

Rich Williams stated yes.

Chairman McNulty stated because I think that would play into it.

Rich Williams stated but it, you know, it's really more of an issue how we define it. HUD allows us...

Chairman McNulty stated yes, but we need...

Rich Williams stated to do it.

Chairman McNulty stated we need help defining it.

Rich Williams stated HUD gives us then legal basis for discrimination. It really does. For, you know, for limiting housing, new housing, to...

Chairman McNulty stated active adult.

Rich Williams stated over 55.

Chairman McNulty stated yes.

Rich Williams stated and then it's up to us how we define.

Chairman McNulty stated what I'm looking for though is if there's somewhere that defines in there an active adult community provides this, this and that. And we're not seeing any of that.

Rich Williams stated you're not going...

Chairman McNulty stated it's just...

Rich Williams stated you're not going to find that anywhere. You're not going to...

Chairman McNulty stated no, huh.

Rich Williams stated find that well, if you're going to provide an active adult you've got to provide certain amenities to support them outside of the normal amenities of parking and...

Chairman McNulty stated do you have to...

Rich Williams stated you know, sewer and...

Chairman McNulty stated provide more ADA parking for a situation...

Rich Williams stated no.

Chairman McNulty stated like that.

Rich Williams stated because there's no assumption that they're ADA and you've got to remember, this isn't public parking. They've all have their own individual parking spaces. It's like you parking in your driveway.

Chairman McNulty stated yes. So it's nothing more really than a marketing tool when you come down to it.

Rich Williams stated no. And it's a way to entice communities to allow...

Ron Gainer stated right.

Rich Williams stated more multi-family based on the conception that there's a reduced impact, especially to taxes and schools.

Chairman McNulty stated now, if we go move in this motion...direction of a higher density, is there any kind of low income housing that can be provided or government assisted. Got to ask it.

Rich Williams stated we really have been fortunate that we have not been mandated to address low income housing in this area to date.

Board Member Montesano stated you may be opening up Pandora's Box.

Rich Williams stated you know, we might be able to make the case that have, you know, I mean you look at Phase 1...

Chairman McNulty stated well, that could qualify seniors though on a low-income basis. I'm not saying the whole project.

Board Member Taylor stated well, moderate income even. I've been wondering that, too, whether as a carrot we might say to the them, well, turn a certain number of these units into moderate income housing for seniors.

Rich Williams stated ask the question. See what they say.

Chairman McNulty stated but now how does that legally define if you say for seniors, is that any different than a...

Board Member Taylor stated I think...

Chairman McNulty stated active adult.

Board Member Taylor stated under moderate income housing and low income housing there are certain rules, aren't there.

Rich Williams stated there are. But you can have both. You can have an active adult senior community and set aside some of those apartments for moderately or low income people.

Board Member Montesano stated we're...

Chairman McNulty stated but as seniors.

Rich Williams stated yes.

Chairman McNulty stated I don't want to open it up again to a regular...

Rich Williams stated no, right. Seniors.

Chairman McNulty stated old condominium.

Board Member Taylor stated as seniors, yes.

Rich Williams stated they would have to do that to meet our Code requirements.

Ron Gainer stated they would have to stay active adult.

Chairman McNulty stated yes.

Ron Gainer stated alright, that's what the zoning is. Right.

Chairman McNulty stated that may be a way to mitigate impacts. Certain percentages become senior, now you're looking at...Well, you still have the chance of children moving in, and kids...

Board Member Montesano stated a chance at opening up Pandora's Box.

Board Member Taylor stated well, yes and no. I think...

Board Member Montesano stated oh...

Chairman McNulty stated okay. Ron, you have notes coming on this. You've looked at it.

Ron Gainer stated well, no. I...I've looked at everything but I've stayed away from writing anything because I didn't know if you wanted to move down the road and go into...towards and EIS. I don't want to give them more issues to deal with if you guys were going to go...

Board Member Montesano stated if you want to go that way.

Rich Williams stated Ron's...

Ron Gainer stated if you were prepared to go pos dec, that's fine. We still got the traffic stuff...

Rich Williams stated right.

Ron Gainer stated they're going to issue.

Chairman McNulty stated yes.

Rich Williams stated yes. Ron's...

Chairman McNulty stated the way...

Rich Williams stated focus has been on that.

Chairman McNulty stated okay.

Ron Gainer stated but on the EAF...

