

PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

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**Planning Board
December 3, 2015 Meeting Minutes**

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

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

Chairman McNulty called the meeting to order.

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

There were approximately 3 members of the audience.

Chairman McNulty led the salute to the flag.

Chairman McNulty: Hello everyone. Patterson work...Planning Board meeting, November...or December 3rd.

1) BILL HENRY TREE SERVICE – Site Plan Application – Continued Review

No one was present to represent the application.

Chairman McNulty: Bill Henry's first on the list here. Talked about it at the work session. Some architectural details. And Rich, you have anything, comment on this?

Rich Williams: Yeah just, you know, what I had expressed to the Board earlier that there seems to be some issues with access to the property and they've asked to table it as they further evaluate that issue.

Chairman McNulty: Okay. So for now it's tabled and...Have you had any correspondence with Bill to let him know what we talked about the work session as far as samples, colors, more detail?

Rich Williams: No.

Chairman McNulty: Okay.

Rich Williams: No.

Chairman McNulty: We'll discuss that at the next...When they come back.

Board Member Taylor: Well, it seems like we should ask him to do it beforehand so we don't lose another month when they do come back.

Rich Williams: Yeah, we'll have that conversation with him.

Chairman McNulty: Okay, you'll take care of that?

Rich Williams: Yeah.

Chairman McNulty: Okay.

Board Member Taylor: It's about time we got rid of this.

Chairman McNulty: Yeah, it's been around.

2) FROG HILL, LLC – Driveway Postponement

Mr. Harry Nichols was present.

Chairman McNulty: Okay. Next we have Frog Hill. Talked about the postponement waiver for the driveway. Rich has written up a resolution. Does anybody have any comment on this before we...before we act? Have you seen it?

Board Member Taylor: Yeah, I saw it. I'm just trying to find it. It's here somewhere.

Chairman McNulty: I know. I'm the same way. Rich, Ron, any comments?

Rich Williams: Nope.

Ron Gainer: None.

Chairman McNulty; Well then I'll...Do we have to do SEQRA on this?

Rich Williams: No.

Ron Gainer: No.

Chairman McNulty: I'll make a motion in the application of a driveway postponement for Frog Hill, LLC on Route 22. This resolution to postpone the site plan upgrade to bring the driveway into compliance to 10% grade maximum. It's currently 12%. And this resolution, in addition to general conditions, this postponement of time in which regarding that the driveway must occur shall be for a period of two years. And general condition number 2, until such time as a driveway has been regraded to meet the

Town's requirements for maximum grade and in accordance with the approved site plan, there shall be no additional use of the building except for the marble refinisher that's at the bottom of the driveway.

Board Member Montesano: Second.

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

Chairman McNulty: Okay. Next we have Birch Hill Associates. Anybody here for that? Oh, Harry [Nichols]. I'm sorry, I didn't even see you there.

Ron Gainer: You're all done, Harry.

Board Member Ladau: He snuck in.

Mr. Harry Nichols: We're all done?

Chairman McNulty: You're all quiet there in the corner.

Mr. Nichols: Well, I was...

Chairman McNulty: We granted the two year postponement. You're good to go for holding off any improvements until we can see what's happening with the driveway and the neighboring property.

Mr. Nichols: Do you need anything else from us?

Chairman McNulty: Rich, anything?

Ron Gainer: No.

Mr. Nichols: Drawing to sign or stamp, whatever.

Rich Williams: Yeah, we need drawings...We need at least five sets of drawings plus whatever you want back.

Mr. Nichols: Okay.

Rich Williams: For the Planning Board to sign. And we need you to...

Chairman McNulty: For the final plat.

Rich Williams: Yeah. We need you to work on the conditions of the approval. One of those being, you know, clean up the site. There's a lot of...There's a lot of used equipment out on the site that needs to be removed.

Mr. Nichols: Mmhhh.

Chairman McNulty: Yeah, that was told to us that the site would be cleaned up as part of the site plan approval.

Mr. Nichols: Okay.

Chairman McNulty: He had materials stockpiled and equipment; some old cranes. Derricks.
Have they made any...

Ron Gainer: The original approval. Remember the original approval.

Mr. Nichols: Yeah. Yeah, I mean, compared to what it was in the beginning, it's been quite an improvement out there. But I understand. You've got to complete it.

Chairman McNulty: Well, go back, review those general conditions and extra, you know, those other conditions.

Mr. Nichols: Yeah.

Chairman McNulty: And when those are all met, submit it in so we can get it approved.

Mr. Nichols: Okay.

Chairman McNulty: Alright.

Mr. Nichols: I'll take care of it.

Chairman McNulty: Thanks, Harry. You've got your postponement, so you can move forward from there.

Mr. Nichols: Thank you.

Chairman McNulty: You're welcome. Okay.

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

No one was present to represent the application.

Rich Williams: Yeah, Mr. Chairman, nobody is currently here for Birch Hill Associates, so maybe we want to skip over that.

Chairman McNulty: Okay.

4) PATTERSON AUTO BODY – Sign Application – Continued Review

Mr. Jim Byron, Patterson Auto Body, was present.

Chairman McNulty: That bring us to Patterson Auto Body; a sign application.

Mr. Jim Byron: Good. Good evening. Good evening all.

