

TOWN OF PATTERSON
PLANNING BOARD MEETING
August 7, 2014

AGENDA & MINUTES

	Page #	
1) Frog Hill, LLC – Public Hearing, Site Plan	1 – 7	Public hearing opened; Discussion of proposed site plan
2) Barlen Route 311 Center – Sign Application	7	Sign Application approved at 7/31/14 work session
3) Robert Weizenecker – Fill Permit	7	Fill Permit granted at 7/31/14 work session
4) Illescas – Wetlands/Watercourse Permit	7 – 20	Discussion of application – Applicant to submit new survey
5) Douglas & Kathleen Munro – Lot Line Adjustment	20 – 31	Lot Line Adjustment approved
6) S.A. Hebert Properties – Site Plan Application	31 – 58	Discussion of parking area and catch basin calculations
7) M&S Iron Works – Site Plan	58 – 59	Discussion tabled – No one present to represent application
8) Fox Run Phase II – Amended Traffic Study	59 – 78	Discussion of Traffic Study and EAF Part I – Applicant to submit revised EAF
9) Patterson Crossing Retail Center	78	Requested year extension approved at the 7/31/14 work session
10) Other Business		
a) Dodd/Fallman	78 – 81	Dodd/Fallman Lot line to be dissolved – Town Attorney to do a draft a resolution
b) Bear Hill Estates Zoning Request	81 – 87	Planning Board not recommend to the Town Board to grant a zoning change
c) Paddock View Estates	87	Board determined road to be substantially complete at 7/31/14 work session
d) Thunder Ridge Discussion	87 – 88	No update – Conklins still in court
e) Minutes	88	June 26, 2104 and July 1, 2014 minutes approved
f) Cynthia Chory Discussion	88 – 93	Ms. Chory to come in and make a wetlands application for new parking area

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



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
Mary Bodor, Vice Chair
Marianne Burdick
Michael Carinha

PLANNING BOARD

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

**Planning Board
August 7, 2014 Meeting Minutes**

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

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

Chairman McNulty called the meeting to order.

There were approximately 12 members of the audience.

The meeting was called to order at 7:02 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

Chairman McNulty led the Salute to the Flag.

Chairman McNulty stated okay, hello everyone. I just want to make a couple comments. Juggled chairs here this month. I want to thank the Town Board for giving me a chance to become Chairman of the Planning Board and introduce the new Vice Chair, Ron Taylor. And if anybody knows anybody that wants to fill an open spot, we have a spot open. I'd also like to thank Shawn Rogan for all his years and hard work and leadership for this Board, and to have him on the Town Board is a great thing. He's a guy of great integrity. So, with that said, we can get started with the meeting here. With the public hearing. Do want to...

The Secretary stated read...

Chairman McNulty stated the opening of that.

The Secretary stated sure.

1) FROG HILL. LLC – Public Hearing, Site Plan Application

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

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 7, 2014 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 **Frog Hill, LLC Site Plan Application to allow for a light manufacturing/natural stone refinishing and sales facility**. The property is located at 3161-3169 Route 22 (C-1 Zoning District), Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman McNulty stated okay. Hello, Harry.

Mr. Harry Nichols stated good evening.

Chairman McNulty stated how are you doing tonight.

Mr. Nichols stated good. Thank you.

Chairman McNulty stated good. Jay. So Harry, public hearing. What do you have to tell us here. Can you give us a quick overview of what you've prepared in his site plan.

Mr. Nichols stated okay. This is an area in Patterson known as the flea market. It's approximately 20 acres of land, west of Route 22 right up...abutting the Pawling border as it meets the Town of Patterson. Existing development on the site, here we the flea market site down here [referring to plans]. There's a restaurant; the Route 22 restaurant. There are a few other out buildings and there is a 50' x 100', or 5,000 square foot, metal building located in this area. And it's this building that brings us here to the meeting. Currently the building has been use...It has been used in the past, but mostly, I think, for storage.

Mr. Jay Maxwell stated yes.

Mr. Nichols stated things like that. We're proposing to do light manufacturing in here. There is a fellow who is very much interested in it. He does marble countertops, tile work, and things like that. So, we...That's the reason that we are here because we have to get the approval of the Planning Board for the use and also we will be required to go to the Zoning Board of Appeals for a special permit to allow the manufacturing. In conjunction with the proposed use we will be widening out the existing driveway which is paved at the beginning coming into the site and which has a light pavement surface running back to that building. We'd be widening it to handle to two-way traffic. And the building itself will be broken up into light manufacturing and a display area of the wars of the person that has that talent.

Chairman McNulty stated would that be like a retail area. Or just...

Mr. Nichols stated it would be a showroom type area. They would come in and see the product of his work. It would be an area where slabs of this cut...very sliced thin granite will be stored on the outside. They'll be able to pick their own color, texture and what you have for their luxury kitchen, I guess, that would be where it would apply.

Chairman McNulty stated mmhmm.

Mr. Nichols stated we're also purposing a parking area. There will be, probably, maybe 5 to 6 employees there running the operation. And the showroom may have one or two salespersons in there. We're providing parking for employees and for customers; potential customers that are coming there. And in upgrading the building, we'll be installing a septic system that will meet the current...today's standards of

the County Health Department. Water service is currently provided by an existing well on the property. And we will have to... We'll enhance that either by storage tank or by possibly drilling out a well in order to provide desired flow of water at the premises.

Mr. Nichols stated I would think that type of business would need a lot of water.

Mr. Nichols stated well, they recycle it. They use the water in the cutting process. They send it through a filter, they take out the solids and reuse the water and I think the cover...the recovery is a very high percentage.

Chairman McNulty stated okay.

Mr. Nichols stated in conjunction with that, we are backing up against a Town wetland and a State wetland. And we will be providing a barrier which will consist of stones, maybe two, three hundred pounds, placed on a continuous spacing of 25' to have a visible location for where the actual wetland buffer starts; the 100' buffer.

Board Member Taylor stated what's the purpose of that area.

Mr. Nichols stated that's to protect it. So, it will be a visual way of the Town controlling any creeping of development into the wetland area or the wetland buffer.

Board Member Taylor stated keep people and equipment out of the...

Mr. Nichols stated keep...Yes. Keep it as pristine as possible.

Board Member Taylor stated thank you.

Chairman McNulty stated and certain of those areas have already previously been disturbed. So the hope is for it to regenerate, correct.

Mr. Nichols stated yes.

Chairman McNulty stated behind the building there, that north of the building.

Mr. Nichols stated well, behind the building...The building itself, one corner of the building is within the 100' controlled area.

Chairman McNulty stated and a previously disturbed...

Mr. Nichols stated from previously disturbed area. And there are some areas of some gravel. Surfaces have been constructed in here over the years. Our intention is to leave those gravel surfaces there and use that the display area as well as a way of means of getting around the building. In essence, provide a way for fire trucks and emergency vehicles to access it.

Chairman McNulty stated okay.

Mr. Nichols stated there will be some minimal lighting to enhance the front of the building; it will all be down lighted and it will be shielded as necessary.

Chairman McNulty stated you know the hours of operation that will take place there.

Mr. Nichols stated I believe the manufacturing would fall within the allowable timeframes that the Town of Patterson has.

Chairman McNulty stated okay.

Mr. Nichols stated and as far as the showroom goes, I don't see this as being a late night operation at all.

Chairman McNulty stated okay.

Mr. Nichols stated with that, I would open it up any questions of the Board or public.

Chairman McNulty stated does anybody from the public have comment or here for this public hearing. No one. Okay. Gentleman, you have any comments.

Board Member Taylor stated (inaudible).

Chairman McNulty stated I'll make a note that we did receive a letter from a Barbara Murphy. Rich and Barbara Murphy and they just had some concerns about a waterway. I don't know, Rich can you comment on this.

Rich Williams stated yes. They're located at the end of Danby Lane. In the past they've had some issues with the wetlands right at the edge of their property. Flooding has been predominately from beaver activity that it's been in that immediate area. Most of the runoff from this is going due west and not toward Danby Lane, so there should be no impact whatsoever from drainage coming off of this site, effecting the Murphys.

Chairman McNulty stated okay. I had a question about the sign; there's no sign on the application or on this site plan, and there's a current sign.

Mr. Nichols stated yes. The idea is to...The sign...The printing on the sign will be modernized from what it is currently now. But the size will not be changed.

Chairman McNulty stated okay, so it's not increasing or decreasing.

Mr. Nichols stated that's correct.

Chairman McNulty stated is the lighting changing. Is there lighting on it now.

Mr. Maxwell stated no.

Mr. Nichols stated there is no lighting.

Mr. Maxwell stated there is no lighting.

Mr. Nichols stated we...

Chairman McNulty stated and if I understand this, it's just kind of a pre-existing situation with this. So, we talked about it at the work session and thought maybe it would be good to put it on this plan and get it done rather than...

Mr. Maxwell stated it should have been on there.

Chairman McNulty stated a separate site...a separate sign application.

Mr. Maxwell stated no. It should be on there.

Chairman McNulty stated okay.

Mr. Nichols stated it will be.

Chairman McNulty stated alright. The other thing is the Department of Health. Where are you with them and the septic and the use of the water.

Mr. Nichols stated we have contacted them and we're waiting for the testing date. And I expect it will be within the next week we'll be out there doing testing.

Chairman McNulty stated test pits.

Mr. Nichols stated we have done some sample test holes out there and the material is well suited for our septic system. We will have to meet the requirements of the Health Department: we'll have to be 100' away from any wetland or watercourse.

Chairman McNulty stated okay. Ted, do you have any comments.

Ted Kozlowski stated no. I think we've...I've ironed out the stuff I needed to iron out.

Chairman McNulty stated okay. Make a motion to close the public hearing.

Board Member Montesano stated second.

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

Rich Williams stated procedurally at this point there's a few cleanup issues: they need to show the lighting details, they need to show the sign application. Harry has a list of the outstanding issues. Once they do that and resolve the issue with the light manufacturing special use permit and the...with the Health Department, the Board will be a position at that point to take final action.

Chairman McNulty stated okay. Alright, so we're moving along.

Rich Williams stated yes.

Chairman McNulty stated so hopefully we can get this done within a...You think we're within a month, two months.

Rich Williams stated it's in the applicant's hands as far as approaching the Health Department...

Mr. Maxwell stated there's no reason why it shouldn't be able to be done in two months, right.

Chairman McNulty stated no, I don't...

Mr. Maxwell stated I mean, provided we...

Chairman McNulty stated yes, I mean, we've been working together on this for awhile...

Mr. Maxwell stated yes, no...We've...

Chairman McNulty stated and it's all making good process.

Mr. Maxwell stated we need Board of Health approval first before we get the approval for the site plan.

Rich Williams stated do you still need to go to the ZBA. Have they gone to the ZBA.

The Secretary stated no.

Rich Williams stated no. You still need to go to the ZBA.

Chairman McNulty stated you need a Special Use Permit for light manufacturing, correct.

Mr. Maxwell stated I don't know.

Rich Williams stated yes.

Mr. Maxwell stated alright.

Chairman McNulty stated and do we need that before...We need that before we can approve.

Rich Williams stated yes, because that's approved...

Chairman McNulty stated sure.

Rich Williams stated by the ZBA.

Mr. Maxwell stated alright.

Chairman McNulty stated so, I think you know where you have to go. And the quicker you can move things along we can...we can move it along.

Mr. Maxwell stated good. Thank you.

Mr. Nichols stated alright.

Chairman McNulty stated you're welcome.

Mr. Nichols stated thank you very much.

Chairman McNulty stated okay. Good night, guys.

Board Member Brady stated thank you.

Rich Williams stated Jay, you can call me if you've got any questions on about what the issues are.

Mr. Maxwell stated alright. Thank you.

2) BARLEN ROUTE 311 CENTER – Sign Application

Chairman McNulty stated okay. Item two we took care of at the work session. Oh, before I forget. I also want to introduce Sarah, who's taken over the duties of Planning Board Administrator for us and administrative person. So...

The Secretary stated thank you.

Chairman McNulty stated look forward to working with you.

The Secretary stated same here.

Chairman McNulty stated forgot about you in the beginning. It's all your hard work.

Mr. Maxwell stated thank you.

Chairman McNulty stated you're welcome.

3) ROBERT WEIZENECKER – Fill Permit

Chairman McNulty stated Robert Weizenecker, we took care of at the work session.

4) ILLESCAS – Wetlands/Watercourse Permit

Mr. Luis Illescas was present.

Chairman McNulty stated we have the Illescas Wetlands Water Permit Application. Anybody here for that.

Mr. Luis Illescas stated that's me.

Chairman McNulty stated alright, you want to step up here, Sir.

Mr. Illescas stated sure.

Chairman McNulty stated Ted, do you have any comments on this at this point.

Ted Kozlowski stated yes I do.

Chairman McNulty stated we might as well hear from you first.

Ted Kozlowski stated okay.

Rich Williams stated Ted [referring to the microphone].

Ted Kozlowski stated good evening. Luis, how are you doing.

Mr. Illescas stated hi.

Ted Kozlowski stated I received your application. Now, this is the fourth time in the number of years that I've had to address a situation on your property, okay. And each time I come something new is there and you don't apply for permits and you comply with previous instructions by me and well as the Building Inspector to comply with our rules and regulations. So, in this case, you have a driveway; gravel big...gravel driveway and parking area, and I believe from the Building Inspector, some additional buildings that have shown up there since the last time I was on your property which, I think, was 2008. So, your application before me is incomplete because I do not have a list of nearby and adjacent property owners. When you apply for a wetlands permit, you need to notify your neighbors. That was part of the wetlands package that you took home to fill out. That list is not included. So that needs to be included. I have no problem with you not providing a functional analysis because everything there is disturbed and has been disturbed for a long time. So I can see no reason to go with that at this point. But, your plans are very weak. You hand...You've hand drawn in the location...the approximate location of the gravel driveway and the existing house. And what we need from hereon in is a good documentation of what is on that property because it seems to change over the years. And you are applying now for a permit after the fact that you put in a gravel driveway. And I am not opposed to that driveway being there, I'm not recommending to this Board that you pull it out. I did recommend to the Board and to you that you need a permit for that. But I need that to be shown on your property map along with your existing building so it's documented. In addition, you are required by this Town wetland law to also show where your septic is and your existing well. That is not shown on the plans either. So, you need to do this, okay. And I'm being a little more strict about this because of your history with us. And as I've said, I have issued you violations. You have corrected the violations. You have cooperated. I've never had a problem with you cooperating and I appreciate that but I feel that we know each other long enough that you really need to come and talk to us before you go and do these things, okay. So, I'm not recommending a denial of this wetland application, but you have to comply with the basics of the law. And I don't think this Board can give you an approval tonight, unless they want to waive those items, it's not my call. But I really think you need to come back and give us the proper documents.

Chairman McNulty stated thanks, Ted. We agree as a Board, we looked at this at the work session and, you know, we all sit here in the office and we get as much information as we can to make these determinations. And we can't base anything off of this. There's no dimensions on it. One of them says it's a 30' x 60'...

Mr. Illescas stated no. It's not.

Chairman McNulty stated area that's asked to be...

Ted Kozlowski stated driveway.

Chairman McNulty stated placed. Or driveway.

Rich Williams stated that was a driveway.

Chairman McNulty stated the driveway.

Rich Williams stated it's not a shed.

Chairman McNulty stated what's that Rich.

Rich Williams stated it's the driveway, it's not the shed.

Chairman McNulty stated well, that's what I mean. It's a driveway is 30' x 60'. And is there any kind of area at the bottom. I thought I understood...

Ted Kozlowski stated it's a big parking area.

Chairman McNulty stated which was there existing. Is that...

Ted Kozlowski stated it wasn't there in 2008.

Chairman McNulty stated okay. So...

Ted Kozlowski stated and they have the...

Chairman McNulty stated there's a parking area in addition to the driveway here. That's all intruded into the wetlands buffer.

Rich Williams stated yes.

Ted Kozlowski stated into the wetlands buffer. And it's the State Wetland DEP 22.

Chairman McNulty stated yes.

Ted Kozlowski stated Great Swamp. So, you know, it was lawn area but we have photo documentation going back that that wasn't there 2008. So it's showing up and, you know, it's... We have to have an understanding of...

Chairman McNulty stated no, I understand.

Ted Kozlowski stated the site.

Chairman McNulty stated this plan doesn't help us at all. We can't determine anything from this. You know, we need an accurate plan. We have the recommendation from the ECI and we can work from that. There's also an issue with the shed now. We saw... have a letter Building Department that they found...

Rich Williams stated there was an issue. There was some clarification needed about what Mr. Illescas was proposing as far as sheds out there. He met with our new Building Inspector, Bob McCarthy. I believe they came to an understanding that the two existing sheds were going to be moved and a new shed was going to be constructed in their place. Correct.

Mr. Illescas stated that's correct.

Rich Williams stated and that is, I believe, that plan is the last page in the attachment. I think it's the last page in the attachment.

Chairman McNulty stated of the application.

Rich Williams stated of your application package. Yes.

Chairman McNulty stated okay. So that would be rolled into this...

Rich Williams stated that would be...

Chairman McNulty stated approval as well.

Rich Williams stated as well.

Chairman McNulty stated what...What...

Board Member Taylor stated it's not on the plan.

Chairman McNulty stated no.

Mr. Illescas stated when...I don't know. Can I speak.

Board Member Brady stated well, the shed...the new shed is on this. It's it right here. Shed 12' x 24'.

Rich Williams stated it's not on your sketch.

Board Member Brady stated that's not the new shed.

Board Member Taylor stated it's not adequate on the plan.

Ted Kozlowski stated we need all the...

Board Member Brady stated yes. No.

Chairman McNulty stated yes, we need...

Board Member Brady stated I agree.

Chairman McNulty stated we need it...

Ted Kozlowski stated we need all the buildings. You need everything on the site.

Chairman McNulty stated you need the well, the septic, the buildings, the house, the driveway...

Ted Kozlowski stated yes.

Chairman McNulty stated you know, an accurate plan.

Ted Kozlowski stated that is normally require of permits because it's all in the wetland buffer. So, it needs to be shown.

Chairman McNulty stated what is the intent for the sheds. What do you use them for.

Mr. Illescas stated well, (inaudible) the Board to help me out here to explain to you guys. Thank you to everybody.

Chairman McNulty stated okay, go ahead.

Mr. Illescas stated and I'm sorry whatever I did before. I'm like an immigrant. I'm...This is new things for me. But I bought the house and I never knew that there was like wetlands I mean, it's like a big thing. That's the first thing.

Chairman McNulty stated now you do.

Mr. Illescas stated I know. I got in trouble. And I'm sorry again. I thought the wetlands was like something good for me. I said okay, it's nice. You know, I said...But I didn't know that. I'm sorry for that. Now, yes, you know, I...clearly my house was a very old house in there. I think everybody knows I guess. It needs a lot of work. There was a lot of water on the house, like mud. It's like, you know, a lot of animals go around my house. That's why I try to put a gravels on...gravel. Gravel around the house. I'm sorry, my English not that good but I hope you understand.

Chairman McNulty stated you did that for drainage.

