

TOWN OF PATTERSON
PLANNING BOARD MEETING
September 26, 2013
Work Session

APPROVED

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Michael Montesano
Ron Taylor
Edward J. Brady Jr.

**Planning Board
September 26, 2013 Work Session Meeting Minutes**

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

APPROVED

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

The meeting began at 6:55 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

Vice Chairman McNulty called the meeting to order.

Vice Chairman McNulty stated welcome everyone, October, September 26th work session. We have Mr., is it Branca...

Mr. Branca stated yes, Branca.

Vice Chairman McNulty stated want to move him up, does anybody have an objection.

Mr. Branca stated thank you.

7) OTHER BUSINESS

a. Windward Holdings Corp. – Request for Zoning Change

Mr. Tony Branca was present to represent the application.

Vice Chairman McNulty stated Windward Holdings.

Mr. Branca stated yes.

Rich Williams stated so Mr. Branca owns a parcel along Route 311 just south, southeast of Bear Hill Road and he is seeking approval from the Town Board for a zoning change to rezone the property from its

current designation as R-4 to Commercial, C-1, so that he can build a building. He submitted conceptual plans for everybody to look at. We did talk about this briefly at the last meeting because it was already on the agenda and where we left off is the Board was looking to do a site walk out there to you know look, take a better look at the property, a couple of the Board Members have already been out there but most of the Board Members are new and have not seen the site and are interested in seeing the site and evaluating the feasibility of what you proposed.

Mr. Branca stated sure, sure...

Rich Williams stated so...

Mr. Branca stated that only makes sense.

Rich Williams stated yeah.

Mr. Branca stated what I'm looking to do with the building is to put a medical center there, I've been in contact with Westchester Medical Group and they're interested in taking the whole building, up there and there is a need up in the area when I scoured through the medical groups in the area, it would be a nice fit, it's convenient, it would serve the community, low impact as far as septic goes. When this was residential and Putnam Engineering was on board, we had did some post hole test for septic sites, potentially and there were two sites that tested, we didn't do any deep holes but what they said met the preliminary guidelines for being able to handle septics, so I figure between the two of them I would be able to get enough septic capacity to handle the building.

Vice Chairman McNulty stated how many acres is the parcel to be changed.

Mr. Branca stated 16.5 [acres].

Vice Chairman McNulty stated and how much of it is buildable because I'm not familiar, I'm one of the people that need a site walk.

Mr. Branca stated the thing is like a slope like this...

Vice Chairman McNulty stated yeah because then you go up [Route] 311 towards Bear Hill Road that's pretty steep, on the right.

Mr. Branca stated it's pretty steep, I have a larger map...

Vice Chairman McNulty stated is your building plan to be up on top of the hill, are you going to excavate.

Mr. Branca stated negative, down by the road.

Rich Williams stated there is a substantial cut...

Board Member Brady stated here, why don't you put it right in the middle.

Board Member Montesano stated put it right here.

The Secretary stated just don't cover the microphones.

Ted Kozlowski stated are you looking to do the whole 16 acres commercial.

Mr. Branca stated I don't need the whole 16 acres, the building site would be one acre, the disturbance would be slightly over an acre, depending, I haven't brought this to an engineer yet, I spent so much money on the residential with engineering, I said let me see if I can it, if I can get some interest first and then I would bring it to an engineer to have him do it. The site runs from this corner over here...

Rich Williams stated if I could just, if I could just jump in real quick to answer Ted's question, generally we're not going to rezone a portion of a parcel unless it's a very large parcel, we're not going to rezone it so it has two different zoning designations on it, it's always been problematic in the past.

Mr. Branca stated so the parcel goes from this corner which is Bear [Hill] Road, this is [Route] 311, around this, this jig jags all the way down to the point, so it has a ton of road frontage over here. We took a spot that would require the least disturbance, the least amount of chipping away of the rock, kept it close to the road, I submitted some pictures of a medical center that's right next to my restaurant in Mahopac on Route 6, that you guys are welcome to drive by, it's a very pretty building, it tiers up, it's got a ground level and then you drive around the back and you have entrances on the back so it's a one story from the back, two stories from the front which minimizes the amount of disturbance on the site, I know that we would have to get site approval from whoever runs the roads...

Vice Chairman McNulty stated that's New York State, that's the biggest problem I see, that's a tough road now to negotiate going up the hill and to have traffic on and off...

Mr. Branca stated well if you look at it, this is kind of like, there's a lot of, this is 1" is 50', so there's a lot of straight away where this building is here from here to here, as far as a sight line.

Vice Chairman McNulty stated well that's my concern, everybody coming out, making a left going south when someone's coming down here at 65 [mph] because people do it...

Mr. Branca stated no, I gotcha.

Vice Chairman McNulty stated and that's going to be...

Board Member Brady stated and they drive fast too.

Board Member Montesano stated no.

Board Member Taylor stated swinging around those curves.

Board Member Brady stated yeah.

Board Member Montesano stated we have one of those gravel trucks come down, just hire the guy to make circles, keep the traffic slow.

Board Member Taylor stated yup.

Mr. Branca stated put some speed bumps there.

Vice Chairman McNulty stated you know, not knowing the lay of the land and really walking it, you know it's hard to comment but it's initial...

Rich Williams stated Tony, do you think it would be possible for you to put four stakes out there, representing the corners of the building, as best you could.

Mr. Branca stated sure, sure.

Rich Williams stated alright, our Chairman is out until next Wednesday.

The Secretary stated yeah, he'll be here for the meeting.

Rich Williams stated so and generally the Planning Board likes to go out on the weekends on a Saturday morning...

Mr. Branca stated okay...

Rich Williams stated real early, god bless them.

Vice Chairman McNulty stated you set the time generally.

Rich Williams stated yeah, I know. So...

Ted Kozlowski stated we still have daylight in the later afternoons.

Board Member Montesano stated people as they get older.

Rich Williams stated I would imagine that not, not this weekend but the following weekend they might be inclined to go out there and take a look at it if it was marked out.

Mr. Branca stated I'll get there on a Sunday, we fox on Saturday mornings.

Vice Chairman McNulty stated any chance you could park maybe, stake where you think the center of the driveway may be, is there one entrance, two entrances, do you have any kind proposed...

Mr. Branca stated I was proposing two entrances just to make it easier to navigate the in and the out.

Rich Williams stated I know the site, it's going to be difficult, I think you stake the corners of the building because you're going to up already on the grade but unless you think differently...

Mr. Branca stated I don't know, I don't know, I'm not a mountain goat, it's a, you look at the grade over here, it's only 10' from the road up to where the front of the building would be.

Vice Chairman McNulty stated this shows a driveway or some kind of easement opposite, is that a real driveway there, I don't know of any coming down...

Board Member Montesano stated it hasn't been used in about 300 years.

Rich Williams stated oh yeah, no.

Board Member Montesano stated it's been there...

Vice Chairman McNulty stated it's overgrown now, it's gone.

Board Member Montesano stated it was told to be shut down years ago and they never did it, they just never stopped using it.

Rich Williams stated there's something there, you could recognize it Tommy but it's all gated off.

Vice Chairman McNulty stated now we have other commercial zoning adjacent to this.

Rich Williams stated yeah, I believe so.

Board Member Taylor stated except some of that's disappeared because that's State land.

Rich Williams stated well that's, I don't even think about it anymore because most of its State land.

Board Member Taylor stated there is the house site that's left.

Ted Kozlowski stated but procedural...

Vice Chairman McNulty stated that's just above that barn, the entrance to that, there's a...

Board Member Taylor stated well it's probably the barn and the house is what's left as land, the rest is State.

Rich Williams stated right, about 11 acres.

Vice Chairman McNulty stated it's going up the hill from the barn, probably right...

Rich Williams stated yes.

Board Member Taylor stated yeah.

Vice Chairman McNulty stated all along [Route] 311.

Ted Kozlowski stated procedural...

Board Member Taylor stated so what are you proposing on doing with the other 15 acres.

Mr. Branca stated I'll do whatever you want, I'll donate it back to the Town.

Board Member Taylor stated I don't know that the Town would want it.

Mr. Branca stated you know it would just stay as natural...

Board Member Taylor stated put an easement on it so it stays undeveloped.

Mr. Branca stated sure.

Ted Kozlowski stated that's a, leading to my question which would be, if Rich, this would be a zoning change from residential to commercial, those residents there would be notified for public, open, see I understand what you're trying to do...

Vice Chairman McNulty stated oh yeah, all those people would want...

Ted Kozlowski stated but that word commercial zoned is, I would think and having met some of those people that live there, I would think they would not be very happy about that but if there was some way that this was, you know, if you're looking to do this and even though it's commercial...

Mr. Branca stated and the closest house.

Ted Kozlowski stated you deed that so it's not developable or, you know, I don't know, I just think that, I think that would be...

Rich Williams stated back to, the fact that they are going to do an excavation which is going to drop the building...

Ted Kozlowski stated oppositioned.

Vice Chairman McNulty stated are these wetlands, these heavy lines.

Rich Williams stated so these people aren't going to see the roof.

Ted Kozlowski stated no, I know but it's, what's...

Mr. Branca stated these are wetland flags here.

Vice Chairman McNulty stated soil delineation, okay.

Ted Kozlowski stated what's, I know what, you know what they're going to say...

Rich Williams stated I do what they're going to say.

Ted Kozlowski stated okay, we have a building here and then what happens here 10 years from now another building up here, it's no longer residential, it's commercial, so that opens the door for other things...

Board Member Taylor stated is this State land here.

Mr. Branca stated right, right, right, no, I agree with you, everything else would be, put in the, put an easement on that there's no more development on the 16 acres, other than this.

Board Member Taylor stated is this State land.

Mr. Branca stated I don't know if that's all State land.

Vice Chairman McNulty stated land...

Board Member Montesano stated or is that the 11 acres.

Rich Williams stated I'm trying to get my, yeah...

Board Member Taylor stated does the State abut him, because you might be able to donate it to the State.

Ted Kozlowski stated Woodward, Woodward.

Rich Williams stated that's State land.

Board Member Taylor stated alright, so you could donate it to the State and they can add it to their park, if they wanted.

Mr. Branca stated does the State pay.

Vice Chairman McNulty stated no, they collect.

Board Member Montesano stated that's what they say donate for.

Mr. Branca stated I have 6 kids, 3 of which are in college.

Board Member Taylor stated you're welcome to put an easement on it and pay taxes on it, I mean, that's, so...

Mr. Branca stated no, I can, all the extra property...

Board Member Taylor stated that's what I'm talking about, the extra property...

Mr. Branca stated I thought you were talking about the whole site, oh, yeah, yeah, yeah, yes sir that would be a fantastic idea. As much as this, if you say that the zoning requires 2 acres, you cut off 2 acres and donate the rest back, I agree with you 100% and that means it will never developed.

Ted Kozlowski stated and then the residents will be happy.

Mr. Branca stated that's fine, you know, that part is, that's a fantastic idea.

Board Member Taylor stated right so, we need to look at it then.

Mr. Branca stated I'm looking to put this structure up, to get one tenant, two tenants in there and be done with it. They'd have a little cafeteria to service the building, no food, no retail and just it would be something to service the community up here.

Board Member Brady stated because this is a house right at the end of this, isn't there.

Mr. Branca stated there is a house here...

Board Member Brady stated that comes off [Route] 311.

Mr. Branca stated two houses, no, Bear [Hill] Road.

Board Member Taylor stated off Bear Hill [Road].

Mr. Branca stated the house off [Route] 311 is on this parcel over here...

Board Member Brady stated okay, it's further up.

Ted Kozlowski stated it's kind of quiet there.

Board Member Taylor stated there are some houses down here, behind the trees.

Vice Chairman McNulty stated yeah, off Deacon Smith [Hill Road].

Board Member Taylor stated off Deacon Smith [Hill Road].

Board Member Brady stated then there is another house up here, back, yeah that way, I know those people, I know they'll be...

Mr. Branca stated if you look at the site from an aerial...

Board Member Brady stated

Mr. Branca stated this is the big parcel over here.

Vice Chairman McNulty stated if this were to remain residential, as it is now, is it buildable for houses, is there access to put houses.

Mr. Branca stated yes.

Rich Williams stated it's challenging for a house.

Mr. Branca stated challenging, in this market it would be tough to do a residential, the economics wouldn't work.

Vice Chairman McNulty stated there's too much rock.

Board Member Montesano stated it will be similar to the one on the eastern side or the western side.

Mr. Branca stated yeah.

Rich Williams stated with the amount of site work that's he's going to have to do to make it really usable, isn't going to support residential.

Ted Kozlowski stated you're still going to have the traffic issue.

Vice Chairman McNulty stated my next question, if it became residential...

Rich Williams stated it is residential.

Vice Chairman McNulty stated say you got but if you got residential and let's say it came in for proposed two houses split up in the 16 acres, where would you get access, from this same point on [Route] 311.

Mr. Branca stated right.

Rich Williams stated you'd bring a common driveway in off of Bear Hill [Road].

Vice Chairman McNulty stated but there's all houses there though.

Mr. Branca stated no, you'd come off Bear Hill over here and wrap around and up and in.

Board Member Taylor stated drop down onto it.

Mr. Branca stated right.

Vice Chairman McNulty stated oh so the property corners out...

Board Member Montesano stated you'd have a 7,000' driveway.

Ted Kozlowski stated which is actually more disturbance and more...

Mr. Branca stated oh, there would be significantly more disturbance too...

Ted Kozlowski stated more impacts to wetlands and open space.

Mr. Branca stated correct.

Board Member Montesano stated just think how much blacktop that would be, 7,000' driveway to get to your house, you could make it into a track.

Board Member Taylor stated is this a depression, Ted.

Mr. Branca stated just a soil change and these flags are wetland flags.

Board Member Taylor stated yeah, I understand that but is this a depression here.

Vice Chairman McNulty stated when you grade here, up and over the hill, is this a high point.

Ted Kozlowski stated it's kind of, as I remember Ron, it's been a long time since I've been there, I believe so but...

Board Member Taylor stated okay because it's just an odd shape for...

Ted Kozlowski stated yeah, it is odd shaped.

Vice Chairman McNulty stated yeah, if could stake the approximate corners of the building and maybe the entrance points or one of the entrance points, so we have an idea...

Mr. Branca stated okay.

Vice Chairman McNulty stated where we're looking from on [Route] 311.

Mr. Branca stated okay.

Rich Williams stated and then Tony, if you can just call my office and confirm, then we'll schedule it.

Mr. Branca stated fantastic, I'll get right on that.

Board Member Taylor stated is there a medical, separate from commercial zone.

Rich Williams stated the medical building would be a permitted use within the C-1 zoning district.

Vice Chairman McNulty stated C-1.

Board Member Taylor stated so it's not a separate zone for it.

Rich Williams stated no.

Vice Chairman McNulty stated if they had a laboratory in the building.

Rich Williams stated now understand, he's asked for a zoning change for this particular project so you know we could just, the easiest way is to make it C-1 but we could restructure you know, a different, a brand new zoning district if we wanted to for this, any way you want to do it.

Board Member Taylor stated it just, in terms of neighbors objections about turning into retail space, that's what I was thinking about.

Mr. Branca stated we can put a restriction against retail.

Board Member Taylor stated well that's what he's saying...

Vice Chairman McNulty stated but we'd have to change our code to do that.

Board Member Taylor stated well...

Rich Williams stated we're going to change our code one way or the other.

Ted Kozlowski stated I would think...

Vice Chairman McNulty stated or change the code for this property, not change the code as its written, right.

Rich Williams stated it's all process, it's all local law that has to be drafted and crafted and...

Ted Kozlowski stated from a safety standpoint, wouldn't you think that would be better because that is a daylight operation whereas a residential home, you've got people going in and out at all different times because that road is...

Vice Chairman McNulty stated that's a tough road for any access.

Ted Kozlowski stated that road is a rough road and you know a daylight operation I think the traffic would be a little bit less. I don't know, just my impression from an environmental standpoint, it seems less impacting...

Vice Chairman McNulty stated oh it's a minimal impact to the lot.