Chairman McNulty: Yup. I know I met with you over the weekend. I stopped by. I think Mike came by. Did anybody else go by to see the site?

Board Member Brady: I went by, yes.

Board Member Taylor: I went by, too.

Mr. Byron: You saw the markings by the mailbox? On the blacktop?

Board Member Brady: No, I didn't see any.

Board Member Taylor: You have pictures?

Board Member Brady: You sent me pictures, yes.

Board Member Taylor: Yeah.

Chairman McNulty: Yeah, yeah.

Board Member Brady: Yes, I have the pictures. I went there the next morning, after the last meeting.

Mr. Byron: Oh, and the markings weren't...

Board Member Brady: Yeah. I didn't see any.

Mr. Byron: I did them in the afternoon.

Chairman McNulty: Question came up. I think I talked to you when I came out. The DOT...

Mr. Byron: Mmhmm.

Chairman McNulty: Is it in the right-of-way, the DOT, the sign?

Mr. Byron: No it is not.

Chairman McNulty: Or is it just short?

Mr. Byron: No it is not.

Chairman McNulty: Okay.

Board Member Taylor: No, what?

Mr. Byron: That's they have no issue with where it is at.

Chairman McNulty: They have no issue or is it in...

Mr. Byron: They have no...They have nothing...They can't give me anything to say, hey it's okay, because they have nothing...

Chairman McNulty: But is it within their setback; their right-of-way.

Mr. Byron: Sure. My pumps are in the setback.

Ron Gainer: No, is it in the right-of-way, is the question.

Mr. Byron: It's 60' from the center line; from the yellow line.

Chairman McNulty: Is the right-of-way?

Mr. Byron: Is the right-of-way.

Ron Gainer: And your pumps...

Rich Williams: Well...

Ron Gainer: are there as well.

Mr. Byron: Sure.

Rich Williams: Generally, the right-of-way goes 25', generally.

Board Member Montesano: Twenty-five feet from the center.

Mr. Byron: Oh, okay.

Rich Williams: Sometimes it goes a little bit further. But generally, and I don't believe the pumps are their right-of-way. I think...

Mr. Byron: It is.

Rich Williams: their right-of-way goes right down the center divider, down the middle, I believe. From what I've seen on your survey, we can pull the survey real quick.

Chairman McNulty: Okay.

Rich Williams: But...So, as a typical rule, it's 25' from the center unless you know something different.

Mr. Byron: I thought it was 60 [feet].

Rich Williams: No, it's 25' from the centerline.

Board Member Montesano: It's 25' from the center.

Chairman McNulty: Which brings up an issue that was brought to my attention about us not being able to approve something in their right-of-way. It becomes an issue. I don't know if...Rich, can you elaborate on that all? Or it's not generally something we want to do?

Rich Williams: Yeah, we...Our Code doesn't allow us to approve a sign for somebody on somebody else's property. We can approve a sign for you on your property. And I believe where you're proposing it, it's on your property. But...

Mr. Byron: Okay.

Rich Williams: We can't do it, you know, in the DOT right-of-way. And certainly not without the DOT. The DOT, if you're going to do some work in their right-of-way or put some sort of obstruction, there is a permit process that you can go through to get a permit to do that. So, I know this because I've done two or three of them for the Town.

Mr. Byron: Mmhmm. Okay.

Chairman McNulty: Yeah.

Rich Williams: So...

Chairman McNulty: With that said, you know, I didn't have an objection to where it was as long as...we talked about the height, staying below the powerlines.

Mr. Byron: Mmhmm. Yeah.

Chairman McNulty: And I think you said the lowest line was 29', if I remember right. Was that the...

Mr. Byron: Yeah.

Chairman McNulty: tallest line?

Mr. Byron: The lowest.

Chairman McNulty: The lowest. And we're at 20' to the top of the sign. So we have a 9' clearance, if I remember right.

Mr. Byron: Mmhmm.

Chairman McNulty: The only other suggestion, I know we talked about a planter or something.

Mr. Byron: Mmhmm.

Chairman McNulty: Maybe bollards would be better.

Mr. Byron: Mmhmm.

Chairman McNulty: Simpler.

Mr. Byron: Yup.

Chairman McNulty: Probably should be at least, you know, 36 to 48” high. Forty-two inches high.

Mr. Byron: Mmhmm. Yup.

Chairman McNulty: Just to protect that. If somebody veers off [Route] 22 or backs out of your place...

Mr. Byron: Yup.

Chairman McNulty: That sign is just too close to the road it comes down.

Mr. Byron: Mmhmm.

Chairman McNulty: So, that’s my comments on that. I don’t know if anybody else has something they want to say. About the general location and size of the sign.

Board Member Brady: No, I’m fine with it.

Chairman McNulty: Okay.

Board Member Taylor: Yeah, I’m fine with it.

Chairman McNulty: Yeah. I am, too.

Board Member Montesano: No problem.

Chairman McNulty: It’s the issue with the DOT, though. We need to get that nailed down.

Rich Williams: Well, you can certainly adopt a resolution, you know, approving...

Chairman McNulty: And make it contingent on a...

Rich Williams: the sign and put it in the resolution that the sign has to be on Mr. Byron’s property.

Ron Gainer: Right.

