

APPROVED
2/6/03 m3

TOWN OF PATTERSON
PLANNING BOARD MEETING
January 9, 2003
AGENDA & MINUTES

	Page #	
1) Appoint Vice Chairman	1	Chairman Schech appointed Board Member Montesano As Vice Chairman
2) Flood Site Plan	2 - 4	Board recommended to the Town Board to set a Restoration bond in the amount of \$5,000.00 in lieu Of the full performance bond and the associated inspection fees of \$1,300.00 Board granted Conditional Site Plan Approval
3) Schoen Site Plan	4 - 7	Board scheduled a public hearing for February 6, 2003
4) Bob Bell Site Plan	7 - 10	Wetlands were discussed, Dec Permit is required A variance from the ZBA is required with new proposal of house location
5) Hawks Aerie – Driveway relocation request	10	Board granted the relocation of the driveway conditioned on Rich Williams' memo dated 1/9/03
6) Other Business		
a. Tudor Site Plan	10-11	Board granted a conditional site plan waiver
b. Fox Run Water Treatment Plan	11	Board granted a conditional site plan waiver
7) Minutes	11 - 12	Board approved November 26, 2002 and December 12, 2002 minutes

CHAIRMAN
Herbert Schech

Secretary
Melissa Brichta

Town Planner
Richard Williams



PLANNING BOARD
P.O. Box 470
Patterson, New York 12563

MEMBERS:
Michael V. Montesano
David Pierro
Shawn Rogan
Russell Shay

Telephone
(845) 878 - 6319
Fax
(845) 878 - 2019

APPROVED
2/6/03 MAB

January 9, 2003 Meeting Minutes

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

Present were: Chairman Schech, Board Member Montesano, Board Member Shay, Board Member Pierro arrived late, Board Member Rogan, Rich Williams, Town Planner, Gene Richards, Town Engineer, Craig Bumgarner, Town Attorney and Ted Kozlowski E.C.I arrived late.

Meeting called to order at 7:30 p.m.

Chairman Schech led the salute to the flag.

Approximately 8 members in the audience

Rich Williams advised the Chairman that the Engineer for Hawks Aerie indicated that he would be here but I do not see anyone for Hawks Aerie so you may want to table it

1) APPOINT VICE CHAIRMAN

Chairman Schech appointed Mike Montesano as Vice Chairman.

2) FLOOD SITE PLAN

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Ms. Ryan stated we made a submission a couple of weeks ago in response to comments from Gene and the Planner and we received Gene's memo and it seems like there is just a couple of minor items that are left. We have the bond amount which we have no disagreement with. So, on behalf of the Applicant we are seeking site plan approval, conditional site plan approval tonight.

Chairman Schech asked did we have anything on Mr. Flood that he was not supposed to have seventy-five pieces of construction equipment for sale in front of the site.

Ms. Ryan replied it is on the site plan. That is a condition on the site plan.

Chairman Schech replied yes but it is there now.

Rich Williams stated it is un-enforceable until there is an approved site plan.

Board Member Rogan stated there were three or four there the other day that I saw on the left side.

Chairman Schech stated we need a motion on the bonds to start with.

Gene Richards stated we have given you a recommendation.

Board Member Rogan asked Gene if that is the seventeen thousand figure on page one of one on the Engineer's Estimate Report.

Board Member Montesano replied no Gene gave us a memo.

Gene Richards stated our numbers are behind the memo.

Board Member Montesano stated we need a motion the twenty-six thousand is the one, we need thirteen hundred for the,

Gene Richards stated no the bond amount, the full performance bond amount is \$26,000.00 and based on that the inspection fees which would be five percent of that amount is \$1300.00. Now, what the Board often does with site plans is allow posting of a restoration bond so if you want to entertain that we have also attached it. The restoration bond would be \$5000.00.

Gene Richards asked the Board if they would like him to go through the site plan review memo at all.

Board Member Rogan replied let's take care of the bond it sounds like they are on the bond issue right now. I am little unclear about the difference between a performance bond and a restoration bond. Are you saying that the performance bond is normally done to cover the, Gene Richards stated the full work, all the site work. Board Member Rogan stated but the Board has in the past if they felt comfortable with it just required a restoration bond which would be the amount required.

Gene Richards stated typically that is erosion controls. What a restoration bond will do is should something happen to the Applicant that he walks away from the project and it is under construction the Town could hire a contractor to go in and just re-stabilize the site get it all stabilized so it does not create any problems with drainage or erosion.

