

TOWN OF PATTERSON
PLANNING BOARD MEETING
September 4, 2014

AGENDA & MINUTES

	Page #	
1) Wilkins Motorsports - Sign Application	1 – 4	8' x 3' Freestanding sign granted
2) PCLT/Mancini Subdivision – Subdivision Application	4 – 21	Discussion of EAF
3) M&S Iron Works – Site Plan Application	21 – 22	No one present to represent the application
4) Dino Rentoulis – Site Plan Application	22 – 31	Discussion of possible agreement to legally tie north (restaurant) and south (parking) parcels together
5) Fox Run Phase II – Amended Traffic Study	31	No one present to represent application – Applicant to submit updated EAF
6) Other Business		
a) Dodd/Fallman	32 – 33	Granted resolution for the dissolution of the Lot Line Adjustment
b) Illescas Wetlands Application	33 – 37	Ted Kozlowski to go out to site to verify wetlands delineation as shown on plans
c) Castellano Driveway	37	Driveway Postponement granted at 8/28/14 work session
d) Frog Hill, LLC Site Plan	37 – 39	Issued Negative SEQRA Declaration
e) Minutes	39 – 41	Approved July 31, 2014 minutes

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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Thomas E. McNulty, Chairman
Ron Taylor, Vice Chair
Michael Montesano
Edward J. Brady Jr.
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**Planning Board
September 4, 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 9 members of the audience.

The meeting was called to order at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

Chairman McNulty led the Salute to the Flag.

1) WILKINS MOTORSPORTS – Sign Application

Mr. Adam Wilkins was present.

Chairman McNulty stated okay. Tonight's agenda. First thing is Wilkins Motorsports. Anybody here for that.

Mr. Adam Wilkins stated that's me, Adam.

Chairman McNulty stated okay, just... Well, it's a sign permit, right.

Mr. Wilkins stated yes. That's correct.

Chairman McNulty stated we looked at everything.

Mr. Wilkins stated yes.

Chairman McNulty stated is it in that...

Board Member Taylor stated (inaudible).

Chairman McNulty stated okay. In a minute. Okay, we looked at everything and no big issues with it other than where it was located.

Mr. Wilkins stated okay.

Chairman McNulty stated did Rich speak to you about that.

Mr. Wilkins stated no. He has not.

Chairman McNulty stated okay.

Mr. Wilkins stated the...Where I placed it...

Chairman McNulty stated the location of the Wilkins sign being in the OT right-of-way.

Rich Williams stated well, again, the material that you submitted it appears it may be within the DOT right-of-way. So what I suggested to the Board, you know, you should...

Chairman McNulty stated yes, Sir. Come on up. I...Yes. I didn't think he'd have that much to say.

Rich Williams stated but I suggested to the Board just to expedite this is in any motion approving the sign just say the sign's got to be at least 25' from the centerline of the road. That keeps it out of the DOT right-of-way.

Mr. Wilkins stated okay.

Rich Williams stated because you don't want to put it up and find out it's in the DOT right-of-way. They've got an issue with it.

Mr. Wilkins stated sure.

Rich Williams stated they're just going to tear it down.

Mr. Wilkins stated or...I was thinking about that. Or if there's like a big snowstorm, you know, they're plowing and that takes it down or whatever.

Rich Williams stated yes. So as long as it's 25' from the centerline, typically, you're going to be okay.

Chairman McNulty stated the other question I had in relation to your entrance...to the space, is there any...is there a clear view from where it will be located. In and out of the driveway.

Rich Williams stated yes, it's far enough back so you've got sight visibility going down the...

Chairman McNulty stated okay.

Rich Williams stated driveway down [Route] 22.

Chairman McNulty stated okay.

Rich Williams stated and it's up on the hill a little bit, so...

Mr. Wilkins stated yes.

Board Member Brady stated there's no lights, right.

Mr. Wilkins stated no lights. Correct.

Chairman McNulty stated are you planning any kind of plantings or just going to keep it in the grass...

Mr. Wilkins stated no, yes I'm going to do like some boxwoods. There's...It's kind of...You can sort of tell in the picture that there's an embankment there.

Chairman McNulty stated yes.

Mr. Wilkins stated so I'm going to bring in some mulch and some boxwoods to kind of just, you know, pretty it up a little bit.

Chairman McNulty stated okay. Does anybody else have anything. The sign meets the area.

Rich Williams stated yes.

Chairman McNulty stated the letters are fine.

Rich Williams stated yes. Other than that, everything was fine. The only other concern I raised was to ensure that the color orange that he showed was the actual color and not a fluorescent orange.

Chairman McNulty stated yes. Is that the actual colors.

Mr. Wilkins stated that is...Correct. That's the...

Chairman McNulty stated okay, I'll make a motion for SEQRA on a sign application for Wilkins Motorsports to declare a negative determination.

Board Member Montesano stated second.

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

Chairman McNulty stated and I make a motion on the sign application of Wilkins Motorsports to approve the sign as presented in the proof; the colors to match and to be at least 25' from the center of the DOT roadway.

Board Member Montesano stated second.

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

Chairman McNulty stated okay. You're all set. Good luck.

Mr. Wilkins stated thanks.

Chairman McNulty stated what kind of work you're going to do there.

Mr. Wilkins stated motorcycle sales. Motorcycles, ATVs, jet skis, sales and service.

Chairman McNulty stated okay. Alright, great. Good luck.

Mr. Wilkins stated thank you.

2) PCLT/MANCINI SUBDIVISION – Subdivision Application

Mr. Rick Lamontagne, Bibbo Associates, was present.

Chairman McNulty stated next we have Mancini Subdivision. How are you doing today. I'm sorry, I forget your name. I know you've...

Mr. Rick Lamontagne stated Rick Lamontagne.

Chairman McNulty stated been in front of us forever.

Mr. Lamontagne stated yes, exactly. Well, presented to the Board was revised plans relocating the driveway.

Chairman McNulty stated yes.

Mr. Lamontagne stated after your site walk. We went out and actually measured the sight distance. We have plenty looking to the northwest. Looking south...I mean the northeast. Southwest, it's...We've got almost 400' going this way but if it is the intention of the Town to straighten out that road where you took the barn down, we're going to even gain even more sight distance.

Chairman McNulty stated but it made a big difference moving that down.

Mr. Lamontagne stated it did. It did.

Chairman McNulty stated yes.

Mr. Lamontagne stated it cut this corner out of it [referring to plans].

Chairman McNulty stated yes.

Mr. Lamontagne stated because we couldn't see passed there very far, so...And it helped us keep it benched into the hillside a little bit and it helps with drainage, too. We can keep it on one side with the driveway coming down. The other items; we did look into bringing the driveway in from over here. Again, the legal part of it coming across on your parcel here and the already written portion of this deed, you know, the cart before the horse deal. So we're trying to keep it within here. And we find that this does work pretty good.

Chairman McNulty stated the grade works good for the driveway.

Mr. Lamontagne stated yes. Well, it's steep everywhere, you know. No matter where we come, we're going to hit, you know, a grade like this either over here coming down or over here and...So, it does work. It conforms to all the standards.

Chairman McNulty stated okay.

Mr. Lamontagne stated now, moving forward to Rich's memo, the few minor things. I think we can finish those pretty quickly. I did have one question. You said a retaining wall or an engineered walled down on the lower section. This is graded right up to...right up to grade. So, we'll have to talk about what section...

Rich William stated yes, we'll have to talk about that because I saw a 6' difference.

Mr. Lamontagne stated okay. Yeah, no we'll definitely...

Chairman McNulty stated where do you see the difference, Rich.

Rich Williams stated six foot difference between the garage door elevation...

Mr. Lamontagne stated which is...

Rich Williams stated which has...

Mr. Lamontagne stated 618.

