

**PLANNING BOARD MEETING
OCTOBER 8, 2014**

PRESENT: Roxanne Pecora, Chairperson
 Fred Zimmer
 Daniel Michaud
 Michael Minor
 Margaret Yost
EXCUSED: Michael Manicone
 Darin Dekoskie

ALSO PRESENT: Myles Putman, M.L. Putman Consulting

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:35 PM. beginning with the Pledge of Allegiance to the Flag. Roxanne advised the public of the building’s fire exits and roll call was taken.

MINUTES: Chairperson Pecora asked if the Board read the September Meeting Minutes and if there were any changes. Fred had some issues regarding the Required Modification listed for Church Communities for the trail access. Following some discussion Fred and Roxanne disagreed. Fred and Roxanne discussed this and Roxanne stated that they voted this as a required modification and if we want to override this then that is something that we need to do. Fred felt that the language in the report does not point to a required modification. Roxanne stated that she knows that their verbiage is different but they voted it as a required modification. It was agreed that this will be dealt with when we get to that point. Michael Minor had some questions concerning the minutes, pages 11 & 12. Before the minutes are voted on he wants to make sure that this is what actually happened according to everybody’s memory. Michael stated that the Law of the State of New York says that the minutes are the meeting so if we pass these minutes then that is what happened and what is not there did not happen. He has some comments that he will make at the end of this meeting under Miscellaneous. Discussion continued regarding the minutes. Gloria and Tim Keefe will be given copies of the draft minutes.

FRED MADE A MOTION TO APPROVE POSTPONE VOTE ON THE SEPTEMBER MEETING MINUTES UNTIL THE END OF THE MEETING SECONDED BY MARGARET. MOTION PASSED WITH A VOTE OF 4-0. MICHAEL MINOR ABSTAINED SINCE HE WAS NOT PRESENT AT THIS MEETING.

VOUCHERS:

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| Myles Putman (September, 2014)..... | 2,300.00 |
| M.L. Putman Consulting (Missionary Sister – Part 2 & # EAF)..... | \$ 195.00 |
| Clough Harbour (Aleo, “Hasbrouck Hill”)..... | \$ 3,430.00 |

Peter C. Graham, Esq. (Tucker Pond).....\$ 225.00
 Town of Esopus (Tucker Pond – copying).....\$ 57.20
 Peter C. Graham, Esq. (Missionary Sisters)..... \$ 1,775.00
 April Oneto (secretarial services).....55 1/2 hours

MICHAEL MADE A MOTION TO APPROVE THE VOUCHERS AS READ, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

OLD BUSINESS:

CHURCH COMMUNITIES (The Mount Expansion): Case #2013-19 – Special Use Permit/Site Plan – 825-1001 Broadway (US Rt. 9W), Ulster Park; SBL: 72.001-2-13.1

Dennis Larios, Brinnier & Larios, Dan Shuster, Shuster Associates, Mark Barth, Church Communities and Richard Riseley, Riseley & Moriello present to represent this application.

Chairperson Pecora asked if the Board wants to deal with the Ulster County Planning Board referral response or wait until Site Plan approval and just deal with the SEQR Determination. Myles stated that we are making a SEQR determination we are not really making a determination of the project. There is some linkage between the two but without legal counsel we might want to hold off on the other. Myles stated that he believes that the County Planning Board requirements for trail access was written as a Required Modification and he believes that it has to be responded to in that way.

Chairperson Pecora read the Resolution for Determination of Environmental Significance pursuant to SEQR dated 10/6/14 prepared by M.L. Putman Consulting. Myles handed out updated Part 3 to Board members and the applicant.

Mark stated that Church Communities wants to slightly change the phasing which does not affect the overall project. They will be going back to the originally phasing plan they submitted. Copy placed in the file.

FRED MADE A MOTION TO RENDER A DETERMINATION OF NON-SIGNIFICANCE (NEGATIVE DECLARATION) PURSUANT TO SEQR FOR CHURCH COMMUNITIES (MOUNT EXPANSION), CASE #2013-19, SPECIAL USE PERMIT/SITE PLAN FOR EXPANSION OF AN EXISTING RELIGIOUS COMMUNITY SECONDED BY MARGARET. VOTE WAS AS FOLLOWS:

Fred.....yes
 Margaret.....yes
 Dan.....yes
 Michael.....present
 Roxanne.....yes

Motion passed with a vote of 4-1.

