

TOWN OF PATTERSON
PLANNING BOARD MEETING
November 24, 2014
Work Session

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ZONING BOARD OF APPEALS

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PLANNING BOARD

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

**Planning Board
November 24, 2014 Work Session Meeting Minutes**

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

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

The meeting began at 7:02 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

Chairman McNulty called the meeting to order.

1) 859 Fair Street Realty – Public Hearing

Chairman McNulty stated okay. It's November 24th work session. Hello everyone.

Board Member Taylor stated hello.

Board Member Brady stated hello.

Chairman McNulty stated okay. We have 859 Fair Street public hearing set...coming up for this Thursday.

Rich Williams stated yes. This is the old Von Essen building that they've made an addition onto with building permits and certificates of occupancy. Unfortunately, there's no site plan approval so we're looking to clean up the site plan for the property.

Chairman McNulty stated yeah. So, we'll just wait for the public hearing. I think we're all pretty much in agreement that the survey was accurate and feel good waiving the site plan and waiving the additional elements they needed.

Board Member Ladau stated I'm a little bit confused because this says 859 Fair Street in Patterson and then the Appendix B Short Environmental Assessment Form calls it out as Carmel.

Board Member Taylor stated that's the mailing address.

Chairman McNulty stated the mailing address is Carmel.

Board Member Montesano stated the mailing address is Carmel.

Board Member Ladau stated ah. Okay. Now I'm less confused.

Chairman McNulty stated yeah.

Board Member Ladau stated okay.

Chairman McNulty stated it's in that blurred lines. All around Town we have Brewster and Carmel and Patterson.

Board Member Ladau stated yeah.

Board Member Montesano stated Pawling.

Chairman McNulty stated Holmes. All mixed in.

Board Member Ladau stated yeah.

Chairman McNulty stated okay. Any issues with this or we just wait for the public hearing. We get to the public hearing and when that's closed we're good to do SEQRA on it. And...

Rich Williams stated yes, you did...Good to SEQRA, take a final action and we can put this one to bed.

Chairman McNulty stated okay. We can do a resolution that night, too.

Rich Williams stated yup.

Chairman McNulty stated okay.

2) Frank's Automotive, LLC – Sign Application

Chairman McNulty stated okay, next we have Frank's Automotive. They're in for a sign application.

Rich Williams stated correct.

Chairman McNulty stated they were going to the Zoning Board to get a...

Rich Williams stated last week they went to the Zoning Board of Appeals and received a variance based on considerable back and forth about what she was looking for to do with her signs. She got a variance of 44 square feet. That was predicated on the Applicant's sign being in two portions and that the Applicant was...the property owner was going to take down one of the pieces of the sign. So, when we approved the property owner's original sign of 87.5 square feet, it was one solid sign. It wasn't done in two halves. So what I asked the Applicant to do, Tammy Smith, is to revise her site...sign application to include all the building signage that she was looking to get approved so we had a comprehensive plan to what the signage

on the building was going to be. I went out there today and took a look at the signage and realized that when they had put the one big sign up that indeed, it was probably too big to do on one board so they did it on two boards. They did it...It's a little bit different than what got approved but it's essentially the same thing. The problem I found is there's another building mounted sign out there that nobody's talked about. There's a Northeast Mesa sign...

Board Member Taylor stated over the door.

Rich Williams stated over the door.

Board Member Taylor stated oh, so that wasn't in your calculations. Oh, okay.

Chairman McNulty stated so the original sign was approved for 87 square feet. There's two halves of a sign to make up one sign; that's the 87 square feet.

Rich Williams stated right.

Chairman McNulty stated and now they have another sign. Do we know how big that is.

Rich Williams stated nope.

Chairman McNulty stated approximate. Okay. And that's over the door.

Rich Williams stated 2' x 6'.

Chairman McNulty stated okay. So it's another 12 square feet.

Board Member Taylor stated maybe (inaudible – coughing) maybe more.

Chairman McNulty stated and they went to the Zoning Board and got...Zoning Board of Appeals and got an approval...

Rich Williams stated for 44 square feet.

Chairman McNulty stated in addition to the 87 [square feet].

Rich Williams stated and...

Board Member Taylor stated no, to the 100 [square feet].

Rich Williams stated 100 [square feet]. So she's got approval for 144 square feet of building mounted signage. So, she's going to have to submit an application to the Planning Board for signage that totals on the building 144 square feet, however she wants to do it.

Chairman McNulty stated what is this application here that's dated today.

The Secretary stated that is for the half of a sign that she wants to leave...Or the property owner's sign. That's the portion of that that's going to remain...

Chairman McNulty stated so that's 39 square feet of the total 144 [square feet].

The Secretary stated and the picture is the portion that she wants to...

Chairman McNulty stated the upper half.

The Secretary stated yeah. That's going to remain.

Chairman McNulty stated so she's going to come back with another application now for her.

Rich Williams stated yes because that isn't any good.

Chairman McNulty stated okay.

Board Member Taylor stated and do they also count...Is signage the little sign: New York State Automotive, whatever it is. Does that count as part of their signs or...

Rich Williams stated everything on the exterior of the building counts.

Board Member Taylor stated so she's got to add that in, too. She's got two of those I think.

Rich Williams stated yup.

Chairman McNulty stated you've got inspection and service center, right.

Board Member Brady stated right.

Board Member Ladau stated yeah.

Board Member Taylor stated alright, well...

Chairman McNulty stated so this is pending another application to be submitted with an accurate rendering of what she wants to do. Okay, so there's not too much we can do on this.

Rich Williams stated and she hasn't...she hasn't done anything about relocating the signs as per her discussion with the Planning Board.

Chairman McNulty stated yeah, the new Napa signs. Okay, so let's see what she comes in...Will she have anything in before this Thursday meeting, you think. It's too late for it.

Rich Williams stated I hope so.

Chairman McNulty stated yeah. If not, she'll have to resubmit for next month. I'll try and get a stop out there, too, and take a look at that other sign.

3) Illescas – W/W Permit Application

Chairman McNulty stated okay, that brings to Illescas. Anybody else have anything on that.

Board Member Taylor stated nope.

Chairman McNulty stated Illescas. We're looking to set a public hearing. We're looking to do SEQRA. We're looking to close this out. Ted, are you satisfied with the plans.

Ted Kozlowski stated yeah, I just think...

Chairman McNulty stated we've all went through it...

Ted Kozlowski stated I think, yeah, I think you need to do the public hearing just because of what we've been through and the neighbors' concerns and all and...

Chairman McNulty stated you've talked to them. You think they understand now what they have to do.

Ted Kozlowski stated I don't know. That's why I was...

[Laughter].

Ted Kozlowski stated I really don't know. I was with Ed...

Chairman McNulty stated that was reassuring.

Ted Kozlowski stated you know, that's...I called her today as you know and I wanted her to come in and just make sure they are aware of...She is...understands the language better than Illescas.

Chairman McNulty stated okay.

Ted Kozlowski stated so...

Chairman McNulty stated have they taken any action with the sheds at this point: to remove anything or...

Ted Kozlowski stated the last time I looked no.

Chairman McNulty stated so, okay. That will be an issue for the Building Department once we're done.

Board Member Ladau stated yeah.

Ted Kozlowski stated right.

Board Member Ladau stated was he...Were the neighbors notified. That was another thing we were going to do.

Chairman McNulty stated well, in a public hearing we'll notify them. Once we get them to agree and we set the public hearing he'll have to send notices out.

Board Member Ladau stated oh.

Chairman McNulty stated okay.

Ted Kozlowski stated I think his job he travels or something like that.

Board Member Brady stated 500'. What's it, 500'.

Rich Williams stated it's generally 500'.

Chairman McNulty stated so there's not much we can do until we...

Ted Kozlowski stated no.

Chairman McNulty stated get to talk to him. Same status we've been. Okay, any comments.

Board Member Brady stated nope.

Chairman McNulty stated okay.

4) UPR Enterprises – Request for Waiver of Site Plan

Chairman McNulty stated then move along to UPR Enterprises, formerly Texas Taco. Request for a waiver of site plan. I did get a chance to look through the engineer's notes. He did a nice write-up for the project. There was part of the short EAF was missing. Sarah took care of that for us. I did have a couple questions. Rich, you want to give us a little background on this.

Rich Williams stated sure. This is the old Texas Taco building which has fallen into some disrepair over the years. We have a business enterprise that is looking to open a liquor store in the building. They are looking to clean the site up. They're looking to put a small 8'x10' addition onto the building for a cooler. They're going to be tearing the front deck off and taking some of the walkways out so that there is no net increase in impervious coverage on the site. They're redoing the septic system, which is something that's allowed under our Code without a wetlands permit, they just need to work directly with Teddy while doing it. And what...When this plan came in, the only other thing that we need to talk to Ted about is they're doing a roof drain because there's no roof drains and they're going to push it over to the side and run it down the side of the property.

Chairman McNulty stated is that up to the diner's property there.

Rich Williams stated yes.

Chairman McNulty stated does that interfere with their parking lot in anyway, the diner.

Rich Williams stated no. The swale should run right back into the wetlands and away from everything.

Ted Kozlowski stated yeah, that's Great Swamp wetland back there. Umm...

Chairman McNulty stated this demarcation is...

Ted Kozlowski stated roof drains I don't know...

Chairman McNulty stated the wetland itself, demarcation. So they're pretty much in the buffer for a good portion...

Board Member Brady stated yeah.

Chairman McNulty stated of this, correct.

Rich Williams stated yeah...

Chairman McNulty stated which has been that way forever.

Rich Williams stated 75% of the site is within the wetland buffer.

Chairman McNulty stated they're not expanding the...extending the asphalt. It's the original parking lot.

Rich Williams stated they're just resurfacing what's already out there.

Chairman McNulty stated yup.

Ted Kozlowski stated looks pretty good.

Board Member Brady stated lighting.

Board Member Taylor stated should this have required a permit from you. They removed this.

Chairman McNulty stated the question is, is there a wetlands...