Rich Williams stated which has to essentially equal, you know, the paved area coming into it. You're not going to have 2 or 3 foot gap there. Right.

Mr. Lamontagne stated right.

Rich Williams stated so...

Mr. Lamontagne stated the 616 contour comes out of the...out and comes around here. And this pitches back to the 617 low point over this way. So...

Rich Williams stated I'll take another look at it.

Mr. Lamontagne stated okay.

Rich Williams stated that's not the way I read it.

Mr. Lamontagne stated okay. Other than that, you know, one of the main concerns Rich is having and we have also is this little pond and the shed that was built half on our property all the way in the drainage easement. Legally, I'm not sure the steps on how we approach. Did we...Did you notify the Building Department.

Rich Williams stated I did.

Mr. Lamontagne stated you did. Okay.

Rich Williams stated I don't know what steps he's taken at this point.

Mr. Lamontagne stated so, what...

Rich Williams stated we have a zoning violation out there at this point.

Mr. Lamontagne stated so...

Chairman McNulty stated that's where all the spruce trees are, you're planning on moving, right.

Mr. Lamontagne stated yeah. Well, all the spruce trees are these dots.

Chairman McNulty stated yes.

Mr. Lamontagne stated alright, on this plan. On the aerial. Some of these are gone. I think he's... Well, somebody's going in there and taking them out and there's only one way in really. So, we're going to take the... The trees that we take out in this area here to construct, we're going to either put along this... the drainage easement line up here or across the top.

Chairman McNulty stated now, that was a question I had in your response. In note three, I think, it showed that you'd be doing plantings. But I didn't see anything indicated on a plan. Did I miss that. Did you see it on a plan, Rich.

Mr. Lamontagne stated no. We didn't specify where... We're going to pick this tree up and put it over there. Because the trees haven't been surveyed located.

Chairman McNulty stated but even if it's not that specific, there should be something on a plan that says you're going to do those plantings or create that buffer.

Mr. Lamontagne stated okay. Yes, we'll put a note and we'll show an area where they're going to go.

Chairman McNulty stated okay. Because I saw it in the notes but I couldn't find it on the plan.

Mr. Lamontagne stated okay.

Chairman McNulty stated alright.

Board Member Taylor stated now are you planning on leaving some of those trees or is that all...

Mr. Lamontagne stated yes.

Board Member Taylor stated become lawn.

Mr. Lamontagne stated it depends on the grading, you know. If this... If it gets graded this way, this swath in between here is going to remain and the ones up above are going to remain. We'll take everything else and either plant them up above or down below. Rich, you mentioned the outfall from the drainage system pushed towards the ditch. You know, I can tweak it and put it right on the edge of the...

Rich Williams stated yes. That's all I would... You know, the way you had it going it looked like, based on the grade, it was going to kind of bypass that ditch and...

Mr. Lamontagne stated okay. Yes, we'll pick it up and make it go that way.

Rich Williams stated yes. Just a little tweak.

Mr. Lamontagne stated so... Additional silt fence. Oh, we'll get more information on the drainage... the drop inlet catch basin that they show there. The surveyor...

Rich Williams stated that's fine. I was going to walk out there and go try to figure it out.

Mr. Lamontagne stated yes.

Rich Williams stated I'll have a machete with me.

Mr. Lamontagne stated the...

Rich Williams stated it's thick.

Mr. Lamontagne stated try to find that... Yes, it is thick. Try to find the end of that where it comes out.

Rich Williams stated yes, because the survey that I do have for the adjacent property owner doesn't show that.

Mr. Lamontagne stated doesn't show this drop inlet.

Rich Williams stated nope. Doesn't show that drop inlet.

Mr. Lamontagne stated huh.

Rich Williams stated it shows the pipe ending right out the road.

Mr. Lamontagne stated right up... Yes. Where this one is showing.

Rich Williams stated yes, so...

Mr. Lamontagne stated okay.

Rich Williams stated I couldn't locate the original subdivision plans for this.

Mr. Lamontagne stated for these guys up here.

Rich Williams stated yes.

Mr. Lamontagne stated yes.

Chairman McNulty stated has there been a physical pipe exposed in that drainage. Where the outfall... you said the outfall is. Is there a pipe there now.

Mr. Lamontagne stated no, the outfall we're talking about, our proposed outfall. But we don't know where this...The road drainage goes.

Rich Williams stated Tommy, you were out there. You saw how thick it is. I mean, I, you know, when I had to map all the outfalls...

Chairman McNulty stated oh, no. We couldn't see it that night.

Rich Williams stated there was no way I could find it.

Chairman McNulty stated I didn't know if maybe it's been exposed since we were there.

Rich Williams stated no.

Chairman McNulty stated okay.

Mr. Lamontagne stated it's not really thick right here because he's been maintaining...The neighbor's been cutting the lawn and encroaching...

[Laughter].

Mr. Lamontagne stated all the way down to this line here. So...

Rich Williams stated that's true. But when you go out there, you don't know where the property line is and you see lawn...

Mr. Lamontagne stated yes.

Rich Williams stated you assume he has it.

Mr. Lamontagne stated you assume it will (inaudible)...

Rich Williams stated right.

Mr. Lamontagne stated right (inaudible). But we can trace it down from that drainage inlet. We do need, as mentioned in the memo, we do need referral to the Town Board for the size of the lot in the overlay district.

Chairman McNulty stated the overlay relief. I had a question about that. Didn't quite know what we were doing with that or how that works.

Rich Williams stated he needs a referral over to the Town Board and a recommendation. Typically, the Code requires a written recommendation for the Town...From the Planning Board to the Town Board. Once it goes over there, then they will schedule a public hearing on it. I think they schedule a public hearing. And make a determination.

Chairman McNulty stated but the referral is to remove the overlay from that area, correct.

Rich Williams stated to grant them relief to allow for a lot size larger than that allowed from the Town Code. They're requesting 5.1 acres. Maximum lot size is 80,000 square feet.

Chairman McNulty stated okay. That explains it. I also had a question on the application; question 10. It says relationship of the applicant to the property. In question it says other, specify. Nothing's specified. What would the relationship be.

Mr. Lamontagne stated well, he's a...I guess deemed contract vendee. I mean, he has a contract with them to get this done in a certain period of time. I apologize, when this package came back to you I was...

Chairman McNulty stated okay.

Mr. Lamontagne stated on vacation. So there's a few things that didn't get done.

Chairman McNulty stated does that make sense. Is that way it should be worded. Contract vendee. How does that work, Mike.

Rich Williams stated unless the attorney has a better term for this, I'd say that's right.

Michael Liguori stated yes.

Mr. Lamontagne stated yes. That's...

Michael Liguori stated this isn't the land trust piece, right.

Mr. Lamontagne stated yes.

Rich Williams stated this is the land trust piece.

Mr. Lamontagne stated this is the land trust.

Michael Liguori stated okay. Well, it's interesting because it's really a reservation of right. He reserved this right for himself when he conveyed for to the land trust.

Rich Williams stated correct.

Mr. Lamontagne stated right.

Michael Liguori stated so, you know, even contract vendee isn't technically accurate. I mean, he could, you know, I would just put...

Chairman McNulty stated so I was wrong scratching my head when I read this.

[Laughter].

Michael Liguori stated no, no.

Rich Williams stated listen, I just left it checked other.

Mr. Lamontagne stated and that's why we didn't fill it in.

[Laughter].

Chairman McNulty stated yes.

Ron Gainer stated we know what he meant.

Mr. Lamontagne stated but I think there is a check there for contract vendee or...

Rich Williams stated there is.

Chairman McNulty stated there is.

Mr. Lamontagne stated something to that effect.

Chairman McNulty stated there is.

Mr. Lamontagne stated and that's why we didn't check that one.

