

TOWN OF PATTERSON
PLANNING BOARD MEETING
February 2, 2006

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Planning Board
February 2, 2006 Meeting Minutes

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

Present were Board Member Mike Montesano, Board Member Dave Pierro, Board Member Maria DiSalvo, Rich Williams, Town Planner, and Gene Richards, Representative from Town Engineer's Office, Anthony Molé, Town Attorney, Ted Kozlowski, Town ECI.

Meeting called to order at 7:30.

There were approximately 22 audience members.

Board Member Rogan was absent.

Michelle Russo took the seat of the Secretary and transcribed the following minutes.

1) DUKE SUBDIVISION – Relocation of House

Jeff Shaw, the Applicant was present.

Chairman Schech stated just talk into the mic. State your name please.

Mr. Shaw stated my name is Jeff Shaw I have a piece of property on McManus Road North, and I've got my Board of Health and I went through the procedure of getting a building permit and when I had it engineered. First of all I thought it was one acre zoning and until I got this letter I had no idea it had changed to four acres, so that changes the set backs and obviously the location of the house can't stay where it is because of the set backs. So really I have to know now, because I spent a lot of money having the architect designing that house for where I thought it was going, so I have to know the proper procedure to get permission to put it in a different location and then go to the architect and have a different house designed.

Board Member Montesano stated what do you want to do boss.

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Chairman Schech stated I am just reading. When we were on the site, I think it was the majority of the people there wanted it set up the way it was decided at the subdivision, the house in front of the garage, otherwise the garage was being moved.

Mr. Shaw stated well that was the previous owner, I wasn't looking to move the garage.

Chairman Schech stated there were no previous owner ideas, it was our idea. That was part of the subdivision.

Mr. Shaw stated well my engineer, it came up during, I was with him for probably four years getting the Board of Health and I mentioned to him that somebody told that the house had to go in front of the garage and he said to me that he had never heard of such of thing but that he would look into it. The next time I went to him, he said that he had looked into it and that there is no such law. Now it is stated in the letter that I got that you know, with numbers and everything, that it's definitely law that you want the house in front of the barn, so my engineer made a mistake, that's all I can say.

Rich Williams stated Mr. Chairman if I may, we do review letters on the application.

Mr. Shaw stated this is what I received in the mail.

Rich Williams stated there may be a new one in there, because the Board went out there and did a site inspection this past weekend.

Mr. Shaw stated I mean I am not trying to go for a variance to get it where it I originally wanted it. I want to comply and put it in front of the barn.

Chairman Schech stated okay, that is easy. I believe in order to put it in front of the barn we have to move the barn back.

Mr. Shaw stated no.

Rich Williams stated the original.

Mr. Shaw stated well actually the original barn was moved to within fifteen feet of the neighboring property which of course with four acre zoning we need forty feet, that is out of the question that is could be done according to the subdivision.

Rich Williams stated that is going to have to be reviewed by the Building Department at this point. But yes, the original subdivision plan showed that the barn was going to be moved closer to the property line.

Chairman Schech stated so right as it stands now we can move it closer to the property line.

Mr. Shaw stated no.

Chairman Schech stated without ZBA approval.

Rich Williams stated I don't know for sure.

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Board Member Pierro stated I would be more inclined to leave the barn where it is, with the fifteen yard side yard with the variance required for the side yard instead of going with the alternate which is getting two variances because the house does not meet the set backs for the side yard location on the other lot.

Rich Williams stated I think the issue is if he moves it in front of the barn that it would meet the set back requirements.

Board Member Pierro stated it would.

Rich Williams stated it would except.

Board Member Pierro stated even though the barn is currently too close.

Rich Williams stated the new house, the barn is a pre-existing structure out there at that point, it was contemplated that it was going to be moved closer to the property line it was done so because of the issues of the set back of the septic and getting the house on the site. If they can get a house on the site without moving the barn I imagine that would be acceptable, but he is going to have to go back to the Building Department and discuss that issues specific with them.

Mr. Shaw stated right now the barn is about thirty feet and with the new laws it should be forty feet, but it is pre-existing. So the new house I want to put forty feet and I don't know what the front set back is, in the letter is says it eighty from the back. My original thing was forty feet, what I had submitted is out the window, so we are starting all over again and I have mapped it out, it can fit in front of the existing barn. I don't know whether it is forty of fifty feet from the front set back. Do you know whether it is forty or fifty feet

Rich Williams stated it is forty feet.

Board Member Pierro stated does this Board require any action before he goes to the Building Department.

Chairman Schech stated no.

Rich Williams stated no, there is only an action required if he proposes moving the house from the way it was shown on the subdivision plans.

Board Member DiSalvo stated we are going to put the house in front of the garage we are going to do one driveway; we are not going to do that second driveway.

Mr. Shaw stated I will probably need that for construction but it will be eliminated, but because the amount of septic bank, I will need access up there but as soon as it is done it will be.

Rich Williams stated the issue with that though, the Planning Board looked at putting a driveway in that location on the upper side of that lot with the original subdivision and they felt they didn't want to see the bank cut, they didn't want to see disturbance in the slope and more importantly the sight distance in that location is extremely poor and that is why they didn't want that driveway coming in that general area.

Mr. Shaw stated I have, like where the wires are that they had wanted all that dirt removed, so there was sight distance.

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Rich Williams stated they wanted some of the bank cleared back so there was a swale going down through there, so there was drainage along the frontage, that is correct.

Chairman Schech stated so get back to the Building Department find out what you can do and we will probably see you back here.

Mr. Shaw stated when is your next meeting.

Chairman Schech stated next month.

Rich Williams stated if you are putting the house where it was shown on the subdivision plans, you do not need to come back to this Board.

Mr. Shaw stated it is very close, it's like right there, it is actually a little bit further away from the septic, because the septic is a little larger, so it can't be there, it has to be a little bit over but as far as the forty feet on the lower side, I have that and I have the forty feet in the front.

Chairman Schech stated okay.

Board Member Pierro stated very well sir.

Board Member Montesano stated the guy in the audience.

Chairman Schech stated the little voice in the back.

Board Member Montesano stated can you identify yourself for the record, please.

Board Member DiSalvo stated get your bows and arrows ready.

Board Member Pierro stated good to see you Mr. Piazza.

Mr. Piazza stated Paul Piazza, Building Inspector. Just for clarification, if Mr. Shaw does bring the house to front of the garage, the site plan that was approved prior says that the garage was to be moved, can I get a waiver from the Planning Board that that does not have to take place as long as the house fits in front of the garage.

Chairman Schech stated as long as it fits in it fits in the front I think we can go with that.

Board Member DiSalvo stated how much distance is going to be in between the two structures, twelve feet.

Mr. Piazza stated until it is submitted I don't.

Mr. Shaw stated it is going to be about fifteen feet, if it is forty foot in the front it will be fifteen feet.

Mr. Piazza stated fifteen feet meets the code for separation. I just need a letter from the Board saying that it is okay.

Chairman Schech stated that we will take care of that.

Mr. Piazza stated thank you.

Board Member Montesano stated is somebody making a motion on it.

Board Member DiSalvo stated do we have to.

Board Member Pierro stated Rich does that require a motion.

2) PATTERSON VILLAGE CONDOMINIUMS – Waiver of Site Plan

Nick Joyell from Patterson Village was present.

Chairman Schech stated Patterson Village, anyone here from the Village.

Mr. Joyell stated good evening, my name is Nick Joyell; I am the Vice President of the Board of Managers of Patterson Village.

Chairman Schech stated what we wanted to know is what type of use is this shed that you are proposing.

Mr. Joyell stated for tools, we have a table saw, it is going to be utilized to store pretty much our tools and some equipment that we have, air compressor, different things of that nature. There are no fuels involved.

Chairman Schech stated no chemicals.

Mr. Joyell stated no, maybe a can of paint, water based paint, and no oil based or any chemicals at all.

Chairman Schech stated this is going to be there forever.

Mr. Joyell stated no, eventually it is going to be moved to the other side of the property, and for not this is the only location we could put it in. Once the RBC plant is gone and we are hooked up to Town septic then we are going to relocate that building. It is not on a permanent slab right now, it is just on the skids and it will probably stay that way even when we relocate it to its final place.

Chairman Schech stated I am fine with that. Our biggest problem was what was going to be inside. Can I have a motion? Anybody.

Board Member Pierro stated do we have to do SEQR on this Rich.

Rich Williams stated no if you are waiving the requirement.

Board Member Montesano you are going to waive it.

Board Member Pierro stated in the matter of Patterson Village Condominiums I make a motion that we grant a waiver of site plan to install storage shed not on a fixed foundation in the rear of the property, temporarily to utilize the storage of tools, no chemicals.

Board Member Montesano seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Montesano	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

3) THE PADDOCK – Sign Application

No one was present to represent the Application.

Chairman Schech stated Paddock, we took care of The Paddock, didn't we, was he coming in.

Board Member Pierro stated we had the light issue we had to take care of.

Rich Williams stated yes, at the last Planning Board meeting, it was brought up that the lights were not in conformance with our current requirements. The Board directed me to meet with the Applicant and go through exactly we were proposing, we were talking about doing, I did meet with the Applicant, he was aware that he needed to be here tonight. He was going to look into an electrician and change out the lights to something that was going to conform to code or remove the lights in their entirety.

Chairman Schech stated and he is not here, is he.

Rich Williams stated apparently he is not here. So you might want to table it to the next meeting.

4) ROCCO'S FAMILY PIZZA & RESTAURANT – Sign Application

Chairman Schech stated Rocco's we took care of.

Board Member Montesano stated right.

Board Member Pierro stated for the record Mr. Chairman. Do you want to put it on the record, for the minutes?

Chairman Schech stated I believe it was on the minutes.

Board Member Montesano stated it was on the minutes for Work Session

Board Member Pierro stated do you want to put it on these minutes.

Chairman Schech stated no.

Board Member Pierro stated Rocco's Pizza is on the agenda, we granted a sign permit at the January 26, 2006 Work Session.

5) AVP BUSINESS PRODUCTS – Fill Permit

Mr. John Neubauer, the Applicant was present.

Chairman Schech stated the next one we have is, AVP Business Products.

Mr. Neubauer stated what we want to do it.

Board Member Pierro stated John, can you state your name for the record.

Mr. Neubauer stated John Neubauer, President of AVP Business Products. What we want to do is fill primarily for safety, if you look at those plans that you have. What we did was we bought the property next to my existing business which is, my existing business is 2717 Route 22, in December we bought 2713 Route 22, from Wooded Hills, that property contains what that called a cottage and the driveway to that piece property that we just bought drops down immediately as soon as you make the turn off of Route 22. Our long range plan, the reason why we bought this property, was to add on to the store, short range however what we need to deal with however as soon as possible if we get approval for this, is to fill so that. What we have now, we have about six or seven forty foot semis per week delivering and right now what a semi has to do, they usually do it on the south bound direction. They park on the shoulder, they back into our property and they momentarily block both lanes of Route 22, so it is a safety issues. They also block access to my property so that when we are getting a delivery it is pretty much impossible for a customer to get in there. So what we want to do is make it possible for the semi's to pull off onto the shoulder and then to be able to back into the existing loading area because even with the new addition the loading area would be approximately where it is now. So that would allow a truck to get in there safely and it would also allow cars to come and go while deliveries are being made.

Board Member Pierro stated John, although we are not engineers, we have an engineer on staff. We took a site walk out there and we honestly applaud your willingness to expand your operation and build a larger building. We think it would be great for the Town, but most importantly there are some issues there that we are concerned about. There are one of the sheds there is basically propped up on a timber foundation, some of the existing retaining walls where that truck is parked on the left side of the building. I do not think that it will retain any additional fill and I would like to see some plans for what is going to hold back the fill you are requesting to place on the left hand side of the building because you can not just dump it there, there has to be a very serious structural retaining wall there on the left.

Mr. Neubauer stated short term I didn't have any plans to build a retaining walls because the fill isn't going to be that deep. If you stand on the parking lot of the building next door, the house next door, which has been paved although it has not been shown as paved on that plan. You basically are looking; your eye level is at our parking lot that is about five feet. So that is what we are talking about filling, that section, on a diagonal, we are not talking about going one hundred feet wide, as you can see, I highlighted in the other one there. We are talking about basically in a diagonal going across just so that a semi can get in there, just short term. Long term we plan to put a thirty-nine foot by seventy foot addition onto the building and so then we would be constructing the building and then would be filling up to the building which would essentially be up to the same level as my store and then the back of the building would be like, my store at

a lower level, so that would retain the soil, the fill. But short term we are talking about five feet in depth of fill in that area. If you were to go down farther.

Board Member Pierro stated one of the other things I am also concerned with is that tracker trailer that is in the back of the building and you are using that for storage and I do not think that is permitted by code.

Mr. Neubauer stated all that is going to go because that is why we are building the new addition, the building you referred to on the north side of the building, the shed, the truck that is currently used for receiving materials the semi trailer around the back of the building that has been there for twenty years. They are all there because we needed the space; the objective of buying the property is to build an addition which will be roughly twice the size of the existing building and it will be all on one level.

Board Member Pierro stated what is the time frame for that addition.

Mr. Neubauer stated depending upon approvals we hope to have it well under way within a year. Like I said, we just bought it.

Chairman Schech stated I think your first step is to get a site plan, we can not grant a fill permit. We need a site plan. So that we know what direction you are heading you in. there is an awful lot of stuff there, even though the trailer has been there for twenty years, it has not been legal for twenty years, stuff like that should not be there. You need a site plan to show us what your intentions are, you are going to have to hire an engineer and get moving on that.

Mr. Neubauer stated okay.

Chairman Schech stated you get a site plan approval and then temporarily you can do your filling and then work on the extension.

