

PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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PLANNING BOARD

Thomas E. McNulty, Chairman
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**Planning Board
November 5, 2015 Meeting Minutes**

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

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

Chairman McNulty called the meeting to order.

The meeting began at 7:01 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

There were approximately 4 members of the audience.

Chairman McNulty led the salute to the flag.

Chairman McNulty: Okay. It's the Patterson November 5th Planning Board meeting.

1) BILL HENRY TREE SERVICE – Public Hearing

Mrs. Jamie LaGoudice, Insite, and Mr. Bill Henry were both present.

Chairman McNulty: First on the agenda, we have Bill Henry Tree Service and a public hearing. Sarah, would you like to call it?

The Secretary read the following legal notice:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, November 5, 2015 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Bill Henry Site Plan Application”** in order to construct a **7,200 sq. ft. principal building and 2,400 sq. ft. accessory building for the operation and storage of his tree service business.** The property is located at 2670 Route 22 (C-1 Zoning District), Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman McNulty: Okay. Hi, how are you tonight?

Mrs. Jamie LaGoudice: Hi. I'm good. How are you?

Chairman McNulty: I'm sorry. I forget your name.

Mrs. LaGoudice: Jamie LaGoudice.

Chairman McNulty: Jamie. How are you doing, Jamie?

Mrs. LaGoudice: Good. How are you?

Chairman McNulty: I see the public has turned out full force.

Mrs. LaGoudice: They have. I was worried. I was very worried.

Chairman McNulty: So, we...

Mrs. LaGoudice: Do you want me...

Board Member Taylor: I move to close the public hearing since there's nobody here.

Board Member Montesano: Second.

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

Chairman McNulty: Before we close it, we should have gave you a chance if you had anything you wanted to say.

Mrs. LaGoudice: I did actually bring a...

Board Member Taylor: She still can make her presentation to us.

Chairman McNulty: I know, but...

Mrs. LaGoudice: I did actually...

Board Member Taylor: Doesn't have to be part of the public hearing.

Mrs. LaGoudice: bring some visuals; some additional visuals to what we provided for you because I know you had asked for a rendering from the road. But after going out there and basically looking at the perspective you're going to see, you're not going to see the building really at all. So this basically is an enlargement of what I've provided to Sarah. But showing someone on Route 22 here, looking up the hill. You're looking at the bottom of the trees and there's so much grade change coming from the road all the way up to the bottom of the building that you're really only going to see the embankment, if that.

Chairman McNulty: Okay.

Board Member Taylor: If you went out there now and took a picture without leaves on the trees...

Mrs. LaGoudice: I can't test it right now because I'm not out there now. No, that I don't know. I don't know.

Chairman McNulty: I think the questions... We looked about it and a rendering is something the Board wants to see. I don't think there was any big objection to this style. It's what the Board wants to see is that front view, the west elevation, and what are the heights of the wall? How is the trim? The windows? Whatever is going to be applied to that elevation. How is it going to look? On your drawing you just held up there, that front grade, how tall is the building from grade...

Mrs. LaGoudice: From grade? (Inaudible) I have that section line. It's from here right across. So roughly at the building edge you have about 8' below to this...

Chairman McNulty: So from the grade to the eve, so to speak, the exposed fascia, the side of that wall, is it 8'? Is it 18'? Is it...

Mrs. LaGoudice: I don't know.

Chairman McNulty: That's what we're looking... Because we don't want it to look like a big warehouse sitting there. That's...

Mrs. LaGoudice: Right.

Chairman McNulty: That's what we don't want to see.

Mrs. LaGoudice: Right, it will look very similar to the picture that you have there.

Chairman McNulty: So...

Mrs. LaGoudice: With the red color and the barn side...

Rich Williams: Jamie, if I could just jump in. Jamie, I think what they're looking for is an actual architectural design showing what it's going to look like because the building that's up there is basically only one story building. And we know this is going to be a two-story building. So...

Chairman McNulty: Hey, Bill [Henry].

Rich Williams: Hey, Bill. How are you? So they want to see what that whole face is going to look like with trim and windows to make sure there's not a large massing on the building that it's all just red.

Chairman McNulty: At the last meeting you gave us this.

Mrs. LaGoudice: Yes.

Chairman McNulty: Which is the east elevation.

Mrs. LaGoudice: Yeah.

Chairman McNulty: So, if we had something similar to that, that showed...

Mrs. LaGoudice: From the west.

Chairman McNulty: And scaled. The height and how it was going to be broken up because, you know, we looked at it and the Board and I said well what are we going to have, just a big red wall? We don't know. Am I in the right path? Is this what...

Board Member Taylor: Yeah. This rectangle you drew...

Mrs. LaGoudice: Mmhmm.

Board Member Taylor: Does this include the gable?

Mrs. LaGoudice: Yes.

Chairman McNulty: So it's scaled...

Mrs. LaGoudice: It's a very rough idea of where the building is actually going to be located in that view.

Chairman McNulty: To scale?

Mrs. LaGoudice: Roughly.

Board Member Taylor: And then beneath the rectangle...

Mrs. LaGoudice: It's an approximate.

Board Member Taylor: is the ground that you're talking about.

Mrs. LaGoudice: Yes.

Board Member Taylor: The foundation, which is not going to be siding. It will be...

Mrs. LaGoudice: Grass.

Board Member Taylor: Dirt or something else. And we're seeing...What's on that end? Just windows across the end?

Mrs. LaGoudice: There'll be a combination of windows and doors. I believe there'll be potentially two doors just to be able to open for circulation of air and if they're using the contractor's area...

Chairman McNulty: So this wall on the end wall, are they mirror images on each end of the building, so to speak?

Mrs. LaGoudice: I believe so, minus the door. Bill can attest to that.

Mr. Bill Henry: Yeah, whatever you guys want me to do.

Chairman McNulty: Okay.

Mr. Henry: I'll...

Chairman McNulty: Bill, I know you just came in late, but we already had the public hearing.

Mr. Henry: Oh, okay.

Chairman McNulty: You can see how the public came out in force. We opened it. We closed it. Now we're in discussion. So if there's anything you'd like to add or talk about, you're welcome to come up. What the Board was saying is that elevations facing [Route] 22...

Mr. Henry: Okay.

Chairman McNulty: We need a detail of how it's going to look with your trim, elevations, dimensions...

Mr. Henry: Okay.

Board Member Taylor: And it doesn't have to be Insite providing it. I mean, whoever's going to build this for you...

Mr. Henry: Right.

Board Member Taylor: you know, get it from them. It shouldn't cost you a thing. And then paste it on the picture.

Chairman McNulty: Or detail, to scale, elevation of that, you know...

Mrs. LaGoudice: That's fine.

Chairman McNulty: architectural elevation.

Mrs. LaGoudice: Okay.

Chairman McNulty: But dimension it so we know, you know, you have a 20' high wall. Is it an 8' high wall?

Mr. Henry: I think it's 18 [feet] and then whatever...

Chairman McNulty: Eighteen [feet] to the top of the gable or to the underside of the eve?

Mr. Henry: Eighteen to the...No. The side.

Chairman McNulty: And that's much different...That's ten feet more than that building.

Board Member Taylor: Yeah.

Chairman McNulty: Because you've got an 8' door...Well, eight foot higher.

Mr. Henry: You guys wanted an idea of what it would look like and...

Chairman McNulty: Well, and that's...I don't think we have an objection to the style. It's now how is that going to look from [Route] 22.