Dan Shuster requested that the Board schedule the second Public Hearing. Fred stated that he would like to see the area for the factory marked out on the map and a sheet with a boundary survey. Dennis stated that they submitted a boundary survey with the application. The property boundary survey was drawn by another party but they can add this into the packet.

Dennis stated that they met with the Fire Chief to discuss fire safety issues. They will be adding a dry hydrant at the large pond near proposed residential area and dining hall. They will be making some improvements to the shoulders so the fire trucks can get through easily. They discussed better address system within the complex for the 911 system. Dennis was told that the Board will need a letter for our files.

Dennis stated that they have 8-10 minor details that need to be added to the maps as a result of the last CHA review and changes suggested by the fire department. He asked if the Board wants to see this before or after the Public Hearing. Both Margaret and Fred felt that these could be submitted after the next public hearing.

FRED MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR CHURCH COMMUNITES (MOUNT EXPANSION), CASE #2013-19, SPECIAL USE PERMIT/SITE PLAN REVIEW FOR NOVEMBER 12, 2014 AT 7:40 PM, SECONDED BY MARGARET. MOTIOIN PASSED WITH A VOTE OF 4-1. VOTE WAS AS FOLLOWS:

- Fred.....yes
- Margaret.....yes
- Dan.....yes
- Michael.....present
- Roxanne.....yes

Richared Riseley Esq. stated that they will submit the information for the Public Hearing letter to be sent out prior to my deadline date. The fee for the Public Hearing (\$200.00) will be taken out of the Escrow Account.

ALEO: Case #2014-06 – Special Use Permit/Site Plan Review (proposed duplexes), Hasbrouck Ave. (unimproved paper street), Port Ewen; SBL: 56.059 Block 4

Ed Aleo, applicant and Khattar Elmassalemah, engineer were present for this application.

Myles reviewed M.L. Putman Consulting dated 10/2/14. Copy was given to applicant and copy was placed in the file.

Chairperson Pecora stated that the first thing this Board needs to do is increase the

Escrow Account. There should be one more review provided that the consultant for Mr. Aleo does all that was discussed at the on-site meeting and there should be no more discussion and no more issues since the consultant knows what he needs to do.

Mr. Aleo had some questions regarding the CHA Engineering Invoice submitted. He stated that he has billed for work for the 20th and he did not receive the plans until the 27th. Applicant was informed that the Planning Board Clerk submits documents to CHA prior to receipt of their plans. Pete Lilholt receives information from the Planning Board as requested prior to receipt of your maps. Pete will be asked for a breakdown of the charges and a copy will be sent to the applicant.

FRED MADE A MOTION TO INCREASE THE ESCROW FOR ALEO, CASE #2014-06, SPECIAL USE PERMIT/SITE PLAN BY \$2,500.00 SECONDED BY ROXANNE. MOTION PASSED WITH A VOTE OF 4-1. VOTE WAS AS FOLLOWS:

- Fred.....yes
- Margaret.....yes
- Dan.....yes
- Michael.....present
- Roxanne.....yes

Myles reviewed M.L. Putman Consulting Report dated 10/2/14. Copy was given to applicant and copy was placed in the file.

Applicant has reduced the plans to two duplexes on two sites with no parking under the building and they will stay within 1 acre of disturbance. Khattar stated that the plans have been updated based upon the site visit. He did submit the calculations for storm drainage to Pete Lilholt. He stated that Pete wants the analysis to go all the way down the street or he has to prove the pre and post. He has not had a chance to discuss this with him further. He did updated Pete with the water sizing and the 1” and he copied Don Kiernan. He has details on stabilizing the construction, silt fencing. He stated that they basically went over everything on the plans. The road has been changed to reflect the reverse curve and show the catch basin on the edge. He showed more detail regarding the profile with the utilities on it. He contacted Central Hudson regarding the street lighting. Central Hudson asked who would be paying for the lighting. Fred stated that they need to show where they think they should go. The Town pays for the electric since it will be in a lighting district. Khattar stated that he left the final say to Central Hudson. There will be no gas line extended. Water and Sewer will be extended.

