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

Sarah Mayes
Mary Schartau
Secretary

Richard Williams
Town Planner

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

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PLANNING & ZONING OFFICE

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Planning Board
August 6, 2015 Meeting Minutes

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

Present were: Chairman Thomas McNulty, Board Member Ron Taylor, Board Member Edward J. Brady, Jr, Board Member Michael Montesano, Board Member Robert Ladau, Rich Williams, Town Planner, Ron Gainer, Town Engineer, Ted Kozlowski, Environmental Conservation Inspector and Mike Liguori, Town Attorney.

Chairman McNulty called the meeting to order.

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

There were approximately 21 members of the audience.

Chairman McNulty led the salute to the flag.

1) MANCON, LLC – Concept Review

No one was present for the application.

Chairman McNulty: Okay. Welcome everyone. Patterson Town Planning Board for August 6th. First on the agenda is Mancon, LLC. It's a concept review. We talked about this at the work session. Have you had any more feedback, Rich?

Rich Williams: I have not.

Chairman McNulty: Okay. Anybody have any other comment on this?

Board Member Taylor: Not till they come back.

Chairman McNulty: Yup. I guess we'll wait to hear from them. Maybe do a site walk, get that on the agenda.

Rich Williams: Sure.

Chairman McNulty: Okay.

2) STONE FIELD CORNER ESTATES – Public Hearing

Mr. Joe Riina, Mr. Tom Kerrigan, Site Design Consultants, Mr. Tony Russo, Environmental Compliance Service, and Mr. Allan Rothman, Unicorn Contracting Corp., were all present.

Chairman McNulty: Moving onto number 2: Stone Field Corners has a public hearing. Sarah, would you like to call the public hearing.

The Secretary: Sure.

The Secretary read the following legal notice:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, August 6, 2015 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **"Stone Field Corner Estates"**. The Applicant is proposing an 8-lot residential subdivision. The property currently consists of two parcels of 49± acres, and a third 0.71± acre parcel located in the Town of Southeast. The property is located at the intersection of Fair Street and Fields Corners Road (R-4 Zoning District and the Multifamily Overlay District), Patterson, New York. The property is currently owned by the Estate of Paul Gottwald. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman McNulty: Okay. How you doing, Joe?

Mr. Joe Riina: Good evening.

Chairman McNulty: Want to give a little…

Mr. Riina: Yes I will.

Chairman McNulty: overview of what you have here?

Mr. Riina: My name's Joseph Riina. I'm the principal of Site Design Consultants and project engineer for Stone Field Corner Field Estates. With me tonight representing the applicant is Allan Rothman, Unicorn Contracting. Tony Russo from Environmental Compliance Service; he's the environmental consultant on the project. And also Tom Kerrigan from my office. The proposal is…before is a subdivision to create six new building sites located in the R-4 Zone which requires a minimum of 4-acre zoning for each building site. The site is located at the corner of Fair Street and Fields Corner Road. I would say it's approximately 50 acres in size. As the site exists today, there's an existing residence on the site here off of Fair Street. Adjacent the site is a large meadow area. There is a stream which runs through the center of the site and is surrounded by New York State DEC wetlands, which Tony will give you an overview on. On the Field Corner side of the site, it's mostly wooded. You have this wooded knoll area which most of the development is going to take place on. And then wetland areas off to the side. So as I said, the goal is to construct six new house sites. One site will sit in that meadow area adjacent to Fair Street, so it will have a direct access off of Fair Street. These are the proposed homes, driveways. The

green shaded areas are where the septic areas will be. We've also assigned an area for a pool and an out building in case the homeowner desires to do so. So one lot will be off of Fair Street. The other five lots will be off of Fields Corner Road. And we were going to construct a Town road to Town specifications of which each of these five lots will access. All of the lots conform to zoning, except for this Lot 1, Lot 2, which required a frontage variance which we obtained in the spring. As I said, each lot is going to be serviced by a septic. In addition, the water supply will be proposed drill well. The proposed Town road will be a curbless Town road. It's going to have vegetated swales on both sides to collect surface runoff and take it to a proposed stormwater management area. This is the more detail construction plan which show the grading and the improvements. Let's just go back the other way [referring to the plans]. I just wanted to point out a couple of other things before I go too far here. We've got these green highlighted line here. Those are the wetland boundaries. The orange highlight is the required 100' setback from the wetlands, which…where…That's a regulated area. But we are not going into those areas at all or creating any disturbance to the wetlands. Further, we're along that orange line on that buffer area, we are proposing conservation easement to hold that property forever wild out beyond…

Chairman McNulty: Which area would that be, Joe? Can you…

Mr. Riina: So that would be these areas out in here towards the wetlands. The center…

Chairman McNulty: And along the stream?

Mr. Riina: Center corridor, along the stream, that's all going to be within a conservation easement. That conservation easement will be permanently monumented. Along this edge of lot 4, we're going to have a detail where there's going to be stone pillars with a wood rail fencing in between. That's going to be a permanent feature to this lot. The remainder of the conservation border…conservation boundary will have concrete monuments. All of the conservation demarcation will have plaques stating the purpose. And each house deed will also reflect that there's a conservation easement on the lot. So it's going to be recorded not only on the subdivision plat and the plans, but also the deeds for each house will be…

Chairman McNulty: For each lot. What's the spacing of the concrete monuments along the buffer line? I wasn't sure by the plan when I was looking at it.

Mr. Riina: Yeah. We put them at every turning point. So if you were to go a line…Draw a line between, I don't know what the exact maximum spacing we put them on, but pretty much at every turning point of that line…

Chairman McNulty: Okay.

Mr. Riina: We've monumented it. Quickly, some of the other improvements that are very important here are how we're dealing with stormwater and how we're meeting all the standards of New York State DEC standards. DEP is also involved in this project, so they will have review and issue a SWPPP permit for this project. They've been out. We've done testing with them. We have to go out and do some additional testing, but they've been involved. As well as Ron [Gainer], the Town Engineer, has commented and reviewed what we've done so far. In general, each lot will have its own stormwater practice which will provide water quality and attenuation. In most cases, the stormwater practices are going to be subsurface infiltration units, so you're not going to see them from the surface. Lot 2 will have a surface feature, fire retention area, which will pick up the runoff from the driveway and the roofs of the house. The…Each property owner will be responsible for their stormwater management facility. There will be a stormwater management maintenance agreement which will go with lot. It will be attached to

their deed which will define their…the requirements for them to maintain the perpetuity the stormwater management systems. In addition to that, that agreement which is basically between the homeowner and the Town, if the homeowner does not maintain the facility, the Town has the right to go in and take enforcement action to ensure that they are maintained and operated properly. We have a larger stormwater management system here which will facilitate surface runoff off the road. As I said, there'll be vegetated swales along the road which will collect the runoff. It will be piped into, again, a subsurface system here which will be contained in an easement. And that will be deeded to the Town for maintenance and operation. On Lot 1, that's the stormwater management facility for that. At this point, we've also submitted a preliminary plat that was prepared by Insite. That's, again, a preliminary plat. We're here for preliminary approval on the subdivision. And we're requesting that the Board consider that and move us along and hopefully approve that as soon as possible. I'm going to turn over the presentation to Tony Russo so he can give you a little background on the wetlands and the environmental aspect of the project.

Alicia Yarusso: Can I ask a question about the stormwater and the road?

Chairman McNulty: Sure. Just state your name, please.

Alicia Yarusso: Oh, Alicia Yarusso. Just the way the drawing (inaudible), will you be able to see that runoff from the road?

Mr. Riina: No. This is going to be a subsurface feature, so you will not see it.

Alicia Yarusso: Okay.

Mr. Riina: You'll only see the swales on the side of the road.

Alicia Yarusso: Okay.

Mr. Tony Russo: Thank you, Joe. Let's see what you have here.

Mr. Riina: You want this up?

Mr. Russo: This is good. Thanks. Environmental Compliance Services was retained by the Applicant to initially delineate the onsite wetland. A very large wetland, I might add. We also prepared the SEQRA documents and analyzed various impacts that were identified by both us as well as the Board. And talking about the wetlands, wetlands are approximately 15 to 16 acres in size. And that's the delineated wetland, plus 100' beyond. And so, if you really look at this closely, you're more wetland and wetland buffer than useable land. In fact, the total area of disturbance is going to be somewhere around 12-acres: 11 to 12 acres. We delineated the wetland back in June of 2013. Afterwards, we needed to confirm the line. We can't just say that's the line, and walk away. We had to involve Ted Kozlowski and the DEC. In fact, we had them both out in the field to confirm the line together. So we all knew everyone's jurisdictional concerns. The entire wetland area on site. As an example, the State did not have the need or jurisdiction to call this area a wetland, whereby the Town certainly does. So there's a difference. But it's all shown on the line. It's all been validated. And so we have a great, really good feel for what are the limits of the onsite wetlands as well as the buffer lines. Other issues that we, and in particular, Mr. Riina had mentioned that these areas on here, the orange and yellow highlighted portions of the site, those are the…That's the buffer of the adjacent area. That's a regulated area, right in that area between the green and the actual limits of the wetland, and that orange area. That orange, delineated area. And so nothing can be done there. And the monuments will have plaques on each and it will state that nothing's to be done in that area unless you seek out first a Town and State permit. Essentially, that's it. So it's going to be

maintained. One of the issues, an important issue in looking at the SEQRA for the project was to make sure that we had a good idea where the wetlands starts, you know, starts and ends. And that, two things. The buffer in the adjacent area because it is regulated as well as minimizing encroachment on that buffer. And one way to do that, of course, is to ensure that the monuments are scattered about. And a good area for displacement as well as the placards of the…seen by the top, each one. So, we looked at that as an issue. And also on the SEQRA, we looked at erosion sedimentation concerns. And these concerns, or concerns related to that issue, will be addressed in the project stormwater pollution prevention plan. So, any place where we may have potential to generate erosion, either during or after construction, it's all going to be addressed in the SWPPP; Stormwater Pollution Prevention Plan. So those are the two key issues, at least in my mind. I'm sure the Board had a few others. And as they said, that, and other…those issues and other issues were addressed in the SEQRA documents that we prepared and submit, and that the Town reviewed. That's pretty much it.

Chairman McNulty: Okay. Is there any comment from the public? Anybody like to comment? Please come up to the microphone. State your name and your comment.

Alicia Yarusso: Hi, Alicia Yarusso again. Rich, you and I, one of the first meetings had talked about a turnabout…

Rich Williams: Mmhmm.

Alicia Yarusso: because I have such a problem with Southeast putting up the barricades. But I don't know if that can be done with that area.

Rich Williams: I'm going to talk to Joe about it in the morning.

Alicia Yarusso: Yeah, just so, you know, just on the corner there because, you know, won't be able to touch it because it's your property.

Chairman McNulty: And what is that for?

Alicia Yarusso: Well, Southeast puts up barricades right at the end of Patterson and they refuse to maintain it. Barricades are knocked down.

Chairman McNulty: Just during the winter hours…winter…

Alicia Yarusso: During the winter. Constantly the abuse my driveway has taken is astronomical. And I've called Southeast and they refuse to maintain it. Or even I've gone out and put up the barricades. But people are turning round in my driveway and the wear and tear is just unfair because people don't pay attention to the signs. So when we had first talked about this project, these gentlemen were very understanding and said, well, potentially, there could be a turnabout across the street where people realize there's a barricade. They go in that area to turn around which will be much easier then my driveway.

Mr. Riina: So this is your driveway here, right?

Alicia Yarusso: No. This one actually here because five feet from there or so is Southeast.

Mr. Riina: Right. That's the Town line. Yeah.

Alicia Yarusso: Right. So, in my driveway they go and I have an alarm and I hear it all day. So, that basically what I want to remind everyone. Thanks.

Mr. Riina: That is something we…I'm sorry [referring to not using the microphone]. Something we could definitely look at.

Chairman McNulty: Okay.

Mr. Riina: We're kind of limited there with the wetlands right up against the right-of-way there.

Rich Williams: Yeah. No, I know.

Mr. Riina: So, we'll definitely take a look at it. If it's something that can easily be done, we'll take care of that.

Chairman McNulty: Okay. You're going to look after them, Rich?

Rich Williams: Very. You know, one of my comments was they're showing a section in Southeast as being offered for dedication to Patterson. And I suggested they wanted to change that to Southeast. Well, we may take it back.

[Laughter]

Board Member Taylor: Put the turnout there.

Chairman McNulty: Put the turnout in that section.

Alicia Yarusso: Can't you put that in?

Chairman McNulty: Okay. Anybody else with a comment?

Connie Gray: I have on other question.

Chairman McNulty: Please come up.

Connie Gray: I'm Connie Gray. So this is my house here. So there's a lot of runoff that goes here and goes down into the stream, especially. So, whatever you're going to prepare here is going to keep…so that no more runoff comes down and into the stream or…? And what does a swale along the edge; what does that mean?

Chairman McNulty: Well actually, right there it's going to be a subsurface infiltration.

Mr. Riina: Right.

Chairman McNulty: Maybe you can explain that, Joe.

Mr. Riina: So basically what…All the runoff from off of our proposed road…

Connie Gray: Mmhmm.

Mr. Riina: Is going to be pitched to the side of the road and there's going to be a grass swale, which is basically a ditch…

Connie Gray: A ditch.

Mr. Riina: Okay.

Connie Gray: Okay.

Mr. Riina: And that it's going to be a vegetated ditch along both sides of the road. When it gets to the bottom, it's going to be a pipe to cross and into this system here which is an underground…It's a series of underground chambers…

Connie Gray: Like a French drain sort of thing?

Mr. Riina: No. They're open chambers.

Connie Gray: They're open chambers.

Mr. Riina: Which will take the runoff, control it, and bring it out and discharge it down to this end here. So, I know recently they…a swale was put in along this edge of the road there.

Connie Gray: Right. Which is working much better.

Mr. Riina: Right.

Connie Gray: Yeah.

Mr. Riina: So I think that's a big help, probably, to you.

Connie Gray: It is. But more water will be coming in to that drainage.

Mr. Riina: Right. For a short run and then it will go…

Connie Gray: Run.

Mr. Riina: right down into the brook.

Connie Gray: Okay.

Mr. Riina: But it will be released at a controlled rate.

Connie Gray: Okay.

Mr. Riina: It's not going to be…It's not going to rush out there.

Connie Gray: Into my driveway because it's right there.

Mr. Riina: Yeah. I…

Connie Gray: So it's going to come like right…right…

Mr. Riina: Right. It should never make it to your side of the road.

Connie Gray: Okay. Great. Thank you. And so there's going to be a deeper ditch there o are you actually going to utilize the ditch that already there?

Mr. Riina: We're only going to use a portion of the ditch which is further down.

Connie Gray: Just this little part here. And then it will go into the river. Okay. Thank you.

Chairman McNulty: Okay. Is there anybody else in the audience with comment? Board Members, anybody have some comment on this?

Board Member Taylor: Have we discussed boulders, boulders?

[Laughter]

Board Member Taylor: Have it we discussed it for this project?

Ted Kozlowski: Sure.

Chairman McNulty: Well, I don't think…

Ted Kozlowski: I like the idea of the pillars and the fence. I like…

Rich Williams: Yeah, they're doing pillars and the fence. I don't know why you would want to talk about boulders.

Board Member Taylor: Well, because the fence is only in the one section.

Mr. Riina: Right. So you're saying boulders instead of monuments?

Board Member Taylor: No. Boulders in addition…

Ted Kozlowski: Both.

Board Member Taylor: Boulders prevent people from physically driving machines into the buffer. The monument they can just drive over or drive around it. Or drive on the side of it.

Mr. Riina: I think that would be a huge imposition considering the amount of…length of…We're talking not in the hundreds but the thousands, of boulders that would have to be put in there. I think that would be a huge imposition.

Mr. Russo: And they'll still probably get a, you know…

Mr. Riina: You know, if they wanted to move them they could.

Mr. Russo: If they wanted to.

Chairman McNulty: I think with the easements, though, it gives the Town the enforcement action that it needs to go in there if it does get disturbed. The only thing I'm looking at is…What is the one lot that got the variance? Lot…

Mr. Riina: This one here?

Mr. Allan Rothman: It's actually three lots got the variance.

Rich Williams: Correct.

Chairman McNulty: For the road frontage.

Mr. Rothman: Yeah.

Mr. Riina: Right. These three. These three.

