

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**September 25, 2014**  
*Work Session*

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**TOWN OF PATTERSON  
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**ZONING BOARD OF APPEALS**

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Mary Bodor, Vice Chair  
Marianne Burdick  
Michael Carinha  
Stephanie Fox

**PLANNING BOARD**

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

**Planning Board  
September 25, 2014 Work Session Meeting Minutes**

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

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

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

Chairman McNulty called the meeting to order.

Chairman McNulty stated work session. Welcome Bob Ladau, new member of the Planning Board.

Board Member Ladau stated thank you.

Chairman McNulty stated and we'll get his feet wet real fast.

**1) Burdick Blacktopping – Sign Application**

Chairman McNulty stated alright, first we have Burdick signs. Burdick Paving has a sign application. Rich, any comments on this. It looks like it just...

Rich Williams stated you do have the memo that I did on it. And it's pretty straight forward.

Board Brady stated I think they have a box up there for you [referring to Board Member Ladau]

Board Member Ladau stated okay.

Rich Williams stated this is a...

Chairman McNulty stated you did a memo. I didn't get it.

The Secretary stated here, I'll get it [referring to the papers for Board Member Ladau].

Rich Williams stated I just handed it to you, Tommy.

Chairman McNulty stated I didn't get it. You skipped me.

Board Member Montesano stated skipped you.

Board Member Brady stated can we get Sarah to send us Bob's contact information, so like telephone and stuff so we can...

Chairman McNulty stated sure.

Board Member Brady stated put in our phone so when we meet up... When I'm late I can call people.

Rich Williams stated I thought we had...

Board Member Brady stated tell them I'm going to be late.

Rich Williams stated I thought we had done. We updated all of the contact lists and send them out. Didn't we do that.

Chairman McNulty stated I haven't seen it.

Board Member Taylor stated I haven't seen it.

The Secretary stated I'll...

Chairman McNulty stated yes, if you can...

The Secretary stated yes, I'll send that out.

Chairman McNulty stated okay.

Board Member Taylor stated she probably sent it to the Zoning Board and not us.

Board Member Brady stated thank you.

Chairman McNulty stated okay. Alright.

Rich Williams stated so Burdick Blacktopping has a site that is off of Route 22 just behind the Patterson Commons A&P Shopping Center. It's kind of tucked in the back. You really can't see it from the road. And they are looking to put up a sign out front on the road. They submitted an application for a 24 square foot sign. The sign is yellow with black trim and a red background.

Chairman McNulty stated it matched their logo I've seen before.

Board Member Brady stated yes.

Chairman McNulty stated they used to be in the building that burnt down over here.

Rich Williams stated yes.

Chairman McNulty stated yes. Now, that driveway...

Rich Williams stated that wasn't supposed to be there so thank you for mentioning that.

Chairman McNulty stated okay. Well, they didn't have a sign. I know that. I just know the trucks.

Rich Williams stated yes. Well, the trucks, they were very good about letting nobody see the trucks go in and out because...

Chairman McNulty stated it was early in the morning.

Rich Williams stated that clearly wasn't a use permitted out there, so...

Chairman McNulty stated okay. This entrance is right across from Stan's pretty much. Isn't it.

Rich Williams stated yes.

Chairman McNulty stated Stan's Auto.

Board Member Brady stated yes.

Chairman McNulty stated just a long driveway. No proposed lighting.

Rich Williams stated no proposed lighting. Also, what they didn't provide is a sketch showing where the sign is going to go in relation to the driveway. I'm going to contact here hopefully tomorrow and see if I can get that sketch. But if not, typically, what we've done in the past is just authorized the sign if you're okay with everything else on the sign subject to, you know, approval by the Planning Department and on the location of the sign to make sure it's not in line of sight...

Chairman McNulty stated yes. That was a question I had is the location of the sign and where it might fall as far as access on and off [Route] 22.

Rich Williams stated right.

Chairman McNulty stated because do they have much road frontage there. Is that driveway...

Rich Williams stated no. They've got a very narrow strip going into the back.

Board Member Taylor stated now do they own the property next door to it. He's got on here, he says they've got 50 plus acres. But the address on the assessor's site comes up as only 7 some acres, unless they're including other property in there.

Rich Williams stated they do own a considerable...I'd have to go and look. But they do own a considerable block of property out there which actually extends over to Maxwell's site.

Board Member Taylor stated so they've got all that in behind then.

Rich Williams stated yes.

Board Member Taylor stated alright.

Board Member Brady stated so then he's behind the house that's falling down, that burned down.

Rich Williams stated mmhmm. Yes.

Board Member Taylor stated but he doesn't own that big chunk on [Route] 22. He's only got...

Chairman McNulty stated no.

Board Member Taylor stated access through that...

Rich Williams stated frontage...

Board Member Taylor stated narrow strip.

Rich Williams stated the frontage is owned by Louis Pescatore.

Chairman McNulty stated oh, is that who owns it.

Rich Williams stated there's a commercial building...

Board Member Montesano stated yes.

Rich Williams stated approved for that site.

Board Member Taylor stated okay.

Board Member Brady stated so it's like a flag lot.

Rich Williams stated yes.

Board Member Montesano stated sound like a good description.

Board Member Taylor stated yes, I have no problem with...

Chairman McNulty stated I don't as long as it's got a good, clear line of sight. Now, is there any setbacks required for the sign if they have a narrow strip.

Rich Williams stated there are no setbacks, per se, for the sign other than it can't be in the road right-of-way.

Chairman McNulty stated but if it's...

Rich Williams stated but it's a...

Chairman McNulty stated out of the line of site and it's right up against their property line, it's not an issue.

Rich Williams stated it's fine.

Chairman McNulty stated okay.

Board Member Montesano stated [inaudible].

Board Member Taylor stated well, so should we approve it tonight.

Chairman McNulty stated we have to do a SEQRA. I'm good to go with it tonight.

Board Member Brady stated yes.

Chairman McNulty stated I'll make a motion for SEQRA in the Ralph Burdick Blacktopping sign application to declare a negative determination.

Board Member Montesano stated second.

Chairman McNulty stated all in favor. Motion carried by a vote of 5 to 0.

Chairman McNulty stated and for the sign application for Ralph Burdick Blacktopping I make a motion to approve the sign as described in the application and on the attachment and that it be placed in an area that's not in the line of sight of any traffic.

Board Member Taylor stated and off the right-of-way.

Chairman McNulty stated and out of the right-of-way.

Rich Williams stated you want us to verify that before they install it.

Board Member Brady stated yes.

Chairman McNulty stated or at least make it...

Board Member Taylor stated as verified by Rich.

Chairman McNulty stated clear to them that maybe some kind of diagram or picture or something, where they're going to put it.

Board Member Brady stated well, if you just meet with them and show them where they got to put it, then that's...

Chairman McNulty stated but if you could save a trip, if they can...

Board Member Taylor stated well, he probably should look at it anyways so he could say that's exactly where I told you to put it.

Chairman McNulty stated yes.

Board Member Taylor stated and you put it over on that side.

Chairman McNulty stated okay.

Board Member Brady stated probably...

Chairman McNulty stated so it will be verified by the Town Planner to be out of line of sight of traffic in either direction.

Board Member Montesano stated second.

Chairman McNulty stated all in favor. Motion carried by a vote of 5 to 0.

Chairman McNulty stated okay. That's how easy it is, Bob.

## 2) Cynthia Chory – Wetlands/Watercourse Permit Application

Chairman McNulty stated okay, do we want to skip Chory until Ted gets here.

Board Member Taylor stated yes.

Rich Williams stated Chory is an application on East Branch Road. She's looking to put a couple of gravel parking lots in along the driveway. This is one that we've recently had some issues with where she had clear cut back into the wetlands. Ted, you know, issued her a violation, took her to court. And then there was, you know, the whole big issue with the DEC and enforcement and how it was done. So, you know, she understands the process now. She's in looking for approval to do two gravel sites. You know, I've had some discussions with Ted about this who finds it a fairly insignificant action and is probably going to make a recommendation that the, you know, the whole Board meeting...the regular meeting later on. I would think to waive a lot of the requirements on this, so...

Chairman McNulty stated and the requirements would be...

Rich Williams stated public hearing.

Chairman McNulty stated for a site plan amendment basically, right.

Rich Williams stated no. It's in for a wetlands.

Chairman McNulty stated wetlands.

Rich Williams stated wetlands...

Chairman McNulty stated wetlands.

Rich Williams stated and you know, the process for...Procedurally for a wetlands application is, you know, you're going to have to hold a public hearing, they're going to have to send certified mail out. But, you know, the Board has the ability where the application is fairly insignificant on the impacts to the wetlands to waive the requirement for, you know, even having a permit or, you know, a public hearing. I think Teddy's, you know, in the conversations I've had with him, you know, he still would like to see a permit issued so that we have some controls over ultimately what gets done out there but that, you know, it's really not going to produce any offsite impacts and we can waive the public hearing.

Chairman McNulty stated okay. Question on the plan, it shows Doansburg Road.

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

Rich Williams stated Old Doansburg...

Chairman McNulty stated is it...

Rich Williams stated yes.

Chairman McNulty stated is that what it used to be called, East Branch.

Board Member Taylor stated it depended on which direction you were coming from.

Rich Williams stated yes.

Chairman McNulty stated because there is a Doansburg down on the Brewster border, isn't there. Southeast border.

Rich Williams stated well, again, depending on which direction you were coming from, that road was a continuation of the road you came up through the Town of Southeast or not.

Chairman McNulty stated okay.

Board Member Brady stated now, this...They just squared off a little section here. Is that the...So all they're doing is making it bigger than what...

Rich Williams stated they're just...

Board Member Brady stated what they have there and making it bigger.

Rich Williams stated right, so that they have a place for another car and the turn around and...

Board Member Brady stated so, the total area's going to be 20' x 30' or just that fill-in's going to be 20'x30'.

Rich Williams stated I believe the total area's going to be 20' x 30'. I don't think that fill-in's 20'x30'.

Board Member Brady stated yes. It doesn't look like it on the drawing but god knows.

Rich Williams stated no, 20'x30's a fairly large area.

Board Member Brady stated yes.

Chairman McNulty stated and that's just going to be towards...bumped out towards the back of the house. But if...

Board Member Taylor stated I think they need to clarify that because on the description they've got the lot area as 600 square feet and the disturbance is 600 square feet. Page 2 number 4. I mean, there's something wrong there. The lot's...

Chairman McNulty stated yes.

Board Member Taylor stated larger than 600 square feet and the disturbance, unless it is in fact 20'x30', is less than 600 square feet. So that needs to be corrected.

Rich Williams stated okay.

Board Member Taylor stated so we...

Rich Williams stated I can make that...because Teddy was supposed to review the application...

Board Member Taylor stated yes.

Rich Williams stated with that and...

Board Member Taylor stated okay.

Rich Williams stated I can make sure that that gets done and or...

Board Member Taylor stated and then we can say because it's only so many square feet we'll waive, you know...The other question I had, and this is a more general question in terms of some of the stuff we've been reviewing, given that this property immediately adjoin the Croton and there's no, you know, it's not like it's upstream or things to be treated on the way down. Whether we shouldn't maybe, and this would be nominal, but say to her, look, if you want to disturb this area you need to replace an equal amount as needed. Let an equal amount grow back as native vegetation. And she's got a section on the south part of her property that she should just let grow in. The trees come almost to the road as it is.

Board Member Brady stated right.

Board Taylor stated I don't know where she cleared before. Was she clearing on that end before or...

Rich Williams stated she cleared directly behind the house...

Board Member Taylor stated behind the house.

Rich Williams stated across the back of the house.

Board Member Taylor stated okay. So she wasn't even clearing in that area. And it's not something that we can really enforce but just say to her, look, you know, these two stakes you don't mow anymore past this point. Let these regrow to replace the part that you're taking with the...Just as a precedent to try to...I think maybe we should do the same thing with, whatever his name is: Iglacious. No. That's it's not Iglacious.

Chairman McNulty stated Illescas.

Ron Gainer stated Illescas.

Board Member Taylor stated Illescas.

Board Member Brady stated Illescas. The one down the road.

Board Member Taylor stated yes. We understand you're in the buffer and you have no choice for action, but you've got to understand that this is a very sensitive site and just kind of emphasize to them that...Because we did that with the garden place. We said, look. Some of these things that have been disturbed before we're going to let grow back.