Myles stated that the disturbance is calling for half of the street for a distance in order to minimize the impact for the neighbor across the street. When you get to the “t” intersection the disturbance will go to the actual street line. The neighbor across the street has planted trees to the gutter of the street. All of this vegetation is sitting in the Town Highway property. When you come to the hearing you might hear something about that. Khattar stated that they can work around that.

Roxanne stated that we have an e-mail from the Water/Sewer Superintendent dated 10/7/14. He says that he has not been able to finish his review of the new plans but that he spoke with Peter Lilholt, CHA, and he does not see any problems with the newer plans that can not be addressed at a later date, however, any plans submitted to the Health Department should be endorsed by his department.

DAN MADE A MOTION TO AMEND THE APPLICATION TO TWO - TWO FAMILY DWELLINGS FOR ALEO, CASE #2014-06, SPECIAL USE PERMIT/SITE PLAN REVIEW, SECONDED BY FRED. MOTION PASSED WITH A VOTE OF 4-1. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Dan.....yes
Michael.....present
Roxanne.....yes

DAN MADE A MOTION TO DECLARE THAT THIS WILL REMAIN AN UNLISTED ACTION PURSUANT TO SEQR AND ACCEPT THE REVISED EAF DATED 8/26/14 FOR ALEO, CASE #2014-06, SPECIAL USE PERMIT/SITE PLAN REVIEW, SECONDED BY MARGARET. MOTION PASSED WITH A VOTE OF 4-1. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Dan.....yes
Michael.....present
Roxanne.....yes

Roxanne stated that we have the letter prepared to send to SHPO which she will sign and the letter will be sent. Copy of letter placed in file.

Fred stated that the only issue is the drainage. Margaret asked about the Lot Line Adjustment maps having been filed. She was told that the maps were signed and filed at the Ulster County Clerk's Office.

FRED MADE A MOTION TO SCHEDULE A PULBIC HEARING FOR ALEO, CASE #2014-06, SPECIAL USE PERMIT/SITE PLAN REVIEW, FOR NOVEMBER 12, 2014 AT 8:00 P.M., SECONDED BY DAN. MOTION PASSED WITH A VOTE OF 4-1. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Dan.....yes
Michael.....present

Roxanne.....yes

MARGARET MADE A MOTION TO REFER ALEO, CASE #2014-06, SPECIAL USE PERMIT/SITE PLAN REVIEW TO THE ULSTER COUNTY PLANNING BOARD, SECONDED BY DAN. MOTION PASSED WITH A VOTE OF 4-1. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Dan.....yes
Michael.....present
Roxanne.....yes

Applicant was told that there is a \$200.00 Public Hearing fee which will be taken out of the existing Escrow Account.

FRED MADE A MOTION TO HAVE MYLES COMPLETE PART 2 & 3 OF THE SHORT EAF FOR ALEO, CASE #2014-06, SPECIAL USE PERMIT/SITE PLAN REVIEW, SECONDED BY DAN. MOTION PASSED WITH A VOTE OF 4-1. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Michael.....present
Dan.....yes
Roxanne.....yes

BUSICK: Case #2014-09 – Minor re-subdivision – 1725 Broadway (US Route 9W, State Hwy 5508), West Park; SBL: 80.001-3-28.1

John Busick, applicant and Chris Zell, Brinnier & Larios were present to represent this application.

Myles reviewed M.L. Putman Consulting Report dated 10/8/14. Copy given to applicant and copy placed in file.

Applicants are proposing a lot that does not have street frontage. In order to remedy this, applicant can construct a street and designate as a street parcel and build it to Town specifications or applicant can go to the Zoning Board of Appeals to allow for an area variance that would allow the creation of a building lot that does not have frontage on a mapped street.

Chris Zell stated that one more driveway is not the optimal thing to have in this location. You will end up with four driveways very close together and a restaurant across the street that has an ingress and egress.

Fred stated that he will not support a project with a shared driveway and a maintenance agreement that can create problems for the Town. Michael asked if two of the lots were owned by the same person. Fred stated that if they want to do that he would suggest a Lot Line Adjustment with the other lot. Chris stated that this would limit them to being able to only build one additional house. Chris felt that they may not get permission for another driveway in that area. Fred stated that DOT can not deny a property owner access to their property. Chris stated that he thinks that the buyers' intention is to buy two lots from two different owners and he does not know that necessarily he wants to join them together.

