

TOWN OF PATTERSON
PLANNING BOARD MEETING

January 29, 2004 WORK SESSION

AGENDA & MINUTES

APPROVED
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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
Mary Bodor
Marianne Burdick
Ginny Nacerino
Lars Olenius

PLANNING BOARD

Herb Schech, Chairman
Michael Montesano
David Pierro
Shawn Rogan
Maria Di Salvo

January 29, 2004 Work Session Meeting Minutes

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

APPROVED
4/1/04 mms

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

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

Mr. John Kellard, Kellard Engineering was present.

1) BURDICK SITE PLAN – Public Hearing

Chairman Schech stated so Gene says that Harry is a little low on his estimates.

Rich Williams stated yes they are always a little low because we bump it up ten percent automatically.

Chairman Schech stated we go along with Gene's estimate on the bond.

Rich Williams stated one of the last outstanding issues I know from day one we have been asking for the Highway Work Permit that authorized him to put that road in by the D.O.T. and he still to date has not gotten that. There always was some question about when that road was put in. They keep saying they have got it and they are getting it to us and they never do.

Board Member Pierro asked what if it just doesn't exist, Rich.

Rich Williams replied then they need to get a Highway Work Permit then that is a whole another big issue.

Board Member Pierro stated so this whole thing gets stopped until they get a Highway Work Permit.

Rich Williams stated my recommendation would be that no further action is taken until we get all the outstanding items cleaned up because we have been asking for that and a couple of other things for awhile and just not getting anywhere with getting them.

Board Member Rogan asked these couple of other things that you are asking for Rich.

Rich Williams replied off the top of my head I don't have. I have not gone through.

Board Member Rogan stated what I mean is that we can defer to you at the meeting and you will have that information at that time not to put you on the spot.

Board Member Pierro stated we will ask you at the meeting.

Chairman Schech stated the biggest thing I think is the Highway Work Permit.

2) **SYPKO WETLANDS/WATERCOURSE PERMIT**

Board Member Pierro stated it seems that DEP wants the concrete culvert box installed before they remove the forty-eight inch pipe that is there so that would require diversion.

Rich Williams replied no.

Board Member Pierro stated no that is what DEP is saying here, recommends the proposed sequence for the installation box. Consider removing the existing forty-eight inch after the temporary diversion is in place.

Rich Williams stated right not put the new one in before the old one comes out and we would have made him do that anyway. The biggest concern with that is if all of you would remember I felt from day one that this should get a DEP permit under their requirements that anytime you are doing a residential development that crosses a stream you need a individual residential stormwater permit. They said no. They also said no that they don't need a permit,

Board Member Pierro asked who is they the client or.

Rich Williams replied DEP remember Joe Ziminsky was here and that as long as they don't put any impervious surface within a hundred feet they didn't need a variance.

Board Member Pierro stated right that is why we agreed to grass pavers.

Rich Williams stated yes.

Board Member Pierro asked and are they on the plan.

Rich Williams replied I don't recall I just kind of passed this off to Gene at this point and I am going to get back into it before the next meeting. I haven't seen Gene's memo yet I know I have got it.

Board Member Di Salvo asked how many houses is he putting up.

Board Member Pierro replied one.

Rich Williams stated what concerns me a little bit is that DEP is now stepping in at the end of the process and saying they need a permit from us for a piping or a stream diversion which is not a stream crossing.

Board Member Pierro stated it either is or it isn't.

Rich Williams stated it isn't and their regulations clearly say you are putting in a residential, single-family house with a culvert through a stream you are exempt from the regulations except that you have to have a residential stormwater permit. I am going to let Harry fight this one. I called Joe on this project twice saying what the hell are you doing.

3) NOBLET SUBDIVISION

Ted Kozlowski asked Rich, did they pick up my signs on the new plans, the wetland signs.

Rich Williams replied I believe that they are showing the boundaries where your signs are but I put in my memo that you should take a look at the plans and make sure.

Ted Kozlowski stated well, I just did a quick look and the small, little vernal pond, the small wetlands looks a little narrower. I have to double check.

Chairman Schech stated I did not see anything about your suggestion Shawn which I thought was pretty good, taking a chunk out of that bad corner.

Rich Williams stated no they didn't reflect that on the plan.

Rich stated what you have got is what they are calling a site plan which is actually a sewage treatment system plan which also goes to the Health Department. We require a site plan. I don't know how the Health Department is going to feel about the Planning Board having to sign off on that same plan. I am not going to say no but we are going to have to sign off on the plans and then Health Department is going to sign off on it.

Board Member Rogan stated they did provide two boxes.

Board Member Pierro asked how come they didn't discuss or even comment on that recommendation to cut the corner down.

Rich Williams replied it was something that was strongly suggested by Shawn and the rest of the Board agreed with it and apparently they did not feel it was appropriate and didn't do it.

Board Member Rogan asked in something like this do we ever defer to the Highway Superintendent to say hey, go take a look at it and see if you think that is something that,

Chairman Schech stated no we can push this.

Board Member Rogan stated I know we can push it but what I am saying is, is it something that maybe the Highway Superintendent would look at it and say yes I think this is something that you guys should be, if

he says you know what we are never going to do anything with it or hey, great idea but not in this case then maybe we back off a little but if he endorses it then we push whole heartedly for it.

Board Member Pierro stated right and we can always do it later on.

Chairman Schech stated if anyone should endorse it you are the one who drives by it every day so you ought to know.

Board Member Rogan stated that is why I brought it up but.

Board Member Montesano stated the object is we can insist on it as the Planning Board and then the Highway Superintendent can say no but it would look embarrassing to him if the first time an unfortunate accident occurs.

Board Member Rogan stated just because they have the option of using it does not mean they have to.

Board Member Montesano stated right but if we give them the option then,

Rich Williams stated I can get Charlie maybe to go out on the site, take a look at the frontage and put a written recommendation in.

Board Member Rogan stated it wouldn't hurt. It might give us a little more, Rich stated clout. Board Member Rogan stated substantiative reasoning behind asking for it if we had a letter from the Highway Superintendent saying this is a dangerous intersection.

Board Member Pierro stated this has to happen relatively quick because they are talking about some snow next week.

Ted Kozlowski stated Rich they didn't pick up my signs. They still have the extra wetland area that I told them wasn't wetland.

4) BURDICK FARMS SUBDIVISION

Rich Williams stated new plans are in for a concept review by the Planning Board.

The Board reviewed the plans for a few minutes.

Rich Williams stated understand this is in direct response to a suggestion Herb had.

Board Member Pierro replied right about buying the property or approaching them.

Board Member Rogan stated I don't know if any of us our traffic experts or anything but is there a way to take say from a point here to a point here the old radius and give it some kind of number and then the new radius in terms of the curvature and then apply that to some known safe curve whatever.

