

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**December 4, 2014**

**AGENDA & MINUTES**

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<b>1) 859 Fair Street Realty – Public Hearing</b>	1 – 3	Public hearing opened and closed: Board issued a negative SEQRA determination and approved site plan.
<b>2) Frank’s Automotive – Sign Application</b>	3 – 9	Board issued a negative SEQRA determination. Board granted two building mounted signs.
<b>3) Illescas – Wetlands/Watercourse Permit</b>	9 – 10	Public hearing set for 1.8.15
<b>4) UPR Enterprises – Request for Site Plan Waiver &amp; Sign Application</b>	10 – 15	Discussion of wetlands. Board grant waiver from Town Code to reduce parking stall length to 18’. Board granted site plan waiver. Board issued a negative SEQRA determination for sign and granted sign application.
<b>5) Ray See/PCLT – Lot Line Adjustment</b>	16 – 17	Board issued a negative SEQRA determination. Board approved lot line adjustment with conditions.
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<b>a) Ice Pond Subdivision</b>	42 – 43	90-day extension granted at 11.24.14 meeting.
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<b>c) Minutes</b>	44 – 45	10.30.14 minutes approved.

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Lars McNulty, Chairman  
Mary Bodor, Vice Chair  
Marianne Burdick  
Michael Carinha  
Stephanie Fox

**PLANNING BOARD**

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

**Planning Board  
December 4, 2014 Meeting Minutes**

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

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

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

There were approximately 12 members of the audience.

Chairman McNulty called the meeting to order.

**1) 859 FAIR STREET REALTY – Public Hearing**

No one was present to represent the application.

Chairman McNulty stated okay. We've got a pretty full agenda tonight. We'll see if we can push it along. And we'll start with a public hearing for 859 Fair Street. Do you want to call...

The Secretary stated sure.

Chairman McNulty stated you have something to say, Rich.

Rich Williams stated no. Go ahead.

Chairman McNulty stated okay.

Rich Williams stated read the public notice.

The Secretary stated alright.

The Secretary read the following legal notice:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, December 4, 2014 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **859 Fair Street Realty Site Plan Application in order to legalize the existing 48' by 53' addition to the principal structure.** The property is located at 859 Fair Street (I Zoning District), Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman McNulty stated okay. Thank you. Is anybody here representing 859 Fair Street.

Rich Williams stated I wasn't sure if they were going to be here. If I could just jump in here. The Board's aware this is...This was a small addition that was constructed onto an existing commercial building that the Building Department erringly issued building permits and Cos for back many years ago. And the issue tonight is just cleaning up that site so that we have an accurate representation of the site plan. We do have a survey on file within the department showing the improvements that were made out there.

Chairman McNulty stated okay.

Board Member Taylor stated anybody here for the public hearing.

Chairman McNulty stated anybody in the audience for 859 Fair Street, the former Von Essen property. Okay.

Board Member Taylor stated I move...

Chairman McNulty stated do we have any comments among the Board for it. It's all understanding.

Board Member Brady stated yeah.

Board Member Taylor stated I move to close the public hearing.

Board Member Montesano stated second.

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

Chairman McNulty stated okay. We've been through this. It...I guess we need to do SEQRA on this, right.

Rich Williams stated you do need to do SEQRA and then you do have a resolution.

Chairman McNulty stated yes. Okay. Do you want to make a motion on this one, Ron, or you want me to do it.

Board Member Taylor stated why don't you do it.

Chairman McNulty stated okay.

Rich Williams stated always going to court.

Chairman McNulty stated I make a motion in the application of 859 Fair Street Realty. I'd like to move that the Board declare its intent to...I'm sorry. Wrong one. Planning Board of the Town of Patterson finds

that the proposed action being an unlisted action will not have any significant impact on the environment and hereby issues a negative declaration of significance.

Board Member Montesano stated second.

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

Chairman McNulty stated okay. With that done we can move along to the resolution to approve this site plan as it is. And I make a motion in the application of 859 Fair Street Realty to approve the resolution as written by the Town Planner and outlined with all its notations.

Board Member Taylor stated second.

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

Chairman McNulty stated okay. I wish him luck in business.

## **2) FRANK'S AUTOMOTIVE – Sign Application**

Mrs. Tammy Smith was present.

Chairman McNulty stated okay. Next on our agenda we have Frank's Automotive. Oh, hi, Tammy.

Mrs. Tammy Smith stated hi.

Chairman McNulty stated didn't see you before. How are you.

Mrs. Smith stated good, how are you.

Chairman McNulty stated good. I stopped by the site yesterday.

Mrs. Smith stated yup.

Chairman McNulty stated I spoke with Frank.

Mrs. Smith stated I think a couple of you did, right.

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

Mrs. Smith stated I thought he said somebody else did.

Chairman McNulty stated yup. I see that there is no signs left on the building at all.

Mrs. Smith stated yup.

Chairman McNulty stated and Rich was in; I talked to him briefly earlier.

Mrs. Smith stated yup.

Chairman stated he says he calculated with you. You have somewhat of about 107 square feet of sign.

Mrs. Smith stated yeah. Fifty-four [square feet] and 48 [square feet]. So I had 104, but yes. Just about.

Chairman McNulty stated so...

Mrs. Smith stated we're off by a couple of square foot but yes.

Chairman McNulty stated so you're proposing to install two signs on the building.

Mrs. Smith stated correct. So the...

Chairman McNulty stated one's illuminated and one's not.

Mrs. Smith stated correct. So the...As the application was in the beginning, the back...The sign on the back of the building would be illuminated.

Chairman McNulty stated on the Fair Street side.

Mrs. Smith stated on the Fair Street side. On the front side by where our garage door is, that wouldn't be illuminated.

Chairman McNulty stated that's currently like the sign you have there now, but it will be a finished sign.

Mrs. Smith stated it will have our name on it. Right now it just says the Napa Autocare Center.

Chairman McNulty stated yeah.

Mrs. Smith stated and so we'll add the portion that says Frank's Automotive onto it.

Chairman McNulty stated and your landlord's good with all of this.

Mrs. Smith stated yup.

Chairman McNulty stated what I don't recall in the original application, did...were all the waivers signed from the owner.

Mrs. Smith stated yes.

Rich Williams stated yeah. The...

Chairman McNulty stated that's all complete.

Rich Williams stated application was signed by the owner.

Chairman McNulty stated okay.

Board Member Taylor stated now are you moving that sign up...

Mrs. Smith stated I...

Board Member Taylor stated the one on the Fair Street side.

Mrs. Smith stated if that's...If that's the agreement on where you guys want it placed. I took a picture of that, that...

Chairman McNulty stated you're talking about the higher building.

Mrs. Smith stated yeah. You guys were the one who suggested that it go in the middle portion of the building which is...I didn't measure it but I think it's like 3 to 5 feet higher than above our garage door.

Board Member Taylor stated we just thought it made more sense.

Mrs. Smith stated yup.

Board Member Taylor stated but it's, you know, you have to want to make the decision and we have to concur with it or not.

Mrs. Smith stated umm...

Board Member Taylor stated if he thinks it makes sense then...

Mrs. Smith stated well, you thought it would be more visible there and...

Board Member Taylor stated yes.

Mrs. Smith stated obviously we do, also.

Board Member Taylor stated right.

Mrs. Smith stated we just didn't think in the beginning that you would allow us to put it up that high. That's why we suggested above the garage door.

Chairman McNulty stated you still planning on painting.

Mrs. Smith stated we do still plan on painting come spring time. There's no...Napa is not set...I did call them and speak to them about the width of the blue band. Anything 6 inches. It has to be at least 6 [inches].

Chairman McNulty stated okay.

Mrs. Smith stated so, we'll certainly...

Chairman McNulty stated Rich, I didn't get a chance to look at your memo. Did you know which size signs you are going where. Or do we have that much detail yet.

Rich Williams stated we do have that much detail. I don't recall...

Mrs. Smith stated it says it...

Rich Williams stated off the top...

Mrs. Smith stated on the application.

Rich Williams stated yeah.

Mrs. Smith stated the sign on the back, the illuminated one, is 3' x 16'.

Chairman McNulty stated mmhmm.

Mrs. Smith stated and the one on the front is 3' x 24'.

Rich Williams stated and that's where we have a discrepancy within the numbers because the one on the front is not actually 3' x 24'.

Mrs. Smith stated no, it's actually 2.2', it looks like.

Rich Williams tatted part of it's 2.2 [feet] and part of it's...

Mrs. Smith stated 2.10.

Rich Williams stated 2.8. Yeah, something like that.

Mrs. Smith stated yeah. I have those and I think...

Rich Williams stated so that's how we...

Mrs. Smith stated I had brought them over to Sarah.

Board Member Taylor stated yeah.

Mrs. Smith stated I think you guys have this.

Board Member Taylor stated yes, we have them.

Mrs. Smith stated so originally in Napa's memo to me it said that the sign was 3' x 24'. When they sent us the actual dimensions that Rich is talking about, the sign is actually 2.2. The middle piece that says Napa is 2.8 or 2.10 and the rest goes back to 2.2 [feet].