Rich Williams: And if it’s not, then Jimmy’s has to deal with it.

Chairman McNulty: Well, we can move forward that way.

Board Member Montesano: Can I ask a question?

Chairman McNulty: Sure.

Board Member Montesano: Mike, I got to annoy you, on the right-of-way, does that mean the person with the right-of-way owns that piece of property or does he have access to that property? And is it still owned by the person...

Board Member Ladau: Access.

Board Member Montesano: whose property is on...

Mike Liguori: Alright, so the...

Board Member Taylor: The mike. [Referring to using the microphone].

Mike Liguori: There's always...The simple answer is that the right-of-way is typically owned in fee, meaning that there's 100% complete ownership by an entity. So for instance, let's look at a Town road. A Town road, if you show a road on a map, right, we typically reserve, you know, x amount for right-of-way. Let's say hypothetically, 50' for the right-of-way to be owned by the Town, 24' of which may be paved. Okay? So, you have your centerline and then you go 25' on either side of the centerline and that's where ownership purposes...many people have their front lawns that go, you know, up to that 24' mark...Or up to the, you know, where the pavement is, that 12' mark. But they don't own...You know, their ownership stops at 25' from the centerline. So when you're dealing with the right-of-way, it's typically the...Whether it's the Town or the County or the State, they typically own the right-of-way, all of it. Okay, there are instances where right-of-ways are referred to as easements; that's used interchangeably. That's where there's always a lot of confusion about ownership, who owns what or whatnot. But in this case, I don't think there's any dispute that the State of New York owns Route 22. If the right-of-way is in fact 50', then you go to that centerline, you measure 25' in, and it's owned by the state.

Board Member Montesano: Okay. That clears that. Thank you.

Chairman McNulty: Well, that's my question: is to verify that we know what that...Is it 50 overall? Twenty-five foot?

Rich Williams: Well, not in that...I will tell you, not in that area. The right-of-way in that area is going to be wider than...

Mike Liguori: Wider.

Rich Williams: fifty feet because you've got turn lanes and everything else there.

Mike Liguori: Right. Right.

Chairman McNulty: Okay.

Mike Liguori: But if we have a survey that's, you know, for Jim's property, then we're going to be able to tell that because the surveyor would note that on the survey.

Rich Williams: Right. But I still maintain that my recollection is that from the center of the driveway going through there, over, was the DOT right-of-way. And it stopped, generally, on the dividers that run along through there.

Chairman McNulty: So the centerline is from the center of the overall roadway. It might not be the yellow line, could be center of the turning lane.

Mike Liguori: Yeah, Tom, it's entirely possible that you step off of Jim's property then have, let's say, another 60 or 70 feet all the way across. That centerline is not in the middle of that. You know, it could be edged over a little bit. It could be...

Chairman McNulty: So the survey is key to...

Mike Liguori: Yeah, the surveyor is the key. Yeah, it could...Just like Rich said, with the turning lanes, the way that they are, I mean, you know, it could be 100 feet at that point. But where to measure is going to start at the property line. So, but Rich's advice to the Board is good: Which is if it turns that it's not on Jim's property, then essentially the resolution is...

Board Member Taylor: Null and void.

Mike Liguori: Right.

Chairman McNulty: Okay. Alright. Well, I'll make a motion in the application of the Patterson Auto Body Shell sign for SEQRA, to make a negative determination.

Board Member Brady: Second.

Board Member Montesano: Second.

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

Chairman McNulty: And in the Patterson Auto Body Sign Application, I make a motion to approve the sign as it was submitted with its dimensions. And...

Board Member Taylor: Corrections.

Chairman McNulty: Corrections?

Board Member Brady: This comes out [referring to the V-Power portion of the sign].

Chairman McNulty: Oh. And the V...As submitted, less the V-Power Shell sign. And with a 20' maximum height and to have at least 7 feet, I think, we said at the bottom of the sign.

Mr. Byron: Mmhmm.

Chairman McNulty: Okay.

Board Member Taylor: And bollards.

Chairman McNulty: And bollards around four points, so it will protect the sign. And also, that a special condition that this sign is on the property of Patterson Auto Body, Jim Byron, and is not within the DOT right of way.

Board Member Montesano: Second.

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

Chairman McNulty: Okay.

Mr. Byron: Okay.

Chairman McNulty: So, you've got a little homework to do, Jim.

Mr. Byron: Okay.

Chairman McNulty: So I guess if you can find a survey, bring it, you know...

Board Member Taylor: You've got the survey, don't you?

Mr. Byron: You need...

Rich Williams: I believe I've got the survey.

Board Member Taylor: He's got the survey.

Mr. Byron: Now do you need anything additional from me?

Rich Williams: Nope.

Mr. Byron: As long as the DOT is good, I'm good? You're good?

Chairman McNulty: As long as you're not on their property, we're good.

Mr. Byron: Okay. Alright.

Chairman McNulty: Okay?

Mr. Byron: Then I thank you very much.

Chairman McNulty: And that's to be located, I didn't specify it in there, but as you showed us by the mailbox.

Mr. Byron: Yup.

Chairman McNulty: So...

Mr. Byron: That's where it will be.

Chairman McNulty: Okay.

Mr. Byron: Alright.

Chairman McNulty: Alright. Very good.

Mr. Byron: Thank you very much.

