

TOWN OF PATTERSON
PLANNING BOARD MEETING
November 6, 2014

AGENDA & MINUTES

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2) RP Development – Lot Line Adjustment	18 – 24	Lot Line Adjustment approved.
3) Illescas – Wetlands/Watercourse Permit	24, 58	No one present to represent the application. No Discussion held.
4) Frank’s Automotive, LLC – Sign Application	24 – 51	Discussion of two proposed signs. Planning Board wanting total square footage of signage to decrease. Waiting on more information from the Applicant.
5) 859 Fair Street Realty – Site Plan Waiver	51 – 58	Set a public hearing for 12/4/14.
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b) Discussion with Town Planner	88 – 93	Discussion of Planning Board group emails and
c) Minutes	93	Minutes from 9/25/14 & 10/2/14 approved.

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PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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PLANNING BOARD

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Ron Taylor, Vice Chair
Michael Montesano
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**Planning Board
November 6, 2014 Meeting Minutes**

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

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

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

There were approximately 10 members of the audience.

Chairman McNulty called the meeting to order.

1) DINO RENTOULIS – Site Plan Application Public Hearing

Mr. Harry Nichols and Mr. Dino Rentoulis were both present.

Chairman McNulty stated good evening everyone. There's a public hearing tonight for Dino Rentoulis. Would you like to announce it, Sarah.

The Secretary stated sure. Okay.

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 6, 2014 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Dino Rentoulis Site Plan Application to allow for a parking area associated with the restaurant located at 2970-2974 Route 22**. The property is located at 2944 Route 22 (C-1 Zoning District), Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman McNulty stated thank you.

The Secretary stated you're welcome.

Chairman McNulty stated hello, Harry.

Mr. Harry Nichols stated good evening.

Chairman McNulty stated how are you tonight.

Mr. Nichols stated good. How about you.

Chairman McNulty stated good. So you want to give a brief description of what's happening here.

Mr. Nichols stated okay.

Chairman McNulty stated or detailed description.

Mr. Nichols stated alright, this is the existing Alpine Restaurant in this location here. And the parcel that is onis called, I guess, a north parcel, in reference to that. We've expanded the parking into the south parcel to provide additional parking that was deemed necessary in order to open up the facilities within the restaurant to the extent that the owner would like to. So we have added the required number of parking spaces. We are providing 47 parking spaces in this area. Entrance into the parking area will be from Old Route 22, or Thunder Ridge Road it's called. And in regard to this additional parking that we're proposing, we ran site lighting in order to illuminate the area. There will be some plantings at the entrances, to dress it up a little bit. And the construction has been limited to about .57 acres. We're staying under that magic number of one acre. In that regard...

Chairman McNulty stated you're looking to do an asphalt surface, correct. This...Yes. We're proposing an asphalt surface. We finished...finished asphalt pavement. The material, there is some extra material in here that will have to be removed in order to provide the proper grading. That will be placed in a low area that's on this south parcel, this location. To provide a barrier that will not allow cars to cross from the right-of-way line in here into the parking area. We're putting in these concrete parking lots just to maintain the integrity and also it serves as a wheel stop in order to provide the physical barrier that will keep cars from going out and parking in the right-of-way itself.

Chairman McNulty stated how's the elevation there where it meets the existing driveway that comes through the roadway there.

Mr. Nichols stated this is...well, this is currently paved, this 20 feet right here. The pavement was extended and there are indications out there that it's been used for parking for some time. That does, however, that does fall on to the...Within the limit of the south parcel. But the access, again, it looks like it will all be from Thunder Ridge Road either by coming in from where it branches off of [Route] 22 north or by coming in and going through the (inaudible) here, making a turn and into the parking lot.

Chairman McNulty stated okay.

Mr. Nichols stated that's basically what we're proposing.

Chairman McNulty stated okay.

Mr. Nichols stated that's minimal construction and necessary in order to meet the parking standards.

Chairman McNulty stated alright. Do we have anybody here tonight that has comments for this application.

Mr. Robert Lusardi stated yes.

Chairman McNulty stated please come up and state your name and make your comments.

Mr. Robert Lusardi stated good evening, my name is Robert Lusardi. I'm an attorney with the firm of Daniels, Porco and Lusardi. We represent the adjoining property owner; Patterson Center. Patterson Center is the owner of the strip of land between the two Rentoulis parcels. Patterson Center is also the owner of the Thunder Ridge Ski Area property. We own fee-title, which is actual fee –ownership of this property, which is listed on this survey as a right-of-way. It's our property. I've submitted a letter to the Board this evening dated November 6th.

Chairman McNulty stated yeah, we just received it. Haven't had a chance to look at it yet.

Mr. Robert Lusardi stated alright, well I'm going to just basically take you through what I'm saying in the letter and if you care to look at the letter at your leisure that's fine. Basically, we've been through this before. Some of you may or may not have been on the Board back in 2002 when we originally opposed a similar application. And the basis for our opposition was at that time, and still is, that there's no right to cross our property from the south parcel to the restaurant parcel, alright. There's no...there's no easement or other legal right to come across our property. So what had happened back in 2002 is I had submitted a letter to the Board after doing a title search and reviewing the title and basically indicating that that's...those are our legal rights and this site plan violates those rights. And what happened back in 2002 was that the Board granted a site plan approval for the restaurant but with parking on the north parcel. And they had quite a number of parking spaces on the north parcel and that's the way it's been since 2002. And I submit to you that's the appropriate site plan for this property. What apparently the property owner's attempting to do here is to expand further the parking for the restaurant. Now, it's clearly not on-site parking and you're relying on the provision...And you're relying on the provision of the Zoning law that allows you to park off-site within 500' in the Board's discretion. And it's a matter of discretion for this Board as to whether or not you allow that. What they're necessarily doing here is parking here and people were necessarily going to walk across our property to the restaurant property in violation of our property rights. Now, there is litigation presently pending between Patterson Center and Rentoulis and that's one of the issues that's involved. The other issue is the property line itself. Now, the property line that's shown on the Rentoulis map for our property is much narrower than the property line that we claim. And I've attached to my letter of November 6th the survey from Terry Bergendorff Collins that shows our property lines as she has determined the boundaries to be. And the Terry Bergendorff Collins survey shows the property line being a width of 50' which would put it right into the area that's being shown here as parking for the Rentoulis parking. So, there are two legal issues that are presented here. First is, the right to cross our property. The second is, the actual location of the boundary line. In addition to those issues there are other issues and one of them is you can see what the applicant's attempting to do here is he's attempting to that, well, we're not going to come across here, we're going to come out on to Old Route 22. Okay, what are people going to do then. You have all these people parking cars, coming out onto Old Route 22. Now, during ski season, I can tell you, this is the main entrance to the ski area. Buses come here, cars come up here. It's a constant flow of traffic, alright. From a safety standpoint, from a traffic control standpoint, it's crazy to have people parking on this side and crossing over this thoroughfare to get to this restaurant which itself is right on the property line. In addition, the people are going to be coming out onto Old Route 22, this is an area where the Town has been very actively ticketing cars for parking along here because it's a narrow road. You have big buses coming in trying to make the turns here and people are also walking to and from the ski area up here. It's going to create a serious traffic problem and that's something that this

Board has to consider as well. So, there are other things I can talk about but those are the main points and we would ask you to...And I should say that this matter has been scheduled for trial, the litigation between my client and Rentoulis has been scheduled for trial three times. And it's been adjourned three times at the request...

Chairman McNulty stated this is over the survey location.

Mr. Robert Lusardi stated the survey and the easement situation. And we were scheduled to go to trial last September, Mr. Rentoulis asked for another adjournment. It just seems to me crazy to be trying to prosecute a site plan application while property rights and property issues are not determined by the courts. I would submit that the appropriate thing is to table this application until the lawsuit is resolved. It's not us that's delaying it. It's Mr. Rentoulis. That's all I have to say. Thank you.

Board Member Taylor stated question.

Mr. Robert Lusardi stated yes.

Board Member Taylor stated have you given us a copy of the official survey by Collins.

Mr. Robert Lusardi stated yes.

Board Member Taylor stated okay.

Chairman McNulty stated us...

Mr. Robert Lusardi stated attached to my letter.

Board Member Taylor stated no, no. That's not an official survey.

Chairman McNulty stated no, something to scale.

Board Member Montesano stated that's not official.

Board Member Taylor stated that's a Xerox without any signature or stamp on it.

Mr. Robert Lusardi stated we'll give you the official one.

Board Member Taylor stated okay.

Mr. Robert Lusardi stated she's a witness, by the way, at the trial, so...We've have an expert report from her, as well. If you want, I can provide that to you if you're interested. But absolutely, we'll give you a blue-line survey.

Board Member Taylor stated thank you.

Mr. Robert Lusardi stated I'll submit it...I'll submit it in another day or two.

Board Member Taylor stated okay, thank you.

Rich Williams stated can I ask a couple of questions of Mr. Lusardi.

Chairman McNulty stated sure. Yes.

Rich Williams stated very briefly. So you're concern is the fact that that right-of-way is used as a driveway and there may be some traffic issues and some safety issues with the pedestrians running across.

Mr. Robert Lusardi stated well, if you're talking about putting 46 parking spaces here, now we use...We...Just so you know, the employees of Thunder Ridge have parked here traditionally for decades.

Rich Williams stated well, that's actually what I was going to ask you about because I do remember the 2002 letter, and you're 2002 letter very specifically stated that that was a driveway. Nothing but a driveway...

Mr. Robert Lusardi stated no.

Rich Williams stated and you objected to any parking there. And I do have it in writing so...

Mr. Robert Lusardi stated well, I've attached the 2002 letter to my report.

Rich Williams stated okay, great. So...

Mr. Robert Lusardi stated it's not...

Rich Williams stated so, just so we're clear as of 2002 there was no parking going on there...

Mr. Robert Lusardi stated it's not true.

Rich Williams stated as you attested to in your letter and as the Conklin's attested to on the record. So, the fact that you went into a court and told the judge something different, I really object to that.

Mr. Robert Lusardi stated Mr. Williams, don't accuse me...

Rich Williams stated another question. Wait. Another quick question.

Mr. Robert Lusardi stated no, no, no. Now I'm going to answer your question first. That was never said.

Rich Williams stated okay. Another question for you...

Mr. Robert Lusardi stated it was never said. It's used for both. It was used for ingress and egress and there was employee parking along this side.

Rich Williams stated okay.

Mr. Robert Lusardi stated nobody has ever said that is was never used for...

Rich Williams stated well, I'll be happy to provide you with your letter...

Mr. Robert Lusardi stated the fact that the parking for the...

Rich Williams stated that says there was never any parking there. Let me ask you another question: The lot to the north of the current Alpine restaurant, that's owned by Patterson, LLC, too.

Chairman McNulty stated north of the restaurant.

Mr. Robert Lusardi stated you're talking about up here.

Rich Williams stated yeah. Yeah.

Mr. Robert Lusardi stated there's a parcel up here, yes.

Rich Williams stated do they have to walk across Thunder Ridge Road to get to the ski area.

Mr. Robert Lusardi stated they walk across Route 22 to get to the ski area, yes.

Rich Williams stated okay. Is that also a safety concern for the pedestrians.

Mr. Robert Lusardi stated I'm not here to comment on that.

Rich Williams stated no, I didn't think so.

Mr. Robert Lusardi stated that's...That...That...

Rich Williams stated thank you very much.

Mr. Robert Lusardi stated that's not an issue that's here. What I'm talking about is adding spaces here for people crossing across from this place to this place. That's what I'm talking about.

Rich Williams stated well, you know, we're trying to make a business in this Town a little bit more viable and I find it very disingenuous of you coming in here and claiming there's a pedestrian issue one place when there's obviously the same pedestrian issue for your client that's not an issue.

Mr. Robert Lusardi stated Mr. Williams, with all due respect, I think the interest that you should be supporting here is the interest of the community as a whole.

Rich Williams stated absolutely.

Mr. Robert Lusardi stated not the interest of a particular business.

Rich Williams stated and Mr. Lusardi, I absolutely agree with you.

Mr. Robert Lusardi stated okay. So, at least we can agree on that.

Rich Williams stated we can.

Mr. Robert Lusardi stated alright, and as I say, I'd be happy to provide you, Mr. Williams, with the documents that have been submitted to the court in the litigation. Maybe you'd be better informed then.

Rich Williams stated that would be good. I'd love to see them.

Mr. Robert Lusardi stated anything else. Alright, thank you.

Chairman McNulty stated thank you. Does anybody else here have comment to this.

Mr. Dino Rentoulis stated yes, I'd like to comment.

Chairman McNulty stated come on up, state your name.

Mr. Rentoulis stated hi. My name is Dino Rentoulis, John Rentoulis' son. I've been attending all these meetings, submitting the plans, trying to get this site plan approved. If I could just address a few of the comments that Mr. Lusardi had made. We did not adjourn all the court cases. The judge is actually encouraging us to try to settle this on our own means. And my, I guess, we just have not been able to come to a middle ground. And the very last meeting that Mr. Lusardi discussed is because our expert surveyor is extremely ill and we were trying to get, perhaps, some sort of an internet connection going so that he can testify because in his office he is the only one that is an expert witness for the survey that he produced.

Chairman McNulty stated he's a licensed surveyor in New York.

Mr. Rentoulis stated correct. He is. He's out of Long Island and he had a very serious heart condition. So what Mr. Lusardi said is false, that we have adjourned every single time. I can have my attorney write something for the Town but that's besides the point. I'd like to mention that Mr. Lusardi has stated that we have not...we don't have the access to cross their right-of-way. Yes, it's in the deed and we do have an easement to cross from that strip of property, theirs, onto your north lot, the restaurant, but nothing in the Town of Patterson records says that we cannot cross from the south lot. I don't know if it's a hidden secret rule, but it's never stated and it's never not stated. And all these years I've been following the activity in the area and even before we put a ban on the parking there, for multiple reasons, which is why I'm trying to get this site plan approved, the personnel and the staff of the ski area have been permitting people, their customers, to do just that. Park on the south lot and cross onto the right-of-way. And I have pictures and I have documentation during the winter time, people are not only parking in the paved area now, they're actually parking on the perimeter of the restaurant, restricting that access even more. I have videos and pictures. And what we are proposing here is not restricting traffic at all. We are actually trying to make it safer for everybody. And at this entire area, I've been looking at, you know, the Freedom of Information, pulling out different files, I'm the only one, my father and I, that have site plan approvals for parking anywhere in that entire area. The north lot, across [Route] 22, on the top lot, our restaurant has site plan approval and we are looking to obtain it for the south lot as well. And that's pretty much it.

Chairman McNulty stated okay.

Mr. Rentoulis stated okay.

Chairman McNulty stated thank you.

Mr. Rentoulis stated thank you, gentlemen.

Rich Williams stated once again, if I could just jump in and make a quick statement here. The way we've been approaching this site plan for this lot showing the parking is that for the most...well. Completely we've been acknowledging that the south lot does not have a right to go onto the Patterson LLC property and the pedestrians from this parking lot are going to have to go to the road right-of-way, walk down the road right-of-way and come back into the north lot. There's no intent here to permit or encourage anybody to cross onto that Patterson LLC property. Patterson Center, LLC.

Mr. Robert Lusardi stated may I respond to that.

Chairman McNulty stated yes.

Mr. Robert Lusardi stated again, I don't understand why...

Chairman McNulty stated no, just come up and speak into the mic[rophone], Sir.

Mr. Robert Lusardi stated I don't understand why Mr. Williams is an advocate for Mr. Rentoulis. I just don't understand it, I'm sorry. First of all, Mr. Rentoulis is wrong in saying that there's an easement...and Mr. Williams is wrong in saying that there's a right to cross from south parcel to the north parcel.

Chairman McNulty stated no, that's not what he said.

Rich Williams stated that's not what I said.

Chairman McNulty stated that's not what he said.

Rich Williams stated I said just the opposite.

Mr. Robert Lusardi stated okay. So...So, Mr. Rentoulis' attorney has in fact acknowledged that there's no easement across from the south parcel to the north parcel in the litigation. Okay, that's not...That's not something I'm making up.

Board Member Taylor stated we've agreed with that.

Mr. Robert Lusardi stated okay.

Board Montesano stated we've agreed to it.

Board Member Taylor stated go onto another point.

Chairman McNulty stated let him finish.

Mr. Robert Lusardi stated so, what I'm saying here is why are you allowing, or why would you consider allowing parking on the southerly parcel that's supposed...that's accessory to this parcel. This is not an independent use here. This use is being submitted to this Board as an accessory use through the restaurant. That necessarily means that the parking is going to be for the restaurant. People have to get from here to here. How are they going to do that.

Board Member Montesano stated on Route 22 or they can go up to Patterson...

Mr. Robert Lusardi stated okay...

Chairman McNulty stated Mr. Lusardi, there's...

Board Member Montesano stated either way.

Mr. Robert Lusardi stated so let's say they go up through Route 22, alright. So people get out of their cars here, they come up to Route 22. Where are they going to go now, Mr. Montesano. Where are they going to go.

Board Member Montesano stated they're going to go right across the right-of-way of the...

Mr. Robert Lusardi stated they're going to come down...they're going to walk all the way down...

Board Member Montesano stated right.

Mr. Robert Lusardi stated this right-of-way to the door of the restaurant.

Board Member Montesano stated are they going on the right-of-way or could they get to the property...

Mr. Robert Lusardi stated this is our property.

Chairman McNulty stated but you're making an assumption...

Mr. Robert Lusardi stated this is our property.

Chairman McNulty stated that they're not going to walk in the parking lot.

Mr. Robert Lusardi stated so now they're going to come out here, they're going to walk all the way down here and...

Board Member Montesano stated and they don't own any property...

Mr. Robert Lusardi stated face the traffic...

Board Member Montesano stated up to there. According to their survey or your survey, you only own certain part of it, am I correct.

Mr. Robert Lusardi stated no we own...we own up to here.

Board Member Montesano stated but is there property that the restaurant owns that has access to the...a waling area.

Mr. Robert Lusardi stated no.

Chairman McNulty stated it does from that...

Mr. Robert Lusardi stated we have...

Chairman McNulty stated from that corner.