Mr. Neubauer stated if that is what you want.

Chairman Schech stated that is what we need.

Mr. Neubauer stated anything else, any other questions you have.

Chairman Schech stated that is about it, anyone else.

Board Member Pierro stated that is it John, thank you.

6) MEZGER W/W PERMIT APPLICATION

Chairman Schech stated Mezger, I believe we are still running back and forth with DEP/DEC and ABC.

Rich Williams stated I do know they are coming, apparently they are not here yet.

Chairman Schech stated is he going to look for them.

Board Member DiSalvo stated he is going to see if they are talking to Ted outside.

Chairman Schech stated they are here.

Rich Williams stated they are in the office.

Chairman Schech stated Teddy found another friend.

Board Member Montesano stated then we will go to Wyndham Homes.

7) WYNDHAM HOMES LOT 26 W/W PERMIT APPLICATION

Joe Darnell was Present.

Chairman Schech stated Wyndham Homes. Here again

Mr. Darnell stated apologies for telling you guys I was here for the last time, the last time. I'm pretty sure this is the last time though.

Chairman Schech stated this time.

Board Member Montesano stated the last time for what.

Mr. Darnell stated wetland permit.

Rich Williams stated Mr. Chairman if I might, in the absence of our ECI, I do know that Ted did meet out on the site and they talked about some mitigation and Ted felt that it was a fairly minor application so to move this along, is to schedule a public hearing.

Chairman Schech stated a public hearing we need.

Board Member Pierro stated in the matter of Wyndham Homes, schedule a Public Hearing for the next meeting, March 2, 2006.

Chairman Schech stated it is March already, it can't be.

Board Member Montesano seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Montesano	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

6) MEZGER W/W PERMIT APPLICATION

Barry Naderman, the engineer was present representing the Applicant, the Applicant was present.

Chairman Schech stated Ted are you set on Mezger.

Board Member Pierro stated we skipped over them.

Mr. Naderman stated since our last appearance there were some questions about some of the details that were existing down by the entrance, the Town had done some work out there, there is a new culvert underneath Old Road there is a swale that goes along Old Road and things like that. We also had to update the survey, we have new survey information for this whole trench actually in here too where Wyndam Homes drainage comes out onto this strip and a lot of, believe me rip rap swales and tension and things going on there we ended up with more survey information in there and we adjusted the plans accordingly. We tried to address some the minor details that were public consultants and some of the major issues were of course the bridge and this three sided culvert that goes across this watercourse. We have extended that twelve to just further reach water we are going to span that watercourse and not disturb the bed and banks. We are intentionally not disturbing the bed and banks to comply certain DEC requirements; it is just the way it has to be handled.

Chairman Schech stated this has all been straightened out with them.

Mr. Naderman stated with who.

Chairman Schech stated DEP and DEC.

Mr. Naderman stated yes, the DEP we did have a letter from them indicating that as proposed as long as we are not doing any stream diversion that we do not need any of their permits because this construction and these approvals fall under local wetland permits and because there are no entity for DEC that is issuing a permit on this, the DEP is not issuing a permit. If we were disturbing the bed and banks or if we were going to divert this in order to build it we would need a crossing and diversion permit from the DEP as well and from the DEC, so we have done that. Also since our last appearance, the Applicant has received more updated information as to their rights across that strip and I believe that we submitted a copy of the letter from the attorney which indicates that the easement is there and we have a right to cross there. We know that there are some miscellaneous little engineering things that we have to work with Rich and Gene on, major one being the design of that three sided bridge and the footings, guide rails anchoring that is something that we are going to work with late on, once the Applicant knows he has a project. That is a huge leap for him to commit with those manufacturers to start doing designs and things. So at this juncture I think we are in position that we see that we have rights through there, we have abilities to make to some crossings and to address some drainage issues that with working out some engineering issues with some consultants. It is a viable and workable plan.

Chairman Schech stated okay so we are straightened out with at the last work session, we had a problem between the agencies, didn't we.

Rich Williams stated DEP is really a dead issue.

Ted Kozlowski stated DEC is a little confused, I think.

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Rich Williams stated they are going to have to deal with that. This Board issues a permit and we need to stay focused on the Town requirements.

Ted Kozlowski stated we are going ahead with our permit process. The Applicant has to be aware that if the DEC changes their mind on this issue, you have to deal with it and we would have to be notified.

Mr. Naderman stated again in the interest of, I think the Applicant needs to be in the position where he knows that the Board is going to be granting this permit, pending working out some of the engineering details particular the three sided bridge again that is huge next step that is a huge financial commitment to start.

Chairman Schech stated I am okay with this.

Mr. Naderman stated the permit granted upon satisfying the Town Engineering on those issues, satisfying the Planner's memos. We had one of Rich's comments was that we should remove the mitigation areas, at my last appearance we talked about whether or not that would be the right thing to do or whether or not to leave those areas pristine. Ted brought that argument up again tonight. We left those areas on in this juncture because the Town had not formally instructed up that we do not have to do it, or that they do not want us to do it and therefore I need still demonstrate the ability to show mitigation for the loss of the wetlands and be told specially by the Town that they do not want it.

Rich Williams stated if I can interject, my memory of the meeting we held in August we had a considerable discussion about these areas and whether any activity should go on to enhance them and I think I pointed out at that point they were pretty pristine areas and you are not going to really enhance them and it really is I think at least in my opinion not in the best interest of those areas to talk about mitigating anything in those areas and I think that is what the Board concurred with at that point.

Ted Kozlowski stated I know it is hard to believe but I agree with him tonight. I agree, I have been to this site several times and I am not in favor of taking native natural areas and converting it to something that it is not meant to be. My concerns, just to brief you, what we were talking about in the other room, is I am not opposed to the bridge idea, I think it is a good one the problem is that that stream make a ninety degree turn and over the last few weeks I have been going out to the site and that whole stream over flows and there are issues there and it is not natural for a stream to flow at ninety degrees and you get big storm events and my concern is what are you going to do. Right now there are two or three small river lets or branching out of that existing stream that is going into the site where the roadway is going to go and they really have to make sure that what they do prevents that from happening because it is just going to undermine the road. Now, Barry has assured me inside that he has it figured out but it is an issue. The other thing I was concerned about is that that whole right of way is lined with trees on both sides it is better that it is going to be a gravel roadway, should it be paved or there are going to be a lot of cuts in there that is going to affect root systems of those trees and that is going to cause die back over time and that home owner is going to have issues, that is just something to watch out for, it is not really part of a wetlands permit but it is an environmental issue.

Chairman Schech stated in other words we want it gravel not paved.

Ted Kozlowski stated I would rather see gravel, its better.

Mr. Naderman stated what happens here, is this wall that is along the property line was reconstructed by a neighbor and it provides a thirty inch wide lire, a stonewall that was built and what happens is the flows

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back up onto that property make their way around to the front of the stonewall and flood this portion of the property as well, so in acknowledgement of that what we are doing since we are bringing these grades up a little bit to come off at a proper landing off of Old Road, the water is going to, that spills out over this side over this side of the wall, the water is going to work its way down back down to the watercourse. Now the concern is during heavy flows is that water going to undermine the road, what we are showing here is a rip rap over flow channel along this whole bank on this side of the driveway to make sure you aren't going to get scouring to make sure you aren't going to get erosion. We can spec some sizable rip rap there and make sure there is some stability and just to give you again, this being cut by a thirty inch wide pipe and a twelve foot culvert so this clearly illustrates a restriction that exacerbates the flooding that occurs in this portion of the site. I'm not concerned about that, we can stabilize that we can keep the flows on that side of the road and get it back down in the side of that culvert and that culvert that is going to be rural lined with what this will give it. The other thing Ted mentioned, that we spoke about were trees and once we get into this portion of the site, we actually I don't know if you folks have been out there.

Ted Kozlowski stated we have.

Mr. Naderman stated you may recall that as you are walking down the drive the banks of each side of the drive before you get to the stone walls there are quite burmed up, the grades come up pretty sharply on the sites. Those trees that Ted is talking about are scattered through out that stonewall at considerably high elevation while we are going to fill some of the center of that so we can build our road, particularly in the areas where the existing wetlands are through this area, by the way those wetlands exist because the drainage that comes off of Wyndham Homes is such that it is not making its way to the watercourse it once went to, there are tract spots in there, there is simply not place to go. We are actually going to improve that by rebuilding the rip rap swale that is in there and having a pitch to this driveway so all the water is now going to down and make its way to this twenty inch post in the ground down here so that is going to remedy that situation. We are also going to in that whole stretch we have quite a substantial stone bed underneath the roadway, the driveway, that is to allow hydrology to stay in there should be inclined to get in there with under drains it has a place to go and the reason why I mention this is because the ends of these sections are going to be stone and sometimes mitigation for having fill near trees or above tree roots is to fill it with something that is going to get aerated and I think the stone would help do that and I don't think there is going to be. Once we get to the high side of those burms, the very high side of those burms we are only going to filling up a certain portion of it, those trees are all here and yes the roots do come down and they are shallow in that area and that is where we are going to have all this gravel and stone up against it. we are not filling up to those stone walls by any means because those stone walls are in some areas are three feet higher then bottom, we are not doing that much fill. So we think that the trees are going to do fairly well.

Ted Kozlowski stated be careful too during the construction process when you start bringing that material in there with machinery especially if it is soft it is going to compact soil, it is going to tear up roots, especially shallow roots, so your sequencing should be such so that you minimize that as much as you can.

Chairman Schech stated any other questions.

Mr. Naderman stated I think at this point these are the sequencing details and bridge details and things like that.

Ted Kozlowski stated Barry, we'll need planting in front but whatever for the finished product, where the bridge is, is that all stone what is it going to look like when it is all finished.

Mr. Naderman stated the surface of the bridge.

Ted Kozlowski stated no, not the bridge, but that whole area that you are putting the roadway in.

Mr. Naderman stated oh the embankments.

Ted Kozlowski stated no, this, this whole area, you have road, but what is happening on this side.

Mr. Naderman stated between the driveway and the stonewall we are not changing the stone wall, here you are going to have your heavy rip rap, for these flows. On the other side the embankments are going to be restored.

Ted Kozlowski stated I'm talking about here, which is within the buffer, we need that stabilized somehow, whether it is going to be grass whether it is going to be shrubs, it just can not remain.

Mr. Naderman stated we can work that out.

Rich Williams stated if I may, at the August meeting I heard the Planning Board express a preference to have the driveway paved in its entirety, what is currently proposed on the plan is to pave most of the driveway except for after the bridge there was about 175 feet, that was going to remain gravel, that is what they were proposing. In response to that the Planning Board had essentially said that would rather see it paved.

Chairman Schech stated after the explanation I would not mind it gravel, unless someone else does.

Rich Williams stated are we talking about gravel or are we talking about item four now.

Mr. Naderman stated it is going to have an item four sub-base anyway, whether the actual surface gravel or not.

Chairman Schech stated item four would be surface.

Board Member Pierro stated item four is still impervious isn't it.

Rich Williams stated the issue with item four is that it is more road-able.

Chairman Schech stated it gives it a little binding on top, unless the gravel is going to move around.

Rich Williams stated I understand that but it also packs down and it is not as pervious as true gravel. We have a design issue here where we are putting up on an elevated stone bed.

Board Member Montesano stated eventually item four will pack down, which means possible the trees won't be able to get.

Chairman Schech stated you do not want all item four, we want gravel, right.

Mr. Naderman stated in those areas we are also looking at a sub-base which is all gravel to go below this item four. What they do is they lay down their gravelly, they lay down geo-textile material and then they lay down the item four and compact the item four so that underneath you still have more porous.

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Ted Kozlowski stated the whole roadway is kind of channeled, I think water is going to infiltrated and oxygen, that stuff isn't going anywhere. To save the trees I would rather have it more porous, more oxygenated.

Mr. Naderman stated this indicates that we are going to put all that stone in at the wetland crossings at certain locations but there are areas where there is a significant tree, or any of those areas that have significant trees we can work with Ted and say this a stretch that we are going to want this stone sub-base.

Ted Kozlowski stated you know, the owner or whoever is going to live is going to have to do deal with all those trees, they start dying there is no place for them go then on the road, that is a long driveway.

Board Member Montesano stated item four is cheaper but I don't think it will survive, ever with a gravel base below it; it is still going to pack on to the top.

Mr. Naderman stated it does pack on yes, but actually you want it to, it makes it nice and stable. This is the old argument about impervious surface.

Board Member Montesano stated the chicken and the egg.

Chairman Schech stated but it will be more porous then blacktop.

Ted Kozlowski stated they are trying this thing called porous blacktop. I don't know how effective that is.

Mr. Naderman stated my understanding that is in the Northeast it is not as well.

Rich Williams stated it works real well until the pores plug up.

Mr. Naderman stated with sanding.

Board Member Montesano stated is that when you come out with your golf shoes.

Rich Williams stated the other thing is in areas where you are going to use it, you need to have a sweeper that is going to go through there that going to suck the pores the clean and you have to do it with some frequency to keep it functioning.

Board Member Montesano stated you can get one of those robot vacuum cleaners.

Chairman Schech stated okay can we let this gentleman go back and do his job, we are happy with what he is doing so far, he can continue drawing.

Mr. Naderman stated again to be honest, is there mechanism that the Board can grant an approval conditioned on these items since again as I said, these guys need to know that they have a project so that they can go ahead and start taking the next serious commitment and start designing the bridge.

Board Member Montesano stated you are going to be told your concept is reasonable and sensible, I do not know if you are going to get an approval on this. We can set up the public hearing.

Chairman Schech stated let's set up the Public Hearing.

Ted Kozlowski stated you can't get an approval before the public hearing.