Chairman McNulty: Yeah. But that particular lot, how close the driveway is up in there, perhaps a fence or more of a demarcation in that area.

Mr. Riina: Along this edge you mean?

Chairman McNulty: Mmhmm.

Mr. Riina: We could do that. We could do the same treatment there that we're doing on Lot 4.

Ted Kozlowski: Tom, I appreciate what you're trying to do there. You're really trying to respect the natural resources and it's…

Chairman McNulty: You give him the mike, Rich.

Ted Kozlowski: It's a very fair approach and I just feel, and I've said this at the beginning of this project that it's a beautiful lot and a beautiful site. Folks are going to come to that and buy those houses knowing there's 4-acres that they have. But they don't really have 4-acres and what they're going to have to understand, and I think you're doing this with the deed and…

Mr. Riina: Mmhmm.

Ted Kozlowski: when these people buy these houses that it's with the understanding that those buffers are not going to be altered. And the one lot behind you…

Mr. Riina: This one?

Ted Kozlowski: Where you're locating that pool, is right on the edge of the wetland and…

Mr. Riina: This one you mean.

Ted Kozlowski: Yes. And I say this all the time, I'm a pool owner and I know what…how much sun you're going to need for that pool so you might want to consider moving that pool because if that owner decides to put a pool there, they're going to have to take a lot of trees out around that.

Mr. Riina: Fair point.

Ted Kozlowski: You know, those are the kind of things that you got to play with. Like I said, I appreciate…I can't really…I appreciate what you're trying to do and it's nice to see that. I just hope that the owners that come in there are going to respect that…those lines. I know Ron would like…and I would like to see stonewalls and all but it's asking you a lot to do that. So…

Mr. Riina: Yeah. We could probably move this…

Ted Kozlowski: Well…

Mr. Riina: Over. And if there's any other ones that…

Rich Williams: Before you do that, Joe, just our process in the Town of Patterson, we lock in through site plan the driveways and the house locations. We don't lock in the pools. We don't lock in the sheds.

Mr. Riina: Oh, okay. Okay.

Rich Williams: So they, you know, when the property owner comes in, he's going to put the pool where he wants to put the pool.

Ted Kozlowski: Yeah.

Mr. Riina: Okay.

Chairman McNulty: Joe…

Mr. Riina: He still has to come in for a permit though, right?

Rich Williams: He still has to come in for a permit. Well…

Chairman McNulty: What are your typical monuments that you plan on putting in here? Are the just a…

Mr. Riina: Yeah, I mean…

Chairman McNulty: six inches above the ground monument?

Mr. Riina: Yeah, we're…

Chairman McNulty: Or is it something more significant?

Mr. Riina: We were going to put, you know, standard concrete surveyors monuments in and we're going to come up with some kind of plaque that would be permanently applied to which would state the purpose of it. We're certainly willing to, you know, listen to other suggestions or something…

Chairman McNulty: Typical…They're usually pretty low to the ground.

Mr. Riina: Yeah, but we're going to have them project up, what, 6 or 12 inches.

Mr. Rothman: Yeah.

Ron Gainer: Yeah, it's shown as 6 inches.

Mr. Riina: Six inches above the ground. I mean, we can certainly make them come up a little higher than that.

Chairman McNulty: I think we probably should make them come up higher…

Board Member Brady: Yeah.

Chairman McNulty: So they stand out as to grab someone's notice after ten years of debris and leaves and trees going on; they get buried.

Mr. Riina: Right.

Chairman McNulty: They're not so easy to bury.

Ted Kozlowski: We'll have our signs up, too. So once this project starts.

Mr. Riina: You know, there's only so much you can do to keep people from…

Chairman McNulty: No, you…

Mr. Riina: disregarding…

Chairman McNulty: even with boulders, if they want to walk around a boulder to cut down a tree to sun their pool, then they're still going to do that. It's the ATVs and the four-wheeling…

Mr. Riina: Yeah.

Chairman McNulty: that we're trying to prevent.

Mr. Riina: I understand.

Chairman McNulty: So I don't…Maybe…Is the monument detailed in the plans anywhere? I didn't see it.

Mr. Riina: We do have a detail…

Ron Gainer: Yeah.

Mr. Riina: of the monument.

Chairman McNulty: Maybe we want to look at that.

Ron Gainer: We've asked them for a sample because it is so small, I don't know that it would be very apparent.

Chairman McNulty: So maybe we're looking at something a little more significant.

Mr. Riina: Okay.

Ron Gainer: He can illustrate what he intends to provide and you can check in on that.

Chairman McNulty: Okay.

Mr. Riina: Yup.

Chairman McNulty: Alright.

Mr. Riina: Yeah, we'll be glad to give a little move detail on…Gove a little more detail on that and, you know, work with the Board to, you know, come up with something that everybody's going to be happy with.

Chairman McNulty: Okay. You can work with that, Ron?

Board Member Taylor: Yeah. I was just, I mean, Ted's the boulder guy. He hasn't come in here. He's out in the hall. He is in here.

Chairman McNulty: He's got a lot of boulders.

Board Member Taylor: Well, he's got a lot of stonewalls, he just move them over here.

Chairman McNulty: Okay. Ron, you have any other comments? Anybody else on the Board? Anybody from the audience?

Rich Williams: Just, you know, the last three real significant details we're looking for, we're waiting for the High Superintendent to come back and weigh in on this. He's been on a much deserved extended vacation. Hopefully he'll be back shortly. We do…

Chairman McNulty: This is for the maintenance agreement along the road of that subsurface.

Rich Williams: Well, there's two issues. One is the lollipop. Typically our highway department has not…

Mr. Riina: This [referring to the plans].

Chairman McNulty: Yeah.

Rich Williams: Will not view favorably lollipops. They want the whole cul-de-sac paved.

Chairman McNulty: Mmhmm.

Rich Williams: So, we want to make sure he's comfortable with what's being proposed. The other is the defender and the third thing is the infiltrators. You know, us being responsible. The infiltrators are not a huge responsibility for us. We just want to weigh in those…We want him to weigh in on those three things. And we do need a road name, you know. I mean, that's one of the holdups at this point. We do need a road name. So…

Chairman McNulty: Okay.

Rich Williams: I know Ron…I had mentioned it tonight. Ron's going to take a look. If you've got any ideas.

Board Member Taylor: Do the neighbors have any ideas you'd like to name the road?

Mr. Riina: Stone Field Corner.

Mr. Rothman: Yeah. Sounds good.

Audience Member: Stone Field Court.

Audience Member: Stone Field Court's nice.

Mr. Riina: Stone Field Court it is.

[Laugher]

Board Member Taylor: It isn't until we recommend it.

Mr. Riina: Well, we're suggesting Stone Field Court.

Chairman McNulty: Ron's going to take a look at the history of the area and see if there's any historical significance we…

Mr. Riina: That's fine.

Chairman McNulty: But I'm okay with Stone Field Corners if we don't have an alternative.

Mr. Riina: Court.

Board Member Taylor: Court.

Board Member Montesano: Court.

Chairman McNulty: Corners? Is that what I said?

Board Member Taylor: We said Court, you said Corners.

Mr. Riina: That's fine.

Chairman McNulty: Just checking you all.

[Laughter]

Board Member Taylor: So Joe, why are you keeping the island in the cul-de-sac?

Mr. Riina: That…We thought that was what was desired early one. But we'll gladly…We have no reason for it.

Board Member Taylor: I think consistently we've said we don't want the island. Have we not?

Chairman McNulty: Well, it becomes an issue with the snow and then who maintains it.

Rich Williams: I would think it would be easier for snow removal. I'm told that's not the case but, you know, from a design standpoint with stormwater, I mean, it does generate less stormwater.

Mr. Riina: Yeah.

Rich Williams: You know, it's recommended. It reduced the impervious surface of the project. So it's the recommended design, it really is. You know, but nobody really wants them.

Mr. Riina: We'll gladly take it off if that the direction…

Chairman McNulty: Well, let's Russ [Goff] weigh in and see what he has to say.

Mr. Riina: Right. We're not, you know, in no way are we married to the idea of doing it.

Chairman McNulty: Okay. Alright, any other comment?

Board Member Taylor: No.

Chairman McNulty: Anybody? I'll make a motion to close the public hearing.

Board Member Montesano: Second.

Chairman McNulty: All in favor? *Motion carried by a vote of 5 to 0.*

Chairman McNulty: Okay.

Mr. Riina: Thank you very much.

Chairman McNulty: So you'll get together with Rich. We'll look at that turnout.

Mr. Riina: Yeah. And anything else.

Chairman McNulty: Ron is still…there's some review here to look at. And we'll move forward.

Mr. Riina: Thank you very much.

Rich Williams: I assume we're going to put this on for the next agenda for consideration of a preliminary plat resolution.

Chairman McNulty: Yeah. I think we're getting close enough we can do that.

Mr. Riina: Okay.

Chairman McNulty: You know, we'll wait to see what Russ says and…

Mr. Riina: Thank very much. Good night.

Chairman McNulty: Good night. Thank you.

3) PUTNAM POWER EQUIPMENT – Initial Application for Site Plan Waiver

Mr. Michael Bruen was present.

Chairman McNulty: Alright, next on the agenda is Putnam Power Equipment.

Mr. Michael Bruen: How are you?

Chairman McNulty: Mike, right?

Mr. Bruen: I'm Mike.

Chairman McNulty: How you doing, Mike?

Mr. Bruen: Good.

Chairman McNulty: Okay, you're here for a site plan waiver application for a fence.

Mr. Bruen: site plan waiver or…Yeah.

Chairman McNulty: Yeah there's a fence. Yeah, we discussed this back and forth and the thing that keeps coming up to us is we see you're doing well and you have a lot of merchandise. And our concerns are before we get to the fence is you just park and how you have enough…Rich, you're input on the parking again on this. We had a site plan approved with I believe seven spaces, if I remember right.

Rich Williams: Off the top of my head I don't remember right now. But we do have a site plan approved showing the parking lot layout.

Chairman McNulty: Yeah.

Rich Williams: And the question is whether that's all needed. We had a conversation, some of it wasn't needed. But generally the parking in the front the Planning Board was looking to keep.

Chairman McNulty: Yeah. And we're wondering if this fence…

Mr. Bruen: Basically what's…

Chairman McNulty: and this storage area, will that let you get any of these trailers or merchandise you have to the rear of the building or to the side of the building?

Mr. Bruen: It would be a major problem. If I put them…We talked about putting some up on the top in the dirt, it's going to damage the equipment. They're not going to be the least bit visible. It doesn't impede the amount of parking that I have. I've got…I started out with about four times more parking than I needed. And even what I would probably…To rearrange some of them so that they're lined up neater. They would look a little more presentable and still present…still maintain, probably, over double the amount of spaces that I need. And the proof is sort of in the pudding in that I never have a problem with parking. I get tractor trailers come and do deliveries throughout the day and still be able to maintain cars and trucks; pickup trucks with trailers. They come and go. No one ever backs out on the highway. There's just never been a shortage of parking spaces. What I could do, and at one point it did get a little stretched out, there are trailers on two sides. It was just kind of a convenience thing so that it could be a little more visible to the highway. If I were to line them all up in the front, say the south side of the parking lot by the front of the building, I could make a nice line there and leave that whole right side open for customer parking. I think it might look a little more presentable and…

Chairman McNulty: Well, that's what we're looking for.

Board Member Taylor: Yeah.

Chairman McNulty: And I don't know, is it necessary to have…

Mr. Bruen: There's a (inaudible) in and out, yeah.

Chairman McNulty: all the trailers out. Maybe you have of each on display.

Mr. Bruen: I totally agree. And what happened was that there are more there. It was a couple of months ago the trailer company kind of hit me with a curve that I had to take so many of one style, was more than I really even truly wanted. And they are there and they didn't sell as quickly as possible. So, yes, maybe I can move some of those off site. There are three of one particular model in the front. One model…One for a model would be more than adequate. I wouldn't be opposed to either…

Chairman McNulty: Yeah, if you could organize that. Keep the parking organized.

Mr. Bruen: Yup.

Chairman McNulty: And then with the fence you're proposing, I guess that's to create a safeguard storage.

Mr. Bruen: That, it was to safe guard the storage and also to accommodate the fire inspector. He wasn't satisfied with the means of ingress and egress. So if I put that fence up in the front, it would be probably either two 6-foot or one 12-foot gate so that he could have a Knox box; be able to enter 24-hours a day. It seems like…

Chairman McNulty: To the rear of the building.

Mr. Bruen: To the rear of the building, yeah.

Chairman McNulty: I think before you were using a truck or something to clock that area.

Mr. Bruen: It's a trailer now. And basically it's locked the same. So it's…They didn't want a key. They could just snip the lock and it would be faster. And within a matter of seconds, as fast as you could open the gate, you just…We do in the morning, we roll it out and roll it back in at night. So it's totally accessible.

Board Member Brady: Right.

Mr. Bruen: In a safe fashion for the fire department. It would just be easier for them if they had a fixed gate and we come down and you unlock the gate, open the gate. And I don't oppose that. I think it would be a…It would be easier for me, to be honest with you. Even on a day-to-day basis, opening and closing. The gate would certainly be easier to deal with. So I think it would be aesthetic.

Chairman McNulty: Well actually, where do we stand with this, Rich? I didn't get a chance to look at your review on this. Did you do one?

Rich Williams: I didn't do a review.

Chairman McNulty: You didn't do one. That's why I didn't see it.

Rich Williams: No. This is a site plan waiver. Mr. Bruen was here proposing to put up a fence…

Chairman McNulty: Yup.

Rich Williams: In order to eliminate the trailer. The Board had raised some concerns about the construction trailers that were right there in the area and parking. You addressed the parking. If you're comfortable and you're comfortable with the fence. And I think the fence is needed out there because…

Chairman McNulty: Yeah, I don't have a problem with the fence.

Rich Williams: Blocking the entrance and blocking the access aisle back to the back with a trailer isn't really the best way to do it.

Mr. Bruen: Not it's not. I agree.

Rich Williams: Yeah.

Mr. Bruen: So, would the new proposal, that would alleviate that problem and…

Rich Williams: Correct.

Board Member Taylor: Alright. I've got a couple of comments. I use your service and I've come over sometimes and I find it very difficult to park. And the handicapped parking spot sometimes is blocked by equipment that's in front.

Mr. Bruen: That's right by the front door. It's not as well painted as it once were, but have you found that blocked? Because…

Board Member Taylor: I was there once and it was pretty much…You could pull into it but trying to back out and get around, you'd have to back into a trailer.

Mr. Bruen: Okay.

Board Member Taylor: So that's…I think you really need to do what you said tonight, which is put one of each trailer out there and arrange them along the south so people can back directly out and then go back out.

Mr. Bruen: Okay.

Board Member Taylor: Especially for the handicap spot.

Mr. Bruen: Yup.

Board Member Taylor: No the other spots are across the driveway. They're not really handicapped accessible in a sense because you'd have to walk all the way across the driveway.

Mr. Bruen: Yeah, they're quite a distant. Yup.

Board Member Taylor: So that particular spot is important.

Mr. Bruen: If we keep that one right in the front, it's a…We're conscious about keeping it open. It's just, like you said, if it's difficult…When you pull in, the anticipation is that you will back out to the left. But if you want to back out to the right where the trailers are, there's no doubt that…I personally backed up to the left so you have better vision looking out your driver side window, so you pull in and back out. I always…I don't use it, so from your perspective, if you think it would work better, I can certainly accommodate that.

Board Member Brady: I mean, I'll ask. Mike, just something to throw out. On your drawing, you're putting the gate right across to where the building is…where the trucks…Where you put the trailer across now.

Chairman McNulty: From the front corner of the building.

Mr. Bruen: Where that…What I want to do is replace that one, the truck that's there. Get that…

Board Member Brady: Right.

Mr. Bruen: Because that's designed to be pickup and delivery vehicle and became my security. So…

Board Member Brady: Right. I've been up there. So I know what it looks like.

Mr. Bruen: Yup.

Board Member Brady: You have…You show, on your drawing, you show two, I guess these are catch basins here. And how about if you brought your fence down to those catch basins and closed in the whole front there?

Mr. Bruen: That would suit my needs very well.

Board Member Brady: I mean, I don't know how that would go with the Town but, you know, it would surely close everything in and make it a better appearance from the road.