Michael Liguori stated yes, I mean, he really is not the contract vendee. There's be a contract between the two parties for purchase and sale. This was a condition of a conveyance. So he has the same rights as the owner to do this. But there's no box on the form so, I don't know. If you're okay with other, I'm okay with it because I know what it is.

Chairman McNulty stated okay. Well, you have to represent us, so...

[Laughter]

Michael Liguori stated no, I know that.

Board Member Taylor stated was there a line for other that you could fill in what you just said.

Chairman McNulty stated yes.

Mr. Lamontagne stated yes.

Michael Liguori stated yes. There is.

Board Member Taylor stated alright. Well fill it in with...What you say. Prior owner with reservation of right. Is that what...

Mr. Lamontagne stated reservation of right ownership you said. Alright.

Michael Liguori stated the prior owned reserved right to develop.

Mr. Lamontagne stated I'll just spell the whole thing out, right. Okay. What was the other comment on that. County...we'll do that. Referral. SEQRA.

Chairman McNulty stated yes. We're ready, I would think, to declare lead agency at this point, right.

Rich Williams stated oh, no.

Board Member Taylor stated no, no, no.

Rich Williams stated we've declared lead agency. That's all done.

Mr. Lamontagne stated oh, you have.

Rich Williams stated yes. You're in a position to...

Mr. Lamontagne stated ok.

Chairman McNulty stated did we do that last meeting. I thought we put it off.

Rich William stated no, I thought we did lead agency.

Chairman McNulty stated a check would have been on that last...

Mr. Lamontagne stated well (inaudible – too many talking) they should declare.

Rich Williams stated no. I'm sorry. Then we haven't done lead agency. We should do lead agency.

Chairman McNulty stated just going by your memo.

[Laughter].

Mr. Lamontagne stated right. And we didn't do it last time.

Rich Williams stated they're all starting to blend at this point.

Chairman McNulty stated so we need to do that before we can move on to SEQRA.

Rich Williams stated correct.

Board Member Taylor stated did you correct the EAF.

Mr. Lamontagne stated yes.

Board Member Taylor stated okay.

Rich Williams stated well...

Board Member Taylor stated did we get a corrected one.

Rich Williams stated that... We have a corrected EAF based on my comments that were on the first EAF.

Board Member Taylor stated oh, back in... So June is the one he's talking about, it the corrected EAF.

Rich Williams stated that's correct.

Mr. Lamontagne stated well, the only correction you want now is to add the city into the...

Rich Williams I thought everything had been corrected in the June...Because my comments were back from May or April.

Mr. Lamontagne stated right. Everything was corrected. Yes.

Rich Williams stated yes. Yeah, based on my comments.

Mr. Lamontagne stated right.

Chairman McNulty stated okay, well, I'll make a motion to declare Patterson the lead agency.

Board Member Taylor stated yeah, but first we have to accept it as completed, right. We have to say that it's completed.

Rich Williams stated actually you don't. There's no...

Chairman McNulty stated we never have before.

Rich Williams stated there's no...

Board Member Taylor stated doesn't it say that.

Rich Williams stated process that says you have to accept it as complete. The way the process is laid out, you know, if you look at an EAF form right on the very top it says the applicant, you know, completes the EAF and, you know, after that anybody can, you know, question the veracity of any of the questions and review it.

Chairman McNulty stated I could see for SEQRA determination for it to be complete. But not for lead agency, right.

Rich Williams stated well you know, that's, that was the 64-dollar question. That's something we talked about at the last meeting, you know, how complete does it need to be. And does every little box need to be checked and does every little answer need to be right on the money. And, you know, I don't know that that's the case. This is really a guidance document for you, along with other information that you're going to ascertain throughout the process to determine whether you're going to issue a negative determination saying there is no environmental impact or a positive declaration saying there may be some potential environmental impact based on the information that you've gained so far.

Chairman McNulty stated that part I understand, but isn't lead agency separate from that process.

Rich Williams stated lead agency is the Planning Board sending notice to all the other agencies that have...

Chairman McNulty stated yes.

Rich Williams stated a review that you would like to be the one to do this environmental review.

Chairman McNulty stated unless it's an uncoordinated review.

Rich Williams stated yes. In that case, everybody...it's a freefall. Everybody's on their own.

Chairman McNulty stated yes. Which isn't the case here. So...

Rich Williams stated right.

Board Member Taylor stated but the point...What I'm trying to figure out is the point is that this document goes out to these agencies.

Rich Williams stated correct.

Board Member Taylor stated and they review this as part of it. So we want it as complete as possible so they can get a proper review. I mean, in this case it really doesn't matter except the fact that you haven't clearly delineated the fact that most of the impacts are not going to occur because they're downhill. I mean, all these...

Chairman McNulty stated right.

Board Member Taylor stated environmental problems are downhill. I mean, you're not disturbing...

Chairman McNulty stated right.

Board Member Taylor stated downhill.

Chairman McNulty stated right.

Board Member Taylor stated that's just not clear from this. Now, in the other agencies, they can't see that then, you know, then they come back with comments and it may not be a problem. Just the way I read it is we have to judge whether it's complete or not and then we can say we want to be lead agency.

Rich Williams stated yes, it never actually says you need to make a determination that's complete before you can circulate it.

Board Member Taylor stated okay, well, I'll look at that again.

Ron Gainer stated the thrust...

Michael Liguori stated I think...

Ron Gainer stated the thrust of the comment is really to...or the issue of circulation is really just for the board, the board that intends to be lead agency. Is that the information isn't sufficient for other agencies to properly comment on. You're not supporting or indorsing every response.

Board Member Taylor stated yes. Right.

Chairman McNulty stated yes.

Ron Gainer stated and I've seen some comments you've issued on other EAFs. If you don't consider them egregious or fashionably in error, the present EAF, you can make that circulation and just acknowledge those corrections before you actually make a SEQRA declaration when you accept the form.

Chairman McNulty stated that's the way I understood it, too. Just to...

Board Member Taylor stated okay.

Ron Gainer stated it's just a matter to move it along. The intent of SEQRA actually to initiate the process as quickly as you can.

Michael Liguori stated right. Right.

Ron Gainer stated in the application process. So...

Michael Liguori stated right.

Ron Gainer stated it's a double edged sword. You may want to move it along if you don't see the...

Board Member Taylor stated yes. I don't want to draw it out.

Ron Gainer stated incomplete. Right.

Board Member Taylor stated I'm just trying to get this clear. So if we say we have some things we think should be changed or we think need to be added...

Chairman McNulty stated we can address the actual SEQRA determination.

Board Member Taylor stated well, we can also add it to the thing that goes out.

Chairman McNulty stated correct.

Board Member Taylor stated that we see these changes...

Ron Gainer stated okay.

Board Member Taylor stated or can we go back and check...Some of this is just checking the right box. Can we go back and just check the box before it gets sent out.

Rich Williams stated well, I don't know that we can because it's supposed to be done...

Board Member Taylor stated exactly.

Rich Williams stated by the applicant, unless the applicant knows we're going to do that.

Board Member Taylor stated yes. Alright.

Rich Williams stated but, you know, I saw your comments tonight. You know, I understand where you're coming from. You want things as tight and complete as you possibly can. But, you know, I always try to take a little bit of a different point of view on this. I mean, I see this...We're talking about 5.1 acre parcel that they're going to develop for residence. Ninety-four acres they're going to keep as open space. I mean...

Chairman McNulty stated there's nothing major jumping out at us here to...

Board Member Brady stated no.

Rich Williams stated in your wildest conception, could you possibly say that you're going to say there's a...there may be an environmental impact. It's just...So how much time do you want to spend, you know, reworking the EAF to get it exactly right. And you got to remember, this applicant, every time you say go change that EAF he gets another bill.