Ted Kozlowski stated you know and it can go, the rest of the land can go to public open space, that's even better, protects the wetlands, so.

Mr. Branca stated and this building and the building envelope would be outside of all the wetland setbacks, as you can see, yup.

Vice Chairman McNulty stated depending where your septic and well and parking layout.

Mr. Branca stated the parking is going to be in the front and in the back and the sides, I think I...

Vice Chairman McNulty stated how many square feet are we looking at.

Board Member Brady stated do you have a ramp on the side of the building, going to the parking on the upper level.

Mr. Branca stated I sent you some pictures, I don't know if you guys got it...

Board Member Taylor stated yeah, we got that.

Mr. Branca stated and what I did was, I put the building envelope along with the building on the map, it's not on the big map but it's on the little map and you can see, this is what I think the site disturbance is going to be, this would be paved area, whether there be two entrances or one entrance to come in, parking in the front, parking in the rear.

Vice Chairman McNulty stated this would be up hill from here.

Mr. Branca stated yes it would, yes.

Ted Kozlowski stated where would your septic and well be.

Mr. Branca stated the septic would be up in this area over here...

Ted Kozlowski stated that's a pump up system.

Mr. Branca stated a pump up system, yes, here are some pictures...

Board Member Taylor stated yeah, we have them, we have all that.

Board Member Montesano stated yeah.

Mr. Branca stated the building, the brick building, sorry, you can see the side where it kind of radiates up, so that you'll have a 10' difference between the front and the back of the property, to minimize the cut and this was the back. Mechanicals would be in the roof because there is no basement.

Ted Kozlowski stated where is that building.

Vice Chairman McNulty stated on Route 6.

Mr. Branca stated it's on Route 6, Mahopac.

Board Member Montesano stated Route 6.

Vice Chairman McNulty stated I know that building.

Mr. Branca stated Mike Berelli's building, if you go there, we own the restaurant right next door, Arturo's, come on in and have a drink and *inaudible*.

Vice Chairman McNulty stated love Arturo's.

Ted Kozlowski stated or two.

Mr. Branca stated you do.

Rich Williams stated been there often.

Board Member Brady stated yeah.

Board Member Montesano stated oh yeah, especially when they have free *inaudible*.

The Secretary stated I went to a bridal shower there.

Mr. Branca stated I hate the word free.

Board Member Brady stated that's where we did my daughter's rehearsal dinner.

Mr. Branca stated oh you did, great.

Ted Kozlowski stated do you need, that kind of operation, would that need any kind of big trucks going in for any reason, for deliveries or, that would just be FedEx and UPS, that kind of stuff.

Mr. Branca stated no.

Vice Chairman McNulty stated just during the construction phase.

Mr. Branca stated right, laboratory trucks.

Board Member Montesano stated you might have a mid-size truck for a lab truck or they may send a van depending on...

Mr. Branca stated right, they usually use vans now, lab tech and stuff like that.

Board Member Montesano stated usually and 18' is the maximum that you'd ever really need.

Rich Williams stated just to be clear you're still going to design the site for the bigger trucks to make sure they can flow through.

Mr. Branca stated well you're going to have dumpsters that have to come, get emptied out of there.

Vice Chairman McNulty stated what happens with [Route] 311 in a situation like this, for road improvements, maybe a turning lane on the way down the hill, that's a tough spot to stop to turn.

Rich Williams stated well I mean first off, we have to go out and take a look at it and see what the site distance is and you know, what might be needed.

Vice Chairman McNulty stated yeah, no doubt.

Rich Williams stated ultimately it's going to come back to the DOT, they're going to say yes or no.

Ted Kozlowski stated and they would do that with a residential home too, right.

Mr. Branca stated correct.

Rich Williams stated oh yeah, yeah, regardless of what it is.

Mr. Branca stated correct, right.

Vice Chairman McNulty stated there's a little more traffic in and out, unless there were a number of homes in here from the hours of 8 to 5, you're going to have a lot of traffic turning in and out of here.

Board Member Montesano stated and let me tell you DOT is not easy to get along with on putting a driveway in, on their roads, that I can tell you.

Board Member Brady stated no, they're going to make you do the curbing and everything, drainage. They make you fix all their problems.

Mr. Branca stated yeah, I'm sure, it's not going to be an easy build out for me.

Ted Kozlowski stated Rich what kind of stormwater issues do you see here, if any.

Rich Williams stated you know my biggest concern when I just look at the site as what he's going to do with stormwater because he's basically taking the rock down, so he's not going to have virgin soil there, he's going to have to create something, that's going to be challenging, unless he can figure out a way to get it off site some place, on a different piece of property.

Vice Chairman McNulty stated well there's property downhill from there.

Mr. Branca stated right.

Board Member Montesano stated there's a stream down there too.

Ted Kozlowski stated what is this, is this a...

Board Member Taylor stated it's the stream, it's a stream.

Vice Chairman McNulty stated that's the grade.

Ted Kozlowski stated no, it wouldn't be a stream, it would be identified as a wetland.

Board Member Montesano stated the stream is down that way.

Ted Kozlowski stated well this looks like.

Board Member Taylor stated doesn't it flow down to the stream, connects down there, doesn't it.

Ted Kozlowski stated it would be identified as a stream here, I don't think so.

Vice Chairman McNulty stated you have 610 here, well going downhill.

Board Member Taylor stated it's going downhill.

Ted Kozlowski stated it almost looks like some sort of path.

Vice Chairman McNulty stated rock outcropping.

Ted Kozlowski stated I don't know, we have to see it.

Vice Chairman McNulty stated yeah, we're not that familiar with that lay of the land there.

Ted Kozlowski stated it's been a long time since I've been there.

Mr. Branca stated it could have been something the farmer's created back in the day, it does look like somebody did some work here, maybe [Route] 311 was supposed to go here.

Ted Kozlowski stated it almost looks like some sort of old pathway or something.

Board Member Brady stated an old swale.

Ted Kozlowski stated yeah, I don't know, let's take a look.

Vice Chairman McNulty stated okay.

Mr. Branca stated well I know there's going to be a lot of issues, I just want to get to the point where it's like everybody's head is nodding this way and...

Vice Chairman McNulty stated sure.

Mr. Branca stated and pending you know, other things that we need to do and whatever it is that we need to do, we'll pursue that, that's when I've got to get the engineer involved and all, you know, the survey guys and stuff like that, it's like...

Ted Kozlowski stated who is your engineering.

Mr. Branca stated I don't know yet, I don't know yet, I used Bibbo on a project down in Bedford, they were very good.

Ted Kozlowski stated they've worked in this Town.

Mr. Branca stated who would you recommend.

Ted Kozlowski stated I don't think we can recommend.

Rich Williams stated we try to stay away from that.

Ted Kozlowski stated Bibbo's worked in this Town, Insite's worked in this Town.

Mr. Branca stated okay. Everyone, the start off with I'll give you an estimate of this and then all of a sudden it's like sticker shock.

Board Member Montesano stated trees gotta grown.

Rich Williams stated the only one that probably doesn't do that is Insite...

Mr. Branca stated really.

Rich Williams stated yeah.

Mr. Branca stated okay.

Rich Williams stated because they give you this right up front.

Vice Chairman McNulty stated Harry doesn't sticker shock you either.

Mr. Branca stated you manage expectations, Harry's still in business.

Vice Chairman McNulty stated yes he is, small projects.

Board Member Taylor stated you don't want Harry on this one, not on this one.

Board Member Montesano stated driveways, don't do anything after that.

Mr. Branca stated Harry was a fossil back in the day...

Ted Kozlowski stated no comment.

Mr. Branca stated nice guy...

Vice Chairman McNulty stated great guy.

Mr. Branca stated he's got those daughters, those crazy daughters he was trying to marry off.

Vice Chairman McNulty stated okay.

Mr. Branca stated anybody have any other questions.

Vice Chairman McNulty stated I guess we'll do a site walk and then Rich will get back in touch with Mr. Branca.

Mr. Branca stated thank you very much.

Rich Williams stated we'll get you back on the agenda and we'll go from there.

Vice Chairman McNulty stated okay, great.

Mr. Branca stated thanks gentlemen, enjoy the rest of your night.

Vice Chairman McNulty stated have a good night.

Mr. Branca stated come up and see us at Arturo's.

Vice Chairman McNulty stated okay...

1) LUCIO RIVERA – Wetlands/Watercourse Permit Application

Vice Chairman McNulty stated Rivera.

Rich Williams stated Rivera, this is a, the last lot I think that has to be developed in the Alonge Subdivision which was approved many, many moons ago. They are back in to develop the site, they are basically following the same plan that they did when they did the original subdivision with a couple of minor exceptions, one of them not so minor. They've enlarged the size of the house so they no longer meet the side yard setback, I sent a note over to their engineer about it but he didn't get back to me so I don't know if their intent is to shrink the house back and meet the zoning setbacks or to go for an area variances, that's going to be up to them.

Vice Chairman McNulty stated okay, what's in front of us is a stormwater soil erosion and...

Rich Williams stated the only thing that's really in front of you is the wetland.

Ted Kozlowski stated did you guys get my email.

Vice Chairman McNulty stated yeah.

Ted Kozlowski stated okay.

Board Member Taylor stated no.

Board Member Brady stated no, I didn't get anything.

Board Member Taylor stated I didn't get anything.

Ted Kozlowski stated no.

Board Member Taylor stated no, I didn't either.

Ted Kozlowski stated really, I sent it to all of you.

Rich Williams stated did you get it.

The Secretary stated I didn't get any e-mail from Ted.

Ted Kozlowski stated oh I didn't send it to you Michelle, I sent it...

The Secretary stated you never send me anything.

Board Member Brady stated when did you send it.

Ted Kozlowski stated Wednesday.

Rich Williams stated we'll make sure it gets out to everybody.

Ted Kozlowski stated I'll get it, I'll print it out.

Rich Williams stated including Michelle.

Ted Kozlowski stated you want it from now on, I don't want to disturb you young lady.

The Secretary stated you're not disturbing me, I do handle all the paperwork that comes into the office.

Rich Williams stated wait, you don't want to disturb me.

Ted Kozlowski stated true right, got it, got it. This in my e-mail, it's, in fairness to the applicant the wetland is on the other side of the road so the buffer area in my view has already been disturbed by the road and even though there is buffer in the new lot, I was over there and I really don't feel that it's necessary that they go through a major wetland permit application. I do believe they need to go through a wetlands application but my recommendation to the Board is that they don't really have to pay that kind of fee of \$1,200 for a wetlands because as I said, the buffer zone is pretty much compromised by the road and it has been compromised for a long time...

Board Member Taylor stated *inaudible – spoken over*.

Vice Chairman McNulty stated the culvert...

Ted Kozlowski stated that culvert that goes back towards the wetland during the disturbance and the development of that site, I would like to make sure that that culvert is not putting polluted water into the wetland so they would have to take the measures to protect that culvert.

Vice Chairman McNulty stated so based on that recommendation we just have a wetlands permit in front of us.

Ted Kozlowski stated do you see any, does anybody see any...

Rich Williams stated yes, that's all you have in front of you is a wetlands permit.

Ted Kozlowski stated and...

Vice Chairman McNulty stated and because he's in the buffer.

Ted Kozlowski stated because he's in the buffer.

Rich Williams stated because he's building within the buffer.

Ted Kozlowski stated and I don't think he needs to go through the expense of a functional analysis.

Vice Chairman McNulty stated and the road is already in the buffer.

Board Member Taylor stated and it has been for 200 and some years.

Ted Kozlowski stated yeah.

Board Member Taylor stated the road is preexisting the buffer.

Vice Chairman McNulty stated when this, when this site plan was approved, was it approved with a, as our plans now with a house shown on it and...

Rich Williams stated everything is pretty much the same...

Vice Chairman McNulty stated except for these setback differences.

Rich Williams stated except they've made the house slightly larger towards the side yard and in doing so, they've encroached in the side yard setback.

Vice Chairman McNulty stated that's that little plus or minus on that 30'.

Rich Williams stated yeah.

Board Member Taylor stated so can't they just shift the house...

Rich Williams stated yes.

Board Member Taylor stated redraw it.

Rich Williams stated I have not heard back what they intend to do.

Board Member Taylor stated the Assessor has this listed as Quaker Road and not Quaker Lane.

Rich Williams stated it is Quaker Road.

Board Member Taylor stated it is Quaker Road, okay and the tax number on this Insite is the incorrect number.

The Secretary stated yes, it is incorrect on the sheet they submitted, the cover page but it's correct on the application.

Board Member Taylor stated yes.

Rich Williams stated okay.

Vice Chairman McNulty stated Rich is your information right on your page.

Rich Williams stated I don't know if it is or not.

Vice Chairman McNulty stated so the application is correct, you're saying Michelle.

Board Member Taylor stated the name, the tax number is right but the name is still wrong, they've got it Quaker Lane all the way through.

The Secretary stated okay.

Rich Williams stated yeah, so do I.

Board Member Taylor stated so I don't know which is right by the Assessor has it as Quaker Road.

Rich Williams stated it's Quaker Road, Quaker Road is the correct name.

Board Member Taylor stated okay.

Board Member Brady stated I get it on my phone.

Board Member Taylor stated that's a minor point, I saw nothing else.

Vice Chairman McNulty stated do we need to site walk this or do we need to just, I don't see a need for it.

Ted Kozlowski stated like I said, Richie asked me to look at this during the summer or spring and I was out there and you know, it's all developed behind here, I really don't think that that buffer is performing much of a function other than open space.

Vice Chairman McNulty stated what kind of practices would be done to protect that culvert.

Ted Kozlowski stated silt fencing, hay bales, the standard stuff.

Vice Chairman McNulty stated permanent.

Rich Williams stated they've got to full erosion control plan already setup and that's the land development permit.

Vice Chairman McNulty stated was that part of the original site plan or is it a separate application with this.

Rich Williams stated when they did the original site plan there is no requirement for a land development permit, there is now due to the MS-4 Program but the erosion controls they're showing now are basically the same erosion controls that were on the subdivision plat, you know, little bit of diversion, the only thing missing is a swale, I don't know why they've taken the swale to divert the water around from behind the house, it's one of my questions back to them.

Vice Chairman McNulty stated and is that a concern with us, with this fresh water, the wetlands...

Rich Williams stated I wouldn't say it's a concern with the wetland.

Ted Kozlowski stated no.

Vice Chairman McNulty stated no, okay.

Ted Kozlowski stated but my, again my recommendation to the Board is that that culvert and that, in my eyes I don't see the need to charge him \$1,200 for a wetlands permit, I think the \$150 minor wetland permit would be sufficient in this case.

Board Member Taylor stated so are we prepared to vote on this tonight or...

Vice Chairman McNulty stated well maybe want to have Shawn take a look at it, we can act on it Thursday.

Board Member Taylor stated we have to have the same discussion again then, I mean if he's gone, he's gone. If this is a minor thing, it's a minor thing.

Vice Chairman McNulty stated we need to do SEQRA.

Rich Williams stated I think you should do SEQRA but again it's, there's really no impacts.

Vice Chairman McNulty stated was Shawn here, was Shawn on the Board when this site plan was approved.

Ted Kozlowski stated I don't think so.

Vice Chairman McNulty stated so he'd have no comment on that or anything, okay. Well if that's the case I don't have a problem making a motion tonight.

Ted Kozlowski stated what's your motion.

Vice Chairman McNulty stated I make a motion on SEQRA, on the...

Board Member Taylor stated negative declaration, 289 Quaker Road.

Vice Chairman McNulty stated the application, the stormwater, first off the stormwater sediment control is not needed, so that's a done application...

Rich Williams stated no, that's my application, I issue that.

Vice Chairman McNulty stated take that back then, okay on the freshwater wetlands permit application for is that Lucio Rivera, I declare for SEQRA a negative determination.

Board Member Montesano seconded the motion.

Vice Chairman McNulty called for all in favor. The motion carried by a vote of 4 to 0.

Vice Chairman McNulty stated and on approval of this wetlands application for Mr. Rivera, any, I approve it...

Board Member Montesano seconded the motion.

Board Member Taylor stated as a minor, right.

