

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
*January 27, 2005 WORK SESSION*  
**AGENDA & MINUTES**

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**Planning Board**  
**January 27, 2005 Work Session Meeting Minutes**

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

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Maria Di Salvo, Board Member Shawn Rogan, Rich Williams, Town Planner, and Ted Kozlowski, ECI.

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

3 Members in the audience

**1) BUDAKOWSKI SUBDIVISION – Public Hearing held open**

Rich Williams stated the public hearing is still open and because it is still open I put it back up on the agenda. I have not gotten anything from the Attorney.

Board Member Rogan asked but basically we are leaving it open until we get a determination from the Attorneys.

Rich Williams replied yes but there is a time frame, there is a limit as to how long you can leave it open.

Board Member Rogan asked do you know what that is off the top of your head.

Rich Williams replied I think it is a 120 days.

**2) SOUTH PATTERSON BUSINESS PARK WEST – Public Hearing**

Rich Williams stated South Patterson Business Park there is nothing new. At the last meeting the Planning Board scheduled a public hearing.

### 3) PADDOCK VIEW ESTATES SUBDIVISION

Chairman Schech stated Paddock View is just SEQRA.

Rich Williams stated they are on because they need a SEQRA determination to move forward with the other agencies. There was one other thing that I want to bring to your attention. Bill Clark and Nancy Clark were in to take a look at the plans and the materials.

Board Member Pierro asked that is the veterinarian adjacent to the project.

Rich Williams replied no these are the people across the street.

Rich Williams stated they wanted me to convey to the Board that the site had some archeological significance. The D.O.T. when they did the excavation through there actually did an archeological study and found some things and the Clark's thought that there were other artifacts that might have some value.

Board Member DiSalvo asked like what like an Indian burial ground.

Rich Williams replied I didn't get into it with them.

Board Member Rogan asked what does that realistically mean for the planning process.

Rich Williams replied well it is up to the Board whether you want to have them do a Phase I which could lead to a Phase II and a Phase III.

Chairman Schech asked is this Paddock View.

Rich Williams replied yes.

Chairman Schech stated the State did the one corner that is the only place they considered to be of any significance right.

Rich Williams replied I don't know. I told the Clark's; the Clark's said they tried to get the reports from the State as far as what they had found out there.

Board Member Pierro asked which corner did the State do.

Chairman Schech replied right on the corner of 311 and what do you call it.

Board Member Pierro asked yeah which side.

Chairman Schech replied on the right hand side as you are going towards Holmes.

Rich Williams stated again I don't know the extent of what the State did as far as an archeological study. I told the Clark's I would contact the State and see if I could get the reports or any additional information.

Board Member DiSalvo asked if the State saw some archeological evidence there why did they blast that rock back.

Chairman Schech stated they didn't find anything exciting. There used to be a building there at one time so they scratched around, scratched around and that was it and they left.

Rich Williams stated the way the process works that if you find something then you have to go in and take it out. It doesn't necessarily stop what you want to do. You could still in this case excavate everything out it is just that before you do that you have to go in there and do a full archeological dig and take everything out and catalog it.

Board Member Rogan stated which means they have to work around the dig for the time that it takes for them to do the archeological.

Rich Williams stated well in the case of a project like this it would actually stop the process until they dig until they got all the archeological analysis done. (Unable to hear the rest of his answer due to papers shuffling & tapping on the table).

Chairman Schech asked so you are going to check with the State because I don't think, they had no interest going up further they were just working on the corner.

Rich Williams stated I am going to check with the State regardless of this project but I told the Clark's I would bring it to the Board's attention they are feeling that there might be some archeological significance on the site. You decide what you want to do with it.

Chairman Schech stated if anything there would probably be archeological evidence on the Clark's side next to the stream.

Board Member DiSalvo asked what is the history of that property. It looked like it was a sheep farm or something at one time.

Chairman Schech stated that was years.

Rich Williams stated I don't know what the history is.

Board Member Rogan asked for something to be deemed an archeological find how old does it have to be.

Rich Williams replied you are getting in if you want I know somebody who could come in and talk to the Board who knows more about it. I have no idea honestly.

Board Member Rogan stated I have an old friend who is an archeologist and teaches for one of the schools down in Westchester and I could probably call him and ask that question.

#### **4) THE STEAK HOUSE (Formerly County House) Sign Application**

Mr. Troetti, Applicant was present.

Rich Williams stated we have an application in for the site that was formerly known as the Country House it is now known as the Steakhouse.

Board Member Rogan stated the sign inside says new name, new menu, same owner.

Mr. Troetti stated here I am.

Board Member Rogan stated which I though was good because people who see something new they don't know but if they like a place and they like the quality that is good.

Board Member Rogan stated the question that I would have it says Steakhouse 22 here but the sign says The Steakhouse I am wondering what the actual name of the facility is going to be.

Mr. Troetti replied Steakhouse 22.

Board Member Rogan asked but doesn't the sign say The Steakhouse.

Mr. Troetti replied no it says Steakhouse and in the middle of the bullhead it has 22.

Rich Williams stated the short of this is apparently there were a couple of signs out there all they did was resurface the signs. I did a historical research and could not come up with any prior sign applications for those two signs or any evidence that they were ever put up legally or not legally so it is kind of a gray area whether they are pre-existing, non-conforming. There was a plan, a survey that was done back in the mid eighties that actually did show the two locations for the signs so you know Jim just so you know our Code limits everybody along Route 22 having one side not greater than twenty-five square feet. What you have done is put up two signs that I think are thirty-two square feet.

Board Member Pierro stated you would have known that if you had done it the proper way and gotten the permit before you put up the sign.

Mr. Troetti replied I was not aware that the signs, Rich Williams stated but if the two signs were pre-existing, non-conforming,

Board Member Pierro stated well you got a driver's license before you drove a car correct. It is easy next time call the Town and check before you do anything.

Board Member DiSalvo asked what did he do just resurfaced it.

Rich Williams replied yes basically that is what he is maintaining that he just resurfaced the signs that were already there but I can't establish anything because they were probably put up with the French restaurant.

Mr. Troetti asked I have a question on that survey that I submitted there is a third sign location and I think that we determined by measuring it that it is the sign for the trailer park on my property which I would like very much to get removed because it is really a hazard to get out of the driveway.

Rich Williams stated if I recall the plan that I saw put the sign within the D.O.T. right of way and not actually on your property which means the D.O.T. would have to take it away. I know in the Building Department file there is some correspondence that you had made a complaint about the sign a long time

ago and John Calbo had talked to the Department of Highway and apparently there was some agreement that the mobile home park was going to move the sign back somewhat.

Mr. Troetti stated there was no attempt to do that.

Board Member Rogan stated so basically the issue is whether or not it is on Mr. Troetti's property or the D.O.T. right of way. If it is in deed in front of his property in the D.O. T. right of way then it is an issue between the D.O.T. and Mr. Troetti and the trailer park.

Chairman Schech stated yes but we are not talking about that sign right now we are talking about the other two right.

Board Member Rogan stated I am just trying to wrap this up so we don't get long winded on this. The other thing is if it is on his own property it is between him and the trailer park. Personally, I would recommend just writing a letter, being a gentleman about it, writing a letter and saying look this has come to our attention give you 30 days to move it otherwise we will something to that affect.

Board Member Pierro stated I don't think they can move it.

Rich Williams asked who can't.

Board Member Pierro replied not the owner can't.

Rich Williams stated if it is on his property with notice he can move it but if it is not if it is in the D.O. T right of way you might want to contact Paul Piazza and get him involved.

Board Member Pierro asked how many signs do we have at this location now.

Board Member Rogan replied two that we are talking about.

Board Member Pierro asked two for Steakhouse 22.

Rich Williams replied yes.

Board Member Pierro asked and what does Town Code provide for.

Rich Williams replied the Town Code if he wanted to put up a brand new sign today would limit him to one sign that is not greater than twenty-five square feet.

Board Member Pierro asked what is the square footage of the sign that we are,

Rich Williams replied each one is thirty-two.

Board Member Pierro stated well we can't approve it it is a violation.

Board Member Rogan stated the interesting thing is it is replacing what was existing.

Rich Williams replied I don't know this is what I put in the memo I can't with any certainty determine that

it is a pre-existing, non-conforming condition or not. Everything has to be black and white for me therefore it comes back to you. If you believe that it is a pre-existing, non-conforming condition and he is basically not enlarging it, he is just resurfacing it then you can approve it. If you are not sure then you need to maybe send this to the ZBA.

Board Member Pierro asked how many other times have we done exactly this.

The Secretary replied not many at all.

Board Member Rogan stated you are talking about replacing the signs as existing theoretically not even replacing the sign just re-painting it with a different.

Chairman Schech asked do you remember what the Frenchman had Mike.

Board Member Montesano replied L' Auberge had two, Board Member Pierro stated two signs plus the awning. Board Member Montesano stated two plus I think he had a third sign.

Chairman Schech asked the same size or.

Board Member Montesano replied yes because you had one in the middle that I remember and then there was like one on each end.

Mr. Troetti replied he had three when I came there was three.

Board Member Montesano stated I am trying to remember because when Jon was there Jon would always park next to the garage.

Board Member Rogan stated I don't have a problem with it but I don't want to step on Zoning toes are we circumventing them in this process.

Rich Williams replied if you are comfortable that it is a pre-existing, non-conforming condition then that is fine.

Board Member Rogan stated then no variance is needed.

Rich Williams replied right then you would make a decision and if somebody did not agree with that decision they would have the right to appeal that to the Zoning Board of Appeals.

Board Member Rogan stated it would be different if Mr. Troetti said look this is what I am planning to do, I am going to tear down these signs or if they were replacing considering the fact that they probably are exactly what was there except just re-painted. I have seen the signs I don't have a problem with them. They are not obtrusive, they don't change the character of that area from what I seen.

Chairman Schech stated and if they are pre-existing what are you going to do about.

Board Member DiSalvo stated I agree with Shawn.

Board Member Montesano stated I have no problem.

Rich Williams stated Mr. Troetti just so you know the Planning Board generally does not make any decision at this meeting. You have to wait until next meeting. It does not sound like they have an issues or have any additional questions.

The Secretary stated you can call the next morning if you want.

Mr. Troetti stated that is why I stopped in tonight because I can't make it next week.

Mr. Troetti thanked the Board.

## 5) DUNNING SUBDIVISION

Rich Williams stated they resubmitted plans addressing the last comments. There are still one or two issues that remain outstanding but they are really not significant. The one big significant issue is this that is now holding everything up is they have not yet submitted a final subdivision plat. I did talk to Dan yesterday I happened to bump into him. They scheduled with the Health Department to do deep hole tests today.

Board Member Rogan asked today they are doing some crazy testing for this time of year.

Rich Williams stated yesterday he got a phone call that they didn't think they were going to do the testing.

Chairman Schech stated do you want to try and do Burdick Farms so we can get rid of some of these people.

Rich Williams replied yes.

Board Member Rogan stated that would be fine.

## 6) BURDICK FARMS SUBDIVISION

Ms. Kristina Burbank, Kellard Engineering was present representing the Applicant.