Board Member Taylor stated right. Yes.

Rich Williams stated yes. Look at the smile.

[Laughter].

Board Member Taylor stated yes, I agree...

Rich Williams stated yes.

Board Member Taylor stated with you, Rich. I don't want to do it.

Rich Williams stated yes.

Board Member Taylor stated I just...I don't want to also put us in the position, though, and this is a question you need to answer, Mike [Liguori], that some other applicant says well, but you didn't do it with them and we didn't have these things on ours and now you're questioning these things on ours. And...

Chairman McNulty stated but we did receive an EAF and...

Board Member Taylor stated no, that's not...But...

Chairman McNulty stated and there's things, obviously, not checked but nothing glaringly...

Rich Williams stated yes, but I'd like to hear what Mike's going to respond.

Michael Liguori stated yes. No, look. I get the point about, you know, are we setting a precedent by not requiring a certain level of completeness for one that's compared to something else. Honestly, you've got to leave yourself that flexibility because with this particular project, right, because we don't operate in a vacuum obviously. You know there was an approval for 40 homes on this property and that was the prior subdivision.

Mr. Lamontagne stated no.

Michael Liguori stated oh, this was not the...This wasn't the...

Mr. Lamontagne stated no.

Michael Liguori stated one across the street. I'm sorry.

Ron Gainer stated no.

Michael Liguori stated I apologize. I thought this was the one across the street...

Rich Williams stated no.

Michael Liguori stated because on that one we knew...you knew, you know, that it was a neg dec issued on a 40-lot subdivision, so if you were going from 40 to 1 then, you know, you have something to rely on. I think the way that you guys might want to deal with this is it's just going to be a level of comfort that you may have about looking at what's been submitted and what's been put on the EAF and just treating every single one on an individual basis because what you're going to end up doing is before you make your negative dec, if you go back to the EAF and see that something is wrong or missing, we fill that in before the neg dec is granted.

Board Member Taylor stated right.

Michael Liguori stated and that way the, you know, the holes get filled before you take your action. And again, you, you know, you leave yourself that wiggle room because you can't put yourself in a box and have everybody go to, you know, get from A to Z, make everyone go to A to Z if you know there's some common sense things that can allow things to go forward faster. So...

Mr. Lamontagne stated which holes are not filled. I mean, you reviewed it...

Rich Williams stated you did...

Mr. Lamontagne stated we have...

Rich Williams stated you did not check...And I, you know, I didn't comment on it, but you did not check the box that says is the project located in a coastal zone area. You didn't...Okay.

Mr. Lamontagne stated okay.

Rich Williams stated but that's one of the boxes I know that wasn't checked. There are other comments that Ron feels should be answered differently.

Chairman McNulty stated and I agree. It should be...

Rich Williams stated or clarified.

Chairman McNulty stated complete as possible.

Michael Liguori stated well, I think the thrust of the Planning Board, and it's not just for Rick it's for every applicant that comes before the Board is take longer than 30 seconds to fill out this form. That's the thrust of what the Board is...what Ron's point is and it makes a lot of sense. Don't do it, you know, if you do a crap job then we're going to kick it back to you.

Chairman McNulty stated well, it's a tool for us.

Michael Liguori stated well that's it.

Chairman McNulty stated and without it being accurately filled out and complete, we can't use it. So...

Rich Williams stated that's true. But in this case they filled it out, I reviewed it...

Chairman McNulty stated yes.

Rich Williams stated the Board reviewed it. The Board reviewed my comments. We sent it back, they made the changes. You know, my...One of my concerns here is now we're going to ask them to make changes again. Well, all we're doing is running up the bill on his client and...

Board Member Taylor stated sure.

Rich Williams stated you know, that's something we always have to be aware of. Everything we ask somebody to do, somebody has to pay for.

Chairman McNulty stated or the client and his service have to talk.

Rich Williams stated yes.

Board Member Taylor stated well, in that spirit I would proposed we accept the EAF as written with certain reservations which we have stated. The primary one being that the impacts we see for this site are not impacts that will occur because you're not developing a whole site. You're developing the high end of the site. And that we go ahead with lead agency.

Chairman McNulty stated okay. I'd like to make a motion that...declare Patterson as lead agency for this application for Mancini subplot...subdivision.

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. That's all we can do right now on this, right.

Rich Williams stated well, no. The other issue...

Chairman McNulty stated oh, the referral.

Rich Williams stated is the referral to the Town Board and whether you want to make a recommendation at this point.

Chairman McNulty stated well, is everybody in favor. Any problems with it.

Board Member Taylor stated I would like this explained a little more. What were the reasons. You sited the Code but you didn't give reasons.

Rich Williams stated I sited the Code. Essentially, we were looking to preserve open space, to maintain the rural character of the community.

Board Member Taylor stated okay.

Rich Williams stated in that regard, people have to cluster. They had to do so in a manner that looked at other areas adjacent to them that were clustering as well and make sure that the open space just created bigger blocks not, you know, continue the segmentation.

Board Member Taylor stated and the difference between the 5 ½ acres and the amount that you would...that had been...what was in the Code.

Rich Williams stated is 80,000 square feet.

Board Member Taylor stated translate the two. I can't do that in my head.

Michael Liguori stated two acres.

Mr. Lamontagne stated almost two acres.

Ron Gainer stated two acres.

Board Member Taylor stated it's two acres.

Mr. Lamontagne stated almost 2 acres.

Michael Liguori stated almost 2 acres.

Board Member Taylor stated alright. So you're talking...Okay. Since in this case it looks like the intent of the Code is being preserved because you're preserving...

Mr. Lamontagne stated right.

Board Member Taylor stated 85% or...

Chairman McNulty stated yes.

Board Member Taylor stated 95% of the lot.

Mr. Lamontagne stated yes.

Board Member Taylor stated I don't see a problem with it.

Chairman McNulty stated I don't either.

Board Member Brady stated no.

Chairman McNulty stated so I would make a...That's not a motion. We'll just make a recommendation...

Board Member Taylor stated recommendation.

Chairman McNulty stated to the Town Board to relief of the overlay for this Mancini application subdivision.

Rich Williams stated as they are maintaining the intent of the Code because...

Chairman McNulty stated as they are maintaining the intent of the Code because....Go ahead, Rich. Finish it out.

Ron Gainer stated bring it home.

[Laughter]

Rich Williams stated because the...They are protecting...

Chairman McNulty stated help a rookie out.

Rich Williams stated because they are protecting in perpetuity 95...94 acres. Ninety-four acres.

Mr. Lamontagne stated 99 [acres]. Oh, 99 total. Ninety-four...

Rich Williams stated 94 acres...

Mr. Lamontagne stated is what we're giving away. Yes.

Rich Williams stated of open space. That open space is contiguous to other areas of open space creating larger, more contiguous blocks of open space and maintaining the rural character of the community.

Chairman McNulty stated we agree and concur and refer that to the Town Board for their approval.

Board Member Taylor stated you got that, Sarah.

Chairman McNulty stated type it up tomorrow.

The Secretary stated got it all.

Ron Gainer stated come on, Sarah.

[Laughter].

Michael Liguori stated and a partridge in a pear tree.

Chairman McNulty stated do you have anything else, Rick.

Mr. Lamontagne stated just to clarify on the EAF, we'll go back to that for a second. You want instead of the areas of the site, you want the areas of...the work areas.

Rich Williams stated what I'm going to do, Rick, is I'm going to take Ron's comments because we received them today, I'm going to send them down to you.

Mr. Lamontagne stated okay, good.

Rich Williams stated I'm going to ask you, you know, to use your best judgment and not spend your client's money foolishly...

Mr. Lamontagne stated no.

Rich Williams stated and make what changes you can...