Mr. Illescas stated drainage. And there's...I find animals around the house. There's snakes. I found there were snakes around right by the door. I have my little kid in there. It's like, you know, that's why I put some gravel in there. Now about the shed, two years I think it was when we had the bigger storm. The shed it was at the front of the house. It was an old shed was in there. And I got a letter from the Town they said to me you cannot have the shed at the front of the house, okay. Now, the thing is, okay, I couldn't move it at that time but I move later on because the money. I had to put at the side because my...the house is right at the corner, almost at the line. You can see on there [referring to plans]. The line's right there. It has this like on my...against the wall...

Chairman McNulty stated up against the property line.

Mr. Illescas stated exactly. I cannot go behind. So that's why I move the...I put at the side like...It's not big enough for me. I would like to have that just like temporary. It's a little shed that I did it by myself and it's a little box with...together. I don't know. That was behind my house but my wife she used for her...because in there I had things. My house doesn't have basement. It doesn't have attic. So, really...I mean...

Chairman McNulty stated so it's just storage for yourself.

Mr. Illescas stated yes, exactly. Originally, I used for my lawnmower and my tools. And the rest she used for her own stuff. But you saw in there it's like, you know, things. It's my wife's things. So...

Chairman McNulty stated okay.

Mr. Illescas stated so now my... That's why I moved it over there. I put the shed in right behind because I got the letter that said you cannot have it, the shed, in front of the house. So...

Chairman McNulty stated so you moved it...

Mr. Illescas stated now she... Yes. But I didn't know that I had to put 20' from the line. Like...if I had to put it... But since I have to move that I'm trying to see if I can get... put a shed in there. Eventually. I don't know when. A bigger shed; like a little bigger because I can have... What's your name. I'm sorry.

Chairman McNulty stated Rich.

Rich Williams stated Rich.

Mr. Illescas stated Rich. He told me I cannot have two of them. I mean, I have the box and plus the shed. I said, okay, well since I would like to have a bigger... 12' x 24', that's what I'm trying to do. And do like, you know, like the Town would ask me, which is like your regular one.

Board Member Taylor stated well, the only problem is you need to come to the Town and discuss what you want to do before you do it.

Mr. Illescas stated yes, yes. Yes. No, no. I am going to do that. I'm going to follow the... Because I told you just move the... Actually, I want to just temporary that because my intention is to eventually change all the roof or do something kind of an addition on there.

Chairman McNulty stated on the house.

Mr. Illescas stated on the house.

Chairman McNulty stated for that you have to go to the building department for one.

Mr. Illescas stated the house itself because it's like a... The house, it needs something like updates, so... But that's...

Chairman McNulty stated okay.

Mr. Illescas stated like I said, because...

Chairman McNulty stated so at this point, what we...

Mr. Illescas stated eventually.

Chairman McNulty stated what we need you to do is bring us a plan...

Mr. Illescas stated yes. Yes.

Chairman McNulty stated that's accurate.

Mr. Illescas stated okay.

Chairman McNulty stated if you need to talk to Ted or Rich, they'll guide you a little bit on what you need to prepare...

Mr. Illescas stated okay.

Chairman McNulty stated and submit to us.

Mr. Illescas stated alright.

Chairman McNulty stated and then...

Ted Kozlowski stated Mr. Illescas, you have to, I guess, see Sarah there about your neighbors. You have to... You're required by law to notify your neighbors of this wetlands permit application. Sarah, am I speaking out of turn here, I believe she will help you locating those names.

Mr. Illescas stated I thought she said she would send a letter or I have to send a letter.

Rich Williams stated no. You have to send a letter. We will give you the list of names and addresses. But that doesn't happen until the Planning Board sets a public hearing.

Chairman McNulty stated public hearing.

Ted Kozlowski stated right.

Chairman McNulty stated yes.

Mr. Illescas stated oh, okay.

Ted Kozlowski stated but we need a list of...

Rich Williams stated so, kind of premature.

Ted Kozlowski stated we need the list of property owners before that happens to verify that those are the...

Rich Williams stated we generate...

Ted Kozlowski stated owners.

Rich Williams stated we generate the property owners.

Ted Kozlowski stated okay.

Chairman McNulty stated yes.

Ted Kozlowski stated well, it's not included in the package.

Rich Williams stated no, because we generate it.

Ted Kozlowski stated okay.

Michael Liguori stated Rich, just to be clear...

Chairman McNulty stated so for now, what we really need is a solid plan.

Mr. Illescas stated okay.

Chairman McNulty stated and an intent of what you plan to do with the sheds and the driveway itself.

Rich Williams stated if you want me clear on the record, yes, we generate it. He acknowledges that it's...

Michael Liguori stated I'm...

Rich William stated accurate and correct.

Michael Liguori stated I'm not asking about the...I'm clear on that.

Rich William stated okay.

Michael Liguori stated when you guys ask for a more clear plan, are you guys asking for an as-built survey. Is that what you want. Where I just want to be clear is to...

Rich Williams stated you'll have to ask Ted and the Board. I...

Michael Liguori stated okay. You know, I just want everybody to be clear when...

Chairman McNulty stated well, this looks like it was taken from a survey and marked up.

Michael Liguori stated okay.

Chairman McNulty stated but it's just...It's not marked up with anything we could use.

Michael Liguori stated okay.

Rich Williams stated the sense that I get, Michael, is that's what they're asking for. Is an as-built. But...

Chairman McNulty stated yes. An as-built of the conditions you have and any proposed changes that you want to make.

Ted Kozlowski stated I'm concerned because this is the fourth time that Mr. Illescas is before the Board and each time we ask him to comply or come to us first and talk; that hasn't happened yet. And I really feel it's important, and each time I go out there there's something new or added on to. And I do not doubt, Sir, that you need these things. But you need to do what everybody else in the Town has to do and follow the law. So, you need to show what you have there and this Board needs to understand what is there so they can make their decisions. So if it's an as-built, then it's an as-built. I am concerned that, you know, I don't want you to spend an awful lot of money. I don't think you need an engineer, but you need...If you can't do it you need somebody that is going to be able to accurately place the buildings with the right

dimensions and the right distances and locate the wetland on your plan. That wetland isn't even on the plan. So this Board does not know where that wetland line is.

Mr. Illescas stated I think I have one of the picture thing there, with the line in there.

Chairman McNulty stated it has to be more than a picture. It has to be a drawing or a survey of some sort that's official that shows the wetlands, shows your house, shows your driveway, your septic, your well and the sheds...or proposed shed. We need to have that information. Ted, also, we've talked on a number of applications about marking the wetlands boundary.

Ted stated right.

Chairman McNulty stated is this a case where we need that done.

Ted stated it was done awhile ago on a previous violation. State was out there and I was out there. I doubt the flagging's still there, but...

Chairman McNulty stated but I mean a demarcation of some point. We talk about it on a lot of...

Ted stated I think the wetlands are very clear there. It's...

Chairman McNulty stated okay.

Ted stated it's night and day. Right.

Chairman McNulty stated (inaudible) around there in mud.

Ted stated yes, it's...Mr. Illescas does have an issue because I believe a lot...Before he bought the property, a lot of that land was wetland that's been filled in. And its...It wants to return as a wetland. So...

Chairman McNulty stated okay.

Board Member Taylor stated I think we need to address Mike's question about what we're asking him to do. You just official. Are we asking him to bring us a stamped engineer's survey or surveyor's survey, or are we will to accept something that is clear but not necessarily done by a certified professional.

Chairman McNulty stated I think with the number of outstanding issues and problems we've had, a survey, even a survey that's been...I don't know if that's legal if you can mark up an existing survey. But it should be an accurate survey...

Mr. Illescas stated I can do...

Chairman McNulty stated that's to scale.

Mr. Illescas stated I can bring in what I have so you can see that. The other thing is I would like to ask then that if that costs me a lot of money I'd like to...I don't know if the Town can wait for me because at some point I was going to do the house...lose the house. The bank gave me a break so I went to...

Chairman McNulty stated this is not an issue we really want to wait on because it's a violation right now. So it's something we want to move along.

Mr. Illescas stated okay, because that...If I have to hire somebody like that's going to be...

Chairman McNulty stated well, do you have a survey of the property...

Mr. Illescas stated I can...

Chairman McNulty stated an accurate...

Mr. Illescas stated I do have...

Chairman McNulty stated full size survey.

Mr. Illescas stated I do have it at the house. I don't know where it is. I will bring it and show it to you.

Board Member Montesano stated when you bought the property, did they give you a map showing...

Mr. Illescas stated yes. They gave me...

Board Member Montesano stated you the property.

Mr. Illescas stated yes. One of those...

Board Member Montesano stated okay.

Mr. Illescas stated and I have a bunch of papers in there.

Chairman McNulty stated well, you just have something like this.

Mr. Illescas stated I have other ones also.

Chairman McNulty stated you have full size.

Michael Liguori stated it should be a big...

Chairman McNulty stated a big full size print of the entire property.

Mr. Illescas stated no. No, I don't think so.

Chairman McNulty stated because...

Mr. Illescas stated but I will bring whatever it is in there.

Board Member Montesano stated is that from Town Hall [referring to the submitted plans].

Chairman McNulty stated I think that's what we're going to need. We're going to need a real copy of a survey and...

Board Member Brady stated he might be able to get them through the Building Department anyway, right. Should have a...no.

Board Member Montesano stated yes.

Board Member Brady stated there's no survey.

Chairman McNulty stated it's not available.

Board Member Montesano stated well, that would be sufficient because...

Rich Williams stated no, they don't have it.

Chairman McNulty stated but there's got to be a...This looks like it was...

Rich Williams stated that's the best we've got.

Board Member Montesano stated I mean, this has got to be one of these but it will show you the property and the size.

Chairman McNulty stated and there's no record of who prepared this on here. Can't tell from this.

Rich Williams stated if there was we couldn't take it.

Ted stated Mr. Illescas, when you purchased the property...

Rich Williams stated it didn't change.

Ted stated did you get a survey.

Mr. Illescas stated no, I don't...All the, whatever, my lawyer did and like I said, I didn't know what I was buying. Just like...

Michael Liguori stated it's not uncommon.

Chairman McNulty stated well...

Michael Liguori stated I mean, most...Most people don't go have their property surveyed before they buy. They... You just don't have to.

Chairman McNulty stated you usually get one transferred through the purchase, generally.

Board Member Montesano stated right.

Michael Liguori stated no, no, no. Not even. I mean if the seller has a survey, great. You know, if you can convince your client to get the property surveyed, most people do. But they don't want to spend \$750 bucks to get it done.

Chairman McNulty stated I know a lot of times banks will ask for it.

Michael Liguori stated yes, they...They used to insist on it. They don't anymore. You get it in a...An endorsement on your title policy. It will cover an issues for something like that. So...But anyway, I asked

the question because I just want everybody to be clear about what you're asking Mr. Illescas for and what you're expecting at the next meeting. Because if you want, you know, come back in a month...

Chairman McNulty stated I'd like to see a full survey, but now it sounds like it's not really available.

Ted Kozlowski stated I think if he had an accurate property boundaries and a landscape architect drafted it on, that could probably do.

Chairman McNulty stated well, could you get a better copy of this that's clear and mark it up...

Mr. Illescas stated I will...

Chairman McNulty stated accurately.

Mr. Illescas stated yes.

Chairman McNulty stated to show everything.

Mr. Illescas stated definitely. Definitely.

Chairman McNulty stated it can't just be some dotted lines...

Mr. Illescas stated no, no. I'm going to...

Chairman McNulty stated it needs to be...have some notes...

Mr. Illescas stated I'm going...

Chairman McNulty stated and be legible.

Mr. Illescas stated I'm going to ask him. I'm going to ask somebody who can do that for me so...

Chairman McNulty stated maybe what we could do if he could that, maybe run it by the office...

Rich Williams stated I'll take a look at it and I'll take the best guess.

Chairman McNulty stated and take a look.

Michael Liguori stated is a survey needed in connection with the building permit application or not. Because if it is, then it wouldn't be that big a deal to ask for it. If it isn't, then...

Board Member Brady stated right. If you're started the process...

Chairman McNulty stated well, how do you determine setbacks.

Michael Liguori stated it's already...That's my point exactly.

Rich Williams stated it's not a requirement.

Michael Liguori stated okay.

Rich Williams stated a lot of times, you know, the Building Department gets a survey...

Michael Liguori stated yes.

Rich Williams stated and I always encourage them to get a survey along with an as-built.

Michael Liguori stated right, right.

Rich Williams stated but it's not necessarily a requirement and...

Michael Liguori stated okay.

Rich Williams stated they've issued many, many building permits without a survey.

Michael Liguori stated okay. That...

Chairman McNulty stated how do you determine the setback from the property lines without a survey.

Rich Williams stated let's guess.

[Laughter].

Chairman McNulty stated Mr. Zarecki, you have a question.

Mr. Joe Zarecki stated I just feel bad for him. I said I'll do a deed...if I could do a deed plotting from his deed and then do some measurement for it, I'll be more than glad to do it pro bono to help him out and get this thing moving for you.

Mrs. Kathleen Munro stated oh.

Board Member Taylor stated thank you.

Chairman McNulty stated thank you. That would be nice.

Mr. Illescas stated thank you.

Mrs. Kathleen Munro stated that's so nice.

Board Member Taylor stated okay, maybe that solves it.

Chairman McNulty stated alright, so speak to Mr. Zarecki there and he'll work with you. Come by the office before the...it's due to be submitted. When's the next submission for the...date.

Rich Williams stated don't have it in front of me but it's...Don't have it in front of me.

Chairman McNulty stated end of August.

Rich Williams stated yes. Probably about two weeks.

Chairman McNulty stated so, you don't have a lot of time, really, to get this together.

Mr. Illescas stated yes.

Chairman McNulty stated but we need you to expedite it and move it along.

Mr. Illescas stated okay. Alright.

Chairman McNulty stated okay. Do you understand what you have to do.

Mr. Illescas stated yes, yes. Just put together on...Bring whole package...

Chairman McNulty stated bring it back to us. We'll have the ECI look at it. We'll look at it. Rich will look at it. The engineer, do you have any comments.

Board Member Brady stated I think Mr. Zarecki knows what we're looking for probably better than...

Chairman McNulty stated yes.

Michael Liguori stated better than you do.

Board Member Brady stated yes. Exactly.

Ted Kozlowski stated I'll talk to Joe.

Chairman McNulty stated okay. Alright.

Mr. Illescas stated okay, thanks a lot.

Chairman McNulty stated thank you, Mr. Illescas. Okay.

Board Member Montesano stated (inaudible).

5) DOUGLAS & KATHLEEN MUNRO – Lot Line Adjustment

Mrs. Kathleen Munro was present.

Mrs. Kathleen Munro stated is it me.

Rich Williams stated that's you.

Chairman McNulty stated okay.

Board Member Brady stated sounds good. That saved a lot.

Chairman McNulty stated Mr. Munro.

Mrs. Kathleen Munro stated yes.

Chairman McNulty stated okay. Could you speak into the microphone.

Mrs. Munro stated hi.

Chairman McNulty stated hi. You're here for a lot line adjustment...

Mrs. Munro stated yes.

Chairman McNulty stated on your property.

Rich Williams stated and also a wetlands permit.

Mrs. Munro stated and a...Well...yes.

Board Member Taylor stated could you state your name, please...

Chairman McNulty stated could you state...

Board Member Taylor stated for the record.

Mrs. Munro stated sure. My name is Kathleen Munro.

Chairman McNulty stated okay. What do I have here. How'd you guys open yours.

Board Member Taylor stated yes.

Board Member Montesano stated here you go.

Chairman McNulty stated okay, so you have a wetlands app...or permit...

Board Member Brady stated the minutes are going to (inaudible).

The Secretary stated thank you.

Chairman McNulty stated and a lot line. And now you've decided you want to take down a house and relocate it, correct.

Mrs. Munro stated right, there...Yes. There's a summer...I call it a summer shack. It's on about 8 or 10 cement pilings, falling apart.

Chairman McNulty stated that's the house you live in now.

Mrs. Munro stated no.

[Laughter].

Chairman McNulty stated okay.

Mrs. Munro stated no.

Chairman McNulty stated are you in the house next to it.

Mrs. Munro stated yes. I'm in this house [referring to the plans].

Chairman McNulty stated okay.

Mrs. Munro stated yes.

Chairman McNulty stated and you're going to combine Lot 3 with your property.

Mrs. Munro stated well, what happened was when we purchased the property...Or rather...

Rich Williams stated Mrs. Munro, you can take the mic right out.

Mrs. Munro stated oh, okay. Notice I'm not good with these.

Rich Williams stated none of us are.

Chairman McNulty stated none...yes.

[Laughter].

Mrs. Munro stated okay. When we purchased the property in '09...'09...'05, we had a piece of property here with a house on it and then back here was another piece of property. It was just vacant. They're not connected. The property owner here with the house with the summer shack had a little piece that came over here, separating our two lots.

Chairman McNulty stated yes.

Mrs. Munro stated it was a Hatfield and McCoy kind of thing going on here. So...

Chairman McNulty stated that's since been remedied.

Mrs. Munro stated remedied. Yes, because now we bought this piece of property in February...February 28th.

Chairman McNulty stated okay.

Mrs. Munro stated and so what we wanted to do, originally, was to take the house down and have a house similar, directionally, on that piece of property. We were told we could do one thing, but we weren't able to do the one thing that we wanted to do originally. Because originally we were told we could put the well cap in the garage, which you can't. So we had plans drawn up, the whole nine yards. So, we redid them. We have the new house plans and everything. And so here's the new map/survey showing that the house is going to be in another direction.

Chairman McNulty stated yes.

Mrs. Munro stated and I see, you know, you people are talking about wetlands. The little stream that's here, which is what you guys are referring to in the letter I just got. It's 35'. This is actually runoff that was created from the street because it's a hill. So that's runoff. So I don't know if you want to call that a stream. We call a little stream, which just starts there.

Chairman McNulty stated I don't know, it becomes a wetland. Ted, you want to comment.

Ted Kozlowski stated I had a nice conversation with your husband.

Mrs. Munro stated okay.

Ted Kozlowski stated I don't know if he filled you in or not.

Mrs. Munro stated not fully.

Ted Kozlowski stated okay.

Mrs. Munro stated he's on his way.

Ted Kozlowski stated that is a running stream and it is flowing into a small wetland which then is draining into Putnam Lake. And the size of that wetland associated with that stream corridor, is regulated because it is all one system and it connects to Putnam Lake. It is very important, especially around Putnam Lake, that all the wetland pockets that are remaining remain because those are the last of the natural filters of all the water and all the runoff that's coming from all those house around Putnam Lake. Those are the natural filters that are helping the water quality of Putnam Lake. So, this is one of the reasons this Town has a wetlands permit. Or a wetlands law; to protect these wetlands. So, I explained this to your husband and he was very impressed and very positive in his reaction and understanding in protecting that. So, it's not a small little 35' runoff that goes nowhere.

Mrs. Munro stated okay.

Ted Kozlowski stated okay. It is draining from above you.

Mrs. Munro stated yes.

Ted Kozlowski stated and it is going through and that it probably was a stream corridor at one time. Putnam Lake has been so developed, so altered, so changed over the years. But you are sitting in a bowl and you're surrounded by development and that is all running off into the Lake. So, it is important that we protect all of these last remnants of those resources.

Mrs. Munro stated good. Good.

Ted Kozlowski stated so, I'm not opposed to what you want to do, but we need to make sure that that...those areas are protected.