Rich Williams stated we threw Burdick Farms on tonight because we got a letter from our Code Enforcement Officer concerning the road. I had talked to some of the Board Members about this awhile ago. Essentially, what it is, is the Code Enforcement Officer said that he is not happy with going with a fifteen foot wide lane, boulevard that he didn't want anything less than twenty feet.

Ted Kozlowski asked Code Enforcement or Building.

The Secretary stated it is the same.

Rich Williams stated the same thing.

Ted Kozlowski asked is it I thought Dapuzzo was.

The Secretary stated he is Code Compliance.

Rich Williams stated anyway Paul also said that actually the letter came from Dave Raines, Fire Inspector that he was not happy with the turning radius in the spaces, the intersections within the boulevard and that he thought the spaces should be more frequent and he also from the plan could not tell what fire protection measures the Board was implementing on the site and was asking the Board to respond to his memo.

Chairman Schech stated in my infinite wisdom I have been thinking about this which is bad, Rich Williams stated why don't you let (unable to hear too many speaking at same time).

Rich Williams stated there was some question about whether the Code actually whether the Building and Fire Code actually granted him the authority so I did send an e-mail up to the State and I did get a response back from the State indicating that yes they agree that the Fire Code Enforcement Officer has the authority to set the geometric design standards for roads including pavement,

Board Member Rogan asked authority or requirement.

Rich Williams stated he has the authority to establish the minimum standards that he feels are appropriate.

Board Member Rogan stated my first question because I read the e-mail and we talked about this is, can we confirm the person from the State and the reason I am asking is I can picture sending an e-mail to somebody up in the State because we e-mail State Health Department what are the Code requirements and you talk to three people and you get three clearly different delineations or definitions. I just want to make sure we are going on solid ground that we double check with the people that are giving us the answers especially if it is going to send us on a tangent, off a tangent.

Ted Kozlowski asked did they give you the actual Article, Code.

Board Member Rogan stated because this would seem to be something that would affect everyone, every Planning Board.

Rich Williams stated I did attach that section of the Fire Code which everybody was referencing so everybody could see it in black and white. I have a question in there it says one of the exemptions is for one to two family houses now you can take that to mean one or two family subdivisions being created with one or two family houses or you could take that to mean jus the individual driveways.

Board Member Rogan stated that is a big if.

Rich Williams stated yes but based on,

Board Member Rogan stated this would seem to indicate then that every subdivision, every project that we have has to be that the roadway has to be authorized by our Code Enforcement,

Rich Williams stated yes.

Board Member Rogan stated and basically we should turn the process over to them and say here you give us a design then we will work from it.

Board Member Rogan stated as scary as that sounds.

Rich Williams stated and take it to the next level is the State authorized the Town Board the legislative body to establish certain rules and requirements they have established certain road standards now the State gives one individual with no public hearing, with no public input, with no process to balance things off.

Board Member Rogan stated that is why I am leery of the information.

Board Member DiSalvo asked are we going to have a problem with every subdivision like Paddock View.

Rich Williams replied for the most part we have required twenty-four foot wide roads which I believe would meet the standard. I am hopeful that nobody is going to go the extreme to say this has to be an individual lane on a road, reading this you could almost take it that way but I don't think anybody is really going to push it that way but at one point I know the Planning Board was considering down sizing certain low use roads to eighteen foot wide this would preclude that. One project that is out there that is a gray area is the Budakowski's.

Board Member Rogan stated that is the one that I was thinking of.

Rich Williams stated we are doing a twelve foot wide lane going in there which hopefully eventually will be turned into a twenty-four but we don't know that for certain. I mean is Paul now going to step in and say it has got to be twenty foot from the get go.

Rich Williams stated we know for certain though and I think our basis for it is that we know that if further improvements were made to other properties we could use that and build it. We are basing our decision on well we only need twelve foot based on the use and we have a real good leg to stand on in that case to say further use of other properties, further subdivision or build out that would access this has to bring it up to that standard so I never felt like we lost our control in Budakowski I feel like we are building on something. We are saying that the use we currently are seeing maybe doesn't need that much. This whole situation getting back to the road standards and Paul,

Chairman Schech stated getting back to the road standards you got one agency telling us to cut down on the impervious surface now you got the Building Inspector telling us to increase it.

Board Member Rogan stated I mean I understand public safety but some of these requirements for turning radius, you know for being able to turn these trucks around in all these different areas it seems like they are getting a little, it is like a wish list versus a requirement.

Chairman Schech stated if you have an accident on 22 how wide is 22. They shut down the whole road.

Rich Williams stated and just to really take it to its conclusion is the standard is a minimum of twenty feet unless your Fire Code Enforcement Officer says he wants more so it could go anywhere.

Board Member Rogan asked now the requirements that they set kind of still are subject to SEQRA through our process because that is not its own individual process open and shut.

Rich Williams stated the way it is right now that is New York State Code and it is not subject to SEQRA.

Board Member Rogan stated well here is the other question then had David Raines not brought this up when would have someone said hey, you know there is this new ruling. Are they waiting for each municipality to find out on their own.

Rich Williams stated well everybody knows that they adopted a New York State Building Code. Everybody knows there was this whole big review. The problem is it is actually five or six books it is a very thick set of rules and regulations and I don't think a lot of people were really paying attention. It was mostly the Code Enforcement Officers which were given this authority for example; the new Building Code actually gives Paul the right to go out and tell you your lawn is too long.

Ted Kozlowski asked what.

Rich Williams stated yes there is a whole section of property maintenance, Board Member DiSalvo stated Yonkers has it, Rich stated Paul can go out there and tell you he doesn't like things the way they look on your property right down to the length of your grass.

Chairman Schech stated Dave Raines is a real nice guy and I think he is trying to do a half way decent job but he wants 30,000 gallons of water for each new house you know let's get real and he is leading him around by the nose.

The Secretary asked if he says twenty foot on this one but the next one that comes in maybe he won't say isn't there something there can he be all over the place.

Rich Williams stated I mean all decisions should have a reasonable relationship as to what you are doing and be consistent but again, this is a unique, Burdick Farms is a unique situation where we are doing a boulevard with two lanes going in and out and typically we are doing twenty-four foot wide subdivisions which I believe would meet their requirement and they would not be looking for anything more than that. Bringing it back to Burdick Farms this raises the issue now that we are creating an additional basically eight to ten feet of additional impervious surface running down through the road.

Board Member Rogan stated that they really don't see the benefit of from a fire standpoint or from a safety standpoint because each individual lane isn't wide enough is what they are saying. They are not looking at the cumulative.

Rich Williams stated at fifteen feet they are not wide enough at twenty feet he wants a minimum of twenty feet.

Board Member Rogan stated after Rich and I talked about this I went because this bothered me quite a bit and on the way back to the office I stopped off at the 312 Dykeman and unfortunately I didn't have a tape measure with me but my boot is a pretty good twelve inches and I thought that each lane was eighteen feet with a seven foot median. You are getting into a lot of pavement but it didn't look to me but when I drove in I said wow it didn't look as wide as I would expect it.

Ted Kozlowski stated it doesn't look bad.

Board Member DiSalvo stated and there is thirty-two houses there I counted them.

Board Member Rogan stated now I am starting to say you get eighteen, twenty foot wide on each side look at all that impervious surface you are creating or you are increasing and what this makes you start to realize is are we looking at this wrong. Should we just be saying to ourselves would not a twenty-four foot wide roadway built in the same location as we are showing serve the same purpose. My thought was always that the median gives you the separation therefore if one part were to shut down you have the other. What kind of an accident shuts down twenty-four foot wide granted I realize what Herb said on 22 an accident they shut down the area but that for ideal fire suppression and getting things done that does not mean that if there was an accident that you couldn't get around it or by it so I don't know what the answer is on this.

Board Member Montesano stated look at it this way, the Bridge Authority when they had a jumper on the southern part of the bridge they shut down both, Board Member Pierro stated they shut down both lanes. Board Member Montesano stated not both lanes both bridges not the object of the second bridge was so that traffic could be diverted to the other bridge and shut one down in case of emergency they shut both down so the convening authority that shows up is the person that is going to tell you what will be done. Route 84 the other day during rush hour was shut down because they had an accident until someone got there and let people have a lane to go by there is an awful lot of traffic backed up.

Chairman Schech stated okay let's discuss the alternatives here. How about one alternative suppose we run a boulevard in twenty foot wide for a hundred feet then converged two fifteen footers to a thirty foot wide "boulevard" although they are abutting each other.

Board Member Rogan asked in other words with no median.

Chairman Schech replied with no median for the remainder of the run until we come to the regular road.

Board Member Rogan asked so in other words, you are talking just the actual separation for say the first, Chairman Schech stated first hundred feet so we could call it a boulevard. Another one is we would have to put the bridge through the wetlands again.

Board Member Pierro stated that is not happening.

Board Member Rogan stated what you are saying is not a bad idea though.

Board Member Pierro stated that is not happening.

Board Member DiSalvo asked give the illusion of the boulevard.

Chairman Schech said to Board Member Pierro I don't want it to happen because I gave these people basically my word about the boulevard.

Board Member Rogan stated well we all seemed to steer towards that. That is basically the same thing as doing a twenty-four foot wide the whole way only you are extending it to thirty feet.

Rich Williams stated yes I mean why create the illusion.

Board Member Montesano asked run all the way to the end I thought it stops about three quarters of the way up.

Rich Williams stated there is very little reason to create the illusion. The illusion doesn't accomplish anything. You are doing this for really substantial reasons. Really the options are to go with the twenty foot wide lanes, to go back to the bridge crossing it gives you another way out,

Board Member Pierro shaking his head no.

Rich Williams stated to Board Member Pierro I know you don't like it but you know you have to balance everything Dave.

Board Member Pierro stated it is not happening. Let's take it off the table okay.

Board Member DiSalvo stated we can't.

Rich Williams stated I am going to give you all your options.

Board Member Pierro stated let's take it off the table.

Rich Williams stated or you have already gone down the road about we are not going through there, we want to minimize impacts and the hell with the standards and go with a twenty-four foot wide road all the way back.

Board Member DiSalvo asked can they do a twenty-four foot wide road.

Board Member Rogan replied of course because we are already doing more than that with the fifteen and the fifteen, two fifteen's but with the median it is wider.

Board Member Pierro stated we are actually reducing that impervious surface.

Board Member Rogan stated and we are actually reducing the amount of disturbance.

Board Member DiSalvo stated now Dave and Paul are saying to widen it again.

Board Member Rogan stated no what they would say is twenty-four foot wide would be fine but they would say secondary access.

Rich Williams stated I don't know that they would say secondary access. They are not saying secondary access now. All they are saying is that we want a twenty foot lane.

Board Member Rogan stated quite honestly if Dave Raines says hey, the twenty-four foot wide I am satisfied with the ability of fire protection and being able that is what we are all shooting for here. We are trying to come up with solutions to meet their needs that we figured a boulevard would calm some of their fears that we would have traffic blocked off and no way to get to the back of the subdivision. We are pulling houses forward to reduce those fears. Going back to the crossing scenario you don't have any justification for pulling those houses from the back area up because your justification was we don't want to make the road any longer than we have to. The part about throwing the Code out the window for the length I can go with based on a case by case scenario if you can say why you are doing it. In other words if each case is individual you have a Code that is a guide, a Code to me isn't an absolute. It is something that you

base everything on. It starts from here and then if you can state why you are modifying or going away from the Code with justification to me it makes sense.