Board Member Ladau: You're talking about from…

Board Member Brady: Right here.

Board Member Ladau: Yeah. That makes more sense.

Board Member Brady: And squaring that whole thing up.

Board Member Ladau: Yeah.

Mr. Bruen: You know, and the only thing I would have to do is make sure that the cell tower people had a key to my gate which I'm not, certainly not, opposed to, and leave the secondary gate, if they even need it. Because what it does is makes it that much…It just locks up the whole area up at night.

Board Member Brady: Yeah, I mean, I know it's more work, more money and everything. But it…

Mr. Bruen: Yeah.

Board Member Brady: It will make it look better from the road.

Chairman McNulty: Well, I don't know. Depends on the type of fence I think.

Board Member Brady: Right.

Rich Williams: You're talking about putting it farther down on the driveway.

Board Member Brady: Yes.

Board Member Ladau: Yes.

Rich Williams: No, I'm just not seeing it.

Board Member Brady: Just to the parking…You know where he has the trailers…

Rich Williams: No, I understand what you're doing…

Board Member Brady: Right across there.

Rich Williams: Right. But, you know…

Chairman McNulty: You're talking about a fence or a gate?

Board Member Brady: Well, I'm talking about a gate across the road, but to fence the whole thing in.

Board Member Ladau: Yeah.

Board Member Brady: You know, that's his security.

Rich Williams: But then you've got to fence the whole place in and I don't know that that's going to look more attractive, and it's certainly going to be a lot more money.

Board Member Brady: Oh, it definitely going to be more money. I just, you know…

Mr. Bruen: Yeah.

Board Member Brady: I'm just trying to, you know, one of the objections people have is everything's piled-up up there, and it doesn't look good from the road.

Mr. Bruen: I don't…And Rich brings up the point, if I did a 4-foot chain link fence you're going to see all the trailers above it anyhow.

Board Member Brady: Four foot's not going to give you any security anyway.

Board Member Ladau: Yeah.

Mr. Bruen: If I do the 6' fence, it's going to look like a prison.

Chairman McNulty: Yeah.

Mr. Bruen: You know, I think it would…The trailers probably look better than the fence would at that point.

[Laughter]

Mr. Bruen: They're pretty nice trailers.

Chairman McNulty: Well, if you could what you said and limit your displays and organize them and then get what you can behind the fence or off to the side in an orderly manner and keep that…

Mr. Bruen: The proposal now is to come at the front of the building…

Chairman McNulty: In front of the building out.

Mr. Bruen: straight across.

Chairman McNulty: Yup.

Mr. Bruen: And then match…made up to that box in the corner and then…

Chairman McNulty: Now if you do that, the tower people still have access?

Mr. Bruen: Yes. That's to the left of that.

Chairman McNulty: Okay. It's drawn a little different here. But as long as you still give them their access.

Mr. Bruen: Yeah. Their gate is actually up the hill probably another 100 feet.

Chairman McNulty: Yes. I see that here. How far is that fence actually going to come out from the corner of the building to the north?

Mr. Bruen: Right…Just past the edge of the curb, there's a…

Chairman McNulty: Twenty feet? Thirty feet? Have an approximate?

Mr. Bruen: No, I would say it's probably closer to 80'. It's whatever…From the corner of the building to the corner of the north curb.

Chairman McNulty: To the edge of the blacktop there.

Mr. Bruen: Yes.

Chairman McNulty: Okay. Is it that wide…

Mr. Bruen: And then it would wrap around the blacktop back to that storage unit.

Board Member Brady: Is it right here or there?

Rich Williams: I'd say, you know, know shooting from the hip, I'd say it's 50 to 80 feet.

Chairman McNulty: Okay. It's hard to tell from here.

Mr. Bruen: That was a guess.

Chairman McNulty: And that's a chain link fence you proposed?

Mr. Bruen: Yes.

Chairman McNulty: Is it slotted or is it just…

Mr. Bruen: I could slat it if you wanted to. If you think that it will…

Board Member Ladau: He's talking about privacy slats on this.

Mr. Bruen: give better appearance.

Chairman McNulty: Yeah.

Board Member Ladau: Yeah.

Chairman McNulty: Yeah.

Mr. Bruen: Okay.

Chairman McNulty: So at least on the front section.

Mr. Bruen: Okay.

Chairman McNulty: Okay.

Board Member Taylor: Okay, we also had some concerns that…You had some equipment in the back that was outside the trailers.

Mr. Bruen: Where are you…

Board Member Taylor: Seems like it was starting to grow around.

Mr. Bruen: Yeah. There's some new and there's some repair equipment.

Board Member Taylor: Yeah.

Mr. Bruen: I'd like to see that reduced a little.

Board Member Taylor: Yeah, so would we.

Mr. Bruen: Okay.

Board Member Taylor: Because we were…We did a site walk on the property next door and looking at the back of your property from next door there were lawn mowers and things scattered around.

Mr. Bruen: Okay. Yup. Not a problem.

Board Member Taylor: Yeah, that's…We're concerned about runoff and other things from that equipment.

Mr. Bruen: Yup. Yeah, they're all drained. They've been evacuated of any kind of fluids.

Board Member Taylor: Right.

Mr. Bruen: So they are safe. They may be a little unsightly and I agree, so…

Board Member Taylor: We'll take what we need off of them and get them off site.

Chairman McNulty: Okay.

Board Member Taylor: Alright. Can we…Can go ahead?

Chairman McNulty: Procedurally, SEQRA on this?

Rich Williams: No.

Chairman McNulty: No.

Rich Williams: It's a waiver.

Chairman McNulty: Got you. Okay. So we can go right to a resolution.

Rich Williams: Yeah. By motion approve the waiver allowing the installation of the fence as shown on the plan.

Chairman McNulty: Okay, in the Site Plan Application Waiver for Putnam Power Equipment, I make a motion that this gets approved as per our comments that the business owner will organize his display trailers and limit to one a piece of type of trailer or equipment being displayed, and organize it to the south end of the parking area there and keep parking open and install a fence from the corner of the building approximately 50 to 80 feet out to provide a Knox box and access for the Fire Department.

Board Member Taylor: Slatted.

Chairman McNulty: And a slatted fence on the front for privacy.

Mr. Bruen: Okay.

Board Member Taylor: Second.

Chairman McNulty: All in favor? Motion carried by a vote of 5 to 0.

Chairman McNulty: Okay.

Mr. Bruen: Thank you very much.

Chairman McNulty: Good luck.

Mr. Bruen: Have a good night now.

Chairman McNulty: Hope your business continues to do well.

4) WAYNE RYDER – WETLAND PERMIT APPLICATION

Chairman McNulty: Okay, next we have Wayne Ryder; Wetland Permit Application.

Rich Williams: Sorry, thought it was Thursday.

Mr. John Karell: Hello. John Karell, I'm the engineer for this project. And I have with me Steve Miller who's with…Tim Miller Associates, he's the wetlands consultant. This property is possible 3.5 acres in size. It's located on the east side of Cushman Road near [Route] 311. What I'm showing you here is historically in 1987, this property consisted of three lots with three septic systems in red, three houses and a drainage easement that was defined in the middle of the property to pick up water that was coming off of this property. And a drainage easement over here which was laid out to pick up the Town

pipe crossing Cushman Road, which discharges in the existing pipe to the south and then to the properties to the south. This is 2000 as-built for this subdivision which consisted of Caroline Way…Caroline Drive. And it shows the existence of these drainage courses which were really not completed in accordance with the subdivision plan which had a relocated swale for these drainage courses. Presently, the lots have been combined and we are proposing to build one house, one septic system in the high area of the property near the road with the driveway utilizing the existing pipe which takes the water from drainage (inaudible – papers shuffling). The blue line is the wetland boundary that was flagged.

Chairman McNulty: The boundary or the buffer?

Mr. Karell: That's the boundary. Pretty much everything's in the buffer. We're looking to get approval to build one house with a septic system. And Mr. Miller's going to explain his wetland report.

Mr. Steve Marino: Good evening. Steve Marino of Tim Miller.

[Laughter]

Mr. Marino: It's okay. It happens all the time. As Jack mentioned, this was formerly three lots now combined to be one lot. There's a wetland running through the center of it. A graded watercourse channel through the middle of the wetland. There's a small watershed that starts just to north which drains through here, enters the pipe, is piped under the adjacent property to the south and then under [Route] 164 and out. During the time of the trenching and such that happened in the late '80s, we have aerial photos and that would be included in your report that we had submitted. There are aerial photos showing areas that were trenched. And during that time so water was disrupted on the site. And when that happened, there was a fairly healthy community of trees; wetland trees on the property. But the understory stuff is kind of converting to some of the more invasive species that you find in wetlands: Purple loosestrife, things like that. We're here tonight knowing that this is a difficult property. We're talking about 70%-80% wetland and 20-30% buffer. We're proposing to keep the house out of the wetland. The crossing is utilizing an existing 36" culvert to get into the site. Looking at about 2,000 square feet of wetland fill just for that crossing. What happened is when the original pipe was put in, some of that soil was left in lumps and a small pocket of wetland was separated from the rest. It's a little bit of a jumble down in here with the work that was done in the past. But we are proposing a house in the back then so that we can keep it out of the wetland. Septic will be up front. And we are, as part as this discussion, we'd like to talk about the possibility of doing some deep holes up there just to prove out the septic system really before we go too much further.

Chairman McNulty: Is that within the buffer as well?

Mr. Marino: Yes.

Chairman McNulty: The whole property's within the buffer.

Mr. Marino: The whole property's within the buffer.

Chairman McNulty: This is a Town wetland?

Mr. Marino: Town wetland. It's not…

Rich Williams: Correct.

Mr. Marino: It's not a DEC wetland. I think there actually was a DEC map which I included also, just so you can verify that it's not a DEC wetland. So what we're proposing then as part of this is to build a house in the back and then do some enhancement restoration and expansion of the existing wetland to try to balance things out. There's a generic approach to elimination of invasive species and non-native species and replacement with native, more common, species to the area. Fencing of and demarcation of wetland areas so that there's something of a yard around the house, but nothing that could be expanded beyond that. The buffer behind Cushman Road and the wetland, again, same kind of treatment: Removal of vines, invasive species, to clean that up a little bit. The septic area itself would be overseeded in a meadow mix rather than just a grass. It would be mowed once a year to keep the woody stuff down because you don't want that growing on a septic area. But other than that, it would grow a little on the wilder side. Maintain that buffer again between Cushman [Road] and the wetland. Again, it's just…

Chairman McNulty: You just mentioned about doing something with the wetland to increase it, I think you said.

Mr. Marino: We could do…Yes. There's a couple of opportunities. There's some…Some of the area down here where there was some previous disturbance, we could excavate some of that accumulated fill and other materials that are down here to expand the wetland down in that way. There's not a lot of topographic relief in here, so if we excavate just a little bit down, we would get to groundwater where we could expand the wetland down in there. So that would offset the 2,000 square feet of impact we would have to get the driveway in.

Chairman McNulty: So you're looking to pump the septic across to that upper corner?

Mr. Karell: Yes. Yes. Along the driveway and then along…up along Cushman Road. I really…We want to do the deep holes for the septics because if the septics don't work, we don't have a project. But the septics were tested. Well, two septics were tested along Cushman Road and they were fine, back in [19]87.

Mr. Marino: Yeah, when the subdivision was done.

Chairman McNulty: Where's the Health Department stand when it's septics within the buffer?

Rich Williams: They require us to submit a letter that it's okay to do the testing.

Chairman McNulty: Well, I think what we need…I'm not that familiar with the property. We need to do a site walk on this and get a real feel for what we're looking at. You know, stake the center of the driveway, the points in the driveway, the corners of the house, that kind of thing. I don't know. Is anybody else familiar with this property?

Board Member Brady: Not at all.

Chairman McNulty; I know Ted is. Ted, do you have comment?

Ted Kozlowski: Sure.

Mr. Marino: He has his microphone ready.

Ted Kozlowski: No, no. I've been at this site. I mentioned previously to you guys I've been to this site a number of times and it's a very challenged site. Steve, just a couple of questions. I've been fighting invasives for thirty years, okay. I run an arboretum and I cannot with a full staff eradicate invasives. So how do you propose, seriously, how are you going to propose to remove the invasives that are in that wetland? Are you going to use herbicide?

Mr. Marino: We try not to use herbicide. I mean, we generally take a more hands on approach and it's just long-term, like you say.

Ted Kozlowski: Right.

Mr. Marino: We go anywhere from three to five years of monitoring and maintenance just to try to get them down.

Ted Kozlowski: Well, for instance…

Mr. Marino: On a single residence, residential parcel, I think it's probably a little bit more easy than when you're talking arboretum.

Ted Kozlowski: Well the bittersweet, you're not going to…Cutting it isn't going to do it.

Mr. Marino: Cutting it every year.

Ted Kozlowski: Well, it's just not going to do it.

Mr. Marino: Regular maintenance.

Ted Kozlowski: It's either got to be pulled or you got to use an herbicide.

Mr. Marino: Well, if herbicides are an option, we prefer, again, not to use them. On occasions I've done fragmites eradication projects where we've had to use herbicide.

Ted Kozlowski: As long as it's a…Look, I use herbicides. I'm not opposed to it, I'm just saying that this is a challenged site and it's nice to say these things. But to actually pull this is off is going to be a lot of labor. The other thing is that, look at the house. That's right on a wetland edge. I don't know how that house is going to get built without any disturbance into the wetland itself. You guys are contractors. You know there's a foundation going in; there's going to be machinery. There's going to be stockpiling of stuff. There's going to be all sorts of disturbance there. You're within feet of the wetland from the front door. It's a four bedroom house, so maybe it should be considered to be a smaller bedroom house to reduce the size to reduce the amount of impact there. But, it's Cushman Road. Everybody's got big houses and it's a big…That's a nice area.

Mr. Marino: One of the restrictions that we do run into, constraints on the site, is that the rear lot line on this property is an 80' setback. So…And we could consider going for a variance, maybe, to push the house back out of the 80', maybe 50' or 40' from the property line and that would give us the extra 30 or 40 feet...

Ted Kozlowski: Steve and Jack, what is the reason you're not considering putting the house along Cushman Road.

Mr. Karell: Because the owner would like the house in the back. And you're still running into the same problem if you put the house on the road with the setbacks. You'll still be up against the wetlands.

Mr. Marino: We did do a concept of that, Ted, and…

Ted Kozlowski: Right.

Mr. Marino: with the setbacks and some kind of…even a 30' rear yard just to have a little bit of a play area, we ended up with about 10,000 square feet of wetland fill compared to 2,000 [square feet] for the driveway crossing. I mean, and we could show you that layout.

Ted Kozlowski: No, I just…Look, it's just…

Mr. Marino: We looked…We thought about it.

Ted Kozlowski: Look, you're admitting it yourself…

Mr. Marino: Yeah.

Ted Kozlowski: it's a challenged lot. I don't know who…somebody buying that, again, you know, it's…How many…How large is this?

Mr. Karell: I think 3 to 4 acres.

Ted Kozlowski: Okay. And all if it's unusable. Almost all of it.

Mr. Karell: Well, I think…

Ted Kozlowski: So, I don't know…I don't…I'm thinking realistically, Jack. That's all, you know…

Board Member Brady: No, he's meeting the setback.

Ted Kozlowski: I'm trying to, in my mind, figure out how that is going to work, when somebody finally moves in there. And they're going to be so limited. I'm not opposed, gentlemen, to finding out if the septic works: doing the test hole pits. I'm sure they'll go through the proper protection. Let's see where that goes. I don't know. It's just one of those lots that you just…

Board Member Brady: Rich…

Chairman McNulty: Well…Go ahead, go.

Board Member Brady: Rich, it's an 80' setback to the back.

Rich Williams: From the rear yard setback.

Board Member Brady: Right.

Rich Williams: Right.

Board Member Brady: Well, the one corner of the building they were showing 40 feet; back corner.

Rich Williams: Correct.

Board Member Brady: So…

Mr. Marino: I think we're considering that a side yard.

Mr. Karell: Yeah, probably. Yes.

Board Member Brady: I don't know that I'd consider it a side yard. I guess it's…Flip a coin.

Board Member Taylor: Convenient for you, but that's not true.

Board Member Brady: I…

Board Member Taylor: You're side yard is on the side.

Mr. Karell: Well, the road…I mean, the road's here.