Chairman McNulty stated you're going to be able to overlay your impacts and findings on top of theirs. Maybe that will make it easier. That plan that they had.

Rich Williams stated we weren't doing the plan.

Ron Gainer stated no, ours is going to be...

Chairman McNulty stated okay.

Rich Williams stated or Ron isn't doing the plan.

Ron Gainer stated right.

Chairman McNulty stated just...

Ron Gainer stated we use an aerial photograph and identify areas...

Chairman McNulty stated it would be nice if we could compare to what...

Rich Williams stated you'll be able...

Chairman McNulty stated they supply.

Rich Williams stated you'll be able to compare.

Ron Gainer stated yes.

Chairman McNulty stated okay.

Board Member Montesano stated you can compare. You don't want to do their job for them.

Chairman McNulty stated no.

Ron Gainer stated and they've done it in very broad (inaudible). They've clearly identified the intersections. They talk about needing pavement markings.

Board Member Brady stated right. Stop signs.

Ron Gainer stated stop signs...

Board Member Brady stated stop signs. Right.

Ron Gainer stated plus, you know, whatever.

Board Member Brady stated school bus stop one side...one direction...

Ron Gainer stated right.

Board Member Brady stated and not in the other direction.

Ron Gainer stated that's right. Ours is going to be more detailed than because we're going to pick out more of the nuances...

Board Member Montesano stated you're not going to see the traffic...

Ron Gainer stated on the road.

Board Member Montesano stated right. It costs money.

Board Member Brady stated they hit...They hit the easy, obvious stuff.

Ron Gainer stated they haven't committed to doing any of it. They acknowledged that something should be done.

Chairman McNulty stated so you're thinking we're looking at making a motion at this next meeting or we need some more time to think about this.

Rich Williams stated for what.

Chairman McNulty stated an EIS.

Rich Williams stated I...

Chairman McNulty stated I mean, how much do we kick it around.

Rich Williams stated I can't tell you whether you need more time to think about it.

Chairman McNulty stated I have to review it. I haven't looked at...I just got everything tonight. So I haven't had a chance to look at it.

Ron Gainer stated I think that's what Ron's doing. He's got...He's got significant open issues that he still doesn't have that warm and fuzzy about.

Board Member Montesano stated they keep going around in circles and we are the ringmaster.

Board Member Taylor stated I don't think...

Ron Gainer stated and you just have to identify potential adverse, right.

Board Member Taylor stated yes.

Ron Gainer stated that's all you're looking at, if that's the term.

Chairman McNulty stated to create a positive.

Ron Gainer stated I mean, you can try to better define it or limit it through the scoping, that's what, you know, Ron and Rich are talking about. That's where we come in. Right now you just have decide are you still concerned about potential adverse impacts of any sort. If you are...

Chairman McNulty stated well, yes. There's view and there's density. There's traffic, there's...

Board Member Taylor stated wastewater.

Chairman McNulty stated wastewater.

Board Member Taylor stated well, I can write up my comments if that will help and emphasize what I think are the significant adverse impacts that are still unanswered, unaddressed.

Chairman McNulty stated and then scoping comes into play before we make a motion or that...

Board Member Taylor stated no.

Chairman McNulty stated comes in after.

Board Member Taylor stated it comes in after.

Ron Gainer stated that's after.

Rich Williams stated you do a pos dec and then you would do scoping.

Chairman McNulty stated to identify what we need mitigated.

Board Member Taylor stated or what we need to look at...

Ron Gainer stated yes, a pos dec has to identify what the potential...

Chairman McNulty stated yes.

Ron Gainer stated adverse impacts are.

Chairman McNulty stated like making my first meeting tough.

[Laughter].

Board Member Taylor stated it will be downhill from there though.

Board Member Brady stated that's why you get the big money.

Ron Gainer stated there you go.

Board Member Montesano stated yeah.

[Laughter].

Chairman McNulty stated I'm going to be doing a lot of reading this weekend. Any other comments on Fox Run.

Ron Gainer stated (inaudible).

Chairman McNulty stated okay. Shawn, where are you.

Board Member Brady stated yeah, come back.

10) Patterson Crossing Retail Center

Chairman McNulty stated Patterson Crossing Retail Center. They're asking for an extension on their approval. Is that...

Rich Williams stated they are.

Chairman McNulty stated is that what it is.

Rich Williams stated yes.