Ted Kozlowski stated if you had a road, twenty four foot road or two fifteen what would be a scenario of a cataclysmic event that would block that road.

Board Member Pierro stated short term a structure fire, a home fire,

Board Member Montesano stated are they, Board Member Rogan stated wait a second let's finish one conversation,

Ted Kozlowski stated it is a subdivision with no through way through it so you are not having tanker trucks, you are not having the traffic that you have on Route 22.

Board Member Pierro stated right but you have local access.

Ted Kozlowski stated the houses are all going to be setback off the road okay,

Board Member Pierro stated right we are not talking so large of a site not to interrupt you but we are not talking about so large of a site where if there was a fully involved structural fire midway that somebody couldn't get out of their car on the twenty foot side of it and walk home. I mean it is not a major inconvenience. You don't have a through road.

Ted Kozlowski stated what I am saying is what would occur there, what realistic event would happen on that road to block emergency vehicles from getting through.

Chairman Schech stated this is not the point.

Ted Kozlowski stated but what would.

Rich Williams stated a hundred years from now trees have grown up on the site and one blows over because you are planning not for now but you are planning also for in the future. Two cars meet head on, collide, gas ruptures all over the road that is going to close the road. Everybody gets hung up on the emergency aspect. You create connectivity between your highway system more than just emergency that is always usually the prime element that everybody is looking at but you do it for highway maintenance and delivery services and just to spread out your traffic patterns. I mean there is a lot of different reasons why you promote connectivity.

Ted Kozlowski stated Rich I understand that but we are talking I am looking just specifically at this project and how it is laid out and looking at the best way to do this environmentally, aesthetically, economically all those things and it keeps coming back to the fire.

Chairman Schech stated well I thought we had this all nailed down until this new thing came up.

Board Member DiSalvo asked how did this new thing come up.

Ted Kozlowski stated and quite honestly I don't care if I am on the record I am tired of hearing about the Fire Department.

Chairman Schech stated they have been doing some reading.

Ted Kozlowski stated and 30,000 gallon tanks and all this other stuff it is just I think it is getting out of hand I am sorry I just do.

Chairman Schech stated you can't say that I am an ex-fireman I can say that.

Board Member DiSalvo asked how do you feel about it as an ex-fireman.

Chairman Schech replied I think it is ridiculous.

Ted Kozlowski asked when does it end and when do you make it so costly because this is going to ultimately be thrown upon, these costs are going to be thrown on the next people moving in there talk about affordable housing now it is just crazy.

Rich Williams stated Paul and I have constantly been fighting over this issue where he is looking to have 10,000 gallons ever fifteen hundred feet throughout the Town.

Board Member Rogan asked throughout the whole Town.

Rich Williams replied yes.

Ted Kozlowski asked just out of curiosity what other towns are doing this. Is this happening all throughout Westchester.

Board Member Pierro stated it is part of the State Code isn't it.

Rich Williams replied no.

Board Member Pierro asked doesn't the State Code mandate a certain number of gallons.

Board Member Montesano stated Paul has an agenda that he wants the Town to become some kind of cockeyed.

The Secretary that is ISO.

Rich Williams stated there is the ISO, Board Member Montesano stated that will theoretically lower insurance rates.

Board Member Pierro stated well why don't we have Paul come to a meeting with Dave Raines.

Rich Williams stated I think Paul and Dave are coming to a meeting because they are very unhappy that they did not get any water supply at Thomas and that they don't see any water supply on Burdick Farms.

The Secretary stated they waited too long, they had the plans.

Board Member Rogan stated that is not fair either for them to say they have the plans. I have said for two and a half, three years now that I have been on this Board that Paul should be at every meeting I don't care and the Town would pay for it. He should be at those meetings.

Board Member Montesano asked has he explained if we give him a twenty foot lane is he going to allow one lane of traffic or two lanes of traffic in that twenty foot lane.

Board Member Rogan stated coming and going.

Rich Williams replied I don't know.

Board Member Rogan asked is that what you are talking about.

Board Member Montesano stated that is what I am asking.

Board Member Pierro stated we can design it any way we choose. We can have a painted median.

Board Member Montesano stated excuse me we don't know.

Rich Williams stated I don't know.

Board Member Montesano stated we don't know he said twenty foot lane. If we put in a twenty foot lane and take out the divider that is fine to us.

Board Member Rogan stated we are talking twenty-four now.

Board Member Montesano stated but we don't know if that is for one lane of traffic or for coming and going traffic.

Board Member Rogan stated but Town Code is 24 so we would be okay with that.

Board Member Montesano stated the Town Code but he seems to be overriding the Town Code.

Rich Williams stated Mike, it has been this way for years and years 24 foot wide I imagine that if he decided on his own that he was going to push the standard to forty feet for pavement around here that we would probably find a new Code Enforcement Officer and I don't think Paul is that crazy nor do I think he is looking for that. I think a twenty-four foot wide road will be fine.

Board Member Montesano stated I would like to have him tell me that is what he is going to do rather than wait.

Board Member Pierro stated let's have him at a meeting and let's ask some important question.

Board Member Montesano stated rather than have him come back in six months and say you didn't tell us.

Board Member Pierro stated fine let's have him at a meeting because I don't understand quite frankly, I don't understand why it took so long and what the motivation was behind this and who may be steering them. I don't understand it and I want to find out.

Rich Williams stated Dave, let's back this up a little bit I can answer some of that for you. This boulevard concept is relatively new. Once he saw the boulevard concept he said right from the get go I am not taking anything less than twenty foot lanes and I said put it in writing and back it up give us chapter, verse of why you think twenty foot is appropriate. He is just getting around to doing that.

The Secretary stated but on Thomas they let go it came in after the approvals right.

Board Member Pierro asked isn't there standing water on Thomas isn't there a pond site in there.

Rich Williams replied no.

Board Member Rogan stated Dave I agree with your feelings on the bridge alternative but it is part of our environmental impact statement so it is off the table in our mind but it is still part of the review so just keep that in mind too.

Board Member Pierro stated I am not happy with the bridge, addressing that in anyway shape or form and I have got to tell you the Developer is not, if we are going back to that bridge the Developer is going to be very unhappy with the lot count because that project is going to be shortened up tremendously.

Rich Williams stated we have a lot to get through tonight so let me try to bring this to some sort of resolution on this particular issue. I mean if you want to bring Paul in later that is fine.

Board Member Pierro stated I want to bring Paul and Dave in.

Rich Williams asked on this particular issue do I understand it is the consensus of the Board that they are really not interested in considering the bridge concept going out another way.

Chairman Schech stated yes.

Board Member Rogan stated yes.

Board Member Pierro stated it is not happening.

Rich Williams stated okay now that leaves us with two alternatives unless somebody has another alternative. One is to just say the hell with the divider and go with a straight twenty-four foot wide road all the way down through here or the other one is to go with twenty foot lanes. What do you want to do.

Board Member Rogan asked can we, we were looking at two fifteen foot wide lanes, Chairman Schech stated with a divider, Board Member Rogan stated with a divider which theoretically took up the space of thirty-six, thirty-seven feet would it be worth going overkill instead of twenty-four foot wide would it be worth looking at actually the open space available. It may not be delineated as driving space but the open space available to thirty feet.

Board Member DiSalvo asked people's front lawns.

Board Member Rogan stated I don't like the idea of creating more impervious surface because I know of the stormwater but what I am thinking is if twenty-four, offsetting the idea that you are going over Code, offsetting the idea that you are going over 1500 feet.

Rich Williams asked going for a twenty-four foot wide road with ten feet median grass strip.

Board Member Rogan stated no more impervious surface between what is delineated as the driving almost like a shoulder like you see an extra paved area between actually where people's lawn start and curbing, Board Member DiSalvo stated like a sidewalk. Board Member Rogan stated a sidewalk so in other words let's just envision a normal painted road, you have got a center yellow line even though it is not going to be painted that way, then you have a white line, from the white line to the grass you have say four feet, whatever it gives you a little bit of extra room over the course of the whole paved area,

Board Member Pierro stated grass pavers.

Board Member Rogan stated no I mean paved not even grass pavers but it is not taken into account for when people are driving up and down the road they are not driving over in that area but yet in the event of an emergency you have that extra space available, paved area because you were going to have that anyway. You were going to have thirty feet.

Board Member Montesano stated a break down lane.

Rich Williams stated let me try and say it so that I have got it in my head. You want a twenty-four wide road and then say five or six feet on either side that is a grass area that is drivable.

Board Member Rogan stated no I am thinking fully paved. In other words, the road I am only throwing this out it just came to my mind because we were already looking at thirty feet of paved area so from stormwater we are already at that point. If we kept to that thirty feet but delineated twenty-four feet within or less within whatever is needed for driving the other area is kind of you called it what Mike,

Board Member Montesano stated a break down lane.

Board Member Rogan stated in other words you give people an idea this is where we want you to drive in and out of the subdivision the rest of the space is space that is available the unfortunate thing is people end up parking in it and it ends up off street parking.

Board Member Pierro stated on occasion or they wind up putting snow in it too.

Ted Kozlowski asked would it make sense that maybe all you guys and lady go down to the Brewster site and take a look at that boulevard.

The Board replied we have.

Ted Kozlowski stated together just take a measurement and see how it works, how it looks aesthetically.

Rich Williams stated I did measure it, Shawn has measured it.

Ted Kozlowski stated I know but you haven't done it as a team maybe that is better to do.

Rich Williams stated well we are trying to wrap this up because,

Ted Kozlowski stated you could wrap it up as soon as tomorrow if you wanted to meet.

Chairman Schech stated I don't think we have to look at it.

Board Member DiSalvo stated the median doesn't go all the way up. It goes to the top of that ridge.

Board Member Rogan stated I will tell you one thing I do like the aesthetics of the boulevard. I think driving in it does give you a sense of separation between lanes. It is something that can be an aesthetic enhancement to the subdivision if done right. If done poorly forget about it. It would be an eye sore, nobody maintains it with cigarette butts in it.

Board Member Montesano stated I have an easy alternative without making too much impervious we do the same thing New Jersey did . You put a rail in the middle of the road about sixty miles long so that the firehouse on that side of the street has to get across the street they have to go down the other forty miles

Board Member Rogan asked so Rich you were saying.

Rich Williams stated rather than have all that additional impervious surface why not get rid of curbing the shoulders and I am just trying to think I don't know if it is going to work with drainage and just have like five foot or ten foot grass shoulders that are designed to be drivable.

Board Member DiSalvo asked who is going to maintain them.

Rich Williams replied the Town they would be part of the highway system, Charlie would go out there.

Board Member Rogan stated I am up for anything that would give requirements for safety and also the little bit of extra space that really would warrant our action for approving something that much longer than the Code.

Board Member Pierro stated I think there are certain inherent benefits about environmental issues by not going through the wetlands that would sort of justify our expansion of the impervious surface.

Board Member Rogan stated absolutely.

Chairman Schech stated if we take the road, keep the thirty feet just do away with the median run that up to a point where it was going to end, go back down to the twenty four foot and go with that and that is it period.