Ted Kozlowski stated those are the monkey sheds. Didn't she have monkeys at one time.

Chairman McNulty stated that's what Mike was talking about.

Board Member Ladau stated yeah.

Rich Williams stated yup.

Board Member Montesano stated she used to have the monkey.

Board Member Ladau stated she monkeys. She had...

Board Member Brady stated well, that's gone.

Board Member Montesano stated the pocket...the pocket picker.

Board Member Ladau stated parrots.

Board Member Montesano stated yup, she had those, too.

Chairman McNulty stated Ted, are you going to need a wetlands permit for this.

Ted Kozlowski stated no. Not from what I'm seeing.

Chairman McNulty stated it's just an existing condition pretty much.

Ted Kozlowski stated yeah, I just...The roof drain going just...Rich, that's being discharged though directly on somebody else's property.

Rich Williams stated no. It's going to go into a swale running down the side of the property.

Chairman McNulty stated it runs right along the border.

Board Member Taylor stated it says there's a (inaudible - coughing) existing ditch, it says.

Ted Kozlowski stated and that's what, the diner's property next door.

Rich Williams stated yes.

Ted Kozlowski stated yeah. And where is the septic. Right here on the...right behind...

Chairman McNulty stated they meet the seating. Is that the Health Department for...

Rich Williams stated it's a liquor store.

Chairman McNulty stated a liquor store. It's not a restaurant anymore.

Board Member Taylor stated yeah, there's no seating. Yeah.

Board Member Brady stated yeah.

Chairman McNulty stated okay. Yeah. Liquor store.

Board Member Taylor stated so why are they asking a waiver if they're providing us a site plan.

Rich Williams stated it's a simpler, easier process for them to get through and get going on things.

Chairman McNulty stated they can...Now, a site...They're asking for a change in the stall widths: length of the parking. But that would be part of the waiver, correct.

Rich Williams stated that would be...

Chairman McNulty stated it would just be incorporated as this becomes record...plan of record.

Rich Williams stated yeah, I would want you to do that as a separate waiver.

Chairman McNulty stated it would be, okay.

Ted Kozlowski stated I just...I just have a logistical question here. It's going to be a liquor store so they're going to get deliveries with trucks, I would imagine. If...

Chairman McNulty stated that would...

Ted Kozlowski stated is there enough room for a truck there to maneuver.

Chairman McNulty stated what was an issue they addressed in their notes that their notes...as part of the waiver, they wouldn't have...What was it, 140 feet or 75 feet for a loading zone and by Code. I saw it in here.

Ron Gainer stated yeah, 10'x45' is a...

Chairman McNulty stated 10'x45'.

Ron Gainer stated is a...

Rich Williams stated yeah, I'm trying to think of what numbers you're throwing at me.

Ron Gainer stated yeah.

Chairman McNulty stated for a loading zone.

Rich Williams stated yeah, no. They're looking...They're not looking to have a loading zone. But they do have sufficient area out there to turn around.

Ted Kozlowski stated no, I just thought if all those...Just say they're doing really well and all of those spaces are taken and a truck comes in...

Board Member Montesano stated they can park right on [Route] 22.

Chairman McNulty stated well, they said in their notes that they would coordinate their deliveries at off hours.

Ted Kozlowski stated no, I was just curious. I...

Chairman McNulty stated yeah. But it is...I'm just bringing up that it is something they addressed.

Ted Kozlowski stated right.

Chairman McNulty stated the engineer in the notes.

Board Member Montesano stated yeah. They're going to park on [Route] 22.

Ted Kozlowski stated do they have to do an extensive...

Chairman McNulty stated or in the diner.

Ted Kozlowski stated renovations to that building.

Board Member Montesano stated or in the diner. You've got enough...

Rich Williams stated yes.

Ted Kozlowski stated I would think so.

Board Member Montesano stated you've got that term...

Rich Williams stated she had a monkey in the basement.

Ted Kozlowski stated wow.

Board Member Montesano stated among other things.

Board Member Brady stated a lot of Clorox.

Ted Kozlowski stated piece of prime property though, I would think, you know.

Chairman McNulty stated so Ted, you don't think you'd require...

Ted Kozlowski stated no. I'd go out there. I'd like to meet them. But to...And this is it, right, Rich. This is all they're going to do.

Rich Williams stated that's it.

Board Member Montesano stated bring your...

Ted Kozlowski stated so...

Chairman McNulty stated I had some questions on the EAF. I don't think they're anything major. Just for clarity. Question 14. What was my note here. I've got too many copies here. Somewhere in here. It's the last one, right, Sarah.

The Secretary stated yup.

Board Member Ladau stated was that 14: Identify the typical habitat types...

The Secretary stated it's right there.

Board Member Ladau stated that occur on or are likely to be found.

Chairman McNulty stated oh, okay.

Board Member Taylor stated wetland should be check, shouldn't it.

Chairman McNulty stated on 14.

Board Member Taylor stated yeah. Is that what you're asking.

Chairman McNulty stated yeah.

Ted Kozlowski stated what's the question.

Board Member Taylor stated identify the habitat. They checked urban, they didn't check wetland.

Ted Kozlowski stated yeah. Why would you check urban.

Board Member Taylor stated because they're going to have a commercial there.

Chairman McNulty stated that's the incomplete one. They have it. So, it's just for (inaudible), there's nothing major. So, in your review, maybe you'll take a look at that.

Rich Williams stated you're doing waiver, you don't do SEQRA.

Board Member Taylor stated oh, okay.

Chairman McNulty stated oh.

Board Member Taylor stated well, that takes care of that then.

Chairman McNulty stated I didn't see anything jumping out at me other than just some paperwork there, clarity.

Board Member Taylor stated yeah, it's just...So if we don't have to do it then can (inaudible). Okay.

Board Member Brady stated what about lighting for the parking lot.

Chairman McNulty stated they're using the existing building mounted lights. There's a couple of small lights out there.

Chairman McNulty stated that will be sufficient for that side.

Ted Kozlowski stated what about signage, Rich.

Chairman McNulty stated there's a separate sign...

Ted Kozlowski stated is that an issue.

Chairman McNulty stated application.

Rich Williams stated separate sign application.

Board Member Ladau stated there's a separate sign, yeah.

Chairman McNulty stated that's another agenda item.

Board Member Taylor stated okay.

Chairman McNulty stated will we include the engineer's notes looking...I didn't get a chance to look at the site plan itself yet.

Board Member Montesano stated we've even got a wheelchair lift.

Chairman McNulty stated I didn't see anything glaring. It's going to benefit the community and Connecticut community.

Board Member Taylor stated there's no change.

Chairman McNulty stated it's better than it sitting there idle.

Board Member Brady stated yeah.

Chairman McNulty stated so on a waiver like this, you'll put together a resolution. Will it...It will have certain issues like the parking.

Rich Williams stated I can.

Chairman McNulty stated we don't need to do that. We can just call it out.

Rich Williams stated mmhmm.

Chairman McNulty stated were there any other items other than parking to call out specifically.

Rich Williams stated the only other thing I'd like to see is I'd like to...I'd like them to file, if they're going to have it, a copy of the wetland line with the DEC validation block on it.

Ted Kozlowski stated it says it was flagged by DEC.

Rich Williams stated right. So there should be one with a validation block on it.

Ted Kozlowski stated yeah.

Chairman McNulty stated a survey.

Rich Williams stated yeah. I want to get a copy of that.

Chairman McNulty stated now by waiving a site plan, we won't have a public hearing.

Rich Williams stated right.

Chairman McNulty stated there's not too many neighbors right in that area other than commercial business.

Rich Williams stated Patterson Auto right across the street and the diner right next door.

Chairman McNulty stated nobody else selling liquor or anything. Anybody have any issues with that.

Board Member Ladau stated nope.

Ted Kozlowski stated I like the sign they picked. Nice sign.

Board Member Montesano stated what, a hanging tree.

Ted Kozlowski stated I think it's pretty cool.

Rich Williams stated I liked it.

Chairman McNulty stated okay, is this something we can...we can move on probably coming up this meeting.

Board Member Taylor stated I think so.

Chairman McNulty stated yup. Any questions. Any issues.

Ted Kozlowski stated hope he does well.

Chairman McNulty stated yeah, me too.

Board Member Taylor stated yeah.

5) UPR Enterprises – Sign Application

Chairman McNulty stated we'll move onto the sign plan application. Same applicant. Haviland Hollow Wine and Spirits. We just...Ted just commented on the sign. It's only 20 square feet. It's going to be building mounted. No. It's going to be on two...

Rich Williams stated freestanding.

Chairman McNulty stated 4'x4' posts. Are there any building mounted signs.

Rich Williams stated no.

Board Member Brady stated it's out at the curb, isn't it.

Board Member Ladau stated hmm.

Board Member Brady stated the sign was out at the curb, wasn't it.

Board Member Ladau stated yeah.

Chairman McNulty stated yeah.

Board Member Brady stated yeah.

Chairman McNulty stated and it said self-lighting. What does that mean.

Rich Williams stated I don't know.

Chairman McNulty stated we got to ask them about that. I don't know...Self-illuminated.

Board Member Taylor stated it's not plastic, is it.

Board Member Montesano stated is it internal.

Board Member Taylor stated or is it. Is it a plastic sign.

Board Member Montesano stated we don't know, so...

Chairman McNulty stated it's radioactive.

Board Member Montesano stated you don't know.

Board Member Taylor stated he doesn't say, right.

Board Member Montesano stated there you go.

Chairman McNulty stated it just says self-illuminated.

Board Member Taylor stated yeah, it doesn't tell what kind of...

Chairman McNulty stated unless that means...

Board Member Montesano stated unless that means...

Board Member Montesano stated no, he's environmental. He's using lightening bugs. They're going to go...

Rich Williams stated it maybe...

Chairman McNulty stated it could be a solar powered.

Rich Williams stated it may be solar. I don't know.

Chairman McNulty stated solar powered fixture of some sort.

Board Member Montesano stated let the...

Chairman McNulty stated it looks like it's all white with black lettering.