Mr. Robert Lusardi stated we...Well, okay. I'm sorry. If you're saying, does somebody have the right to go from Old Route 22 to the restaurant. The answer would be yes.

Chairman McNulty stated yeah.

Mr. Robert Lusardi stated because the northerly parcel has the right to travel across our property. I agree. But the southerly parcel does not have the right cross to the northerly parcel, okay. So, here's what...here's what you're necessarily talking about. You're going to take...People are going to go from here. Now, they're not going to be able to go straight across like this, so what would they do. They'd have to walk up here, right.

Chairman McNulty stated correct.

Mr. Robert Lusardi stated now what they're going to do is they're going to have to walk up here and then they're going to have to come down, walk all along traffic coming in here to the ski area. You're going to let people come down and walk down to get to the door of the restaurant here. It's crazy.

Rich Williams stated is it conceivable they could walk through the northerly...or the easterly parking lot. Is it conceivable. Easterly park...

Mr. Robert Lusardi stated you mean come up here and walk through this area here...

Rich Williams stated yes.

Mr. Robert Lusardi stated and down. But how are they going to get in the front door. They have to come out into the right-of-way to get to the front door.

Rich Williams stated there is a back...

Mr. Robert Lusardi stated the front door...

Rich Williams stated there is a back...

Mr. Robert Lusardi stated is right on the property line.

Rich Williams stated there is a front door. Yeah, that's true. But there's also a back...

Chairman McNulty stated okay.

Board Member Montesano stated unless they come out to [Route] 22 and make then make the short trip.

Mr. Robert Lusardi stated you've got parking on-site.

Chairman McNulty stated Mr. Lusardi, to address your comments, we've been in discussion for some...for several months now on this project. And it's been reiterated, to back up the Planner's comments, that that would be the flow of pedestrian traffic to that corner and we've urged the Applicant to get an easement at that corner to connect the properties. And that's the discussion. That's where we've been. We understand they don't have a right-of-way across your property, and they understand that as well.

Mr. Robert Lusardi stated okay.

Chairman McNulty stated so to come in on the eleventh hour and accuse us not discussing this or taking it into consideration, it's not true.

Mr. Robert Lusardi stated okay. You're right, I haven't been here previously.

Chairman McNulty stated so...Quick...The ECI, Ted, you have a comment.

Ted Kozlowski stated I'd like to make a suggestion for solution to this.

Chairman McNulty stated sure.

Ted Kozlowski stated get a valet parking. Have people drop off and let one kid just...

Chairman McNulty stated

Ted Kozlowski stated get a valet parking, you're done.

Chairman McNulty stated that could be an option for a busy party.

Mr. Rentoulis stated that's one option that I suggested if the restaurant...

Chairman McNulty stated I thought we talked about that at one point.

Mr. Rentoulis stated absolutely, we did.

Board Member Montesano stated if I remember right, it appears on one of your papers here. Something about valet parking.

Mr. Rentoulis stated yes.

Board Member Taylor stated okay.

Mr. Rentoulis stated on the survey done previously by Mr. Nichols.

Board Member Montesano stated right.

Mr. Rentoulis stated plus the ski season, gentlemen, is only...and lady...

Chairman McNulty stated three, four months a years.

Mr. Rentoulis stated is...exactly. It's maybe a quarter a year. And I'm talking about a business that's going to be year-round. And I thought it could, you know, I guess, symbiotic relationship...

Chairman McNulty stated I need you to come and speak into the microphone.

Mr. Rentoulis stated well, we can, I guess, you know, thrive off of each other's success, but...I was hoping that we could perhaps, you know, live as a community and be the good, happy neighbors and I was assuming...I...We even presented to Mr. Lusardi and his clients that I would take...we will take full responsibility building it out and they would enjoy the, and they would have, the opportunity to park there during the ski season because it's very hard to determine and I guess to separate, to filter, who the skiers are and who the restaurant people are. But that was, again, turned down when we were having our meetings and discussions in court.

Mr. Robert Lusardi stated that is absolutely untrue. We had a... We had a stipulation of settlement at the litigation with Mr. Rentoulis' father, and we were ready to sign the papers. Mt. Rentoulis killed it, okay. It's not that we're not cooperating here. We're not the bad guys. We've been trying to cooperate with Mr. Rentoulis, but we have certain... certain responsibilities and rights of our own to protect. Right, so, you know, I don't understand these, you know, representations that are being made to this Board. They're not true. I'd be happy to show you the stipulation of settlement that we thought we were going to sign. In fact, I'll provide that to you.

Chairman McNulty stated you may want to provide. The more information the better.

Mr. Robert Lusardi stated and if Mr. Rentoulis wants to sign it, we'll settle the lawsuit right now. It's not a problem. We had a deal with his father in court. The judge said put it on the record and then he didn't... now he can't come. And they killed it.

Mr. Rentoulis stated that is false, Mr. Lusardi.

Mr. Robert Lusardi stated alright, good. I'll tell you what I'm going to do...

Chairman McNulty stated mister...

Board Member Montesano stated gentlemen.

Mr. Robert Lusardi stated provide the Board with a copy of the stipulation...

Chairman McNulty stated okay.

Mr. Robert Lusardi stated and you can tell them that it's acceptable or not acceptable. How's that sound.

Board Member Montesano stated why don't we...

Chairman McNulty stated okay, you'll have to come up...

Mr. Rentoulis stated I focus on the site plan, Mr. Lusardi.

Board Member Montesano stated hey, why don't you guys wait till you get into court.

Board Member Taylor stated yeah.

Board Member Montesano stated we can't adjudicate it, we don't have robes. So, wait till you get into court and you can all argue all day.

Chairman McNulty stated so Mr. Lusardi, you might want to provide whatever information you have. So, that would help.

Mr. Robert Lusardi stated I'm going to give you the survey from Terry Bergendorff-Collins. I'll give you the stipulation that we were prepared to sign...

Chairman McNulty stated yeah. We'll have our counsel look at it and see what we can get out of it.

Mr. Robert Lusardi stated sure.

Chairman McNulty stated okay.

Mr. Robert Lusardi stated okay, thank you.

Chairman McNulty stated you're welcome. Is there anybody else that has a comment tonight on this.

Board Member Montesano stated motion to close the public hearing.

Board Member Taylor stated second.

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

Chairman McNulty stated okay, public hearing's closed. But it brings up a point now with the survey in dispute, it's still in court, where does that put us to move forward with this project.

Board Member Taylor stated Mike.

Mike Liguori stated we can... We can do one of two things. We could make the referrals... We could authorize the referrals but not send them out until such time as Rich and I have had a chance to take a look at the survey issue.

Chairman McNulty stated referrals, you mean...

Mike Liguori stated the referrals listed under the...on the work memo for the project tonight.

Chairman McNulty stated okay.

Rich Williams stated I think most of those have been taken care of already.

Chairman McNulty stated yeah, we're down to performance bond and a...

Rich Williams stated we're down to the nitty gritty.

Mike Liguori stated okay.

Chairman McNulty stated SEQRA's been done, lead agency's been done. It wasn't. We didn't need lead agency.

Rich Williams stated listen, I was just going to address it in the resolution, you know, saying we're not getting in the middle of the property line dispute or assuming that this is the property. If not then the site plan's not valid.

Mike Liguori stated okay. I'm okay with that.

Chairman McNulty stated so, it would be possible to make a determination on this application while its still in court and the Town is safe.

Mike Liguori stated if the property line boundaries are determined to be some other boundary then our final resolution would be void. So we take that risk. That's up to us.

Rich Williams stated well, the Applicant takes that risk.

Mike Liguori stated the Applicant takes that risk.

Rich Williams stated yeah.

Mike Liguori stated that's right.

Rich Williams stated but the bigger issue that's really outstanding is, you know...

Chairman McNulty stated an easement.

Rich Williams stated my recommendation that there be an easement tying these two properties together.

Mike Liguori stated okay.

Chairman McNulty stated Harry, I don't know if you've seen that in Rich's memo that we make the recommendation to have an easement to connect those two properties along Thunder Ridge Road.

Mr. Harry Nichols stated no, I have not had a chance to read it.

Chairman McNulty stated yeah, so, that as one of the things we really urged for this property...for these two properties to have done. And it looks like that would be in your best interest at this point. Any comment on that. Or Mr. Rentoulis.

Board Member Taylor stated he had said before he was willing to do it so you just need to do it. I think at the beginning of this process we said that you should locate the parking outside of any disputed area. You know...

Mr. Rentoulis stated can you just clarify that for...An easement connecting the two properties.

Chairman McNulty stated come up to the mic.

Mr. Rentoulis stated yes. Is this a legal issue, the easement connecting the two properties.

Mike Liguori stated it's a recommendation by the Board. Our preference would be that there'd be a formal easement, an area, whereby the cars who park on the south lot would have the authority to walk across the right-of-way to get to the front of the restaurant.

Rich Williams stated no, no, no, no.

Board Member Taylor stated no, no, no.

Chairman McNulty stated no, no.

Rich Williams stated not to walk across the right-of-way, to tie the parking area with the restaurant so that the restaurant had a long term...

Mike Liguori stated oh, oh, oh. I see.

Rich Williams stated right to use the parking so that...

Mike Liguori stated my apologies.

Chairman McNulty stated because we did recognize this...

Mike Liguori stated yes.

Chairman McNulty stated as an accessory use.

Mike Liguori stated right, right, right, right.

Rich Williams stated the issue is this, right, we don't want to be in a position where we approve this site for parking. Restaurant opens, they get 188 seats in there because they've got the parking on the other side...

Mike Liguori stated mmhmm.

Rich Williams stated and the day after it opens, and I don't think you're going to do it, but you may not own the property forever. The day after it opens, you tell the restaurant they can't use that parking anymore. Puts us in a tenuous position where we actually have to start an enforcement issue to close the restaurant down.

Chairman McNulty stated yeah.

Rich Williams stated you don't want to do that.

Mr. Rentoulis stated right.

Rich Williams stated so, we're just looking...

Mike Liguori stated you're counsel could draft an easement that could be recorded against that south lot whereby the use of the restaurant on the north lot and the parking on the south lot are tied together.

Mr. Rentoulis stated absolutely.

Mike Liguori stated okay.

Mr. Rentoulis stated but besides safety, that was our main intention to increase the occupancy of the restaurant from the very beginning.

Chairman McNulty stated okay. Alright.

Mr. Rentoulis stated okay.

Chairman McNulty stated thank you.

Mr. Rentoulis stated thank you.

Rich Williams stated Dino, if you have any questions, have your attorney contact us.

Mr. Rentoulis stated absolutely. Definitely.

Chairman McNulty stated Harry, we had a couple of issues still. Still didn't have any planting listed on the plan. I know you said you were going to talk to the ECI and see, but, you know, to finalize the plan, you know, we should have something noted on there; what you wanted to do. Also, a detail of your concrete wheel stop. There's nothing listed... You're showing asphalt curb, but no wheel stop as you indicated in your comments. So if you take a look at the Planner's review, you'll see some of those notes in there.

Mr. Nichols stated okay.

Chairman McNulty stated you know, you're basically down to just cleaning up the plan and getting ready. Ted.

Ted Kozlowski stated Tom, just to address that small little sliver of land for planting, it's really not appropriate for trees or anything substantial, so my recommendation would be to be perennial grasses: fountain grass. Something like that. Dies down in the winter time so when the plowing and all of that is... It's not a factor with any woody plants that are going to get destroyed from that...

Chairman McNulty stated okay.

Ted Kozlowski stated it's very... You're going to need something that's kind of drought resistant. Salt resistant and is not going to be up and around during the winter months because it will just get destroyed. So, that's my recommendation to you.

Mr. Nichols stated you have a name for that.

Ted Kozlowski stated it's a perennial... Yeah, I could, you know. Just go to fountain grass. Just perennial grasses.

Mr. Nichols stated okay.

Ted Kozlowski stated that's what you would go with.

Chairman McNulty stated okay.

Ted Kozlowski stated and the other comment I have is Harry's... There are substantial spruce trees that are in that area. Are they going to be removed in this project.

Mr. Nichols stated there's a group of three of them over...

Ted Kozlowski stated okay. It would be nice to see some new spruce trees planted after this is all done. It's kind of an open area from an aesthetic standpoint and kind of a traditional standpoint to see some significant evergreens planted on the other side of that park... proposed parking area. Compensate for the loss of those trees.

Mr. Nichols stated on the south side.

Ted Kozlowski stated on the south side.

Chairman McNulty stated when you say significant, what do you mean. I mean...

Ted Kozlowski stated eight to ten. You know, I'm not talking about the small little trees they planted at Tractor Supply. I'm talking about 10 to 12 foot B&B Spruce trees. White spruce. Something not deer...Something a little more deer resistant.

Chairman McNulty stated okay, well, take a look at that and see what works for you on that. I don't know if you plan to expand that lot at all. And then those trees may have to come down again. So we have to be careful what your use is...future use for that whole lot.

Ted Kozlowski stated just my recommendation, that's all.

Chairman McNulty stated Board Members, you have any comments for this right now. Are you comfortable with moving forward or should we wait for a resolution in the courts.

Board Member Taylor stated well, I just...My comment before is why wasn't the parking lot moved out of the disputed area or did you not know what the disputed area was.

Chairman McNulty stated Harry, anything.

Mr. Nichols stated well, I've got to look at...Dino.

Chairman McNulty stated Dino, did you hear the question.

Mr. Rentoulis stated yes.

Ted Kozlowski stated Dino, here [referring to the microphone].

Mr. Rentoulis stated yes, I did hear the question. We are very, very...I should say 100%. Nothing is 100% certain. But we're very comfortable that the property is ours. And I don't know how I have to deal with this with Harry and though with, you know, Planning. God forbid that decision comes back not ours. Okay, fine. We can just relocate the property further south so that everybody is happy and that we abide by the law.

Chairman McNulty stated you say you're willing to move it back now or if...

Mr. Rentoulis stated not now.

Chairman McNulty stated if it came back with a dispute resolution.

Board Member Taylor stated once it gets settled.

Chairman McNulty stated okay.

Mr. Rentoulis stated dispute resolution. Correct.

Chairman McNulty stated okay.

Mr. Rentoulis stated okay.

Chairman McNulty stated very good.

Mr. Rentoulis stated does that answer the question.

Chairman McNulty stated yes.

Mr. Rentoulis stated thank you.

Chairman McNulty stated okay.

Board Member Taylor stated I need to think about it.

Chairman McNulty stated yeah.

Board Member Taylor stated I don't know whether I (inaudible).

Chairman McNulty stated I need to give it some thought myself, so...

Rich Williams stated yeah, well you're not ready for a resolution.

Chairman McNulty stated no, we're not ready for a resolution.

Rich Williams stated but you are ready to close the public hearing.

Board Member Taylor stated we did already.

Chairman McNulty stated we did.

Board Member Taylor stated did you miss that.

Chairman McNulty stated yeah, he...

Rich Williams stated I missed out.

Chairman McNulty stated was out. Harry, we did have some discussion about calculations for a bond. Have you thought about that or put that together to get to our engineer.

Mr. Nichols stated we'll put that together.

Chairman McNulty stated okay. I'll also put that in motion. Alright, any other comment for this application. Okay. We'll move on.

2) RP DEVELOPMENT – Lot line Adjustment

Mr. Joe Reilly was present.

Chairman McNulty stated RP Development, lot line adjustment.

Rich Williams stated yeah, just up by the front. The hot seat, Joe.

Board Member Montesano stated don't you feel bad. We got to get a light on.

[Laughter].

Mr. Joe Reilly stated my name's Joe Reilly.

Chairman McNulty stated hey, Joe.

Mr. Reilly stated I'm representing RP and Tom Biglin.

Chairman McNulty stated and Tom Baker you said.

Mr. Reilly stated Biglin.

Board Member Montesano stated Tom Biglin.

Mr. Reilly stated Tom Biglin.

Chairman McNulty stated oh, okay. Alright, give us a little description of what you're... Looking for a lot line adjustment here.

Mr. Reilly stated a lot line adjustment on 63 Hazel [Drive] to accommodate for an access coming in at the end of Hazel Drive to access the 32.8 acres; keep it one parcel.

Chairman McNulty stated the 32.8 acres one parcel.

Mr. Reilly stated yup.

Chairman McNulty stated so you're looking for a single-family home on that larger lot.

Mr. Reilly stated that's it. Yup.

Chairman McNulty stated and it looks like it extends this small lot into the 32 acre parcel.

Mr. Reilly stated yes.

Chairman McNulty stated which would be Lot 1 and then into Lot 2.

Mr. Reilly stated right.

Chairman McNulty stated and then you're going to take an access. It looks like a small sliver to the west of that Lot 1.

Mr. Reilly stated yes.

Chairman McNulty stated and that would be...

Mr. Reilly stated and that would be our access.

Chairman McNulty stated mmhmm.

Mr. Reilly stated the other access that's on Hazel Drive is in a wetland area.

Chairman McNulty stated which is where on the map.

Mr. Reilly stated it's....west. It would be on the east side of sixty...63 Hazel.

Board Member Taylor stated look at the small one.

Chairman McNulty stated oh, okay. Down here. Alright. Now it also came to our attention, we haven't been out to the site, but that the Hazel Drive's not completed all the way to that access point of it.

Mr. Reilly stated right.

Chairman McNulty stated so is that planned to be done soon or far in the future.

Mr. Reilly stated in the future.

Chairman McNulty stated okay.

Mr. Reilly stated maybe, you know, in the next 12 to 18 months.

Chairman McNulty stated Mr. Biglin's not here, right.

Mr. Reilly stated no.

Chairman McNulty stated alright. I see that you submitted an EAF, a short form.

Rich Williams stated no, they actually did not.

Chairman McNulty stated oh, you did that, Rich.

Rich Williams stated I did that. And that would be one of the steps that we need to talk about because it is an action subject to SEQRA. They didn't submit the environmental assessment form but it's, you know, it's a fairly minor action. So I prepared in house the environmental assessment form and if Mr. Reilly's okay with everything that's in it and the Board's okay with everything that's in it, then you can move forward. If not, you know, please identify any changes and we can go from there.

Chairman McNulty stated yeah, I looked through it quickly, I didn't have any big objections or, really, comments on the short form that you completed. I don't know if...

Rich Williams stated just the one that Ron found about square foot versus acreage.