Chairman McNulty stated so these are just rounded numbers on the application. We're within our limits.

Board Member Taylor stated yeah.

Rich Williams stated correct.

Mrs. Smith stated yeah.

Rich Williams stated but the actual number that you want to approve tonight is 107 square feet. Right.

The Secretary stated 104 [square feet].

Rich Williams stated no, it's 107 [square feet].

Mrs. Smith stated I said 104 also. But Rich has 107 and that's...

Chairman McNulty stated yeah, that's what we discussed earlier.

Mrs. Smith stated yup.

Board Member Taylor stated that includes the little signs then.

Rich Williams stated that does not include the little signs. We're talking about the required automotive signs.

Mrs. Smith stated the DMV signs, I did speak to Rich about that.

Rich Williams stated typically, we do have to...Our Code says that all signs in aggregate so if you want to throw that in there you can. But...

Mrs. Smith stated the...

Rich Williams stated typically we turn a blind eye to those that are required by the State.

Board Member Taylor stated okay.

Mrs. Smith stated DMV, Department of Motor Vehicle, requires us to have them on the building.

Board Member Taylor stated yes. I understand. I just...

Mrs. Smith stated so...

Board Member Taylor stated as long as we're being consistent.

Mrs. Smith stated I did ask Rich about it ahead of time if I should include them in the square footage.

Board Member Taylor stated 107 is fine as long as we're consistent about what we're doing.

Board Member Brady stated yup.

Chairman McNulty stated okay. And the illumination's all within the sign, right.

Mrs. Smith stated it's all within. And I think you have a picture of it all.

Chairman McNulty stated yeah.

Mrs. Smith stated so it's acrylic on the outside, you know, so I forget how many inches thick it is. Two...

Chairman McNulty stated no surface lighting on the front side.

Mrs. Smith stated no surface lighting...

Chairman McNulty stated okay.

Mrs. Smith stated on the front side. We have one like that, obviously, shines into the parking lot for parking lighting but that's it. Nothing will be on the building.

Chairman McNulty stated okay. Does anybody have any comments on this. Well, I make a motion for SEQRA. We have two applications. Do we have to do this twice over or do we do it all in one.

Rich Williams stated you can do it all in one.

Chairman McNulty stated yeah. Cover the two applications.

Mrs. Smith stated yeah, I did an application for each sign because they were different sizes.

Rich Williams stated we request two applications to make it clear to the Board what's being requested.

Chairman McNulty stated okay. Okay, in the two sign applications for Frank's Automotive, LLC, 10 Commerce Drive, Carmel, we'll make...After review of this application and the site, on my own on the site, I declare a negative declaration for SEQRA.

Board Member Brady stated second.

Board Member Taylor stated I think...

Board Member Ladau stated second.

Board Member Taylor stated I think we need to declare a negative declaration, not just you.

Chairman McNulty stated we declare a negative declaration.

Board Member Brady stated I'll second that.

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

Board Member Taylor stated good luck.

Chairman McNulty stated well, I'll move to approve the site plan applications for Frank's Automotive, LLC at 10 Commerce Drive to approve the two signs at a total of 107 square feet; one being illuminated on the Fair Street side and one illuminated on the front side.

Board Member Taylor stated second.

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

Chairman McNulty stated good luck to you.

Mrs. Smith stated thank you very much.

Chairman McNulty stated hopefully it brings tons of customers in.

### 3) LUIS ILLESCAS – W/W Permit Application

Mr. Luis Illescas was present.

Chairman McNulty stated next on our agenda is Mr. Illescas.

Mr. Luis Illescas stated hello.

Chairman McNulty stated hello, Sir. How are you tonight.

Mr. Illescas stated good. How are you.

Chairman McNulty stated okay. We know you've had some conversation with...

Mr. Illescas stated yes.

Chairman McNulty stated Mr. Kozlowski.

Mr. Illescas stated yes.

Chairman McNulty stated and you understand everything that's...

Mr. Illescas stated yeah.

Chairman McNulty stated has to be done now and where your boundaries are.

Mr. Illescas stated yes.

Chairman McNulty stated Ted, do you have anything you want to say about that.

Ted Kozlowski stated let's just get it right now and we...I don't have to come visit you anymore. Alright. Merry Christmas.

Chairman McNulty stated so the next...the next process in this wetlands application is to set a public hearing where you'll have to notify the public within "x" amount of feet of your home. Sarah and Rich will help you with that.

Mr. Illescas stated okay.

Chairman McNulty stated and then we'll take comment from the public and then from there we can move forward to close out the application.

Mr. Illescas stated okay.

Chairman McNulty stated do you understand what has to be done for all of that.

Mr. Illescas stated yes. Yes.

Chairman McNulty stated okay.

Mr. Illescas stated definitely.

Chairman McNulty stated alright, so...

Rich Williams stated so in the next day or two if you want to come into the office we'll talk to you about the next steps.

Mr. Illescas stated yeah. Alright.

Rich Williams stated alright.

Mr. Illescas stated alright, thank you.

Chairman McNulty stated I move this set for the next public hearing at the next monthly meeting which is December 30<sup>th</sup>, I believe.

Board Member Montesano stated October 30<sup>th</sup>...

Rich Williams stated January 8<sup>th</sup>.

Chairman McNulty stated January 8<sup>th</sup>. Work session's December 30<sup>th</sup>.

Mr. Illescas stated that's much better.

Chairman McNulty stated okay.

Mr. Illescas stated alright, thank you.

#### **4) UPR ENTERPRISES – Request Waiver of Site Plan**

Mr. Joel Chase, Chase Engineering, was present.

Chairman McNulty stated okay, next we have UPR Enterprises. Is somebody here. Okay, good. Hi, Sir.

Mr. Joel Chase stated how are you doing.

Chairman McNulty stated good.

Mr. Chase stated good evening.

Chairman McNulty stated hi.

Mr. Chase stated my name is Joel Chase. I'm with JT Chase Engineering.

Chairman McNulty stated so what was your first name.

Mr. Chase stated Joel.

Chairman McNulty stated Joel.

Mr. Chase stated representing the Applicant: UPR Enterprises. And this is the...I don't know. Do you want me to display the board. This is the former Texas Taco...

Chairman McNulty stated can you hang it up on there.

Rich Williams stated you can hang it right up on top.

Mr. Chase stated I'll try. I'm a little short so...

Board Member Taylor stated we'll help you out then.

Mr. Chase stated okay, thank you. Alright, this is the...This is 2588 Route 22. The...It was previously the Texas Taco property and we're here before you proposing a change of use converting it to a liquor store. And also we're looking to add a small 8' x 9' addition in the rear for a restroom facility. And we're here before you requesting a waiver from site plan approval for these minor improvements.

Board Member Taylor stated you took the sheds down.

Mr. Chase stated they have been removed from the rear, yes.

Board Member Taylor stated and what are you planning on doing in that area where they were.

Mr. Chase stated just going to plant and vegetate it.

Board Member Taylor stated and let it grow back naturally.

Mr. Chase stated correct.

Board Member Taylor stated very good.

Chairman McNulty stated okay.

Mr. Chase stated we're also looking to remove the front stoop area, too.

Chairman McNulty stated alright, also you had asked, I believe, for a waiver in the parking size.

Mr. Chase stated we're...This is the original footprint from the parking lot and we didn't want to kind modify that so it's about...The driving aisle's almost 25' and so it can accommodate an 18' length of a stall.

Chairman McNulty stated okay. And you're comfortable this parking will...

Mr. Chase stated yeah.

Chairman McNulty stated and the parking meets the Code, I think, if you...The right number of spots.

Rich Williams stated the number of spaces.

Chairman McNulty stated yeah.

Mr. Chase stated the number, correct.

Chairman McNulty stated is there room to expand the parking if they had to.

Rich Williams stated perhaps, but it has to be done very gingerly.

Chairman McNulty stated alright. Well, that's not in front of us right now.

Board Member Ladau stated with small scooters.

Chairman McNulty stated I'm just curious. Okay.

Mr. Chase stated the property is within...This is the DEC wetland, to the rear. And the 100' adjacent area kind of is over the majority of the property. So we are also in the midst of obtaining a DEC wetland permit for repairs to the existing septic system. So we have an application before the Health Department and before the DEC.

Chairman McNulty stated okay. We also talked about, on the plan, a validation block for the DEC. Am I right. It shows the flagging. What was...

Rich Williams stated yes.

Chairman McNulty stated yeah.

Rich Williams stated what I requested in the memo was...Typically, you're going to get back from the DEC a plan showing the wetland line with validation block.

Mr. Chase stated yes.

Rich Williams stated if we could get a copy of that.

Mr. Chase stated yes. We did submit that to the DEC so we should...it should be the case.

Rich Williams stated and when it comes back, if you could just...

Mr. Chase stated okay.

Rich Williams stated send one down.