Chairman McNulty stated thanks, Ted.

Mrs. Munro stated is it the right amount of footage.

Ted Kozlowski stated you're all within the buffer, so...

Mrs. Munro stated oh, good.

Ted Kozlowski stated it's...

Rich Williams stated no. Not good.

Chairman McNulty stated no. It's not good.

Mrs. Munro stated you were making me nervous.

Ted Kozlowski stated okay. But it's not a situation where I'm going to recommend to this Board that you get denied. We just want to make sure that...

Mrs. Munro stated yes.

Ted Kozlowski stated that remains and the wetland remains, and whatever you do there is protected. That's it.

Chairman McNulty stated basically, it just makes you aware, and it makes the Town aware, of what kind of developments going on in the wetlands area. So, guess the other issues with the house, the same footprint. You've been to the Health Department. You're going to be able to do what you want to do.

Mrs. Munro stated excuse me [referring to coughing]. Yes. We went to the Health Department and we had everything okayed by them for the septic and the well and all that good stuff.

Chairman McNulty stated okay. You guys have any other comment.

Board Member Taylor stated we're working on the wetland application tonight.

Chairman McNulty stated yes.

Board Member Taylor stated correct. We're not doing the lot line tonight.

Chairman McNulty stated well...

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

Board Member Taylor stated oh, are we doing both.

Rich Williams stated certainly... Well, certainly, you can address both. The first is the wetlands/watercourse application. Procedurally, you know, what you want to do with it. It is somewhat of a minor intrusion. I believe Ted would agree, into the wetlands.

Ted Kozlowski stated like I said, I have no problem with you guys moving forward on this. Mr. Munro, and I hope Mrs. Munro now understands why we need to protect that. Agree to it, make sure you've got your silt fencing up, do the other things that you would do to protect it when you do your project and I'm fine.

Rich Williams stated there are two courses of action the Board can follow tonight. One is to acknowledge that this is a really minor impact to a small wetlands and stream, waive the public hearing, grant the wetlands/watercourse permit and then grant the lot line adjustment plat. The second course of action is, of course, to recognize that you need a public hearing and to schedule a public hearing for the next meeting.

Chairman McNulty stated so...

Mrs. Munro stated okay.

Chairman McNulty stated well, I think we discussed it. It's all been addressed pretty well. It's a pretty well established area. I'd make a motion to waive the public hearing.

Board Member Taylor stated second it.

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

Rich Williams stated on the wetlands/watercourse permit.

Chairman McNulty stated on the wetlands/watercourse permit. We don't need a public hearing for the lot line, correct.

Rich Williams stated you do not.

Chairman McNulty stated okay.

Board Member Taylor stated well, I would make a motion that we approve the...

Chairman McNulty stated well, we have to do SEQRA first, right.

Rich Williams stated you do need to do SEQRA first.

[Laughter].

Board Member Taylor stated okay.

Rich William stated see, we're getting there.

[Laughter]

Chairman McNulty stated I'm learning.

Ron Gainer stated you're having an effect. That's good.

Board Member Taylor stated well it worked. We were kidding him at the work session about doing SEQRA in the right sequence. So it seems to have set in here. I move that in the application of Douglas and Kathleen Munro for the...

Chairman McNulty stated McNulty stated wetlands application.

Board Member Taylor stated wetlands application the Planning Board of the Town of Patterson finds that the proposed action being an unlisted action, will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Board Member Montesano stated second.

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

Chairman McNulty stated okay.

Board Member Taylor stated and...

Chairman McNulty stated now...

Board Member Taylor stated we ready for the application itself.

Chairman McNulty stated now there was an EAF. That's in relation to the wetlands, correct.

Rich Williams stated correct.

Board Member Taylor stated I think we looked at it, didn't we.

Chairman McNulty stated yes, that was... We commented we were good with that. I meant to bring that up. Okay.

Board Member Taylor stated but we... And we probably need to say that... we should have said that as part of the SEQRA that we reviewed...

Chairman McNulty stated yes.

Board Member Taylor stated the EAF and found no problems with it. I think we'll amend that to the previous motion.

Chairman McNulty stated yes...

Board Member Montesano stated and I'll agree to the amendment.

Chairman McNulty stated and then on the app... Is there an application for the lot line.

Rich Williams stated well, start with the...

Chairman McNulty stated was it just a...

Rich Williams stated start with the wetlands. If you're going to approve this, start with the wetlands/watercourse application.

Chairman McNulty stated which we just did.

Rich Williams stated you... No. You just did SEQRA.

Board Member Taylor stated no, no. We did SEQRA.

Chairman McNulty stated oh, SEQRA.

[Laughter].

Board Member Montesano stated now you can do...

Chairman McNulty stated I'm new in this seat so have a little patience.

Michael Liguori stated Tom, you waived the public hearing...

Chairman McNulty stated we waived the public hearing. We did...

Michael Liguori stated we did SEQRA.

Chairman McNulty stated SEQRA. There you go, Ron.

Board Member Taylor stated okay, see which one is on here. In the matter of Douglas and Kathleen Munro wetlands/watercourse application...

Rich Williams stated huh.

Michael Liguori stated yes. And I wouldn't get paid.

Board Member Taylor stated I recommend that we approve it.

Rich Williams stated (inaudible – too many talking) do that anyway.

Board Member Brady stated I second.

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

Chairman McNulty stated okay.

Rich Williams stated now would like to do...

Board Member Taylor stated are we ready for the lot line.

Board Member Brady stated the lot line.

Rich Williams stated the lot line.

Chairman McNulty stated yes.

Rich Williams stated then what you're going to do is you're going to approve the lot line adjustment plat as revised July 18th, 2014.

Chairman McNulty stated okay, I'd like to approve the lot line adjustment as Rich just stated clearly to the plan dated July 18th...

Board Member Taylor stated 2014.

Chairman McNulty stated 2014.

Board Member Montesano stated second.

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

Ron Gainer stated subject to DOH.

Rich Williams stated huh.

Ron Gainer stated subject to DOH.

Rich Williams stated subject... Well, we're just doing a lot line adjustment plat. It's up to her to...

Ron Gainer stated okay.

Rich Williams stated deal with the house and...

Chairman McNulty stated we don't get a lot of these...

Rich Williams stated nothing to do with the lot line adjustment.

Mrs. Munro stated no.

Chairman McNulty stated no.

Rich Williams stated Mrs. Munro, the next steps for you are two things. One is you need to get my office five copies of that plan plus whatever you want back for the final signature of the Planning Board, then you're done with the lot line adjustment plat, the wetlands/watercourse permit and you need to get on our phone and call your husband and tell him not to bother to come here.

[Laughter].

Board Member Brady stated you did better without him.

Mrs. Munro stated alright.

[Laughter].

Michael Liguori stated just a... Just a note, too, just fill her in about getting the mylar, recording the map, that aspect, because it's not just done here.

Rich Williams stated oh, yes. Yes. I'm thinking this is a site plan.

Michael Liguori stated

Rich Williams stated you need to get the surveyor to give us a mylar; one mylar.

Mrs. Munro stated what's a mylar.

Rich Williams stated just...

Ron Gainer stated Terry will know.

Rich Williams stated Terry Bergondorff will know.

Mrs. Munro stated Terry.

Michael Liguori stated are you working with Terry directly.

Mrs. Munro stated yes.

Michael Liguori stated alright. Terry's going to know what to do. So, when... Tomorrow, or whenever the next time you have availability.

Mrs. Munro stated okay. I need a mylar.

Michael Liguori stated yes. Terry...

Rich Williams stated yes.

Michael Liguori stated it's M-Y-L-A-R.

Mrs. Munro stated and what else. What was the first thing that you said.

Rich Williams stated forget the first thing I said. Just...

[Laughter].

Rich Williams stated remember to call your husband. But you're going to have to get us the mylar. Tell Terry that you got an approval...

Mrs. Munro stated okay.

Rich Williams stated and she will send us the mylar up so we can sign it.

Michael Liguori stated right.

Rich Williams stated and then you're going to have to record this over at County. I don't know...

Mrs. Munro stated oh.

Rich Williams stated I went off the reservation. I thought it was a different action. I don't know why.

Michael Liguori stated they were moving too fast.

Mrs. Munro stated okay. So what you said about five copies or something, I...

Rich Williams stated forget that.

Mrs. Munro stated oh. Okay.

Rich Williams stated just forget it.

Mrs. Munro stated so the only thing I need to do is...

Board Member Brady stated you guys are organized, man.

Mrs. Munro stated get the mylar for here.

Rich Williams stated us to sign.

Michael Liguori stated right.

Mrs. Munro stated okay.

Rich Williams stated bring it into my office.

Michael Liguori stated and that's a plastic version of that map. Once it's fully executed, it will be taken... You have to take it over to the County and it will cost \$10 to record.

Mrs. Munro stated yes.

Michael Liguori stated they will record it.

Board Member Taylor stated then we do SEQRA. We put that... write that on (inaudible – too many talking).

Michael Liguori stated and you're going to ask them to... Once it's recorded, you're going to ask them for five copies of that.

Mrs. Munro stated okay.

Michael Liguori stated you're going to bring them, the Town, back three...

Rich Williams stated five.

Michael Liguori stated five.

Rich Williams stated plus whatever you want back.

Michael Liguori stated right. So when...

Rich Williams stated so when you go to County and ask for copies back...

Mrs. Munro stated yes.

Rich Williams stated you're going to bring me five of those copies back and you're going to ask them for...

Michael Liguori stated make one for yourself.

Mrs. Munro stated I'll say six.

Michael Liguori stated six.

Mrs. Munro stated five to Rich.

Rich Williams stated and honestly, you'll probably get six and just bring them over to AVP and they can make them cheaper.

Mrs. Munro stated okay. What is my next step for the building of the house.

Michael Liguori stated that you would deal with the Building Inspector.

Mrs. Munro stated Building Inspector.

Michael Liguori stated yes.

Chairman McNulty stated yes. Or if you have one on record.

Mrs. Munro stated thank you guys.

Chairman McNulty stated you're welcome. Good luck.

Mrs. Munro stated I'll take this [referring to the plans on the board].

Chairman McNulty stated don't forget to go to the Building Department.

Mrs. Munro stated yes.

6) S.A. HEBERT PROPERTIES – Site Plan Application

Mr. Hebert, Mr. Joe Zarecki, Zarecki, and Mr. Michael Caruso, were all present.

Chairman McNulty stated okay. Okay, next on our agenda is S.A. Hebert Properties. Anybody here from there.

Mr. Joe Zarecki stated yes.

Chairman McNulty stated okay.

Rich Williams stated or just call the office. They can always find it.

Mrs. Munro stated okay. Thank you so much.

Chairman McNulty stated do they have a plan with this.

Board Member Taylor stated yes they do. This one. My plan. Okay.

Board Member Montesano stated make it easier.

(Inaudible – too many talking).

Board Member Brady stated you want me to move over a little.

Chairman McNulty stated no.

Rich Williams stated the property lines. I don't know off the top of my head if...

Board Member Taylor stated notes. Notes, notes, notes. Oh, we got the notes.

Rich Williams stated they can certainly (inaudible – too many talking).

Mrs. Munro stated we'll have a party and (inaudible).

Board Member Taylor stated complete section 2.

Chairman McNulty stated okay. Hi, Joe.

Mr. Zarecki stated good evening. How are you.

Chairman McNulty stated good. Could you just speak loud enough so the mic picks you up.

Mr. Zarecki stated sure. Mr. Hebert and Mr. Caruso are on there way up stairs. They were just waiting outside, so...

Chairman McNulty stated okay.

Mr. Zarecki stated they'll be up here in a minute. If you give them a minute. But in the meantime, we had submitted a site plan that has been reviewed by the Town Engineer and Town Planner. And we got the comments today. And I believe there was a workshop so I don't know if we need to go through the entire site plan as it or how it...How do you want to go through this part of the planning process in regards to questions.

Chairman McNulty stated well, there was a number of items and a lot of technical things on here by the engineers if you...

Mr. Zarecki stated yes. I saw that and...I didn't really get a chance. I did really look at it and what I tried to do is tried to address as many comments that I have and not being perfect, I tried to comply with a lot of things that we needed to do. One of the issues on the previous reports was to find out what's going on with the septic system.

Chairman McNulty stated yes. Have you heard from the Health Department at all.

Mr. Zarecki stated actually, we had excavated out the d-boxes and the engineer for the Putnam County Health Department actually came out, Mike Budzinski, and he saw that the boxes...and there wasn't a lot of fill for any of it. He was just satisfied to where the laterals were. And on the upper side over here he said there was a little bit that drifted into that spot and he looked at the septic tank and he wanted a lid put on it. He was okay with the barrel there; as long as it was able...was...be able to clean it out. He was okay with that. So, we had submitted him sketches of what we had and we're just waiting to get back because he hasn't had a chance to review the little sketches that have of the site visit. And these have all been as-built, with the survey and located in this box that are here was the original design septic system with the reserve area. So it was all...Everything's still intact with the laterals that are existing. And according to him, any change in use could increase the design so change of use that are permitted, we still have a gallons per day that are allowed, so we're going to be putting...

Chairman McNulty stated and you still have reserve area, too.

Mr. Zarecki stated there is a reserve area that's up here that was from the original. He said we didn't need to expand to 100% because we're not changing the original design flows or anything that's going on there. However, if there is a restaurant that goes in there, obviously, the design flows, would it be greater than what was originally approved, and then the septic. So we would have to be cognizant of the new use that would go in there and make a determination at that time if it exceeds the original design approval. Well, that's what we did with that. With the detention basin that's existing...I'm just kind of working backwards up the site. We had originally had a detention basin. We found the original plans that were there and we laid them on the drawing that we had surveyed originally. And then we calculated the increase in runoff from what we...what was going to go on at the site and increased the detention basin and cleaned it up, pretty much to the original design, but increased the volume. One of the comments that are in the report that we had was to take consideration of all Jon Barrett's Road. I didn't do that and I didn't have any intention of doing that because I don't know what's up there and it comes off Town property and that would be a major engineering/stormwater management plan to go into a basin that already was handling it or not maintaining it, but handling it. But that was our considered...I mean, that's what I did and I can understand if that's where we're going with that direction. But, I'm not sure...We're increase...This basin is increasing from what we're doing, not considering anything else, so we're taking the assumption the original basin was big enough for the design and therefore why consider anything else here. Just increase it but what we're doing, not what was originally designed for.

Chairman McNulty stated I haven't seen the Town Engineer's comments yet, but Ron, was that something...

Ron Gainer stated yes. Exactly.

Chairman McNulty stated that you addressed.

Ron Gainer stated we have the same concern, but we can work directly with Joe to make that understandable.

Chairman McNulty stated okay.

Mr. Zarecki stated right.

Rich Williams stated okay, just to be clear, from my perspective. I mean, he's changed the site. He's changed the grading on the site. They've changed the way the hydrology runs through the site at this point. You know, they can't just look at one little portion of the site now and say that's the only portion we need

to look at because it all interplays with each other. So certainly, the runoff that's running through that pond has to be routed in comparison with the other areas of the site that have been effected. He's putting more drainage down into that pond. He recognizes that; he's increasing the size of the pond to account for that additional drainage that's going in there. So...

Mr. Zarecki stated and I hear what you're saying but I respectfully disagree. The flow...This detention basin was sized for this site and the entire development; whatever's up above it. That was what the existing basin here is. So if that's handling it and I'm increasing it and adding storm drainage from onsite only, and we make it...We increase the basin size based on what we're doing, the rest of the basin should be adequate to handle it. I'm not changing anything. I'm changing what we added, and made it bigger and we're cleaning it out.

Chairman McNulty stated no, I understand what you're saying. Rich, I'm a little confused. You're saying no, that's not the case.

Rich Williams stated yes. That's not the way I see it. Ron, is that the way you see it.

Ron Gainer stated no. Again, you're...As soon as you change the conditions, is what Rich is trying to describe, I mean, you have to come at a current rate. So, there're a certain design parameters that you have to design to. We don't have a basis to understand the original design. It's got to be...

Chairman McNulty stated well, it sounds like Mr. Zarecki does. You said that was designed to cover the property and...

Ron Gainer stated well, there's no question that drainage went into that basin originally.

Chairman McNulty stated but we don't know why...

Ron Gainer stated what their design basis was...

Chairman McNulty stated it was...how it was designed.

Ron Gainer stated back in the 70s or 80s. We don't know. I mean, there are parameters to design to today...

Mr. Zarecki stated and...

Ron Gainer stated that should be considered. And the SWPPP attempts to look at that but it really takes...

Mr. Zarecki stated I just...

Ron Gainer stated no account of that...

Mr. Zarecki stated I'm in disagreement because...

Ron Gainer stated yes.

Mr. Zarecki stated the Town took over the roads and allowed discharge into this basin without considering if this basin was big enough. They just do it. And we still don't have the disposition of the ownership of that basin or...

Rich Williams stated yes, sure we do.

Mr. Zarecki stated or easement.

Rich Williams stated we know exactly who owns the basin.

Mr. Zarecki stated well...

Rich Williams stated you're...respectfully, your client...

Mr. Zarecki stated I mean...

Rich Williams stated owns the basin.

Mr. Zarecki stated I'm not...I'm just going...But I couldn't find when we did the survey with the basin.

Mr. Michael Caruso stated yes. Sorry.

Chairman McNulty stated please state your name.

Mr. Caruso stated Michael Caruso of William Schiling's Office; we represent Steve Hebert, working in conjunction with Joe. I just want to dovetail on that point. We did look into whether or not that there are any utility easements or anything burdening the property with respect to that detention basin. Just from pulling the records that I've seen so far in the County Clerk's database and some rough change in title that I've seen, I don't see any restrictions or anything benefiting, you know, or creating a restriction on the property for the benefit of Jon Barrett Hill Road and the Town. Nothing coming in. Nothing on any of the surveys I've seen on file with the County Clerk show any of those rights. So I haven't seen them.

Rich Williams stated Mr. Liguori, how long does our drainage need to be going into that detention basin before we've developed a prescriptive easement.

Michael Liguori stated ten years.

Rich Williams stated thank you. Anything else.

Chairman McNulty stated can you elaborate and put that in terms we can understand, please.

Rich Williams stated you know, we can start arguing...

Mr. Caruso stated that's a little presumptive though.

Michael Liguori stated it's not.

Rich Williams stated it's not a little presumptive.

Michael Liguori stated look. Rich, can I have the microphone.

Rich Williams stated absolutely.

Michael Liguori stated I think if...The way to get to the bottom of it...Prescriptive easements aside, is to look at the overall approval for the Robin Hill Corporate Park; the original approval. And if the original approval for the corporate park in the Town's records indicates that, you know, any drainage on, you know, for that development if it's there, which it is...I would say is likely because it, you know, probably wouldn't have been constructed. And we could actually go back to the original developer because he's here in Town.

Rich Williams stated yes, hey is.

Michael Liguori stated you know. So that's where we would look to get that answer. And I don't think that's too difficult to get to because we have a subdivision plat for Robin Hill that's filed in the County Clerk's Office and I hope that the development plans for Robin Hill, the Planning Board approval, would still be in the Town's files. It may not be here; in storage somewhere where we'd have to, you know, take a look at that and that's one way to get to the bottom of it.

Chairman McNulty stated okay.

Michael Liguori stated okay.