Ron Gainer stated he's only playing.

Chairman McNulty stated that's Conklin. I don't want that one. I got it here.

Board Member Montesano stated let's say no and see what happens.

[Laughter].

Chairman McNulty stated no, I...Anybody have a problem extending this for a year.

Board Taylor stated well, I think we need to make note of the fact that things have changed and that...

Board Member Montesano stated it's not what they are...

Board Member Taylor stated we're not going to...We will give an extension but when they come back in for the...that they should need to come back in to revise things before they actually start building.

Chairman McNulty stated well, what things...

Rich Williams stated what's changed.

Chairman McNulty stated changed.

Board Member Taylor stated well, the laws. Some of the laws have changed. You've been negotiating with...what's the....Costco about gas stations and all this other stuff which was not in the original...

Rich Williams stated they have to come...If they're going to put gas out there, they have to come in and amend their site plan. No ifs, ands or buts.

Board Member Taylor stated yes. No, that's all I'm saying, is...

Rich Williams stated as it stands right now, they're not proposing to do that.

Board Member Montesano stated what about the building designs.

Rich Williams stated no other rules or regulations have changed though...

Board Member Taylor stated they're under the new...well...

Rich Williams stated though I got the new stormwater regs today.

Board Member Taylor stated okay. That's all that I would put on there that there's a provisual they have to come back in before they go ahead and make any amendments that are required, which is obvious anyway, but just that it's there. That we've considered that before we've automatically given an extension. Because some of these extensions, I think, are going to come up and we're going to look at it and we're going to say there are major changes that have happened in the twenty years that you've been getting extensions.

Board Member Brady stated yeah.

Rich Williams stated right.

Chairman McNulty stated when was this originally approved. Before I was on the Board. That...

Rich Williams stated yes, I think it was.

Chairman McNulty stated I came on 2010.

Board Member Montesano stated yeah, well the original approvals...

Rich Williams stated well, we're coming up...

Board Member Montesano stated are beautiful designed buildings.

Rich Williams stated this...This...This fall would be five years.

Chairman McNulty stated so, it got approved just before I got on the Board I guess.

Rich Williams stated so like 2009.

Chairman McNulty stated nine. And they've been asking for annual extensions ever since.

Rich Williams stated well, the first one was, I think, for two years.

Chairman McNulty stated yes.

Rich Williams stated and then they did one two-year and one one-year.

Chairman McNulty stated okay. Well, let's take care of this tonight. I make a motion and Patterson Crossing Retail Center for an extension on their approved site plan to extend it for one year and to make note that when they do come in to finalize an execution of the plan to review any current standards.

Board Member Taylor stated and amend the plan if required.

Chairman McNulty stated and amend the plan if required.

Board Member Montesano stated second.

Chairman McNulty stated all in favor. Motion carried by a vote of 4 to 0.

Chairman McNulty stated done. No SEQRA, right.

Ron Gainer stated excellent. Percisive. Good.

Rich William stated no SEQRA.

Ron Gainer stated you've done good.

11) Other Business

a) Dodd/Fallman Lot Line Adjustment

Chairman McNulty stated getting there. Other business. Dodd/Fallman. Is that like Dodd Frank.

Ron Gainer stated yeah, right.

Rich Williams stated most of this discussion I just want to push off until Mike Liguori's in the room. But essentially what this is is two individuals who approached the Planning board for a lot line adjustment. The Planning Board approved the lot line adjustment. They filed the lot line adjustment. Turned out they didn't have authorization from the bank to do that.

Chairman McNulty stated how long ago was this.

Rich Williams stated this was awhile.

Chairman McNulty stated okay. So nothing recently. I don't remember the names at all.

Rich Williams stated no.

Chairman McNulty stated okay.

Rich Williams stated and so they needed to dissolve the lot line adjustment. We prepared the paperwork. It required both applicants to sign off. One immediately signed off. The other one refused. There was a

notice of...There was an appearance ticket issued; he didn't show up. There's been a bench warrant for him ever since.

Ron Gainer stated holy crow.

Chairman McNulty stated does he still live here.

Rich Williams stated recently Mr. Raines caught up with him...

Chairman McNulty stated oh.

[Laughter].

Rich Williams stated and got him to sign off. So we just have to finish this up. It's going to require...

Chairman McNulty stated so, is this going to be a dissolution. They're going to...