Board Member Rogan stated I am fine with that. That seems reasonable.

Rich Williams stated okay give it to me.

Board Member Pierro stated I don't see the benefits.

Chairman Schech stated we are not increasing the impervious surface.

Rich Williams asked you are going twenty-four foot wide.

Chairman Schech stated no we are going to a thirty foot road, we have a thirty foot road here now with the median.

Rich Williams stated thirty foot with no median, Board Member Rogan stated from Bullet Hole Road to the beginning of the, Chairman Schech stated the beginning of the twenty-four foot wide road.

Rich Williams asked you are going thirty foot wide,

Chairman Schech stated right.

Board Member Rogan stated then twenty-four all the way around.

Chairman Schech stated then twenty-four around, Board Member Rogan stated the loop.

Rich Williams asked and how about the edges not worried about the edges.

Chairman Schech stated no because this is what they want, it decreases the impervious surface.

Board Member Pierro asked but how much curbing, how much does that contribute to impervious surface.

Rich Williams asked curbing.

Board Member Pierro replied curbing.

Board Member Rogan stated curbing doesn't.

Board Member Pierro asked so why are we eliminating the curbing.

Board Member Montesano stated it would probably get eliminated the first plow time.

Rich Williams stated the only reason you would eliminate the curbing is to give additional room on either side for traffic to get around. You could design it so that it looks like grass but there is a harder surface underneath that would be suitable for driving in emergency conditions.

Board Member Rogan asked isn't the concern though keeping the water draining down into your catch basins and stuff. So, anyway there is a lot of issues still but I think we have got to at least hammer down a different way to go with this and it sounds like we have kicked out a solid idea.

Chairman Schech stated we are giving them what they want, do away with the median, they can't complain about the width of the road.

Board Member DiSalvo stated they will come back with something else then.

Rich Williams stated well listen they want a hell of a lot of water put in the ground out there.

Board Member DiSalvo stated yes that takes care of one and two but item number three.

Board Member Rogan asked what was item number three.

Board Member DiSalvo stated the tanks.

Ms. Burbank stated in all fairness when we presented the plan for the boulevard concept it was conceptual. We had full intentions of providing water at the level that we previously proposed. I think it went up in his last memo.

Board Member Pierro stated yes.

Ms. Burbank stated there has got to be some kind of negotiation about that.

Rich Williams asked who went up.

Ms. Burbank replied Paul in the last memo.

Rich Williams stated Paul went to thirty he went down.

Board Member Rogan stated he said three, thirties he wanted originally.

Rich Williams stated yes.

Board Member Rogan stated to Ms. Burbank he wanted originally three, 30,000 gallon tanks because on the old plan we had placed them and we were talking about access and turning radius and all that stuff.

Rich Williams stated but the Board I think has traditionally been talking about ten, Board Member Rogan stated three ten's. Rich stated yes.

Ms. Burbank stated I think our last submission was twenty (unable to hear her statement).

Chairman Schech asked what does the Code call for in that do they specify.

Rich Williams replied I don't know of any requirements. There may be something I have not seen anything.

Board Member Pierro stated there is plenty of standing water within less than a quarter of a mile of the roadway entrance.

Rich Williams stated well to get off topic again this is the debate that Paul and I have been having. He wants to go with an ISO standard which says that you have got to have it within fifteen hundred of a residence actually. I want to go with an NFPA standard which says the water that you have to provide on a subdivision is based on a complex formula which accounts for your ability to haul water.

Board Member Pierro stated right and that is, Board Member Rogan stated I mean we talked about a dry hydrant at Shkreli property.

Rich Williams stated and it is in.

Chairman Schech stated the two wells that you have up there that you are not going to use,

Ms. Burbank stated it is too far.

Chairman Schech stated what are you going to do with those two wells just abandon them.

Ms. Burbank replied yes.

Chairman Schech stated what they can do is use those to fill up the tanks.

Board Member Rogan stated then you would need an access road and we want to avoid that I would just prefer abandon them, fill them with concrete.

Chairman Schech stated and let the fire department fill the tanks.

Board Member Rogan stated well that is what you had said I thought that was what we wanted.

Rich Williams stated Kristine are you okay with all this.

Ms. Burbank replied I am okay with the first part can we go on to schedule. will give some considerations relating to the design implications of the thirty foot road.

Board Member Rogan stated you are taking the concept that we have and just, Chairman Schech stated at least you won't have to increase the pond size.

(Too many talking at same time unable to transcribe).

Board Member Rogan stated we all really like where we ended up with the boulevard concept and pulling things forward. I still think a one acre lot is a small lot (unable to hear too many speaking at same time).

Rich Williams stated I had talked to the Board previously about having a special meeting to decide whether the SEIS on Burdick Farms was complete, Tuesday the 15<sup>th</sup>.

Board Member DiSalvo asked we are not going to be complete if we don't have an answer with this.

Board Member Pierro stated I think we are putting the cart before the horse. We haven't discussed this with Paul and Dave Raines.

Rich Williams stated you just went with a thirty foot road you think they are going to want a forty foot road.

Board Member Pierro stated things change around here amazingly sometimes things change around here and I think we ought to not put the cart before the horse and let's talk to them. Let's have them in on a meeting.

The Secretary stated then you will have to do some sort of special meeting with them to get it all in.

Board Member Pierro stated fine.

Board Member Rogan stated not necessarily can we have them at our meeting next Thursday night.

Rich Williams stated you have a lot on it.

The Secretary stated you have to check with Dave's availability because I think he does work nights also.

Board Member Rogan stated you know what at this point we have already kicked around the ideas let's just send them the idea.

Board Member DiSalvo stated they are not going to get back to us right away look how long it took to get this.

Chairman Schech stated as it is working here why don't we get the Town to appoint them to the Planning Board we are allowed to have seven members.

Chairman Schech stated okay so we are pretty well set on this right.

Chairman Schech stated as far as I am concerned I don't know about everyone else go with the thirty foot and the twenty-four.

Ms. Burbank asked Rich can we talk about SEQRA since we submitted.

Rich Williams replied I tried to and I didn't get exactly get very far if you want to take a crack at it be my guest.

Ms. Burbank stated I think that even if you are kicking around with the Code Enforcement and Fire Department that you can still if you were willing to consider deeming the document complete and moving along much of this doesn't have to do with the status of what is in the document then furthermore I think that you have to take action in a certain number of days based on submission.

Rich Williams stated I agree with what Kristine said on the first part the second part there is no real time frame as far as deeming it complete. Once it has been deemed complete then you do have some time frames but you can't just sit on it forever either.

Board Member DiSalvo stated no but little things keep popping up.

Board Member Rogan stated no one wants to sit on it at all with a change to the road would it not be foolish to deem, I am sorry I am at a loss for words and that does not usually happen, Board Member Pierro stated the DEIS complete, Board Member Rogan stated the DEIS complete without the information in it pertaining the way we may go with this. It seems like you would want that as part of the document it would seem like it would make your case that much stronger for giving a findings statement that the findings that you were going to go with was in the complete DEIS.

Rich Williams stated the SEIS evaluated the impact (unable to hear)

Ms. Burbank stated in the FSEIS.

Rich Williams stated it does look at the total impact from a much bigger project. You are now scaling it down similar to you approve a preliminary plat and as you are going through and you are developing the engineering and you might end up making some changes as long as they don't exceed the impacts that have been evaluated you haven't corrupted the SEQRA process where you have to do it over.

Board Member Pierro stated and my concern is too is we have got new projects coming up around this site and as we all heard at the last meeting we may be getting an application for Fox Run pretty soon and that has some.

Rich Williams stated we have got that.

Board Member Pierro asked you got an application.

Rich Williams replied yes.

Board Member Pierro asked when.

Rich Williams replied today.

Board Member Rogan stated what would scare me more falling under the gun of a time frame of deeming it complete and then having to act on it without having a response back from David or Paul and then having something change again and having to make a decision. The decision would be that if the boulevard concept doesn't work the other two are going to be denied and I don't think that they want to go down that road either quite honestly. I think now we are looking at a time frame that is getting smaller and smaller because we are getting to a point where the whole Board is comfortable with an idea and I think mitigated a lot of concerns. We made a lot of people's concerns go away.

Board Member Montesano asked can we check with Anthony as to with this nonsense going on with these two gentlemen.

Board Member Rogan stated that is a great idea.

Board Member Montesano stated who suddenly come in to find out if we send them a letter stating you have ten days to respond would that cover us if we proceed or are we sitting here waiting for a brick wall to suddenly be built seventy feet high by two people that are two feet high.

Rich Williams replied if you want I can check with Anthony however I can also answer that the Code Enforcement Officer and the Building Code is not under any obligation to address any issues with the Planning Board. So, simply sending them this is what it is going to be if you don't respond in ten days he could care less.

Board Member Montesano stated then we are wasting our time.

Rich Williams stated and ultimately it all gets down to when the project comes in he is going to take a look at it and he is going to issue building permits or not.

Board Member Montesano asked then what are we wasting our time for is my point right now. I feel that we are sitting here, we have made all this progress to move ahead and now we are being held up by two

guys that suddenly come up with brainstormers from where I don't know. I want to find out legally how obligated are we to this thing.

Chairman Schech stated we think we are correct in doing what we are doing, we are giving them what they want right basically.

Board Member Montesano asked are we, we don't know neither one of them are here.

Chairman Schech stated they can't change their mind every five minutes.

Board Member Pierro stated you never know it depends on who talks to him next.

Rich Williams asked who do you think has been talking to him.

Board Member Pierro replied I don't know somebody is because he is not that smart.

Board Member Montesano stated I want to know this ISO nonsense or whatever the hell this thing is that is supposed to lower your insurance rates it could cost us millions of dollars in time and effort and everything else while they are playing this I am Robin Hood and I am going to save the world.

Rich Williams stated well I mean there is another option to all this which the gentleman, Chairman Schech stated that is illegal though, Rich Williams stated which the gentleman put in his memo which we have not talked about and that is we can just go down the road of a fifteen foot road and seek waivers, see variances but

Board Member DiSalvo asked variances from who, for every homeowner.

Rich Williams replied I am not sure he referenced a Code where we go by there were two sections of Code referenced that we could apply for a variance.

Board Member Rogan stated the problem is not having support locally for it. It is tough to get a variance.

Rich Williams stated if we don't have the local Code Enforcement Officials support odds are it is not going to fly.

Board Member Pierro stated no I don't want to travel that route.

Board Member Montesano stated you are shooting blanks here and it is a waste of time.

Board Member Rogan stated sometimes the best ideas are not able to be done. Sometimes you have what looks like a good idea and it doesn't fly it doesn't mean you don't try another good idea.

Rich Williams stated I could confirm everything with the State but,

Board Member Montesano stated I would like to know what the rules are before I am going to sit there and go through this nonsense.

Board Member Rogan stated only Rich because I have seen it happen time and time again with State agencies speaking from a County agency you get what seems like a set in stone response from one individual and you get something different from someone else based on what they are reading they interpret it.

Rich Williams stated okay so where does that leave us in the review of the SEIS. What does everybody want to do.

Board Member Rogan stated I agree with Kristina's notion that we can still review the document and I think that we should still strive to complete the review of the document by the date that you said however I think we should hold off on even if we agree that it is complete on waiting to see at least getting some kind of a nod of approval from,

Rich Williams stated once you deem it complete then you are locked into a time frame.