Chairman McNulty stated acres. Yeah. Glad we cleared that up.

Board Member Taylor stated that was on the other one.

Rich Williams stated oh, that was the other one. I'm sorry. That was the other one.

Board Member Taylor stated no, the one I found on this one is number 2. Proposed action requires permit, approval or funding from any other government agency. You checked no but in your memo you said that they had to get approval from the Health [Department].

Rich William stated it's not really an approval. It's not like you're getting an approval for a construction permit. Health Department is basically signing off that the lot line adjustment doesn't require an approval because it's not...

Board Member Taylor stated oh.

Rich Williams stated subject...

Board Member Taylor stated okay.

Rich Williams stated to public Health Law 11-18, or something.

Chairman McNulty stated is a driveway permit needed for this if we're going to have legitimate access.

Rich Williams stated well, I did identify a number of the issues that Mr. Reilly's going to have wrestle with as he goes forward to build on this lot, but right now nothing more is needed than the approval from the Board. Some minor modifications to the lot line adjustment plat.

Board Member Taylor stated you recommended that or you said we should determine whether a monument should be put at property corners.

Rich Williams stated if any.

Board Member Taylor stated if any. So we should think about that.

Chairman McNulty stated for the lot line. Does it have to monuments or can it pins.

Rich Williams stated there actually...There doesn't have to be monuments.

Chairman McNulty stated yeah.

Board Member Taylor stated you just asked us to consider it.

Rich Williams stated I don't know if Mr. Reilly has anything to add on that, but...

Mr. Reilly stated I don't think a monument could be required. Can we still put steel pins in when they're out...

Chairman McNulty stated yeah.

Rich Williams stated yeah.

Chairman McNulty stated standard marking.

Mr. Reilly stated yeah.

Chairman McNulty stated okay. I don't have any big...any big concerns with this. You want to move forward with the SEQRA. Ron, you want to make a motion.

Board Member Taylor stated just a minute.

Chairman McNulty stated okay.

Board Member Taylor stated let my partner get his cheat sheet out of...

Chairman McNulty stated yeah. I have it.

Board Member Taylor stated got your cheat sheet.

Chairman McNulty stated here.

Board Member Taylor stated oh, you got it.

Chairman McNulty stated take care of the boss.

Board Member Taylor stated so what are we doing on this one. This is...

Chairman McNulty stated I think we're going to...We addressed the...

Board Member Taylor stated lot line adjustment.

Chairman McNulty stated it's this one right up here.

Board Member Taylor stated yeah. We need to do SEQRA. Oh, that's lead agency. We're not doing that.

Chairman McNulty stated no. No, we're not.

Board Member Taylor stated we need SEQRA on this.

Chairman McNulty stated yes.

Board Member Montesano stated yes.

Board Member Taylor stated so we're doing a negative determination.

Chairman McNulty stated yes.

Board Member Taylor stated okay. I move that in the application of Thomas Biglin and RP Development Corporation, two parcels, the Planning Board of the Town of Patterson finds the proposed action being an unlisted action will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Board Member Montesano stated second.

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

Board Member Taylor stated I should have said the proposed action was a lot line adjustment and therefore....okay.

Chairman McNulty stated okay. Where does that lead us, Rich. SEQRA and this lot line.

Rich Williams stated so, yeah, there's still two steps. You've got the resolution.

Board Member Taylor stated so we just...

Rich Williams stated so...

Board Member Taylor stated adopt the resolution.

Rich Williams stated you can introduce the resolution, enter it into the record as though read, vote on it.

Board Member Taylor stated oh, let's do it.

Rich William stated and then Mr. Reilly's got to take the memo that I did down to Terry Bergendorff; she's got to make a few corrections. At some point, if you could swing by the office and either you or Mr. Biglin can sign the environmental assessment form. And then when you get the plat done and through, you know, bring it back to me, I'll take a look at it. Take it over to the Health Department, we're done.

Mr. Reilly stated okay, I'll come in next week.

Rich Williams stated yeah, that's fine.

Chairman McNulty stated do you want that taken care of first or that's all in your resolution here.

Board Member Taylor stated it's all in the resolution.

Chairman McNulty stated yeah. Okay. I'll make a motion in the lot line adjustment application for Parcel 1, Thomas Biglin, and Parcel 2, RP Development, that we approve this lot line adjustment as outlined by the general conditions in the resolution, 1 through 6, and the special conditions: Number 1, and only one. Can I get a second.

Board Member Montesano stated second.

Board Member Taylor stated can I add one other thing.

Chairman McNulty stated yes.

Board Taylor stated that he needs, as stated previously, he needs to review and sign the...

Board Member Montesano stated EAF.

Board Member Taylor stated EAF. Or the owner needs to.

Chairman McNulty stated and to review...An additional special condition to review the short form EAF completed by the Town Planner so we're in agreement.

Board Member Taylor stated and sign it.

Chairman McNulty stated and sign.

Mr. Reilly stated understood.

Board Member Montesano stated second.

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

Chairman McNulty stated is there another step or are we done.

Rich Williams stated that's it.

Board Member Montesano stated that's it.

Chairman McNulty stated alright. Good luck.

Mr. Reilly stated take care.

3) LUIS ILLESCAS – Wetlands/Watercourse Permit Application

Chairman McNulty stated okay, next on the list is Illescas for a wetland/water application. We'll see if Ted has any comment.

Rich Williams stated Mr. Illescas did stop in. We did explain where he was and what he needed to do and he needed to be here.

Chairman McNulty stated alright, well let's put it off. Maybe they're running late. We'll come back to it.

4) FRANK'S AUTOMOTIVE, LLC – Sign Application

Mrs. Tammy Smith was present.

Chairman McNulty stated okay, Frank's Automotive for a sign application. Hi, Tammy. How are you.

Mrs. Tammy Smith stated hi, how are you. Good, how are you.

Chairman McNulty stated good. Okay, so you have some signs you want to put...How's business going out there since you started.

Mrs. Smith stated it's good, thank you.

Chairman McNulty stated good.

Mrs. Smith stated but we're having problems being noticed. [Laughter]. Hence the sign application. And I do know that Mr. Taylor [Board Member Taylor] stopped out today and spoke with Frank on a few of the...a few things with him which was very helpful. So we appreciate that. Basically, you guys approved a sign, I guess, a year or a year and a half ago for us to put on our corner, which we did.

Chairman McNulty stated mmhmm.

Mrs. Smith stated and we love the sign but so many people still pass us and say I never even saw that sign. So, Fair Street's a very busy street, but we don't have the signage for people to recognize that we're there.

Chairman McNulty stated mmhmm.

Mrs. Smith stated ummm...I know the placement that we had, which was above the garage door in the back, I believe, and I don't want to speak for you Mr. Taylor, might have suggested that that wasn't even high enough up on the building to possibly still be seen on that back side.

Chairman McNulty stated that's an existing sign,

Mrs. Smith stated there is...

Board Member Taylor stated that's an existing sign on the back. Now, that wasn't...My comment was you should move it more to the left so that you could see it more from down the driveway. Or...

Mrs. Smith stated on the front side. On the front side of the building...

Board Member Taylor stated no, not on the front side. I'm talking about the backside now.

Mrs. Smith stated okay.

Board Member Taylor stated where your garage doors are.

Mrs. Smith stated right.

Board Member Taylor stated that if...The alternative would be, and I hate to recommend this. Can we ask Ted to leave the room.

[Laughter]

Board Member Taylor stated you could cut that tree down and then you could see the sign from the from.

Mrs. Smith stated right. And we would never touch that tree because we knew we'd get in trouble. So, we did have, if you've seen it today, we did cut some of the stuff along the fence that's on...

Board Member Taylor stated no, again I'm talking about the...

Mrs. Smith stated Fair Street. But the one's that's way down there, we obviously didn't touch because we know it's infringing...

Board Member Taylor stated no, no, no. Again, I'm talking about in the back.

Mrs. Smith stated right.

Board Member Taylor stated the driveway that goes down to your garage doors.

Mrs. Smith stated oh.

Board Member Taylor stated is a decorative tree, just one tree sitting there on the lawn. That is actually...

Mrs. Smith stated to your right-hand side.

Board Member Taylor stated blocking your sign.

Mrs. Smith stated oh, yes.

Board Member Taylor stated that's blocking your sign.

Mrs. Smith stated yes. Okay.

Board Member Taylor stated so...But, that was the only comment I had there.

Chairman McNulty stated maybe it...Can it be trimmed.

Board Member Taylor stated perhaps you could trim it. I mean, it doesn't have any leaves on it so it's hard to tell now.

Mrs. Smith stated yeah.

Board Member Taylor stated I mean, it looks like it's an apple or something like that.

Mrs. Smith stated if you came a couple of months ago it was fully bloomed. It's actually a beautiful tree and the landlord was unwilling to take it down when we originally talked about that.

Board Member Taylor stated okay.

Mrs. Smith stated but, again, it's something that we could discuss.

Board Member Taylor stated because the problem you have for that sign is when you're on Commerce Drive looking down the driveway, you can't see where they...

Mrs. Smith stated you can't.

Board Member Taylor stated are.

Board Member Ladau stated that's right.

Chairman McNulty stated yeah.

Board Member Taylor stated there's a little, tiny sign that says automobile dealership or...

Mrs. Smith stated and it's a huge problem for us.

Board Member Taylor stated yes.

Mrs. Smith stated absolutely.

Chairman McNulty stated people pass right by the building...

Mrs. Smith stated pass...

Board Member Ladau stated yup.

Mrs. Smith stated so, we did put the... The sign that's on the corner of Commerce Drive and Fair Street, we put the number 10 at the top of that sign trying to at least associate the number with where we are. So then... One of Rich's suggestions was you have to put the number 10 on your mailbox because if you don't put a number 10, people won't know that that's you.

Chairman McNulty stated exactly.

Mrs. Smith stated so we did that.

Board Member Taylor stated right.

Mrs. Smith stated it's not noticeable enough either. People...

Board Member Montesano stated can we put a yellow and blue stripe from the mailbox all the way back.

[Laughter].

Chairman McNulty stated no, I don't think that's going to work.

Mrs. Smith stated so, when people are traveling down Fair Street, they whiz right by. The white... We love the sign, but again, they go right by it. And then they call and say, where are you because I don't see your sign that you said you have. So then Frank directs them back. But even once they turn onto Commerce Drive...

Board Member Ladau stated you still don't see it.

Mrs. Smith stated you have to be very clear that it's the first driveway on the right. But all you see is the Northeast Mesa signs because again, there's a couple of businesses there. So he has these very nice huge signs on the side of his building to promote him. But if you don't drive down the driveway, you wouldn't even know we were back there. And then again, the first signs that you see are the inspection sign, which I know you spoke to Frank about today, and the registered repair shop sign. One of Mr. Taylor's suggestions I think was can you swap and put those signs to the right and yours out so at least as people drive down they may notice it. New York State DMV told us we had to put the signs there. That's what the people need to see. They have to see that you're registered...

Chairman McNulty stated when they drive up.

Mrs. Smith stated exactly. So, we can't move them. But...

Board Member Montesano stated the mailbox.

Mrs. Smith stated the mailbox is a stone pillar mailbox.

Chairman McNulty stated mmhmm.

Mrs. Smith stated obviously, it's a retaining wall company so the mailbox has a 10 on the side of it. I have what looks like an election sign, it's small, that I kind of propped in the ground right next to the pillar because I don't know how else to do it. We want it to look nice obviously.

Chairman McNulty stated sure.

Board Member Montesano stated can we get a rock from Napa that says Napa on it.

Chairman McNulty stated well, what about the monument sign you have now at the corner of Commerce [Drive] and Fair [Street].

Mrs. Smith stated yes.

Chairman McNulty stated would it be better suited if it was located near the driveway entrance.

Mrs. Smith stated I don't know. I honestly don't know.

Chairman McNulty stated I didn't get a chance to drive by there this week.

Board Member Montesano stated yeah.

Mrs. Smith stated I don't...

Chairman McNulty stated I know Bob...

Board Member Taylor stated yeah.

Chairman McNulty stated and Ron took a look.

Mrs. Smith stated I don't know. And the sign is, again, you know, we had a local company make it. We like it.

Chairman McNulty stated no, it's a nice sign. I've seen it.

Mrs. Smith stated but it's white with black letters, I think, if I'm right. Or navy letters. It's just no one sees it. Even if I know when we came and got approval, we were going to light it. We were going to put lights out there. I think even if you do that...I mean, people drive by in the middle of the day...

Chairman McNulty stated yeah, during the day.

Mrs. Smith stated and don't see it. It's not like it's a night issue. Like god, at 5 o'clock it gets dark and they can't see it. People...I even had a family member blow right by. I was like...I actually called him, I was walking...I'm like you just passed it. He goes, I didn't see the sign. I'm like oh god. He didn't see the sign.

Chairman McNulty stated Rich, what I had suggested is the monument sign that's there at the corner of Fair and Commerce, they moved it towards the driveway to locate in the...

Mrs. Smith stated where we were.

Chairman McNulty stated inside the Commerce Park.

Rich Williams stated the freestanding sign.

Chairman McNulty stated yeah.

Board Member Taylor stated but I think...

Chairman McNulty stated but...

Board Member Taylor stated she's going to have the same problem.

Mrs. Smith stated I think...yeah.

Board Member Taylor stated it's not going to show up and they're going to drive by that.

Mrs. Smith stated so like...

Chairman McNulty stated what I'm saying...But if...You're still asking for signs on the building.

Mrs. Smith stated right.

Board Member Taylor stated yes. Still asking for signs on the building.

Mrs. Smith stated we have the same issue Eurostyle, which is a huge...We love Eurostyle. Their huge, beautiful building. I think they did a great job up there.

Chairman McNulty stated mmhmm.

Mrs. Smith stated I cannot tell you how many people come to Frank and say are you Eurostyle. And I'm like...

[Laughter].

Mrs. Smith stated I don't understand. Do we look like a granite...And again, with no disrespect, but there's no good signage on that street. So...

Board Member Taylor stated yeah.

Mrs. Smith stated no one knows where to go. They stop at the first building and think you're it.

Chairman McNulty stated except your customers.

[Laughter].

Mrs. Smith stated it's our customers who drive right by us.

Board Member Taylor stated well, Frank had said that the masonry place was willing to take down some of their signs.

Mrs. Smith stated Gulio has two large signs as, I'm sure...I don't know if anybody's seen it. But there are two large signs right on the side. He said he can take those down if he needs to in order for us to get a sign if the square footage is the issue. I don't know, because even he said, well, put your sign on my side. But I'm like, that's not going to...I don't know if it's going to be effective for us.

Chairman McNulty stated square footage is an issue to a degree...

Mrs. Smith stated yup.

Chairman McNulty stated because we don't want to be setting precedents for allowing...

Mrs. Smith stated absolutely.

Chairman McNulty stated double the square footage of signs, which we know you're in front of the Zoning Board for.

Mrs. Smith stated yup.

Chairman McNulty stated and part of the...here, the Zoning board is looking for a referral, correct.

Mrs. Smith stated right. And again...

Rich Williams stated tonight, that's what's here before you, tonight.

Mrs. Smith stated if you guys were to say...

Rich Williams stated just a recommendation.

Mrs. Smith stated listen, we would be okay with the sign if you take down one or two of the ones on the front, then we are willing to accommodate that. Or if you say we don't like placement of that sign, we're looking for your recommendation obviously, also. We're willing to change it. We also have certain specs that by Napa, because we are affiliated with them, it's obviously good for our business.

Chairman McNulty stated sure.

Mrs. Smith stated but we're not branding their name enough, and that what they're upset about right now. Like, they're like, hey you don't have our colors, you don't have anything that says you're related to us type thing.

Chairman McNulty stated the other thing is...

Mrs. Smith stated so...

Chairman McNulty stated we know you want to expand your business and be known and seen.

Mrs. Smith stated right.

Chairman McNulty stated the other thing is we're trying to do is make it conform into the area.

Mrs. Smith stated absolutely.

Chairman McNulty stated because you have some other good businesses there.

Mrs. Smith stated mmhmm.

Chairman McNulty stated there's the meat packing place, Boar's Head.

Mrs. Smith stated Boar's Head.

Chairman McNulty stated and you have Papitto up there. They have nice signs.

Mrs. Smith stated they have beautiful signs.

Chairman McNulty stated nice...

Mrs. Smith stated absolutely.

Chairman McNulty stated not say these colors will get eye...

Mrs. Smith stated and right.

Chairman McNulty stated but they're a little out of place for that area.

Mrs. Smith stated mmhmm.

Chairman McNulty stated so, we're not saying no to that.

Mrs. Smith stated yeah.

Chairman McNulty stated but, if we could scale it down and...

Mrs. Smith stated mmhmm.

Chairman McNulty stated make it work for that building and work for you.

Mrs. Smith stated right.

Chairman McNulty stated umm...

Board Member Taylor stated I thought that if the masonry place is willing to take their signs down...

Mrs. Smith stated yup.

Board Member Taylor stated those ones, that if you put a Napa sign there with your name, if you put it there instead of on the other side which is concealed by the fragmites and the brush and everything, at least people coming down Fair Street going south will see it.

Mrs. Smith stated right.

Board Member Taylor stated because it's right on that corner. And then they'll know you're in that building somewhere.

Mrs. Smith stated right.

Board Member Taylor stated and it would stand out. I mean, the Napa sign would stand out.

Mrs. Smith stated yeah.

Board Member Taylor stated now his sign, I think, is white with black letters.

Mrs. Smith stated it's...right.

Board Member Taylor stated it stands out because of that. But your colors, the right size, so you don't exceed requirements, I think that would solve your problem. Putting it on the other side, you're dealing with trees and everything in the wetlands.

Mrs. Smith stated right.

Board Member Taylor stated I don't think anybody's going to see that sign.

Mrs. Smith stated right.

Chairman McNulty stated yeah, I agree. It's pretty...pretty overgrown right there.

Board Member Taylor stated even if it's illuminated.

Chairman McNulty stated the other...

Mrs. Smith stated yeah.

Chairman McNulty stated option you have is that building is all within the wetlands buffer.

Mrs. Smith stated mmhmm.

Chairman McNulty stated so you just can't go cutting everything down and...