Rich Williams stated yes. They're going to abandon...

Chairman McNulty stated undo the lot line.

Rich Williams stated yeah, they're going to abandon the lot line adjustment.

Chairman McNulty stated now, that brings up a question: We have a lot line in front of us now.

Rich Williams stated yes.

Chairman McNulty stated do we have to...Does anything trigger. Do we have to talk to a bank. Do we have to have easements or anything else looked at.

Rich Williams stated we don't. But there should be some sort of closing when they're filing some sort of plat like this, you know, because property is changing between the parties the attorneys need to be involved. And...

Board Member Brady stated right. Probably have to do a title search on it.

Rich Williams stated yeah, any...

Chairman McNulty stated that changes the deed, correct.

Rich Williams stated huh.

Chairman McNulty stated changes the deed.

Rich Williams stated yes. It changes the deed. It also, if you've got the property mortgaged, you know, it effects your mortgage. So the bank needs to sign off on it.

Chairman McNulty stated do we have in our power to require proof of the filing of the deed to put in our records to prevent a problem like this. Is it necessary.

Rich Williams stated I... Yeah, I don't know where it impacts us one way or the other. Either they legally file the plat or they don't in which case somebody else is going to make sure it gets done right.

Chairman McNulty stated well, just say in this case of this Dodd/Fallman, one of the property sells and the other one stays the same, what would happen with the lot line. Is it in effect. Is it not in effect.

Rich Williams stated you know, as far as we're concerned, I don't care whether the lot line is established or it's not.

Chairman McNulty stated how does effect tax collection.

Rich Williams stated you're still collecting taxes from one person or the other.

Ron Gainer stated right.

Chairman McNulty stated okay. Alright. Just thought I would bring it up. Didn't know how it might affect things.

b) Bear Hill Estates Zoning Request

Board Member Taylor stated Bear Hill, yes.

Chairman McNulty stated Bear Hill Estates. That's... The Town Board's asked us to make a recommendation on a zoning request. Route 311.

Board Member Taylor stated that's Bear Hill Estates. He's calling it Bear Hill Estates.

Chairman McNulty stated that's what I'm talking about. The Route 311 commercial to...

Ron Gainer stated just above that, right.

Chairman McNulty stated residential to commercial they're asking for. I think we're at a point where we make a recommendation back to the Town Board that we don't see it favorable to convert it to commercial without major New York State DOT improvements to [Route] 311. Is everybody in agreement with that.

Board Member Brady stated yes, I am.

Board Member Taylor stated I am. Yes.

Board Member Montesano stated no problem.

Chairman McNulty stated you have a problem, Rich, drafting something up to that effect and... with the...

Rich Williams stated the only problem I have is I'm not going to be here till next Thursday.

Chairman McNulty stated okay, so we'll make that recommendation next Thursday.

Board Member Taylor stated we just won't adopt it then.

Chairman McNulty stated we won't adopt it till then.

Board Member Taylor stated yes.

Board Member Brady stated is that...Is that something that needs to be a motion or is it a...

Chairman McNulty stated I know they've supplied a traffic study...

Board Member Taylor stated yes, it needs to be a motion.

Chairman McNulty stated and briefly looked at it. It doesn't answer any of my questions as somebody that drives that road every day. My family and friends drive that road every day and...

Ron Gainer stated right. And you know that road.

Chairman McNulty stated it's...For a commercial inlet/outlet, I just don't see it happening and being safe.

Board Member Taylor stated build two houses on it.

Board Member Brady stated I think you need turn lanes.

Chairman McNulty stated yes, no doubt.

Board Member Brady stated you need turning lanes in both directions to make that safe.

Chairman McNulty stated so let's address that on Thursday night.

c) Paddock View Estates

Chairman McNulty stated okay, Paddock View Estates. I don't know where this is.

Rich Williams stated this is right down here at [Route] 292.

Chairman McNulty stated oh, the new development.

Rich Williams stated the new subdivision.

Board Member Taylor stated yes.

Rich Williams stated correct. The Building Department is looking to issue a CO. Before they can issue the CO the Planning Board needs to make a recommendation that they find the subdivision road is substantially complete. Substantially complete is defined within our Code as having the base course, the binder course, all the curbing, all the drainage and the shoulders graded and seeded back. All that has been completed.

Ron Gainer stated you still holding a bond on that.

Rich Williams stated yes.

Ron Gainer stated yeah.