Mr. Naderman stated I missed the fact that there was a public hearing with this application.

Board Member Pierro stated Rich your review of the application, are you satisfied that most of the information required to set that public hearing is there.

Rich Williams stated I was satisfied back in August.

Board Member Pierro stated a motion Mr. Chairman.

Chairman Schech stated yet.

Board Member Pierro stated in the matter of Wetlands/Watercourse permit for Old Road – Mezger, I make a motion we set a public hearing for March 2, 2006.

Board Member Montesano seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Montesano	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

8) BURDICK FARMS SUBDIVISION

Chairman Schech stated we did Wyndham Homes, we are up to Burdick, Burdick Farms.

Board Member Montesano stated nobody here.

Chairman Schech stated I think we did enough screaming the last time.

Board Member Montesano stated table it.

Board Member Pierro stated anybody here from Burdick Farms.

9) FRANTELL SITE PLAN

Jeff Contelmo from Insite Engineering and Joe Mansfield from JFM Architect were present.

Chairman Schech stated Frantell.

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Mr. Contelmo stated Jeff Contelmo from Insite Engineering.

Mr. Mansfield stated Joe Mansfield, JFM Architect.

Chairman Schech stated how are you. Okay you want to hang it up.

Mr. Contelmo stated okay we are here hopefully to discuss final approval.

Chairman Schech stated we have not set the bond on this yet.

Gene Richards stated you have a memo from us on that.

Mr. Contelmo stated we believe that we have satisfied all the technical comments that are outstanding, as Gene said we did get a copy of a bond estimate from his office, I believe in the amount of 462,000 dollars, which is acceptable to us and we would ask to the Board to consider granting final approval and also making a referral to the Town Board for that bond amount.

Chairman Schech stated is that the latest one, Gene, that he has.

Gene Richards stated that is correct, it is for 462,000 dollars. He has a revised bond estimate that we came up with it and worked with Insite, they sent us a revised calculation the other day that is what our letter states. 462,000 dollars and 23,100 dollars for the inspection fees.

Mr. Contelmo stated Joe Mansfield also has brought the architectural fiction of the signs, if you are interested in seeing that also, we have that.

Chairman Schech stated we have also, I just can't find it now.

Board Member Pierro stated I have some concerns over that letter Mr. Chairman.

Chairman Schech stated apparently the Fire Department wants a twenty thousand gallon tank for fire protection.

Mr. Contelmo stated we did receive that correspondence, yes. We are working out details right now, both the design, the sizing, and the location of that tank. We are agreeable to put a tank in.

Chairman Schech stated so where do we stand on this now.

Rich Williams stated I believe the engineer and myself are both on a review of this we have taken a look at it anyway, there really, all the outstanding issues have been resolved at this point. You do need to set the bond amount make a recommendation to the Town Board on that bond amount and the inspection fees. I have provided a final resolution granting site plan approval for the application. Everything really has been resolved except for the fire tank and I have just one last question for the Applicant related to the sign, do you plan on lighting that sign.

Mr. Mansfield stated I would imagine that we will, yes.

Rich Williams stated maybe we want to show the ground lighting because you are going to light it from the ground pointing up.

Mr. Mansfield stated absolutely.

Rich Williams stated so we just want to show that and make sure it is screened off.

Chairman Schech stated there was something before that, we took care of the shrubs on the ponds.

Rich Williams stated yeah I believe that met with everybody's satisfaction.

Chairman Schech stated you want to make a recommendation on the bond, a motion to the Town Board.

Board Member Pierro stated in the matter of Frantell Site Plan, Louis Pescatore Development Corp. I make a motion that we make a positive recommendation on the bond calculation provided by Dufresne-Henry, in the amount of 462,000 dollars and 23,100 in inspection fees.

Board Member DiSalvo seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Montesano	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

Chairman Schech stated we have site plan, you have this.

Board Member Pierro stated I have this.

Chairman Schech stated go to it.

Board Member Pierro stated are you telling me to go it, Mr. Chairman.

Chairman Schech stated go to it.

Board Member Pierro stated I do not want to steal anybody's thunder. If somebody on that side of the fence wants to take the weight off me here. In the matter of Frantell Development Corp. I make a motion that we grant final site plan approval, contingent on the five general conditions and two special conditions provided in the resolution dated February 2, 2006.

Board Member DiSalvo seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Montesano	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

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Motion carried by a vote of 4 to 0.

Mr. Contelmo stated thank you very much.

Mr. Mansfield stated have you had a chance to look at the sign.

Chairman Schech stated no we have not. They are all the same name. Tenant.

Mr. Mansfield stated they are all tenants. If you recall the concept of the building was to paint it a barn red, it is a barn look, so the intent with the sign is to go with that same barn red look and gold lettering.

Chairman Schech stated looking good here as long as the lighting is okay.

Board Member Pierro stated Mr. Chairman if I might have a moment now that we have Paul and Dave Raines here. Most of us on the Board here are former members of volunteer fire departments and professional public safety guys, we appreciate your concern over fire-matic protection but this is a little late in the game, the night we are going to do a final approval we get a letter, I would have at least appreciated a telephone call, it could have been done to let us know that this is going on, I mean I don't know what is broken but there is something going on. Go ahead Dave, you can speak

Mr. Raines stated would you like me to respond to that. I'd be more than happy to.

Board Member Pierro stated sure.

Mr. Raines stated for the record, I am David Raines the Fire Inspector and Assistant Building Inspector in Town. A year ago I came to the Planning Board and requested that we incorporate fire tanks into the process, we went through one meeting it fell on deaf ears as far as I am concerned I didn't see these plans until the date of that letter, the memo is dated. So I apologize for any inconvenience, but we need to ensure that fire protection is incorporated into any commercial development and that is the bottom line.

Board Member Pierro stated have you made your feelings noted to the Town Board.

Mr. Raines stated I have all the documentation to the Town Board and the Planning Board since 2004.

Board Member Pierro stated we were supposed to have a meeting a few weeks back.

Mr. Raines stated not specific to this project.

Board Member Pierro stated we were supposed to have a meeting a few weeks back, that we requested to discuss this exact issue with the Town Board and it was cancelled because of the weather, Dave.

Mr. Raines stated again, I apologize but this was not out of spite this was done because that is when I receive the site plan. It came to my desk that day and I said well there is no fire tank and I grabbed Rich and gave him a memo that afternoon.

Chairman Schech stated can we try to get to them a little sooner.

Rich Williams stated let me respond to some of those. Every meeting we get a specific number of copies, every meeting the Building Department, which Dave is associated with, gets a copy of all those plans. They

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are constantly copied on everything I look at, everything Gene looks at, everything you look at, so where the breakdown is in that department is I don't know. The other issue, yes Dave gave me the memo but three or four days before that he came into my office and said this is an issue, I immediately contacted Insite Engineering and we began working out the details of getting some sort of tank on the site so it was not like there was any sort of delay out of my office on this.

Board Member Pierro stated something is broken, let's get it fixed.

Board Member Montesano stated rather than go through this not me, not you, family affair is a great thing to read about in the newspaper, we don't have to worry about it here right now. If we can ever get that meeting where this would be brought out, it would be a lot easier on every body, I think.

Chairman Schech stated Paul, did you want to say something.

Mr. Piazza stated regarding that meeting the Town Board was supposed to bring it up at last Wednesday night at the Town Board Meeting, from what I was told, after that meeting, because I specifically went down and asked about it, I was told that they could not agree on a date, so as of right now, there is no date set, as far as I know. They may have agreed today but as far as I know, they have not come to an agreement for the date to have this meeting.

Chairman Schech stated are you getting these things as we throw them at you.

Mr. Piazza stated we are getting, this issue has not, has fallen on deaf ears, we have gone to Rich several times about it totally blown off about it, we are not going to get into that, we are going to do that at the meeting.

Board Member Pierro stated we'll discuss it at the meeting

Chairman Schech stated I am going to hire Martin Luther and he is going to nail something to your door every time.

Board Member Pierro stated rest assured Paul, we are not anti-fire protection. We want to get this done the proper way we just want to smooth out the process.

Mr. Piazza stated I honestly don't believe that the Board is anti-fire protection but I feel that is over the years, different subdivisions have come in, commercial projects have come in and this stuff has never been addressed, fire issues have never been addressed or if they were addressed they were addressed in a limited fashion, we are trying to do the best thing for the Town by installing these tanks, the ISO rating can be lowered, the fire protection for the general public, for the residents, for the people in the stores, what not of the commercial developments it is only going to benefit. As well it is going to benefit the fire department, there is a lack of man power, and this is a whole issue that will be addressed at the meeting.

Board Member Pierro stated we will discuss it Paul.

10) WHITE BIRCH REALTY SITE PLAN

Mr. Joe Buschynski was present representing the Applicant.

Chairman Schech stated White Birch.

Mr. Buschynski stated the plan has some revisions, in response to the numerous comments we received after last session there is a change in response to the concerns raised to the unknowns associated with the pond at this time. We were proposing at our last session and plan submission to use the pond for storm water detention and for fire protection and the request was made of us to have that pond evaluated to determine whether it can support the two uses. The owner, agreed retain a biological consultant to do that assessment, the difficulty with providing it immediately to you is the time of year, the life in the pond is dormant it can't be accurately studied at this point, we have to wait essentially until early spring. The proposal to the Board was alternative for fire protection, if that assessment shows that the pond is too sensitive to use for a dry hydrant system, then this site would put in an alternative means of fire storage.

Tape 1 Side 1 Ended.

Mr. Buschynski stated to help mitigate impacts of increased activity on the pond we decided not to put drainage into the pond, we will treat it separately and not use it for storm water or storm water treatment. We still would like to incorporate it into the fire protection system if the forth coming of the study recommends that it is. That is the major change of the plans since our last submission, there are comments from Rich regarding drainage details, drainage study information that we will resolve, there is a issue outstanding surrounding the type of light to be attached to the building details for that, Rich recommended another one he selected and we certainly we would be open to his recommendation, and we can supply alternates and have you choose or you could tell us what type of fixture.

Chairman Schech stated you also got rid of the tenant which was also a big sticky point.

Mr. Buschynski stated I'm sorry yes, the access to the front has been deleted.

Rich Williams stated if I might very quickly respond to one of Joe's comments, I really don't have any particular recommendations on the lighting other then one that would site more flush with the building, the ones that were being proposed were basically were the same lighting fixture that were going on the poles and they protrude out quite a bit, it appeared anyway they protruded out.

Mr. Buschynski stated there are brackets and short connections to the box, but there is certainly are number of alternatives for wall mounted light.

Board Member DiSalvo stated Joe, if you have to put a water tank in for fire protection, have you designed a location for it yet.

Mr. Buschynski stated well we have all this land area here.

Board Member DiSalvo stated and the size, has it been determined, do you need one.

Mr. Buschynski stated the size was recommended by the Building Department at 30,000 gallons. The pond is obviously the preferred source because of volume it hold of over 300,000 gallons we could get a dry hydrant at the road, we could get a dry hydrant adjacent to the site and it's a lot of water, we believe, we know we can install the system without damaging wildlife within the pond, it is constantly being done, it has been done many times. We have literature that we have obtained that we want to re submit to the Board as part of our assessment.

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Chairman Schech stated what is the purpose of this pond besides maybe fire protection.

Rich Williams stated I don't know, it was constructed sometime I believe when the building was constructed, the extent.

Chairman Schech stated the probably needed some fill.

Board Member Pierro stated regardless of its intent, I was concerned about Ted's feelings about the status of it.

Ted Kozlowski stated Joe, this is what I was trying to talk to you about this morning. There is actually a wetland that comes up through here and hugs the pond and comes around this way, there is all sorts of beaver activity that was in there at one time as we all know and the beaver dams have all been removed or altered to keep the flow going. But there is a wetland system in here, there is also an underground pipe that daylighting taking a lot of water from somewhere up in this commercial zone and letting it loose here, which is contributing to this. There is going to be a wetlands permit required which I'm sure there is and part of the studies that functional analysis we need to understand what is going on here, there is a lot of stuff going on here.

Board Member Pierro stated we should also take into consideration that some of that adjoining property was filled in with unknown substances and what quality of water are we talking about.

Ted Kozlowski stated I have no idea Dave, this does flow into Clover Lake, we need to understand that. Joe this is wetland here, this is what I was trying to describe to you today. This plan is showing stream and a pond that doesn't seem to, from this view doesn't seem to have an association but it most certainly does.

Mr. Buschynski stated not by pipe.

Ted Kozlowski stated not by pipe, although there is water being introduced by pipe but there is, if you take a walk out there you will understand what I'm talking about. That needs to be rectified and that needs to be identified.

Board Member Pierro stated I'm sure that if it is found to be useable that you can put a dry hydrant out on the road, I am sure the fire department would applaud that ability to have that kind of water in that area, I don't believe other than the new pond created by one of our pending applications by a wetlands incursion there is no water except for way out on 84 in that lower trench there.

Ted Kozlowski stated state I am not opposed to a dry hydrant, again we need to know what is going on there.

Chairman Schech stated so we will wait until we can do a study on it and find out what is going on out there. Any other questions.

Board Member Pierro stated what time of year is best to do a study on that particular pond.

Ted Kozlowski stated obviously the spring when everything awakens, we need to have this identified on the plans delineated. That could happen tomorrow.

Chairman Schech stated you want the wetlands located.

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Mr. Buschynski stated does the Board think it reasonable for this process to move forward, pending this study and that our impacts are not directly related in the wetland.

Chairman Schech stated Rich what is the next step on this thing.

Board Member DiSalvo stated a Public Hearing is next.