Board Member Rogan stated that is why I am saying I don't think that we should deem it complete until we are set in what we are doing here but at least we will have set a date because otherwise quite honestly if you say that I have another month and a half to review it I am not going to look at it for another three weeks because of Patterson Crossing and other things.

Rich Williams stated I want Dave sitting down for this (Board Member Pierro stepped out for a phone call).

Board Member DiSalvo asked so you are going to send Paul and Dave a memo and then,

Rich Williams stated saying this is what the Board has determined.

Board Member DiSalvo asked and then we are going to have them in at a work session.

Rich Williams stated and we would like your response, Board Member Rogan stated well I don't think, Rich stated let me finish, wait let's get Dave.

Board Member DiSalvo stated don't make it too strong because you know what happens with that it goes to the bottom of the pile then.

Rich Williams stated without Dave being here right now is everybody else okay with having a special meeting on the 15<sup>th</sup> a Tuesday night.

Board Member Rogan stated I don't think we need to.

Board Member DiSalvo asked let's see if we get a response.

Rich Williams asked why not.

The Secretary stated our agenda is full.

Board Member Rogan stated no that is not what I meant. What I meant was I thought that the 15<sup>th</sup> meeting may be premature.

Rich Williams asked is everybody okay with meeting on the 15<sup>th</sup> if we decide to have a special meeting.

Board Member Rogan replied sure.

Chairman Schech stated yes.

Rich Williams stated then let me throw this out to you let's have a meeting on the 15<sup>th</sup> invite Dave and Paul and have the potential to deem the FEIS complete based on whatever conversation you have with Paul. Everybody do the review and then if that all falls apart it falls apart. Does that work, Dave.

Board Member Rogan stated that is fine.

Chairman Schech stated yes.

Board Member Rogan stated that is no guarantee of having a completed document by us.

Board Member Pierro stated don't give this Applicant any positive hopes at finding it completed.

Board Member Rogan asked have you read it.

Rich Williams stated I haven't read it I don't know that it is complete.

Board Member Rogan stated exactly.

Board Member Pierro stated but don't give her unnecessary hopes because I don't think it is going to happen as far as I am concerned.

Board Member Rogan stated so pessimistic these days David.

Board Member Pierro stated that is because I am passing a kidney stone and I am p?@?@ off. I did yesterday I was in the hospital all day I have got another one coming down.

Board Member Rogan stated sorry to hear that.

Rich Williams asked so everybody is going to have read the document and at least be ready to discuss.

Board Member Montesano asked that is March 15 right.

Board Member Rogan stated we have all read the document we are just looking at reading the modifications.

Ted Kozlowski asked have these guys been writing documents for previous Planning Board,

Board Member Rogan asked what guys.

Ted Kozlowski replied the fire people or is this relatively new.

Rich Williams stated it is not new but it is sporadic.

Ms. Burbank thanked the Board.

Chairman Schech stated thank you Kristina.

#### **7) MUSHKOLAJ SITE PLAN**

Board Member Pierro stated so what is the scoop here on Mushkolaj. He is pulling the trailer out he is going to build a shed over the oil tank or whatever.

Rich Williams replied they have not indicated that. They have put on the plans that the trailers are going to be removed. They are going to reconstruct the fence around their property, (TAPE ENDED)

Chairman Schech stated okay that is done.

#### **8) FOREST VIEW APARTMENTS SITE PLAN**

Rich Williams stated I have not had a chance to look at Forest View Gene has been going through the plans unfortunately Gene had some personal issues so he had to go out of Town for a couple of days.

Ted Kozlowski asked Rich do you want to discuss briefly what you and I talked about the other day on Forest View.

Rich Williams replied yes you can.

Ted Kozlowski stated guys, I don't want to take a long time on this but something that I would like you to consider and Dave actually picked up on it when we were on the site walk that time. If you look at the plans this property abuts the Clout property which is an environmental park. I don't know if you have walked the park I have. It is a very aesthetic, it is a very beautiful place, it is being abused by ATV's but that is another story. If you noticed on the plans they are proposing to put the septic system right along the border of the Clout property. What that does is take a wide swath of natural vegetation and it eliminates it basically it is a clear cut right down the line.

Chairman Schech asked I thought they moved that.

Board Member Rogan stated no they just moved the expansion.

Ted Kozlowski stated and what that does is it now anybody visiting the Clout property experiencing what is really an aesthetically very pleasing park it is now going to open a view right into the apartment complex. It also invites whatever you want to invite into the Clout property which is going to be additional ATV's and stuff like that. My experience with the Westchester County Parks Department is all the County parks in Westchester County are critical environmental areas. When something like this happens we fight it because this is a direct impact upon the park. It is a visual, scenic, aesthetic impact. Yes, this is an environmental issue but I really think the Applicant should try to locate this septic area somewhere away from the Clout

property or at least move it so there is enough forest buffer. The loss of that buffer is like a loss of a buffer to a wetland.

Board Member Pierro asked my question was can we make this septic and it is a question for Shawn can we make this septic area more lineal so that it does not,

Board Member Rogan replied it is actually very lineal you mean more compressed.

Board Member Pierro stated no more lineal so it does not have to be as wide.

Ted Kozlowski stated squeeze it thinner and longer.

Board Member Rogan replied no because the contours are going this way which means that the trenches that they put in will run this way more or less across which is a really strange shaped septic. The expansion area is more of a box area.

Board Member Pierro asked what about bringing it down in this area.

Board Member Rogan stated that is all wetland.

Board Member Rogan stated we could flip flop this and put the expansion where the primary is shown. There is the potential that they would have to use it but I am telling you that expansion areas almost never get used. They rebuild in the primary area.

Rich Williams stated the only down side is with a commercial septic system like this they probably will need fill which means they are going to have to clear all the trees anyway, put the fill in.

Board Member Rogan stated yes it depends you can seek a waiver for that.

(Too many talking at the same time unable to hear).

Ted Kozlowski asked what about all this area in here this is all their property.

Board Member Pierro stated that is the third phase.

Ted Kozlowski replied you are probably right.

Board Member Rogan stated if the slope is okay in the area proposed for expansion maybe they could make that area large enough for primary. I realize why they didn't because it is a long distance to pump the sewage although you are already pumping it half the distance and then from there it is really down gradient.

Ted Kozlowski stated again, I just think it is a really poor location for a septic system.

Board Member Rogan stated look at how narrow this area is. You get into like a key area where you have got this large lot but you are compressed into such a small area because of the wetland. I was just looking at this map last night from one end of the septic area to the other is over forty foot of elevation change. I don't know what the distance is I didn't have a scale on me but it is forty foot so you are having very short trenches which to me look like they are forty or fifty foot trenches relatively speaking because on a pump

system they could run hundred foot runs. Based on a pump system and equal distribution I can't wait to see Harry's design on this on how he would feed all those trenches. He probably would have to feed four trenches per pipe out of his distribution box.

Rich Williams stated it is going to be a very complicated system.

Board Member Rogan stated yeah a pretty complicated but it is a lot easier to run hundred foot runs. You can do a hundred foot off each side on a pump system so you are in affect two hundred feet in a shot so you would cover this area in like no time flat. It is very lineal and not a great area.

Board Member Rogan stated from our standpoint planning we are just looking at hey, we don't like the idea let's say for instance; we don't like the idea of this septic system in this area give us an alternative the rest of what I just said is really not our purview.

Ted Kozlowski stated the other thing and I guess he has got approvals or else he wouldn't put it there but CRC, Chatfield Charlton Complex I know for a fact is extremely rocky, stony there is tremendous rock in there I don't even know if they are going to even get the ability to put a septic system in there.

Rich Williams stated he is basing his design on his preliminary deep holes and percs that he has done out there assuming that he will.

Ted Kozlowski stated that is beside the point I just think the visual impact.

Board Member Rogan stated the proposed area doesn't even show any grading like for fill it just shows a box which is so subject to change.

Chairman Schech stated that is all we need we don't like where it is because of the impact that it is going to have on the Clout property. That is all we need.

Board Member DiSalvo asked how are you going to keep them from out of going into that park anyway from there.

Ted Kozlowski replied it is not so much that Maria it is really the visual impact. That is a permanent visual impact. If you are going hiking in that park and you want experience the park for all its greatness you are going to see that scar for quite a distance. It will impact everybody within hundreds of feet if not hundreds of yards.

Board Member Rogan stated here is the thing that I would argue you with you Ted is that ideally, I agree with you ideally and we said this way back when that we did not like the idea of the septic area but if it were the only way that the project could move forward now granted we could say we want you building in the expansion area not the primary and make it so but if it were the only to way to do the project I think that we would be hard pressed to deny it.

Ted Kozlowski stated right but Shawn look at all this area what is going here.

Board Member Rogan stated I think it is too steep.

Ted Kozlowski stated and Dave may be right it is phase three.

Board Member Rogan stated but that is not our,

Board Member Montesano stated the object is if we could not approve it here and they wanted to argue then make your project either smaller because that is too big of a system and it is making too much of an impact.

Ted Kozlowski stated this is Harry, Jay Hogan is the one that is behind it when Jay comes to the meeting I think you bring that up I am sure that he is going to be very agreeable to all right let's look to another location. I don't think he is going to back off,

Board Member Pierro stated because he knows he could lose on that.

Ted Kozlowski stated he is investing into this and he understands the importance of it.

#### **9) POPPY'S PLACE SITE PLAN**

Rich Williams stated he actually went out there he did a site plan he dropped off one plan which,

The Secretary stated it was in the file bin.

Rich Williams stated I did not see it did you put it in with the rest of the stuff.

The Secretary stated no I laid it on top because I said to you that day in case he comes back in I will just lay it right up here.

Rich Williams pulled the plan out.

Rich Williams stated I apologize I just haven't had the chance I have got to call him he came in with one plan, no application, no EAF nothing.

Ted Kozlowski stated everything is seat of the pants here.

Rich Williams stated yes he is trying to do this with as little money as he can.

Board Member Pierro stated he is a friend of Rich's.

Rich Williams replied I don't know this guy.

Board Member Pierro stated I thought he was your buddy.

Rich Williams replied he is not my buddy.

The Secretary stated he probably doesn't have a lot of money.

Board Member Pierro stated he has got some real serious family issues going on right now. His daughter got hurt in a accident.

Chairman Schech stated he doesn't even own the place.

Ted Kozlowski stated he needs to show the whole stream.

Rich Williams stated he also does not show anything over in this area.

Board Member Rogan asked is this the Pine we talked about obviously.

Ted Kozlowski stated he doesn't show the wetlands.

Chairman Schech stated all right incomplete.

Board Member Rogan stated a quick point though, Ted Kozlowski stated we asked him to show the wetlands. Board Member Rogan stated we asked him to stay in front of the Pine and we are looking for showing the wetlands,

Board Member Pierro stated no further area of disturbance I want it on the map. I want a line.

Board Member Rogan stated let's key in on what hasn't been shown that we want to be shown so we give clear direction.

Ted Kozlowski stated didn't you want to put a limit on the height of these piles.

Rich Williams stated we can do that with a note on the plat.