Chairman McNulty: You're welcome.

Mr. Byron: Alright.

Chairman McNulty: Good luck.

Mr. Byron: Merry Christmas, all.

Chairman McNulty: Merry Christmas.

Mr. Byron: Thank you.

Board Member Montesano: Merry Christmas.

Board Member Brady: Merry Christmas. Good luck.

BIRCH HILL CONTINUED

Chairman McNulty: Okay, next. Birch Hill, anybody here? I don't think so.

5) CAMP RE: LAKE CHARLES DAM – Wetland/Watercourse Permit Application

Chairman McNulty: Camp Re. Anything yet, Rich? Any plans or...

Rich Williams: Ted is not here tonight to talk about where he is. Sarah, in our office, calculated out the wetland fees so I'm going to convey that to Andrew in the morning and talk to him about at least getting out on the site so he can take a look at it. And I certainly at the end of the meeting, if you want, pull the plans out and show you the plans.

Chairman McNulty: Okay. So you do have it. Ron, have you reviewed it, too?

Ron Gainer: No.

Rich Williams: No, he hasn't seen it.

Chairman McNulty: Oh.

Rich Williams: We've got one copy.

Chairman McNulty: Oh, okay. Alright.

Board Member Taylor: Did you get the application fee for that?

Chairman McNulty: They just calculated it.

Rich Williams: We just calculated it.

Board Member Taylor: Oh, you just...Oh, that's the wetlands fee.

Rich Williams: Right. And...

Board Member Taylor: They're not separate.

Rich Williams: where we've been waiting, we've been waiting for Ted because...

Board Member Taylor: Right.

Rich Williams: Ted usually gets these applications. He goes through them with the applicant. He reviews the plans. He makes sure the wetland line is where it is supposed to be. And then we proceed forward. Well...

Chairman McNulty: Ted's setting up trains.
[Laughter]

Rich Williams: Okay.

Board Member Taylor: Do you know where the outfall is from this? Which way...Does it go...

Rich Williams: I know approximately where the outfall is.

Board Member Taylor: Does it go down through the subdivision there? Or does it go toward the [Route] 22?

Rich Williams: It goes, I believe...I believe it heads south.

Board Member Taylor: Yes.

Rich Williams: Down towards Mount Ebo.

Board Member Taylor: Okay. So it...Because this is...You can't tell from the aerial. There's a Y there that one ravine goes down toward the subdivision. The other ravine comes down to Mount Ebo and [Route] 22. So you think it comes down toward Ebo.

Rich Williams: Yeah.

Board Member Taylor: Okay.

Rich Williams: It may come down toward Route 22. It's in that general area...

Board Member Taylor; Right.

Rich Williams: because they're both right there.

Board Member Taylor: Yeah.

Rich Williams: Yeah.

Board Member Taylor: And that would be quite a hit of water if it came down.

Rich Williams: Yeah.

Chairman McNulty: You think this is something we're going to need a site walk for or...

Rich Williams: You know what, I think at least I need to go out there.

Chairman McNulty: Yeah.

Rich Williams: And I was hoping Ted would go out there.

Chairman McNulty: Mmhmm.

Rich Williams: But I don't know what the confusion is here, but...

Chairman McNulty: Well, one is lack of information. I mean, it sounds like you've got one plan and not much more than that.

Rich Williams: But I hope...I'd hoped there would be better communication between Andrew and Ted to work out these details by now.

Chairman McNulty: Right. So Ted needs to update us on what's happening. Okay, anybody else have any comment on that?

6) NIHAD VUKOVIC – Wetlands/Watercourse Application – Initial Application

Mr. Nihad Vukovic was present.

Chairman McNulty: Okay. Next on the agenda we have Mr. Vukovic.

Mr. Nihad Vukovic: Good evening, gentlemen.

Chairman McNulty: Hi, Sir. How are you?

Mr. Vukovic: Not bad.

Chairman McNulty: So you're here for a wetlands permit...

Mr. Vukovic: Yes.

Chairman McNulty: on East Branch Road. It's down on the, I guess, on the west side of road;
down along by the swamp.

Mr. Vukovic: Correct. Yes.

Chairman McNulty: Okay. There was some talk here, you want to put up a shed, 12' by 20 shed.

Mr. Vukovic: Yes.

Chairman McNulty: We just wanted to get some details on the construction of it and the purpose
of it and...Because you're in the wetlands buffer.

Mr. Vukovic: It's right on the buffer. Correct. Yes. What would you like? I'm sorry.

Chairman McNulty: Give us a little background on what you're planning to do.

Mr. Vukovic: Well, pretty much just storage, honestly. There's plenty of, you know, over
the years...

Chairman McNulty: Car storage or...

Mr. Vukovic: Oh, no, no, no. Just regular lawn mower, house accessories. Stuff
that...Christmas Decorations.

Chairman McNulty: Okay.

Mr. Vukovic: You know, all that sort of stuff.

Chairman McNulty: Any electric to it or anything?

Mr. Vukovic: No, no, no.

Chairman McNulty: Yeah. I don't think a shed's allowed to have electric, is it? In our Code.

Rich Williams: I don't know why not, but...

Chairman McNulty: I don't know.

Mr. Vukovic: I can see quite a few...But no, that's not purpose, honestly.