Board Member Taylor: Yes.

Mr. Karell: And that's the back and this is…

Board Member Taylor: Or we can say that's a side, that's a side and those two are the back.

Mr. Karell: Well, that…

Board Member Taylor: Yeah.

Board Member Brady: I could go…

Mr. Marino: Do we have an interpretation on that?

Chairman McNulty: Not tonight.

[Laughter]

Mike Liguori: Building Inspector's not here.

Mr. Karell: No, that's a valid question.

Chairman McNulty: I think what we need for this site is a site walk.

Board Member Brady: Yeah.

Chairman McNulty: We have to get a feel for the lay of the land.

Board Member Brady: Yeah.

Chairman McNulty: Have Teddy with us.

Ted Kozlowski: Yeah. We need to…

Rich Williams: Do that.

Ted Kozlowski: Go back there…

Chairman McNulty: Before we decide…

Rich Williams: Work out whether it's a side or a rear yard.

Chairman McNulty; Before we make any decisions.

Mr. Marino: I have a question.

Rich Williams: I would be hard-pressed to call it a side yard, but…

Mike Liguori: Does the surveyor need to do that for you guys to do the site walk? Or is it…I'm just curious if marking out…

Chairman McNulty: No, if we get the approximates…You're talking about the center of the driveway and the…

Mike Liguori: Yeah. So the engineer can do that as opposed to the surveyor?

Chairman McNulty: Yeah. I think that's what normally happens. Yeah.

Rich Williams: Yeah. A lot of times the engineer does it.

Mike Liguori: I'm only asking because if that cost is more than what it's going to cost to test the septic, I think the septic is the first piece of the puzzle because if the septic fails than there's no reason to even go out there.

Mr. Karell: That's what we'd like to do. If we get authorization to go in there and dig…need four holes…

Ted Kozlowski: Jack and Steve…

Mr. Karell: with a backhoe.

Ted Kozlowski: the other question, and…I read the report but I can't remember, what about Army Corp? Is there an issue here with that?

Mr. Marino: If we go with this plan, the 2,000 square feet is a nation lot. A nationwide eighteen because, you know, I don't anticipate more than 25 yards just to kind of grade that out and clean it up.

Ted Kozlowski: Okay, but I still don't think that house…The way that house is situated, I can't see how that's going to be built without going in the wetland. I just…They're going to need an envelope, a working envelope, to build that thing.

Mr. Marino: We can blow that up and kind of…

Ted Kozlowski: Yeah.

Mr. Marino: put some kind of a plan, a sequencing for that just to show what we can do.

Board Member Montesano: One question, because I…

Mr. Marino: Okay.

Board Member Montesano: Your septic system, let's say everything goes through, that's where the septic system goes. They're going to clean it once a year, once every two years. How are they getting from the house or the road to the septic system?

Mr. Karell: Well, they're going to clean the septic tank, not the system so…

Chairman McNulty: The tank would be by the house.

Board Member Brady: House.

Mr. Karell: The tank's going to be…

Board Member Montesano: They're planning…They're going to come in hopefully by the road, they won't have to bother. But if anything goes wrong with the system itself…

Mr. Karell: Well, then…

Board Member Montesano: they're going to have to go in there…

Board Member Taylor: Off of Cushman [Road].

Board Member Montesano: to work on it.

Mr. Karell: No, but they'll go right off the road. They'll just, you know, park on the road.

Chairman McNulty: In that area where septic, are there large trees now?

Mr. Karell: Don't have a tree plan.

Ted Kozlowski: Where's that big swamp white oak that was there?

Mr. Karell: Excuse me?

Ted Kozlowski: There's, I think, a big swamp white oak. Where is that?

Mr. Karell: It might be a little further up the road. I know there's a couple really big trees.

Ted Kozlowski: Right.

Mr. Karell: But I'm not exactly sure where they were. I'll take a look at it.

Mr. Marino: And I don't remember.

Rich Williams: So, is everybody okay with me issuing a letter saying that it's okay to go test a septic…

Chairman McNulty: Based on Mike's recommendation, that makes sense.

Rich Williams: on the plan.

Board Member Taylor: Yeah, does that makes sense.

Ted Kozlowski: Yeah.

Rich Williams: Okay.

Chairman McNulty: Yeah. So then that may be a dead issue.

Board Member Taylor: Alright. I got a question for Mike.

Mike Liguori: Sure.

Board Member Taylor: How are we bound, in what respect, in the fact this was previously approved for building?

Mike Liguori: Well, that subdivision is…Well, is that map recorded?

Mr. Karell: Yes.

Mike Liguori: So the three lots are there.

Mr. Karell: Well, they were combined, but…

Board Member Brady: Rich…

Mr. Karell: they were three lots.

Mike Liguori: Well, as of right now, is one lot or three lots?

Mr. Karell: One lot.

Mike Liguori: It's one lot.

Rich Williams: The lots have been merged.

Mike Liguori: Okay, so it doesn't matter that there's been a prior approval. It doesn't impact what's going on here today.

Chairman McNulty: So that…Okay. So that's like it's dead; gone.

Mike Liguori: It's gone.

Chairman McNulty: Because they merged.

Mike Liguori: Right. Right.

Chairman McNulty: Okay.

Board Member Taylor: So we can say we don't build in buffers and that's the end of it?

Rich Williams: I don't know that will be the end of it, but you can say that.

[Laughter]

Mike Liguori: I'll be busy.

[Laughter]

Chairman McNulty: We still have to go through SEQRA.

Mike Liguori: It will be the beginning for me but look, you know, let's just get right to the quick because it will be helpful for everybody. If you guys can't prove out that your…If you can't prove that you can meet the criteria of the Code, then the Planning Board is within its right to deny the approval and…

Mr. Karell: I think…Look…

Mike Liguori: Look, there's a whole body of law on this, I mean, but at the end of the day they could deny it. So the, you know, it's a possibility; it's out there. Everybody needs to understand that that's possible. You guys, you know, the burden for both parties is for them to show that they could achieve…If they can't achieve the criteria just on its own, that they have to propose something to mitigate and the question for the Board is in that evaluation of those mitigation measures, is it going to be enough? That's one thing. And then there's always Ted's point which is the reality of the use of the property that, you know, I kind of put that in a separate category because there's engineering an facilitative types of measures you can put place and that there's something for you to consider, which is Ted's point, about the foundation being so close to the, you know, the wetland. But for you guys that's the back and forth that needs to go on, is there a sufficient amount of mitigation to offset the impact in the event that they cannot meet the criteria. And if that's not there, then you're within your right. And when you get to the legal aspect, you start looking at, well when was the wetland chapter put into effect. You know, was there regulatory taking? That's the question, you know, that…The landowners going to say well, because of the zoning code, you took the value of my property and then you're looking at well, when was the code put into effect. Are you challenging in the right amount of amount? You know, and we have a code that's over 10 years old…nine years old at least where…when it was last amended. I don't know the date of first adoption, but it wasn't nine years ago. It was longer.

Ted Kozlowski: 1991.

Mike Liguori: ’91.

Ted Kozlowski: Or ’89.

Rich Williams: ’89, no.

Ted Kozlowski: 1989.

Mr. Karell: So, what was 1989?

Ted Kozlowski: Our wetland code.

Mr. Marino: Original wetland code.

Mr. Karell: Well, this was approved ion ’87, so this…

Board Member Montesano: Yeah, but the…

Mike Liguori: Well, yeah. But the three lot subdivision was approved but then no one built on it. It’s void. It doesn’t have any…It doesn’t…You guys aren’t bound by that. It’s just history now. It once was a three lot subdivision. That’s the reality of that fact.

Mr. Karell: Well, that’s illegal. I mean…

Mike Liguori: No, well, it’s the truth.

[Laughter]

Mr. Marino: We are certainly going to look into the avoiding, minimize, mitigating to the best we can. Hopefully we won’t come to that…

Mike Liguori: Yeah, yeah. I mean, it’s just a…

Mr. Marino: And we’ll see what we can…

Mike Liguori: It’s a reality and…but Ron wouldn’t bring it up if it wasn’t an issue.

Mr. Marino: Sure.

Chairman McNulty: It’s the not the first challenge that has come to us.

Ted Kozlowski: Steve…

Mr. Marino: Everybody’s aware of that, that that’s out there. Yeah.

Mike Liguori: Yeah.

Ted Kozlowski: Steve, is the flow, does that go into Muddy Brook?

Mr. Marino: Yes.

Ted Kozlowski: Okay.

Chairman McNulty: Okay, so I make a recommendation…Oh, go ahead, Ron.

Board Member Taylor: Yeah, just one bookkeeping issue, we've had this before with Mr. Ryder. Mr. Ryder actually owns the property.

Mr. Karell: I believe so. He…

Board Member Taylor: Then why did you put on the site plan Putnam County National Bank?

Mr. Karell: Well, because Mr. Ryder is Putnam County National Bank.

Board Member Taylor: No, no, no. He is not.

Chairman McNulty: It's either on or the other.

Board Member Taylor: Is that correct? He is not. His brother is also part of Putnam County National…We went through this with Thunder Ridge, between…

Mr. Karell: If that's an issue, then we'll…I mean, he filled out the application and he filled it out. That's the information he gave us. So…

Board Member Taylor: Okay. So that's why it's there: he filled it out. Alright, that's…

Mr. Karell: If there's something that he has to do…

Board Member Taylor: Then we need to clean that up.

Mike Liguori: Yeah, if the assessor's records show that it's Putnam County National Bank, then that's who the applicant…

Board Member Taylor: Right.

Mike Liguori: Then that's the owner of the property and…

Mr. Karell: Mr. Ryder acts as for Putnam County National Bank.

Chairman McNulty: He's a principal of the bank, right?

Mike Liguori: No, I understand that. I'm just…

Chairman McNulty: Yeah.

Mike Liguori: Because Ron's point is if that's who it is, then it should be the person…that should be what's on the application.

Board Member Taylor: Right. That's all I'm saying. Just bookkeeping.

Mr. Marino: We'll double check with the assessor's records.

Mike Liguori: Okay.

Mr. Marino: Just to be sure it's consistent.

Board Member Taylor: Okay.

Chairman McNulty: Alright. So then we'll authorize the excavation and test holes so you can see where the Health Department lets you go.

Mr. Karell: And are you going to do a site walk?

Chairman McNulty: Why don't you get those results first?

Mr. Karell: Okay.

Chairman McNulty: and then we'll see, on Mike's recommendation, it might not be worth the money…

Mike Liguori: Yeah, you know…

Chairman McNulty: to stake it out.

Mike Liguori: No sense of you spending your time out there.

Rich Williams: In the process, he's going to get the testing done. If he finds it favorable, then he's going to go stake the site.

Mike Liguori: Right.

Chairman McNulty: Yup.

Rich Williams: You're going to notify me and then I'll schedule the site walk.

Chairman McNulty: That works.

Mr. Karell: Okay, thank you.

Ron Gainer: That stake out should include staking the back lines so the Board can understand where property lines are.

Mr. Karell: I think there's a wall there, but yeah.

Ron Gainer: Okay.

Chairman McNulty: Yeah, we should know that back property line.

Mr. Karell: Yeah, we'll…

Chairman McNulty: And along the driveway, as well.

Board Member Brady: Just the corners of the house.

Mr. Marino: We'll go right to the line, too, so it won't be hard to see it.

Mr. Karell: Okay.

Board Member Taylor: Thank you.

Mr. Karell: Thank you very much.

5) SUNOCO STATION – Sign Application

Mr. Andy Stuart, High Point Engineering, was present.

Chairman McNulty: Alright, next on our agenda is Sunoco Station. A sign application.

Mike Liguori: Oh man, if I could have just been able to pinch that for you, it would have been done within a few weeks.

Mr. Marino: Thanks a lot.

Mr. Andy Stuart: My name is Andy Stuart. I'm from High Point Engineering. I'm the engineer for the project. What we are proposing for the Sunoco Station on Route 22…Actually, currently, it's a Getty Station.

Chairman McNulty: Okay.

Mr. Stuart: And they want to replace the free standing signage, as well as the building signs on the property for Sunoco. Currently, there is a freestanding ID and price sign fronting Route 22, which they want to replace and would reduce the overall square footage from what it currently is now. Building signs, there are two building signs. One fronting Route 22 and one along the side of the building. They want to remove the sign along the side of the building and replace the fronting sign with the Sunoco.

Chairman McNulty: Okay.

Board Member Taylor: Did you have a chance, Rich, to figure out the square footage of the…

Chairman McNulty: He did.

Rich Williams: Yes.

Chairman McNulty: And right now…

Rich Williams: We're fine.

Chairman McNulty: the proposed frontage sign and the freestanding sign meet…

Board Member Taylor: Okay.

Chairman McNulty: meet the minimums with the variance granted from the Zoning Board. Actually, they come in just below.

Rich Williams: Correct.

Board Member Taylor: Okay.

Chairman McNulty: So, those signs we don't have an issue with. It's all the additional signage, I guess, it's the signs in the windows. Sign in the fence…

Board Member Ladau: There's…

Chairman McNulty: Bob, maybe…You took a look at this.

Board Member Ladau: Yeah, on the south side of the building, there's a chain link fence with a very large sign. My memory serves, it's for propane…

Mr. Stuart: Okay.

Board Member Ladau: tanks, etcetera. And then there are…There's other signage along the south elevation.

Chairman McNulty: Were they hazardous or warning signs? Or just…

Board Member Ladau: No, no, no, no. This is…

Chairman McNulty: Marketing signs.

Board Member Ladau: Marketing signs.

Mr. Stuart: Marketing signs, okay. The client did not make us aware of these but I'm sure we can speak to them about if they're not the signage.

Board Member Ladau: Well, drive by. It's big, it's all outdoors.

Mr. Stuart: Is it? Okay.

Rich Williams: Can I ask who your client is specifically.

Mr. Stuart: My client is, they're called Alliance Energy, also known as Global Montello Group. They're…

Rich Williams: So they're sponsoring the Sunoco going in there.

Mr. Stuart: Yes.

Rich Williams: And have nothing to do with the convenience store, per se.

Mr. Stuart: No. They're the gasoline entity on the property. The property is owned by Getty Properties, Corp.

Rich Williams: Correct. But they have nothing to do with the convenience store.

Mr. Stuart: No. I don't believe so. I think the operator…

Rich Williams: So therein lies the rub, is that his applicant really has nothing to do with the convenience store signs which are the propane sign, some of the others.

Board Member Ladau: Well the propane sign's totally removed from the building.

Rich Williams: Even so…

Board Member Ladau: Okay.

Rich Williams: the propane is sold by the convenience store. It's not going to be sold by Sunoco.

Mr. Stuart: Right.

Rich Williams: Or Getty. So what we need to do is we need to send a letter to Bob McCarthy and tell him to go clean the signs up.

Chairman McNulty: And how about the auto repair shop there? Auto body collision shop. Do they have signs as well?

Rich Williams: They have a sign and they have a permit for their sign.

Chairman McNulty: Okay. So they have their own…

Rich Williams: Mmhmm.

Chairman McNulty: frontage of building that they're considered…

Rich Williams: Correct.

Chairman McNulty: Okay. Well, the two signs proposed, I don't have any kind of problem. Does anybody have comment on that? The LED, are they stationary LEDs on the price? There's no animated signs, correct?

Mr. Stuart: No. No.

Chairman McNulty: Okay.

Mr. Stuart: It's stationary. It just makes it easier if there's a price change. Instead of going up and changing the physical character, it's a digital change. Otherwise…

Chairman McNulty: Okay. Fixed color?

Mr. Stuart: Fixed color: red. Yes.

Chairman McNulty: Okay.

Board Member Taylor: If there's a price change? You mean when there's a price change?

Mr. Stuart: Optimistically.

[Laughter]

Board Member Brady: It will be going down soon.

Chairman McNulty: You can only hope so. Looks like we can act on this. Make a recommendation so we can get a letter of to Bob [McCarthy] and address the convenience store for their signs. Well, I'll make motion on SEQRA for the sign application of the Sunoco Station on Route 22. Declare a negative determination.

Board Member Montesano: Second.

Chairman McNulty: All in favor? Motion carried by a vote of 5 to 0.

Chairman McNulty: And on the sign application, I make a recommendation to approve it as proposed for a…as in the photographs and the plan supplied, proposed freestanding sign and the front building sign, Sunoco sign. And to also remove the Getty sign from the south corner of the building; south facing corner.