Chairman McNulty stated okay. Does anybody have any other comment about this. It's pretty straight forward. It's going to become a liquor store.

Mr. Chase stated yes.

Board Member Taylor stated I think it's great that instead of asking us to go in to the wetlands you're actually yielding some of the property back to the wetlands. I think that's a nice part of what's happening here. So I have no problems.

Board Member Brady stated I just have one question: The sign, what about lighting for that sign.

Mr. Chase stated ummm...Ron. This...

Mr. Ron Valenti stated Ron Valenti, Applicant. My partner Anthony Merino. So the sign...the proposal for the sign is a letterbox...light box design so it's LED backlit.

Board Member Taylor stated oh, it is a light box. Okay.

Mr. Valenti stated LED backlit. If you look at Patterson Autobody across the street, it's similar to that with basically, the logo's black and white; no color right now. LED for efficiency reasons. There is existing halogen lighting in the ground. We don't want to use that for efficiency reasons and maybe for ambient lighting to the roadway, to cars, so...

Chairman McNulty stated okay. Good.

Mr. Valenti stated basically an LED, lit light box.

Board Member Taylor stated okay.

Chairman McNulty stated great. Any other questions.

Board Member Ladau stated nope.

Board Member Taylor stated do we have to...

Chairman McNulty stated SEQRA.

Rich Williams stated if you're going to grant a waiver, you don't need to do SEQRA.

Chairman McNulty stated okay. That's what I thought.

Rich Williams stated but I would recommend, you know again, as I outlined in the memo, we have no basis on what you say the parking stalls out there previously were 18'. There's no site plan on this before, so I would suggest, you know, just for housekeeping, you grant a waiver on the parking stalls. And then if you want to move on the waiver that's fine.

Chairman McNulty stated okay. Well, I'll make a motion on UPR Enterprises, LLC to grant a waiver from the Town Code to reduce the parking stall length to 18'.

Board Member Taylor stated second.

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

Chairman McNulty stated also, I'll make a motion for UPR Enterprises, LLC, also known as Haviland Hollow Wine and Spirits, to waive the site plan, as it's been reviewed it's adequate as is.

Board Member Brady stated second.

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

Rich Williams stated now the last thing that you do need to do SEQRA on is the sign application.

Chairman McNulty stated I'm going to do the sign as a separate application.

Rich Williams stated correct.

Chairman McNulty stated okay.

Board Member Brady stated I jumped the gun on that.

Chairman McNulty stated you did but you were doing fine so I let you go.

Board Member Brady stated okay.

Chairman McNulty stated okay. So, we also have a sign application which we previously discussed, just now and it's going to be lit, visible from both sides. All I ask is the location, I guess you might have talked to him Rich about it, that's it's clear...

Rich Williams stated it's shown on the plan.

Chairman McNulty stated of any view...

Rich Williams stated it's shown on the plan.

Mr. Chase stated we're replacing the existing location of the sign. So it's...

Chairman McNulty stated it's clear.

Mr. Chase stated shouldn't be an issue. Right.

Chairman McNulty stated okay.

Mr. Chase stated it's clear.

Mr. Valenti stated yes, we wish to utilize the existing infrastructure of the existing sign; clean it up, paint it. But same footprint, same location.

Chairman McNulty stated okay.

Mr. Valenti stated just put a little light box in the place where the "For Sale" sign is right now.

Board Member Taylor stated we like the design by the way.

Chairman McNulty stated yeah, nice...

Board Member Taylor stated nice design.

Board Member Ladau stated yeah. Nice logo.

Mr. Valenti stated thank you.

Board Member Montesano stated it's a barrel of fun.

Mr. Valenti stated thank you.

[Laughter].

Chairman McNulty stated okay, in the name of Haviland Hollow Wine and Spirits, I make a motion on SEQRA after review of the sign application to declare a negative determination.

Board Member Ladau stated second.

Board Member Taylor stated second.

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

Chairman McNulty stated and also on Haviland Hollow Wine and Spirits, I make a motion in the sign application that what was presented in the application that it's going to be a box lit sign from inside, LED lighting, to approve that sign.

Board Member Brady stated second.

Board Member Ladau stated second.

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

Chairman McNulty stated okay.

Mr. Chase stated great.

Chairman McNulty stated good luck, Sir.

Mr. Chase stated thank you very much.

Chairman McNulty stated hope you guys do well.

Mr. Valenti stated thank you.

Mr. Anthony Merino stated thank you.

**5) RAY SEE/PLCT – Lot Line Adjustment**

Ms. Judy Terlizzi was present.

Chairman McNulty stated okay, next we have Ray See Lot Line Adjustment. Anybody here for that. Would you like to come up and discuss it with us. This is mine, right.

Board Member Brady stated yes.

Ms. Judy Terlizzi stated Judy Terlizzi from the Putnam County Land Trust.

Chairman McNulty stated hi, Judy. How are you tonight.

Ms. Terlizzi stated hi. Good, thank you. How are you.

Chairman McNulty stated good. So there's a lot line here...adjustment. I guess Mr. See is donating property over to your organization.

Ms. Terlizzi stated we've been working with Friends of the Great Swamp and they have worked with Mr. See over the past several months to purchase part of his property; the wetlands part.

Chairman McNulty stated okay. There were some questions about the easement and if this property was going to become accessible from Farm to Market [Road]. Our concerns were that there's nowhere to park and no easy access. And is there plans for any access from Farm to Market.

Ms. Terlizzi stated not at that location. The location would be up near...up further on Farm to Market where the seafood wetlands preserve is.

Chairman McNulty stated mmhmm.

Ms. Terlizzi stated and for now, I mean, nothing is...We have no definite plans but we will not be accessing that property from Farm to Market at that location. We saw it. It's all very steep slopes. There's a guardrail along the whole edge of that property where meets Farm to Market Road.

Chairman McNulty stated okay.

Ms. Terlizzi stated so it's not...We realize that's not feasible.

Chairman McNulty stated alright. And this lot line will create a nice, long corridor.

Ms. Terlizzi stated correct. Yes.

Chairman McNulty stated okay.

Ms. Terlizzi stated it will protect all the wetlands along the north end of Ice Pond.

Chairman McNulty stated is this the last piece that you needed or is it...No. You need many more.

Ms. Terlizzi stated we've got more to do.

Chairman McNulty stated okay. Alright. Does anybody have any comment on this.

Board Member Taylor stated it's nice to see the wetlands protected.

Chairman McNulty stated Rich, we said that we wouldn't need a public hearing for this.

Rich Williams stated no, you do not need it.

Chairman McNulty stated do we have to waive that.

Rich Williams stated procedurally, you do not need a public hearing.

Chairman McNulty stated okay. It's not for the lot line. Okay, but we do need to do SEQRA.

Rich Williams stated you do need to do SEQRA. There are a couple of conditions outlined in the memo and referenced in the resolution.

Chairman McNulty stated yeah, I got it. Okay. I will make the motion in the Ray See/Putnam County Land Trust Lot Line Adjustment application the Planning Board of the Town of Patterson finds that the proposed action being unlisted action will not have significant impact on the environment and hereby issues a negative declaration.

Board Member Montesano stated second.

Board Member Brady stated second.

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

Chairman McNulty stated also, in the Ray See/Putnam County Land Trust Lot Line application, I move on the resolution as described with its...to approve the resolution and it's six general conditions and one special condition.

Board Member Taylor stated second.

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

Chairman McNulty stated okay. Good luck.

Ms. Terlizzi stated thank you.

Chairman McNulty stated happy fishing.

[Laughter].

Chairman McNulty stated okay.

**6) MANCINI SUBDIVISION – Set Public Hearing**

Ms. Judy Terlizzi, Putnam County Land Trust, was present.

Chairman McNulty stated okay, next we have Mancini Subdivision. Anybody here for that. More land.

Ms. Judy Terlizzi stated I'm actually not...Yes. I'm...

Chairman McNulty stated come on up. Speak into the mic.

Ms. Terlizzi stated I'm not representing Mr. Mancini. I'm here for the land trust.

Chairman McNulty stated okay. Have any comment on this. Is there anything you want to say about it.

Ms. Terlizzi stated basically what I said at the work session.

Rich Williams stated Tommy, don't do that. You're just here to set the public hearing.

Chairman McNulty stated I know. Well, she's at the microphone. I figured I'd ask.

Ms. Terlizzi stated we're very much in favor of it because...Just because.

Chairman McNulty stated it's a good...It's a...

Ms. Terlizzi stated it's a good location...

Chairman McNulty stated yup.

Ms. Terlizzi stated for...He had...The property is, before it was donated to the Land Trust, he donated conservation easement to Westchester Land Trust and that conservation easement had a 10 acre building lot envelop, we call it...

Chairman McNulty stated mmhmm.

Ms. Terlizzi stated where he was allowed to build a house and other accessories and it was in the middle of the property in a really sensitive environmental area. This...That 10 acre building lot has been extinguished and moved to the edge of Bullet Hole Road so it's a much better location.