Chairman McNulty: Twelve by twenty is the size?

Mr. Vukovic: Twelve by twenty is the size, correct.

Ron Gainer: How about driveway access?

Mr. Vukovic: I'm sorry.

Ron Gainer: Is there any driveway access planned?

Mr. Vukovic: Driveway heading...going to the shed you're saying?

Ron Gainer: To the shed.

Mr. Vukovic: Oh, no. There's no driveway access. No.

Chairman McNulty: It would just be access across the lawn to it.

Mr. Vukovic: Correct. Correct. Just walk across the lawn.

Chairman McNulty: And it was mentioned that the shed was going to be built on footings that are up off the ground. Is that correct?

Rich Williams: Well, we haven't had that conversation.

Mr. Vukovic: Exactly.

Rich Williams: I need to have that conversation with him at some point. I've had it with Bob. When you go to build the shed, you're actually in the 100' floodplain.

Mr. Vukovic: Yes. Yes.

Rich Williams: Not the wetlands. The floodplain.

Mr. Vukovic: Okay.

Rich Williams: Alright, so because you're in the floodplain, you need to construct a shed in a specific manor so that it's going to be above the elevation of a potential flood.

Mr. Vukovic: Yes.

Rich Williams: So...

Mr. Vukovic: I believe I discussed it with Ted that was over one day. And we went through many different options.

Rich Williams: Okay. So essentially what we're talking about, you're going to have to put it up on piers.

Mr. Vukovic: Okay.

Rich Williams: Okay, so there's a couple different ways you could have done this. You could have thrown a pad of gravel down and just dropped it right on the set of gravel.

Mr. Vukovic: Yes.

Rich Williams: You're not going to be able to do that. You're going to have it up on piers so you're going to pour like little concrete footings.

Mr. Vukovic: You think that's the best way to do it?

Rich Williams: Well, I think it's the way you have to do it because you're in this...

Mr. Vukovic: Okay. Okay.

Rich Williams: 100 foot [*editor's note: should be "100 year" not "100 foot" – Rich Williams misspoke] floodplain.

Mr. Vukovic: Got you.

Rich Williams: And Federal Law is that you can't obstruct the water in the floodplain.

Mr. Vukovic: By putting gravel...This is just a question.

Rich Williams: Yeah.

Mr. Vukovic: Gravel is not the way to go?

Rich Williams: Gravel...Nope.

Mr. Vukovic: Okay.

Rich Williams: No, it's got to...The water has got to be able to flow through it.

Ron Gainer: It's got to be unimpeded.

Mr. Vukovic: Okay.

Rich Williams: Yeah.

Chairman McNulty: So...

Ron Gainer: It's got to be up above the floodplain.

Rich Williams: So...

Mr. Vukovic: Got you.

Chairman McNulty: The floodplain, in relation to the shed, if the shed were moved 10 feet, 20 feet, 30 feet, is it out of the floodplain or is that whole area in the floodplain?

Rich Williams: No, it comes very close to the house.

Mr. Vukovic: It's very close.

Board Member Montesano: The whole thing is...

Mr. Vukovic: If you...The closer you move it, you're just right behind my house afterwards. You come too close.

Board Member Taylor: You can't put the shed under the deck or next to the house, something like that, instead of sticking it out in the middle of the buffer?

Mr. Vukovic: Quite honestly, it's possible. You can do it but it's just going to look awful. Honestly. That's just going to really look horrible.

Board Member Brady: How high above the ground, the existing grade, does he have to raise the shed?

Rich Williams: Not much.

Chairman McNulty: Question is, sheds have a height restriction.

Rich Williams: Yes.

Chairman McNulty: So, question would be if you have to raise this above the floodplain, is that height restriction off the shed height or off the ground height?

Rich Williams: It's off the ground. But usually...He should be fine.

Chairman McNulty: Okay.

Board Member Brady: And does a ramp impede the flow?

Rich Williams: No.

Chairman McNulty: Well, there's no driveway going to it. It's a typical garden storage type shed.

Mr. Vukovic: Correct.

Chairman McNulty: Is it a metal or wood structure?

Mr. Vukovic: It will be wood.

Chairman McNulty: Okay. That's preferred, so...

Mr. Vukovic: I'm sorry?

Chairman McNulty: That's the preferred...

Mr. Vukovic: Yeah.

Chairman McNulty: that I'd like to see. Anybody, any comments? Ron?

Board Member Taylor: Well, it's just we're dealing...All along East Branch Road, we're dealing with this issue.

Mr. Vukovic: Oh, really?

Board Member Taylor: That everybody's got lawns that go into the buffer. And the point of the buffer is to clean the water before it gets into the wetlands. And here you're sticking...and your neighbor's going to say, oh wow, that looks nice. Let's us put a shed out there and...So...

Mr. Vukovic: Quite honestly, I'm the only one that doesn't have a shed.

Chairman McNulty: Yeah. I think there's quite a bit.

Board Member Montesano: Yeah.

Mr. Vukovic: I'm the only one that doesn't have it.

Board Member Taylor: Oh, so you're the one who said, oh that looks nice. Let's put one in...
[Laughter]

Mr. Vukovic: I'm the one that...
[Laughter]

Chairman McNulty: Following their lead. It's not the other way around.