Board Member Ladau: Bill, have you gotten proposals from any of the manufactures of (inaudible) buildings?

Mr. Henry: I have gotten three or four. Yes.

Board Member Ladau: Normally, at least it's been my experience, of when they submit a proposal...

Mr. Henry: Okay.

Board Member Ladau: They will usually provide you with drawings, plans, elevations, maybe a rendering, as part of the...Have you asked for it? Because...

Mr. Henry: No, I haven't.

Board Member Ladau: generally speaking, they will do this and they've got in their computer.

Mr. Henry: Okay.

Board Member Ladau: They just crank it out and it's done.

Chairman McNulty: Sometimes I know they won't give you too much until you commit to them.

Mr. Henry: Right.

Chairman McNulty: But...

Board Member Ladau: It's part of the sales pitch, Tom, that they're...

Chairman McNulty: Yeah.

Board Member Ladau: Because it's the only way, really to illustrate exactly what it is that the customer is buying. Whether, you know, there are five windows or ten windows, etcetera.

Mr. Henry: Okay.

Chairman McNulty: So that's our, you know, our big focus now. Is how is it going to look from [Route] 22.

Mr. Henry: Okay.

Chairman McNulty: I don't know if you're going to want to add a cupola to the top or...

Mr. Henry: Yup.

Chairman McNulty: Or they make flying gable ends or you can flare the ends out or something. Something that maybe doesn't cost a fortune but spruces the building up. You know, I'll leave that up, you know, your design and...

Mr. Henry: Okay.

Chairman McNulty; what you do.

Board Member Taylor: We've always, from the very beginning, that was our concern. That's why we went through this...

Chairman McNulty: With the trees.

Board Member Taylor: two designs and...

Mr. Henry: Right, right.

Board Member Taylor: could you move it back? And it turned out you couldn't move it back so it's...I mean, that's always been our concern.

Mr. Henry: Okay. I'll...

Board Member Taylor: It's that view along [Route] 22 so it doesn't look like a warehouse district.

Chairman McNulty: Jamie, you have another comment? Anything else you wanted to show us tonight or...

Mrs. LaGoudice: That was basically it.

Chairman McNulty: It's going to be a white roof like that?

Mr. Henry: Silver, white, black...

Mrs. LaGoudice: It will be like a grey.

Chairman McNulty: Oh, in that like...

Mr. Henry: Grey. Yeah. So it will be grey.

Board Member Taylor: So where are we otherwise?

Chairman McNulty: So we haven't done SEQRA yet, have we? Have we done SEQRA?

Mrs. LaGoudice: We have.

Board Member Taylor: We did SEQRA, right?

Rich Williams: Yeah. We're...

Chairman McNulty: We've had a public hearing.

Rich Williams: We're at that point, I think...

Board Member Taylor: We're good to go ahead.

Rich Williams: If you're comfortable with everything that you have of granting a conditional approval. What I'm hearing is the architecture...

Chairman McNulty: Yeah, the architecture's the big thing now.

Rich Williams: Yeah.

Chairman McNulty: I mean...

Board Member Ladau: Yeah.

Chairman McNulty: we have a site plan that's acceptable. We've worked out the bins, correct?
How the storage...

Rich Williams: Yup.

Chairman McNulty: of the second building.

Board Member Taylor: Yup.

Rich Williams: Everything is good to go. So if everybody's good with that, then we can do a, you know, assuming we get the architecture in here and you're happy with the architecture, we can do a resolution next meeting.

Board Member Ladau: Mmhmm.

Chairman McNulty: Okay. Is that something you can work on?

Mrs. LaGoudice: Sounds good. You will have that for next meeting.

Chairman McNulty: Okay. You can break ground in the middle of the winter.

Rich Williams: Yeah.

Chairman McNulty: It's not going to be cold...

Board Member Brady: If it's not winter now.

Mrs. LaGoudice: In this weather, maybe.

Board Member Taylor: And for the winter.

Board Member Ladau: Winter's been cancelled.

Mrs. LaGoudice: Yeah.

Board Member Taylor: Yeah, I hope so.

Chairman McNulty: Okay. Do you have anything else, Jamie?

Mrs. LaGoudice: That was it.

Chairman McNulty: Okay. Thank you.

Mrs. LaGoudice: See you next...

Chairman McNulty: Alright.

Mrs. LaGoudice: Thank you.

Chairman McNulty: Good luck. Okay.

2) FROG HILL – Driveway Waiver

Mr. Harry Nichols was present.

Chairman McNulty: Next we have Birch Hill Driveway Waiver...Frog Hill Driveway Waiver.

Board Member Taylor: Frog Hill.

Chairman McNulty: Hello, Harry.

Mr. Harry Nichols: Good evening.

Board Member Taylor: How are you doing, Harry?

Mr. Nichols: Boy, you think it's summer out there.

Chairman McNulty: It is beautiful out.

Board Member Brady: Short-sleeved shirt.

Board Member Taylor: Yeah.

Board Member Brady: Good deal. Last year, didn't we have snow on the ground already?

Chairman McNulty: No. Close.

Board Member Taylor: No. No.

Chairman McNulty: Didn't it cold December? And then it turned cold.

- Board Member Ladau: Yeah.
- Board Member Taylor: Well, no. We had that one storm, right?
- Board Member Brady: We had one storm in like October, didn't we?
- Board Member Taylor: And then it melted away.
- Board Member Brady: Yeah.
- Board Member Ladau: Yeah.
- Board Member Taylor: Yeah.
- Board Member Montesano: You want to do a snow dance?
- Board Member Taylor: No, don't let him dance.
- Board Member Brady: No, you can do a snow dance like the 21st. Or the 20th. That would be good.
Like 2 inches, that's all.
- Board Member Montesano: No. Sorry.
- Chairman McNulty: Okay.
- Board Member Montesano: Your neighborhood will not be snowed on.
- Chairman McNulty: So Harry, we have a plan here where there's a new possible entrance to the property. Is that the way I understand this?
- Mr. Nichols: Well, the way it is right now, I understand that property that is immediately to the south, he's trying to petition a traffic signal which could impact this property as well as, you know, other close properties. We did... We had a very unusual meeting out here. I met the State Highway Department Engineer out there. Next thing I know, Mr. Williams comes driving by; he gets out. Then my client comes by, all unannounced, and we probably had the best meeting on this project.
- Chairman McNulty: Best in years, huh?
- Mr. Nichols: Just on the side of the road. Basically, the State... The State is only interested if we cross over the right-of-way line, making the improvements to the driveway because they have a strong, interesting... what's going to happen in front of the restaurant.
- Chairman McNulty: The State has an interest for the new traffic signal?
- Mr. Nichols: No. This is not the new traffic signal.
- Chairman McNulty: Oh.
- Mr. Nichols: I was just relating to this property by itself.

Chairman McNulty: Okay.

Mr. Nichols: They have no problem with our...What we're doing here.

Chairman McNulty: Okay.

Mr. Nichols: But they said if we keep it back to the right-of-way, we don't even need a permit. A pre-existing driveway, whatever the Town mandates we'll do. And that's to stay away from their concerns, their concerns about the access to this restaurant. And we don't know if the signal goes in here, what flow directions are going to be impacted by them. And thought that rather than go ahead and do any work at this point, we requested a waiver. Again, it was suggested by Mr. Williams. Until it's resolved because whether it's going to require us to join forces with the other guy and develop something that's usually acceptable to both properties.