Board Member Rogan stated I guess then my question would be, what would be the criteria, what would the common sense criteria be for not doing a performance bond; the size of the project. Why wouldn't we just do restoration bonds all the time.

Gene Richards stated the performance bond again is based on the full site, all the elements of the site work. Our office is in charge of inspecting those elements so we need, you base the inspection fees on the percentage of the site work because we still have to go out and inspect all the site work to make sure that it is all installed properly. In order to have enough money for us to do that it is based on the full amount rather than just the restoration bond.

Ms. Ryan stated and the reason why we don't post the full bond amount on this project is because it is private. If it was a road that was going to be turned over to the Town or something like that then the full performance bond would be posted, right.

Gene Richards replied that is correct too.

Rich Williams stated if I could just clarify it a little bit more the reason for those elements within the bond amount that is calculated is there are statutory requirements. There are certain items within our Code that says you need to look at this, this and this for the bond. The reality is we are not going to go out there and build that site hence the restoration.

Board Member Rogan replied so the restoration would be for some unforeseen reason the owner walks away from the site we can go in and restore and stabilize the site until something happens with ownership and what not. Is that what the Board is comfortable with.

The Board replied yes.

Board Member Rogan made a motion in the matter of the Flood Site Plan that the Planning Board recommends to the Town Board to set the performance bond in the amount of \$26,000.00 with inspection fees of \$1,300.00 and further that in lieu of posting a performance bond that a restoration bond be posted in the amount of \$5,000.00. Board Member Montesano seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0.

Board Member Rogan asked Gene if he was going to go through his review.

Gene Richards stated when we reviewed the site plan there were a few things that were picked up on. Item one discusses the actual surface for the outdoor storage area. I believe the majority of the storage area is to be paved and that is either it is currently paved or there is some additional paving to be added and that is clearly indicated on the plan. The thing that is not indicated right now is the fact that there are others beyond the pavement which the surface is not specified and I think you know with what the Board has done historically you want some sort of a stabilized surface and what I would recommend is just that they specify a gravel surface for that. Item number two, talks about the swale that is shown at the rear of the site and that merely is a problem with the plan notation. The note says that is to be installed I believe at the edge of the tree line, the existing tree line but it is physically shown to go into the wooded area and Theresa's office has noted that the location that they are showing is based on a field fit to miss all the existing trees so we are not having the removing of trees and that certainly is the appropriate thing to do. So, all that I am asking is that the plan notation be corrected to represent that.

Ms. Ryan stated we are just going to take out the phrase add existing tree line because it really is not going to go there. It is going to go within the tree line but we placed it so that it would avoid some actual trees that are there. So, we will just take out that one line.

Gene Richards replied that is fine. Item three discusses the drainage that is going from this site to the Flood property to the north and apparently Insite has contacted the Town Attorney in the past and he has agreed that there is no drainage easements needed for that because it is all under the same ownership.

Ms. Ryan stated that was at the last meeting.

Craig Bumgarner stated in discussing this I recall it is because there is no specific structures going to be installed to redirect. It is just stuff existing, Chairman Schech stated it has been there yes. Craig Bumgarner stated as long as it is nothing new that is going to be discharging it is fine.

Gene Richards stated so really what I recommended in the memo is that the Applicant merely commit to providing positive drainage from this site to the point of discharge which will be that box culvert under the State road and I suggested a plan notation on page two that says whenever drainage waste exists across a property shown hereon which conveys surface water runoff the owner shall be responsible to maintain these drainage ways so that they remain free flowing and are not obstructed or in any way modified so as to cause stormwater to back up into the State right of way or otherwise impede the ability of the drainage system to function properly, and again that is just a note if it is added to the site plan then it is memorialized on the approved plans. Then Item four just talks about the bond estimate that has already been reacted to by the Board. That is pretty much it.

Chairman Schech asked are we ready for final on this Rich.

Rich Williams replied yes conditioned on Gene's comments.

Board Member Montesano made a motion in the matter of Flood Site Plan that the Planning Board grants Final Site Plan Approval conditioned on addressing the Dufresne-Henry memo dated January 9, 2002 and paying all outstanding fees. Board Member Shay seconded the motion.

Upon roll call vote:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0.

Chairman Schech asked is there anyone here from Hawks Aerie yet. No one was present.

3) **SCHOEN SITE PLAN**

Mr. Randy Neubauer, Insite Engineering was present representing the Applicant.