Board Member Taylor stated oh, that's it. He didn't check the type of sign. So we don't know what kind of sign it is.

Chairman McNulty stated permanent.

Board Member Taylor stated no, no. Type of sign. Is it a board. Is it a box.

Rich Williams stated it's definitely freestanding. We've got to clean that application up.

Board Member Taylor stated so it's a box...it's a board.

Rich Williams stated it's a board.

Board Member Taylor stated it's a board, okay.

Board Member Montesano stated lighting is yes.

Board Member Taylor stated so how is it self-illuminated. And yeah, it's got radioactive material on it.

[Laughter].

Rich Williams stated it's got to be solar.

Chairman McNulty stated yeah. So we'll check on the lighting.

Ted Kozlowski stated they make some really good solar lights now.

Chairman McNulty stated placement near the road. I didn't...Again, I haven't really looked at the plan yet. Pretty clear view of...

Rich Williams stated it's where the old Rosemary's...

Board Member Taylor stated it's where the old one was.

Rich Williams stated Texas Taco sign was.

Board Member Taylor stated they're putting it on the same post.

Chairman McNulty stated alright. It's nice to get an application come through fairly clean.

Board Member Taylor stated so we just...

Ted Kozlowski stated yes. And especially around a wetland.

Chairman McNulty stated and the engineer...Engineer wrote up a good...

Board Member Taylor stated yup.

Chairman McNulty stated write-up on it. Okay, so this is an application we should be able to move on the sign. And...

Board Member Montesano stated the waiver.

Chairman McNulty stated waiver. There's no waiver for the sign. We're going to go through the process for that.

Board Member Taylor stated clear up the lighting and that should take care of it.

Chairman McNulty stated yeah. Alright.

6) Ray See/PCLT – Lot Line Adjustment

Chairman McNulty stated Ray See, PCLT lot line adjustment. Boy, all of the sudden lot line adjustments. This is a...People looking to save on tax money or what are they doing.

Rich Williams stated I'm not sure what they're doing. In this case, Putnam County Land Trust is seeking to acquire about 38 acres of property from Ray See. Most of the property is wetlands. Application is fairly straight forward. A couple of clean-up issues with some numbers that I've got to talk to him about.

Ted Kozlowski stated this is the same guy that we had the garage...

Rich Williams stated correct.

Chairman McNulty stated same property, correct.

Rich Williams stated same property.

Ted Kozlowski stated so is that...

Chairman McNulty stated I'll have to take a look at that.

Ted Kozlowski stated is that wetland...

Chairman McNulty stated can you open that up, Ed.

Rich Williams stated that what.

Ted Kozlowski stated that whole wetland area behind it.

Rich Williams stated correct.

Chairman McNulty stated can you open that up.

Board Member Brady stated yeah. It's going to take up the whole table, I'm sorry.

Chairman McNulty stated that's alright.

Board Member Montesano stated I think your right.

Rich Williams stated the concern I have...The concern I have is they're also taking an easement across Ray See's property for a walking trail. So obviously, their intent is to make active use of the property for walking. For hiking.

Chairman McNulty stated hiking in this area here because you need a boat if you're going to hike in there.

Rich Williams stated well, there's a fairly substantial upland area in there as well.

Chairman McNulty stated along the road here.

Rich Williams stated back in.

Board Member Montesano stated you walk back in...

Chairman McNulty stated all I know is I drove by there yesterday, there's two big beaver dens and that whole area is iced over.

Rich Williams stated yup.

Board Member Montesano stated well, I had a nice (inaudible) since we were there the last time.

Chairman McNulty stated so...

Board Member Taylor stated where's the land trust property. Down there.

Chairman McNulty stated yeah, give us a little heads up what we're doing here.

Ted Kozlowski stated does this connect to the...

Rich Williams stated all trust property is two pieces: this piece and this piece.

Chairman McNulty stated okay.

Rich Williams stated this is all Ray See.

Board Member Taylor stated okay.

Rich Williams stated so they're looking to add this to these two pieces.

Board Member Taylor stated and they're looking to connect this then...

Chairman McNulty stated what's "PO Tax Lot" mean.

Rich Williams stated part of.

Chairman McNulty stated part...Okay.

Board Member Montesano stated yeah, that will be a nice tax...

Board Member Taylor stated so they want to connect this by trail to the old Plunkett property then.

Rich Williams stated I don't know what they're doing here. I think...I've got to...I'm going to call Jim [Utter] and I'm going to call Judy [Terlizzi]. My concern is where are they parking.

Board Member Brady stated yeah.

Ted Kozlowski stated when they do these sort of things, do they have to get approval from the Town to put a trail in on...a public trail.

Rich Williams stated not to put a trail in, but our Code requires if you're going to hold a piece of land for open space you've got to provide adequate parking.

Ted Kozlowski stated so that too...

Rich Williams stated traditionally, they take these lands like they did down on [Route] 164 and Farm to Market Road, and they just decide where they're going to pull in off the road. Down there, they pull in off of 164 in a very dangerous corner.

Ted Kozlowski stated right. I know that.

Rich Williams stated and they'll park...

Ted Kozlowski stated but if they're putting a trail in that's wetland. They're going to be clearing that area for a trail.

Rich Williams stated they generally don't clear other than some small trimming for vegetation. They may put a boardwalk in. They did down by Edie's house.

Ted Kozlowski stated right. I mean, I'm sure they're very sensitive to the environment. That's what they're all about there. But you're right, that property drops off. We've been...A lot of us have been to the See property for that garage. And it's Farm to Market Road and that, I believe, isn't that after you get the downhill so people are coming at quite a speed when they're coming...

Chairman McNulty stated going north.

Ted Kozlowski stated back down.

Rich Williams stated right.

Ted Kozlowski stated so where is the public...You're absolutely right. Where is somebody going to park their car to go hiking.

Chairman McNulty stated now, with that said, does that affect us changing the lot line or is that a separate issue for the land trust.

Rich Williams stated you know, I don't want to hold this up because I think this is a good deal for the Town and for the land trust.

Chairman McNulty stated yup.

Rich Williams stated but dammit, they've got to start being responsible. And if they're not, you know, if they're going to provide these areas with no parking so people...They're going to take this and they're going to expect people just to park on Farm to Market Road and tough luck guys.

Ted Kozlowski stated and there's houses there.

Rich Williams stated then enough already.

Ted Kozlowski stated in front of people's houses. But why can't next week, when they're before the Board, why can't we ask Putnam Land Trust to be there...

Chairman McNulty stated well, they should be...

Rich Williams stated well, they're going to be there. They've got to be there.

Chairman McNulty stated they're part of...

Rich Williams stated but...

Chairman McNulty stated they're part of the owners on the...

Ted Kozlowski stated right.

Chairman McNulty stated lot line adjustment.

Rich Williams stated but I intend to call them tomorrow if I can speak to them. If I can speak. And, you know, broach the issue with them saying, you want your lot line adjustment where are you parking.

Chairman McNulty stated and is there an existing trail on these other two lots that they're connecting to.

Rich Williams stated I don't know.

Chairman McNulty stated a trail easement that allows for a...A hiking/walking trail to be installed and maintained for use has been donated.

Board Member Taylor stated what they're trying to do is they're trying to connect all these different parcels together so people could walk, like, the Appalachian Trail through the whole section.

Chairman McNulty stated make it a greenway.

Board Member Taylor stated so they may not be looking for people parking and hiking here, but they'll park somewhere else and come through this.

Ted Kozlowski stated yeah. They may not...

Rich Williams stated and that would be great.

Board Member Taylor stated yeah.

Rich Williams stated but...

Board Member Taylor stated they need to address it.

Rich Williams stated we need to understand...

Ted Kozlowski stated right.

Rich Williams stated what they're doing.

Ted Kozlowski stated this may be a future trail once they...

Chairman McNulty stated and...

Rich Williams stated they may be parking down...Because they just acquired all that land, Abbey Fields Lane. May be parking down there and walking up. I don't know.

Chairman McNulty stated where is the actual easement. Because if he donates the property, his property is off. I don't understand: easement and where it falls here [referring to the plans].

Board Member Taylor stated do they show us. Here.

Rich Williams stated the easement, you see it right there.

Board Member Taylor stated right along the edge.

Board Member Brady stated yeah, highlight it.

Board Member Taylor stated it's right along the edge. Well, that answers your question. They were proposing walking through the beaver dams.

Chairman McNulty stated uh-huh.

Board Member Taylor stated they were going to walk right along the edge.

Rich Williams stated well, you see it connects...

Chairman McNulty stated so that's his property though.

Board Member Taylor stated yeah.

Chairman McNulty stated here's the property line here, correct.

Board Member Taylor stated yeah.

Board Member Montesano stated right. But it connects to this.

Chairman McNulty stated yeah, because the water comes right up...

Board Member Taylor stated yeah.

Chairman McNulty stated to the bottom of the hill there.

Board Member Taylor stated yeah, well that's why then.

Rich Williams stated but you see where it fronts on Farm to Market Road.

Board Member Taylor stated yeah.

Board Member Brady stated right.

Rich Williams stated why do they need that frontage on Farm to Market Road.

Board Member Taylor stated right.

Board Member Brady stated right.

Board Member Taylor stated yeah.

Board Member Brady stated that's where the access point's going to be. They're going to need to park.

Board Member Taylor stated and that's a problem, yes.

Board Member Montesano stated yeah. Well, that's because they...

Board Member Taylor stated if you can't park there.

Board Member Montesano stated they don't want...

Board Member Taylor stated there's no parking there. That's all

Board Member Montesano stated they don't it coming down here.

Board Member Taylor stated steep hillside, right.

Board Member Brady stated yeah.

Rich Williams stated no, it's not. It's actually flat.

Board Member Taylor stated oh, it's not.

Rich Williams stated it's coming down off of the hill.

Board Member Taylor stated it comes...Okay.

Ted Kozlowski stated yeah, but those cars...

Chairman McNulty stated yeah, but it's narrow there.

Ted Kozlowski stated when you're coming down that hill...

Chairman McNulty stated there's no room to pull off.