Ted Kozlowski stated well do you guys agree...

The Secretary stated waive the public hearing.

Ted Kozlowski stated that we should, I think we fair and reduce that fee from \$1,200 to \$150.

Vice Chairman McNulty stated I don't have a problem with that.

Rich Williams stated as far as I was concerned I was just waiting to hear from you...

Ted Kozlowski stated yeah.

Rich Williams stated this is a residential, an individual residential lot, it's \$150.

Ted Kozlowski stated right but I see that they paid \$1,200.

Rich Williams stated \$1,200, I have no idea why.

Ted Kozlowski stated yeah, so well that's Insite.

Board Member Taylor stated so whatever we need to say in the resolution for...

Vice Chairman McNulty stated so the fee for this wetlands permit would \$150 credit back to the applicant as necessary.

Rich Williams stated we're just going to reprocess it as a residential permit, I mean, you don't have to worry about that. What you do have to worry about is...

Ted Kozlowski stated the culvert.

Rich Williams stated what you do have to worry about is based on a recommendation of the ECI you're going to waive the public hearing.

Vice Chairman McNulty stated okay.

Board Member Montesano seconded the motion.

Vice Chairman McNulty asked for all in favor. The motion carried by a vote of 4 to 0.

Rich Williams stated and then you're going to make a motion to approve the permit as submitted.

Vice Chairman McNulty stated okay, so the public hearing has been waived and we'll approve the application as submitted.

Board Member Montesano stated I'll second that and you can take your vote.

Vice Chairman McNulty asked for all in favor. The motion carried by a vote of 4 to 0.

Rich Williams stated done.

Vice Chairman McNulty stated I'm a little rusty on this procedure stuff.

Ted Kozlowski stated you did a fine job Tom.

Rich Williams stated no haven't been long, for a while.

Board Member Montesano stated you do nice work, come again.

The Secretary stated so how are we supposed do that since Sarah already processed the check.

Rich Williams stated I'll take care of it.

Board Member Taylor stated I just feel like when we can shorten the process, let's shorten the process.

Vice Chairman McNulty stated I agree but I didn't know if Shawn had been involved with the previous process and had any thought on it, so.

Board Member Montesano stated there's not that many...

Ted Kozlowski stated knowing Shawn, I think he would have went with you guys.

Vice Chairman McNulty stated I think so.

Board Member Montesano stated plus that you would have 4 votes against his 1, Tom. Facts.

2) GOTTWALD SUBDIVISION – Concept Review

Vice Chairman McNulty stated moving along to what's called the Gottwald Subdivision, why do we call it that first of all.

Rich Williams stated because it is owned by...

Vice Chairman McNulty stated because I didn't see that name anywhere.

Rich Williams stated Mrs. Charles Gottwald, I'm not sure what her first name is. It's not, it's the way we listed it on because and it was one of my comments, we previously had before the Board a number of years ago, a project called the Fair Street Subdivision, we try not to rename projects, you know with the same name because...

Vice Chairman McNulty stated because of record keeping, gotcha.

Rich Williams stated exactly, so, this is a 50 acre site at the intersection of Fields Corners Road and Fair Street over in the Carmel section of the Town of Patterson. They have evaluated the wetlands, Teddy has been out there and flagged them, there are extensive wetlands and two streams crossing the site. The streams follow the site. They are proposing an 8 lot subdivision, one of the lot is going to be the existing house which is the current house of Mrs. Gottwald.

Vice Chairman McNulty stated that's an existing parcel.

Ted Kozlowski stated I've been out there, as Rich said with the DEC and their wetland applicant and inspected everything, the flagging, he did a good job, DEC pretty much agreed with it as well. The thing you should know about, its State wetland LC-18 and there is a classified stream on this site, CTS stream, which means trout spawning and when I was out there with DEC, I can't remember his name right now but he agreed that it's still a CTS stream, therefore one of the concerns I have is that when the lots, if those lots are developed as shown and there's, I think 8 lots Rich, 9 lots...

Rich Williams stated 8 lots.

Ted Kozlowski stated 8 lots, I really would advise you folks to note that lots 1, 2, 6, and 7, the entire buffer zone should be protected, there should be a no-cut zone there...

Vice Chairman McNulty stated those are all the properties adjacent to the stream.

Ted Kozlowski stated no, that's on their properties but that's woodlands that protects the stream and the stream needs to be protected, it needs to be shaded, it needs to not have disturbances within the 100' of that stream, so the 100' of that stream is the buffer, so what I'm recommending is they have plenty of space on those lots from what I can see but what I fear sometimes is when you get these 4 acres lots, somebody wants a horse and they want paddocks and they want all this that and the other thing and we're going to have to make sure that those, those forested areas on those four lots are respected, at least the 100' buffer and that it's not cleared.

Vice Chairman McNulty stated this is a common problem in the last two years that I've seen, how do we control the disturbance within the buffer.

Ted Kozlowski stated well I'm going to post, once this is all approved and everybody is on board, I will post the buffers with our signs.

Vice Chairman McNulty stated so is that enough though.

Ted Kozlowski stated well it, I don't know what else we can do other than deed restrict it or whatever it is, there is nothing else we can legally do but the future potential buyers must understand the lots have some sort of challenges and restrictions to them, so no one has the misunderstanding that I'm going to buy this four acres and therefore I can have horses or I can have a farm or I can do whatever I want.

Board Member Taylor stated yup.

Rich Williams stated what we're going to require is we're going to require a note in the deeds, so that any time there's a sale, any time there's a title report it's going to pop up.

Board Member Taylor stated can we also require fences.

Rich Williams stated any what.

Vice Chairman McNulty stated that's what I was thinking...

Board Member Taylor stated fences.

Vice Chairman McNulty stated some kind of barrier.

Board Member Taylor stated visual barrier.

Rich Williams stated you know I would love to say yes...

Ted Kozlowski stated or stone wall.

Rich Williams stated but there's so much, there are so many linear feet of buffer of this site...

Ted Kozlowski stated yeah, there is...

Board Member Taylor stated I know that.

Ted Kozlowski stated the lots are big and it's all forested, that outside of the lot, the first lot, lot number 1, that's a big field...

Board Member Taylor stated yeah, this one, yeah.

Ted Kozlowski stated lots number 1 and 2, that's big field there but everything else is pure forest.

Vice Chairman McNulty stated so if it's deed restricted, does that give the Town teeth then if someone does disturb it, to go in, how does the Town have a...

Rich Williams stated well I don't know that we...

Vice Chairman McNulty stated or the State.

Rich Williams stated we're going to have to talk about this with Mike Liguori, I don't, I mean we could deed restrict it, I imagine they're going to be resistant to having it deed restricted but we can at least require, as does DEC and DEP, a note placed in the deed notifying potential property owners that you know, this is a...

Vice Chairman McNulty stated restricted area.

Rich Williams stated highly regarded wetland area and there is a 100' buffer that cannot be disturbed without going through the necessary permitting process.

Vice Chairman McNulty stated my point takes it 15 years from now, somebody that's not familiar with the deed, it sells twice over and they clear a section. How do we set it up now so the Town has some teeth to say you're responsible to fix this buffer and when that one person does it, I'm sure the rest of the neighborhood is going to know about it and it would set a statement, not that we want that to happen but just trying to think ahead of how we can have it in our favor.

Rich Williams stated we already have teeth, if they clear the buffer without...

Vice Chairman McNulty stated okay.

Rich Williams stated without getting the permits, they're in violation both with us and the DEC.

Ted Kozlowski stated and DEC...

Vice Chairman McNulty stated okay.

Ted Kozlowski stated DEC is going to be a little more protective of that because the CTS stream is, changes the game.

Vice Chairman McNulty stated like the one up on Big Birch [Thunder Ridge Ski Area].

Ted Kozlowski stated no, it does, it changes, it's...

Rich Williams stated right, right...

Board Member Brady stated couldn't you require them to put some sort of designation like a, like a concrete monument out there in certain distances apart...

Ted Kozlowski stated well we post the signs, we have the little signs but they take them down.

Vice Chairman McNulty stated but that's what I'm saying, that concrete is a little more permanent.

Board Member Brady stated right it's going to take...

Rich Williams stated concrete is not a bad idea if you want to put up some sort of boundary mounuments, you know...

Vice Chairman McNulty stated or a marker.

Rich Williams stated yeah, markers every so often.

Vice Chairman McNulty stated wetlands.

Board Member Brady stated just so, you know, wetlands and it, you come across even if it's overgrown later and you decide you want to clear a little, you come across those, it's going to be a red flag to you, yeah.

Ted Kozlowski stated yeah, you can give the applicant a choice, you can do that or you build a stone wall.

Board Member Brady stated right.

Board Member Taylor stated well some kind of a wall, fence.

Rich Williams stated understand though, you don't want to...

Ted Kozlowski stated fences rot out though.

Vice Chairman McNulty stated at least, as long as it fell in the middle of each lot somewhere.

Rich Williams stated you need to realize this is a very large parcel, I think they were caught unawares by the environmental constraints, they thought they were going to get a lot more in the way of usable area,

they didn't and now, we're looking at this and I took a look at the plan and my recommendation is to drop two lots off right at the beginning.

Ted Kozlowski stated well I'll tell you this, their applicant when we were out in the field, he was telling both myself and Doug Gaugler that he didn't see more than four lots on this.

Rich Williams stated no.

Board Member Taylor stated this lot is too small, lot number 7 is, I mean look at it, they've got the corner of the house at the corner of the buffer.

Vice Chairman McNulty stated well this is 4 acre zoning, correct.

Board Member Taylor stated yeah.

Rich Williams stated it is 4 acre zoning...

Board Member Taylor stated but still.

Vice Chairman McNulty stated he doesn't have...

Rich Williams stated but he doesn't have anywhere near 4 acres...

Board Member Brady stated and he's on the corner of the buffer, yeah.

Rich Williams stated and they're so sandwiched in, his septic is in the 25' of the road right of way.

Vice Chairman McNulty stated so he's trying to apply the overlay and just...

Rich Williams stated no, it's, this is not a cluster area.

Vice Chairman McNulty stated oh okay, that's what I thought.

Board Member Taylor stated we were complaining about a common driveway for two, you have a common driveway for three.

Vice Chairman McNulty stated that was the biggest thing that jumped out at me, was the common driveway for...

Board Member Taylor stated yeah and is that too steep for a Town road.

Rich Williams stated no, I don't think it's too steep for a Town road.

Vice Chairman McNulty stated they're looking to save money so they don't have to dedicate it.

Board Member Taylor stated well so they should turn it into a Town road and then it's not a common driveway.

Rich Williams stated right, but I was going the other way with it, I was going to say drop one of the lots, reconfigure the lot lines...

Board Member Taylor stated make it two.

Rich Williams stated and then go for two driveways.

Board Member Taylor stated right, yeah.

Ted Kozlowski stated lot number 7 is very challenged.

Board Member Taylor stated I don't think you can fit it.

Rich Williams stated I don't think lot number 7 is challenging at all.

Board Member Taylor stated you just get rid of it.

Board Member Brady stated what's the proposed stormwater management system.

Rich Williams stated I have no idea.

Vice Chairman McNulty stated no, this is strictly a concept layout.

Rich Williams stated it could be infiltrators, it could be a pond, it could bio-retention, I have no idea what they're going to propose but the one, the largest one out there is probably due to that driveway, them having to you know, try to capture something there.

Board Member Brady stated and then what about swimming pools, I know in the past you showed swimming pools on these...

Vice Chairman McNulty stated decks...

Rich Williams stated yeah, it's in my memo, I think if you reconfigure, drop one of the lots, shift things around, you're going to have more than enough room for people to have sheds and swimming pools and the like with the exception of lot 7, which you can't even have a house.

Board Member Brady stated on lot 6 he's showing the septic system right of the edge of the wetlands...

Ted Kozlowski stated wetland.

Board Member Montesano stated are there any fire tank restrictions on that, like lot 7 should be used for that.

Rich Williams stated well I've got a proposal for, we may be able to throw him some money because I've got a proposal before the East of Hudson Watershed Corporation to use that area for stormwater, it's large enough for a stormwater pond but it's not large enough for a house.

Ted Kozlowski stated Rich, Fields Corners Road, I believe is a dirt road there, is this going to affect that at all.

Rich Williams stated certainly it's going, there's going to be a greater impact on the dirt road but the dirt road is all within the DEC, well it's not all but a good portion of it is within the DEC wetland buffer so in

order to pave, somebody would need to go to the DEP and get a stormwater pollution prevention plan just to pave it and that's difficult.

Board Member Brady stated yeah, nobody's going to do that.

Vice Chairman McNulty stated is this at the point yet where we want to do a site walk here as well.

Rich Williams stated yeah, yup, so when they come, you'll talk to them, you'll talk to them about the issues, if they are comfortable with this layout, let them stake it.

Vice Chairman McNulty stated okay.

Board Member Brady stated this layout has some issues.

Vice Chairman McNulty stated I haven't seen Rich's notes yet, so I'll take a look at that and...

Board Member Taylor stated is any of this non-functional where they could trade...

Ted Kozlowski stated when you say non-functional, what do you mean Ron.

Board Member Taylor stated some of the wetlands, is there some of the wetlands that's impaired, where if they upgraded this it would...

Ted Kozlowski stated no, that's all rare, raw undeveloped land that hasn't really been impacted at all.

Board Member Taylor stated alright, so there's no tradeoffs then.

Rich Williams stated correct me if I'm wrong but I think a lot of is riparian wetland...

Ted Kozlowski stated yeah.

Rich Williams stated on either side of the stream corridor which is very necessary for that stream corridor.

Ted Kozlowski stated yeah, wetland LC-18 is a very big wetland system that extends way beyond this site, up north and south...

Vice Chairman McNulty stated is that the one down below of M&S and Monteleone...

Ted Kozlowski stated yeah, it's a big...

Vice Chairman McNulty stated and ties in along Fair Street.

Ted Kozlowski stated it's a big, giant system.

Rich Williams stated there is one peculiarity on this application and that's there is a sliver, apparently of this property in the Town of Southeast which they are also proposing to subdivide as part of this, I don't know what Southeast is going to do with it but you should be aware of that.

Vice Chairman McNulty stated yeah, I did see that in their cover letter.

Board Member Taylor stated yeah.

Vice Chairman McNulty stated is it shown on that designation of Town, I didn't pick up on that, is this it here.

Board Member Taylor stated yeah, it's 45.-3-1, it's, how wide is that, what's it 15, 20' wide.

Rich Williams stated yeah, something like that.

Board Member Taylor stated they should just deed it to the next land owner.

Vice Chairman McNulty stated yeah, how does that work when it crosses Town's like that.

Rich Williams stated it's its own separate parcel.

Vice Chairman McNulty stated do they pay taxes to two places.

Rich Williams stated yeah and even though they might be tied together by deed, they are actually still two separate parcels, they could sell that parcel off in Southeast anytime they wanted to. It's always a problem, they go to subdivide that in Southeast, I don't know how Southeast is going to treat it, I would treat it as he's trying to take two lots or a single lot that doesn't meet area and divide it into two, so now he's really not going to meet area requirements, so you need a variance before you can do it.

Vice Chairman McNulty stated so we're looking at them to at least get 4 acres per lot.

Rich Williams stated yeah, they have to get 4 acres per lot.

Vice Chairman McNulty stated yeah, so they've got some work to do on that plan, okay.

3) FOX RUN CONDOMINIUMS – Site Plan Application

Vice Chairman McNulty stated moving along to Fox Run Condominiums.

Ted Kozlowski stated I've got comments on that one too.

Vice Chairman McNulty stated this is an adult community proposed, I think we've seen this once before, haven't we.

Rich Williams stated he was in 2009 for a zoning change at which time the Board evaluated the concept, at that point he was proposed you know, he was putting forth a concept of 48 units which was the Board was evaluating...

Vice Chairman McNulty stated recommended, I think we downgraded him to 48 or downsized it based on the R-4 zoning when we looked at it.