Chairman McNulty: Okay. Well, we talked about that work session was not so much a waiver but a postponement.

Mr. Nichols: A postponement, yeah.

Chairman McNulty: Which we can do as a...There's a check box under the waiver, isn't it? Is it...Is it in our...

Mr. Nichols: Yup.

Chairman McNulty: Yeah. So that's what we discussed; is a postponement and, I don't know, I think we said three year limit.

Rich Williams: Two years.

Chairman McNulty: Two years.

Board Member Taylor: Two years.

Board Member Montesano: Two years.

Chairman McNulty: Two years. So is that something that...

Mr. Nichols: Yeah, I think so. We have...We've received our sign offs and our approval from New York City DEP, the Health Department. The DEC has no comment. And other than that, I don't know of any other outstanding items. I know he's been working with the Building Department in cleaning up the debris that's been all over the property.

Chairman McNulty: That was part of the site plan approval. Is that making progress?

Mr. Nichols: I think it's been cleaned up very well and whatever is left out there is more organized than it ever was before.

Board Member Taylor: I think we have to hear from the Building Department about that one.

Rich Williams: They're making slow progress.

Board Member Taylor: Slow progress, right.

Chairman McNulty: Okay.

Board Member Taylor: And we were also...I think we were going to put a condition on this that nothing goes in this building except what he's proposing right now.

Chairman McNulty: Which building are you talking about, Ron? The one all the way...

Board Member Taylor: The existing...

Chairman McNulty: in the back?

Board Member Taylor: The existing building, yeah. That if we give you a postponement, he can't add anything else to this site. It would be one of the conditions of the postponement. And we talked about that.

Chairman McNulty: We talked about that and we talked about a pond, I thought.

Board Member Taylor: Do you understand what I'm saying, Harry?

Chairman McNulty; To protect the approval...

Mr. Nichols: Yeah. He has a person in there who makes granite counter tops.

Board Member Taylor: Right. We understand that. But he can't add anything else is what we're saying.

Mr. Nichols: Yeah.

Chairman McNulty: Until the driveway situation is settled.

Board Member Taylor: Yeah.

Mr. Nichols: Yeah.

Board Member Taylor: So that's...Just would be a condition of the postponement, that we're fine with what he's got now.

Mr. Nichols: Yeah. I don't think that's a problem.

Board Member Taylor: Yeah, okay. Because he had, in the past, talked about adding other things. But if you're not going to improve the driveway then...

Mr. Nichols: Yeah. Well, I don't know if you've noticed or not, but there is a sign out front on that property. "For Sale" sign.

Chairman McNulty: Oh, "For Sale" sign. Yes.

Board Member Taylor: Okay, well...

Chairman McNulty: We talked about a bond. I don't know where we went with that though.

Board Member Taylor: Rich was going to draw it up for us.

Rich Williams: A bond?

Board Member Taylor: No. The idea of a bond, yes. You were...Yes. He's forgotten.

Rich Williams: I did forget.

Chairman McNulty: Yeah, I...

Board Member Brady: Yeah, I don't remember. I just wrote it down that there was a bond. That we had talked about a bond.

Board Member Taylor: Yeah.

Board Member Brady: I don't remember what exactly it was.

Board Member Taylor: To do the driveway improvements if they don't...

Rich Williams: Right. I'm going to put that in the final...Well, no. That's right. I've got to do another...Okay. I got it.

Board Member Taylor: Yup.

Chairman McNulty: Okay.

Rich Williams; I got it.

Board Member Taylor: Yes.

Chairman McNulty: Yes.

Mr. Paul Gould: I apologize. I came from work. Is this still the matter of the property off of Route 22?

Board Member Taylor: Which property?

Chairman McNulty: Which one? Bill Henry Tree?

Mr. Gould: I'm not sure. I've got the property 2644 [Route 22]. It's contiguous to that.

Rich Williams: Mr. Gould?

Mr. Gould: That's correct.

Rich Williams: Yes.

Chairman McNulty: Okay. Well, hang tight. We actually had the public hearing already. There was no one here. But let us finish with Harry and then we'll entertain your questions.

Mr. Gould: Thanks. Sorry about that.

Chairman McNulty: So, we don't have a formal application, do we? A driveway waiver, so to speak. A form.

Rich Williams: I don't know that one's...

Chairman McNulty: I haven't seen anything.

Rich Williams: been filed.

Chairman McNulty: So do we need that before we act on this?

Board Member Taylor: Well, we need...

Rich Williams: Well...

Chairman McNulty: We need some kind of...

Board Member Taylor: We need the bond. We need...

Rich Williams: Because we've got a whole site plan.

Chairman McNulty: Yeah.

Rich Williams: We've got a site plan. You don't need a formal application. Right?

Mike Liguori: I guess not.

Rich Williams: Yeah, I just need to do the reso on the bond.

Mike Liguori: Right. As long as it's in the reso.

Chairman McNulty: So we have to go through process and formalities. But we don't have a problem with a postponement here for two years, on these improvements.

Mr. Nichols: So that's basically we have conditional approval and depending on your documents that you've got to get drafted up.

Rich Williams: You already have conditional approval.

Chairman McNulty: Yeah.

Mr. Nichols: Oh, we do?

Rich Williams: Yeah.

Chairman McNulty: Your site plan does.

Mr. Nichols: Okay.

Chairman McNulty: It's just the driveway improvements we're going postpone it now for two years until you see what happens with this neighboring property.

Mr. Nichols: Mmhmm.

Board Member Taylor: So Mike, is this essentially an amendment then?

Mike Liguori: The waiver for the driveway?

Board Member Taylor: It's a postponement. None of us like the term waiver.

Mike Liguori: Okay.

Board Member Liguori: It's an amendment to the site plan? Is that...

Mike Liguori: Rich, were you going to do a resolution of the...

Rich Williams: Yeah, I was just going to do a separate resolution.

Mike Liguori: Then we'll just leave it at the separate resolution. Essentially, we...No, we're postponing. That's really what we're doing. By separate resolution, there'll be a paper trail.

Rich Williams: Right.

Mike Liguori: So...

Chairman McNulty: Paper trail attached to this conditional...

Mike Liguori: Right. Exactly.

Chairman McNulty: Yeah.

Board Member Taylor: Alright.

Chairman McNulty: So, next month we should be able to finalize that postponement, Harry.

Mr. Nichols: Okay.

Chairman McNulty: Is that...answer you guys? Any questions?

Mr. Nichols: Anything else that we owe you or...

Chairman McNulty: Just to clean up the site.

Rich Williams: Five copies of the plans so we can sign it.

Mr. Nichols: Five copies? You'll have it on your desk tomorrow.

Rich Williams: Plus whatever you want back.

Mr. Nichols: Alright. You want five yourself?

Rich Williams: Yup. If you want one back.

Mr. Nichols: Alright. Are you going to sign them before...

Rich Williams: No.

Mr. Nichols: next month.

Rich Williams: No.

Mr. Nichols: Oh, ok.

Chairman McNulty: Yeah. We they won't be signed until the next meeting. Alright?

Mr. Nichols: Is there anything that we're going to discuss at the next meeting or is just going to be a matter of accepting the...

Chairman McNulty: No, not unless something comes up.

Rich Williams: Mike did it at the work session.

Chairman McNulty: One question is if the property is for sale, does this postponement follow with the new owner does it go with just the current owner?

Rich Williams: It runs with the land.

Chairman McNulty: It goes with the land. Okay.

Rich Williams: Yeah.