Rich Williams stated as Joe pointed out once the Board determines that the application is complete generally we run the Public Hearing for the Wetlands/Watercourse Permit and the site plan concurrently and once the Board determines that they are substantially complete then we hold a Public Hearing. That is the next step.

Ted Kozlowski stated Joe what are you doing to this stream and the wetland other than using it possibly for fire protection.

Mr. Buschynski stated the outflow from the filtration system, the bio-retention system would be piped into the stream the improvements would be made to the existing drainage.

Ted Kozlowski stated why can't you pipe that to the pond.

Mr. Buschynski stated we were trying to avoid.

Ted Kozlowski stated why.

Mr. Buschynski stated it seemed to me.

Ted Kozlowski stated the pond would serve as another way of treating it before it gets into the stream, it goes directly into the stream, it is going directly into Clover Lake.

Chairman Schech stated I thought someone said along the way to avoid doing that to the pond.

Ted Kozlowski stated I am glad that he is not putting storm water directly into the pond but he is treating it, pre-treating it and then why daylight it to the stream, why not to the pond.

Mr. Buschynski stated the treated portion could go to the pond we do to provide an overflow for the higher storm frequencies.

Board Member Pierro stated I thought you had some concerns about water temperature coming out.

Ted Kozlowski stated but that is going directly into a stream, that stream, if something bad happens in that parking lot, if there is an oil spill or something that goes on, that is going to go that is going to right into the stream and that is going to go right into Clover Lake and the clean up and the potential ramifications are greater than if they go into that pond which will contain it before it goes into the stream and that pond is draining into the stream.

Board Member Pierro stated when you do the analysis of the wetlands and the pond can you explore that possibility of draining into the pond.

Mr. Buschynski stated absolutely.

Board Member Pierro stated thank you.

Ted Kozlowski stated now if you were talking about direct storm water directly into the pond I'm not in favor of that. You and I have talked about that many times. You are treating this prior this to the pond so that water coming out there theoretically is clean.

Rich Williams stated just so we are all clear though we are treating a limited portion of the storm water run off alright because basically the first flush which has all the pollutants to begin with, actually a little bit more then the first flush but now is everybody going to be okay with using that pond to attenuate to reduce the peaks on the say the one year tenure, the hundred storm.

Ted Kozlowski stated this is not residential development, this is commercial development a lot goes on there, my concern, responding to a lot of spills at my own agency I've seen this a million times, I would rather, it go, if there was an emergency, I would rather it go into the pond then directly into the stream which is flowing further down with the potential to affect far more then just that pond. We buy time if it goes into the pond we lose it all if it goes into the stream.

Chairman Schech stated it makes sense.

Board Member Pierro stated it makes sense.

Chairman Schech stated you sold everybody. Can we set a public hearing with the ifs.

Board Member Montesano stated did we do SEQR on this.

Board Member DiSalvo stated yes.

Board Member Pierro stated it is not required.

Rich Williams stated it is not required, it is a type two action, I think we've got, I think the plan is relatively complete except for the storm water issues, I think there has been clear guidance tonight that relieves some of the concerns that I had with storm water practices because now we are putting it right into the pond. I think those changes are minor and can be made to the plan prior to the next meeting, I think you would agree Joe, I don't see any problem with doing a problem hearing.

Chairman Schech stated okay.

Board Member Pierro stated in that matter of White Birch Realty I make a motion we set a public hearing for March 2, 2006.

Board Member DiSalvo seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Montesano	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

Gene Richards stated Mr. Chairman before he leaves, Joe, our office did review you site plans and there are a number of comments that we did not formalize in a memo, so before you go to far maybe you could call and set up a meeting to sit down with us and go through our comments and they can be addressed at the same time.

11) FIELD AND FOREST SITE PLAN

Harry Nichols, Engineer and Jay Hogan of Hogan & Rossi were present.

Chairman Schech stated Field and Forest.

Mr. Hogan stated Jay Hogan, appearing on behalf of the Applicant. At the last meeting held in January there was a request of the Board and that the Board consider setting the site plan Public Hearing in this matter at that time there were some concerns that the wetland delineation and functional assessment report be prepared for an area of property that would be to the west border of the property near the rail road tracks additionally there was some concern the some of the wetland flags did not close. In the mean time we had Beth Evans and Associates go out and I think we have submitted the report to Ted and Rich, the wetland delineation and functional assessment report and also we received a number of technical comments that I am assured by Mr. Nichols could be addressed within the next ten days. The only issue that I know we can not address within the next ten days is the item four in the Dufrense-Henry's comment letter and that was to provide design calculations for the retaining wall system, we are engaging the services of a structural engineer to do that, so we may not have a report within the next ten days but I am certain, I am pretty sure we will have a report before we would appear at the next meeting.

Chairman Schech stated so we are getting some movement on this Harry. Yes, Gene.

Gene Richards stated one of the things we have to do just to be sure is we have to dot our I's and cross our T's and that is something that Harry has to do on his end. He can do it and get it submitted to us and we'll review it and sign off on it.

Mr. Hogan stated we are going to sit down before the next submission, Harry and I and another individual, we'll be as thorough, it will hard to be as thorough as Rich was in his review of this thing but we will do our best.

Board Member Pierro stated Rich were you on a mission.

Rich Williams stated it needs to be complete.

Mr. Hogan stated it was very thorough, it was complete.

Rich Williams stated I don't want it to come back in next meeting and somebody to say how come these are new comments.

Mr. Hogan stated I don't think there were any stones left unturned in this and we will address every one of those issues.

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Ted Kozlowski stated the wetlands issues, the functional analysis is fine. Finally got the closure on the wetlands that is fine just remember that stream that comes out of the wetland is still part of the regulated water body and I did look and you do have the hundred foot buffer on there but be cognizant of that that doesn't stop at the end of that flagging it continues on.

Mr. Hogan stated sure.

Mr. Nichols stated we represented the hundred foot buffer.

Ted Kozlowski stated you'll be happy about this one but you aren't going to be happy about the next one.

Rich Williams stated before we walk away from this, do you want to talk about the item four driveway going down.

Mr. Hogan stated as Harry explained it to me, apparently there is a requirement that DEP doesn't like to see an area within a hundred feet of those ponds being paved they want it to be pervious surface. If I am not mistaken, is that accurate, Harry.

Rich Williams stated I've never heard that.

Mr. Hogan stated are you talking about the item four leading to the pond. You know the comment that he's referring to Harry.

Mr. Nichols stated their preference would be to leave it gravel and your preference would be to leave it gravel because it is only going to be used periodically for maintenance and inspections it is not going to be.

Mr. Hogan stated let me say this, from our perspective, I will do whatever you guys want to do. I know in the Town of Southeast they require that they be paved.

Rich Williams stated the problem I have with item four, as the Board is well aware is that, especially as you get on the slopes of fifteen percent, you know the item four tend to erode and it constantly needs maintenance. If we are talking about pure gravel, I can live with pure gravel, but nobody wants to do gravel because they are impossible to maintain. I believe that is one of the reason that the Town of Southeast requires paved they are easier to maintain.

Board Member Pierro stated have we addressed fire protection in this particular project.

Rich Williams stated yes, there is a twenty thousand gallon and a fifteen thousand gallon tank.

Board Member Pierro stated where are we filling those tanks from.

Mr. Nichols stated two twenty thousand gallons. With a well.

Mr. Hogan stated we have the well already.

Rich Williams stated one of them I believe already, what is the one on the west side of the building shown as.

Mr. Nichols stated it shows two twenty thousand gallon tanks.

Rich Williams stated the other building. The west side of the building.

Mr. Nichols stated a twenty and a twenty.

Mr. Hogan stated I think Paul, hasn't Harry met with you over the tanks on this property.

Mr. Piazza stated it is delineated on the plan.

Mr. Nichols stated this is a water supply tank.

Rich Williams stated is that what that is. Where is the other tank.

Mr. Nichols stated the two tanks are together, we are going to have one location for the tanks.

Rich Williams stated then that is going to raise other issues in the storm water reports.

Board Member Pierro stated there is no need, if there is no need to utilize those ponds for fire protection or re-charge of the tanks and if the water, then I have no problem with leaving them gravel, but if we are going to leave that as an emergency source, then I would prefer to see if paved.

Chairman Schech stated no we are going to just using them, the road is just there to maintain them.

Mr. Hogan stated aren't we going fill those as well, right.

Mr. Nichols stated yes.

Chairman Schech stated the tanks yes.

Rich Williams stated and you don't want to fill the tanks with storm water run off, you just don't want to fill fire protection tanks with. The issue for me is the future maintenance of that road and also the erode - ability of that surface based on the slope, if we were talking about a three percent or a five percent slope, at least from my perspective I would be less concerned because it is going to run off nice and gradually.

Board Member Pierro stated what is the slope, I don't recall what the slope is.

Rich Williams stated there is a good portion of the slop that is at fifteen percent going down to those ponds.

Mr. Hogan stated going down to the ponds.

Board Member Pierro stated can we pave the portion that is very steep and leave the remaining part of it gravel. To limit the amount of impervious surface.

Mr. Hogan stated we would be willing to do that.

Chairman Schech stated pave the fifteen percent slopes.

Board Member Pierro stated Gene has the mic hold on.

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Gene Richards stated Harry one thing that we've done up in Pawling on the projects and of course our office serves as Town Engineer up in Pawling as well we use seven percent as a cut off. That up from zero to seven percent could be gravel and over seven percent would be paved and of course you would have a condition where you would go from pavement to gravel, pavement to gravel because of that depending upon the profile but the seven percent seem to be the cut off for stability purposes of the surface for the gravel.

Mr. Hogan stated we can coordinate that with you right.

Gene Richards stated well Harry can just do it on his plan. Is that okay, seven percent would be the break point.

Mr. Hogan stated would the Town allow us. You not done, go ahead.

Gene Richards stated I was going to say, what Rich's comment was though, that the Board would have to grant a waiver for those areas at least then that are not. That can be done at the point where we have a plan that we know whether is (inaudible).

Board Member Pierro stated yes.

Mr. Hogan stated would the, it is not the Court that would be in position, would the Planning Board be in position to set the Public Hearing and we will get on these technical issues immediately.

Board Member Pierro stated this is on that side of the table.

Board Member DiSalvo stated just do the Public Hearing. I make a motion in the matter of Forest View Apartments that we set a Public Hearing for the next Planning Board Meeting which is March 2, 2006.

Board Member Montesano seconded the motion.

Board Member Pierro stated Harry, we be seat you, please get these comments taken care of.

Mr. Hogan stated please me too. Thank you so much for your time tonight, we appreciate it, have a good night.

Chairman Schech stated okay.

Rich Williams stated just so I can be clear for the record, the Public Hearing is going to be for both the Site Plan and for the Wetland/Watercourse Permit.

Board Member DiSalvo stated yes.

Board Member Pierro stated trying to get it all done at the same time.

Rich Williams stated and there are notifications you are going to have to do on both of those.

Mr. Hogan stated thank you so much, I appreciate it.

12) D'OTTAVIO SITE PLAN

Mr. Harry Nichols, Engineer was present representing the Applicant.

Chairman Schech stated D'Ottavio

Mr. Nichols stated one of the items that were requested to address was the function analysis for the stream that crosses through the site in an existing culvert and then opens up into a channel, the piping is subtly dropping where the access crosses and the function analysis which conforms with this stretch here. It was prepared by Beth Evans Associates, I assume everybody has had a chance to look at that. Any comments on that.

Chairman Schech stated did you get the comments from Rich.

Rich Williams stated Rich did not bother to do any comments.

Mr. Nichols stated no, he did not.

Board Member Pierro stated you spent all your energy on the last one Rich.

Rich Williams stated it was not so much that.

Board Member Pierro stated oh okay.

Rich Williams stated I have been asking the same thing for I don't know how long and there is no point in going forward until we get.

Board Member Pierro stated what is that Rich.

Rich Williams stated that is an analysis of stream channel, so that we can understand what the existing conditions are and what.

Board Member Pierro stated that analysis was supposed to be done by Beth Evans, of the stream channel, when she did the functional analysis.

Rich Williams stated well she did a functional analysis but she didn't really touch on the physical conditions of the stream, she didn't really look at whether there was any stream bank erosion going on out there, she certainly didn't give us any of the dimension so that we know whether the stream is in a stable condition or will remain post development in a stable condition, none of that has been touched in that report.

Chairman Schech stated well Harry, you have one out of two tonight, anyway.

Board Member Pierro stated you have heard what Rich is requesting again. Ted has just handed his recent February 2, 2006 document.

Ted Kozlowski stated yes, I don't want to repeat what I wrote here, you all can read it. I have been asking for information for a very long time I never really give you a formal recommendation until I get all the completeness of an application because there are things that other professionals see that I might miss and it

is important, that is why it is important to have these wetland applications properly from the beginning. Beth Evans report was a little weak in some spots, Rich alluded to, but it's assessment it pretty much is outlined in my recommendation here and I have some very serious concerns about the slopes, about the quality of that stream and all the disturbance that is going in the buffer that is going to affect the quality of that stream which ultimately will affect DP-22 The Great Swamp, that is all going into there. My recommendation that we do nothing in that buffer area, that we keep the natural forest as is because of the steep slopes and because of the protection of water quality. In addition the planting plan that has been provided in my estimation needs to be revised and quite frankly I don't understand why we are entertaining the thought of taking the buffer area that isn't disturbed which is natural forest and planting it up with landscape plants, I don't understand that, that is my recommendation. Finally, Harry, I don't know what to say, no wetlands fee has been paid for this project.

Mr. Nichols stated I have asked for the amount.