Board Member Brady stated right.

Board Member Taylor stated we establish a line here and...

Board Member Brady stated where you had all the woodchips out there.

Board Member Taylor stated yes.

Chairman McNulty stated um...

Board Member Taylor stated now whether we want to do that as a general policy...that's what I'm asking. Whether we want to do it as a general policy.

Chairman McNulty stated the other thing is Teddy's often asked for a demarcation because they...Now, these people have violated once. I think they...It sounds like they get the point now not to do it. In the past he's asked for like some kind of sign or fence to say don't go any further. Has he done that with the previous violation. Has asked them to...

Rich Williams stated that you'll have to ask Ted. I don't know.

Chairman McNulty stated okay. I would like to see maybe that at least as a minimum, posted signs, you know, undisturbed area, buffer...

Board Member Taylor stated yes.

Chairman McNulty stated just as a reminder. Something like that. I don't know if we need a fence but...And then what Ron's saying, I don't know. If we get into the...I think it's going to complicate it. People have a hard enough time understanding this and we tell you we're going to bump it out but you're going to take another 600 square feet and let it grow back natural. Do we direct where that 600 square feet is.

Board Member Taylor stated we could let them choose, but then...

Board Member Ladau stated yes.

Board Member Taylor stated I would say stake it in some way.

Board Member Montesano stated the trick is can we do that.

Chairman McNulty stated but who stakes it. Do we stake it...

Board Member Montesano stated and can we enforce it.

Board Member Taylor stated well, I...

Chairman McNulty stated if we could do it as a recommendation maybe.

Board Member Ladau stated but they may not fight it so...

Board Member Montesano stated hopefully.

Board Member Ladau stated yes.

Chairman McNulty stated like you said...

Board Member Montesano stated all we need is one.

Chairman McNulty stated you said we can't...

Board Member Ladau stated they do, they do. We'll deal with it then.

Chairman McNulty stated really tell them to do it I guess.

Board Member Montesano stated and then...

Board Member Taylor stated well, I don't know if we can or not. We have to ask Mike [Liguori] that question.

Board Member Montesano stated we already let the cat out of the bag.

Chairman McNulty stated yes. Ron, what's your thoughts on that.

Ron Gainer stated well, no, it's exactly as you said. Ted, in the past, I'm thinking of the nursery, just wanted a fence setup do there was an easy, visual demarcation. That's a simple thing to do. And if you give them direction to add 600 square feet back, carry a fence through it, and very simple to do.

Chairman McNulty stated yes. I don't know if I'm so big on a fence. Prospero I can understand because it's an activity and...

Board Member Ladau stated right.

Chairman McNulty stated different people in and out. Because they're homeowner, you know, an expense might be a burden for the fence but at least a sign or permanent marker: like a no trespassing on the trees.

Board Member Brady stated even if they put a concrete marker there like we talked about, you know...

Board Member Montesano stated let's throw some rock on it.

Board Member Brady stated on the development about doing that, you know.

Rich Williams stated we actually have little, round signs already made up...

Ron Gainer stated right.

Rich Williams stated that Teddy will go out and...

Board Member Montesano stated nice, bright.

Chairman McNulty stated yes. That's...

Board Member Ladau stated yes.

Board Member Brady stated right.

Chairman McNulty stated okay.

Board Member Taylor stated and then in terms of enforcement, you know, it's...we wouldn't want to be going after all these little places trying to enforce it. But at least we're saying to people you can't just intrude into these areas. You've got to make some compensation. And then of course as they get farther away from...I mean, if there's stuff in between that filters this stuff we can...I think we can allow more based on that.

Chairman McNulty stated yes. I don't know the situation. This bump out in the driveway. Are there any pictures or anything we can visualize this lot. I don't know it.

Rich Williams stated no. I mean, I can do an aerial photo for you if you want.

Chairman McNulty stated I mean, how far is this expanded driveway from the actual wetland. Is it lawn now.

Rich Williams stated oh, yes. It's lawn now.

Board Member Taylor stated oh, it's right there. Right next it.

Chairman McNulty stated twenty feet. Thirty feet.

Rich Williams stated thirty, forty feet maybe.

Board Member Taylor stated you can look at the aerial on...

Board Member Ladau stated there's no scale on this.

Board Member Taylor stated the assessor's site.

Chairman McNulty stated yes, I was going on last night.

Board Member Taylor stated they've got the lines drawn on it.

Chairman McNulty stated I was trying to use the tax number to find it...

Board Member Taylor stated yes.

Chairman McNulty stated and Doansburg Road had me all confused. I'm looking at...

Board Member Taylor stated well, just put the address in. I was looking at it this afternoon. Put the address...

Chairman McNulty stated okay.

Board Member Taylor stated put the address in on the tax...Assessor's site.

Board Member Brady stated does it give you the property lines on there, too.

Board Member Taylor stated yes.

Chairman McNulty stated yes, it will.

Board Member Brady stated it does. Yeah.

Board Member Taylor stated yeah.

Board Member Brady stated and what site is that. The Town Assessor's.

Chairman McNulty stated go to the Town Assessor's. What is it, the GIS.

Board Member Montesano stated the machine's right there.

Board Member Taylor stated yes.

Board Member Brady stated oh, you got to do it. It's not on the web.

Chairman McNulty stated yes, I have been on it.

Board Member Brady stated you can't do it through the internet.

Board Member Montesano stated no, no.

Board Member Taylor stated yes, it is on the web.

Board Member Montesano stated can you do it.

Chairman McNulty stated it's on the web.

Board Member Taylor stated it's on the web.

Chairman McNulty stated all on the internet, yes. If you go to the Town website.

Board Member Brady stated yes.

Chairman McNulty stated select the Assessor's Department and you'll see GIS in the upper left corner, I think it is.

Board Member Brady stated mmhmm.

Chairman McNulty stated or somewhere on there.

Board Member Taylor stated I don't know. Mine's been marked, so I don't...

Board Member Montesano stated tax maps.

Rich Williams stated understand something though, those property boundaries are...

Chairman McNulty stated general.

Rich William stated general.

Chairman McNulty stated generic.

Rich Williams stated they're not survey accurate.

Board Member Brady stated right.

Board Member Taylor stated but it gives you an idea of what...

Board Member Brady stated right. Right.

Board Member Taylor stated it looks like.

Board Member Montesano stated plus...

Board Member Taylor stated especially since this one is right on the road as you can see it relevant to the road.

Chairman McNulty stated okay. So, well, are these people due to come in on Thursday.

Rich Williams stated yes.

Chairman McNulty stated alright.

Rich Williams stated hopefully Teddy will, too. I don't know where he is.

Board Member Brady stated yeah, I thought he...I was pretty sure he's told me he was coming.

Chairman McNulty stated does anybody have any other comments. Bob, any questions.

Board Member Ladau stated no.

Chairman McNulty stated okay. Ron...Rich, did you do notes or review on that.

Rich Williams stated I did not.

Chairman McNulty stated okay. I just want to make I didn't have them.

Rich Williams stated no. You don't have them.

Chairman McNulty stated good.

Rich Williams stated I haven't done anything...any reviews on any of the rest of the applications. So you're good.

### **3) M&S Iron Works – Site Plan Application**

Chairman McNulty stated okay. Good. Which brings us to, M&S.

Rich Williams stated I stand corrected. I did a review...

Board Member Taylor stated yes, a long...

Rich Williams stated on this one.

Board Member Taylor stated a long time ago. So did Ron, right.

Chairman McNulty stated July 31<sup>st</sup>.

Ron Gainer stated yes, this goes way back, right.

Rich William stated yes, this goes way back.

Chairman McNulty stated yes, are they...Have you heard from them. Will they be in this week. You have not.

Rich Williams stated we've heard that they intend to be in for this meeting but they've been canceling just before the meeting, so I don't know what they're going to do.

Board Member Taylor stated why are they coming in for the meeting. There's no new submission. They haven't answered your questions, have they.

Rich Williams stated you haven't had any discussion with them on the last...the original submission they made and the comments. And, you know...

Board Member Taylor stated oh.

Rich Williams stated you haven't done anything with...

Chairman McNulty stated yes, they came with an initial and that's it.

Rich Williams stated yes.

Board Member Taylor stated oh, okay. So we've never...

Rich Williams stated they've never been in.

**Cynthia Chory – Wetlands/Watercourse Application – Continued**

Board Member Brady stated speak of the devil.

Ted Kozlowski stated I was in the parking lot. I had a work related phone call. Sorry guys.

Chairman McNulty stated no problem.

Ted Kozlowski stated what can I do for you.

Chairman McNulty stated we'll jump back real quick. We just discussed Chory.

Ted Kozlowski stated okay.

Chairman McNulty stated is that how you say it. Chory.

Ted Kozlowski stated Chory [pronounced like "Corey"].

The Secretary stated Chory.

Chairman McNulty stated Chory.

Ted Kozlowski stated Chory.

Chairman McNulty stated the only thing we thinking about saying to them is some kind of demarcation because we know you like to see that. Rich noted that we have little tags that we can put in the tree to separate the wetlands from the non-disturbed area.

Ted Kozlowski stated well, I flagged it and DEC flagged it and our flagging is in agreement. They were supposed to put that on the map.

Chairman McNulty stated what about some kind of marker so they know, so they're reminded five years from now. Not so much a fence, but a little target.

Ted Kozlowski stated well, they cut all the trees down that you have put the markers on.

[Laughter].

Board Member Ladau stated require them to put new trees in.

Chairman McNulty stated we don't need a site walk on this, do we.

Ted Kozlowski stated no.

Chairman McNulty stated okay.

Board Member Taylor so are they putting trees back.

Board Member Montesano stated I know where I can get some bamboo to put out there.

[Laughter].

Ted Kozlowski stated what we're doing is we're letting...They're where (inaudible) they're going to sprout back.

Chairman McNulty stated this is the other topic that Ron brought up.

Ted Kozlowski stated this was the compromise that I had to make with DEC because DEC was...Oh, it will revert back and my concern was and Rich's concern was invasive plants and other things that would now that would come in because it's all opened up.

Board Member Taylor stated right.

Ted Kozlowski stated so...

Chairman McNulty stated are there any trees that could be marked just to...

Ted Kozlowski stated no, Tom. Not along the border. They're all gone. She cut them down.

Chairman McNulty stated can you get to the next tress or they're in the water.

Ted Kozlowski stated they're way in. She cut...She cut 30' in.

Board Member Brady stated well, that may be the perfect place for a concrete marker...

Chairman McNulty stated yup.

Board Member Brady stated and let her dig a hole and put them in.

Ted Kozlowski stated so, um...

Board Member Brady stated and mark it off. You know where she cut all the trees down.

Ted Kozlowski stated it's very obvious with the...

Board Member Ladau stated yes.

Ted Kozlowski stated difference between the wetland and where she mows, but, you know...

Chairman McNulty stated so you don't have a problem with this driveway expansion.

Ted Kozlowski stated no. It's gravel. It's...If you saw it, it's not...that's not a big deal. It really isn't.

Board Member Brady stated well, they're blacktopping it.

Chairman McNulty stated I think the biggest thing for this applicant though is...

Ted Kozlowski stated oh, they're blacktopping it now.

Board Member Brady stated yes, it's black...it's being...

Ron Gainer stated yes.

Board Member Brady stated blacktopped.

Ted Kozlowski stated oh, that's not what was presented to me.

Board Member Brady stated yes, it's a...

Board Member Montesano stated yes, it's right here.

Rich Williams stated really.

Board Member Brady stated there's a bill for...from Burdick to blacktop.

Chairman McNulty stated from Burdick to blacktop. There's an estimate.

Ted Kozlowski stated no, no, no. They were repaving their existing driveway...

Board Member Brady stated no, no, no.

Ted Kozlowski stated and the parking area was supposed to be gravel.

Board Member Brady stated no. That's not what this says.

Board Member Gainer stated dig it out.

Ted Kozlowski stated oh, that changed.

Board Member Brady stated okay. It's here. Here's...

Ted Kozlowski stated oops.

Chairman McNulty stated blacktop area approximately 600 square feet...

Ron Gainer stated here you go.

Board Member Brady stated right.

Chairman McNulty stated 2 inches of New York State top asphalt after compaction.