Rich Williams stated I don't know if that is the exact procedures that a Traffic Engineer would follow but certainly there are methodologies for a Traffic Engineer to evaluate the existing and proposed conditions to see which one is more suitable for traffic.

Board Member Rogan stated in other words, what I would probably want to know is okay it was x and we have improved it by x plus y and at least we are getting that much closer to what would be normal standard practice. If that was a road that was going to be designed like that how would they do it and what would the curvature be.

Rich Williams stated I think if the Board is comfortable with this general concept that is something that they would probably address in their Supplemental Environmental Impact Statement. I think before we make them go through all the engineering you guys should take a look at this and see if it is even reasonable to pursue.

Board Member Rogan asked well are they providing this because they know it is reasonable in other words have they approached the person.

Rich Williams replied well they are providing it and John is here if you want to ask him.

Board Member Rogan stated yes in other words, the first question Herb had was find out from the owner if it was possible.

Board Member Pierro stated to soften this inside curb, this is all well and good I think it improves this situation here but as we have said before in earlier meetings we are throwing traffic into a hard, another hard left hand turn over near what is his name, the cousin's name on the right where they are drilling the well today.

Board Member Rogan replied that is Henry Burdick Junior.

Board Member Pierro stated beyond Henry's house there is that sharp curve that goes around. This is all well and good but.

Board Member Rogan stated this is only part of what we were talking about.

Board Member Pierro stated part of a large scenario that has to occur here. I believe this intersection has got to be, Board Member Rogan stated that is not an intersection that is just a driveway but the curve there.

Board Member Pierro stated where is Ice Pond.

Board Member Rogan pointed it out on the plan.

Chairman Schech stated this is the worse one I would be very happy if they just did this but that is up to you guys.

Board Member Pierro stated I am concerned about below Henry's house as well that curve there we could be creating, Board Member Rogan stated someone just went off that the other night right down into the woods.

Board Member Pierro stated we don't want to make it easier for this traffic to go into a hard curve.

Board Member Montesano stated as soon as they see it somebody is going to be stepping on the gas pedal a little harder.

Chairman Schech stated that is traffic enforcement that has nothing to do with us.

Board Member Pierro stated no it does have to do with us. These guys are going to design a roadway that has to be safer for the whole community.

Rich Williams stated but while you are considering what the relative improvements are there has to be a reasonable relationship between the impact they are producing and the improvements and it has to be reasonably related to the proximity of the project. We went through this right from the beginning there are certainly some terrible curves on Bullet Hole Road that are going on either way and you have to be careful about how far we extend the scope on this.

Mr. Kellard stated I believe the Findings Statement focused really on the intersection of Bullet Hole Road and Ice Pond. I know there were other locations studied in the larger project. I think in the Findings Statement said drop this project down to 49 lots it was something less.

Board Member Rogan stated it was definitely the Ice Pond intersection excuse me but it was also the McManus Bullet Hole intersection those were the two main areas that were keyed in on.

Rich Williams stated and the road in between.

Mr. Kellard stated there was some clearing on the corner around the curb and I think there was some cutting back of some of the rock within the right of way at McManus Road. This is the difficult spot and the Applicant immediately after the suggestion was to look at the north side of the road to see if we could make some improvements there, he approached the owner, she didn't turn him down obviously she did not say yes sure come on my property and do what you want to do. We had our Traffic Engineer look at an option of improving that road way alignment and we intend to address it in the Environmental Impact Statement and the Applicant will be trying to arrange a meeting with her or stop by and talk with her about it next week. It is an option we are looking at it we just wanted to make sure if the Board had certain comments with regard to it.

Board Member Rogan stated David, I think what you were also referring to below this intersection was the whole business of where the barn sat because in the prior plans we had all discussed trying to straighten and take the curve out in front of the farmhouse. I think that might be, that is a little bit,

Board Member Pierro stated that is what this is doing.

Board Member Rogan replied well it is not this is up hill of that.

Rich Williams stated well it does take, Board Member Rogan stated it takes some of this out okay.

Board Member Montesano stated the original one you were going through the barn.

Rich Williams stated when we looked at the geometry of the road if we were going to do something that extreme it would require eliminating the barn and actually swinging the road really wide out.

Board Member Rogan stated the grading on this on the high side or the walls or whatever because that is straight up in fact you clip the side of your car as you come around this turn if you are not careful.

Mr. Kellard stated we are also looking at another option in between this less of an impact to their property probably less improvement to the road but maybe create the excavation to create sight line around that curve.

Board Member Rogan stated cutting it back.

Mr. Kellard stated cutting it back so maybe it is less impact to their property, it doesn't give you the full improvement this would give you but it does improve the sight line, the safety on the curve with a similar geometry maybe just cut the road back slightly at the intersection itself. The Traffic Engineer is looking at that right now only because when the Applicant saw what he had to go and ask the homeowner for he said look is there something less of an impact that we can do here. We are exploring those options we intend to address them in the EIS and obviously we look for any comments.

Board Member Rogan asked what is the front yard offset for this house by our Code.

Rich Williams replied thirty I believe.

The Secretary stated isn't it forty.

Ted Kozlowski stated it is forty feet if it is four acre zoning.

Rich Williams stated yes it is forty.

Board Member Rogan stated we don't want to create a non-conforming but in the interest of safety you can.

Chairman Schech stated see what they come up with on the final this here looks a thousand percent better than it was before.

Board Member Pierro stated I just want everybody to think clearly think about this the next time you drive up there, down below that barn.

Board Member Rogan asked Dave, is it the turn where you lost your trailer because that is bad it creates that S.

Chairman Schech asked how fast were you going.

Board Member Rogan stated Rich, I think it was you that had said you had somebody in the car that you were driving up Bullet Hole Road and they said this road is fine what are you talking about and they were driving down the center of the road and you do that on these back roads.

Rich Williams replied Ron brought his Traffic Engineer down and he was driving down the middle of the road (too many talking at the same time unable to transcribe).

Board Member Pierro stated coming around this curve there is almost ninety degrees.

Chairman Schech stated I have been there, done that with a tractor-trailer with a truck and a trailer, a machine on it I have done it several hundred times.

Board Member Pierro stated then let's make believe it doesn't exist then, Herb. It exists. I mean it is one thing to clean up sight distance here but we have to clean up sight distance down here as well and it is difficult.

Chairman Schech stated most people have sense. The other day I went down there and the garbage truck was coming so, it was down by Herman Weber's so I had to pull over to let the garbage truck go by I am not going to try to close my eyes and continue.

Board Member Rogan asked has anything else changed you said this is a new submission.

Rich Williams replied yes everything on it has changed.