Chairman McNulty stated makes sense.

Ms. Terlizzi stated and it's been reduced in size to 5 acres, so...

Chairman McNulty stated okay.

Ms. Terlizzi stated we think it's a win-win situation for everyone.

Chairman McNulty stated great.

Ms. Terlizzi stated so...yeah.

Chairman McNulty stated good luck.

Ms. Terlizzi stated thank you.

Chairman McNulty stated so, we'll just set the public hearing for the Mancini Subdivision to the January 8<sup>th</sup> meeting. No one's here, Rich. You'll be in touch with them to...

Rich Williams stated I'll let them know.

Chairman McNulty stated they know what they have to do. Okay.

### **7) FROG HILL, LLC – 62 Days from Public Hearing**

Mr. Harry Nichols was present.

Chairman McNulty stated okay. Next we have Frog Hill. I see Harry back there. Also known as the Ortega property. Thomas Ortega.

Mr. Harry Nichols stated Thomas Ortega, he's going to be...

The Secretary stated Mike [Liguori]. Mike.

Mr. Nichols stated the occupant for the...

The Secretary stated can you pass this to him [referring to papers for Harry Nichols].

Mr. Nichols stated has the marble countertop business.

Chairman McNulty stated mmhmm. Okay Harry, I think we're coming to the end on this here. Had the public hearing. We've done SEQRA. You've done the housecleaning and I believe you have the bond calculations set.

Mr. Nichols stated um...

Chairman McNulty stated or submitted. And Ron [Gainer] took a look at it I know.

Mr. Nichols stated yes.

Ron Gainer stated right. I've discussed the issue of bonding with both Harry, the applicant's engineer, and actually Rich Williams. Rich advises that the bond calc that I provided carry additional items that are not necessary to be bonded. I considered the paving around the building is necessary. Stabilization as well as unlimited landscaping. Rich indicates they can be eliminated so what I offered to do is recalculate the amount, (inaudible) the bond and the inspection fee. It will only be reduced from what I had given you.

Rich Williams stated well the inspection...

Ron Gainer stated and the...

Rich Williams stated the inspection fee would stay where it is. The bond would be reduced to, I think, twenty-three one...

Ron Gainer stated okay. I guess what I'm saying is that you indicated that the inspection fee would be based on the...

Rich Williams stated overall site...

Ron Gainer stated entirety.

Rich Williams stated yes. Overall site improvements.

Ron Gainer stated so that has to be revisited as well because we eliminated various other things. I was looking at just site stabilization so...

Chairman McNulty stated or...

Ron Gainer stated let me issue a memorandum to correct those values. Rich has given you a draft approving resolution and it has a generic statement as to the requirement for bonding (inaudible – someone coughing) posting the fees. And we'll follow that up with a corrected memorandum to set those numbers based on Rich's guidance.

Chairman McNulty stated okay. So I have not seen your memo yet. I know it just, I think, came out today or late yesterday.

Ron Gainer stated right.

Chairman McNulty stated so we're going to wait to get it recalculated. Do we have an amount...

Ron Gainer stated well, you can...

Rich Williams stated if he want...

Chairman McNulty stated we can...

Rich Williams stated if he wants to recalculate the numbers that's fine. I thought his numbers were fine. But...

Chairman McNulty stated I'm not sure what we're referring to the Town Board at this point though. Has anybody else...

Rich Williams stated yeah.

Chairman McNulty stated looked at the bond calculations.

Board Member Montesano stated you've got sixty-two and thirty-four hundred.

Chairman McNulty stated yeah, but what's the...

Board Member Montesano stated what's the new memo.

Ron Gainer stated that's...

Chairman McNulty stated no, that's the latest memo.

Board Member Montesano stated that's September 30.

Rich Williams stated the new number would just be the top group which I believe is about twenty-three...

Ron Gainer stated yeah.

Rich Williams stated hundred dollars.

Ron Gainer stated \$23,130 is the erosion control items specifically.

Board Member Montesano stated right.

Rich Williams stated well, we're jumping here. If the Town Engineer wants to re...look at...revisit the numbers let him revisit the numbers.

Chairman McNulty stated okay. Well, we can still move forward with the resolution. It's just general condition covers that.

Ron Gainer stated yeah. There's a condition on the draft resolution that...

Chairman McNulty stated okay.

Ron Gainer stated addresses that. We'll just get the numbers...

Chairman McNulty stated alright. So we'll have to put that recommendation off until the next meeting. Okay.

Ron Gainer stated again, you can act on the draft resolution if you (inaudible) on it.

Chairman McNulty stated yeah.

Ron Gainer stated right.

Board Member Taylor stated so let's do it.

Board Member Montesano stated do the resolution.

Chairman McNulty stated any other comments. Harry, you have anything to...

Mr. Nichols stated no. I spoke Ron today on the phone and I agree with what he told me and...

Chairman McNulty stated okay.

Mr. Nichols stated we had submitted a well completion report for the existing well. But apparently the well driller gave us the wrong that we submitted. I just gave Rich a copy of the corrected one which we went to a 10 gallon a minute well to a 40 gallon a minute well, so...

Chairman McNulty stated you submitted that to the Board of Health as well.

Mr. Nichols stated yes.

Chairman McNulty stated Health Department.

Mr. Nichols stated yeah, he'll get the new one, also.

Chairman McNulty stated okay.

Mr. Nichols stated we just got this today. So it's a big improvement over the...

Board Member Brady stated yeah, I guess so, huh.

Chairman McNulty stated you want to read this one, Ron.

Board Member Taylor stated I...no.

Chairman McNulty stated okay.

Board Member Taylor stated you've got them all in front of you.

Chairman McNulty stated anybody have any comment. Rich, you have anything else to say. I know you were dealing with the deal but that's all with the Health Department now, so...Okay. Well, this one's been around for a little bit. I'll make a motion on Frog Hill, LLC site plan to approve it as drafted in the resolution with its six general conditions and three special conditions.

Board Member Taylor stated second.

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

Ron Gainer stated did you do SEQRA first.

Rich Williams stated they've done SEQRA.

Chairman McNulty stated Harry, good luck.

Mr. Nichols stated thank you.

Chairman McNulty stated work with Rich to cleanup those last...any last items you have there and good luck to Mr. Maxwell.

Mr. Nichols stated okay.

Chairman McNulty stated okay.

Mr. Nichols stated thank you very much.

Chairman McNulty stated you're welcome.

### **8) DINO RENTOULIS – Site Plan Application**

Mr. Harry Nichols was present.

Chairman McNulty stated okay, next we have on our list is Mr. Rentoulis. Is anybody here. Is Dino here.

Mr. Harry Nichols stated I don't know where he is. I thought he was supposed to be here.

Chairman McNulty stated okay, you want to give him a few minutes. We can jump over. Or do you know if he's coming or not.

Mr. Nichols stated I don't know. I didn't get ahold of him today so I don't know what his plans are.

Chairman McNulty stated okay.

Board Member Taylor stated that's alright.

Chairman McNulty stated that's...Let's go ahead and move forward with it. Okay, we had the public hearing. We've done...Have we done SEQRA on this.

Ted Kozlowski stated yes.

Board Member Montesano stated mmhmm.

Chairman McNulty stated yes, we did I believe. We did have some comments from the public hearing. We consulted with Mr. Liguori. We know there's a dispute out there, ongoing, but we don't feel that it affects us as Board to make this...move forward with this resolution, because the resolution does have a condition in it that he cannot move forward till it's resolved. Anybody have any comment on this.

Board Member Taylor stated well, I just...My feeling is that when this was originally brought to us it was so that he could put parking in and in order to do that he was to develop a plan that did not include the disputed area. The plan that was developed, in fact, includes the disputed area and therefore he will not be able to move forward until the dispute is resolved. My feeling is that it doesn't look good for us to be approving something that is in dispute or overlays a disputed area even though, as Tom just said, it's a...it's kind of a moot point. It's just that it's the perception that we may...some people may think we're favoring party over the other. That's the only comment I have. We did change...Did we add...We added the barrier in, right.

Chairman McNulty stated well, they had the wheel stops. I think that was going to be sufficient.

Board Member Taylor stated and we discussed the crosswalk or the...yeah.

Board Member Brady stated we had a barrier by the northern parking area. (Inaudible – coughing).

Chairman McNulty stated mmhmm. Did...Harry, did you prepare bond calculations for these.

Mr. Nichols stated yes I did. It was...

Chairman McNulty stated were they submitted to Ron at all.

The Secretary stated yes.

Mr. Nichols stated yes. It was submitted in time for this month's meeting. But Mr. Rentoulis, he did mention, I think, here at the Board meeting that if the disputed area is not in his favor we just move it back 20'.

Chairman McNulty stated you'll have to come back in and reapply or amend the site plan to show the correct layout then. It's not just move it and move forward. You'd have to reapply and come in for a site plan amendment.

Mr. Nichols stated yeah. Essentially, the layout would be the same except...

Chairman McNulty stated would be the same.