Mr. Zarecki stated but in the meantime, I mean, in good faith, Mr. Hebert said go ahead, do what we got to do with the basin. He's willing to do the work and to maintain it and clean it out and do what we need to do. It's just the extra engineering work to design all that flow, I mean, if the Town has information or has that design capacity to design to design their own roads and the infiltration; what's coming off their roads into the basin, I think it would be helpful to Mr. Hebert cost wise if the Town could provide that information on their own watershed coming into the basin as part of their portion of utilizing it. I mean, Mr. Hebert's got a, I mean, we know there's sand and things when they maintain it all discharges here. All that's presumptive that Mr. Hebert has to clean out that basin to take care of all that sand and salt on the whole entire road on his property. And all he's trying to do is do a little bit here and...I'm just trying to get equitable...

Chairman McNulty stated no.

Mr. Zarecki stated so Mr. Hebert doesn't have to bite the entire bullet for the whole project.

Chairman McNulty stated where does that pond stand now as far as design and capacity. Does it have the capacity for the road drainage as it's been expanded.

Ron Gainer stated the pond hasn't been maintained in an eternity. I mean, if you just...You saw at the site there's...and there's major vegetation. There's a lot of silting that's occurred. Couldn't have the capacity it originally was designed to...

Chairman McNulty stated but the new design...

Ron Gainer stated to provide.

Chairman McNulty stated where does it fall, technically, with...

Rich Williams stated well, that's what we're...

Chairman McNulty stated being able to function properly.

Rich Williams stated that's what we need to understand. And respectfully Joe, your client regraded the basin...Regraded the back of his building. He has...And one of my first questions has to go with whether it's going to be a gravel surface or a blacktop and that's going to, you know, drive some of this argument. But he's created this new area behind the building that previously was grass on a slope where the runoff and those conditions came down to the back of the building and then went somewhere, presumably, at least it split and went half to the parking lot, half around the back of the building. Now we're going to capture all of that and push all of that to the basin that wasn't going to the basin originally.

Mr. Zarecki stated and that's correct. And we did that because we talked and you said we didn't want it to run down into the street and to these catch basin and then saying can we direct it into the basin. And based on directing it into the basin, we did the calculations, which have some comments on, and I can appreciate all the comments that he has, but we increased the size of the basin because we anticipated, because we redirecting and doing a better job than it originally was. Before he did that work, it was going out to [Route] 22 and into their basins.

Chairman McNulty stated yes.

Mr. Zarecki stated now we're taking in here and getting stormwater management of stormwater that previously wasn't going there and that's why we redesigned it, for this design and the shape. But we didn't consider what came down Jon Barrett Road because the basin is bigger than it was. We increased it to handle what we were doing.

Chairman McNulty stated I understand. So that puts us in a position where...How do we decide how this gets settled. With the road...I mean, is it their responsibility to collect the water. Is it the Town's.

Rich William stated well, the issue with the road and the drainage going is and the maintenance of the basin going forward, you know, that's a...I think that's a separate conversation than what we're having here. I mean, the Town made...I don't want to go too far out on a limb, but you know, we do have the road runoff going into the basin. We've got to acknowledge that.

Board Member Taylor stated okay.

Rich Williams stated alright.

Board Member Taylor stated but let me ask...

Rich Williams stated but my issue is this: You've got two or three different watersheds coming down and the timing that the runoff is coming through and hitting the outlet of that basin all has to be looked at so that you know the outlet is functioning properly. That's the issue for me. Am I wrong, Ron.

Ron Gainer stated no, you're not.

Board Member Taylor stated let me ask a clarification. Mr. Zarecki stated that they increased the size of the basin to compensate for the increased flow from their property.

Rich Williams stated right.

Board Member Taylor stated now do you agree with that.

Ron Gainer stated the basin is shown to be enlarged, right.

Chairman McNulty stated but technically, do you agree that it will handle it.

Board Member Taylor stated to the same amount.

Ron Gainer stated no, I haven't looked at it to that degree to understand exactly what portion...

Chairman McNulty stated okay.

Board Member Taylor stated alright. So...

Ron Gainer stated that can satisfy.

Board Member Taylor stated so I think we need to answer that question and then you've got a different question in terms of inflow timing that needs to be addressed. It doesn't matter whose property it is; will it work or won't it work because if it doesn't work then what happens to the water.

Rich Williams stated well, that's the sixty-four dollar question. It either overtops or the basin doesn't function properly.

Board Member Taylor stated yes. Right. So then...

Mr. Zarecki stated I would respectfully request, if it's possible, on behalf of Mr. Hebert to spend his dollars engineering a Town design if they could provide the design and the flows coming off there, incorporate it with what we're doing on site, I'll be more than glad to match the two numbers and see if we got the results there.

Michael Liguori stated alright, let me just clarify...Let me...Hopefully I can just provide a little bit of clarity, okay. So, the Town accepted this road. It didn't design it and then go build it and then wait for, you know, the property around it to get subdivided and then bought. This was developed as an organized commercial subdivision. A residential...

Chairman McNulty stated yes.

Michael Liguori stated land subdivision. So I'm hoping...Hoping, parenthesis, you know, that there is something in our file that indicates...Hopefully there's some technical data. There may, there may not be. You know, I would say it's probably likely that there isn't technical data just because of how old the Robin Hill Corporate Park Subdivision was. Because I think it was in the 80s maybe.

Board Member Montesano stated 70s.

Rich Williams stated 70s.

Michael Liguori stated late 70s.

Rich Williams stated late 70s, early 80s.

Michael Liguori stated alright, so, you know...

Chairman McNulty stated would there be something in the deed.

Michael Liguori stated no. This isn't stuff...

Board Member Montesano stated no.

Michael stated that's in the deed. This is the Planning Board's file. You know, the same engineering reports that Joe would generate for today that Ron would review...

Chairman McNulty stated sure.

Michael Liguori stated we're looking at that might... You know, we're looking back to the 1970s version of that stuff, okay. And may shed some light as who's responsible for maintaining the basin. I get, you know, I get Mr. Hebert's issue which hey, I bought that piece of property and it didn't have any restrictions on it and my...

Chairman McNulty stated no, I understand.

Michael Liguori stated title report and now I'm responsible to get the... an excavator to take all the sand out of it at the end of the year. You know, if he's responsible for that then there should have been a declaration that made everybody contribute for that because there's only none or ten people that benefit.

Chairman McNulty stated yes.

Michael Liguori stated it's just the only... Only the people in the Robin Hill Corporate Park. So... So anyway, the clarity that I was hoping to provide is that maybe there's an answer to some of these engineering questions because I, you know, I don't think the Town is going to go generate the engineering data for a road that it didn't build. And maybe there's something there when they... when it accepted it. There was, you know, some acknowledgement by the Town Board. And this is the digging that needs to go on. Someone's got to go look through those files and take a look at that stuff and maybe find the answer.

Rich Williams stated we can try...

Chairman McNulty stated Rich, have you looked at any of that information.

Rich Williams stated we can try to dig a little bit harder. I got to tell you, the records from that period are very, very sketchy.

Michael Liguori stated yes.

Rich Williams stated there wasn't a lot of data anywhere. We did look for, you know, any sort of drainage study and drainage analysis that was done out there.

Board Member Brady stated has there been any problem with it overflowing.

Rich Williams stated not that I'm aware of.

Board Member Brady stated okay.

Chairman McNulty stated yes, has it functioned to this...

Board Member Brady stated yes.

Chairman McNulty stated to this point.

Rich Williams stated well, honestly...

Chairman McNulty stated even in the condition that it's in.

Rich Williams stated you know, all the detention ponds in the Robin Hill Corporate Park are...

Chairman McNulty stated outdated.

Rich Williams stated well, they're designed so water flows in and water flows out. They're supposed to be detention ponds...

Board Member Brady stated right.

Rich Williams stated but, you know, I have a hard time conceiving when you've got a 15" pipe inflow and a 15" pipe outflow there's some sort of detention in there. The engineer's tell me it works some way and the calculations tell me it work.

[Laughter].

Rich Williams stated when you've got a 15" pipe on the inflow and a 15" pipe on the outflow and you're somehow detaining water, you know, I have trouble with that.

Chairman McNulty stated well, this is not an area I'm an expert at. So we need the engineers...

Ron Gainer stated it's my recollection...

Chairman McNulty stated to...

Ron Gainer stated it's my recollection from years ago back in the days of Bill Burdick that he...

Mr. Liguori stated here, Ron [referring to the microphone].

Ron Gainer stated I'm sorry. And this is a long time ago with Bill but he had issues with that basin and I can recall him directing the prior owner to do some cleanout of that basin. So something occurred in the past.

Rich Williams stated no, we have those records.

Ron Gainer stated okay. Well, there you go. I can remember that.

Chairman McNulty stated well maybe that's something we should have to review. That's if we can get those...

Rich Williams stated it just...

Ron Gainer stated there was something the Town insisted on that the property owner addressed and that was accomplished back in the day.

Chairman McNulty stated okay. But in the meantime, is it possible to make a good analysis, which you've commented on, of Mr. Zarecki's plan to see if we're close to a functioning wetlands...stormwater system here. I mean, how far off we from a functioning system.

Ron Gainer stated again, my expectation, and I'm sure it was Rich's too, is that it was going to follow current protocols through the SWPPP and the drainage analysis that's performed. I'll revisit that issue to understand what Joe's now saying, that...I can't tell you that it will make a lot of sense or not.

Chairman McNulty stated and Joe, are you designed this to current protocol.

Mr. Zarecki stated I...Yes, there was a...I mean, Ron has some questions on the design, some questions. Which is acceptable. I don't have issues with that, it's just a theory on how I approached my design for this and it differs. And that's part of the process, too. But I'm sure we'll come to an amiable resolution on how we're going to handle it.

Chairman McNulty stated okay.

Mr. Zarecki stated and I guess the bottom line is who's going to maintain it down the road and who's going to pay for the stormwater analysis if it's necessary for all of Robin Hill and all that work that's got to take place going all the way up there for something that's been there with an approved detention basin that's already only been enlarged to handle what we did. So, that's the question. And I know new standards are out there today from what they were when this thing was approved, but I don't know if it's the responsibility of Mr. Hebert to...

Chairman McNulty stated well, how does that...

Mr. Zarecki stated comply to present day code for something that was existing and not maintained by anybody for years and years.

Chairman McNulty stated well, wouldn't the maintenance be the responsibility of the property owner that the basin is on.

Michael Liguori stated it depends, Tom. It depends.

Rich Williams stated it depends.

Michael Liguori stated it depends because...

Board Member Montesano stated a grey area.

Michael Liguori stated because when a Town takes over the road...

Chairman McNulty stated the mic.

Michael Liguori stated when a Town takes over a road, the question of the maintenance is always, you know, that's the big issue. We always deal with it. We deal with it on every single subdivision. Is the Town, you know...Look at Ice Pond, is the perfect example, right. Ice Pond, we're going to do a district.

And the Town is going to maintain the roads and it's going to maintain the drainage basins and it's going to bill it back to everybody in the subdivision. So here we have one from the 70s, where it was more likely, you know, the road was approved and the basin was put in to handle the road and, you know, we had engineers that who would certify that if it functioned properly and maintenance... Maybe money wasn't an issue at that time because there wasn't that much development and the Highway Department said hey look, well maintain it. It's okay, we'll do it. Or...

Chairman McNulty stated but has the Town ever maintained that.

Ron Gainer stated no, no.

Rich Williams stated it never has.

Ron Gainer stated you can't... Yeah, we can't forget history. Bill had the property owner... Bill Burdick...

Chairman McNulty stated so that's...

Ron Gainer stated had the property owner previously clean that basin out at the property owner's expense.

Rich Williams stated and honestly, I could say there probably wasn't a lot of forethought...

Michael Liguori stated right.

Rich Williams stated went into this whole process. You go back to the original subdivision plat, big note on the subdivision plat says Town will never take this road, and they did it anyway.

Board Member Montesano stated yes.

Michael Liguori stated but I get Joe's point. I mean, you know...

Chairman McNulty stated no, I understand his point as well.

Michael Liguori stated it's just like...

Chairman McNulty stated but it puts us... me in a quandary as to where does that put us. Who maintains it. Who designs it.

Rich Williams stated well, again, I go back to the maintenance issue really is a different issue that we can have a side conversation and it's really not an issue before this Board. The question is, you know, how do you look at the hydrology running through this site and what are the parameters for making sure that we're taking a hard look at all of the water going to the basin and making sure the basin is going to function as it was intended.

Chairman McNulty stated that I understand.

Rich Williams stated whatever sizing needs to go into that.

Chairman McNulty stated let me ask, are there other stormwater basins within Robin Hill Corporate Park.

Rich Williams stated yes.

Ron Gainer stated yes.

Rich Williams stated every lot has a stormwater basin.

Chairman McNulty stated and who maintains those.

Rich Williams stated they're all private. I don't know that any other lot has Town drainage going on to it. I don't know that.

Ron Gainer stated again, that's...We'd have to look at as well.

Chairman McNulty stated yes. That's something we should look at.

Mr. Zarecki stated but that's based on generalities of what I was supposed to do. I would have to go up to every property and figure out...

Chairman McNulty stated no, I'm not saying for you to do it.

Mr. Zarecki stated no. I'm just saying. But in general, that's the stormwater management to come through...

Rich Williams stated yes, but you're not...

Mr. Zarecki stated that. But I mean, I'd have to analyze everything above the watershed.

Rich Williams stated you've got to...And I can...I've got the pipes all laid out in GIS, so I know what the pipes are. I know what the catch basins are. I can tell you, your...Your analysis is going to be centered on the road and nothing else but the road. You're not going to look at every other site because every other site, pretty much, drains off to the back.

Chairman McNulty stated okay.

Board Member Brady stated so those other sites aren't coming into this catch basin.

Rich Williams stated no. No.

Mr. Zarecki stated see, I wouldn't even know that because I never went up there. So, I don't believe...

Board Member Montesano stated you're looking at a very unique thing in that we were the only Town to accept a commercial piece of property for a Town Road.

Michael Liguori stated you're not.

Board Member Montesano stated and the people...We're not now. But that particular time...

Michael Liguori stated Terravest Corporate Park in Brewster, public Town roads. So...

Chairman McNulty stated I think what we need to do now is for Ron and Joe, Rich, get together, look at this stormwater and whatever history we have, bring it forward for us for the next work session so we can take a better look at this and...

Mr. Zarecki stated I have no problem doing that...

Chairman McNulty stated yes.

Mr. Zarecki stated just to work it out and get...Bottom line is let's get it...

Chairman McNulty stated because we have other issues we want to move on to...

Mr. Zarecki stated right.

Chairman McNulty stated on this site.

Mr. Zarecki stated yes.

Chairman McNulty stated so...

Board Member Taylor stated and Joe, one thing that we noticed at the work session is the as-builts don't have all the information on them that should be on them.

Mr. Zarecki stated for instance.

Board Member Taylor stated we...

Ron Gainer stated some of the earlier plans had...

Board Member Taylor stated septic.

Ron Gainer stated clearly illustrated limited disturbance and you had proposed walls...

Mr. Zarecki stated I may have put that in there in the limits...the limits of disturbance.

Ron Gainer stated they've shown walls to protect the trees from further impact.

Mr. Zarecki stated well, what we did is...Just to give you an update, when we had the...When this work was done and (inaudible) up until this stop work order, the grading back here we were kind of satisfied with as far as what the grading was there and it looked good. We actually sent the survey crew out and resurveyed all the slopes that were here. And Mr. Hebert's happy that we...and we're happy that this slope stabilization that we had up to here and that's why the grading from here to here was just to clean up that portion of slope from this portion over. This...he was happy with the way it is. It's stabilized. It's growing grass. It's stabilized on this side. We can't move this side much more because we have the septic system here, so we can't do much grading here. So there would have been, possibly, a little bit flattening out over here but that's about it. But this is all stabilized now.

Board Member Taylor stated but those...

Mr. Zarecki stated so...

Board Member Taylors stated contours are accurate now.

Mr. Zarecki stated those contours are what's there right now.

Chairman McNulty stated yes. What the...

Board Member Taylor stated where's the septic.

Mr. Zarecki stated the septic is right down here and that hasn't changed.

Board Member Taylor stated and it's indicated on here.

Mr. Zarecki stated that's correct. And that was as-built located. We did the work that we were asked to do; is to find it, locate it and see if it was buried under the fill that we thought might have been pushed down there over the septic. And we did that and it's not. And they were field located. And we spent the time and had to...had the Health Department out there.

Board Member Taylor stated you'd have to look at the minutes to see what we...We came up with a number of things that weren't on here. It's just all we're saying is, you know...

Mr. Zarecki stated well, I did update it from the last because the last...

Board Member Taylor stated okay.

Mr. Zarecki stated had proposed grading and then we said let's...You know what, where are we now.

Board Member Taylor stated that's what we want.

Mr. Zarecki stated so we reshot the whole thing (inaudible – too many talking).

Board Member Taylor stated that's all we're asking for. Yes.

Rich Williams stated go ahead.

Mr. Zarecki stated reshot the whole thing.

Ron Gainer stated are those trees varied.

Mr. Zarecki stated what's that.

Ron Gainer stated remember, my (inaudible) was the trees...

Mr. Zarecki stated actually, the trees that are there are, I believe...Ted probably could know better than I do, but I am guessing that they are locust and they're happy trees. They've been there since November and they're not wilting or showing any signs...So he says why do I need to spend an expensive wall...

Ron Gainer stated (inaudible – too many talking)

Rich Williams stated (inaudible – too many talking).

Mr. Gainer stated I don't know. I thought they were varied.

Mr. Zarecki stated looked like the locust and locust seems to, from my knowledge, and Ted you know better than I do, but locusts are pretty hearty. I cut mine down at my house and they grow up and the roots grow right out of the ground. So, being that those two trees are there, I said why do I got to spend a lot of money building a wall to protect something that's a hearty type of tree and has been doing very well. So, we eliminated that wall all together and just going to leave the grading that's there. That was our...I mean, that was the intent of what we have there. That's why we just showed it without the wall there, after it was graded, after...The trees are doing great. They're...They're happy.

Board Member Taylor stated did you find it.

Board Member Brady stated (inaudible).

Chairman McNulty stated no. Rich, I think the question though in the work session was the existing conditions before the excavation took place. Was that...Was that what we're missing off this plan. The...

Rich Williams stated yes. The existing...

Chairman McNulty stated what was started with.

Rich Williams stated conditions...What we started with. Right.

Chairman McNulty stated compare it to what we have now. I think that's the issue that came up at our work session.

Rich Williams stated and honestly, I'm okay with not showing the existing conditions. We do have a previous existing conditions map that Joe had submitted previously.

Chairman McNulty stated okay.

Rich Williams stated you know, I'm...I don't have problem with if this accurately shows the grading that's on the site. And Ron and I, I think, both have some concerns in that regard, is we thought the toe of the slope in the front of the building came out farther.

Ron Gainer stated right.

Rich Williams stated but...

Chairman McNulty stated you thought it was over the septic.

Rich Williams stated well, we certainly thought it covered a portion of the septic...

Board Member Brady stated yes.

Rich Williams stated and came right up to...

Board Member Brady stated absolutely.

Rich Williams stated the trees.

Chairman McNulty stated and isn't that where you say the Health Department came out and looked and a little portion of it was covered.