Board Member Taylor: So that's my only...It's just a problematic situation.

Board Member Brady: One of the things that we talked about at the work session was that, obviously, wet grounds in the spring.

Mr. Vukovic: Yeah.

Board Member Brady: You're going to wind up putting a lawn mower in there or a tractor in there and driving in there and there's going to be ruts and then the next thing you know there's going to be a gravel driveway going out to it.

Mr. Vukovic: Oh, no, no, no, no. I don't like gravel, quite honestly. If...

Board Member Brady: Or blacktop, you know.

Mr. Vukovic: No, no, no, no.

Chairman McNulty: Well, we've seen it happen.

Mr. Vukovic: I understand what you're saying. Yeah.

Chairman McNulty: We've seen it happen, that's why we bring it up.

Mr. Vukovic: I'm quite sure you have. Yes. Yes.

Board Member Taylor: And if it does happen, I mean, you'll be in violation and...

Mr. Vukovic: There you go. That's fair enough.

Board Member Taylor: you have to take it out. But we try not to create situations where the poor Building Inspector has to go out and...

Mr. Vukovic: I understand.

Board Member Taylor: and drag people into court. And takes months to deal with it. So, I mean, that's...It's...I think...It's out there, if it's already a lawn and...That's kind of Ted's position on these things. It's already disturbed.

Chairman McNulty: Yeah.

Board Member Taylor: And then...

Chairman McNulty: That's the way I see it.

Board Member Taylor: So...

Chairman McNulty: Alright. Anybody want to make a motion on SEQRA? We need SEQRA on this, right?

Rich Williams: Yes, you do need SEQRA on this.

Board Member Taylor: You're welcome to go ahead.

Chairman McNulty: I'll make a motion for SEQRA on Nihad Vukovic...

Mr. Vukovic: Yes, Sir.

Chairman McNulty; Wetlands Permit application, to determine a negative determination for the 12' by 20' shed to place in the lawn area.

Board Member Montesano: Second.

Board Member Ladau: Second.

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

Chairman McNulty: And then make a motion to approve the Wetlands/Watercourse Permit...

Rich Williams: Time out.

Chairman McNulty: Oh.

Rich Williams: Time out. There's a public hearing requirement...

Chairman McNulty: Oh, there is.

Rich Williams: for doing a Wetlands/Watercourse Permit unless the Board determines it's a minor action, there is no need for having the public hearing. So you've got to make that determination first if you think this is a minor application.

Chairman McNulty: Well...

Rich Williams: With no major impact to the wetland.

Board Member Taylor: So in the matter of Nihad Vukovic, I make a motion that we determine this is a minor action and does not require a public hearing.

Board Member Brady: Second.

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

Board Member Taylor: We covered?

Rich Williams: Now...

Board Member Taylor: Go ahead.

Rich Williams: you're covered.

Chairman McNulty: Okay.

Rich Williams: Have at it.

Chairman McNulty; Well done.

Board Member Taylor: Yeah, thanks.

Chairman McNulty: Okay. I make a motion in the Fresh Water Wetlands/Watercourse Permit Application for Nihad Vukovic to approve the application noted, based on the plan provided and the location of the shed as plotted on the plan. That it's 12' by 20' and to acknowledge that it is in the floodplain and to be built accordingly to meet floodplain Federal Guidelines.

Mr. Vukovic: Of course. Of course.

Board Member Brady: Second.

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

Chairman McNulty: Okay. Alright, you're next step...

Mr. Vukovic: Thank you, gentlemen.

Chairman McNulty: would be to go to the Building Department and discuss it with them and...

Mr. Vukovic: Perfect.

Chairman McNulty: find out, you know...

Mr. Vukovic: Fantastic.

Chairman McNulty: If there's any changes, and you're going to move it different from where it's located, then you need to come back.

Mr. Vukovic: No, no, no. It should be fine. As long as it's somewhere there, it's fine.

Chairman McNulty: Okay.

Mr. Vukovic: Gentlemen, thank you.

Chairman McNulty: You're welcome.

Board Member Taylor: You're welcome.

Mr. Vukovic: Happy Holidays.

Chairman McNulty: Have a good night.

Board Member Taylor: Alright. You, too.

7) INKED STUDIOS – Sign Application

Mr. Tim Wilken was present to represent his application.

Chairman McNulty: Okay, the gentleman in the back I think is for...

Board Member Montesano: Inked.

Chairman McNulty: Sir, you here for the tattoo parlor? Inked Studios? Okay. Hi, Sir.

Mr. Tim Wilken: Hello.

Chairman McNulty: You're looking to open a tattoo shop here in Town? Or is it open already? I'm not even sure.

Mr. Wilken: Not open yet. Still working.

Chairman McNulty: Right here on [Route] 311, correct?

Mr. Wilken: Yes.

Chairman McNulty: Okay. We got a review from the Town Planner. I don't see any major objections. You're within all the guidelines of the sizes and the window sign and the added sign to the standalone sign; the monument sign out by the road.

Mr. Wilken: Yeah. It would just be basically taking out the one that's there and recovering it and then putting it back in.

Chairman McNulty: And it's all black and white, just as it's shown here?

Mr. Wilken: Black and white.

Board Member Taylor: Now is this sign up already?