Board Member Rogan stated based on the equipment they are not going to get them that high.

Rich Williams stated yes but they could bring other equipment in.

Board Member Rogan stated yes but it is a pretty limited site though. As the piles go up they go out.

Ted Kozlowski asked Rich this crossing should he identify what that is.

Rich Williams replied the pipe.

Board Member Pierro stated I think it was identified didn't Insite have some documentation on it.

Rich Williams replied yes they just need to put it on the plan.

Board Member DiSalvo asked something on either side too.

Ted Kozlowski stated Maria, I am just thinking I don't want to beat up on this guy he seems like a nice guy but he might not be there tomorrow and we keep getting burned on situations like this.

Chairman Schech stated and if he has personal issues it is not our problem.

Ted Kozlowski stated right, Board Member Pierro stated of course not but you know, Ted stated but what happens guys and Maria is that the next guy who buys this interprets this map completely different. The next thing you know he is in here paving this and other things change and the stream isn't shown on here, the wetlands isn't shown on here and then it becomes Teddy's nightmare. I want to avoid this.

Board Member DiSalvo asked and where are the boundaries of the properties because there is no current survey on that whole thing.

Ted Kozlowski stated right there is no property line, where is the property line in relation to this.

Board Member DiSalvo stated this goes back to the owner I say.

Board Member Montesano asked who made this up.

Board Member DiSalvo replied Insite.

Board Member Pierro stated Contractor's Line and Grade, Hugh McGowan lives up in Pawling I think he did it because he is the only guy I know that works for contractors around here.

Board Member Montesano stated I can't say who but these engineers and these draftsman they basically know what each town wants when they turn something in and the problem you have here the guy goes in makes a statement they come in they give him a quick thing because they don't want to waste the time he doesn't have the money available and they see that so they throw this in and it is utterly useless because the guy has to come back to them.

Board Member Pierro stated it is better than what we had.

Ted Kozlowski stated it is. It is an improvement but here we are.

Board Member DiSalvo stated but you want the boundaries on the other side too.

Rich Williams stated because I did see him doing this he was doing it. He is using this guy and he is doing the actual work.

Board Member Pierro asked an older guy, younger kid.

Rich Williams replied no I saw Bob out there doing the actual survey work and bringing it,

Board Member Pierro stated so he brought it to his buddy at Contractor's and they drew up the plan.

Chairman Schech stated okay let's get away with this.

Rich Williams stated let's not get away with this, what else I have got you want the pipe on the plan the sizing, you want the whole stream shown on it,

Board Member Pierro stated I want a line of disturbance.

Ted Kozlowski stated the wetland on there Rich,

Rich Williams stated let's talk about the wetland for a second. If you want the wetland on there and you want the exact boundaries that means he has to get somebody to go out there flag it, you have to confirm it and then he is going to have to survey located it.

Board Member Pierro stated that is fine.

Ted Kozlowski stated Rich you know what, Rich Williams asked or do you want to show an approximate wetland boundary.

Board Member Pierro stated no.

Chairman Schech stated let's do it the right way.

Ted Kozlowski stated we make everybody else do it again,

Board Member Pierro stated they have been filling in wetlands there for years.

Ted Kozlowski stated I don't want to hurt the guy but again here we are we are going to get burned.

Board Member Pierro stated we are.

Ted Kozlowski stated we are going to get burned and we are dealing with Telecom right here okay it is a wetland that comes down here and into this. There is a major wetland on the other side that we have to deal with Nitkin. As I said, the next guy that comes in he does not know where the wetland is and he decides he needs more space and he is going to go into the wetlands.

Board Member Rogan stated I think what we need on this also it just shows the proposed fence for some of the area and the gravel area there is nothing to show that it is going to be contained within the area. There is nothing that shows that the gravel can't spill out and make the area larger whether or not that is curbing or something to that affect or a fence something to keep this area delineated so it does not change so easily.

Board Member Pierro stated and as far as what I said about having a limit to the area of disturbance I think once we do the wetlands that will solve the problem.

Ted Kozlowski stated he is right on top of the wetlands.

Board Member Pierro stated it is going to solve both problems.

Board Member DiSalvo asked did he clean anything up did you notice.

Ted Kozlowski stated technically he is going to need a wetlands permit when all said and done he is going to need a wetlands permit because he is within a hundred feet of a wetlands.

Rich Williams asked do you want him to file a wetlands permit.

Board Member Rogan stated do it if you have to.

Ted Kozlowski stated Rich I have got to you know the motto about nice guys.

Rich Williams stated well I thought Poppy should have filed a wetlands permit.

Ted Kozlowski stated you are absolutely right.

Rich Williams asked anything else.

Board Member Rogan stated I am sure you will find a million other things missing.

Rich Williams replied yes I mean that thing doesn't even come close to meeting any of our code requirements.

Board Member Rogan stated and what we are looking for is a site plan.

Rich Williams stated I am not clear because everybody kind of soft soaps this and is not saying we want a site plan that meets all the requirements we don't care what the issues are.

Ted Kozlowski stated and you know what Rich you are right.

Board Member Rogan asked so you are saying we are not giving you very clear direction as to where we want to go with this.

Board Member Pierro stated I think we are now.

Rich Williams replied yes I mean and honestly guys you are piece mealing it to death. You are trying to be really nice because you recognize that he has got some issues but every time it comes back,

Board Member Rogan stated by piece meal it ends up exactly that is the problem with it.

Ted Kozlowski stated and you know what if this puts him out of business,

Board Member Rogan asked here is the question that I have when we decided we (too many speaking at the same time unable to transcribe).

Board Member Rogan stated when we decided that he should submit a site plan I don't remember saying well he should submit a site plan but we are not really looking for a full site plan.

Ted Kozlowski stated we were trying to be nice.

Rich Williams stated I don't know my recollection, (too many speaking at the same time unable to transcribe).

Board Member Rogan stated delineating the outer edge of a wetland isn't the worse thing in the world to have someone do and then not to necessarily hammer the guy with a full site plan but the necessary things because you are already dealing with an existing site so you are talking about where are we going to have garbage, parking, making sure the site doesn't grow because he does have the area and they are prone to filling in this kind of stuff having limits of disturbance. I think that is basically what we are talking about.

Board Member Pierro stated I was fine without topo's but,

Board Member Rogan stated I think that is kind of if that answers your question what I am looking at anyway and I think we can get it done. We can give the guy at least some solid direction.

Chairman Schech stated if nothing else the next time when she wants to lease it she is going to have to get this done.

Board Member DiSalvo stated that is right and I think she should be doing it. He is enhancing her property.

#### **10) PATTERSON OUTDOOR STORAGE SITE PLAN**

Rich Williams stated this is the project down at the end of Commerce Drive. They have resubmitted showing the additional building actually they have gone to two buildings.

Board Member DiSalvo asked I thought they were only going to do one.

Chairman Schech stated there was supposed to be a future.

Rich Williams stated there is a large building and another little office building out in front.

Chairman Schech asked Rich did Paul have an issue with this too.

Rich Williams replied yes the driveway.

Board Member Pierro asked what about it.

Rich Williams stated you have got two twenty-four foot wide roads coming into the buildings one here and one here coming back into here. I am sitting here taking a look at this and this is up on my board and Paul comes walking in and says Gee, there is something wrong with that I remember there being something wrong with that and we start going through the things and we get down to here he has got a sixteen foot wide lane coming up into here and going around to a sixteen foot wide lane and there is some really seriously bad design issue about this with traffic circulation.

Board Member Pierro asked but this is not commercial traffic area right.

Rich Williams replied you are going to have tractor-trailers coming here. I mean the geometry is fine but you have got,

Board Member Pierro asked why would you have tractor-trailers coming in there.

Rich Williams replied because the upper level is slated to be a woodworking shop and you know you are going to get lumber delivered and that was my original comment is you want to make sure you can get tractor-trailers through here.

Board Member Pierro asked yeah but what is proposed for the back, can the back second floor be accessed by this parking area. Is there an elevator. How can we assume that we need to get commercial vehicles there.

Rich Williams replied because he is proposing two uses one is going to be a woodworking shop on the second floor and on the bottom is going to be a contractor's yard. So, anyway Paul came in and took one look at that and said they are not twenty foot and I said no they are not twenty foot, well they have got to be twenty foot too. I said Paul that is not a fire access lane he said it is whatever I want it. I said out of my office.

Board Member Pierro stated I don't see a problem with making this twenty feet. I think there is plenty enough room there so we will get less trees.

Rich Williams stated yeah but then you have got the issue and this is where I was going there is other issues these parking even though it looks like you have a car in here these parking spaces are not, our Code requires the parking area to be delineated like this which would push this out to here twenty feet so actually these parking stalls need to come back out and they end up almost in the middle of the driveway and it is going to be the same over here. So, by making this twenty foot wider this way you can't push it this way you have got to push it this way the same here now you are right on the property line and the grading isn't going to allow you to do that. This is a stormwater pond which also I think is under sized.

Board Member Pierro asked where is a stormwater pond.

Rich Williams replied this square. There is another stormwater pond down here in this square and there is another stormwater pond over here and I ran the numbers and it appears that the volumes are correct the problem is meeting the DEC requirements actually make you, (unable to hear too many talking at the same time).

## 11) CIPRIANO SITE PLAN

Rich Williams stated Cipriano is a nursery center that is being proposed down the south end of Town at the intersection of Ballyhack Road. The gentleman has actually gone in there and cleared the site including one large Butternut.

Chairman Schech asked is he back in again.

Rich Williams replied yes. He is actually proposing a second building which almost looks like he is designing it as a farmers market kind of an outdoor open but I am not sure because he is also calling it retail so that is something you really need.

Board Member Montesano stated originally his plan if I remember right was to be similar to that place up in Poughkeepsie on 44, Adams Fair Acres Farm.

Board Member DiSalvo stated he is a little small for that.

Board Member Montesano stated they started out small too.

Board Member Rogan asked is the idea here with this one box to be seven different stores potentially.

Rich Williams replied well it would appear that is what he is doing.

Board Member Rogan asked seven box stores.

Rich Williams replied or it is going to be an open air I am not sure which. Has anybody ever been to the farmers market in Ithaca. If you ever get up that way it is well worth it. It is the most fabulous farmers market. (Too many talking at the same time).

Board Member Rogan stated like you said the site has been cleared including that Butternut.

Board Member DiSalvo asked is it that big.

Board Member Rogan replied we went out on it what was that two years ago.

(Too many speaking at the same time unable to transcribe).

Board Member Pierro stated we are going to have another application in this area real soon.

Ted Kozlowski asked Rich isn't there going to be an issue with traffic.

Rich Williams stated one of the interesting aspects that he has done, he has gone out and bought the property that fronts on to 22 and he is proposing to run his driveway all the way through to Route 22 and close part of it off.

Board Member Rogan stated which is what we talked about when we were on site.

Rich Williams stated he did it because the Board told him, (Too many speaking at the same time unable to transcribe).

Board Member Pierro stated Brewster Honda is coming in with that acreage adjoining Bonniello, sixteen acres adjoining Boniello's property just to the south.

Rich Williams stated considering that I have been talking to a guy with a church who was buying to put a church there that would thrill me to no end but there may be a problem with that.