Board Member Montesano: Second.

Board Member Brady: I'll second it.

Board Member Ladau: Second.

Chairman McNulty: All in favor? Motion carried by a vote of 5 to 0.

Mr. Stuart: Thank you very much.

Chairman McNulty: You're good to go on that and we'll be talking to the convenience store.

Mr. Stuart: Okay. Thank you.

6) BIRCH HILL ASSOCIATES, LLC – Wetland/Watercourse Permit Application

Mr. Curt Johnson, Zarecki Associates, was present.

Chairman McNulty: Next on our agenda is Birch Hill Associates.

Mr. Curt Johnson: Good evening.

Chairman McNulty: How are you?

Mr. Johnson: Good. And Ron, before I begin, I owe you some photographs back.

Board Member Taylor: Yes you do.

Mr. Johnson: Front Street.

Board Member Taylor: Did you bring them?

Mr. Johnson: I didn't. I'll get them for you though. Sorry.

Board Member Taylor: Okay.

Mr. Johnson: Alright…

Chairman McNulty: Okay. What do we have here? A new pond.

Mr. Johnson: A new pond, yes. You see a landscape pond on the property. The owner would like to, basically, work within an area on the site. The driveway comes up basically on the north of where the proposed pond site is here. The house is up here [referring to plans]. (Inaudible – papers shuffling) comes in on Birch Hill Road. It's about a third of an acre. About…It's about 200 feet long by 100 feet wide at its widest point. About 10 feet deep at its deepest point.

Chairman McNulty: What's existing there now?

Mr. Johnson: Right…

Chairman McNulty: Is it a stream? Or is it a marsh?

Mr. Johnson: No, there's no stream. It's kind of wet. There is a…There was a wetlands report done in 2007 on the entire property for wetlands. And there is a wetlands there; it's a Town wetlands. It's small. Stephen's Brook is over here. That's a New York State DEC classified stream in there, but we're outside the 100' buffer on that so…There is a wet…The local wetland. In the report, it's wetland B, I think, within the area of the proposed pond it's going to be located. I think there is a smaller pond in there now and it's kind of scrubby and a couple dying trees.

Board Member Taylor: Is it regulated?

Mr. Johnson: No. It's just a Town.

Ted Kozlowski: Is it a Town regulated wetland?

Mr. Johnson: It's…Yeah. It's a…

Ted Kozlowski: Okay.

Mr. Johnson: It's small.

Board Member Taylor: So yes, it's regulated?

Mr. Johnson: Yes. It's regulated by the Town.

[Laughter]

Mr. Johnson: Yes.

Chairman McNulty: Is there an inflow and outflow that's going to support this pond?

Mr. Johnson: A lot of it is groundwater. It's kind of wet in there now. And so they've done test pits and there's water there. It's once they dig this down it will fill in with water and runoff.

Board Member Taylor: And overflow into Stephen's Brook?

Mr. Johnson: Yes. Uh…

Board Member Taylor: Or seep? Or what?

Mr. Johnson: Yeah. It's basically on the westerly side of the proposed pond.

Chairman McNulty: Is there a…

Mr. Johnson: Kind of an overflow over the earthen…

Chairman McNulty: Currently? Or what you proposed?

Mr. Johnson: What we proposed, yeah.

Chairman McNulty: Is there going to be an earthen dam or…

Mr. Johnson: Yes. Basically it's just graded around to make this hole in the ground and grade it out and then there'll be fabric, basically, put on Jude fabric…Actually, not Jude but inorganic fabric that goes down the side; let's side grass come through. And if there is any overflow from the pond, it will go out through that way. Protect it.

Chairman McNulty: Okay. Ted.

Ted Kozlowski: Yes, Sir.

Chairman McNulty: Your comments, please.

Ted Kozlowski: What is the purpose of the pond?

Mr. Johnson: Basically, it's a landscape pond. Hey might like to put some fish in there. But it's basically…He's done a lot of work on the site to naturalize it. It's kind of an area that he likes to see when comes in on the driveway and it's basically a landscape pond.

Ted Kozlowski: Okay. And the Town wetland Code is very specific. It's there to protect wetlands and to protect their functions. You do realize now you're basically destroying a Town wetland to create an aesthetic landscape pond, which is going to need a lot of maintenance over the years, especially because there's no inflow and outflow. It's a seep. So that means it's going to have to be maintained most likely with aquatic herbicides and it's going to have to be dredged. And it's…we're looking at koi maybe, or whatever. So, what that does is it totally changes a natural occurring wetland into an ornamental fish pond. And that really goes against the grain of the Town Wetland Law. And on the face of it, I would absolutely oppose this. Okay? But, I'm willing to go out there and look at it and see what it all means.

Mr. Johnson: Right.

Ted Kozlowski: But this is not a necessity. This is not something that somebody needs because of a…it's a fire pond or it's something that…

Mr. Johnson: Correct.

Ted Kozlowski: is essential. It's basically destroying the wetland so somebody can drive by and see their pond when they come home. That doesn't sit well with me. I'm very sorry to say that.

Mr. Johnson: Well, I think a site walk probably would be very beneficial then…

Ted Kozlowski: Yeah.

Mr. Johnson: to take a look.

Ted Kozlowski: Right. I just…I just…I don't want to be so negative because I do want to work with folks that come in. But this one is, you know, look at all that property there. Find another place that's not involving a Town wetland if you want a pond. It just doesn't make sense to me. I'm sorry.

Mr. Johnson: Okay. I guess if we could ask the Board if we could have Ted come out and maybe take a look with…

Ted Kozlowski: I think the Board should see a site walk.

Chairman McNulty: I think we should do a site walk.

Ted Kozlowski: It's a wetland application.

Mr. Johnson: Okay.

Chairman McNulty: If you could get some approximate stakes of where you…

Mr. Johnson: Sure. Not a problem.

Chairman McNulty: Is there going to be some kind of access now…? The driveway is to…

Mr. Johnson: There's a…

Chairman McNulty: the north edge of this, correct?

Mr. Johnson: Yeah. There's an existing access drive that's been there for many, many years.

Chairman McNulty: And what's going to be the access to this pond? How do you get there? Because we did this a couple of years ago. Ron, were you on when we…I know Mike was.

Board Member Montesano: Oh yeah.

Chairman McNulty: That steep slope there…

Mr. Johnson: Yeah.

Chairman McNulty: And you had the boulders; the boulders are there for the driveway.

Mr. Johnson: That's up higher, yes.

Board Member Brady: Oh, that's the piece of property. Okay.

Mr. Johnson: Right.

Chairman McNulty: Yeah.

Board Member Brady: Now I remember.

Mr. Johnson: But there is access…existing access of trails that kind of come down, around the proposed pond area.

Chairman McNulty: Existing trails now?

Mr. Johnson: Yes. Been there for years. Yes.

Ted Kozlowski: I also want to ask, the Town definitely is very interested in vernal ponds, vernal pools. Has anybody looked at the aquatics here? Is this an area where there's all sort of salamanders and amphibians that are mating in marsh? Has anybody looked at that?

Mr. Johnson: I don't think so. There was a full wetlands report that was done in 2007.

Ted Kozlowski: Right. But was that done in February/March, when these species are there.

Mr. Johnson: Don't know to tell the truth.

Ted Kozlowski: Okay.

Mr. Johnson: Yeah, it's dated January 2007, so…

Ted Kozlowski: Okay. But when was the fieldwork done?

Mr. Johnson: I assume probably late fall, I would assume.

Ted Kozlowski: Okay, so we really, again, I don't…I know I'm pressing you but this is just something that we would have to understand. You're basically eliminating a Town wetland is what you're doing.

Chairman McNulty: Okay.

Mr. Johnson: Well, I guess we can site walk.

Chairman McNulty: We can set a site walk.

Mr. Johnson: Yeah.

Chairman McNulty: If you could…I guess we could find the trails and you can stake out the approximate…

Mr. Johnson: Sure.

Chairman McNulty: perimeters…

Mr. Johnson: Mmhmm.

Chairman McNulty: or the center, if you can get to where the center of that pond may be.

Mr. Johnson: Okay.

Chairman McNulty: So we could get an idea of what it's encompassing and where it's located and take a look at it from there.

Mr. Johnson: Okay. I'll check. Our surveyor may have already staked it. I'll just double check to make sure it's very clearly demarcated.

Chairman McNulty: So then just let Rich know and he's in touch with the Board and we'll arrange a, hopefully, a Saturday morning walk through.

Mr. Johnson: Okay.

Chairman McNulty: Any other comments from the Board? No.

Mr. Johnson: Okay.

Chairman McNulty: Okay. Thank you.

Rich Williams: Anybody around this Saturday?

Chairman McNulty: No.

7) PATRICK O'MARA & LOST LAKE – Lot Line Adjustment – Continued Review

Mr. Harry Nichols was present.

Chairman McNulty: Next on the agenda we have Patrick O'Mara/Lost Lake. Hello, Harry.

Mr. Harry Nichols: Good evening.

Chairman McNulty: I was wondering why you were here.

Board Member Montesano: He got lost.

Mr. Nichols: I missed this.

Chairman McNulty: Yeah, we haven't seen you in a while.

Mr. Nichols: Especially, Mike.

Board Member Montesano: Oh, I appreciate that Harry.

Chairman McNulty: Okay. This is a lot line adjustment…

Mr. Nichols: Yes.

Chairman McNulty: To kind of straighten out the parking lot there that's…

Mr. Nichols: Yeah, the reason…

Chairman McNulty: on to the neighbor's property.

Mr. Nichols: a very unusual jog in the…

Chairman McNulty: Around Lost Lake. Is that Lost Lake there?

Mr. Nichols: Yeah.

Chairman McNulty: So, we looked at this. The lot line adjustment makes sense. There's some issues with zoning. Rich, you want to elaborate on that? Is that taken care of?

Rich Williams: Well, I…No, it's not taken care of. I think…

Chairman McNulty: We're looking at making a recommendation, correct?

Rich Williams: Yeah. I think everybody's aware of what the issues are with the zoning. Essentially, we set the commercial/residential boundary at the property line. The applicant has now built a commercial parking lot behind that, essentially, in the residential zoning district. So, what we're looking to do is do the lot line adjustment, go to the Town Board, change that zoning boundary, then the applicant's

going to come back in. He's going to have to come back in and amend the site plan application to, you know, show the additional area.

Chairman McNulty: Okay.

Rich Williams: So…

Mr. Nichols: So we should just wait to hear from you then on when we have to step in. Do what we have to do.

Rich Williams: Well, we need to get the lot line adjustment done because until that's done, we can't move forward with the zoning change. So…

Mr. Nichols: Is there anything holding that up right now?

Rich Williams: So, next…

Chairman McNulty: Well, there's SEQRA.

Rich Williams: Yeah. Well, next meeting I can have a resolution ready to go on this. But there are some changes to the subdivision plat…or the lot line adjustment plat that need to be made; minor adjustments that we identified months ago that we still haven't seen. And I'm not sure why, you know, not sure why it's taken this long to do an environmental assessment form.

Board Member Taylor: He did it.

Mr. Nichols: He did it.

Rich Williams: Finally. So…

Chairman McNulty: Yeah, I thought I saw one, too.

Board Member Taylor: Yeah, it's in there.

Board Member Ladau: I remember seeing it.

Board Member Taylor: We need to do Part 2, but we can do that tonight.

Rich Williams: So we can put it on. If you can contact the surveyor, take a look at the memo. It has the issues. They're really minor.

Mr. Nichols: Right.

Rich Williams: You need to locate the septic. You need to change the zoning designation. A couple other things I think.

Mr. Nichols: Okay.

Rich Williams: Then we'll wrap it up next meeting.

Mr. Nichols: Alright.

Rich Williams: Okay.

Mr. Nichols: Do you want us to submit that right away then, those corrections.

Rich Williams: If you can get them done, yeah. If you can get a few copies showing that they've been done, that would be great.

Mr. Nichols: Okay.

Rich Williams: Alright.

Mr. Nichols: We'll take care of that.

Rich Williams: Okay.

Chairman McNulty: And SEQRA, we do SEQRA on this, correct? So we can declare ourselves as lead agency?

Rich Williams: No, we're not going to do lead agency on this.

Chairman McNulty: We don't need it. I didn't think so.

Rich Williams: There aren't any other agencies.

Chairman McNulty: Okay.

Board Member Taylor: I think we can do SEQRA tonight, people are ready for it.

Chairman McNulty: Yeah. I don't have a problem. We've seen it. It's pretty simple, straight forward. It's the right thing to do here.

Board Member Taylor: He did a short EIS. He don't fill out Part 2. I would propose to go through Part 2 would be all "no's" for small impacts. The only suggestion I would have was that we note as part of the SEQRA the steps in the future that have to be taken care of: the zoning change and the…Once that's done, we're going to want to have some discussion about some improvements to the site, like maybe a barrier along the side so people don't drive off.

Board Member Brady: Yeah.

Chairman McNulty: That will be in the site plan waiver.

Rich Williams: That will be in the site plan.

Board Member Taylor: Right.

Rich Williams: You'll also want to notice part of SEQRA that the lot line adjustment is completely independent of any further actions by the Town. So, we're not getting into…we're not stepping on that segmentation issue.

Board Member Taylor: Right.

Chairman McNulty: Yeah. The lot line stands alone by itself.

Rich Williams: Correct.

Board Member Taylor: Otherwise, I would propose, I mean, with those provisiuales, that in the case of Patrick O'Mara, Inc, we declare a negative declaration for a lot line adjustment.

Chairman McNulty: Second. All in favor? Motion carried by a vote of 5 to 0.

Chairman McNulty: Okay.

Board Member Taylor: You want to…

Chairman McNulty: Now we make a motion on the lot line itself?

Board Member Taylor: Can we do that?

Rich Williams: No.

Board Member Taylor: You want to clean up…He's going to give us a resolution next time.

Rich Williams: Correct.

Chairman McNulty: Okay. Alright.

Mr. Nichols: Can we go ahead and finalize that between the two parties? Is that what we should be doing next?

Rich Williams: Finalizing the sale?

Mr. Nichols: Yeah.

Rich Williams: Yeah.

Mr. Nichols: Okay.

Rich Williams: I'm assuming there's contracts of sale already drawn up.

Mr. Nichols: I'm sure they're drawn up. I don't know if (inaudible – too distant).

Rich Williams: Well, you can't finalize the sale until the lot line adjustment plat is…

Board Member Taylor: Recognizing that the zoning change has to take place. [Having side conversation with other Board Member]

Rich Williams: filed.

Mike Liguori: Right. Once the map is filed, then they can exchange the deeds and close.

Board Member Taylor: And that there's going to be some (inaudible – too many talking) issues on the site plan.

Mr. Nichols: Oh, okay.

Mike Liguori: Yeah, they can't do that before they file the map.

Board Member Taylor: Suggest though (inaudible – too many talking). But there may be some other issues, too. So we'll get to it.

Mr. Nichols: Okay.

Rich Williams: Okay.

Mr. Nichols: We'll get going on it.

Chairman McNulty: Okay, Harry. You got any questions, you know where to call.

Mr. Nichols: Yes I do.

Board Member Taylor: Good night, Harry. Mind like a trap over there. Does anything ever get away from you?

Board Member Montesano: Oh, yeah.

8) MAPLEWOOD NORTH HOMES SUBDIVISION – Preliminary Plat – Continued Review

Mr. Joseph Buschynski, Bibbo Associates, was present.

Chairman McNulty: Okay. Next on the agenda we have Maplewood North Homes Subdivision.

Mr. Joseph Buschynski: Good evening.

Board Member Montesano: Joseph.

Chairman McNulty: Hello. How are you tonight?

Mr. Buschynski: Good.

Rich Williams: I didn't give you a memo on this?

Chairman McNulty: Okay.

Mr. Buschynski: Kind of recap.

Chairman McNulty: Yup.

Mr. Buschynski: The project involves a nearly 40-acre, in total, property by Green Chimneys. Proposing to create two building lots to be developed by Maplewood North Group. The property is in the Town of Southeast and in the Town of Patterson. One lot is to be created in Southeast and one lot in Patterson. Access is to be taken from Bradford Court in the Maplewood North Subdivision in Southeast by way of a common drive. We were given some comments to address the last time we were here. Hopefully we did that satisfactorily.