Rich Williams stated no, there's no room. There's guardrail.

Board Member Montesano stated and they don't want you going down...

Chairman McNulty stated yeah, off the guardrail it drops off.

Board Member Montesano stated the other...the private driveway...

Chairman McNulty stated that's what Ron's saying I think.

Board Member Montesano stated and park down there either.

Board Member Taylor stated no, no.

Board Member Montesano stated so that's why they're going to...

Board Member Taylor stated right. Right.

Chairman McNulty stated but with the leaves down, it's a real clear view now of the driveway.

Ted Kozlowski stated that's not a great section with Farm to Market Road.

Chairman McNulty stated okay. So, we need some answers...

Board Member Taylor stated yup.

Chairman McNulty stated from the Putnam Land Trust. And how would they go about...Is there a process in the Town, an application that they have to file to follow this Code for parking.

Rich Williams stated yeah, they would give us a site plan. We made them do it when they did Edie's subdivision. We made them show, as part of Edie's subdivision, where they're going to put the parking lot in. Now they've got the parking lot on Couch Road.

Chairman McNulty stated yeah, it's got like three or four cars there.

Rich Williams stated yeah. Before that, they had taken a couple of other parcels over there. They were just parking on Couch Road.

Chairman McNulty stated alright. Well, we'll have to get a scheme from them. Is this part of a bigger scale walkway. It doesn't look like it when you see it on here.

Board Member Brady stated you done with this drawing.

Chairman McNulty stated any other plans...Question, when this thing comes about like this, is it reviewed to see if there's back taxes or taxes owed on the property that's going to be lot lined adjusted.

Rich Williams stated they can file it unless all the tax issues are cleaned up. They have to...When they file this, they have to get Real Property to stamp it.

Chairman McNulty stated so an attorney will take this to the next level and...

Board Member Brady stated have to do a title search on it.

Chairman McNulty stated title search and everything, right. Okay.

Rich Williams stated it's the same with any mortgage. They have to clear the...any liens applicable to a mortgage.

Chairman McNulty stated we need a public hearing on a lot line. I know we just did it.

Board Member Ladau stated this is the size of...

Chairman McNulty stated and that's no SEQRA either, right.

Board Member Ladau stated and this could just easily have been done...

Rich Williams stated yeah, that's...

(Inaudible – too many talking and papers shuffling).

7) Mancini Subdivision - Set public hearing

Chairman McNulty stated okay, Mancini subdivision.

Rich Williams stated just setting the public hearing.

Chairman McNulty stated going to set a public hearing.

Rich Williams stated they didn't submit, did they Sarah.

The Secretary stated no.

Rich Williams stated did you check up there.

The Secretary stated yes.

Chairman McNulty stated if they're not here do we still set it and you'll let them know. Okay.

Board Member Taylor stated now did everybody see the DEP comments on Mancini.

Chairman McNulty stated I did see them.

Board Member Brady stated yes. I did, too.

Chairman McNulty stated they came to a meeting before last, I think. I didn't have any big concerns with it. Did you.

Board Member Taylor stated no, I just thought it was interesting they didn't pick up that...First of all, they picked up on the sewer the same way we wanted the septic. And they didn't pick up on the fact that the environmental self was off the development site.

Rich Williams stated yeah.

Chairman McNulty stated yeah. That's when they don't come out to take a look at it.

Board Member Taylor stated yeah.

Chairman McNulty stated or even do a Google Earth.

8) Frog Hill – 62 Days from Public Hearing

Chairman McNulty stated okay, Frog Hill. That's the...Harry made some adjustments. He incorporated Spruce trees like you had asked: a dozen of them. Sixty...We've already had the public hearing. Sixty-two days. What does that note mean, specifically for us. It's past the limit of 60.

Rich Williams stated either they have to waive the requirement that the Board acts or you have to act within 62 days to prevent a default in approval.

Chairman McNulty stated we have to. So are we ready to move on this.

Rich Williams stated yeah, that's fine.

Chairman McNulty stated so you're going to put a resolution together for this one.

Rich Williams stated yup.

Chairman McNulty stated okay. I saw the changes. He added grasses and plantings.

Ted Kozlowski stated what size trees is he putting in.

Rich Williams stated are you talking about Rentoulis or are we talking about the...

Board Member Taylor stated Frog Hill.

Rich Williams stated Frog Hill.

Chairman McNulty stated Frog Hill. I'm sorry. That's...Trees are Dino. Harry's plans all look alike after a while.

Rich Williams stated okay.

[Laughter].

Rich Williams stated cause I'm saying...I'm sitting here saying what trees, what grass.

Chairman McNulty stated no, no, no. Same color blue.

Board Member Taylor stated he put in a silt fence.

Chairman McNulty stated and...Oh, he put in a post and rail fence, didn't he.

Board Member Taylor stated he's got it labeled silt fence along here.

Chairman McNulty stated no, here.

Board Member Taylor stated oh, he put it on...Oh. Okay.

Chairman McNulty stated to block the septic...

Board Member Taylor stated that's what we wanted. Okay.

Chairman McNulty stated we asked him. Yup.

Board Member Taylor stated alright. Yup. That's what we wanted. That was the last thing, right. Was that the last issue.

Chairman McNulty stated and he...Harry issued some question...answered some questions. Ron, did you look at this at all.

Ron Gainer stated no, he's inching his way to the finish line. He...

Chairman McNulty stated he has a...

[Laughter].

Ron Gainer stated I think the most significant thing is I'll go through the bond calc[ulations] and...

Chairman McNulty stated yeah, he's got the bond calc information.

Ron Gainer stated I'll just confirm that he's...

Chairman McNulty stated he also has a well report.

Ron Gainer stated right.

Rich Williams stated yup. And it's all fairly straight forward. Understand that we can only take a bond for the (inaudible – papers shuffling). So it's really not a significant amount.

Ted Kozlowski stated I saw that.

Board Member Brady stated oh, there goes your pen. My back.

Chairman McNulty stated he added a detail for the building lights.

Board Member Brady stated your pen went down there.

Board Member Ladau stated yeah.

Chairman McNulty stated made some things legible. I think we're ready to go. So...

Board Member Brady stated good.

Board Member Ladau stated we need a bigger table.

Chairman McNulty stated anybody any issues. Okay, moving along.

9) Dino Rentoulis – Site Plan

Chairman McNulty stated Dino Rentoulis Site Plan. This is where he added trees.

[Laughter].

Ted Kozlowski stated trees.

Rich Williams stated yeah, they're...

Chairman McNulty stated spruce.

Rich Williams stated some trees. A row of trees. Six to twelve...

Ted Kozlowski stated oh. To make up...

Chairman McNulty stated there's six to twelve spruce.

Ted Kozlowski stated to make up for the...

Rich Williams stated yeah.

Ted Kozlowski stated ones that he was going to take down.

Chairman McNulty stated I think they were 6 to 12 footers that...

Ted Kozlowski stated well, that's nice.

Rich Williams stated drew in some grasses: some ornamental grasses.

Ted Kozlowski stated that's nice.

Board Member Taylor stated well, I thought about the public hearing and I don't see how we can proceed with this with it as is. I don't think we should do what Mike said which is approve it and then if the court finds in favor of Thunder Ridge, then he's going to have to revise it. I think us approving it seems to suggest that we're taking Rentoulis' side in this legal dispute that they're having. I think we should either tell him to move it over out of the disputed area or that we table this until the court situation is resolved.

Chairman McNulty stated I did some conversation with Mike via email after the meeting. My concern about that same issue was if we make a decision here, with it being in a disputed area, what liability do we take. And his answer was none. Our decision is nonbinding. And it all goes on Rentoulis, if he fails he's going to have to make the changes and resubmit a site plan to show the necessary changes and whatever cost it is to remedy it.

Rich Williams stated and there's always a clause within our resolutions which says, basically, that. That this approval is based on the accuracy of the information provided by the applicant. If it ain't accurate, you don't have an approval.

Chairman McNulty stated so I think we're covered and to table it would just...leaves us sitting in limbo here on our desk where we could move it along and...

Board Member Taylor stated well, then we could deny it and tell him to come back with it moved over. I don't...I think the appearance here is important. The appearance of what we're doing and it will appear that we're supporting Rentoulis' claim. However we feel about it, I think it's, you know, it doesn't matter. We don't know. We're not in the situation of being the authority to decide where this legal line should be drawn.

Board Member Montesano stated but if we were to approve it, it would be on the court's final decision. We're approving this...We give the same type of situation to any applicant. You say this is your property, we can approve it with that, but if it proves to be wrong you're responsible. Not us.

Board Member Taylor stated I understand. That's exactly what was said before. I object to us...

Board Member Montesano stated and that's the whole thing.

Board Member Taylor stated approving it though when we know that there's a potential problem here. That it's in the court, it's being adjudicated.

Board Member Montesano stated well...

Rich Williams stated and it's been adjudicated. It's been in the courts now for about three years.

Board Member Taylor stated I know.

Rich Williams stated and my problem with all of this is there was never a question about the property line boundaries till the people from Thunder Ridge decided that they wanted to take that land for their own, for their parking, which they have absolutely no right to do. Regardless of whether it's their land or it's not their land. It is never traditionally been used for parking out there for Thunder Ridge. And they decided they were just going to step in and take it. So...

Chairman McNulty stated I don't...

Rich Williams stated you know, you can do what you want, Ron, but for me to hold this up...

Chairman McNulty stated yeah, I don't want to hold this up. If anything, I'd bring it to a roll call vote and, you know, go after it that way. I think the existing lines with the pavement, parking and the easement roadway have been in place for some time. I don't have any detail to speak about the surveys: who's got the right one, who's got the wrong one.

Board Member Taylor stated well, you can't anyway, even if you did.

Chairman McNulty stated yeah. So, I think as long as the applicant understand that if loses in court and he's already started construction, you know, he's going to be liable and I think...

Board Member Ladau stated yeah, but I think it's very difficult to have somebody who's committed money for construction to stop then... Yeah, I understand he takes the loss, but...