Mrs. Smith stated well, then again, that's...We certainly were not looking to do any of that. We were hoping that, obviously...

Chairman McNulty stated right.

Mrs. Smith stated on the back of the building, if the sign was illuminated, (a) it wouldn't be really...like it wasn't going to be where it was going to infringe on anybody driving by where the lights were so bright that oh my god, look at that sign.

Chairman McNulty stated yup.

Mrs. Smith stated but we were hoping at nighttime...I drove that street, never realizing that from the County Building above us all the way down to Terry Hill, there's not one streetlight. It is so dark on that street at night. You don't realize it. So again, coming by there, you...That sign at the corner is useless to us. It...

Chairman McNulty stated is there a street light at the corner of Commerce [Drive] and Fair Street.

Mrs. Smith stated no.

Board Member Montesano stated no.

Mrs. Smith stated there is not. You know, NYSEG said because no one's willing to pay for it. I called them just because I said, god I never realized, until someone said god, you're sign is totally...You don't see it at all.

Chairman McNulty stated mmhmm.

Mrs. Smith stated and one night I was there...We have a light on our corner that shines onto the building that we pay...that Northeast Mesa pays for. So when I called NYSEG I said, god there's not a streetlight from the County Building all the way to Terry Hill. How come. And they said because somebody has to pay for that electric and no one wants to. We can put one up but it's going to be attached to your electric bill, type thing. So that's obviously an issue, too. Because you have Shaw Welding is across...

Chairman McNulty stated yup.

Mrs. Smith stated from us. Again, I think Bill keeps his building nice but you can't see it. You know, it's...

Chairman McNulty stated okay. So the question for us here is a referral to the Zoning Board. Now, there's some discussion of Mesa said he would take his signs down.

Mrs. Smith stated yup.

Chairman McNulty stated he makes up...takes up a portion of this 100 square feet...

Mrs. Smith stated absolutely.

Chairman McNulty stated that's currently allowed.

Mrs. Smith stated his signs are very big.

Rich Williams stated yeah, he's got 87 square feet of the...

Mrs. Smith stated yeah.

Rich Williams stated 100 [square feet].

Chairman McNulty stated so, I guess the question is if he could reduce his sign how much would you need and how much would that allow you. And that would be the recommendation I would want to make: to compromise somewhat on a sign and not to grant such a large overage. Or...

Mrs. Smith stated okay.

Chairman McNulty stated recommend such a large overage.

Mrs. Smith stated right.

Chairman McNulty stated what that square footage is, I don't know right now with the information in front of me.

Mrs. Smith stated right. And so the problem with the Napa sign is that there're certain, and I don't have it with me. I'm sorry, I did go over it with Rich that one day, is the signs come in certain sizes. We have...

Chairman McNulty stated there's this page you gave us.

Mrs. Smith stated yes.

Board Member Taylor stated mmhmm.

Mrs. Smith stated I'm sorry. I didn't bring a copy for myself. So, I don't remember what the smallest one on there is, I'm sorry.

Board Member Taylor stated well, it probably wouldn't have to be the smallest one.

Mrs. Smith stated well because, obviously, the smaller you make it...Frank's Automotive, obviously, the name is long.

Chairman McNulty stated right.

Mrs. Smith stated so if you wanted to include the name so at least they know that it's you, you'd be squishing the letters all together if you made it a 4' sign. It wouldn't...

Board Member Taylor stated what I would recommend is you go back to the drawing board.

Mrs. Smith stated okay.

Board Member Taylor stated and if he's willing to take those two signs down, figure out how much square footage that is and then see if you can fit one of these signs into that square footage.

Mrs. Smith stated okay.

Board Member Taylor stated and plus...

Rich Williams stated two signs.

Board Member Taylor stated there's one above the other.

Mrs. Smith stated yeah.

Rich Williams stated okay.

Mrs. Smith stated yeah. He's got...Yeah. One is right above...They're the same exact size as...his two signs.

Chairman McNulty stated if I remember right, Rich, the total allowed for the building I think was 107 square feet.

Rich Williams stated 100 square feet.

Board Member Taylor stated 100 square feet.

Chairman McNulty stated 100 square feet. So you have 13 square feet to currently work with.

Mrs. Smith stated right.

Board Member Taylor stated plus whatever you can get from his signs.

Mrs. Smith stated right.

Chairman McNulty stated and then some...go to the Zoning Board maybe with a less...

Mrs. Smith stated right.

Board Member Taylor stated or...

Chairman McNulty stated less of a (inaudible).

Board Member Taylor stated or come back to us...

Chairman McNulty stated yeah.

Board Member Taylor stated with a redesign and then we'll make a recommendation to the Zoning Board.

Mrs. Smith stated so is putting the sign on that side of the building the only place you're willing to...My only thing is Guilo may take down those signs, I don't know that he's going to be willing for us to put our sign there. He may be willing to take it away to give us the square footage.

Chairman McNulty stated that's the north side.

Mrs. Smith stated yeah.

Chairman McNulty stated that faces out onto...

Mrs. Smith stated yeah.

Chairman McNulty stated Commerce.

Mrs. Smith stated I don't...I honestly don't think he's going to...Because then, really, we're promoting our business and now he has no sign because his only sign is above ours now at the corner.

Chairman McNulty stated yeah.

Mrs. Smith stated so he's taking away all of his signage...

Chairman McNulty stated what about the...

Mrs. Smith stated and then we're replacing it with ours.

Chairman McNulty stated the freestanding sign. Is that maxed out; it's 25 square feet for that.

Rich Williams stated I thought it was only 20 [square feet], but don't hold me to it.

Chairman McNulty stated can that sign be altered at all to somehow add a small Napa logo to it to help attract business.

Mrs. Smith stated which sign are you talking about. I'm sorry.

Chairman McNulty stated the one on the corner. The freestanding sign. The nice one.

Mrs. Smith stated I don't know because we...My application was based on the actual square footage, I believe, of...

Rich Williams stated is it 25 [square feet].

Mrs. Smith stated I think it is. I'd have to...

Chairman McNulty stated well maybe...

Mrs. Smith stated go back to...

Chairman McNulty stated Frank's...

Mrs. Smith stated that application.

Chairman McNulty stated the Frank's Automotive sign can just be altered to some degree: change the letters a little bit and get the Napa color on there to...

Board Member Taylor stated but they've got the...little tiny...

Mrs. Smith stated it's a little...

Board Member Taylor stated signs.

Mrs. Smith stated right.

Board Member Taylor stated but they're small you can't tell what they are.

Chairman McNulty stated okay.

Mrs. Smith stated exactly. And that's the biggest problem, really, is even that sign...Again, it's a nice sign. We like it, but it's small. I mean, you're trying to promote your business. But with a sign this large, you really can't. It's...The square footage isn't enough, I don't think, you know. Because also we put the 10 at the top. And then obviously...

Chairman McNulty stated yeah.

Mrs. Smith stated Northeast Mesa put their name above ours because obviously...

Chairman McNulty stated sure. You used it...

Mrs. Smith stated they...

Chairman McNulty stated you used it right up.

Mrs. Smith stated exactly. You know, so that's my biggest concern is if we could get something...The back of the building, the left-hand...If you were at Shaw Welding looking across at our building, the right-hand side of the building is shorter than the top half. That one has like a loft...

Chairman McNulty stated and you have...

Mrs. Smith stated area...

Chairman McNulty stated and you have view from Fair Street on there.

Mrs. Smith stated you have a view from Fair Street. If we were to put the sign at the higher elevation of that back...

Chairman McNulty stated mmhmm.

Mrs. Smith stated I think the wetlands and the trees wouldn't be an issue for us because it is much higher. Is that an option for us if he took down his. Could we get the sign at the taller portion...

Chairman McNulty stated do we have a height limit on signs. No.

Mrs. Smith stated and I don't know if in the picture you can...Frank did send me a picture. I mean, you can see...I don't want to...

Board Member Taylor stated the corner here I think she's talking about.

Mrs. Smith stated but you can see the left portion of the building...

Board Member Taylor stated yeah.

Chairman McNulty stated yup.

Board Member Taylor stated higher.

Mrs. Smith stated is taller.

Board Member Ladau stated mmhmm.

Mrs. Smith stated and that's not constricted by trees or anything...

Board Member Taylor stated right.

Mrs. Smith stated on that side. We had a landscaper come and clean down the fence until the area where we knew we were going to get in trouble. Just because even that sign...Our sign at the corner wasn't very visible because it was all overgrown. So we cleaned it up to try to help visibility.

Chairman McNulty stated well, I think the best option is now to go back and speak to your landlord...

Mrs. Smith stated okay.

Chairman McNulty stated see if you guys can compromise on signage that he wants, the signage that you want. Ron was out; he made some comments.

Mrs. Smith stated yup.

Chairman McNulty stated maybe put those into play and come in with a real solid plan of what you want to do.

Mrs. Smith stated okay.

Chairman McNulty stated the Napa signs, you know, highlight what size you'd like to put.

Mrs. Smith stated okay.

Chairman McNulty stated and then we can assess the recommendation up to the Zoning Board.

Mrs. Smith stated okay. So, are the colors obviously going to be an issue even when I come back. Are we going to...

Board Member Montesano stated shouldn't be...

Mrs. Smith stated I mean, if have an issue...

Board Member Montesano stated we don't have a color code.

Mrs. Smith stated with the red...I mean, I understand that you said the other signs are...

Chairman McNulty stated the colors aren't really an issue.

Mrs. Smith stated okay.

Chairman McNulty stated I mean, if...

Board Taylor stated the only issue we had with color was these huge bands of color.

Chairman McNulty stated yeah.

Board Member Taylor stated which almost makes it seem like the sign is much bigger than it really is.

Mrs. Smith stated you mean the painting the actual building.

Board Member Taylor stated yeah.

Mrs. Smith stated okay.

Chairman McNulty stated okay.

Board Member Taylor stated now...

Mrs. Smith stated so, you're saying when we paint the building that band can't be there.

Board Member Taylor stated well, I don't know...

Chairman McNulty stated I think...

Mrs. Smith stated is that what you said.

Board Member Taylor stated that we can say that.

Chairman McNulty stated I don't know if we can say hat.

Mrs. Smith stated okay.

Chairman McNulty stated you're going to paint the building...We're trying to get the building to conform into the...

Mrs. Smith stated absolutely.

Chairman McNulty stated area. So...

Mrs. Smith stated and again, I think that that blue band...I think the red and yellow have to be 6 inches. That's Napa...

Chairman McNulty stated Napa has their...

Mrs. Smith stated deal. And I think it may be on one of those papers. But the blue, I think we could work with that and make that less so that it doesn't look so big to you guys if that's...I didn't realize that there were rules on the painting of the building, but we certainly will...

Board Member Taylor stated well...

Mrs. Smith stated whatever you tell us, we'll try to conform to it.

Board Member Taylor stated there really aren't...

Chairman McNulty stated there are rules on the painting, are there.

Rich Williams stated this Board...Every building is subject to site plan approval. Our Code contains within it architectural standards and the Planning Board, by default, is the architectural review board of a building. Typically, we don't go overboard with that unless somebody wants to do a bright yellow or a bright pink building. But...

Chairman McNulty stated mmhmm. No...

Board Member Taylor stated but either...

Rich Williams stated you are an architectural review board.

Chairman McNulty stated we understand national companies have their logo and their brand and...

Mrs. Smith stated right.

Board Member Taylor stated but to say something on that, in the Industrial area...

Mrs. Smith stated no.

Board Member Taylor stated for M&S for example, we were concerned about the color of the building as it appeared from I-84, that it wouldn't stand out. They wouldn't put a sign on that side but they wouldn't illuminate it on that side.

Chairman McNulty stated yeah, I remember...

Board Member Taylor stated you know...

Chairman McNulty stated talking about lights and signs.

Board Member Taylor stated yeah.

Mrs. Smith stated for where, I'm sorry.

Chairman McNulty stated another lot. It was up the road from you.

Mrs. Smith stated oh, okay.

Chairman McNulty stated but in the same park.

Mrs. Smith stated right.

Rich Williams stated a question of where to put it.

Board Member Taylor stated so if we're going to apply those same standards, then we need to ask about this wrapping around on the side that goes toward I-84. If it doesn't wrap around, then it probably doesn't matter.

Chairman McNulty stated well, if the blue is only going to be where the signage is...Is it...Was it intended to wrap the entire building. The blue and the stripes.

Mrs. Smith stated it was intended to wrap the three sides of the building. Again...

Chairman McNulty stated not the Fair Street side.

Mrs. Smith stated yes. The Fair...Up to the taller side. The taller side wouldn't be painted because technically we were just painting our portion of the garage.

Chairman McNulty stated I've got you.

Mrs. Smith stated so the rest of Guilo's building would stay the grey or whatever it was.

Board Member Taylor stated but you're...Now you're talking about moving the sign up to the part of Guilo's building that...

Mrs. Smith stated if, again, if that's something that you think is more feasible that you guys are willing to approve then we're willing to go to Guilo and say listen, you said you'd take down your signs, are you still willing to do that. And to make the sign...Obviously the purpose of the sign is to be seen.

Chairman McNulty stated sure.

Mrs. Smith stated so again, you were out there Mr. Taylor and you probably make a very good point that...And again, we're just looking at it like okay...

Chairman McNulty stated does Napa require you to have the blue backdrop.

Mrs. Smith stated yes.

Chairman McNulty stated does it have to be the entire wall or can it just be 6" around the sign.

Mrs. Smith stated that I'd have to ask them.

Chairman McNulty stated maybe you can limit the blue to some degree.

Mrs. Smith stated maybe I can limit the blue. And the grey on the bottom is what the rest of the building would be painted which I think is just your normal grey. The PMS color is actually listed on one of those papers. If the blue is a hinder to you guys, then certainly again, we'll try to work around it and ask Napa can we paint around the sign...

Board Member Taylor stated well, I don't think the blue's a problem...

Chairman McNulty stated no.

Board Member Taylor stated on...

Mrs. Smith stated okay.

Board Member Taylor stated as long as it's not on the side that faces [Interstate] 84. I mean, that...

Chairman McNulty stated well, you really can't see 84 from there, so...

Mrs. Smith stated yeah, I mean...

Chairman McNulty stated that's kind of hard to describe that...I don't think 84...

Mrs. Smith stated so are you saying...

Chairman McNulty stated is visible from that lot.

Rich Williams stated so, what he's saying is the Fair Street side is...

Chairman McNulty stated Fair Street side.

Rich Williams stated (inaudible).

Board Member Taylor stated now, the Fair Street is fine.

Mrs. Smith stated but Fair Street side...

Board Member Taylor stated I think Fair...

Mrs. Smith stated is where the back garage door is. Are we all on the same page on that one. The Fair Street...

Chairman McNulty stated yes.

Mrs. Smith stated side is the back garage door.

Chairman McNulty stated it's where your pavers are in this picture here.

Mrs. Smith stated the 84 side, Mr. Taylor, if I'm...correct me, we have the little retaining wall going into the wetlands...

Board Member Taylor stated yeah, right.

Mrs. Smith stated that's the side that faces 84.

Board Member Taylor stated right.

Chairman McNulty stated and you can see 84 from there.

Rich Williams stated you really can't see this building from 84.

Board Member Taylor stated can you see their building from 84.

Mrs. Smith stated no.

Chairman McNulty stated oh.

Mrs. Smith stated I mean, I've driven 84. I can't see our building from there. But if you can...

Board Member Taylor stated so then it doesn't apply then.

Board Member Montesano stated if you want to see it, yeah, you really have to stop.

Chairman McNulty stated it really...I don't think it applies here.

Board Member Taylor stated then it doesn't apply.

Mrs. Smith stated I mean you have to stop on 84 and really look for it. But I have to tell you, I...

Board Member Taylor stated then it doesn't apply. Never mind. I'm just saying that in the past...

Mrs. Smith stated absolutely.

Board Member Taylor stated that's what we've been concerned about.

Mrs. Smith stated okay. And if that is a concern, again, someone wants to travel 84 and tell me if you see our building, then we won't paint that side if that's an issue. We don't have a problem with that.

Board Member Taylor stated so do we have an objection to blue facing Fair Street.

Chairman McNulty stated um, if there's no sign on the Fair Street side, I'd prefer to see it left grey.

Mrs. Smith stated okay.

Chairman McNulty stated and if you're going to...

Board Member Taylor stated but...

Chairman McNulty stated talking about the sign on the higher level...

Mrs. Smith stated on the higher end...

Board Member Taylor stated then just paint the higher level.

Chairman McNulty stated the higher level.

Mrs. Smith stated the higher level. Okay, so that's fair.

Chairman McNulty stated and if that...We're looking to...

Mrs. Smith stated I mean...

Chairman McNulty stated to...We want you to be seen but to try and tone it down a little bit.

Mrs. Smith stated okay.

Chairman McNulty stated if they can limit the blue backdrop so it's not the whole side of the wall, and it's a foot or 18" around the sign.

Mrs. Smith stated does it...and I'm sorry again because I didn't bring it, but the foot was...The sign was 2 foot tall, Rich. Do you remember.

Chairman McNulty stated I don't remember which...

Mrs. Smith stated I think Rich wrote it.

Chairman McNulty stated the sign size.

Rich Williams stated I did write it.

Chairman McNulty stated but I think at this point...

Mrs. Smith stated I think it's 2 foot tall. So if the paint was just going to be that same area behind the sign...

Chairman McNulty stated no, well, Napa probably requires it somewhat...

Mrs. Smith stated to be a little bit...

Chairman McNulty stated an outline of it.

Mrs. Smith stated outside, correct.

Chairman McNulty stated but the thing now is to meet with your landlord...

Mrs. Smith stated okay.

Chairman McNulty stated and see if you can nail down the actual square footage that you need.

Mrs. Smith stated okay.

Chairman McNulty stated pick the size of the signs you want to see.

Mrs. Smith stated okay.

Board Member Montesano stated just do the blue background around here.

Chairman McNulty stated and then redo your renderings if you can.

Mrs. Smith stated okay.

Chairman McNulty stated and come back to us.

Mrs. Smith stated okay.

Board Member Montesano stated before we send her out, if you were to...Would that be acceptable just to end it right there. For the blue and the...

Chairman McNulty stated show...Show him this...