Ted Kozlowski stated no Harry, you put on the plans fee to be determined, I would just love to see what Motor Vehicle would do when I go for an application and put, instead of giving them a check, saying the fee will be determined. I've spent a lot of time, this man has spent a lot time in reviewing this, these fees compensate the Town for that cost and we are reviewing an application now for two years and we still have not gotten paid.

Mr. Nichols stated we have asked for the amount Ted.

Ted Kozlowski stated Harry, you are an engineer figure it out. We have a fee schedule.

Mr. Nichols stated your fee schedule is a little difficult to follow.

Ted Kozlowski stated I mean, you are doing storm water calculations. It is per square foot, there is a fee per square foot. You have to calculate how many square feet of buffer that you are affecting. But I'll save you a lot of money, pull it all out of the buffer.

Mr. Nichols stated we will get you the additional information that you asking for, as far as our preference would be not to, would be to hold it the way it is.

Ted Kozlowski stated I understand that but some sites can't accommodate all that you want.

Board Member Montesano stated Ted, Ted.

Ted Kozlowski stated I'm done.

Board Member Montesano stated Harry, get the fee straightened out and then come back. If you can't get the fee straightened out.

Mr. Nichols stated I didn't realize the fee was a problem.

Board Member Montesano stated you are not on a credit card plan.

Mr. Nichols stated we are close enough that we could bring a check over tomorrow if we knew what the amount was, that is not a problem. As far as the other issues go we will get these issues addressed.

Chairman Schech stated okay, next time.

13) EASTERN JUNGLE GYM SITE PLAN

Rob Cameron from Putnam Engineer and the Applicant were present.

Chairman Schech stated Eastern Jungle Gym. Did you bring a sample, I want to swing on one.

Mr. Cameron stated Rob Cameron from Putnam Engineering, representing the Applicant Eastern Jungle Gym. This application has been before the Board at the previous meeting and in response to the latest Town Engineer and Town Planner comments we responded with a letter, we believe that we have addressed a majority of those comments, the only comments that we presently have are, that I received are from the Fire Marshall, indicating that he had gone to the site and had done an inspection.

Board Member Pierro stated give us a moment Rob.

Chairman Schech stated okay. Are you still reading.

Board Member Pierro stated Rob in spite of Mr. Raines glowing comments about the safety of this location, I still think your client has outgrown this site horrible and that he ought to start looking for a new location. I think his business is compromised and he holding himself back because he is shy of space, he needs a much large parking area and display area and the site is compromised because of the wetland issues and the stream bank in the back.

Mr. Cameron stated unfortunately this is the site that he has and I think he has scaled because significantly the operation. He has cleaned up a lot of the material in the back. He has brought the shed back.

Board Member Pierro stated knowing what I know about the commercial real estate market in this area, he has this building for awhile and I think he could turn a tidy profit on it and he may even be able to go and find another location without a big cost. It is something he ought to explore.

The Applicant stated I did explore it and it is not an option to sell the building and to move my operation to another location because we are far from out grown at that location. If it is the displays that are too big, but it is too many sheds, but our business itself is not exceeding the parameters of that property not even close. Explain to me to what part of it, have you been out to the site from where we were two years ago to today.

Board Member Pierro stated there has been an improvement, I will grant you that but I don't know what is going to happen next week, I can not control.

The Applicant stated I can not exceed those parameters, that is my problem at that time. I don't see that happening from ten years from now.

Mr. Cameron stated we are trying to establish those parameters and if he can stay within those parameters where he is going to put those sheds, that is what he is going to have to stay to and where ever we have the display for the playground equipment that he is not going to be able to keep the large lumber piles out in the back anymore, I mean that is what we are saying, we are going to stick to those.

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The Applicant stated we will definitely stay within those parameters. I will not be back before the Board with problems a year from now, two years from now, or five years from now. The sheds were the problem from the beginning, we took those on, you saw, if you came down to the site, you saw that all the material that was out behind the building was for the sheds, now that we are no longer making the shed there is not material outside. I turned the business upside down to get to this point.

Ted Kozlowski stated what are you guys doing about that stream that we talked about in the past, can you address that.

Mr. Cameron stated in the back, one of the details that I've proposed is putting to protect from the erosion, it is like a mat type material, a straw mat material it is on one of the details in the drawing, instead of putting rip rap down there, I thought that that material would be better to stabilize the stream bank and that we could, that it would also support plant growth, that was one of the details I put on the drawing. And as far as the area along here, we have a twenty five foot set back, we could do plantings or something in there, at this time point in time I really haven't proposed anything.

Ted Kozlowski stated I was out to site yesterday looking at the property across the street and I happened to notice. Actually it was today, no yesterday, sorry, anyways. There is on that side of the building it looks like item four where you had stuff, now it is all cleaned out, are we restoring that in some capacity.

Mr. Cameron stated yes.

Ted Kozlowski stated you are. Do you have a planting plan for that or some scheme.

Mr. Cameron stated I do not have a scheme yet , I will work on a scheme, I would like to talk to you about a scheme and what to put in there.

Ted Kozlowski stated I would like to see that, I would like to see more buffer for that stream. I'm pleased to see that that has been cleared out and there wasn't anything there and that is a positive thing.

Mr. Cameron stated I could plant this whole area over here.

Ted Kozlowski stated plant it up with something the deer won't eat. You think that is going to work, I have been there and I've seen heavy flows, it is eating that parking lot up. You think that is going to better.

Mr. Cameron stated from the information that I read it seems as though it can be stabilized. I was hoping that you might have some experience with this.

Ted Kozlowski stated I kind of wanted rock just, you can try both, and I would still want to have some rock in the back there, just to stop the force of that water.

Rich Williams stated there are other ways they have (inaudible) systems, have you seen any of those.

Mr. Cameron stated yes, I just didn't want to take the rock and just dump it off the side there and have a stone embankment there. I thought that that mat material was more conducive because it is a more unified material you can tie it all together.

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Ted Kozlowski stated I've seen it, we've used it on the Bronx River Parkway but you know it has to establish first, you get a stone it, it is going to blow out because you've got that water coming in then you are making it go on a ninety degree turn and it is headed right for the parking lot.

Mr. Cameron stated and maybe where that water comes in, I can put that stone there and then one either side to protect.

Ted Kozlowski stated I would buffer the force of that water and use those, I forget what they called, but I've seen them.

Mr. Cameron stated it is like a core roll but it is actually a mat, it locks.

Ted Kozlowski stated but I would use that where you are parallel with the stream, where it is not head on.

Board Member DiSalvo stated didn't we talk about doing a fence along the stream part back there.

Mr. Cameron stated yes, it goes all the down and all the way across and that is basically to stop anybody from going into the wetlands.

Ted Kozlowski stated and then you are going to plant on the other side of that.

Mr. Cameron stated yes.

Rich Williams stated on of the past issues, just so you know was there was going to be a minimum ten foot separation between the stream bank and the edge of the paved area. They are right back up against again, or at least they is what they are showing on the plans.

Board Member Pierro stated that would limit in the area where there is outdoor storage, that would limit that to fifteen foot wide strips for the most part. It is twenty-five foot strips now and it looks like it is right up against the stream now.

Rich Williams stated no we are talking to the west of the building, the rear side.

Board Member Pierro stated the west side of the building, the rear side. It is the gravel area, but we are still talking about there is a fence, I believe there is a fence indicated on the whole back line.

Rich Williams stated what I am saying is you are right up against the stream bank here.

Board member Pierro stated right but if you wanted to be ten feet away, he cuts this outdoor area down by ten feet. That infringes upon the parking area where tractor trailers are backing up. Then it is going get.

Chairman Schech stated you want to stay ten feet away from the stream in that area.

Rich Williams stated again I did not do review on this, they did some of the changes that I had requested on the last memo, essentially at this point, I really need direction from the Board as to what you feel is appropriate for the site and what you don't.

Chairman Schech stated technically I personally think, the place has outgrown the site but he is trying. Maybe if he found another place for outdoor storage.

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The Applicant stated which part of the outdoor storage is the problem for the site according to the Board.

Mr. Cameron stated I think they are talking about this piece right in the back.

Chairman Schech stated the one in the back.

Mr. Cameron stated we want to keep.

Board Member Montesano stated the temporary storage.

The Applicant stated would you like to pull it in ten feet and you are saying.

Chairman Schech stated if you pull it in ten feet then you are messing up your garage doors.

Board Member Pierro stated then you can't back trucks up in that area.

Board Member DiSalvo stated the garbage dumpster in that area.

Chairman Schech stated do you have tractor trailers going up to your buildings.

The Applicant stated no we have fourteen foot box trucks that come into our back parking lot and load into our docks.

Board Member Pierro stated then why are there ten by forty-five loading spaces in the back.

Rich Williams stated that is required by code.

Chairman Schech stated if you have no tractor trailers then that makes no difference.

Board Member Pierro stated then should be no reason.

The Applicant stated the turning around was never a problem, I don't know if the Board remembers when you went there how we had all the storage in that lot in the back because tractor trailers did not pull in there, we made sure we had enough room for fourteen foot box trucks.

Board Member Montesano stated the fork lift was sitting in the shed, if I remember right.

The Applicant stated the fork lift takes everything off the trucks; nothing backs up and is unloaded in a dock.

Board Member Montesano stated then there would be no problem moving it back.

Board Member Pierro stated Rich, what determination, excuse me.

Chairman Schech stated how many feet off the stream.

Mr. Cameron stated you want us to cut out here and put in, I'll talk to you about what you want to put in for vegetative, some type of filtration.

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Ted Kozlowski stated we just want to protect the stream and protect your parking lot that was always my concern, you are constantly having to repair the damage, to keep it from eroding, let's find.

Board Member Pierro stated the blacktop is rolling down the stream banks getting broken up.

Ted Kozlowski stated let's find the answer to that.

Mr. Cameron stated okay so, we can do that, I can move that back, we'll just take this line we'll put the fence there ten feet farther back, take up the pavement and I'll work with you about getting some kind of vegetation, strong vegetation in there, some material.

Board Member Pierro stated Rich, what determination was made with the request to fill in the swale and pipe that.

Rich Williams stated they are now proposing to leave the swale.

Mr. Cameron stated we are going to leave it alone.

Rich Williams stated that was a good thing.

Board Member Pierro stated good.

Rich Williams stated I guess my only other really serious issue with the plan, it is not really a big serious issue, is over laying aerial photos on this, it looks like the parking layout one through ten is different in the field then it is on the plans, you've committed to when the snow is gone, which it is gone, that you were going to go out there with a tape.

Mr. Cameron stated I actually haven't, what you are saying you think this is a little bit closer to here.

Rich Williams stated that line is moved in a little bit more, I did go out there with a tape.

Mr. Cameron stated if indeed it is we will just re-vegetate that area up to where.

Rich Williams stated I just want it correctly shown on the plans, I don't care about that.

Mr. Cameron stated I will take care of that. What I would like to ask is, have we done Lead Agency on this yet.

Rich Williams stated no, but we don't have to. It is a type two action.

Mr. Cameron stated it's a type two action, are we going to need a public hearing.

Rich Williams stated that you will need.

Mr. Cameron stated can we set a public hearing.

Board Member Montesano stated why not.

Chairman Schech stated another public hearing.

Mr. Cameron stated did we already have one.

Rich Williams stated listen Melissa is on vacation, she gets a good present when she comes back.

Board Member Montesano stated make a motion, in the matter of Eastern Jungle Gym I'd like to set a Public hearing for the March 2, 2006 Meeting.

Board Member DiSalvo seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	opposed
Board Member Montesano	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 3 to 1.

14) BEAR HILL SUBDIVISION

Rob Cameron from Putnam Engineer representing the Applicant was present.

Chairman Schech stated Bear Hill.

Mr. Cameron stated Rob Cameron from Putnam Engineering representing the Applicant, Bear Hill Associates. We are here before the Board tonight with this application for two reasons, one is to continue the wetland permit application and hopefully try to get a determination a wetland permit and also as part of the continued subdivision review of this project. As for the subdivision I had asked for consideration for a minor subdivision and Mr. Williams kind of concluded that the Board could consider this as a minor subdivision and we would like you to consider that.

Rich Williams stated just to be clear when this application came in, it came in at an eight lot subdivision and at that time the Board determined that it was a major subdivision, but since that time we are down to basically four residential lots which.

Chairman Schech stated if we keep going the way it is it if going to be a lot line adjustment.

Mr. Cameron stated fortunately the Applicant is not here tonight.

Rich Williams stated it is up to the Board if they would like to re-classify this application.

Chairman Schech stated I think we can do that.

Board Member Pierro stated Rich did we ever discuss cleaning up the lot line that cross Bear Hill Road.

Rich Williams stated yes.

Board Member Pierro stated have we made any changes in that.

Rich Williams stated well some of them, Rob is going to have to back and consider, in my review of the application at this point, I got a little bit more into it and it seems like our parcel ownership data conflicts with his parcel ownership data.

Mr. Cameron stated that really has to do with how the County did their tax map and where they considered Road Map A and what it did was it created these tiny little triangular parcels that when the surveyor, Terry Collins went back in and did the accurate survey of this, they really don't exist, they are part of the other parcels. What happened was when this was Cabin Campfire, they sold off these parcels as one hundred by one hundred lots and then I guess the County or someone laid in this Road Map A, a fictitious Road Map A. Road Map A, as shown has bisected some of these lots but technically these people own when they were sold these one hundred by one hundred parcels they actually own Road A. Then when County Real Property came in, they indicated Road A, I guess as a Town Road which really wasn't the case, Road Map A was never dedicated to the Town and so as a result what they did, they made these little triangles over here, but they are just a number assigned to a piece of land and it's not really representative to who owns it.

Rich Williams stated we that may be, let me take one example, the square up at the top 2309, yeah.

Mr. Cameron stated it is shown by deed as R & L Associates and we went back and researched it.