Chairman McNulty stated is that going to allow us then to release the bond.

Rich Williams stated no.

Ron Gainer stated no. You don't release it.

Rich Williams stated no. It has no effect on the bond...

Chairman McNulty stated that doesn't happen till it's 100%.

Rich Williams stated there's no effect on the performance bond at all but because they are now going to have a home in the subdivision that they are going to be live...somebody's going to be living in, the applicant needs to post a snow bond.

Chairman McNulty stated the applicant for the Paddock View or the CO.

Rich Williams stated the subdivider.

Chairman McNulty stated subdivider. But...And so they'll take care of snow removal based on that bond.

Rich Williams stated yes.

Chairman McNulty stated what about any additional road improvements. Say they don't complete it for 10 years. Do we require an additional bond or that initial bond covers that.

Rich Williams stated well, that initial bond covers it, but if the subdivision goes on for an extended period of time, we have the ability to go back in and reevaluate and...

Chairman McNulty stated call the bond.

Rich Williams stated well, either call it or require them to increase the amount.

Ron Gainer stated yes, you can threaten to call it and get their attention. But you can always update the bond amount.

Rich Williams stated yes, we changed the Code so there's a process in there where we can...

Chairman McNulty stated but you're saying it's in good condition. They've done a good job so far. I haven't been up in there at all.

Rich Williams stated yes, they have.

Chairman McNulty stated I see it's gated off all the time, so...

Ron Gainer stated right.

Rich Williams stated they have stormwater ponds working; everything's fine. I've got a couple of issues I've got to deal with with the project applicant...the subdivider.

Chairman McNulty stated will this require a motion.

Rich Williams stated I would do it by motion that the Planning Board finds the road complete based on recommendation of the Town Planner.

Chairman McNulty stated should I say substantially complete.

Rich Williams stated substantially complete.

Chairman McNulty stated okay. I make...

Board Member Taylor stated does it need SEQRA.

[Laughter]

Chairman McNulty stated that's a good questions. Unlisted...

Ron Gainer stated not at all.

Chairman McNulty stated I didn't think so.

[Laughter]

Ron Gainer stated not at all.

Chairman McNulty stated I'm sure I'd be reminded if it did.

Ron Gainer stated only after the fact we'll get you.

Chairman McNulty stated I make a motion in reference to Paddock View Estates Subdivision that the roadway has met sub...substantial completion by Town Code and has been looked at by the Town Planner and agrees. All in favor...Well, second.

Board Member Brady stated second.

Chairman McNulty stated all in favor. Motion carried by a vote of 4 to 0.

Board Member Montesano stated unanimous.

Chairman McNulty stated okay.

Board Member Brady stated well, the one guy abstained, right.

d) Planning Board Vacancy

Chairman McNulty stated yeah. Okay, cross that off. I love crossing things off. Before we get to minutes, we talked briefly about open slot for a board member. Not there yet. Nobody. Just...

Rich Williams stated the Town Board has not acted on it, no.

Chairman McNulty stated okay. I think I like...If I could, know when...if they're going to interview, if I could sit in like Shawn did. Is that possible.

Rich Williams stated we can ask.

Chairman McNulty stated okay, I'm asking. Can you ask pass that...

Rich Williams stated I'm not the guy that's going to...

Board Member Montesano stated he's right.

Rich Williams stated set the interviews up. So...

Chairman McNulty stated can you...

Rich Williams stated I'm not the one to ask.

Chairman McNulty stated can you pass that along to Mike, or should I give him a call.

Rich Williams stated you should give him a call.

Chairman McNulty stated okay.

Rich Williams stated because I don't know what their plans are and...

Chairman McNulty stated okay.

Rich Williams stated again, I'm not going to be here till next Thursday.

Chairman McNulty stated good for you.

Board Member Montesano stated maybe you should ask Andy.

Board Member Taylor stated maybe we should set up a chair here, an empty chair.

[Laughter].

Board Member Taylor stated somebody might fill it at some point.

Board Member Montesano stated if you want, I can bring the big bunny rabbit from my house. We could put it...

Board Member Taylor stated oh, we don't want it filled. We want it empty until we actually get somebody who could vote.

Board Member Montesano stated well, he's empty anyway. He...

Board Member Taylor stated I don't think he can vote.

Ron Gainer stated where you going.

Chairman McNulty stated the other...