Rich Williams stated you actually didn't downsize it at all, you allowed the zoning change that he was asking for, you recommended that it go over as is, so as a result the zoning change actually allows him by zoning to have more units than what he was originally proposing, so the 80 units he's throwing out there

now is within the criteria of the zoning code. That being said, you know, you still have other factors that you need to weigh in, you know...

Vice Chairman McNulty stated let's back up a minute, I'm confused, it is an R-4 zone now.

Rich Williams stated it is an R-4 zone now...

Vice Chairman McNulty stated and you mentioned a zoning change, I don't remember us changing the zoning at all. Didn't he come in with a higher lot count or...

Rich Williams stated he wants to do multi-family zoning on the site...

Vice Chairman McNulty stated I think he did bedrooms, we looked at.

Rich Williams stated it was zoned R-4...

Vice Chairman McNulty stated and it still is, correct.

Rich Williams stated R-4 does not allow multi-family housing on the site, he wanted to do multi-family housing so he came in with a proposed change, an amendment to the zoning which would place that section in the multi-family overlay zone.

Vice Chairman McNulty stated but did we act on that and approve that.

Rich Williams stated yes you did.

Vice Chairman McNulty stated okay, I don't recall but alright.

Rich Williams stated you made the recommendation over to the Town Board; the Town Board approved it, so now he's back, not with the 48 units but with a larger project, an 80 unit project...

Vice Chairman McNulty stated but we made that recommendation based on a 48 [unit]...

Board Member Taylor stated what Tom is remembering is we said we would only allow you to have whatever the number was, I didn't go back in my notes and pick it up, we made it equivalent to the R-4 zone and said you could not make it any more dense than what it would have been as an R-4 zone. That was the condition we put on our approval.

Vice Chairman McNulty stated that's the way I remember it too.

Rich Williams stated we can give you the minutes but the minutes you approved the zoning amendment as it was submitted and that's what went over to the Town Board, there was, you're absolutely right, there was a considerable amount of discussion about limiting him to what you know, to some smaller number but if you were going to limit him to the R-4 Ron, what...

The Secretary stated the recommendation that you guys did end up making was a positive recommendation to the Town Board with the stipulation of age qualifying.

Rich Williams stated right.

Vice Chairman McNulty stated can you kind of narrow down those minutes, so I can look them up...

Board Member Taylor stated I'll go back in my notes.

Vice Chairman McNulty stated do you remember just the date we did that.

Rich Williams stated oh we have them.

The Secretary stated I can send them to you in a zip, if you want.

Vice Chairman McNulty stated okay, or just the date, I have all the minutes, I'll pull them up.

The Secretary stated we have them all in PDF's, you can just look at them right on your computer.

Vice Chairman McNulty stated that would be great because that's not the way I remember it.

Rich Williams stated and we've already, listen, the first thing I did is I pulled all the minutes and gave them to Michelle to go through.

The Secretary stated I just read them all over the last couple of days.

Vice Chairman McNulty stated and you're saying that was in 2009.

The Secretary stated 2010.

Rich Williams stated I believe, 2010.

Vice Chairman McNulty stated oh, that's right after.

The Secretary stated 2010 and then you have, there's a traffic study in there too, you want me to send that too.

Vice Chairman McNulty stated yeah, I remember that, that's right after I got on the Board, so, yeah I was definitely dizzy and lost.

The Secretary stated Ed, do you want all that stuff.

Rich Williams stated the original zoning amendment came in 2009 and was referred over.

Vice Chairman McNulty stated but I think our recommendation to the Town Board, I'll have to go through the minutes and look was, whatever recommendation we made was, wasn't it based on that reduced number.

The Secretary stated no, I just read it today, it was you guys made the positive...

Board Member Montesano stated it may have been our intention but it didn't get through...

Rich Williams stated throughout the process, Ron was always adamant about we need to not allow more than what would be allowed by the R-4 but that was only about 8 units.

Vice Chairman McNulty stated I don't remember the total he submitted the first time.

Rich Williams stated this is a 44 acre site, so 44 acres, you take out 10% for the roads, you know you're down to 40 so...

Vice Chairman McNulty stated 40 [acres].

Rich Williams stated you know, you can have 10 units out there.

Vice Chairman McNulty stated I think we counted up bedrooms, if I remember right.

Board Member Taylor stated yeah, we did bedrooms, yeah I'll go back in my notes and look at it.

Board Member Montesano stated and we discussed it...

Ted Kozlowski stated I have some comments on this site, there is a wetland on there, I did not approve or inspect the delineation, so we need that. He's going to need to do a full wetlands application on it...

Rich Williams stated assuming it's a regulated wetland.

Ted Kozlowski stated assuming it's a regulated wetland, I don't know, I don't believe I was ever out there, I could have been I don't remember.

Rich Williams stated you were out there when we did the original walk but you were out there...

Ted Kozlowski stated that's a long time ago.

Rich Williams stated just to do the walk and there was no determination of the size or function or any of that.

Ted Kozlowski stated right and if you look at it, the wetland is totally surrounded by units and if it's built like that, that wetland is really going to cease to function as a productive wetland. So units 761 to 777, if they can, if they have to do this, this should be relocated on this end here, tack them on but you know, this wetland is totally surrounded by development, so any functions of that wetland, is, it's become now a stormwater treatment area, so that wetland is going to be greatly altered.

Board Member Taylor stated well they're making it part of the stormwater treatment.

Ted Kozlowski stated so...

Vice Chairman McNulty stated also look at notes on...

Ted Kozlowski stated we have to do a site walk on that.

Vice Chairman McNulty stated yeah, where they said they're going to use the existing wells but maybe drill their own wells and tie into the existing sewage treatment...

Board Member Brady stated yeah.

Rich Williams stated I, they're definitely going to tie into the sewage treatment system.

Vice Chairman McNulty stated and the capacity is there, that's not a problem.

Rich Williams stated I believe the capacity is there, I think they may have the right to do that, they keep, they maintain they do have the right. I have encouraged them to do their own water system, rather than try to tie into Fox Run's because Fox Run is an aging system, the water mains are old, they're constantly breaking on me, to put the added strain on for 80 more units leaves me concerned but more importantly we've just built that pump house, we would essentially have to tear that down and rebuild it for a 40% expansion.

Vice Chairman McNulty stated that's a Town water district.

Rich Williams stated they made it a Town water district, yes.

Vice Chairman McNulty stated maintained by the Town, it's not part of the condo.

Board Member Taylor stated alright.

Vice Chairman McNulty stated and this lot is all part of the condos or is it a separate lot.

Rich Williams stated it's a separate lot.

Vice Chairman McNulty stated okay.

Board Member Taylor stated now have they resolved their issues with the condo.

Rich Williams stated I don't know.

Board Member Taylor stated and can you do more than recommend that they have separate water, can we require them to have separate water.

Rich Williams stated oh I can, yeah I can prohibit them from going, well let me say this, I mean you know, Rich Williams is not king here yet...

Board Member Montesano stated yet.

Ted Kozlowski stated I was going say yet, you beat me to it.

Rich Williams stated you know, ultimately, you know, it comes down to the Town Board saying we're not going to entertain expanding the district.

Board Member Taylor stated okay, well that's and what about the sewer, they didn't pay for upgrading the sewer, right.

Rich Williams stated well the sewer is not a district, the sewer is owned by the condominium association, New York City DEP recently upgraded the existing sewage treatment plant under the upgrade program and they're upgrade was to build a brand new state of the art plant, designed for the SPDES capacity. Now I don't see the numbers so I don't know what numbers they're generating but the original SPDES plant was designed for, what was 360 units, I think it was, was such, it was designed for both phases.

Board Member Taylor stated oh okay.

Rich Williams stated alright now Mr. Kaplan who I've never met but you know his people coming in representing him maintain that they have the right and easements to use the driveway to get to the property, to tie into the water system, which would be true if it wasn't a district and to tie into the wastewater treatment plant.

Board Member Taylor stated alright, so all that stuff's got to be proven then.

Rich Williams stated it does but I can tell you, you know, we make the application, we send it down to New York City, they're going to have to go to New York City for approval to connect into the wastewater treatment plant and if it's not true, New York City isn't going to let it happen.

Board Member Taylor stated right, well yeah but it's, we need to know that before, okay, I'll pull my notes, so we backed ourselves into a corner, is that what we did, we agreed to something that didn't get in the minutes.

Vice Chairman McNulty stated yeah, I don't remember it that way, I remember we...

Board Member Taylor stated I don't either, so.

Rich Williams stated give them the minutes.

Vice Chairman McNulty stated no, I'm sure the minutes are whatever you wrote...

Board Member Taylor stated I'll look at the minutes but that's, we've got to look at the rest of it too.

Vice Chairman McNulty stated whatever we said.

Rich Williams stated so you're not, certainly the zoning component of it they are in compliance with the zoning but there are other issues, access through the property down the driveway and the impact of traffic on that...

Vice Chairman McNulty stated the water, the sewer, the easements, traffic...

Board Member Taylor stated yeah, none of that's changed.

Rich Williams stated traffic onto Bullet Hole Road.

Board Member Taylor stated well we had gone, well except they've increased the number, we'd gone through that traffic study and decided that...

Rich Williams stated the traffic study is meaningless at this point because it was for 48 units.

Board Member Taylor stated exactly, yeah.

Vice Chairman McNulty stated and that was, now he's proposing 2 to 3 bedroom units, 80 units.

The Secretary stated Ed do you want the minutes.

Board Member Brady stated yeah, I'd like to read them because that way...

Board Member Taylor stated and so what's happened to the senior citizen who were going to live in one bedroom, I mean we had that whole discussion about...

Vice Chairman McNulty stated one level...

Board Member Montesano stated they've graduated to having their grandchildren and their great grandchildren...

Vice Chairman McNulty stated one level.

Board Member Taylor stated yeah, so I think this is, the game has changed and you know, if they, you know back end around us some way...

Vice Chairman McNulty stated also he says adult residential development, he doesn't state an age anywhere, if I remember right.

Rich Williams stated that's in the codes, its defined in the code I believe, under definitions in the zoning, of an adult something facility.

The Secretary stated age qualifying.

Vice Chairman McNulty stated is that different than an assisted, adult, is adult different than assisted.

Rich Williams stated yeah, it is not assisted living.

Vice Chairman McNulty stated okay.

Board Member Taylor stated do we have any power to require them to resolve their issues with the other group before they proceed with this, with us.

Rich Williams stated you mean with the DEP and...

Vice Chairman McNulty stated their easements and...

Board Member Taylor stated no with them...

Board Member Montesano stated condominium association.

Board Member Taylor stated yeah, the condominium association.

Rich Williams stated I, I would suggest that you want to make sure that you're part of that so you know they're being resolved and the way to do that is to bring all the parties together through the process.

Board Member Taylor stated okay, so that's what we need to do then, alright.

Vice Chairman McNulty stated I would think they would do that up front before we get it going too far and they spend too much money.

Board Member Taylor stated yes.

Rich Williams stated sure, my recommendation to you, you've got the proposal, let them stake it out, let's go look at it, let's look at the wetland, let's see what really is out there, it's been a while since I've been out there but at least in this section of property but I do remember some of the features out there.

Board Member Montesano stated do they have to post, excuse me, do they still have to post a sign out there that this is what they're attempting to do.

Rich Williams stated yes but the Planning Board has also set a policy that new applications coming we've got to notifying the property owners...

Vice Chairman McNulty stated yeah, up front.

Rich Williams stated so, so, I mean we're not going to notify 303 property owners out there but what will happen is, do the site walk, take a look, if you still want to go forward with the 80 units, we'll send the letter to the Board of Directors, notifying them, telling them when the meeting schedules are.

Board Member Taylor stated do we have to SEQRA on this.

Rich Williams stated oh yeah.

Board Member Taylor stated the whole, what size of SEQRA do we do on that.

Board Member Montesano stated oh, whatever you want.

Board Member Taylor stated oh, the whole ballgame.

Rich Williams stated you can do whatever you want.

Board Member Taylor stated EAF...

Board Member Montesano stated 80 units, why not.

Board Member Taylor stated full EAF...

Vice Chairman McNulty stated I mean 80 units is...

Rich Williams stated I mean, my personal feeling is, we can, if you're going to tell them no, tell them no, don't torture them with SEQRA.

Board Member Taylor stated yeah, well no.

Rich Williams stated if you want to evaluate certain aspects such as the wetlands or the traffic...

Board Member Taylor stated traffic.

Rich Williams stated you can get those studies done right up front, you know and see if it's reasonable or appropriate and go from there. I'm not a big fan of an EIS anymore because the problem with the EIS is

people abuse the process and want more in that EIS than they are really entitled to and it just makes a lot of unnecessary work for everybody.

Board Member Taylor stated I agree but I think we could write it in such a way that the unnecessary stuff is not in there if we have to.

Rich Williams stated but you know what happens Ron, is nobody does that, everybody throws all that unnecessary stuff in because An, Fanizzi comes in and sues.

Board Member Taylor stated okay.

Vice Chairman McNulty stated so we have to schedule a site walk and we have a busy...

Board Member Taylor stated we have a busy Saturday.

Vice Chairman McNulty stated we have a busy Saturday coming up somewhere along the way.

Rich Williams stated somewhere.

Board Member Taylor stated I better look at my calendar, we're going away sometime in October.

Vice Chairman McNulty stated do they plan to come in.

Rich Williams stated are you, where are you going.

Board Member Taylor stated I'm going to visit my son in Syracuse, that's the only way we get to see him.

Board Member McNulty stated I'll be away for the next October work session myself.

Board Member Brady stated you have to go to him, right.

Rich Williams stated I think we're cancelling the October work session, I'm in Aruba.

The Secretary stated and it's Halloween.

Board Member Taylor stated it's Halloween.

Board Member Brady stated it's Halloween, I won't be here.

Board Member Montesano stated I won't be here, nobody's going to be here for the month of October.

Vice Chairman McNulty stated who is representing Fox Run.

The Secretary stated I actually don't know, the last time we had a gentleman name Robert Marvin, I don't know if he's...

Vice Chairman McNulty stated yeah, he was the attorney correct.

The Secretary stated yeah, I don't know who is going to represent them, whether it's, probably the engineer Zarecki and, Zarecki Associates, I believe.

Vice Chairman McNulty stated okay, so we need to look at the minutes and see where we are and talk about it.

Board Member Montesano stated might as well, should be interesting.

4) **ROUTE 22 WINGS & THINGS SITE PLAN – Concept Review**

Vice Chairman McNulty stated okay Route 22 Wings & Things Site Plan concept review.

Rich Williams stated yes, Wings & Things has submitted an application for site plan approval to provide additional parking on the parcel to the south of the building in order to allow him to have full occupancy of the building.

Board Member Taylor stated have they resolved their court case.

Rich Williams stated they have no resolved their court case.

Board Member Taylor stated so can we act on this.

Rich Williams stated I think Anthony, Anthony yeah, Michael [Liguori] needs to weigh in on this but you know, at this point, as far as I'm concerned the property lines are where we've been shown they are by the surveyor and by the applicant and if it doesn't work out in their favor then they get to start over and that's just what I've told the applicant in all this. You do need to think about some of the design aspects of this, if it's going to go forward, are you going to allow him to have a gravel parking area out there, is it going to be paved, it may already be paved, I'm not sure...

Vice Chairman McNulty stated is there a current site plan for the property.

Rich Williams stated no, there is nothing...

Vice Chairman McNulty stated it's never been filed.

Rich Williams stated this is a vacant lot.

The Secretary stated this is a different parcel of property.

Vice Chairman McNulty stated this is the one to the south of the driveway, so that's a separate lot, it's got that easement in between but one owner on both lots.

Rich Williams stated it's got the right of way in between.

Vice Chairman McNulty stated a right of way between them.

Board Member Brady stated is that the Putnam County National Bank...

Vice Chairman McNulty stated which is the dispute in court.

Board Member Taylor stated yes.

Board Member Montesano stated yeah.

Rich Williams stated right.

Board Member Brady stated so they're basically got to walk across that easement...

Rich Williams stated right, now...

Board Member Brady stated from the restaurant to go to the parking.