Rich Williams stated I have a deed to Bear Hill Associates on it.

Mr. Cameron stated the surveyor came up with something else.

Board Member Pierro stated I would have to go in there and tell Mrs. Bauman that doesn't belong to her.

Rich Williams stated I went downstairs into our Assessor's and started looking for deeds to double check because again, my GIS system conflicts with what you are showing, so I went down and started looking for deed and we are pulling the deeds on these properties to confirm that there was ownership of this specific tax map parcels, we need to somehow resolve that. Now that being said, once we get clear who owns what, then we can figure out how we are going to get rid of this. With this current subdivision they are proposing in the areas that they own to create a fifty foot wide right of way that the road is going to sit in. Specific to one instance that is the lands of Morrissey they are proposing to transfer ownership of the small piece that is adjacent to his property to Joe Morrissey, I have spoken to Joe Morrissey and he is willing to give back to the Town right of way that piece that crosses, where the fifty foot right of way would cross over the road. So if you want, I can give you the deeds that I pulled.

Board Member Pierro stated that right of way is the checked line that goes through his driveway.

Rich Williams stated is should be a solid line.

Mr. Cameron stated it is a solid line that is running.

Board Member Pierro stated the small portion in the upper left hand corner of Morrissey's lot.

Mr. Cameron stated it goes into Bear Hill Road.

Rich Williams stated right in here, I talked to him and he would be willing to get rid of that.

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Board Member Pierro stated I am concerned about this and then this. From what he is saying is that this does not belong to the property owner. The driveway is going to go right in between that is scary.

Rich Williams stated I understand what you are saying, like I said I think we need to clean up some of the property ownership because if we do, then some of these issues don't become issues anymore.

Board Member Pierro stated because this is the same applicant who owns this, because if he takes this.

Rich Williams stated take this, I have a deed on this, going to this parcel, going to this whole parcel, going to the same owner and then Evelyn owns something else in here, I think it is this piece in here. I'll get Rob the deeds that I've got and he can work that out.

Board Member Pierro stated I think it behooves us to or the Applicant to explain this to the property owners when the right time comes because it looks like this house on the upper lot is going to get sold off and there are people that believe they own front yard of that place. I think it would be best to address the issue now before it creates an imbroglio. That is trouble for the record.

Mr. Cameron stated Terry Bergendorff actually did the property surveys on several of these lots and that is how she got some of this information. I'll take the information that you have and see if I can. I've gone through the title report time and time again and I did get the deed research from the County Clerk's office and I guess there is still some.

Tape 1 Ended.

Chairman Schech stated they put a road in that isn't supposed to be there.

Mr. Cameron stated there is no description of where these lots are, there is just a description of one hundred by one hundred or two hundred by two hundred lot and it's not tied into anything. I mean it's pretty much a round house.

Chairman Schech stated and the first guy in who turned the first spade of earth got the best lot.

Rich Williams stated maybe we want to have our Town Attorney to look into this.

Chairman Schech stated that would be a life time job.

Anthony Molé stated it seems like somewhere along the way someone is going to have to get a title report done.

Mr. Cameron stated we already have the title report.

Anthony Molé stated deeds, records, with delineations. With every one of those lots we are talking three thousand dollars.

Chairman Schech stated several thousand.

Rich Williams stated I wasn't suggesting, I think there were. There are discrepancies in ownership between what we are showing for our records and what they are showing.

Board Member Montesano stated you mean there are title reports on this.

Chairman Schech stated let's get back to where we were.

Board Member Montesano stated alright we'll do the subdivision.

Chairman Schech stated Bear Hill Subdivision.

Board Member Montesano stated in the matter of Bear Hill Subdivision, I would like to reclassify this as a minor subdivision.

Board Member DiSalvo seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Montesano	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

Board Member Montesano stated I think they left, they left. They are talking about a water tank.

Board Member DiSalvo stated water tank.

Board Member Montesano stated but the gentleman that controls the water tank.

Chairman Schech stated I think that you and Ted resolved the thing.

Mr. Cameron stated actually no, we need to talk about the wetland permit part of the application, I guess.

Ted Kozlowski stated what would you like to talk about.

Mr. Cameron stated I would like a wetland permit approved.

Ted Kozlowski stated I would like to applaud the Applicant for entertaining the idea of building in and around the burm.

Board Member Pierro stated what the heck you beat him down for a year and a half.

Ted Kozlowski stated but it was gracious

Board Member Montesano stated that was an awkward statement to make.

Board Member Pierro stated very good, I am glad you are gracious Ted.

Ted Kozlowski stated no, I that was the right thing to do.

Board Member Pierro stated it was.

Chairman Schech stated how do you know notify all the little critters.

Ted Kozlowski stated we are having a party.

Board Member Pierro stated you'll be out there in the first week of April.

Ted Kozlowski stated that is a good thing and is that all part of one lot now.

Board Member Montesano stated you'll call the Gieco Gecko.

Mr. Cameron stated yes it is all part of this lot. That also makes this lot conform also because before one of Rich's comments was you know, it makes sense to make that revision because if this lot doesn't work, this is all total (inaudible) acres.

Board Member Pierro stated right.

Ted Kozlowski stated so your permit is for what the house across the street and the intrusion into the buffer expansion area, correct and that is your only disturbance.

Mr. Cameron stated yes.

Ted Kozlowski stated I would say that the trade off is very fair.

Chairman Schech stated another public hearing.

Rich Williams stated we do have to have a public hearing on this but we also need to, again we usually track these together with the subdivision application, we don't actually have a current subdivision application. I was surprised, I went through our file, we were looking at our concept for three years.

Mr. Cameron stated I thought we had submitted, when I had submitted the full EAF there wasn't a full subdivision application. I'm pretty sure I did.

Rich Williams stated you submitted a full EAF and a wetlands application. I will double check but I will have to go and look at that. I did not have it readily available to me.

Mr. Cameron stated I'll check my records and see what we have. The other thing I would like to ask is lot 4. I need to go to, what am I going to do with lot 4. Because I need to go to the ZBA, because it is non-conforming. I trusted the ZBA would not have a problem with it but I think I still just need to go there because I don't conform in bulk.

Chairman Schech stated you want a recommendation from us.

Rich Williams stated if you want you give a recommendation.

Chairman Schech stated sure.

Board Member Pierro stated I think it is a wise decision.

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Chairman Schech stated we sweated him enough so far.

Board Member Pierro stated right.

Board Member Montesano stated a positive recommendation.

Board Member Pierro stated that is the 2.69 acre lot.

Mr. Cameron stated yes.

Board Member Pierro stated what is that lacking Rich, it is four acre.

Rich Williams stated yes it needs four acres. But it is excluded from having the four acre because of the layout of the road. We could always make him move the road.

Chairman Schech stated we need a motion on that.

Board Member Pierro stated I think it would be easier to move the road then to get Mr. Montesano to make another motion.

Board Member Montesano stated he likes making motions, then let him go.

Board Member Pierro stated in the matter of Bear Hill Subdivision, I make a motion we make a positive recommendation to the Zoning Board of the Town of Patterson to approve the Lot 4 at 2.69 acres which is smaller then the required four acre due to the constraints of the road location as it is built. And you can clean that up any way you'd like.

Mr. Cameron stated does the Board need to make a motion on the wetlands permit or we can not do that until we have a public hearing or how do we handle that.

Rich Williams stated we still need to do SEQR prior to doing an approval on any aspect of this lot but yes, you do need a public hearing.

Chairman Schech stated you might as well wait and do them both at the same time.

Board Member Pierro stated we have to wait until we have the application correct.

Rich Williams stated well there is some question I mean I went through our files and I didn't have an application and usually when we get a fee we take a slip of paper and put it in the file.

Board Member Pierro stated as soon as we get the application we can react to SEQR and the wetlands permit.

Board Member Montesano stated as soon as we get the fee we can proceed.

Mr. Cameron stated I will check the file and see, if we don't have it, I will certainly get it to you.

Chairman Schech stated okay.

Board Member Pierro stated and if we do have it maybe we can react to that at the next work session to get it started. Thank you Rob.

15) PATTERSON LITTLE LEAGUE SITE PLAN

Danny Finny, Representing Patterson Little League was present.

Chairman Schech stated anyone here from Patterson Little League.

Board Member Pierro stated you missed us.

Mr. Finney stated I had to come back.

Board Member Pierro stated you couldn't take not having the abuse.

Board Member Montesano stated come on now, what position do you play, that you are playing in the Little League again.

Chairman Schech stated I understand that you are putting in a thirty thousand gallon water tank.

Mr. Finney stated yes, thirty thousand for fire.

Board Member Montesano stated well look that dirt can burn real easy.

Board Member DiSalvo stated this is off Maple Avenue.

Board Member Pierro stated so I take it you had some problems with burning grass last year.

Mr. Finney stated well as you can see. My name is Danny Finney from the Patterson Little League, we would like to get a water sprinkler system put in. I submitted a set of plans as you can see on the photographs that we had taken that the fields dry out very quick in the summertime and right now we have a contractor that is going to give us a good water sprinkler system for the fields.

Chairman Schech stated what size tanks.

Mr. Finney stated there are forty-eight hundred gallons worth of water.

Chairman Schech stated what size are the tanks though.

Mr. Finney stated they are five foot tall, they are twelve hundred gallon tanks.

Board Member Montesano stated they twelve hundred gallons on a concrete pad.

Mr. Finney stated yes, on a concrete pad.

Board Member Montesano stated where is the location of the pad going to be.

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Mr. Finney stated right here in the middle between the two fields, you can see where we've laid out the two tanks. Then they feed off of one side and the other would be (inaudible)

Chairman Schech stated your well is enough to feed them.

Mr. Finney stated yes, the well has twenty-eight gallons a minute. Do you want to see anything else.

Board Member DiSalvo stated what is it going to look like.

Mr. Finney stated the tanks are just metal tank; we will more then likely just paint them white.

Board Member Montesano stated can you get something other then metal or is that the only thing.

Board Member DiSalvo stated what about plastic.

Mr. Finney stated we could use plastic, but it is cheaper to use metal.

Board Member Montesano stated I figured the plastic would outlast the metal, since they are exposed even now you are going to have to paint them. And we've had fun with metal tanks that are painted.

Mr. Finney stated we are just trying to save cost.

Chairman Schech stated it is not going to be an eye sore or anything, right.

Mr. Finney stated no, by all means, it is going to sit between the two fields, it is in a lower area between the two fields so.

Board Member Montesano stated are you going to put anything like shrubbery around it.

Mr. Finney stated we are going to put a fence around the outside of it. Child proof fence, the fence will go around the entire whole outside of the twelve by twenty foot concrete pad which the tanks sit on.

Board Member Pierro stated I have one question not to the Applicant but to Rich.

Board Member Montesano stated go ahead ask you question.

Board Member Pierro stated sure, Rich if we waive the site plan you are requesting sufficient details concerning the extent of the improvement how do you want that. If we waive the site plan, you want to include in the resolution sufficient details concerning the extent of the improvement because we are waiving the site plan and.

Rich Williams stated yeah basically when you grant the waiver you want to basically describe what you are waiving for four twelve hundred gallon tanks on a concrete pad whatever the dimensions are.

Board Member Pierro stated fenced in.

Rich Williams stated fenced in and whatever else you feel is important.

Mr. Finney stated we are going to go with a six foot high fence, you know so that it is taller then the tanks so you won't really be able to see them.

Board Member Pierro stated stockade or wood fence.

Mr. Finney stated I guess either or I mean.

Board Member Pierro stated or similar to what you have surrounding the fields.

Rich Williams stated chain link.

Mr. Finney stated we can go with a chain link with the lats in it so.

Chairman Schech stated of Jesus don't put those lats in it.

Board Member Montesano stated the sun bakes them.

Rich Williams stated then you can't see if a kid gets in there.

Mr. Finney stated we can just with an open fence if you want.

Chairman Schech stated just go with chain link.

Board Member Montesano stated get somebody to donate shrubs or some plantings.

Mr. Finney stated just to surround it.

Board Member Montesano stated yes.

Mr. Finney stated okay.

Board Member Montesano stated you've got plenty here but I'm saying even then.

Mr. Finney stated these are all pines that we planted when we did the fields to block it from the residence from that side.

Board Member Montesano stated if you can get a couple around here just to break up the fence.

Mr. Finney stated not a problem, we'll get a local landscaper to donate those, unless you guys want to donate those, then we'll be more then happy to take it.

Board Member Montesano stated we are donating our time. My donations are over with, the kids are out of it.

Chairman Schech stated okay want a motion to waive the site plan.

Board Member Pierro stated on the motion, in the matter of Patterson Little League, 70 Maple Avenue, Patterson, I make a motion that we waive the site plan to install four twelve hundred gallon steel water tanks which will be placed in a depressional area in between the two fields on a concrete pad surrounded by

a six foot high chain link fence and that the Applicant acknowledges that any further improvements that are subject to this waiver will be included in a future site plan review, Rich.

Rich Williams stated if a site plan is required.

Board Member Pierro stated if a site plan is required. Anything future beyond this.

Board Member Montesano stated put shrubbery on there.

Board Member Pierro stated in addition we would like some planting around the fence just to dress it up.

Board Member DiSalvo seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Montesano	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

Mr. Finney stated thank you.

16) PLUNKETT SUBDIVISION

Rob Cameron from Putnam Engineering was present representing the Applicant.

Board Member Pierro stated who is next.

Chairman Schech stated Plunkett.

Mr. Cameron stated Rob Cameron from Putnam Engineering, representing the Applicant, Mr. Plunkett. This is a two lot subdivision on approximately fourteen acres of land on Route 164 near Farm to Market Road.

Board Member Pierro stated come on Dan, get out of here.