Mr. Kellard stated this is a preliminary subdivision plat, we are not submitting it as a plat we are just showing you. Here is the crossing at McManus of the wetlands we intend to bridge which we discussed with the Board. There is also in this package two other alternatives we intend to put into the EIS. One is the entrance at Bullet Hole Road it is in this package. What we intend to do is show if we had use of the Town parcel to the west of that intersection. We intend to show the benefits of moving the road over from an excavation, blasting, disturbance standpoint and the improvements that have to be made along Bullet Hole Road. We understand that we have to go to the Town Board if we have any chance of being able to use it but we want to address it as an alternative in the EIS and there is a plan in this package that shows that. There is also one other alternative we showed. The lot count is not changing, the open space ratios are not changing. There is one major alternative in here and that would be moving the connection to McManus between the wetlands.

Ted Kozlowski stated I have got to say if you were looking at this plan strictly from a wetlands protection standpoint nothing else okay you would eliminate all this here by going right through here. You are out of the wetlands.

Mr. Kellard stated I will say it has always been the Applicant's opinion that he didn't have rights to do that. Presently, we have an Attorney for the Title Company investigating the status of McManus Road and what rights we actually do have.

Ted Kozlowski stated how much traffic are you really going to have through there.

Mr. Kellard replied I think very little.

Rich Williams stated I don't think it matters Ted because I always go back to the issue about if they are going to approve the road they have to improve the road to town road standards. I don't know that they can do that in that area.

Ted Kozlowski stated I don't know either Rich. I am just saying from a purely and this has always been my, I have never wavered on this point is that we should always have avoided going through a wetland, yes it is better to bridge it. That is better than filling it and putting a road through but from a birds eye view and thinking of protecting this wetland this is the way to go and then if you could move these houses along the road over here you get everything out of there and you don't even need a wetlands permit at that point.

Mr. Kellard stated if you look at sheet 2 that shows an alternative.

Ted Kozlowski stated environmentally that is the better way to go. Now, I don't know about the road and setbacks.

Board Member Pierro stated but if they don't have a right to use that road then why are we even wasting our time.

Chairman Schech stated well that is what they are researching.

Board Member Pierro stated our Attorney had said in the past that he believed they did not have the right to use the road.

Rich Williams stated let's be clear the issue is the likelihood is they have the right to use it for access there is no doubt about it. The issue becomes one of can they improve it to town road standards. It has been generally the opinion because of that little parcel on the side of the road that constricts them that they are not going to be able to provide it to town road standards.

Mr. Kellard stated and I think our position is going to be why build a twenty-four foot wide road if it is connecting into a mile of eighteen foot wide road. Why shouldn't we only be required to improve it to the same width that the present McManus Road is at this time.

Board Member Rogan asked which is what you said eighteen.

Mr. Kellard replied I am not sure the exact width I am sure that it is somewhere between eighteen and twenty.

Board Member Rogan stated but you only have twelve there on the other side.

Mr. Kellard stated we also have an easement on the other side.

Board Member Montesano stated we go back to the original when this thing first came in and the gentleman that had the property on what is now North McManus Road prior to it becoming north and south it was always McManus Road then they decided since the property would be cut off because the person that owned the northern end of it wanted the Town to come through and make the road back open again but he offered no financial support for it and when the Town estimated that it came out to over a hundred thousand dollars in tax money just to be brought up to some, just to put a foundation in for it they said are you willing to contribute, no. They said it was a nice idea when you thought of it but the gentleman that owned it wanted the town to absorb the entire cost of bringing that back up to standards of today.

Board Member Rogan stated except of course that the other end that connects to 311 is a death trap on that grade. I don't know what kind of grade that is but it has to be 25, 30 %.

Chairman Schech asked Ted, that wetland that we are talking about crossing where does it go. It stops right here.

Ted Kozlowski replied this was verified I was out there with the Consultant, Beth Evan's folks and we did think there would be a connection here but it dead ended here and it begins this is a wooded area actually. This is a wooded wetland so it does work and this map does reflect the changes in the wetlands. This of

course, hooks up with Noblet and then goes out and when the D.E.C. gets around to it which I understand is the spring this is going to be a new State wetland. It is greater than 12.4 acres. This going here is avoiding Army Corp., it is avoiding future D.E.C. and it is avoiding us and it is moving these houses away. It is greater wetland protection no doubt so that is my concern and that is my two cents and that will be my recommendation to this Board.

Chairman Schech stated basically it depends on what your guys come up with.

Mr. Kellard stated the Applicant in previous applications always believed that he didn't have access, I approached him, I said this is the best access that you can have let's get the proper Attorneys to really investigate the matter and make sure.

Ted Kozlowski stated and I think if you did down size the road do you eliminate big trucks from going through, is there a way of doing that to minimize. This is really to me safety standards right fire, and all that other stuff.

Board Member Montesano stated you could manufacture a road that limits.

Ted Kozlowski stated I mean Billy Burdick lives there I don't want to see, Board Member Montesano stated you could put signs up similar to what you have up on Cushman where the truck size and weight are limited but the biggest problem we have is there is no enforcement of that.

Ted Kozlowski stated I would think a truck is going to want to come in an easier route which is over there.

Board Member Montesano stated the only other thing the way that I have seen it done is they put something across the road. It may eye beams or something of that nature where they keep them down to similar to what we have at the tressels, the height is minimal, now if the truck comes through he hits it and something could be done there. I have seen people put in eye beam structures across. It is a matter of putting in the beams on both sides of the road and a cross member.

Board Member Rogan asked how high are the fire trucks.

Board Member Montesano replied fire trucks will fit underneath the tressels.

Chairman Schech stated I think it is worth looking into.

Board Member Rogan asked what other than the roadway changes were some of the lot layoutw in terms of the majority of the rest of the property that has stayed similar.

Mr. Kellard stated consistent with the plan that the Board saw in the November. We are just preparing our drainage calculations. We are working on the details now and preparing the Environmental Impact Statement. These options are alternatives that are coming up and we just felt it would be wise to give the Board an opportunity to comment on it.

Chairman Schech asked the footprint for the houses are.

Ted Kozlowski stated this is wooded so that is much better and I would recommend that it remains wooded if that is going to stay open space. It is a lot better than just open field.

Chairman Schech asked also did you check with fire protection now they want 20,000 gallons of water every so many,

Mr. Kellard replied I just sent them a letter asking to have a meeting with them. If we have to bury some tanks up there we will bury some tanks.

Chairman Schech stated a lot of tanks.

Mr. Kellard stated if that is what they want.

Chairman Schech asked square footage, footprint of the houses why does it have to be so large.

Mr. Kellard replied I didn't think they were so large, 35 by 80.

Chairman Schech asked that is 3,000 square feet on one floor and they are going to be at least two floors.

Board Member Rogan stated so they will five to six thousand square feet.

Mr. Kellard stated yes but you have the garage built in to there also. You do have a coverage requirement on your new zoning.