Chairman McNulty stated he'll have no choice to stop...

Rich Williams stated well, yeah let's be clear. He's got... There's all sorts of injunctions all over these properties. He can't start construction until the court case is done.

Board Member Ladau stated yeah, no, I'm just picking up on Tom's comments that if construction has started.

Board Member Montesano stated well basically, the right-of-way exists.

Chairman McNulty stated mmhmm.

Board Member Montesano stated if he builds to the... As you're looking at the ski lodge, to the right of it, that's his property. To the left of it has already been built. That's his property. Their argument is that he can't cross their property. So, you've got two public accesses to that property. From one to the other: You can either walk...

Chairman McNulty stated yeah.

Board Member Montesano stated along [Route] 22 in the right-of-way or you can around the Town road.

Board Member Taylor stated which is why we set it up this way.

Chairman McNulty stated so they would do that. Now, has he come back. Are any of these... Has he applied for an easement or put an easement in place yet. Or that would be a condition of a resolution. The applicant...

Rich Williams stated he has to... It's got to be done. He hasn't done it.

Chairman McNulty stated so do we want to wait for that and see that it's clear and defined before we move.

Rich Williams stated you know, you can make it a condition of the final resolution. But, to address Ron's concern, I always assumed that this would buy you some time as well. You know...

Chairman McNulty stated yeah.

Rich Williams stated he needs to give us the easement.

Board Member Montesano stated alright.

Board Member Taylor stated are there...

Board Member Montesano stated he owns the property... See, that where it gets me confused.

Chairman McNulty stated who's he.

Board Member Taylor stated Rentoulis.

Board Member Montesano stated Rentoulis. His property runs where the actual building is. That's his property...

Board Member Taylor stated yeah, there's no dispute.

Board Member Montesano stated from Old [Route] 22 out to [Route] 22.

Chairman McNulty stated mmhmm.

Board Member Taylor stated there's no dispute on that.

Board Member Montesano stated you also have the property on the other side of that easement that belongs to him.

Rich Williams stated don't call it an easement.

Board Member Taylor stated but that's where the dispute is.

Rich Williams stated there is a...

Chairman McNulty stated right-of-way.

Board Member Taylor stated right-of-way.

Board Member Montesano stated alright, a right-of-way. Excuse me.

Board Member Taylor stated that's what in dispute.

Board Member Montesano stated alright.

Board Member Taylor stated they're disputing where that line is.

Board Member Montesano stated what I'm saying is this, if he proceeds what does he need another easement, etcetera...

Rich Williams stated he needs an easement to tie the parking...

Board Member Brady stated the two...

Rich Williams stated to the restaurant.

Chairman McNulty stated the north to the south lot.

Board Member Brady stated the two park...The two parking lots to that restaurant.

Board Member Montesano stated so that we don't bounce it later on...

Rich Williams stated right.

Board Member Montesano stated and if somebody else takes over.

Board Member Brady stated right.

Board Member Montesano stated okay.

Board Member Taylor stated there were two other issues, I think. There was one was people walking from the parking lot to the building.

Chairman McNulty stated mmhmm.

Board Member Taylor stated instead of going around. Should we require some kind of fence or barrier across there so people are forced to go around.

Rich Williams stated I thought there was a guardrail.

Board Member Taylor stated is that sufficient then. And then the other question was...What was the other question. Oh, the high traffic...pedestrian traffic during the ski season and the danger that posed and Ted's solution was require valet parking. Do we want to make that a condition of this approval.

Chairman McNulty stated well...

Rich Williams stated I go back to what I said to him at the meeting. He was raising...Mr. Lusardi was raising the issue of the hazards of the people walking in the roads during ski season as being a tremendous problem for the restaurant. But, for whatever reason, it's not an issue for those same people that are using Thunder Ridge walking down...up and down the streets.

Board Member Brady stated right. Yeah.

Chairman McNulty stated the other thing is people from the...

Board Member Brady stated it's bad, too.

Chairman McNulty stated ski slope using the restaurant...

Board Member Brady stated it's bad.

Chairman McNulty stated are going to walk. They're not going to be valeting.

Board Member Taylor stated yeah, but they'll be walking along here. It's...

Board Member Brady stated they're walking...

Board Member Montesano stated the trick is this. What's the...

Board Member Taylor stated so do we address this issue or do we say that it's not valid or do we ignore it or...It was raised. I think we've got to deal with it in some way.

Board Member Montesano stated alright, look at it this way, I'm told if I want to get to the restaurant, I have to walk around. Who's going to enforce if I cross...jump the posts, or whatever, or the fence and walk across.

Rich Williams stated it's up to the two property owners.

Board Member Taylor stated yeah.

Board Member Montesano stated that's what I'm saying.

Board Member Brady stated yeah.

Board Member Montesano stated so they're going to have to have and during the ski season I can see them having somebody there but he's not going to cause a problem with people parking. Now, the same way all of the sudden the employees were told park over there on that road and then get out of your car and walk while the other cars come scooting back and forth. But that's not a safety issue.

Board Member Brady stated no, that whole area is a safety issue...

Board Member Taylor stated yes.

Board Member Brady stated during ski season.

Board Member Taylor stated I agree. But it's...

Board Member Brady stated it's very dangerous.

Board Member Taylor stated I just think that...

Chairman McNulty stated no, the optimal...An easement from the entrance to the parking lot but...

Board Member Brady stated right.

Chairman McNulty stated that's for them to...

Board Member Brady stated but that's not going to happen.

Chairman McNulty stated to work out.

Board Member Taylor stated yeah, that's not going to happen.

Chairman McNulty stated so...

Board Member Taylor stated so, I'm just asking do we address that it was brought up. Do we address it in some way. Do we ignore it. Do we ask Mike whether there's any liability. I mean it's...Yeah, there's a safety situation now. We're exacerbating the situation, possible. Should we take some action about that or not. That's all I'm asking.

Chairman McNulty stated the only thing I could see, if you wanted to, is ask Rentoulis to do a painted walkway...

Board Member Brady stated crosswalk.

Chairman McNulty stated line. Not even a crosswalk. From this corner to the building.

Board Member Taylor stated and then a crosswalk.

Chairman McNulty stated and...

Rich Williams stated where.

Board Member Taylor stated along the corner of the...

Chairman McNulty stated the concern seems to be the people walking along this road. So, if we were to ask to create a painted walkway on the pavement, two lines...

Board Member Taylor stated on his property.

Rich Williams stated you can't do it in the right-of-way.

Chairman McNulty stated well...

Rich Williams stated you can't put it on his property.

Chairman McNulty stated what if he can just put it...be done. I don't know what the scale is. What's...From this line to the front of that parking line, right up along there.

Rich Williams stated you can't do it there because that's all parking.

Board Member Ladau stated yeah.

Chairman McNulty stated you can't right up...

Rich Williams stated so you've got to move it over and...

Chairman McNulty stated you can't put a walkway.

Rich Williams stated huh.

Chairman McNulty stated you can't put a walkway in there.

Rich Williams stated you can but...

Chairman McNulty stated it only has to be 3' wide.

Rich Williams stated but then you eliminate the parking.

Board Member Ladau stated because then you're reducing...

Rich Williams stated there's parking along that line.

Board Member Taylor stated he's asking what is...

Chairman McNulty stated what's this space here.

Board Member Taylor stated what's this space here.

Chairman McNulty stated you have a space between the parking and the property line.

Board Member Montesano stated that might be the...

Rich Williams stated I can't even see it.

Chairman McNulty stated yeah.

Board Member Montesano stated disputed...That might be the disputed...

Chairman McNulty stated I don't have a scale.

Board Member Montesano stated line.

Chairman McNulty stated you may have 3' that you could draw a sidewalk.

Board Member Taylor stated that line's not disputed.

Chairman McNulty stated that could be a painted line as a sidewalk (inaudible).

Board Member Montesano stated I've got a better...I've got something for you. Put the two balusters...

Chairman McNulty stated if safety is an issue...

Board Member Montesano stated parking balusters and make a space in between....

Chairman McNulty stated and that's a concern for us as...for public safety.

Board Member Montesano stated so they get inched over.

Board Member Taylor stated we've got a ruler somebody.

Board Member Brady stated yeah.

Board Member Taylor stated you've got rulers here.

Chairman McNulty stated scale ruler. Engineer scale.

Board Member Taylor stated well, it doesn't have to be an engineer's scale. One inch equals thirty feet. So, you've got anything with an inch on it.

Rich Williams stated what are you looking for.

Board Member Montesano stated somebody come up with a dollar bill that's six...

Board Member Brady stated just a regular six inch ruler. Ah, he's got it.

The Secretary stated it's a ruler.

Chairman McNulty stated you knew she didn't have that.

The Secretary stated Mary won't care.

Chairman McNulty stated there you go, Chief. Give it to the architect. He'll know how to use it.

Board Member Ladau stated I don't read engineer scales, you know that.

[Laughter].

Chairman McNulty stated I know.

Board Member Taylor stated no, that's the wrong...Here, this is what I want.

Rich Williams stated what are you reading.

Board Member Brady stated that's what (inaudible) go building roads...

Board Member Taylor stated I'm reading the inch scale.

Board Member Brady stated to building buildings.

Rich Williams stated yeah, but why don't you just go to a thirty scale.

Board Member Ladau stated yeah, there should be a 30 scale on there.

Chairman McNulty stated yeah, there was...Right there, yup.

Board Member Taylor stated it's 5'.

Chairman McNulty stated oh, more than enough room. I forgot Ron's...He's hiding in the back over there.

Ron Gainer stated that's alright. You're doing fine.

Board Member Montesano stated he's enjoying himself. Everybody wants to be an engineer.

Ron Gainer stated you're fine, my son.

Board Member Montesano stated can I get my Lego blocks.

Ron gainer stated that's right.

Board Member Taylor stated so we could address it in that way.

Chairman McNulty stated and they can add a, you know, a marking of some sort.

Board Member Brady stated where's the entrance into this parking lot. Okay, that's the entrance in. So you're going to have...The walkways going to be to the corner of the building and then you're going to push them out into the right-of-way.