Rich Williams: I apologize. I thought I had printed out the memo on this, the review memo. Apparently I didn't do that so…

Chairman McNulty: You have done it though?

Rich Williams: I…Yes. I have done it. So I will get it out to everybody. Most of the issues on the subdivision are fairly straightforward and we should be coming close to the end on this. The biggest issue still remains the municipal boundary and the location of the municipal boundary. And the problem I have, Joe, is the municipal boundary is a straight line.

Mr. Buschynski: Mmhmm.

Rich Williams: And if we assume that your line is that straight line and extrapolate it out, we end up with part Mount Ebo Corporate Park in the Town of Patterson, which I'm okay with [laughter] and Southeast ends up with art of Putnam Lake. So, I still have an issue with the boundary and Terry's saying, the surveyor of records saying, that well she basically took two prior subdivisions and extrapolated the line out, isn't really working for me. I talked to some other knowledgeable people about this who have indicated that it's very difficult to set the municipal boundary because, of course, it's not monumented out. And typically whenever there's a question about exactly where it lies on a property line, it is determined by the assessors within the adjacent municipalities.

Mr. Buschynski: The line is determined?

Rich Williams: Yes. The line as it crosses the property boundary. Under Town Law Section 40, they are considered fence viewers and they determine boundary lines.

Mr. Buschynski: But they rely on…

Rich Williams: Whatever information is provided to them.

Mr. Buschynski: Right.

Rich Williams: So if they say this property line is okay, then it's okay. And if it's not, it's not. So I am currently working on that. I am also looking for new legal presentation on this, as well.

Board Member Taylor: Do we have a conflict of interest?

Rich Williams: Yes, we do.

Board Member Taylor: We have a conflict.

Rich Williams: So I'm working on that as well. So hopefully I'm going to move with some speed on getting this issue wrapped up for you because I know it kind of puts everything on hold.

Mr. Buschynski: You're trying to get your assessor's initial opinion on…

Rich Williams: Well, I've already talked to our assessor who has talked to the Southeast assessor…

Mr. Buschynski: Mmhmm.

Rich Williams: And they want to jointly sit down with the County, people from Real Property, and discuss it. But they're all looking for some sort of legal guidance at the same time.

Mr. Buschynski: Okay.

Board Member Taylor: If I could add something to this, I've been playing with the maps. And your north line here and your north line there…

Rich Williams: Excuse me, Mr. Chairman…

Chairman McNulty: Oh, can you have a microphone, please?

[Laughter]

Board Member Taylor: These two north lines are straight up in the air. I use this map to overlay on the tax map, and I had to rotate it to get it to drop on the tax map. Tax is supposedly oriented due north, also. So there may be some problem in orientation here. Perhaps your surveyor should look at. In fact, this is (inaudible – too many talking).

Mr. Buschynski: Well, this is an inset map…

Board Member Taylor: Yes, I know.

Mr. Buschynski: that represents what the property looked like in 1955. Certainly wasn't prepared to bring (inaudible).

Board Member Taylor: No, I understand that. But if you look at the angles here, they seem to reflect the same angles as here. You know, I have…And it was a substantial rotation. It wasn't one or two degrees. So just something to think about.

Mr. Buschynski: Ill point it out to our surveyor.

Board Member Taylor: The other question I had which Rich had in his memo, which I think is important, you had drainage coming down…a drainage line coming down from this property and another one from this property angling around. And the two join and it runs across…

Mr. Buschynski: Yeah.

Board Member Taylor: I think that's an inherent problem. You're talking about three property owners in the future trying to maintain this drainage. It seems like what you should be doing is disbursing the water on the properties before it gets that far.

Mr. Buschynski: I mean, we are. We're infiltrating water before it gets to the property.

Board Member Taylor: But you're concentrating it in this pipe down here and then disbursing it here.

Mr. Buschynski: In order to bring it to a single discharge point. But these homeowners would be responsible for the maintenance of all drainage, not the…

Board Member Taylor: Well…But you've got three homeowners involved here. You got…In the future, in the future now, we're talking about the future, we've got one homeowner here, one homeowner here and one homeowner there…

Mr. Buschynski: Mmhmm.

Board Member Taylor: it's…They're dealing with the road to begin with; they're sharing a road. But they're also going to be sharing this drain line.

Mr. Buschynski: Correct.

Board Member Taylor: It just seems simpler if you didn't have the drain line running into a third property if you just ended it somewhere. And there'd be less disturbance.

Rich Williams: There'd be less disturbance. There would be less cost for the infrastructure.

Chairman McNulty: But do the (inaudible – too many talking) out there.

Mr. Buschynski: You have to have a discharge point. You have to have a discharge point. I'm at a loss as to how you would…

Rich Williams: Yeah, but you don't have to have a discharge point three hundred yards from the infiltration unit. You can discharge it out the back.

Mr. Buschynski: On the property?

Rich Williams: On the property. Let it find its natural way down.

Ted Kozlowski: Is that also causing a hardship for that third property owner?

Rich Williams: No. No, that it's not.

Ted Kozlowski: No?

Rich Williams: No.

Rich Williams: Joe, you had mentioned in your review memo that you had gone out with a representative from Green Chimneys to look at this.

Mr. Buschynski: Yes.

Rich Williams: Was it Paul.

Mr. Buschynski: Yes.

Rich Williams: Okay.

Mr. Buschynski: Yeah. We walked the route and looked at where this would occur and how it gets to floodplain, wetland and eventually East Branch. And there's a crossing right here. There's a culvert right here, very small diameter that we would replace. That's where that water eventually ends up and is comes down in this direction.

Chairman McNulty: Okay.

Mr. Buschynski: They did not have an issue with it. The pasture on this side of the farm road, there's a good portion of wetland. There's a swale in it now that this water connects to. It's a logical place to place the water.

Chairman McNulty: It's a natural flow…

Mr. Buschynski: Yeah.

Chairman McNulty: from the discharge.

Mr. Buschynski: When there's rain events.

Chairman McNulty: Okay.

Mr. Buschynski: There's a significant watercourse that occurs here from the west and that comes out to the Green Chimneys property also. And it feeds both this wetland and it…when it overflows it will go in the pasture area in Green Chimneys.

Chairman McNulty: Okay. Well, maybe it's something you look at…

Mr. Buschynski: Okay.

Chairman McNulty: that discharge. See if there's another design you could do for that and shed the water in a more natural fashion. So that three homeowners aren't responsible. Ron brings up a good point with that.

Mr. Buschynski: Well, when you say three homeowners…

Chairman McNulty: Three property owners.

Mr. Buschynski: Three…Yes. There is very little potential for a home on this larger portion of Green Chimneys at this location. It's wetland, floodplain, all kinds of restraints.

Chairman McNulty; Right. The three property owners.

Mr. Buschynski: Mmhmm.

Chairman McNulty: Well, with this, there's not much we can do until there's municipal boundaries established.

Mr. Buschynski: Mmhmm.

Chairman McNulty: The other thing we're looking to do is to make this recommendation to the Town Board as far as the open space overlay. And I want to thank Ron who's done considerable work on this to get us, the Board, some information. I've only recently got it today and looked at it quickly. And what we want to do is...Well Ron, you comment on this.

Board Member Taylor: Well, we were remised, perhaps, in not understanding the significance of the overlay…

Chairman McNulty: In our initial recommendation.

Board Member Taylor: in our initial determination and recommendation to the Town. And we rescinded that and decided to look at it more carefully. The overlay has certain guidelines in terms of size of…for a subdivision. Size of the house lots, minimum and maximum, and the balance is supposed to remain in conservation to fulfill the objective from the overlay. The maximum house lot…or accumulated lots of the subdivision is 28% of the total. Now in this case, we have in Patterson, one lot and at 8,000 square feet…80,000 square feet and one that's the total for the 28%.

Chairman McNulty: It's a little confusing. Complicated.

Board Member Taylor: We need to decide how much we're waiving or varying…How much of a variance we would give between the 80,000 square feet and the 28%. And because of this boundary issue, it makes it even more complicated because you've got two possible boundaries. But I would propose…I did some drawing based on the topography that we tried to set aside…What the open space law says, you're trying to protect steep slopes, wetlands…

Chairman McNulty: Viewshed.

Board Member Taylor: Viewsheds, trails. What's the word I want really? Passages for animals. Whatever the…

Chairman McNulty: Wildlife corridors.

Rich Williams: Wildlife corridors. Corridors.

Board Member Taylor: Corridors. Wildlife corridors. And in other sections of the comprehensive plan, it talks about protecting historic resources, also. As well as scenic and recreational resources.

Chairman McNulty: Within the open space.

Board Member Taylor: Within the open space. The purpose of the open space is to protect all those different things. There is…There are some historic features on this lot. There's a section of Ballyhack Road which is…which may date…Is an old road which may date back to the 1720s which would mean that it's almost 300 years old at this point. It would be nice to maintain that undisturbed; to conserve that.

There's also a portion of a farm to the north and the stonewalls and a road…a farm road associated with that on the north boundary and is comes down toward the Croton River. The farm itself is on the property to the north. But the road and some of the stonewalls, farm road, maybe on this property.

Mr. Buschynski: This being the farm road.

Board Member Taylor: No, no, no. It's not marked on your map.

Chairman McNulty: Here, Ron. You can give this to Joe. Kind of outlines what we're looking at.

Board Member Taylor: These stonewalls here are part of a farm. There's a stone foundation here of a barn, a farmhouse and another barn. And there's a farm road that runs right along here. It's a terraced road, runs all the way down to the Croton. It joined Ballyhack at one point. But it's this that I'm talking about right along here. It's either just beyond the boundary or just on this side. It's not clear on the survey which it is. There are actually two stonewalls that run parallel to this line.

Mr. Buschynski: Okay.

Board Member Taylor: And the road is between those stonewalls. But in terms of the conservation, I mean, it all falls in the same area anyway because of the steep slopes and there's a wetland that runs through the middle. It may not be a regulated wetland. There's a wetland that comes through here, also, it comes down off the hills here. It's concentrated right about in here because of the slope in the hill coming down this way and this very steep slope coming down that way. So I was proposing something like this [referring to plans Board Member Taylor marked up].

Chairman McNulty: Oh, he's got a big scale.

Board Member Brady: Yeah.

Board Member Taylor: And all of this parcel would be part of it and then the house parcel would be…lower southern part to protect the viewshed from the house that we're clearing these trees. And then the upper parcel protect the highlands. And there's also some steep slopes and wetland down here, wrap around that way. Now where it ends in the south would be determined by where the boundary line is. The exact line of that, I don't know. I don't have the capacity to calculate what 28% is in terms of real square footage.

Mr. Buschynski: So the general…to be…create a…

Board Member Taylor: Conservation easement.

Mr. Buschynski: On 28% of that lot?

Board Member Taylor: No. Twenty-eight percent would be the house lot.

Chairman McNulty: What's left, what's available…

Board Member Taylor: 72% would be the conservation easement.

Mr. Buschynski: 72%.

Board Member Taylor: And it protects then, the ridgeline, the steep slopes, some of the wetlands, and this, I would assume, this is a corridor; an animal corridor running down through here because of the hills and the way it runs. So that's what I'm suggesting loosely to the Board. I didn't…Drawing the lines specifically, I don't have the capacity to do that.

Chairman McNulty: And Joe, what Ron has done is base it on our Open Space Code.

Mr. Buschynski: Code.

Chairman McNulty: How it breaks it out. What would be buildable on a four-acre lot and then condensing it to have what's left of that 28% build out. It's…I can't explain. Rich could explain it better maybe. Ron's done a good job already.

Rich Williams: I think everything's been covered.

Chairman McNulty: Yeah. So this is what we're looking to recommend to the Town Board. Not totally defined as shown, but to nail down a conservation easement to get within the open space regulations.

Mr. Buschynski: Okay.

Chairman McNulty: And the Code has it written at 28%.

Mr. Buschynski: Mmhmm.

Chairman McNulty: There abouts.

Mr. Buschynski: I understand.

Chairman McNulty: So it kind of works with your layout that you have and walking the property was pretty neat to find Ballyhack Road and walk back up in there.

Mr. Buschynski: Yeah.

Chairman McNulty: And have Ron give us a guided history of it.

Board Member Taylor: Right. At the 28%, that would be the maximum allowable, which would be…The maximum for one lot is 1.84 acres. Now, if we do a 28% from the surveyor has for their line, the lot would then be 3.51 acres. So you gain by…if we agree to the variance to the 28 [percent] rather than going with the 80,000 square feet. You understand what I'm saying?

Chairman McNulty: That's where I lost you in your memo tonight.

[Laughter]

Board Member Taylor: We've got two things: The overlay says for individual lot, the maximum allowance is 80,000 square feet.

Mr. Buschynski: Right.

Board Member Taylor: But it says for a subdivision, and you've got to tell me whether…For a subdivision, the total aggregate of lots the maximum is 28% of the total acreage. Now in this case, they're the same. In Patterson, we've got one lot…

Mr. Buschynski: Mmhmm.

Board Member Taylor: And that's it. So do we play between the two then?

Mike Liguori: Between the 28% and the two-acres?

Board Member Taylor: And the 80,000 square feet. Yeah. I mean that's…I don't know how we do it in this…I mean, that seems to make sense. One lot and this total subdivision are what it is which gives us then the…If I'm right, we have the…I'm having trouble coming up with the words tonight.

Chairman McNulty: The overlay.

Board Member Taylor: No. We have the option of…Discretion. That's the word I want. We have the discretion of going between the 80,000 [square feet] and the 28%, which is a difference of, well, depending on which lot line you end up with, it's two or three acres. I've got…

Mr. Buschynski: I think that would be very restrictive to be able to confine development activity to two acres on that lot.

Board Member Taylor: No, it…No, I'm saying it would…The 80,000 square feet is 1.84 acres.

Mr. Buschynski: Yes.

Board Member Taylor: So it would be another 2 or 3 acres on top of that. So it would be either 3.5 acres or 4…a little less than 4.5 acres, which would be…

Mr. Buschynski: The 28% total…

Board Member Taylor: Which would be the 28%, yes.

Mr. Buschynski: acreage.

Board Member Taylor: Yeah. And then I see no reason to, if we can, to not give him the whole 28%.

Chairman McNulty: Oh, I…

Board Member Taylor: So…

Chairman McNulty: Based on what I read, like I said, I looked at this briefly tonight, and when I got to this portion I was waiting to talk to you.

[Laughter]

Board Member Taylor: Oh, okay. Well you can talk to him to see if I figured it out right. I don't know. But we have to recommend a variance, right?

Rich Williams: Yes. Well, you have to make a recommendation on whether to approve the variance with or without conditions or deny the variance.

Board Member Taylor: Well, but we also have to give a variance for the acreage, do we not?

Chairman McNulty: The question is do we have to be specific in this variance to the…with the recommendation?

Rich Williams: The Town Board grants the variance. You make a recommendation on what their action potential could be, with whatever restrictions or recommendations you make, they can then take them or reject them, either way.

Chairman McNulty: Right. Rich, have you had a chance to look at Ron's memo tonight?

Rich Williams: No I haven't. I haven't. But I…

Chairman McNulty: And do you have any objection of Joe getting a copy?

Board Member Taylor: No, no, no, no. Not at all.

Chairman McNulty: I think maybe then before we make this recommendation, because I'm not totally clear and I think we're all a little…

Board Member Brady: Yeah.

Chairman McNulty: confused on it right now.

Board Member Brady: Like I said, I tried to read it on my phone.

[Laughter]

Chairman McNulty: Joe, we'd like your input from the recommendation we're looking at, at this 28% to fit the overlay and create this conservation easement.

Mr. Buschynski: Mmhmm.

Chairman McNulty: And Rich's input as well. And Ron, if you have any weigh-in on this.

Board Member Taylor: It seems to…

Rich Williams: I've got to look at the numbers because it's a 7-acre lot, correct?

Mr. Buschynski: Yeah.

Rich Williams: Yeah. So 30% of…Or…

Board Member Taylor: No, it's not a 7-acre lot. They're subdividing the…It's one whole lot.

Rich Williams: You're talking about the whole lot.

Board Member Taylor: Yeah, the whole lot. Yeah. So what's your…

Chairman McNulty: It's the subdivision as a whole.

Board Member Taylor: Yeah. Yeah.

Rich Williams: So you're looking to put a conservation easement on everything except for about 4-acres.