Rich Williams stated right when I looked at the coverage the maximum coverage for the house, driveways and everything else below nine percent that gives you three percent to play with on a forty thousand square foot lot for somebody to have a pool and or a shed.

Mr. Kellard stated that is total coverage with the driveway.

Rich Williams replied right.

Mr. Kellard replied that does not allow you much for a house.

Rich Williams stated there is not much flexibility built in to that not on a forty thousand square foot lot.

Mr. Kellard stated and our largest lot can be 1.7 acres I believe, fifty-five thousand square feet is the maximum we can go under the new regulations.

Rich Williams stated and with a three thousand square foot house on that you are pushing on some of those lots ten, eleven percent coverage.

Ted Kozlowski asked are the houses at Deerwood are they the size that they are supposed to be do you know off hand.

Rich Williams replied I don't know off the top of my head.

Ted Kozlowski stated because that is the thing now that it is being built out those houses are huge on teeny, weenie lots. I hope that does not happen here, mini mansions.

Board Member Pierro stated it is going to happen right here.

Mr. Kellard stated it can't happen here.

Board Member Pierro stated of course it can go down to Deerwood.

Mr. Kellard stated it can't you have a new zoning ordinance.

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

Rich Williams stated Deerwood; if we take a look at it they are probably going to be about forty-five hundred, five thousand square foot houses in total.

Chairman Schech asked on one level.

Rich Williams replied no total.

Ted Kozlowski stated but they are huge Herb and I don't know does the footprint conform with the final plans. Once they start building in there are we really checking that kind of thing.

Chairman Schech stated that is in the next office.

Ted Kozlowski stated I don't know it just seems huge.

Rich Williams stated one of the issues with Deerwood and I have had some conversations with Paul yes he is basically staying with the footprint as it is shown on the plans but Deerwood we don't have site plan approval over those lots. It wasn't built into the Code at that time. The new Code you will have site plan approval. They are going to have to fit inside that box, they are going to have to be put where they are shown on the plan and this is one of the reasons we did it. It was primarily done for stormwater.

Ted Kozlowski stated this is a big lot, I mean big property but the houses are sandwiched together they are kind of clustered and it would look kind of silly if they become mansions right on top of one another in these open fields.

Board Member Montesano stated when you go by Simpson Road there and you look over at the golf course and you look at Centennial and you laugh. It looks like a motion picture. This huge building coming up and you are waiting for the drawbridge to come down and there is no room to put it.

Chairman Schech stated they are buying them.

The Secretary stated that is everywhere.

Board Member Pierro asked this last plan, Mr. Kellard,

Mr. Kellard replied it shows the alternate access at Bullet Hole Road where we show the alternative of going through the Town parcel with the entrance road and we intend to show you the pros and cons of that alternative within the EIS and have a discussion with the Town Board if the Planning Board is agreeable and if we prove that it is a better location and see if we can purchase the parcel or a portion of the parcel so that we can reduce the impacts.

Chairman Schech asked have you approached the Town Board about that yet.

Mr. Kellard replied not yet.

Rich Williams stated they have actually reached out to Mike Griffin.

Mr. Kellard asked did Vinny call Mike.

Rich Williams replied yes and Mike actually talked to me about what I thought about it the pros and cons and I guess he was going to call Vinny back to see if they can get together.

Mr. Kellard stated we intend to address it in the EIS.

Board Member Pierro asked Ted, in your guess, estimation how much room between these two wetlands.

Ted Kozlowski replied well obviously he has got a hundred foot here and a hundred foot here so that is two hundred feet and then there is probably fifty feet there. It is quite a distance and we did specifically, we thought there would be a connection and look at the topography it kind of leads right to it. Whether that was altered years ago by farmers or whatever because this was field, farm fields. If you look at the topo it looks like it would go right into it but,

Board Member Montesano asked did you check to see if there is a pipe underground that somebody stuck in there years ago.

Ted Kozlowski replied no the vegetation changed. I actually thought we were on Billy's property when we were out there but we were quite a ways way.

Chairman Schech asked who farmed the land before Burdick.

Board Member Rogan replied McManus.

Chairman Schech asked that was the original.

Board Member Rogan stated this section was the McManus Farm.

Ted Kozlowski stated he might have made that to get through.

Board Member Rogan stated but don't forget that Burdick, Henry Burdick they owned like where Stiebeling, a lot of that subdivision is down through there and they just didn't use it. It was just wood lot, they cut firewood, fence posts and stuff. It seems like most of their farm lands was offsite, leased type stuff.

Board Member Rogan stated I think that what you are going to find on this is that they don't have an easement for the other side but they did years ago when the property originally changed hands. The property owners gave a verbal agreement to access the property for being able to get to the property to actually say do survey work or say something to that affect but I will be surprised if there is any actual easements for that other half of the roadbed. Again, that was the whole intent on keeping that parcel to be honest was to own both sides of the road bed but I am blue in the face talking on that one.

Board Member Montesano stated if you look at it you have that on a lot of the old farms use to do stuff like that just to keep it.

Board Member Rogan stated and the other point is if a property owner closes down a road when they own both sides of it I can see how you cannot restrict a future property owner to use that for access but that doesn't mean that you can then divide and make thirty-five houses or forty houses and allow all those that is increasing the use.

Ted Kozlowski asked is that a public roadway.

Rich Williams and Board Member Rogan replied no.

Rich Williams stated it is an easement over somebody else's property for access and the question becomes,

Ted Kozlowski stated but it is still called McManus Road.

Rich Williams stated it is shown that way on maps but that does not mean that it exists. It was legally abandoned and the question becomes absolutely they have a right to access their property through there the legal question is at what point do you increase the use so that you overburden that easement.

Board Member Montesano stated go up to Bear Hill and look at that nightmare and every time somebody has gone up there to subdivide and improve that road, they all come down, they are all going to have agreements, I am going to give you this half acre, I will take that half acre and then the next thing you know it is gone.

Ted Kozlowski commented (jokingly) this probably hooks to St. Johns.

Rich Williams stated for me though the issue is when we were are creating new subdivisions and new road improvements we typically like to see them broken out into a fee simple parcel that the Town can then take ownership with, all roads are easements over the top but we actually own the underlying road. In this particular case we would be looking at a situation where they are going to create a road over an easement that the Town would have no ownership of. We would basically be creating a road by use that after so many years of use that it actually takes on the State granted rights as a prescriptive easement.

Ted Kozlowski stated the only thing is Rich, what is,

Rich Williams stated I agree with you one hundred percent.

Ted Kozlowski stated no what I am asking I am just throwing it out what is the positive and negatives about doing just that and going this way. I mean what is the negatives for the people of the Town of Patterson and our natural resources. This is the way to go without a doubt in my mind. Now, whether the road is eighteen feet or twenty-four feet. If it is eighteen feet it is going to reduce the size of vehicles. I don't know how many big vehicles are going to go through that anyway. I don't know if they are going to bother to go that far down when they can easily get in to a road over there.