Mrs. Smith stated yeah, I'm sorry.

Board Member Montesano stated alright, Tammy...

Board Member Taylor stated I don't have any problem on that side at all.

Board Member Montesano stated this is what, roughly, your sign would be if you got it from them.

Chairman McNulty stated yeah. No, I don't have a problem.

Board Member Taylor stated it's the other side.

Mrs. Smith stated that's correct.

Chairman McNulty stated it's the Fair Street, you know, right out directly...

Board Member Montesano stated okay. If you cut it off here and just had the blue background here, then the rest of that building would stay that color and this wouldn't...

Mrs. Smith stated this is on the front side, though, you're talking about.

Board Member Montesano stated in other words, if you're going on any side of the building...

Mrs. Smith stated okay. You want the painting...

Board Member Montesano stated they have the whole thing...

Mrs. Smith stated to stop at the end of the sign.

Chairman McNulty stated we're not so concerned...

Board Member Montesano stated right.

Chairman McNulty stated on that...as you drive to the building and the driveway...

Mrs. Smith stated okay.

Chairman McNulty stated we're not concerned as much on that side.

Mrs. Smith stated okay. And again, before we paint it, we certainly could have you guys maybe come over and just tell us...And I'll try to get from Napa what our...what...least amount will they allow us to do by keeping with their...

Chairman McNulty stated we understand that these colors are required and...

Board Member Montesano stated well, that's their smallest as far as the banner signs goes.

Mrs. Smith stated right.

Board Member Montesano stated so if you were to take that or even this one and just stop the colors.

Mrs. Smith stated right.

Board Member Montesano stated because all they show is the color here. They don't show the background.

Mrs. Smith stated right.

Board Member Montesano stated so, you'd have to find out if they have a...If they need the blue background...

Mrs. Smith stated a requirement behind it.

Board Member Montesano stated it's all here.

Board Member Taylor stated yeah.

Board Member Montesano stated and easier.

Chairman McNulty stated but, again, go back and work with your landlord and see if...some down with a real square footage...

Mrs. Smith stated okay.

Chairman McNulty stated and a good layout that works for you.

Mrs. Smith stated and so, I know that we've talked a lot about the back sign on Fair Street, which is fine. I'll go to Guilo tomorrow. On the front side of the building...

Chairman McNulty stated what do you consider the front side.

Mrs. Smith stated by the front door and the...

Board Member Taylor stated and the driveway.

Mrs. Smith stated front garage. On the driveway side...

Chairman McNulty stated yeah.

Mrs. Smith stated where is...

Chairman McNulty stated we don't have a bigger concern with that.

Mrs. Smith stated our bigger concern because, again, we need something when people come around. And I will ask him if wants to cut the tree but he loves that tree. But I'll ask him.

Chairman McNulty stated maybe he'll trim it.

Mrs. Smith stated maybe he'll trim it. But the front side isn't an issue right now.

Chairman McNulty stated no.

Board Member Taylor stated no.

Mrs. Smith stated okay. So, I'll go to him about the backside now. I'm on the meeting with the variance board for the 18th. I'm still going to go to that.

Rich Williams stated yes. You're still going to have to go...

Mrs. Smith stated okay.

Rich Williams stated to that. We were trying to move this process along...

Mrs. Smith stated yeah, because the problem is I'm kind of on a deadline with Napa to have an approval by then end...

Rich Williams stated I don't know...

Mrs. Smith stated the sign was supposed to be up by December 2nd. So obviously, I'm not meeting that deadline, but I need to get to them some type...Only because it's...They've been kind of hounding us...

Chairman McNulty stated well let them know that...

Mrs. Smith stated to get on this, so...

Chairman McNulty stated we put you to the next meeting.

Mrs. Smith stated okay.

Chairman McNulty stated and get in...get your information in, talk to the landlord, and we'll work with you the best we can. I'm sure they'll work with you now.

Mrs. Smith stated okay.

Chairman McNulty stated yeah.

Mrs. Smith stated okay. And I know Rich said you guys...

Chairman McNulty stated we're not looking to drag this out.

Mrs. Smith stated have a work session like at the end of this month.

Board Member Montesano stated you can go to Car Quest.

Chairman McNulty stated yup.

Mrs. Smith stated that...Okay.

Chairman McNulty stated we can act at a work session.

Rich Williams stated yeah, but that pushes you back to the ZBA meeting of December.

Chairman McNulty stated oh.

Rich Williams stated there's no way around that.

Board Member Ladau stated right.

Mrs. Smith stated oh.

Chairman McNulty stated yeah.

Mrs. Smith stated which is the end of the month for them.

Rich Williams stated end of December.

Mrs. Smith stated okay.

Chairman McNulty stated yeah, we're not comfortable on what to recommend at this point because we don't solid plan.

Ron Gainer stated they have in meeting December.

Mrs. Smith stated okay.

Rich Williams stated the ZBA.

Ron Gainer stated yeah.

Board Member Taylor stated well, we can make a recommendation that we don't approve of this size increase.

Rich Williams stated as long as they've got applications.

Board Member Taylor stated that we would recommend...

Mrs. Smith stated if I have a less of a square footage...

Board Member Montesano stated that we would write a recommendation...

Chairman McNulty stated yeah, but I don't know if that...

Mrs. Smith stated can I...

Chairman McNulty stated does that help the Zoning Board on...

Board Member Taylor stated I don't know if it does or not.

Chairman McNulty stated I mean, if...

Board Member Montesano stated well, if they don't allow it, why the hell did they send a recommendation.

Chairman McNulty stated well, if we were to make a recommendation that we would like to see a smaller square footage applied for.

Mrs. Smith stated mmhmm.

Chairman McNulty stated maybe between now and the ZBA you could meet with your landlord and come up with that smaller square footage.

Mrs. Smith stated okay. And if Guilo removed his signs before the ZBA meeting, Rich, and I went...changed my application for a smaller square footage, is that something we could...I could do.

Chairman McNulty stated you mean for us or the ZBA.

Mrs. Smith stated for them. Because they're going to be looking at square footage also, or now.

Chairman McNulty stated the hard part...We don't really guide them because, you know, if you come back...

Mrs. Smith stated okay.

Chairman McNulty stated with only 2 square feet less...

Mrs. Smith stated right.

Chairman McNulty stated I don't know what they're going to say.

Rich Williams stated right now what I'm hearing is I'm going to draft a recommendation that essentially is going to say that in discussing the application with the Applicant and the property owner, it's been determined that the Northeast Mesa can come down, therefore, allowing a substantial reduction in the potential square footage of the sign. At this point, the Planning Board can't make a further recommendation without further information from the Applicant and through it all back on the ZBA as to whether they want to hold it over or not. Is that appropriate.

Chairman McNulty stated yeah, that sounds fine to me. If you want to help push it along. But let the ZBA know we'd like to see it decreased and the possibilities there with your landlord reducing his signage.

Mrs. Smith stated right. Because then at least, are they really just approving the actual square footage or do they have to approve the actual sign and the placement.

Chairman McNulty stated no, we...

Mrs. Smith stated that's what you guys are going to do.

Chairman McNulty stated no, we approve the sign and...

Mrs. Smith stated okay.

Chairman McNulty stated placement. They approve the square footage.

Mrs. Smith stated so if I can reduce the square footage maybe before I get to them...

Chairman McNulty stated yes.

Mrs. Smith stated then maybe they can at least say, yes we're okay with an extra 50 square feet but the Planning Board still has to approve the actual sign and placement.

Chairman McNulty stated correct.

Mrs. Smith stated does that all sound correct.

Chairman McNulty stated yes.

Rich Williams stated correct.

Mrs. Smith stated okay.

Chairman McNulty stated so we can...

Mrs. Smith stated perfect.

Chairman McNulty stated forward with a recommendation like that.

Mrs. Smith stated okay.

Chairman McNulty stated just like you stated, Rich.

Mrs. Smith stated and I'll...

Rich Williams stated I hope the recorder's working.

The Secretary stated me, too.

[Laughter].

Mrs. Smith stated and I'll speak with Guilo tomorrow and I'll get back with the square and then come to you guys with and you guys...will show new placement of the sign and hopefully it will work for everybody.

Chairman McNulty stated great.

Mrs. Smith stated okay. Thank you.

Chairman McNulty stated okay. Thanks, Tammy. Have a good night.

Mrs. Smith stated thank you.

5) 859 FAIR STREET REALTY– Site Plan Waiver

Mr. Joe Arcone was present.

Chairman McNulty stated okay, next on the list 859 Fair Street Realty.

Mr. Joe Arcone stated good evening.

Chairman McNulty stated good evening.

Mr. Arcone stated my name is Joe Arcone, I'm standing in for Jamie Provenzano.

Chairman McNulty stated just speak into the mic, Sir, so...

Mr. Arcone stated my name is Joe Arcone. I'm standing in for Jamie Provanzano. He had to be away on business.

Chairman McNulty stated okay. So you're here for a generator, correct.

Mr. Arcone stated yes. Correct.

Board Member Taylor stated we approved the generator.

Chairman McNulty stated we did approve the generator in the work session.

Mr. Arcone stated okay.

Chairman McNulty stated okay. I don't know...

Board Member Taylor stated he's here for the site plan.

Chairman McNulty stated yup. Do you understand the background here and what was...

Mr. Arcone stated yeah.

Chairman McNulty stated what was discovered.

Mr. Arcone stated I read briefly...It told me briefly. Apparently when we put our addition on a few years back that the...

Chairman McNulty stated yeah, that you were granted a building permit but never got site plan amendment to show the construction.

Mr. Arcone stated okay.

Chairman McNulty stated somewhat of a mistake by the Town I guess at this point.

Mr. Arcone stated yes.

Chairman McNulty stated an oversight. And what we're looking to do is a...

Ron Gainer stated I don't remember it at all.

Rich Williams stated yeah.

The Secretary stated they were going to set a public hearing.

Chairman McNulty stated looking to waive a site plan amendment for your project, but approve your survey as it...

Rich Williams stated they didn't grant a site plan waiver (inaudible – too many talking).

Chairman McNulty stated as it's been drawn.

Mr. Arcone stated okay.

The Secretary stated no, they were going to set a public hearing for approving his survey and they were going to do it all at once.

Chairman McNulty stated to do that though, we'll need to set a public hearing and go through the process. You have any questions about that.

Mr. Arcone stated is there anything required of the new owner.

Chairman McNulty stated well, there are...

Rich Williams stated your consent.

Mr. Arcone stated just consent. Okay.

Board Member Taylor stated yeah, you also have to review...

Mr. Arcone stated yup. I saw that we have to do that.

Board Member Taylor stated and sign that [referring to the Short EAF].

Mr. Arcone stated okay.

Board Member Taylor stated there's one change on it.

Chairman McNulty stated that's the Short EAF form: the Environmental Assessment form. In the Planner's notes from today's date, he outlines the, you know, the items on the survey that would be addressed.

Mr. Arcone stated so it would be right here he'd have to sign this, at the end of this.

Chairman McNulty stated yes.

Mr. Arcone stated okay.

Chairman McNulty stated you want to review it, make sure you're comfortable...

Mr. Arcone stated yup.

Chairman McNulty stated with how it's filled out and...

Mr. Arcone stated okay.

Chairman McNulty stated and address the notes in his item...Item one on his...Not so much you have to address, it's what's on the plan: Review it and make sure you're comfortable with.

Mr. Arcone stated okay. Yeah, I looked through it. Everything looked...

Chairman McNulty stated okay.

Mr. Arcone stated okay, so he signs that. Sends that back to the Planning Board.

Chairman McNulty stated is that...Now, we can set a public hearing for the next monthly meeting.

Rich Williams stated you can. But you need to grant some waivers as well.

Chairman McNulty stated that's right.

Rich Williams stated and just so you know, my memory isn't what it used to be, but I don't remember the generator getting approved. And we don't have anything in our notes sitting out here right now that that generator...That the site plan waiver was actually was granted.

Chairman McNulty stated I think we discussed that we were comfortable with the generator then. Maybe we didn't move forward.

Board Member Taylor stated mmhmm.

Rich Williams stated that I remember.

Chairman McNulty stated okay. Alright, well let's address the survey first. I'll make a motion in the 859 Fair Street Realty, formerly Von Essen, to address problems that were discovered on the survey and to waive the site plan amendment and also waive several of the elements that are required on a site plan pursuant to 154-69

Rich Williams stated well, just to be clear, you're not waiving the site plan amendment. You're waiving...

Chairman McNulty stated elements of the...

Rich Williams stated several of the requirements of our zoning Code...

Chairman McNulty stated got you.

Rich Williams stated described in our memo and the letters there correspond to the letters in our zoning Code which is why they're not consecutive.

Chairman McNulty stated alright, so with that, are we going to require a site plan application...amendment application.

Rich Williams stated you are going down the road of doing an amended site plan for the Applicant.

Chairman McNulty stated okay.

Rich Williams stated yes.

Chairman McNulty stated and with that, we were going to waive several elements of the site plan amendment.

Rich Williams stated correct.

Chairman McNulty stated and those are listed in the reviewer...the Town Planner's notes of November 6th, Item 1, a through j, item 2, 3, 4 and . I don't need to read all of those out.

Board Member Taylor stated now, we're waiving just 1. The elements we're waiving are one...

Chairman McNulty stated I...yeah.

Board Member Taylor stated are under one.

Chairman McNulty stated strike that. We're going to waive out Item 1, elements...items a through j.

Board Member Taylor stated second.

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

Chairman McNulty stated okay. So...

Rich Williams stated schedule a public hearing.

Chairman McNulty stated yup. Going to schedule a public hearing on the application, site plan amendment application waiver for 859 Fair Street for the next monthly meeting. I don't know the date.

Board Member Montesano stated December 4th.

The Secretary stated December 4th.

Chairman McNulty stated December 4, 2014. Okay, so we're...

Board Member Taylor stated second.

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

Chairman McNulty stated does that cover the survey.

Rich Williams stated that covers the survey.

Chairman McNulty stated so now we want to talk about the generator.

Mr. Arcone stated so items 2 through 5 on this...

Chairman McNulty stated not...2 through 5 are items that you need to take care of.

Rich Williams stated no.

Board Member Taylor stated that we need to take care of.

Board Member Montesano stated we need to.

Rich Williams stated we're taking care of them.

Board Member Taylor stated that's upcoming.

Mr. Arcone stated okay.

Board Member Taylor stated we'll deal with those...

Chairman McNulty stated excuse me. That's the problem of getting these the night of the meeting. I didn't read it.

Board Member Taylor stated yeah.

[Laughter].

Board Member Taylor stated alright.

Mike Liguori stated you're doing a good job, Tom.

Chairman McNulty stated getting it done. Alright, on the generator, you want to make a motion on that.

Board Member Taylor stated yeah.

Chairman McNulty stated we have to do SEQRA on that, don't we.

Rich Williams stated no.

Board Member Taylor stated no, we don't.

Chairman McNulty stated oh.

Mike Liguori stated it's a Type 2 action.

Board Member Taylor stated because it's a waiver.

Board Member Montesano stated Type 2 and it's waiver.

Chairman McNulty stated what I do with it. Right here.

Board Member Taylor stated so we're doing a negative declaration. Move that in the application of 859 Fair Street Realty for a site plan waiver, the Planning Board of the Town of Patterson finds the proposed action...

Rich Williams stated no. You're not doing SEQRA.

Board Member Taylor stated we're not doing SEQRA.

Rich Williams stated all you got to do is...

Board Member Taylor stated what are we doing. We're doing a site plan...

Rich Williams stated by a motion.

Board Member Taylor stated waiver.

Rich Williams stated by motion, you're going to waive the requirement the Applicant submit a site plan to the Planning Board for the installation of a generator located at the south easterly corner of the building.

Board Member Taylor stated alright.

Rich Williams stated in the general location of the well.

Chairman McNulty stated as proposed in the application.

Rich Williams stated fine.

Board Member Taylor stated alright. Okay. All in favor. Motion carried by a vote of 4 to 0.

Ron Gainer stated anybody move it.

The Secretary stated yeah, who seconded it.

Board Member Taylor stated it's only a cheat sheet.

The Secretary stated who second...He did [referring to Board Member Montesano].

Mr. Arcone stated are there minimum setbacks from the building and property line for that pad.

Rich Williams stated yes. There are, I believe, as you proposed it they met all the building setbacks.

Chairman McNulty stated yeah, we looked at that the other night.

Rich Williams stated and... Yeah. But at this point, you can go to the Building Department, submit a plan and they will advise you if you are or not.

Mr. Arcone stated of the set...

Rich Williams stated of the setbacks.

Mr. Arcone stated according to setbacks. Okay.

Rich Williams stated yeah. You had plenty of room there so you were fine.

Mr. Arcone stated okay.

Chairman McNulty stated all these odd applications. You have any other comment.

Mr. Arcone stated I don't think so. So, basically he'll go file the Building Permit, the application, and they'll give him the setbacks that he needs.

Chairman McNulty stated yup.

Mr. Arcone stated and...

Chairman McNulty stated and you'll follow the Building Department's, you know, schedule...

Mr. Arcone stated right.

Chairman McNulty stated inspections or whatever they need done for that.

Mr. Arcone stated he can go ahead with the generator and then appear back here on December 4th...

Rich Williams stated correct.

Mr. Arcone stated for the waiver...

Chairman McNulty stated well, now for a public hearing he's going to have to mail out...

Rich Williams stated we're going to take care of the mailing and everything.

Chairman McNulty stated okay.

Mr. Arcone stated so he just needs to be here on December 4th to have...

Rich Williams stated correct.

Mr. Arcone stated as far as for...

Chairman McNulty stated yeah.

Mr. Arcone stated the Building Permit and the addition.

Board Member Montesano stated or before (inaudible) have somebody stop by...

Mr. Arcone stated or have somebody stop by.

Board Member Montesano stated talk to Richie before that so you tell them where it's going.

Rich Williams stated I've already gone through all this...

Board Member Montesano stated oh, you've gone through it.

Rich Williams stated I have.

Board Member Montesano stated then you don't have to do that.

Chairman McNulty stated okay.

Mr. Arcone stated okay. So we're good.

Rich Williams stated (inaudible – too many talking) December 4th.

Chairman McNulty stated good luck. Thank you, Sir.