Rich Williams stated now here is Rich's non-legal opinion, the Alpine Restaurant or in this case Wings & Things, that restaurant has an easement to use that right of way to come in and access the restaurant, I've never seen anything that says that the southerly parcel enjoys that same right, so and this has come up before when there was a different application before the Board that the bank objected to anybody coming and using that right of way to access the southerly lot, in that case, what you, what my recommendation to the applicant was, was to put a driveway in off of Thunder Ridge Road and that if the people parked in that parking area, on the southerly lot and walked across to Alpine, that did not un and this is my non-legal opinion, did not unduly burden that easement and so that would be permissible.

Vice Chairman McNulty stated so as this drawing was shown...

Board Member Brady stated and then Putnam National Bank will put a fence up.

Board Member Montesano stated yeah.

Vice Chairman McNulty stated all these parking spots are on the lot south of that right of way.

Rich Williams stated right.

Board Member Taylor stated that's, that's the disputed area, where the line of those...

Vice Chairman McNulty stated where the line of the right of way is, correct.

Rich Williams stated correct.

Ted Kozlowski stated where is that in the courts, is that just like sitting there or...

Rich Williams stated yeah, it's been going on for a heck of a long time.

Board Member Montesano stated Putnam County isn't going to push it, it's up to them.

Vice Chairman McNulty stated I would think Rich's, what he just stated makes the most sense, a separate driveway in, can they have a driveway from the right of way onto their property.

Rich Williams stated no, I would say no.

Vice Chairman McNulty stated because of the dispute.

Rich Williams stated no because they don't have an easement to do so.

Vice Chairman McNulty stated can you create one.

Rich Williams stated sure, if the bank wants to give him an easement to do it.

Board Member Montesano stated but the easiest thing is to come in off Thunder Ridge...

Vice Chairman McNulty stated I don't see that happening.

Board Member Montesano stated or go to the State and see if they'll give you...

Rich Williams stated right.

Board Member Montesano stated they have two options, they can go to the Town and get Town approval off of Old [Route] 22 or they can go to the State and see if the State'll approve opening that up for a parking area, to get him a driveway coming in. Once they're here, they walk across.

Vice Chairman McNulty stated a curb cut on to [Route] 22 onto that lot.

Board Member Montesano stated yeah.

Rich Williams stated right, now here's the thing you've got a piece of property, if you put the parking right on the edge and a driveway coming in and the court says, wait a minute, this isn't your boundary right here, your boundary is over here, well then the parking just shifts with it.

Board Member Brady stated yeah.

Vice Chairman McNulty stated so they should put a nice grass buffer between the parking and the right of way and have a separate driveway in, be prepared.

Board Member Taylor stated but they've still got to deal with people crossing that.

Board Member Brady stated I bet you Putnam Bank would say okay, we're not giving you a right of way to walk across this, somebody gets hurt it's our liability.

Rich Williams stated I'm sure they would but again, you know the restaurant has an access easement...

Board Member Brady stated right.

Rich Williams stated so you can access the restaurant...

Vice Chairman McNulty stated you could put a cross walk in.

Rich Williams stated well I'm just thinking, because this is going to go down another road as well...

Board Member Brady stated yeah.

Rich Williams stated you know, through this court case all of a sudden and starting last year, Thunder Ridge they maintains they have been and have a right to continue to park in this right of way well if they do

that, the right of way is too narrow to pass two-way traffic so the, my opinion the Town can't permit them parking in that right of way and that's going to be a problem.

Vice Chairman McNulty stated but they could put the parking on their property as long as they don't encroach on the right of way, correct.

Rich Williams stated Rentoulis can put parking on the southerly lot.

Vice Chairman McNulty stated south of the right of way.

Rich Williams stated south of the right of way, without encroaching in that right of way and still allowing two-way traffic to pass between [Route] 22 and Thunder Ridge Road.

Vice Chairman McNulty stated but can he do that with the head-on parking, like this.

Rich Williams stated no.

Board Member Taylor stated well, no he's not proposing the head-on parking, he's not proposing this head-on parking...

Vice Chairman McNulty stated well what's this.

Board Member Brady stated yeah, that's all head-on parking...

Vice Chairman McNulty stated this is all head-on parking from the right of way.

Board Member Taylor stated is this what he's proposing.

Rich Williams stated that's being proposed on the southerly lot outside of the right of way...

Board Member Taylor stated outside of the right of way, okay.

Rich Williams stated outside of the right of way, not in the right of way.

Vice Chairman McNulty stated access from the right of way.

Rich Williams stated well that's the question, he didn't show anything coming, I've encouraged him to show something off of Thunder Ridge Road or Route 22, so that we don't get into a legal tangle and he can open, he didn't show that.

Board Member Taylor stated okay.

Vice Chairman McNulty stated so at this point, it's a concept plan and we need to discuss it with him.

Rich Williams stated yes.

Vice Chairman McNulty stated okay.

Board Member Brady stated now Old Route 22, that's Thunder Ridge right.

Board Member Montesano stated yes.

Board Member Brady stated now that's a State road also.

Board Member Montesano stated no, that's a Town road.

Board Member Brady stated so he'd be in a much better position to get his entrance off of that than off of [Route] 22.

Vice Chairman McNulty stated well not for marketing though because people want to come up the road and turn in.

Board Member Montesano stated they'd come right up...

Board Member Brady stated it makes it harder for...

Vice Chairman McNulty stated they'd loop into this parking lot, he'd have to have signage to direct them.

Board Member Brady stated right.

Rich Williams stated sure but what I would do is I would get my entrance in off of Old Route 22, put the parking lot in, open it up and then go to the DOT and get a driveway entrance, then come back and amend your site plan.

Vice Chairman McNulty stated yeah.

Rich Williams stated because going to the DOT may take 2 years.

Board Member Brady stated right.

Vice Chairman McNulty stated any wetlands issues in here, I there's a lot of big pine trees.

Rich Williams stated not for us but for DEP.

Vice Chairman McNulty stated that stream is on the other side though.

Rich Williams stated many, many, many, many, many, many years ago, a DEP official came up to evaluate that roadside ditch and declared it a stream, I don't know they'd still hold to that but they did, Jenine Calding.

Ted Kozlowski stated yeah.

Vice Chairman McNulty stated maybe they lost the record. How about the parking to the east of building...

Board Member Montesano stated it was the concerned family that was in office at the time.

Vice Chairman McNulty stated this parking to the east, is that all existing, that's all part of this, this site plan.

Rich Williams stated east of the building, east of the building, yes.

Vice Chairman McNulty stated is that...

Rich Williams stated it needs to be cleaned up, but it's there.

Board Member Brady stated really.

Vice Chairman McNulty stated so this site plan is in particular to this parcel or does it encompass everything.

Rich Williams stated yes, no, it's just that parcel.

Vice Chairman McNulty stated okay.

Board Member Brady stated he was talking about actually having valet parking there at one point, wasn't he and then he would have been using the right of way for people to drive up...

Rich Williams stated a lot of people who go for chicken wings, want valet parking.

Board Member Brady stated yeah, right, he's going to use the right of way for people to pull up on and then drive their cars off the right of way, it just becomes, what a mess. The Sheriffs office will be there constantly.

Board Member Montesano stated are you going to bring roller skates or sled skates to bring the food out.

Board Member Brady stated it wasn't bad, we went there, the food wasn't bad.

Vice Chairman McNulty stated any other comments on that, moving on to Wings & Things the sign amendment, Rich what is this about...

5) ROUTE 22 WINGS & THINGS – Sign Application Amendment

Rich Williams stated you approved the sign...

Board Member Montesano stated well it's a sign.

Vice Chairman McNulty stated yeah, I remember.

Rich Williams stated he put up something that was different than what you approved, so we explained to him that he needed to come back in.

Board Member Brady stated oh.

Vice Chairman McNulty stated you're talking about the bottom strip.

The Secretary stated yeah.

Rich Williams stated yup, the bottom strip...

Vice Chairman McNulty stated car cruise...

Rich Williams stated now part of that, car cruise really isn't an issue but upcoming events seems to lead to, he's going to continue to put even more different signs then when I went by there tonight, indeed that is the case...

Board Member Taylor stated he's got 3 different signs up there, did you see the ones on the lawn.

Rich Williams stated yes I did, I was going to mention that, yup.

Vice Chairman McNulty stated that was like a temporary banner to open up though, correct.

Rich Williams stated yeah, right, okay.

Board Member Montesano stated it's been temporary for 25 years, it's still temporary.

Vice Chairman McNulty stated I do say it looks better than it did.

Board Member Brady stated yeah, you know they started out, oh yeah we'll do whatever you want...

Board Member Taylor stated did you look at the signs on the lawn.

Board Member Brady stated and then as soon as they get it, boom.

Board Member Taylor stated he's got signs on the lawn.

Vice Chairman McNulty stated I haven't noticed them though.

Board Member Taylor stated he's got three banners beneath the sign and he's got banners posted out on the lawn, Budweiser night and you know...

Board Member Montesano stated yeah.

Board Member Brady stated yeah, right.

The Secretary stated dart league.

Rich Williams stated dart night.

The Secretary stated no, dart league.

Rich Williams stated dart league.

Board Member Montesano stated dart league, he's got the dart league sign up.

Vice Chairman McNulty stated so Rich, is he, he pretty much maxed out his square footage, hasn't he.

Rich Williams stated on the sign.

Vice Chairman McNulty stated yeah.

Rich Williams stated I don't know, I have to take a look at it but the problem I have is his current application doesn't reflect what he's got up there, I don't know what he's got up there and, you know again his...

Vice Chairman McNulty stated I read this, I didn't know what I was looking at.

Rich Williams stated his current application says upcoming events, you're not going to have a sign that says upcoming events unless you're going to add to it continually.

Board Member Brady stated right.

Rich Williams stated and he's not telling up what he's going to do there.

Board Member Taylor stated so this is an incomplete application.

Vice Chairman McNulty stated where does it say upcoming events on here.

Board Member Montesano stated on the bottom of the sign.

Board Member Taylor stated on the picture.

Vice Chairman McNulty stated oh, I see the whole sign.

Board Member Brady stated yeah, right here.

Vice Chairman McNulty stated I guess we need to know if he's exceeded his limitations on this.

Rich Williams stated I certainly can calculate what he's got and tell you where he stands but...

Vice Chairman McNulty stated I thought he was just under originally but pretty close to maxing out.

The Secretary stated they're allowed 100 square feet.

Rich Williams stated I know that.

Board Member Brady stated but it's different, but it's different than what was approved.

Vice Chairman McNulty stated yeah.

Rich Williams stated oh yeah.

Board Member Brady stated so, that bottom half...

Vice Chairman McNulty stated it's a separate...

Rich Williams stated yeah and let, I want to say this to you, that that he's got there not that he's already put up, is better than what he actually got approved...

Vice Chairman McNulty stated what do you mean better.

Rich Williams stated I don't recall what the issue was but he came in that night and handed you a modified sign which I hadn't seen, actually I think the upcoming events is something new...

The Secretary stated I'm not sure.

Rich Williams stated and wasn't on the one that he submitted that night.

Vice Chairman McNulty stated no, I don't think it was.

Board Member Taylor stated car cruise night wasn't on there either.

Board Member Brady stated car cruise night wasn't on there.

Rich Williams stated yeah, it was...

Vice Chairman McNulty stated it was just the larger top sign.

Rich Williams stated car cruise...

Board Member Brady stated I don't even think it was Angelina's Catering Hall was on there.

Rich Williams stated that's what it was, it was Angelina's Catering Hall or something along those lines and upcoming events was on the one he brought in that night which I never saw which you approved and had I seen it, had he submitted as he should have, I would have flagged to you that the upcoming events is a sign leaving to other signs that he's going to put up which he didn't show.

Vice Chairman McNulty stated I don't remember that on the original application, do you remember what month we approved that.

Rich Williams stated two months ago.

The Secretary stated May.

Rich Williams stated was it May.

Vice Chairman McNulty stated May or June.

Board Member Taylor stated yeah, it was May, well I've got the picture from the original one, I can pull it, I don't remember that either, I don't remember, I remember the picture being the top part of the sign.

Rich Williams stated so.

Board Member Brady stated I don't remember having the catering hall on there, I thought it was just the Route 22 Wings & Things Bar & Grill.

Board Member Taylor stated yeah, that's all I remember.

Board Member Montesano stated yeah I know he talked about...

Rich Williams stated that's not what you approved.

Board Member Brady stated really, that's, I thought that's what...

Rich Williams stated you got it.

Board Member Taylor stated alright, then we need to, if this is happening, this is the second time you've said something like this, if this is happening, we need to deal with this. If they're submitting pictures to us and we're approving pictures and then they're handing something out that night and acting as if we've approved what they handed out that night, rather than the picture we have in our hand.

Rich Williams stated he handed you a picture, you reviewed it, I never saw it and you approved what he handed you.

Board Member Taylor stated I'm not sure we did.

Rich Williams stated you did.

Board Member Taylor stated well, so...

Vice Chairman McNulty stated let her pull out the file and see.

Rich Williams stated is that what it was.

The Secretary stated I believe so because this is from 5/30...

Rich Williams stated pull it back up, no, that's the one he submitted.

The Secretary stated this is the one he submitted on the night of the meeting.

Vice Chairman McNulty stated yeah, up, listed up to the phone number and then its nothing after the phone number, right.

The Secretary stated no.

Rich Williams stated no because the one that he submitted...

Board Member Brady stated oh, you know what, this is one I have and it has take out on it...

The Secretary stated no, this is from the night of the meeting because it's from May 30th, which is when the meeting. This was the sign they submitted with their application.

Board Member Brady stated this is the proof.

Vice Chairman McNulty stated let me see.

Board Member Montesano stated that's what I remember.

Board Member Brady stated that's different than this sign.

Board Member Taylor stated that's the one we approved.

Vice Chairman McNulty stated yeah, he just changed these letters, that's the only thing.

The Secretary stated 8' by 5 ½', that was what they submitted with the application.

Board Member Brady stated he didn't, no, he took out Angelina's Catering...

Rich Williams stated that's the one he submitted with the application.

Vice Chairman McNulty stated but what's...

Board Member Taylor stated that's what we approved.

The Secretary stated and this, that's what got approved.

Board Member Brady stated and underneath it's take out.

Board Member Montesano stated yeah, that's that one there.

Vice Chairman McNulty stated that's the one, here Rich.

The Secretary stated that is what got approved.

Board Member Montesano stated that's the one that got approved.

Board Member Brady stated right, that's what got approved, right there.

The Secretary stated right there.

Rich Williams stated well somewhere along the line Angelina's Catering Hall jumped in.

Vice Chairman McNulty stated well it says catering, he just added the name Angelina, that to me is not a big deal...

Rich Williams stated that was better.

Board Member Brady stated alright, I didn't think the Angelina was there.

Vice Chairman McNulty stated but it's the upcoming events...

Rich Williams stated somewhere, somewhere the upcoming events came in...

The Secretary stated they added it after...

Rich Williams stated because I actually said Nick.

Vice Chairman McNulty stated yeah, that wasn't part of our approval.

Rich Williams stated we can't allow that to go forward.

Board Member Montesano stated no.

Board Member Brady stated no because I have this is here...

Vice Chairman McNulty stated 5/30, okay.

Board Member Montesano stated because that's the one we had done.

Board Member Brady stated this is the paper...

Board Member Montesano stated I know there was a lot of conversation that night.

Board Member Brady stated I didn't process this stuff yet.

Vice Chairman McNulty stated alright, so they're going to be in to speak to us I guess.

Rich Williams stated yup.

Board Member Montesano stated oh yeah.

Vice Chairman McNulty stated okay.

Board Member Brady stated good.

Vice Chairman McNulty stated now if they do come in and they're within the square footage, personally I don't have a problem as long as it doesn't obstruct any view shed of the highway or in and out.

Board Member Taylor stated what Rich is saying, if it says upcoming events...

Board Member Brady stated he's adding to the sign.

Board Member Taylor stated you assume there's going to be more.

Vice Chairman McNulty stated well we'll have to verify, is that it, are you just going to chalkboard that on and erase.