Board Member Brady stated but it says dig out grass and dirt for extra parking and truck away grass and dirt. Gradience...Grade and compact subgrade. So, I mean, they're making a new parking area.

Chairman McNulty stated did you see that, Rich.

Ted Kozlowski stated okay, that's not what was presented to me.

Rich Williams stated that's not the way I took it. That's not what she's been saying right along.

Ted Kozlowski stated no. She's been saying...

Rich Williams stated gravel.

Ted Kozlowski stated the gravel two car parking area and repave the existing driveway.

Rich Williams stated I saw it [referring to the estimate].

Chairman McNulty stated oh, you saw it.

Board Member Brady stated oops.

Board Member Montesano stated she's got 4" of...

Rich Williams stated what I didn't do is I didn't bother to measure out the driveway.

Board Member Montesano stated recycled gravel.

Ted Kozlowski stated so I would say on Thursday you ask the question is this gravel parking area or...because then that's now increasing impervious surface right on top...

Board Member Montesano stated alright. (Inaudible – too many talking) one, that's what it says.

Rich Williams stated within a limiting area of a DEC regulated wetlands so now she needs DEC and DEP permits. And she was told that right up front.

Ted Kozlowski stated right.

Board Member Brady stated you have to remember that for the checklist.

Board Member Montesano stated am I reading this right.

Rich Williams stated hm.

Board Member Taylor stated (inaudible – too many talking) an inch.

Board Member Brady stated remember that for the checklist.

Board Member Montesano stated pave four inches of recycling...

Board Member Brady stated item 4.

Board Member Montesano stated in parking area. Grade and compact.

Board Member Brady stated right.

Board Member Montesano stated then she's got the blacktopped areas...

Chairman McNulty stated which I thought was a good price.

Board Member Brady stated 600 square feet.

Board Member Montesano stated 600 square feet.

Board Member Brady stated see, she's doing the gravel area over.

Chairman McNulty stated alright, so we need to clarify on that.

Board Member Brady stated but...And then blacktop the 30...

Board Member Taylor stated the...

Board Member Brady stated the 20'x30' area.

Board Member Montesano stated the well, we'll find out...

Ted Kozlowski stated I know exactly...It was gravel she discussed because I told her that I had no problem with that...

Board Member Brady stated they're pulling gravel out...

Ted Kozlowski stated I wish I could...

Board Member Brady stated and redoing it.

Chairman McNulty stated here, Ted.

Board Member Brady stated and then...And then blacktopping a 20'x30' area on top of that. So they're making it...

Chairman McNulty stated yes, I took it as they were blacktopping over there, too.

Board Member Brady stated bigger. It just looks like it's...It's a lot bigger...

Ted Kozlowski stated I would...

Board Member Brady stated than...

Ted Kozlowski stated I would...That's...

Chairman McNulty stated is the driveway blacktop now.

Ted Kozlowski stated yes. It's blacktop and it's a long driveway. It comes up from East Branch Road...

Chairman McNulty stated from down the hill.

Ted Kozlowski stated all the way down to the house. And she has...it widens out right by the garage. And I can see the need for the parking because the driveway is really for just driving up and down...

Chairman McNulty stated access.

Ted Kozlowski stated not for parking. So if she had a, you know, guests over at the house they would have to park on the lawn. So I understood that. And where she delineated, and I had her delineate the two parking spot area which is all just on grass, right next to the paved driveway.

Chairman McNulty stated have you seen the application because she marked it out on a survey there.

Ted Kozlowski stated yeah. And that was fine but all along, she told Rich the same thing, gravel.

Rich Williams stated yeah.

Chairman McNulty stated maybe Burdick just did an up-sale.

Board Member Taylor stated he may have not separated...

Chairman McNulty stated they have to pay for the sign.

Board Member Taylor stated the items appropriately.

Board Member Brady stated yes, but even if that's the case why would she submit that, you know. I wouldn't submit that if, you know...That just muddies the water.

Chairman McNulty stated but that location is accurate.

Board Member Montesano stated (inaudible) don't worry, I'll take care of it.

Ted Kozlowski stated that's the actual location, yes.

Chairman McNulty stated okay.

Ted Kozlowski stated but there was no discussion. No...

Board Member Brady stated oh, well.

Chairman McNulty stated alright. We'll find out Thursday.

Board Member Montesano stated sounds like a plan.

Chairman McNulty stated so it's going to be much easier if she just keeps it gravel.

Rich Williams stated sure.

Chairman McNulty stated okay. Anything else.

Ted Kozlowski stated oh, are we done.

Chairman McNulty stated no.

[Laughter].

Board Member Brady stated motion to adjourn [said jokingly].

### **M&S Iron Works – Site Plan Application – Continued**

Chairman McNulty stated M&S.

Board Member Montesano stated second. Huh.

Chairman McNulty stated M&S Iron Works. I had a couple items. We talked about the truck traffic at one point. I think Ron brought it up in his notes.

Ron Gainer stated I just questioned it, yes.

Chairman McNulty stated we'll have to ask them what they think and there was questions about the stonewall to add it back in or put plantings in. There's a section they want to close up.

Rich Williams stated mmhmm.

Chairman McNulty stated I was concerned about the hours of operation, too. Do you have an indication of what their hours are.

Rich Williams stated no. I don't know they've got a tenant to go into the building.

Chairman McNulty stated okay.

Rich Williams stated or they're just doing this to market it.

Board Member Brady stated we also talked about...

Chairman McNulty stated I think...

Board Member Brady stated addressing the road problem there. How to address it, I guess more...

Chairman McNulty stated but is that something we can do within this site application. I mean, we can discuss it with them and bring it up. But is it something that we can force the hand on.

Rich Williams stated it's... You know, I don't see why not, you know, because there's an issue with the road out there and who's doing the maintenance and the condition of the road and the fact that it's falling into disrepair. So, similar to the last time, you know, the Board can say we're not even going to consider this unless you can come to some sort of agreement with the owners. Now, there were a couple of

meetings with the owners where they clearly indicated they wanted to keep it amongst themselves. They were going to work out an agreement. But they never followed through. So, we can just remind them they need to follow through a little bit.

Board Member Brady stated yeah. We probably shouldn't even review the application until we know what they're going to do. Otherwise the Town's going to...

Rich Williams stated I would say you could review it. I wouldn't...

Board Member Brady stated yes.

Rich Williams stated you know, if this is a big issue, I don't know that I'd approve it.

Chairman McNulty stated well, I think we could bring it up to the issue that you're talking heavy truck traffic here and how's the road maintenance going to be taken care of. You know, approach it that way.

Rich Williams stated sure.

Chairman McNulty stated because they're looking to add a lot trailer parking it looks like.

Ron Gainer stated right.

Chairman McNulty stated I think they stated that in their description.

Board Member Brady stated right.

Board Member Taylor stated yes, they said a substantial increase in traffic.

Chairman McNulty stated and it's heavy loads when you're hauling steel, so...

Board Member Brady stated yes.

Chairman McNulty stated um...

Rich Williams stated yeah, but they're not moving into this site anymore or they're not sure they're moving into the site because now they found a different location to actually move their business to. So they're...The original plan is gone.

Chairman McNulty stated the original plan is gone, but I...The way I took it is this was an expansion to that new location for staging.

Rich Williams stated they're not sure if they're going to stage there. They're going to warehouse there. They're going to sell it to somebody else and I've been contacted by real estate people who are marketing this.

Chairman McNulty stated so we need to ask him a purpose.

Board Member Taylor stated and then they've got to change their description because in the description they clearly said it was going to be part of their operation and they were going to stage there.

Chairman McNulty stated mmhmm.

Board Member Taylor stated is...are there any enforcement. Can the Town do anything to enforce to make the owners fix that road.

Chairman McNulty stated well, it's not dedicated to the Town.

Rich Williams stated no, but that doesn't mean that, you know, if it's falling into a condition where it's dangerous and not providing reasonable access, then there are mechanisms within the New York State Building and Fire Code by which the Town can enforce things.

Chairman McNulty stated but...

Rich Williams stated whether they will or not is another question all together.

Chairman McNulty stated and I don't think the road's at that point yet either.

Rich Williams stated it's, you know, it's getting worse.

Chairman McNulty stated it's pretty passable.

Rich Williams stated we had the catch basin, what, two years collapse.

Board Member Brady stated another winter like last year...last winter it probably won't (inaudible) that.

Chairman McNulty stated I was up there recently. There are a couple of potholes and (inaudible – someone coughing). But overall, I didn't think the road was too bad a condition. It was mowed on each side of it. I don't know who's doing that.

Rich Williams stated yeah, they all are working together to do the maintenance but there's no maintenance agreement. No document that I'm aware of.

Chairman McNulty stated okay. So it's an item for discussion. Truck traffic. Hours of operation. They did submit an EAF, did they not.

Board Member Taylor stated no.

Chairman McNulty stated oh, they have not yet.

Board Member Taylor stated no.

Chairman McNulty stated what's...

Board Member Taylor stated oh, did they.

Chairman McNulty stated I think they did.

Board Member Montesano stated the short form in there.

Chairman McNulty stated I made a note for it. Did we want to review it quick while we have it here. Rich, you didn't review it did you.

Rich Williams stated I don't recall. Like I said, it's been three months.

[Laughter].

Rich Williams stated it's been a lifetime for me.

Chairman McNulty stated they did submit a short form.

Board Member Taylor stated alright.

Chairman McNulty stated 5.51 acres. I briefly ran through it; there's a couple of items. Question 8, had a question. Will the proposed action result in substantial increase in traffic.

Rich Williams stated oh, yeah. So yeah, they did.

Board Member Taylor stated yes. Because...

Rich Williams stated that's where we get the issue of traffic from.

Board Member Taylor stated we reviewed this already, didn't we. Yes.

Chairman McNulty stated yes. Brought up some questions.

Board Member Taylor stated yes. I think we went over this already.

Chairman McNulty stated okay.

Ron Gainer stated but if they're changing the concept of use then that may need revision just for the description alone. You know, and that may change answers.

Chairman McNulty stated they might have to do a whole new EAF.

Ron Gainer stated so you can clearly understand their current proposal is.

Board Member Montesano stated because they got to state if they're not going to use it they don't know who's going to use it so whatever they put on this may or may not be...

Ron Gainer stated right.

Board Member Montesano stated a sensible situation.

Board Member Taylor stated well, I think the things we were concerned with was the fact that they checked substantial increase in traffic without explaining what it was and what the implications of that would be. I mean, previously we've been concerned about the vernal pool and volume of runoff from the property and how...but we...they dealt with that. I think to our satisfaction from what...

Board Member Montesano stated yes.

Board Member Taylor stated I remember.

Board Member Montesano stated right now we don't know what's going to happen there.

Board Member Taylor stated no, I understand that. I'm not saying...I'm just trying to cover the...

Board Member Montesano stated and so everything we have basically is based on Company A which may never go into the place and that means the answers from Company B may not be the same as A. So we'd have to go through the entire process again.

Chairman McNulty stated if I remember right, they downsized the building size...

Board Member Taylor stated yeah.

Chairman McNulty stated though, right.

Rich Williams stated right.

Chairman McNulty stated and there's...

Rich Williams stated so the impacts are definitely lessened. They're going to have to redesign the stormwater. We're going to look at in the same light, you know, with the vernal pool...

Chairman McNulty stated yes.

Rich Williams stated that we did the last time and make that the runoff stays below acceptable velocities.

Board Member Taylor stated did...

Chairman McNulty stated Bob, just so you know, this was a site up off of Commerce Drive, off Fair Street.

Board Member Ladau stated mmhmm.

Chairman McNulty stated and a couple years ago these same people came in, they're a steel company, and proposed like a 5-phase project, I think it was. Four phase project with...

Rich Williams stated three buildings.

Chairman McNulty stated offices and production and fabrication for steel. Went through...The process got a little lengthy because of discussion of how the engineering was being done. But got right to the final stage, right up there ready to approve and they pulled out. And now they've come back to us with a little bit scaled down, different type of operation here. So, that's the background.

Board Member Ladau stated what sort of...When you say different type of operation.

Chairman McNulty stated well, it doesn't sound like they're going to fabricating steel there. More of a staging area and stockpiling is...

Board Member Taylor stated warehouse.

Chairman McNulty stated what I got.