Mr. Zarecki stated well, you see, the expansion area was here above it. This is the laterals are there and they were untouched.

Chairman McNulty stated yes.

Mr. Zarecki stated they were...The boxes were only below the grade. I located all the...The expansion area showed on the original plan here and right in this area it's a little steeper, so there might have been some drifting in material that came down there and I'm working with the Health Department. If he wants this back, just scrape it away or just leave it. And if there's any future expansion needed, then at that time do it. So that's what we're working with him because it doesn't affect the functionality of the existing system.

Chairman McNulty stated so maybe what we're really looking for...

Mr. Zarecki stated I really am trying to work with you guys on this.

Chairman McNulty stated is the toe of slope plotted on this...plotted on this plan. We want to know where that toe of slope is, correct.

Rich Williams stated he said it's plotted.

Mr. Zarecki stated it's plotted.

Chairman McNulty stated but is it noted.

Mr. Zarecki stated I wouldn't normally put a note on it. If the grading...

Chairman McNulty stated yes, but this isn't a normal situation. I mean, it was...

Ron Gainer stated and that's what...

Chairman McNulty stated modified and...

Ron Gainer stated just to know where...

Chairman McNulty stated covered after the fact.

Ron Gainer stated where the fill got placed to.

Chairman McNulty stated what's that.

Rich Williams stated the edge of the fill section.

Ron Gainer stated yes.

Mr. Zarecki stated oh, it would be right at this...

Rich Williams stated fine.

Chairman McNulty stated what was that, Ron.

Mr. Zarecki stated (inaudible – too many talking).

Ron Gainer stated it's just that...that's just...Your question is exactly what I've been trying to understand.

Chairman McNulty stated yes.

Ron Gainer stated where the limit of the fill extended to.

Chairman McNulty stated because this is a change after the fact, we'd like to get the conditions as they exist noted, so that, you know, it was a drastic change somewhat to push that out. So now we need to know where that toe of slope is...

Mr. Zarecki stated you know what might be easier, if I invited you back out to the site and looked at the grading and see...

Chairman McNulty stated no. I think we'd rather have just a plan on the record so it's...So it becomes a condition.

Mr. Zarecki stated I don't know what...I'm not sure how to...Just tell me how to show it, I'll show it.

Rich Williams stated show a line on the plan that says "toe of slope".

Mr. Zarecki stated okay.

Chairman McNulty stated if it's...

Mr. Zarecki stated got you.

Chairman McNulty stated if it's a topo line, mark...

Mr. Zarecki stated okay. Just show toe of slope in there. That's fine.

Chairman McNulty stated I think that's...was a big issue at the meeting. At the work session, to know where it is.

Mr. Zarecki stated alright. I can do that.

Chairman McNulty stated okay. Go ahead.

Board Member Brady stated I have a couple questions. Where is the main entrance to this buildings. I see, you know, I see a few doors. What's going to be the main entrance.

Mr. Zarecki stated for the retail space it would be this space right here. This door right here.

Board Member Brady stated okay. And...

Mr. Zarecki stated that would be for the retail.

Board Member Brady stated where they're...Next to the planter.

Mr. Zarecki stated right.

Board Member Brady stated okay. And the handicapped spaces are so far away from that area.

Mr. Zarecki stated well, because this was a gravel driveway, I put the handicapped spaces on the blacktop so that they could use the sidewalk and go into the building, rather than right in front of here on top of gravel. And that distance, I felt, wasn't any further than walking from the furthest spot on Hannaford's handicapped spot to their front door.

Board Member Brady stated yes.

Mr. Zarecki stated so my decision was to put it on the blacktop, come down the sidewalk. It's all handicap accessible, and go in the buildings...

Board Member Brady stated but...

Mr. Zarecki stated rather than put the handicapped spots on gravel.

Board Member Brady stated but they're going to come back across and come across the gravel driveway.

Mr. Zarecki stated well, considering the type of use that this building is, it's not going to be your normal run of the mill, like, supermarket going in there. It's going to be very few people ever...

Board Member Brady stated yes. You'll probably never have...You'll never have anybody either. I understand that, but we still

Mr. Zarecki stated I have a retail store in Pawling and I don't...I've had it for four or five years now and I haven't had one handicapped come in. So it's not the type of retail space that's going to be heavy traffic like at Hannaford's or the A&P.

Board Member Brady stated right. But we just need that one person in that wheelchair that can't get across the gravel, you know.

Mr. Zarecki stated well, I can't put it there because that wasn't proposed...That's all proposed gravel. That's why I put it in the blacktop space and put it a little further away, and they can wheel themselves up or...

Board Member Brady stated but they're going to wheel themselves across the blacktop and they...to get...

Mr. Zarecki stated on to the sidewalk.

Board Member Brady stated to the sidewalk, it's...Well, okay. The blacktop ends there. I'm sorry. I saw the gravel.

Chairman McNulty stated it's still a long distance.

Board Member Brady stated it's a long distance.

Chairman McNulty stated there's no proposed sidewalk to get to that handicapped...

Mr. Zarecki stated there is a sidewalk there.

Board Member Taylor stated there is a sidewalk.

Chairman McNulty stated yes, but not...Not to the handicapped.

Mr. Zarecki stated well, it's to the blacktop.

Chairman McNulty stated yes. But they have to...Somebody that was...

Mr. Zarecki stated if you want me to modify it, I mean, moving the handicapped spots a little bit to make it closer, I can put it there because it was a...For me, it was a convenient spot to put it because you have access on a level ground...

Board Member Brady stated right. But I'd like to see the handicapped spots closer to the building. I think that's...

Rich Williams stated well, let's address...

Mr. Zarecki stated most...

Board Member Brady stated just for the convenience.

Rich Williams stated let's address the couple of other issues first because it may solve itself.

Mr. Zarecki stated yes.

Board Member Brady stated okay. Yes.

Rich Williams stated one of the things we talked about is the former plan had the back of the building, where there's now additional parking, there was going to be a substantial amount of parking because he was going to put another use in the back of the building. That seems to...Most of that parking has now disappeared. What is the plan for the back of the building. Is there one.

Mr. Zarecki stated there...In the back of the building, there's a door that would go up to the upstairs. I believe I gave the as-built. The upstairs, there will be offices. And these parkings for convenience for these people to go upstairs.

Rich Williams stated an office...

Mr. Zarecki stated office space.

Rich Williams stated an office space separate from the retail area. Separate from the other office space.

Mr. Zarecki stated correct.

Rich Williams stated so it would be a leasable area.

Mr. Zarecki stated correct.

Rich Williams stated okay.

Mr. Zarecki stated correct.

Rich Williams stated so...

Chairman McNulty stated and how does the square footage of that area compare with required parking spaces. Do we have to look at a site to break it down that far...that way.

Rich Williams stated just one of my comments to Joe, Joe's going to show that on...

Mr. Zarecki stated I'll show it there.

Rich Williams stated the plan and I said that's fine.

Mr. Zarecki stated and what happened is the last time we had plans, we had more parking spaces here and more parking spaces that we could have put here. And one of the concerns is we were overly parking. But what we tried to do is show what we originally had on the original site plan, whether it met it or not and put these spaces back here and a couple here. And what it did is it reduced the overall spaces, which was I thought was with Planning Board and everybody wanted, was to reduce the number of parking spaces. So this parking space that was originally built is smaller than was originally designed.

Board Member Taylor stated I think...

Rich Williams stated and we were looking to do that but perhaps on the other side of the building. The question is that new office area, is that parking going to be sufficient.

Mr. Zarecki stated yes.

Rich Williams stated okay. Then the next question is, you know, is the Board comfortable with it being a gravel surface out there, an item 4 surface, as opposed to a paved surface.

Chairman McNulty stated no, I...

Rich Williams stated if it is, then you've got to grant a waiver. If it is not, then...

Chairman McNulty stated no, I believe that's an issue we have with gravel versus asphalt, you know. My own feeling is I'd like to see the asphalt.

Board Member Brady stated I agree.

Chairman McNulty stated it's a better surface. Now I don't know how that effects your runoff and your stormwater.

Board Member Brady stated right. If it changes it.

Board Member Montesano stated right. Could I ask Joe a question.

Chairman McNulty stated sure.

Board Member Montesano stated this office setup back there, are they going to...DO you know who's going to go in there.

Mr. Zarecki stated I don't know, no. I don't think we have any...

Board Member Montesano stated no, what I'm wandering is what happens if someone is handicapped that's working in that office.

Mr. Zarecki stated they won't be working there. No.

[Laughter].

Chairman McNulty stated well, that becomes a Building Code issue, I believe.

Mr. Zarecki stated well, that...Yes. I think once we get to that handicapped issue...

Rich Williams stated no, it becomes a Federal issue, actually.

Mr. Zarecki stated for retail spaces, we have the handicapped accessible. For office space, it may or may not be required. But I think that once we work within the building and get building permits, that would be a Building Department issue.

Chairman McNulty stated my tendency on the asphalt would be...

Rich Williams stated it's not a Building Department issue if the Board feels that, you know, you need to make it ADA accessible.

Michael Liguori stated it's not a feeling. It's a requirement.

[Laughter].

Michael Liguori stated just so everybody understands, you know.

Board Member Montesano stated well, we're not going to hire them.

Rich Williams stated I was trying to tap dance nicely.

Michael Liguori stated no, no, no. No, it's a requirement. But just so conceptually everybody gets, you know, an understanding is that the ADA doesn't require you to have pavement. It requires you to have a solid surface, okay. So that's something that everybody needs to understand. Okay.

Board Member Montesano stated oh, then we can put...

Michael Liguori stated and that's part of the rationale for Joe saying to the Board, hey look, I moved it over to where you can get out on to pavement and then use the sidewalk because when you put your engineer hat on and you look at the ADA, that's better than getting out on a solid surface that's not paved.

Chairman McNulty stated got you.

Michael Liguori stated right. I mean, that's how I understand how it got to...from A to B.

Rich Williams stated yes, but my understanding...

Chairman McNulty stated just...

Rich Williams stated of ADA is a gravel surface is not a solid surface. It needs to be something like asphalt or concrete. That's my understanding of ADA requirements.

Michael Liguori stated I'll take another look. Last time I...I, you know, I haven't looked it in awhile. So, I know asphalt is the best and that's why...

Mr. Zarecki stated well, if we didn't want to...If it was ADA and we had to get it...this...a couple of these spaces here, we could put a patch of asphalt so that they...If that's...Instead of the whole driveway all the way around.

Chairman McNulty stated just feeling is that the asphalt just gives a better job. It prevents...

Mr. Zarecki stated actually, until the last meeting when Rich corrected me, we originally were going to have asphalt and then things, you know, with everything getting so expensive and I had told Mr. Hebert that gravel was better for the environment. That is more impervious than blacktop. So we went with gravel and I convinced him that gravel would be okay and if we could use it so we get away from asphalt where you have everything going down the basin, it's a different design. But then Mr. Williams corrected me and said it now has the same impervious factor for calculations. So that's what...I don't know if it's in the regulations now or in the future. When it's going to be approved. So, I...I'm trying to work...

[Laughter].

Chairman McNulty stated I know.

Mr. Zarecki stated and I'm...

Chairman McNulty stated I do think...

Mr. Zarecki stated trying to pick the right door.

Chairman McNulty stated when we come to parking areas though, asphalt would be the preferred finish, wherever there's parking.

Mr. Steve Hebert stated Joe, those back offices...

Chairman McNulty stated general people access.

Mr. Hebert stated you can get to them through the front, too.

Mr. Zarecki stated you can get through the front.

Mr. Hebert stated right.

Mr. Zarecki stated from the back off...you can get upstairs.

Mr. Hebert stated back...at the doorway by the conference room.

Mr. Zarecki stated okay. Stand corrected.

Chairman McNulty stated well, my thought is, and the parking area, to at least in the main thoroughfares and the parking area...Not the main thoroughfares, but the parking areas to be asphalt. Now, I don't know how that affects us in the stormwater. You're saying it's really...

Rich Williams stated well, I'm saying...

Chairman McNulty stated just a change in calculation.

Rich Williams stated you know, it depends on where you look in the regulations, you know, how DEC now defines impervious surface and DEP. You know, if you look at the stormwater manual gravel is different than asphalt. But if you look in the construction permit, you know...

Ron Gainer stated right.

Rich Williams stated it defines impervious surfaces as everything including gravel. So, you know, my opinion always has been that gravel is $\frac{3}{4}$ or better stone without dust in between. Item 4 is not gravel to me.

Chairman McNulty stated outside of stormwater, I would like to asphalt in the parking areas and the front of the building. Also a guiderail.

Mr. Zarecki stated over here.

Chairman McNulty stated yes. From that park...turning circle at least back to the...I guess that would be the southwest corner.

Mr. Zarecki stated you okay with that. Guiderail.

Chairman McNulty stated do you have a guide...You don't have a guiderail now for there, do you.

Mr. Zarecki stated no.

Ron Gainer stated no.

Mr. Zarecki stated none was shown.

Chairman McNulty stated does anybody else have a feeling for that. I just...It's pretty high...

Board Member Brady stated yes, that's a big drop.

Chairman McNulty stated the turning radius there is very...I question, too. I don't know, Ron, have you looked at that.

Ron Gainer stated yes, no. We had suggested that.

Chairman McNulty stated okay. (Inaudible).

Board Member Brady stated the other thing is on the drawings, and we talked about it in the work session, the existing drain inlets to be removed. Am I correct that they're just empty boxes.

Mr. Zarecki stated they're empty boxes.

Board Member Brady stated so we've gone in and...

Mr. Zarecki stated we went up there and we...

Board Member Brady stated opened them up and looked for a pipe.

Mr. Zarecki stated I did. We did. We dug them up and there's...They're not connected to anything. I don't know what they were there for.

Ron Gainer stated do they have impervious bottom...

Mr. Zarecki stated nothing.

Michael Liguori stated yes, right.

Mr. Zarecki stated they didn't do anything. They weren't connected to anything...

Board Member Montesano stated but they still got the pipe.

Michael Liguori stated for show...

Board Member Brady stated and, well, this is a flat roof on the building, correct. And is there any scuppers coming out there in those areas.

Mr. Zarecki stated see, I knew you guys were going to ask that, so I went over to the building and we're trying to figure out where you're gutters are coming from. Actually, all the gutters come from almost in the middle of the building. And then they come out this pipe here. All these things drain to a center pipe. It drops down...

Board Member Brady stated so it's draining in the middle of the building and coming down through the inside of the building.

Mr. Zarecki stated and it drains down. There's a pipe inside the building that runs down and it runs through this floor drain and it runs right into here and then out.

Board Member Brady stated wow. Boy, the 70s must have been something.

Rich Williams stated oh boy.

[Laughter].

Mr. Zarecki stated but we're trying to do our homework...

Board Member Brady stated and I worked...I did plumbing then. Can get away with this.

Chairman McNulty stated alright, so...

Board Member Montesano stated it doesn't freeze that water.

Chairman McNulty stated we need to do some research on Town history here and the catch basins.

Mr. Zarecki stated and we'll address the other comments that are...

Chairman McNulty stated with the comments...The engineer's comments.

Mr. Zarecki stated I didn't get a chance to look at all of them but I'm sure we can meet them.

Chairman McNulty stated I haven't seen them either...

Mr. Zarecki stated so...

Chairman McNulty stated look at that. A guiderail there. The turning radius in that corner, it just seems to be tight.

Mr. Zarecki stated we'll take a look, yes.

Chairman McNulty stated asphalt for the parking areas in front of the building. Are we ready to declare Lead Agency.

Rich Williams stated you still got to do the EAF on this.

Chairman McNulty stated nope. Too much to go at this point, huh.

Ron Gainer stated (inaudible).

Chairman McNulty stated okay.

Mr. Zarecki stated I think originally we did it with the first application. We didn't update it.

Rich Williams stated you know, for me this is always one of the grey areas. Maybe we can get Mike to weigh in on this. You know, the SEQRA regulations say that any increase of 4,000 square feet...

Michael Liguori stated yes. The commercial expansion less than...

Rich Williams stated of area is a Type II.

Michael Liguori stated right.

Rich Williams stated you know, but that generally is contemplating an expansion of a building and it really isn't ever been clear whether that includes the site work or not.

Michael Liguori stated what's our...

Rich Williams stated do you have an opinion.

Michael Liguori stated well, do we know what our dimension of our site work is. Are we under the...

Mr. Zarecki stated yes.

Rich Williams stated we're an acre of disturbances.

Ron Gainer stated yes. It's over 4,000 [square feet].

Michael Liguori stated alright. Well, it's probably just easier to treat it as an unlisted action than it is to...

Chairman McNulty stated yes, it's marginal at this point. It's...

Michael Liguori stated right.

Chairman McNulty stated it's on the...Okay. We'll talk about that at the work session more. We'll do...

Michael Liguori stated do the short form.

Chairman McNulty stated (inaudible) Ron...

Rich Williams stated well let's, I mean, if that's the case, let's just ask the applicant to submit an EAF and...

Ron Gainer stated yes. Have him...

Rich Williams stated get this going.

Board Member Taylor stated he has already.

Ron Gainer stated go file an EAF.

Board Member Taylor stated he's supplied one.

Ron Gainer stated or refile.

Board Member Taylor stated is it too old. Is that what you're saying.

Chairman McNulty stated the EAF...

Rich Williams stated do we have one.

Chairman McNulty stated is from the first application.

Mr. Zarecki stated I believe I did, yes. I think we did.

Rich Williams stated alright. Then...

Board Member Taylor stated we've got February 28, 2014.

Rich Williams stated alright. Then I would have commented on it and we should be good then.

Mr. Zarecki stated right. Okay.

Board Member Taylor stated yes. So we just need to look at it.

Mr. Zarecki stated I know there's a lot going on with this project though and I appreciate working with you guys, Rich.

Chairman McNulty stated okay.

Mr. Zarecki stated Ron. Thank you. Okay.

Chairman McNulty stated alright. Thanks.

Rich Williams stated so you're going to do lead agent.

Board Member Taylor stated next...

Chairman McNulty stated no. We're going to wait.

Rich Williams stated okay.

Board Member Taylor stated next month.

Chairman McNulty stated we'll look over the EAF.

Board Member Brady stated yes, I have to find that.

Chairman McNulty stated okay.

Board Member Taylor stated yes, the EAF's...

Board Member Brady stated it's in my basement somewhere piled up with papers.

7) M&S IRON WORKS – Site Plan

No one was present for the application.

Chairman McNulty stated okay, we have...Is M&S Ironworks here. They pushed off, correct.

The Secretary stated yes.

Chairman McNulty stated okay.

8) FOX RUN – Amended Traffic Study

Mr. Joe Zarecki and Mr. Curt Johnson, Zarecki & Associates, LLC, Mike Hartman, Chazen Engineering, and Robert Marvin, Marvin & Marvin, were all present.

Chairman McNulty stated Fox Run.

Rich Williams stated yes. I did take a look at it.

Chairman McNulty stated the EAF.

Ron Gainer stated (inaudible – papers shuffling).

Chairman McNulty stated I don't know why I don't have that.

Rich Williams stated I didn't. I just need to read my own notes.

Board Member Taylor stated it is.

Chairman McNulty stated yes.

Board Member Taylor stated I've got notes on it so I've looked at it (inaudible).