Board Member Montesano stated this is too heavy.

Board Member DiSalvo stated there is a lot of stuff here.

Board Member Pierro stated go ahead Rob, go.

Chairman Schech stated don't pay attention to him, continue.

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Mr. Cameron stated we have received the comments from Mr. Williams; we will try to address those. I think some of the major concerns that he has is the roadway going up, the amount of disturbance, how we are going to handle storm water, and also the site line which we will take a look at and when I took at the site line it does appear as though some material is going to have to be removed along Route 164. We are going to have contact the DOT and I would like to probably set up a meeting with the DOT and so I can talk to them about that and how we are going to achieve those site lines.

Rich Williams stated I think as I alluded to in my memo you probably are going to get some spot rain, because when we did the site walk, it doesn't look like that site really reflects the steepness going up into the site that there is along Route 164. It is very steep and it goes right up, it just jumps right up.

Mr. Cameron stated I saw that, even if you look at the profile of that section you can see it climbs, obviously the profile is at a very exaggerated scale but you can see that there is significant amount of cut that has to happen there and unfortunately this doesn't show the cut that goes down Route 164 to accomplish the site distance. I will also be contacting the County to be discussing the properties potential as an agricultural site, I don't know what they would put on this site maybe mountain goats or rock farming, I don't know.

Chairman Schech stated I am sure the County will accept it, I don't think they would want to purchase it.

Mr. Cameron stated I think the County probably designated a lot of these areas in blocks in maybe because, this was over here this was maybe could be considered agricultural land was all one parcel.

Rich Williams stated I was involved in that extensively at the time and their criteria was based on smell. Alexander Casbar if it smells like a farm it must be a farm.

Board Member DiSalvo stated if that had applied today that parcel would not be accepted into the Ag. District.

Rich Williams stated yes probably.

Board Member DiSalvo stated so it snuck in there in 2000.

Rich Williams stated so it in the Ag. District so there are certain requirements for an Ag. Data Statement that he has to meet.

Board Member DiSalvo stated right.

Rich Williams stated you know I guess my question to the Board is there is going to be considerable more disturbance on this site then what they are already showing in my opinion and is that something that the Board is comfortable with.

Chairman Schech stated not at all but if they can make it work you can not say no. I don't know how the hell they are going to make it work.

Mr. Cameron stated I actually talked with one of my engineers tonight, I mean I am not the project manager on this but when I took a look at this and I saw the amount of the disturbance for that roadway and there are two options that I can do here or two things I help to alleviate the amount of disturbance on this. One maybe make certain sections of the road a little steeper then ten percent and the other is propose retaining

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walls so that we can catch the slopes so that we don't have to continually keep on grading up the hillside, as you can see this whole area here is basically all disturbed because I have to maintain a one to three slope requirement and if I put a wall here, it might be a high wall, it might be a six to eight foot high retaining wall I could eliminate a good portion of that grading.

Rich Williams stated as I recall one of the earlier plans had a retaining wall that was much higher than that.

Mr. Cameron stated I didn't see that plan I will have to go look for it.

Chairman Schech stated I don't see how it is going to work but then again I am not an engineer.

Rich Williams stated I just, with respect to the Applicant, I don't want to see him go through a lot of expense trying to design something that the Board is just not going to be comfortable with and I think that if the Board is really leaning towards not accepting this, you know again if you can make it work and if the Board's attitude is if he can prove it out then that is fine, everything is fine but you know if you are not looking favorably on it, I think you should let them know right up front rather than have them go through tremendous expense.

Mr. Cameron stated I looked, there really in only one way into this site.

Chairman Schech stated there is no other way in.

Mr. Cameron stated this is a virtual cliff with rock face over on this side. There is no way.

Rich Williams stated yeah there is no way.

Mr. Cameron stated I looked at maybe coming in from here and going up, it just can't work, you would have tunnel basically along that area.

Chairman Schech stated I am not very happy with it no.

Board Member DiSalvo stated I'm not either.

Chairman Schech stated usually when we say we aren't happy with it we end up in court.

Rich Williams stated not if you can make a reasonable decision.

Chairman Schech stated tell him I'm not happy with him, let's see what happens.

Mr. Cameron stated unfortunately that is not my decision, I will refer your sentiment and see what the Applicant wants to do.

Chairman Schech stated you could give him a guesstimate at what this is going to cost for just a driveway. Off the top of your head.

Mr. Cameron stated yes, the next step. You have the full application, lead agency, did you, has the Board done lead agency, can they do lead agency, or is this a type of action.

Rich Williams stated there were a number of changes that you needed to make to the application.

Mr. Cameron stated okay, I'm sorry you're right. I have to revise the EAF.

Rich Williams stated you could do minor subdivision, that is about it.

Mr. Cameron stated okay.

Chairman Schech stated okay.

Board Member Pierro stated we will wait until we hear further.

Mr. Cameron stated I will put the EAF in order first.

Rich Williams stated minor subdivision classification just so you are away sets up for the following process, whether he has to go for a one step or two step.

17) BONIELLO SUBDIVISION/SITE PLAN – Initial Application

Mr. Joel Greenburg, Engineer and Anthony and Michael Boniello were present

Chairman Schech stated okay seventeen, Boniello.

Board Member Pierro stated just to let you guys know I ran into Anthony at the deli yesterday morning I wasn't aware, I don't know if you guys were, maybe I missed it but I wasn't aware, his intention is to take down both those buildings in the rear.

Rich Williams stated yes, that is not clear on the plans.

Board Member Pierro stated yeah, that sort of changed it for me. The two buildings that are sort of angle to each to other.

Board Member DiSalvo stated on the end.

Board Member Montesano stated yeah I guess.

Board Member Pierro stated so that sort of makes a clear run from the existing driveway by the main building straight towards the.

Mr. Greenburg stated good evening. My name's Joel Greenburg, the architect for the project for Anthony and Michael Boniello. First, I would like to thank you for putting us last, because the best is always last as this gentleman said we are proposing to take down three of the buildings over here that you see shown on the site plan.

Board Member Pierro stated three.

Mr. Greenburg stated on, two, three.

Board Member Pierro stated that is the old Bruen building.

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Mr. Greenburg stated yes, the garage. Which as was just said, obviously we are going to plan a common driveway to the width of the Town standards, number one there is the width in the report, which Rich was nice enough to fax over to me late this afternoon and it obviously a very comprehensive report and the summary that is at the end I think is a good beginning because I think that a site inspection will help you understand exactly what we are doing. Basically what we want to do as Rich said in his report, the previous zoning did have commercial in the front and two different residential zones in the back. What we are proposing and asking the Board to consider is to continue the C-1 zoning in the front here with the minimum two acre and the two four acre lots in the back would be rezoned to R-4 which is similar to the zoning behind us in the area behind our property. The access we are proposing is doing common driveway which would require open development approval from the Town Board, we realize too obviously that we have to do a lot of work as far as making the driveway meet all the Code requirements as far as slope and width is concerned but tonight basically we want to present the concept to you, the idea of keeping the commercial in this lower area over here and at the top of the hill, top of the mountain you want to call it, to provide two one family residences for Anthony and Michael, which I think will create a very nice use of the property. The area on the top here, the grades are conducive to building both houses septic and the installation of wells the only major hurdle which I think we can accommodate is to provide a common driveway to there. So basically I think tonight you want to discuss whether or not you feel the concept that we are proposing is acceptable. The building here I think somehow there was some miscommunication in the report, but the building is one hundred and twelve by fifty-six which is about sixty-two hundred square feet and basically will be used for the storage of the vehicles that are owned by Anthony and Michael. So that basically putting them in tandem would be able to get approximately eight vehicles in this storage building or garage and the main building of course will remain and the other building on the Bruen property which is now part of our property will also remain and we will again conform to the air requirements, as Rich pointed out in his report that we if do have to go to the Zoning Board one of the other items we will have to address is of course lot width the requirement is fifty feet which we are shy somewhat of that. Area wise we do meet all the requirements of the Zoning Code, set backs we meet all the requirements of set backs, we proposed building would meet the side yard set back and the front yard set backs no problem and basically we want to see how you feel about the concept. Obviously the property, the way it is located and the elevation at which it located is really not conducive to any kind of commercial operation and our fore fathers many years ago obviously kept this as residential and Rich indicated to me that the reason this was all put into commercial is they were trying to keep whole properties in one zone which does make a lot of sense and now that we want to develop it, I think in this particular case because of the location of the house and because of the difference in elevation it probably make a little bit more sense to provide residential up here then commercial but also I understand there is also probably some future residential development going on behind us too, so this would be a good adjunct to propose to residential to the back of the property.

Chairman Schech stated Joel.

Mr. Greenburg stated yes.

Chairman Schech stated are you finished for a minute.

Mr. Greenburg stated did I over step my time.

Chairman Schech stated I am going to get a bell.

Mr. Greenburg stated you go until 10:30, I still have thirty-five minutes.

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Board Member Montesano stated no, maybe you do. I'll let you go another thirty-five minutes.

Chairman Schech stated we changed the zoning basically because our commercial inventory in this Town is very limited and you are taking what I consider one of the prime site over here because that can be accessed through the neighboring site without intrusion into the wetlands as a good commercial site. The site on the bottom, but further down you've got that entire site there, which it can be accessed through there.

Mr. Greenburg stated you are also talking about a major road which would have to be constructed which would have to go to a commercial operation up here. You are talking about some pretty heavy grades that you would have to overcome to get up here. Here we are just talking about a common driveway to two houses, which I think is a lot different. Again commercial up here too.

Chairman Schech stated through a great deal wetlands.

Mr. Greenburg stated no, what we have done here, is yes, down here the wetland widen out considerable, but the location of the road here is at the neck of the wetlands so it really is at the minimum point also, exposure as far as, exposure on Route 22, obviously anything up here would not be visible at all. So we think perhaps residential might be a better use and also when providing additional revenue by putting an additional commercial building on our property, so we are providing additional tax revenues for the Town.

Board Member Montesano stated you are going to go through a commercial piece of property to get to a residential piece of property.

Mr. Greenburg stated that is correct.

Board Member Montesano stated you have no property frontage you want the commercial property reverted back to residential which you have no frontage on.

Mr. Greenburg stated that is correct.

Board Member Pierro stated it can be done under open development, correct.

Mr. Boniello stated we do own the property next to us which is residential, if you want to come off the other side of the property.

Board Member Montesano stated what I am looking at is you want to put residential lots coming through a commercial piece of property and that's fine looking in the future, your brother and you are going to be there, and when you hit the lottery and you walk out, I don't want.

Mr. Boniello stated I understand one hundred percent and I know it's longevity and I know it's, anything could happen to me and anything could happen to my brother, I understand that. We are trying to do. I tell you, you could entertain me and I could do commercial property up there and I could put a building or two buildings up there and also I've been in the Town for fifteen years, I've lived here for five or six and I want to live here, I want to put two houses, for me and my brother which I understand can change anything can change one hundred percent.

Board Member Montesano stated who is older.

Mr. Boniello stated he is.

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Board Member Montesano stated we got to put it to the older brother.

Chairman Schech stated let's put it down for a site walk. Is that road driveable.

Mr. Boniello stated it's walk-able.

Mr. Greenburg stated it's walk-able.

Chairman Schech stated I don't walk.

Mr. Boniello stated we've got quads.

Board Member Pierro stated we can get you back there Herb.

Chairman Schech stated they don't have a quad big enough for me.

Board Member Pierro stated yes they do.

Mr. Boniello stated yes we do, don't worry about it.

Board Member DiSalvo stated so you are going to take the storage down then.

Board Member Pierro stated we can put you in a trailer and quad you back there.

Mr. Greenburg stated these would all come down, the only thing left would be the main building that they use now, the Buren building, and this new building. The nice thing about this is by putting up this commercial building they will also get the large vehicle out of the parking area and into a closed building too.

Mr. Boniello stated basically I want everything, if you've ever been up to my place, the buildings are in a bad situation, I want everything under cover and in one spot.

Board Member Pierro stated one of the discussions that Anthony and I had the coffee shop this morning was also discussing that tractor trailer which was there when they purchased the property and he understands fully that that's one of the things that has to go.

Mr. Greenburg stated we just got that also. When do you want to schedule a site walk for.

Chairman Schech stated when are you going to be ready.

Board Member DiSalvo stated Saturday.

Mr. Greenburg stated whenever you want.

Chairman Schech stated centerline of the house, centerline of the.

Mr. Greenburg stated Rich told us in the report exactly what he wants, we will call Rich when we are ready and then I guess he will contact you.

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Chairman Schech stated if it doesn't snow in between we'll be there. It sounds like you've got control of this whole situation.

Ted Kozlowski stated when is Shawn coming back.

Board Member Pierro stated next week.

Chairman Schech stated you haven't changed one iota, you know over the years.

Board Member Pierro stated Joel, as an adjunct, Tycason's property is to the rear of this. A local engineering firm has been in there staking and doing preliminary work, I understand the land owner to come up with a check to complete the engineering process that may also be another approach.

Mr. Greenburg stated absolutely. If that this is moving along in tandem with us.

Board Member Pierro stated is may not be moving along according to their time frame but it still doesn't stop them from doing the commercial end of this project and cleaning up the site taking down the buildings and the garage and starting the new construction and maybe if we can't come to agreement on the residential end of it maybe you can speak with the adjoining property owner and their engineer and try to negotiate another access.

Mr. Greenburg stated well like I said, let's do the site inspection, I think you'll get a better picture and then we'll discuss it.

Board Member Pierro stated very well.

Chairman Schech stated okay. Nice seeing you again.

Board Member Pierro stated nice seeing you sir.

Board Member Montesano stated now we have to get to the rest of the business before ten o'clock.