Chairman Schech stated let's find out if they legally can. Now, if you do put a road there and you can't use that portion legally, if we put a road in there can you legally use it.

Rich Williams stated you can't do one or the other, if you put a road,

Board Member Montesano stated until they find out what is going on we could sit here all night long with your opinion, your opinion.

Mr. Kellard stated I can't even comment on it. I know that it has been two months, Board Member Montesano stated why can't we wait until we find out.

Ted Kozlowski stated light a match under that Attorney's heiney.

Mr. Kellard stated he has been trying to get it resolved but it is not such an easy thing.

Board Member Rogan stated the documentation isn't that clear sometimes because I was just looking at some documentation for this road closing through Supreme Court it has to be from sixties and it is not, it does not say.

Chairman Schech stated that is why they call Judges Judges.

Mr. Kellard stated and it might take a Judge to make a determination on it.

Mr. Kellard stated so until we know we are addressing the bridge as our proposed access.

Mr. Kellard thanked the Board.

Board Member Pierro stated I think it would be cheaper to do the road as opposed to a bridge over that small portion of the wetlands. We also have to realize that,

Board Member Montesano stated we do one thing, we sit here, we give five different opinions and five different ideas let them prove that one of these can be done.

Board Member Pierro stated but I think that we all ought to think in advance about what the ramifications are, what the community has got to say about this as well. I know they will all be addressed at the right time.

Board Member Montesano stated with all due respect to our neighbors there comes a point a time where we will have seven million opinions and never satisfy anybody.

Rich Williams stated I think all the neighbors up there have the same opinion.

Board Member Montesano stated yes they don't want anything to be built but unfortunately we can't stop it.

Board Member Pierro stated I never liked the road crossing on to McManus Road from day one but I was new-vo.

Board Member Montesano stated it is not whether you are new-vo or not.

Board Member Pierro stated that was my first week I sat here and said why did we do that. I didn't understand the process.

Board Member Montesano stated you work with what you have got. In other words, you can tell them no you can't cross it but the original plan calls for some type of, it is an emergency route. They had one way in.

Board Member Pierro stated and they were limited because the length of the property.

Board Member Montesano stated you go up to Cornwall Hill Road and you look at the property there. There are two properties before all the rules and regulations were changed the object was you put an entrance here and the property that was being developed here would put an entrance here and you have a through road going through it so that in case of an emergency these people can get to their houses and over here,

Chairman Schech stated they were ready to string us up remember on putting that road through.

Board Member Montesano stated they screamed.

Chairman Schech stated everybody is going to use it for a short cut.

Board Member Montesano stated both plans were approved with that road being mandatory to be connected, why because when we went up to classes and talked to all of these people with the alleged knowledge because at the time the State Highway Department had some until we got over there to 292 and 311 that fiasco is the biggest fiasco in the world to me. The object was we were told you should never put yourself into a point where you are bottled in because if anything happens at the main entrance you are dead and how many times on 311 you see traffic get backed up because of an accident or something and people can't get home. They can't get through they are stuck.

Board Member Pierro stated we all understand, I understand that Mike but I am more inclined to go along with Ted's suggestion but not make it a Town Road.

Ted Kozlowski asked can you make it just an emergency road only.

Board Member Montesano stated sure you can it has been done before.

Ted Kozlowski stated this is in case the main entrance gets closed up then use this.

Board Member Pierro stated this way we don't increase the amount of traffic that is on McManus.

Rich Williams stated in my opinion that would be problematic because it is not a Town Road, who is going to maintain it in the winter, who is going to do the improvements on it especially if it is a gravel road.

Board Member Pierro stated even if it is a paved road someone has to hit it with a snow plow.

Ted Kozlowski stated but Rich if they formed some sort of a district. (TAPE ENDED).

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

5) EASTERN JUNGLE GYM

Rich Williams stated they have resubmitted a new plan, a lot of issues with it.

Board Member Rogan stated they didn't even show up when they were on the last agenda did they.

Rich Williams replied Gary Tretsch did not show up I don't remember if they were there.

Board Member Rogan stated no they were not there.

Rich Williams stated that is right Gary did not show up for the site walk comments but he really didn't have to. That was the last thing that was on. He didn't show up for South Patterson Business Park either.

Ted Kozlowski asked Rich is this plan showing what is out there now or is this.

Rich Williams replied no. It does not represent, Ted Kozlowski stated the wetland right because they have changed, Rich Williams replied I don't know the wetlands. Ted Kozlowski stated I don't know either this is the plan that you pulled out of the file from years ago.

Rich Williams stated they have taken that plan and they have amended it but one of the issues that I am not clear on is what everybody is doing with the wetland issues. Are we looking for a permit, are we not looking for a permit.

Board Member Pierro stated I thought we decided on site that we were looking for a permit.

Board Member Montesano stated yes because we wanted them to pull back and mark everything off with fencing.

Rich Williams stated you clearly specified what you wanted them to do for the most part. You wanted a certain buffer, you wanted fencing up but I wasn't clear about whether a permit was being required.

Ted Kozlowski stated I thought (a) we were going to clean up the crap that was easy, (b) because that stream comes in and runs into the parking lot in the back there we wanted to do something with that then we wanted to put up some sort of barrier so they couldn't go into the wetland like they had the boat in there and the other stuff then there was discussion about all the stuff that is on the lawn.

Board Member Pierro stated and its proximity to the road.

Ted Kozlowski stated there was two issues with that; an aesthetic one and it is within a hundred feet of the wetland. I didn't from a wetlands standpoint the jungle gym things on the lawn didn't bother me being a hundred feet from the wetland. My problem was that garbage and stuff kept going into the wetland and we needed to take care of that.

Rich Williams stated they are proposing a post and rail fence along the eastern boundary of the wetlands.

Ted Kozlowski stated didn't we also say hey look to your neighbor they did a terrific job bordering that wetland with the stone work and all that. Didn't we say hey, let's go that route or something along those lines.

Rich Williams stated yes and they proposed a post and rail fence. They are actually showing a post and rail fence going through the gravel drive that is accessing that area I am not sure what that means.

Board Member Pierro asked and that is on the southeast side that portion where the back of the building was the grassy area.

Rich Williams replied the side of the building, the wetlands side of the building.

Rich Williams stated they are proposing to move the two sheds down at the corner but they don't show where they are going to move them to.

Board Member Montesano asked they are going to have fencing all the way through here like this.

Rich Williams replied yes.

Board Member Montesano stated and then all the way up to here. I don't know if this symbol is supposedly the fence but I noticed it is running all around the property from the parking lot all the way around to the other side of the parking lot.