Mr. Arcone stated thank you. Have a nice evening.

Mike Liguori stated tell him what a good job you did tonight.

[Laughter].

ILLESCAS – Continued

Chairman McNulty stated okay. Next. Is anybody here from Illescas. Mr. and Mrs. Illescas here.

Board Member Montesano stated nope.

Chairman McNulty stated no. Okay.

6) FROG HILL – Site Plan

Mr. Harry Nichols was present.

Chairman McNulty stated we have Frog Hill. Harry.

Mr. Harry Nichols stated I'm a little short this week [referring to putting the plans on the board].

Board Member Taylor stated you need help, Harry.

Board Member Montesano stated you want to step on...

Mr. Nichols stated no, I think I will make it. There we go. Thank you. Stick pins here keep disappearing.

Board Member Montesano stated you have to get taller assistance. I'd give you my pogo stick but I don't want you getting hurt.

Chairman McNulty stated since we last met Ron Gainer, Town Engineer, has made some comments. Have you had a chance to review those. He had them dated October 30th.

Mr. Nichols stated yeah, I just read it. I just read this.

Ron Gainer stated right. Yeah, there's a variety of outside agency permits that must be obtained at some...

Chairman McNulty stated give the mic...Take the mic, Ron.

Ron Gainer stated sorry. There's various outside agency permits that are required. You've got to formalize the documents so it conforms with SWPPP requirements for erosion control plan. One technical issue we were looking to be added to the plan is just some physical barrier between the end of the parking area to the west of the building, adjacent to the SSTS area.

Mr. Nichols stated mmhmm.

Ron Gainer stated so there couldn't be any vehicular activity over...

Mr. Nichols stated okay.

Ron Gainer stated there's various other details that should be cleaned up or made legible. And lastly, you're going to need to provide some quantity take off so that performance bonding can be resolved.

Mr. Nichols stated okay.

Ron Gainer stated there was a question I had raised last week relative to whether a SEQRA declaration has been made but...

Chairman McNulty stated it was.

Ron Gainer stated Town Planner's confirmed that that's been done.

Chairman McNulty stated yeah. Okay. The biggest item we discussed as a Board, Harry, was at the driveway by the septic there.

Mr. Nichols stated yeah.

Chairman McNulty stated the engineer mentioned about maybe relocating the boulders. We mentioned maybe just a split-rail fence. Maybe even wheel shocks. Something that denotes so people can't drive out into that area.

Mr. Nichols stated okay.

Chairman McNulty stated or over the septic.

Mr. Nichols stated yeah.

Mr. Nichols stated you still want to use the boulders as a defining line for the...

Chairman McNulty stated for the wetlands.

Mr. Nichols stated for the wetland.

Chairman McNulty stated yes.

Mr. Nichols stated adjacent area.

Chairman McNulty stated yup. I think we kind of settled on the separation and the size.

Mr. Nichols stated yup.

Chairman McNulty stated talked about that at length. Is there any changes you made. Maybe we didn't catch on this latest plan...

Mr. Nichols stated well, we're currently...

Chairman McNulty stated you want to discuss.

Mr. Nichols stated working with the Health Department. We've gone through our submission to them. We have a comment letter that came back. Now we're responding to that.

Chairman McNulty stated it's my understanding they said it was okay to use one well for the multiple properties. Did that come up. I thought we talked about that.

Mr. Nichols stated well, it's all on the same property. Multiple uses...

Chairman McNulty stated but the Health Department is okay with that: to use the one well to feed everything.

Mr. Nichols stated well, that's the whole...

Chairman McNulty stated you had the capacity.

Mr. Nichols stated well, we got to... We're going to have to do a pump test on it. We've been unable to locate any documentation of the original well.

Chairman McNulty stated do you know where the water is...

Mr. Nichols stated I don't know where the beginning was. I don't...

Chairman McNulty stated the well is.

Mr. Nichols stated I know where the well is.

Chairman McNulty stated oh.

Mr. Nichols stated and I know where the connections are but we're trying to find a test that had been run on the prior well but we are unable to locate one. So we're going to have to get a well guy out there to do a pump test on the well.

Chairman McNulty stated and Health Department's requiring that.

Mr. Nichols stated I think they're going to.

Chairman McNulty stated okay.

Mr. Nichols stated they haven't said anything yet on it but it's...If you didn't mention it, they certainly would have.

Chairman McNulty stated is that something...That's something we normally would request though, as a Planning Board, correct.

Rich Williams stated no, that's typically under the jurisdiction of the Health Department.

Chairman McNulty stated yeah.

Rich Williams stated and, you know, I go back to when the application first came and I saw there was a well with multiple connections. I did call Mike Budzinski and I did discuss the multiple connections with him and he didn't seem to have an issue at that point.

Chairman McNulty stated okay.

Mr. Nichols stated well, we know your concerns and we will definitely get the well test.

Chairman McNulty stated alright, so Harry, we're getting close here. If we clean up these issues. Get he performance bond calculations over to us.

Mr. Nichols stated okay.

Chairman McNulty stated note the engineer's notes that address these the best you can.

Mr. Nichols stated okay.

Chairman McNulty stated alright, get back with any comment you may have.

Mr. Nichols stated we're certainly getting down to a page and a half now. I think we're...

Chairman McNulty stated yeah, we have SEQRA done. Public hearing's done, I believe. And we're...Just need to get it cleaned up so we can get it done.

Mr. Nichols stated okay. We'll take care of that.

Chairman McNulty stated okay. Anybody have any comment.

Board Member Ladau stated nope.

Chairman McNulty stated okay. Thanks, Harry.

Mr. Nichols stated okay, good night.

Rich Williams stated one last thing.

Chairman McNulty stated oh, Ron.

Rich Williams stated one last thing, Harry, just so you know...

Mr. Nichols stated yeah.

Rich Williams stated this application is going to be on for the next agenda to either wrap it up or you're going to have to give us a waiver. You're not going to be...

Ron Gainer stated timing.

Rich Williams stated done with the engineering, yeah, because of the timing.

Mr. Nichols stated okay.

Rich Williams stated so we are automatically going to put it on for the next agenda.

Mr. Nichols stated okay.

Rich Williams stated okay. Mr. Chairman, if I could make a suggestion before we...

Chairman McNulty stated yeah.

Rich Williams stated move to Fox Run, we have another application in for a driveway that's...

Chairman McNulty stated oh, that's right.

Rich Williams stated straight forward and easy.

Mr. Nichols stated you have any comments on the MS4 submission.

Rich Williams stated I don't think I did. I'll take another look.

Mr. Nichols stated okay.

Rich Williams stated I'll take another look.

Mr. Nichols stated yeah. Alright. That's actually on both projects.

Rich Williams stated you got the comments for the Alpine.

Mr. Nichols stated I did. Okay, I didn't have a chance to read that one yet. Alright...

Chairman McNulty stated okay...

Mr. Nichols stated thank you.

Chairman McNulty stated thanks, Harry. Goodnight.

7) RUSSELL WORON – Driveway Waiver

Mr. Russell Woron was present.

Chairman McNulty stated we did have an add-on. I'd just like to...It's a small item. Bring it up...Is there a Mr. Woron here, for a driveway waiver.

Board Member Taylor stated yeah. He's out there.

Chairman McNulty stated yeah.

Board Member Montesano stated there's the man now.

Chairman McNulty stated hello, Sir. How are you.

Board Member Taylor stated good evening, Russ. How you doing.

Mr. Russell Woron stated how you doing. My name's Russ Woron. I live at 7 Maple Avenue.

Chairman McNulty stated okay.

Mr. Woron stated and I have a dirt driveway for one car. You know, what I want to do is improve it with a surface. I have pavers.

Chairman McNulty stated okay.

Mr. Woron stated and actually, I just challenge in the cost by the Town for \$150 to improve my own driveway. That just seems kind of out of line.

Chairman McNulty stated okay.

Mr. Woron stated I'm not making it bigger or changing anything at all.

Chairman McNulty stated nope. We understand. The Town Planner's talked about us...told us some information about you have some pavers you want to put down and just put a surface down. I guess the only recommendation I have is to maybe to hold it back from the road right-of-way. We're talking about...

Rich Williams stated let me...

Chairman McNulty stated five to six feet.

Rich Williams stated just jump in here. You know, I did take a look at it. It doesn't seem to be a very big issue. I did review it also with the Highway Superintendent. He was concerned that as his plows come down, you know, the corner of the plows may catch the edge the driveway and take the pavers up. He wasn't going to object to the use of the pavers but he did want to put on the record that his men are not going to be responsible for the pavers in any way, shape or form. If they come up, it's going to be your responsibility to make any...

Mr. Woron stated okay. I'll move I back...

Rich Williams stated repairs...

Mr. Woron stated two, three feet from the road.

Rich Williams stated so...And, on a personal note, looking at it again, I'm not going to raise any objections to the use of the pavers because it's really, you, know, not a significant area that we have to be concerned with. But I would encourage you to put, maybe, a 3 to 5 foot cap of blacktop down. Because of the issue of the potential of the plows and the edge of the plow catching the pavers. But if you want to bring them right to the road just, you know, so you're aware...

Chairman McNulty stated yeah, the Town...

Mr. Woron stated no problem.

Chairman McNulty stated won't be responsible.

Board Member Montesano stated you don't want them by the road and I'm telling you from experience.

Mr. Woron stated oh, I'm...

Board Member Montesano stated go look at my...

Mr. Woron stated they'll probably knock the whole corner off.

Board Member Montesano stated oh. So back up a little bit...

Chairman McNulty stated you want to make a motion on it.

Board Member Montesano stated it will save you on...

Board Member Taylor stated yeah. I guess so. Was this on the sheet this time.

Chairman McNulty stated no. It's just a...

Board Member Taylor stated fine.

Mike Liguori stated this is a test.

[Laughter].

Mr. Woron stated the, you know...

Board Member Montesano stated it's the easiest thing.

Mr. Woron stated my challenge is the...

Board Member Montesano stated in the matter of...

Board Member Taylor stated yeah, in the matter...

Mr. Woron stated the cost.

Board Member Montesano stated Russell Woron...

Board Member Taylor stated in the matter of 7 Maple...

Mr. Woron stated perm...And driveway permit. Is that what it's called.

Rich Williams stated well, you're going to have to...

Mr. Woron stated permit or...

Rich Williams stated no, you're not going to have to get a driveway permit. You're fine.

Chairman McNulty stated no. You have...

Rich Williams stated we're taking care of everything tonight.

Chairman McNulty stated you have an existing driveway now.

Mr. Woron stated yeah. Okay.

Board Member Taylor stated so in the matter of 7 Maple Drive...

Mr. Woron stated Maple Avenue.

Board Member Taylor stated Maple Avenue. Correct. Russell Woron, we are...

Chairman McNulty stated waiving...

Board Member Taylor stated waiving...

Chairman McNulty stated the driveway...

Board Member Taylor stated the driveway to allow the use of pavers with the condition that the Town will take no responsibility for any pavers that are too close to the street and are disrupted by the snowplow.

Mr. Woron stated sounds good to me.

Board Member Taylor stated is this a full waiver.

Rich Williams stated what you're doing is you're essentially waiving the driveway standards requiring an asphalt surface to allow an alternate surface.

Board Member Taylor stated oh, okay.

Rich Williams stated unlock pavers.

Chairman McNulty stated what you just did.

Board Member Taylor stated as he...

Chairman McNulty stated second.

Board Member Taylor stated amended as he just said. Yes.

Chairman McNulty stated second.

Board Member Montesano stated second.

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

Chairman McNulty stated okay. You're all set.

Mr. Woron stated thank you.

Chairman McNulty stated good luck.

Board Member Taylor stated goodnight, Russ.

8) FOX RUN – Active Adult Residential Project

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

Chairman McNulty stated okay, Fox Run.

Mr. Curt Johnson stated good evening.

Chairman McNulty stated good evening. How are you tonight.

Mr. Johnson stated Curt Johnson with Zarecki & Associates

Chairman McNulty stated okay. Where am I here.

Board Member Montesano stated in the Town Hall in the Town of Patterson, up on the second floor. Oh, that's pretty but I like the other colors [referring to the plans].

Mr. Johnson stated come on.

Chairman McNulty stated okay, Curt. How are you tonight.

Mr. Johnson stated very good. Thank you.

Chairman McNulty stated okay. We had a chance and we reviewed the Part 2 of the EAF.

Mr. Johnson stated okay.

Chairman McNulty stated come up with a number of items. Has that been forwarded to the engineer yet.

Rich Williams stated has not. You haven't approved it to forward.

Board Member Taylor stated you have to approve it.

Chairman McNulty stated oh, that's true. To approve the Part 2.

Rich Williams stated well, you still...

Mr. Johnson stated minor details.

Rich Williams stated you know, I made the revisions...

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

Chairman McNulty stated well, we're in...

Rich Williams stated based on our conversations.

Chairman McNulty stated we're in discussion.

Mr. Johnson stated okay.

Chairman McNulty stated Ron had several notes and I responded to several notes and that's where we are.

Mr. Johnson stated okay.

Chairman McNulty stated okay. Ron, you want to have a comment on the Part 2.

Board Member Taylor stated it's in process and I think we're going to move on to Part 3 and then it will all be written up and...So just, you know...

Rich Williams stated well, I thought the way you wanted to do this at the last meeting was we're going to finalize Part 2. We're going to send Part 2 onto the Applicant so they can address...

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

Rich Williams stated address...As you know, anything that's identified as a large impact has to be addressed in Part 3. We were going to give it to the Applicant so that they could respond perhaps. Some of those responses would be incorporated into that Part 3 and then we're going to draft a Part 3.

Board Member Taylor stated oh, then I think we need to add some of the explanation that we had in our discussion as part of Part 2 when we send it out. Otherwise it makes no sense to why we checked some of the boxes that we did.

Rich Williams stated doesn't really matter why you checked the box. It matters that you...

Board Member Taylor stated well, it's just...

Rich Williams stated it matters that you checked the box and then they're going to give us information as why that is actually not a large impact or how they're going to mitigate it. That's...

Chairman McNulty stated I guess it's...

Rich Williams stated that's how you're going to do the Part 3.

Chairman McNulty stated question is, Ron, are you comfortable with what we did. I'm comfortable with how we went through the Part 2 and as how it was drafted up by Rich and forwarded to us. You still have some issues with it.

Board Member Taylor stated yeah, I still have some issues with it. I sent you the notes on that. I'm just...

Chairman McNulty stated yup. I responded to that.

Board Member Taylor stated it was rethinking, actually, what some of the comments that Rich made. I think he was right in that we should have checked one box that we didn't and deal with it in the next step. I don't even remember...

Ron Gainer stated you can make that adjustment tonight and then, you know, if there's a consensus of the Board to adopt it as a Part 2 and direct the Applicant to...

Board Member Taylor stated well...

Ron Gainer stated provide information.

Board Member Taylor stated it was...One of the things was on the bedstraw.

Rich Williams stated well, yeah. We should be clear on that. I'm not sure where that came up or where any response I gave is misconstrued. But my opinion on this is it would otherwise a major impact had they not done the study to show us there's no bedstraw on the site. And being as they did the study upfront then, my response and my recommendation, would be that the response should be either no or a small impact.

Board Member Taylor stated alright. Okay, so I misunderstood what you said. My feeling on it after reading the SEQRA is that we should make that determination in Part 3, not in Part 2. But I don't, you know, I'm still confused by this process...

Chairman McNulty stated well, I think what Rich just stated is that with the information provided and the Part 2 in this whole process, the EAF is a guideline for us to follow through. It doesn't seem that the bedstraw would be a large...I don't know if you members are in agreement. I didn't see it as a large impact.

Mr. Johnson stated it's not there on the site.

Board Member Taylor stated it's not... Yeah, no. It...

Chairman McNulty stated yeah. And it's been...

Board Member Taylor stated you're right. It isn't there it's just...Correct me on this. The way I'm reading the SEQRA process is one: they give us information. Two: we evaluate it a little bit. Three: we make a statement about our evaluation and it's...Part 3, I think, where we make a statement, it is not a large impact because they've done a study. It doesn't exist in this area.

Rich Williams stated let me try to do it this way. Part 2 is where you evaluate the information that you have gathered in Part 1 and your experiences with the Town and the overall setting that this is going to be put in.

Chairman McNulty stated yes.

Rich Williams stated for example, if they said we're going to build 80 units out there and we're going to disturb 15 acres of this site, and they don't give you any other detail about the volume of material they're going to cut, then that would be a large impact because you really don't know how much material they're going to cut. But if they answer in Part 1 or an expanded Part 1 that the amount of site disturbance is going to result, hypothetically, 50 square yards of material...or 50 cubic yards of material being moved, then you would know that you're under that 1,000 cubic yard threshold and you could answer at that point, because of the information you have in Part 1, you could answer that question no or small impact.

Chairman McNulty stated well, I think in our conversation in what we had that it just didn't seem to be a large impact and really need further discussion.

Rich Williams stated I could spin that on its top and maybe that could clarify a little more for you.

Board Member Taylor stated no, it's...that's not the issue I'm trying to...It's...If we're building a case that somebody's going to look at and say, okay they did their due diligence. They answered that question, they've moved on. There's nowhere that we state that we've in fact done that unless we will add a remark to Part 2 saying we've decided it's a small impact because there's no bedstraw out there. Even though it came up on the mapper as potential for bedstraw. That's all...I'm just trying to...

Chairman McNulty stated so you're looking to enhance Part 2 to some degree to...

Board Member Taylor stated no, just...

Rich Williams stated no, no, no. But I...

Board Member Taylor stated I'm not trying to enhance...

Rich Williams stated I understand what Ron's concern is that there's not enough...There's not enough meat on the bone. There's not enough justification about why you've reached your decision...

Board Member Taylor stated right.

Rich Williams stated but, you know, Mike...The attorney needs to jump in here at this point. My opinion would if you spend some time talking about it at a Board meeting and you clearly evaluated Part 1. You've done your Part 2, you've done your Part 3, no judge is going to supersede your review of that. They're not going to impose their...

Mike Liguori stated right.

Rich Williams stated view.

Mike Liguori stated they're not going to substitute their judgment for yours. Now you guys make a...what's called a reasoned elaboration.

Chairman McNulty stated Mike, could you grab the mic.