Mr. Nichols stated the whole thing would shift back.

Chairman McNulty stated yes. To be clear of any, you know, not to intrude on any property.

Mr. Nichols stated right.

Chairman McNulty stated how does that affect the, quickly, the entrance to the parking lot. Is that area in dispute.

Mr. Nichols stated it doesn't affect it at all because...

Chairman McNulty stated I didn't think so.

Mr. Nichols stated the entrance is off of Old Route 22. It would just slide back 20'.

Chairman McNulty stated okay. Alright, anybody else.

Board Member Brady stated no, I think we should go forward with it. And I think that he knows what he's up against. He's been dealing with it for a long time with the courts and the disputed property boundaries. I think we should go forward with it.

Chairman McNulty stated oaky. I'm going to make a motion in the application...for the site plan application for Alpine Restaurant as the resolution was written with four...five general conditions and four special conditions, being noted, to approve this plan as it was drafted. All in favor.

Rich Williams stated got to get a second.

Chairman McNulty stated get a second, yeah.

Board Member Montesano stated second.

Chairman McNulty stated all in favor.

Board Member Brady – aye  
Board Member Montesano – aye  
Board Member Ladau – aye

Chairman McNulty stated all against.

Board Member Taylor stated no.

Motion carried by a vote of 4 to 1.

Chairman McNulty stated noted. Okay.

Mr. Nichols stated were there any comments on the bond estimate.

Rich Williams stated the resolution actually included a bond calculation and inspection fee. So, you might want to take a look at that and make a recommendation over to the Town Board. I just kind of jumped the gun and...

Chairman McNulty stated yeah. What section was that in. I don't see it.

Mike Liguori stated that's in special condition number one.

Chairman McNulty stated oh, there. Yeah. Special condition one, yes. I'll make a recommendation to the Town Board for the bond calculation of Alpine Restaurant of \$5,000.

Board Member Brady stated second.

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

Chairman McNulty stated all against.

Board Member Taylor stated I'm going to abstain from that one.

Chairman McNulty stated you're going to abstain. Okay.

Rich Williams stated alright, Mr. Chairman, if I could go off topic here for a little bit. I'm glad Mr. Lusardi is here because I think I owe him a bit of an apology from the last meeting.

Chairman McNulty stated okay.

Rich Williams stated in my frustration over everything I made some statements that a third party had provided to me about what Mr. Lusardi had said in court and that was inappropriate of me to do. They were third party statements and I don't know that they are factual or not. That being said, my frustration runs over the fact that I, along with others in this Town, have been trying to wrestle with an operator of Thunder Ridge for years now who has thumbed his nose at the Town Code and done whatever he wanted to do, especially in the area of parking. And one of the areas in parking is this driveway that runs between

Route 22 and Old Route 22 and the fact that they've maintained, including in this current letter, that they've been parking there since 1940. I find that very interesting because the Town did not approve a site plan. And we do have an approved site plan for the ski area back in the early 70s which showed the parking both on the east side and the west side of Birch Hill Road, what is now Thunder Ridge Road. It also shows the area of this driveway that comes through the property. And again, the site plan shows no parking on that site whatsoever. And as the Board is fully aware since that time our Code has required that any commercial activity on a piece of property requires site plan approval. We have never had a site plan approved for that area for parking. And we have never had a site plan approved for the south end of Thunder Ridge. Thunder Ridge is a true asset to this Town and we need to do what we can to assist the owners of the property in making it a successful venture as we do with the Alpine Restaurant. Both of these are important things...important features within the Town that we need to support. Encourage that Wayne and Dean Ryder have now taken over the operation of Thunder Ridge. I know them to be honorable men. We've had a lot of good conversations with them about some of the issues up there and hopefully this is all going to get cleared up very quickly now. But I do want to read something into the record just so, you know, we're clear about where I get some of my information from.

Chairman McNulty stated okay.

Rich Williams stated and I'll be happy to provide Mr. Lusardi a copy of this. This is a letter that's dated June 7, 2001. And it starts of:

Dear Mr. Magliato,

I represent the Putnam County National Bank. It is our understanding that the Alpine Inn has applied for a site plan based on your use of our land for parking. Please be advised that this arrangement is not satisfactory to us. The easement affecting the property states explicitly that this is to be used for street purposes and does not provide that this roadway may be used as parking. It is clearly an access easement. We do not consent to the use of our land for parking in any fashion. Please do not permit any type of parking on our parcel and please do not place any type of sign on our land.

Rich Williams stated and it is signed Robert Lusardi. And that's where I got my information for the statements I made. There you go Mr. Lusardi [handing Mr. Lusardi a copy of the letter]. That's one letter they forgot to include in the packet that came over today.

Chairman McNulty stated okay. Mr. Lusardi, I know there was a bunch of information sent over from your office. I just got it tonight. I did not get to review it at all. We've had some conversation about the situation, discussed it with our counsel and that's why we moved forward tonight. It's clear that Mr. Rentoulis cannot do anything until this is solved and if it's in your favor, then he's got to rearrange his parking and he can't move forward. Do you have any comment to respond to Mr. Williams. You're welcome.

**Mr. Robert Lusardi stated** well...

Chairman McNulty stated give him the mic, please.

**Mr. Robert Lusardi stated** I said what I had to say about this application at the public hearing. You closed the public hearing. The Board did ask me to present a survey that I provided in the package and also had asked that I submit the (inaudible) proposal that had been made in the litigation which I also included in the package. And that was the primary of what I submitted. So that, as I represented I would do, I did. The...As far as Mr. Williams' comments are concerned, at no time did I ever represent to this Board, or

anyone else, that we were not part, and I say we meaning my clients and my clients' predecessors, were not parking in that strip between the Rentoulis north and south parcels. In fact, the lawsuit that we had brought against Rentoulis expressly states that we have been parking there for decades and that in fact...Even if we didn't own that land and by fee title and for some reason Rentoulis' surveyor was determined to have been correct in their depiction of the boundary line. And our surveyor, Terry Bergendorff-Collins, was found to be wrong that we still have the right there by prescription; a form of adverse possession, okay. So, never did we say that we were not parking there. What we objected in the many letters of objection that we sent in the past to the various Rentoulis applications, is that we, as the property owner, as any property owner who owns a piece of land...Look it, if I want to park on my own land, I'm certainly entitled to do that. But that doesn't mean that everybody else can park on my land. And that's the point we were making when Mr. Rentoulis was coming before this Board in the past showing parking on our property, alright. So, that was our point. And I'm sorry Mr. Williams understood my previous correspondence but, as I said, never did we make that representation that we weren't parking there. That's all. So, you know, and I will say, too, that Rich Williams and I have had a very good relationship over the years. I...

Rich Williams stated absolutely.

**Mr. Robert Lusardi stated** and I respect him very much. It was upsetting to me, frankly, that that comment was made at the last meeting. I've finally calmed down so I'm okay now and hopefully we'll go on and things will be fine. Now, as far as Thunder Ridge is concerned, I do understand that there was, you know, a less than happy relationship between Mr. Williams and other Town officials and Robert Conklin who was the person running Thunder Ridge. It's now in new hands. We're hoping, certainly my clients are hoping, that the relationship with the Town will improve and be satisfactory in the future. So, you know, we're looking forward to hopefully a good relationship with the Town and the Town government and whatever problems you had with Mr. Conklin in the past hopefully will be resolved. I do know that we have had a number of meetings with the Building Inspector and the Fire Inspector of the Town and I think the relationship with them has been satisfactory. I would hope that you would speak with them and hopefully they'll relay the fact that we are cooperating with them and we were hopeful that the situation will be a satisfactory one in the future. Now that having been said, we also hope that the Town will respect our rights with respect to pre-existing, nonconforming uses of this property. You know, I'll leave it at that. The ski area's been there for a very long time and these uses, and so forth, have been made of the property for a very long time and we submit that they go back prior to zoning in this Town. So, we would ask you to consider our rights as any other business owner in this Town who has a business that goes back decades that you respect pre-existing, nonconforming rights as well.

Chairman McNulty stated okay.

**Mr. Robert Lusardi stated** thank you.

Chairman McNulty stated well, we hope this heals up between you and Rich. We look forward to having Thunder Ridge. It's definitely an asset to the Town. If there's something we can do at the Planning Board to discuss or help, we're all ears. We, you know, we want to make this happen up there. We've had no feedback from the Building Department currently, directly to me at all. I know Rich may have had some.

Rich Williams stated yeah, I've been privy to those conversations. Everything's been very positive since the Ryders have taken over. You know, we're cleaning up currently safety violations. We put some of the other issues on the back burner because it's very important for us to get the ski open this year. But, you know, for the first time the Building Inspector, the Fire Marshal have been up on the site...welcomed them on the site.

Chairman McNulty stated okay.

Rich Williams stated and, you know, they are cleaning up numerous safety violations that, you know, have been in existence for years.

Chairman McNulty stated well, that should help everyone.