Board Member Ladau stated a-huh.

Chairman McNulty stated Sarah, maybe if you get a note you can forward Bab the...what we have so far on this project.

The Secretary stated I did give him the application...

Board Member Ladau stated I have some here. I just...

The Secretary stated the EAF.

Chairman McNulty stated so you're way ahead of us.

Board Member Ladau stated I'm flipping...

Chairman McNulty stated she's good.

Board Member Ladau stated while you all were talking.

Board Member Brady stated if the...

Chairman McNulty stated okay.

Board Member Brady stated if the project's approved and the...what they're going to...the use has changed, do they have to come back to the Planning Board.

Rich Williams stated this is a new application.

Board Member Brady stated no, but I'm saying if...It went through like...If last project was approved, okay.

Rich Williams stated right.

Board Member Brady stated and then they decided to change it, not make the building smaller or change the buildings, but to change the use...

Chairman McNulty stated they really didn't change...

Board Member Brady stated would they have to come...

Chairman McNulty stated use though.

Rich Williams stated maybe. The way our Code is structured, they would need to submit a letter to me. I would review it to see if it was a change of use and if it was a change use whether there were any site improvements that were deficient or needed to be added. And if there weren't, then they could...

Board Member Brady stated build.

Rich Williams stated do the second use.

Board Member Brady stated right. Okay.

Rich Williams stated if they needed to provide more parking or traffic flow needed to change or something else, then it comes back here.

Board Member Brady stated okay.

Chairman McNulty stated I don't see their use really has changed that much. It's still an industrial...

Board Member Brady stated right.

Chairman McNulty stated commercial use like they've selected. Still going to be connected to a steel plant. I think it's more a scaled back use. Changed...

Board Member Ladau stated but fabrication is different than storage.

Board Member Montesano stated we don't know that until we see what they're going...if they have any idea who they're going to...They have no idea who they're selling it to. And if they in fact need it in the future, business gets that good, so we're still sitting here casting without a worm on the hook until we find out they're going to do.

Chairman McNulty stated well, we'll see if they come in Thursday to discuss it.

Rich Williams stated as far as site improvements go though, Michael, a warehouse is a warehouse and...

Board Member Montesano stated yes.

Rich Williams stated a manufacturing facility is a manufacturing facility. You know.

Board Member Montesano stated alright. Well, right now they've scaled it down.

Rich Williams stated it's why he did it to the...

Board Member Montesano stated if they get a customer that comes in and wants to go back to the original size we've got...

Board Member Taylor stated well, then they have to...

Board Montesano stated that's great because then we can go right back to the original stuff. Right now we're trying to second guess they're going to do and if they're not here I can't ask.

Board Member Taylor stated yeah.

Board Member Ladau stated yes.

Board Member Montesano stated because they don't.

Board Member Taylor stated now, you thought there were wells, test wells, where that landfill...

Rich Williams stated yes.

Board Member Taylor stated on this property.

Rich Williams stated yes.

Chairman McNulty stated there's a note in the EAF about that.

Board Member Taylor stated do we know if any tests have ever been done in any of those wells.

Rich Williams stated no.

Board Member Taylor stated we don't know or you...or they haven't been done.

Rich Williams stated I don't know.

Board Member Taylor stated because I was wondering, I mean, given that site sitting there before they cap them and eliminate them, whether we should require they test them to see if there is anything down there.

Rich Williams stated they're going to have to...They're going to have to drill a well and they're going to have to test it and the Health Department's going to make them test according to, you know, the site that's out there.

Board Member Taylor stated which means heavy metals and all that stuff.

Rich Williams stated I would expect that they're going to have to do full water quality tests on that well that they're putting in.

Board Member Taylor stated on the new one. Not on the old ones before they cap them.

Rich Williams stated no. The old ones are monitoring wells. They're not groundwater wells.

Board Member Taylor stated no, I understand that.

Rich Williams stated yes, so...

Board Member Taylor stated but if you were going to monitor it would be nice to do one test to monitor...see whether there is anything there or that anything is...The idea is where the stuff is migrating, isn't it. To see whether...

Rich Williams stated right.

Board Member Taylor stated anything is in fact migrated to those wells before the cap them...

Rich Williams stated mmhmm.

Board Member Taylor stated just so we have some data.

Chairman McNulty stated can they cap those wells and eliminate them or is there any law or anything that says they have to stay. Who...

Rich Williams stated it depends on...

Chairman McNulty stated governs that.

Rich Williams stated it depends on who put them in and what the requirements are and they'll have to deal with other agencies on that. I'm not sure who put them in. I believe DEC put them in.

Board Member Montesano stated yeah.

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

Board Member Montesano stated I think DEC requested they be put in.

Rich Williams stated by who.

Board Member Montesano stated well, when Mr. Heelan had the problem and they discovered it they...

Rich Williams stated all the sudden he wasn't a partner anymore and he had nothing to do with anything.

[Laughter].

Board Member Montesano stated well, he's also been laid out so...But it still got held by the company and one thing led to another. But originally, that's why they showed up.

Board Member Taylor stated do you know who put it in though. Who did the capping. Who put in the wells.

Board Member Montesano stated I'm trying to remember the...I don't know...

Rich Williams stated Ron, just so you know, it's not properly capped. It just...

Board Member Montesano stated yeah, I...

Rich Williams stated has a dirt cover on it.

Board Member Montesano stated got a feeling that they did it to satisfy...They just stuck a pipe in the ground. Whether it's actually a well, I really don't know.

Board Member Taylor stated but you don't remember who it was...

Chairman McNulty stated this property abuts to...

Board Member Montesano stated no.

Chairman McNulty stated a vacant lot.

Board Member Montesano stated well...

Board Member Ladau stated yeah.

Chairman McNulty stated that was used unofficially as a landfill.

Board Member Montesano stated since they're all past tense.

Board Member Ladau stated yes.

Chairman McNulty stated you can get real cheap if you want it.

[Laughter].

Board Member Brady stated yeah, get a good deal.

Rich Williams stated I will tell you Pete Monteleone, who has been very interested in doing something with that lot, has all that information from the DEC.

Board Member Brady stated okay.

Chairman McNulty stated okay.

Rich Williams stated so.

Chairman McNulty stated alright. Anything else on M&S. We'll wait to hear from them.

#### **4) Dino Rentoulis – Site Plan Application**

Chairman McNulty stated Rentoulis; Alpine Restaurant. I see Harry came in with some updated information.

Rich Williams stated came in with some updated information and some updated plans. Addressed most of the concerns. I still have a concern about the location of the light at the entrance. I don't believe it's in the best location...

Chairman McNulty stated yeah, I...

Rich Williams stated for illuminating that entrance.

Chairman McNulty stated I have the same comments. I think they have the right idea. We just wanted to illuminate the intersection.

Rich Williams stated right.

Chairman McNulty stated (inaudible – papers shuffling). Personally, I didn't think he had to add one, he could have just relocated.

Rich Williams stated he could have shifted the four around and I think still got...

Chairman McNulty stated yes, so...

Rich Williams stated reasonable coverage.

Chairman McNulty stated yeah, with this one here but it's...maybe should be out closer to the road. I don't know if he has to stay out of the right-of-way for the roadway there.

Board Member Brady stated yeah.

Rich Williams stated doesn't have to.

Chairman McNulty stated on a streetlight.

Board Member Brady stated this is a...

Rich Williams stated well...

Board Member Brady stated this is a parking lot.

Board Member Ladau stated yeah.

Rich Williams stated he can go right at the intersection, right where the property intersects.

Chairman McNulty stated yes.

Rich Williams stated with the driveway.

Chairman McNulty stated yes, because that was my purpose in recommending it, was to light the intersection.

Rich Williams stated right.

Chairman McNulty stated so...

Board Member Brady stated so he's got just two light bulbs right at the entrance but...for the parking lot.

Chairman McNulty stated yes, he eliminated the spot so there is room for a car to cue.

Rich Williams stated an issue...one of the other issues is the planting that he's got out there. You know, he needs to do...He's not showing any sort of description of what he's proposing to plant out there for landscaping.

Chairman McNulty stated yes, he just got some notes, plantings. What do we want to recommend. Refer to Teddy, to you. You're going to make a recommendation.

Rich Williams stated you know, whatever he wants to plant out there. I really don't care. It's just a parking lot.

Chairman McNulty stated bamboo's okay.

Board Member Montesano stated yeah, true.

[Laughter].

Board Member Montesano stated bamboo's fine.

Board Member Brady stated what's that plant that...

Board Member Taylor stated fragmites.

[Laughter].

Board Member Taylor stated a nice, invasive species.

Board Member Montesano stated yeah, that sounds...I know where you can get the...

Chairman McNulty stated did we review the EAF on this. No. He just came in, right. Do we want to take a couple of minutes and go over it.

Board Member Taylor stated yes. I think so. I've got a suggestion on these based on our conversations that I think with some of these rather than having people, especially where there're small ones, go back and revise them and resubmit them, that we send them a memo saying if you don't disagree with any of this, attach it to the EAF and sign the form and we simplify the process, I think, because there were a couple of minor things on...Well, they're not minor in terms of the boxes he checked but, I mean, they don't really apply on these. I don't see...

Chairman McNulty stated so he checked them off just to check something off.

Board Member Taylor stated he checked it.

Rich Williams stated it all depends on the specific situation. In this case, I agree with you. That's the way I structure my memos basically saying, you know, the EAF is a guideline for the Board. These are answers which I believe are not correct and, you know should be revised but not to revise the document because the Board is going to be the lead agency. There's no other...

Chairman McNulty stated yeah, uncoordinated review.

Rich Williams stated agencies involved in this. So, you are my lead agency, you know, the...By default, the lead agency.

Board Member Taylor stated agency, right. It's not a coordinated review. Alright, so we're on the same on that. Number : "does the proposed action only involve with legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?"

Rich Williams stated yes.

Board Member Taylor stated only.

Rich Williams stated I was being cute.

Board Member Taylor stated what are they doing. They're changing the zoning code. They're...

Rich Williams stated it should be answered "no" and they answered "yes".

Board Member Taylor stated that should be "no". I, yeah. It's...And then number 4, he checked other and it says specify.

Chairman McNulty stated yes.

Board Member Taylor stated well, he didn't specify anything. So either uncheck it or specify something.

Board Member Montesano stated he specify other stuff. Why he mark it.

Rich Williams stated I think he was going for the ski area there. He just forgot to put it in.

Board Member Taylor stated but that's commercial, right.

Rich Williams stated yes, but it's commercial/recreation.

Board Member Taylor stated okay. Alright, so that's...

Rich Williams stated I'm just trying to guess what Harry was thinking when he checked other.

Board Member Taylor stated okay. Does any portion of the proposed action or lands adjoining the proposed action contain wetlands or other water bodies regulated. What's adjoining. The fact that it's separated by the street. Does that make it not adjoining.

Rich Williams stated it's a judgment call.

Board Member Taylor stated I mean...

Chairman McNulty stated I didn't have a problem with that one when I read it.

Rich Williams stated yeah, that was...if that was me then I'd say nothing is adjoining. The street is a...

Chairman McNulty stated that's pretty well isolated.

Rich Williams stated big enough separation.

Board Member Taylor stated okay. For...

Chairman McNulty stated again, that lot is...one of the things we talked about is delineating that plan for the two separate parcels.

Board Member Taylor stated yes, but again, it is right across the street from the Croton. I mean, in terms of a critical area, it's one of these lots that are critical lots.

Rich Williams stated well, right across the street is Clancy's.

Chairman McNulty stated yes.

Board Member Taylor stated yeah, with...

Rich Williams stated and Northeast Equine. And you have to go back still a ways further before you hit the Steven's Brook. And then the wetland...there's actually no wetlands right across the street there. You have to go down the street a little bit till...across from the pizza place before you get to the wetlands across the street by...

Board Member Taylor stated oh, okay.

Rich William stated by Northeast Equine. So directly across the street, there are no wetlands.

Board Member Taylor stated and that's where Clancy dug all that stuff and run the...That's not...

Rich Williams stated that's Steven's Brook.

Board Member Taylor stated okay, that's not wetlands.

Rich Williams stated that's not actually...It's a stream, it's not wetlands, per se.

Board Member Taylor stated okay. Well...

Chairman McNulty stated yeah, I didn't have a problem with that one.