Mike Liguori stated yeah, sure. We could be on the record tonight. It's enough that we're talking about this in the minutes about forwarding this document. And this very discussion is enough where the Board can say, hey look, we have confirmation. We have a report or we have some other information. However you have it, that there's no existence of bedstraw on this property. And that's enough to check that box and move on. Now, if we were going to be hyper-technical, then essentially we'd check everything in [Part] 2 as a large impact and in 3 we'd go back and say, well now it's not a large impact. And you know, it takes away the common sense that's suppose to prevail when, you know, filling out these documents. So we can be on the record tonight. Our minutes are being taken...

Chairman McNulty stated mmhmm.

Mike Liguori stated that whatever the action you take, whether it's to forward, you know, Part 2 as currently prepared. We could simply note that the reason why that is checked either no impact or small impact is because you already have that knowledge for whatever reason and that's enough to move it forward.

Board Member Taylor stated fine. Then that satisfies me.

Chairman McNulty stated yeah, because what you're looking for is to make sure we cover our bases while we do the process.

Board Member Taylor stated yes.

Chairman McNulty stated I understand that.

Board Member Taylor stated and that clearly we've covered our bases. I mean, the problem I have, I look back to some previous minutes of other actions...

Mike Liguori stated mmhmm.

Board Member Taylor stated and it's really unclear what's gone on.

Chairman McNulty stated it's the method to our madness.

Board Member Taylor stated well, it's not us...

Mr. Johnson stated well, if I could add, too, to just...Part 1 wasn't deemed complete until we had that documentation from someone qualified that there was no bedstraw. So I think you did your due diligence in Part 1 by saying it wasn't complete until you received that information.

Rich Williams stated correct.

Mr. Johnson stated is that...

Board Member Taylor stated alright. So I'm happy then. The only other question I had was our discussion about the water.

Rich Williams stated I, you know...

Chairman McNulty stated yeah, I...

Rich Williams stated I don't have a big issue with the changes that you're proposing for Item 3, you know. And I think they're easily addressed in a Part 3. With regard to part 4: impact on Groundwater, yeah, I'd still leave those as small impacts. I want to say, with the Fox Run, the current wells that are out there, yes. We are monitoring both quantity on a daily basis. Quality on a periodic basis. Sometimes it's daily, sometimes it's quarterly. But we're doing quarterly water samples out there for a variety of parameters.

Chairman McNulty stated and I have it addressed as Item 7 that we...

Rich Williams stated yeah.

Board Member Taylor stated alright now...

Board Member Ladau stated but that's still...

Board Member Taylor stated has there ever been any indication that there's drawdown of the aquifer.

Rich Williams stated there's no indication of a drawdown of the aquifer.

Board Member Taylor stated okay.

Rich Williams stated we do have problems with the wells because they're in bedrock. I don't think they're in the best sites.

Board Member Taylor stated okay.

Rich Williams stated you know.

Board Member Taylor stated but that's a different...

Rich Williams stated the developer...

Board Member Taylor stated situation.

Rich Williams stated chose where they did and we've got some other issues out there and I've always wanted to get another well in for them.

Board Member Taylor stated because I was just...

Board Member Ladau stated but...

Board Member Taylor stated was just thinking, I was remember Watchtower and their report on their rock wells. They decided at one point that they were drawing down the aquifer and they were affecting the neighbors around them. So their recommendation was to use them only temporarily because they have the alternative to go out to the gravel wells which were no drawdowns. I was just wondering whether there was any indication of that there. But if there isn't any indication, then...

Rich Williams stated no. We're not dropping the well...the well pumps down lower into the...

Board Member Taylor stated right.

Rich Williams stated well head at all. The water level seems static in all the wells.

Board Member Taylor stated okay.

Board Member Ladau stated but Rich, doesn't the fact that we are monitoring it closely suggest that there is potential for major impact. I mean the wording here says that the impact may occur. Not that it will occur.

Rich Williams stated we're monitoring the wells because of the State and local Health Department requirements...

Board Member Ladau stated mmhmm.

Rich Williams stated to ensure a good, potable water supply.

Board Member Ladau stated yeah.

Rich Williams stated alright. We are not...We're not required by the Health Department to monitor the static water in the wells...

Board Member Ladau stated yeah.

Rich Williams stated which is what the issue is here. We're required to monitor the quality and we see through the quality that we don't have an issue out there with a lot of things that are showing up in other areas such as salt and MTBEs. And we monitor the usage...

Board Member Ladau stated mmhmm.

Rich Williams stated so that we know how much is being used which...

Chairman McNulty stated right.

Rich Williams stated tells us...

Board Member Ladau stated but we're...

Rich Williams stated a lot of information about, well, geez, do we have a leak or do we have a leaky faucet someplace.

Board Member Ladau stated yeah. But my point is simply if the...if it warrants this level of monitoring, whether it be the drawdown or the quality, doesn't the suggest that there is potentially a major impact and that we should call it out as so.

Rich Williams stated I don't believe that the two are related. The monitoring we're doing out there is not related to a concern that we may be drawing down the overall level of groundwater within the ground.

Chairman McNulty stated is the existing Fox Run a water district.

Rich Williams stated yes.

Chairman McNulty stated is this new application, if it moved forward, would it be a water district.

Rich Williams stated I hope not.

Mr. Johnson stated I don't think so.

Chairman McNulty stated okay, so any monitoring would be on the private owner.

Rich Williams stated correct. I do want to say...

Board Member Taylor stated home owner's association...

Chairman McNulty stated the homeowners...the association.

Rich Williams stated yeah. I do want to point out one thing to both the Board and the Applicant, you know, one of the things in this document is that, you know, they've looked at the wastewater treatment plant and the daily reports and typically that wastewater treatment plant is using about 17,500 gallons a day. I can tell you in the last few months the water reports, because again, we're monitoring the water usage out there, you know, it's fluctuating back and forth between fourteen, sixteen thousand, eighteen thousand gallons per day. That's what we're using out there. But in the summer months, that typically jumps up. I've seen it go as high as 40,000 gallons. You know, we had to go search in some buildings to see if there were some leaks. But in the summer months and other months, and as a general average, just so you know, of water usage out there periodically over time because I did go back and take a look, we're probably closer to 26,000 gallons per day of water usage. Some of that comes back out because, you know, they're drinking it...

Mr. Johnson stated mmhmm.

Chairman McNulty stated mmhmm.

Rich Williams stated whatever. They're filling a pool. But...

Chairman McNulty stated use the mic.

Rich Williams stated any other questions.

Chairman McNulty stated I knew you were going to do that.

Rich Williams stated but, you know, I am concerned a little bit about those numbers and as this goes forward I would like to see some long term data about what they're using in the wastewater treatment plant because if...we're putting out of the water treatment plant 30,000 a day and only fifteen is reaching the wastewater treatment plant...

Board Member Ladau stated yup.

Rich Williams stated that's something I may need to take a harder look at...

Mr. Johnson stated okay.

Rich Williams stated and figure out.

Chairman McNulty stated so, does that bring...That was Item 4 (e) and we had selected no. Maybe there's something we do want to have a large impact and stretch out to look at further.

Board Member Ladau stated yeah.

Chairman McNulty stated this...What happened is Ron did a further review on Rich's...We had a work session...

Mr. Johnson stated mmhmm.

Chairman McNulty stated reviewed this EAF Part 2, went through it, gave it a lot of thought. And then Rich put it together and forwarded it to us and we've had some comment back and forth...

Mr. Johnson stated okay.

Chairman McNulty stated about it. A couple of items that I think we'll probably change here before we send it to you.

Mr. Johnson stated okay.

Rich Williams stated again, 4 (e), you know, you're saying that, you know, there may be a potential of a groundwater supply being located where groundwater is suspected to contain contaminants. Is that the one you're suggesting.

Ron Gainer stated yeah...

Board Member Ladau stated mmhmm.

Board Member Taylor stated but just...

Rich Williams stated my monitoring out there for Fox Run we don't have any contaminants in the wells.

Chairman McNulty stated I think...And 4(b) was another one I was concerned with.

Ron Gainer stated it could be (a) or (b) if you want to...

Chairman McNulty stated yeah.

Board Member Ladau stated yeah.

Ron Gainer stated make that pursued. It wouldn't be (e).

Chairman McNulty stated yeah. Well, I referenced (e) in my notes because if Fox Run is monitored then maybe we would want this monitored. But you haven't seen any history of contaminated water...

Rich Williams tatted no.

Chairman McNulty stated in your monitoring.

Rich Williams stated and you know what, they're going to drill the wells...

Mr. Johnson stated yup.

Rich Williams stated they're going to do...

Chairman McNulty stated the Health Department...

Rich Williams stated a full...full analysis...

Mr. Johnson stated right.

Rich Williams stated of the water quality. And if that water comes up pure, absolutely clean water, they're still going to have to monitor for...

Mr. Johnson stated yeah. Sure the Health Department...

Rich Williams stated all the contaminants.

Chairman McNulty stated got you.

Mr. Johnson stated will require us to...

Mike Liguori stated yeah, you're required by...

Mr. Johnson stated serving that many...

Mike Liguori stated Part 5 is going to require it.

Mr. Johnson stated right.

Chairman McNulty stated and you guys, I misspoke when I said 4(e). 4(b) is the one I'd be more, like Ron mentioned, inclined to change to a moderate to large. Just because...

Ron Gainer stated you know that does...All that does...

Chairman McNulty stated we really don't know and you're increasing the density from what was, you know, x amount of houses on R-4 and we're looking to add, you know, how many units are proposed at a dense overlay situation. It should be addressed and looked at, I think: water supply.

Rich Williams stated just so you know, what they're suggesting what they're going to be using out there generates out to about a well that has to produce 20 gallons per minute.

Board Member Taylor stated I think...

Rich Williams stated you know, that's not a...

Board Member Taylor stated all we're saying is...

Rich Williams stated that's not atypical.

Board Member Taylor stated we were rethinking some of the stuff the other night.

Rich Williams stated mmhmm.

Board Member Taylor stated and we're going to visit again in [Part] 3. That's all we're saying. We'd like to visit these things again in 3. That it may not go beyond that.

Chairman McNulty stated so we can comment tonight that on 4(b) we'd like...Rich note that for your record before it goes out change that to large.

Rich Williams stated I'll change it out.

Chairman McNulty stated is everybody comfortable with that.

Board Member Ladau stated mmhmm.

Chairman McNulty stated okay. And then we had items...Item 7...

Board Member Taylor stated Item 7.

Chairman McNulty stated 7 (a) and (b) there were some comment on.

Rich Williams stated that was the issue with the bedstraw.

Board Member Taylor stated yeah, okay. Then that's...

Chairman McNulty stated yeah.

Board Member Taylor stated I's satisfied with that then. Leave it as it is.

Chairman McNulty stated yeah, I was comfortable with 7 as everything was, too. So it was just the water I had a concern with.

Board Member Taylor stated that's pretty much it then, huh.

Chairman McNulty stated yup. So Rich at this point you would put this together, forward over to the engineer.

Rich Williams stated let him take a look at it, recognizing that we're going to have to address everything that has been identified as a potentially a large impact, we're going to have to address that in Part 3 and before, hopefully, the next submission date they'll be able to send us their responses...

Mr. Johnson stated mmhmm.

Rich Williams stated to everything and then I'll take that and try to roll it into a Part 3.

Chairman McNulty stated okay.

Mr. Johnson stated okay.

Chairman McNulty stated and Rich, thanks for getting that together quick.

Board Member Taylor stated yeah.

Chairman McNulty stated I know you said you've it by 7 o'clock Monday morning...Friday morning.

Rich Williams stated I know, something slowed me down.

Ron Gainer stated it was only by noon.

Chairman McNulty sated yeah.

Rich Williams stated yeah.

Chairman McNulty stated I had it by 7:45 I think.

[Laughter].

Ron Gainer stated yeah. You did fine.

Rich Williams stated I ran into...O think the server went down or something I had to deal with.

Chairman McNulty r stated oh, okay.

Board Member Montesano stated his coffee cup spilled.

Ron Gainer stated do they want to formerly adopt it with that one revision just for the record.

Rich Williams stated that would be fine if they want to adopt.

Board Member Taylor stated so, it should be clear that some of these things we're just puzzling over more.

Mr. Johnson stated right.

Board Member Taylor stated we just want time to think over them more.

Mr. Johnson stated so I...

Board Member Taylor stated it just...

Mr. Johnson stated I think that we can work together here; provide the Board with...

Board Member Taylor stated yeah.

Mr. Johnson stated more information that you require so you're at a level of comfort, too. And...

Chairman McNulty stated but I think we're ready to adopt the Part 2 at this point.

Board Member Taylor stated yes, I think we are.

Mr. Johnson stated yeah.

Ron Gainer stated with that one modification.

Board Member Taylor stated with that one modification, yeah.

Chairman McNulty stated so I make a motion to adopt the Part 2...

Mr. Robert Marvin stated can I make one comment...

Chairman McNulty stated yes.

Mr. Marvin stated first please.

Chairman McNulty stated please come up and state your name, Sir.

Mr. Marvin stated okay. Robert Marvin, the attorney for RC Enterprises. Good to see you all again.

Chairman McNulty stated how are you.

Mr. Marvin stated I'm trying to follow the discussion and flip through my Draft EAF that you're talking about. So excuse me if I got something a little wrong but Part 4(b) where...which is one of the areas that I think you're talking about identifying as a potential significant impact...

Chairman McNulty stated mmhmm.

Mr. Marvin stated is that regarding the density. Is that....I was trying to find the page; I wasn't able to do it...

Board Member Taylor stated it's the water.

Mr. Marvin stated in time.

Rich Williams stated it actually...

Chairman McNulty stated I just closed it.

Rich Williams stated relates to, to some degree, the density because that affects the amount of groundwater that's going to be drawn out. And the issue is, is the density going to overburden the potential of the...

Chairman McNulty stated pass it over so he can see [referring to EAF].

Rich Williams stated ground to produce groundwater.

Mr. Marvin stated okay.

Chairman McNulty stated here, you can take a look at itself.

Board Member Taylor stated oh, he's got it.

Mr. Marvin stated yeah. Curt's (inaudible – too many talking).

Mr. Johnson stated 4(b), water.

Mr. Marvin stated okay.

Ron Gainer stated well, they said...

Mr. Marvin stated that's not what I thought we were talking about. So I don't have any comment on that.

Board Member Taylor stated okay. Good.

Chairman McNulty stated okay.

[Laughter].

Mr. Marvin stated okay. Sorry to waste your time.

Chairman McNulty stated what were you thinking of.

Mr. Marvin stated I thought you were talking about density of R-4 versus...

Board Member Taylor stated no, no, no.

Mr. Marvin stated multi-family overlay.

Chairman McNulty stated no.

Board Member Ladau stated no.

Chairman McNulty stated what alerted it to me is that it was an R-4...

Mr. Marvin stated right.

Chairman McNulty stated suited, but not we're looking at a denser overlay...

Mr. Marvin stated that's right.

Chairman McNulty stated activity and there's going to be more usage of water.

Mr. Marvin stated right.

Chairman McNulty stated so it's a concern.

Mr. Marvin stated okay.

Mike Liguori stated note though, 11/6/14, attorney has not comment.

[Laughter]

Mr. Marvin stated give me a minute, I'll think of something.

Board Member Montesano stated wait a minute, is that on a quarter hour or what.

Chairman McNulty stated okay, so on the Fox Run application EAF Part 2 I'd like to move to adopt what we've reviewed on our work session with the change of Item 4(b) to a large impact.

Board Member Ladau stated mmhmm.

Board Member Taylor stated second.

Board Member Ladau stated second.

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

Board Member Taylor stated is adopt the right word. Okay.

Mr. Johnson stated alright, so we'll just get...

Rich Williams stated I'll talk to you tomorrow.

Chairman McNulty stated do we have any other comments tonight that we want to address.

Mr. Johnson stated okay. Sounds good.

Board Member Taylor stated yeah. I've got some questions for Mike that I would like him to look into.

Chairman McNulty stated give him the microphone, please. I'm trying, Sarah.

Board Member Taylor stated well, no, this is stuff I wanted him to look into.

Chairman stated I'm trying.

Board Member Taylor stated so we can get some...I'd like you to look into the Zoning Code for Active Adult; what it exactly says and what that means. The second one is overlay. Is there some meaning to overlay or is it purely semantic. Do we have a new zone here or is there some...The overlay for the multi...

Rich William stated multi-family overlay zone.

Board Member Taylor stated no, no, no. The other one. What's the other one.

Rich Williams stated the cluster overlay zone.

Board Member Taylor stated yes. The cluster overlay.

Rich Williams stated open space...

Board Member Taylor stated yes. The open...

Rich Williams stated open development area.

Board Member Taylor stated the open space overlay says in it that it's modification to certain things but certain conditions still apply from the previous zone, from the zone that was overlaid. It doesn't say that in the adult...in the active adult overlay. I just...Whether overlay implies something additional or whether we're talking about a new zone here that's been created, essentially. Three: and you seem to have answered this before when you were answering my question about Part 2. Can we use criteria set out in discussions as reasons for creating the active adult overlay...multi-family overlay. That is, can we go back to previous minutes, in this case with the minutes of the Town Board, to pull out criteria that helped define what this zone is for us because it's not very well defined in the Code. Do you understand what I'm asking there.

Mike Liguori stated it would be helpful to have...

Board Member Taylor stated an example.

Mike Liguori stated no, no, no. Just...I think really what would be important is for us to sit down and just get to the root of why you feel confused about the, you know, about the application of active adult to the underlying zoning district. That may get to the bottom of the three questions.

Board Member Taylor stated but it won't get to the bottom of question one.

Mike Liguori stated alright.

Board Member Taylor stated question one is I want you to really look at the Code.

Mike Liguori stated okay.

Board Member Taylor stated so we can talk about the exact wording of the Code and the implications of that. But it might help with, yes, the other two.

Mike Liguori stated okay.

Board Member Taylor stated alright, I think I had fourth but I didn't write it down and I've totally forgotten it so...

Chairman McNulty stated getting late.

Board Member Taylor stated that's it. Yes, it's getting too late.

Chairman McNulty stated so Johnson, you have anything else you want to address to us tonight.