Board Member Brady stated well, we just hold his up.

Rich Williams stated Niagara Falls.

Board Member Brady stated the paw.

Ron Gainer stated wow. Ever been there.

Rich Williams stated no.

e) Planning Board Training

Chairman McNulty stated another item I wanted to bring up was now that I'm taking over Chair here is training. I know we really didn't do too much training. We've done some but we're required to do it, correct.

Rich Williams stated you are required to do it.

Chairman McNulty stated and I wanted to get your guys' input on areas maybe we can think about focusing some training. Whether it's on our own Code. Not talking about going away. Maybe we do...

Rich Williams stated SEQRA.

Chairman McNulty stated SEQRA.

Ron Gainer stated yes, SEQRA always there.

Chairman McNulty stated twenty minutes at a work session or a half hour or something, and just address issues that are common to all of us, we're not comfortable with, which is everything.

Board Member Brady stated yeah, you're right. Everything.

Board Member Taylor stated I don't think going away...I think these things are waste of time.

Board Member Brady stated are they.

Board Member Taylor stated except for the law review. The rest of it...

Board Member Montesano stated depends on which one you go to.

Chairman McNulty stated there's...

Board Member Montesano stated the one in New York City is a waste of money and time.

Chairman McNulty stated the one I went to there were some good things I brought from it. I saw how...what the overall plan is.

Board Member Montesano stated the one up in...

Chairman McNulty stated but I thought maybe within our own Code, maybe certain things to understand better; SEQRA.

Board Member Taylor stated yes.

Chairman McNulty stated maybe just a review of the Master Plan so we're...We know what we're doing if we're going in the right direction. So I wanted to get your guys' thoughts on that. Maybe we can...I can put something together or work with Sarah and put something together. Or Rich or Ron.

Board Member Montesano stated they offer you information from the Planning Federation. You can get all the material. I don't know how much the cost is anymore.

Chairman McNulty stated well, maybe if we pinpoint specific items: Maybe we want to know about wetlands governed locally verse DEC. Is there information we can get from an organization that would help bullet points, this is what we need to look at. This is how we address it.

Rich Williams stated maybe we can take a look and see what webinars there are that you can tie into.

Chairman McNulty stated yeah. Even if we print it out and just review it.

Rich Williams stated these are online courses that you can take.

Chairman McNulty stated okay. Yeah, so...

Board Member Brady stated yes, that will be good.

Chairman McNulty stated if you have any information like that.

Board Member Brady stated yes, that will be good.

Chairman McNulty stated but in the meantime, some thoughts on areas where you guys want to...I know SEQRA's one of mine.

Board Member Taylor stated I think you should look...

Board Member Brady stated yes.

Board Member Taylor stated at the new...They've got this all online now. The new EAFs, two forms. EAF workbook, the old SEQRA handbook and the SEQRA cartoon book, whatever that's called. What's the SEQRA cartoon book.

Rich Williams stated The Cookbook.

Board Member Taylor stated the Cookbook.

Ron Gainer stated the cook...Right.

Board Member Montesano stated Cookbook.

Chairman McNulty stated which is a good book. I've referred to it several times.

Board Member Taylor stated it's all online. Yes. They're all good.

Board Member Montesano stated with all due respect to this wonderful Planning Federation that we pay dues to, the Town does by the way, they do give you the information if you open it and read it.

[Laughter].

Board Member Taylor stated but it's not...It's...

Chairman McNulty stated it doesn't...It...

Board Member Montesano stated it gives you the legal aspect of what you're...The rest of it's up to you. You get told you can get to this address, here you are. It's up to you to...

Chairman McNulty stated I'm thinking of ways just so we can react better with the public. Have a better understanding, and maybe push the process along.

Board Member Brady stated no, I like...I like the idea if there's webinars. Is that what you call it.

Chairman McNulty stated yes.

Board Member Brady stated because I did one with Pace when I first came on. I did one. You read it and then you answer the questions. Or you listen to...

Rich Williams stated yes.

Chairman McNulty stated yup.

Board Member Brady stated you listen to the person speak and you answer questions and you get credit for the time.

Chairman McNulty stated what is our required training.

Board Member Taylor stated four hours.

Chairman McNulty stated four hours a year.