Board Member Rogan asked the church.

Rich Williams replied no with Brewster Honda.

Board Member Pierro stated they are not talking retail they are talking repair facility.

Rich Williams stated even so our Code says that all facilities have to be a thousand feet apart and we currently have an application who has not received a Special Use Permit but there is a pending application for John Moriarty which would probably preclude Brewster Honda from going there.

Board Member Pierro stated I thought that law specifically said gas stations.

Rich Williams stated gas stations are not permitted within the Town anywhere. Car dealerships, auto body shops, auto mechanics all have to be a thousand feet away from each other.

Board Member Pierro stated I think you have got a thousand feet there.

Board Member DiSalvo stated but they are not going to be open to the public. This is just a dealer.

Rich Williams stated it does not matter.

Board Member Pierro asked they could go for a waiver.

Rich Williams replied they could try to get a use variance but that is like an impossible standard.

## 12) COUCH ROAD SUBDIVISION

Rich Williams stated this is a new proposed subdivision on the south end of Couch Road. He has actually proposed three different concepts. They are looking at actually the first concept. They would prefer the first concept which basically just breaks the whole thing up into lots, a number of four acre lots and one large ten acre lot. The problem with this concept is it doesn't meet any of our Code requirements for this district.

Board Member Pierro asked as far as dimensional.

Rich Williams replied conventional R-4 it is fine but for the cluster overlay which is mandatory it doesn't even come close to touching any of them. One of the things that I wanted to point out to you Shawn what he is trying to do I mean if you go out on to the site this is not too bad this is pretty level, pretty flat but he has got the houses all the way back up in here see why.

Board Member Pierro stated the septic are in the front.

Rich Williams stated where is the ridge line.

Ted Kozlowski stated the views.

Chairman Schech asked did you know that Mr. Couch was a Highway Superintendent at one time and put in this road illegally. I have a newspaper clipping on that.

Rich Williams stated so that is what he is trying to do.

Board Member Rogan stated well we haven't been on this site.

Rich Williams stated that would be his preferred scenario having talked to him to have the large lots with,

Board Member Rogan asked what are you looking at this way, what is.

Ted Kozlowski stated you are looking at Thunder Ridge, you are looking at Put Lake and you are going to get a good view of Watchtower too.

Chairman Schech stated we don't want them all the way up on the ridge line.

Ted Kozlowski stated no.

Board Member Rogan stated you know we did that on 292, Paddock View we pulled them off the ridge.

Board Member Pierro stated there is a great spot back here I am sure Rich has been there, what is the Polish lady.

Rich Williams asked you are talking about Luschynski and the quarry.

Board Member Pierro stated Luschynski has a quarry back here it is beautiful.

Rich Williams stated it is incredible.

Board Member Pierro stated I came down it, I repelled off it once.

Board Member Rogan stated well we are going to have to site walk this. It is just a matter of weather.

Rich Williams stated then the second concept layout that they came in with creates two common drives, creates a lot down here which meets the R-4 and what it does is I mean the individual lots are up in here they are all isolated little islands it really fragments the open space.

Board Member Rogan stated I don't like it at all.

Rich Williams stated also just so you know this whole area over here and down in here is all now owned by the Putnam Land Trust.

Chairman Schech asked who is the engineer on this thing.

Rich Williams replied Bibbo.

Board Member Rogan stated it is nice for them to show a couple of plans.

Ted Kozlowski stated the common drives do reduce the visual aesthetics, the impact to the visual aesthetics along Couch Road.

Rich Williams stated it improves the street scape.

Board Member Rogan stated then maintenance agreements.

Board Member DiSalvo stated that is always a problem.

Board Member Pierro stated we don't have to deal with them.

Rich Williams stated there is also another issue that you will see once you get out there in the field coming down here this is pretty flat and pretty level and all of a sudden it drops off right in here so there is going to be some issues with getting driveways up in here.

Board Member Rogan stated let's see number three.

Rich Williams stated this is the last concept.

Board Member DiSalvo stated no it looks like Levittown.

Rich Williams stated but of the three proposals this comes closest to meeting the design requirements of our Code. The problem is once again he is trying to push the houses as far back up on the site which results in these very skinny narrow lots. When I had met with him originally and what I am still suggesting is that they actually pull these houses this way down the hill because once we get out there and do a site walk you will see this is pretty level and even though they may end up with some pump up septic systems pulling them down close to the road. What that does is it creates larger squarer lots, it keeps all the open space contiguous and keeps most of the open space backed up against the Putnam Land Trust open space so we have this huge block of open space in this area.

Board Member Rogan stated these lots look so small even pulling the house forward can't we just eliminate all this in between and even if they owned up to this point, give them the acreage a little bit keep the houses closer down but give them a little bit more lot size. I know we are stuck to that one acre but it seems so small.

Rich Williams stated we are stuck right now to 55 I am playing with some numbers I was looking to go to 60 to 65.

Board Member Rogan stated at least.

Ted Kozlowski asked you wouldn't want to consider a conservation easement along the road there to keep the trees and the rural character of Couch Road like you did with Big Elm.

Rich Williams stated yeah but you know what and that is the example I was just going to give you. That is what we did at Big Elm and look what happened.

Board Member Rogan stated it got butchered. I just saw the plan for that the other day.

Ted Kozlowski stated it got butchered by the Highway Superintendent.

Rich Williams stated no what happened was we created this conservation easement then the next thing we knew we came in on the board at the tail end, we looked at it and said what are you doing with all the stormwater. They didn't think about that and the next thing you know the whole section west of the road is now a stormwater pond and eliminated.

Board Member Rogan stated that lot should have never been a lot though what we looked at.

Rich Williams replied absolutely not.

Board Member Rogan stated what was his name Ross Allan.

Rich Williams stated Ross Allan's lot. (Too many talking at the same time unable to transcribe).

Ted Kozlowski stated I think with this you want to at least identify big trees and stuff and save them.

Rich Williams replied and I don't disagree but you have to remember on this one because of the number of the lots, he is going to break the DEP threshold, he is breaking the one acre threshold for DEC so he is going to have to address stormwater and everything is falling down towards the road so I am not sure how he is going to address stormwater. I mean this is an ideal project that if we could pull things down, shorten it up, tighten it up to use some low impact design techniques to mitigate the stormwater bio-filtration, things like that.

Board Member Rogan asked what if we took this basic layout and like you said basically the lots in the same area but shift them up, create this conservation area which takes up basically this part of the lot and then a nice say from the ridge line back something along that line. That is a good chunk of that property.

Rich Williams stated as its own separate lot not as a conservation easement.

Board Member Rogan replied right no as its own separate lot.

Rich Williams stated that is what I am looking to do.

Board Member Rogan stated I think that is fine.

Rich Williams stated the only concern that I have is this right down in here like I said it gets steep and the site distance we are going to have to take a look at that. You could see right in here this is twenty percent slopes.

Board Member Rogan stated and he is crossing it so maybe we lose that area maybe we can tweak things this way a little bit.

Rich Williams stated exactly keeping it down to the white areas down on the flat part and just so you know my conversations with Edie is she wants everything pushed back because she doesn't want to see the development. She wants to keep the rural character of the road.

Board Member Rogan stated but I tend to think that with the older roads like we have talked about the houses traditionally were up close to the road because the road was the community I mean years ago and now we are pushing them back. I like having the house away from the road. Your house is closer to the road because it is the old style (referring to Mr. Noblet in the audience).

Mr. Noblet stated the original road was on the other side.

Board Member Pierro asked okay tell me why we don't like the second one.

Board Member DiSalvo stated the second one no that is common driveways.

Rich Williams stated absolutely. It is fragmented open space. It does not create any real good natural wildlife corridors and you know (unable to hear too many talking at the same time).

Ted Kozlowski stated these houses they are all going to want horses.

Board Member Rogan stated if we keep them at two acres or less they won't have the ability.

(Too many speaking at the same time unable to transcribe).

Board Member Rogan stated everybody keeps saying in the Master Plan when we did that, that they want the rural nature of the Town and I don't have any objection to people having horses maybe we can look at setting this up in a way that it could work and that we could still have open space. There is a way to keep green space and still have a couple of horse trails.

Rich Williams stated growing up in that kind of an environment if you want to have animals you need a minimum of ten acres and everybody wants to break these up into two, three, and four acres and then keep their horse in areas that are totally inappropriate to keep them.

Board Member Pierro stated then maybe it is time to change our zoning to something more reasonable.

Board Member DiSalvo stated I spoke to Richie about it.

Rich Williams stated if this guy wants to put a horse on it let him buy the whole lot and put a horse on it. If you want to subdivide it don't come in and subdivide it into four acres lots so that everybody can have two horses.

Board Member Rogan stated the problem is your zoning to say to the guy we don't think you should be able to do it when your Code says a horse per two acres it should say a horse per two acres starting at a minimum of ten acres or something like that.

Board Member DiSalvo stated a minimum of four to go along with the zoning.

Board Member Rogan stated I think four is too small for a horse.

Board Member Pierro stated the other thing a lot of these people if they do bring horses in they are going to be riding up on the State property. They are going to walk those horses right up to 311 and go into that new 300 acres preserve.

Ted Kozlowski stated why do they have to do that when they have this property here.

Rich Williams stated they are going to do both Ted the reality is they are going to do both.

Ted Kozlowski stated it is nice to have that open space but people are going to use it and maybe that is good thing and maybe it is not.

Board Member Rogan stated it depends on the use.

Board Member Pierro stated but can the State say no riding.

Rich Williams asked but why would you want to what is the harm in riding.

(Too many speaking at the same time unable to transcribe).

### **13) NYU @ CLANCY PROPERTIES SITE PLAN**

Rich Williams stated I have taken a look at this he has got a really minor impact to some wetlands (joking).

Board Member Rogan asked Ted you guys finally came to some sort of an agreement on where the wetlands line was out there.

Ted Kozlowski replied I need to address this Board now at the beginning stage of this. Rich and I had a little discussion with Joe Buschynski and you need to be updated on something about this specific project so if you would open up the map and I will gladly guide you through it.

Ted Kozlowski stated I need to bring you back in time. Here is Route 22, here is the Clancy property this is the big thing and they are doing a nice job in there. Way back when they came to Rich and they said we had the State DEC Wetlands flagged and the DEC signed off on it. The wetlands were flagged in the winter months. Doug Gargler who I do have respect for, who works for the DEC signed off on their initial DEC wetland boundary line. When I went out there with the Board, followed by going out there with Richie, followed by going out with Joe Buschynski, followed out with going by myself several times, I made the argument that this DEC wetland line is incorrect by a very wide margin. Richie went out there with me, Richie agreed, I went out there with Joe Buschynski I showed him. We had a big meeting this past late spring, early summer it was myself, Richie Williams, Joe Buschynski and the Consultants. Rich do you know who they were.

Rich Williams replied Tim Miller Associates, Steve Marino.