Chairman McNulty stated okay.

Board Member Brady stated this is just our (inaudible) from the past week. It's not even the whole thing.

Chairman McNulty stated M&S did on that.

Rich Williams stated on that site, no.

(Inaudible)

Rich Williams stated you like that.

(Inaudible – too many talking).

Chairman McNulty stated it can't hurt.

Rich Williams stated and I was following your truck around. (Inaudible – too many talking) and then the Highway Superintendent saying...

Ron Gainer stated you're on a roll.

Chairman McNulty stated hello, Joe. Back again.

Mr. Joe Zarecki stated how are you.

Chairman McNulty stated busy.

Board Member Montesano stated you look familiar.

Michael Liguori stated Joe, you've got to change your hat.

Board Member Brady stated you've got to turn your hat. Yes, there you go.

(Inaudible – too many talking).

Mr. Zarecki stated as you know, we have the 80 unit active development project which is all back here [referring to plans]. And since the last meeting, we were requested to submit environmental review for the project...Assessment for the project.

Chairman McNulty stated yes.

Mr. Zarecki stated which we did.

Chairman McNulty stated which we received.

Mr. Zarecki stated and we did a lot of work. It took him...for him to fill that out and get a lot of information. He got very good information on the sewage treatment plant. Accurate flows. Their SPDES permit. We actually did recon on where the sewer line...because we couldn't find any records of as-builts for their sewer system within the existing Fox Run. We sent our survey crews out there. Hunted down manholes and whatnot and tried to locate it so we'd have a future tie in. And we just did a traffic study update which was revised based on comments that we had at previous meetings. And just a myriad of other things. The latest development is that we have been in contact with Fox Run and presented improvements to Fox Run that I talked about maybe three, four years ago that we committed ourselves to the Planning Board at that time that we would do, and they were basically to improve the entire road. They actually asked us to improve it up to this point. So we're actually going further than our own entrance in here. Taking it over here with new curbs and while we were doing that, we looked at their catch basins along the road and they're shot. All of them are just broken, falling apart. And we're willing to either replace or repair as necessary.

Chairman McNulty stated we saw the Letter of Intent to the HOA.

Mr. Zarecki stated correct.

Chairman McNulty stated have you gotten much feedback on all those items from them.

Mr. Zarecki stated our attorney's been working with them and our feedback from them is that they had board meetings and they signed off on the agreement and they're all on board and they supported the project with the intent of what we're going to do there. Actually, up in this corner there's a pool that we're

going to rebuild for them almost like new condition. And actually put a little clubhouse as part of the plan so that people can have...

Chairman McNulty stated is that the 1,000 square foot house that's mentioned...

Mr. Zarecki stated correct.

Chairman McNulty stated in the letter.

Mr. Zarecki stated correct. That's the pool house up here with a new entrance here. There was an entrance that went up this way; that's going to be eliminated because they didn't like that. So we're actually going to have an egress that would come down here and create new parking for them so that people can use the pool. So the whole intention is if it works for the homeowners bring some more people... When we were talking to them and because there is nothing there to attract people, people are tending to not live there but rent these units. And now there's talk of people with this new improvement saying, oh, maybe I'll get my investment back. Maybe I'm not going... Maybe it's not going to be a loss with the shared expense for the sewage treatment plant operation. With the new improved road, which is very expensive, and the curbs. Landscaping here. A new entrance for people to drop off any children at Fox Run so they're going to not standing out aimlessly the way they are now. Our traffic engineer studied that intersection and he recommended and based on that recommendation we put here. We also have, because what Mr. Rogan said, concerned about possible speeding here.

Chairman McNulty stated yes.

Mr. Zarecki stated we may have some curb islands here so that when the traffic comes in here, you're not coming out and here's the little islands that we're planning... or have to design (inaudible) for so that it's not a racetrack up here. That we kind of try to find a way to slow them down coming down the main road there. So when... And also, we have a basin that was preliminary design. We didn't get into defined art so that... But we're also trying to find the best way to get this stormwater here with zero increase and runoff through the main system. We haven't designed it yet, but we're either going to tie in to the existing storm drains on the road, follow it down to the street... to this basin, which ultimately goes across the street. Briefly read that they find the outfall of this pond and then we're going to run our own water system back into this corner and hopefully we find a proper supply for a separate system for this unit.

Chairman McNulty stated okay. Went over the plan at the work session. It's just this is a large project. We have a number of issues with it. Just the size, the traffic, the water, the sewer, the infrastructure. You know, the letter of intent is positive to see what you're going to do with changes. We have the EAF which Ron has gone through quite a bit and we want to go through it, go through Part 2 and look at it further and assess that EAF. And density is still an issue. The number of bedrooms that we're putting up in this area. There's just a lot of... a lot of different items we're grappling with here. And Ron, you've had some comments you wanted to make.

Board Member Taylor stated yes. Well, I'm not going to go over the EAF Part 1. It's... There were some errors and it's incomplete, but it's here. You can look and see. I'd suggest you get a copy of the actual PDF; it's interactive.

Mr. Zarecki stated is your comments similar to the comments that...

Board Member Taylor stated I incorporated Rich's comments in.

Mr. Zarecki stated earlier that...

Board Member Taylor stated they're more extensive.

Mr. Zarecki stated so yours has different comments then...So, that would be...That's online or...

Rich Williams stated no. We can send it to you.

Chairman McNulty stated we can send it to you.

Mr. Zarecki stated can send your comments, we'd certainly like to take a look at it for sure.

Board Member Taylor stated it's easier to read than, I think, the printed copy. But it's, I mean, yes. So if you can look at that and proceed with that. One thing I forgot to put in, I realized tonight, was Ted's trees. Anybody remember Ted's trees.

Chairman McNulty stated yes. There were a number with the blue...

Ted Kozlowski stated I was just talking to Richie about it.

Chairman McNulty stated the blue markings.

Ted Kozlowski stated well, I want to just go over something that has been brought up. There was a series of emails that we've exchanged about forest and all of that. And the...where's the...

Michael Liguori stated oh, right here, Ted.

Ted Kozlowski stated I don't want to drive Sarah nuts.

The Secretary stated thank you.

Ted Kozlowski stated Joe, along the western edge there's three units. I think one of them is number 8; the farthest one to the north there. And then the other two to the...

Chairman McNulty stated yes.

Ted Kozlowski stated south of that.

Mr. Zarecki stated okay. These.

Ted Kozlowski stated you have a natural...What I'm addressing here is when we were on the site walk, that's a native forest there. A mature forest. It's a relatively undisturbed forest. And one of the issues with the Planning Board, as well as myself, was the impacts that those buildings now would have from the view shed across the way and...

Mr. Zarecki stated which way.

Ted Kozlowski stated to the west. There's [Interstate] 84...

Mr. Zarecki stated right.

Ted Kozlowski stated I know, and then there's the development above where the...

Rich Williams stated Patterson Crossing.

Ted Kozlowski stated Patterson Crossing is. There's all that development. And it's the Town's...My understanding is the Town's desire to protect the view sheds of the surrounding hills and the communities. Having said that and understanding that, you are now taking a native, mature forest where the root systems of all these trees are intertwined. I know engineers are taught that to protect the roots of a tree you stay within...you stay outside of the drip line. And the drip line, we all know, is if you look at a tree as an umbrella and where the water runs off, that's the drip line. That is not true and it's been proven by science that tree roots go way beyond that drip line. The problem here, or the challenge here, is that all that development that goes on, you're proposing to leave whatever forest is left and you expect that to serve as the scenic or the buffer...the aesthetic buffer between the edge of the property and those buildings. What I submit to this Board and to everyone else here is that those buildings and that development and the impact of the surrounding area from all the construction, you're 60 feet...50 feet from the edge of that property line. All those trees on the end that's remaining are going to be greatly impacted. The root systems are going to be compromised. They're going to be cut. They're going to be torn. Soil, grades, hydrology's going to change. Overtime, most of those trees will die. And you're not going to modify or you're not going to help by planting more trees because in the winter time the leaves of those trees will come off and I know, yes, we'll plant evergreens. You need more of a buffer. You need to...You need to move those buildings...If the desire is to protect the view shed and to keep a native, natural buffer between the edge of that property and to protect the view shed, you are going to need to move those buildings to the east.

Mr. Zarecki stated right. I hear what you're saying. When we went through this awhile back we, I believe...Curt, didn't we do view sheds...

Mr. Curt Johnson stated yes.

Mr. Zarecki stated all the way across 84.

Chairman McNulty stated yes. It's in there...

Mr. Zarecki stated and...

Mr. Johnson stated yes.

Chairman McNulty stated in your...

Mr. Zarecki stated right.

Mr. Johnson stated I think at that point...

Mr. Zarecki stated and we had view sheds...

Mr. Johnson stated I think there were five buildings, actually, shown on the western side of the (inaudible – someone coughing). We pulled two away from that and also we pulled the buildings as far as practicable to make that road system work, away from the western property line. I understand we're going to lose a lot of trees with development. That's...

Chairman McNulty stated I think what Ted's point is though...

Mr. Johnson stated that's like...that's...

Chairman stated the existing trees are going to become degraded.

Mr. Johnson stated well...

Ted Kozlowski stated they're going to die back. They're going to die overtime and I can show you...Any development you want to see, you're going to see this.

Mr. Johnson stated right. And I think...

Ted Kozlowski stated this happens all the time. And the additional part is those buildings are going to be lit at night. And that view...That buffer of trees is not, especially in the winter time, that is not going to reduce significantly the glare and the light. And I'm only saying this is if that's an issue with the Board. But, if you want to save that view shed, you are going to need to give a lot more buffer.

Mr. Zarecki stated are you talking about the view shed from the other side of...

Ted Kozlowski stated I'm talking about from any...Any...From anywhere. From 84 you're going to see glows. You're going to see all sorts of stuff. On the other side you're going to see it, I would submit, on the developments that are up on the...above the Patterson Crossing area. It's just not enough trees. It's just not enough buffer.

Board Member Taylor stated I don't think we want to debate specific issues tonight. We want you to look at the EAF...

Mr. Zarecki stated yes.

Board Member Taylor stated respond to it, make it complete. And then we'll talk about it more. We want to do Part 2 and then you can respond to that. I wanted to address some general issues tonight, not the specifics. And those weren't the trees I was referring to anyway.

[Laughter].

Chairman McNulty stated yes.

Board Member Taylor stated yes, Ted's trees...

Chairman McNulty stated old growth.

Board Member Taylor stated were the old growth, mature trees we talked about at one point. We wanted them identified and preserved if possible. So...

Ted Kozlowski stated well, those would...those would be gone with that development.

Board Member Taylor stated so...

Rich Williams stated the only way you're going to do that, Ron, just if I can jump in here, is if you move this whole project more centrally located on the site.

Board Member Taylor stated yes. We...

Rich Williams stated so...

Board Member Taylor stated yes, we understand that.

Rich Williams stated okay.

Board Member Taylor stated and we'll deal with that issue, I think, down the road...

Chairman McNulty stated yes.

Board Member Taylor stated a little bit. Yes. I just want to...a few general remarks. I feel sometimes that not just you, but a lot of the engineers address those two people [referring to Rich Williams and Ron Gainer]...

Mr. Zarecki stated I apologize.

Board Member Taylor stated instead of us. And we are laymen, we admit that. We're lay men. But we're intelligent laymen and I'm proud to say we're committed to what we're doing and we take it very seriously. But given that...even saying that, we still are lay men and you need to address issues to us. You need to read the minutes. Sometimes I feel like you respond only to what the engineer and the planner say to you. You don't read our minutes. Sarah, and Michelle before her, spent a lot of time writing up the minutes so what we say is in writing. They shouldn't have to repeat it. Alright. And address the issues specifically the way we ask the questions if you could. I understand you like your jargon, but, in the traffic study, for example, I've been asking for an analysis of if these buildings were not active adult what would the impacts be for traffic. And I looked at the traffic study, the most recent traffic study, and I said to myself they still haven't addressed that. And then Rich said, oh yes they have. It's under section 250 duh-duh-duh, which you say then is the existing Fox Run Condos which is true, but that wasn't the question I asked. I asked what it would be if these were condos. Do you understand what I'm saying. I'm just...

Mr. Mike Hartman stated that was specifically addressed in the latest submission.

Board Member Taylor stated yes but no. What you say is existing Fox Run Condos. What you should have said was if these...these buildings were condos like the existing Fox Run, then...Do you...I'm just trying to...

Mr. Hartman stated can I have the microphone.

Chairman McNulty stated just state your name please, Sir.

Board Member Taylor stated it's Appendix 3.1 number 5.

Mr. Hartman stated okay. We addressed...

Ted Kozlowski stated your name.

Mr. Mike Hartman stated my name is Mike Hartman. I'm the traffic engineer with Chazen Engineering. Appendix...

Board Member Taylor stated three.

Mr. Hartman stated three is response to the Town's comments on trip generation and traffic analysis.

Board Member Taylor stated right. And number five. Read number on there.

Mr. Hartman stated Table A 3...3-1 provides trip generation information for senior adult housing; both the fitted curve equation and the trip rates. It provides senior adult housing detached – 100% increase in trips. It provides senior adult housing attached trips and it provides condominiums and townhouses, 80 units, if this project was built that way.

Board Member Taylor stated right. Now go...And if you go back to the previous page where it summarizes the six kinds of analysis, that's where I'm talking about it. You see number 5 there.

Mr. Hartman stated right. It says "Trip generation and analysis was undertaken for Land Use 230 – Condominium/Townhouse, this being the land use presently in existence on Fox Run Lane..."

Board Member Taylor stated exactly.

Mr. Hartman stated "though not the proposed development". All I'm saying...

Board Member Taylor stated that's my point.

Mr. Hartman stated all I'm saying is we analyzed that land use...

Board Member Taylor stated I know you did.

Mr. Hartman stated for the 80 units.

Board Member Taylor stated I know you did.

Mr. Hartman stated because...

Board Member Taylor stated I know you did.

Mr. Hartman stated that's what's on Fox Lane now.

Board Member Taylor stated but that wasn't what we asked. I'm just saying that as layman, you confused us until Rich straightened it out. That's all I'm trying to say. Address us, not as engineers if you...

Board Member Montesano stated right.

Board Member Taylor stated can please.

Rich Williams stated so you are saying it's in there.

Board Member stated it is in there.

Chairman McNulty stated it's acknowledged but it's confusing.

Rich Williams stated the way it's done.

Board Member Taylor stated it's just it confused us.

Rich Williams stated right.

Board Member Taylor stated it was hard to find is all I'm trying to say.

Chairman McNulty stated you had me confused for a minute saying it wasn't there.

Board Member Taylor stated and address issues directly. The shining bedstraw for example. The document that you provided said that it was...has been identified within a mile of the property. But that same document said we don't know where it might be otherwise. And you need to do an analysis. That's what you need to do. You can't just say we've solved the issue by saying it's a mile from the property. You need to address the issue of saying it's not on the property. That's what we need to know. That's all we need to know and then we can check the box and move on. If it's on the property...

Chairman McNulty stated yeah.

Board Member Taylor stated you've got a major problem. We have no control over that, right. It's...

Rich Williams stated no.

Board Member Taylor stated a protected...So just address the issues. Try to think about it...I'm trying to say look at it from our standpoint in trying to read these things and follow the procedures. This project is frustrated us to a certain extent because it seems like you're trying to get around the procedures in some way. You spent so much time on traffic prior to bringing up anything else, we had to push to get the EAF. We're back on track now. We'd like to stay on track. The notes to the EAF say that you addressed the potential impact issues that have been identified by the Town. Well, that's really for us to say whether you addressed them or not. And you filled out Part 2 which Rich said that's alright. But it clearly says that we're supposed to fill it out, you're not supposed to fill it out. It's another one...We're trying to learn the processes, you see.

Chairman McNulty stated yes.

Board Member Taylor stated we're trying to learn the SEQRA, the new SEQRA regulations and stuff.

Rich Williams stated and as I explained to them, Joe, it really doesn't matter who checks the boxes. What matters is that the Board accepts those answers as being the right answers.

Chairman McNulty stated and that's one of the things...

Rich Williams stated so...

Chairman McNulty stated we need to further for next...

Rich Williams stated so they're going to take a look at it. Yes.

Chairman McNulty stated work session.

Board Member Taylor stated but it's better for us if we have to check the boxes because that means...

Mr. Zarecki stated trust me, we worked...

Board Member Taylor stated we then discussed it...

Chairman McNulty stated yes.

Board Member Taylor stated before we've checked the box.

Mr. Zarecki stated since the last meeting and this submission, we really worked hard to get...

Chairman McNulty stated and we did ask for this. And it brought us up-to-date.

Mr. Zarecki stated and we tried to include as...everything as possible and we did...You know, if we missed something I apologize. But we really tried really hard to answer every one of those questions. And some of the questions within themselves as a reader...

Board Member Taylor stated yes.

Mr. Zarecki stated are hard to even figure out...

Board Member Taylor stated figure, yes.

Mr. Zarecki stated and we call up DEC and (inaudible) what do you mean by this. And they say well let me ask my superior.

Board Member Taylor stated right. Yes, no we appreciate what you did.

Rich Williams stated and then you get three answers.

Mr. Zarecki stated and then you get three different answers.

Board Member Taylor stated yes.

Mr. Zarecki stated so we did your best. We're here, we have it now...

Board Member Taylor stated yes.

Mr. Zarecki stated if there was something you wanted we got it.

Board Member Taylor stated right.

Mr. Zarecki stated we did the best we could with it. We'll work with you and I don't know if it was the next step was to declare or seek out to get Lead Agency...

Board Member Taylor stated we can't yet until...

Mr. Zarecki stated right.

Board Member Taylor stated until the EAF is complete.

Mr. Zarecki stated is it the way it works. I know we did some other times different ways. That you...

Chairman McNulty stated well, I think we're...

Mr. Zarecki stated send out a letter if we're Lead Agency on a project without the plans and without the documents.

Rich Williams stated I've got to...In order to Lead Agency, the Board needs to have a complete EAF that they're willing to circulate and a conceptual plan. You know, something...

Mr. Zarecki stated well, where we are now...

Chairman McNulty stated Parts 1, 2 and 3 or just Parts 1 and 2.

Rich Williams stated just Part 1.

Chairman McNulty stated Part 1, which we have.

Board Member Taylor stated we have...Well, we have to judge this complete though.

Rich Williams stated right.

Board Member Taylor stated and we'll do that next month hopefully. So that's all.

Chairman McNulty stated well...

Board Member Taylor stated it's not going to delay us that much. I...One last thing. You need to adapt general and statistical standards, practices and studies to this particular locale. We're having this trouble with the traffic study. The traffic study says let's study the intersections. We're saying the problem here is not the intersections. The problems are all the roads that these people are traveling on or will be traveling on. And how we work this out, I don't know. But we've got to work this out. We have the same consideration in terms of adult active. We've got questions about that. How does it apply to this particular site and what will the impacts be for this particular site.

Mr. Zarecki stated so the...I know you're just doing general now. You don't want responses now.

Board Member Taylor stated no, I don't want responses.

Mr. Zarecki stated you're just putting out information.

Board Member Taylor stated I'm just...Yes. That's all. That's all.

Chairman McNulty stated also, I had a question on the traffic study. Did you...You gentlemen did the original traffic study as well a couple of years ago, or was that somebody else.