Applicant needs to go back to the new buyer and decide what they want to do. This Board does not support shared driveways and neither does our code. Roxanne recommended that applicant and the new buyer come into Pre-submission and discuss the options and what he wants to do. Michael stated that the buyer came to Pre-submission this month and he talked about that he does not want to do anything right away. He wants to do something with the Aberdeen on the Hudson. He just wants to buy the lots but he does not know if he wants to join both of them.

Chris stated that it will theoretically be the same owner but he would like to hold the properties as three lots until he decides what he wants to do.

ZBA REFERRALS: None

MISCELLANEOUS:

Michael wanted to speak about the meeting that he was not present at and looking at page 11-12 of the minutes and he has some comments.

Michael stated that Tim Keefe, Building Inspector, has referred to him and his negative comments in four separate occasions. He discussed with the Board that Tim is wrong because he never heard his concerns directly.

Michael stated that in the September Planning Board Minutes it says that Tim stated that my accusations about zoning and enforcing are incorrect. Michael stated that he never spoke about zoning and he has always referred to planning and enforcement of Planning Board conditions attached to approvals. He has proof of what he talked about because there was an article done after the February meeting by Bill Kimble. Michael stated that he went to the February Town Board Meeting to present his resignation from the Planning Board. John Coutant refused to take it because he said that Michael made a wonderful contribution to the Town. Michael agreed to stay but stated that the Planning Board needed three things. The Planning Board needed the vacant seat on the Board filled by the Town Board. The Planning Board needs support to do the job by the procurement of a tape recorder. Michael stated that the third and last thing the Planning Board needs is enforcement. He feels that we have had years of not having enforcement. Planning Board members who have commented or tried to do something about this issue received very nasty letters and subsequently resigned. We are talking about Dennis

Suraci and Charles Snyder. The Town Board has shown that if they do not like what you say they will make it very uncomfortable. Michael stated that they can get rid of him too. There is a provision in State Law and they can have a hearing that must be public and he will be inviting Mr. Kimble to attend. He stated that he offered his resignation to let the Town Board know how critical he thought this was for the Planning Board. He is not going at this point. He said nothing about zoning and he said nothing about Tim Keefe because he does not think the problem is Tim Keefe. On page 12, Tim acknowledges an individual on this Board who has been making statements about the Building Department and enforcement has not had any discussion with him on how he runs his department and what specific concerns they are looking to see him address. This is not true. He spoke with Tim and he told him that he was not the Enforcement Officer. Margaret said that he is the Enforcement Officer. Michael stated that there is a difference between what he is and what he specifically said to him. He told Michael that he is not the Enforcement Officer and he disagreed with that. Michael stated that he went to the Town Board because Tim Keefe does not report to the Planning Board. He reports appropriately under State Law to the Town Board. If the Town Board has an arrangement with him whereby he is not the Enforcement Officer, it is encumbered on the Town Board to appoint a deputy or an assistant to the Building Department function. It says this in the Law. (Michael submitted a copy of Guide to Planning and Zoning Laws of New York State.) The law says that the Building Inspector is the Enforcement Officer although he may hire somebody with the Town Board's approval. Michael stated that he has spoken to Roxanne about the fact that Tim said that he is not the Enforcement Officer. Fred stated that we are not disputing this. Michael reminded Fred of the Town Board Meeting that they attended where John said that he was going to hire somebody special. He even got a lawyer's opinion but the Town Board did not agree with him. He wanted to hire a Planning Board member to be the Enforcement Officer and report to Tim. Michael stated that this is not acceptable because the Planning Board cannot report to an employee of the Town.

Michael stated that Tim's accusations about Michael's accusations are without merit. Michael stated that because he talked to the various members of this Board and because he cited this law everybody here knew or should have known that this is not what he said. There is nothing in the minutes from the September Planning Board Meeting that anybody corrected Tim and told him that Michael did not say that. He feels that he is a member of this Board and because he is not there and he is going to be treated that way that does not show the respect that is required to be a member of a Board. You do not have to agree with him. He knows that Fred thinks that he is wrong. He thinks he is right. He thinks he is right because in the Planning and Zoning Laws of New York State under Site Plan Review it talks about conditions attached to site plans. Number 4 states that conditions attached to the approval of site plans. The authorized board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the town. The Planning Board does not do that. The Town Board is responsible for getting it done through its hiring of an Enforcement Officer. It is exactly the same with Special Use Permits. It states any such conditions

must be met in connection with the issuance of permits by applicable agents or officers of the town.