Mr. Lamontagne stated right.

Rich Williams stated and get them back to us.

Board Member Taylor stated what I would like you to say to us is that these impacts, which you've indicated, the forest...

Mr. Lamontagne stated right.

Board Member Taylor stated and all these things, are not being effected by your development.

Mr. Lamontagne stated okay.

Board Member Taylor stated that's the information we need to know. You don't have to change it. If you just gave us a little narrative. If you changed the description to include a little narrative that impacts 9, 10, 11, whatever...

Mr. Lamontagne stated put a little footnote to all of them saying...

Board Member Taylor stated yes.

Mr. Lamontagne stated we're not touching any of the...

Board Member Taylor stated yes.

Mr. Lamontagne stated undisturbed...previously undisturbed area.

Board Member Taylor stated right, because...

Mr. Lamontagne stated because this has all been disturbed.

Board Member Taylor stated you're not near a wetland, right.

Mr. Lamontagne stated nope.

Board Member Taylor stated you're not near the forest. You're not...

Mr. Lamontagne stated nope.

Board Member Taylor stated there's no endangered species anywhere near you. None of that...

Mr. Lamontagne stated nope. None of it.

Board Member Taylor stated applies to where you're developing.

Mr. Lamontagne stated right. That's all...

Board Member Taylor stated yes. That's...

Mr. Lamontagne stated way down there.

Board Member Taylor stated all we need. Just a statement of that.

Mr. Lamontagne stated okay.

Board Member Taylor stated that will take care of it.

Mr. Lamontagne stated okay. Alright. It will be here.

Chairman McNulty stated okay.

Mr. Lamontagne stated thank you.

Chairman McNulty stated you're welcome. Thank you.

3) M&S IRON WORKS – Site Plan Application

No one was present to represent the application.

Chairman McNulty stated okay, we have M&S Iron Works. They're off tonight, though. They didn't come, right. Does anybody have any comment. Anything to say about it.

Rich Williams stated just, you know, so it's in the record, we received a call tonight at 4:30 [p.m.] from the Applicant...From the Applicant's engineer, indicating he was not going to be able to be at the meeting tonight nor was the applicant. Asked for this to be postponed once again.

Chairman McNulty stated okay. So we'll...They're off till the next time they want to come in.

Board Member Taylor stated question on the general areas. Is there any progress in the road dedication, that situation.

Rich Williams stated road dedication.

Board Member Taylor stated the...

Rich Williams stated on Commerce Drive.

Board Member Taylor stated no progress.

Rich Williams stated no.

Board Member Taylor stated no action of any kind.

Rich Williams stated no. There was a couple of meeting between the property owners to talk about maintenance of the road but we are considerable away...considerable ways away from ever considering the Town accepting that road.

Chairman McNulty stated there's major improvements that have to be done.

Board Member Taylor stated okay.

Rich Williams stated significant.

Board Member Brady stated well, who maintains it now. Who plows it.

Board Member Taylor stated they (inaudible).

Rich Williams stated it's kind of like an ad hoc organization...

Chairman McNulty stated whoever needs use...

Rich Williams stated which has always been a concern of mine that, you know, we're, you know, we're approving this development on this road and more and more use and there's no real organization responsible for maintenance.

Board Member Brady stated right. So if somebody gets hurt...

Rich Williams stated right. Catch basin collapsed a year or so ago. And, you know, one of the property owners on his own went out and repaired the catch basin. Didn't do it with anybody overseeing him. He just...no engineer. Just, you know, repaired the catch basin and said there it is, you know.

Board Member Brady stated but isn't that reason enough not to go forward with these applications.

Rich Williams stated well, I think it's reason enough for the Board to say we're not going to go forward unless we know there's an agreement in place to maintain the road.

Board Member Brady stated right.

Rich Williams stated but, you know, you've got to give the property owners some driving reason to...

Board Member Brady stated right.

Rich Williams stated push that to a head.

Board Member Brady stated right.

Chairman McNulty stated okay. Anybody else anything.

4) DINO RENTOULIS – Site Plan Application

Mr. John Ravetto was present to represent the application.

Chairman McNulty stated alright, so that brings us to Alpine Restaurant. Mr. Rentoulis. Hi, how are you tonight.

Mr. John Ravetto stated good evening. John Ravetto here representing the Applicant. Unfortunately, as you know, Harry Nichols couldn't attend. His...

Chairman McNulty stated yes, I heard that. Unfortunate.

Mr. Ravetto stated future son-in-law was killed in an accident today.

Chairman McNulty stated that's terrible.

Mr. Ravetto stated and the Applicant also hurt himself and couldn't attend.

Chairman McNulty stated okay.

Mr. Ravetto stated you have any other questions other than what Rich wrote, I could pass them on to Harry.

Chairman McNulty stated um, biggest thing on the application for item...Rich, you...I think it said no one...no other agencies needed to be involved. I think you said this is an uncoordinated review. Did you say that.

Rich Williams stated well, what I suggested is there's a very, very small number of agencies...

Chairman McNulty stated like the DOT...

Rich Williams stated involved in this.

Chairman McNulty stated and Town Highway.

Rich Williams stated in Putnam County...Yes. Patterson Highway Department and DEC. Now, it's always been questionable about whether DEC when you're dealing with the stormwater permit, whether they're an involved agency or not. Conservatively, we always consider them that way but they will never ask an applicant filing an NOI to seek coverage under the general permit to do SEQRA. They just don't do it, so...

Chairman McNulty stated and New York State DOT's not involved in this, because there's no entry onto...

Rich Williams stated there's no entry onto Route 22.

Chairman McNulty stated okay. The other question I had, Rich, you noted about an easement. To form some type of easement to join the two properties. Or somehow link the properties.

Rich Williams stated there...My opinion, there should be some method of making the parking on this site available to the Alpine Restaurant with some permanence. Otherwise, you know, you approve the site plan and two weeks later they, you know, the property owner says, well, the Alpine can't park there and, you know, we're back in the same boat where you've got a restaurant that potentially could hold, you know 200 seats and has no parking to do so. So...

Mr. Ravetto stated that's going to be an issue.

Chairman McNulty stated so, this...

Mr. Ravetto stated it's a real encumbrance to the Applicant to have that...

Chairman McNulty stated to create an easement.

Mr. Ravetto stated to be forced to, if I understand this right, to have an agreement with another party for a property in between the two properties. Is that what you're saying.

Board Member Taylor stated yup.

Michael Liguori stated no.

Rich Williams stated I'm saying that, in my opinion, there should be some sort of agreement between the two properties. Right now, they're currently the same property owner. You know, five years from now they may not be the same property owner, you know.

Board Member Taylor stated he's talking about the two properties that the restaurant owns.

Mr. Ravetto stated oh, okay.

Chairman McNulty stated so in future...in the future...

Mr. Ravetto stated right. Okay.

Chairman McNulty stated if one parcel were to sell...

Mr. Ravetto stated right.

Chairman McNulty stated they would still be linked together...

Mr. Ravetto stated okay.

Chairman McNulty stated somehow.

Mr. Ravetto stated that's not a problem.

Chairman McNulty stated but that's not something we would do here. That would be between...the owner would do it.

Rich Williams stated well, I think the...

Michael Liguori stated yes, but the...

Rich Williams stated I think the Town needs to be a party of it.

Board Member Montesano stated yes.

Rich Williams stated it's just a question of whether, you know, and I'll kick this Mike, whether it's an easement, a licensing agreement or some other legal agreement that we're all...

Michael Liguori stated there has to be some permanency that is tied to that use of the property as a restaurant because... You know, think about. You know, look at, you know...

Chairman McNulty stated well, we're talking about the parking though.