Mr. Neubauer stated I am here representing Dr. Schoen and his property located here at the intersections of Route 22, Route 164 and Old Route 22. I will just be brief I know we are familiar with the property. The latest site plan that you see before you is based on comments received back in November from the Town Planner. We did just get comments today from the Town Engineer. I have not yet been able to review those and of course they are not reflected on the site plan. There are a number of things that were done to address the elements by Richard Williams specifically it was discussed about the size of the opening on to Old Route 22 for the proposed driveway. We have narrowed the shoulder area. It was ten feet before and now I believe it is about six feet off of the edge of the road. We are not able to reduce the radius very much for either one of these for anticipation of any sort of inadvertent delivery which may come into the property in a larger type of vehicle including the large garbage truck, straight body garbage truck that will come in to take away waste. We felt this was giving ample room not to interfere with any traffic on Old Route 22 as well as anticipating that the majority of the traffic that will be entering the site is most likely to be coming off of Route 22 and therefore coming and turning left off of Old Route 22 and not needing as much room to slow down and turn from northbound on Old Route 22. I believe that you did receive a letter from Mr. Rossi's office reflecting the comments about the Special Use Permit and the willingness of Dr. Schoen to give that up as long as this application is acceptable to the Town. We have done some changes to the plantings as per the comments in this area (referring to the plan) as well as some additional trees as recommended by the Town Planner, a change in the type of trees. The frontage numbers have been adjusted based on our new location and where our front yard now lays. We also had provided at the last minute revised architectural elevations. They are basically the same elevations that you saw before just having a signature and a seal on it of a registered architect.

Chairman Schech asked didn't we have some more plantings that were going on the left hand side there on the property line.

Mr. Neubauer replied yes there are these additional trees, Scarlet Oaks.

Chairman Schech asked two.

Mr. Neubauer replied there is an existing Pin Oak which was proposed and the two as far as I understand were requested to be here on the west side, those are these two here two more Scarlet Oaks.

Rich Williams stated I recall from last meeting we requested from last meeting a couple of trees right along that area just to provide some additional shade to the parking lot, to try and cool off that parking lot a little bit.

Mr. Neubauer replied we put three more shade trees.

Chairman Schech asked that is going to be enough.

Rich Williams replied yes right over the line Dr. Kanouse's property there is a lot of trees unfortunately they are (unable to hear the rest of his statement). Yes I think that will be enough.

Chairman Schech stated Shawn you had some concerns about the grades on the corner there I think the last time where the septic is.

Board Member Rogan replied not that I recall.

Mr. Neubauer stated septic wise I believe they are looking for I guess a floor plan from the owner for our submission to the Health Department. That is supposed to happen possibly tomorrow if not Monday. The grading is pretty much as it needs to be for the Health Department and it will be reviewed by them further.

Chairman Schech stated so it still could be adjusted.

Mr. Neubauer replied absolutely.

Gene Richards stated Randy, excuse me one question for you, I just saw the architectural tonight; look at the floor to floor elevation on the architectural versus your site plan. You are showing eleven foot from finished floor to finished floor they are showing eleven foot from the lower level finished floor to the ceiling and then some dimension between the ceiling and the floor.

Mr. Neubauer replied okay I need to check that because I think we have a bit of a grading challenge coming around here.

Gene Richards stated that is not in the memo because I just saw the architectural tonight.

Mr. Neubauer stated actually I did not get to review your memo yet tonight.

Gene Richards stated what I would propose if the Board is agreeable is maybe you and I can get together at some point and we can just go through the site plan and review things generally and take care of a number of items.

Chairman Schech stated to Gene you have quite a few items on your memo.

Gene Richards replied (unable to hear his response).

Board Member Montesano stated they have drainage problems.

Gene Richards stated that for drainage I just noted that they had submitted a report previously on the earlier design and since it has been redesigned they will have to redo that.

Chairman Schech told Mr. Neubauer to get together with Gene and get all that squared away.

Mr. Neubauer asked could we just also request that you schedule a public hearing.

Rich Williams stated we actually just circulated for intent for Lead Agency and that should be up by the next meeting so you can address SEQRA.

Chairman Schech stated all right let's advertise for a public hearing on this for the next meeting.

Board Member Montesano made a motion in the matter of Schoen Site Plan that the Planning Board schedules a public hearing for February 6, 2002. Board Member Shay seconded the motion. All in favor and motion carried by a vote of 4 to 0.

Chairman Schech stated no Hawks Aerie yet.

Rich Williams replied maybe he decided not to come. I had told him that the comments were really minor.