He does not care that someone disagrees with him. He is willing to have an argument about this. He really buys Tim's argument that he has to do this in a way that gets the job done and to the extent that he gets the job done that is fine with him. Michael stated that if he was talking about zoning that would be inappropriate. He does not have anything to do with zoning. He serves on the Planning Board and if we sit here month after month and make decisions about site plan and special use permit and those decisions are only enforced when certain members of the Town Board want it enforced in one way and certain members of the Town Board don't want it enforced. We have a continuing enforcement issue that is still going on at the Birches. Fred stated that the road being turned over to the Town is not an enforcement issue. Michael stated that Tim told him that John took him down to look at the property in that area that had a problem with access to their septic system. Tim told me that he went down with John and John had him write a citation to those people when that was not what we were enforcing. This individual needed access to his property and this Board said that he had to have access. This neighbor said that he had to put \$1,300-\$1,500 to be able to pump my septic tank and the only reason that he got the citation is because John decided that the Enforcement Officer, Tim, would write a citation about that. Tim told Michael that. Tim told Michael that he knew that it was not legal but John told me to do it.

There is nothing in the minutes where he sees that anybody on the Board stood up and said that Michael read the law and it was not about zoning. It was about planning. Michael did not see anybody saying anything about accusations. Michael stated that he never made accusations. Margaret stated that she made a comment that since Michael was not here we should not discuss this. Michael stated that if it is not in the minutes it didn't happen. According to State law the minutes are what happened. Roxanne wrote him an email and the email said that the Board agrees with the way Tim is running thing. This is not in the minutes therefore it did not happen. Therefore, the email is an insult to the Board. Michael stated that by law if it not in the minutes it did not happen. Michael asked if the Board voted. Margaret said no the Board did not. Fred stated that actually he agrees with the way Tim is doing things. Michael stated that it does not matter whether he agrees if it was not voted on. He said that the email that Roxanne sent him there is no evidence that this happened. Gloria stated that Tim basically said that there was enforcement with planning. Michael stated that he said it was not his responsibility. Gloria stated that he stood at this meeting and said it. Michael asked Fred if he knew that John tried to get a Planning Board member to be the Enforcement Officer for Planning. Roxanne stated that she is well aware of that. Roxanne stated that if you look at the letter from Paul Kellar, Esq. he did not really give him a direct answer. Roxanne said that she spoke to Peter C. Graham, Esq. and Peter questioned what John was doing. Peter said that he will keep quiet until John does something and when he does something and if he does something then Peter was going to register his opinion. Town Board decided that John was wrong and that they were going to do something. Now Tim is saying that he is the Enforcement Officer. Tim is also saying that the constant attacks which Michael says were no attacks, not about Tim, not about the Building Department. Tim was not at any

of those meetings. Michael asked Fred why the Board would give any credibility to what Tim said since he was not at any of the meetings.

Gloria said that on two occasions after the meeting Michael sat in his chair and said that Tim does not enforcement zoning. Michael said that he did not saying zoning. Gloria stated that Michael talked about his personal issues. Michael stated that he has but he did not do that in a Planning Board Meeting because we were off the record. Michael stated that he did talk about Tim and the zoning but he talked to Tim about it first and it was not on the record. He said that he spoke to Gloria about it when it contract was to be up and he spoke to Kyle because Gloria sent him to Kyle. Michael said that he told Kyle to come down to his neighborhood and he would walk him within a two block radius of Michael's home and he will show him the problems. This was a couple of years ago. It was appropriate because as a member of the community he has had interactions with Tim to where he has shown him the code in the Zoning Law and Tim said that they do not enforce that. Michael told Gloria if he does not believe him she should speak to Art Cross where he created a situation which Tim did not enforce. This situation has now created three separate violations of Town Code. Fred stated that the house next door to this situation is doing it too and the house two doors down is doing. Fred stated that you cannot selectively enforce the code.