Michael Liguori stated yes, no. I get it. I get it. But, you know, if everything's on one piece, you don't have to worry about this issue. You're parking's on the piece. Well, now with the deal with what we have today, you're parking on another piece.

Chairman McNulty stated mmhmm.

Michael Liguori stated and if... Which each piece can be sold separately. So what we want is a condition of the site plan that says, you know, you can't sell this piece or use it... you can sell it but you can't use it for any other use. Or really what it would say is you have to come back to the Planning Board if you intend on changing the use of the restaurant if you plan on doing something different with the parking with that piece of property.

Chairman McNulty stated and would the easement prevent that change from taking place.

Rich Williams stated well, that's the 64-dollar question.

Chairman McNulty stated because I don't want to lock that property into something that...

Michael Liguori stated not that it would prevent it...

Chairman McNulty stated it can't be.

Michael Liguori stated but it...

Rich Williams stated here's the thing, we're going to issue a CO...

Michael Liguori stated right.

Rich Williams stated to allow for seating for 200 persons. If that parking all of the sudden goes away, we need to make sure that we're aware of that and we're going to make that CO go away...

Mr. Ravetto stated that's not a problem.

Rich Williams stated right. So, you know, I mean, I don't necessarily have to get locked into a 100 year easement, but something so that all the property owners and the Town have notice when, you know, there's a change in conditions.

Mr. Ravetto stated it stays with the south lot, you're saying. Whatever...

Rich Williams stated the north lot and the south lot are...

Mr. Ravetto stated but that parking...

Rich Williams stated conjoined.

Mr. Ravetto stated stays with that lot...

Rich Williams stated yes.

Michael Liguori stated right.

Mr. Ravetto stated and you can't...

Chairman McNulty stated but right now we have the same owner for both lots.

Mr. Ravetto stated yes.

Chairman McNulty stated so the owner decides five years from now he wants to sell the south lot.

Mr. Ravetto stated right.

Chairman McNulty stated can he dissolve the easement.

Michael Liguori stated well...

Board Member Taylor stated not without notifying the Town.

Michael Liguori stated what we would do, and I haven't really, you know, given it that much though, but we would have...we would have him record either an easement or a declaration which would give the Town the right, you know, it essentially state that the CO for the restaurant or any use, would be jeopardized by the change in use of the parking.

Chairman McNulty stated no, I...

Michael Liguori stated so as long as it stays as parking, then there's no issue. You can change the use. You could do whatever you want to do but you're coming back to the Planning Board to do it.

Board Member Brady stated but it has to stay as parking for that restaurant.

Michael Liguori stated that's right. It has to...

Board Member Brady stated exclusive for that restaurant.

Michael Liguori stated it has to tie one to the other because it's not on the same piece.

Chairman McNulty stated yes, I'm just looking at it for...I'm just looking down the road playing devil's advocate to say, well, get an easement in place. The owner does that. The property sells. The easement's not dissolved. Something gets built there 10 years from now and then an easement pops up. Are we creating a bigger problem for ourselves.

Michael Liguori stated no. I'd think you'd be making a huge mistake if you...and it doesn't have to be an easement. It could be some other form of legal document.

Chairman McNulty stated okay.

Michael Liguori stated we'll pick the right one that's appropriate. But it's the tying of the two together. The parking to the use is what's important.

Chairman McNulty stated I understand.

Board Member Brady stated should that be done by the...in the approval if the lot is approved.

Michael Liguori stated a condition of the approval.

Chairman McNulty stated mmhmm...

Board Member Brady stated right. Would be the...

Michael Liguori stated would be prior to the issuance of a CO...

Chairman McNulty stated okay. Good.

Michael Liguori stated that legal document would need to be recorded.

Mr. Ravetto stated it makes sense.

Michael Liguori stated and submitted to...

Chairman McNulty stated no, it does.

Board Member Brady stated yes.

Chairman McNulty stated I just didn't quite understand it all and wanted to make sure it works.

Mr. Ravetto stated if someone were to develop the second lot where the parking is down the road, they can amend the parking plan to fit both, if this is...

Rich Williams stated right.

Mr. Ravetto stated on there, this encumbrance, whatever it is, to say we're going to take the 47 parking spaces to sufficient to add 100 more seats to the restaurant and move it over here and put up another building, or whatever they're going to do, on the second lot. It works legally and...So, no problems with that.

Chairman McNulty stated and there was one other item about lighting.

Mr. Ravetto stated I think Harry forgot to put lighting by the entrance to the...

Board Member Brady stated right.

Chairman McNulty stated yes, somewhere near the inter...so it lights the intersection of the entry to the bottom...

Mr. Ravetto stated could you point that out just so I could...because I don't have a copy.

Chairman McNulty stated where the parking lot entrance meets the road, to light that intersection...

Mr. Ravetto stated what kind of lighting. We were talking, I think it was...

Chairman McNulty stated just similar to what you have proposed. Just so it lights that area.

Board Member Montesano stated so when you're coming down the street...

Chairman McNulty stated so if a car is pulling out or pulling in, it becomes...

Mr. Ravetto stated what kind of lighting did he put in there.

Chairman McNulty stated well, he's got pole lamps.

Board Member Brady stated yes.

Mr. Ravetto stated pole lamps.

Chairman McNulty stated he's got one about...

Mr. Ravetto stated we're talking about solar or something at one point.

Board Member Brady stated yes, he was. But now he's talking about bases and...

Chairman McNulty stated mmhmm.

Mr. Ravetto stated okay.

Board Member Brady stated parking lot lamps is what they are. They're about 12' tall.

Mr. Ravetto stated okay. That's alright.

Board Member Taylor stated that's what he's talking about.

Mr. Ravetto stated okay.

Chairman McNulty stated anybody else have anything. Those were the issues I had.

Board Member Brady stated no, because we covered everything the other day.

Mr. Ravetto stated I'll pass this on to...

Board Member Taylor stated SEQRA.

Chairman McNulty stated now, if it's uncoordinated, it's just a, what, Type I action uncoordinated. Type II.

Rich Williams stated no. It's an unlisted action.

Chairman McNulty stated unlisted. Okay, that's the word I'm looking for.

Rich Williams stated unlisted. It is an uncoordinated...If you're comfortable with doing that, it's an uncoordinated action.

Chairman McNulty stated mmhmm.

Rich Williams stated then you need to review the EAF and...

Chairman McNulty stated yup.

Rich Williams stated at some point make a determination of significance, preferably prior to the public hearing.

Chairman McNulty stated and do we want to make a site walk. Take a look at this.

Board Member Taylor stated I don't need to. I've been there.

Rich Williams stated it's up to you.

Chairman McNulty stated I'm pretty familiar with it. I mean, it's straight forward.

Board Member Brady stated yes, I'm familiar with it.

Chairman McNulty stated so we'll pass on the site inspection. Rich, I did have one other question. You said there was going to be a cut in the elevation in your notes, I believe.

Ron Gainer stated right.

Chairman McNulty stated at the entrance. But I didn't see it on the plan.

Rich Williams stated no. It's not reflected on the plan.

Chairman McNulty stated yes, but on the grading I didn't pick up on it.

Rich Williams stated because the existing topo doesn't reflect the piles of fill that are there at the entrance.

Chairman McNulty stated so these topos don't...aren't accurate.

Rich Williams stated if you go out there, you will see that there are piles of fill where somebody scrapped up material and left it there.

Chairman McNulty stated so does that bring us back do we need a site walk.

Rich Williams stated not at all. It's not a tremendous issue. I just wanted him to identify what he was going to do with it because he wasn't showing how he was going to lose it on the site.

Chairman McNulty stated okay. So we need Harry to accurately reflect the topo lines.

Mr. Ravetto stated okay.

Chairman McNulty stated and that will give us a clearer picture...

Mr. Ravetto stated okay.