Rich Williams stated yeah. And, you know, the Town...everybody is more than happy to work with the Ryders and clean up some of these issues and make sure that there is adequate and safe parking out there. But, you know, we run afoul of the issue of Mr. Lusardi believing that there are things that are pre-existing, nonconforming when, clearly, there are standards for that. Those standards aren't met. And, as I said earlier, we have a site plan. We have a site plan for all the parking that is currently out there. We have a site plan for the ski lifts. We have a site plan for the lodge. We have a site plan on file. We don't have a site plan for the southerly parking lot that, you know, Bob [Conklin] tried to open up on a number of occasions. We've had conversations about the need to get that site plan in place. If they want to do parking anywhere else they need a site plan showing that parking layout so that we can review it and make sure it's safe. Last year the Fire Marshal issued a letter basically saying that driveway was just a driveway, there cannot be any parking on it. And that's going to stand until we get, you know, the site plan issues worked out out there. So...

Chairman McNulty stated hopefully it will start with the Ryders taking over with an open dialogue with the Town. It could get into the ski season, get through the ski season and then address some of these bigger issues and hammer them out so we could have a good project...a good, safe operation up there and a record for the Town so we don't have these confrontations or conflictions anymore.

Rich Williams stated we're hopeful.

Chairman McNulty stated Mike, do you have any comment. No.

Mike Liguori stated nope.

Chairman McNulty stated Mr. Lusardi, anything else.

**Mr. Robert Lusardi stated no.**

Chairman McNulty stated okay.

Rich Williams stated let's move on to some fun.

[Laughter].

Chairman McNulty stated that was fun. Okay, let's move onto Fox Run. Harry [Nichols], you have anything else. You've been standing there all this time, I'm sorry.

Mr. Nichols stated I just don't know where we are right now. Are we waiting for...

Chairman McNulty stated well, we passed a resolution.

Mr. Nichols stated you did pass a resolution.

Ron Gainer stated you got the approval.

Chairman McNulty stated yup.

Mr. Nichols stated okay. That's what I wasn't sure of.

Chairman McNulty stated you got your approval.

Mr. Nichols stated alright.

Chairman McNulty stated did that go by too fast for you.

[Laughter].

Board Member Montesano stated didn't expect it, huh.

Mr. Nichols stated I'm not originally from New York, so I speak a little slower.

[Laughter].

Chairman McNulty stated you did get the... You do have a copy of the resolution, do you not.

Mr. Nichols stated no I don't.

Chairman McNulty stated okay. Well, we'll be getting that to you...

Rich Williams stated well, we will be sending that out but...

Chairman McNulty stated so you'll see the conditions.

Rich Williams stated essentially where you stand right now is we're going to need a copy of the site plan to sign off but that can't occur until this court proceeding is decided...

Mr. Nichols stated mmhmm.

Rich Williams stated and it's decided in your favor. Other than that, you basically have to resubmit to amend the site plan. You also have some outstanding issues that you have to address that you're aware of such as the easement between the two properties that you need to work with Mr. Liguori on.

Chairman McNulty stated those are all in the conditions within the resolutions. I didn't read them all out...

Rich Williams stated so you will be getting a reso.

Chairman McNulty stated so I...

Rich Williams stated and the last issue is you and Ron need to work out the bond calculations. Actually no, I'm sorry. They're in the reso and done.

Ron Gainer stated right.

Rich Williams stated we're moving on.

Chairman McNulty stated yeah.

Rich Williams stated we're not holding back on it.

Chairman McNulty stated yeah, the bond calcs are \$5,000.

Mr. Nichols stated \$5,000, okay.

Chairman McNulty stated and then you just need the Town Board to approve that.

Mr. Nichols stated okay. Do we have a scheduled reappearance or should we wait to...

Mike Liguori stated no, no.

Mr. Nichols stated for direction from the Board.

Board Member Taylor stated we're done with us.

Mike Liguori stated yeah.

Chairman McNulty stated yeah. You need...

Mr. Nichols stated well...

Chairman McNulty stated you need the courts to grant you clearance on that property.

Mr. Nichols stated mmhmm.

Chairman McNulty stated or grant Mr. Lusardi clearance on that property. However it works. Or split the difference.

Mr. Nichols stated or if Mr. Rentoulis elects to move it all back...

Mike Liguori stated 20'.

Mr. Nichols stated 20', will that allow us to proceed.

Mike Liguori stated yup.

Chairman McNulty stated yes it would. So...

Board Member Taylor stated you have to resubmit though.

Mr. Nichols stated that's right.

Chairman McNulty stated yeah, because we've made the resolution so you'd have to resubmit for amended site plan, now, which is possible. It's up to you guys what you want to do.

Mr. Nichols stated mmhmm.

Chairman McNulty stated okay.

Mr. Nichols stated thank you very much.

Chairman McNulty stated thank you.

### **9) FOX RUN AARP – Environmental Assessment Form Review – Part 3**

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

Chairman McNulty stated okay, that brings us to Fox Run. More discussion. Mr. Johnson.

Mr. Curt Johnson stated hello there.

Chairman McNulty stated how are you tonight.

Mr. Johnson stated we're back.

Board Member Brady stated it's the biggest file I've got.

Chairman McNulty stated yeah, that's about half of my file is. Okay, we got your Part 3 comments back to us.

Mr. Johnson stated mmhmm.

Chairman McNulty stated we've all made comments and we've reviewed it. We did it at length; we did it individually and submitted it. Rich is reviewing it. He is still working...

Rich Williams stated I'm working on it.

Chairman McNulty stated on putting it together. We all have a lot of questions still.

Mr. Johnson stated mmhmm.

Chairman McNulty stated some are moderate impacts. Still a couple significant we feel. Bottom line, we're looking to mold this into a real quality project. We like the idea of a good active adult community, but we do have a couple of issues and we're hopeful we can work through those.

Mr. Johnson stated mmhmm.

Chairman McNulty stated a couple of the big things still is we're concerned about traffic and the conditions of Bullet Hole Road.

Mr. Johnson stated okay.

Chairman McNulty stated we know we have the studies. We see the traffic. There was one comment that I had on the...on your response where traffic patterns wouldn't change. But with an active adult I think patterns do change because those people tend not to commute maybe and travel midday. What that impact is I don't know.

Mr. Johnson stated If I might, just because Mike Hartman from Chazen Engineering, he did the traffic study is here. He came down from Albany, so...

Chairman McNulty stated okay. Well...

Mr. Johnson stated if there's specific questions that the Board might have this evening that we could flush out in addition to anything written...

Chairman McNulty stated well...

Mr. Johnson stated respond to it here.

Chairman McNulty stated I think if we could let Rich finish his review, we can put that all...

Rich Williams stated yeah.

Chairman McNulty stated together instead of...

Rich Williams stated and what I would suggest is maybe Curt and I can get together. Maybe Bob [Marvin].

Chairman McNulty stated or even by phone conference possibly.

Rich Williams stated well, you know, sit down, go through the comments one by one. Talk about how I see them. How the Board sees them. How the Applicant sees them. See if we can resolve some of these issues.

Chairman McNulty stated mmhmm.

Mr. Johnson stated I mean, that's fine with us. I don't see...

Chairman McNulty stated yup.

Mr. Johnson stated a problem with that. It's just a matter of...

Chairman McNulty stated well, Rich will...

Mr. Johnson stated you know, trying to get it all wrapped up...

Chairman McNulty stated yup.

Mr. Johnson stated for everyone.

Chairman McNulty stated one of the other items is...There's six buildings that are up high. I don't know if you want to post one of those [referring to the plans].

Mr. Johnson stated we have the high...I'm assuming these are the two you're...

Chairman McNulty stated yeah.

Mr. Johnson stated those are the highest ones. This drops off a little bit. This is on the lower side here.

Chairman McNulty stated yeah. And, you know, we have a concern there with how it's going to affect the view shed.

Mr. Johnson stated mmhmm.

Chairman McNulty stated so that's an area of concern for us. Also, amenities was...not so much in the Part 3. It's an issue that comes up. We know you're going to improve the pool...

Mr. Johnson stated correct.

Chairman McNulty stated build 1,000 square foot clubhouse. I had some concerns in my review. I haven't really discussed it with them, is the economic impact to the existing Fox Run Condominium; and maintenance and future use of that pool and clubhouse.

Mr. Johnson stated well, I would think that there would be an equitable split because both of these projects are using that same pool house. I'm assuming both homeowners' associations would have some kind of an agreement. They would pay into a fund that would...

Chairman McNulty stated yeah.

Mr. Johnson stated maintain that.

Chairman McNulty stated that's what...we know economic impact to that.

Mr. Johnson stated yeah. And I think overall economic impact on Fox Run, the existing development, would be positive in that that road, the main road, coming into the site is going to be redone. So they're going to get that.

Chairman McNulty stated mmhmm.

Mr. Johnson stated the values of these new homes probably were going to be higher than the values of the existing units in there. So I would think comp values and everything would bring those up economically. So I think that there's some...