Board Member Taylor: Yes.

Rich Williams: Got it. Okay.

Mr. Buschynski: Within the confines of the proposed lot.

Board Member Taylor: No. No, because the subdivision…

Mr. Buschynski: Within the entire…

Board Member Taylor: Yeah, the subdivision is…

Mr. Buschynski: parcel within Patterson.

Board Member Taylor: Yes. Yeah. This is what's being subdivided within Patterson.

Mr. Buschynski: Yes.

Board Member Taylor: So the 28% is of this total, which gives you a lot more here then. And then if you put all the 28 [percent] here…

Mr. Buschynski: It's twelve acres or so.

Board Member Taylor: Yeah. So you end up with more than you would if you…

Mr. Buschynski: 12.7 acres in Patterson.

Board Member Taylor: Yeah.

Chairman McNulty: You see that red shaded area on that little handout…

Mr. Buschynski: Mmhmm.

Chairman McNulty: Kind of shows a guessimation of what's proposed here.

Board Member Taylor: So it's got to be looked at more and…

Chairman McNulty: The municipal boundary has to be settled, too.

Board Member Taylor: Yeah.

Board Member Montesano: Here Joe, you can look at the (inaudible).

Board Member Taylor: Although we could probably settle this in principle and then whatever happens in this little boundary would take place after that. Because the primary easements would be north of any municipal boundary anyway.

Rich Williams: Right.

Board Member Taylor: Because it would be the ridgeline; the high parts.

Mr. Buschynski: Which is…

Chairman McNulty: The north side of…

Mr. Buschynski: off the parcel, right?

Board Member Taylor: Less 28%, yes.

Mr. Buschynski: Your area of concern was off the parcel.

Board Member Taylor: No, no. No, no. The area concerned in terms of historic stuff is on the parcel. It's Ballyhack Road.

Mr. Buschynski: Yup.

Board Member Taylor: The section of Ballyhack Road.

Mr. Buschynski: This is Ballyhack.

Board Member Taylor: And the stonewalls and the farm road that runs along the very north of the…

Chairman McNulty: Right along the border of the property.

Board Member Taylor: Right there, yeah. That's all we're concerned about.

Mr. Buschynski: Yup.

Board Member Taylor: The house foundations, yes, are of the parcel. That would have to be dealt with in the future if that parcel ever gets developed.

Mr. Buschynski: Okay.

Chairman McNulty: Okay, so we're not ready to make a recommendation tonight. We'll need to look at this a little further so we can give the Town Board clear definition.

Rich Williams: Okay.

Chairman McNulty: And then some time for the rest of the Board to digest Ron's thorough notes.

Board Member Taylor: Well, Mike needs to digest it, too, because it's really…

Chairman McNulty: Yeah.

Board Member Taylor: me trying to interrupt the Code and I'm not sure either.

Mike Liguori: I can't…I'm conflicted out on this.

Chairman McNulty: Oh, you can't…

Board Member Taylor: Oh, oh, right. You're in conflict. Okay, so we can't ask Mike. Okay.

Board Member Montesano: You can ask me, I don't mind.

[Laughter]

Board Member Taylor: You can give us a legal opinion?

Board Member Montesano: Of course. It may not hold in court.

Chairman McNulty: Alright, does that give you enough for tonight, Joe?

Mr. Buschynski: Yes.

Chairman McNulty: Okay. Anybody else, any comment? Okay, so we have some work to do on this one. The assessors also have some work.

9) FOX RUN ACTIVE ADULT RESIDENTIAL PROJECT – Site Plan Review

Mr. Curt Johnson, Zarecki Associates, was present.

Chairman McNulty: Next, we have Fox Run Active Adult Residential. Continued review on this project. Rich has put out a review, I haven't looked at it yet. Ron also…

Rich Williams: Ron also…

Chairman McNulty: has a review out. Reviewing the sheets as submitted, there are a number of issues to be dealt with here.

Rich Williams: I just want to throw in while they're setting up that, you know, I didn't do an extensively thorough review on the SWPPP. I didn't get it completed in time. So what I'd like the Board to consider is a little more time to get that done and then in between the meetings reaching out to the Applicant with Ron [Gainer] and sitting down and going through the stormwater plan.

Chairman McNulty: Okay.

Mr. Curt Johnson: Okay. I know this was a lot to digest in one kind of…

Ron Gainer: Right.

Mr. Johnson: round. And I think we, Ron and Rich, gave us a good start that we could start picking away at things and if the Board would allow us to maybe work directly with Ron or Rich and just kind of work out some details.

Chairman McNulty: No, that's…Because when it gets to all this technical, that what we need you to do.

Mr. Johnson: Yeah. Because I think a lot of it's housekeeping stuff and there's some other issues that we need to just sit down and kind of go over for engineering purposes.

Chairman McNulty: Yeah. This stormwater's got to be looked at hard.

Mr. Johnson: Right.

Chairman McNulty: And then we have some comments as well that we discussed at our work session.

Mr. Johnson: Mmhmm.

Chairman McNulty: Phasing was one of them.

Mr. Johnson: Mmhmm.

Chairman McNulty: I know Ron brought up a point that maybe the entry and my thought is the pool area, somehow be put into Phase 1 or 1a. I would think the pool area and that would be a good marketing tool.

Mr. Johnson: Mmhmm.

Chairman McNulty: Rather than wait till the last phase. Also, it would help the current residents over there to see some improvements that they're signing off on and hoping to see.

Mr. Johnson: Okay.

Chairman McNulty: So, take that into consideration.

Mr. Johnson: We can certainly take a look at that. I think we were trying to keep some of our disturbances under a certain threshold for phasing, but I think we can work with the developer and see if we can adjust some of those to…

Chairman McNulty: Okay. What else do we have on this?

Board Member Brady: Were the road blacktopped up there?

Mr. Johnson: They, I guess, well it was a rough season for them up there. And they did do some repairs, immediate repairs, up there.

Board Member Brady: Yeah. I saw that…I thought…

Rich Williams: The whole road is not blacktopped but…

Board Member Brady: Oh, no.

Mr. Johnson: No.

Rich Williams: they did long sections.

Board Member Brady: Yeah, I drove by and my thought was…

Mr. Johnson: Yeah.

Board Member Brady: already.

Mr. Johnson: Yeah, it went through a rough winter so they needed to do some immediate repairs on that, so…

Board Member Brady: Yeah.

Chairman McNulty: Okay. Phasing was the one issue I had and then all the technical issues in the review.

Mr. Johnson: Mmhmm.

Chairman McNulty: We got to get through a lot of that. I'm sure we can get to the nitty gritty. We looked at…There were no elevations of the buildings. Proposing some kind of sort of design and height and how…

Mr. Johnson: Okay.

Chairman McNulty: they were going to look.

Mr. Johnson: I think that was part of our previous go through on this thing, was that's basically the building type on that. But we can further reply on…

Chairman McNulty: Yeah, there was nothing in this group that…

Mr. Johnson: Right. Just…Yeah.

Chairman McNulty: outline that. Ron brought up a point, you previously had a cross-section of elevations used through [Interstate] 84 from…

Mr. Johnson: Right.

Chairman McNulty: west of 84 through and there was concern, I forget what building numbers. Was it ten and eleven? Or eleven and twelve?

Board Member Taylor: Right. Yeah you, I think, previously you ran it through twelve…

Mr. Johnson: Right.

Board Member Taylor: Whereas the high buildings are ten and eleven.

Mr. Johnson: Okay.

Board Member Taylor: I think…We'd like to see one run through ten and eleven.

Mr. Johnson: Ten and eleven. Okay.

Chairman McNulty: Yeah. Up in the upper right corner.

Board Member Taylor: Especially since landscaping may be necessary behind those buildings.

Mr. Johnson: Okay.

Board Member Taylor: And if that's the case, you've got to put the landscaping in before those buildings go in. Is it not true? Or is it going to be very hard to get trees up in there?

Rich Williams: No, not necessarily.

Board Member Taylor: No?

Rich Williams: I mean, you'd want to get all site disturbance done before…

Mr. Johnson: Yeah.

Rich Williams: you put the landscaping in.

Board Member Taylor: But I thought you had talked about putting some big trees in there, Ted.

Ted Kozlowski: Yeah, they did. They did. But…

Board Member Taylor: Alright. But that doesn't…it won't affect…

Ted Kozlowski: They've just got to figure out a way to get them in there.

Board Member Taylor: Okay. Helicopter.

[Laughter]

Ted Kozlowski: You don't want to be planting trees, especially…You know, you're going to be putting big trees in there and then they start working around…They're going to be stressed to begin with.

Board Member Taylor: Yeah, okay. Alright.

Ted Kozlowski: But then they start working around and then those…

Chairman McNulty: Is it possible that there are any trees that can be relocated in that area? There are some big trees.

Ted Kozlowski: No, that's…

Rich Williams: The root systems are not conducive to transplanting.

Ted Kozlowski: It's very rocky. It's not going to…It would be very expensive and very iffy.

Board Member Taylor: But at least you need it on the landscape plan so that…That was one thing we'd like to see.

Mr. Johnson: Okay.

Ted Kozlowski: If I may on the tree protection. You…

Chairman McNulty: Have the microphone, Ted.

Ted Kozlowski: Sorry. I'm glad you're trying to protect some of those trees…

Mr. Johnson: We're doing our best.

Ted Kozlowski: between the buildings.

Mr. Johnson: Yeah.

Ted Kozlowski: What I would like to see, I know you have a tree protection plan, but on that tree protection plan on your documents there, just be a little bigger and louder with it.

Mr. Johnson: Okay.

Ted Kozlowski: And I know you've gone beyond the drop line, but give those trees as much space as you can.

Mr. Johnson: Yeah, we've really tried to do so.

Ted Kozlowski: No, it's good. Thank you.

Board Member Taylor: You have, from what I can see, one snow removal area. Is that adequate? Where are you going to put all the snow that comes off of these roads? It's down on your left there. I think down near the…

Mr. Johnson: Right. Right.

Board Member Taylor: Yeah. Down in there.

Mr. Johnson: We can look into probably expanding, maybe, some of these other areas up in here to give us a couple more areas to store some snow.

Board Member Taylor: It would seem to make sense.

Mr. Johnson: Okay.

Board Member Taylor: Especially if we have a winter like last winter.

Mr. Johnson: Right.

Chairman McNulty: And what's proposed for water as far as for fire?

Mr. Johnson: I think we'll pull it off the wells. Yeah, wells and then a storage tank.

Chairman McNulty: So you're talking about sprinklered buildings?

Mr. Johnson: No, not sprinklered buildings, no. But just to be able to have fire flow…

Rich Williams: Hydrants and…

Ron Gainer: They're having hydrants in the water system.

Chairman McNulty: So there would be hydrants there.

Mr. Johnson: Right.

Chairman McNulty: I didn't see them. I didn't get to the PDFs you sent. I've been working off of this.

Rich Williams: Yeah, that doesn't really get you very far.

Mr. Johnson: That and a magnifying glass.

Board Member Brady: Yeah, it's tough.

Board Member Taylor: And can you show us a cut at the garages? A section for the road.

Mr. Johnson: Okay.

Chairman McNulty: Especially up on that upper section.

Board Member Taylor: So you could…

Chairman McNulty: There's a lot of rock there, correct? You're going to be…

Board Member Taylor: And you're sloping the driveways down to the road, correct?

Mr. Johnson: Yes, correct.

Board Member Taylor: Yeah. That's…

Mr. Johnson: That's correct.

Board Member Taylor: A section to show that would be nice.

Mr. Johnson: Yeah, they're generally pretty flat. And then there's probably one or two steps up into the units from the garages.

Board Member Taylor: Yeah. And a little farther down, can you give us an interior layout?

Mr. Johnson: Yeah, sure.

Board Member Taylor: Provisional one.

Mr. Johnson: Yup.

Board Member Taylor: Because you had talked about making them suitable for aging adults.

Mr. Johnson: Yes.

Board Member Taylor: That's all I've got, I think.

Chairman McNulty: Yeah. I don't…I didn't…I got Rich's notes tonight. I did look through Ron's notes and there was a lot to address there.

Mr. Johnson: I think we have enough to keep us busy for a while.

[Laughter]

Chairman McNulty: Yeah, there's a lot there to look at. Ron, do you have comment?

Ron Gainer: Well, no. There's a lot of technical issues as you…

Chairman McNulty: Microphone.

Ron Gainer: As you're describing. For Rich and myself, the biggest issue was really just to be sure that the stormwater management's properly sized. And so a lot of the stormwater questions go towards that.

Mr. Johnson: Mmhmm.

Ron Gainer: So they've got a lot of work to do on the SWPPP.

Ted Kozlowski: I had one final comment; I just looked at my notes.

Chairman McNulty: Hand him the mike, Ron.

Ted Kozlowski: Would you kindly substitute red cedar for…I mean, take out the arborvitae…

Mr. Johnson: Yup.

Ted Kozlowski: and use red cedar.

Mr. Johnson: No problem.

Ted Kozlowski: Thank you.

Board Member Taylor: Are you proposing having this runoff go down to a pond? Lower down?

Chairman McNulty: The stormwater.

Mr. Johnson: Yeah, the stormwater is collected in this underground system here and then it gets released and goes down to the pond, correct.

Board Member Taylor: Are you guys proposing doing anything with that pond?

Mr. Johnson: We haven't yet. No. Haven't looked into it.

Board Member Taylor: Oh, you haven't looked into it. Okay.

Chairman McNulty: I think they're still trying to get these calculations on the actual flow before you can…

Mr. Johnson: Right.

Chairman McNulty: Do that. Yeah.

Board Member Taylor: Okay.

Chairman McNulty: Okay. Anybody else out here, anything? No. Board?

Board Member Brady: No.

Chairman McNulty: Okay, so you have your homework.

Mr. Johnson: Be working through it. Okay. Great.

Board Member Montesano: If there's a guy outside selling beans, don't buy them.

Mr. Johnson: Don't. Thanks.

10) CARINO HOLDINGS – Site Plan Application – Continues Review

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

Chairman McNulty: Okay, next we have Carino Holdings.

Board Member Taylor: The right one?

Chairman McNulty: Yes.

Board Member Montesano: Yeah.

Chairman McNulty: Hello.

Mr. Ralph Alfonzetti: Hello. Good evening. So last time…Since the last time I was here, I moved the building to the southwest. That gave us some more room in front of the building. It separated us more from the wetland. But then that will require us to get a rear yard variance and a side yard variance. I know you guys did a site walk out there. I got Rich's review memo. Nothing really surprising in there other than some garage doors sneaking up on me.

[Laughter]

Chairman McNulty: Yeah, that was an odd location for the…

Mr. Alfonzetti: Yeah, the…

Chairman McNulty: Also looks like there's a basement in the building.

Mr. Alfonzetti: Yes. Yeah, I saw that also.

Board Member Taylor: Is there?

Mr. Alfonzetti: There is. I mean, they're proposing it. Is there a problem with it? I mean…

Chairman McNulty: No. But isn't that all solid rock over there?

Mr. Alfonzetti: They're excavating contractors, so…

Chairman McNulty: Okay.

Mr. Alfonzetti: They like…

Chairman McNulty: They need the rock.

Mr. Alfonzetti: Yeah. So the garage door is basically…I was under the impression that there is only one garage door here. So I got the architectural plans the day I submitted so what I can do with that is if he still wants to keep the ones in the front, I can flip the parking on this side of the lot. So…

Rich Williams: Would you be better served by flipping the equipment storage area and the oil/water separator around to that back corner and put the parking on the north end of the building?

Mr. Alfonzetti: Put parking here…

Rich Williams: Yeah.

Mr. Alfonzetti: And putting this where? Here?

Rich Williams: Yeah.

Mr. Alfonzetti: Umm…

Rich Williams: Right in front of the garage doors. Just a thought.

Mr. Alfonzetti: We could do that. I don't know if they…Here, you know, you might want to park some equipment outside.

Rich Williams: Well, you need to talk to them about it.

Mr. Alfonzetti: Right. And they're actually away, so…

Chairman McNulty: Okay.

Ron Gainer: Carino (inaudible – too distant. Side conversation with Rich Williams).

Chairman McNulty: I didn't make the site walk. You guys did. You have comments? Anything in particular?

Rich Williams: Really?

Chairman McNulty: It's kind of a straightforward project.

Board Member Taylor: Very impressive stonewalls.