Chairman McNulty stated of what's happening.

Rich Williams stated you know, you don't have to go shoot new topo out there. I mean, I'm comfortable. I don't know how Ron feels, but I'm comfortable with, you know, Harry just recognizing that they are going to spread it on the site and then seed the topsoil...Seed and hay it.

Board Member Brady stated right, it could just be...

Chairman McNulty stated okay.

Rich Williams stated stabilize it. Yes, I mean...

Chairman McNulty stated well, that was Rich's note, to...

Ron Gainer stated yes, the point is potential...

Chairman McNulty stated what the intent was...

Ron Gainer stated potential environmental impact. If they're going to truck it off site that may be an impact.

Board Member Brady stated mmhmm.

Ron Gainer stated if he's going to just spread it on site, an achieve his grading intent and they have lesser concern to you and that's what Rich is suggesting. He's probably...

Mr. Ravetto stated okay.

Ron Gainer stated just going to lose it on site.

Chairman McNulty stated so the best thing...It's in Rich's notes...

Mr. Ravetto stated right.

Chairman McNulty stated as having to...

Mr. Ravetto stated I saw it in the letter.

Chairman McNulty stated to address that.

Mr. Ravetto stated I'm sure he's going to keep it on site, so...

Chairman McNulty stated okay. Yes.

Board Member Taylor stated we need a short EAF.

Mr. Ravetto stated okay.

Board Member Taylor stated we don't have one, right. I couldn't find one. Do we have anything.

Rich Williams stated I don't know that we have one.

Chairman McNulty stated I haven't seen any.

Rich Williams stated I have to go back and look. If we do, it's quite old.

Board Member Taylor stated so we need one. We don't need a long form, right. We just...

Rich Williams stated short.

Board Member Taylor stated short one's fine.

Rich William stated yes, I thought I had recognized that in the memo. Maybe not.

Chairman McNulty stated I think you did.

Board Member Taylor stated you may have. I don't remember all the memos.

Rich Williams stated hey listen, I write them, I don't remember all the memos.

[Laughter].

Chairman McNulty stated thanks, Mr. Ravetto.

Mr. Ravetto stated thank you.

5) FOX RUN – Amended Traffic Study

No one was present to represent the application.

Chairman McNulty stated okay. Fox Run Phase II, they didn't...They were at the work session.

Rich Williams stated yes. They said they'd...

Chairman McNulty stated they'd come back in.

Rich William stated have the EAF back in by next week.

Chairman McNulty stated okay.

6) OTHER BUSINESS

a) Dodd/Fallman

Chairman McNulty stated Dodd/Fallman lot line adjustment. We have a resolution here to dissolve what was previously done. I don't know how else to explain it.

Rich Williams stated yes, that's correct.

Board Member Brady stated yup. You got it.

Board Member Taylor stated I submit the resolution as written.

WHEREAS, John Dodd, having an address at 4010 Old Route 22, Brewster, New York 10509 and Martin Fallman, having an address at 4030 Old Route 22, Brewster, New York 10509 previously applied to the Planning Board of the Town of Patterson for a Lot Line Adjustment to adjust their property boundaries to permit a conveyance of land by Fallman to Dodd; and

WHEREAS, Following approval by the Planning Board of the Lot Line Adjustment, a Lot Line Adjustment Map was filed in the Putnam County Clerk's Office on September 25, 2009 as Filed Map No 3097 (the "Map") to reflect that a portion of Tax Map Parcel 35-5-12 was to become part of Tax Map Parcel 35-5-10. Thereafter Fallman conveyed a part of 35-5-12 to Dodd; and

WHEREAS, After the conveyance, the parties became aware that Fallman's conveyance was in violation of the terms of the his mortgage and the property conveyed to Dodd was still encumbered by Fallman's mortgage. A partial release of mortgaged premises could not be obtained from Fallman's lender. Thereafter, Dodd conveyed the property back to Fallman to remedy the violation of the mortgage, however, the reconveyance from Dodd to Fallman created a violation of the Town's Zoning Code and the Map in the form of an illegal subdivision; and

WHEREAS, in lieu of filing a new lot line adjustment map, Fallman and Dodd have signed a Declaration abandoning their rights in the Map and the Planning Board has been requested to authorize the filing of the Declaration. Due to the use of a Declaration to abandon the map as opposed to a new lot line adjustment map, it would appear appropriate that the Planning Board not only consent to the filing of the Declaration but also rescind its original approval of the Map as a method of providing an acknowledgment for the Town's Assessor and the Office of Real Property Tax Services that the amendment to the parcel configurations pursuant to the Deed from Dodd back to Fallman is acceptable to the Town.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby authorizes the filing of the above referred Declaration; and
2. The Planning Board hereby rescinds its approval of the filing of the Map;
3. To the extent applicable, the Planning Board consents to the adjustment of the Tax Map such that the parcels be reconfigured to their original dimensions prior to the filing of the Map.

Board Member Montesano stated second.

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

Chairman McNulty stated this is for the Dodd Lot Line.

Board Member Taylor stated any discussion.

Chairman McNulty stated Fallman Lot line. No.

Board Member Taylor stated no. Alright.

Chairman McNulty stated we're approved.

Rich Williams stated you're...

Chairman McNulty stated I said aye.

Rich Williams stated you took a vote.

Board Member Brady stated you have to do a vote.

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

Chairman McNulty stated I said aye. I forgot to say all in favor.

Rich Williams stated who... You got who introduced the resolution and who...

The Secretary stated Ron did.

Rich Williams stated seconded it.

The Secretary stated yes. And Mike.

Chairman McNulty stated yes, Ron did it.

The Secretary stated and then Mike.

Chairman McNulty stated she got it. Sarah's on top of things. She's helping a rookie out.

Board Member Brady stated moving right on.

b) Illescas – Wetlands Application

Rich Williams stated Mr. Illescas asked if we could have this adjourned for tonight.

Mrs. Illescas stated yes, he...

Rich Williams stated he made me promise I wouldn't...If we took the plans we wouldn't have it one tonight.

Chairman McNulty stated yes, we...

Mrs. Illescas stated yes, he couldn't take off today from work so anything I can help you with.

Chairman McNulty stated well, it is on our other business.

Rich Williams stated it's on other business. We just got the plans in today...

Chairman McNulty stated we haven't...

Rich Williams stated to take a look at.

Mrs. Illescas stated okay.

Rich Williams stated I will say this, I had about five minutes to take a look at them with everything else going on and the one thing I did notice is...Is this your husband.

Mrs. Illescas stated yes.

Rich Williams stated I had conversations with your husband that he didn't want to go to the ZBA for a variance which means he needed to meet the 20' side yard setback. Twenty feet from the side yard. The plans show that the shed is 5' from...It's 15'....

Board Member Taylor stated 15'.

Rich Williams stated which means he would still need to go to the ZBA for a variance. I think that was a mistake on the part of the engineer, but I needed to confirm that with him.

Mrs. Illescas stated okay.

Rich Williams stated so...But, you know, he had asked me not to put it on the agenda for tonight.

Mrs. Illescas stated okay.

Rich Williams stated okay. So...

Mrs. Illescas stated okay, so...

Michael Liguori stated this line from the shed to this [referring to the plans].

Chairman McNulty stated Ted, do you have any comments. I know you sent an email out on that.

Ted Kozlowski stated no. The whole intent of this is to make sure that we have a clear and accurate site plan.

Chairman McNulty stated mmhmm.

Ted Kozlowski stated because it's kind of evolved over time and we need a foundation in which to proceed with Mr. Illescas. As I recommend to the Board, I wouldn't pull the gravel driveway out. I would grant permission for that to be there. Absolutely have to make sure that what he has on site complies with existing Code and we understand where the wetland is for any future development of that site.