Chairman McNulty stated no. Push them right along, right up through here.

Board Member Brady stated right.

Board Member Taylor stated well, he's saying how do they get around the corner of the building, well, they just don't.

Board Member Brady stated right. You've got the same problem.

Board Member Taylor stated yes, there to there.

Board Member Brady stated I...You've got the problem the whole way down.

Chairman McNulty stated I mean, at some point, people have to be responsible for themselves.

Board Member Brady stated right. I agree.

Chairman McNulty stated so...

Board Member Brady stated I think that that's...

Board Member Taylor stated you can't...It's...Is there any liability for us ignoring this if we're not going to do anything about it.

Chairman McNulty stated it doesn't sound like it from what...

Board Member Taylor stated what Mike said.

Chairman McNulty stated what Mike said.

Board Member Ladau stated you know, at the same token, you know what is it, you can sue a ham sandwich...

Board Member Brady stated yeah, well...

Board Member Ladau stated but if somebody is injured, do they come after the town, the town planning board, the restaurant...

Board Member Montesano stated I'm sure they will.

Board Member Ladau stated three skiers who happen to be up at the top of the hill.

Rich Williams stated and the answer to that is yeah, they absolutely will.

Board Member Taylor stated yes. Of course they will.

Board Member Ladau stated yeah.

Board Member Montesano stated that's what they call a shotgun.

Rich Williams stated absolutely.

Board Member Brady stated they go for deep pockets.

Chairman McNulty stated whether we did everything or not.

Board Member Brady stated yeah, they go for the deep pockets.

Board Member Ladau stated yeah.

Chairman McNulty stated now, where are we at...We need to see an easement, correct.

Rich Williams stated correct.

Chairman McNulty stated other than that, that about the last item we're looking for.

Rich Williams stated that's the last item.

Chairman McNulty stated he's made all the corrections on the plan that I could see.

Rich Williams stated yes.

Chairman McNulty stated so, are they planning on coming in do you know.

Rich Williams stated as far as I know.

Chairman McNulty r stated okay. We could...

Board Member Taylor stated are they planning on bringing an easement because we've asked for it.

Rich Williams stated I've got to call them.

Board Member Taylor stated yeah.

Chairman McNulty stated yeah.

Rich Williams stated I have to make a lot of phone calls here.

Chairman McNulty stated if he doesn't...

Board Member Taylor stated there's no point in coming in, is there.

Ron Gainer stated did you close the public hearing.

Rich Williams stated huh.

Ron Gainer stated public hearing was closed last time.

Chairman McNulty stated yes. We closed it last month.

Board Member Taylor stated yeah, we closed it.

Chairman McNulty stated we closed it last meeting.

Ron Gainer stated you just want to watch the 62 days next month, right.

Chairman McNulty stated yeah. So I guess we need to...

Board Member Brady stated either that or he's going to have to waive it.

Chairman McNulty stated now, if he doesn't get the easement, and the 60 days goes by, what happens.

Ron Gainer stated keep it in view so he gives you the...

Rich Williams stated you either have to take an action or he has grant us a waiver.

Board Member Brady stated it's in his best interest if he's not done to waive it. Otherwise, it's going to get rejected.

Ron gainer stated make sure you ask him. Right.

Chairman McNulty stated he has to grant us a waiver.

Rich Williams stated grant us a waiver from acting, yes.

Chairman McNulty stated and if we act at that point without an easement he could get a denial.

Board Member Montesano stated yeah.

Rich Williams stated he could.

Chairman McNulty stated or a conditional.

Rich Williams stated or a conditional which sets a clock running which puts everything right back in his court.

Board Member Taylor stated so what's the clock with we do a conditional.

Rich Williams stated whatever you want to make it. Typically we set it...

Board Member Taylor stated oh.

Chairman McNulty stated just like my site plan.

Board Member Taylor stated another 60 days.

Rich Williams stated 62 days.

Board Member Taylor stated 62 days.

Rich Williams stated it doesn't have to be 62 days. It's whatever you want it.

Board Member Taylor stated yeah. But that's a reasonable amount of time.

Rich Williams stated yup.

Board Member Taylor stated that will be January, February.

Chairman McNulty stated alright. Is everybody good with marking a walkway of some sort.

Board Member Ladau stated mmhmm.

Chairman McNulty stated is it a concern. It can't hurt to help...

Board Member Ladau stated yeah.

Chairman McNulty stated carrel the people.

Ron gainer stated you wanted some barrier at the leading edge of that parking, right. Along the edge of the right-of-way.

Board Member Taylor stated well, which is...

Ron Gainer stated there's nothing shown there. There's no guiderail.

Board Member Taylor stated oh, there isn't.

Ron Gainer stated there's wheel stops.

Rich Williams stated I thought there were guiderails.

Chairman McNulty stated yeah, wheel stops...Wheel stops is what we talked about that would be sufficient.

Ron Gainer stated that he shows but there's no other physical barrier from walking on to the right...

Chairman McNulty stated I don't have any problem not having a barrier there. As long as the traffic...a car can't roll through.

Board Member Brady stated right. You got the wheel stops.

Chairman McNulty stated in front of it, yeah.

Board Member Brady stated they're not...

Board Member Ladau stated well, in terms of this walkway, do we want him to put in an actual, honest to god, sidewalk.

Chairman McNulty stated no. I just want to see markings on the pavement...

Board Member Montesano stated how about...

Board Member Taylor stated striping.

Board Member Brady stated stripes, yeah.

Chairman McNulty stated striping just to indicate...

Board Member Montesano stated why can't we use two of the car barriers.

Chairman McNulty stated what are you talking about.

Board Member Montesano stated alright. You take...

Chairman McNulty stated like a Jersey barrier.

Board Member Montesano stated no, you don't have to get that heavy. You can get a regular car stop.

Ted Kozlowski stated that's in the buffer, right.

Board Member Montesano stated but you put one here for the car to stop, and the other one here is to guide the walkway.

Chairman McNulty stated no, that's going to be...but it's out, somewhat, out in the middle of the parking lot is becomes a plowing issue. People...I think the pavement markings, my own feeling, would be more than sufficient.

Board Member Montesano stated well, you're going to have to have...

Chairman McNulty stated people are going to walk wherever they want anyway.

Board Member Montesano stated yeah, well that's the whole thing in a nutshell.

Chairman McNulty stated you really don't have room there to start building any kind of barrier or wall. He's going to lose parking.

Board Member Brady stated yeah.

Rich Williams stated I can't remember at this point, but at one point there was supposed to be a guiderail right along the property line which prohibited access from one to the other. If that's not...

Chairman McNulty stated from the south lot to the...

Rich Williams stated right.

Chairman McNulty stated right-of-way.

Rich Williams stated if that's not going to be there then you should at least have some signs put up which say no access through this way.

Board Member Montesano stated and that's his liability.

Rich Williams stated or something. I don't know. I've got to think about it.

Ron Gainer stated Harry can give you another post and rail fence.

Board Member Ladau stated well, why not...

Rich Williams stated but, yeah. There was supposed to be some sort of barrier.

Board Member Ladau stated but why don't we require that.

Board Member Brady stated and the barrier was supposed to be on the south parking lot.

Rich Williams stated yes.

Board Member Brady stated on the north end of the south parking lot.

Chairman McNulty stated I don't remember...

Rich Williams stated right.

Chairman McNulty stated talking about that.

Board Member Brady stated so it was just going to be...

Chairman McNulty stated I remember the wheel stops.

Board Member Brady stated we were going to send everybody to the end out to...

Rich Williams stated right.

Board Member Brady stated Old 22 to back and around.

Ron Gainer stated right.

Rich Williams stated right.

Board Member Brady stated or out to [Route] 22 and come back around. I remember there was talk...we talked about that.

Board Member Montesano stated well, liability...If he puts those up that would cover his little...a little bit of his liability also.

Board Member Brady stated well, one of the things...

Board Member Montesano stated he's trying to direct the people...

Board Member Brady stated one of the things that I thought would be a problem is once people start walking through there if the people that own the right-of-way don't turn around and say no. I don't want you on here. And they start policing and telling people to go back. You know...

Chairman McNulty stated that would be a tough thing to do.

Board Member Brady stated the way they're...Oh, yeah. Well, it's going to be tough for him to police that parking lot during ski season, too. He's going...Whoever the rental is, he's going to have to have people out there all the time or everybody's going to park in there.

Chairman McNulty stated alright, so we have major items. We have a barrier between the south lot and the right-of-way. We have an easement we need to get and we want to see striping for a walkway.

Board Member Ladau stated yup.

Ron Gainer stated and you want a legal agreement to tie the properties together.

Board Member Brady stated yeah, the easement.

Board Member Taylor stated that's the easement.

Chairman McNulty stated well that's the easement, right.

Ron Gainer stated okay.

Chairman McNulty stated yeah, yeah. Maybe he can pull the parking lot and put the spruces along that edge.

[Laughter].

Board Member Taylor stated it would get him out of the disputed area, wouldn't it.

Chairman McNulty stated yeah, I know.

Board Member Taylor stated you just put the spruces in the disputed area.

Chairman McNulty stated you think the Ryders' or whoever would cut them down.

Board Member Taylor stated well, they couldn't cut them down until...Well, he couldn't put them in until after it was settled anyway, so...

Chairman McNulty stated yeah, that's true.

Board Member Taylor stated but he could go ahead and put his parking lot in.

Board Member Brady stated yeah.

Chairman McNulty stated yeah. Alright, that's an idea we'll throw at him.

10) Fox Run AARP– EAF Part 3

Chairman McNulty stated okay, Fox Run. My favorite. We have a response from Mr. Johnson form Zarecki and Associates. I don't know if everybody's got to take a look at it yet.

Board Member Brady stated yeah, I remember.

Board Member Ladau stated yup.

Chairman McNulty stated I haven't gone through the whole thing. I got through parts of it.

Board Member Brady stated I thought part of it was a chuckle. A relatively small portion of the proposed site will require construction on steep slopes.