Ted Kozlowski asked Rich, did they ever get a wetland permit for anything.

Rich Williams replied they were never supposed to go into the wetlands.

Ted Kozlowski replied yes but all their stuff is within a hundred feet of the wetlands.

Board Member Pierro stated the building is within a hundred feet.

Rich Williams stated the original plan they were within the flood plain, they were within a portion of the wetland, they even with the original plan this is way back.

Ted Kozlowski stated this goes back to Cheryl O'Brien's days.

Rich Williams stated no this goes back even way before then.

Ted Kozlowski asked okay so this pre-dates the wetlands law.

Rich Williams replied yes it pre-dates the wetlands law. They were given permission to relocate the stream.

Ted Kozlowski stated that goes way back.

Rich Williams stated subsequent to that then they built the building, they occupied it, everything was fine then this other outfit in the early nineties, late eighties, came in they wanted to amend the plan to expand the building and do things by the wetlands that was during Cheryl O'Brien's time. They were basically told no you are not going into the wetlands. You are not doing anything on that side of the building and now we have all this new intrusion into that side which,

Ted Kozlowski stated I would think that they have got to clean up the wetland area and if they want to do anything more than what is already there as far as the building and parking lot goes anything more within a hundred foot of that buffer they are going to need to do a permit. Does that sound reasonable.

Rich Williams stated they are proposing to use it for outdoor storage. I don't think they are proposing to put any material down other than gravel and they are going to give twenty- five feet of buffer left and put a fence up.

Board Member Montesano asked tell me something and I need your opinion, they have wood out there right it is pressure-treated wood, it is chemically treated wood,

Rich Williams asked are they using pressure-treated.

Board Member Di Salvo replied not anymore.

Ted Kozlowski replied they are using pressure-treated but they are not using the arsenic.

Board Member Montesano asked what I want to know is about that particular stuff is there residue from whenever it rains, is there any kind of runoff from that.

Board Member Pierro stated of course there is Mike but we don't know if that stuff is harmful. Board Member Montesano interjected can I finish what I was going to say. Board Member Pierro stated ten years ago the arsenic wasn't harmful.

Board Member Montesano stated yes it was. It kills people just as dead ten years ago as it does today.

Board Member Pierro stated and we don't know what is going to happen with the chemical they are using now.

Board Member Montesano stated what I am looking at right now is they want outdoor storage of this lumber and this material, the runoff that is created every time it rains, every time it snows, can we force them to put a covering over that or because of this situation or is there insufficient information that we can force them to cover it.

Ted Kozlowski replied let me ask you something regardless of whether there is an environmental issue or not wouldn't you want to cover it anyway.

Chairman Schech stated well they had the lumber in the bus garage right.

Board Member Rogan asked what would be your point of covering it.

Ted Kozlowski replied the constant freezing, thawing exposure to elements. He is going to weather it and you are supposed to be selling a brand new product so are you selling weathered wood as you know to me from a business standpoint,

Board Member Rogan stated I am wondering how fast they go through it that is what I am thinking.

Ted Kozlowski stated just to put a shelter over it to keep the rain off it.

Rich Williams stated if it is only going to be there for two weeks they are probably not covering it.

Ted Kozlowski stated but how much are they building right now Shawn.

Board Member Rogan replied indoor they are. They were building when we were out there and it was awful cold. Drive by Mahopac Railroad Tie the whole place is uncovered and they are selling a brand new product so the same would apply.

Ted Kozlowski stated you can argue environmentally we want it covered we don't want stuff washing off. You are in the buffer this is what we want. If you want to store it outside the buffer then store it outside the buffer uncovered.

Board Member Pierro stated I think they are giving us snowballs in hell if you look at the left rear corner of the building they are 83 feet off the back of the building they are saying they are going to put up this fence I think that is in the wetlands buffer anyway. It is in the stream.

Rich Williams stated everything in that corner of the, Chairman Schech stated the building is in the wetlands.

Board Member Pierro stated yes but this is no better where they are proposing the fence is no better than where they are at right now. I mean the fence is just to stop them from walking in the water.

Rich Williams stated right now they are not using that side really for storage of material.

Board Member Pierro stated they are using it for, Rich Williams stated they are now if you want to see the pictures they have got wood hanging over the stream now. They are all over the place now.

Chairman Schech asked since we were there.

Rich Williams replied yes.

Ted Kozlowski stated they are just too big for the site. It is like their neighbor, the stone place. He is too big for the building he has. He did a nice job but it is too small.

(Too many talking at the same time – unable to transcribe)

Chairman Schech stated well they are bringing the sheds supposedly closer to the building right.

Board Member Pierro stated right clearing up the roadway issue.

Chairman Schech stated and they are displaying the playgrounds where the sheds were.

Rich Williams stated they want to keep the display area up front they want to pull it five feet off of the drive. Based on line of sight I took a look at it and recommended Board Member Pierro stated we were concerned about where they put the snow and it is right on the curb and one of the sheds is covering the drainage.

Chairman Schech asked where is the septic located that is in front of the building right.

Board Member Pierro stated it is on the right-hand side of the building isn't it.

Rich Williams replied in the storage area.

Board Member Rogan stated that is a perfect way to know if you have a failing septic is walking around out there checking out the swings.

Chairman Schech stated I don't know what to tell them anyone have any ideas. I mean they have outgrown the site, the Building Inspector said they can't store the wood inside because it was a fire hazard. Why would the wood being stored inside be a fire hazard.

Rich Williams stated they couldn't store it across the street at the bus garage because the building was not fire rated for that.

Chairman Schech asked what would make it fire rated.

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

Board Member Rogan asked Rich, why did Eastern Jungle Gym come in in the first place was it generated by Paul.

Rich Williams replied it was a violation. It was a change of use that was not permitted, they didn't have a site plan to be doing what they are doing on the site.

Board Member Rogan asked and how long have they been at the site doing what they are doing illegally.

Rich Williams replied a long time probably ninety-five.

Ted Kozlowski stated I would be happy if they just put up a barrier, they cleaned up the area, they did something with that stream that keeps flooding into their parking lot.

Board Member Rogan stated let's just contain the site.

Ted Kozlowski stated whether they store stuff outside that is for you guys to decide.

Rich Williams stated if they want to increase the use of the site whether they are at the maximum or not they would have to come back in for a review and at that point you can deny it because they are at max. You can deny this because they are exceeding max.

Board Member Montesano stated I feel that they have gone overboard on this anyway.

Board Member Rogan stated I agree with Ted's logic let's delineate or contain the site to what we think is let's pull the fence in if we think it should be reduced and then allow them a reasonable of the available space and then we are done with it.

Ted Kozlowski stated right if they have outgrown the space that is not our problem that is their problem.

Board Member Rogan stated that is not for us to solve.