Board Member Taylor stated no, I don't have a problem with it. I just...

Chairman McNulty stated just question.

Board Member Taylor stated just questioning it. Fourteen he didn't check anything. Floodplain. Is it in 100 year floodplain. The way, it should be. The beavers are...the water's not that far from where they are, right.

[Laughter]

Board Member Montesano stated are you letting those beavers out again.

Board Member Taylor stated will the proposed action create stormwater discharge. It will, right. Yes.

Board Member Ladau stated yeah.

Rich Williams stated yes.

Board Member Brady stated he checked off yes.

Board Member Taylor stated will the stormwater discharge flow to adjacent properties.

Rich Williams stated yes.

Board Member Taylor stated yes, it will. He should have checked yes. And then the issue there is what does MS4 say about this water that's coming off this impervious surface. Does it need to be treated.

Rich Williams stated it certainly...No it doesn't need to be treated. Based on the MS4 requirements, he's under the one acre threshold which requires post-construction stormwater controls.

Board Member Taylor stated so that's what should be said here: he's under the threshold.

Chairman McNulty stated well...

Rich Williams stated he's under the threshold.

Chairman McNulty stated and if he pitches his driveway a particular way, won't it shed right back onto his own property.

Rich Williams stated yes, and you've got the grass...

Chairman McNulty stated pretty much...

Rich Williams stated as a filter strip. But there's not enough grass to be an effective filter strip before it hits the Route 22...

Board Member Brady stated right.

Chairman McNulty stated on the south side of that parking lot.

Rich Williams stated yes, but it's not pitching all that way. It's pitching to the...

Board Member Brady stated it's pitching towards [Route] 22.

Rich Williams stated west.

Chairman McNulty stated it is.

Rich Williams stated yes.

Board Member Taylor stated so I would just say that...

Board Member Brady stated the whole parking lot.

Board Member Taylor stated that should be added as a no. It's below the threshold and then that satisfies them and it covers us.

Rich Williams stated now, to be clear, it's above the threshold, so it does need to seek coverage under the general permit for a basic stormwater pollution prevention plan, which is essentially just your basic erosion control plan.

Chairman McNulty stated okay.

Board Member Montesano stated should we send it back because we can't affirm anything because we didn't get anything signed.

Board Member Taylor stated well, he didn't sign it.

Chairman McNulty stated no.

Board Member Taylor stated yes, but if he could sign it and add the addendum to it at the same time and...

Board Member Montesano stated oh, okay.

Board Member Taylor stated initial the addendum and then I think that's... And then again, I object to them, I know you don't Rich, but I object to them filling out our form. But I would agree that all the impacts...

Rich Williams stated listen, if the Board wants to stop that practice I don't care. It's not that I agree that they should fill it out. It's that I don't object...

Chairman McNulty stated you don't discourage it.

Rich Williams stated to them filling it out as long as the Board reviews it and agrees with all the answers.

Board Member Taylor stated does anybody have any...

Rich Williams stated so it doesn't matter whether Tommy's checking the boxes or you're checking the boxes or I'm checking the boxes or the applicant's checking the boxes, as long the boxes are checked correctly.

Chairman McNulty stated the biggest thing I think is if we do what we're doing here just to review it, there's nothing blatant glaring at us that's a problem here.

Rich Williams stated right.

Board Member Taylor stated no.

Chairman McNulty stated that...

Rich Williams stated and I, you know, just want to emphasize. This is a guideline for the Board to use in determining the (inaudible) it's going to be an impact to the environment or it won't be an impact to the environment.

Chairman McNulty stated now, legal question though, Ron says to cover ourselves that we properly did this, let's say we...yeah, we reviewed it and a couple of boxes are wrong. We can move on with this. And two years from now there is a runoff of problem and Clancy's complaining because [Route] 22 is icing up or the DOT's complaining the runoff is icing the road. Do we have liability for approving that. If we...if they...I mean, how technical and legal is this document.

Rich Williams stated the EAF is not going to come into play on that at all.

Chairman McNulty stated that's the question.

Rich Williams stated the question is whether you approved a site plan and you're approval of the site plan, irregardless of the EAF, if your approval of that site plan somehow...

Chairman McNulty stated it's negligent.

Rich Williams stated was negligent, and you know...

Board Member Brady stated there's a liability.

Rich Williams stated yeah. Then there's liability. And it's going to be a hard lift to prove that against the Planning Board, you know, because you're not actually designing it. It's the engineer who's putting his seal on the plan saying this is properly designed.

Chairman McNulty stated okay.

Board Member Taylor stated but the reason I was saying I think we should note that it's below the threshold for the one thing and is being dealt with in terms of design where it's above the threshold for the other, that then covers us and what I can see as the only possibly cases where there'd be any problem with this. Which is water runoff. So when we approve it, we say with the understanding that it's below a threshold for these...

Rich Williams stated you're talking about the EAF now or the plan.

Chairman McNulty stated or the actual resolution.

Board Member Taylor stated the resolution. I mean, we should say that in the EAF. That language should come forward into the actual resolution.

Rich Williams stated well, with the EAF, you don't know how much stormwater's being generated from the site because they haven't done any sort of analysis for you to make that call to understand how much water's being generated.

Chairman McNulty stated and will the SWPPP do that.

Rich Williams stated it depends on the SWPPP. In this case, the State requirements are that he does a basic SWPPP which doesn't look at how much water is really running off the site. He just needs to make sure that sediment is not running off of the site. So when you get into projects that are bigger, they've got more than acre of disturbance, then they have to start looking at quantity and quality controls: how much water is being generated before construction. How much after and then what the difference is and what the impacts may be offsite and how that's going to be mitigated...

Chairman McNulty stated okay.

Rich Williams stated because the rules are no net increase in phosphorous runoff from a site.

Chairman McNulty stated back to phosphorous.

Rich Williams stated back to phosphorous. Tommy got an earful on phosphorous before everybody got here.

Chairman McNulty stated I got the phosphorous before our meeting started.

Board Member Brady stated I got a question on the site plan application page 2. It says relationship of the applicant to the property in question is and he checked other: son of owner, has power of attorney. Do you have a copy of that power of attorney.

Rich Williams stated yes.

Board Member Brady stated oh, you do. Okay.

Rich Williams stated yes.

Board Member Brady stated because it, you know, it's curious somebody writing that down and then, you know...

The Secretary stated backing it up.

Board Member Brady stated yes.

Chairman McNulty stated well, as far as this EAF on this simple uncoordinated review, I don't see anything blatant or glaring here that I would see necessary to document. I mean, maybe on a bigger project or something we were really uncertain about, I could about following up some kind of document. I don't know how everybody else feels about that. I think this is somewhat simple, straightforward application.

Board Member Taylor stated I agree with you. But what I'm saying is I think we should say hat when we approve this that because it is below these thresholds, we haven't looked at, you know...

Chairman McNulty stated mmhmm...

Board Member Taylor stated in terms of...The State only wants the basic SWPPP and, you know, that's all. Just...Instead of us just saying...The thing...

Chairman McNulty stated well, I think...

Board Member Taylor stated I'm getting upset with is the minutes are saying we've determined there's no...There's negative SEQRA here, period.

Chairman McNulty stated yup.

Board Member Taylor stated no explanation and that SEQRA process clearly says that we're supposed to have written explanations of what we've done. That we have in fact analyzed this and found no problems. Or the problems are below a certain threshold or whatever.

Chairman McNulty stated but wouldn't our minutes act as that documentation in this discussion.

Rich Williams stated I think what Ron's referring to is, you know, when the Town Board does SEQRA, they do it by a resolution which lays out, and it's very generic. There's, you know, there's like six items. Six areas of potential concern and, you know, every resolution is the same one. It says there's not going to be any impact on the historic or aesthetic quality of the Town. There's not going to be any impact on

stormwater runoff (inaudible – papers shuffling). And, you know...is that what you're looking for. You're looking a resolution to do SEQRA.

Board Member Taylor stated well...

Chairman McNulty stated no. I don't think SEQRA...

Board Member Taylor stated no.

Chairman McNulty stated so much, but brought forward in the final resolution is what you're saying.

Board Member Taylor stated it's...

Chairman McNulty stated to reference SEQRA.

Board Member Taylor stated yes. Both, kind of. That's exactly...That's the worst example of what I'm talking about.

Rich Williams stated the worst example.

Board Member Taylor stated the worst example. Or the best, depending on how you look at it.

[Laughter].

Rich Williams stated well, I don't know how that...Listen, you were concerned about the fact that you're not making a finding of fact when you're doing...

Board Member Taylor stated yes.

Rich Williams stated the SEQRA analysis.

Board Member Taylor stated exactly.

Rich Williams stated a negative determination of significance. You're not going to carry that forward into a final resolution. The final resolution is going to reference back that you addressed the tenance of SEQRA. But the finding of fact needs to be made when you're doing your SEQRA determination.

Board Member Taylor stated yes. That's...That's...Yeah. But then that is referenced then. I mean, we found the...And it's there. It's there as a document rather than trying to look through the minutes to try to see what...Because we have these discussions and we never have a vote on our discussions, we reach a consensus and we assume that it's in the minutes and that somebody else can see that consensus in the minutes and it may not...So I just think we need this document saying...

Rich Williams stated and what you don't know is that a lot of times I will actually prepare a SEQRA negative determination of significance and stick it in the file saying such and such a date the Planning Board adopted a negative SEQRA determination finding that none of these areas that were relevant had any impact.

Board Member Taylor stated alright.

Rich Williams stated that... You don't see that that comes out of this office.

Board Member Taylor stated alright, but maybe we should see that then. That's...

Chairman McNulty stated yes, that might satisfy exactly what...

Board Member Ladau stated yes.

Chairman McNulty stated Ron's talking about and...

Rich Williams stated well, I still go back to I think what Ron is looking for is an actual resolution when you do SEQRA.

Board Member Taylor stated well, we do a SEQRA resolution.

Rich Williams stated well...

Board Member Taylor stated I would just like some statements in that whether it's...the conclusions we've done as Part III.

Rich Williams stated tell you what I'm going to do. I'm going to give you a resolution for SEQRA: it's just a generic resolution from SEQRA. And you can decide whether you want to take that and we can give it to you for every application that you need to do SEQRA on or, you know, simply like you've got your list of how to read off SEQRA.

Board Member Taylor stated mmhmm.

Rich Williams stated you can add that onto the list. Either way, I don't care.

Chairman McNulty stated yeah, I was just looking at the wording here.

Board Member Taylor stated it's, you know, for these little things, it really doesn't matter except we're supposed to be consistent in what we're doing.

Board Member Brady stated right.

Board Member Taylor stated and unless we say because they're below this threshold or because it's only this little thing in the resolution, we're not being consistent.

Board Member Brady stated right.

Board Member Taylor stated and then when we try to apply these rules to the big projects we put ourselves in a bad situation.

Chairman McNulty stated so maybe it's a simple...

Board Member Brady stated as you said in your email: arbitrary and capricious.

Board Member Taylor stated well, that's not my wording. That's Michael's.

[Laughter].

Board Member Brady stated no, but that's what's used all the time.

Chairman McNulty stated well, maybe there's some ...

Board Member Brady stated I mean, it is...

Chairman McNulty stated simple wording added to the resolution: Our findings of this SEQRA determination are below thresholds and determine a negative...

Board Member Taylor stated right.

Chairman McNulty stated resolution. So maybe it's as simple as that. Because we're doing a discussion.

Board Member Taylor stated yes. Well, we always have that discussion.

Rich Williams stated like I said, I'm going to send you a resolution and you guys...

Chairman McNulty stated send a resolution so we...

Board Member Brady stated okay. Yes.

Chairman McNulty stated see it.

Rich Williams stated decide what you want to do after that.

Board Member Brady stated yeah, sure.

Chairman McNulty stated get u out of the dark.

Board Member Brady stated yes.

[Laughter].

Board Member Taylor stated but I agree, on this...

Rich Williams stated listen, they tell me I'm really good at this, but I don't know if I could do that.

Board Member Brady stated I really doubt you'll ever get us out of the dark.

Board Member Taylor stated yes, that's true.

Chairman McNulty stated oh gee, thanks Rich. I don't blame you. Um...

Board Member Taylor stated so can we...What...

Chairman McNulty stated so...

Board Member Taylor stated we've reviewed it. Do we...