Board Member Taylor stated that's...

Board Member Brady stated I don't know.

Chairman McNulty stated let me ask, what do we want to do with this. DO we want to take a look at this tonight, go item by item. I think we're at the point where we spent a lot of time going through the initial Part 3. Do we want to review these items line by line tonight. Does everyone...

Board Member Ladau stated I think we're going to have to at some point, whether it's tonight or whenever.

Chairman McNulty stated yeah. Rich, have you got a chance to look at this yet.

Rich Williams stated I've gone through it. I don't know that I would have answered all of them the way he answered them. You know, again, I don't think they're off point except for a couple...

Chairman McNulty stated no, the couple I read I didn't see they're off point.

Rich Williams stated of their responses.

Chairman McNulty stated there was something that I saw. Well, let's go through it.

Rich Williams stated alright, well I don't have a copy with me so...And honestly, I mean, going through item by item, if you want to go through it item by item it's fine. But, at some point the next step is I have to do the Part 3. Right.

Board Member Taylor stated we all have to do the Part 3.

Rich Williams stated well, somebody's got to write it up.

Chairman McNulty stated yeah.

Board Member Taylor stated yes.

Rich Williams stated you going to write it up.

Board Member Taylor stated I'll write up some of it.

Rich Williams stated what I'm suggesting is go through it on your own, write up your comments...

Chairman McNulty stated okay.

Rich Williams stated send them in, and I'll compile it into one document.

Board Member Ladau stated okay.

Chairman McNulty stated that sounds fair.

Board Member Ladau stated that makes sense.

Board Member Brady stated yeah.

Chairman McNulty stated yeah.

Board Member Ladau stated yeah.

Board Member Brady stated instead of doing it here.

Chairman McNulty stated yup.

Board Member Ladau stated okay. By when do you have to have the comments.

Rich Williams stated as soon as you can get them to me I can short turn it around. It would be nice if we could have everything for the next meeting but, you know, if you can't you can't.

Board Member Ladau stated yeah. Well, next meeting is what, Thursday.

Board Member Taylor stated no.

Board Member Montesano stated no.

Board Member Taylor stated a week from Thursday.

Board Member Ladau stated next week.

Board Member Montesano stated a week from Thursday.

Board Member Ladau stated yeah.

Rich Williams stated right.

Board Member Ladau stated yeah, that shouldn't be a problem.

Board Member Taylor stated alright.

Board Member Ladau stated you need a day to write it up so Wednesday.

Chairman McNulty stated I recommend that when we comment we include all of us.

Board Member Brady stated yeah.

Board Member Ladau stated oh, yeah.

Chairman McNulty stated so if we have a comment on a comment we can get it in.

Board Member Ladau stated mmhmm.

Chairman McNulty stated okay.

Board Member Taylor stated in general, looking at this, I don't...Some of the responses don't change what we had said in some way. He's assuming that the plan, as they submitted to us, where the buildings are going to be located and so on, is going to be the final plan. He's assuming that buildings are not going to be moved around...

Board Member Ladau stated mmhmm.

Board Member Taylor stated based on other things which might then move them into steep slopes or might move them into depressed area...depressional area, or whatever it is. And I think that's...that he can be fine with that assumption. If it has to be moved later it's just...I think all we have to note on some of these things is an area that needs to be watched as it goes forward. It's no big deal. It's going to be, you know, they move into the water area they'll deal with that. You can deal with that in terms of the way you build the building. But it's just something we need to make note of as we move forward on these things. These are not the major issues. Our major issues are we've identified: the, you know, visual impacts and those kinds of things.

Chairman McNulty stated which is identified in here. The ridgelines is one of the items.

Board Member Taylor stated yeah.

Chairman McNulty stated I thought he took a lot of assumptions...

Board Member Taylor stated yeah.

Chairman McNulty stated in his analysis.

Ron Gainer stated I have a basic question, is the Board leaning in any direction as to a positive or negative dec[laration] on this. Or you're still open to...

Chairman McNulty stated well, I think it's still an open issue.

Ron Gainer stated okay.

Chairman McNulty stated I mean, we're narrowing it down and this is getting us there. Clearly the traffic study doesn't show a major increase in traffic.

Ron Gainer stated right.

Chairman McNulty stated but it's still...

Board Member Ladau stated but that doesn't...

Chairman McNulty stated the geometry of the roads and they address some of that in this.

Board Member Ladau stated but that doesn't make sense. You've got 80 units and if there are two adults that are still active you can assume there are going to be 160 cars...

Chairman McNulty stated yeah.

Board Member Ladau stated plus or minus.

Chairman McNulty stated but one of things, and I probably owe it to you, I said I'd get it, is the traffic study. You haven't seen it yet.

Board Member Ladau stated I've seen the traffic study.

Chair

Stated oh, you have seen it.

Board Member Ladau stated and I disagree with it. If you've got 160 cars it's fair to assume that at... There's going to be two trips minimum per car, per day. And I think Ron made the comment that the trigger point is 500 car...500 trips. Five hundred... Was that... Did you say that. Or somebody did.

Board Member Taylor stated I didn't say that.

Chairman McNulty stated no.

Board Member Taylor stated I didn't say that.

Chairman McNulty stated no, I don't...

Board Member Ladau stated I don't know what the level is but certainly 160 trips minimum is bound to increase the traffic on that road.

Chairman McNulty stated well, they're not saying it doesn't increase. But...

Board Member Ladau stated I'm...

Chairman McNulty stated they're not saying it doesn't increase. It does increase but not in a significant way that it impacts the volume of traffic.

Board Member Taylor stated they're saying the increase will happen on not the hours that other people are going to work and where there is heavy traffic.

Board Member Ladau stated and I don't buy that.

Board Member Taylor stated you don't buy that. Okay. Well that's part of what...

Chairman McNulty stated we've all been...

Board Member Taylor stated yeah, dealing with.

Board Member Montesano stated well, let's...

Board Member Ladau stated yeah.

Board Member Taylor stated whether in fact...

Board Member Montesano stated put it this way...

Board Member Taylor stated that's the case.

Board Member Montesano stated you have a statement. It's going to be a community for 55 or above. How many people you know that are 55 that are not working...

Board Member Taylor stated don't work.

Board Member Montesano stated or trying to find work.

Board Member Ladau stated that's right.

Board Member Taylor stated well that's...

Chairman McNulty stated I agree but for me as a Board Member, I don't have the background or the expertise to say, well you're inaccurate with your report. I mean, these are the experts putting together the traffic report. And Rich...

Board Member Ladau stated no, well they're experts.

Chairman McNulty stated had put forward a bunch of information...

Board Member Ladau stated yeah, they're offering an opinion.

Chairman McNulty stated well based on...

Rich Williams stated they're offering an analysis...

Chairman McNulty stated scientific standards.

Rich Williams stated based on industry standards.

Chairman McNulty stated yeah.

Ron gainer stated right.

Board Member Taylor stated but we've questioned some of those... There have been questions about some of those standards.

Chairman McNulty stated and they've come back and...

Rich Williams stated in any analysis there's...

Board Member Ladau stated what in the benchmark...

Rich Williams stated assumptions.

Board Member Ladau stated what is the benchmark at which point traffic becomes significantly increased. I mean, if you're talking about...

Rich Williams stated there's no benchmark. There's no specific number of vehicles.

Board Member Ladau stated okay.

Rich Williams stated it depends on the geometry of the intersection and...

Board Member Ladau stated and the configuration of the road...

Rich Williams stated right.

Board Member Ladau stated itself.

Rich Williams stated so...and there's a whole big program that you run all these numbers through. You go out and you collect your data...

Board Member Ladau stated mmhmm, sure.

Rich Williams stated you run it through a program to see whether there's going to be a significant delay. And what they do is they consider the impacts based on the measurable delay in vehicles waiting at the intersections.

Board Member Ladau stated okay.

Rich Williams stated so it's not the number of cars, it's the number of seconds you have to wait.

Board Member Ladau stated yeah. Understood. But at the same time, in addition to delay, there's a question of the impact of the traffic on a road that is already stressed. That's a very windy road, etcetera. And I just feel uncomfortable with the addition of potentially 160 cars, whether they're going to work, looking for work, going to play golf, doing whatever, that it's going to increase the amount of traffic on an already stressed road, for want of a better word.

Chairman McNulty stated and that's been our concerns, too, all along.

Board Member Brady stated since day 1.

Board Member Ladau stated yeah, I understand that.

Chairman McNulty stated and the problem is we fall back to the traffic report that doesn't bear that out. My question is does the Town go and do its own report. Now, you've been out and done some analysis, have you not.

Rich Williams stated yeah, Ron and I too a ride around. We took a look.

Ron Gainer stated yeah, I don't know that he's ever responded to that, right. I think the Town has identified geometry issues of concern on all the roads. All the area roads.

Chairman McNulty stated mmhmm.

Rich Williams stated they only responded in the most generic of ways. They came back in this...They came back with some accident data over the past year which I want to get from and take a look at.

Chairman McNulty stated yeah. They did see that.

Board Member Ladau stated yeah.

Chairman McNulty stated I did see that in here. So traffic is an issue, I think for this Board.

Board Member Ladau stated mmhmm.

Chairman McNulty stated the sight line on the ridge, the high points, the steep slopes, is an issue.

Board Member Ladau stated yeah.

Chairman McNulty stated sewage I think was a question...

Board Member Ladau stated yeah.

Chairman McNulty stated for us. The wastewater. But they pretty much bear out a lot of numbers in here that's, you know, back up their claim of being...

Board Member Ladau stated yeah.

Chairman McNulty stated sufficient to handle it.

Board Member Ladau stated I tried to dig out some of the codes that they sited but I couldn't find it on Google and I sort of...

Rich Williams stated some of the code.

Board Member Ladau stated I didn't have much time...They had...

Chairman McNulty stated the standards for...

Board Member Ladau stated the standards, whatever. I...

Chairman McNulty stated the 166 bedrooms generates...

Board Member Ladau stated yeah.