Chairman McNulty: Alright. That's it. You need anything else from us, Harry?

Mr. Nichols: I can't think of anything.

Chairman McNulty: Okay.

Mr. Nichols: It's been a long trip. It's always nice to get to the end of the trail.

Mr. Paul Gould, owner of 2644 Route 22, was present for discussion.

Chairman McNulty: Yes it was. Very good. Okay. Curt [Johnson], do you mind a second if we just...

Chairman McNulty: Sir, you came here... You want to come up to the microphone?

Mr. Gould: Sure. I have the property at 2644 [Route 22]...

Chairman McNulty: Here, right over here. Just state your name and...

Mr. Gould: Sure.

Chairman McNulty: Just so you know, we did have the public hearing; there was no one here so we closed it. And Bill was here with his engineer and we discussed the project.

Mr. Gould: You know, I apologize. Paul Gould. I've got the property at 2644 Route 22. And I've spoken with Greg Macoluso who's the property just above that.

Chairman McNulty: Mmhmm.

Mr. Gould: And I apologize. I was sitting on [Interstate] 684 in an accident for the last hour and twenty minutes.

Chairman McNulty: Yeah. It's a lot.

Mr. Gould: Yeah, so we don't have any opposition to this building. I think, as Greg remembers it, because years ago he developed it. I'm sure you probably know much more about it than I do, there are two or three different ways to enter that lot. And if he wants to enter through the top, which is the right-of-way that Greg and I both have, we're not opposed to it, but nobody's come to us with any sort of proposition on how to maintain the roads. And...

Rich Williams: If I could just jump in here.

Chairman McNulty: Okay.

Rich Williams: There's an existing easement. And I actually printed a copy out and I had a copy for you. You can come in tomorrow if you want and get a copy of it because I showed Sarah where it is. There's an existing easement which grants him access to the property. It's a shared driveway between you and Bill Henry, Greg Macoluso and T&T.

Mr. Gould: Mmhmm.

Rich Williams: The document's all there; it lays out the maintenance. It lays out the issues with storm water. I actually gave the copy that I had printed out to Bill Henry and asked Bill to go see you again, to talk to you about it.

Mr. Gould: Well, not again. He never saw me the first time. So...

Rich Williams: Okay, well...

Mr. Gould: number one. Number two, as Greg remembers it, and I've got to get a copy of it, that easement he has is at that lower part of the driveway. He read it again tonight, Greg did. That's in front of...between the gun store, the sporting goods store and Route 22. He does not have an easement to the top part of the property.

Rich Williams: Yeah, that's not the way I read it. But, you know, I'll leave that up to you.

Mr. Gould: I mean, he remembers that very specifically because that's a whole different...

Chairman McNulty: Well, is there a physical...Well, you said you printed the easement.

Rich Williams: Yeah.

Chairman McNulty: And the easement says it's behind?

Rich Williams: If you want...If you want to take five minutes, I'll go print it out. You can deal with...

Chairman McNulty: Well...

Rich Williams: you know, the next...

Mr. Gould: If you don't mind it.

Board Member Taylor: Yeah.

Chairman McNulty: We could...We would table this for now and we'll come back and we'll get Mr. Johnson up.

Mr. Gould: Okay. Sorry to bother you.

Rich Williams: No.

Mr. Gould: I apologize. I left work an hour early...

Chairman McNulty: Well, that's why we have meetings like this, so that we can get this figured out.

Mr. Gould: Okay. Thank you very much.

Chairman McNulty: You're welcome.

3) BIRCH HILL ASSOCIATES, LLC – Wetlands/Watercourse Permit Application - Continued Review

Mr. Curt Johnson, Zarecki and Associates, was present.

Chairman McNulty: Alright, next we have Curt. Thank you for waiting, Curt.

Mr. Curt Johnson: No problem.

Mr. Gould: Thank you.

Mr. Johnson: Sure.

Chairman McNulty: Birch Hill Associates. Wetland/Watercourse permit application.

Board Member Ladau: Alright.

Board Member Taylor: Still didn't bring my pictures back, did you?

Mr. Johnson: As I walked up the stairs, I said I owe Ron...

Board Member Taylor: Yeah.

Board Member Brady: Did you think you were getting them back?
[Laughter]

Mr. Johnson: I promised Ron I would bring them back so...

Board Member Montesano: Uh-huh.
[Laughter]

Mr. Johnson: I will try to get them here tomorrow.

Board Member Taylor: Okay. Just give them to Rich. They're going to go up on the wall out here.
So...

Mr. Johnson: Alright. I think you guys were out there at your site walk the end of August.
And Ted was there also. And I think...

Board Member Taylor: Yes.

Board Member Brady: Yeah.

Mr. Johnson: Ted was the one that had major concerns. I think we've addressed everything
that he had. And I do want to make a clarification because in my response letter to Ted's comments, I said
that the two apple trees and the hickory would be removed. That's incorrect. The two apple trees are going
to be removed and the hickory tree, 30" hickory, will remain. That's why it kind of pinches down in here,
is to save that hickory tree [referring to the plans].

Board Member Taylor: But the two apples are going to be moved?

Mr. Johnson: We're going to relocate them and...

Chairman McNulty: Okay. That's...

Mr. Johnson: do our best to keep them alive.

Chairman McNulty: what he hoped for. Is to relocate.

Mr. Johnson: Right. But he's got hundreds of other apple trees he's planted on the property. Well, but he...Those are beautiful apple trees.

Board Member Taylor: Yes.

Mr. Johnson: And his intent is to move them elsewhere.

Board Member Taylor: Okay.

Mike Liguori: Move them to Ted's house.

Mr. Johnson: Yeah, right.

Chairman McNulty: He's got no more room.

[Laughter]

Mr. Johnson: You've also got...

Board Member Montesano: The tree stand sits there just right with apples.

[Laughter]

Mr. Johnson: I think you did get information, too, that Mr. Kyle is really trying to work with the Federal Government on getting New England Cottontail habitat re-established on the site.

Chairman McNulty: I saw.

Mr. Johnson: So, that's part of this whole process, is doing that.

Board Member Taylor: Right.

Chairman McNulty: Okay. Now, I forget. We have issues...a variance to the...Is there a variance on this project that was needed to be closer to the road? I think Ted said something about it.

Mr. Johnson: Variance?

Chairman McNulty: I might be confused with another project.

Mr. Johnson: I don't think so.

Board Member Taylor: No. I don't think...The...Our remaining issue was the engineering wanted, and we wanted, a detail of the spillway.

Board Member Brady: Right.

Board Member Taylor: If the pond should flood at some point.

Mr. Johnson: Yes.

Board Member Taylor: So, you now have that on this plan?

Mr. Johnson: Yeah. I think it was actually on...It's been on here. There is a fabric right here. Pond outfall, refer to detail here.

Board Member Taylor: Yes. That's not a detail.

Mr. Johnson: Right here. Pond Outfall Detail...

Board Member Taylor: Okay.

Mr. Johnson: on the drawing. And that's been there. And that's a...It's got nonwoven filter fabric liner and vegetation and stuff like that. That's the Pond Outfall Detail, and it's located right here...

Board Member Taylor: Okay.

Mr. Johnson: At the pond.

Board Member Taylor: Alright. So we'll have to look at that. And we're just concerned about flooding. And then immediately...Everything gets washed into Stephen's Brook.

Mr. Johnson: Mhmm.

Board Member Taylor: So we would want that outflow to be secure.