Mr. Johnson stated nope. I guess as soon as we take a look at that, we'll have a discussion and go back and forth and do what we need to do.

Rich William stated okay.

Chairman McNulty stated okay. We'll see if we can move forward.

Mr. Johnson stated okay, great. Thank you.

Chairman McNulty stated okay, Teddy, we're looking for the Illescases, but haven't seen them. You have any comment.

Ted Kozlowski stated Mr. Williams spoke to Mr. Illescas this week.

Chairman McNulty stated yeah, he mentioned earlier.

Ted Kozlowski stated and I asked Rich, through an email, sure he understood. And we both said we hope so.

[Laughter].

Rich Williams stated I was very clear. I...

Chairman McNulty stated so...

Rich Williams stated multiple times that I explained to him everything. The heads going up and down. The heads going up and down.

Chairman McNulty stated so are we in a position to make a motion on this and finalize it.

Ted Kozlowski stated I really think Mr. Illescas needs to be in front of the Board to be instructed exactly...

Rich Williams stated what are you looking at.

Ted Kozlowski stated what is supposed to happen.

Mike Liguori stated I thought it was your Code book.

Ted Kozlowski stated given the fact that...

Rich Williams stated no.

Ted Kozlowski stated we have had two or three instances of...

Ron Gainer stated sorry for that.

Chairman McNulty stated okay.

Ted Kozlowski stated not following the Code. So...

Rich Williams stated desk.

Ted Kozlowski stated we really need him to understand...

Mike Liguori stated that's where mine is.

[Laughter].

Ted Kozlowski stated it troubles me that Rich Williams met with him this week, sat down with him, spoke with him, informed him about this Board meeting and he's not here.

Chairman McNulty stated okay.

Ted Kozlowski stated and I did not receive a call and nor did Richie. So...

Chairman McNulty stated so, do we want to set this on the next agenda and get a letter to him or a phone call to him, say he has to be here or it's not going to be resolved.

Board Member Taylor stated is he in court.

Ted Kozlowski stated no because he's been complying and I think, again, I did not speak to his wife. Rich spoke to him directly so I think I'll make the attempt to speak to his wife and at that point...at some point it's going to have to be an enforcement action.

Chairman McNulty stated well then maybe...

Ted Kozlowski stated and enforcement action.

Chairman McNulty stated well that's it. You could...Maybe a letter is the best thing to insist that the application's in front of us, it has to come to a resolution or else he's going to be noncompliant and enforcement action will be taken.

Board Member Montesano stated can I ask...

Chairman McNulty stated is that...

Board Member Montesano stated a question.

Ted Kozlowski stated I really don't understand why this...we've pretty much given him what he wants. I don't understand why he's not here.

Board Member Montesano stated do we have someone in the building that could speak...

Board Member Taylor stated an interpreter.

Board Member Montesano stated yeah, because unfortunately I think there's a communication gap and he keeps shaking his head that he understands and I don't think he does. You know, it's like telling certain people that were not born here a joke that we would understand and they don't.

Chairman McNulty stated well Mike, maybe a letter is the best thing to do because then...

Ted Kozlowski stated well, like I said...

Chairman McNulty stated he would have it...

Ted Kozlowski stated I will call...

Chairman McNulty stated and somebody could read it for him.

Ted Kozlowski stated I will speak with his wife who appears to understand English quite well.

Chairman McNulty stated she seemed to when she was here.

Ted Kozlowski stated yeah.

Board Member Ladau stated what language does he speak, out of curiosity.

Chairman McNulty stated I don't know if it's Spanish or Portuguese.

Ted Kozlowski stated I don't know.

Chairman McNulty stated I'm not sure either. He was only here once, so...

Ted Kozlowski stated I would think it's Spanish but I have no idea.

Chairman McNulty stated okay. Is there a problem for you to get a letter out.

Mike Liguori stated se habla espanol. Should we write it in Spanish.

Rich Williams stated un poco.

Chairman McNulty stated great. Thank you.

Rich Williams stated but it's going in English.

Chairman McNulty stated I wouldn't want it any other way.

Board Member Montesano stated because he doesn't understand anything.

Chairman McNulty stated one other item I'm...

Board Member Montesano stated it's all Greek to me.

Chairman McNulty stated back to Fox Run, if I could. Ted, I'm sorry. Ted you have anything else.

Ted Kozlowski stated I'm not...

Rich Williams stated I have two items for the Board.

Chairman McNulty stated well...

Rich Williams stated go ahead.

Chairman McNulty stated on Fox Run, we talked about getting a letter out. Were you able to do that yet...

Rich Williams stated no.

Chairman McNulty stated to the surrounding.

Rich Williams stated but we will.

Chairman McNulty stated okay. That would be great.

The Secretary stated that was already done...

Board Member Taylor stated I know what the fourth thing is.

Mike Liguori stated okay.

Board Member Taylor stated I ran across a memo from their lawyer saying that the two...that there would be one homeowner's association when this was over with. That the new homeowners would merge with the existing homeowners' association. Is that true. Can you look into that and does that pose problems for us in terms of dealing with this in any way.

Rich Williams stated no, that's all done at the State level with the...

Mike Liguori stated I'm working on one now where I have separate tiers. I have three boards, I have...

Chairman McNulty stated it's separate properties still. Separate homeownerships, right.

Board Member Taylor stated but this is...I was confused because one and two are separated and yet the homeowners' association is going to be one homeowners' association. I just...I don't know if that affects us.

Rich Williams stated (inaudible – too many talking) Town Board, Planning Board and a Zoning Board.

Mike Liguori stated yeah, there's really no...

Board Member Taylor stated so it doesn't affect us in any way.

Mike Liguori stated it would be like us annexing Pawling. You guys would just process all the applications for Pawling.

Chairman McNulty stated we have enough.

Board Member Taylor stated okay.

Mike Liguori stated no, I mean, but that's the reality of...

Board Member Taylor stated okay.

Mike Liguori stated the... They'll just record a, you know, an amended declaration of conveyance and restrictions.

Board Member Taylor stated I just think the Board should be aware of that when they start talking about senior citizens coming in. They're going to have to join the existing board if they start talking about controls and things being different on their part of the property.

Mike Liguori stated mmhmm.

Board Member Taylor stated I mean I think there may be a potential for a conflict within the board.

Mike Liguori stated well that's...

Board Member Montesano stated that's their headache.

[Laughter]

Board Member Taylor stated no, but that's going to become our headache down the road. But, I mean, that's one of the things I think we're considering. What happens down the road with this project.

Board Member Montesano stated send it to the State. The State approves it, it's their headache.

Mike Liguori stated well...

Chairman McNulty stated I have a question about that, though. We talked about this not being, the new application in front of us, as a phase from the original Fox Run. If they become one homeownership or association, does that make it a phase. A second phase to this...

Rich Williams stated no. No, and that's already been decided in the courts when we went into the courts. It was... I mean, that was the crux of the whole case basically where they were maintain they're a phase and they have a preexisting, nonconforming right to build out, you know, multi-family project.

Board Member Montesano stated and they will (inaudible – too distant).

Rich Williams stated and we challenged that. We said, you know, you are not a preexisting, nonconforming. The rules changed in 1974 and the Town prevailed, in a very big way we prevailed. So, at that point, it really separated the two projects.

Board Member Taylor stated yeah, but not the board.

Rich Williams stated so, and we're not, you know, we're not calling it...

Board Member Taylor stated you see why we're confused.

Mike Liguori stated yeah, I guess. I, you know, I think the difference between me and you guys is I write these things. So I know how they operate, you know, and I represent boards. To me this is just, you know, just...

Chairman McNulty stated it's not a concern for us.

Mike Liguori stated the rules are a little different for these people over here and we're going to process the applications and you just...

Rich Williams stated and you...

Mike Liguori stated you know, let's say Fox Ridge, this is my binder, these are the rules, you know. Let's Fox Ridge won, for a lack of a better term. You guys, where are you from. Fox Ridge 2. Take out my Fox Ridge 2 binder. Hey, it's a little bit different for you guys. They could be identical. It...

Chairman McNulty stated same association but a different board.

Mike Liguori stated a different and your dues maybe different. You're just going to have a separate tier...

Chairman McNulty stated okay.

Mike Liguori stated because...I'll tell, we do the...We've been some work for Pulte over in Carmel and that has three separate phases, you know, 100 units here. A hundred and six there. One hundred and nine there. They all have different rights. They have different classes of memberships. They have different dues. One board.

Chairman McNulty stated okay.

Board Member Taylor stated alright.

Mike Liguori stated because it's just, you know, ten less personalities than three boards.

Board Member Taylor stated yeah.

Chairman McNulty stated good for you guys, I guess. It keeps you...Multiple boards. Single boards.

Mike Liguori stated no, well, it would be...You know, it just depends on your quality of life, Tom.

[Laughter]

Mike Liguori stated that's all.

Chairman McNulty stated alright...

Board Member Montesano stated but we're annexing Pawling now. Wow.

[Laughter].

9) OTHER BUSINESS

a) Mancini Subdivision

Chairman McNulty stated alright. So move onto other business...

Mike Liguori stated don't put the rumor out, you know.

Board Member Taylor stated Rich had two items.

Chairman McNulty stated well, we have Mancini and Rich had something.

Rich Williams stated Mancini is done.

Chairman McNulty stated okay, it's all set.

Rich Williams stated you did SEQRA at the last meeting.

Chairman McNulty stated yes we did.

Rich Williams stated the Town Board at their meeting took an action and they granted the variance.

Chairman McNulty stated check it off. I love it.

b) Discussion with Town Planner: Emails & SEQRA

Chairman McNulty stated Rich, you had some items.

Rich Williams stated I did. I just wanted to talk to the Board about a couple of things. One is just to remind you that your emails are all subject to FOIL and they all become part of the record. So please be careful about what you put in there. You want to seem professional at all times. You want to seem like you have a firm grasp of the process.

Chairman McNulty stated have you ever used a monkey wrench for a hammer.

Board Member Taylor stated why do we have to seem we have a firm grasp of the process. We're trying to learn the process.

Rich Williams stated because if you were to get sued and you have statements in there that we really didn't know what we were doing, that may be used against you. So, you know, just a reminder. All the emails are subject to FOIL. They're all part of record when you send them in as you're communicating amongst themselves, correct Michael.

Mike Liguori stated yeah, yeah. And, you know, one of the best things I could advise you is if you...One of the benefits of having Rich here is Rich's, you know, infinite involvement in all these things and providing the day-to-day guidance. But if you have a legal question and you copy him on it then you're asking for legal advise and it'd be covered under the privilege unless you, you know, released it. And that's a method if you, you know, if you do have some serious confusion and you want to put it in writing t, you know, request advise, copy me on it and that way if we ever had to be in that situation we could assert the privilege.

Rich William stated I want to take it one step further because I don't always agree that all the advise that the attorney's is subject to privilege. If you're confused and you want a legal opinion. Send an email directly to Mike.

Mike Liguori stated that's true. Right.

Ron Gainer stated yeah, that's...

Rich Williams stated don't copy anybody else on it, please. I...We don't want to know in the office because that way it won't become part of the permeant record.

Mike Liguori stated mmhmm.

Chairman McNulty stated okay. Good advise.

Board Member Montesano stated can two tin cans and a piece of string work better.

Mike Liguori stated you know, when we're...

Ron Gainer stated (inaudible – too many talking).

Mike Liguori stated when we're done with the meeting then I'll give you some...I'll give you a little bit more information on that.

Chairman McNulty stated Rich, you had another item, too.

Rich Williams stated yeah, the other thing...I just want to bring to the Board's attention, you know, over the years, and I've been here a long time now and, you know, the Board's been always very good, always professional and you four gentlemen and Ed when's he's here, you know, you're in that same vein. And I'm very pleased to have you all here and working with you. At the same time we've always prided ourselves, whatever group was sitting there, whatever I had, on our ability to be very straight forward and move these projects forward. And we've over the years have developed a fairly good reputation about being able to, you know, when somebody comes in run the gambit through the process and move them forward and get them out the other side with a project and not as some other towns do, hold them up for

years and years and years. I'm concerned at this point, you know, I'm very happy that you're very focused on the environmental assessment form. And you're doing your due diligence and you're being very thorough about it. But somehow we need to get to a point where, in my opinion, that needs to move a little quicker because we can't take one month to do Part 1, one month to do Part 2, one month to do Part 3 or more, so we're reviewing the environmental assessment form, which is a very small part of the overall process, and taking three to six months to do it. You know, I realize this is kind of a learning experience right now but it...

Chairman McNulty stated yeah. Hasn't been...

Rich Williams stated you know, I want you to keep that in the back of your head that at the end of the day how this process has to work with the environmental assessment for is one or two meetings and we're out the door with it, somehow. So, however we can help you get there. I'm not sure... You know, I don't know if we just need to start sitting down with a workbook because last night I reread the workbook again and, you know, it's very good guidance about what to look at and how to evaluate these things and the four elements of, you know, a project that you need to look at. The magnitude, the context that it's sitting in. The intensity of use. And other elements. You know, very good document that the DEC provided. If I have one critique of their current environmental assessment form is I've always said there needs to be three columns, not two. You need to have no or not applicable, small impact, large impact. Because not having that is very confusing to be honest.

Chairman McNulty stated it's such a subjective form.

Rich Williams stated yeah.

Chairman McNulty stated it's difficult. That's why... You said earlier that they're not going to, you know, hold you to something if we didn't check it right because it is so subjective.

Mike Liguori stated yeah, and it's not intended...

Chairman McNulty stated it's just a tool really.

Mike Liguori stated there was an email that came in today about whether, you know, you incur liability by checking the wrong box. That's not what it's for. It's a guideline to illicit information. And look, you can...

Chairman McNulty stated that's the way I see it.

Mike Liguori stated you could get through the entire project and do everything right and miss something because there are things that happen in the field during construction that you could never contemplate. You just can't. It's not something that's on the form.

Rich Williams stated and here's the reality: it's a guidance document. There's no actual requirement that you do it. If you sat up there and never did an environmental assessment form but you put in the record that you had taken a hard look, how you had taken a hard look, even though you had never touched an environmental assessment form...

Mike Liguori stated mmhmm.

Rich Williams stated and still made that SEQRA determination...

Mike Liguori stated yup.

Rich Williams stated it would still be upheld. So...

Board Member Ladau stated that's interesting.

Mike Liguori stated mmhmm.

Board Member Montesano stated have the changed that book to the new version yet.

Rich Williams stated well, there's a...they still have the original cookbook. They still have the original SEQRA handbook. They've made some modifications to them but what they have now is a third book which is specific to looking at the environmental assessment form.

Board Member Montesano stated okay. Now, my book is from 1998. We're still using that with the modifications that we were informed of. But what I'm saying is if the modifications are there, did they ever put out something new from 1998. If not, have they ever put the modifications that they have in writings so we could fill in the pages.

Rich Williams stated yeah. I don't know that they've actually made modifications to that. I'd have to go back and compare the two. But...

Board Member Montesano stated alright.

Rich Williams stated you know, again, I've been doing this 25 years. I started remember, way back when, when the Town sent us to training with Laura...

Board Member Montesano stated yeah.

Rich Williams stated Zeisel who was the expert on SEQRA because...And I had to take 16 hours with her. So, that was a great start.

Mike Liguori stated and you're still here.

Rich Williams stated and I'm still here. But...

Board Member Montesano stated shhh. He's not the only one.

Rich Williams stated that cookbook, you know, being just a guidance document, lays out the timeframe. Lays out, kind of, the steps of the process and for the most part they're all still valid from the way it was in 1990 all the way through.

Board Member Montesano stated the main thing is that it is a guidance not a bible that you're supposed to say oh you said the wrong word here. And that's what we...I think it's getting to be a confusing situation.

Board Member Taylor stated well, I...

Chairman McNulty stated it's a guideline tool, basically all it is, as I see it.

Board Member Taylor stated I think I understand that but I'm trying to...I think we've moved this process along. I think we spent a year with them talking about traffic studies and we finally pushed them to start SEQRA.

Rich Williams stated yes.

Board Member Taylor stated and then we pushed them to do an EAF and we're...I think we're moving...

Mike Liguori stated well...

Board Member Taylor stated deliberately, but I don't think we're moving slowly like a turtle. We're doing from month to month. We're moving forward. We're going to be in Part 3 next month. And then that's where the real decisions have to be made. I think this is a difficult project in many ways.

Rich Williams stated I understand you're having a lot of difficulty with it. And the only thing I'm suggesting is that as you move forward I think it is possible for the Board to move the SEQRA process quicker and I would like to see you keep that in the back of your mind and think about it because...

Chairman McNulty stated you're not talking particular this project. You mean in future...

Rich Williams stated other projects.

Chairman McNulty stated yeah.

Rich Williams stated yeah, future projects. I realize, you know, you're using this project almost as a training tool where you're really taking a...a super critical, super hard look at not just the EAF but every question on the EAF. Are we filling it out right. How do we need to fill it out. And that's a good thing. And I applaud you for doing that. But if this was say a 30,000 square foot addition that they needed their approvals in four months and we were doing something like this, we wouldn't have a project.

Board Member Taylor stated but we're not doing that. With the short form...

Mike Liguori stated can we close the meeting and then just keep talking.

Board Member Taylor stated we process...We...

Chairman McNulty stated well, we still have a couple of things to do.

Mike Liguori stated oh. The only reason why I'm asking is I have a couple comments and I don't want to...I...

Board Member Montesano stated I don't want to...

Mike Liguori stated you just...

Rich Williams stated you're biting a bit there.

Chairman McNulty stated Rich, do you have any other business...

Rich Williams stated no, I'm done.

Chairman McNulty stated you want to address.

c) Minutes

Chairman McNulty stated we have minutes on the agenda from September 25th and October 2nd. Did everybody get a chance to look at it.

Board Member Taylor stated yes.

Board Montesano stated yeah.

Board Member Taylor stated I read them. Did you.

Chairman McNulty stated alright. I make a motion...I did. I make a motion to accept the minutes from September 25th, 2014 and October 2nd, 2014.

Board Member Montesano stated second.

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

Chairman McNulty stated I make a motion to close the meeting.

Board Member Montesano stated second.

Board Member Ladau stated second.

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

Meeting was adjourned at 9:03 p.m.