Chairman McNulty stated well, we wanted to talk about the lighting, the plantings, I guess SEQRA...

Board Member Taylor stated but no, no. The SEQRA now. We've reviewed this EAF.

Rich Williams stated what I would suggest you do is let me do my review memo because I've also identified pretty much the same things you have,.

Board Member Taylor stated same thing.

Rich Williams stated put it in writing, then you will have something in front of you.

Board Member Taylor stated that we can...

Rich Williams stated in the interim, I will get you the resolution so you can take a look at that and then you can do the SEQRA resolution at...

Board Member Taylor stated with that, at the meeting.

Rich Williams stated next meeting.

Board Member Taylor stated okay.

Rich Williams stated next week.

Chairman McNulty stated yes, because I think we're ready for SEQRA at this point.

Board Member Taylor stated yes. I think we are, too.

Chairman McNulty stated yes. And there's no lead agency, so we don't have to declare that and we just move on past that.

Rich Williams stated yes, we can move on.

Chairman McNulty stated and there's no reason for a site walk, right. I know you had it on your agenda. What do you think. I thought we talked about it and said no.

Rich Williams stated I know the site. I've been out so often that, you know, you've got to know whether you're comfortable with what he's proposing and the site.

Chairman McNulty stated yes, I'm familiar with the site as well.

Board Member Brady stated yes, I am, too.

Board Member Taylor stated we've been out there.

Rich Williams stated and if you're just maybe a little bit unsure, well, just drive by...

Chairman McNulty stated yes.

Rich Williams stated rather than...

Board Member Montesano stated where is it.

Chairman McNulty stated reason I ask is because it was on your last memo as one of the items: site walk, pending.

Rich Williams stated yes, it was pending before you haven't done one yet. And you haven't decided you're not going to do one for sure.

Board Member Brady stated yes, I don't need to go out there. I...

Board Member Taylor stated alright, so why don't we decide not to do a site walk.

Chairman McNulty stated yes, so we'll waive a site walk...

Rich Williams stated okay, that's fine.

Chairman McNulty stated for this application. Okay. Anything else.

Board Member Brady stated do they cut my taxes now because we're not going on the site walk.

Rich Williams stated absolutely.

[Laughter].

Board Member Taylor stated on this one you mean. Or...

Board Member Ladau stated good luck.

Board Member Taylor stated or is there anything else other business...oh, yeah.

Board Member Montesano stated I love a dreamer.

[Laughter].

##### **5) Fox Run – Amended Traffic Study**

Chairman McNulty stated okay. So that brings us to Fox Run. An amended traffic study. I haven't looked at it yet, so...

Rich Williams stated well, it's not an amended traffic study.

Board Member Taylor stated no.

Rich Williams stated it's a revised EAF. I just carried it over from another agenda. Forgot to change that. It's the revised EAF. He has submitted the EAF without the attachments. With the changes that we have discussed. I don't know he hit everything that Ron was looking to do but...

Board Member Taylor stated he hit enough.

Rich Williams stated he got a lot of them.

Chairman McNulty stated I haven't looked at this yet.

Board Member Taylor stated yes, I think we should look at it and at the next meeting I'd say we accept it as substantially correct and complete and with one...I think they should add to their appendix the letter from their wetlands guy who determined the wetlands was below...They had a guy go out and check the wetlands, right.

Rich Williams stated I don't think they had a...I'd have to go back and look. I don't remember a guy checking the wetlands.

Board Member Taylor stated or did you...

Rich Williams stated I remember Ted going out on the site and looking at the wetlands and saying...

Board Member Taylor stated too small...

Rich Williams stated it's below the threshold. This really isn't an issue.

Chairman McNulty stated Ron, why do you say that...

Ted Kozlowski stated this is Fox Run you're talking about.

Board Member Taylor stated yes.

Ted Kozlowski stated yes.

Board Member Taylor stated this is Fox Run.

Ted Kozlowski stated yes, it was not larger than our quarter acre minimum.

Board Member Taylor stated right. Right, I just...

Ted Kozlowski stated so it was under...

Chairman McNulty stated why do you bring it up. Did something catch your eye about that.

Board Member Taylor stated no. I...

Chairman McNulty stated oh.

Board Member Taylor stated it's one of the concerns for Patterson: There's always a wetland. I just think we need a statement...

Ted Kozlowski stated right.

Board Member Taylor stated so it would be your statement then.

Ted Kozlowski stated I believe I put that in a letter. I believe I did a...

Rich Williams stated I'll look back...

Ted Kozlowski stated memo on that.

Rich Williams stated have, Ron, because they had also submitted a report about what they found out on the site. And maybe that's what you're looking at as a...

Board Member Taylor stated that's what, maybe, I'm remember then.

Rich Williams stated yes.

Board Member Taylor stated I'd just say included in their submission when they send it out to...

Ted Kozlowski stated and Ron, I'm not so sure...Now it's coming back to me. I'm not so sure if that was a natural wetland. I think that was a site that was all dug up.

Board Member Taylor stated yes.

Ted Kozlowski stated right. And was full of...

Rich Williams stated it was the borrow site for when the built the first...

Ted Kozlowski stated yeah.

Board Member Taylor stated yes.

Rich Williams stated and I've got to stop doing that...the first phase because...

Ted Kozlowski stated right.

Rich Williams stated you know, we went to court on that.

Board Member Brady stated yeah.

Rich Williams stated there was a big court case on that.

Ted Kozlowski stated I wasn't comfortable...

Board Member Brady stated he...

Rich Williams stated yes, he...

Board Member Brady stated he flagged it there.

Rich Williams stated yes, he did.

Ted Kozlowski stated I wasn't comfortable with that as a wetland. It was...

Board Member Taylor stated yeah, well, yeah. I understand that. I just think we need...

Ted Kozlowski stated it wasn't something I think that we need to protect.

Chairman McNulty stated I think there was debris in there. Garbage...

Board Member Taylor stated yes.

Ted Kozlowski stated there was...

Board Member Taylor stated and it was too small and...So, I just think we need to say that.

Rich Williams stated okay.

Board Member Taylor stated you know, they need to back that up, the same way they did their shining breads...beds...whatever it...Breadstraw.

Rich Williams stated bedstraw.

Board Member Taylor stated bedstraw. What...

Rich Williams stated bedstraw.

Board Member Taylor stated bedstraw. Which I thought I was good. They went out right and did it, answered the question, it's out of the way. Move forward. I think we're ready to move forward.

Rich Williams stated you know, the one thing they did that just absolutely... You know, it's a pet peeve of mine, they gave us the memo that wasn't signed. Anybody could type it up.

Board Member Taylor stated well, they need to get it signed then.

Chairman McNulty stated which, this law memo.

Rich Williams stated no. The memo on...from the consultant on the bedstraw.

Chairman McNulty stated oh.

Rich Williams stated the shining bedstraw.

Board Member Taylor stated yes. Because it was emailed to them.

Chairman McNulty stated Bob, I just...I don't know if you have any idea of what we're talking about. This is...

Board Member Ladau stated yes, I've...

Chairman McNulty stated Fox Run and...

Board Member Ladau stated yeah.

Chairman McNulty stated it's an 80 unit...

Board Member Ladau stated mmhmm. Adult community. Yeah...

Chairman McNulty stated age restricted community.

Board Member Montesano stated alleged.

Board Member Ladau stated yeah. Age restricted.

Board Member Brady stated yes. Three bedrooms.

Board Member Montesano stated up to three, yes.

Chairman McNulty stated multi-level, three bedroom.

Board Member Taylor stated active adult. Not aged restricted.

Chairman McNulty stated active adult.

Board Member Montesano stated well, let's put it this way. Mommy lives in one...

Board Member Taylor stated active adult.

Board Member Montesano stated daddy lives in the other and the third one is for the...

Chairman McNulty stated so there's many issues that we're...

Board Member Taylor stated yeah.

Chairman McNulty stated looking here.

Board Member Ladau stated yeah.

Chairman McNulty stated traffic, sight lines, density, infrastructure. All kinds of stuff...

Board Member Ladau stated yup.

Chairman McNulty stated going on here.

Board Member Taylor stated so I would say I think we should...

Board Member Montesano stated three unemployed politicians.

Board Member Taylor stated take lead agency. Have them circulate the documents and then in the next cycle, we should start looking at part II and III of analyzing the EAF...FEAF, and then the next cycle we continue that and by then we should heard back...heard back from everybody. Or if it will be past the deadline. That's 30 days, isn't it. And then we can make a decision on how we're moving forward in what on this.

Chairman McNulty stated so at this point we're ready to declare lead agency. This EAF is...

Board Member Taylor stated I feel that...

Chairman McNulty stated I haven't reviewed it yet, but it looks like it's pretty in depth. And they did sit in on our meeting and take all our notes.

Board Member Taylor stated yes, they took...they took most of the stuff down. They didn't take everything but it's not significant what they didn't get, I don't think.

Board Member Montesano stated it's better than what it was.

Board Member Taylor stated yes, it's much better than what it was. And did you find anything that was...

Rich Williams stated not really.

Board Member Taylor stated yes.

Chairman McNulty stated you haven't really reviewed it yet, right.

Rich Williams stated yeah, no I have.

Chairman McNulty stated oh, you have.

Rich Williams stated I haven't written anything up. I've been through everything.

Chairman McNulty stated okay. Anything glaring, hanging out at you.

Rich Williams stated no.

Chairman McNulty stated okay.

Rich Williams stated like I said, they didn't sign that thing. Pet peeve.

Board Member Taylor stated well...

Chairman McNulty stated you can ask them to follow up with a signature.

Rich Williams stated yes.

Chairman McNulty stated okay. So we're looking to go to lead agency here.

Board Member Taylor stated yup. And then they can circulate.

Chairman McNulty stated do we need to get Bob out for a site walk to get familiar with this.

Rich Williams stated that's up to Bob.

Board Member Ladau stated fine. I'm available.

Chairman McNulty stated yes. I'd be glad to go up there and walk with you.

Board Member Ladau stated okay.

Board Member Brady stated I wouldn't mind going for another walk up there. I really...

Rich Williams stated Bob I'm paying.

Board Member Brady stated huh.

Rich Williams stated just so you know, Bob I'll pay.

Board Member Brady stated yeah, that's fine. I...

Chairman McNulty stated yeah.

[Laughter].

Board Member Brady stated hey, I went last time. I didn't care about that.

Chairman McNulty stated I got that part. I'm volunteering.

Board Member Brady stated I just wanted to see it.

Chairman McNulty stated um...

Ted Kozlowski stated yes, we have to talk about that for a second.

Board Member Brady stated it's getting to hunting season.

Ted Kozlowski stated Illescas.

Rich Williams stated huh.

Board Member Brady stated it's getting to hunting season.

Rich Williams stated yeah.

[Laughter].

Board Member Taylor stated you're getting in shape, right.

Board Member Brady stated October 1.

Board Member Montesano stated you want me to bring my break down with us.

Chairman McNulty stated what's... We get together and find out a time. We usually meet Saturday mornings if it works for everybody. Or...

Board Member Ladau stated Saturday.

Chairman McNulty stated the days are getting shorter now, so...

Board Member Brady stated yes.

Chairman McNulty stated it's a, I know, tough for me to get home by 5.

Board Member Montesano stated yeah, we already fell into fall.

Chairman McNulty stated this Saturday I can't do it, though. I'm already...

Rich Williams stated I think Ed wants to be up there the crack of dawn.

Board Member Brady stated like November would be really good.

[Laughter].

Chairman McNulty stated so we're talking about before the next monthly meeting...

Board Member Montesano stated no (inaudible) suits, please.

Chairman McNulty stated we'll get out there one morning and do a walk. Okay.

Board Member Ladau stated I'm open. The only time...conflict I would have...

Board Member Brady stated bring your hiking boots.

Board Member Ladau stated would be Sunday.

Chairman McNulty stated yeah, we don't get out on Sundays.

Board Member Ladau stated I have something to do so it will keep me away from here.

Chairman McNulty stated it will be a Saturday morning.

Board Member Ladau stated yes.

Board Member Taylor stated so do they need to come in next week. Can we just say we're moving the lead agency and...

Board Member Brady stated bring your hiking boots.

Board Member Ladau stated yes.