Mr. Johnson: Right.

Board Member Taylor: Otherwise, I don't think we had any remaining questions or objections or anything.

Mr. Johnson: Okay.

Chairman McNulty: No, Ted didn't have any big issues other than the apple trees.

Mr. Johnson: And I think he'd be happy to know that the hickory is going to stay, too.

Chairman McNulty: Is going to stay. I'll let him know. And you're going to...The disturbance to form this, it will...You have enough room to protect the tree?

Mr. Johnson: Oh, yes. Yeah. That's why we've kind of created around this whole thing and it necks down. We're trying to make that natural pond feel in there and put it on that piece of land, so...

Chairman McNulty: Okay. And how close are the neighboring properties to the outfall here. To the actual...

Mr. Johnson: Here's the road here and this is his property. Here's the pond and the outfall's right there.

Chairman McNulty: So that...To your left there, that's the neighboring property right there?

Mr. Johnson: Lindelious? Yes.

Board Member Taylor: Yeah.

Mr. Johnson: South on the street. It's...

Chairman McNulty: Because my only concern is that if it did ever have a failure, the spillway failed, is there a house in that path?

Mr. Johnson: It's not...This really, it's not a dam. This is basically digging a hole in the ground, basically.

Chairman McNulty: It's a cow pond.

Mr. Johnson: Yeah. It's not a dam. So there's not going to be catastrophic failure of a dam, so...

Board Member Taylor: And, you know, one concern of a spillway is if there's a flood condition, it's going to over-wash the pond. It's not that the pond is going to break and go in.

Mr. Johnson: Okay.

Board Member Taylor: It's just we don't want it washing sediment...

Mr. Johnson: Right.

Board Member Taylor: down into Stephen's Brook.

Mr. Johnson: Correct. And we have this soft channel in here that will do that. And this also doesn't have water flowing into this.

Mike Liguori: Right. Right.

Mr. Johnson: It's basically groundwater coming up. So it's not going to...

Chairman McNulty: Yeah. Spring water.

Mr. Johnson: inundate this pond with water flowing in.

Board Member Taylor: And most of your water flow is that stream to the...Yeah, that.

Mr. Johnson: Right here.

Board Member Taylor: Yeah.

Mr. Johnson: Correct. That just flows by it.

Chairman McNulty: Okay. I don't remember, did Ron make comments on this? Ron Gainer.

Board Member Taylor: He wanted to see a spillway. That was his comment, yeah.

Mr. Johnson: And that's been on the drawing for...

Board Member Taylor: I...

Mr. Johnson: It hasn't changed.

Board Member Taylor: I don't know. He said it wasn't there.

Mr. Johnson: Because this is dated 7/21/15. So it's been on there since July.

Chairman McNulty: So we'll have to double check with him and make sure he's satisfied with things. As far as procedurally with this, do we need a public hearing? We should on it.

Board Member Taylor: Probably should.

Chairman McNulty: Or if we waive it.

Mike Liguori: Let me take a look...Let me just grab Rich's Code. I didn't bring mine. But let me see if there's a requirement.

Chairman McNulty: Okay. I think we could waive it. That's why I asked about the downstream...

Mr. Johnson: Yeah. He's got a lot of land.

Chairman McNulty: I don't want to create something that we didn't notify somebody of.

Board Member Montesano: Is Elmer Fud going to be invited in.
[Laughter]

Mr. Johnson: Sure. Only in wabbit season.

Board Member Brady: I want to see it when it's all done. I'd like to see how it turns out.

Chairman McNulty: Yeah.

Board Member Taylor: Well, 500 foot radius is...

Board Member Brady: You never get to see that, you know...

- Board Member Taylor: you hit more people across the road than you would on this side of the hill.
- Chairman McNulty: That's what I mean. To be uphill, that's what I'm saying.
- Mike Liguori: So there's a requirement. You have the ability to waive it if you choose.
- Chairman McNulty: Yeah, that's what I thought it was.
- Mr. Gould: Thank you, Rich [referring to handing him a copy of the easement].
- Rich Williams: Sure.
- Board Member Taylor: So do we want to do a public hearing or not?
- Chairman McNulty: Um...
- Mr. Johnson: I would say that's a good three hundred...It's probably a good three hundred, plus, feet, if not more, to that property from the pond would be. So, quite a length away.
- Chairman McNulty: I don't know. How does the Board feel about waiving a public hearing?
- Board Member Brady: I'd have no problem waiving it.
- Board Member Ladau: No.
- Chairman McNulty: I don't have a problem waiving a hearing either.
- Board Member Taylor: Well, you've got three votes right there. That's all you need.
- [Laughter]
- Board Member Taylor: Doesn't matter what we think.
- [Laughter]
- Chairman McNulty: Well, it does matter.
- Board Member Montesano: This is a lopsided affair.
- Chairman McNulty: Rich, procedurally with this, where are we at as far as...We talked about Ron maybe look...he wanted to look...get Ron Gainer to look at it a little more and make sure his questions are answered.
- Rich Williams: Yeah. That's all. We just want to take one last, quick look at it. You know, if you're not going to have a public hearing, and then wrap it up next meeting.
- Chairman McNulty: Okay. I make a motion to waive the public hearing for the...
- Board Member Ladau: Second.

Chairman McNulty: Birch Hill Associates.

Board Member Ladau: Second.

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

Rich Williams: The one thing that did come up is you need a better outlet on the pond.

Mr. Johnson: Mmhmm.

Rich Williams: So that if it overflows...

Mr. Johnson: Right. That...Did Ron look at this detail that's on here?

Rich Williams: He did.

Board Member Taylor: Oh, he didn't like it? Oh, okay. That's different.

Mr. Johnson: Alright, so we'll have to work with Ron and just get something that...

Chairman McNulty: Yeah, you may want to get with Ron and see what he wants to do with that.

Rich Williams: Either way, you're going to want to put some sort of weir...Not weir, but you know, armored outlet on the pond...

Mr. Johnson: Mmhmm.

Rich Williams: So it doesn't erode. In case you get 100 year storm or the water comes down...

Board Member Montesano: I've got plans for the Hoover Dam.

Rich Williams: blows over the top, that it's got a stable channel to get to.

Mr. Johnson: Alright. So we'll work with Ron and get that finalized.

Mike Liguori: (Inaudible – too distant and too many talking)

Chairman McNulty: We have two applications here. One is the Wetlands/Watercourse. The other one the sediment control application form.

Rich Williams: Yeah, you don't have to worry about that.

Chairman McNulty: We don't have to act on that one.

Rich Williams: Nope.

Chairman McNulty: Okay. So I guess you get together with Ron.

Mr. Johnson: Okay.

Chairman McNulty: See if you can work that out and...

Mr. Johnson: Hopefully next meeting, fingers crossed.

Rich Williams: Yup.

Mr. Johnson: Okay.

Chairman McNulty: See how it goes.

Mr. Johnson: Very good.

Chairman McNulty: Okay.

Board Member Montesano: You're going to get started immediately with that, right? Done in the winter time. I mean...

Mr. Johnson: I'll head out there after the meeting with a shovel myself.

Board Member Montesano: Okay. Just do a head check.

Mr. Johnson: Thanks. Have a good night.

Chairman McNulty: Thank you.

Board Member Brady: Thank you.

Board Member Montesano: I thought he just wanted to play with backhoes and stuff.

BILL HENRY TREE SERVICE, LLC – Continued

Chairman McNulty: Okay, next we...Oh, we got back to Mr. Gould. Okay.