Mr. Wilken: No.

Chairman McNulty: No.

Rich Williams: To be clear, the window sign is in and everything else is not.

Board Member Taylor: That's what I saw.

Chairman McNulty: What's that in relation to the Bill Reynold's sign? Is that on the...to the left?

Rich Williams: Bill Reynold's is to the left.

Chairman McNulty: Yeah. Okay. Anybody, any comment?

Board Member Ladau: I'd like to play architect for a second.

Board Member Taylor: Uh-oh.

Board Member Ladau: It's right, uh-oh.

Chairman McNulty: He is an architect, just so you're aware, Sir.

Board Member Ladau: It's right next to the wine shop sign. The wine shop sign is white with black letters. Is there some way that you might reverse the color so that you've got black letters...If...In other words, to have some level of...

Chairman McNulty: Compared to this.

Board Member Ladau: continuity between the adjacent sign. Otherwise, it's getting to be kind of a hodge podge.

Mr. Wilken: Yeah, I can reverse the colors.

Chairman McNulty: Do you see the insurance sign on the existing?

Mr. Wilken: Yeah.

Chairman McNulty: That's a nice example of Bob's talking about.

Board Member Ladau: Yeah.

Mr. Wilken: To keep everything the same.

Chairman McNulty: The sign...

Board Member Montesano: Do you want it like this in here?

Chairman McNulty: What about on the monument sign? You want a similar situation?

Board Member Ladau: I don't care that much about the monument sign. But I think that in terms of...

Rich Williams: The monument sign...

Board Member Ladau: the building is the same.

Rich Williams: is kind of small, so you...

Chairman McNulty: Yeah.

Rich Williams: probably want the difference in contrast.

Chairman McNulty: Yeah.

Board Member Ladau: Yeah.

Chairman McNulty: You have any objection to that, Sir?

Mr. Wilken: No. Not at all.

Chairman McNulty: Okay. Well, we appreciate you working with us. Anybody else have anything? I don't see anything. Rich, we're all in compliance with sizes. And it's nice to see another business trying to get in Town up and going.

Mr. Wilken: Trying.

Chairman McNulty: Yup. Well, I'll make a motion on SEQRA for the sign application for Inked Studios at 1270 Route 311, Suite 2, to declare a negative determination for the sign.

Board Member Montesano: Second.

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

Chairman McNulty: Okay. And in the sign application for Inked Studios, I make a recommendation to approve the sign application with the...as submitted with the change that the building mounted sign have a white background with black letters. And the monument sign as submitted. And all submitted as per the dimensions submitted...

Board Member Montesano: Including the window.

Chairman McNulty: with the application.

Board Member Brady: Second.

Board Member Ladau: Second.

Chairman McNulty: And including the window sign.

Board Member Montesano: Thank you.

Board Member Brady: Second.

Board Member Ladau: Second.

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

Chairman McNulty: Good to go, Sir.

Mr. Wilken: Awesome. Thank you very much.

Chairman McNulty: You're welcome. Good luck.

Ron Gainer: Good luck.

Mr. Wilken: Take care.

8) CHASE BANK – Site Plan Waiver

Chairman McNulty: Okay. Bring us to Chase Bank, is done. They're up and running.

BIRCH HILL ASSOCIATES, LLC – Continued

Chairman McNulty: Birch Hill Estates. Birch Hill.

Board Member Taylor: He's still not here.

Chairman McNulty: No one's here. I know...Bringing this up, Ted brought some comments up. He's got a big objection to moving the apple trees. He'd rather see them...

Board Member Brady: I think they're staying. I got something from Ted...

Board Member Ladau: Yeah, there was a letter...an email...

Chairman McNulty: Oh, I haven't seen it.

Board Member Ladau: Alright, here. I'll pull it up.

Chairman McNulty: Did we get anything? Sarah, are you aware of it?

The Secretary: Yes, the email was sent this afternoon...

Chairman McNulty: That's they're going to move the pond over and leave the trees...

Board Member Ladau: Yeah, they basically agreed.

The Secretary: Yeah, they were going to try to save the trees if...If it allow, once they do the site work.

Board Member Ladau: Here's what I got from Ted:

Hey guys and gals,
Can't make the meeting tonight but it looks like they will save the trees at Birch Hill Pond. A good thing to do. Merry Christmas to you all. Ted.

Board Member Taylor: No details.

Board Member Brady: No.

Board Member Taylor:

The Secretary: It was...He forwarded the email from Curt Johnson so beneath that is what...

Board Member Brady: Oh, okay.

The Secretary: Curt said about trying to save the apple...the two apple trees and the hickory tree.

Chairman McNulty: Yeah, the apple trees we're going to try to move and the hickory tree was going to come down. So, Curt...

Board Member Montesano: Is this...

Chairman McNulty: So Curt...

Board Member Montesano: Does everybody this.

Chairman McNulty: Rich, are you aware of this email that Curt sent? Can you give us a keep update? Sarah did, and she did...

Rich Williams: Well, I...She's probably more familiar with it than I am...

The Secretary: I don't think he was going to try to move the apple trees. I think they were going to try to keep them...

Chairman McNulty: Move the pond.

The Secretary: I think...Yeah. They were going to try to keep them there and do the pond, but depending on how the site...