Chairman McNulty stated that's what we're hoping for.

Mr. Johnson stated positives.

Chairman McNulty stated that's what we're...

Mr. Johnson stated right.

Chairman McNulty stated trying to shoot for. To develop a project that would do that. I just know in the letter of intent, I read it where Fox, you know, you're group...

Mr. Johnson stated mmhmm.

Chairman McNulty stated I forgot the name of the top of my head.

Mr. Johnson stated RC Enterprises.

Board Member Taylor stated Active Adult.

Chairman McNulty stated Active adult was going to assist in the pool and then later on it says, you know, you were going to work on the pool. So I don't know if it's assist. Are the homeowners going to be brought in and impacted with a payment to help you renovate the pool and the roadway. So it was a little conflicting...

Mr. Johnson stated okay. I think we could...

Chairman McNulty stated when they did that.

Mr. Johnson stated probably clarify that...

Chairman McNulty stated yeah. So...

Mr. Johnson stated for the Board.

Chairman McNulty stated there are some issues we're still working through.

Mr. Johnson stated mmhmm.

Chairman McNulty stated and we'd like to get Rich together. We're not ready tonight to do a SEQRA. It's still open to discussion amongst us. I don't if you have comment on your submission of your Part 3. Is there anything you'd like to comment about it.

Mr. Johnson stated I think in reading through it, it seemed like the couple points that the Board was concerned with, as well as everyone else, would be the view shed along here and the ridgeline and the traffic, seem to be the two points. Everything else seems to be fairly straightforward in being able to get through that.

Chairman McNulty stated one of the things I noticed is there's no one-bedroom homes proposed, is there.

Mr. Johnson stated there is not. No.

Chairman McNulty stated just two and three.

Mr. Johnson stated yes. Two and three.

Chairman McNulty stated we had some discussion about maybe...Maybe that helps on the ridgeline. Maybe you could move them forward. Maybe you build a smaller building. Maybe some one bedroom. I know that that impacts economics of the development, but maybe a call for...I don't know what the real estate calls for. One bedroom sought after. I don't know.

Mr. Johnson stated yeah.

Chairman McNulty stated but that's something else that needs to be looked at.

Mr. Johnson stated well I think architecturally what we've done with the buildings we submitted some schematic designs for those. It's actually... We're trying to keep the rear of those buildings almost to a one story elevation so that we...

Chairman McNulty stated I know...I saw that in your notes.

Mr. Johnson stated yeah. So, this is basically...So this would be the rear of that building on the ridge there. So we're kind of keeping the feel of these kind of going a New England vernacular on this in keeping the roof low in some of it. So we're really not getting a full two-story view on there. And then we'll have trees and things so...and dark roofs. So I think that that will bring that view shed impact way, way down by doing so.

Chairman McNulty stated what kind of dimension are you talking about to the roofline.

Mr. Johnson stated we're probably, you know, it might be 30' here to the ridge.

Chairman McNulty stated mmhmm.

Mr. Johnson stated but it's on a slope and so...

Chairman McNulty stated okay.

Mr. Johnson stated you know, those are the things that we're talking about. Trying to reduce the impact.

Chairman McNulty stated Ted, you have a comment.

Ted Kozlowski stated yes. Good evening. You mentioned the planting of trees and stuff. What size trees are you looking to plant.

Mr. Johnson stated well, I would think that in that critical area there we'd want to put good sized trees.

Ted Kozlowski stated I don't mean to be...

Mr. Johnson stated and we're not going to put...

Ted Kozlowski stated the way it's going to sound. I've heard...

Mr. Johnson stated 4' trees.

Ted Kozlowski stated I've been down this road before and...

Mr. Johnson stated mmhmm.

Ted Kozlowski stated with other projects in this Town and we've discussed many times, well we're going to hide the view with tree and then when it's all said and done a 6' tree...

Mr. Johnson stated correct.

Ted Kozlowski stated the standard 2.5" caliper B&B tree is not going to do it.

Mr. Johnson stated right.

Ted Kozlowski stated okay.

Mr. Johnson stated umm...

Ted Kozlowski stated and there's...

Mr. Johnson stated fully understand that.

Ted Kozlowski stated there's an investment that has to be made if you're going to talk about substantial trees because, you know, I don't...I would never favor a, you know, if you're going to hide something it's got to be done right.

Mr. Johnson stated mmhmm.

Ted Kozlowski stated and a tree that's going to take a lifetime to grow...

Mr. Johnson stated right.

Ted Kozlowski stated is not the answer.

Mr. Johnson stated right.

Ted Kozlowski stated so...

Mr. Johnson stated understood.

Ted Kozlowski stated I just want that on the record because, Gentlemen, we have been down this road many, many times. And when the projects done, it always winds up the trees, the landscape is usually the last thing done. That's when people run out of money so let's just make sure that if we're going to specify trees are going to go there that there're going to be sizable trees and they are expensive. So, let's just be on the record upfront on that.

Board Member Taylor stated I agree with you, Ted. That's the reason I'm pushing for avoidance rather than mitigation of the view.

Board Member Brady stated can, Rich, can we in...If the project gets approved, can we set a number or agree on a number for landscaping for...just for that so that that money is in there and...Whether it be a separate account that the Town holds.

Rich Williams stated the Town Board changed the rules so you can't require a bond for landscaping.

Board Member Brady stated okay.

Rich Williams stated you can for grass but not for the trees.

Board Member Ladau stated can we specify what that landscaping should be in terms of size and...

Rich Williams stated yeah. You will on the site plan.

Board Member Brady stated yeah.

Rich Williams stated and they're be required to put it in. We'll be out inspecting to make sure it gets put in.

Board Member Ladau stated yeah. That would hopefully address Ted's concerns.

Ted Kozlowski stated well bottom line is there's huge oaks up on that ridge.

Board Member Brady stated there sure is.

Ted Kozlowski stated and those are the ones that really...If you want to save view like you said you save those trees because if you go down that slope, you don't have that size trees. And best thing to do is just push it down the other...Push it away from the ridge as much as you can.

Board Member Taylor stated yeah.

Ted Kozlowski stated those...If you want to save those trees you've got root systems that are well established as that map is showing. With all that disturbance on the site and the staging area, you're not going to have much left.

Chairman McNulty stated that was one item we kicked around...Well, I did. A limit disturbance rather than decreasing setbacks, which is fine. But decrease the limit of disturbance to help prevent...protect that. Now understand you have to do some construction...

Mr. Johnson stated mmhmm.

Chairman McNulty stated you have to get in there. You have to...So there's going to be disturbance but...

Mr. Johnson stated I think that was the intent by pulling the building further away...

Chairman McNulty stated yeah.

Mr. Johnson stated from that property line that the limited disturbance also...

Chairman McNulty stated mmhmm.

Mr. Johnson stated pull with that.

Chairman McNulty stated so, that was one item we spoke about, too. Ron, did you have a fourth comment.

Board Member Taylor stated yeah, there were a number of items that are probably going to be addressed in the course of developing a site plan.

Mr. Johnson stated mmhmm.

Board Member Taylor stated but since they haven't been addressed yet it's hard to do SEQRA on them, without doing a conditional SEQRA and we really don't do conditional SEQRA's.

Rich Williams stated sure we do.

Board Member Taylor stated we do.

Rich Williams stated we never have but we can.

Board Member Taylor stated yes we can, but we never have. We prefer to have the drawing in front of us.

Mr. Johnson stated right.

Board Member Taylor stated one of the issues, I think, that's holding up some things is the wastewater treatment calculations.

Mr. Johnson stated mmhmm.

Board Member Taylor stated you had said that you were going to test the old pipes to see if you were going to reuse them.

Mr. Johnson stated mmhmm.

Board Member Taylor stated I would suggest you go ahead and do that fairly quickly because we're having... There seems to be a substantial disagreement about how much infiltration, is that the right word.

Mr. Johnson stated mmhmm.

Rich Williams stated I&I.

Board Member Taylor stated I&I. That's the word. Into those pipes there is. And that's going to affect delivery into the system. And if I'm not mistaken, I think... There's been some talk about average use.

Mr. Johnson stated right.

Board Member Taylor stated I think what we need to be looking at is reserve capacity and peak use because you can't average out sewage. It's got to go somewhere.

Mr. Johnson stated mmhmm.

Board Member Taylor stated am I correct in that.

Ron Gainer stated yeah, you're saying everything right.

Board Member Taylor stated okay.

[Laughter]

Board Member Taylor stated so I think we need to look at that. And once that's ironed out either you're going to use the old ones and we agree upon an I&I for that. That then gives you a maximum, assuming you don't want to build a new plant.

Mr. Johnson stated no, I don't think so.

Board Member Taylor stated a maximum for capacity.

Mr. Johnson stated correct.

Board Member Taylor stated and then we can kind of work backwards from some of that. It may be with the maximum you have, it may be more.

Mr. Johnson stated mmhmm.

Board Member Taylor stated it's, I mean, I don't think we have problems with the numbers as long as the numbers work.