Board Member Montesano stated four hours a year.

f) Following up on Previously Approved Applications

Chairman McNulty stated okay. Alright. So a thought of mine. The other thing, passed...Just two examples of passed of...approvals of site plan or sign approvals. We have Thunder Ridge; we approved the sign. And I know in the conditions was to paint the stanchions. Walsh's Tavern we passed a plan but nothing's happened. Do we have a way to go back and at least send a letter to these people and say you have not met the conditions. Is there a limit before that they have, before they finish...

Rich Williams stated Jack...

Chairman McNulty stated their conditions.

Rich Williams stated Jack Walsh I can reach out to. I can talk to Jack and find out, you know, what the status is.

Chairman McNulty stated yes.

Rich Williams stated Thunder Ridge is in Court.

Chairman McNulty stated I understand.

Rich Williams stated and I...

Chairman McNulty stated but that aside, we approved a specific approval for the sign.

Rich Williams stated yes.

Chairman McNulty stated regardless of the site plan. And called to paint and remove the paintball sign. And I don't think either one's been done.

Rich Williams stated there's a lot of things that haven't been done at that. And I go back to the fact that it's in court.

Chairman McNulty stated which brings me to the point...

Rich Williams stated if you're concerned about the status of the...Because they're in court for a lot of things.

Chairman McNulty stated yes.

Rich Williams stated and, you know...

Chairman McNulty stated but the sign's not one of them.

Rich Williams stated but basically...Well, the sign's all part in parcel of the site plan.

Chairman McNulty stated but we've already approved the sign.

Rich Williams stated but they're in violation of their requirements of having a site plan before they make changes. They didn't do that. So now they're in court and they're basically at this point, you know, rolling the whole thing into one thing. If you really want to know what's going on with court then I suggest you...We send a letter over to Bob McCarthy and ask for a status update. You know, raise the issue with the sign and see where they are in court.

Chairman McNulty stated well, my thought was just to send a letter to the Conklins saying Town Board...Planning Board has approved your sign...

Rich Williams stated they're not going to respond because they've got an attorney.

Chairman McNulty stated well, that's fine. But I think we should be on record that, you know, as a separate entity, a planning board, you haven't met your conditions. Same thing for Walsh. And I only pick those two because they come to the top of my head. There was Sweet Nails or Sweet what...

Rich Williams stated Sweetheart Nails.

The Secretary stated Sweetheart.

Chairman McNulty stated did they ever change they sign.

Rich Williams stated no.

Chairman McNulty stated but they did have an application in front of us, correct.

Rich Williams stated no. They started to submit one and never finished it.

Chairman McNulty stated so that goes back to the Code Enforcement then.

Rich Williams stated correct. This is all coming back on Bob. And Bob's just getting his feet wet and getting up to speed. I mean, if you have specific projects that you want an update on, we certainly can ask Bob to give us an update.

Chairman McNulty stated well, not so much an update but just to say that we've recognized there's problems and here's an update from the Planning Board that needs to be addressed. In other words, become a little proactive rather than wait for all this stuff to come back at us years later.

Ron Gainer stated yes, but the proper thing is exactly what Rich described. You just notify the CEO of the...He's the only guy...

Chairman McNulty stated that's all...

Ron Gainer stated he's the only guy that's going to violate anyone, so...

Chairman McNulty stated maybe we put in one letter that we have in the last six months several issues that have come up: Two sign...A sign application and a site application, for Walsh. But you can talk to him first. I'm all for conversation up front...

Rich Williams stated yes.

Chairman McNulty stated before we go let the...

Board Member Brady stated right.

Chairman McNulty stated dogs lose.

Rich Williams stated right.

Chairman McNulty stated but Baby Sweet Nails, or if I'm...I don't...

Rich Williams stated Sweetheart Nails.

Chairman McNulty stated Sweetheart Nails and Conklins, need something in writing for the record.

Rich Williams stated Conklins I definitely would do something in writing for the record, especially considering, you know, what's going on.

Chairman McNulty stated yes, and the way I see it, its...Okay, maybe not directly to the applicant, but to the Code Enforcement, this is where we're at. This should be on your active list or on your radar, so to speak. So that was my thoughts. And I was going to try and go back through some previous meetings and see what other applications and just to make sure that people are...

Board Member Taylor stated you still got Boniello building.

Rich Williams stated Boniello's a mess.

Chairman McNulty stated I kind of just...let that forget. But...

Board Member Taylor stated you want to forget that one.

Chairman McNulty stated but he did repair some of the wetland, didn't he. Didn't Ted go out...