Board Member Taylor stated I mean, I don't think we have any questions for them. I mean, it's an expensive team.

Rich Williams stated if you don't have any questions for them, don't want to discuss anything, then no. I can call up, tell them we talked about it at the work session, you know...

Chairman McNulty stated unless they have something they want to discuss.

Rich Williams stated there are a couple little issues you need to address and get me the copies; we're doing lead agency.

Board Member Taylor stated yes. Okay.

Board Member Montesano stated gee whiz.

Board Member Taylor stated because, I mean, they've come in with three or four guys. That must cost them a buck to come in here.

Board Member Montesano stated yeah well, Marvin & Marvin will be here.

Rich Williams stated it will cost them a buck. I do have an email I got today that they wanted to know if they were going to bring their traffic consultant down. And I didn't, you know, I didn't want to respond to them until we had the work session.

Board Member Montesano stated Mr. Marvin...

Chairman McNulty stated what are...I don't know why we're talking about traffic still.

Board Member Taylor stated until we get to the next stage, I don't think we'll talk about traffic anymore.

Chairman McNulty stated no.

Board Member Taylor stated they're still caught in traffic.

Chairman McNulty stated unless they have something they want to discuss, I don't have anything right now.

Rich Williams stated okay.

Chairman McNulty stated anybody else.

Board Member Brady stated no.

Board Member Taylor stated if you'll contact me when...for the site walk.

Chairman McNulty stated I'll get together with you on email or something.

Board Member Ladau stated okay.

Chairman McNulty stated and I'll talk to you and Ed. You don't need to go again, right.

Board Member Taylor stated no. I don't need to go.

Chairman McNulty stated Mike...

Board Member Taylor stated until the next phase.

Board Member Montesano stated if we're going for breakfast I might go.

Chairman McNulty stated so, we'll be in touch. We'll set something up.

[Laughter].

Chairman McNulty stated okay.

Board Member Montesano stated I'm easy.

Chairman McNulty stated um...

Board Member Montesano stated they want to go walk...

Board Member Brady stated new guy's buying.

Chairman McNulty stated alright...

Rich Williams stated you're okay going out on the site without getting lost.

Chairman McNulty stated I won't get lost. I never get lost.

Rich Williams stated oh, okay.

Board Member Ladau stated confused maybe, but never lost.

Board Member Montesano stated he just (inaudible) been found, that's all.

Chairman McNulty stated from here to the Pacific Ocean I won't get lost.

[Laughter].

Chairman McNulty stated it might take me a long time, but I won't be lost.

[Laughter]

Board Member Brady stated might walk in a few circles, right.

Board Member Taylor stated go downhill...

Board Member Montesano stated isn't that what you're supposed to do.

Board Member Taylor stated end up in a park or...

Board Member Montesano stated you're looking for the hill going down.

Board Member Taylor stated Bullet Hole Road, yes.

Chairman McNulty stated you know...

Board Member Ladau stated can never (inaudible – too many talking) circles.

Chairman McNulty stated if you can't make it, it's no big deal. I got...

Rich Williams stated I wasn't planning on going.

Chairman McNulty stated oh, okay. Good.

Board Member Montesano stated good because then we can talk about him the whole day.

[Laughter]

Chairman McNulty stated ah, you won't be there either. Okay, what else we have on here.

## **6) Other Business**

Chairman McNulty stated other business.

Board Member Montesano stated I'll bring my (inaudible).

Chairman McNulty stated that brings it that to me, doesn't it.

Board Member Montesano stated that might break down.

Board Member Taylor stated yes.

Rich Williams stated it does.

Board Member Taylor stated that's to you.

Board Member Montesano stated bring my crossbow.

Board Member Brady stated yes. Huh.

Board Member Montesano stated can I bring my crossbow, it's silent.

Board Member Taylor stated do you want to end the meeting and do this as...

Board Member Brady stated just bring the riffle.

Board Member Taylor stated training.

Board Member Brady stated black powder.

Board Member Taylor stated that way she doesn't have to do minutes on it.

Board Member Montesano stated which one.

Chairman McNulty stated we could. Is the training...

Board Member Brady stated that's three.

Chairman McNulty stated training doesn't have to be documented in anyway, does it.

Board Member Montesano stated double shots.

Chairman McNulty stated well, we might want to make...If we could make this official at some point, should have it in the minutes or it's just discussion. When we adopt it.

Rich Williams stated what, the checklist.

#### **a) Minutes**

Chairman McNulty stated yes. We can adjourn it. Anybody have anything to say on the minutes. I haven't looked at them yet. Okay.

Ted Kozlowski stated I have one thing of...

Board Member Brady stated oh, we've got Illescas.

Ted Kozlowski stated that I could bring up...

Chairman McNulty stated okay.

Ted Kozlowski stated before you end. So it doesn't have to be now, but whatever.

Board Member Taylor stated well, we're thinking about ending, so maybe it better be now.

Ted Kozlowski stated oh.

Board Member Montesano stated if you want it, you better do it now.

#### **b) Illescas**

Ted Kozlowski stated Mr. Brady accompanied me last night when I went Illescas' residence to look at the wetland delineation. And it appears to me the Mr. Zarecki's wetland line is actually...encompasses more than I would here. I think the wetland like is a little further back than the line that he's showing. So what I am going to do is flag that wetland and ask Mr. Zarecki to put it on the plan which makes the most sense. So, it appears to me that where he is proposing to put the shed is not in the wetland. It's in the buffer but it's not in the wetland.

Chairman McNulty stated okay.

Ted Kozlowski stated Ed, do you have any comments.

Board Member Brady stated well, I think it's in the setback, too. You know, the property line setbacks. I think he has to move it.

Rich Williams stated yes.

Board Member Brady stated um...

Ted Kozlowski stated so...

Board Member Brady stated no, we talked about it before, you know...

Ted Kozlowski stated and I think Mr. Brady should get some credits for training. I did give him...

Board Member Brady stated he educated me.

Ted Kozlowski stated I...we did give him some education.

Chairman McNulty stated but where are we with Illescas. He hasn't...he didn't come to the last meeting, correct. I don't think he showed...

Ted Kozlowski stated well, she showed...

Rich Williams stated he wasn't...

Chairman McNulty stated his wife did come.

Board Member Brady stated his wife was here, yes.

Ted Kozlowski stated so...

Rich Williams stated oh yeah, that's right his wife did.

Chairman McNulty stated yeah.

Ted Kozlowski stated he's got an outstanding wetlands permit and I think the way we left it was we needed to make sure that the wetland line is correct because we're use...remember, we're using this document as permanent...

Chairman McNulty stated permanent record.

Ted Kozlowski stated record for the Building Department and the Planning Department so if and when he's back, or someone else is, we have a documentation of where everything is. I don't have a problem with the gravel driveway, he needs it.

Chairman McNulty stated so, are you going to write a letter to address that. How are we handling this.

Ted Kozlowski stated yes. But I need to flag it. I didn't have the flagging tape with me when I was with Ed last night. So I'm going to do it over the week...

Rich Williams stated was that part of the education.

Board Member Brady stated yes.

Ted Kozlowski stated the flagging, yes. And not to forget it.

[Laughter].

Ted Kozlowski stated but...And you know what, I might as well, I have to admit, I found it today. It was in the car the whole time.

[Laughter].

Board Member Brady stated well, the chainsaw was there. That was more important.

Ted Kozlowski stated it was under the equipment for the chainsaw.

Board Member Montesano stated it's time with the balloons again.

Ted Kozlowski stated so, I'm going to go flag it. And I want to talk to Zarecki. I hope he's kind enough to do that work because remember, he was doing this for free. So...

Chairman McNulty stated okay.

Ted Kozlowski stated and at that point then I think it's in your hands to approve, disapprove.

Chairman McNulty stated well, we need him to come back to us.

Ted Kozlowski stated right. And I told Mrs. Illescas to...that I would call her once I knew what Zarecki was going to do.

Chairman McNulty stated okay. So you'll prompt them to get back in here.

Ted Kozlowski stated yeah.

Chairman McNulty stated alright.

Board Member Brady stated we have to clarify with them when they come back, the two sheds that are there, the plan is that they're coming out and he's replacing them with one bigger shed. The wife seemed to think that they were staying and there was another shed going...

Ted Kozlowski stated right.

Board Member Brady stated and that's not what...

Ted Kozlowski stated we did...

Board Member Brady stated we were told.

Ted Kozlowski stated we did see...

Board Member Brady stated you know, and not done with the paperwork.

Ted Kozlowski stated we did see a mattress in one of those sheds.

Board Member Brady stated yes.

Chairman McNulty stated is there a violation...Isn't there a violation for the sheds. Was it ever issued.

Board Member Montesano stated is that where it said Fido.

Rich Williams stated I don't know if there was any...ever anything issued.

Chairman McNulty stated but Bob [McCarthy] did go out there, correct.

Rich Williams stated Bob's been out there.

Chairman McNulty stated alright. So that's more of a Building Department issue with the sheds, correct.

Rich Williams stated yes.

Chairman McNulty stated yeah.

Board Member Brady stated well, won't Zarecki have to put the shed on the drawing in the proper location,

Rich Williams stated he's got a...Well, that's the 64-dollar question. You know, Zarecki was doing this for...

Board Member Brady stated I know.

Rich Williams stated you know, if he starts revising the plan multiple times, you know, is he going to start charging it. Is Mr. Illescas going to pay for it.

Board Member Brady stated right. And the shed is the least of our worries, you know...

Rich Williams stated and again, what I had suggested to the Board, if everything else was fine except that shed, simply approve the shed in that location...

Board Member Brady stated meeting the setbacks.

Rich Williams stated but meeting the correct setback requirements.

Chairman McNulty stated but eliminate the existing sheds...

Board Member Brady stated two sheds. Two sheds.

Ted Kozlowski stated well, it's two.

Chairman McNulty stated two sheds, yes.

Ted Kozlowski stated it's two units.

Board Member Brady stated yes.

Chairman McNulty stated okay.

Rich Williams stated and they're not on the plans, so...

Board Member Brady stated and they're packed.

Ted Kozlowski stated Rich, what is, again, what is the minimum size...the threshold for needing a permit for a shed.

Rich Williams stated 144 square feet.

Ron Gainer stated right.

Chairman McNulty stated and a minimum...

Ted Kozlowski stated so 12' x 12'

Chairman McNulty stated and a height maximum.

Rich Williams stated 10 feet.

Chairman McNulty stated is it. Okay.

Board Member Taylor stated alright. That's interesting.

Chairman McNulty stated alright. Good for Illescas.

Ted Kozlowski stated yup.

Board Member Brady stated mmhmm.

**c) Form Based Code**

Chairman McNulty stated I have one item I sent...I sent everybody out something I found in this current magazine Town & Topics about Form Based Code. Any comments. I don't...First I'd ever heard of it. Don't know much about it. I thought maybe it sounded like something that could be implemented maybe on Front Street or...

Rich Williams stated it's the next in the wave of, you know, new age zoning techniques. There's actually a lot of information on form based zoning code. There's an institute. You can go up online and there's an institute and you could look and they have a ton of information. Essentially what form based codes is, is the next level after conventional zoning which conventional zoning takes a look at setback requirements and lot area and, you know, dimensional requirements in that way. Form based codes take it to the next level of looking at building design, architectural standards, streetscape standards, so that when somebody comes in and goes to build a building, they know exactly the type of building that you're looking for them to build. It's something that's becoming more prevalent in more urbanized area where you have, you know, in-filling going on or a lot of new buildings being built in high density areas.

Chairman McNulty stated I didn't take that from the article.

Board Member Ladau stated no, it's rural. A lot of it is, and it's basically, contextual design that whatever is proposed is a gentle neighbor to the surroundings.

Chairman McNulty stated yeah, I read it as a type of code that will allow you to work it to a particular area; to make that area work outside of the standard, existing codes.

Rich Williams stated I didn't read the article...

Chairman McNulty stated um...

Rich Williams stated so I don't know what the article says.

Chairman McNulty stated I don't know, are you familiar with this a little bit, Bob, or...

Board Member Ladau stated yeah.

Chairman McNulty stated because it's the first time I's ever heard of it and I'm looking at empty lots on Front Street that have been empty forever. A building that burnt down up the street that to today's Code would be very difficult to develop back.

Board Member Ladau stated mmhmm.