Margaret said that we need to get back to the handling of the minutes from the September meeting. Michael stated that what he is talking about is respect. Michael stated that Birches is an issue. That we would enforce access to the individual's septic tank but we do not enforce the rules to get the road deeded to the Town. Fred stated that he is not saying that he agrees with the citation that was written he believes it should have been written to Steve Aaron. Fred stated that for us to get the rights to road we should have had a materials and performance bond on it. Roxanne stated that we did have a letter of credit. Roxanne stated that the Town Board said that they did not need to do it. Roxanne stated that there were two letters of credit approved and if the Town had done that we would have ownership of that road built to town specifications and it would have ownership of the sewer pump station. Margaret again requested to get back to the minutes. Fred stated that it is not an enforcement issue. Roxanne stated that there were no letters of credit created. This is not an enforcement issue. Fred stated that there is nothing to enforce. Michael again repeated the law stated that any such conditions must be met in connection with the issuance of permits. It is in the law. Fred asked Michael to show him a set of plans that are 100% correct. Michael agrees with this. Michael stated that his point is that Tim used a strategy (which he does not disagree with) and put four families in Tucker Pond. Michael stated that originally Fred said it was a mistake and he has to fix it. Fred then said that he understood why he did it but he better not issue any more or he will sue the town. Michael said that there are now five apartments being used. Fred stated that there are four Certificates of Occupancy. Michael stated that there are five units occupied. He sees furniture on five decks and curtains on five windows. Roxanne stated that Tim has gown down there and looked in the windows and there are boxes and other things in there but until he sees another one occupied he can't do anything. He already told them. Michael stated that there is a chair on the fifth deck. Margaret asked if he has seen bodies. Michael stated that it is not his enforcement issue.

Michael stated that he has heard it said that he is out of control and maybe he is but he is in control of the oath that he had to sign when he was appointed to this board which was that the would follow the laws of the Town and of the State. He feels that this law is not being followed. Fred says that it is impossible to follow. Fred stated that when it says any such – must and always – and if there is a mistake must and always does not work. Michael stated that Tim says that it sometimes takes two to three years. How long have we had that mess at Tucker Pond? Margaret stated that the Temporary Certificates of Occupancy are only good for 6 months. (Checked on Certificate of Occupancy and they are not Temporary Certificate of Occupancy. Copy of Certificate of Occupancy placed in file.) Fred asked if the situation has gotten any worse. Michael said that it has and he thinks so because instead of the landlord taking the money and resolving the issues the landlord is now taking that money and putting appliances in the second building and he is taking the cardboard cartons and wood pallets and staking them next to the dumpster. This is worse. He has garbage hanging around and blowing away. Margaret asked if we could get back to the minutes because she is ready to leave.

Fred stated that what is in the minutes and if that is what is on the tape then that is it. Margaret stated that the problem is that you can not hear Tim's section on the tape because he speaks so low and could not be heard. What is in the minutes is what was taken down by the secretary in shorthand. Michael stated that if Bill Kimble does a request for the minutes to do a follow-up article to his February article then this is what happened in the meeting because this is what is in the minutes that were approved. Fred stated that this is what happened. Michael said that is fine but Tim is wrong and Tim is picking on him. He stated that what really upsets him is that somebody is feeding all this to Tim but he does not have the respect to come and look at him in the face and tell him that it is him. He has no proof but he believes that it is the same individual who would not accept his resignation. He stated that he felt that he had to resign because every other Planning Board member who has dealt with this issue has gotten a nasty letter. He said that they can send him a nasty letter and they can have a hearing and they can get rid of him but it will be public knowledge. He will not be disrespected and he is being disrespected. He stated that it was up to Roxanne as the Chair to make sure that he is not disrespected.

Roxanne stated that we need a Motion on the minutes. Margaret is leaving and will not be voting on the minutes so we will not have the votes. Margaret expressed a desire to listen to the tape for those minutes.

Fred stated before we close this meeting we need to think about the dates for the Pre-submission Meeting for next year. Now when we do a Pre-submission there is no time for the applicant to submit for the next monthly meeting. We will look at the calendar and schedule differently. This will be checked with Myles.

Michael stated that if he is removed from the Planning Board Fred will be doing all Pre-submission Meetings and the Board will need a new representative to the Waterfront Advisory Board.