Board Member Brady stated yes.

Chairman McNulty stated and take a look at it where he fixed the berm.

Rich Williams stated well, he...Yes, he started doing some things but he never really finished anything up.

Chairman McNulty stated but we never really made a final approval there, did we.

Rich Williams stated no.

Board Member Taylor stated because he didn't come back.

Rich Williams stated he never came back in.

Ron Gainer stated no, he's got to come back in.

Rich Williams stated they never came back in to the Zoning Board for their variance.

Chairman McNulty stated so where does that fall on the zoning issue. That goes back to Code Enforcement.

Rich Williams stated yeah, I don't know if I want to...

Chairman McNulty stated okay.

Rich Williams stated I don't want to speak on it at this point.

Chairman McNulty stated alright. But that's something I want to look at. Things have been in front of us and we've acted on, and it doesn't get done. I want to bring it up to the people that need to be, here. You need to address it. And then if it doesn't...If it doesn't get addressed, it doesn't fall on the applicant. It falls back on the Town for not following through. I think that's our whole purpose here to try and get things in shape and make it look a little better...

Rich Williams stated yes.

Chairman McNulty stated and maybe we have to be that little igniter to push it along. So, any thoughts.

Board Member Taylor stated well, we've also talked about changing some of the process in certain ways. For example, we talked about specifying lot sizes to make it easier and consistent when we're dealing with these areas that have seven acres but there's no buildable lot on the seven acres. We talked about defining that in some ways; how much lawn there should be. How much for a shed, how much for a swimming pool, how much for a...each bedroom or whatever we would come up with. So, I think we should consistently...We should make a list and then work our way through. When there's extra time at a meeting, we can work on those things and get those issues resolved.

Chairman McNulty stated I think that's...I understand what you're saying, I think that can be tough though just because every lot is so different.

Board Member Taylor stated no, but...

Rich Williams stated what Ron is suggesting though is develop a standard for not only minimum lot size, but minimum buildable area...

Ron Gainer stated exactly.

Rich Williams stated on the lot.

Ron Gainer stated right.

Rich Williams stated minimum useable land. And we've done that within the Code in a couple of instances, certainly with horse farms and the number of horses. We certainly can take a look at, you know, maybe trying to do something with, you know, residential houses.

Chairman McNulty stated within subdivisions.

Rich Williams stated it's a little bit challenging because of the septic system issue. You know, but you can define a useable area where it's...

Ron Gainer stated yes, other codes...other codes have exactly as Rich described. Define a buildable area and it's got to be so many thousand square feet...

Chairman McNulty stated based on how...

Ron Gainer stated of area...of area that's less than 15%, which is driven toward sanitary, but...

Rich Williams stated yes, I think Kent is 10,000 square feet.

Ron Gainer stated Philipstown has it and...

Chairman McNulty stated are you familiar with their codes.

Ron Gainer stated it's on a rectangular... Yes.

Chairman McNulty stated could you bring a copy in of one of those towns to let us take a look at.

Ron Gainer stated yes. I'll just PDF it and send it around.

Chairman McNulty stated yes, that would be great.

Board Member Taylor stated because we're always grappling with the problem that somebody comes in with a plan...

Ron Gainer stated but base it...I wouldn't get into the...

Board Member Taylor stated and there's wetlands everywhere and they've got a house on this much...

Ron Gainer stated right. So that would be unconstrained...

Board Member Brady stated like that development on Fair...Right off Fair Street.

Ron Gainer stated unconstrained property and its minimum...

Board Member Brady stated that's the perfect example.

Ron Gainer stated dimension and it's so many square feet minimum.

Board Member Taylor stated right. That's what we need.

Ron Gainer stated you don't want to get too much tighter than that.

Chairman McNulty stated so set a guideline for people.

Board Member Taylor stated yes. And for us.

Chairman McNulty stated yes.

Board Member Taylor stated it just makes it easier.

Ron Gainer stated and it changes by, you know, minimum lot area by zoning district so...

12) Minutes

Chairman McNulty stated okay. Minutes. Everybody get a chance to look at the June 26th. Okay. We'll hold that over to the meeting. Any other comments. Motion to adjourn.

Board Member Brady stated second.

Chairman McNulty stated all in favor. Motion carried by a vote of 4 to 0.

Meeting was adjourned at 8:47 p.m.