4) **BOB BELL SITE PLAN**

Mr. Daniel Mack, Zarecki & Associates and Mr. Bob Bell were present.

Mr. Mack stated I am here tonight before the Board to give you an update on Mr. Bell's site plan. We have had the wetland boundary located by our retained Soil Scientist and we survey located it on the map to find out that our proposed expansion area is in fact within the wetlands as well as most of our work being within the buffer zone. I have spoken with the DEC and so has our Soil Scientist. We have to get them out there to verify the wetlands location as well as the Town of Patterson. Concurrently, my client wishes to move the house outside of the setbacks for an R-40 Zoning District. We would like to move the house to within twenty feet of the northerly property line and to within twenty-five feet of the front property line.

Chairman Schech asked is that according to Code.

Rich Williams replied no that would require you to go to the ZBA for a variance.

Mr. Mack asked could we do that at the same time, would the ZBA potentially grant a variance while still going forward with a joint application for a permit with the DEC.

Rich Williams replied yes they would.

Mr. Mack replied because I would like to show the house in its proposed location when I submit to the DEC because that would potentially move it further out of the buffer zone as well as it would be beneficial.

The Secretary stated unfortunately the next meeting is February because their meeting is next week for this month so it would be the third Wednesday in February actually they changed it to the end of February.

Chairman Schech asked the existing structure is how far off the front line.

Mr. Mack replied that it is probably thirty feet off the front property line.

Ted Kozlowski stated the reason why I have not been out there to verify is probably the same reason that the DEC won't go out there. It generally has been their policy that they won't check sites until the snow is gone for obvious reasons. I am waiting a little bit longer until we lose some of that snow.

Chairman Schech asked and they have to go out just to verify the line that is there now.

Ted Kozlowski replied yes and I don't know if it is Rory Jacobsen on this one but his policy has been strict that if there is snow he does not go.

Mr. Mack stated this is Doug Gaugler I believe his name was and we have already spoken to him and he won't come out because of the snow.

Ted Kozlowski stated that is their general policy.

Chairman Schech stated so you have time to go ZBA and get that squared away.

Mr. Mack stated what might happen with the DEC is they do favor or do permit something like this because it is the same owner it is not a developer that is doing this but they may require the septic system to drop back down to a two bedroom. It was the Putnam County Health Department that suggested that we go from a two to a three bedroom as an industry standard minimum but identifying the existing conditions as being a two bedroom home and the difference in size of the septic system that may be their request.

Board Member Rogan stated you can build a two bedroom house you just have to put in a three bedroom system.

Mr. Mack replied I believe our house plans are for a two bedroom house.

Board Member Rogan replied it is because that is the State Law that they design for a three bedroom system anything less would have required another waiver.

Mr. Bell stated I told them to put in whatever the biggest they could.

Board Member Rogan stated and the changes to this and I am sure you will have to check into it but would require a re-approval by Health Department.

Mr. Mack replied definitely yes.

Chairman Schech asked so the intent is to slide the house forward, slide the septic forward, Mr. Mack interjected I can't slide the septic too much further forward maybe five or six feet because I have our proposed well and then the neighbor's well.

Chairman Schech asked and you have the existing well there too right.

Mr. Mack replied that is going to have to be abandoned.

Chairman Schech asked isn't there one in the front.

Mr. Bell replied no.

Board Member Rogan showed the Chairman on the plan the proposed well and the one that is there.

Chairman Schech stated okay go to ZBA and get it square away and we are doing this for your benefit remember that. We are not trying to break your chops.

Mr. Bell replied I understand it is a learning experience Herb.

Mr. Mack asked when we obtain this permit from the DEC to construct this septic system within the buffer zone and have an expansion area declared encroaching on the wetlands is there any assurance that the Board can grant or give me that they would go for it or agree with DEC's ruling.

Ted Kozlowski stated I want to go on record that my recommendation would never be to allow the septic system in the buffer. That is the one thing, Chairman Schech interjected yes but that is not up to us. Ted Kozlowski stated I know I am just saying it is up to the Board to make a decision but you ask for my recommendation and I want to clearly go on record before the man spends any more money or anything like that. That is the Great Swamp DP 22 and that is the one thing that I oppose in wetlands, a septic.

Board Member Rogan stated it looked like the primary system was outside the wetland line.

Mr. Mack replied yes.

Board Member Rogan stated maybe you could look at the expansion area when you review it with the Health Department.

Mr. Mack stated the only information that I can add is that the existing septic system is within the buffer zone.

Eddie Keasbey stated it doesn't make it right.