Mr. Hartman stated no. That was John Collins Engineering.

Chairman McNulty stated because I went back to the notes in October 2010 and there were comments from Mr. Marvin stating that the...based on 48 units it was found to generate at peak time 25-30 trips per hour. And then, if I'm reading this new survey right, under Land Use 252, because it was stated it was for 48 units of adult active housing, we're down to 16 trips per hour.

Mr. Hartman stated 252 is Senior Adult Housing Attached. What we analyzed was Senior Adult Housing Detached, which is 251, which generates much more quantity of trips.

Board Member Taylor stated maybe I should (inaudible).

Chairman McNulty stated it's...the 44.

Mr. Hartman stated correct.

Chairman McNulty stated okay.

Mr. Hartman stated forty...yes. Forty-four in one trip...

Board Member Taylor stated for the 80 [units].

Chairman McNulty stated for the 80 units.

Mr. Hartman stated right.

Chairman McNulty stated so that would be on top of the 25-30 generated...

Board Member Taylor stated for 48.

Chairman McNulty stated no. For 48. Forty-eight units were 25-30...

Mr. Hartman stated right.

Chairman McNulty stated so you're saying 44. So I was reading it as the attached 16. That's why I thought...I thought that's what we had; attached. Number 252 Land Use.

Mr. Hartman stated no, no. Attached just describes the buildings.

Chairman McNulty stated alright. Now you're confusing me.

[Laughter].

Mr. Hartman stated detached...Detached normally refers to units that are separate.

Chairman McNulty stated okay, but we...We're proposed attached here, right.

Mr. Hartman stated right. Well, we also have six, ten...Fourteen buildings. So we use the detached because it gave us significantly more trips to analyze. It gave you a worse case to look at.

Rich Williams stated Tommy, if I could cut to the chase...

Chairman McNulty stated cut to the chase.

Rich Williams stated I told you before the meeting, I have all the studies, comparisons in an Excel spreadsheet that I can show you.

Chairman McNulty stated okay.

Rich Williams stated that I can send to you...

Chairman McNulty stated no, I would like to look at...Because just from the minutes, there's a big discrepancy...It seemed to me a discrepancy in the travel count; Peak per hour. Based on the comments in the minutes and what I'm reading here.

Mr. Hartman stated the trips generated or the traffic counts themselves.

Chairman McNulty stated traffic counts themselves.

Mr. Hartman stated well, I mean, it's...You can go out...

Chairman McNulty stated well, it was a survey based on the ITE...

Mr. Hartman stated okay. Those are the trips.

Chairman McNulty stated and then it was compared to in the minutes actual count. A

Mr. Hartman stated okay.

Chairman McNulty stated and it was equal to the IT appraisal. But it was off from what I read here. But I don't know if I had the right land use.

Mr. Hartman stated okay.

Chairman McNulty stated so I'll look at Rich's notes and we'll address it from there.

Mr. Hartman stated okay.

Chairman McNulty stated it just seemed like a discrepancy to me and I picked up on it.

Mr. Hartman stated yes.

Chairman McNulty stated okay.

Rich Williams stated the one last thing I'd like to address is between now and the last meeting, myself, the Town Engineer and the Highway Superintendent went out, did a survey of the roads. Ron has drafted all that up on a plan with all the areas of concern that we identified. Mostly Ron and Highway Superintendent. And we'll be showing you that out...Showing that to you in the morning as well, by email.

Mr. Zarecki stated okay.

Chairman McNulty stated and that observance looked at geometry of roads, correct.

Rich Williams stated that looked at the...

Chairman McNulty stated which is something Ron was addressing.

Rich William stated roads themselves, not the intersections.

Chairman McNulty stated yes. Which is a concern of ours. Because these are old roads and we're looking at adding traffic to it.

Mr. Zarecki stated right.

Chairman McNulty stated so, it's a big concern of ours. Not the intersection...Well, the intersections as well, but the actual roadways.

Mr. Zarecki stated okay. I guess...So we have comments from the Planner.

Chairman McNulty stated yes.

Mr. Zarecki stated we have comments from the Engineer and you have...The Board has their comments that's on this that we're going to get tomorrow on the EAF.

Chairman McNulty stated now back to Lead Agency. We need to have an EAF in hand or complete.

Board Member Taylor stated we need...

Chairman McNulty stated or approved.

Rich Williams stated we need to circulate a complete EAF. If you're comfortable with what we've done in the past is, you know, I've reviewed the EAF. I have a list of comments. Generally, you will approve circulation of the Lead Agency based on their adjusting those comments. In this case, I have a list of comments but the Board also...

Chairman McNulty stated yes.

Rich Williams stated from Ron, has another list of comments that, you know, need to be addressed.

Chairman McNulty stated which I haven't got to see yet. I know Ron sent them out this afternoon. So...

Board Member Taylor stated yes, I wouldn't be comfortable at this point...

Chairman McNulty stated yes.

Board Member Taylor stated in saying it's complete with those provisosals.

Rich Williams stated right.

Board Member Taylor stated I'd like to see their response next month.

Chairman McNulty stated yes. I agree. After...

Ron Gainer stated and as Rich...

Chairman McNulty stated after...

Ron Gainer stated as Rich has described, really what you want to focus on, your efforts, is really to get Part 1 complete so you can initiate the circulation.

Chairman McNulty stated exactly.

Ron Gainer stated Part 2 is significant, but only after you've identified yourself as Lead Agency.

Chairman McNulty stated okay. Also, have we sent out from the Planning Department a letter to the neighbors or the... We talked about sending it to the Fox Run Condo Board to let them know this application's in front of us.

Rich Williams stated I don't recall if we have or not.

Chairman McNulty stated okay.

Rich Williams stated but I will... I will say...

Board Member Taylor stated they've done it. They did it.

Rich Williams stated they know it's there.

Board Member Brady stated yes.

Board Member Taylor stated yes, they do.

Board Member Brady stated this letter. This letter tells...

Board Member Montesano stated tell them to do it.

Chairman McNulty stated because I know we've talked about it in the past and we've made a recommendation to do it. But you're right. The letter of intent clearly lets them know. Okay.

Board Member Brady stated I just have a couple of things.

Chairman McNulty stated sure.

Board Member Brady stated being the newbie, I came on the Board after this was all in the process when the zoning changes were being done and Sarah was graceful to give me all of those minutes. Thank you very much.

The Secretary stated you're welcome.

Board Member Brady stated I had spent the last two days reading them. And it's just I'm so confused where... Originally there was talk about twelve buildings at four units each; one, two bedroom, maybe a

third bedroom but it was questionable. And there was forty...I think it was forty-eight units at that time. And now we're up to 80. What I don't understand is if 48 units were feasible to make a profit, a reasonable profit, how did we wind up with... how did we get to 80 now. And earlier on we were told that 80 is the number to make it profitable. I don't know where that change came in. What changed. What happened. The property's there. The cost of building I don't think have changed in two years so drastically that it doubled the size of the project. And then also, early on, it was zoned...it's zoned for 8 houses, I believe.

Chairman McNulty stated R-4 zoning.

Board Member Brady stated yes. R-4, four-acre, 8 houses, and there was talking...The Board was talking about if you take four bedrooms and you...into those eight houses it makes thirty-two rooms or...

Chairman McNulty stated bedrooms.

Board Member Brady stated bedrooms. So that's number even lower. And we're just...Now we're just going bigger and bigger. And I just don't know...Where did that change. What changed that.

Mr. Zarecki stated you want to address that.

Chairman McNulty stated good question.

Mr. Robert Marvin stated I'm trying...I don't remember the...Hi. I'm...Should I use the mic.

Chairman McNulty stated yes. Just come up...

Mr. Marvin stated yes.

Chairman McNulty stated step up to the mic.

Mr. Zarecki stated I know it had to do with changing the project to active adult.

Mr. Marvin stated yes. Robert Marvin and I represent Fox Run. I'm with Marvin & Marvin Law Firm in Pawling. I don't remember all the history. I'm going to give you my best recollection, okay. I think that the 48 number came initially from it was never a number that everybody agreed to in any way. But it was a number that was used for purposes of just looking at this on a, sort of, a grand scale. And I think that the 48 was derived from the number of single-family homes that could be built on the property given...as if it was 100% buildable. It was forty-something acres, so I think...Was it four acre zones, Rich.

Rich Williams stated yes.

Mr. Marvin stated okay. So that gave us...Well, that gives you eleven.

Chairman McNulty stated yes, actually I believe you came in a little higher than what we anticipated, so I don't know what...How you arrived at 48.

Mr. Marvin stated 48 was a number that was looked at in the context, I think, of drafting the zoning regulation for the active adult. Rich, is that...do you have a recollection of this.

Rich Williams stated yes. That's...

Mr. Marvin stated yes.

Rich Williams stated that was pretty much it.

Mr. Marvin stated right. So it was never a number that the owner really looked at as that's my number or that's the number that triggers a profitable project here. Okay. That was just a number that was looked at for purpose of trying to, you know, draft the zoning amendment which was ultimately passed or...I think it was 2011 or 2012. Something like that.

Rich Williams stated right.

Mr. Marvin stated but when the...when we actually got down to the point of looking at what kind of a project makes sense here, it became clear. And I didn't do these economic calculations, okay. But they were done and it was clear 48 was never a number that could actually generate a profit here. And it would have to be...In order for it to be a feasible economic project, the number would have to be somewhat higher than...

Board Member Brady stated well...

Mr. Marvin stated 48.

Board Member Brady stated in what I read back through the minutes, it said that 48 was feasible. And...

Mr. Marvin stated I don't know...

Board Member Brady stated I believe you were the one that stated that in the minutes. I'd have to go back and look through all the stuff.

Mr. Marvin stated if I did then I don't recall it. And it's...the economics of it don't work at 48. I mean, that's clear at this point. There's no question about it. And again, I haven't done the economic analysis. That's not in my wheelhouse, if you will. Okay.

Board Member Brady stated no. I'm not...Look, I'm not trying to hold you to...

Mr. Marvin stated yes.

Board Member Brady stated forty-eight. I'm just...My question is really, it's bounced...it was so much lower and now it's double. And that's...

Mr. Marvin stated well, four...but forty-eight did come from some kind of derivation of the numbers: single-family houses at four bedrooms per, okay. And...But the density that's actually permitted by the current zoning is...would generate a number of bedrooms which would be substantially in excess of the 80 that we're looking at right now. We're not proposing to reach anywhere near that density. But the density would in fact permit quite a few more bedrooms. And I don't remember the number. We've actually calculated it at some point just to see what the maximum conceive, you know, possible yield is. And that doesn't even take into account site restrictions. But, you know, just mathematically possible. It's much more than 80.

Chairman McNulty stated I understand where Ed's coming from because when I was on the Board then...

Mr. Marvin stated yes. I...

Chairman McNulty stated I remember the discussion of...

Mr. Marvin stated I remember this. You were here.

Chairman McNulty stated I was new on the Board so it was all still Greek to me.

Mr. Marvin stated is my recollection somewhat accurate to what you remember. Because I remember going over all the details.

Chairman McNulty stated I remember you had proposed 48 units and we thought that was high at the time for density there. And we were working backwards with the R-4 zoning trying to calculate how many bedrooms we have, looking at that. I think we came up with like 32 or 34 bedrooms at the time.

Mr. Marvin stated I remember there was...I do remember there were discussions about that.

Chairman McNulty stated yes.

Mr. Marvin stated again, the specifics I forget.

Chairman McNulty stated so...

Mr. Marvin stated but you're right.

Chairman McNulty stated and then the discussion went on to make the recommendation and then work through the process that we're in now to get a suitable project.

Mr. Marvin stated yes. Well, you know, I can, again, I'm not the economic guru on this...

Chairman McNulty stated yes.

Mr. Marvin stated but among the significant expenses that the owner is going to incur here are, you know, those very items set forth in the letter of intent with the existing Fox Run which are really necessary upgrades. And they're, you know, obviously they can speak for themselves but I think that they're quite excited about the prospect of having someone to help them to bring their project up which has suffered in the last few years. I think that maybe their own, you know, homeowner's association fees to the...their common fees probably should have been higher for the last ten or fifteen years. That the way they, you know, run their operation and I'm not privy to the details of that but...

Board Member Brady stated there is discussions in these minutes that I read back about, you know, in the second phase cleaning this up...

Mr. Marvin stated yes. Well...

Board Member Brady stated and trying to address it.

Mr. Marvin stated you know, they run themselves. They're self-governing.

Board Member Brady stated right.

Mr. Marvin stated we don't have a say in how they do things, but...

Board Member Brady stated and I just saw this today for the first time, the letter of intent, and...

Mr. Marvin stated oh, we just got it within the last couple of days.

Board Member Brady stated yes. I was impressed with, you know, some of the stuff that's in there.

Mr. Marvin stated yes.

Board Member Brady stated it addressed...It addressed some of the concerns that the Board had.

Mr. Marvin stated well that's...I think that they're the same concerns that the existing homeowner's association has...

Board Member Brady stated right.

Mr. Marvin stated and it's quite a significant expense to do what the owner here has committed to do if he gets the project approved. So, you know...

Chairman McNulty stated one other questioning. Is this project looked to be done in phases. Or...

Mr. Marvin stated I think that, yes. I think in the EAF it discusses that it would be done in...Is it six phases.

Mr. Curt Johnson stated I think we're kind of like 3 or 4.

Mr. Marvin stated okay. There are several...

Board Member Brady stated I think it just said phase...

Mr. Marvin stated Curt had a lot more to do with drafting the EAF...

Board Member Brady stated I don't think it said how many.

Chairman McNulty stated yes. I don't...That's fine.

Mr. Marvin stated several phases anyway, yes. It would not be built all at once.

Chairman McNulty stated okay.

Mr. Marvin stated okay.

Chairman McNulty stated alright.

Mr. Marvin stated I just...That's the best recollection that I have. Thank you.

Chairman McNulty stated thank you. Anybody else have anything.

Board Member Brady stated no. That's it.

Chairman McNulty stated okay. So I think you know we're grappling with a lot of issues here. Looking to get the EAF cleaned up so we can move forward and we'll address the Part 2.

Mr. Zarecki stated very good. So, we'll address the comments that you have. We'll get them back. We'll turn them around as soon as we can. And I believe the dates of the Planning Board meeting...is it the 19th is the deadline. August 19th I believe.

Chairman McNulty stated not sure.

Rich Williams stated not sure.

Board Member Taylor stated that's the Secretary's job.

Mr. Zarecki stated August 19th. If...We'll try to get it in by the deadline so that you have time to review it.

Chairman McNulty stated okay. Thank you.

Mr. Zarecki stated alright. Thank you very much for your time.

Chairman McNulty stated okay.

Board Member Brady stated thank you.

Board Member Taylor stated thank you.

Rich Williams stated do you want to take your plan, Joe.

9) PATTERSON CROSSING RETAIL CENTER

Chairman McNulty stated okay. Patterson Crossing we addressed at the work session.

10) OTHER BUSINESS

a) Dodd/Fallman

Chairman McNulty stated Other Business. Rich, anything on Dodd/Fallman.

Rich Williams stated yes. I...We talked a little bit about this at the meeting and I wanted Mike Liguori here when we had the real conversation on this. If you remember this was a lot line adjustment that was approved by the Planning Board based on representation by both property owners that they would move forward with the lot line adjustment. Subsequently, if you remember, the mortgage company was not informed of the lot line adjustment.

Michael Liguori stated right.

Rich Williams stated the house was in foreclosure so they couldn't go forward actually with the lot line adjustment even though they filed the plat. So...

Michael Liguori stated well they couldn't get the necessary release from the mortgage company.

Chairman McNulty stated from the mortgage...

Michael Liguori stated right. The plat was...Was the plat filed. It was filed, right.

Rich Williams stated it was filed.

Michael Liguori stated yes, okay.

Rich Williams stated it was filed. So...

Michael Liguori stated but the problem was that the mortgage covered more than what would be the remaining lots so the neighbor would have basically land encumbered by the other neighbor's mortgage.

Rich Williams stated right. So, they have to dissolve the lot line adjustment. That required the consent of both of the former applicants. And then, as I understood the process, then the Planning Board has to adopt some resolution which we would then file with the Putnam County Clerk.

Michael Liguori stated yes.

Rich Williams stated to dissolve the lot line.

Michael Liguori stated right.

Rich Williams stated well, we've got one property owner to sign off on the agreement right away. And the second one just absolutely refused. They...

Chairman McNulty stated which one refuses. The one that encumbers...

Rich Williams stated Fall...

Chairman McNulty stated the other lot.

Rich Williams stated Fallman.

Chairman McNulty stated but as far as...

Rich Williams stated the one that lost property which, you know, was the problem.

Board Member Taylor stated right.

Rich Williams stated and notice of violation was issued. Bench warrant was issued. You know, finally they caught up with him and he signed. So...

Chairman McNulty stated oh.

Rich Williams stated Planning Board has to adopt the resolution. I'm not real clear on what resolution they need to adopt.

Michael Liguori stated well, you know Rich, I was thinking I don't think we have to do a new map.

Rich Williams stated no. It was...The way you would outline it originally was...

Michael Liguori stated yes.

Rich Williams stated the Planning Board had to adopt a resolution basically rescinding their former...

Michael Liguori stated that's right. That's right.

Rich Williams stated approval.

Michael Liguori stated right. Right.

Rich William stated which then gets filed with the County Clerk.

Michael Liguori stated right.

Rich Williams stated and that dissolves the map for the County.

Michael Liguori stated right. Right. So, do...

Board Member Taylor stated so moved.

Rich Williams stated you can draft something up...

Michael Liguori stated yes. Let me draft it.

[Laughter].

Board Member Montesano stated (inaudible) prove it.

Rich Williams stated alright. So we're going to draft it up and put it on for the next agenda.

Chairman McNulty stated that was going to be my question. Are we handling this tonight or do we get to read through...

Michael Liguori stated yeah...

Chairman McNulty stated technical...

Michael Liguori stated you know what, I'd rather just have the right dates. The reference to the maps.

Board Member Taylor stated yes.

Rich Williams stated okay. No problem.

Chairman McNulty stated tax map number. That kind of thing.

Michael Liguori stated yes.

Board Member Montesano stated do we have to do that.

Chairman McNulty stated yes.

Michael Liguori stated that way we could...You get approve what will be actually recorded.

Board Member Taylor stated yes. That will be nice.

Chairman McNulty stated okay.

Board Member Montesano stated gee, that will be new.

Board Member Taylor stated I guess that's (inaudible – too many talking).

Chairman McNulty stated well, that's a complicated one.

Michael Liguori stated can't make this stuff up.

b) Bear Hill Estates Zoning Request

Chairman McNulty stated is this a test for the first night. Bear...Anybody else have a comment on that.

Board Member Taylor stated I've got something...No. I've got something on Bear Hill.

Chairman McNulty stated okay.

Board Member Taylor stated in reading the SEQRA stuff, there is a section which I highlighted, or quoted, about not separating certain actions that are dependent upon each other like a zoning action that we just had that influences a project that's coming up like Bear Hill where they want a zoning change so they can go ahead with a commercial project. The SEQRA seems to be saying you should proceed with both applications at the same time so that you get a comprehensive SEQRA for both of them so we're not in the situation that we are now where the Town Board approved a SEQRA on adult overlay.