Mr. Greenburg stated I believe you can do it.

Board Member Montesano stated it's alright; he's on the agenda for the end again. Have a good night.

Chairman Schech stated some things never change.

Board Member DiSalvo stated I've seen him somewhere.

Board Member Pierro stated I've never dealt with him before.

Chairman Schech stated he does a lot of work for Putnam Housing.

18) OTHER BUSINESS

a) Site Walks

Rich Williams stated Mr. Chairman.

Chairman Schech stated yes.

Rich Williams stated at this point we are down, the Board in the past couple weekends has done a number of site walks.

Chairman Schech stated we have some people out here yet. New Life Christian Church.

Rich Williams stated yes, I've drafted some memos, the Board needs to review those memos, if the Board finds them acceptable we will forward them on to the applicants.

Chairman Schech stated Mr. Rizzo is not here is he.

New Life Christian Church

Richard Schultz and the Pastor (the Applicants) were Present

Board Member Montesano stated New Life Christian Church.

Board Member Pierro stated New Life is okay for me.

Board Member Montesano stated I have no problem with it.

Rich Williams stated they are here if you want to discuss it.

Board Member Pierro stated sure. Do you want to provide them with a copy of that.

Rich Williams stated I believe they have that.

Board Member Pierro stated they do. My only question on that Rich, is a permit required to build a crossing over the stream, does it require a wetlands permit. Mr. Ted.

Ted Kozlowski stated I think you need a wetlands permit to put anything into the wetlands. A bridge, any of the erosion controls.

Mr. Schultz stated I can't hear what's going on.

Board Member Pierro stated I'm sorry sir, would you like to repeat that please.

Ted Kozlowski stated the bridge, the parking lot.

Mr. Schultz stated say that again.

Ted Kozlowski stated the bridge, the parking lot.

Board Member Pierro stated we are going wetlands permit applied for the bridge for the expansion.

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Ted Kozlowski stated your wetlands permit should include everything that is going on within the one hundred foot buffer clearly there has been stuff going on that you have not gotten permits for and you should put this all under compliance. Your permit should be revised and it should reflect those things and address the erosion coming off the parking lot, address the dumping that as gone on.

Mr. Schultz stated we do take exception to what the letter says about the dumping, there has been nothing dumped other then what the Town put in there as part of.

Board Member Pierro stated sir we don't want to argue with you, we do have pretty clear over head photos that show there has been some expansion of the parking lot.

Mr. Schultz stated we have put organic material in there and I thought that was alright, but that was a misunderstanding.

Rich Williams stated there are two issues raised in the memo about filling, one is the fill has been placed in there with the parking lot and there is still some on going.

Board Member Pierro stated there is still some construction debris, cinderblocks.

Rich Williams stated the other issue was while we were out on the site, a couple of Planning Board Members came over to me, I never actually saw it, but came over to me and said over in this area we saw C and D material.

Board Member Pierro stated right, I did.

Mr. Schultz stated that has nothing to do with the parking lot.

Rich Williams stated it wasn't near the parking lot.

Board Member Pierro stated but it is adjoining, it is in the wetlands and you know.

Mr. Schultz stated we took down a wall that was precarious.

Board Member Pierro stated it seems like there was a good healthy group of men having a meeting Saturday maybe you can get them over there on a nice day and get that stuff picked up and carried out of there. The other things that concerned us in the letter was that there were some roof drains or French drains that was draining out onto the blacktop side walk on the side of the buildings.

Ted Kozlowski stated I think you are referring to the drain on the side of the building that they want to put that walk way draining and it's going right into the lower.

Board Member Pierro stated I am referring to the one on the other side.

Ted Kozlowski stated yeah but that one.

Board Member Pierro stated that is a French drain on, if you are looking at the building it's on the right hand side it's right at the base of building the drain comes out and it's draining out onto blacktop surface, that we would like pitched underground and maybe drained into a swale out on the grass somewhere. The other side of the building which is the left looking at it from the rear one of you drains, drains into a lower

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concrete pad, there ought to be something done with that, because that is going to be create an icy condition and somebody is going to fall and we are all liable.

Mr. Shultz stated there is a drain there that is covered partially, but it does drain off of that flat concrete area.

Board Member Pierro stated there were six of us there, sir.

Mr. Schultz stated it is not easy to see, I understand. It's not obvious.

The Pastor stated are you talking about the spout that is coming off the roof.

Board Member Pierro stated that water has to be carried away from that concrete area, those are just two of the items that we discussed the we were concerned with. We talked about the fence.

Board Member Montesano stated the report that is there.

Board Member DiSalvo stated we suggested the fence.

Ted Kozlowski stated yes, I said fencing in the parking lot, define the parking lot from the remaining.

Board Member DiSalvo stated like where the volleyball net is along that stream.

Board Member Montesano stated if they are going to remove anything, this gentleman suggested they are they going dig it out or move something that is in the wetlands or the waterway there, it has to be done, it just can't be a machine walking in there and pulling this stuff out.

Board Member Pierro stated no I think it should be manually done, it is not that big, we are not talking about a large amount of material. The stump might be another problem.

Mr. Schultz stated want the truth, that will gone in three or four years. It fell over, it's a rotten old tree that fell over on the property.

Rich Williams stated I have one that big on my property that I took down in seventy four.

Mr. Schultz stated we got an estimate of 6,000 dollars to take it down.

Rich Williams stated that is why I have one on my property

The Pastor stated you believe that thing fell over, it just fell down.

Ted Kozlowski stated no one was under it I hope.

Board Member Montesano stated sooner or later we are all going to fall down, it's just we aren't going to get up either.

The Pastor stated I never expected a tree that big to fall.

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Ted Kozlowski stated you need to address one of the more serious concerns and this is just, you need to address the run off from that parking lot, it accelerates as it goes down that slope into the stream and it is eating away stuff and everything from that parking lot flows into the stream, you need to address that.

Mr. Schultz stated which direction are you talking about.

Ted Kozlowski stated I'm talking about from the parking lot as you walking into the community center. Just before you get to that little bridge you put up is that pavement all that water from that parking lot if flowing in that direction and you have gully erosion going on there, I pointed that actually a while ago and you need address that you need to arrest it. You need to slow it down, you can't stop it, you have to have drainage but you have to slow it down because you are creating your own problem. Grass would be fine, but I don't think you will get it established because the run off won't allow it.

Mr. Schultz stated what about top soil.

Ted Kozlowski stated no, you need to control that slope somehow, you need to buffer that or push it a different direction.

Mr. Schultz stated also most of the water from the parking lot goes off the end to the south; some of it is going the way you said.

Ted Kozlowski stated something is happening to cause that erosion. Also the Board looked at the area you are handling, you have safety issues, sight distance issue, like you brought up at the last meeting, let's take a look at it, you don't need to mow that whole wetland.

Mr. Schultz stated absolutely, I agree.

Ted Kozlowski stated you must refrain from that practice because it is affecting the wetland. The other thing is that this isn't just coming from me this is coming from Board, and no one out there would look at it that day in regard to the parking lot, as Dave alluded we have the ability to look at aerial photos and that parking lot has expanded over the years and you need to stop that and you need to have some sort of demarcation where it will be less conducive for somebody to come in the middle of the night unknown to you and dump a load of stuff in there and it also defines it for the people that are coming to the church, you just, here is the parking, here is the wetland, here is the fence, a post and rail fence, not very expensive but something to say this is where the parking lot ends and this is where the natural area begins.

Board Member Pierro stated not only for a line of demarcation but I'm also concerned about safety issues there with children and cars and concrete bollards for stops.

Mr. Schultz stated that is to go across the south end of the property.

Ted Kozlowski stated I'm talking about where, you know that tree you rolled down the hill, that whole slope, that is not a very safe slope because it is a lot of organic material there it is spongy and it is soft, you must have a lot of children coming through this place, it is not a good idea to have all that exposed like that, what I would like to see is some how cleaned up, what I mean cleaned up, I don't mean a big excavator in there ripping everything out I mean hand work, seeded, vegetated in some manner, put your fence up and that is it. You need to address the run off, I don't think it is terrible difficult to do, you need to do that.

Rich Williams stated if I could just interject back to the fence, when we were out on the site, the Board indicated an interested in seeing the whole wetland fenced off.

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Ted Kozlowski stated well I am only speaking from; this isn't the Ted Kozlowski show, chime in any time folks.

Board Member Montesano stated we tried.

Ted Kozlowski stated we understand you needs to use the facility and the site and we understand what you want to do there and there is no objection to that but we need to make sure and you as community leaders must set that example and helps us set that example and we need to protect that wetland area it is critical to the Putnam Lake community and it is critical for us a regulators and you have to work with us and the Board was and myself are worried bout slope encroachment and you are growing and you need more space you need more activities and you obviously have stuff going on there and that is fine but we just need to delineated the areas that you use and the areas that we need to preserve.

Mr. Schultz stated there are things that take exception there, there is no, not now nor has there ever been any intention to expand the parking lot.

The Pastor stated your Code Enforcement Officer, lives right up the street.

Board Member Pierro stated there have been a lot of things that have happened there in that past and we are not pointing the finger at you and telling you that you guys are responsible. We are not accusatory sir.

The Pastor stated we are just trying establish a few things ourselves.

Board Member Pierro stated we understand that you may not have been responsible.

Ted Kozlowski stated the aerial photos show, we looked at 2001.

Mr. Schultz stated there are limitations there.

Board Member Pierro stated we are cognizant of the limitations, of the financial limitations on a small church. We all understand that as well, but we can not allow things to occur at your place and not be consistent at other locations at the Town.

Ted Kozlowski stated that is what we are doing, we are being consistent we are, there are some things that have gone on there that you really should technically have gotten a wetlands permit now that you have filed a wetlands permit for the stairs or new entrance.

Board Member Pierro stated the deck.

Ted Kozlowski stated let's get it all under.

Board Member Pierro stated let's get it all under one piece.

The Pastor stated what do we need to do now.

Ted Kozlowski stated I didn't read your memo. I'm sorry, I didn't read it.

Board Member Montesano stated here, they are talking about having a fence around that wet area.

Board Member Pierro stated about that parking area.

Rich Williams stated if I could just jump in here and bring it to a conclusion. I issued a memo to you reviewing the application I think from the last meeting, I don't recall what I put in it but you want to address those comments as the Board indicated you want to come back with an amended wetland application identifying the areas of concern the Board has expressed with regards to the wetlands, the additional work that has occurred within the wetlands that occurred without the permit and any mitigation such as the fence, you know show how you are going to put that in and where it is going to be located on a sketch plan and assuming that the Board finds that substantially complete we go to public hearing and wrap it up.

Ted Kozlowski stated kind of to reiterate we talked about the parking, stabilize the slope refrain from mowing the wetland on the other side along Haviland Drive, do something about the erosion going on with the parking lot, I think Maria was saying over by the community center, you play volley ball, you have bon fires, what ever you do in there, you have activities, outdoor activities, that parallels the stream and the wetlands and it might be good to extend the post and rail fence along that stream corridor that will tell children here is the play area, this is the area you don't go in, it will define everything. It makes it crisp. Dave also had some issues about the dumped cement, the exposed cement; I don't want you to dig up the whole site all I want you to do.

Board Member Pierro stated it sends a message that for one you can't put broken up concrete in the wetlands and once you clean that out it may help prohibit or help send a message or stop people from doing the same kind.

Ted Kozlowski stated you are all about sending a message; we just want you to think environmental.

The Pastor stated fair enough.

Board Member Pierro stated thank you gentlemen.

Board Member DiSalvo stated Carmel Auto Sales.

Board Member Pierro stated they are gone.

Chairman Schech stated you got anything, you.

Board Member Montesano stated we are done.

Rich Williams stated there is one last issue.

19) MINUTES

Board Member Montesano stated before that issue is brought up. I would like to motion on the November 3rd and 22nd minutes to be accepted.

Board Member Pierro seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Montesano	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

Board Member Montesano stated now you can get your issue in.

20) EUROSTYLE MARBLE – Sixty-Day Extension

Rich Williams stated Mr. Cameron brought to my attention that Eurostyle site plan is due to expire February 9, 2006.

Mr. Cameron stated I think we've got a sixty day extension.

Board Member Pierro stated how are we doing on that.

Mr. Cameron stated we are ninety-nine percent there.

Board Member Pierro stated you need another sixty-day extension.

Mr. Cameron stated the Applicant met with Rich the other day, he is trying to get a bond, he is having a little bit of difficulty because the devaluation of the site is greater, what he wants he doesn't want to get a bond he wants to get a line of credit and have the Town, if he can do that, and if that is acceptable, then he is working on getting that done.

Board Member Pierro stated how much time does he need.

Mr. Cameron stated if you want to do sixty-day, I'm sure we can.

Board Member Pierro stated in the matter of Eurostyle Marble, Rich is that okay with you.

Rich Williams stated that's fine.

Board Member Pierro stated in the matter of Eurostyle Marble, I make a motion we grant a sixty-day extension to allow the Applicant to obtain a latter of credit or a bond and to complete the conditions of the application.

Board Member DiSalvo seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Montesano	-	aye

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Board Member DiSalvo - aye
Chairman Schech - aye

Motion carried by a vote of 4 to 0.

Board Member DiSalvo stated so what are they saying that they value of property is more then what.

Board Member Montesano stated he wants to get money for it.

Board Member Pierro stated he has a valuable piece of property and he is going to get a letter of credit based on the value of the property.

Board Member Montesano stated they are worried about someone wants to give him money, it is worth more then the money he is asking, so now they get nervous.

Board Member Pierro stated make a motion to adjourn.

Board Member Montesano seconded the motion.

Meeting adjourned at 10:17pm