Chairman McNulty stated so many gallons per day. That kind of thing.

Board Member Ladau stated yeah.

Chairman McNulty stated that's where Ron can help us out.

Ron Gainer stated yeah.

Board Member Ladau stated but whatever.

Chairman McNulty stated yeah. Have you taken a look at their review yet Ron.

Ron Gainer stated I haven't looked at this, no. No, just got this tonight. So...

Chairman McNulty stated okay. So we need to address our concerns to this.

Board Member Ladau stated yeah

Chairman McNulty stated get them into Rich.

Board Member Ladau stated there was another item, too. They were talking about blasting and they (inaudible) a guy to blast because the rock was only 6' below grade.

Rich Williams stated they didn't...

Board Member Ladau stated 6' feet below grade...

Rich Williams stated they didn't know if they were going to...

Board Member Brady stated right.

Board Member Ladau stated yeah.

Rich Williams stated blast or they could break it.

Chairman McNulty stated yeah, I kind of chuckled at that comment because...

Board Member Ladau stated but, I mean, 6'...

Chairman McNulty stated we were up there... We were...

Board Member Ladau stated yeah.

Chairman McNulty stated 20' up on rock.

Board Member Brady stated yeah.

Board Member Ladau stated yeah.

Board Member Brady stated that's why...and some of these buildings are...the corners are on that.

Chairman McNulty stated yeah.

Board Member Brady stated you know, that's...

Board Member Ladau stated yeah.

Board Member Brady stated that's a steep slope.

Chairman McNulty stated I have a couple of questions that came up and I don't know if they're valid to ask in this process, is Zarecki...First of all, the applicant is unknown to us. He's represented by an attorney. What is his background in building condominiums, townhouses or active adult communities.

Board Member Ladau stated is...

Chairman McNulty stated is there any other projects he's built that we can see. That's a legitimate question, isn't it.

Board Member Ladau stated I may be able to answer that.

Board Member Taylor stated no, I don't think it is. I think we might...

Board Member Ladau stated his...

Board Member Taylor stated ask Mike that question and he said history of applicant has no bearing on our review of the application.

Board Member Ladau stated is the...

Chairman McNulty stated I don't remember that.

Board Member Ladau stated applicant Ron Caplan.

Chairman McNulty stated we don't know.

Rich Williams stated from Pawling.

Board Member Ladau stated the Quaker Hill, Pawling.

Rich Williams stated yeah.

Chairman McNulty stated oh, he is.

Board Member Ladau stated Ron Caplan is a preeminent obstetrician who specializes in problematic births. And he...

Board Member Taylor stated that's appropriate.

Board Member Ladau stated is a professional...I mean, he is an investor as opposed to a developer.

Chairman McNulty stated so is the question valid to ask Zarecki, what's their background and what projects have they developed that we can see what kind of...

Rich Williams stated as a civil engineer.

Chairman McNulty stated as a...As they're proposing this development; they're doing the leg work for an active adult community. Have they ever built an active adult community anywhere else. Or similar project. Of helped develop it, design it. They're basically doing the design, correct.

Board Member Ladau stated oh, yeah.

Ron Gainer stated you've got to bring it back to the applicant if you're even allowed to ask...to go down that avenue.

Chairman McNulty stated the attorney you mean.

Ron Gainer stated well...You'd have to...need to get guidance from your attorney.

Board Member Taylor stated yeah, our attorney.

Ron Gainer stated whether or not that's a valid...

Chairman McNulty stated yeah. That's just a question I had. Because here's...

Board Member Ladau stated yeah, I...

Chairman McNulty stated because our concern is, and we're not opposed to the project. What we just want is a quality project that fits into the community and suits us well. And I think it's a valid question on my part, I think, to ask the guy developing and designing this does he have any experience doing it.

Board Member Ladau stated well, the designing is Zarecki. I don't know whether he does or doesn't. I mean, his name I...It's been around as far as I remember. But certainly in terms of the applicant, no. He's...

Ron Gainer stated Caplan...

Chairman McNulty stated he's just an investor.

Board Member Ladau stated he's just an investor. Yeah.

Ron Gainer stated Caplan's developed things in the area. I'm not saying that he's the driver but he's been the applicant on various projects in the area.

Board Member Ladau stated Caplan has been. Yeah.

Chairman McNulty stated but...

Ron Gainer stated (inaudible – too distant).

Board Member Ladau stated no, he and a...He and two other people, one who no longer lives on Quaker Hill, and another one who lives over on Bullet Hole Road, I think it is. I may be wrong on that. But in any event, these three guys have been very active in terms of investing in development.

Chairman McNulty stated okay.

Board Member Taylor stated and I sent...Mike sent me an email saying he had written down my questions about the Code...

Ron Gainer stated yeah.

Board Member Taylor stated questions and he couldn't read his own writing so he asked me...

Chairman McNulty stated yeah, I saw that.

[Laughter].

Board Member Taylor stated right. So I sent him a long detailed...

Board Member Ladau stated that's plausible deniability, Ron.

Board Member Taylor stated explanation about the questions. Said he'll...

Chairman McNulty stated you'll share those when you get them.

Board Member Taylor stated once he gets back to me, yeah.

Board Member Montesano stated the whole thing we have to find is are we, as a planning board, allowed to scrutinize who the developer is. Can we put that in...

Chairman McNulty stated I don't think we can deny it based on that but we can certainly put it on the record that is he an experienced developer. I don't see why we couldn't.

Rich Williams stated because if you put it on the record and then you deny the application for an entirely different reason...

Board Member Brady stated yeah. That's the reason.

Rich Williams stated and they go back and they look at the record and say...

Board Member Brady stated yup.

Rich Williams stated oh, it was because...

Board Member Brady stated here's why.

Rich Williams stated they didn't think he knew what he was...

Board Member Brady stated was doing.

Rich Williams stated that they denied it. Not the other reasons. So...

Board Member Taylor stated I don't...

Chairman McNulty stated that's a good reason if you ask me.

Rich Williams stated yeah.

[Laughter].

Board Member Taylor stated yeah, but again, I think Mike answered that question a long time ago and said that we can't do that.

Chairman McNulty stated okay. I don't recall that.

Board Member Taylor stated we have no authority to do that. So we can ask him again but...

Rich Williams stated and it's the same for Zarecki. He's a licensed civil engineer in the state of New York.

Chairman McNulty stated mmhmm.

Board Member Taylor stated right, and he's...

Board Member Brady stated yeah, leave it at that.

Rich Williams stated you can't ask him for his resume or his qualifications to design a project.

Board Member Brady stated yeah. Leave it at that.

Chairman McNulty stated okay.

Board Member Montesano stated let's put it this way, you've seen road projects that certain members of the engineering, with all due respect, have designed and then they're in.

Chairman McNulty stated well, one of the reasons I came up with that question is in the comments it's, you know, it says it's relatively not...a small percentage of the project is on steep...not on steep slope and most of the rock is 6' below grade. Well, is he walking the same site I'm walking.

Board Member Brady stated yeah.

Chairman McNulty stated so that's...

Board Member Brady stated it means he hasn't walked it. The person...

Chairman McNulty stated no, well...

Board Member Brady stated that wrote those answers probably hasn't walked it.

Chairman McNulty stated he has walked it.

Board Member Ladau stated well, either that or he can't read the topo.

Chairman McNulty stated okay, so as of now, we're going to try and get some homework done. We'll get some comments in.

Board Member Ladau stated yeah.

Chairman McNulty stated and see if we can push this...

Board Member Ladau stated right.

Chairman McNulty stated process along.

Board Member Taylor stated yup.

11) Other Business

a) Ice Pond Estates Subdivision – 90 Day Extension

Chairman McNulty stated okay. That brings us to other business.

Board Member Taylor stated Ice Pond.

Chairman McNulty stated Ice Pond is asking for an extension of...

Board Member Montesano stated 90 days.

Chairman McNulty stated 90 days...

Board Member Montesano stated 180.

Chairman McNulty stated 180 days...

Board Member Montesano stated 90 day or 180.

Chairman McNulty stated a 90 day extension of the 180 days within the...that they've already asked...

Rich Williams stated they got 180 days. He's entitled to two 90 day extensions. He's looking for his first 90 day extension.

Chairman McNulty stated okay. Anybody have any issue with this.

Board Member Taylor stated nope.

Chairman McNulty stated I'll make a motion we approve the applicant of Ice Pond Estates a 90 day extension to the conditional site plan approval.

Board Member Montesano stated second.

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

Rich Williams stated for the record, that's the old way of doing it. They've changed State law so there's no more...

Ron Gainer stated yeah.

Rich Williams stated 180 days, 90 day, 90 day.

Ron Gainer stated right.

Rich Williams stated you do whatever you want.

Board Member Brady stated oh yeah.

Rich Williams stated yeah. But I'll talk to them about that.

Chairman McNulty stated but the way I did it was okay, right.

Rich Williams stated the way you did it was alright.

Chairman McNulty stated oh, good. I was feeling good about that.

[Laughter].

Ron Gainer stated I'm surprised they asked them that way. (Inaudible – too distant).

b) Minutes

Chairman McNulty stated minutes. Has anybody had a chance to see the minutes yet. I have not.

Board Member Taylor stated no. Too early.

Board Member Ladau stated all 119 pages.

c) Thunder Ridge

Chairman McNulty stated and then I just have one item, Thunder Ridge. I saw a letter from the Building Department that the violations...

Board Member Ladau stated violations.

Chairman McNulty stated have been vacated. That means they move to the Ryders and they have to have us a site plan.

Rich Williams stated yeah, well they dismissed the charges pending against Bob Conklin and reissued, or say they're going to reissue, to Thunder Ridge...to the Ryders.

Chairman McNulty stated okay. So for now they can open as is and stay in business and then we're going to address the plan down the road here.

Rich Williams stated right.

Board Member Montesano stated okay.

Chairman McNulty states okay. Does anybody else have anything. Make a motion to adjourn.

Board Member Montesano stated second.

Board Member Taylor stated second.

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

Meeting was adjourned at 8:13 p.m.