Chairman McNulty stated well, that wasn't really a SEQRA though. That was just the referral.

Board Member Taylor stated no, no, no.

Rich Williams stated no, no, no.

Board Member Taylor stated no.

Rich William stated and this happens...this occurs all the time when an applicant comes in, they want to develop a site in something other than what's consistent with our current zoning. They request a zoning change and generally, you know, they separate those two actions. Most Town Boards do. You know, they separate the zoning from the site plan. So...

Board Member Taylor stated yes. It...

Rich Williams stated it doesn't always happen that way, but a lot of times they look...

Board Member Taylor stated if you look at the law, a zoning change, a change to the zoning code, requires a SEQRA. And that's what the Town Board did. They said there were no negative impacts from this change.

Rich Williams stated from allowing multi-family housing on the site.

Board Member Taylor stated right. But in a case like Bear Hill where we see the close tie between these two things...

Chairman McNulty stated yes.

Board Member Taylor stated and we're recommending to the Town Board that they not go with the change. I think we should say to them, in addition, that we think before this change happens the whole process should go forward. The two should be tied together so that a thorough SEQRA could be done and then if you find there are no impacts, from the traffic for example, then the zoning could be changed as part of the whole thing so we don't...we're not stuck with another situation where we're dealing with a pre-existing zoning change that they...

Chairman McNulty stated so what you're saying is instead of leaving it in the Town Board's hands, we should do a thorough review...

Board Member Taylor stated no.

Chairman McNulty stated of SEQRA.

Board Member Taylor stated no, no, no.

Board Member Montesano stated for it to be coordinated.

Board Member Taylor stated it is in the Town Board's hands. That part is in the Town Board's hands. But I'm saying don't separate the two actions. It's like having DEC approve one part of a thing and us another part and the Town Board another part. But the SEQRA gets tied in so that the real impacts get looked at before anybody approves anything. Isn't that what the State is saying in SEQRA. Or...

Rich Williams stated yes. The...

Board Member Taylor stated which one are you doing.

Rich Williams stated the difficulty in that...

Michael Liguori stated look, that first...There's segmentation is what the...what Ron is bringing up. That's the topic. And the question is, is this permissible segmentation or impermissible segmentation. And the practical concern....There's two concerns: there's Ron's concern, which is generally the, you know, the Town's concern...

Chairman McNulty stated yes.

Michael Liguori stated is are all the environmental impacts being considered before it takes its first action. And then there's the applicant's concern which is how could I possibly incur all the costs to generate the, you know, the full build out potential and analyze all those concerns without knowing whether or not I actually can have that project. And that's what you...we, you know, that's the struggle because it's...

Board Member Brady stated yes.

Michael Liguori stated enormously expensive to get to the answer when, you know, you could bifurcate, which would be minimal environmental impact review on the zone change. Significant environmental impact review on the actual project. So, that's really what goes on here. And this very practical tug-of-war, which is, you know, how can I commit to spend all that money if I get to the end of the road and then find out my zoning change doesn't get approved.

Board Member Brady stated right.

Chairman McNulty stated well...

Michael Liguori stated so, that's...

Chairman McNulty stated the question is would we be wrong and making a referral at this point.

Michael Liguori stated no, no. I mean, you've been asked a very technical question which is we've been...Us, Town Board... We, Town Board, have been asked to zone a piece of property from one zoning to another and the Planning Board has jurisdiction over the practical impacts of the rezoning. And, you know, you guys have a list of criteria that you can analyze and it's entire...It's perfectly acceptable to go back to the Town Board and say to the extent that information is available to us, this is what we have for you.

Chairman McNulty stated well, maybe we should include in our recommendation that...I know how I feel about it, and include in our recommendation that further studies should be done before the Town Board makes...

Board Member Taylor stated a change.

Chairman McNulty stated such a change.

Board Member Montesano stated alright. Can I...

Chairman McNulty stated so...Go ahead, Mike.

Board Member Montesano stated for arguments sake, Town Board approves a zoning change.

Michael Liguori stated yes.

Board Member Montesano stated we come to the conclusion that it shouldn't have been done.

Michael Liguori stated doesn't matter.

Chairman McNulty stated no. Once it's done...

Board Member Montesano stated and that's the whole thing, if they went to court could they override our decision by saying well the Town Board approved it.

Michael Liguori stated well, what's the... You...

Board Member Montesano stated in other words...

Michael Liguori stated what's your decision.

Board Member Montesano stated okay. The Town Board approves the Senior Citizen Housing, 55, what the heck the case may be. We come to the conclusion that it's not a senior citizen housing because of...

Board Member Taylor stated impacts.

Board Member Montesano stated whatever.

Board Member Taylor stated impacts. Yes.

Board Member Montesano stated and we say no and we vote accordingly. If they go to court, does the Town Boards authorization supersede what we just did.

Michael Liguori stated no. Alright, so, just because the Town... Just because the zoning code says that you could have a... Let's, you know, for example, Fox Run. Right. Let's say the zoning code says you could have 120 units. But the environmental analysis doesn't support 120 units, then you're within your right to deny the project or... Let's say they come in with 120. But they can't mitigate the environmental impacts. Then you're not going to have 120. As long as you have a rationale, you can't be arbitrary, you can't be capricious and you can't use your discretion.

Rich Williams stated but... But, you know, in that SEQRA process, when you're doing the analysis, you have to look at what is reasonable to mitigate.

Michael Liguori stated right.

Rich Williams stated SEQRA requires you to look at alternates.

Board Member Taylor stated mmhmm.

Rich Williams stated and if you just go in and outright deny the multi-family housing...

Michael Liguori stated you can't.

Rich Williams stated rather than Town Board, that you can't do.

Michael Liguori stated that you can't do.

Rich Williams stated but...

Chairman McNulty stated yes.

Rich Williams stated as we did with Burdick Farms, he asked for 81 units, we approved 38. That was an alternate that was proposed.

Michael Liguori stated right. Right.

Chairman McNulty stated yes.

Rich Williams stated so, you could do that. You can look at the impacts and based on the potential impacts, you know, mitigate them by a reduction in density, a reduction in height, you know, put it on a different location on the site. Whatever you got to do to mitigate those impacts.

Board Member Taylor stated so you would recommend we continue the separation between the two. Or can we...Can we do it in certain actions and not in other actions.

Rich Williams stated as...

Michael Liguori stated I...

Board Member Taylor stated Bear Hill clearly...

Rich Williams stated as a planner, I would love to see you roll the whole thing up in one big ball so you're looking at the whole thing. Pragmatically...

Michael Liguori stated it's not going to happen.

Rich Williams stated the reality is...

Board Member Taylor stated not going to...

Rich Williams stated you can't ask an applicant to spend that kind of money to do a full design drawings, do all the analysis...

Michael Liguori stated with the risk hanging out there.

Rich Williams stated yes, with the risks. Not going to do it.

Michael Liguori stated you know, if it was a bigger...Look, if it was something like Fox Run, yeah, I don't think you could bifurcate the two, you know. But on these smaller things, you know, you'd be within your right to say hey look. You know, we'd like to have...we'd love to see it fully developed so we can analysis it a little bit more but based on what we have at hand that, you know, that's what you base your recommendation on.

Chairman McNulty stated okay. I'm ready to make a referral...recommendation tonight. Is everybody on board with that.

Michael Liguori stated I don't know if the...I thought I saw Tony here.

Mr. Tony Branca stated yes. Yes, I am.

Michael Liguori stated Tony, I don't know if you want to speak or talk to the Board. Or...

Chairman McNulty stated okay.

Michael Liguori stated Tony's the owner.

Chairman McNulty stated I didn't know that. You're welcome to make comment.

Mr. Tony Branca stated name is Tony Branca.

Chairman McNulty stated hi, Tony.

Mr. Branca stated and last time I was here I went to one of the working sessions. And at that point in time I was asked to go and do a traffic study...preliminary traffic study to assess the traffic on [Route] 311. I retained Maser & Associates Engineers and they did the traffic study. As a result of the traffic study we shrunk the building down significantly. We were looking for a 25,000 square foot building, two levels, 12,000 square [foot] footprint. And according to Maser, the most without doing significant improvements on 311 was 12,000. I'm fine with that. A 6,000 [square foot] footprint. They relocated the driveway into a spot where there was, in their opinion, significant site clearance subject to DOT's approval and then final sign off. But at least this got me to a point where, okay, I know the size. I can evaluate the economics and does it make sense for me to go forward. I'm in front of you hoping that you recommend the zoning change.

Chairman McNulty stated okay. Thank you. Well, we've all discussed it. We've been out there on a site walk. Did see the traffic study. I didn't go over it fully in depth. Has everybody else looked at it. At the...

Board Member Brady stated yes.

Chairman McNulty stated okay. So our feeling...make a referral at this point to the Town Board that we don't recommend it to go to commercial zone based on road improvements that are undetermined at this point and the density of traffic on...in and out of that road is a dangerous situation. So I feel this Board would recommend not to make that zoning change. But also, if they decide to go further, to look at the impacts through a SEQRA study. I don't know if I phrased that right. SEQRA...And EAF, I guess it would be.

Ron Gainer stated an environmental review.

Chairman Stated and environmentally review. Anybody...

Board Member Brady stated I'll second that. And I'd like to add that I drive that road every day. And that's...Nobody does the speed limit on that road, going up or going down. And I think it's a very dangerous area and I think changing it to commercial zone would just create a massive headache for...

Chairman McNulty stated without...

Board Member Brady stated everybody.

Chairman McNulty stated without significant improvements...

Board Member Brady stated right.

Chairman McNulty stated to 311.

Board Member Brady stated right. Correct.

Chairman McNulty stated okay. Everybody in agreement. Is that a motion we have to make on that or is it just a referral.

Rich Williams stated yes. You should do it by motion and a vote.

Board Member Montesano stated well, you just made the motion.

Chairman McNulty stated I made the motion.

Board Member Montesano stated and he seconded it.

Board Member Brady stated I seconded it, so...

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

Chairman McNulty stated okay. Thank you. Sorry, I didn't realize you were back there for this.

Mr. Branca stated that's okay. I just, you know, your decision didn't change. I hired a professional to go do the study. The study didn't show what you wanted it to show and you stood by your same decision. It just doesn't make any sense to me. I threw money away. I should have just stopped when I read the minutes from the prior meetings. I'm sorry that you guys feel that way.

c) Paddock View Estates

Chairman McNulty stated Paddock View Estates.

Rich Williams stated we took care of that.

Chairman McNulty stated we took care of that.

d) Thunder Ridge Discussion

Chairman McNulty stated we talked about Conklin. Was there any update from the...on the court situation there.

Rich Williams stated there may be. There may be but it might be preliminary to share at this point.

Chairman McNulty stated okay.

e) Minutes

Chairman McNulty stated we talked about training a little bit. We'll save that for the work session. Minutes. Has everybody took at the minutes for June 26th and July 1st, 2014.

Board Member Brady stated yes.

Board Member Montesano stated make a motion to accept them.

Rich Williams stated just remember it's late [referring to Ted Kozlowski].

Chairman McNulty stated second.

Board Member Taylor stated all in favor.

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

f.) Cythina Chory Discussion

Ted Kozlowski stated Mr. Chairman, I have one thing that I have to bring to the Board's attention.

Chairman McNulty stated yes.

Ted Kozlowski stated and it's going to be very short. Ms. Chory...

Board Member Brady stated microphone.

Ted Kozlowski stated Mrs. Chory, who I just had a recent wetlands violation with which was settled in Town Court. It's along East Branch Road. She cleared some wetlands. She agreed to restore it. She paid a fine to DEC. Everything's back to square one there. She called me up. She wants to put a gravel parking area off of the existing driveway and she wants to repave that driveway. The parking area that she's talking about, and it's not item 4, it's gravel, is roughly ten...12'x20'. Something like that. I had the dimensions. I didn't bring it with me tonight. I photo documented the area in question; she had it staked out. We had the wetlands staked out. It's roughly 60' from the Town and State wetland line. But it is located right next to the driveway in grass/lawn. I don't have a problem with her putting that in. I don't really feel that she needs to go through a wetland permit application for this.

Chairman McNulty stated is it within the buffer. I'm not familiar with how this house...

Ted Kozlowski stated everything...

Chairman McNulty stated is.

Ted Kozlowski stated everything at this house, the driveway, the house, everything is within the...

Chairman McNulty stated is this on East Branch Road also.

Ted Kozlowski stated yes. This is next...It's just north of Prospero Nursery. It's the first house north of the Prospero Nursery site. So, I don't know what the Board wants to do on that. I don't have a problem with just letting her do it.

Board Member Taylor stated how many square feet.

Ted Kozlowski stated I think it's 12' x 20'.

Board Member Taylor stated 240 [square feet].

Chairman McNulty stated and it's a driveway or a parking area.

Ted Kozlowski stated she has a driveway already. It's an existing driveway, she wants to repave it. But the location of the house and the way it's situated, when she gets to the bottom of the driveway, it's very difficult to turn a car around. And when she has company, they have to park on the lawn. I get it. I understand that. I see her...or her issue. And what she wants to do is she doesn't want to pave there. She just wants to put a gravel pad there so when she has company and when vehicles come, they can park on that instead of lawn.

Chairman McNulty stated well, I don't know if it's something we can waive unless there's an actual application in front of us, is it not.

Rich Williams stated I don't know. I don't know there's anything in the Code that allows you or Ted to waive the requirement. You certainly can waive a lot of requirements once you have an application, but I'd have to go back and look at the Code.

Chairman McNulty stated Mike, any comment on that.

Michael Liguori stated just...

Ted Kozlowski stated I think we have, in the past, allowed people to do stuff without going...

Chairman McNulty stated well, none of us...

Ted Kozlowski stated for a wetlands permit. Although, it was an emergency. It was an emergency or detrimental to the property.

Chairman McNulty stated well, we appreciate your assessment but we really don't know anything about it. So, I would say she should at least go through the process and file an application.

Rich Williams stated alright. Well, we can take another look at the Code and in the interim, you know, it's a \$100 application.

Ted Kozlowski stated don't we have a \$25 fee for minor. I thought we had a \$25 one.

Rich Williams stated I don't know. I don't think so. But I'll take a look at that.

Ted Kozlowski stated I thought we did.

Rich Williams stated I thought it was just a \$100...

Chairman McNulty stated can we look at it and discuss it at the work session.

Board Member Taylor stated I just got a question on this. Could we ask to allow 240 square feet of her property to be restored to wetland buffer in exchange for this gravel driveway. How would people feel about that. I mean...

Board Member Montesano stated it's fine but can we do it.

Rich Williams stated (inaudible – too many talking) as is.

Chairman McNulty stated but still, without an application...

Board Member Taylor stated no, no.

Chairman McNulty stated how do address that.

Board Member Taylor stated I understand that.

Rich Williams stated I'm curious what the DEC is going to do with it.

Ted Kozlowski stated uh...

Rich Williams stated let's take a look...

Ted Kozlowski stated that's a whole nother discussion.

Rich Williams stated yes, let's take a look at the Code and see what we can work out.

Ted Kozlowski stated so the Board would rather she file an application.

Chairman McNulty stated I think so.

Board Member Brady stated yes.

Chairman McNulty stated I feel better with that.

Ted Kozlowski stated okay.

Board Member Taylor stated okay.

Board Member Montesano stated Mike, could we ask her to donate the property.

Board Member Taylor stated no, I'm not saying donate it.

Michael Liguori stated well, I get, you know...

Board Member Montesano stated well, no. I mean to authorize the use of it.

Michael Liguori stated you know, Ron's point is the even exchange.

Board Member Brady stated right.

Board Member Montesano stated yes.

Michael Liguori stated so that's...

Ron Gainer stated yes. Just looking at it as mitigation. Right.

Michael Liguori stated right. You know, at the end of the day the only way to deal with it not in front of the Board is for the Town to just not enforce whatever she does. Okay. So...

Board Member Brady stated but it's already here. It's out. It's in a public meeting now, so...

Michael Liguori stated well...

Board Member Montesano stated it's already been...

Michael Liguori stated just depends if Ted spoke into the microphone or not.

[Laughter].

Ted Kozlowski stated no, you know what, given the fact that there was an enforcement action with this woman and there were issues...

Board Member Montesano stated (inaudible) on that.

Ted Kozlowski stated and every time I do...try to do a nice thing I seem to get bit. So, I'm...

Chairman McNulty stated that's why I think we stick with this system...

Ted Kozlowski stated really not...

Chairman McNulty stated and let her file an application.

Board Member Montesano stated does that really happen.

Ted Kozlowski stated you know, I'm sure she's not going to be happy when I report to her tomorrow. But...

Chairman McNulty stated well, we can't make everybody happy as we just saw.

Board Member Brady stated yes.

Board Member Montesano stated just watch out for the chicken.

Chairman McNulty stated does anybody else have a comment tonight.

Board Member Brady stated I have one other thing and it just goes back to some of the old things that have never been finished. Projects that were never finalized like COs that were given that really shouldn't have been given. And can the Board...Before a CO is given, can these projects come back to the Planning Board to make sure that all of their...the requirements that they put in to that project are fulfilled.

Board Member Montesano stated nope.

Chairman McNulty stated I asked the same question two years ago.

Rich Williams stated from your mouth to god's ear.

Board Member Brady stated well, but...

Rich Williams stated yes.

Board Member Brady stated you didn't answer me.

Rich Williams stated there's procedures in place that, you know, that Planning Board is supposed to, you know, take a, you know, a step or two before a CO is issued.

Board Member Brady stated right.

Rich Williams stated such as declaring a road substantially complete.

Board Member Brady stated right.

Rich Williams stated you know. So, if the Building Department now wishes to work with the Planning Department and we do that in a comprehensive manor, we're fine. If they don't then, you know, we are where we are and unless the Town Board enforces it...

Board Member Brady stated right.

Rich Williams stated you know.

Board Member Brady stated but, can't there be...

Rich Williams stated hopefully we got...

Board Member Brady stated can we go to the, hypothetical, can we go to the Town Board and have a regulation put into effect that the CO cannot be issued on anything that's been in front of the Planning Board and...

Rich Williams stated it's there.

Board Member Brady stated it's there already.

Rich Williams stated it's there.

Board Member Brady stated well, then...

Rich Williams stated it's a question of enforcing it.

Board Member Brady stated oh. Then we have to see if the Building...new Building Department will enforce it.

Rich Williams stated right.

Board Member Brady stated and if they won't, then we need to go to the Town Board and ask the Town Board to...

Chairman McNulty stated maybe we can incorporate that into training we discussed at the work session with a joint Planning Board, Town Board...uh, Building Department training.

Rich Williams stated well, I think that, you know, Bob's just getting his feet wet.

Chairman McNulty stated right.

Rich Williams stated you know, he knows building code but, you know, process, procedure, zoning; he's got a lot to learn. And he's learning it and he's learning it quick. And I think he wants to do the right thing. So I think as long as we make him aware of these requirements, he'll try to abide by them.

Chairman McNulty stated okay.

Board Member Brady stated no, I think Bob will be good.

Rich Williams stated and hopefully we will have a better working relationship.

Chairman McNulty stated anybody else. Make a motion to adjourn the meeting.

Board Member Montesano stated second.

Board Member Brady stated second.

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

Meeting was adjourned at 9:33 p.m.