Ted Kozlowski stated they brought a soil scientist with them, they brought their heavy artillery. We went out there and very quickly it became very apparent that their wetland line was very far off. This right here guys is DP-22, the golden fleece, the wetland near and dear to frogs, turtles, everybody else. This is it. When I was out there I did not it was such a total win if you want to call it that for us that I really did not want to beat up on them and I agreed, I agreed out there on the site because I did not want to further embarrass their Consultant, Tim Miller Associates nor did I want to embarrass Doug Gargler with the DEC. I agreed that the new wetland line which we all agreed on would be called Town Regulated Wetland but in reality there is no difference between that wetland line and State wetlands. That without a doubt in my professional opinion is State DP-22 Great Swamp all the way down to the river and beyond. There is no break it is all one. It is all connected the soils, the vegetation, absolutely, categorically meets that. Now, besides the fact and I am making it easy for you next week you throw this back because it is an incomplete application. I have a wetland line here that just ends. Where does it go. It just ends there. It doesn't connect to anything. This wetland line ends here where does it go from there and here is the DEC Wetland line.

Board Member Pierro stated this is going right through the building.

Rich Williams stated that is the buffer.

Ted Kozlowski stated that is the buffer the DEC setback.

Board Member Pierro stated it says wetland boundary for DP-22.

Ted Kozlowski stated for DEC. Now, understand this and I talked to Joe Buschynski about this and I made it very clear to him if the Board and I know you won't but if you agree to this okay this triggers Army Corp. of Engineer automatically. Army Corp. co-jointly runs their permit through DEC this is going to trigger DEC to come back and reevaluate this. This will be an embarrassment to Doug Gargler who signed off on it which he should have never done and since then he has changed his policy he won't look at wetlands in the winter anymore. It is going to kill the project. There is no way under the sun that Army Corp. or DEC is going to allow that kind of activity in the Great Swamp. It is just not going to happen. I believe that so I told this to Joe Buschynski and I said you really should and Joe was apologetic, Joe understood. I said you need to take this and go back and come back with something better because it is never going, I don't believe this is ever going to fly. I know that there are others that want to see this happen and I do have respect for Mr. Clancy but this is just way too much and it is going to embarrass people and it is just the wrong thing.

Board Member Rogan asked so do you think they are going to withdraw the application.

Ted Kozlowski replied I don't know but I made it very clear to him the ramifications if they want to pursue this because this is going to go back on a lot of people and you know as well as I do Edie and all the other people and rightly so are going to challenge this and it is going to force a lot of domino affect on things and I just don't see it.

Board Member Rogan asked can't the guy go back and rescind his approval on something based on finding a mistake. It happens all the time you find mistakes you deal with them.

Ted Kozlowski stated Shawn, this is a huge mistake. We are not talking about a couple hundred feet.

Chairman Schech stated you know what it is somebody filled basically.

Ted Kozlowski stated they mucked around in there years ago but it has reverted back to what it wants to be which it should be it is wetlands. The soil scientist after his first plug in the soil he was like ut-oh.

Rich Williams stated listen I know Ted has some issues with the wetlands and the engineer knows this there is a feature on the site which negates all the concerns about the wetlands he has got a two hundred thousand gallon fire protection. (joking). The Board laughed.

Ted Kozlowski stated he is in buffer but he is in wetland proper.

Board Member Pierro stated there is no other useable site available on this.

Ted Kozlowski stated he has got in here, Rich Williams stated they have got very, very limited area on the site.

Chairman Schech stated he has got the site towards 22.

Rich Williams stated he has got the site in front I mean he still has got issues there because he has got Steven's Brook, he has got hundred foot buffers. I don't think they can get this facility on this site.

Ted Kozlowski stated the final (a word I did not get) the people that want to put this is NYU could you imagine the headlines NYU wants to fill in the Great Swamp for their education building. They are going to get creamed on this. I don't see how they are going to get this through.

Mr. Noblet stated I have problems downtown with NYU all the time so now I come here in Patterson and now I have NYU.

Ted Kozlowski stated I explained that to Joe Buschynski he understands but he told me, he basically said this to them but (too many speaking at the same time unable to transcribe).

#### 14) OTHER BUSINESS

##### a. Eastern Jungle Gym

Rich Williams stated I threw Eastern Jungle Gym on because once again they haven't been around for a long time, There has been a violation issued and it just seems (too many speaking at the same time unable to transcribe).

Board Member Pierro asked weren't we clear in the minutes at the meeting if they didn't come back.

The Secretary stated no Paul Lynch said he would sit and talk to them.

Rich Williams stated I put it on for a specific reason just to bring to your attention that we right now have a lot of open projects they come in periodically, they are not aggressively trying to get through the process for whatever reason and frankly my personal opinion and this is just Rich speaking, Board Member Rogan stated s--- or get off the pot.

The Secretary asked but how can you do that.

Rich Williams stated because there are statutory requirements to meet and if they are not going to meet them and they are just going to play.

Board Member Rogan stated in other words you are saying it would be different if they weren't trying to come in before the Board. If they were out there like Bill Henry who only comes in once every eight months.

Rich Williams stated Bill Henry is a great example I mean Bill Henry went for four years and never did anything but we had to keep reviewing this thing and what I would like the Board to do at least consider is letting the Applicants know that if you are gone for a period of time you are done.

Chairman Schech stated you are going to start over again.

Board Member DiSalvo asked is there an expiration date when they fill out the application.

Rich Williams replied no.

Board Member Rogan stated which is ironic because building permits you have to renew every year.

Board Member Montesano asked how do we get that into writing so it gets done. Do we have a legal opinion that we can do that.

Rich Williams stated you guys just deem it an incomplete application and deny it.

Board Member DiSalvo asked and then they are going to reapply.

Rich Williams stated and then they start all over.

The Secretary asked what do you do when you took say \$4,000.00 in escrow fees and it has been awhile and they only used some of it so what do you do with the money.

Rich Williams replied by our Code you have to give the escrow fees back.

The Secretary asked it says that in there to which Rich replied yes.

Rich Williams stated I think if you set the policy it is really going to start people thinking about what they are doing or if it comes to you deny one of them.

Board Member DiSalvo asked should you notify some of these ones that are straggling along.

Board Member Rogan stated a straggler seems to be D'Ottavio really right.

Rich Williams replied yes and I have talked to Steve and Steve is frustrated as hell.

(TAPE ENDED)

**b. Triple J Subdivision – DEP Letter**

Rich Williams stated we received a letter from DEP concerning the Triple J Subdivision and essentially what the letter says is it is responding to a letter from Paul and a submission from Paul Lynch to them trying to justify why he still needs to apparently keep four ponds there and what he said was DEP is looking for them to go from four ponds to two ponds which I agree with. I mean that is the way it should have been from the beginning and you need to use two different practices in treatment.

Board Member Pierro asked why didn't you tell us that Rich.

Rich Williams stated excuse me.

Board Member Pierro asked why didn't you tell us that.

Rich Williams stated there was no point because DEP was saying from the beginning that he has to have four ponds out there.

Ted Kozlowski stated DEP has changed their tune Dave.

Board Member Pierro asked why would they change their tune all of a sudden.

Rich Williams replied well there is a couple of theories why they would change their tune but anyway the issue is this Paul Lynch is responding saying but we need to create the other two ponds to mitigate the impact to the buffer.

Board Member Pierro asked is that reasonable.

Rich Williams stated well you are not going to construct two ponds to disturb a buffer that you are mitigating.

Ted Kozlowski asked Rich I thought Paul was creating the ponds to mitigate the amount of phosphorous that was going to be released. That is what he told me.

Rich Williams replied no. What Paul is now saying is I have got to create the other two ponds to mitigate the wetland intrusion the buffer intrusion. That is what the letter said.

Ted Kozlowski asked our buffer intrusion.

Rich Williams replied yes.

Ted Kozlowski asked why make ponds why not just make wetland.

Rich Williams stated why not just restore the buffer.

Ted Kozlowski stated right that is what I am saying. The last meeting he told me in the hallway he needed that pond for the phosphorous.

Rich Williams stated that is what DEP said you absolutely have to have four ponds to get the phosphorous down as low as you need to now DEP is all of a sudden saying we agree with the DEC technical standards and four ponds is way too much disturbance and you will achieve your phosphorous by having two ponds but two ponds with different pollutant removal pathways.

Ted Kozlowski stated then he should be happy then restoring the buffer is going to be a lot cheaper than creating a pond.

Rich Williams stated that brings up another issue but we haven't seen what Paul submitted but it appears from DEP's response that Paul is arguing that he still needs the ponds. That is number one, number two I am concerned because Paul made a submission to the DEP didn't

make the same submission to us, we are reviewing it and this is under a three month time frame, come April they lose everything and they are going to be back on our doorstep saying but we need to do it yesterday so that is number two. Number three, DEP's letter says you want to put the filtration practice first and the detention pond second. Now, the way the pollutant removal pathways work you are going to get better treatment reversing that process. It is going to be less expensive so what I am looking for I would like to write the DEP and Paul Lynch a letter back saying we don't need additional ponds if you want to restore the buffer, restore the buffer, reverse the ponds because and give them the technical explanation as to why we don't have the extended detention pond second and just let them know that when they make a submission being as the times are short make it to everybody because we are not going to review it in the eleventh hour.

Chairman Schech asked don't they have a problem with Southeast also.

Rich Williams replied well they have gotten conditional approval in Southeast it runs out in April and once it runs out that is it.

Board Member Rogan stated it seems like it would be common sense that if you put water into a detention basin it is going to be cleaner going out into your filtration than the other way around.

Ted Kozlowski asked why is DEP going in the opposite direction on this.

Rich Williams replied I have no idea.

Ted Kozlowski asked how are they justifying this.

Rich Williams asked why did they go with four ponds that obviously was never going to achieve the amount of phosphorous reduction that they were saying that it was going to achieve.

Board Member Pierro stated their methodology, their reports were that it would. Their reports to use were that it would reduce the phosphorous to the level required.

Rich Williams stated they were making a lot of erroneous assumptions right down the road. They were saying that this pond gets eighty percent so you are going to move the twenty percent to the next pond and then you are going to get eighty percent of that twenty percent and you are going to move it to the next pond. That is not the way it works. The primary process in extended detention is settlement. Once it is settled out there is nothing left out in the next pond.

Rich Williams asked so is everybody okay with my sending a letter.

Board Member Rogan stated yes I think it is great.

**c. Patterson Crossing Site Plan**

Rich Williams asked you guys want to talk about it.

Chairman Schech asked how much time do we need on it because it is getting a little late I am for even if we come back Saturday.

Board Member Rogan stated five minutes of good (unable to hear) effort and we are done.

Board Member DiSalvo stated I think we should meet at the Rec Center on Saturday.

Chairman Schech asked do you want to meet here Saturday say nine o'clock and get all the odds and ends cleaned up.

Rich Williams replied whatever you want to do.

Board Member Montesano stated go ahead I will see you Monday.

Board Member DiSalvo stated we need to figure out where we are going to put the chairs and everything.

Rich Williams stated I did do a sign in sheet you have it in your package and I did a couple of hand outs for the Board for the people that are coming in. I don't know if you want to take a look at them and see if that is what you want.

Board Member DiSalvo asked do we want to do it tomorrow afternoon or Saturday.

The Board agreed to meet at the Rec Center tomorrow around 4:30 or 5:00.

The Board discussed the procedures for the public hearing for awhile.

Board Member Pierro made a motion to adjourn the meeting. Board Member Montesano seconded the motion. All in favor and meeting adjourned at 10:15 p.m.