Board Member Taylor stated quick question, Ted: Why doesn't he move the shed out of the wetland.

Ted Kozlowski stated we have to ask him that.

Board Member Taylor stated I did. I thought you had said the whole parcel was wetland, but it's not. If he moved it over to the other side of the gravel...

Chairman McNulty stated would that put it...

Ted Kozlowski stated right.

Chairman McNulty stated in front of the house though. You can't have a shed in the front.

Ted Kozlowski stated I'm not sure why, but Ron, he's not here to answer that question.

Board Member Taylor stated yes.

Ted Kozlowski stated I don't know.

Chairman McNulty stated okay, ma'am, we just got this plan tonight. So we haven't looked...

Mrs. Illescas stated yes.

Chairman McNulty stated it.

Mrs. Illescas stated yes.

Chairman McNulty stated we'll let Rich look at it.

Mrs. Illescas stated yes.

Chairman McNulty stated and we'll...we appreciate that you're making progress and that you took steps that we've asked to be done.

Ted Kozlowski stated right. And the other thing is I am going to have to back out there because this wetland line, I don't know who determined it.

Board Member Taylor stated okay.

Chairman McNulty stated okay. So, it's in review...

Michael Liguori stated if you remember, this is...We were at the last meeting, it was a month ago, and Joe Zarecki offered to do this for him.

Ted Kozlowski stated right. Joe did this. Joe...

Chairman McNulty stated Joe did the plan.

Ted Kozlowski stated this is his work. But I don't, you know, he never called me to say let's go out and look at the wetland line. He just put this...

Michael Liguori stated took from the, yes, e-parcel.

Ted Kozlowski stated so I don't know...

Michael Liguori stated okay. I got you.

Ted Kozlowski stated I don't know if this line is accurate enough. And I really have to take a look at it.

Chairman McNulty stated okay. Well, this is a good start. Much better than the last map that we got and the survey. We can read this, we can see what's going on.

Ted Kozlowski stated right.

Chairman McNulty stated and with further review we should be able to get...

Ted Kozlowski stated and just for the record...

Chairman McNulty stated it all figured out.

Ted Kozlowski stated for the record, you know, Joe Zarecki is doing this gratis so...

Chairman McNulty stated yes.

Ted Kozlowski stated it's not...

Board Member Taylor stated yes.

Ted Kozlowski stated you know, he's trying to make a...make this a better situation. So...

Chairman McNulty stated okay. Alright. Thank you.

Mrs. Illescas stated okay. Thank you very much. I will tell him...

Chairman McNulty stated we'll see you next month.

Mrs. Illescas stated yes.

Ted Kozlowski stated I have to go out onto your property though. I have to look at this, okay.

Mrs. Illescas stated okay. I will tell him to follow...

Ted Kozlowski stated yes. Thank you.

Mrs. Illescas stated thank you very much.

c) Castellano Driveway Waiver

Chairman McNulty stated okay. We did the Castellano driveway waiver.

d) Frog Hill, LLC – Site Plan Application

Chairman McNulty stated Frog Hill.

Rich Williams stated Frog Hill. I talked briefly with the Chairman before the meeting. Going back through the records I noticed that the Planning Board did not yet make a SEQRA determination for Frog Hill. You did circulate for lead agency and 30 days has passed and nobody objected, so you are lead agency. The issue is Frog Hill is looking to move the application forward. They have submitted, at the request of the Board, an application to the Zoning Board of Appeals. But the Zoning Board of Appeals is prevented from taking any action on the application unless SEQRA is completed. So, though not on the agenda, I'm requesting the Board consider taking an action on SEQRA for Frog Hill.

Chairman McNulty stated I have no problem placing it on the agenda for other business tonight. Does anybody have any objection.

Board Member Brady stated no.

Board Member Montesano stated no. Do it.

Chairman McNulty stated any comment.

Board Member Taylor stated from what I remember, we pretty well resolved all the issues out there.

Board Member Brady stated yes.

Chairman McNulty stated yes.

Board Member Taylor stated the big question was the sewer.

Chairman McNulty stated the sign. The sign.

Board Member Taylor stated well...

Chairman McNulty stated and the Board...Health Department.

Board Member Taylor stated yes. But that's a pending issue anyways. That's...

Chairman McNulty stated that will be in the final conditions.

Board Member Taylor stated I think we can go ahead and...Do you have any Ron.

Ron Gainer stated nope.

Board Member Taylor stated Ted, do you have any questions.

Chairman McNulty stated you want to make a motion.

Board Member Taylor stated so I make a motion to the Frog...Well, I need to know the name of the...

Chairman McNulty stated Frog Hill.

Board Member Taylor stated it's Frog Hill. That's the official name...

Board Member Montesano stated yes.

Board Member Taylor stated of the place.

Board Member Montesano stated yes.

Ron Gainer stated Frog Hill, LLC.

Chairman McNulty stated yup.

Board Member Taylor stated Frog Hill, LLC in the matter of...I would like to make a...move that the Board declare its intent to...No. We did that. Negative declaration.

[Laughter].

Board Member Taylor stated the Planning Board of the Town of Patterson finds the proposed action being a...

Board Member Montesano stated unlisted.

Board Member Taylor stated unlisted.

Board Member Montesano stated Type I.

Rich Williams stated unlisted action.

Board Member Taylor stated will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Chairman McNulty stated second.

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.

Chairman McNulty stated okay.

Michael Liguori stated the minutes will reflect the whole Board's...

[Laughter]

Chairman McNulty stated we weren't messing that one up.

[Laughter].

e) Minutes

Chairman McNulty stated we also have minutes from July 31st. Everybody get a chance to look at them or...

Board Member Brady stated yes.

Chairman McNulty stated I make a motion to approve the minutes from July 31st, 2014.

Board Member Brady stated second.

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

Board Member Taylor stated care to address RCA.

Chairman McNulty stated no, we did that in the...

Board Member Brady stated Sarah, like I said earlier...

Board Member Taylor stated you don't have to say that.

Chairman McNulty stated I had mentioned it.

Board Member Brady stated my wife and daughter are going to appreciate having their names in the minutes.

The Secretary stated good.

Chairman McNulty stated Sir, in the back, do you have any...are you here for something specific.

Audience Member stated no. Just observing. We have a permit for some parking spots pending.

Ted Kozlowski stated this is...This gentleman is with Mrs...

Audience Member stated Chory.

Ted Kozlowski stated Chory.

Rich Williams stated oh.

Ted Kozlowski stated Cynthia Chory.

Rich William stated I have to call you tomorrow.

Board Member Brady stated oaky.

Rich Williams stated so maybe I can talk to you before we leave.

Audience Member stated okay.

Chairman McNulty stated and I see we have another fine member, our Town Board, Shawn Rogan in the audience. Hi, Shawn. Nice to see you.

Councilman Shawn Rogan stated fantastic job you guys are doing.

Chairman McNulty stated thanks. You have any...

Councilman stated of course I have the upmost confidence in all of you.

Chairman McNulty stated well, thank you.

Ted Kozlowski stated we miss you Shawn.

Councilman Rogan stated miss you guys.

Chairman McNulty stated any comment from anybody.

Board Member Taylor stated I've got a question on Windward Holdings. Did you send the resolution to the Town Board. Or the recommendation.

Rich Williams stated yes.

Board Member Taylor stated okay.

Chairman McNulty stated was there an outcome.

Rich Williams stated Town Board decided to take no action.

Board Member Taylor stated okay.

Board Member Brady stated that's the [Route] 311.

Chairman McNulty stated yes.

Board Member Taylor stated yes. I've got nothing else.

Chairman McNulty stated make a motion to adjourn tonight's meeting.

Board Member Montesano stated second.

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

Meeting was adjourned at 7:50 p.m.