



The Special Meeting of the Nassau Town Board was held on April 30, 2015 at the Nassau Town Hall with the following Town Board members present: Supervisor David Fleming, Council members Ron Sears, Lani Richards, Jonathan Goebel and Robert Rings.

Mr. Fleming called the meeting to order at 7:00 PM with a salute to the flag.

Announcements

Mr. Fleming reminded Town employees that their report for three month tracking of hours for the State Comptroller's report needs to be submitted this week.

Mr. Fleming announced that there are new updates on the Town website regarding the Loeffel toxic landfill.

Mr. Fleming stated that on Thursday evening, May 14th, the Town Board will hold an Audit of all departments at 5:45 PM. He added that there will be a Public Hearing to follow at 7 PM regarding the installation of a free standing solar unit at the home of Nicole Sharpe and then the regular monthly Town Board meeting will follow.

Old Business

Troy Sand and Gravel Application

Mr. Fleming stated that on April 9th, the Town Board directed the Town's consultants to review the file on this matter which has been on hold at the applicant's request since January 2013 and to report to the Board tonight.

He said that the purpose of tonight's meeting is to hear input from the Town's consultants and to discuss our next steps.

Mr. Fleming continued, saying that as the Board may recall, we originally started the review process under the constraints of an injunction that was overturned in December 2012. In January 2013, the Town Board rescinded the completeness decision on the application due to the injunction being lifted and asked the applicant how it intended to proceed with the application due to the lifting of the injunction. The applicant requested that the Town suspend the proceedings and over two years of litigation ensued. Mr. Fleming stated that that is where we are tonight. He then asked the Town's legal counsel to outline what is needed to move this matter forward.

Mr. John Lyons, attorney for the Town, stated that he wanted to discuss three issues and added that the Town Board is the decision making body regarding this application.

Mr. Lyons stated that the first issue is completeness. He stated that Ms. Stolzenberg's review indicates that there are problems with the organization of the material.

Ms. Nan Stolzenberg, Planning Consultant for the Town, stated that she did a review of the material back in May and June of 2012. She discussed that process. Her recommendation at the time was that it was difficult to find information and that in her opinion there was still information missing. Ms. Stolzenberg said that the Town needed a clearer application package, organized in a better format that would identify where the information is in order for the Town Board to review it and effectively move forward.

Mr. Lyons concurred with Ms. Stolzenberg adding that perhaps she could put the materials together for the applicant if they needed her to.

Mr. Fleming added that some dated material needs to be considered as well. The Town Board agreed. He requested that the package be ready for the May 14 Town Board meeting if possible.

Mr. Andrew Gilchrist, attorney for Troy Sand and Gravel, questioned what information the Town Board was looking for? What package is the Board looking for?

Mr. Lyons directed Mr. Gilchrist to a list of requirements in the Zoning Law for Special Use Permits as a reference and then put the information requested in sequence for review.

Mr. Gilchrist stated that he is at a loss as to how it can be repackaged given the size of the land use application.

A discussion ensued.

Ms. Stolzenberg provided suggestions as to how to organize the materials required to be submitted.

Mr. Fleming agreed and added that the application needs updating and organizing for ease of review.

Mr. Lyons stated that the second issue has to do with the fact that the Planning Board process was suspended. He said that there are decisions that have to be made and that there was a suggestion made that perhaps there should be a communication between the Town Board and the Planning Board to decide how to proceed.

The Town Board commenced with discussion on the matter and agreed to have the Planning Board discuss the matter at their next meeting, May 12th and then reply to the Town Board at their meeting on the 14th of May.

Mr. Catalano suggested the letter frame the request.

MOTION No. 113: Ms. Richards made a motion to direct the Town Supervisor to send the Planning Board a letter stating that the Town Board is going to hold a hearing on the Troy Sand & Gravel Special Use Permit and invite the Planning Board to join in and participate in that hearing and request that a response be provided by the Planning Board prior to the Town Board Meeting of May 14, 2015.

SECOND: Mr. Goebel
All in favor.

Mr. Lyons continued with item number three stating that it is a matter of procedures regarding processing the review. He stated that it is in the interest of all parties to get to a decision without so many court visits and

that he would be willing to talk with Mr. Gilchrist to discuss time tables and help resolve issues.

Mr. Fleming stated that the procedural plan is all predicated on the two previous steps and that it may be determined at the next Town Board meeting.

MOTION No. 114: Mr. Fleming moved to direct that the Town's consultants to provide the Town Board with recommendations on procedural steps and timeframes relative to the Troy Sand & Gravel Special Use Permit for the Town Board to consider at the May 14, 2015 Town Board Meeting.

SECOND: Mr. Sears

POLL VOTE:	Mr. Sears	Yes
	Ms. Richards	Yes
	Mr. Goebel	Yes
	Mr. Rings	Yes
	Mr. Fleming	Yes

Mr. Gilchrist stated that he had nothing further and looks forward to discussing the matter with the consultants.

Mr. Fleming encouraged the Board members to review the tables that they received this evening from Ms. Stolzenberg.

Public Comment

Mr. Charles Sullivan, resident, asked for clarification on the second point inquiring as to whether or not the material already submitted would remain part of the application with clarification on the issues? He also wanted to know if when done, whether or not the new document would be considered the application? Mr. Sullivan stated that he feels that all should be considered.

Mr. Catalano stated that the totality of documents were to be considered with reorganization, no editing or revision.

Mr. Fleming concurred.

Ms. Karli Dwyer, resident, first requested affirmation that a Public Hearing with the Town Board would be held and second, questioned if

documentation previously given to the Planning Board by residents needed to be resubmitted to the Town Board? She also stated that notification for this meeting did not specify to discuss any other business that may come before the Board.

Mr. Lyons stated that those documents were already in submission.

MOTION No. 115: Mr. Fleming made a motion for the Town Board to go into Executive Session to discuss a pending personnel matter at 8:02 PM.

SECOND: Mr. Rings

All in favor.

MOTION No. 116: Mr. Fleming made a motion to come out of Executive Session at 8:30 PM.

SECOND: Mr. Sears

All in favor.

Adjournment

MOTION No. 117: Mr. Fleming made a motion to adjourn this meeting at 8:31 PM.

SECOND: Mr. Goebel

All in favor.

Respectfully submitted,

Sandra L. Rings
Town Clerk