Rich Williams stated but here, you know here one of my other problem is, is that if you remember when we approved the original sign, I kept saying push it up so upcoming cars can see the business underneath...

Board Member Taylor stated right.

Rich Williams stated right...

Vice Chairman McNulty stated yeah, we talked about that.

Rich Williams stated now he's got it from the top, all the down...

Board Member Brady stated and he's bringing it all the way down.

Rich Williams stated the banners cover everything now to the ground, alright, so now he's blocked out the other business...

Board Member Brady stated and that's in and that's in the...

Vice Chairman McNulty stated the banners are another issue.

Board Member Brady stated and I think that was in what we approved, we told him, he was told that he had to keep it up high.

Rich Williams stated yes.

Vice Chairman McNulty stated but he did say he was going to hold it down, not, wasn't going to go completely high, he was going to hold it down 6 or 7'...

Board Member Brady stated I thought it was 8'.

Vice Chairman McNulty stated I have it in...

Board Member Taylor stated yeah.

Rich Williams stated right.

Vice Chairman McNulty stated yeah.

Board Member Brady stated I thought he said 8'.

Vice Chairman McNulty stated and it was, which is...

Rich Williams stated you know what, I went through the minutes and I wouldn't, I know what I said and I know what everybody else said and I wouldn't say there was really consensus on the height because it was all over the place and I went through the minutes three times.

Board Member Brady stated 16' from the top down.

Vice Chairman McNulty stated was the top of the sign, I remember specifically talking about height about that night.

Board Member Taylor stated yeah, that's what we need to clarify it then.

Vice Chairman McNulty stated but I think the issue here is where he's added upcoming events and we need to find out, is it legal, is it within the square footage, if it is, he's got to know where he's going to max out...

Rich Williams stated right.

Vice Chairman McNulty stated and he can't obstruct views.

Rich Williams stated and Ron, the, I worked it out with him based on the minutes, where the sign should go, I made him move it up...

Board Member Taylor stated right, right.

Rich Williams stated because he had it too low originally, it looked like goal posts out there.

Vice Chairman McNulty stated yeah.

Rich Williams stated yeah, so I worked with Dave Raines...

The Secretary stated it got moved up.

Rich Williams stated yeah, we got it up...

The Secretary stated you did.

Rich Williams stated yeah, we did.

Board Member Taylor stated but them that gave them more room to add things underneath.

Board Member Montesano stated those aren't signs, those are figments of your imagination.

Board Member Taylor stated temporary, temporary banners.

Vice Chairman McNulty stated but are they in a spot that blocks, when you pull up to pull out...

Rich Williams stated yeah.

Vice Chairman McNulty stated do they block the view shed.

Rich Williams stated listen, I'm not comfortable, where was the place I was just at, the same thing, you know if you set back a little bit, you can't see, oh A&P, there's a sign right in the frigging way now and if you're sitting back a little bit from the intersection, you can't see...

Vice Chairman McNulty stated if you're the second car in line...

Rich Williams stated yeah you can't see anything coming.

Vice Chairman McNulty stated or second or third, you can't what's coming.

Rich Williams stated or even if you're just sitting back and you're the first car, you have to pull all the way up to where you have to stop.

Vice Chairman McNulty stated I happened to notice that at the A&P myself.

Rich Williams stated yeah.

Vice Chairman McNulty stated when you're pulling out to [Route] 22, yeah I did notice that.

Rich Williams stated yeah.

Vice Chairman McNulty stated okay, Wings & Things is up for discussion here. A.J. Maxwell...

Rich Williams stated remind me tomorrow about Prospero's they took the Prospero's sign down.

Vice Chairman McNulty stated as known as From Hill LLC...

Rich Williams stated they put the new one up.

The Secretary stated Haviland Farms, yes.

6) A.J. MAXWELL – Site Plan Application

Vice Chairman McNulty stated Rich did you write a review on this one yet.

Rich Williams stated I have not done a review on this one as of yet, this is, this is an interesting situation. There was a barn out there, very big, very old wooden barn that they were using for the flea market to store product and it burned down and a number of years later he came in to rebuild the barn, J. Maxwell did as the new tenant of the property and was given a building permit, then Paul Piazza became Building Inspector and pulled the building permit and there was back and forth between Paul and the Town Attorney and the property owner and Paul finally re-issued the building permit for what he felt was an appropriate size but then also let him put up a metal building.

Vice Chairman McNulty stated so the building permit was to rebuild the burnt down barn...

Rich Williams stated which was used for storage, for the flea market.

Vice Chairman McNulty stated for storage.

Board Member Taylor stated is that this building in the center.

Rich Williams stated that is this building.

Vice Chairman McNulty stated so he built the building where the barn was.

Rich Williams stated correct.

Vice Chairman McNulty stated okay.

Rich Williams stated on the footprint of the barn. Now a number of years later, we're sitting here with a site with a building on it that is being used, uses not previously permitted by the Town for it to be used for without having some of the amenities that go along with that, such as parking and we've been actively trying to bring this into compliance, we finally got the applicant through Harry Nichols to get a site plan.

Vice Chairman McNulty stated was there ever a site plan for this site.

Rich Williams stated no.

Vice Chairman McNulty stated or just a grandfathered site.

Rich Williams stated this is a very old site.

Vice Chairman McNulty stated okay.

Board Member Brady stated and the steel building is in the buffer.

Board Member Montesano stated yeah, he's (*inaudible – spoken over*) grandfathering doesn't exist.

Vice Chairman McNulty stated so the motivation for this application, I take it are the violations that were placed on that building.

Rich Williams stated correct.

Vice Chairman McNulty stated for that site.

Rich Williams stated correct because it's currently being used.

Vice Chairman McNulty stated and this site plan will take care of these violations if it's approved with the...

Rich Williams stated hopefully somehow we're going to navigate through this process and cleanup all the violations out there; there are a number of issues to be looked at. At some point there was a number of log that were pulled onto the site, somebody was running a, almost like a logging operation out of there. There is a mechanics place back there that's not permitted under code, he would need to get a special use permit for what he goes want to do out there which stone work, marble...

Vice Chairman McNulty stated what is the zoning for this lot.

Rich Williams stated C-1.

Vice Chairman McNulty stated so the flea market, everything, that's all C-1.

Rich Williams stated there is an opinion of our attorney, previous attorney that says the flea market is a preexisting use of the site.

Ted Kozlowski stated this barn, is that a preexisting location for that barn, in the buffer.

Rich Williams stated well I go back to there was a barn, it burned down, the previous Building Inspector...

Ted Kozlowski stated but is it rebuilt...

Vice Chairman McNulty stated on the footprint.

Rich Williams stated allowed them to rebuild it on the footprint of the original barn.

The Secretary stated two.

Rich Williams stated two previous building inspectors.

Ted Kozlowski stated so that building is in the wetland buffer.

Board Member Taylor stated now which, it's the steel building that was the barn.

Rich Williams stated yeah, yes.

Board Member Montesano stated yes.

Board Member Taylor stated what's this building here, in the middle here, what's this.

Rich Williams stated where are we, there is a series of little houses and sheds out there...

Board Member Taylor stated so the barn is over here.

Rich Williams stated this is really the one that we're focused on.

Board Member Taylor stated and built it, I thought you said they built is larger than the original barn.

Rich Williams stated no, they didn't.

Board Member Taylor stated oh they didn't, okay.

Board Member Montesano stated that was a pretty big building back there.

Vice Chairman McNulty stated does this building have its own well and septic.

Board Member Montesano stated it's a barn, it's for storage.

Vice Chairman McNulty stated well there's a business operating out of there now.

Board Member Brady stated yeah, they've got to have bathrooms.

Board Member Montesano stated that's beside the point, they said it was for storage, so.

Rich Williams stated I don't know.

Board Member Taylor stated there is a proposed septic.

Board Member Montesano stated they said it was storage.

Board Member Brady stated yeah.

Board Member Montesano stated what do you need a bathroom for in storage.

Board Member Taylor stated I don't see a well.

Rich Williams stated well if they've got a septic, then they're going to have a well some place, I don't know where it is. This is a fairly incomplete plan...

Board Member Montesano stated is the house still there on the side.

Rich Williams stated yeah, that's what Ron was looking at.

Board Member Montesano stated oh okay.

Board Member Taylor stated this is the house.

Board Member Montesano stated if the house was there, that's probably where everybody goes to use the bathroom.

Vice Chairman McNulty stated again they submitted this as a concept plan, so I guess based on your review and a closer look and our thoughts, what are we going to do, are we going to go forward and tell him how to bring this into compliance, parking, signage, septic, well...

Rich Williams stated we're going to, yeah, we're going to define a process for him to bring this back into compliance.

Board Member Brady stated so what does he do, move the building out of the wetlands.

Board Member Taylor stated well it's preexisting.

Board Member Montesano stated could probably, is it.

Vice Chairman McNulty stated I guess the question would be what's the limits of disturbance beyond the building.

Board Member Brady stated right.

Vice Chairman McNulty stated can we limit them from...

Board Member Brady stated right.

Board Member Taylor stated yeah.

Vice Chairman McNulty stated adding parking, storing material, that type of thing.

Board Member Brady stated right, right.

Board Member Taylor stated and how viable are these wetlands, Ted.

Ted Kozlowski stated I haven't been on the site in forever, this is the first time I'm seeing this plan, I didn't get a copy.

Board Member Brady stated well there might be a perfect spot, there might be...

Rich Williams stated and understand, if not on the site and I believe it's on the site or adjacent to the site is the old Prisco Landfill which was classified as a hazardous landfill by the DEC.

Board Member Taylor stated and it is where.

Rich Williams stated it's in the back corner, I believe.

Board Member Montesano stated towards the back.

Board Member Taylor stated south.

Vice Chairman McNulty stated northwest corner.

Rich Williams stated over here, somewhere in there.

Board Member Montesano stated move up.

Board Member Taylor stated okay.

Vice Chairman McNulty stated is that right up against the swamp.

Board Member Montesano stated yeah.

Rich Williams stated oh it's in the swamp.

Vice Chairman McNulty stated oh it's in the swamp, okay.

Board Member Montesano stated they just dug it right out and filled it in.

Board Member Brady stated and has it been taken care of.

Rich Williams stated no.

Vice Chairman McNulty stated so you don't want to drill your well over there.

Board Member Montesano stated it was labor, what do you want.

Board Member Brady stated yeah, you don't want to go near that.

Rich Williams stated wait, want to know who started it and ran it...

Board Member Brady stated who.

Rich Williams stated DEC.

Board Member Brady stated that doesn't...

Vice Chairman McNulty stated they issued the permit for it.

Rich Williams stated well they didn't issue any permit, it was a rogue DEC officer that was running it, as it, he said it was a DEC sting operation but it wasn't.

Board Member Montesano stated yeah, he stung the DEC, so.

Rich Williams stated he went to jail.

Vice Chairman McNulty stated nothing like the good old days.

Board Member Taylor stated so now by the aerial most of this is cleared right.

Rich Williams stated a lot of is cleared, yeah.

Board Member Taylor stated and then, I don't know how old the aerial is but it looks like there's trucks or something parked all over the place.

Board Member Montesano stated it used to be the Putnam County Fair.

Rich Williams stated old truck bodies and the adjacent site to this is owned by Ralph Burdick...

Board Member Montesano stated and the Grange Fair but the Grange went out of business.

Vice Chairman McNulty stated who has his blacktop trucks back there.

Rich Williams stated no, no, well he's over to the south...

Vice Chairman McNulty stated down this way a little bit.

Rich Williams stated yeah, way south of this but he also owns up behind this and he had a lot of truck bodies out there, old boxes.

Board Member Taylor stated right, so maybe that's his...

Ted Kozlowski stated I don't think this property has been particular well cared for over the years.

Board Member Taylor stated there's a whole line.

Board Member Montesano stated and if you...

Vice Chairman McNulty stated how many acres is it all together.

Rich Williams stated off the top of my head, I don't know.

Board Member Montesano stated the history of this property is it was supposed to be a race track, you can look that up some day too.

Rich William stated there is a lot of history on this site.

Board Member Taylor stated that's interesting, that needs to be on here, doesn't it, no, it's not.

Board Member Montesano stated yeah, it was approved, only because of a certain person that opened his mouth at the meeting and it went (sound effect) everybody got up and left the room.

Board Member Brady stated it's 14 ½ acres.

Board Member Taylor stated oh it's on the application.

Board Member Brady stated it's on there.

Vice Chairman McNulty stated the driveway they have proposed Rich.

Rich Williams stated is the existing dirt driveway that runs in there...

Vice Chairman McNulty stated and they're just going to widen it.

Rich Williams stated and the question is do you need to do any other improvements to it.

Vice Chairman McNulty stated have there been any drainage issues or problems that you're away of out there.

Ted Kozlowski stated I haven't, like I said Tom, I haven't set foot on this property in a very, very long time.

Board Member Brady stated another site walk.

Board Member Taylor stated yeah.

Vice Chairman McNulty stated we expect to see them in on Thursday, who is representing them.

Board Member Taylor stated Harry.

Vice Chairman McNulty stated do you know, is it the...

The Secretary stated it's Harry.

Vice Chairman McNulty stated Harry, okay, that's good.

Board Member Montesano stated great. Zippity do da, zippity day.

Vice Chairman McNulty stated I'm glad Shawn will be back.

Board Member Montesano stated my oh my, what a wonderful day.

Board Member Brady stated they would walk.

Board Member Taylor stated he won't have read any of this stuff.

7) **BONIELLO SITE PLAN – Concept Review**

Vice Chairman McNulty stated okay, Boniello Site Plan. So he wants to add masonry supply...

Rich Williams stated he wants to turn his existing yard into a masonry supply yard, run by his tenant in the office building.

Board Member Montesano stated the gentleman with the construction.

Rich Williams stated essentially what he wants to do is stockpile outside Unilock masonry products, as well as other things in the bins that he's already got set up. He's got a set of bins currently without ever, you know, having this approved by site plan, he has a set of bins behind the garage and then he has another set of bins over on the southerly property boundary, he doesn't show them correctly on this plan.

Vice Chairman McNulty stated they're closer to the boundary.

Rich Williams stated and actually they go 6", a foot over the property line.

Vice Chairman McNulty stated so they're way out there.

Ted Kozlowski stated has he given up the tool repair business.

Rich Williams stated no, he's going to do that and be the yard foreman for the masonry yard business.

Ted Kozlowski stated what is he going to do with all that garbage that's behind there.

Rich Williams stated what garbage would that be.

Ted Kozlowski stated piles of machinery...

Board Member Montesano stated he's got garbage.

Board Member Brady stated tractors and...

Vice Chairman McNulty stated I guess the first thing is to just clear up the record that there's not open violations issued at this time on the property, correct, from the Code Enforcement Officer.

Rich Williams stated I think he's bringing it to your house [to Ted Kozlowski]. There have been no violations issued but as you're aware there is a law on the books now that says you can't act on an application unless you get a letter from saying that there are no outstanding fees and a letter from the Building Department saying there are no outstanding zoning violations and you are not getting either letter.

Board Member Taylor stated okay.

Vice Chairman McNulty stated so there are fees and violations open.

Rich Williams stated yes.

Vice Chairman McNulty stated because we haven't been, so there's really no action for us to take at this time.

Rich Williams stated Mr. Boniello constructed a patio in the front yard, which goes into the front yard setback that he neither has site plan approval for or an area variance, now if you want to throw that on his plan and bring that up, you can send it to the ZBA.

Vice Chairman McNulty stated is that patio, if he doesn't use it as a patio and it becomes an entrance walkway, is there a difference.

Rich Williams stated it doesn't pass the laugh test Tommy, so you tell me.

Vice Chairman McNulty stated no, I'm being serious.

Rich Williams stated I'm being serious too.

Vice Chairman McNulty stated because he's got a new tenant in there that's created an office.

Rich Williams stated wait you've got to...

Vice Chairman McNulty stated but I understand that it was a patio for a restaurant.

Rich Williams stated you've got a 30" by 30" foot path...

Vice Chairman McNulty stated is that how big it is, I haven't seen it.

Rich Williams stated you'd have to have pretty big feet.