Board Member Taylor: Oh, he's reading his papers there. Do you need a few more minutes?

Mr. Gould: Well, it's just tough to know what they're talking about without...They do talk about a lot of stuff.

Chairman McNulty: I have a plan here.

Rich Williams: No.

Chairman McNulty: Okay.

Rich Williams: It's not what he wants.

Board Member Taylor: So we can move onto the next item and...

Chairman McNulty: Sure. We'll come back to you, Sir.

Mr. Gould: Sure. Thank you.

4) OTHER BUSINESS

a) Camp Re: Lake Charles Dam – Wetlands/Watercourse Permit

Chairman McNulty: So we'll move on to...

Board Member Taylor: Camp Re.

Chairman McNulty: Camp Re. Is that what it is? Camp Re, Lake Charles Dam. We have a Wetlands/Watercourse Permit Application for repair of the dam. They've already received their DEC permit but as far as I know from conversation with Rich, we haven't seen a plan yet of any type of what's actually happening here.

Board Member Taylor: Well, Rich said he has a plan.

Chairman McNulty: He does have a plan? He just hasn't reviewed it yet?

Board Member Brady: Yeah, I think that Teddy was supposed to review it but...

Board Member Taylor: Yeah. They're working on figures or something.

Chairman McNulty: So...

Board Member Taylor: Whatever it is. So, postponed it to next month?

Chairman McNulty: Yeah, it was... There was a request to possibly waive the public hearing but I'm not in favor of that. I would postpone this till further review.

Board Member Taylor: Okay. And I would suggest that people go on Google and look to see where it is and what's downstream and...

Chairman McNulty: Yup.

Board Member Taylor: And that would answer a lot of questions, I think.

Chairman McNulty: Sure. And see where it is. I mean, if it needs repair, it needs repair. But let's get everything in place here.

Board Member Montesano: Their proposed starting date was the first of this month...of last month.

Board Member Brady: Yeah.

Board Member Montesano: And then it's supposed to be done by December 31st of this year.

Chairman McNulty: Well, we just got this for our November...

Board Member Montesano: No, no. What I'm saying is we notify them that they're going to have to change this paper or just continue because we'll postpone it for another month.

Chairman McNulty: Well, possibly we can change that in the resolution when we pass it.

Board Member Montesano: Well, we should check with...Okay. We'll check with Richie. No, because the State's involved. I don't know how long that permit is good for.

Board Member Brady: There was some emails going back and forth with Andrew today.

Chairman McNulty: Yeah. But until we see a plan, you know, there's not much...

Board Member Montesano: Alright.

Board Member Taylor: Well, they also...

Chairman McNulty: to give them.

Board Member Taylor: they need to work out their stuff with Ted, too.

Chairman McNulty: Yup.

Board Member Montesano: Their problem.

Chairman McNulty: Okay, also under other business, we talked about Patterson Auto Body and the sign. I happened to be down there the other day getting fuel. And where he proposed to put it was to the north side of the lot. But after looking at that, I'd want it...I'm not comfortable until I would actually see where he's going to put it because there's two...Well, there's at least two telephone poles with wires crisscrossing all over the place right at that corner of his property and the restaurant neighboring it. And it's all pavement. There's nothing but a curb between [Route] 22 and the pavement. So, it's a tight spot. Especially at 20' high.

Board Member Ladau: Mmhmm.

Chairman McNulty: So I'd like to get clarification on the exact location where that's going to be. I don't think we need a site visit, but if you pass by there, if you're at a red light, take a look. It's...

Board Member Brady: I was there today, I didn't even think about it.

Board Member Taylor: Okay.

Chairman McNulty: It may be better at the other entrance.

Board Member Taylor: He doesn't want it down there.

Chairman McNulty: I...

Board Member Taylor: To interfere with his other signs.

Chairman McNulty: Yeah. I understand that.

Board Member Montesano: Yeah. You got...

Chairman McNulty: I was looking right at the sign and I understood what he was saying, but...

Board Member Montesano: The view is probably going to be as you're coming down the hill more than...

Chairman McNulty: Rich, I just brought up Patterson Auto Body.

Rich Williams: Yeah.

Chairman McNulty: When Jim was in, he mentioned that where he wanted to place the sign was on the north end of the lot.

Rich Williams: Yes.

Chairman McNulty: But when I was there the other day, it's pavement with nothing but a curb, basically, between [Route] 22 and the pavement and two telephone poles right there with a number wires. Did you bring that up?

Rich Williams: Yeah. I said you're going to have a problem with the utility poles, aren't you? He said, no, there's no utility poles there.

Chairman McNulty: Well, maybe that's why it came to light when I was standing there because there's a lot going on in that corner and not a lot of room.

Rich Williams: Right.

Chairman McNulty: So, I think if you talk to him before we do, let him know we have to look at this location. Maybe he's going to have to provide us with a photograph, or something...

Board Member Taylor: A rendering.

Chairman McNulty: A rendering.
[Laughter]

Chairman McNulty: A rendering of where he wants it. A crude rendering, if that.

Rich Williams: Alright, when he gets back I'll talk to him.

Chairman McNulty: Okay. Anybody else, anything on that? Okay. Alright. Well that...

5) MINUTES

Board Member Taylor: Motion to approve minutes.

Board Member Brady: Yeah, might as well get them out of the way.

Chairman McNulty: Yeah, we can do that.

Board Member Brady: I know somebody here would be very happy about that.

The Secretary: Yes.

Chairman McNulty; I'm good for that.

Board Member Ladau: Yup.

Chairman McNulty: Make a motion to approve the minutes for August 6th...

Board Member Taylor: I just did.

Chairman McNulty: I'm listing the dates.

Board Member Montesano: He just made the motion.

Board Member Taylor: Okay.

Chairman McNulty: August 27th and September 3rd. We have three in there. I just wanted to clarify that.

Board Member Taylor: Oh.

Board Member Brady: Second.

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

Chairman McNulty: Thank you, Sarah. They were nicely done.

Board Member Montesano: He doesn't want anything done in December, does he?

Board Member Taylor: Yeah. We might as well go home. They've got their three votes.

[Laughter]

Board Member Montesano: Boy, I'm telling you. Talk about being left out.

Chairman McNulty: I'm half awake; I'm trying to keep it official.

Board Member Montesano: Keep it official.

Chairman McNulty: I'm amusing Ron.

BILL HENRY TREE SERVICE, LLC – Continued

Chairman McNulty: Okay, so we have this one last issue here with Mike Liguori looking off the map.

Board Member Taylor: Is this play-by-play here?

Chairman McNulty: Yeah. Out of the seat, it's over and the Mets blew it.

Board Member Taylor: Yeah.

Board Member Brady: Yeah.

Mike Liguori: [Inaudible – too distant – having side conversation with Mr. Paul Gould]

Board Member Brady: And next year the Yankees are going to do it.

Board Member Montesano: Wait till next year. I remember hearing that saying somewhere.

Board Member Taylor: I believe it was another 15 years or whatever it was.

Board Member Montesano: Hey, let's put it this way, I don't care what they said, Back To the Future 3 did not happen.

Board Member Taylor: Yeah.

Board Member Montesano: Chicago is still wanting.

Board Member Taylor: Poor Chicago.

Board Member Montesano: Mr. Belushi, I don't care how many movies he makes with them winning, never going to happen.