Chairman Schech stated let them clean it up, move the thing in and clean the thing up and that is it. If they can't do it then they have to look for another site.

Board Member Rogan stated let's decide on what is a reasonable delineation is for where the fence should go and anything within it they can use.

Ted Kozlowski stated the edge of pavement.

Board Member Rogan asked what about around the other side here.

Rich Williams stated remember, Board Member Pierro stated no they extended the pavement a lot.

Ted Kozlowski stated well that is the other thing those plans go back to when ever is the parking lot really there or is it further into the wetland I don't know. Is that parking lot extended. What I am looking at on those plans is that true.

Chairman Schech stated there should be an as-built no.

Rich Williams stated I don't think that is an as-built.

Chairman Schech stated we can ask them.

Rich Williams stated we always started off with show us the exact location of the stream on the plans. They haven't done that. Basically, what he did was he took the stream off the old plans and slapped it on there. That is not where it is.

Ted Kozlowski stated okay then send them back and get it right.

Board Member Rogan stated so let's ask that the stream be survey located on the map.

Rich Williams stated and that will give us a good idea and you probably want to survey locate the wetlands at the same time.

Ted Kozlowski replied absolutely.

Rich Williams stated most of the other issues they can easily address but one of the other issues is the dumpster in the back. They had a roll off container out there that is what they are using, no containment, no cover and they want to continue to use that. Typically the Board, Board Member Di Salvo stated encloses them.

Board Member Rogan asked how high do we want that fence I want it said now.

The Secretary stated Town Code is six feet.

Rich Williams asked why do we want to recommend an eight foot fence.

(Too many speaking at the same time unable).

Chairman Schech stated so we send them back for some surveying and what not.

Board Member Rogan stated yes but I think we can tell them at that point look basically we are looking for the site to be significantly cleaned up, we want to delineate where the wetlands are, put a fence on the boundary of the wetlands or however many feet off the wetlands that you decide. I am comfortable with whatever Ted says on that within reason and

Ted Kozlowski stated we have to deal with that stream too.

Ted Kozlowski asked didn't they have a bridge or they had some structure.

Board Member Rogan replied yes that was just a little foot bridge.

6) SOUTH PATTERSON BUSINESS PARK

Rich Williams stated Gary did not show up at the last meeting, we sent him the comments over, he has addressed some of them. (Unable to hear the rest of his comments)

Rich Williams stated one of the outstanding issues at this point, there is not a lot to review on this but one of the outstanding issues was that fifty foot right of way. There was a concern expressed by the Board about that fifty foot wide right of way going into that whether it is absolutely necessary and I think before we really go any further we need Gary to explain to us why it needs to be there, the Board needs to be comfortable with it being there or it needs to disappear.

Board Member Pierro stated maybe he got some direction from the State when he discussed the taking or the gifting maybe they got some direction. What is the purpose of the other right of way.

Rich Williams stated point being is we don't know.

Board Member Rogan stated after hearing Gary's explanation I still think we ought to site walk it before we make a determination.

Chairman Schech stated we definitely will setup a site walk but we are not going out now.

Board Member Rogan stated I want to see it before I make a determination on the fifty foot whether or not we want it or not.

Chairman Schech stated but we can ask him why do you want it.

Board Member Pierro asked do we have any idea of the purpose of that other right away or that connection in to the Old Road area.

Rich Williams replied that was something that was created years and years ago it already exists.

Board Member Rogan stated Dave your point being about access maybe that is the place to provide the access to the State land.

Rich Williams stated the other issue is it is going to be part of the Bog Brook unique area and there was access down just over the line through Southeast already.

7) BRI CAR SERVICES INC.

Board Member Pierro stated so it is a contractor's yard on Commerce Drive.

Rich Williams stated it is a contractor's yard over on Commerce Drive two lots up from Eastern Jungle Gym.

Board Member Pierro stated between Eastern and Lea-Rome.

Ted Kozlowski asked who flagged the wetlands.

Rich Williams replied this is the one for you. Wetland line is delineated by Joe Steeley; here is the edge of the wetland line.

Ted Kozlowski asked Joe Steeley did this now.

Rich Williams replied I have no idea turn the page here is the wetland line, I can't believe he picked up your flagging.

Board Member Rogan asked so Ted give us the inside story.

Ted Kozlowski replied the inside story is Lea-Rome is probably here and years ago I put our markers up and so we know the wetland line on this plan is off. You can't do anything until we go out there and verify the wetlands and that is not going to happen now.

Board Member Pierro asked do we all agree there is nothing we can do with it until we get out there.

Chairman Schech stated site walk.

Rich Williams stated you can react to the preliminary design.

Ted Kozlowski stated I can't flag wetlands until there is no snow cover and they are obviously off as Rich pointed out.

Rich Williams stated they are off I don't know how much but one of the other issues is they have the whole stormwater detention pond entirely within the buffer area and there is a stonewall there fifteen, twenty feet off of the wetland line and they actually break through the stonewall with the outfalls. My recommendation is that they re-design and they at least minimize the impact to the wetland buffer to the maximum if they are going to have to go into the buffer.

Ted Kozlowski stated and we don't know where the wetland buffer is right now.

Rich Williams stated but they certainly should not be going across the entire hundred foot of wetland buffer with a pond.

Board Member Pierro asked who owns Bri Car.

Rich Williams replied I don't know.

Board Member Di Salvo stated look on the application.

Board Member Pierro stated Carolyn Dickson.

8) PATTERSON DEVELOPMENT CORPORATION

Chairman Schech stated first of all we have got two retention ponds, retention ponds have to have their own lot.

Rich Williams stated typically we try more recently we have been directing people to put detention ponds and significant stormwater facilities on their own individual lot because we have seen a couple of instances one in Southeast where they actually built the stormwater pond on somebody else's lot on a residential property owner's lot and the owner came in and filled it in and the other one we have is up on Quaker Manor where we had a stormwater pond on somebody else's property and they excavated it out so it is gone.

Ted Kozlowski asked Rich who is supposed to maintain these once they are built.

Rich Williams replied it depends. Lately we have been setting up districts so that the maintenance before that it was generally a HOA and before that it was just the Town. We create them and nobody owns them. Cornwall Hill Estates is a perfect example. There is a stormwater pond at the bottom of the hill and it is just there and never been maintained. We are require as part of the new General Permit to setup a maintenance program for everything.

Board Member Rogan stated Lot #1 is some ugly lot.

Rich Williams stated I was wrestling with this before you came in. I haven't done a review on this. If you look at the overall drainage basin that is the saddle that is where everything is going to.

Board Member Rogan stated just do away with Lot 1.

Board Member Pierro stated there is an existing house.

Rich Williams stated there are two houses already there. The problem is that is the bottom of the drainage basin.

Board Member Pierro stated the rest of the drainage basin is across the street.