Vice Chairman McNulty stated well its for two way traffic, it's larger than my parking stalls that were approved.

Board Member Brady stated there are big people eating those hot dogs.

Vice Chairman McNulty stated but there's a new tenant there, you know, if it's an entry way and not a patio...

Board Member Taylor stated but it still hasn't been approved period, it just hasn't been approved.

Vice Chairman McNulty stated I understand.

Board Member Taylor stated so he can put it down and get it approved.

Vice Chairman McNulty stated yeah but maybe it's not a patio anymore, maybe it's an entry, I don't know, I haven't seen this, I haven't been up there to agree.

The Secretary stated regardless, it needs zoning.

Board Member Brady stated but if we're not going to get the letters that there's no violations, we shouldn't even be doing anything with this.

Vice Chairman McNulty stated exactly.

Board Member Taylor stated yeah.

Board Member Brady stated so, you know.

Rich Williams stated if he's going to clean the patio at this point, then the code says if he's doing that then you can consider it...

Vice Chairman McNulty stated you also said about fees.

Rich Williams stated with the issue with the fees, he is supposedly working with the Town Attorney to come up with some solution to the fees that he owed and I haven't heard or seen anything.

Vice Chairman McNulty stated well then we would expect that letter, you conversation with the attorney that to forward us a letter saying the fees are out of dispute and it's okay for us to move forward because at this point we only know that there's outstanding fees.

Board Member Brady stated I think the fees should be paid, I don't think that...

Rich Williams stated I can tell you I'm not giving you a letter until I get the fees paid.

Board Member Brady stated hey, yeah.

Vice Chairman McNulty stated well that's what we need.

Board Member Brady stated yeah, I think they should be paid, I don't think we should have a deal because obviously we've waited a long time to get paid anyway.

Ted Kozlowski stated those have been outstanding for a while.

Board Member Brady stated right.

Board Member Taylor stated okay.

Vice Chairman McNulty stated that's up to the recommendation to the Board and Rich and the Attorney to tell us.

Board Member Taylor stated do we need a vote on this or is that just...

Vice Chairman McNulty stated do we just deny it now, is this, this a concept plan correct.

Rich Williams stated do you want to wait until he comes in next meeting and...

Board Member Taylor stated tell him.

Ted Kozlowski stated yeah, let Shawn tell him.

Rich Williams stated and we don't have a sign application, do we.

The Secretary stated for Anthony...

Rich Williams stated yeah.

The Secretary stated he has the application but...

Rich Williams stated okay.

Vice Chairman McNulty stated didn't we approve though, the new tenants sign.

Rich Williams stated you did approve the new tenants sign, I went by there tonight, I've got to take another look at it but it also says Boniello Plaza on it, which didn't get approved.

Board Member Taylor stated it keeps changing, I've been by several times and it's a different, there is different stuff out there...

Board Member Brady stated exactly why we need the fines paid before we have any further...

Rich Williams stated the Accurso sign, is it different.

Board Member Taylor stated well I think that's the same but there's other stuff that appears around it.

The Secretary stated I didn't see anything out there.

Board Member Taylor stated like they're doing test marketing or something.

The Secretary stated I drove by it last week and that's when I saw the Boniello Plaza at the top.

Rich Williams stated I know Anthony wanted to get approval tonight...

Vice Chairman McNulty stated for the site plan.

Rich Williams stated yeah, he wanted to get approval tonight for the site plan so they could put up the signs tomorrow...

Vice Chairman McNulty stated oh, based on this.

Rich Williams stated and start bringing product in and I said Anthony you're telling me you're going to be putting up more signs that you don't have permits for, oh I guess I can't do that.

The Secretary stated you guess.

Board Member Taylor stated and its incorrect anyway so how can we approve it, even if we were willing to consider it, you just pointed out that the drawing is in correct, so I don't...

Board Member Montesano stated he's...

Board Member Taylor stated okay.

Board Member Montesano stated he's happy.

Ted Kozlowski stated it's going to be an interesting meeting next week.

Board Member Taylor stated Thursday then.

Vice Chairman McNulty stated okay.

Rich Williams stated now that we've dealt with all the easy issues.

Board Member Taylor stated yeah.

Board Member Brady stated yeah.

Vice Chairman McNulty stated where are we at, the Patterson Fire Department proposed local law.

b. Patterson Fire Department Proposed Local Law

Rich Williams stated I did give you a memo tonight with some thoughts that I had, something you might want to consider.

Vice Chairman McNulty stated yeah, I didn't get a chance to review that yet. I do have a few comments on this, basically the way I read it is it's an amendment to zone 154-67...

Rich Williams stated well they proposed that not realizing that we were changing the code so it's not going to fit in there anymore but its amendment to the zoning code which essentially says that the Fire Department would be exempt from putting up, you know from having to get a permit from the Planning Board to put up a sign as long as the sign was less than 50 square feet and not more than 9' high.

Vice Chairman McNulty stated well their goal though is to have an electronic sign though, correct.

Rich Williams stated yes.

Vice Chairman McNulty stated and if I, if I'm reading the code the right, I don't know if I'm right but 154-67 doesn't restrict animated or illuminated signs in any way that I see, other than the size of signs. The other codes for residential areas and things are pretty clear, non-animated, no illuminated, interior illuminated signs, I don't see that for the commercial area and then on top of it we have a Hamlet, here, I've got it here, the Hamlet code is 154-168 which this amendment won't even address because they are clearly in the Hamlet here, correct.

Rich Williams stated they are in the Hamlet and the Hamlet imposed, that section imposes additional requirements onto signs that are going to be put up in the Hamlet because the Planning Board was trying to create a particular feel and appearance within the Hamlet.

Vice Chairman McNulty stated I agree but wouldn't we want to exempt dash 68 of the code.

Rich Williams stated well that's the \$64 question Tommy, do you want to exempt the Fire Department from our requirements so they can put up an LED message board and broadcast their message, whatever it is.

Board Member Brady stated absolutely not.

Vice Chairman McNulty stated no, I understand that's the bottom line but we've been asked to comment on how this was written.

Board Member Montesano stated yeah but you're not elected so.

Vice Chairman McNulty stated and my comments are they're not even addressing the proper code...

Rich Williams stated yes, no, they are, they're section of code when inserted in the proper place, would exempt them from any of the requirements...

Board Member Taylor stated oh any section.

Rich Williams stated of that article relating to signs, so that they could put up whatever sign they wanted...

Vice Chairman McNulty stated was the article 67...

Rich Williams stated in whatever location they wanted...

Board Member Brady stated at any fire house they wanted.

Board Member Taylor stated doesn't matter what the...

Rich Williams stated yes.

Board Member Brady stated at any fire house.

Board Member Montesano stated any property owned by the fire house.

Board Member Taylor stated this is an exemption, a blanket exemption, is what it is.

Ted Kozlowski stated but I just, just to throw, yeah okay, just to throw something here, I watched this actually last night on TV, I watched the whole discussion...

Rich Williams stated oh was it is on...

Ted Kozlowski stated yeah it was on, you hide in the back now, we don't see you on TV anymore.

Rich Williams stated I try to stay in the back.

Ted Kozlowski stated but section E, it says the Town of Patterson shall be permitted to use any sign erected pursuant to this section blah, blah, blah in order to disseminate information related to the general health safety and welfare of the residents of the Town of Patterson. So my question to you is and I'm just throwing out this for discussion, does that include carnivals, concerts, general social events and other things that the Fire Department does.

Rich Williams stated no if I remember section E, section E...

Ted Kozlowski stated I'm reading it.

Rich Williams stated allows the Town to use the sign.

Board Member Taylor stated yes.

The Secretary stated yes, that's also...

Rich Williams stated and when the Town's not using the sign, then the Fire Department is going to use it to broadcast whatever information they feel is relevant to the Fire House.

Ted Kozlowski stated but it says in section A...

Vice Chairman McNulty stated safety and...

Ted Kozlowski stated by promoting dissemination of information to the residents of the Town of Patterson in emergency situations...

Rich Williams stated and...

Ted Kozlowski stated and to provide a method for emergency service organizations in the Town to provide public with information relating to such organizations. So I guess, so what I'm concerned about as a resident, is if you're going to have an LED illuminated sign, you're going to have firework display, you're going to have Christmas tree sales, you're going to have concerts, carnivals and that's going to be splashed all over the place, to me that doesn't look good in the Hamlet.

Rich Williams stated can I go back to...

Vice Chairman McNulty stated well let me just finish my comment about...

Rich Williams stated Tom's, but I want to address it...

Vice Chairman McNulty stated okay.

Rich Williams stated section 154-65, is general restrictions and requirements that's applicable to all signs in any resi, in any zoning district...

Vice Chairman McNulty stated okay.

Rich Williams stated and it says in there no sign shall be illuminated by exposed, incandescent fluorescent lights, all signs shall be non-animated, non-flashing and emit not glare, neon signs which do not project a carnival type atmosphere may be permitted within the business district.

Vice Chairman McNulty stated may be.

Board Member Taylor stated may be.

Rich Williams stated and, neon signs may be...

Board Member Taylor stated no LED.

Vice Chairman McNulty stated that's in 65, I didn't get all of 65.

Rich Williams stated subject to Planning Board approval.

Vice Chairman McNulty stated so that's a blanket for everything.

Rich Williams stated that's a blanket, that's where I'm coming up with these LED messages boards which are animated, moving, are not permitted by our code. That's, that's part of the crux of the problem here, that's what they want, our code doesn't permit, the other problem is they want to put the sign on a vacant piece of property, they don't want to merge the lots, merging the lots means they have to file a letter with the Assessor's and they're done, they don't want to do that, they are adamant they're not going to merge the lots, so...

Board Member Taylor stated well the...

Board Member Brady stated this is (*inaudible – spoken over*) for the lot.

Board Member Montesano stated oh yeah.

Vice Chairman McNulty stated now my other comment is, as a Planning Board Member I feel that we're governed somehow by the Master Plan, that's what guides us ultimately, correct, as a Board...

Rich Williams stated it is.

Vice Chairman McNulty stated and it's the first goal is to preserve and enhance the natural beauty and rural quality of the community, which is fine for these small marquees that you change by hand and have some kind of light to light it up and foster and preserve community's heritage, protecting historic structures and so on, and then there is historic districts which [Route] 311 and [Route] 164 and the Hamlet fall in, it's just glaring that these signs aren't going to fit into our Master Plan and that to me is what, what shows to me...

Rich Williams stated I think that may be the case but I think you need to go a little bit further and also take a look at the...

Vice Chairman McNulty stated further, how do you mean further.

Rich Williams stated the Hamlet Master Plan, which I gave you all a copy of, go through that and see what they say and also, we can give you the minutes probably, I don't know that we can, maybe I can, I pulled some of them already, way back when, when this whole issue came up the Library came for a sign, they were looking for something and the Planning Board said that's not the character that we want to project throughout the Hamlet and they did this evaluation, which is where we came up with the standards for that section specific to the Hamlet and some of the justifications why they did that. You know, again, trying to create a community appearance within the Hamlet, unique to the Hamlet.

Vice Chairman McNulty stated and then the other area I had is like on Bullet Hole Road, does that exemption allow them to put that sign in front of that Fire House...

Board Member Brady stated yeah, it would be all fire houses and ambulances, if we have separate ambulance corps, that could be...

The Secretary stated and it would give Putnam Lake the allowance too.

Rich Williams stated it's per lot, they've got two lots out here.

Board Member Brady stated right, so they can put two signs out there.

Rich Williams stated and they setup criteria for the free standing signs, there is no criteria for building mounted signs.

Vice Chairman McNulty stated is this the old plan that we have, okay.

Rich Williams stated so they're free to do what they want with building mounted signs.

Board Member Taylor stated alright.

Rich Williams stated so, all that really can be dealt with by establishing criteria within the code, if that's what you feel is appropriate, if you feel it's okay for them to go down this road and say have a building mounted sign as well a free standing sign, we, you know, you can do it based on a set of criteria, if that's what you feel is appropriate. If not, then you need to be thinking about why you think it's not appropriate for them to have on Bullet Hole Road, in a residential district or out here in front, a message board.

Vice Chairman McNulty stated well my feeling that you know, for 100 plus years the Town has been here, I don't know if anybody has suffered from not having that information, the other thing is in a disaster, they are generally a natural disaster, who is driving around to read the signs, people are usually holed up at home.

Rich Williams stated well I will say this, you know, I've been thinking a lot about emergency planning, natural disasters as of late especially with what's been going on over at the county and some of the things we've been working on and I think there may be a need for a message board so that people can go someplace and see what the message is but there is a couple of different ways to address that, you can have portable message boards so you can put them where they are really needed...

Vice Chairman McNulty stated first thought I had.

Rich Williams stated Putnam Lake is a disaster but this side of the Town is not, you move it over to Putnam Lake...

Ted Kozlowski stated whatever happened to calling emergency, everybody's got a cell phone today, if you need a message and you need if there's, these, the other question I had, are these signs independent of the power, do they have their own generators if we lose power, we get a storm Sandy, we're out of power, are these things out or are they on their own.

Rich Williams stated they should be tied into your emergency generation, otherwise there's no reason to have them.

Vice Chairman McNulty stated that should be part of the code, what's the sense of having an emergency sign that doesn't work in an emergency.

Rich Williams stated well I mean, again this is going to be a private sign, so it's going to be up to them to tie it into our generator, same with us, if the Town had one...

Vice Chairman McNulty stated yeah but if it's, if we're going to exempt it for emergency and disseminating information, can't we also include that it has to be...

Board Member Taylor stated it has back up power.

Vice Chairman McNulty stated useful in an emergency situation, it has to be readily...

Rich Williams stated I know where, I know where you're going, I don't know, I don't know if you can or you can't, I don't know.

Ted Kozlowski stated personally I think these signs should just be used for...

Vice Chairman McNulty stated I'll be honest...

Ted Kozlowski stated public safety information and not for what I perceive would be...

Vice Chairman McNulty stated yeah but that's not going to happen once it goes up.

Ted Kozlowski stated of course.

Board Member Brady stated once it goes up, they're going to put everything on there.

Vice Chairman McNulty stated and you can't blame them, it will be useful for fundraisers and things like that and that's what they want to promote.

Ted Kozlowski stated but it just, it will I think unaesthetic.

Board Member Brady stated yeah, it takes away from the character of the Town.

Vice Chairman McNulty stated no, I agree, I have my own personal sign issues, so I've been through this.

Rich Williams stated okay, what I would suggest is you mull this over, you want to talk about it again at the next meeting and after that you know, anybody who has any thoughts or comments, or your opinions, if you want to shoot them to me, I'll draft up a recommendation back to the Town Board and you can approve it at the next meeting and send it on.

Board Member Brady stated should that be, would that be a motion by the Board to approve or reject or agree with the changes that the Fire Department is planning or it's just, we just have to do a letter consenting...

Vice Chairman McNulty stated I think they're looking for a consensus from us on where we stand, not on this change.

Board Member Brady stated it doesn't have be...

Rich Williams stated you should develop a written recommendation that should be approved by the Board, the majority of the Board and sent on and if there is clearly dissenting opinions, you may want to throw them in as well.

Board Member Montesano stated well you've got two signs that were put up when the A&P went in, one is

up by Patterson Village and the other one is right over here and the only thing I've ever heard about those signs is how nice they made the area look.

Rich Williams stated know what we're talking about.

Vice Chairman McNulty stated the little Hamlet signs.

Board Member Brady stated the...

Board Member Montesano stated the ones with the ducks on them.

Ted Kozlowski stated that's what Mark Benko wanted.

Rich Williams stated geese, that's what Mark did.

Ted Kozlowski stated yeah.

Board Member Montesano stated right, that's what Mark did, but that, from that time to this we've always managed to, well try to control it, we went through a lot, Mark brought a lot of pressure on Fitzgerald's to get them damn signs put in, so the A&P wanted approval...

Rich Williams stated yeah, Mark got them from Benderson.

Board Member Brady stated but you sent me...

Board Member Montesano stated he got it.

Board Member Brady stated but you sent me, on the disk...