Chairman McNulty: Well, I have one other issue here while we're waiting. Got a letter from our legislator for our district and there's going to be a meeting on the 16th for the tower; the cell tower they're proposing. I guess it was thought to be on Metro North. It's not on Metro North though, correct?

Board Member Taylor: What.

Chairman McNulty: It's in the Metro North lane but it's in the County property?

Rich Williams: Right, so...

Mr. Gould: But he doesn't have it already. He doesn't have an easement. His easement goes to right here [referring to plans – having side conversation with Rich Williams and Mike Liguori].

Board Member Taylor: Are they talking about moving it now?

Chairman McNulty: That's what I'm not sure about. That's why I'm bringing it up. But originally...

Rich Williams: I don't know that his easement...I gave it to his engineer. What I'm saying is...

Chairman McNulty: Rich told us at one meeting that he discovered it wasn't on the property...

Board Member Brady: Right.

Chairman McNulty: he thought it was going to be on.

Board Member Brady: Originally, they thought it was going to be on the railroad property, but it's on County property.

Chairman McNulty: County property. That's why...

Mr. Gould: What we're saying is, and Greg remembers it specifically...

Board Member Taylor: It substantially doesn't...

Board Member Montesano: That means we've got something to say. But then again, they'll put it back on the old train station...

Mr. Gould: Yeah, I'm not engineering this thing.

Rich Williams: Yeah.

Mr. Gould: All I know is his easement just went in front of the sporting goods shop.

Rich Williams: Right.

Board Member Taylor: What I've heard is the Town was proposing to then put it on the landfill property.

Rich Williams: Well, there's a drainage easement that goes with it.

Mr. Gould: Right.

Rich Williams: What I would suggest...

Board Member Taylor: That would mean the Town would have to transfer some of that property to the railroad so they could put it there and but that would then get it out the whole area. So I don't know what's going on with it this evening.

Mr. Gould: I just want to make the Board aware that there's a disagreement...

Board Member Brady: What time's that meeting?

Board Member Taylor: Seven. Or Seven thirty.

Mr. Gould: Because he seems...He told Greg, he seems to think that his easement goes all the way here and across.

Chairman McNulty: Alright. We've got these guys...

Board Member Taylor: Seven.

Mr. Gould: But then proceed to say, but I have other alternatives.

Board Member Taylor: At the Rec Center.

Rich Williams: Yeah, I don't know that it doesn't, but again...

Chairman McNulty: Yeah.

Rich Williams: that's something you're going to have to work out.

Mr. Gould: Okay.

Mike Liguori: This document doesn't say it.

Mr. Gould: Right. But you agree, the easement goes to right here.

Mike Liguori: That's it.

Mr. Gould: Okay.

Chairman McNulty: So what did you guys come up with here?

Mike Liguori: So I see T&T and I see Henry...

Mr. Gould: Right.

Mike Liguori: And that makes sense.

Board Member Taylor: Mr. Gould was right? The easement doesn't go all the way back where he needs it.

Mr. Gould: So, I think we all agree but we're not certain, I guess is the best way of putting it. Greg question is, this is the long driveway that goes up to the two buildings that you...that were built, you know, that you...

Chairman McNulty: Sit up on the hill.

Mr. Gould: Correct. And there's an easement to right here, which we just discussed, which is about a third of the way up that driveway. And then it takes a left as a way of getting in here, which is the way Greg remembers it being designed. Okay. And it does not go...There's a drainage easement up there that goes further up the hill but not a right of passage even.

Rich Williams: Yeah, but what I was...What I said is the site plan, when DEW and Macal both came in, there has to be an easement going up to Greg Macoluso's property across your property.

Mr. Gould: Right.

Rich Williams: So there has to be some driveway easement going up there. I didn't plot out the meets and bounds, you know...

Mr. Gould: You mean...An easement for who though?

Rich Williams: For Greg Macoluso to cross your property.

Mr. Gould: Oh, there is. No, no. Greg and I both worked...

Rich Williams: So...Okay. So there absolutely has to be at least that easement.

Mr. Gould: There is.

Rich Williams: Now, when I read that, again, on a quick read, you know, everybody's lumped in together so...

Mr. Gould: Yeah.

Chairman McNulty: Sir, where is your property.

Mr. Gould: Up here. And the easement which we just discussed, comes to right here. And the design...His answer to his problem would have been to go straight across just below, between the sporting goods shop and [Route] 22 across that property and then up into whatever he wanted to do up here, which I have no objection to. I'm not here for that purpose whatsoever. My purpose is just simply, if he wants to discuss this easement, which we welcome to discuss with him, then we have to work out the terms. That's all.

Board Member Taylor: Yeah.

Chairman McNulty: Okay. So that's something that hopefully that you guys can work out with Mr. Henry and take it from there.

Mike Liguori: The point being that you're going to, you know, if there's going to be an approval of site plan that going to cross his property, we're going to need his permission first.

Chairman McNulty: No, and I understand. That's why we have public hearings.

Mr. Gould: And once again, I apologize for the wait. I really tried to get here on time.

Chairman McNulty: No, it's...I understand. There just...There was nobody in the audience so...

Mr. Gould: Sure. Yeah, I think I called the young lady which I'd be here, but unfortunately...

Chairman McNulty: Oh. Okay. Alright, so where do we go with this? We're talking about...Well, he needs to get us some renderings and information first.

Rich Williams: Yeah. He has to get us some renderings and we are where we are. I mean, when I...As I said, when I...When Bill Henry left here, I gave him the document. I said go see Mr. Gould, make sure everything's okay.

Mr. Gould: Okay.

Rich Williams: You know, it's incumbent upon Bill Henry to work out these details.

Mr. Gould: Okay. And we'll make ourselves available...

Chairman McNulty: Okay, well we're aware of it now so...

Mr. Gould: We just want to maintain, not give him a hard time.

Chairman McNulty: Sure.

Mr. Gould: Just want to maintain it.

Chairman McNulty: Sure. I'm sure you guys can work it out.

Mr. Gould: Okay.

Chairman McNulty: Alright.

Mr. Gould: Thank you very much.

Chairman McNulty: You're welcome.

Mr. Gould: And sorry to hold up.

Board Member Taylor: No.

Board Member Montesano: No problem.

Mr. Gould: Have a good evening.

Chairman McNulty: You, too.

b) Discussion of Potential Metro North Cell Tower on Route 164

Chairman McNulty: Rich, last thing that we were just talking about is this cell tower poll.

Rich Williams: Yup.

Chairman McNulty: Ginny's [Nacerino] invited us to the meeting for our input. They...Give us the background again on that. It was originally thought to be on Metro North property?

Rich Williams: Well, the original...Everything that they sent the Town showed it to be on Putnam County property, which is adjacent to the Metro North right-of-way.

Chairman McNulty: This is right along [Route] 164.

Rich Williams: This is right along 164 where the railroad tracks cross in front of the trestles. Ultimately, what they did was they came back with a plan showing adjacent to the tracks, in their right-of-way, a compound, a fenced in compound, that is 20' wide and 100' long with a 180' monopole tower with exterior antennas. We contacted them. We tried to discuss it with them. We proposed an alternate location for them. They rejected the alternate location as not meeting their needs without giving us any backup. Now, you know, they're their own State agency. They are not subject to our rules and regulations so there's not a lot the Town can say about this.

Chairman McNulty: What about...Isn't that area pretty wet where they are proposing it?

Rich Williams: That's within 100' of a State wetland, yeah.

Chairman McNulty: So are they exempt from those rules as well?