(Too many people speaking at once unable to transcribe).

Board Member Pierro asked is this within the Hamlet.

Board Member Montesano replied no it is on the edge of it isn't.

Rich Williams stated it is within the extended Hamlet. When we changed the zoning we extended the Hamlet.

Board Member Pierro asked so this is three acres.

Rich Williams replied no this is one acre zoning.

Board Member Rogan stated something to think about on this, this is ten well eleven counting the original lot, eleven lot subdivision, Burdick Farms is only three times as big not that this is such a small project you know we think about relative impacts. I was saying this is a third the size of Burdick Farms and we should think of it in its scale that it is a large subdivision.

Chairman Schech stated okay a site walk and we want the ponds on their own lot so we can service them.

Board Member Pierro asked yes but there is no other place to put the pond.

Chairman Schech stated so you dedicate a lot to the pond very simple.

Board Member Pierro asked but can we make that happen Rich based on the contours over there, take out Lot 1 all together and put,

Rich Williams replied this is what I was wrestling with when Herb came in trying to figure out how to manage the stormwater on this site better so that at least that can be shrunk but.

Chairman Schech stated they had it shrunk all the way back at one time.

9) **OTHER BUSINESS**

Rich Williams stated I have a quick question for the Board; Louie Pescatore has gotten a clear, clear message from the Planning Board that the project should be smaller but Louie being Louie is saying how much.

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

Ted Kozlowski stated stay out of the wetlands.

Rich Williams asked with everything.

Ted Kozlowski replied yes.

Board Member Pierro asked what is he willing to come down to what is he at, 45,000.

Rich Williams replied he is at 40,000. There was some indication that 35 it might be more palatable but from what I am hearing from Ted now is stay out of the wetlands all together that is probably bringing him down to 15.

Ted Kozlowski stated I didn't put the wetlands there Rich.

Rich Williams stated I am just trying to facilitate a project.

Chairman Schech stated so if he puts two stories on it he gets 30.

Ted Kozlowski asked what does he want to put there or is this another spec.

The Secretary stated he did have people interested.

Rich Williams stated at one time he said he had people interested.

Board Member Pierro stated didn't we do some calculations at a work session. We cut five thousand square foot off one side and eight thousand square foot off the other side and put the big box in the center.

Rich Williams replied I don't remember doing that.

Board Member Pierro stated I thought we did.

Chairman Schech stated we cut most of the one side.

Board Member Pierro stated it was the right side.

Chairman Schech stated facing the building on the left hand side.

Ted Kozlowski stated look, we tell people all the time stay out of the wetlands it is nothing new and here is a man that on a number of projects has thumbed his nose at us. He purposely took down trees, he has purposely done things contrary to what this Board many times has told him to do. The land is developable but every bit is not developable. The wetlands are there I didn't put them there stay out of them.

Rich Williams asked does everybody agree with that.

Chairman Schech stated basically we do.

Board Member Pierro stated I think it is a build-able site let's come up with a reasonable size.

Chairman Schech replied we did, we told him.

Ted Kozlowski stated yes but stay out of the wetlands.

Chairman Schech stated stay out of the wetlands.

Board Member Pierro stated 25,000 square feet.

Board Member Montesano stated he can do 15 without a problem and then if he can get the second story on it then he is ahead of the game.

Board Member Pierro asked when did we tell him that.

Rich Williams stated we never have.

Chairman Schech stated when he was here the last time we didn't tell square footage we just told him to shrink it down.

Board Member Rogan stated you don't want to probably tell him square footage.

Board Member Montesano stated no you don't want to give him a guarantee what square footage he can have.

Rich Williams stated no but you want to set some sort of standards.

Ted Kozlowski stated yes stay out of the wetlands.

Rich Williams stated Ted has a standard, stay out of the wetlands. He knows he can't go into the wetlands with any facilities and whatever he can get on the site he can get on the site.

Board Member Rogan asked are we talking about wetlands or the buffer.

Ted Kozlowski stated it depends on what he wants to do in the buffer.

Rich Williams stated he wants to put his stormwater ponds.

Board Member Rogan stated because I agree with staying completely out of the wetlands. That is easy enough but,

Board Member Montesano stated yes fine if you tell him he can go into the buffer area does that mean he is going to put in a ten thousand square foot building and have it all in the buffer area.

Ted Kozlowski stated no I wouldn't want to see a building in the buffer period.

Board Member Pierro stated he needs the drainage in the buffer right.

Rich Williams stated the forty thousand square foot plan showed a portion of the parking lot in the buffer to the south and the stormwater ponds to west in the buffer. The buffer was shot from the stormwater ponds.

Ted Kozlowski stated the other thing this Board should know and I know this first hand, his environmental consultant, Beth Evans Associates which has a good reputation has told him we do not want to work for you because you want this in the wetlands and we are advising you repeatedly do not go in the wetlands. He didn't want anything to do with them now he is forced back to them and they are saying the same thing to Louie. How many times does this man have to get hit over the head.

Chairman Schech stated his newest thing is that Burdick created those wetlands.

Rich Williams stated he has said that right along.

Board Member Pierro stated I am more inclined to believe that DOT did it when they built those drainage.

Ted Kozlowski stated so if he works with a good environmental group they will come up with a plan.

Rich Williams stated I still have difficult thinking they are going all the way back. Everybody says they did but there is also that road in there and I don't think DOT would have put that road in. Somebody did put a road in, they did cross through that wetlands there is no doubt about it. Ted maybe you can see something different I have never seen any indication that the road has affected the hydrology or the vegetation community out there.

Ted Kozlowski replied hydrology I would think 22 and all the development has affected hydrology. I don't doubt that.

Rich Williams replied but not that road.

Ted Kozlowski stated no but when we were out there for our site walk and I did soil borings it was hydric soil and hydric soil takes thousands of years to form so that was there before Route 22 and everybody else and his brother. It is there. This property has been coming up and it is the same story since the eighties since I have been in this Town since 1984. That site has been out there and every time he comes forward it is always maxed out and into the wetlands and all this stuff and every Board and everybody that has been reviewing this has said the same thing over and over to this guy.

Rich Williams stated when he came back in in the early nineties everybody said stay out of the wetlands to the west, everything to the south is just a lousy, crappy wet meadow do what you want.

Ted Kozlowski stated but wasn't in writing and times have changed.

Rich Williams stated times have changed so he is getting a different story now times have changed, different people but.

Ted Kozlowski stated Rich, there was no permits ever filed, there was nothing ever put forward.

Rich Williams stated absolutely.

Ted Kozlowski stated and it is a whole different story. He can put things there he just should stay out of the wetland.

Board Member Rogan made a motion to adjourn the meeting. Board Member Montesano seconded the motion. All in favor and meeting adjourned at 9:17 p.m.