MARGARET MADE A MOTION TO TABLE THE APPROVAL OF THE SEPTEMBER PLANNING BOARD MINUTES UNTIL NEXT MONTH, SECONDED BY DAN. MOTION PASSED WITH A VOTE OF 4-1. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Dan.....yes
Michael.....present
Roxanne.....yes

Gloria asked Michael if he was going to vote present in the future which could be a problem and detrimental to the whole Board. Gloria stated that she asked Tim why he was here at that meeting since Michael was absent at that meeting. Michael stated that he does not know that because it is not in the minutes.

Michael stated that he will continue to raise issues and questions because he thinks he is right. This does not mean that the Board will agree with him. The reason he voted present was not because of the interaction with Tim it is because as long we are a Planning Board and we work together as a Board. If for whatever reasons, our conditions attached to the approval of site plans and special use permits are not being enforced in a way that has results, he understands that there needs to be some flexibility. If this does not work his concern is that any applicant can come in here and tell us whatever we want to hear and do whatever they please and this is why he says that undermines Town Law. The reason he voted present tonight is that as long as we are not insisting that the conditions attached be enforced agent or officers of the Town then we have no business granting site plan approval or special use permit approval. We know that whatever we do the actual outcome is not governed by this Board. This is why the Law is written this way. It is not to lock Tim into a specific set of procedures but to say “you got to get it down Town Board”. Tim reports to the Town Board, it is appropriate to talk to the Town Board about this. His votes tonight were based solely on whether it makes any sense for us to be granting site plan or special use permits because of the way things are being done right now. He will vote differently when this is resolved. Gloria stated that this is ridiculous. Michael stated that she can disagree with him but if he were to call the Planning Federation... Gloria stated that he needs to look at all of the people who have come before this Board that have been approved without any problems. Michael stated that the big problems are with the big people who have tried to gain advantage by manipulating the system. Gloria asked who these people were. Michael stated Birches, the school, Tucker Pond. These are the ones he knows of. Tucker Pond is getting special treatment now. Fred stated that he does not necessarily agree with Tim and Tucker Pond but if it works. Fred asked at what point you start writing citations. Discussion continued about Tucker Pond. Michael stated that Tim should have told them to finish it or we were going to make them tear it down. Fred stated that he does not have the authority at this time to tell them to tear it down. Michael stated that knowing who they are he had the authority not to grant TCOs. Fred stated that Tucker Pond has gotten a list

of things that need to be completed from Tim and the obtained a copy of the Offering Statement. Michael asked if the have an HOA. They do. He asked if any of the members of the people who built are members of the people who built it. Fred stated that right now the HOA is totally the people who built it. Michael stated that they cannot be part of it. Fred stated that they have to be part of it until the units are sold. Michael stated that he is afraid that if they do not have it on the open market they are going to buy it themselves and rent them out. The Town cannot stop this. Michael stated then they cannot be part of the HOA. That was the whole idea. Roxanne stated that when this was approved in 1982 the Board did not put those requirements on it. We are living with something that we do not like but we do not have a lot of options. Michael stated that we do have wiggle room on the lines, driveways, lighting, etc. Michael said that if in 6 months when the TCOs expire and the work is done he will say hallelujah.

Michael stated that whether the Board agrees or not it not the issue. He will not just sit here and say whatever Tim wants to do is fine. Because Tim says he wants to do this and he wants to do that and then John says you will do this. Fred said that this attitude is fine as long as it is not this Board. Our Board is separate from that. Michael stated that even as a member of the Board he can be voted down. He has not done anything but raise the issue in open public meetings which is his right as a Board member. He did this on purpose. It would have been easier to have a little huddle amongst ourselves but he did not do this because for four years to his knowledge when people did this they were told they had a bad attitude and were run off of this Board. They did not illegally kick them off but they got them to resign. He is willing to and he does work for the Town for free. We all do because we believe it helps the Town but do not use his work as a fig leaf to cover favoritism. Fred stated that he does not agree with him.

FRED MADE A MOTION TO ADJOURN SECONDED BY DAN. MEETING ADJOURNED AT 9:20 P.M. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....left earlier
Dan.....yes
Michael.....yes
Roxanne.....yes

NEXT MONTHLY METING: NOVEMBER 12, 2014

DEADLINE DATE: OCTOBER 22, 2014

NEXT PRE-SUBMISSION: NOVEMBER 5, 2014

Respectfully submitted:

April Oneto
Planning Board Secretary