Chairman McNulty stated and wondering if this would work for us. If, as a Planning Board, be somewhat proactive to recommend to the Town Board to maybe show that Patterson is open for some development. Maybe we can make it better and prove our downtown area and all around make a good, general improvement. Now, I know there's a lot of restrictions and difficulties with these properties, but does this code allow us to facilitate it and help it.

Rich Williams stated well, again, my understanding of what form based code is seems to be different from what you're...

Chairman McNulty stated yeah, there's...

Rich Williams stated understanding of form based code is, so...

Chairman McNulty stated I don't have much of an understanding other than this article. I think I forwarded it to you on an email. And it was more like...It allowed you to be flexible to work a particular area that doesn't meet today's code; the setbacks, heights, things like that. Architectural's definitely involved with it. But...

Rich Williams stated as well as a lot of graphics. They generally lay out the design standards graphically as well as using word.

Chairman McNulty stated yes, it talked about using frontage of buildings, entries, how to make it work. Mixed use, where a lot of times you don't have mixed use. To allow mixed use in the building at a certain area where towns are somewhat rigid on that. This is going to be residential. This is going to be commercial. And...

Rich Williams stated we allow mixed use within the Hamlet.

Chairman McNulty stated yeah, I thought we did. But I just wondered maybe this helps on setbacks. Maybe this...My thought is to at least look at it.

Board Member Taylor stated yes, let's look at it.

Chairman McNulty stated find out another municipality that has it; see if it works for them. I don't know where to start though, other than to just bring it up and get it on the tape.

Board Member Ladau stated well, I know...

Rich Williams stated go up online to the Institute.

Chairman McNulty stated FBC Institute.

Rich Williams stated they've got webinars up there. They've got...

Board Member Ladau stated yeah.

Rich Williams stated a ton of information. I haven't been up there in awhile but...

Chairman McNulty stated do you know of any other municipalities in the area that might use it.

Rich Williams stated I don't know of any in this immediate area.

Board Member Ladau stated no.

Rich Williams stated you know...

Chairman McNulty stated yeah.

Rich Williams stated again, the ones that I've looked at were those that are more highly, densely built-out. More urbanized areas. I, you know, you were saying it's really a rural thing.

Board Member Ladau stated well, the only one that I've seen recently, oddly enough, is in Nantucket. And of course they take...they're absolutely anal when it comes to this. I mean, they will determine what kind of windows you can use and what kind of...the signage is restricted and...But a lot of it is an attempt to replicate this historical environment and it creates no end to problems because like everything else, you know, beauty is in the eye of the beholder. So somebody says oh, that's a perfectly wonderful window, and...

Chairman McNulty stated yeah.

Board Member Ladau stated you, so on and so forth. It also gives rise to the creation of an architectural review board. And that...I suppose this could be part of the mission of this group or it could be a subset.

Chairman McNulty stated well, we do that to a degree in the Hamlet, where we restrict colors and...

Board Member Ladau stated yeah.

Chairman McNulty stated and have limited things.

Board Member Ladau stated yeah.

Chairman McNulty stated I say, I'm looking at this at a small areas. There's not many areas in Town I think that it would apply to other...

Board Member Ladau stated okay.

Chairman McNulty stated maybe Putnam Lake. Maybe here in the Hamlet.

Board Member Ladau stated well...

Rich Williams stated see...

Chairman McNulty stated the [Route] 22 corridor.

Rich William stated what Bob's describing is my understanding of what it is, is it's...Form based codes have evolved out of communities where builders were coming in and building buildings that didn't mesh with the communities vision going forward.

Board Member Ladau stated mmhmm.

Rich Williams stated so they wanted a code that was going to ensure that...

Board Member Ladau stated yeah.

Rich Williams stated their vision of what buildings should be there is what that builders going to build.

Board Member Ladau stated yeah. Community expectations.

Rich Williams stated yeah. In that case, it's great for the community, bad for the builders because then the builders are locked in exactly what...

Board Member Ladau stated yup.

Rich Williams stated they're going to have to build with no consideration on the economic impacts with that. So...

Chairman McNulty stated well, I think it's something to look at....

Board Member Ladau stated oh, yeah.

Chairman McNulty stated because these lots are sitting here forever so they're not builder friendly now.

Board Member Brady stated and one of the things they're going to need though is sewage.

Chairman McNulty stated well, we have sewage on Front Street.

Board Member Brady stated yeah, but you don't have it all the way up this way [referring to Route 311].

Rich Williams stated no, you don't have it all over here but you...

Board Member Brady stated you have it here.

Rich Williams stated have it here.

Board Member Brady stated right.

Rich Williams stated and you've got a site plan that was approved...

Board Member Brady stated yeah.

Rich Williams stated for this but the bank wouldn't build it.

Board Member Brady stated right. Right.

Board Member Ladau stated the other question...

Board Brady stated the bank owns the lot.

Chairman McNulty stated question is, is we have sewage. How does well water work on these small lots; separation. Does that get waived.

Rich Williams stated well water, no. Everybody has to have well water.

Chairman McNulty stated no, but there's a restriction to the neighboring septic.

Rich Williams stated yes.

Board Member Brady stated it's 100 feet, but if it can't work.

Chairman McNulty stated so...

Board Member Brady stated it can't work. You're grandfathered in.

Chairman McNulty stated okay.

Board Member Ladau stated but...

Chairman McNulty stated I wasn't sure how that worked.

Board Member Ladau stated you brought up in your email and just now, I mean, the whole problem with just Front Street, and I wonder if the problem there is zoning or whether it's just economics that they...

Chairman McNulty stated well, economics is definitely a big part of it.

Board Member Ladau stated yeah.

Rich Williams stated we actually had Regional Plan Association came in to...because we were very concerned about this back in 1990s.

Board Member Ladau stated yeah.

Rich Williams stated actually had to design charrette down at the school...

Board Member Ladau stated mmhmm.

Rich Williams stated where he brought in all sorts of different people and we brought in a consultant to run the charrette. It was very, very interesting. We got kind of a plan for how the Hamlet area should be developed. I still have the plans around here someplace. But one of the things that came out of that was the fact that, you know, it's a dead end street and the...years and years ago where the Rec Center is, that was Clancy Moving & Storage.

Board Member Ladau stated mmhmm.

Rich Williams stated nobody went down because nobody needed to go to Clancy's Moving & Storage.

Board Member Brady stated that's right.

Rich Williams stated it's one of the reasons that the Town bought that property down on the other end so that we could create an anchor down on the other end that would pull people down there. In the hopes that we were going to get more foot traffic and vehicle traffic...

Board Member Ladau stated yeah.

Rich Williams stated along Front Street; make it more economically, you know, viable. Same reason we put the sewers in because that was a limiting factor out there.

Chairman McNulty stated sure.

Board Member Ladau stated but there's nothing that will stop the pedestrian traffic from the railroad crossing going toward the Rec Center. I mean, there's a couple of odd ball... You know, there's Mitzi's...

Chairman McNulty stated well, we have the...

Boar Ladau stated Bodega.

Rich Williams stated no.

Chairman McNulty stated well, we have the restaurant now. We have the art gallery, is a start.

Board Member Brady stated right.

Chairman McNulty stated and we have these other lots and I think the mixed use is key to bring residents there.

Board Member Brady stated right.

Board Member Ladau stated yeah.

Rich Williams stated but Bob's point is well taken. The fact that we did everything that we thought we could do to encourage the...

Board Member Ladau stated yeah.

Rich Williams stated right kind of development on the street...

Board Member Brady stated it just hasn't worked.

Rich Williams stated it hasn't occurred.

Board Member Ladau stated no.

Rich Williams stated economically, it hasn't occurred out there.

Chairman McNulty stated well maybe...Economically, definitely, we're...

Board Member Ladau stated yeah.

Chairman McNulty stated at bad times. But maybe this FBC form based code is one more step that we could look at to help it...help it along. I know we can't develop it, just like if you bring...Say you put three-story buildings in and you have mixed use, where's everybody going to park.

Rich Williams stated I would say yes. Take a look at it. I don't want to discourage you from...

Chairman McNulty stated ah-huh.

Rich Williams stated taking a look at it. But..

Chairman McNulty stated that's all I'm proposing.

Rich Williams stated my concern with the form based code is it adds another layer of regulations onto something that is already...

Board Member Ladau stated yeah.

Rich Williams stated discouraging people from looking at...

Board Member Brady stated right.

Rich Williams stated moving in there.

Chairman McNulty stated see, I read the article different. I read it as it would make our Code more flexible. Now, I'm not an expert on our Code, but...

Board Member Ladau stated no, no, no. It doesn't make it... Well. It's more flexible and yet it may not be in the sense that it gives us the right to control what the developer, the builder, is going to do. So, it gives us some wiggle room, but by the same token, it empowers us to make life either pleasant or unpleasant for the developer.

Rich Williams stated it's more flexible in the vein that most zoning codes say you can have this for a use or you can have this for a use but you can't mix them.

Board Member Ladau stated yeah.

Rich Williams stated form based codes allows you more mixing...

Chairman McNulty stated exactly.

Board Member Ladau stated that's right.

Rich Williams stated but our Code is fairly flexible in allowing that mixing to go now.

Board Member Brady stated the last thing that I'd like to see... would want to see is an architectural review board.

Board Member Ladau stated yeah.

Chairman McNulty stated yeah...

Board Member Brady stated it just...

Chairman McNulty stated no, I think what really matters...

Board Member Brady stated everywhere it is, it just... they just take so much power and they just...

Chairman McNulty stated with the Code we have as far as colors, but...

Board Member Brady stated keep making it harder and harder. And then you get no building, you know.

Chairman McNulty stated well, my thought is just something to look at. I saw it. It caught my eye. It seemed like it would...

Board Member Ladau stated what Front Street needs is to Richard Boone.

Chairman McNulty stated Richard...

Board Member Ladau stated "Have Gun - Will Travel".

Chairman McNulty stated what do you call it, the Wild West.

Board Member Ladau stated am I going back, I thought you were here long enough for that. When we first came...

Ron Gainer stated yes, that's pushing...

Board Member Ladau stated in here...

Ron Gainer stated that's got to be pushing 50 years.

Board Member Ladau stated they...Yeah. They filmed...There was a western thing on television, "Have Gun - Will Travel".

Board Member Brady stated oh, yeah.

Chairman McNulty stated yeah.

Board Member Ladau stated it was Richard Boone.

Chairman McNulty stated I remember it.

Board Member Ladau stated and they used Front Street as the set for this.

Chairman McNulty stated oh, I didn't know that.

Board Member Brady stated no. Really. That's cool.

Board Member Ladau stated and Richard Boone, when he wasn't on set, was over at what used to be called One Buck's Tavern.

Chairman McNulty stated sure. That I...

Ron Gainer stated I know One Buck's.

Board Member Ladau stated that's now Walsh's, and he stood drinks for everybody in Town who just wondered by.

Rich Williams stated wow.

Bora Ladau stated and so he became the most popular...

Board Member Brady stated invite him back.

Board Member Ladau stated guy in Town and he was there for, oh god, I don't know how long.

Board Member Montesano stated what did Dwyer play that time...

Chairman McNulty stated is this in your history notes.

Board Member Montesano stated when he made...they made that movie in Town, and he played the funeral director.

Board Member Taylor stated I think we have pictures of it.

Chairman McNulty stated you might have to get a video.

Board Member Ladau stated yeah, something...I know...

Board Member Montesano stated I'm trying to remember what...

Board Member Taylor stated we have to get a video, right. We had some...

Board Member Montesano stated it was like a Manchurian Candidate type of a thing.

Boar Ladau stated yeah.

Board Member Taylor stated pictures that we had some pictures but we couldn't figure out why that was going on.

Board Member Montesano stated Richard Boone was in that one, also.

Board Member Ladau stated yeah.

Board Member Taylor stated okay.

Board Member Montesano stated and he came in...

Board Member Ladau stated no, he was the most popular guy in this part of Putnam County.

Board Member Montesano stated he came around...

Chairman McNulty stated I...Anything else with anybody.

Rich Williams stated yeah, are we all set here.

Board Member Ladau stated yeah.

Board Member Montesano stated I think so.

Board Taylor stated yeah. Motion to adjourn.

Chairman McNulty stated motion...Second. All in favor.

Meeting was adjourned at 8:19 p.m.