Chairman McNulty: So I guess they're in a redesign...

The Secretary: would work.

Chairman McNulty: right now and that's why we don't see them, maybe?

Board Member Brady: Yeah.

Rich Williams: I would suspect that's what...

Board Member Brady: He's going to readjust and see if he can readjust...

Chairman McNulty: Okay. So for Birch Hill, based on this information, we'll table it tonight and see what happens next month.

Board Member Ladau: Yeah.

Board Member Taylor: Did you see my Part 2?

Chairman McNulty: I did. And it might be non-issue now if they're going to move it.

Board Member Taylor: Well, yeah. I mean, the whole point of the Part 2 was there was still an issue. And until they deal with the issue...

Board Member Brady: Yup. Of the outfall and the trees.

Board Member Taylor: Yeah. We haven't heard from him about the outfall yet.

Chairman McNulty: No.

Board Member Taylor: Those were the two issues.

Chairman McNulty: And I...

Board Member Taylor: It's a question of whether we consider them significant.

Chairman McNulty: Well, I think the outfall could be significant. And...

Board Member Taylor: I mean, that's what we have to determine: Is it significant in it's continuous duration. The tree...The disturbance would be a short term duration. And then based on that decision, we could declare a pos[itive] dec until the correct the situation. Or we could just wait until it gets corrected. I mean, that's...

Chairman McNulty: Now, I didn't see the site because I didn't make the site walk that time.

- Board Member Taylor: It's a meadow, essentially. I mean, there are some trees. Beautiful, huge apple trees.
- Chairman McNulty: Yeah.
- Board Member Taylor: They're, what, 100 years old or something? They're big trees. And there's no reason that we could see why they couldn't just slide it down a little bit. So...
- Chairman McNulty: Well, based on your comments, #9 here on the...
- Board Member Taylor: It's disturbance of the wetland.
- Chairman McNulty: Locating Stephen's Brook, proposed hazard to the brook should a large storm. I would like to get...Ron [Gainer], we're talking about...Ron [Taylor] submitted us Part 2, Ron Taylor.
- Ron Gainer: Yup. I...
- Chairman McNulty: Did you get a chance to look at it?
- Ron Gainer: I have not gone through it.
- Chairman McNulty: The concern, and I was in agreement with him, too, is the disturbance of a large outfall from this pond to Stephen's Brook. But we talked about this before and we kind of said that, really, it doesn't exist. There's not enough volume there. But it looks like it's 10' deep at this pond, at two points.
- Board Member Taylor: Well, it's...
- Rich Williams: Yeah, it's 10' deep but...
- Board Member Taylor: It's in the ground.
- Rich Williams: In the ground. But you're only worried about the level of the water that crests...
- Ron Gainer: Right.
- Rich Williams: over the top of the ground. That volume that's in the ground isn't going anywhere.
- Board Member Taylor: Did you...
- Rich Williams: It would be different if you were building the whole pond above the current level of topography.
- Chairman McNulty: So it's pretty level here at this...I know on one side, on the south side, it looks like it drops off...
- Rich Williams: Yeah, it's not bad.

Chairman McNulty: considerably. So I could never get to the point of the road and get down to the 8' or 7' mark.

Rich Williams; It would never erode so that you had a breach of the full pond.

Ron Gainer: Right. We just asked him for simple calculations. He just hasn't provided any of them, so...

Board Member Taylor: Yeah...

Ron Gainer: there's no reason for us to move it...for me to move it.

Board Member Taylor: Right.

Chairman McNulty: Okay.

Ron Gainer: Just until he provides you with some factual data.

Chairman McNulty: So we're still waiting for calculations. Okay.

Board Member Taylor: And all I was saying was...

Ron Gainer: It's not a hard...

Board Member Taylor: was we've got these issues.

Chairman McNulty: And that is an issue of concern.

Board Member Taylor: And if we determine they're significant then, you know, we would not proceed. Or we do a pos dec on them and then change it.

Chairman McNulty: We can't determine that yet until we...

Board Member Taylor: Yeah.

Chairman McNulty: get more information.

Board Member Taylor: So, you know, at least, I mean, at least it's done except for that one check box. And then once they get back to us, we can move the check and...

Chairman McNulty: Okay.

Board Member Taylor: when it's done (inaudible). Goodness. Are we done?

9) MINUTES

Chairman McNulty: Almost. We have minutes. Everybody's good. We make a motion to approve the... Well, I'm jumping ahead, but we'll approve the minutes for September 24th and October 1st, 2015.

Board Member Ladau: Move. Second.

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

10) OTHER BUSINESS

a) 2016 Planning Board Agenda

Chairman McNulty: And we have the Planning Board Agenda for 2016.

Board Member Taylor: Didn't we approve that already?

Board Member Brady: I think we approved that at the last meeting.

Chairman McNulty: Did we approve it? I wasn't sure if we did.

The Secretary: At the work session.

Board Member Taylor: Yeah. It was approved at the work session.

Chairman McNulty: That's been approved already and we're good to go for the next coming year.
Any other comments?

Board Member Brady: No.

Chairman McNulty: Ideas? Are we ready for the holidays? Motion to adjourn.

Board Member Montesano: Second.

Board Member Brady: Second.

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

Meeting was adjourned at 7:35 p.m.