Mr. Bell stated look, the fact that the trailer has been there, if I have an approval for the existing septic which is going in the exact same spot for a two bedroom trailer that will be there the only difference is there will be is a house versus a trailer. The septic is already in the wetland and it has been there for fifty-three years.

Chairman Schech asked we did look at putting the septic in the front and that did not work, right.

Mr. Mack replied the setbacks from adjoining wells are what keep the septic system design. It is pretty much right where it is that is the only useable area based on setbacks for the adjoining property wells.

Chairman Schech stated because the well we could slide into the buffer zone right, we have done that before.

Rich Williams replied right and so has DEC but trying to jockey the house and septic and everything else around with the adjoining wells it makes it almost impossible.

Chairman Schech asked which is the adjoining property owner.

Rich Williams stated you end up with a house in the wetland.

Mr. Bell asked which way.

Chairman Schech asked which adjoining property owner is this.

Mr. Bell replied Fuzzy Barrett.

Mr. Mack stated I don't have the Patterson Fire Department but I believe their well is justified in the north westerly corner of the property just across Burdick Road as well. I don't have that shown on this map because I already have those areas covered from our well and Mr. Barrett's well but I can check on that.

Chairman Schech stated just be careful what you do so you don't get stuck and lose a lot of money on this operation, get everything squared away before you start thinking about putting a house up.

Mr. Mack thanked the Board.

5) HAWKS AERIE - driveway relocation request

There was no one present representing the Applicant.

Rich Williams stated you have the plans before you, I also have a review memo, and essentially the Applicant is requesting a change in configuration and to push the house back farther on the property.

Chairman Schech stated which is no big deal. All they are doing is putting a longer driveway in.

Rich Williams stated the septic system is where it was originally approved and you are going to have to have an access road back there anyway.

The fire whistle was blowing so the Board took a short recess.

Chairman Schech stated all we are doing is extending the driveway; the driveway is going basically where the service road for the septic system was so there is no big change so let's have a motion.

Rich Williams stated well you have my memo before you about some concerns on the plan that they have to address so, Chairman Schech stated so condition it on Rich's memo.

Board Member Rogan made a motion in the matter of Hawks Aerie Subdivision that the Planning Board approves the driveway relocation contingent upon the six conditions in Rich Williams' memo dated January 9, 2002. Board Member Montesano seconded the motion.

A roll call vote:

Vice Chairman Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 5 to 0

6) OTHER BUSINESS

a. Tudor Site Plan

Chairman Schech asked what do we have on Tudor.

Board Member Rogan stated we just have to redo the motion.

Board Member Rogan made a motion in the matter of Duchon Site Plan, Tudor Investment Corporation that the Planning Board issues a Site Plan Waiver contingent upon the owner of the property completing the site plan improvements that were initially required and that the satellite dish does not exceed nineteen feet from the base. Board Member Montesano seconded the motion.

A roll call vote:

Vice Chairman Montesano	-	yes
-------------------------	---	-----

Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 5 to 0

b. Fox Run Water Treatment Plant

Rich Williams stated if you will recall a plan was submitted showing a proposed New York City DEP upgrade to the water treatment plant out there at Fox Run. At that time, some of the structures were what I perceived were within the setback requirements from the property line. In fact they were proven to be too close to the property line they have since redesigned the plan so the structures now have adequate setbacks from the property boundary. They had initially submitted a request for a waiver, if the Board is so inclined you can grant the waiver conditioned on the plan revised on January 2003.

Chairman Schech asked for a motion to grant the waiver.

Board Member Montesano made a motion in the matter of the Fox Run Water Treatment Plant Upgrade that the Planning Board grants a Site Plan waiver for the plan revised and submitted on January 2003. Board Member Shay seconded the motion.

A roll call vote:

Vice Chairman Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 5 to 0

7) MINUTES

Board Member Montesano made motion to accept the minutes of November 26, 2002 and December 12, 2002. Board Member Shay seconded the motion. All in favor and motion carried by a vote of 5 to 0.

Chairman Schech stated the Zoning Code we are basically trying to get together with ZBA.

The Secretary asked you are. I did not know that.

Chairman Schech replied I told Ed.

Rich William stated Ed never said anything to me about it.

Chairman Schech stated I asked him and he said yes but they are not comfortable with it yet and they are looking at it.

The Secretary replied I will find out at their next meeting.

Board Member Montesano made a motion to adjourn. Board Member Shay seconded the motion. All in favor and meeting adjourned at approximately 8:12 p.m.