Board Member Brady: Yeah. Yeah.

Ted Kozlowski: I like stonewalls.

Chairman McNulty: Ron, have you had a chance to look at this?

Ron Gainer: No, it hasn't been assigned to us. No.

Chairman McNulty: Okay. Alright. Rich, you taking charge of this?

Rich Williams: We try to get it a little farther along…

Chairman McNulty: Got you.

Mr. Alfonzetti: Yeah, I…

Rich Williams: before the engineering bills start.

Chairman McNulty: Okay.

Mr. Alfonzetti: I'm looking to go to try to get the variance before I start doing stormwater sizing and calculations. This is a general idea of what we want to do.

Chairman McNulty: Okay.

Mr. Alfonzetti: You know, until I get the variances, it's not worth getting too far into it.

Chairman McNulty: Got you.

Board Member Taylor: Do you want a recommendation?

Mike Liguori: Well…

Board Member Taylor: From us?

Chairman McNulty: For.

Mike Liguori: Don't they have to do SEQRA?

Board Member Taylor: For the variance.

Rich Williams: Do they have to do SEQRA for the area variances?

Mike Liguori: Yeah.

Rich Williams: No. Why?

Mike Liguori: It's an unlisted action.

Rich Williams: It is an unlisted action, and I think they were going to do a coordinated review tonight.

Chairman McNulty: And declare lead agency.

Rich Williams: Right. But they don't have to do a neg[ative] dec[laration] tonight before they make a recommendation over.

Mike Liguori: Oh.

Rich Williams: We can track them both together.

Mike Liguori: Yeah, the concern I have is that area variances are Type IIs on residential properties, but not on commercials.

Rich Williams: Correct. They're unlisted.

Mike Liguori: Yeah.

Rich Williams: So the ZBA is going to have to be involved in SEQRA.

Mike Liguori: Right.

Rich Williams: Right. But they can get the application going with the ZBA.

Mike Liguori: Sure.

Rich Williams: Because the ZBA's typically going to want to go out there, so it's going to be two months for the ZBA anyway.

Mike Liguori: Okay.

Mr. Alfonzetti: They have to go out also?

Rich Williams: They typically want to go out on every site.

Chairman McNulty: Okay. Well, we can still declare a coordinated review and…

Rich Williams: Your intent for lead agency.

Chairman McNulty: Yup. So I make a recommendation we be lead agency for a coordinated review on this application.

Board Member Montesano: Second.

Chairman McNulty: All in favor? Motion carried by a vote of 5 to 0.

Chairman McNulty: Okay. So move forward with that. You can look into your variances. We can move it along to get the stormwater worked out and see what we can do here. Get the details going on the building: lighting…

Mr. Alfonzetti: Okay.

Chairman McNulty: That kind of…All that stuff.

Mr. Alfonzetti: Yup.

Chairman McNulty: Alright.

Mr. Alfonzetti: Thank you.

Rich Williams: Good luck.

11) BILL HENRY TREE SERVICE, INC. – Site Plan Application – Continued Review

Ms. Jamie Kieper, Insite Engineering, was present.

Chairman McNulty: Next we have this gentleman waiting patiently: Bill Henry Tree Service.

Board Member Taylor: Somebody new tonight.

Chairman McNulty: You think we're not on the agenda?

Rich Williams: What?

Chairman McNulty: Bill's on the agenda.

Rich Williams: Yes. I was having…

Chairman McNulty: Oh, you've got to flip the page.

Rich Williams: I was having a side conversation with Ted.

Chairman McNulty: Hi.

Ms. Jamie Kieper: Hi. I'm Jamie Kieper from Insite Engineering, Surveying, and Landscape Architecture.

Chairman McNulty: Jamie, welcome. I don't think we've seen you before.

Ms. Kieper: Nope. Nope, I'm new to Patterson.

Chairman McNulty: Okay.

Ms. Kieper: So I think the last time you guys were…we're here before the Board, the building was shifted back away from Route 22. And there was a mutual agreement, from my understanding, from the last meeting that you wanted to move this back so that they could utilize a storage building in the back.

Chairman McNulty: Mmhmm.

Ms. Kieper: So we've done that. We've received comments and addressed all of them.

Chairman McNulty: Yup. Zoning and Code seem to be in compliance now and we can move forward on that basis. And we did get your tree plan that…There's a lot of trees. Are you going to use all that wood?

Mr. Bill Henry: Three hours it took me to do that.

[Laughter]

Ted Kozlowski: But he saved the red cedar.

[Laughter]

Chairman McNulty: So, we appreciate that and preserving whatever you could at down at the bottom of the lot for viewshed. One of the comments we had, there's been some talk about the building style, color and what it's going to be, and we haven't seen any of that information. I know we've talked about it. We talked about the building up on [Route] 22 across from Daryl's House there. There's a very nice design and style. I don't know if that suits your needs or not. But that's…

Mr. Henry: I like red.

Chairman McNulty: Yeah. And that style of siding, too. I don't know if you noted it or looked at it?

Ms. Kieper: We can look at that.

Chairman McNulty: So…

Board Member Ladau: Tom is now the design architect.

Chairman McNulty: Just giving some guidance here.

Board Member Brady: Can you pick it up and move it down?

Mike Liguori: The barn builder. The old town barns.

Board Member Ladau: Yeah, it's on wheels.

Mike Liguori: Dave…I'm trying to think of the guy's name.

Ron Gainer: Yeah, I can't recall.

Mike Liguori: Does a lot of it.

Rich Williams: For who?

Mike Liguori: The red building is the old town barns. It's Dave…He's a barn builder down in…

Ron Gainer: Up in Pawling.

Mike Liguori: Up in Pawling.

Rich Williams: Oh, I don't know.

Mike Liguori: Yeah, I just don't remember his last name.

Ron Gainer: Works up on the hill.

Mike Liguori: Yeah.

Chairman McNulty: So those are the things…Does the Board have any other comment right now?

Board Member Ladau: No.

Board Member Taylor: No. Ready to move forward.

Chairman McNulty: So things are coming together. We can move forward here. So we're looking to…I'll make a recommendation that we do a coordinated review and declare ourselves as lead agency.

Board Member Brady: Second.

Chairman McNulty: All in favor? Motion carried by a vote of 5 to 0.

Chairman McNulty: That will allow us to circulate, move forward toward SEQRA. And take this to the next step. Rich, any comment?

Rich Williams: Nope.

Chairman McNulty: Ron?

Rich Williams: Jamie, are you going to take over the project or should I contact John [Watson]?

Ms. Kieper: We're both kind of working on it. Either is fine.

Rich Williams: Alright, well I don't have your email, so.

Ms. Kieper: That's alright. I can talk to your son. I work with him all the time.

[Laughter]

Rich Williams: Do you?

Ms. Kieper: I do.

Chairman McNulty: Do you have…I guess you're up to speed on this. Any questions of the Board?

Ms. Kieper: Yes. I did have a question. Can we schedule the public hearing tonight?

Chairman McNulty: I think we want to wait and get SEQRA going and get some input back.

Board Member Taylor: Did you send us an EIS, short form?

Chairman McNulty: EAF?

Board Member Taylor: Yeah, okay.

Rich Williams: Yeah, they've got an Environmental Impact…Assessment Form in.

Board Member Taylor: Okay.

Chairman McNulty: I think we need to review that forward and circulate and I think if we get the information next month we'll be able to set that up.

Ms. Kieper: Okay.

Rich Williams: Just like Theresa.

Chairman McNulty: Have to do our diligence.

Ms. Kieper: I sit next to her, too.

[Laughter]

Chairman McNulty: Can't blame you for asking.

Board Member Montesano: Nice try.

Ms. Kieper: We pulled her back in.

Mike Liguori: Well, it's 9 o'clock, 9:05 on a Thursday, so obviously gravity has taken affect at the Insite…John's not standing here.

[Laughter]

Chairman McNulty: And other questions?

Board Member Brady: No.

Ms. Kieper: That was it.

Chairman McNulty: Okay. So we'll look to see you for next month and…

Ms. Kieper: Okay.

Chairman McNulty: See if we can get SEQRA moving along and setup a public hearing.

Ms. Kieper: Okay.

Chairman McNulty: Okay.

Ms. Kieper: See you next month.

Chairman McNulty: Thank you very much. Bill, any questions?

Mr. Henry: I'm good.

Chairman McNulty: Okay. Good.

Ted Kozlowski: Good night, Bill.

Mr. Henry: Good night, guys.

Board Member Brady: He's smiling.

Mr. Henry: Oh yeah.

Board Member Brady: That's a good thing.

Mr. Henry: Always smiling.

Board Member Montesano: Is that a smile or a cry?

Ron Gainer: I was racing that the whole time, thanks.

Mike Liguori: Yeah.

Ron Gainer: It was going to drive me crazy.

Ms. Kieper: Thank you very much.

Board Member Brady: Thank you.

Mike Liguori: I know. Me, too. Me, too.

12) OTHER BUSINESS

Chairman McNulty: Okay, we have other business.

Ted Kozlowski: Oh, uh. I worked on that.

Chairman McNulty: And we did some talking about the All Boards Meeting and making recommendations on the comprehensive plan. And to be honest, I did not get to review the notes at all or give it much thought. Anybody else?

Board Member Taylor: No, I was writing history.

Chairman McNulty: You were writing history for Maplewood. And I thank you again for that, Ron. That was well done.

Board Member Taylor: Next time.

Chairman McNulty: Also, anybody, other business?

Rich Williams: Yes.

Board Member Ladau: Yeah, on the flip side.

i) Luis Illescas Violation

Board Member Taylor: Iglesias? [Referring to Illescas].

Chairman McNulty: Oh, hold on, Ron.

[Laughter]

Chairman McNulty: Bob, you have a comment?

Board Member Ladau: No. You said is there any further business and I said yes there's Illescas.

The Secretary: Illescas.

Rich Williams: Illescas.

Board Member Taylor: Illescas.

Board Member Ladau: Huh?

The Secretary: Illescas.

Rich Williams: Illescas.

Chairman McNulty: Where did he get put on there?

Rich Williams: So.

Board Member Ladau: It's on the flipside.

Rich Williams: I guess, I'll set…

Ted Kozlowski: Rich…

Board Member Taylor: Oh, they gave us a new one tonight.

Board Member Ladau: Yes.

Chairman McNulty: Oh, yeah.

The Secretary: It was in your box.

Board Member Brady: You're sneaky. You keep changing it.

Chairman McNulty: Alright, other business: Illescas.

Rich Williams: So, yeah. Let me set the stage for Illescas. So…

Chairman McNulty: This gentleman was…Okay, go ahead.

Rich Williams: So, Mr. McCarthy was reviewing the plans for the site in conjunction with the building permit for the shed and he was reviewing the plans for 2007 and he was reviewing the plans for 2015 and came to the realization that between 2007 and 2015, Mr. Illescas had built two additions on to the building without…

Chairman McNulty: The main house?

Rich Williams: Yes, the main house without any permits. And of course, as you're all aware, everything is within the wetland buffer. So he did issue a violation and a stop work order, and he has made Mr. Illescas retain an architect to actual do the design of the additions that were put on the house.

Chairman McNulty: How big are these additions you're talking about?

Rich Williams: They're not tremendously big. I think one of them is 8' by 10' and the other is about 5' by 8'.

Board Member Brady: Ted, remember when we went out there, all the stuff was stored in there, piled in there. You'd see in the window…

Ted Kozlowski: Yup.

Board Member Brady: it was just, like, stuff thrown in.

Ted Kozlowski: Yup.

Rich Williams: Well, I truly believe, you know, I initially flagged it something was going on, I flagged it to Nick. I saw…I went by, I saw that he was putting an addition on and Nick told me that he had stopped him and looking at the drawings now, I'm not so sure that Nick actually stopped him. He just finished it off.

Chairman McNulty: Are the complete, these additions?

Rich Williams: Oh yeah. They're complete and living in them.

Board Member Brady: Yeah, they're complete.

Rich Williams: Yes. So, you know, of course everybody now is curious about the additions in the wetland buffer and what process he needs to follow in addition to getting building permits and COs. So, with that be said, I just gave it all to Ted.

[Laughter]

Chairman McNulty: Ted, grab the mike please.

Mike Liguori: Gravity's in effect here, too.

Ron Gainer: I know nothing.

Ted Kozlowski: I'm speechless.

[Laughter]

Rich Williams: I doubt it.

Ted Kozlowski: What are we going to do guys? Go make him take his house down? I mean, I don't…

Chairman McNulty: Procedurally, Mike, your recommendations. Do we put him through the wetlands permit application to put it on record?

Mike Liguori: Yeah, I mean, that's what you make…You know, if Bob isn't going to send him to court with an appearance ticket for a fine…

Chairman McNulty: Then we…

Mike Liguori: then…Which still wouldn't remedy the violation. It would just fine him. But if he was in court, let's say like Levine, then he'd be forced to come back here and go through the permit process even though it's, you know, ex post facto, that's what's required.

Chairman McNulty: I think at this point it's to get him through the process and on the tax rolls.

Ted Kozlowski: He needs to have a valid permit and he should be fine. This is number five.

Chairman McNulty: Who does that fine? You? If he…

Mike Liguori: It could be Ted.

Ted Kozlowski: I would work it out with Bob.

Mike Liguori: Yeah.

Ted Kozlowski: Doesn't really matter.

Mike Liguori: Whatever's the most efficient for the Town, you know…

Ted Kozlowski: It's probably through Bob. I'll just talk to him. But…

Chairman McNulty: I don't have any problem with the fine because…

Ted Kozlowski: There's got to be a fine now at this point.

Chairman McNulty: he doesn't seem to get the point. Well, he didn't before. I don't know if he does now.

Ted Kozlowski: Right.

Mike Liguori: Yeah. Your time's wasted, you know. You're involving a lot of Town resources that you otherwise would not have and, you know, have to.

Board Member Brady: But I believe these additions were done before we went out there.

Ted Kozlowski: These additions were done…

Board Member Brady: They were…

Chairman McNulty: Yeah.

Ted Kozlowski: I suspected there was something wrong.

Board Member Brady: We had talked about it.

Ted Kozlowski: It wasn't…It didn't look the same. It's…The whole thing is just a mess. But the reality…Again, we're back to reality. Are we really going to make him take this down?

Chairman McNulty: No.

Ted Kozlowski: But…

Chairman McNulty: But he needs to go through the process…

Ted Kozlowski: He needs…

Chairman McNulty: and create the record for the property.

Ted Kozlowski: Yeah, he needs to…Right. And he should be fine. It's just enough is enough.

Chairman McNulty: Now as far as fines go, that's out of the purview of this Board, correct?

Mike Liguori: Yeah, you're not involved yet.

Ted Kozlowski: No, no. That's just…But I think, you know, full-fledged wetland permit. Here we go, after the fact.

Chairman McNulty: Okay. I agree with that. Okay, so…

Ron Gainer: Well, you gave him one.

Chairman McNulty: Sarah, Rich isn't here. Make note we'll get a letter…

Ted Kozlowski: I'll talk to Rich because I'm going to be away for two weeks. But I'll talk to Rich and we'll work it work with how…

Chairman McNulty: Work it out how he'll be notified of that.

Ted Kozlowski: Right. And we'll just keep you guys in the loop.

Chairman McNulty: Okay. Alright.

Board Member Taylor: It's already in place?

Chairman McNulty: Alright. Other business, anybody else?

Board Member Ladau: No.

Chairman McNulty: Mike? Ron? Ed? Ted?

Ted Kozlowski: Nope. I'm good.

13) MINUTES

Chairman McNulty: Okay, we also have minutes from June 4th. If everybody's taken…And June twenty…I can't see.

The Secretary: Fifth.

Chairman McNulty: Twenty-fifth. I make a recommendation…Everybody's got a chance to look at it. I make a recommendation to adopt these minutes.

Board Member Brady: Second.

Chairman McNulty: All in favor? *Motion carried by a vote of 5 to 0.*

Ron Gainer: Did I send you a copy of that (inaudible- too many talking).

Chairman McNulty: Any other comments, Board?

Board Member Ladau: Nope.

Board Member Brady: No.

Chairman McNulty: I make a motion to adjourn.

Board Member Ladau: Second.

Chairman McNulty: All in favor? *Motion carried by a vote of 5 to 0.*

Meeting was adjourned at 9:15 p.m.