Rich Williams stated the Hamlet Master Plan.

Board Member Brady stated the Master Plan and I'll tell you, that was really great to read, I'm glad I got that to be able to read that.

Ted Kozlowski stated *inaudible*.

Vice Chairman McNulty stated I just did it.

Board Member Brady stated and I don't think that would, that sign would be the intent of anybody that worked on that Master Plan, I think that was just, you know...

Board Member Montesano stated they're going to push their issues.

Board Member Brady stated you know...

Ted Kozlowski stated they shut if off at night though.

Board Member Taylor stated well I'd like to say a few things, just looking at this logically, I think there are several problems, some of them have been mentioned. Their argument is based on the fact that they want to improve general, health, safety, and welfare and that should override, they don't say this but the

implication is there for a reason to override all these other issues, aesthetic issues and other wise. So that is something to look at there, in part B, though they are asking to, for blanket exemption, they are asking permission anything, any type of sign, any location, and any area of the sign, they have permission to do all those things, so the Town would be passing over any code control of any kind on signs to the Fire Department, is essentially what B is saying. I don't see that that's proper...

Board Member Montesano stated beneficial.

Board Member Taylor stated the lots Rich talked about, that problem, if you can put a sign on a free standing lot, that's fine but you'd only allow one sign, there should be somewhere in there saying you're allowed one sign, that's it...

Rich Williams stated this says one sign per lot.

Board Member Taylor stated yeah, I know it says one sign per lot but they've got two lots but they should be allowed one sign, there should be a qualification there, the area they asked for, is the area they were, essentially the area they were proposing, although they're asking for ten more feet. They proposed originally 5' by 8'.

Rich Williams stated they wanted 40 [square feet] they're looking for a code that 50 [square feet].

Board Member Taylor stated 50 [square feet] but if you look at what they were looking for originally, there's only a 2' by 8' area that is actually the emergency sign part...

Board Member Montesano stated emergency sign.

Board Member Taylor stated the other 2/3 was simply the logo for the Fire Department, their sign, which has nothing to do with general health, safety, or welfare, so again they're asking for more than is justified by their argument for the sign. They should be asking for 16 square feet...

Vice Chairman McNulty stated 16 [square feet].

Board Member Taylor stated that's all they should be asking for.

Vice Chairman McNulty stated and I don't understand, I'm sorry, go ahead and finish.

Board Member Taylor stated I think that's it, I mean just logically looking at the process, it's, this is not written properly based on the other things they were asking us for, it seems like there is a lot going unsaid here that should be addressed. Whatever the Town Board's decision, I think these issues need to be addressed as part of that decision because essentially we're passing away, our all review and all control to another entity that is not a government entity.

Board Member Montesano stated we're giving them carte blanche and we're paying for it.

Board Member Brady stated yeah.

Board Member Taylor stated alright, yeah.

Vice Chairman McNulty stated also on a typical sign as the library and the Town Hall has, doesn't, isn't

that disseminating the information we need, if they want to post a phone number disaster relief, emergency relief.

Rich Williams stated this has always been my question, if the Town feels it needs an LED message board, then the Town should have the LED message board...

Board Member Brady stated should put it up.

Ted Kozlowski stated right in front of Town Hall.

Rich Williams stated make sure it's running and assign the responsibility to Town Hall staff so that that message gets out in an emergency. What they're asking us to do is to go knocking on their door, begging to use their sign and hoping they're going to say yes. Today...

Ted Kozlowski stated or charge us for it.

Rich Williams stated today, they may say yes, tomorrow I don't know who the chief is going to be, I don't know who the president is going to be and they may not say yes but if we require it as this code says, that is a regulatory taking in my book and you know it's never going to be upheld.

Vice Chairman McNulty stated what I'm saying is the sign we have, it would disseminate the information we need, I mean how much, are we posting an encyclopedia on there, is it a phone number, is it generally contact dry ice available.

Rich Williams stated I will say this, especially in an emergency it is pronounced enough to get the message out as well as it should. I would like to see something more to enhance it...

Vice Chairman McNulty stated yeah but in a time of trouble it, people are going to look for that information.

Board Member Montesano sure.

Ted Kozlowski stated could you word it or could you word this or could you make the suggestion that that sign only be operable when there's an emergency, I mean I see no reason why there should be all these signs here...

Board Member Brady stated they're not going to do it.

Ted Kozlowski stated for people say fasten your seatbelts or call 911 or carnival July 30th.

Vice Chairman McNulty stated it's just not in the character.

Rich Williams stated then there's no benefit to them, there's no reason for them to do, in that case if you want that type of sign...

Ted Kozlowski stated it should be in front of Town Hall.

Rich Williams stated well and the reality is, they're getting the money from Town Hall to do this, right, so why not just give them a little bit less and do it ourselves.

Ted Kozlowski stated right.

Board Member Brady stated and what's to stop them later on from having some company come in and say if you put our logo on your sign lit up, we'll pay you and now we have advertisement for corporate, you know, I just think that...

Vice Chairman McNulty stated that was a question I had too.

Board Member Taylor stated billboard.

Board Member Brady stated it can go too far.

Board Member Taylor stated a 9' billboard.

Board Member Montesano stated there's no...

Vice Chairman McNulty stated do we have a regulation on billboards because there are billboards in Town, I didn't go through all the code...

Board Member Taylor stated they're preexisting.

Rich Williams stated billboards right now are preexisting nonconforming use, our regulations do not permit any new billboards to go up, there is a question...

Vice Chairman McNulty stated by definition is this sign a billboard.

Rich Williams stated I wouldn't say it's a billboard.

Board Member Taylor stated it's not big enough yet.

Vice Chairman McNulty stated I don't know, how is a billboard defined.

Rich Williams stated well we don't define it so basically what we have is a lot of oversized freestanding signs. There was a provision in our code in 1969 which essentially amortized signs that were bigger than 25 square feet and gave them a period of time, a useful life, they assigned a useful life to the sign and essentially said any sign that's bigger than 25 square feet, needs to come down. Now, I don't know why the billboards didn't come down, I don't know why the Alpine sign didn't come down, I don't know why the Thunder Ridge sign didn't come down. Next meeting, you're going to be getting the Thunder Ridge sign, that's going to be a real mess as well.

Vice Chairman McNulty stated okay.

Board Member Taylor stated so the code was changed.

Rich Williams stated in 1969.

Board Member Taylor stated but that was in the code in '69.

Rich Williams stated yes.

Board Member Taylor stated and then it was subse, we changed.

Rich Williams stated yes.

Vice Chairman McNulty stated but somehow the billboards were grandfathered in it sounds like.

Rich Williams stated I don't know that they were grandfathered in.

Board Member Montesano stated let me put it this way, we used to have two drugstores, we used to have soda shop, we used to have all sorts of goodies, progress.

Rich Williams stated I'm going to write all this up for Thunder Ridge, I already wrote it up, a little bit of history, Alpine came in for about the third time, it was Daniel J's and they were coming to change the sign...

Vice Chairman McNulty stated Daniel J's, yeah.

The Secretary stated yeah, that's when everything finally came out.

Rich Williams stated and the Planning Board, you know, I always in my memo said preexisting nonconforming, I didn't do my homework, the Planning Board finally said to me at a meeting, are you sure this is preexisting nonconforming, so I checked and I found the 1969 provision that essentially said no it's not, so Alpine was made to take their sign down, come into the ZBA and get an approval for a variance for a sign that's larger than 25 square feet.

Vice Chairman McNulty stated that's why we have out 25 square foot maximum.

The Secretary stated the Alpine...

Rich Williams stated no, that was, that is the standard, that has been the standard since '74.

Vice Chairman McNulty stated since then, okay.

The Secretary stated the Alpine received a variance that he's allowed to have 100 square feet of freestanding signage on that site.

Vice Chairman McNulty stated when was that granted.

The Secretary stated two or three years ago.

Board Member Taylor stated in perpetuity.

Rich Williams stated yeah, it runs with the land, there's no time that it runs out.

Ted Kozlowski stated see the other thing, the thing that I'm nervous about this sign, I'm not against public safety and emergency situation information but you don't know who are the graphic artists or who the art design person is going to be for this and you could have some really questionable aesthetics up there with graphics and all and the Town having no control over the content and aesthetics of the sign, I've seen some

signs in Westchester that are really hokey and childish or, what I just fear is, you know, fireworks show or carnival you're going to have those graphics up there 24/7 in the middle of the night...

Vice Chairman McNulty stated fireworks going on.

Ted Kozlowski stated bright like you know, Broadway, Times Square, that's really not appropriate in a rural community, if that's what we're trying to preserve here.

Vice Chairman McNulty stated which is how the Master Plan...

Board Member Brady stated right.

Vice Chairman McNulty stated directs us, other question Rich, is there a resource to reach out maybe across the state, I'm sure someone else has dealt with this problem or this issue, to see how maybe another community put up with it, did they design a different type of sign...

Board Member Montesano stated they have a Board of Fire Marshall's...

Rich Williams stated well...

Vice Chairman McNulty stated is there a resource where we can look up around the state how maybe another municipality dealt with this.

Rich Williams stated there, you know, there's a number of different guidance documents out there about sign regulations, APA puts out a fairly good, actually three fairly good booklets on signs, sign ordinance, how to design a sign ordinance. Yeah, there are communities who have gone down similar roads as Patterson did, Pound Ridge had a very particular road sign that they approved, I love those road sign.

Vice Chairman McNulty stated all the street signs, the white ones with the thumb pointing.

Board Member Brady stated yeah, they're cool.

Rich Williams stated other communities have done various variations of appearance standards within particular areas of their Town.

The Secretary stated Mahopac.

Vice Chairman McNulty stated I mean in this situation though in particular, maybe if we could study how another municipality handled the situation, maybe there are some ideas.

Rich Williams stated and other don't and I go to Carmel, you know, Carmel has let their fire department, Jewish temple, you know similar signs, told the Catholic Church to take it down.

Vice Chairman McNulty stated wow that's going to be a fight.

Rich Williams stated it wasn't a fight at all, the Catholic Church says we're not going to be a bad neighbor and we're just going to do it.

Board Member Brady stated that depends on the Monsignor.

Vice Chairman McNulty stated well that's good.

Board Member Brady stated depends on the Monsignor.

Rich Williams stated yeah, some communities permit them, other communities don't, it goes community by community and its basically that simple. Does it fit the type of community you're trying to build or is there an overriding reason why you're going to allow this group to do something else nobody else is going to be permitted to do.

Ted Kozlowski stated a full exemption, that's a...

Rich Williams stated yeah or does it not fit.

Ted Kozlowski stated that's not a, that's recipe for trouble.

Board Member Brady stated and what about the fire house...

Vice Chairman McNulty stated on Bullet Hole [Road].

Board Member Brady stated on Bullet Hole [Road], all those people there would love that, have that flashing all night...

Vice Chairman McNulty stated yeah, that wouldn't be...

Board Member Brady stated they'd be looking to string us up.

Board Member Taylor stated well we're not the ones approving it but...

Board Member Montesano stated public hearing will be requested.

Vice Chairman McNulty stated we'll discuss this some more, maybe we all have some comments to submit for the following month, you're not looking for them this coming week, we'll let Shawn have some discussion.

Ted Kozlowski stated what was troubling though, I watched the [Town] Board last night on TV and they didn't bring up these questions...

Board Member Montesano stated they're not going to.

Vice Chairman McNulty stated that's why they gave it to us.

Ted Kozlowski stated it's just, it's emergency and that's it, it's for public safety. None of this came up, none of this is ever thought about and it was, that troubled me to not...

Board Member Montesano stated let me put it this way...

Ted Kozlowski stated to not hear...

Board Member Montesano stated you just don't understand November.

Rich Williams stated motion to adjourn.

Vice Chairman McNulty stated no...

Rich Williams stated what.

9) MINUTES

Vice Chairman McNulty stated minutes, did everybody get a chance to review the July 25th minutes.

Board Member Taylor stated next week.

Vice Chairman McNulty stated you want to make a motion.

The Secretary stated did everybody get them.

Board Member Taylor stated next week, yes.

Vice Chairman McNulty stated yes.

Ted Kozlowski stated I got them.

Board Member Taylor stated next week.

Board Member Montesano stated no.

Vice Chairman McNulty stated is there any other discussion you want to have Rich, you don't need me here.

Rich Williams stated no.

Vice Chairman McNulty stated no.

c. East Putnam Development Corp – Request to Release Escrow

Rich Williams stated we got a letter in...

Vice Chairman McNulty stated I'll recuse myself.

Rich Williams stated we got a letter in from East Putnam...

Board Member Taylor stated you have to put somebody in charge.

Vice Chairman McNulty stated Ron, oh Mike, we elected you the Chairman the last time, so.

Board Member Montesano stated chairman of what.

Vice Chairman McNulty stated you will be, well I recused myself, I need a drink of water.

Rich Williams stated we got a letter in from East Putnam Development Corporation...

Board Member Brady stated these guys are still around.

Rich Williams stated requesting release of their escrow funds that we are currently holding for professional plan review of their site plan...

Ted Kozlowski stated denied.

Rich Williams stated we've not released them because they have a conditional approval, they have yet to meet the conditions, those conditions being the posting of a bond and the paying of the inspection fees, which will then go into an escrow account. Typically has a matter of policy we don't release the escrow because they could you know, they could make modifications to the plan, there could be review time if there is an issue with the bond, there could be a lot of different things. Honestly, this is a fairly small and straight forward application and I really don't see any modifications to it or anything and if they do start make changes we can just tell him to, you know, reestablish the escrow account if the Board is so inclined, so it's up to you what you want to do.

Board Member Montesano stated open for discussion.

Ted Kozlowski stated I can't vote.

Board Member Taylor stated I dislike creating single instances that are exceptions to our general practices, I mean I feel badly in this position because of who the applicant is but it's like the Town does it and we to a certain extent do this all the time, we make exceptions, after exception, after exception. How is this, if we are setting a precedent with this, how does it apply to all future applications we have.

Rich Williams stated listen, my policy is that I'm going to keep fees unless I'm directed otherwise by the Board, that's just the way it's going to stay, is if somebody comes in, I'm going to say I'm not releasing your fees, if you have an issue with that, take it up with the Board, if you direct otherwise, then we release them.

Board Member Taylor stated well how often have we directed otherwise.

Rich Williams stated never but that's mostly because I mean this is, this is a relatively new practice in the grand scheme of things, it never used to be, things have changes, processes have changed and we haven't had a lot of applicants in recent years where we've actually crossed finish line, so, it's relatively new.

Board Member Taylor stated so should we change the process.

Rich Williams stated I wouldn't change the process but I would, you know, the process allows for an exception, you know where there's justification as it is, I mean if we were talking about a 24 lot subdivision, such as Ice Pond [Estates], I would recommend that you don't do it, Tommy's is really an insignificant site plan.

Board Member Taylor stated I don't think that should be the argument, I mean the argument you made before was that it's unlikely there are going to be changes, it might be a better argument then...

Rich Williams stated well that's what I mean, it's a, the likelihood that there's going to be significant

changes to the design of the project that we're going to have re-review and bring it back to the Board is unlikely.

Board Member Taylor stated and if there are changes and it comes in, then they're going to have to post the escrow before you re-review.

Rich Williams stated yes.

Board Member Taylor stated I'm alright with that.

Board Member Brady stated I'd be, I'll be alright with that he'd have to re-post it you know, put the money back in if it had to be changed.

Board Member Montesano stated alright, so, basically in the matter of East Putnam Development, at this time we can let his escrow account go and if there are any changes to be made, he'll have to reestablish that escrow account. Does that cover it.

Board Member Brady stated I'll second that.

Board Member Montesano asked for all in favor. The motion carried by a vote of 3 to 0.

Board Member Montesano stated done.

Rich Williams stated Tommy.

Board Member Montesano stated hey you.

The Secretary stated on the record.

Board Member Brady stated let's do a motion...

Board Member Montesano stated motion to adjourn.

Board Member Taylor stated yes, second.

Board Member Montesano asked for all in favor. The motion carried by a vote of 3 to 0.

The meeting adjourned at 8:57 p.m.