Mr. Johnson stated right.

Board Member Taylor stated so I suggest you start with that one as the next hurdle that really needs to be dealt with. Because we don't want you doing a lot of engineering and a lot of architectural and until some of these things...

Mr. Johnson stated correct.

Board Member Taylor stated are done. I've got serious problems with the ridge line. As Ted was saying, we've been down this road. I was in the audience for several years before I was on the Board and it just doesn't happen. I would much prefer to see things moved off the ridge line completely...

Mr. Johnson stated mmhmm.

Board Member Taylor stated at least the visible things: windows that will be illuminated at night. I mean, a dark roof is one thing if it's behind some trees but a bunch of lights behind the trees...And the oaks are not going to do much in the winter time even though they're nice, old trees. So if you could, maybe, creatively rearrange the design some way to get those three off...

Mr. Johnson stated yeah. We've squeezed as much as we possibly could to get...Because we originally had these buildings...

Board Member Taylor stated yes, I know.

Mr. Johnson stated up here and we squeezed as much as we can on the developable area on that site.

Board Member Taylor stated or do some more rock crushing and move into the hill on the other side. I'm just...I'd like to see an alternative flushed out where there's nothing on the ridge line.

Mr. Johnson stated mmhmm.

Board Member Taylor stated at least in terms of, as I said, the visible part. I mean, the roof is one thing. But windows and...are something else.

Board Member Brady stated the buildings on the ridge line, are they two bedroom and three bedroom. Or are they all two bedroom.

Mr. Johnson stated they are, right now, they're a mix.

Board Member Brady stated right.

Mr. Johnson stated we have a schematic plan that basically is...There's only 12 three-bedroom units on there, so...But we could design those two buildings differently than kind of the standard schematic we have for the other buildings on the site to take the dormers off the roofs so that there's no light coming from those windows. I don't think that's a problem at all. So, and we can maybe think about just reducing the height of that building some way, somehow on those two that seem the critical ones. So...

Chairman McNulty stated is that all you had, Ron.

Board Member Taylor stated well, I was...I think we still have discussions with our counsel about the last problem we have.

Chairman McNulty stated okay.

Board Member Taylor stated so until we have those discussions, I don't think I have any more. There were, I think, eight items that should be taken care of in the course of construction...

Mr. Johnson stated mmhmm.

Board Member Taylor stated in developing the site plan.

Mr. Johnson stated right.

Board Member Taylor stated or nine, depending on how you group them. And that was the major part of the list.

Chairman McNulty stated they were the moderate items...

Board Member Taylor stated yeah.

Chairman McNulty stated the moderate impact items that are listed.

Board Member Taylor stated and we don't see a problem with it...

Mr. Johnson stated mmhmm.

Board Member Taylor stated it's just we would like you to move forward on those things...

Mr. Johnson stated right.

Board Member Taylor stated once we've resolved some of these other issues about where you're...what you're actually doing.

Mr. Johnson stated so right now, construction on the ridge line and the traffic seem to be the two real sticking points.

Board Member Taylor stated well, there's...

Chairman McNulty stated some...more...

Rich Williams stated I wouldn't say they're the only sticking points.

Mr. Johnson stated right.

Rich Williams stated they're the two biggest...

Chairman McNulty stated but they're the...

Mr. Johnson stated right.

Chairman McNulty stated they're more significant for us.

Mr. Johnson stated correct.

Chairman McNulty stated correct.

Mr. Johnson stated so if we can really kind of fine tune those a little bit...

Chairman McNulty stated like I said, Rich has a lot of our comments. You know, we haven't talked about them collectively yet. He's working on that. So, you know, we want to move forward. We just want to move forward with a good project and have the answers we need to be in the best interest of the Town.

Mr. Johnson stated well we certainly would be willing to come down, sit down with Rich and go over, you know, lay it on the table and go over things with a red pen or whatever we need to do.

Rich Williams stated yeah. That would be good.

Mr. Johnson stated so we could bang it out a little bit.

Rich Williams stated talk about some of the comments and some of the responses. That would be good.

Chairman McNulty stated yeah, that would be good. We appreciate your quick response in getting it back, you know, so we could discuss about it...

Mr. Johnson stated yeah. We just want to work...

Chairman McNulty stated you know, get it...

Mr. Johnson stated with the Board and be able to move this thing forward, so...

Chairman McNulty stated yeah. Does anybody else have any other comments.

Board Member Montesano stated no.

Chairman McNulty stated is there anything you have for us.

Mr. Johnson stated no. Nothing else.

Mr. Mike Hartman stated Rich, do you need anything more traffic wise from me at this point.

Rich Williams stated no. And by the way, I do have the accident data so I'm going to push it out to the Town Board to take a look at and I appreciate you getting that right down. I haven't had a chance to take a look at it.

Mr. Mike Hartman stated okay.

Rich Williams stated that was just more for my own edification than it was anything else.

Mr. Mike Hartman stated okay.

Chairman McNulty stated okay.

Mr. Johnson stated alright. So Rich, whenever you're ready just let...

Rich Williams stated we'll talk tomorrow.

Mr. Johnson stated let us know. Okay.

Rich Williams stated yeah.

Mr. Johnson stated great.

Chairman McNulty stated great.

Mr. Johnson stated thank you.

Chairman McNulty stated thanks.

Board Member Montesano stated thank you.

## **10) OTHER BUSINESS**

Chairman McNulty stated okay. Other Business.

### **a) Ice Pond Subdivision**

Board Member Ladau stated Ice Pond...

Chairman McNulty stated Ice Pond Subdivision is requesting a 90 day extension. Didn't we do that at the work session.

Rich Williams stated yeah, you did that.

Board Member Montesano stated we did that.

Chairman McNulty stated alright. Check that off.

**b) Southeast Lead Agency**

Chairman McNulty stated we also had something come in from Southeast where they're declaring Lead Agency on a project that's in Southeast but borders the...What's that. Fox...

Rich Williams stated they've requested to be...

Chairman McNulty stated not Fox.

Rich Williams stated they've requested to assume Lead Agency status for the review of a 10-lot residential subdivision.

Chairman McNulty stated you want the mic.

Rich Williams stated that would be located...No, Mike's got it. I figured Ron was going to jump right on this.

Board Member Taylor stated not on the record I won't.

Rich Williams stated well...For a 10-lot residential subdivision that's going to be along Farm to Market Road near the Field and Forest Apartments.

Chairman McNulty stated okay. So it's...nothing about access in that Field and Forest one...

Rich Williams stated access is in the Town of Southeast. The project's in the Town of Southeast. You know, it borders the Town of Patterson and the driveway goes to a project that's in the Town of Patterson but other than that, really, we have no skin in this game.

Chairman McNulty stated anybody have any comment.

Board Member Taylor stated I think we should say go ahead.

Chairman McNulty stated yup.

Mike Liguori stated you don't want to be Lead Agent.

Chairman McNulty stated we...

Rich Williams stated you don't want to challenge them.

[Laughter].

Chairman McNulty stated nope. We'll let Southeast be...

Rich Williams stated want to fight.

Chairman McNulty stated we'll let Southeast be Lead Agents on this project.

Rich Williams stated okay.

Board Member Taylor stated do Hogan and Rossi need...

Rich Williams stated you want to do that by motion.

Board Member Taylor stated the business.

Mike Liguori stated what's that.

Board Member Taylor stated does Hogan and Rossi need the business.

Chairman McNulty stated they don't do Southeast.

Mike Liguori stated no.

Board Member Taylor stated okay then. No, let's go ahead.

Chairman McNulty stated okay.

[Laughter].

Mike Liguori stated but thanks.

[Laughter].

### **c) Minutes**

Chairman McNulty stated we also have minutes from October 30<sup>th</sup>. Everybody get a chance to look at them.

Board Member Taylor stated some of them. What a job it was, huh.

Chairman McNulty stated I got some chuckles out of the deciding of the...

Board Member Brady stated Sarah. Is that the one I wasn't at.

Chairman McNulty stated meeting change dates. I read that and I was laughing.

The Secretary stated no.

Board Member Brady stated okay.

The Secretary stated that wasn't the one.

Chairman McNulty stated I'll make a motion to approve the minutes from October 30<sup>th</sup>, 2014.

Board Member Ladau stated second.

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

Chairman McNulty stated all against or an abstain.

Board Member Taylor stated I'm going to abstain. I haven't finished them but...

Chairman McNulty stated okay.

Board Member Taylor stated I think they're wonderful it's just...

[Laughter].

Board Member Taylor stated they're awfully long.

Board Member Montesano stated I thought that...

Chairman McNulty stated Sir, you've been sitting in the back all night. Do you have anything to say. Yeah, you.

**Audience member stated** me.

Chairman McNulty stated yeah.

**Audience member stated** no.

Chairman McNulty r stated okay. Anybody else have anything. Make a motion to adjourn.

Board Member Taylor stated second.

Board Member Brady stated second.

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

Meeting was adjourned at 8:11 p.m.