Board Member Montesano: It's the State.

Rich Williams: They may be. I don't know.

Chairman McNulty: And if they are not, does it fall back in our lap?

Rich Williams: No.

Mike Liguori: No.

Board Member Taylor: No, it's still...

Chairman McNulty: It's still...That would be DEC.

Mike Liguori: Yeah.

Rich Williams: Yup.

- Mike Liguori: I know, typically, the State agencies don't exempt themselves from the State's requirements. But they don't get the grief anyone else does.
- Rich Williams: But the MTA is kind of its own separate world.
- Mike Liguori: Sure. Yeah, it's...
- Rich Williams: Yeah. Now what they're...
- Chairman McNulty: It would be or chance to get the whistle noise cut down.
- Rich Williams: What they're doing is they're proposing this 180' cell tower so that they could provide coverage to their police force up and down the railroad tracks, that's what they're saying. But they're also putting secondary carriers on it, which are going to provide...
- Chairman McNulty: A better service.
- Rich Williams: A better service to everybody.
- Board Member Montesano: Yeah.
- Rich Williams: Which is what's driving the height of the tower.
- Mike Liguori: And if there was...It's a tough argument because if the secondary service was the primary use which, you know, if there's... You go count towers, it's going to end up being a primary, right? There's going to be one antenna for the MTA Police and probably, you know, Verizon, Sprint and T-Mobile.
- Rich Williams: Right.
- Mike Liguori: I think there are only three carriers left on...in the US.
- Rich Williams: Well, the Metro North is a whip on top of...
- Mike Liguori: It's a whip, right. Exactly.
- Rich Williams: On top of the three, big antennas that are going to go up there.
- Mike Liguori: Right. Right. So it's going to be the tail wagging the dog but...
- Board Member Brady: Right.
- Mike Liguori: But, they're making the application, not Verizon. Not, you know, Sprint. Not T-Mobile.
- Chairman McNulty: So they are the primary.
- Mike Liguori: Yes. So they...

Chairman McNulty: And they haven't made a formal application yet, have they?

Rich Williams: They're not making any application.

Board Member Montesano: Don't have to.

Rich Williams: They're going to go build a tower.

Mike Liguori: They're just saying, hey guys.

Board Member Brady: Well, what happens when Verizon now wants to put their antenna on the tower?

Mike Liguori: They're going to pay the MTA.

Board Member Brady: So they don't have to come in front of the...

Board Member Ladau: No.

Board Member Montesano: Nope.

Board Member Brady: Town at all, even though they're, you know, not...

Chairman McNulty: But...

Board Member Brady: They're not government agency. They're private.

Mike Liguori: No, certainly not.

Chairman McNulty: So they're open to do anything they want with the tower? Out...It doesn't have to be restricted to their services as a...

Mike Liguori: Well, they're the primary...The purpose of the application is for their antenna.

Chairman McNulty: Let's back up a second. There is no application, right?

Mike Liguori: Right. Well...

Chairman McNulty: The purpose of their...

Mike Liguori: Yes.

Board Member Ladau: Yeah.

Chairman McNulty: building this...

Mike Liguori: The purpose of their project...

Chairman McNulty: Yeah, okay.

Mike Liguori: is to serve the...Metro North. That's the purpose.

Rich Williams: Yup.

Mike Liguori: Now, there's a corollary benefit which is going to be the ability to sublet to those other entities.

Chairman McNulty: Is there any legality...or legal action to take to limit them from that?

Mike Liguori: Well, it just depends on how much you want to spend.

[Laughter]

Mike Liguori: What makes sense for the Town Board? Is it just a matter of...

Rich Williams: But at the end of the day, it's likely we are not going to prevail.

Mike Liguori: Right. Right.

Rich Williams: So we're just...

Chairman McNulty: No, I...

Rich Williams: We're going to spend a lot of many and we're going to lose because on top of everything we're talking about here, you also have the telecommunications act...

Mike Liguori: Right.

Rich Williams: by the FCC that says hey, you know, we want these towers up.

Chairman McNulty: Which we've been up against before.

Board Member Brady: Right.

Rich Williams: Yeah. You can't restrict them.

Board Member Taylor: Well, that's one...

Mike Liguori: I'm up for the fight. I don't know if...

Board Member Taylor: To throw another piece in this...Well, you get paid for the fight.

Mike Liguori: That's right.

Board Member Montesano: What do you need, another set of golf clubs?

Board Member Taylor: I heard through FROGS that they are some studies out there that cell towers affect migration...migrating birds. Now whether that...If they can dig out studies, whether that would affect this...

Rich Williams: Yeah.

Board Member Taylor: in DEC's mind or not.

Rich Williams: Jim Utter is working on that.

Board Member Taylor: Yeah.

Rich Williams: Because Jim Utter has been doing the migratory birds in that corridor for a very long time.

Board Member Taylor: Yeah.

Rich Williams: But...

Board Member Taylor: But it would...

Rich Williams: you know, somebody would have to bring a legal challenge saying that the tower is going to significantly affect the migratory patterns and approve it.

Board Member Taylor: Right.

Rich Williams: You know?

Board Member Taylor: Yeah.

Chairman McNulty: So they don't need SEQRA, either?

Rich Williams: No. Well...

Board Member Taylor: At the State level they might.

Rich Williams: They needed NEBA for some reason.

Mike Liguori: Well...

Rich Williams: Which is the Federal Environmental...

Mike Liguori: Yeah, they probably will do some version of an environmental...It's not going to be, you know, it might not be an EIS, but it...they may go through their short form and have some, you know, some form of environmental review. They may. But I'm not 100% positive.

Rich Williams: Well, that's not...

Board Member Montesano: And New York City is not even going to stick its nose in.

Rich Williams: No. That was how the Board got notified, was they were doing the archeological element of the environmental review.

Mike Liguori: Got you.

Rich Williams: Which is required...It's required by the FCC, I believe.

Board Member Taylor: Yeah, because the Historical Society got a letter asking if there was anything of historical significance there.

Rich Williams: Right. Yeah.

Board Member Taylor: And there's not. So...

Mike Liguori: You can't put something there?

Board Member Taylor: Well, there never was anything.

Chairman McNulty: The railroad's not historical?

Mike Liguori: Foundation.

Board Member Montesano: The coins you used to find there were historical.

Board Member Brady: Now, is this on the south side of [Route] 164 or on the north side of 164?

Board Member Taylor: South side.

Rich Williams: South side.

Board Member Montesano: South.

Board Member Brady: South side.

Chairman McNulty: Right up against the...

Board Member Brady: That building's that there...

Chairman McNulty: (inaudible – too many talking) road and...

Rich Williams: There's two houses on the north side.

Board Member Montesano: Where the train station used to be.

Rich Williams: This is right in their front yard.

Board Member Brady: Yeah, right. Right in Ginny's backyard. By the time that thing's up...

Rich Williams: Mmhmm.

Board Member Brady: She'll be looking out her back door...the back window and seeing it.

Mike Liguori: Wow.

Board Member Montesano: They'll put a flag on it and call it patriotism.

Chairman McNulty: Okay. Well, it doesn't sound like we have much to say about any of it.

Board Member Montesano: Mmhmm.

Chairman McNulty: Does anybody have anything to say about anything else?

Board Member Brady: Nope.

Board Member Ladau: Nope.

Chairman McNulty: Motion to adjourn.

Board Member Brady: Second.

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

Meeting was adjourned at 7:49 p.m.